Fauna

Proposal number and Proponent	Species covered by the proposal	Comments received from	Page No.
Proposal 1 Canada	*Bison bison athabascae* (Wood bison)		
Proposal 2 European Union and Georgia	*Capra caucasica* (Western tur)		
Proposal 3 Peru	*Vicugna vicugna* (Vicuña)		
Proposal 4 Chad, Côte d'Ivoire, Gabon, Guinea, Mali, Mauritania, the Niger, Nigeria and Togo	*Panthera leo* (Lion)		
Proposal 5 Canada	*Puma concolor coryi* (Florida puma) *Puma concolor couguar* (Eastern puma)		
Proposal 6 South Africa	*Equus zebra zebra* (Mountain zebra)		
Proposal 7 Swaziland	*Ceratotherium simum simum* (Southern white rhinoceros)		
Proposal 8 Bangladesh	*Manis crassicaudata* (Indian pangolin)		
Proposal 9 India, Nepal, Sri Lanka and the United States of America	*Manis crassicaudata* (Indian pangolin)		
Proposal 10 Philippines and the United States of America	*Manis culionensis* (Philippine pangolin)		
Proposal 11 United States of America and Viet Nam	*Manis javanica* (Sunda pangolin) *Manis pentadactyla* (Chinese pangolin)		
Proposal 12 Angola, Botswana, Chad, Côte d'Ivoire, Gabon, Guinea, Kenya, Liberia, Nigeria, Senegal, South Africa, Togo and the United States of America	*Manis gigantea* (Giant pangolin) *Manis temminckii* (South African pangolin) *Manis tetradactyla* (Long-tailed pangolin) *Manis tricuspis*		

Proposal number and Proponent	Species covered by the proposal	Comments received from	Page No.
	(White-bellied pangolin)		
Proposal 13 European Union and Morocco	*Macaca sylvanus* (Barbary macaque)		
Proposal 14 Namibia	*Loxodonta africana* (African elephant)		
Proposal15 Namibia and Zimbabwe	*Loxodonta africana* (African elephant)		
Proposal 16 Benin, Burkina Faso, Central African Republic, Chad, Ethiopia, Kenya, Liberia, Mali, Niger, Nigeria, Senegal, Sri Lanka and Uganda	*Loxodonta africana* (African elephant)		
Proposal 17 Canada	*Falco peregrinus* (Peregrine falcon)		
Proposal 18 Australia	*Lichenostomus melanops cassidix* (Helmeted honeyeater)		
Proposal 19 Angola, Chad, European Union, Gabon, Guinea, Nigeria, Senegal, Togo and the United States of America	*Psittacus erithacus* (African grey parrot)	Democratic Republic of the Congo	
Proposal 20 Australia	*Ninox novaeseelandiae undulata* (Norfolk Island boobook owl)		
Proposal 21 Colombia	*Crocodylus acutus* (American crocodile)		
Proposal 22 Mexico	*Crocodylus moreletii* (Morelet's crocodile)		
Proposal 23 Madagascar	*Crocodylus niloticus* (Nile crocodile)		
Proposal 24 Malaysia	*Crocodylus porosus* (Salt-water crocodile)		
Proposal 25 Guatemala	*Abronia anzuetoi* (Anzuetoi alligator lizard) *Abronia campbelli* (Campbell's alligator lizard) *Abronia fimbriata* *Abronia frosti*		

Proposal number and Proponent	Species covered by the proposal	Comments received from	Page No.
	(Frost's alligator lizard) *Abronia meledona* (Meledona alligator lizard) *Abronia aurita* (Cope's alligator lizard) *Abronia gaiophantasma* (Brilliant alligator lizard) *Abronia montecristoi* (Monte Cristo alligator lizard) *Abronia salvadorensi* (Salvador alligator lizard) *Abronia vasconcelosii* (Bocourt's alligator lizard)		
Proposal 26 European Union and Mexico	*Abronia spp.* (Alligator lizards)		
Proposal 27 Central African Republic, Chad, Gabon, Kenya, Nigeria and the United States of America	*Rhampholeon* spp., *Rieppeleon* spp. (Pygmy chameleons)		
Proposal 28 Kenya	*Rhampholeon* spp., *Rieppeleon* spp. (Pygmy chameleons)		
Proposal 29 European Union and Viet Nam	*Cnemaspis psychedelica* (Psychedelic rock gecko)		
Proposal 30 European Union and the United Republic of Tanzania	*Lygodactylus williamsi* (Turquoise dwarf gecko)		
Proposal 31 European Union and Madagascar	*Paroedura masobe* (Masobe gecko)		
Proposal 32 Malaysia	Lanthanotidae spp. (Earless monitor lizards)		
Proposal 33 China, European Union and Viet Nam	*Shinisaurus crocodilurus* (Chinese crocodile lizard)		
Proposal 34 Kenya	*Atheris desaixi* (Ashe's bush viper)		
Proposal 35 Kenya	*Bitis worthingtoni* (Kenya horned viper)		
Proposal 36	*Cyclanorbis elegans*		

Proposal number and Proponent	Species covered by the proposal	Comments received from	Page No.
Burkina Faso, Chad, Gabon, Guinea, Liberia, Mauritania, Nigeria, Togo and the United States of America	(Nubian flapshell turtle) *Cyclanorbis senegalensis* (Senegal flapshell turtle) *Cycloderma aubryi* (Aubry's flapshell turtle) *Cycloderma frenatum* (Zambezi flapshell turtle) *Trionyx triunguis* (Nile soft-shell turtle) *Rafetus euphraticus* (Euphrates soft-shell turtle)		
Proposal 37 Madagascar	*Dyscophus antongilii* (Tomato frog)		
Proposal 38 Madagascar	*Dyscophus guineti* (False tomato frog) *Dyscophus. insularis* (Antsouhy tomato frog)		
Proposal 39 Madagascar	*Scaphiophryne marmorata* (Green burrowing frog) *Scaphiophryne boribory* (Burrowing frog) *Scaphiophryne spinosa*		
Proposal 40 Bolivia (Plurinational State of) and Peru	*Telmatobius culeus* (Titicaca water frog)		
Proposal 41 China	*Paramesotriton hongkongensis* (Hong Kong warty newt)		
Proposal 42 Bahamas, Bangladesh, Benin, Brazil, Burkina Faso, Comoros, Dominican Republic, Egypt, European Union, Fiji, Gabon, Ghana, Guinea, Guinea-Bissau, Maldives, Mauritania, Palau, Panama, Samoa, Senegal, Sri Lanka and Ukraine	*Carcharhinus falciformis* (Silky sark)		
Proposal 43 Bahamas, Bangladesh, Benin, Brazil, Burkina Faso, Comoros, Dominican Republic, Egypt, European Union, Fiji, Gabon, Ghana, Guinea, Guinea-Bissau, Kenya, Maldives, Mauritania,	*Alopias* spp. (Thresher sharks)		

Proposal number and Proponent	Species covered by the proposal	Comments received from	Page No.
Palau, Panama, Samoa, Senegal, Seychelles, Sri Lanka and Ukraine			
Proposal 44 Bahamas, Bangladesh, Benin, Brazil, Burkina Faso, Comoros, Costa Rica, Ecuador, Egypt, European Union, Fiji, Ghana, Guinea, Guinea-Bissau, Maldives, Mauritania, Palau, Panama, Samoa, Senegal, Seychelles, Sri Lanka and the United States of America	*Mobula* spp. (Devil rays)		
Proposal 45 Bolivia (Plurinational State of)	*Potamotrygon motoro* (Ocellate river stingray)		
Proposal 46 The European Union	*Pterapogon kauderni* (Banggai cardinalfish)		
Proposal 47 Mexico	*Holacanthus clarionensis* (Clarion angelfish)		
Proposal 48 Fiji, India, Palau and the United States of America	Nautilidae spp. (Nautilus)		
Proposal 49 Cuba	*Polymita* spp. (Cuban landsnails)		

Proposal 1

Delete *Bison bison athabascae* from Appendix II.

Proponent: Canada

Assessment by the Secretariat

CITES background

The subspecies *Bison bison athabascae* was listed in Appendix I of CITES in 1975 and was transferred to Appendix II in 1997. It was placed in Appendix I before the adoption of the listing criteria. The transfer to Appendix II in 1997 was due to a rapidly growing population and well-managed harvest such that international trade would not affect the species in the wild.

The other subspecies of bison, *Bison bison bison* is not listed on the CITES Appendices.

Purpose and impact of the proposal

The proposal seeks to remove *Bison bison athabascae* from the CITES Appendices.

Main points made in the supporting statement and general comments

Since the transfer to Appendix II in 1997, the population of *B. b. athabascae* has continued to grow and harvest management continues to be strong. International trade is not a threat to, or concern for, the survival of the species.

There are currently nine herds of wild wood bison in Canada and one herd in Alaska in the United States of America. Together, the ten herds represent an occupied habitat of more than 100,000 km^2.

The most recent Canadian published national population estimate for wood bison is 7,642 to 10,458 individuals, based on individual herd estimates completed between 2009 and 2013. The population in Alaska numbered about 130 individuals as of October 2015.

Export of wild wood bison from Canada has been low over the most recent five-year period, and falls into three primary categories: (a) live animals exported to Russia and the United States (Alaska) to establish or re-establish wood bison populations (60 individuals); (b) scientific specimens (teeth) exported to international laboratories for research and conservation monitoring activities (117 specimens); and (c) sport-hunted wild bison exported as meat, skins, skulls with horns, feet, tails or taxidermy mounts (16 individuals). Wood bison from areas outside of the core herd areas were exported as skins or taxidermy mounts (8 individuals).

The most significant concern for wood bison population maintenance and growth is bacterial disease, including anthrax, bovine tuberculosis, and brucellosis.

Compliance with listing criteria and other CoP recommendations

The supporting statement asserts that the species does not meet the listing criteria in Annexes 2 a and 2 b of Resolution Conf. 9.24 (Rev. CoP15) as it does not have a small population, restricted area of distribution, or a declining population, and because there are measures in place for protection, management, monitoring and control to ensure that future harvest will not threaten the species.

It is further asserted that a de-listing of the species would be in accordance with the Precautionary Measures of Resolution Conf. 9.24 (Rev. CoP16), paragraph A. 4, because it has been well over the required two intervals between meetings of the Conference of the Parties since the subspecies was transferred from Appendix I to Appendix II, and monitoring since this transfer indicates no adverse impact on the species. Additionally, wood bison will not qualify for inclusion in the Appendices in the foreseeable future because there are regulations in place under national and subnational laws and strong adaptive management to ensure that harvest and trade will not threaten wood bison.

The supporting statement appears to show that regulation of trade in specimens of the species by CITES is no longer required, as harvest of specimens from the wild is not reducing the wild population to a level at which its survival might be threatened by continued harvesting or other influences.

Conclusions and recommendations

It appears that international trade of *Bison bison athabascae* is not a concern for the survival of the subspecies, and that the criteria for an Appendix II listing are therefore not met. Furthermore, the current listing of *B. b. athabascae* in Appendix II while *B. b. bison* is outside the Appendices is inconsistent with recommendations for split-listing.

Recommendation

Based on the information available at the time of writing, *Bison bison athabascae* does not meet the criteria in Resolution Conf. 9.24 (Rev. CoP16) Annexes 2 a or 2 b for its inclusion in Appendix II in accordance with Article II, paragraph 2 (a) or 2 (b) of the Convention.

The Secretariat recommends that this proposal be **adopted**.

Proposal 2

Inclusion of *Capra caucasica* in Appendix II, in accordance with Article II, paragraph 2 of the Convention and satisfying Criterion B in Annex 2a of Resolution Conf. 9.24 (Rev. CoP16), with a zero quota for wild-taken *Capra caucasica caucasica* exported for commercial purposes or as hunting trophies.

Proponent: The European Union and Georgia

Assessment by the Secretariat

CITES background

This is the first time the species is proposed for listing on the Appendices.

Purpose and impact of the proposal

The proposal seeks to include *Capra caucasica caucasica* (Western Tur) and *Capra caucasica cylindricornis* (Eastern Tur) in Appendix II, with a zero quota for wild-taken *C. c. caucasica* exported for commercial purposes or as hunting trophies. If the proposal is adopted, international trade in specimens of these taxa will be regulated in accordance with the provisions of Article IV of the Convention.

Main points made in the supporting statement and general comments

C. caucasica is a wild goat endemic to the Caucasus Mountains in Azerbaijan, Georgia and the Russian Federation. *C. c. caucasica* and *C. c. cylindricornis* are two widely recognized subspecies but, as the proponents point out, there is considerable debate about the taxonomy of *C. caucasica*.

C. c. caucasica [C. caucasica] is assessed by the IUCN as Endangered and *C. c. cylindricornis [C. cylindricornis]* is assessed as Near Threatened. The total population is currently estimated to be no less than 5,000 for *C. c. caucasica* and around 39,000 to 40,000 for *C. c. cylindricornis*, with decreasing population trends. The main threats to the two subspecies include illegal hunting, loss and degradation of habitat, severe winters, competition with livestock, as well as disturbance from tourism. The two subspecies have low productivity rates and are therefore vulnerable to the impacts of trade.

Trophy hunting of the two subspecies occurs legally in the Russian Federation and Azerbaijan; poaching is reported to occur in Georgia where legal hunting of the species is prohibited. The supporting statement asserts that legal hunting of *C. c. caucasica* was reported to be limited, and legal hunting of *C. c. cylindricornis* in the Russian Federation is based on around 340 permits in Daghestan, North Osettia and, possibly, Kabardin-Balkaria. It claims that the two subspecies are traded internationally for horn, but gives no further details on this. The supporting statement acknowledges that illegal trade is negligible.

Compliance with listing criteria and other CoP recommendations

The supporting statement suggests that listing *C. c. caucasica* and *C. c. cylindricornis* on Appendix II satisfies Criterion B of Annex 2a of Resolution 9.24 (Rev CoP16). However, the information presented in the proposal indicates that there is relatively little legal trade in *C. c. caucasica* and *C. c. cylindricornis.* The information presented further suggests that the effect of legal trophy hunting on the overall populations of *C. c. caucasica* and *C. c. cylindricornis* appears to be very limited.

The proponents consulted the Russian Federation, which indicated that it did not intend to co-sponsor the proposal, and Azerbaijan, which stated its support for the proposal.

Conclusions and recommendations

The global population of *Capra caucasica* does not seem to be small, and the area of distribution of this species is relatively extensive. Trade in specimens of *C. caucasica* appears to be limited and there is little evidence that regulation of trade in the species under Appendix II is required to ensure that the harvest of specimens from the wild is not reducing the wild population to a level at which its survival might be threatened by continued harvesting or other influence.

Regarding the subspecies *C. c. caucasica*, insufficient evidence has been presented within the proposal that the subspecies is known to be affected by international trade, or that such trade could be inferred or projected.

Recommendation

Based on the information available at the time of writing, *Capra caucasica* does not meet the criteria in Resolution Conf. 9.24 (Rev. CoP16) Annexes 2 a or 2 b for its inclusion in Appendix II in accordance with Article II, paragraph 2 (a) or 2 (b) of the Convention.

The Secretariat recommends that this proposal be **rejected**.

Georgia may wish to consider including *Capra caucasica caucasica* in Appendix III.

Proposal 3

For the exclusive purpose of allowing international trade in wool sheared from live vicuñas and in items made thereof, the following provisions shall apply:

- **In addition to obtaining the CITES permit, any person or entity making products from vicuña wool must have a licence to use the country of origin mark. There are two marks:**

- **For international trade in garments and cloth made from vicuña wool sheared from live animals, whether made inside or outside the country of origin, the "VICUÑA [country of origin]" mark must be used:**

For cloth, the selvages must bear the words "VICUÑA [country of origin]".

For products made outside the country of origin, the name of the country where the product was processed or the garment was made must also be indicated.

- **For international trade in handicrafts (artisanal processing) made in the country of origin from wool sheared from live vicuñas, the "VICUÑA [country of origin] – ARTESANÍA" mark must be used.**

If processing takes place outside the country of origin, the name of the country where the product was processed or the garment was made must also be indicated.

- **If articles are made from vicuña wool from several countries of origin, the countries from which the wool was obtained must be indicated, along with the percentage of wool from each country contained in the product.**

- **All other specimens shall be deemed to be specimens of species listed in Appendix I and the trade in them shall be regulated accordingly**

Proponent: Peru

Assessment by the Secretariat

CITES background

Vicugna vicugna was included in Appendix I when CITES entered in force on 1 July 1975 as numbers had been driven to low levels by competition with livestock and poaching. Following its listing in Appendix I, the species has shown a dramatic population recovery, resulting in occasional conflicts with local people due to grazing competition. During the late 1980s and 1990s, many populations were moved to Appendix II, latterly for the purposes of live shearing and allowing trade in wool and wool-derived products, provided that such products are marked with the country of origin (all other products remain in Appendix I). Shearing is reportedly also successful in delivering benefits from wool sales to local people.

There are currently five annotations for *Vicugna vicugna*, one for each range State. The current annotations are based on the agreements reached in the context of the *Convenio para la Conservación y Manejo de la Vicuña*, adopted in 1979 by all five range States, namely Argentina, Chile, Ecuador, Peru and the Plurinational State of Bolivia. The current annotations are similar in content and were adopted for the exclusive purpose of, allowing international trade in wool sheared from live vicuñas and in cloth and items made thereof, including luxury

* *Countries of origin are: Argentina, Bolivia, Chile, Ecuador and Peru.*

handicrafts and knitted articles under the condition that any cloth must bear the logotype adopted by the range States of the species, and the selvages the words 'Vicuña-Country of origin". Other products must bear a label including the logotype and the designation 'Vicuña-Country of Origin-Artesania'.

Purpose and impact of the proposal

It appears that the proposal intends to replace the existing five annotations with a single annotation applicable to the Appendix-II-listed populations of all range States.

Main points made in the supporting statement and general comments

The supporting statement refers to Resolution No. 376/2015 of the XXXII Regular Meeting of the Technical and Administrative Committee of the *Convenio para la Conservación y Manejo de la Vicuña*, held in Antofagasta, Chile from 22 to 25 September 2015, stating in its preamble that there is little or no evidence that the exported fibre of Vicuña is traceable, which makes it necessary to implement adequate control mechanisms. The Vicuña Convention therefore requests that the CITES Management Authorities of the countries that import Vicuña fibre implement controls in coordination with the Management Authorities of the countries that export Vicuña fibre. The Resolution indicates that different interpretations exist amongst enforcement bodies and Management Authorities of the importing countries of the annotations referring to the labels "Vicuña Country of Origin" and "Vicuña Country of Origin – Artesania".

The proposal asserts that for these reasons, it is important to conduct a review of the effectiveness of the use of the labels outside of the five range States, and strengthen the supervision and traceability in the process of cleaning and transformation of the fibre. It is further proposed to make the use of the logo and labels "Vicuña Country of Origin" or "Vicuña Country of Origin Handicraft" mandatory for companies that produce fabrics and garments with Vicuña fibre by way of a joint annotation for the five signatory countries of the Vicuña Convention.

It is stated that the proponent consulted the focal points of the member States of the Vicuña Convention and the CITES Management Authorities of the Vicuña range States about this proposal. Chile has indicated its support. The CITES Secretariat facilitated informal meetings regarding the regulation of trade in vicuña fibre in the sidelines of the 66th meeting of the CITES Standing Committee (January 2016), and via teleconferences between the range States and several importing States, including France, Italy and the United States of America.

<u>Conclusions and recommendations</u>

The Secretariat notes that the proposed annotation is based on the five existing annotations and the provisions adopted by the five range States under the *Convenio para la Conservación y Manejo de la Vicuña*. The proposed annotation is intended to unify, clarify and provide certainty about the scope and interpretation of the existing text in the five different annotations. It contains more specific wording on the conditions for the authorization of trade in the fibre, cloth and final products made outside the range States, including those elaborated with fibres originated in different range States. It also includes the accompanying logotypes that were missing in the existing annotations.

The Secretariat notes that, if adopted, the proposed annotation requires the registration by the range States of trademarks and logotypes in accordance with intellectual property laws.

Recommendation

Based on the available information at the time of writing, the Secretariat recommends that this proposal be **adopted**.

Note to Parties

As a complement to the proposed annotation, the proponents may wish to consider a draft resolution for consideration by the Conference of the Parties establishing a programme to monitor legal trade, cooperate with the World Intellectual Property Organization and fight poaching of vicuñas and related illicit trafficking in their fibre.

Proposal 4

Transfer all African populations of *Panthera leo* from Appendix II to Appendix I.

Proponent: Chad, Côte d'Ivoire, Gabon, Guinea, Mali, Mauritania, the Niger, Nigeria and Togo

Assessment by the Secretariat

CITES background

Panthera leo has been included in CITES Appendix II since 1977, with the Asian population, *P. l. perisca*, included in Appendix I since that time.

Kenya submitted a proposal to include the African populations of *P. leo* in Appendix I at the 13th meeting of the Conference of the Parties (CoP13, Bangkok, 2004; see document CoP13 Prop. 6), where it was withdrawn.

The species was selected by the Animals Committee for its Periodic Review of the Appendices as per Decision 13.93 (Rev. CoP16). This Review, led by Kenya and Namibia, has not yet concluded (see document CoP17 Doc. 82.2).

Purpose and impact of the proposal

The proposal seeks to transfer the African populations of *P. leo* from Appendix II to Appendix I (the Asian lion *P. l. persica*, has been included in Appendix I since 1977).

If the proposal is adopted, international trade in specimens of the species will be regulated in accordance with the provisions of Article III of the Convention.

The proponents indicate that captive breeding of lions for commercial purposes, both for trophy hunting and for trade in lion parts, exists mainly in South Africa, where over 200 breeding facilities holding 6,000 lions may be involved. If *P. leo* were to be included in Appendix I, breeding operations wishing to commercially export and trade in lion specimens would need to be registered in accordance with Resolution Conf. 12.10 (Rev. CoP16) on *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes.*

Main points made in the supporting statement and general comments

The supporting statement is comprehensive and complete. It quotes population estimates of 18,726 to 31,394 lions on the African continent, of which the very large majority occur in East and Southern Africa (the proposal presented in 2004 quoted population estimations of 16,500 to 30,000 lions). IUCN's latest Red List review of 2016 maintains the lion in the 'Vulnerable' category. As is the case for many other large African mammals, there are important differences between the four sub-Saharan African regions, with lions consider to be of 'Least concern" in Southern Africa and 'Critically Endangered' in West Africa.

According to the proponents, the main identified threats to African lion populations include indiscriminate killing in defence of life and livestock, habitat loss, prey base depletion, the impacts of local and international trade in bush meat on prey availability, poorly regulated sport hunting, and the increasing international trade in lion parts and products.

The proposal contains details of the trade in specimens of lions, showing that between 2005 and 2014, a total of 29,214 lion specimens were recorded as (re-) exports by 102 Parties, of which 19 were African range States. About two-thirds of these specimens derived from captive bred origins. The main exporter was South Africa (nearly 20,000 specimens recorded). The main purposes of trade were trophy hunting (12,315 specimens, of which 4,387 from wild origin), commercial (7,787; 1,701 from wild origin) and scientific (4,811; 4,041 from wild origin).

The available trade data suggest that the export of specimens associated with trophy hunting has remained relatively stable during the 10 years analysed (on average 1,232 specimens per year), with apparently some shift from wild to captive-bred origins. The proponents note that over the same period, some 8,000 skeleton derivatives, including bones, were recorded in exports. This trade has increased, particularly between 2005 and 2010. The very large majority (80%) of these specimens was reported to be of captive-bred origin.

With regard to trade impacts, the supporting statement indicates that poorly regulated trade in hunting trophies and possible illegal trade in lion bones and other parts may be a threat. The proposal contains information on national, regional and international illegal trade in lion specimens in African range States, which was collated and reported by Kenya and Namibia in the context of their Periodic Review of the species.

The national and international legal instruments that are in place to protect lions in Africa are well summarized in the supporting statement. Some species management and control measures are briefly referred to. The measures that the Southern African range States have put in place, and which seem to have been successful in conserving or restoring lion populations, are not detailed.

Compliance with listing criteria and other CoP recommendations

The range of the African populations of the lion is stated to be around 1,650,000 km2, and is not restricted. The size of the wild population is not small, as defined in Annex 5 of Resolution Conf.9.24 (Rev. CoP16).

The proponents refer to an IUCN Red List assessment of 2015 which indicates that lion numbers in Africa are inferred to have declined by 43% from 1993 to 2014 (approximately three lion generations). However, IUCN's re-assessment of the survey data, as reported in its evaluation of the present proposal, states that the overall decline in *P. leo* in Africa between 1993 and 2014 may have been around 33%. These levels of decline remain below the general guidelines provided in Resolution Conf. 9.24 (Rev. CoP16) that would warrant inclusion in Appendix I. IUCN further points out that the rate of decline has been slowing because stable or increasing *P. leo* populations, mainly in southern Africa, make up an increasing proportion of the overall population.

The proponents state to have reached out to the range States of *P. leo* in Africa where the species is known to remain, but Benin and Cameroun may not have been consulted. No substantive comments from these range States had been received at the time of the submission of the proposal.

Conclusions and recommendations

The available information suggests that *Panthera leo* does not meet the biological criteria for its inclusion in Appendix I. This is because wild populations, when assessed against the criteria, are not small and the area of distribution is not restricted as the species is still widely distributed in sub-Saharan Africa. Based upon the latest assessments from IUCN, declines in recent decades, while of concern, appear to have been less significant than indicated in the proposal, and not to meet the "marked decline" definition of Resolution Conf. 9.24 (Rev. CoP16). The rate of decline may have slowed because the largest portion of Africa's lions are now found in Southern Africa, where populations are stable or increasing.

The supporting statement claims that "an Appendix I listing would reduce the impacts of international trade on the species", but these impacts seem limited and involve mostly specimens of captive bred origin. *P. leo* has not been selected for the Review of Significant Trade, which would have been the case if CITES trade data had shown concerns with the implementation of Article IV and the making of adequate non-detriment findings for trade in specimens of *P. leo* of wild origin.

The Communiqué of the African lion range State meeting that CITES and CMS jointly organised in Entebbe (Uganda) in May 2016 states that the long-term conservation of *P. leo* appears to mostly depend on better protection of its habitat and prey base, particularly outside protected areas, reduction of human-wildlife conflicts, and providing conservation incentives by giving value to lions through tourism and well-regulated trophy hunting.

Recommendation

Based on the information available at the time of writing, *Panthera leo* does not meet the biological criteria in Resolution Conf. 9.24 (Rev. CoP16), Annex 1 for its inclusion in Appendix I.

The Secretariat recommends that this proposal be **rejected.**

Note to Parties

When reviewing this proposal, the Parties may wish to take into consideration the draft decisions presented in document CoP17 Doc. 39.1 regarding guidance for achieving non-detrimental findings for the export of African lion hunting trophies.

Based on the Communiqué of the African lion range States that emanated from their joint CITES-CMS meeting in May 2016, the Parties may consider actions directed to Parties and the Secretariat to support range States of lions in Africa by: (i) creating relevant databases; (ii) undertaking comparative analyses of lion conservation policies, particularly between countries that allow and do not allow trophy hunting; (iii) securing funding to establish a CITES task force on lions composed of countries most affected by poaching and illegal trade to improve compliance with CITES provisions; (iv) developing strategies to reinforce international cooperation on trade in and management of lions; and (v) undertaking a study on legal and illegal trade in wild lions, including lion bones, to *inter alia* ascertain origins, trade routes and trade patterns, and identify appropriate enforcement responses. Furthermore, given the breadth of the identified conservation and management measures, CITES, CMS and IUCN could jointly be directed to: (i) actively support lion conservation activities in Africa through the provision of scientific information, e.g. regarding the appropriate listing of species; (ii) establish mechanisms to develop and implement joint lion conservation plans and strategies; (iii) support capacity-building in lion conservation and management in Africa, including public awareness raising and education programmes; and (iv) assist with the establishment of a fund for specific emergency projects for lion conservation in Africa.

Proposal 5

Transfer *Puma concolor coryi* and *Puma concolor couguar* from Appendix I to Appendix II.

Proponent: Canada

Assessment by the Secretariat

CITES background

Puma concolor coryi and *Puma concolor couguar* have been listed on Appendix I since 1975. All other North American *Puma concolor* subspecies have been listed on Appendix II under the family Felidae since 1977.

Purpose and impact of the proposal

The proposal seeks to transfer *Puma concolor coryi* and *Puma concolor couguar* from Appendix I to Appendix II. The transfer would place the two subspecies in Appendix II under the listing of Felidae spp.

Following a transfer of *P. c. coryi* and *P. c. couguar* to Appendix II, all *Puma concolor* subspecies would be included in Appendix II except for *P. c. costaricensis*, which remains in Appendix I.

The proposal points out that the listing, if agreed, would be more consistent with the taxonomic organization of the species in Wilson and Reeder (2005), the taxonomic reference that is used in CITES for most mammals, with the exceptions of *Loxodonta africana, Puma concolor, Lama guanicoe* and *Ovis vignei* for which Wilson and Reeder (1993) has remained the reference. Wilson and Reeder (1993) names *coryi* and *couguar* as separate subspecies, while the more recent Wilson and Reeder (2005) recognizes *couguar* only. If the proposal is adopted, the proponent recommends that the Parties also adopt Wilson and Reeder (2005) as taxonomic reference for *Puma concolor*. Resolution Conf. 12.11 (Rev. CoP16) on *Standard Nomenclature* would need to be amended accordingly.

Main points made in the supporting statement and general comments

P. c. coryi and *P. c. couguar* are subspecies of *Puma concolor* that have ranges (or former ranges) in eastern North America.

P. c. coryi exists as a very small remnant population in south-eastern North America, in the State of Florida in the United States. The subspecies occupies less than 5% of its former range. The population of *P. c. coryi* has been increasing since the implementation of a genetic restoration program in 1995; at that time there were only approximately 20-30 individuals. The population size was estimated at 100-120 in 2007 and it is currently estimated at 100-160 individuals. The greatest threat to the subspecies' survival is habitat loss, degradation, and fragmentation, while lack of human tolerance threatens the recovery of *P. c. coryi*, and mortality due to collisions with vehicles threatens potential population expansion.

P. c. couguar is considered to have been extinct in eastern North America since the late 1800s.

There is no significant trade demand for either of the two subspecies.

All other North American *Puma concolor* (various subspecies) are on Appendix II and occur in western or mid-western North America. All *Puma concolor* in Canada and the United States are strongly regulated by domestic measures, and the proponent asserts that a transfer of two of the subspecies to Appendix II will not stimulate increased trade demand.

Compliance with listing criteria and other CoP recommendations

This proposal was prepared in the context of Resolution Conf. 14.8 *on Periodic Review of the Appendices*. The Animals Committee at its 28th meeting (AC28, Tel Aviv, August 2015) agreed with the recommendation in this Periodic Review that it would be appropriate to transfer the two subspecies to Appendix II.

The proponent states that the proposal is in accordance with the Precautionary Measures in Annex 4 of CITES Resolution Conf. 9.24 (Rev. CoP16), which indicates that Parties should adopt measures that are proportionate to the risks to the species. The proponent asserts that there is no risk to these subspecies from trade because *P. c. couguar* is considered extinct, and *P. c. coryi*, endemic to the south-eastern United States, is subject to

intensive recovery actions, is strongly protected federally with stricter domestic trade restrictions than required under CITES, and there is no trade.

In paragraph C. 11 of the supporting statement, the proponent points out that the current listing of the two subspecies on Appendix I with all other subspecies in North America on Appendix II is inconsistent with CITES guidelines for split-listing, which advise that listing of a species in more than one Appendix should be avoided in general, in view of the enforcement problem it creates [Annex 3 of CITES Resolution Conf. 9.24. (Rev. CoP16)].

Conclusions and recommendations

Puma concolor coryi is not in trade and is not likely become so, and therefore does not meet the criteria for listing in Appendix I. Its proposed inclusion in Appendix II is not expected to stimulate commercial trade in the subspecies, nor is there a reason to expect that the transfer would stimulate trade in any other taxon of puma, or cause enforcement problems. The subspecies is totally protected and subject to intensive management and recovery programmes.

Regarding *Puma concolor couguar,* there seems little doubt that this subspecies is extinct. Its inclusion in Appendix I is therefore no longer pertinent. The Secretariat notes that the proposal is consistent with the proposed amendments to Resolution Conf. 9.24. (Rev. CoP16) regarding extinct species that will be discussed under agenda item 85.

This proposal results from the Periodic Review of the Appendices for Felidae, conducted by the Animals Committee in compliance with Decision 13.93 (Rev. CoP16), and in accordance with Resolution Conf. 14.8 (Rev. CoP16).

Recommendation

Based on the information available at the time of writing, *Puma concolor coryi* and *Puma concolor couguar* do not meet the criteria in Resolution Conf. 9.24 (Rev. CoP16), Annex 1 for their inclusion in Appendix I, and can be transferred to Appendix II in accordance with the precautionary measures A. 2. a) in Annex 4 of Resolution Conf. 9.24 (Rev. CoP16).

The Secretariat recommends that this proposal be **adopted**.

Proposal 6

Transfer the Cape mountain zebra, *Equus zebra zebra*, from Appendix I to Appendix II.

Proponent: South Africa

Assessment by the Secretariat

CITES background

E. z. zebra was listed on CITES Appendix I on 1 July 1975.

Purpose and impact of the proposal

The proposal seeks to transfer the subspecies *E. z. zebra* from Appendix I to Appendix II and implement a sustainable hunting quota. Were it to be transferred to Appendix II, the entire species *Equus zebra* would be in Appendix II.

Main points made in the supporting statement and general comments

E. z. zebra is endemic to South Africa. The proponent states that in August 2015 its population comprised a minimum of 4,791 individuals in no less than 75 subpopulations.

Private ranchers currently play an important role in conserving the population of *E. z. zebra*. The proponent asserts that this role could potentially increase in future, however, economic incentives are currently lacking and ranchers prefer alternative high value game species over Cape mountain zebra, because the latter cannot be hunted as profitably.

The proponent anticipates that, if *E. z. zebra* were to be transferred to Appendix II and a sustainable hunting quota implemented, the economic value of the subspecies would increase and thereby incentivize private ranchers to acquire and maintain Cape mountain zebra in preference to alternative species that are less worthy of conservation but currently more profitable.

The proponent asserts that legal trade in, and hunting of, *E. z. zebra* is currently limited and there is no illegal trade. All utilization of *E. z. zebra* is controlled through national and provincial legislation. The main threat to *E. z. zebra* is the loss of genetic diversity.

The proponent points out that there may be difficulty in distinguishing between products of *E. z. zebra* and those of *Equus zebra hartmannae* (Hartmann's mountain zebra), which is listed in Appendix II, and that this may be an additional consideration for transferring *E. z. zebra* to Appendix II.

Compliance with listing criteria and other CoP recommendations

The proponent asserts that the available information indicates that listing *E. z. zebra* on Appendix II satisfies Criterion B of Annex 2a, and criteria A and B of Annex 2b of Resolution 9.24 (Rev Cop16).

The proponent further asserts that the criteria, contained in Annex 1 of Resolution 9.24 (Rev. CoP16), for listing *E. z. zebra* on Appendix I are no longer satisfied.

The proponent asserts that precautionary measure A. 2. a) iii) of Annex 4 applies, namely: "an integral part of the amendment proposal is an export quota or other special measure approved by the Conference of the Parties, based on management measures described in the supporting statement of the amendment proposal, provided that effective enforcement controls are in place". Thus, conditional to the transfer of Cape mountain zebra from Appendix I to Appendix II, the proponent will implement a combination of active adaptive harvest management and management strategy evaluation to set a hunting quota for Cape mountain zebra, subject to the provisions of paragraph B of Annex 4.

Conclusions and recommendations

Equus zebra zebra does not appear to meet the biological criteria for its inclusion in Appendix I. The proposed system to set hunting quotas may be considered as a special precautionary measure compliant with paragraph

A. 2. a) iii) of Annex 4 of Resolution 9.24 (Rev. CoP16), although more information would be desirable on these management measures.

Furthermore, the current listing of *E. z. zebra* in Appendix I while *E. z. hartmannae* is listed in Appendix II is inconsistent with recommendations for split-listing.

Recommendation

Based on the information available at the time of writing, *Equus zebra zebra* does not meet the criteria in Resolution Conf. 9.24 (Rev. CoP16), Annex 1 for its inclusion in Appendix I, and can be transferred to Appendix II in accordance with the precautionary measures in Annex 4 of Resolution Conf. 9.24 (Rev. CoP16).

The Secretariat recommends that this proposal be **adopted**.

Proposal 7

To alter the existing annotation on the Appendix II listing of Swaziland's white rhino, adopted at the 13th Conference of Parties in 2004, so as to permit a limited and regulated trade in white rhino horn which has been collected in the past from natural deaths, or recovered from poached Swazi rhino, as well as horn to be harvested in a non-lethal way from a limited number of white rhino in the future in Swaziland.

Proponent: Swaziland

Assessment by the Secretariat

CITES background

The entire rhinoceros family Rhinocerotidae was included in Appendix I in 1977. The South African population of *Ceratotherium simum simum* was transferred to Appendix II in 1994 under the following annotation: *"For the exclusive purpose of allowing international trade in live animals to appropriate and acceptable destinations and hunting trophies. All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly."* In 2004, Swaziland's population was transferred to Appendix II under the same annotation.

Purpose and impact of the proposal

The proposal seeks to change the current amendment for population of *Ceratotherium simum simum* from Swaziland to add rhino horn to the specimens for which commercial trade in accordance with Article IV of the Convention could be allowed (according to the present annotation, rhino horns are "deemed to be specimens of a species in Appendix I and the trade in them shall be regulated accordingly").

Main points made in the supporting statement and general comments

The white rhino population in South Africa has grown from less than 50 animals in 1910 to 7,000 in 1995 and to 17,800 in 2015. Over 90% of Africa's southern white rhino occur in South Africa. Small populations totalling 1,800 animals exist in Botswana, Kenya, Malawi, Mozambique, Namibia, Swaziland, Uganda, Zambia and Zimbabwe. All of these populations stem from animals which were re-introduced from South Africa.

In Swaziland, the white rhino was reintroduced in 1965. The species is present there in three protected areas (Hlane Royal National Park, Mkhaya Game Reserve, and Mlilwane Wildlife Sanctuary). These protected areas have a total population of 73 white rhino (down from 90 individuals in 2015 due to drought-related deaths). It is reported that only three white rhino have been poached in Swaziland since 1992.

If the proposal is adopted, Swaziland intends to sell its existing stocks of some 330 kg to a small number of licenced retailers in Asia and also sell harvested horn, at the rate of 20 kg per year, to these retailers. The proceeds from the sale of stocks is expected to raise approximately 9.9 million USD at a wholesale price of 30,000 USD per kg. The proponent asserts that the proceeds will be placed in an endowment fund to yield approximately 600,000 USD per year. In addition, the proceeds of the annual sale of 20 kg are expected to raise a further 600,000 USD per year, bringing total recurrent annual revenue from horn to 1.2 million USD.

The proponent implies that the proceeds from the sale of horn will be invested in rhino conservation in the above-mentioned protected areas.

As a rationale for trade in horn of white rhino, the proponent claims that the ban on trade in rhino horn, which has been in force for 39 years, is clearly not working – rhino losses from horn poachers are escalating and driving rhinos towards extinction. Demand reduction and education have been applied since the ban was put in place and are considered by the proponent to having not been effective. The ban is further said to simply send the trade to the illegal market.

The proponent furthermore argues that at present any proceeds from the sale of rhino horn are taken by criminals, while rhino custodians pay all the costs of rhino protection and production yet they desperately need funds to cover these costs. It is said that opening legal trade would immediately soften this disparity and open competition to the illegal trade.

The proponent asserts that, if the proposal is adopted, Big Game Parks, the CITES Management Authority of Swaziland, will be the sole seller and horn will be sold directly to a small number of licenced retailers, which is

likely to include Traditional Chinese Medicine Hospitals in Asia, provided that CITES agrees to the trade and approves Swaziland's trade partners. It is said that all horn will be properly documented and recorded in a DNA data base, in a national register, and with TRAFFIC. The retailers will be licenced and required to undertake not to buy horn from illegal sources. The proponent asserts that permitted trade will have the added advantage of providing some documented information on formerly illegal trade through legal documentation.

Compliance with listing criteria and other CoP recommendations

Resolution Conf. 9.24 (Rev. CoP16) does not contain guidelines for assessing the present proposal. However, this substantive annotation may be seen as analogous to a transfer from Appendix I to Appendix II for rhino horn, for which Resolution Conf. 11.21 (Rev. CoP16) provides that it should be in compliance with the precautionary measures contained in Resolution Conf. 9.24 (Rev. CoP16), Annex 4.

Resolution Conf. 9.24 (Rev. CoP16), Annex 4 states that *"When considering proposals to amend Appendix I or II, the Parties shall, by virtue of the precautionary approach and in case of uncertainty either as regards the status of a species or the impact of trade on the conservation of a species, act in the best interest of the conservation of the species concerned and adopt measures that are proportionate to the anticipated risks to the species."* In this light, the Secretariat notes that there is considerable uncertainty regarding the impact of trade in rhino horn on the conservation of species.

The proponent consulted the proposal with Parties of the Southern African Development Community (SADC) at a meeting in South Africa in April 2016. Of the 12 countries present at the meeting, 11 supported the proposal. Botswana did not support it. The proponent further consulted Uganda and Kenya, the two white rhino range States that do not fall under SADC. Kenya declared that it would not support the proposal.

Conclusions and recommendations

The population of *Ceratotherium simum simum* from Swaziland is included in Appendix II with the annotation "*For the exclusive purpose of allowing international trade in live animals to appropriate and acceptable destinations and hunting trophies. All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly*". The proposal seeks to add rhino horn, which is deemed to be of a species in Appendix I, to the specimens for which commercial trade could be allowed.

Resolution Conf. 9.24 (Rev. CoP16) does not contain guidelines for assessing such a proposal, but this substantive annotation may be seen as analogous to a transfer from Appendix I to Appendix II for rhino horn, for which Resolution Conf. 11.21 (Rev. CoP16) provides that it should be in compliance with the precautionary measures contained in Resolution Conf. 9.24 (Rev. CoP16), Annex 4. In this light, the Secretariat notes that the wild population of *C. simum simum* from Swaziland is small and has a restricted range, but is stable and subject to intensive management efforts.

The proposed annotation is vague, with no specifications as regards to volumes of horn that would be exported or destinations, and the supporting statement does not for example provide details on how the proposed trade in rhino horn would be conducted or monitored, what appropriate enforcement controls are in place, or the likely markets and impacts on demand. There are serious concerns relating to illegal killing of, and illegal trade in specimens of rhinoceros (described in document CoP17 Doc. 68), and questions about the effects of a possible reopening of legal trade in rhino horn in range States and destination countries. The Secretariat considers that the Parties should, by virtue of the precautionary approach and in case of uncertainty as regards the impact of trade on the conservation of a species, act in the best interest of the conservation of the species concerned and adopt measures that are proportionate to the anticipated risks to the species.

Recommendation

The proposed amendment to the existing annotation for the population of *Ceratotherium simum simum* from Swaziland does not meet the precautionary measures set out in Annex 4 of Resolution Conf. 9.24 (Rev. CoP16).

The Secretariat recommends that this proposal be **rejected.**

Proposal 8

Transfer *Manis crassicaudata* from CITES Appendix II to CITES Appendix I.

Proponent: Bangladesh

Assessment by the Secretariat

CITES background

All four Asian pangolins species, including *M. crassicaudata*, *M. culionensis, M. javanica and M. pentadactyla* were included in Appendix II in 1975. In 1995, all species of pangolins (including African species) were included in Appendix II under the species listing *Manis* spp. In 2000, *M. crassicaudata, M. javanica* and *M. pentadactyla* were subject to a proposal to transfer them to Appendix I. However, the proposal was not accepted, noting that the species were at that time under the Review of Significant Trade process. Following this Review of Significant Trade, a zero annual export quota for specimens removed from the wild and traded for primarily commercial purposes was established for all Asian pangolin species, including *M. crassicaudata*.

Purpose and impact of the proposal

The proposal seeks to prohibit commercial international trade in specimens of wild origin of *M. crassicaudata*. If the proposal is adopted, international trade in specimens of the species will be regulated in accordance with the provisions of Article III of the Convention.

Main points made in the supporting statement and general comments

Current range States of *M. crassicaudata* include Bangladesh, India, Nepal, Pakistan, and Sri Lanka; it is possibly extirpated in Bangladesh. The species is listed as Endangered on IUCN Red List, based on a projected future decline of at least 50% in the next 21 years (three generations of 7 years each).

The main threat to the survival of *M. crassicaudata* is poaching for live animals, scales and meat, for local use and for illegal international trade destined for East Asia, primarily China. The species is susceptible to overexploitation due to its low reproductive output and special diet requirements. The proponent asserts that a rise in international trade of *M. crassicaudata* has been confirmed in the last decade by an increasing number of pangolin-related confiscations.

While it is possible to distinguish amongst pangolin species when they are whole specimens or live animals, it is not possible to visually identify dried, loose and powdered scales to the species level.

Compliance with listing criteria and other CoP recommendations

The supporting statement indicates that *M. crassicaudata* is threatened with extinction in accordance with some of the biological criteria in Annex 1, paragraph C of Resolution Conf. 9.24 (Rev. CoP16), that is to say a marked decline in the population size in the wild, which has been i) observed as ongoing; and ii) that can inferred or projected on the basis of a level or pattern of exploitation and a high vulnerability to intrinsic factors.

The proponent consulted with India on the proposal. Niger indicated its support for the proposal in a letter to the Secretariat.

Conclusions and recommendations

The supporting statement shows that *Manis crassicaudata* has undergone past and projected severe population declines and meets the biological criteria for its inclusion in Appendix I.

Recommendation

Based on the information available at the time of writing, *Manis crassicaudata* meets the biological criteria in Resolution Conf. 9.24 (Rev. CoP16), Annex 1 for its inclusion in Appendix I.

The Secretariat recommends that this proposal be **adopted.**

Note to Parties

Parties may wish to consider this proposal in tandem with the similar proposal submitted by India, Nepal, Sri Lanka and United States of America which also seeks to transfer *M. crassicaudata* from Appendix II to Appendix I.

Furthermore, the Secretariat would like to draw the Parties' attention to three additional proposals to transfer other Asian and African pangolin species from Appendix II to Appendix I. When discussing the present proposal, the Parties may also wish to take note of the provisions contained in the draft resolution on conservation of and trade in pangolins, contained in document CoP17 Doc. 64.

Proposal 9

Transfer *Manis crassicaudata* from CITES Appendix II to CITES Appendix I.

Proponent: India, Nepal, Sri Lanka and the United States of America

Assessment by the Secretariat

CITES background

All four Asian pangolins species, including *M. crassicaudata*, *M. culionensis, M. javanica and M. pentadactyla* were included in Appendix II in 1975. In 1995, all species of pangolins (including African species) were included in Appendix II under the species listing *Manis* spp. In 2000, *M. crassicaudata, M. javanica* and *M. pentadactyla* were subject to a proposal to transfer them to Appendix I. However, the proposal was not accepted, noting that the species were at that time under the Review of Significant Trade process. Following this Review of Significant Trade, a zero annual export quota for specimens removed from the wild and traded for primarily commercial purposes was established for all Asian pangolin species, including *M. crassicaudata*.

Purpose and impact of the proposal

The proposal seeks to prohibit commercial international trade in specimens of wild origin of *M. crassicaudata*. If the proposal is adopted, international trade in specimens of the species will be regulated in accordance with the provisions of Article III of the Convention.

Main points made in the supporting statement and general comments

Current range States of *M. crassicaudata* include Bangladesh, India, Nepal, Pakistan, and Sri Lanka; it is possibly extirpated in Bangladesh. The species is listed as Endangered on IUCN Red List, based on a projected future decline of at least 50% in the next 21 years (three generations of 7 years each).

There is a lack of quantitative population data for this species. The main threat to the survival of *M. crassicaudata* is poaching for live animals, scales and meat, for local use and for illegal international trade destined for East Asia, primarily China. The species is susceptible to overexploitation due to its low reproductive output and special diet requirements. The proponents assert that a rise in illegal international trade of *M. crassicaudata* has been confirmed in the last decade by an increasing number of pangolin-related confiscations. 1,690 *M. crassicaudata* specimens were confiscated from illegal trade between 2009 and 2014 in India alone. The proponents conclude that although the true extent of trade is difficult to quantify, the combined pressure from local and international demand is likely unsustainable.

While it is possible to distinguish amongst pangolin species when they are whole specimens or live animals, it is not possible to visually identify dried, loose and powdered scales to the species level.

Compliance with listing criteria and other CoP recommendations

The supporting statement indicates that *M. crassicaudata* is threatened with extinction in accordance with some of the biological criteria in Annex 1, paragraph C. of Resolution Conf. 9.24 (Rev. CoP16), that is to say a marked decline in the population size in the wild, which has been i) observed as ongoing; and ii) that can inferred or projected on the basis of a level or pattern of exploitation and a high vulnerability to intrinsic factors (i.e. low fecundity and specialized niche requirements).

The proponents consulted with the range States of *M. crassicaudata* as well as other African and Asian pangolin range States. Viet Nam indicated its support for the proposal. The proposal indicates that the First Pangolin Range States meeting, held in Viet Nam in June 2015 was attended by delegates from 29 African and Asian pangolin range States, and recommended the listing of all pangolin species on Appendix I. Niger indicated its support for the proposal in a letter to the Secretariat.

Conclusions and recommendations

The supporting statement shows that *Manis crassicaudata* has undergone past and projected severe population declines and meets the biological criteria for its inclusion in Appendix I.

Recommendation

Based on the information available at the time of writing, *Manis crassicaudata* meets the biological criteria in Resolution Conf. 9.24 (Rev. CoP16), Annex 1 for its inclusion in Appendix I.

The Secretariat recommends that this proposal be **adopted.**

Note to Parties

Parties may wish to consider this proposal in tandem with the similar proposal submitted by Bangladesh which also seeks to transfer *M. crassicaudata* from Appendix II to Appendix I.

Furthermore, the Secretariat would like to draw the Parties' attention to three additional proposals to transfer other Asian and African pangolin species from Appendix II to Appendix I. When discussing the present proposal, the Parties may also wish to take note of the provisions contained in the draft resolution on conservation of and trade in pangolins, contained in document CoP17 Doc. 64.

Proposal 10

Transfer *Manis culionensis* from Appendix II to Appendix I.

Proponent: Philippines and the United States of America

Assessment by the Secretariat

CITES background

All four Asian pangolins species, including *M. culionensis, M. crassicaudata*, *M. javanica and M. pentadactyla* were included in Appendix II in 1975. *M. culionensis,* was originally listed as *M. javanica* prior to being recognized as a distinct species in 1998. In 1995, all species of pangolins (including African species) were included in Appendix II under the species listing *Manis* spp. In 2000, *M. crassicaudata*, *M. javanica (*which at the time still included *M. culionensis)* and *M. pentadactyla* were subject to a proposal to transfer them to Appendix I. However, the proposal was not accepted, noting that the species were at that time under the Review of Significant Trade process. Following this Review of Significant Trade, a zero annual export quota for specimens removed from the wild and traded for primarily commercial purposes was established for all Asian pangolin species, including *M. culionensis.*

Purpose and impact of the proposal

The proposal seeks to prohibit commercial international trade in specimens of wild origin of *M. culionensis*. If the proposal is adopted, international trade in specimens of the species will be regulated in accordance with the provisions of Article III of the Convention.

Main points made in the supporting statement and general comments

M. culionensis is endemic to six islands in the Palawan faunal region of the Philippines, which together comprise a total area <14,800 km^2. There is a lack of population data, mainly because the species is elusive, solitary and nocturnal. As an island endemic the species is highly vulnerable to extinction due to its restricted distribution. The species is listed as Endangered on IUCN Red List and has already undergone heavy population declines (>50%) due to illegal harvest and habitat loss. Given its low rate of reproduction it will be impossible for populations to recover given current rates of harvest.

This species is threatened by three principle factors: 1) local use for meat and scales, 2) illegal international trade, and 3) loss of habitat from illegal deforestation. *M. culionensis* is hunted for local consumption of its meat and scales, but also for trade at a national level. It has been documented in international trade with China and Malaysia, and possibly with Viet Nam. Between 2000 and 2013, the number of *M. culionensis* in illegal trade was estimated at 996 animals (662 reported; 334 inferred).

Compliance with listing criteria and other CoP recommendations

The available information in the supporting statement indicates that *M. culionensis* qualifies for listing on CITES Appendix I because it meets the biological criteria found in Resolution Conf. 9.24 (Rev. CoP16), Annex 1, specifically:

Paragraph B: The wild population has a restricted area of distribution and is characterized by:

iii) a high vulnerability to intrinsic factors (i.e. low fecundity) and extrinsic factors (habitat loss/destruction);

iv) an observed, inferred or projected decrease in area and quality of habitat due to deforestation, and a decrease in the number of individuals due to overharvest for local and international trade.

Paragraph C: A marked decline in the population size in the wild, which has been:

i) observed as ongoing;

ii) inferred or projected on the basis of a levels and patterns of exploitation, decrease in area and quality of habitat, and a high vulnerability to intrinsic factors (i.e. low reproductive output) and extrinsic factors (habitat loss/destruction).

The proposal indicates that the First Pangolin Range States meeting, held in Viet Nam in June 2015 was attended by delegates from 29 African and Asian pangolin range States, and recommended the listing of all pangolin species on Appendix I.). Niger indicated its support for the proposal in a letter to the Secretariat.

Conclusions and recommendations

The supporting statement shows that *Manis culionensis* has undergone past and projected severe population declines and meets the biological criteria for its inclusion in Appendix I.

Recommendation

Based on the information available at the time of writing, *Manis culionensis* meets the biological criteria in Resolution Conf. 9.24 (Rev. CoP16), Annex 1 for its inclusion in Appendix I.

The Secretariat recommends that this proposal be **adopted.**

Note to Proponent and Parties

The Secretariat would like to draw the Parties' attention to four additional proposals to transfer other Asian and African pangolin species from Appendix II to Appendix I. When discussing the present proposal, the Parties may also wish to take note of the provisions contained in the draft resolution on conservation of and trade in pangolins, contained in document CoP17 Doc. 64.

Proposal 11

Transfer *Manis javanica* and *M. pentadactyla* from CITES Appendix II to Appendix I.

Proponent: The United States of America and Viet Nam

Assessment by the Secretariat

CITES background

All four Asian pangolins species, including *M. javanica, M. pentadactyla, M. culionensis,* and *M. crassicaudata* were included in Appendix II in 1975. In 1995, all species of pangolins (including African species) were included in Appendix II under the species listing *Manis* spp. In 2000, *M. crassicaudata*, *M. javanica* and *M. pentadactyla* were subject to a proposal to transfer them to Appendix I. However, the proposal was not accepted, noting that the species were at that time under the Review of Significant Trade process. Following this Review of Significant Trade, a zero annual export quota for specimens removed from the wild and traded for primarily commercial purposes was established for all Asian pangolin species, including *M. javanica* and *M. pentadactyla.*

Purpose and impact of the proposal

The proposal seeks to prohibit commercial international trade in specimens of wild origin of *M. javanica,* and *M. pentadactyla*. If the proposal is adopted, international trade in specimens of the species will be regulated in accordance with the provisions of Article III of the Convention.

Main points made in the supporting statement and general comments

M. javanica is native to Brunei Darussalam, Cambodia, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, Singapore, Thailand, and Viet Nam. The population trend is decreasing and the species is listed as Critically Endangered by IUCN due to a suspected decline of up to 80% over the past 21 years (generation length estimated at seven years), and projected continuing declines of up to 80% over the next 21 years.

M. pentadactyla is native to Bhutan, China, India, Lao PDR, Myanmar, Nepal, Thailand, and Viet Nam. The population trend is decreasing and the species is listed as Critically Endangered by IUCN due to ongoing and predicted future decline of up to 90% over the next 21 years (three generations).

Both species are said to have been extirpated from parts of their range due to high levels of past exploitation. Both are said to be susceptible to overexploitation due to their low reproductive output. The proponents assert that both species are primarily threatened by illegal hunting for international trade, driven by export to Asian markets of live animals, meat, and scales. Local use is said to also be a threat but poached animals mostly go into international trade due to their high monetary value.

Since the introduction of the zero quota in 2000, little legal trade in *M. javanica,* and *M. pentadactyla* has been reported to CITES, however seizure data and records of illegal trade indicate that a substantial illegal trade has taken place since. The proponents assert that between July 2000 and 2015 there were at least 153,434 seizures and trade records involving the two species in Asia. These seizures arguably represent only a proportion of total/actual trade volumes as this trade is clandestine, and characteristically, it is suspected much of it goes undetected.

Compliance with listing criteria and other CoP recommendations

The available information indicates that *M. javanica* and *M. pentadactyla* are threatened with extinction, and detrimentally affected by international trade. It is said that both species qualify for listing on CITES Appendix I because they meet the biological criteria found in Resolution Conf. 9.24 (Rev. CoP16), Annex 1, specifically paragraph C):

i) A marked decline in the population size in the wild, which has been observed as ongoing;

ii) A marked decline in the population size in the wild, which has been inferred or projected on the basis of levels or patterns of exploitation, a high vulnerability to intrinsic (i.e. low reproductive output) and extrinsic factors (i.e. habitat loss and degradation), and decrease in area or quality of habitat.

The proponents assert that they consulted all range States of *M. javanica,* and *M. pentadactyla.* India, Myanmar, and Singapore support the proposal, China does not support it. Niger indicated its support for the proposal in a letter to the Secretariat.

The proposal indicates that the First Pangolin Range States meeting, held in Viet Nam in June 2015 was attended by delegates from 29 African and Asian pangolin range States, and recommended the listing of all pangolin species on Appendix I.

Conclusions and recommendations

The supporting statement shows that *Manis javanica* and *M. pentadactyla* have undergone past severe population declines and severe population declines are projected. They meet the biological criteria for their inclusion in Appendix I.

Recommendation

Based on the information available at the time of writing, *Manis javanica* and *M. pentadactyla* meet the biological criteria in Resolution Conf. 9.24 (Rev. CoP16), Annex 1 for their inclusion in Appendix I.

The Secretariat recommends that this proposal be **adopted.**

Note to Proponent and Parties

The Secretariat would like to draw the Parties' attention to four additional proposals to transfer other Asian and African pangolin species from Appendix II to Appendix I. When discussing the present proposal, the Parties may also wish to take note of the provisions contained in the draft resolution on conservation of and trade in pangolins, contained in document CoP17 Doc. 64.

Proposal 12

Transfer *Manis tetradactyla, M tricuspis, M. gigantea* and *M. temminckii* from CITES Appendix II to Appendix I.

Proponent: Angola, Botswana, Chad, Côte d'Ivoire, Gabon, Guinea, Kenya, Liberia, Nigeria, Senegal, South Africa, Togo and the United States of America

Assessment by the Secretariat

CITES background

In 1975 *M. temminckii* was included in Appendix I; all Asian pangolin species were included in Appendix II. In 1976, *M. tetradactyla, M. tricuspis,* and *M. gigantea* were listed in Appendix III (Ghana). In 1992, Botswana, Malawi, Namibia and Zimbabwe proposed to delete *M. temminckii* from Appendix I, the proposal was withdrawn. In 1994, *M. temminckii* was transferred from Appendix I to Appendix II, and *M. gigantea, M. tetradactyla* and *M. tricuspis* were included in Appendix II. In 2000, following a Review of Significant Trade, a zero annual export quota for specimens removed from the wild and traded for primarily commercial purposes was established for all Asian pangolin species. In 2014, the Animals Committee added the inclusion *of M. gigantea* and *M. tricuspis* as species of priority concern for review of Significant Trade. At its 28th meeting (September 2015), the Animals Committee decided to retain in the Review of Significant Trade all range States for these species that do not fully protect them through national legislation (with the exception of the United Republic of Tanzania, which was the only range States to provide a response to the Secretariat). It is intended to review further information on these range States at the 29th meeting of the Animals Committee in 2017.

Purpose and impact of the proposal

The proposal seeks to prohibit commercial international trade in specimens of wild origin of *Manis tetradactyla, M. tricuspis, M. gigantea* and *M. temminckii*. If the proposal is adopted, international trade in specimens of these species will be regulated in accordance with the provisions of Article III of the Convention.

Main points made in the supporting statement and general comments

M. tetradactyla, M. tricuspis, M. gigantea and *M. temminckii* occur in sub-Saharan Africa. *M. temminckii* is the most widespread of the four species, occurring in north-central, east, and southern Africa. The other three species occur in central and western Africa.

All four species are listed as Vulnerable on the IUCN Red List, with decreasing population trends. It is said that: *M. gigantea* has already begun declining and will continue to decline by at least 40% over a 27 year period (nine years past, 18 years future); *M. temminckii* has an inferred past/ongoing and projected future population reduction of 30-40% over a 27 year period (generation length 9 years); *M. tricuspis* has already begun declining and will continue to decline by at least 40% over a 21 year period (seven years past, 14 years future); and *M. tetradactyla* is projected to undergo a population decline of at least 30-40% over a 21 year period (seven years past, 14 years future; generation length estimated at seven years). Overall, the four African pangolin species are believed to have declined by 30-40% in the past decade, and projected to continue declining by as much over the next twenty years.

The main threats to the survival of *M. tetradactyla, M. tricuspis, M. gigantea* and *M. temminckii* are hunting for live animals, scales and meat for local use and international trade destined for East Asia, primarily China, and deforestation. Pangolins are susceptible to overexploitation due to their low reproductive output and special diet requirements.

International legal trade is permitted in African pangolin specimens but regulated in accordance with Arricle IV of the Convention, i.e. through the issuance of export permits subject to non-detriment and legal acquisition findings. There are no voluntary CITES export quotas established for any of the four species. The proponents assert that the increasing scarcity of Asian pangolin species in Asia has led to increased demand in African pangolin species, which fuels illegal trade. It is said that numerous seizures totaling thousands of kilograms of confiscated pangolin parts have been recorded since 2013.

While it is possible to distinguish amongst pangolin species when they are whole specimens or live animals, it is not possible to visually identify dried, loose and powdered scales to the species level. This is confounding attempts to regulate trade.

Compliance with listing criteria and other CoP recommendations

The proposal asserts that the available information indicates that *M. tetradactyla, M. tricuspis, M. gigantea* and *M. temminckii* are or will likely be affected by trade, and that they all meet the biological criteria for transfer to Appendix I in accordance with Resolution Conf. 9.24 Annex 1. It is said that the four species meet Criterion C i) and ii), i.e. a marked decline in population sizes in the wild observed as ongoing or inferred or projected on the basis of levels or patterns of exploitation, and a high vulnerability to intrinsic (i.e. low reproductive output, low density, specialized niche requirements) and extrinsic (i.e. a decrease in the area and quality of habitat) factors, and a reduction in recruitment due to indiscriminate offtake.

The proponents consulted with 40 African range States of *M. tetradactyla, M. tricuspis, M. gigantea* and *M. temminckii.* Ghana, Malawi, Mozambique, Somalia, Uganda, and Zambia indicated that they support the proposal. Niger indicated its support for the proposal in a letter to the Secretariat. Namibia indicated that it would not support it.

The proposal indicates that the First Pangolin Range States meeting, held in Viet Nam in June 2015 was attended by delegates from 29 African and Asian pangolin range States, and recommended the listing of all pangolin species on Appendix I.

Conclusions and recommendations

Insufficient information is provided to determine if the wild populations of *Manis tetradactyla, M. tricuspis, M. gigantea* and *M. temminckii* are small, and the species have no restricted area of distribution. However, due to past, ongoing, and projected future significant overharvesting for trade, the four species are projected to undergo marked declines of their populations in the wild.

Recommendation

Based on the information available at the time of writing, *Manis tetradactyla, M. tricuspis, M. gigantea* and *M. temminckii* meet the biological criteria in Resolution Conf. 9.24 (Rev. CoP16), Annex 1 for their inclusion in Appendix I.

The Secretariat recommends that this proposal be **adopted.**

Note to Proponent and Parties

The Secretariat would like to draw the Parties' attention to four additional proposals to transfer other Asian pangolin species from Appendix II to Appendix I. When discussing the present proposal, the Parties may wish to take note of the provisions contained in the draft resolution on conservation of and trade in pangolins, contained in document CoP17 Doc. 64.

Proposal 13

Transfer *Macaca sylvanus* from Appendix II to Appendix I.

Proponent: The European Union and Morocco

Assessment by the Secretariat

CITES background

Macaca sylvanus, the Barbary macaque, has been listed in CITES Appendix II since 1 July 1975 with the inclusion of the Order listing 'Primates spp.'

Purpose and impact of the proposal

The proposal seeks to transfer of *M. sylvanus* from Appendix II to Appendix I. International trade in the species would be regulated in compliance with the provisions in Article III of the Convention.

Main points made in the supporting statement and general comments

As reported in the supporting statement, *M. sylvanus* occurs in northern Algeria and Morocco. Tunisia is a former range State. A small (ca. 200) semi-wild population has been introduced in Gibraltar (United Kingdom). The species occurs in a variety of wooded habitats but is now largely confined to montane forests and inaccessible scrub-clad rocky areas and gorges. Its distribution has become discontinuous, with concerns about the lack of connectivity between increasingly isolated populations.

Habitat loss, alteration and fragmentation are believed to be the principal factors affecting the species. Illegal collection of live young is stated to have a significant impact on populations in some areas, particularly where animals are habituated to the presence of humans. In Morocco, the species is reported to be kept fairly frequently as a pet.

Population estimates quoted in the proposals indicate a global population (excluding Gibraltar) of between 8,000 to 11,500 individuals (6,500-8,000 in Morocco and the remainder in Algeria). The wild population has declined: in the early 1980s, it was estimated at 14,000-23,000 individuals, and in the early 90s at 10,000-16,000 individuals.

Reported international trade from 2005 to 2014 has been negligible, and none of it was for commercial purposes. The supporting statement notes that seizures reported to EU-TWIX between 1997 and 2013 indicate that *M. sylvanus* is illegally imported live into the EU, but no further details or quantitative data are provided. It mentions that zoos and rescue centres in Europe are taking care of live animals offered to them by authorities and ex-owners, including confiscated individuals, and "have become overstocked" without giving substantiating data.

The species reportedly breeds readily in captivity. The semi-wild population in Gibraltar is subject to birth control measures, and surplus individuals have recently been exported.

The species is protected in Algeria and Morocco under national law. Most populations in Algeria and the largest wild populations in Morocco occur in national parks and protected areas, although that these parks reportedly suffer from significant human impact.

Compliance with listing criteria and other CoP recommendations

The wild population of *M. sylvanus* (8,000 to 11,500 animals) is not small as defined in Resolution Conf. 9.24 (Rev. CoP16), Annex 5. The wild population does not have a restricted area of distribution, although that fragmentation may be occurring in case habitats degrade further. The proponents argue that the species meets the criterion in Annex 1, paragraph C i) for inclusion in Appendix I ("a marked decline in the population size in the wild which has been observed as ongoing or as having occurred in the past (but with a potential to resume)"). While the global population has declined, the data in the proposal do not demonstrate that this has been 'marked' as defined in Annex 5. Between the early nineties and present (three generations - 24 years) the decline seems to have been around 30%. It would appear therefore that the species does not meet the biological criteria for inclusion in Appendix I.

The proponents have consulted the other range State of the species. Algeria expressed an interest in being a co-proponents. Tunisia, a former range State, indicated that it would support the proposal.

Conclusions and recommendations

The wild population of *Maccaca sylvanus* (8,000 to 11,500 animals) is not small and does not have a restricted area of distribution, although it is increasingly encroached and fragmented. The species is globally in decline, but not to the extent that it meets the biological criteria for its inclusion in Appendix I. The main threats seem to be habitat degradation, while the proposal also documents insufficient implementation of existing national measures to conserve the species and the protected areas in which occurs.

While the species may be affected by trade, recorded legal trade in the species has been insignificant over the last decade. While illegal capture of, and trade in live animals for the national and international pet trade is stated to be of concern, very little quantitative information is provided. The species is already fully protected in Algeria and Morocco, and the European Union, as a major potential market, has suspended all imports from the two range States since 1997. As such, it is unclear how an Appendix-I listing could alter the reported illegal collection, possession or trade. The proposal contains a good overview of the species management and conservation measures in place, and it would seem that their full implementation, as well as strict adherence to existing CITES provisions concerning international trade in this species, would be in the best interest of its conservation.

Recommendation

Based on the information available at the time of writing, *Maccaca sylvanus* does not meet the biological criteria in Resolution Conf. 9.24 (Rev. CoP16), Annex 1 for its inclusion in Appendix I.

The Secretariat recommends that this proposal be **rejected.**

Proposal 14

Delete the annotation to the listing of the Namibian African elephant population in Appendix II by deleting any reference to Namibia in that annotation.

Proponent: Namibia

Comments from the Secretariat

CITES background

Loxodonta africana was included in Appendix III in 1976 at the request of Ghana, and in Appendix II in 1977. At CoP7 (1989), the species was transferred to Appendix I, with a number of Parties entering reservations. Subject to complex and detailed annotations, the populations of Botswana, Zambia and Zimbabwe were transferred to Appendix II at CoP10 (1997), and of South Africa at CoP11 (2000). Some of the annotations to these Appendix-II populations were further amended at CoP11, CoP12 (2002), CoP13 (2004) and CoP14 (2007).

Purpose and impact of the proposal

The proposal seeks to remove any reference to Namibia in the annotation for the Appendix II listing of the African elephant. Acceptance of this proposal would leave Namibia's elephant population in Appendix II without a limiting annotation, effectively enabling Namibia to trade in all elephant specimens, including worked and raw ivory, under the provisions of Article IV (and taking account of relevant Resolutions and Decisions).

Main points made in the supporting statement and general comments

The proposal notes that the annotation it seeks to remove includes a clause intended to preclude, until 2017, the submission of any proposals for trade in ivory from African elephant populations in Appendix II. This element of the current annotation was part of a complex package of measures concerning African elephants, adopted at CoP14, which also indicated that ivory-related proposals should be dealt with in accordance with a decision-making mechanism for a process of trade in ivory under the auspices of the Conference of the Parties. At the moment, such a mechanism has not been agreed to by the Parties. But the supporting statement indicates that no annotation can override the right of any Party, as stipulated in Article XV of the Convention, to submit any proposal for the amendment of the Appendices to the Conference of the Parties. Nevertheless, it might be useful for Namibia to provide further advice and information to support its consideration that the annotations to *L. africana* in the CITES Appendices could be considered *ultra vires* should a decision-making mechanism for trade in ivory not be accepted at the present meeting of the Conference of the Parties.

The proposal is framed around the creation of positive incentives for land holders to engage in elephant conservation and increase tolerance for human-elephant conflict, as well as the use of proceeds from the sale of elephant specimens to provide finance elephant conservation programmes. Namibia considers that controlled trade in elephant specimens is in the best interest of its elephant population, and in fact sees the absence of trade as the greatest single threat to its elephant population.

Elephant specimens in trade would be obtained solely from natural and management-related mortality, and no elephants would be killed specifically to obtain ivory or other products for trade. The proposal also highlights the issue that Namibia has in the past complied with increasingly complex requirements set by the Conference of the Parties. Such requirements, argues the proposal, put CITES increasingly at odds with the Convention of Biological Diversity.

Compliance with listing criteria and other CoP recommendations

The population of Namibia was transferred to Appendix II at CoP10 (1997) following an assessment by a Panel of Experts. However, the current annotation states that all specimens not included in paragraphs a) to g) of the annotation "*shall be deemed to be specimens of species included in Appendix I, and the trade in them shall be regulated accordingly*". For this reason, the proposal should be evaluated with reference to the criteria in Resolution Conf. 9.24 (Rev. CoP16), and in particular with the precautionary measures stipulated in Annex 4.

With an estimate of nearly 23,000 elephants in 2015, according to the Great Elephant Census, Namibia's elephant population is larger than it has ever been. The wild population is clearly not small according to the guideline in Annex 5 in Resolution Conf. 9.24 (Rev. CoP16) and therefore criterion A in Annex 1 of the same Resolution does not apply.

The geographic area of distribution was estimated at around 147,000 km² in IUCN's African Elephant Status Database in 2013. This compares with an estimated range area of 145,000 km² reported in the African Elephant Database 1995. Elephants occur populations occur in much of the north of the country and largely along the country's borders, and are able to move freely across them, as they are contiguous with other conservation areas in neighbouring countries. The area of distribution is therefore neither small nor restricted, and therefore criterion B does not apply.

The overall population has grown by approximately 13,800, or 155%, since it was transferred to Appendix II in 1997. This translates to an average annual rate of increase of 4.8%. Therefore, criterion C in Annex 1 of Resolution Conf. 9.24 (Rev. CoP16) does not apply, either.

The surveys on which the above information is based are robust and have been conducted using consistent methodology for decades. There is therefore considerable certainty that the elephant population of Namibia does not meet any of the biological criteria for inclusion in Appendix I.

Annex 4 of Resolution Conf. 9.24 states that a species should not be transferred from Appendix I to II if there is uncertainty about the impact of trade on the species. The proponent argues that the absence of trade is a key threat to elephant populations and their habitats in Namibia. In contrast, CoP17 Prop 16 states that trade would have a negative impact on the species. Given that there is uncertainty — or at least difference of opinion — about the effects of legal trade on the species, the proposal should also be evaluated against the precautionary measures in Annex 4 of Resolution Conf. 9.24 (Rev. CoP16).

The precautionary safeguard that would apply in this case is A. 2. a), as the species is in demand for international trade. A number of specific enforcement controls and compliance mechanisms are outlined in the proposal. These include marking, registration of traders, and other aspects of compliance with Resolution Conf. 10.10 (Rev. CoP16). As mentioned above, the proposal states that any revenue generated from trade in elephant specimens would be used exclusively for elephant conservation and community development in conservation programmes. Nevertheless, the proposal does not seek to establish any quotas, and gives no details on how Namibia would conduct trade in elephant ivory. In this regard, the proposal refers the decision-making mechanism outlined in document CoP17 Doc. 84.3, of which Namibia is a co-proponent, but it is silent about precautionary measures concerning trade in ivory in case the recommendations in that document are not agreed to by the Conference of the Parties.

Conclusions and recommendations

The proposal seeks to remove reference to Namibia from the existing annotation for populations of *Loxodonta africana* included in Appendix II. If adopted, ivory and other specimens from the elephant population of Namibia could enter international commercial trade, subject to the provisions of Article IV of the Convention, and taking into consideration relevant Resolutions and Decisions.

Resolution Conf. 9.24 (Rev. CoP16) does not contain guidelines for assessing such a proposal, but this substantive annotation may be seen as analogous to a transfer from Appendix I to Appendix II for all specimens of *L. africana* from Namibia that are current annotated as "deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly". Resolution Conf. 11.21 (Rev. CoP16) provides that substantive annotations should be in compliance with the precautionary measures contained in Resolution Conf. 9.24 (Rev. CoP16), Annex 4. The Secretariat notes in this regard that Namibia's elephant population is not small (23,000 elephants in 2015); that the area of distribution is neither small nor restricted (147,000 km²); and that the population has grown by over 150% (or 13,800 animals) since it was transferred to Appendix II in 1997.

The rationale of the proposal is framed around the creation of positive incentives for land holders to engage in elephant conservation and increase tolerance for human-elephant conflict, as well as the use of proceeds from the sale of elephant specimens to finance elephant conservation programmes. Elephant specimens in trade would be obtained solely from natural and management-related mortality, and no elephants would be killed specifically to obtain ivory or other products for trade.

Concerning the precautionary safeguards in Annex 4, paragraph A. 2 a) of Resolution Conf. 9.24 (Rev. CoP16), the supporting statement outlines a number of specific enforcement controls and compliance mechanisms, including marking, registration of traders, and other aspects of compliance with Resolution Conf. 10.10 (Rev. CoP16). Any revenue generated from trade in elephant specimens would be used exclusively for elephant conservation and community development in conservation programmes. Nevertheless, the proposal does not seek to establish any quotas. It does not detail precautionary measures concerning future trade in raw or worked ivory, suggesting that these matters would be handled through recommendations in document CoP17 Doc. 84.3

of which the proponent is a co-author. These recommendations may however not be agreed to by the Parties, acknowledging that trade in ivory remains the subject of comprehensive and difficult discussions in CITES (see agenda item 84 of CoP17).

Recommendation

The proposed amendment to the existing annotation for the population of *Loxodonta africana* from Namibia does not meet the precautionary measures set out in Annex 4 of Resolution Conf. 9.24 (Rev. CoP16).

The Secretariat recommends that this proposal be **rejected.**

Proposal 15

Zimbabwe seeks to amend the present Appendix II listing of its population of *Loxodonta africana* by removing the annotation (Annex I, page 24 of this proposal) in order to achieve an unqualified Appendix II listing. Effective and sustainable conservation of Zimbabwe's elephants is wholly dependent on establishing regular open market sales of elephant ivory to fund management and enforcement actions.

Zimbabwe is fully aware that the annotation affecting the Appendix II listing of *Loxodonta africana* contains the clause –

> **"no further proposals to allow trade in elephant ivory from populations already in Appendix II shall be submitted to the Conference of the Parties for the period from CoP14 and ending nine years from the date of the single sale of ivory that is to take place in accordance with provisions in paragraphs g) i), g) ii), g) iii), g) vi) and g) vii)."**

– however, Zimbabwe does not believe that an annotation can be used to contradict the right enshrined in Article XV Para 1(a) of the Treaty stating that "Any Party may propose an amendment to Appendix I or II for consideration at the next meeting [of the Conference of the Parties]."

Proponent: Namibia and Zimbabwe

Comments from the Secretariat

CITES background

Loxodonta africana was included in Appendix III in 1976 at the request of Ghana, and in Appendix II in 1977. At CoP7 (1989), the species was transferred to Appendix I, with a number of Parties entering reservations. Subject to complex and detailed annotations, the populations of Botswana, Zambia and Zimbabwe were transferred to Appendix II at CoP10 (1997), and of South Africa at CoP11 (2000). Some of the annotations to these Appendix-II populations were further amended at CoP11, CoP12 (2002), CoP13 (2004) and CoP14 (2007).

Purpose and impact of the proposal

The proposal seeks to remove the existing annotation for the African elephant population of Zimbabwe. Acceptance of this proposal would leave Zimbabwe's elephant population in Appendix II without a limiting annotation, effectively enabling Zimbabwe to trade in all elephant specimens, including worked and raw ivory, under the provisions of Article IV (and taking account of relevant Resolutions and Decisions).

Main points made in the supporting statement and general comments

The proposal notes that the annotation it seeks to remove includes a clause intended to preclude, until 2017, the submission of any proposals for trade in ivory from elephant populations in Appendix II. This element of the current annotation was part of a complex package of measures concerning African elephants, adopted at CoP14, which also indicated that ivory-related proposals should be dealt with in accordance with a decision-making mechanism for a process of trade in ivory under the auspices of the Conference of the Parties. At the moment, such a mechanism has not been agreed to by the Parties. But the supporting statement indicates that no annotation can override the right of any Party, as stipulated in Article XV of the Convention, to submit any proposal for the amendment of the Appendices to the Conference of the Parties.

The rationale of the proposal is framed around habitat loss being the main threat to elephant populations, as well as around the use of proceeds from the sale of elephant specimens to provide incentives to rural communities for the conservation of elephants and their habitats. The proposal contends that the restrictions in the trade in ivory have failed, and that some of Zimbabwe's populations face extinction unless the trade is resumed. The proposal supports this contention with the results of a population simulation model, although details of model specification are not provided. The proposal also highlights the negative impact of high elephant densities on habitats as well as on other species, and states the intention of the proponent to use revenue from ivory to maintain elephant populations at densities not exceeding 0.5 per km². If successful in its proposal, Zimbabwe would sell ivory at open auction to any willing buyer from around the world. The proposal gives no details on the provenance of ivory for to be auctioned, other than from its current stockpile of approximately 70 tonnes. It also does not propose any quotas or control mechanisms.

The proposal is silent on whether Zimbabwe complies, or intends to comply, with the additional safeguards provided for in Resolution Conf. 10.10 (Rev. CoP16). Zimbabwe should clarify this.

Compliance with listing criteria and other CoP recommendations

The population of Zimbabwe was transferred to Appendix II at CoP10 (1997) following an assessment by a Panel of Experts. However, the current annotation states that all specimens not included in paragraphs a) to g) of the annotation "*shall be deemed to be specimens of species included in Appendix I, and the trade in them shall be regulated accordingly*". For this reason, the proposal should be evaluated with reference to the criteria in Resolution Conf. 9.24 (Rev. CoP16) and the precautionary measures stipulated therein.

With an estimate of over 82,000 elephants in 2014 according to the Great Elephant Census, Zimbabwe currently harbours the second largest national elephant population in Africa, after that of Botswana. The wild population is clearly not small and therefore criterion A in Annex 1 of Resolution 9.24 (Rev. CoP16) does not apply.

The estimated area of distribution was about 75,000 km² in 2014, placing it in the top quartile of African elephant range States by range area. Zimbabwe's elephant populations occur largely along the country's borders, and are able to move freely across them, as they are contiguous with other conservation areas in neighbouring countries. The area of distribution is therefore neither small nor restricted, and therefore criterion B does not apply. However, the area of distribution appears to have declined since 1995, possibly — as the proposal states — as a result of human population growth and associated habitat conversion. The proposal contends that range loss could accelerate unless the proposal is successful.

The overall population has grown by approximately 12,500, or 18%, since it was transferred to Appendix II in 1997. While the population may appear to have declined compared to more recent estimates (2006), the difference is well within the margin of error and is therefore not statistically significant. Nevertheless, the growth of the elephant population in Zimbabwe does appear to have stalled in recent years, partly due reductions prompted by high levels of illegal killing in the Sebungwe and Zambezi Valley, and partly due to cross-border movements or density dependent effects in Northwest Matabeleland. The population in the southeast (Gonarezhou and the Savé Valley) has continued to increase. As there has been no marked decline in the wild population, criterion C in Annex 1 of Resolution Conf. 9.24 (Rev. CoP16) does not apply, either.

The surveys on which the above information is based are robust and have been conducted using consistent methodology for decades. There is therefore considerable certainty that the elephant population of Zimbabwe does not meet any of the biological criteria for inclusion in Appendix I.

Annex 4 of Resolution Conf. 9.24 states that a species should not be transferred from Appendix I to II if there is uncertainty about the impact of trade on the species. The proponent argues that the absence of trade is a key threat to elephant populations and their habitats in Zimbabwe. In contrast, proposal CoP17 Prop 16 claims that trade would have a negative impact on the species. Given that there is uncertainty — or at least difference of opinion — about the effects of legal trade on the species, the proposal should also be evaluated against the precautionary measures in Annex 4 of Resolution Conf. 9.24 (Rev. CoP16).

The precautionary safeguard that would apply in this case is A. 2. a) as the species is in demand for international trade. The proposal does not propose particular quotas, measures to comply with the provisions in Article IV, or measures concerning enforcement controls and compliance with the requirements of the Convention. The proposal asserts that Zimbabwe's success in raising its elephant population from some 5,000 elephants in 1900 to more than 84,000 came about by an adaptive management approach, and "by not following an inflexible programme of planned harvest rates, planned population sizes, procedures for establishing quotas ... etc." Zimbabwe may nevertheless wish to provide additional details regarding the precautionary measures it envisages.

Conclusions and recommendations

The proposal seeks to remove the existing annotation for the Zimbabwean population of *Loxodonta africana*, which is included in Appendix II. If adopted, ivory and other specimens from the elephant population of Zimbabwe could enter international commercial trade, subject to the provisions of Article IV of the Convention, and taking into consideration relevant Resolutions and Decisions. The proposal notes that the annotation it seeks to remove includes a clause intended to preclude, until 2017, the submission of any proposals for trade in ivory from elephant populations in Appendix II. The Secretariat concurs with the proponent that no annotation can override the right of any Party, as stipulated in Article XV of the Convention, to submit any proposal for the amendment of the Appendices to the Conference of the Parties. Nevertheless, the Secretariat does not consider that the

proponent has made the case that the annotation is *ultra vires* or that it has been rendered invalid by the lack of progress on developing a decision-making mechanism for trade in ivory.

Resolution Conf. 9.24 (Rev. CoP16) does not contain guidelines for assessing such a proposal, but this substantive annotation may be seen as analogous to a transfer from Appendix I to Appendix II for all specimens of *L. africana* from Zimbabwe that are current annotated as "deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly". Resolution Conf. 11.21 (Rev. CoP16) provides that substantive annotations should be in compliance with the precautionary measures contained in Resolution Conf. 9.24 (Rev. coP16), Annex 4. The Secretariat notes in this regard that Zimbabwe's elephant population is not small (82,000 elephants in 2014); that the area of distribution is neither small nor restricted (75,000 km²); and that the population has stabilized in recent years after having grown by some 20% (or 12,500 animals) since it was transferred to Appendix II in 1997.

The rationale of the proposal is framed around habitat loss being the main threat to elephant populations, as well as around the use of proceeds from the sale of elephant specimens to provide incentives to rural communities for the conservation of elephants and their habitats.

Concerning the precautionary safeguards in Annex 4, paragraph A. 2 a) of Resolution Conf. 9.24 (Rev. CoP16), the supporting statement indicates that Zimbabwe would sell ivory at open auction to any willing buyer from around the world. The proposal gives no details on the provenance of ivory to be auctioned, other than from its current stockpile of approximately 70 tonnes. It also does not propose any quotas or control mechanisms. The proposal is silent on whether Zimbabwe complies, or intends to comply, with the additional safeguards provided for in Resolution Conf. 10.10 (Rev. CoP16). Trade in African elephant specimens, and raw or worked ivory in particular, remain the subject of comprehensive and difficult discussions in CITES (see for example agenda item 84 of CoP17).

Recommendation

The proposed amendment to the existing annotation for the population of *Loxodonta africana* from Zimbabwe does not meet the precautionary measures set out in Annex 4 of Resolution Conf. 9.24 (Rev. CoP16).

The Secretariat recommends that this proposal be **rejected.**

Proposal 16

1. **The inclusion of all populations of *Loxodonta africana* (African elephant) in Appendix I through the transfer from Appendix II to Appendix I of the populations of Botswana, Namibia, South Africa and Zimbabwe.**

2. **This amendment is justified according to the following criteria under Annex 1 of Resolution Conf. 9.24 (Rev. CoP16), Criteria for amendment of Appendices I and II:**

    "C. A marked decline in population size in the wild, which has been either:

    i) observed as ongoing or as having occurred in the past (but with a potential to resume); or

    ii) inferred or projected on the basis of any one of the following:

    - levels or patterns of exploitation;

    - high vulnerability to either intrinsic or extrinsic factors"

Proponent: Benin, Burkina Faso, Central African Republic, Chad, Ethiopia, Kenya, Liberia, Mali, the Niger, Nigeria, Senegal, Sri Lanka and Uganda

Provisional assessment by the Secretariat

CITES background

Loxodonta africana was included in Appendix III in 1976 at the request of Ghana, and in Appendix II in 1977. At CoP7 (1989), the species was transferred to Appendix I, with a number of Parties entering reservations. Subject to complex and detailed annotations, the populations of Botswana, Zambia and Zimbabwe were transferred to Appendix II at CoP10 (1997), and of South Africa at CoP11 (2000). Some of the annotations to these Appendix-II populations were further amended at CoP11, CoP12 (2002), CoP13 (2004) and CoP14 (2007).

Purpose and impact of the proposal

The proposal requests the transfer of the populations of the African elephant of Botswana, Namibia, South Africa and Zimbabwe to Appendix I. This would result in a ban on international commercial trade in African elephant specimens of wild origin, including from the four range States concerned [the proposal correctly points out that an Appendix-I listing does not preclude the trade in hunting trophies of *L. africana*, as recognized in Resolution Conf. 2.11 (Rev.)]. Trade is specimens of the species would be regulated in accordance with Article III of the Convention.

Main points made in the supporting statement and general comments

Resolution 9.24 (Rev. CoP16) recognizes that "to qualify for inclusion in Appendix I, a species must meet biological and trade criteria". Article I of the Convention defines the term 'species' as "any species, subspecies or geographically separate population thereof." According to Annex 5 of Resolution Conf. 9.24 (Rev. CoP16), the Conference of the Parties has until now interpreted 'geographically separate populations' as populations delimited by geopolitical boundaries. It therefore follows that the proposal should be evaluated with reference to the information provided for the four populations currently in Appendix II.

The proposal provides extensive information on the status of the African elephant population across the continent based on information contained in the African Elephant Database (AED), only providing specific information on the four populations in Appendix II in paragraphs 33, 37-41 and 59-51.

Compliance with listing criteria and other CoP recommendations

As already commented in its review of proposals CoP17 Prop. 14 and 15 concerning the African elephant populations of Namibia and Zimbabwe, the available information shows that neither of these populations meets the biological criteria for their inclusion in Appendix I, as laid out in Resolution Conf. 9.24 (Rev. CoP16): Namibia's elephant population is not small (23,000 elephants in 2015), the area of distribution is neither small nor restricted (147,000 km²), and it has grown by over 150% (or 13,800 animals) since it was transferred to Appendix II in 1997;

Zimbabwe's elephant population is not small (82,000 elephants in 2014), the area of distribution is neither small nor restricted (75,000 km²), and the population has stabilized in recent years after having grown by some 20% (or 12,500 animals) since it was transferred to Appendix II in 1997.

The African elephant populations of Botswana and South Africa were transferred to Appendix II at CoP10 (1997) and CoP11 (2000) respectively, in each case following an assessment by a Panel of Experts.

Estimated at over 130,000 animals, Botswana has the largest elephant population in Africa. The population of South Africa currently stands at an around 19,000. Neither population is therefore small as defined in the guideline in Annex 5 of Resolution Conf. 9.24 (Rev. CoP16). Therefore criterion A does not apply.

The area of distribution of the African elephant in Botswana is estimated at nearly 230,000 km², while that of South Africa is estimated at nearly 31,000 km². In both cases, there are large, continuous tracts of habitat available to elephants. Both populations are contiguous with other conservation areas across international borders, which elephants can cross freely. As the area of habitat neither small nor restricted in either country, criterion B does not apply.

Both populations have grown considerably in the last 20 years (from 71,600 in 1995 to over 130,000 in 2015 in Botswana, and from 10,000 to 19,000 in South Africa). As there has been an increase rather than a decline in these populations, criterion C does not apply.

The proposal states that parts of it were sent to the CITES Management Authorities of the four range States concerned in mid-April 2016. Comments were received from three of them (Namibia, South Africa and Zimbabwe), none of which supported the proposal.

Conclusions and recommendations

The wild populations of *Loxodonta africana* of Botswana, Namibia, South Africa or Zimbabwe are not small as defined in the guideline in Annex 5 of Resolution Conf. 9.24 (Rev. CoP16). Estimated at over 130,000 animals, Botswana has the largest elephant population in Africa. Zimbabwe, with an estimate of over 82,000 elephants, has the second largest. The population of South Africa currently stands at around 19,000 elephants, and Namibia at 23,000 (the highest estimate ever). The area of distribution of the species in the four range States is not small or restricted, with large tracts of habitat available and several important populations that are contiguous with other conservation areas and across international borders. Criteria A or B in Annex 1 of Resolution Conf. 9.24 (Rev. CoP16) does not apply to any of the range States.

The elephant populations of Botswana, Namibia and South Africa have increased considerably in the last 20 years. So has the population of Zimbabwe, although the growth appears to have stalled in recent years. As there has been no marked decline in the wild populations in any of the four range States, criterion C in Annex 1 of Resolution Conf. 9.24 (Rev. CoP16) does not apply.

The stated objective of the proposal is to "unify African elephants and their range States in one listing […], so that all range States come together in strategies to remove threats to their survival and send a clear message to the world […] [by] extending our hands to our brothers and sisters in the Southern African range States to join the rest of the continent in a united, cohesive mission to fight against the extinction of elephants." However, the supporting statement indicates that when consulted, Namibia, South Africa and Zimbabwe did not support the proposal.

Recommendation

Based on the information available at the time of writing, the populations of *Loxodonta africana* in Botswana, Namibia, South Africa or Zimbabwe do not meet the biological criteria in Resolution Conf. 9.24 (Rev. CoP16), Annex 1 for their inclusion in Appendix I.

The Secretariat recommends that this proposal be **rejected.**

Proposal 17

Transfer *Falco peregrinus* from Appendix I to Appendix II

Proponent: Canada

Assessment by the Secretariat

CITES background

The species *Falco peregrinus* was listed on CITES Appendix II in 1975 (with the Family listing Falconidae spp.), while the subspecies *F. p. anatum, F. p. peregrinus* and *F. p. tundrius* were included in Appendix I. All subspecies of the peregrine falcon were transferred to Appendix I in 1977.

Purpose and impact of the proposal

The proposal aims to transfer *F. peregrinus* from Appendix I to Appendix II, taking account of the precautionary measures of Resolution Conf. 9.24 (Rev. CoP16), Annex 4. Trade in the species would be regulated in accordance with the provisions of Article IV of the Convention.

The proponent comments on the consequences of the adoption of the proposal concerning the implementation of Resolution Conf. 12.8 (Rev. CoP13) on *Review of Significant Trade in specimens of Appendix-II species*, to which trade in *F. pereginus* would become subjected, and Resolution Conf. 12.10 (Rev. CoP15) on *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes*, which would no longer apply for operations breeding this species for commercial purposes.

Main points made in the supporting statement and general comments

The supporting statement is comprehensive and complete. As stated, the peregrine falcon is a very widely-distributed species with global populations that are currently either stable or increasing (with a few regional exceptions), and a large population size (estimated at 228,800 to 443,000 mature individuals).

While at global scale, peregrine falcon populations are considered secure (a species of 'Least Concern' according to BirdLife International), threats to individuals and local populations still exist from the use of environmental toxins, and habitat alteration and destruction. Other threats, including illegal take or trade for falconry, seem of less significance.

None of the 21 key traders indicated concerns regarding the management of legal international trade associated with falconry. Illegal trade was not cited as a significant concern for most key traders

Peregrine falcons are traded internationally primarily as live birds for falconry, re-introduction or breeding purposes. The trade data analysis presented in the proposal shows that an average of 552 live peregrine falcons are exported per year between 2010 and 2014, 85% of which were captive-bred (exports of wild birds were for non-commercial purposes, i.e. introductions and to some extent personal use). Trade of peregrine falcons is concentrated among relatively few countries in North America and Europe (major exporters) and the Middle East (major importers), with a secondary pattern of trade associated with South American peregrine falcons.

Illegal trade in *F. peregrinus* for falconry purposes to, primarily, the Middle East is known to occur, although it is not the most sought-after species. None of the 21 key trading countries identified and contacted by the proponent indicated concerns regarding the management of legal international trade associated with falconry, while illegal trade was not cited as a significant concern for most key traders.

Overall, it seems that the legal instruments put in place by key trading countries, the trade controls and existing species management and conservation measures, have been effective in conserving and restoring this species.

Compliance with listing criteria and other CoP recommendations

The available information indicates that *F. peregrinus* does not or no longer meet the biological criteria for inclusion in Appendix I, as it has an extremely wide distribution, and a large and stable (or increasing) population.

The proponent addresses the precautionary measures in Annex 4 of Resolution Conf. 9.24 (Rev. CoP16) in some detail, in particular those mentioned in paragraph A. 1. a) ii). It recognizes that an estimation of the risks to wild populations associated with a transfer to Appendix II requires consideration of implementation by the range States of the requirements of the Convention for the species; the biology of the species; and the capacity of the market to increase.

The transfer of *F. peregrinus* to Appendix II would probably result in increased legal trade or illegal trade of wild birds.

Trade in specimen of wild origin would be subject to the making on non-detriment findings, which can be monitored and corrected where needed through the Review of Significant Trade. Wild populations are said to be resilient to the (legal or illegal) removal of a small (5-20%) percentage of nestlings or juveniles, which are also most in demand for falconry purposes.

It is difficult to evaluate if all range States (i.e. most Parties) would have "appropriate enforcement controls and compliance with the requirements of the Convention" in place. However, the 21 key trading countries generally indicated that national-level controls were robust and effective at protecting wild falcons from overharvest and unsustainable or illegal trade. Most indicated that they would not change national levels of protection and controls if the species were to be included in Appendix II.

Much of the international demand for the species, which is expected to remain small and specialized for falconry and related purposes, is met by well-established captive breeding operations.

The proponent has contacted 176 range states of the species, focussing on 31 'key trading countries' of which 21 provided responses.

All Falconiformes spp. are included in Appendix I or II, but differentiating species and juveniles may be difficult to identify. The proponent suggest that for example closed leg-ring systems for captive birds can be effective in preventing laundering and misidentification.

Conclusions and recommendations

The available information shows that *Falco peregrinus* does not meet the biological criteria for its inclusion in Appendix I because the wild population is large and stable, and extremely widely distributed. The international trade in this species is mostly in live captive-bred specimens for falconry. The levels are relatively small in relation to the population size. In terms of the precautionary measures, it is likely that, if the species were transferred to Appendix II, it would be in demand for commercial trade, but it seems to be sufficiently well managed and protected in the range States, and 'key trading' countries in particular, to ensure that trade would be conducted in compliance with the provisions of the Convention and adequately controlled.

Recommendation

Based on the information available at the time of writing, *Falco peregrinus* does not meet the criteria in Resolution Conf. 9.24 (Rev. CoP16), Annex 1 for its inclusion in Appendix I, and can be transferred to Appendix II in accordance with the precautionary measures in Annex 4 of Resolution Conf. 9.24 (Rev. CoP16).

The Secretariat recommends that this proposal be **adopted**.

Proposal 18

Transfer *Lichenostomus melanops cassidix* from Appendix I to Appendix II.

Proponent: Australia

Assessment by the Secretariat

CITES background

Lichenostomus melanops cassidix was listed on CITES Appendix I since the entering into effect of the Convention on 1 July 1975.

Purpose and impact of the proposal

The proposal seeks to transfer *L. m. cassidix* from Appendix I to Appendix II.

Main points made in the supporting statement and general comments

L. m. cassidix occurs only in south-central Victoria, Australia where a natural population survives at Yellingbo Nature Conservation Reserve and where there is a small colony (now no longer considered a viable population) at Bunyip State Park.

There are estimated to be fewer than 100 mature helmeted honeyeaters in existence.

The main threats to the species are its small population size and limited distribution in a small geographical area. The proponent states that the species, which is the official bird emblem of the State of Victoria, is protected under national and state laws in Australia and that its population is intensively monitored and subject to a recovery plan.

There is no evidence of international trade threatening the survival of this species.

Compliance with listing criteria and other CoP recommendations

This proposal was prepared in the context of Resolution Conf. 14.8 *on Periodic Review of the Appendices*. The Animals Committee at its 28th meeting (AC28, Tel Aviv, August 2015) agreed with the recommendation in this Periodic Review that it would be appropriate to transfer *L. m. cassidix* to Appendix II.

The proponent asserts that given that there is no evidence of international trade threatening the survival of *L. m. cassidix,* the species is eligible for transfer from Appendix I to Appendix II in accordance with Resolution 9.24 (Rev Cop16).

Conclusions and recommendations

Lichenostomus melanops cassidix may still meet the biological criteria for inclusion in Appendix I in Resolution Conf. 9.24 (Rev. CoP16), given that it has a restricted range and a very small population. However, there is no evidence of known, inferred or projected international trade threatening the survival of this species, and it appears highly unlikely that its transfer to Appendix II would stimulate such trade. In terms of the precautionary measures, if the species is transferred to Appendix II, it would remain protected under Australian legislation and no commercial trade would be allowed. An Appendix II listing therefore appears to be more proportionate to the risks to the taxon.

The proposal results from the Periodic Review of the Appendices, conducted by the Animals Committee in accordance with Resolution Conf. 14.8 (Rev. CoP16).

Recommendation

Based on the information available at the time of writing, *Lichenostomus melanops cassidix* does not meet the trade criterion in Resolution Conf. 9.24 (Rev. CoP16) for its inclusion in Appendix I, and can be transferred to Appendix II in accordance with the precautionary measures in Annex 4 of Resolution Conf. 9.24 (Rev. CoP16).

The Secretariat recommends that this proposal be **adopted**.

Proposal 19

Transfer *Psittacus erithacus* from Appendix II to Appendix I.

Proponent: Angola, Chad, the European Union, Gabon, Guinea, Nigeria, Senegal, Togo and the United States of America

Assessment by the Secretariat

CITES background

Psittacus erithacus, the African grey parrot, has been included in Appendix II since 1981 with the listing of all Psittaciformes in that Appendix.

The species has been included in the Review of Significant Trade in 1988, 2004, 2011 and 2014. Amongst other recommendations to various range States, these reviews resulted in export quotas of maximum 3,000 live specimens for Cameroon (in 20xx), and 5,000 for DRC (20yy). At its 66th meeting (January 2016), the CITES Standing Committee recommended that all Parties suspend imports of *P. erithacus* from DRC, with the exception of 1,600 specimens to be exported in 2016 (Notification to the Parties No 2016/021). These measures were decided in the context of the application of Article XIII concerning DRC.

Decisions 14.82 to 14.85 on Grey parrot (*Psittacus erithacus*), agreed by the Conference of the Parties in 2010, are still in place, but are proposed to be deleted by the Secretariat at the present meeting (see document CoP17 Doc. 21).

Purpose and impact of the proposal

The proponents seek to transfer *P. erithacus* from Appendix II to Appendix I. If the proposal is adopted, international trade in specimens of the species will be regulated in accordance with the provisions of Article III of the Convention.

The proponents indicate that *P. erithacus* has been successfully and widely reproduced in captivity, and refer to growing captive supply in the United States and the European Union, and from South Africa, the largest exporter of captive-bred birds. If *P. erithacus* were to be included in Appendix I, breeding operations wishing to commercially export and trade in specimens of African grey parrots would need to be registered with the Secretariat in accordance with Resolution Conf. 12.10 (Rev. CoP16) on *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes.*

Main points made in the supporting statement and general comments

The supporting statement is thorough and well documented.

Grey Parrots are distributed throughout the lowland moist forests of West and Central Africa. It occurs in 22 or 23 range States and has a range estimated at around three million km^2, of which nearly 90% is in Central Africa, around half of this in DRC. The ranges of the two distinct subspecies *P. e. timneh* (disjunct populations in West Africa) and *P. e. erithacus* (Central Africa) do not overlap. According to certain recent taxonomy references, they may represent two separate species. It has a slow life-history, being long-lived with a low reproductive rate.

The proponents indicate that there are no estimations of change in the availability of suitable habitat for *P. erithacus*, but provide information on forest loss, fragmentation and degradation throughout the range of the species, which was sever in West Africa but also affects the Congo basin, the stronghold of the species.

The proposal quotes a recent coarse assessment of 680,000 to 13 million birds, the large majority of which occur in Central Africa, recognizing that population estimations are difficult to make.

In conjunction with harvest for the pet trade, forest loss and fragmentation have impacted population numbers by reducing available breeding and foraging habitat for *P. erithacus.* The proponents point at the long history of illegal trade, poor enforcement, lack of properly implemented national management plans, inadequate (exceeded export quotas; reports of large numbers of captive-bred specimens in trade that are likely to be wild-caught), and the absence of adequate data on which to base quotas that affect *P. erithacus* and caused declines.

Population trends by range State are summarized in a table in section 4.4. It would seem that in West Africa and East Africa, populations drastically reduced in recent decades. The majority of the range now lies within Central Africa, where reliable information on populations, status and trends seems to be the weakest.

IUCN categorized *P. erithacus* as *Vulnerable* in 2012.

The proposal provides details on the legal and illegal trade in the species, both of which have been significant. Gross exports of live wild specimens from range States fluctuated, averaging some 35,000 birds per year from 1982 to 2006, and lower levels since then (11,000/year), *inter alia* in response to import limitations decided by the European Union in 2005, and export restrictions imposed through the Review of Significant Trade process. Illegal trade is said to be frequent and to occur under the guise of legal trade (accompanied by falsified or fraudulent CITES permits) or clandestine shipments, or through false identification of wild-caught birds as captive-bred. Existing management measures are said to be insufficient.

Compliance with listing criteria and other CoP recommendations

The wild population of *P. erithacus* numbers in the hundreds of thousands and perhaps millions of birds, and is not small. Its extensive area of distribution in West and Central Africa is not restricted.

According to the proponents, *P. erithacus* meets the decline criteria for inclusion in Appendix I in Annex 1, paragraph C of Resolution Conf. 9.24 (Rev. CoP16). However, this is not quantifiable across the species' range and for its global population, given that data on *P. erithacus* are unknown in the main proportion of its range in Central Africa, although declines can be inferred from loss of habitat and over-collection.

The proponents consulted 22 range States of *P. erithacus* in December 2015, reporting that 10 supported the proposal and 2 opposed it.

Conclusions and recommendations

The available information indicates that *Psittacus erithacus* does not have a restricted area of distribution as it still has a very large range in Africa, nor does it have a small population (estimations vary from several hundreds of thousands to several millions of birds in the wild). Declines due to habitat destruction and fragmentation, and targeted legal and illegal harvesting for the pet trade have occurred over much of its range, particularly in West Africa where the subspecies *P. e. timneh* occurs. However, there is no information to determine if there has been a marked decline for the entire wild population, as defined in Annex 4 of Resolution Conf. 9.24 (Rev. CoP16). Reliable data on populations and trends are mostly absent from the Congo basin, which is the main area of distribution of *P. erithacus* (more specifically of the distinct subspecies *P. e. erithacus*), and where forest conversion, which affects the conservation of *P. erithacus*, has been relatively slow and limited.

As indicated in the supporting statement, trade in captive-bred birds originating from outside of range States has increased significantly and may now meet much of the demand for the species. The authorized trade in wild specimens, which occurs mainly under CITES-sanctioned quotas, seems limited in relation to the size of the populations.

The proponents highlight the widely acknowledged problems concerning the effective implementation of the provisions of CITES for trade in *P. erithacus*. The Conference of the Parties, and the Animals and Standing Committees have made recommendations to address these concerns in the past. These measures may need to be further strengthened and expanded upon. They should also consider how to provide incentives for all stakeholders concerned, which would be in the best interest of the conservation of the species.

Recommendation

Based on the information available at the time of writing, *Psittacus erithacus* does not meet the biological criteria in Resolution Conf. 9.24 (Rev. CoP16), Annex 1 for its inclusion in Appendix I.

The Secretariat recommends that this proposal be **rejected.**

Proposal 20

Transfer *Ninox novaeseelandiae undulata* from Appendix I to Appendix II

Proponent: Australia

Assessment by the Secretariat

CITES background

The Strigidae were listed on Appendix II on 26 February 1976. *Ninox novaeseelandiae undulata* was included in CITES Appendix I on 4 February 1977.

Purpose and impact of the proposal

The proposal seeks to transfer *N. n. undulata* from Appendix I to Appendix II.

Main points made in the supporting statement and general comments

The phenological and genetically pure form of *N. n. undulata* is now extinct. It was found only on Norfolk Island, located in the Pacific, east of mainland Australia and northwest of New Zealand. The last remaining female was last observed in 1996. The population of boobook that currently occurs on Norfolk Island is likely to be a hybrid between *N. n. undulata* and the closely related subspecies *N. n. novaeseelandiae.*

The CITES Trade Database shows no trade in *N. n. undulata* since it was listed on Appendix I in 1977.

Compliance with listing criteria and other CoP recommendations

This proposal was prepared in the context of Resolution Conf. 14.8 *on Periodic Review of the Appendices*. The Animals Committee at its 28th meeting (AC28, Tel Aviv, August 2015) agreed with the recommendation in this Periodic Review that it would be appropriate to transfer *N. n. undulata* to Appendix II.

The proponent states that given that there is no evidence of international trade in *N. n. undulata*, the species is eligible for transfer from Appendix I to Appendix II in accordance with Resolution 9.24 (Rev Cop16) Annex 4 A.1 and A.2(a)(i).

In reference to Resolution Conf 9.24 (Rev. CoP 16) Annex 4 (D), the proponent states that it is “unlikely” that the species will be rediscovered. Should it be rediscovered, the proponent says the species will be unlikely to be affected by trade.

Conclusions and recommendations

It appears that the genetically pure subspecies *Ninox novaeseelandiae undulata* is extinct, and that the remaining hybrid population is managed and intensively monitored. *N. n. undulata* has not been in demand for international trade, nor - in the unlikely event of its rediscovery - is its transfer to Appendix II likely to stimulate trade in, or cause enforcement problems for any other species included in Appendix I. The Secretariat notes that the proposal is consistent with the proposed amendments to Resolution Conf. 9.24. (Rev. CoP16) regarding extinct species that will be discussed under agenda item 85.

The proposal results from the Periodic Review of the Appendices, conducted by the Animals Committee in compliance with Resolution Conf. 14.8 (Rev. CoP16).

Recommendation

Based on the information available at the time of writing, *Ninox novaeseelandiae undulata* does not meet the criteria in Resolution Conf. 9.24 (Rev. CoP16), Annex 1 for its inclusion in Appendix I, and can be transferred to Appendix II in accordance with the precautionary measures A. 2. a) in Annex 4 of Resolution Conf. 9.24 (Rev. CoP16).

The Secretariat recommends that this proposal be **adopted**.

Proposal 21

Transfer from Appendix I to Appendix II of the population of *Crocodylus acutus* (Cuvier, 1807) of the « Distrito Regional de Manejo Integrado del Área de Manglar de la Bahía de Cispata y Sector Aledaño del Delta Estuarino del Río Sinú », located in the department of Cordoba, Republic of Colombia, in accordance with Resolution Conf. 11.16 (Rev. CoP15) on ranching and trade in ranched specimens.

Proponent: Colombia

Provisional assessment by the Secretariat

CITES background

Crocodylus acutus has been included in Appendix I since 1981, with the exception of the population of Cuba which was transferred to Appendix II at CoP13 under Resolution Conf. 11.16 (Rev. CoP15) on *Ranching and trade in ranched specimens of species transferred from Appendix I to Appendix II*.

This species was subject at the latest meeting of the Conference of the Parties of a proposal by Colombia for Transfer of the population of the Bay of Cispata, municipality of San Antero, Department of Córdoba, Republic of Colombia, from Appendix I to Appendix II [see proposal CoP16 Prop. 23 Addendum (Rev.1)]. The proposal was not supported, with 57 votes in favour, 50 against and 16 abstentions.

Colombia currently has seven (7) captive-breeding operations registered for the species *C. acutus*, and two (2) more are being processed by the Secretariat. According to the information available, it is estimated that to date there are 43.709 specimens of *C. acutus* (including parental stock) in captivity.

Purpose and impact of the proposal

This ranching proposal seeks to transfer to Appendix II a population of *Crocodylus acutus* that occurs in a protected area and an adjacent sector with a special management regime, while the rest of the national population of Colombia would remain in Appendix I. The population concerned by the proposal is located in the Bay of Cispata and the Adjacent Sector Delta Estuary Sinu River that have a programme based on the controlled collection of eggs (following national and international guidelines to ensure the conservation of the species in the wild).

If adopted, skins of *C. acutus* originating from ranching activities in 'the Bay of Cispata' could be commercially traded in accordance with the provisions of Article IV of the Convention. Resolution Conf. 12.10 (Rev. CoP15) would not apply for specimens that are bred in captivity if the breeding stock consists of animals from the population of 'the Bay of Cispata'. Presumably, breeding operations using such breeding stock could be established in other parts of Colombia than the Bay of Cispata (the supporting statement does not discuss any limitations in this regard).

Transferring the population of *C. acutus* DRMI-BC from Appendix I to Appendix II may allow for the implementation of management and conservation strategies of the species that promote the conservation of its ecosystems, and simultaneously have a positive effect on the livelihoods of local communities by generating sustainable economic activities. Transferring the population to Appendix II could encourage the monitoring of other populations of the species with a view to implementing similar strategies of sustainable use in other parts of the species' range.

Main points made in the supporting statement and general comments

The inclusion of *C. acutus* in Appendix I of CITES to regulate international trade in their skins and other specimens has allowed the recovery of several natural populations throughout its range. The proposal states that in Colombia, the results of 12 years of conservation efforts and monitoring show that the pressures that threatened the survival of the population in the past (such as hunting) have decreased significantly favoring its recovery. The proposal focuses on the possible use of a target population that is found in a restricted area, and that is managed and monitored. Although the national population of Colombian *C. acutus* has increased, it would seem to still be small; however, the supporting statement claims that this population has recovered to the point that sustainable utilization and international trade, which requires the population to be transferred to Appendix II, can be considered.

Specimens of *C. acutus* not the subject of the ranching program DRMI-BC, remain in Appendix I and are subject to control regulations established for these. These include wild populations outside the limits of DRMI-BC; neonates and other specimens within the DRMI-BC different from those eggs object of ranching; and copies of breeding in captivity among others. The proponent claims that these specimens will be easily differentiated by ranched and marked specimens.

Currently, the accelerated loss of habitat is the main threat to the survival of *C. acutus* in the country and across its range. The proponent claims that this highlights the importance of implementing sustainable use strategies that increase the economic value of the species and its habitat in natural conditions, thus contributing to the conservation of the species, the ecosystems it inhabits, and the associated flora and fauna.

Only skins of *C. acutus* from Colombia are currently exported and traded internationally (skins from registered captive breeding operations).

It can be inferred that the collection of eggs of wild origin and the rearing of hatchlings for release or trade correspond *de facto* to ranching as defined in Resolution Conf. 11.16 (Rev. CoP15). Furthermore, there is little doubt that this proposal could have a beneficial impact on the conservation of the target *C. acutus* population, as well as on strengthening capacities to continue monitoring this population in part of its wild range as well as products thereof found in international trade. The proposal states that national environmental authorities will comply with the monitoring of quotas and of the implementation of measures imposed to ensure that the ranching programme has no detrimental impact on the wild population.

No information is provided on the actual size of the wild population to be downlisted, but regular and systematic monitoring, the structure of the population and the increasing fertility of females would show that it is recovering and growing.

In 2006, 'the mangrove forests with the surrounding areas' received some measure of protection as an 'Integrated Management District for Natural Resources' (IMD). Although a number of geographical coordinates of boundary points of this IMD are shown in the maps in Annex I of the supporting statement, it is unclear what part of the Bay of Cispata is now partially protected, what surface it covers and how the borders are actually defined. The proponent is silent about the enforcement challenges that might result from the adoption of this proposal, including how to ensure that specimens from the Appendix-II population would be distinguished from the rest of Colombia's *C. acutus*, which will remain in Appendix I, or from specimens produced in the registered breeding operations.

Compliance with listing criteria and other CoP recommendations

This proposal regarding a population of *Crocodylus acutus* in Colombia was submitted in compliance with Resolution Conf. 11.16 (Rev. CoP15) on *Ranching and trade in ranched specimens of species transferred from Appendix I to Appendix I*. It was submitted 330 days before CoP17, and reviewed in accordance with the provisions in that resolution. The Party has considered the information requested by the Secretariat following this review.

Resolution Conf. 9.24 (Rev. CoP16) states that "subspecies, populations or other subcategories of a species may be included in different Appendices at the same time in accordance with the relevant criteria in Annex 3". Annex 3 specifies that "Listing of a species in more than one Appendix should be avoided in general in view of the enforcement problems it creates." and that "When split-listing does occur, this should generally be on the basis of national or regional populations". In this instance, Colombia proposes a split-listing of its national population of *C. acutus*, which is a situation not envisaged in Resolution Conf. 9.24 (Rev. CoP16), although it has some precedent in the listing of certain *Vicugna vicugna* populations.

With respect to Resolution Conf. 11.16 (Rev. CoP15), the supporting statement fully addresses paragraphs i), ii) and iv) of paragraph b) under RECOMMENDS. Regarding paragraph iii) in the same paragraph, the supporting statement explains that a management plan is under development although a draft or overview is not provided. The information required under paragraph c), i), ii) and iii) is all provided. Regarding paragraph iv), the Secretariat notes that inventories per gender class do not seem to have been made and that the number of female specimens seems unavailable. The criteria in paragraph d) all seem to have been complied with, but further clarifications on the proposed harvesting levels under i) would be useful.

As this proposal only concerns the population of *C. acutus* in Colombia, the consultation envisaged in Resolution Conf. 8.21 is not required. The proponent nevertheless indicates that the proposal was sent to range States of the species. It is recommended that the proponent provide any responses that may have been received, the

supporting statement says that the letters sent to other range States were annexed but these were not submitted along with the proposal so it is not possible to know the extent of such consultation.

Conclusions and recommendations

The proposal regarding a population of *Crocodylus acutus* in Columbia was submitted in compliance with Resolution Conf. 11.16 (Rev. CoP15) on Ranching and trade in ranched specimens of species transferred from Appendix I to Appendix I. It was submitted 330 days before CoP17, and reviewed in accordance with the provisions in that resolution. The Party has considered the information requested by the Secretariat following this review.

With respect to Resolution Conf. 11.16 (Rev. CoP15), the supporting statement fully addresses paragraphs i), ii) and iv) of paragraph b) under RECOMMENDS. Regarding paragraph iii) in the same paragraph, the supporting statement explains that a management plan is under development although a draft or overview is not provided. The information required under paragraph c), i), ii) and iii) is all provided. Regarding paragraph iv), the Secretariat notes that inventories per gender class do not seem to have been made and that the number of female specimens seems unavailable. The criteria in paragraph d) all seem to have been complied with, but further clarifications on the proposed harvesting levels under i) would be useful.

The supporting statement indicates that the proposed listing meets the safeguards in Annex 4 paragraph A. 2. b) in Resolution Conf. 9.24 (Rev. CoP16). It seems that overall, the ranching and trade measures described in the proposal meet the conditions laid out in Resolution Conf. 11.16 (Rev. CoP15), noting that further clarification would be helpful regarding: the status of the management plan for the sustainable use of *C. acutus*, mentioned in the proposal; the results of inventories and the gender classes encountered; and enforcement measures to distinguish Appendix-I from Appendix-II specimens in trade, and the legal origin of specimens to be exported. The proponent is therefore encouraged to submit further information concerning paragraph b) iii); c) iv); and d) i) under RECOMMENDS of Resolution Conf. 11.16 (Rev. CoP15).

Recommendation

Based on the available information at the time of writing, *Crocodylus acutus* (Cuvier, 1807) of the “Distrito Regional de Manejo Integrado del Área de Manglar de la Bahía de Cispata y Sector Aledaño del Delta Estuarino del Río Sinú” could be listed in Appendix II in compliance with the provisions in Resolution Conf. 11.16 (Rev. CoP15) and the precautionary measures and safeguards in Annex 4, paragraph A. 2. b) of Resolution Conf. 9.24 (Rev. CoP16).

The Secretariat recommends that this proposal be **adopted**.

Proposal 22

Delete the "zero quota for wild specimens traded for commercial purposes" from the Appendix-II listing of the population of Mexico of *Crocodylus moreletii.*

Proponent: Mexico

Assessment by the Secretariat

CITES background

Crocodylus moreletii was listed in Appendix I of CITES in 1975. In 2010, the populations of Belize and Mexico were transferred from Appendix I to Appendix II, with a zero quota for wild specimens traded for commercial purposes.

Purpose and impact of the proposal

The proposal seeks the removal of the zero quota for wild specimens of the Mexican population of *C. moreletii* traded for commercial purposes. If the proposal is adopted, international trade in specimens of *C. moreletii* from Mexico will be regulated in accordance with the provisions of Article IV of the Convention.

Main points made in the supporting statement and general comments

C. moreletii is native to Belize, Guatemala and Mexico. The species is listed as Least Concern by IUCN and its population trend is stable. It is said that a recent census carried out over the past 5 years indicates that a population of about 76,000 wild individuals of *C. moreletii* exists in Mexico.

Threats to the species include limited illegal hunting, infrastructure development and exposure to chemical pollutants. Illegal trade is of minimal concern.

The proposal indicates that to date, the exploitation of the *C. moreletii* in Mexico has been carried out exclusively under a closed cycle captive breeding programme, which contributed in a limited way to the conservation of wild populations of the species and its habitat. The CITES Trade Database for the period of 2005-2014, and the export register of the Mexican CITES Management Authority for 2015, show a total export of 7,708 skins, 15,699 smaller specimens and 243 live specimens, primarily exported from Mexico.

According to the proposal, the current production only partially satisfies the demand for skins on the international market, without exploiting its full potential. It is said that Mexico's population of *C. moreletii* may have the potential to be harvested in all size classes. However, the proposal indicates that the intention at present is that wild harvest be restricted to eggs with the resulting hatchlings raised in a controlled environment. The proposal does not mention any quotas or harvest limits, although the supporting statement notes that many programmes in use around the world for different species of crocodilians suggest that 50-80% annual removal of eggs can be sustainable.

Compliance with listing criteria and other CoP recommendations

The available information indicates that the wild population of *C. moreletii* in Mexico is stable, while adequate management measures are in effect. Legal, sustainable and traceable trade in the species can be effectively regulated by the Mexican authorities.

Mexico presented a draft of the present proposal to the Animals Committee at its 28th meeting (Tel Aviv, 2015). The Committee noted the document containing the draft proposal and in the ensuing discussion, several speakers encouraged Mexico to submit the proposal to the present meeting of the Conference of the Parties.

Conclusions and recommendations

Resolution Conf. 9.24 (Rev. CoP16) does not contain explicit guidelines for assessing the removal of a zero quota for wild specimens from an Appendix-II listed species through an amendment of existing annotations. However, this substantive annotation may be seen as analogous to a transfer from Appendix I to Appendix II, for which Resolution Conf. 11.21 (Rev. CoP16) provides that it should be in compliance with the precautionary measures contained in Resolution Conf. 9.24 (Rev. CoP16), Annex 4. In this light, the Secretariat considers that the wild population of *Crocodylus moreletii* in Mexico is not small, does not have a restricted range, and is stable or

increasing. The proposed amendment to the existing annotation appears to meet the precautionary measures set out in Annex 4 of Resolution Conf. 9.24 (Rev. CoP16) because the harvest of the wild population will be limited to eggs in the context of sustainable ranching activities involving local communities.

Recommendation

Based on the information available at the time of writing, the Secretariat recommends that this proposal be **adopted.**

Proposal 23

Maintain the Malagasy population of *Crocodylus niloticus* in Appendix II subject to the following annotations:

1. **No skins or products within the artisanal industry from wild *C. niloticus* less than 1 m or greater than 2.5 m total length will be permitted for national or international trade**

2. **An initial wild harvest ceiling of 3000 animals per year for the artisanal industry will be imposed for the first three years of operation (2017-2019)**

3. **No export of raw or processed skins harvested from the wild will be permitted for the first 3 years**

4. **Farm production shall be restricted to ranching and/or captive breeding, with national skin production quotas**

5. **Management, wild harvest ceiling and national skin production quotas will be audited and reviewed annually by international experts for the first three years to ensure sustainability.**

Proponent: Madagascar

Assessment by the Secretariat

CITES background

Crocodylus niloticus was listed in Appendix I of CITES in 1975. The population of the Nile crocodile (*Crocodylus niloticus*) in Madagascar was transferred to CITES Appendix II at the fifth meeting of the Conference of the Parties, "subject to the specified annual export quota of 1,000" (CoP5, Buenos Aires, 1985). Between 1985 and 1997, the Conference of the Parties agreed on varying export quotas for wild specimens, ranched specimens or wild nuisance specimens from Madagascar. Thereafter, Madagascar was free to authorize exports in accordance with its ranching programmes. At its 10th meeting (CoP10, Harare, 1997), the Conference of the Parties agreed to maintain Madagascar's population of *C. niloticus* in Appendix II without being subject to specified annual quotas (proposal submitted pursuant to Resolution Conf. 3.15 on *Ranching*). Currently, Madagascar's population of *C. niloticus* is included in Appendix II, subject to the conditions outlined in Resolution Conf. 11.16 (Rev. CoP15) on *Ranching and trade in ranched specimens of species transferred from Appendix I to Appendix II*.

Madagascar's implementation of the provisions of the ranching resolution were revised by the Animals Committee in 2006, and subsequently by the Standing Committee at its 57th (2008), 58th (2009), 59th (2010), 60th (2010), 61st (2011), 62nd (2012), 63rd (2013) and 65th (2014) meetings. This review resulted in recommendations from the Standing Committee in June 2010 for Parties not to accept imports of Nile crocodile specimens coming from Madagascar (Notification to the Parties No 2010/015), with this recommended trade suspension withdrawn in December 2014 following the effective implementation by Madagascar of a number of required actions, including legal reforms (Notification to the Parties No. 2014/064).

Purpose and impact of the proposal

The proposal seeks to include the population of *C. nilotcus* of Madagascar in CITES Appendix II pursuant to Resolution Conf. 9.24 (Rev. CoP16). International trade in specimens of the population of *C. nilotcus* of Madagascar would generally remain regulated in accordance with the provisions of Article IV.

The proposal includes a detailed annotation that has not been used by the Parties before, and which imposes timeframes and significant self-restrictions upon the proponent. Because of the nature of the annotation, the impact of the proposal may seem unclear. The wording of the annotation is ambiguous in some instances [what are "…skins or products within the artisanal industry from wild *C. niloticus*…"'? What is "…the first 3 years" in paragraph 3 referring to? Are "…national skin production quotas" similar to, or different from export quotas?]. The annotation specifies timeframes in its paragraphs 2, 3 and 5, but fails to indicate what happens when these expire. In paragraph 5, it mentions annual audits and reviews "by international experts" of "management, wild harvest ceiling and national skin production quotas", but there is no indication in the annotation of how these audits would operate, or how findings would be acted upon. In paragraphs 1, 2 and 4, the annotation contains provisions concerning Madagascar's domestic harvest, production and trade that will require important internal monitoring and control capacities.

It would however seem that the adoption of the proposal and its annotation will result in a more restrictive regime for trade in *C. niloticus* from Madagascar than is currently the case. This regime would be in place "for the first 3 years of operation (2017-2019)", with no indication of what export limitations, if any, would be in place after that time. If adopted, the proposed annotation would remain in effect after 2019, and the provisions in its paragraphs 2, 3 and 5 would become obsolete. A new amendment proposal, submitted to and agreed by the Conference of the Parties, would; be required to modify it.

Main points made in the supporting statement and general comments

In Madagascar, *C. niloticus* is widely distributed throughout the country. Nile crocodiles occur in a variety of habitats, including rivers, creeks, lakes and freshwater swamps at altitudes below 1500 m, and may also inhabit agricultural landscapes (e.g. rice fields). The total wild population is estimated to be 30,000 to 40,000 non-hatchlings. The most recent data on population trends suggest that in most areas surveyed the populations are increasing or at worst stable, which is supported by anecdotal information from hunters and local communities reporting increased populations over the last few years, possibly due to the reduced wild harvest since 2010 following CITES trade suspensions.

The main threat to *C. niloticus* in Madagascar is stated to be habitat degradation and loss, and expansion of the human population. They are also killed as nuisance animals.

Within Madagascar, the national population of *C. niloticus* has been utilized by local people for an artisanal crocodile leather industry involving vegetable tanning and product manufacture. Skins produced from ranching and captive breeding are mostly destined for international markets, and are exported in a raw salted form. The supporting statement provides details of the legal commercial export of *C. niloticus* specimens from Madagascar (2002-2016) and information on illegal trade, which seems limited. It gives details of the country's ranching and captive breeding activities, and the wild harvest schemes.

The supporting statement explains that a new management regime for *C. niloticus* in Madagascar is in place since 2014, aimed primarily at sustaining and rebuilding the wild *C. niloticus* population, and consolidating and better regulating the wild harvest associated with the artisanal industry. It claims that the programme will address the concerns raised in the past, including by the CITES Standing Committee, and that an adaptive management approach has been adopted to ensure the sustainability of use and to allow the program to be improved annually on the basis of monitoring data. The proposed annotation is said to support the programme.

Compliance with listing criteria and other CoP recommendations

The available information indicates that the wild population of *C. niloticus* in Madagascar is widespread, and relatively large and stable. Improved management measures in response to CITES trade suspensions, and a new sustainable use programme are stated to be in effect. Management measures specified in the annotation and the supporting statement would ensure compliance with Article IV.

It should be noted that the proposed annotation contains a number of time-bound, national management measures, as well as ambiguous wording. The proposed text may therefore not comply with Resolution Conf. 11.21 (Rev. CoP16), which specifies that annotations should "specify the inclusion or exclusion of designated geographically separate populations, subspecies, species, groups of species, or higher taxa, which may include export quotas"; or "the types of specimens or export quotas;". It also provides that "Parties submitting proposals that contain substantive annotations ensure that the text is clear and unambiguous."

<u>Conclusions and recommendations</u>

The population of the *Crocodylus niloticus* of Madagascar is currently included in Appendix II under the provisions set out in Resolution Conf. 11.16 (Rev. CoP15). A review by the Standing Committee of compliance by Madagascar with this Resolution resulted in a trade suspension entering into effect in 2010, which was withdrawn in 2014 following the adoption of new relevant legislation (see Notification to the Parties No. 2014/064). In this context, Madagascar presently does not allow the export of skins of wild origin, and adopted zero export quotas for specimens of ranched origins in 2014 and 2015. The proposed annotations seem more restrictive 'for the first 3 years of operation' than the harvest and trade policies that are currently in place. As they involve changes to the original ranching proposal, Madagascar could have submitted them to the Secretariat for consultation and advice, as provided for in Resolution Conf. 11.16 (Rev. CoP15) [see paragraphs b) and c) under the section ***Regarding changes to the ranching programme described in the proposal to transfer a species from Appendix I to Appendix II***].

However, Madagascar is submitting the proposal in the context of Resolution Conf. 9.24 (Rev. CoP16), and more specifically Annex 2 a, paragraph B. The wild population of *C. niloticus* in Madagascar is estimated at 30,000 to 40,000 non-hatchlings. The species is widely distributed in the country, with available information suggesting that wild populations are increasing or stable. The main threats seem habitat degradation and loss. The proponent indicates that the proposed annotations will support a new management programme, aimed primarily at sustaining and rebuilding the wild *C. niloticus* population, and consolidating and better regulating the wild harvest associated with the domestic artisanal industry.

The supporting statement remains vague on what is expected to happen after "the first three years of operation", or how the annual audits during that period would operate or be acted upon. Compliance with the proposed annotations 1, 2 and 4 may be challenging at the national level, and would require considerable internal control capacity. The proponent may wish to comment on these matters.

Recommendation

Based on the information available at the time of writing, the population of *Crocodylus niloticus* of Madagascar meets the criteria in Resolution Conf. 9.24 (Rev. CoP16), Annex 2 a, criterion B for inclusion in Appendix II in accordance with Article II, paragraph 2 (a) of the Convention.

The Secretariat recommends that this proposal be **adopted.**

Proposal 24

Transfer the Saltwater crocodile (*Crocodylus porosus*) in Malaysia from Appendix I to Appendix II, with wild harvest restricted to the State of Sarawak and a zero quota for wild specimens for the other States of Malaysia (Sabah and Peninsular Malaysia), with no change in the zero quota unless approved by the Parties.

Proponent: Malaysia

Assessment by the Secretariat

CITES background

Crocodylus porosus was included in Appendix I of CITES in 1975 (the populations of Australia, Indonesia and Papua New Guinea have been included in Appendix II since the mid-eighties).

Purpose and impact of the proposal

The proposal seeks to include the population of *C. porosus* of Malaysia in CITES Appendix II. International trade in specimens of the population of *C. porosus* of Malaysia would generally be regulated in accordance with the provisions of Article IV. The provisions of Resolution Conf. 11.12 (Rev. CoP15) would no longer apply to the existing or future commercial breeding operations of this species in Malaysia.

The proposal includes an annotation that would limit the specimens of wild origin to be exported to those originating from Sarawak. The annotation specifies that a zero export quota would be in place for wild specimens of *C. porosus* originating from the two other States of the country, Sabah and Peninsular Malaysia, "*with no change in the zero quota unless approved by the Parties*." If the proposal is adopted, a change in these quotas would require a new amendment proposal, submitted to and agreed by the Conference of the Parties.

Main points made in the supporting statement and general comments

Estuarine crocodiles are widely distributed in Malaysia. In Sarawak, crocodiles are found in all river basins, and the population of wild *C. porosus* in Sarawak has recently been estimated to be over 13,507 non-hatchlings. The supporting statement states that this population has increased significantly over the last 30 years due to successful conservation actions, and that crocodiles are now occupying stretches of rivers previously considered beyond their normal range, including close to human settlements and in man-made canals. Commensurate with the increasing population of adults, there has been a substantial increase in human-crocodile conflict.

The population of *C.* in Peninsula Malaysia is stated to be rather small. In Sabah, crocodile numbers have increased considerably during the last twenty years.

Currently, no direct commercial utilization of wild crocodiles has been reported because crocodiles are legally protected in Malaysia. All trade in live crocodiles, skins and products comes from *C. porosus* farms registered with CITES as commercial captive-breeding facilities for Appendix I species.

There are no recent (post-CITES accession) record of illegal trade in crocodile skin or meat leaving Malaysia, and the supporting statement claims that Malaysia is fully capable of implanting the provisions of Article IV of the Convention.

Sarawak has adopted a Master Plan for Wildlife in Sarawak which provides recommendations and guidelines for a sound management and protection of wildlife and its habitat, which were translated into law and policy. A special Crocodile Management Plan has been developed in recent years to address conservation and utilization of crocodiles in Sarawak. The supporting statement indicates strong technical, political and financial commitment by Sarawak to effetely implement this plan.

Compliance with listing criteria and other CoP recommendations

The available information indicates that *C. porosus* in Sarawak no longer meets the criteria for its inclusion in Appendix I because the population in Malaysia as a whole, and in Sarawak in particular, is not small (over 12,000 animals in Sarawak), has no restricted area of distribution with an apparently growing range, and has continually increased in recent decades in Sarawak and Sabah (little information is provided on the population from Peninsular Malaysia).

The species is clearly in demand for international trade. Concerning the precautionary measures in Annex 4 of Resolution Conf. 9.24 (Rev. CoP16) that need to be taken into consideration for transferring a species from Appendix I to Appendix II, the supporting statement clarifies that the proposed harvest will be experimental and restricted to a maximum of 500 non-hatchling *C. porosus* per year (around 4% of the estimated population) and <2,500 eggs (or their equivalent in hatchlings) for the first three years, with safeguards aimed at reducing these levels of harvest if the population response does not meet expectations. This would be undertaken in the context of an adaptive management approach, aimed at conduct a strictly controlled sustainable harvest in Sarawak that provides economic benefits to local communities being adversely affected by the crocodiles, while retaining viable wild populations. The supporting statement claims that without economic returns, crocodiles are increasingly seen only as pest that should be eradicated.

Little details on Sarawak's existing Crocodile Management Plan are provided, including how harvest and trade in Sarawak are to be controlled. It is also not clear how specimens of *C. porosus* from different sources and origins within the country will be distinguished.

Conclusions and recommendations

The available information suggests that the population of *Crocodylus porosus* in Malaysia does not meet the biological criteria for its inclusion in Appendix I as the wild population is not small (over 12,000 animals in Sarawak alone), has no restricted area of distribution, and has continually increased in recent decades in Sarawak and Sabah (little information is provided on the population from Peninsular Malaysia).

The species is clearly in demand for international trade. However, the proposal appears to meet the precautionary safeguards set out in Annex 4 of Resolution Conf. 9.24 (Rev. CoP16) because the harvest of the wild population will be restricted to a limited number of non-hatchlings and eggs from the population of Sarawak in the context of an adaptive management and monitoring programme, and of Sarawak's Crocodile Management Plan. The supporting statement assures that appropriate enforcement controls are in place to meet the requirements of the Convention, and that there is no recent evidence of illegal trade in crocodile specimens leaving Malaysia. It would nevertheless be useful for the proponent to provide additional information on safeguards concerning its control of harvest and trade; the enforcement of the zero quotas for wild specimens of Sabah and Peninsular Malaysia; and the differentiation between specimens of wild origins and those originating from the existing captive breeding facilities in Malaysia (these captive breeding operations would no longer fall under the purview of Resolution Conf. 11.12 (Rev. CoP15) if the proposal were to be adopted).

Recommendation

Based on the information available at the time of writing, *Crocodylus porosus* in Malaysia does not meet the criteria in Resolution Conf. 9.24 (Rev. CoP16), Annex 1 for its inclusion in Appendix I, and can be transferred to Appendix II in accordance with the precautionary measures in Annex 4 of Resolution Conf. 9.24 (Rev. CoP16).

The Secretariat recommends that this proposal be **adopted**.

Proposal 25

Include *Abronia anzuetoi* Campbell & Frost, 1993; *Abronia campbelli* Brodie & Savage, 1993; *Abronia fimbriata* Cope, 1884; *Abronia frosti* Campbell, Sasa, Acevedo & Mendelson, 1998; and *Abronia meledona* Campbell & Brodie, 1999, in Appendix I and *Abronia aurita* Cope, 1869; *Abronia gaiophantasma* Campbell & Frost, 1993; *Abronia montecristoi* Hidalgo, 1983; *Abronia salvadorensis* Hidalgo, 1983; and *Abronia vasconcelosii* Bocourt, 1871, in Appendix II

Annotation:

a) 0 (zero) export quota for wild specimens

b) 0 (zero) export quota for specimens bred in non-range countries of the species

Proponent: Guatemala

Assessment by the Secretariat

CITES background

This is the first time the species are proposed for listing on the Appendices.

The proposal seeks to prohibit international commercial trade in wild specimens of *A. anzuetoi, A. campbelli, A. fimbriata, A. frosti* and *A. meledona*. If the proposal were adopted, international trade in specimens of these species will be regulated in accordance with the provisions of Article III of the Convention.

The proposal further seeks to include *A. aurita, A. gaiophantasma, A. montecristoi*, *A. salvadorensis* and *A. vasconcelosii* in Appendix II, with zero export quotas for wild specimens and specimens bred in countries other than the range States of these species. If the proposal were adopted, all international trade in wild specimens of these species would effectively be prohibited. Moreover, the annotation would differentiate between countries where *A. aurita, A. gaiophantasma, A. montecristoi*, *A. salvadorensis* or *A. vasconcelosii* are bred in captivity, and limit the right to export such specimens to range States only.

Main points made in the supporting statement and general comments

The species proposed for listing are endemic to Guatemala (8 species); Guatemala, Honduras and El Salvador (1 species); and Honduras and El Salvador (1 species). 2 species are listed on the IUCN Red List as Critically Endangered, 6 species as Endangered, and 2 as Vulnerable. The proposal states that no quantitative data exists regarding the population sizes and population trends of these species but that, according to IUCN, the population trend of 5 species is decreasing and of 5 species is unknown.

The species proposed for listing all have low reproduction rates.

The most serious threats to species are reportedly the loss of habitat due to logging and land use change, and, since about 2006, the collection for the international pet trade. The species are said to be protected under national legislations in Guatemala and El Salvador. The degree of protection afforded in Honduras remains unclear.

It is further said that neither El Salvador, nor Guatemala or Honduras have permitted legal exports. The supporting statement claims that the species are illegally traded internationally at such a level that the number of individuals that are extracted from the populations is greater than the reproduction rates of the species.

Compliance with listing criteria and other CoP recommendations

The proponent asserts that the available information indicates that listing *A. anzuetoi, A. campbelli, A. fimbriata. A. frosti* and *A. meledona* on Appendix I satisfies Criterion A i), ii), and iii) of Annex 1 of Resolution 9.24 (Rev Cop16), due to the species small populations, observed decline in the number of individuals and area and quality of habitat, and a high vulnerability to intrinsic and extrinsic factors.

The proponent further asserts that the available information indicates that listing *A. aurita, A. gaiophantasma, A. montecristoi* and *A. salvadorensis* on Appendix II satisfies Criterion A of Annex 2a) of Resolution 9.24 (Rev

Cop16), i.e., that it is known that the regulation of trade in the species is necessary to avoid them becoming eligible for inclusion in Appendix I in the near future.

The proponent further asserts that the available information indicates that listing *A. vasconcelosii* on Appendix II satisfies Criterion A of Annex 2b) of Resolution 9.24 (Rev Cop16) on the basis that the species resembles species proposed for the inclusion in Appendices I and II.

For *A. aurita, A. gaiophantasma, A. montecristoi*, *A. vasconcelosii* and *A. salvadorensis* the proponent proposes zero export quotas for wild specimens and specimens reproduced in countries other than the range States of these species.

The proponent asserts that it consulted El Salvador and Honduras and that both countries have indicated their support for the proposal.

Conclusions and recommendations

The ten *Abronia* species that are subject of this proposal occur in El Salvador, Honduras and Guatemala. The available information indicates that live specimens have been taken from the wild for the international pet trade, while El Salvador, Honduras and Guatemala do not allow the trade or export of native *Abronia* species. Given the existing identification difficulties, the Secretariat considers that the inclusion of all *Abronia* species in the CITES Appendices would be more effective than the partial listing that is being proposed.

The Secretariat draws the Parties' attention to the annotation for the five species proposed for inclusion in Appendix II, stating "zero export quota for specimens bred in non-range countries of the species". This annotation, if adopted, would differentiate between countries where *A. aurita, A. gaiophantasma, A. montecristoi*, *A. vasconcelosii* or *A. salvadorensis* are bred in captivity, and limit the right to export such specimens to range States only. International trade law, particularly rules on non-discrimination, might apply to these restrictions on trade in captive-bred specimens. Several existing annotations to the Appendices contain a "zero export quota" clause for Appendix II species, which in the view of the Secretariat is more restrictive than an Appendix I listing because it prohibits any trade for commercial as well as non-commercial purposes. In this instance, the annotation would result for non-range States in more restrictions on trade in captive-bred specimens than if the five species were included in Appendix I (under Appendix I, it would be possible to export captive-bred specimens from non-range States for non-commercial purposes, or register commercial breeding operations in non-range States in compliance with Resolution Conf. 12.10 (Rev. CoP15) for which the export limitations would not apply).

Recommendation

The Secretariat supports the inclusion of all species of the genus *Abronia* in the Appendices. Based on the information available at the time of writing, the Secretariat recommends that this proposal be discussed in conjunction with proposal 26, which seeks to list the genus in Appendix II. The Secretariat also draws the Parties' attention to the annotation for the five species proposed for inclusion in Appendix II.

The Secretariat recommends that this proposal be **rejected in favour of proposal 26.**

Note to Parties

With regard to the captive breeding of species in the *Abronia* genus, the Secretariat notes that Resolution Conf. 13.9 considers the cooperation between Parties with *ex situ* breeding operations and those with *in situ* conservation programmes, but that this Resolution is limited to Appendix-I animal species, and does not comprehensively explore the possibilities in which range States and non-range States could collaborate in this regard. Parties may wish to consider a revision of Resolution Conf. 13.9 with a view to broadening its scope and fully addressing these matters.

Proposal 26

Include the genus *Abronia* (29 species) in Appendix II

Proponent: The European Union and Mexico

Assessment by the Secretariat

CITES background

This is the first time the genus is proposed for listing on the Appendices.

Purpose and impact of the proposal

The proposal seek to include *Abronia* spp. in Appendix II. If the proposal is adopted, international trade in specimens of the genus will be regulated in accordance with the provisions of Article IV of the Convention.

Main points made in the supporting statement and general comments

The *Abronia* genus comprises 29 species: 19 can be found in Mexico (18 of which are endemic), 9 in Guatemala (8 endemic), 2 in Honduras (1 endemic), and 1 in El Salvador (none endemic). 2 species are listed on the IUCN Red List as Critically Endangered, 12 species as Endangered, 6 as vulnerable, 7 as data deficient, and 2 as Least Concern. 12 species are considered to have declining populations, 2 species have stable populations and for 14 species the population trend is unknown. 4 species are known only as holotypes and 10 species are known only from a small number of individuals. The species of the *Abronia* genus have low reproduction rates.

There is great inter-species variability in *Abronia* spp. in terms of external morphological characteristics. For non-specialists it is therefore difficult to differentiate the species of the genus.

Deforestation is the most serious threat to species from the *Abronia* genus. The supporting statement indicates that, in addition to the loss of habitat, collection for the international pet trade is another threat for, at the very least, *A. deppii, A. graminea, A. mixteca*, and *A. taeniata*. A number of species identified as endemic to Mexico and Guatemala have been reported in legal trade in China, the Czech Republic, Germany, Switzerland, the United Kingdom and the United States of America. Furthermore, it is said that 5 species endemic to Mexico and 4 species endemic to Guatemala have been found in illegal trade, but no further details are provided.

Compliance with listing criteria and other CoP recommendations

The proposal states that the available information indicates that listing *Abronia* spp. on Appendix II satisfies Criterion A of Annex 2a) of Resolution 9.24 (Rev. CoP16).

Mexico presented the information contained in the present proposal to the Animals Committee at its 28th meeting, and requested advice from the Committee on the possible inclusion of the genus in Appendix II. The Animals Committee took note of the proposal to consider the genus in Appendix II. In the discussion several speakers noted the need for better protection of the *Abronia* genus.

The proponents indicate that they consulted the range States El Salvador, Guatemala and Honduras on the proposal, and that El Salvador and Honduras indicated their support. El Salvador, Honduras and Guatemala stated that they would present to the Conference of the Parties a separate proposal for the listing *Abronia* species on the CITES Appendices.

Conclusions and recommendations

The available information indicates that a number of species of the genus *Abronia* (i.e. *A. anzuetoi, A. campbelli* and *A. frosti* – cfr. Proposal 25) are known to have small wild populations and very restricted ranges, which are stated to be affected by ongoing habitat degradation. There is international demand for live specimens of *Abronia* spp. for the pet trade. It is furthermore difficult to differentiate the species of the genus.

It therefore appears that at least *A. anzuetoi, A. campbelli* and *A. frosti* meet criterion A of Annex 2 a) of Resolution 9.24 (Rev. CoP16), while the other species of the *Abronia* genus meet criterion B of Annex 2 a) of Resolution 9.24 (Rev. CoP16).

Recommendation

Based on the information available at the time of writing, all of the species in the genus *Abronia* spp. meet the criteria in either Resolution Conf. 9.24 (Rev. CoP16), Annex 2 a, criterion A, or criterion B for their inclusion in Appendix II in accordance with Article II, paragraph 2 (a) of the Convention.

The Secretariat recommends that this proposal be **adopted.**

Note to Parties

The Secretariat would like to invite the proponents to consider their proposal together with proposal 25, submitted by Guatemala, which seeks to list 10 *Abronia* species endemic to El Salvador, Guatemala and Honduras on Appendices I and II, with zero export quotas for wild specimens and specimens reproduced in countries other than the range States of the species.

Proposal 27

Include the genera *Rhampholeon* spp. and *Rieppeleon* spp. in Appendix II

Proponent: Central African Republic, Chad, Gabon, Kenya, Nigeria and the United States of America

Assessment by the Secretariat

CITES background

This is the first time the two genera are proposed for listing on the Appendices, with the exception of *Rhampholeon spinosus* which has been listed in Appendix II under its old name *Bradypodion spinosum* since 1977. All chameleons other than *Rhampholeon spp.* and *Rieppeleon spp.* are listed in CITES Appendix II (except for *Brookesia perarmata*, which is listed in Appendix I).

Purpose and impact of the proposal

The proposal seek to include *Rhampholeon spp.* (22 species) and *Rieppeleon spp.* (3 species) in Appendix II. If the proposal is adopted, international trade in specimens of these genera will be regulated in accordance with the provisions of Article IV of the Convention.

Main points made in the supporting statement and general comments

The IUCN Red List lists four *Rhampholeon* spp. as Critically Endangered, four as Endangered, three as Vulnerable, six as Least Concern, and one as Near Threatened; the three *Rieppeleon* spp. are listed as Least Concern. Habitat destruction and degradation is the most serious risk to *Rhampholeon* spp. and *Rieppeleon spp.*, while collection for the international pet trade is also a threat. Species of the two genera have low reproduction rates.

International trade in *Rhampholeon spp*. and *Rieppeleon spp.* is neither monitored nor regulated (except for *Rhampholeon spinosus/Bradypodion spinosum)*. The information in the proposal suggests that trade volumes in the two genera are high, with the USA having imported 175,841 wild-sourced specimens between 1999 and 2014, and that trade seems to be increasing. The proposal claims that the two genera have long been spared from large scale exploitation for the international pet trade. However, possibly as a consequence of trade restrictions for other chameleons, the two genera are now commonly offered in the international pet trade, most notably in Europe and the USA. The main exporting country is Tanzania, followed by Equatorial Guinea, Cameroon and Guinea. Congo has also exported small numbers of pygmy chameleons to other countries.

The species in the taxa *Rhampholeon spp*. and *Rieppeleon spp.* are similar in appearance, and exporters are often unable to distinguish between species. It is said that numerous unspecified/incorrect trade records are strong arguments for a listing of both genera.

Compliance with listing criteria and other CoP recommendations

The standard nomenclature references for the taxa covered by the present listing proposal are proposed for adoption under agenda item 81 on standard nomenclature.

The proposal states that the available information indicates that listing *Rhampholeon spp*. and *Rieppeleon spp.* on Appendix II satisfies Criterion B of Annex 2a of Resolution 9.24 (Rev Cop16), with regards to the following taxa:

Rhampholeon (Rhampholeon) spectrum

Rhampholeon (Rhampholeon) temporalis

Rhampholeon (Rhampholeon) viridis

Rhampholeon (Rhinodigitum) acuminatus

Rhampholeon (Rhinodigitum) uluguruensis

Rieppeleon brevicaudatus

Rieppeleon kerstenii

The available information suggests that listing *Rhampholeon spp.* and *Rieppeleon spp.* on Appendix II satisfies Criterion A, Annex 2 (b) of Res. Conf. 9.24 (Rev. CoP16) with regards to the following taxa:

Rhampholeon (Bicuspis) gorongosae

Rhampholeon (Bicuspis) marshalli

Rhampholeon (Rhinodigitum) beraduccii

Rhampholeon (Rhinodigitum) boulengeri

Rhampholeon (Rhinodigitum) chapmanorum

Rhampholeon (Rhinodigitum) moyeri

Rhampholeon (Rhinodigitum) platyceps

Rhampholeon (Rhinodigitum) nchisiensis

Rhampholeon (Rhinodigitum) nebulauctor

Rhampholeon (Rhinodigitum) maspictus

Rhampholeon (Rhinodigitum) bruessoworum

Rhampholeon (Rhinodigitum) tilburyi

Rhampholeon hattinghi

Rieppeleon brachyurus

The proponents consulted Burkina Faso, Côte d'Ivoire, Democratic Republic of the Congo, Ghana, Guinee-Bissau, Liberia, Mali, Mauritania, Niger, Senegal, Sierra Leone and Togo that agreed to support the proposal at CoP17.

Conclusions and recommendations

Distinguishing between live specimens of the different species of *Rhampholeon* spp. and *Rieppeleon* spp. is difficult because of their similarity. Shipments labelled "assorted pygmy chameleons" have been found to contain wild caught specimens of *Rhampholeon* spp., including the CITES-listed *Rhampholeon spinosus/Bradypodion spinosum*. The Secretariat therefore considers that all the other *Rhampholeon* spp. and *Rieppeleon* spp. satisfy criterion A, Annex 2 b of Resolution Conf. 9.24 (Rev. CoP16) (look-alike) for their inclusion in the CITES Appendices.

Recommendation

Based on the information available at the time of writing, the species in the genera *Rhampholeon* spp. and *Rieppeleon* spp. not already included in the Appendices meet the criteria in Resolution Conf. 9.24 (Rev. CoP16), Annex 2 b, criterion A, for their inclusion in Appendix II in accordance with Article II, paragraph 2 (b) of the Convention.

The Secretariat recommends that this proposal be **adopted.**

Note to Parties

The Secretariat recommends that proposal 27 be discussed together with proposal 28 by Kenya that also concerns the inclusion of *Rhampholeon* spp. and *Rieppeleon* spp. in Appendix II. The Secretariat notes that the main difference between proposals 27 and 28 is the justification for listing *Rhampholeon (Rhinodigitum) nchisiensis*. Proposal 27 states that the taxon is proposed for listing in satisfaction of criterion A of Annex 2 b of Resolution Conf. 9.24 (Rev. CoP16), while proposal 28 states that the taxon satisfies criterion B of Annex 2 a of Resolution Conf. 9.24 (Rev. CoP16) for its inclusion.

Proposal 28

Include the genera *Rhampholeon* spp. and *Rieppeleon* spp. in Appendix II

Proponent: Kenya

Assessment by the Secretariat

CITES background

This is the first time the two genera are proposed for listing on the Appendices, with the exception of *Rhampholeon spinosus* which has been listed in Appendix II under its old name *Bradypodion spinosum* since 1977. All chameleons other than *Rhampholeon spp.* and *Rieppeleon spp.* are listed in CITES Appendix II (except for *Brookesia perarmata*, which islisted in Appendix I).

Purpose and impact of the proposal

The proposal seek to include *Rhampholeon spp.* (22 species) and *Rieppeleon spp.* (3 species) in Appendix II. If the proposal is adopted, international trade in specimens of these genera will be regulated in accordance with the provisions of Article IV of the Convention.

Main points made in the supporting statement and general comments

The IUCN Red List lists four *Rhampholeon spp*. as Critically Endangered, four as Endangered, three as Vulnerable, six as Least Concern, and one as Near Threatened; the three *Rieppeleon spp*. are listed as Least Concern. Habitat destruction and degradation is the most serious risk to *Rhampholeon spp.* and *Rieppeleon spp.* and collection for the international pet trade is also a threat. Species of the two genera have low reproduction rates.

International trade in *Rhampholeon spp.* and *Rieppeleon spp.* is neither monitored nor regulated (except for *Rhampholeon spinosus*). The information in the proposal suggests that there is an increasing market for African pygmy chameleons in the international pet trade, believed to be in reaction to CITES listings of other small chameleons (i.e. *Brookesia* spp. in 2002). Tanzania, followed by Equatorial Guinea, Cameroon and Guinea, are said to have been the leading exporters of African pygmy chameleons. The proposal states that according to US trade data, the USA recorded the import of 185,533 animals as “Rhampholeon” from 2001 to 2014.

The taxa of *Rhampholeon spp.* and *Rieppeleon spp.* are stated to be similar in appearance, and exporters are often unable to distinguish between species of within these genera and from some species of the genera *Bradypodion*.

Compliance with listing criteria and other CoP recommendations

The standard nomenclature references for the taxa covered by the present listing proposal, are proposed for adoption under agenda item 81 on standard nomenclature.

The proposal states that the available information indicates that listing *Rhampholeon spp.* and *Rieppeleon spp.* on Appendix II satisfies Criterion B of Annex 2a of Resolution 9.24 (Rev Cop16), with regards to the following taxa:

Rhampholeon spectrum

Rhampholeon temporalis

Rhampholeon viridis

Rhampholeon acuminatus

Rhampholeon uluguruensis

Rhampholeon nchisiensis

Rieppeleon brevicaudatus

Rieppeleon kerstenii

The available information indicates that listing *Rhampholeon spp.* and *Rieppeleon spp.* on Appendix II satisfies Criterion A, Annex 2 (b) of Res. Conf. 9.24 (Rev. CoP16), with regards to the following taxa:

Rhampholeon gorongosae

Rhampholeon marshalli

Rhampholeon beraduccii

Rhampholeon boulengeri

Rhampholeon chapmanorum

Rhampholeon moyeri

Rhampholeon platyceps

Rhampholeon nebulauctor

Rhampholeon maspictus

Rhampholeon bruessoworum

Rhampholeon tilburyi

Rhampholeon hattinghi

Rieppeleon brachyurus

The proponent asserts that consultations are ongoing and that Senegal has confirmed its support for the proposal.

Conclusions and recommendations

Distinguishing between live specimens of the different species of *Rhampholeon* spp. and *Rieppeleon* spp. is difficult because of their similarity. Shipments labelled "assorted pygmy chameleons" have been found to contain wild caught specimens of *Rhampholeon* spp., including the CITES-listed *Rhampholeon spinosus/Bradypodion spinosum*. The Secretariat therefore considers that all the other *Rhampholeon* spp. and *Rieppeleon* spp. satisfy criterion A of Annex 2 b of Resolution Conf. 9.24 (Rev. CoP16) (look-alike) for their inclusion in the CITES Appendices.

Recommendation

Based on the information available at the time of writing, the species in the genera *Rhampholeon* spp. and *Rieppeleon* spp. not already included in the Appendices meet the criteria in Resolution Conf. 9.24 (Rev. CoP16), Annex 2 b, criterion A, for their inclusion in Appendix II in accordance with Article II, paragraph 2 (b) of the Convention.

The Secretariat recommends that this proposal be **adopted.**

Note to Parties

The Secretariat recommends that the proposal 28 be discussed together with proposal 27 by the Central African Republic, Chad, Gabon, Kenya, Nigeria, and United States of America to list *Rhampholeon spp.* and *Rieppeleon spp.* in Appendix II. The Secretariat notes that the main difference between proposals 27 and 28 is the justification for listing *Rhampholeon nchisiensis*. Proposal 27 states that the taxon is proposed for listing in satisfaction of criterion A of Annex 2 b of Resolution Conf. 9.24 (Rev. CoP16), while proposal 28 states that the taxon satisfies criterion B of Annex 2 a of Resolution Conf. 9.24 (Rev. CoP16) for its inclusion.

Proposal 29

Include *Cnemaspis psychedelica* in Appendix I

Proponent: The European Union and Viet Nam

Assessment by the Secretariat

CITES background

This is the first time the species is proposed for listing on the Appendices.

Purpose and impact of the proposal

The proposal seeks to include *Cnemaspis psychedelica* in Appendix I. Trade in the species would be regulated in accordance with Article III of the Convention.

Main points made in the supporting statement and general comments

The psychedelic rock gecko, *Cnemaspis psychedelica,* is a sexually dimorphic gecko with an attractive patterning that is endemic to the 8 km^2 large Hon Khoai Island in southern Viet Nam. It is described as a microhabitat specialist, preferring large, granite boulders covered by forest canopy, a habitat which makes up 5-6 km^2 of the island. A preliminary assessment in November 2015 estimated the total population at 732 individuals, of which 507 would be mature. Being based on a one-off assessment, no population trend is available. The proposal contains limited information on the biological characteristics and productivity of the species, but based on observations and inference from a closely related species, *C. boulengerii*, the supporting statement indicates that the species is probably sedentary and has a low reproductive rate. There has recently been a first successful reproduction in captivity.

The supporting statement claims that the habitat of *C. psychedelica* does currently not have special priority for conservation for Viet Nam, and that the species is not protected. However, according to national law, the catching, trapping and caging of forest animals must be permitted by competent state bodies. Habitat degradation has been identified as a threat, but access to the island is currently generally prohibited. Another reported threat to the species is predation by the illegally introduced *Macaca fascicularis.*

There is no reported national utilization or legal trade, but the CITES Management Authority of Viet Nam reports information on poaching and illegal trade. The species is on offer online for the international pet trade, in particular in the Russian Federation and European Union. Due to the lack of data it not possible to assess the sustainability of any harvest of the species. The presumably small population size and low reproductive rate combined suggest a potentially low capacity to recover from overharvesting.

Compliance with listing criteria and other CoP recommendations

From the information presented in the proposal, it can be concluded that the species may be affected by trade according to the definition in Annex 5 ii), and that it qualifies for inclusion in Appendix I by satisfying criterion B of Annex 1 of Resolution Conf. 9.24 (Rev. CoP16), i.e. the wild population has a restricted area of distribution and is characterized by fragmentation or occurrence at very few locations. The species possibly qualifies as having a “small wild population” according to the definition in Annex 5 Resolution Conf. 9.24 (Rev. CoP16). The information also confirms that existing management measures are limited.

Conclusions and recommendations

While the information on *Cnemaspis psychedelica* contained in the supporting statement is limited in many aspects, in particular biological characteristics, population trends, and levels and trends of international trade, the proposal presents sufficient information to infer that the species may be affected by trade, and because of its small population and very restricted area of occurrence, meets the criteria for inclusion in CITES Appendix I.

Recommendation

Based on the information available at the time of writing, *Cnemaspis psychedelica* meets the biological criteria in Resolution Conf. 9.24 (Rev. CoP16), Annex 1 for its inclusion in Appendix I.

The Secretariat recommends that this proposal be **adopted.**

Proposal 30

Include *Lygodactylus williamsi* in Appendix I

Proponent: The European Union and the United Republic of Tanzania

Assessment by the Secretariat

CITES background

This is the first time this species is proposed for listing in the Appendices.

Purpose and impact of the proposal

The proposal seeks to prohibit international commercial trade in specimens of wild origin of *Lygodactylus williamsi.* If the proposal is adopted, international trade in specimens of this species will be regulated in accordance with the provisions of Article III of the Convention.

Main points made in the supporting statement and general comments

L. williamsi is a diurnal, territorial gecko, endemic to a few isolated patches of forest in eastern United Republic of Tanzania. It is said to occur in four localities in eastern Tanzania. The extent of occurrence was estimated to be 20 km²; and within this area the area of occupancy was estimated to be less than 8 km². The population is said to be fragmented, as the four known subpopulations are isolated with a lack of suitable habitat to facilitate migration between them.

L. williamsi is classified in the IUCN Red List as Critically Endangered. According to the IUCN Red List assessment, the total population of the species was reported to be decreasing. One of the populations was calculated to be approximately 150,000 individuals in 2009, and was estimated to have declined by one third since 2004 when the collection for the international pet trade began.

The main threat to *L. williamsi* is reportedly over-collection for the pet trade. The species mainly occurs within protected areas and no collection or export of the species has been permitted, yet international trade persists. It is furthermore said that national controls have so far been ineffective in managing collection and trade, and that, although this is an endemic species, an Appendix III listing may not achieve any additional benefits.

Compliance with listing criteria and other CoP recommendations

The available information indicates that listing *L. williamsi* on Appendix I satisfies Criteria B i) and iv) of Annex 1 of Resolution 9.24 (Rev Cop16).

Conclusions and recommendations

Lygodactylus williamsi has a very restricted and fragmented area of distribution. Due to habitat loss and illegal collection for the international pet trade, the species seems to have undergone a marked decline of its population size in the wild and meets the biological criteria for Appendix I.

Recommendation

Based on the information available at the time of writing, *Lygodactylus williamsi* meets the biological criteria in Resolution Conf. 9.24 (Rev. CoP16), Annex 1 for its inclusion in Appendix I.

The Secretariat recommends that this proposal be **adopted.**

Proposal 31

Include *Paroedura masobe* in Appendix II

Proponent: The European Union and Madagascar

Assessment by the Secretariat

CITES background

This is the first time the species is proposed for listing on the Appendices.

Purpose and impact of the proposal

The proponents seek to include *Paroedura masobe* (Masobe gecko) in Appendix II. If the proposal is adopted, international trade in specimens of these taxa will be regulated in accordance with the provisions of Article IV of the Convention.

Main points made in the supporting statement and general comments

There are currently 15 species of the genus *Paroedura. Paroedura masobe* is a nocturnal gecko, endemic to low- and mid-elevation forests in central eastern Madagascar. The extent of its range is reportedly 410 km^2; with approximately 100 km^2 of suitable habitat. It is further said that current knowledge indicates a severely fragmented population. No information is presented concerning the size of the *P. Masobe* population, but it is suspected to be declining. The species is categorized as Endangered in the IUCN Red List.

The most important threats to *P. masobe* are habitat loss and degradation, due to forest conversion into farmland. The species is considered very attractive and iconic, and is captured to supply the international pet trade. Exports from Madagascar between 2010 and 2015 show a variation of between 2 and 505 individuals per year, based on external demand. Quoted trade records from the USA show that 293 wild-caught individuals were imported from Madagascar between 2011 and 2015. Additional imports of 53 captive-bred individuals from Canada, Germany and the United Arab Emirates were reported between 2011 and 2015. Large numbers of specimens of *P. masobe* are believed to be imported illegally into Europe.

Madagascar placed a moratorium on exports of the species, which is in effect since June 2015.

Compliance with listing criteria and other CoP recommendations

The available information indicates that listing *P. masobe* on Appendix II satisfies Criterion B of Annex 2a of Resolution 9.24 (Rev. CoP16).

Conclusions and recommendations

Paroedura masobe has a small and fragmented area of distribution. There is no information on the overall population status, but the population appears to be declining due to a continuing decline in the quality and extent of its habitat. The species is in trade for the international pet market and the available information indicates that regulation of trade in the species is necessary in order to ensure that the harvest of specimens from the wild does not reduce the wild population to a level at which its survival might be threatened by continued harvesting or other influences.

Recommendation

Based on the information available at the time of writing, *Paroedura masobe* meets criterion B in Resolution Conf. 9.24 (Rev. CoP16) Annex 2 a for its inclusion in Appendix II in accordance with Article II, paragraph 2 (a) or 2 (b) of the Convention.

The Secretariat recommends that this proposal be **adopted.**

Proposal 32

Include Lanthanotidae spp. in Appendix I

Proponent: Malaysia

CITES background

This is the first time that the species is proposed for listing on the Appendices. An earlier version of the proposal was presented by Malaysia to the Animals Committee at its 28th meeting in 2015 (see document AC28 Doc. 22. 5).

Purpose and impact of the proposal

The proposal seeks to include the family Lanthanotidae spp. in Appendix I. *Lanthanotus borneensis* (Earless Monitor Lizard) is the sole species in the family Lanthanotidae spp. Trade in the taxon would be regulated in accordance with Article III of the Convention.

Main points made in the supporting statement and general comments

L. borneensis is a semi-aquatic, nocturnal, burrowing lizard which occurs on Borneo. From the limited data available, it appears largely restricted to low-land habitats in the North-West of the island. Its potential range includes Brunei Darussalam, Indonesia and Malaysia, but it has only been reported from the latter two range states. As it is an elusive and cryptic species, partly due to its ecology and habitat, there is very limited information available on the population size, structure and trends, as well as the biology of the species. A Japanese Zoo appears to have successfully captive-bred the species.

L. borneensis is fully protected in Malaysia since 1971; in Brunei Darussalam since 1978; and in Indonesia since 1980. There is no known national utilization in the range States. Possible non-trade related threats to the species reported in the supporting statement include land-use change and deforestation, and it is acknowledged that a decline in the area, extent and quality of its habitat has occurred. The proposal outlines general habitat conservation efforts in the range of the species.

There is only limited information about the current level of off-take from the wild, but there are documented cases of trade to the United States of America, of a captive breeding operation in Japan, and of increasing availability of the species in online markets across Europe for collectors. Demand for the species is reportedly high, with prices up to 7,500 to 9,000 USD per individual.

Given the lack of quantitative information on biological and trade, no assessment of the current conservation status or sustainability of any potential utilization seems possible.

Compliance with listing criteria and other CoP recommendations

L. borneensis is reported to be affected by trade. The criteria for an Appendix I listing under Resolution Conf. 9.24. (Rev. CoP 16), Annex 1 B) i) is fulfilled. The proponents argue that the criteria in Annex 2 a, B are also fulfilled, but these are used to justify an inclusion in Appendix II-listing, and not for Appendix I listings.

From the information that is available on range, habitat and threats, including deforestation and land use change, it can be inferred that the species most likely has a restricted, and fragmented area of occurrence. Documented as well as anecdotal reports of trade, despite all range States having national legislation in place to protect the species, supports the argument that international regulation of trade will positively affect the conservation status of the species.

<u>Conclusions and recommendations</u>

While the information contained in the supporting statement on most aspects of Lanthanotidae spp. is very limited, it presents sufficient information to infer that the taxon has a restricted fragmented area of occurrence, and is or may be affected by trade, and it appears to meet the biological criteria for Appendix I. It is protected through domestic legislation in all range States.

Recommendation

Based on the information available at the time of writing, Lanthanotidae spp. appears to meet the biological criteria in Resolution Conf. 9.24 (Rev. CoP16), Annex 1 for its inclusion in Appendix I.

The Secretariat recommends that this proposal be **adopted.**

Proposal 33

Transfer *Shinisaurus crocodilurus* Ahl, 1930 from Appendix II to Appendix I

Proponent: China, the European Union and Viet Nam

Assessment by the Secretariat

CITES background

The species was included in Appendix II in 1990.

Purpose and impact of the proposal

The proposal seek to prohibit international commercial trade in specimens of wild origin of *Shinisaurus crocodilurus.* If the proposal is adopted, international trade in specimens of the species will be regulated in accordance with the provisions of Article III of the Convention.

Main points made in the supporting statement and general comments

S. crocodilurus is a semi-aquatic lizard that occurs in southern China and northern Viet Nam. The supporting statement states that the wild population has an inferred size of about 1,050 individuals (China: 950; Viet Nam: 100). Its area of distribution is small and fragmented. Estimated total population densities in China were about 6,000 individuals in 1978 and dramatically decreased to about 2,500 individuals in 1990 (when the species was included in CITES Appendix II), and to about 950 individuals in 2004. Recent research is said to reveal that the species is facing extinction at most sites, except of one monitored population in China.

S. crocodilurus has been classified as Endangered on the IUCN Red List.

Illegal international and national trade are regarded as the greatest threats to the species. The species has appealing characters that makes it extremely attractive for the pet market because of its resemblance to a crocodile, its diverse color pattern, its semiaquatic lifestyle and convenient size.

Compliance with listing criteria and other CoP recommendations

The available information indicates that listing *Shinisaurus crocodilurus* on Appendix I satisfies Criteria A i), ii), iv) and v); Criteria B i), iii) and iv) and Criteria C i) and ii) of Annex 1 of Resolution 9.24 (Rev. CoP16).

Conclusions and recommendation

Shinisaurus crocodilurus appears to have a small population size and a restricted and fragmented area of distribution, and has undergone a marked population decline due to excessive overexploitation and trade, and meets the biological criteria for Appendix I.

Recommendation

Based on the information available at the time of writing, *Shinisaurus crocodilurus* meets the biological criteria in Resolution Conf. 9.24 (Rev. CoP16), Annex 1 for its inclusion in Appendix I.

The Secretariat recommends that this proposal be **adopted.**

Proposal 34

Include *Atheris desaixi* in Appendix II

Proponent: Kenya

Assessment by the Secretariat

CITES background

Atheris desaixi has been proposed Kenya for listing on the Appendix II at the 13th meeting of the Conference of the Parties in 2004 (Proposal 30). The proposal was withdrawn.

Purpose and impact of the proposal

The proposal seeks to include *Atheris desaixi* (Ashe's bush viper) in Appendix II. If the proposal is adopted, international trade in specimens of these taxa will be regulated in accordance with the provisions of Article IV of the Convention.

Main points made in the supporting statement and general comments

A. desaixi is endemic to Kenya and has a restricted range in mid-attitude forests in central Kenya. The species is said to be in decline in its known sites to the extent of depletion, which is reportedly a result of habitat degradation and illegal collection. Natural densities are very low and a population census is very difficult to carry out. The supporting statement claims that no meaningful monitoring of trade is possible without a CITES listing, and that no records exist as all trade is illegal. There is evidence of international live trade to meet demands for zoos and private collections, mainly in Europe and USA. There is also evidence that it is very hard to breed this species in captivity, and that the majority of the specimens in trade were obtained directly from wild collections.

Compliance with listing criteria and other CoP recommendations

The available information indicates that listing *Atheris desaixi* on Appendix II satisfies the criteria of Annex 2a of Resolution 9.24 (Rev Cop16).

Conclusions and recommendations

Atheris desaixi is endemic to Kenya and has a restricted area of distribution. The proposal contains little information on the conservation status of the species. The population size is unknown but is likely to be small. The supporting statement suggests that, due to habitat loss and trade, the population is in decline. The supporting statement reports that there is an increasing market for *A. desaixi* in the international pet trade, but gives no further details. The species is protected by domestic law in Kenya. Wild caught individuals are reportedly selling in the European market for 4,000 EUR. According to IUCN, the species may meet the criteria for its inclusion in Appendix I.

Recommendation

Based on the information available at the time of writing, *Atheris desaixi* meets the criteria in Resolution Conf. 9.24 (Rev. CoP16), Annex 2 a, criteria A and/or B for its inclusion in Appendix II in accordance with Article II, paragraph 2 (a) of the Convention.

The Secretariat recommends that this proposal be **adopted**.

Proposal 35

Include *Bitis worthingtoni* in Appendix II

Proponent: Kenya

Assessment by the Secretariat

CITES background

Bitis worthingtoni has been proposed Kenya for listing on the Appendix II at CoP13 (Proposal 31). The proposal was withdrawn.

Purpose and impact of the proposal

The proposal seek to include *Bitis worthingtoni* (Kenya horned viper) in Appendix II. If the proposal is adopted, international trade in specimens of these taxa will be regulated in accordance with the provisions of Article IV of the Convention.

Main points made in the supporting statement and general comments

B. worthingtoni is endemic to Kenya where it has a restricted range in high altitude areas of the Rift valley and adjacent highland plateaus. The populations are reported and inferred to be in decline or depleted resulting from habitat degradation, habitat loss and illegal collection. However, no further details are provided to substantiate these claims.

The proposal furthermore asserts that estimating the wild population size of *B. worthingtoni* is hard as it occurs in very low densities.

All current trade in the species trade is said to be illegal. It is said that there is evidence of international live trade to meet demands for zoos and private collections mainly in Europe and USA. The species is stated to be very hard to breed in captivity, and that therefore the majority of specimens in trade are suspected to be of wild origin.

Compliance with listing criteria and other CoP recommendations

The proposal claims that the available information indicates that listing *Bitis worthingtoni* on Appendix II satisfies the criteria of Annex 2a of Resolution 9.24 (Rev. CoP16). However, the supporting statement does not provide enough evidence to substantiate this claim.

Conclusions and recommendations

Bitis worthingtoni is endemic to Kenya. The proposal contains little information on the conservation status of the species. The population size is unknown and the available information suggests that the area of distribution is limited, but not restricted in the sense of Resolution 9.24 (Rev. CoP16). The supporting statement reports that there is an increasing market for *B. worthingtoni* in the international pet trade, but gives no further details. Other available information indicates very few recorded instances of trade at very low quantities. The species is protected by domestic law in Kenya.

In view of the low volume of actual or projected international trade, there is not enough evidence to claim that harvesting of specimens of this species from the wild for international trade has, or may have, a detrimental impact on the species by either exceeding, over an extended period, the level that can be continued in perpetuity or reducing the population to a level at which its survival would be threatened by other influences.

Recommendation

Based on the information available at the time of writing, *Bitis worthingtoni* does not meet the criteria in Resolution Conf. 9.24 (Rev. CoP16), Annex 2 for its inclusion in Appendix II in accordance with Article II, paragraph 2 (a) of the Convention.

The Secretariat recommends that this proposal be **rejected**.

Kenya may wish to consider including *Bitis worthingtoni* in Appendix III.

Proposal 36

Include the following six species of the Family Trionychidae in Appendix II: *Cyclanorbis elegans, Cyclanorbis senegalensis, Cycloderma aubryi, Cycloderma frenatum, Trionyx triunguis* and *Rafetus euphraticus*

Proponent: Burkina Faso, Chad, Gabon, Guinea, Liberia, Mauritania, Nigeria, Togo and the United States of America

Assessment by the Secretariat

CITES background

It is the first time that these species are proposed for listing in the Appendices (with the exception of *Trionyx triunguis* of which the population of Ghana was listed on Appendix III from 1976 to 2007). Various other taxa of the Family of Trionychidae are listed on Appendices I or II. The present proposal focuses on five African and one Middle Eastern species of the Family Trionychidae.

Purpose and impact of the proposal

The proposal seeks to include *Cyclanorbis elegans, Cyclanorbis senegalensis, Cycloderma aubryi, Cycloderma frenatum, Trionyx triunguis* and *Rafetus euphraticus* in Appendix II. If the proposal is adopted, international trade in specimens of these taxa will be regulated in accordance with the provisions of Article IV of the Convention.

Main points made in the supporting statement and general comments

Softshell turtles of the family Trionychidae occur in Asia, Africa, the Middle East and North America. In 2013, eight Asian species of Trionychidae were included in CITES Appendix II, and two were transferred from Appendix II to Appendix I. Thereby trade in all Asian species of this family became regulated under CITES. The proposal asserts that as Asian softshell turtle species are depleted and as their trade is increasingly regulated and restricted through CITES and domestic measures, international he trade has started to shift to other turtle sources in the United States, Africa and Middle East to meet the commercial demand.

The proposal further states that *Cyclanorbis elegans, Cyclanorbis senegalensis, Cycloderma aubryi, Cycloderma frenatum, Trionyx triunguis* and *Rafetus euphraticus* are vulnerable to overexploitation because of biological characteristics/life history traits, including adult longevity, late maturity, limited annual reproductive output, and high juvenile/egg mortality.

It is said that Softshell turtles of the family Trionychidae are among the most highly valued freshwater turtle species in international trade, however, since African and Middle Eastern species are currently not listed in CITES no legal trade database exists and the data available is generally scarce.

The proposal reefers to the IUCN/SSC Tortoise and Freshwater Turtle Specialist Group's Red-Listing workshop on *Conservation Status of the Tortoises and Freshwater Turtles of Sub-Saharan Africa* which was held in Lomé, Togo, in August 2013. This resulted in the following draft assessments to replace older Red List assessments from 1996: *Cyclanorbis elegans* [draft Critically Endangered], *Rafetus euphraticus* [draft Endangered], *Cyclanorbis senegalensis* [draft Vulnerable], *Cycloderma aubryi* [draft Vulnerable], *Cycloderma frenatum* [draft not evaluated], and *Trionyx triunguis* [draft Vulnerable].

Compliance with listing criteria and other CoP recommendations

The available information indicates that listing *Cyclanorbis elegans, Cyclanorbis senegalensis, Cycloderma aubryi, Cycloderma frenatum, Trionyx triunguis* and *Rafetus euphraticus* on Appendix II satisfies Criterion B of Annex 2a of Resolution Conf. 9.24 (Rev CoP16).

The proponents sent consultation letters to all 42 range countries of the species concerned. Gabon, Iraq, Israel, Nigeria and Turkey indicated their support of the proposal. In addition to the letters, a CITES CoP17 Coordination Workshop between West and Central African countries was held in Senegal in March 2016. All countries at the workshop (Burkina Faso, Central African Republic, Chad, Côte d'Ivoire, Congo, Democratic Republic of the Congo, Gabon, Ghana, Guinea, Guinee-Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone, and Togo) agreed by consensus to support the present proposal.

Conclusions and recommendations

The supporting statement provides little relevant information on the five African and one Middle Eastern freshwater turtle species concerned. Twenty-six taxa of the family of *Trionychida*e, mainly distributed in Asia, are currently already included in Appendices I or II. While it is not yet known if the six species that are the subject of this proposal are traded internationally at any significant levels, it could reasonably be inferred or projected that trade may increase if trade patterns shift from Asian species of softshell turtles to non-Asian species, as has been observed in the past. The trade needs to be regulated by CITES to prevent threats to wild pollutions from overharvesting.

Recommendation

Based on the information available at the time of writing, *Cyclanorbis elegans, Cyclanorbis senegalensis, Cycloderma aubryi, Cycloderma frenatum, Trionyx triunguis* and *Rafetus euphraticus* meet the criteria in Resolution Conf. 9.24 (Rev. CoP16), Annex 2 a, criterion B for their inclusion in Appendix II in accordance with Article II, paragraph 2 (a) of the Convention.

The Secretariat recommends that this proposal be **adopted.**

Proposal 37

Transfer *Dyscophus antongilii* from Appendix I to Appendix II

Proponent: Madagascar

Assessment by the Secretariat

CITES background

Dyscophus antongilii, the tomato frog, has been included in Appendix I since 1987. It is one of three species in the genus *Dyscophus*, which is endemic to Madagascar. The two other species in this genus, *D. insularis* and *D. guineti,* are currently not included in the CITES Appendices, and the subject of Proposal CoP17 Prop. 38 for their inclusion in Appendix II.

Purpose and impact of the proposal

The impact of the acceptance of this proposal and proposal CoP17 Prop. 38 would mean that the three species in the genus *Dyscophus* would be included in Appendix II.

Main points made in the supporting statement and general comments

D. antongilii occurs in east and northeast Madagascar. It lives in anthropogenic habitats (including urban areas) and secondary forests. There are no overall population estimations, but the species is said to be very common to abundant in two main areas, possibly reaching hundreds of thousands individuals. It is said to be a species adaptable to disturbance and human development: degraded and anthropogenic habitats suitable for this species is increasing. Threats include water pollution, radical human encroachment of habitats, and possibly fungal diseases.

The species is totally protected, and harvest is only allowed for scientific purposes. D. *antongilii* has reportedly been bred in captivity on numerous occasions. Very low level of trade are recorded in the CITES trade database between 1987 and 2007, and none since that time. A seizure in Malaysia in 2010 of 47 *D. antongilii* in a shipment of Malagasy wildlife suggests that the species may remain in demand, while the similarly looking *D. insularis* and *D. guineti* are also traded relatively frequently, as discussed in proposal CoP17 Prop. 38.

The proponent notes that the original proposal to include this species in Appendix I in 1987 was extremely short and based on mostly anecdotal information.

Compliance with listing criteria and other CoP recommendations

Dyscophus antongilii does not have a restricted range in Madagascar and the population is not small. There are no indications that the population is undergoing a marked decline. On the basis of the available information, the species does not appear to meet the biological criteria for inclusion in Appendix I.

Concerning the precautionary measures in Annex 4 of Resolution Conf. 9.24 (Rev. CoP16), the proponent indicates that the Madagascar CITES authorities would establish conservative quotas for commercial collection of, and trade in *Dyscophus antongilii* which would not be detrimental to this locally abundant species. Other Appendix-II listed Madagascan amphibian species are exported under similar conditions.

If the proposal were to be accepted, future exports and compliance with Article IV of the Convention would be monitored and corrected if necessary under the Review of Significant Trade process, as has been the case for most other CITES-listed endemic amphibians and reptiles from Madagascar.

The proponent indicates that sustainable harvest and trade may actually contribute to the conservation and protection of the species, by encouraging people to conserve their breeding sites and viewing them as a resource worth protecting. Non-consumptive valorisation through tourism has already been noticed: locals are familiar with this frog and can quickly find them when required as tourist attraction.

Inclusion in Appendix II of the similar *Dyscophus guineti* and *D. insularis*, as proposed by Madagascar in CoP17 Prop. 38, might ensure more systematic and harmonized enforcement controls for trade in all three species.

Conclusions and recommendations

Dyscophus antongilii does not have a restricted range in Madagascar. It is locally very common, adapts to degraded habitat and its population is not small or in decline. On the basis of the available information, the species does not appear to meet the biological criteria for inclusion in Appendix I.

Sufficient precautionary measures are in place to ensure the future trade complies with the provisions in Article IV. Inclusion in Appendix II of the similar *Dyscophus guineti* and *D. insularis*, as proposed by Madagascar in CoP17 Prop. 38, might ensure more systematic and harmonized trade management and controls, and provide incentives for local people to better conserve the species and its habitats.

Recommendation

Based on the information available at the time of writing, *Dyscophus antongilii* does not meet the criteria in Resolution Conf. 9.24 (Rev. CoP16), Annex 1 for its inclusion in Appendix I, and can be transferred to Appendix II in accordance with the precautionary measures in Annex 4 of Resolution Conf. 9.24 (Rev. CoP16).

The Secretariat recommends that this proposal be **adopted**.

Proposal 38

Include *Dyscophus guineti* and *D. insularis* in Appendix II

Proponent: Madagascar

Assessment by the Secretariat

CITES background

Dyscophus guinet, the false tomato frog and *D. insularis*, the Antsouhy tomato frog, are currently not included in CITES Appendices. They are two of three species in the genus *Dyscophus,* which is endemic to Madagascar. *D. antongilii*, which been included in Appendix I since 1987, is proposed by Madagascar to bn\e transferred to Appendix II in proposal CoP17 Prop. 37.

Purpose and impact of the proposal

The impact of the acceptance of this proposal would be that trade in the three species in the genus *Dyscophus* would be regulated under CITES, be it under different Appendices. If proposal CoP17 Prop. 37 were to be accepted, the three species in the genus *Dyscophus* would be included in Appendix II.

Main points made in the supporting statement and general comments

The genus *Dyscophus* contains three species of large, attractive red-orange coloured frogs endemic to Madagascar. They are well-known and iconic amphibians. *Dyscophus* are explosive breeders during the rainy season.

D. insularis is widely distributed in western Madagascar. *D. guineti* has a patchy distribution in the northeast of the country. Habitat of both species is at risk and receding, and neither species is found in degraded areas.

Population size in the wild of both species is unknown, but *D. guineti* can be locally common to abundant, and *D. insularis* common. While no information is available on population trends, it is likely to be stable at sites where habitat still exists, but declining at sites where habitat is receding. Both species are classified as of Least Concern by IUCN.

The main threat to both species is habitat loss, especially for *D. guineti* which does not seem to occur in secondary or degraded forest, and possible fungal pathogens. According to the proposals, it is not clear whether current levels of harvesting of wild frogs are detrimental. It is noted that *D. guineti* in particular is targeted for export, which has been linked to its close resemblance to *D. antongilii*, the species included in Appendix I in 1987.

Harvest and trade is both species is regulated. International trade in live specimens of both species is recorded (wild as well as captive bred), with exports from Madagascar in 2015 said to total 2,390 *D. guineti* and 720 *D. insularis*, the highest levels since 2012. *Dyscophus guineti* is bred in captivity, including for commercial purposes, but breeding in captivity is not confirmed for *D. insularis.*

D. guineti has been recorded in illegal trade.

Compliance with listing criteria and other CoP recommendations

Both species, particularly *D. guineti*, resemble *D. antongilii* which is included in the CITES Appendices. Both species meet the criteria for inclusion in Appendix II under criterion Annex 2 b of Resolution Conf. 9.16 (Rev. CoP16).

It is unclear for the available information if the two species meet the criteria for inclusion in Appendix II in Annex 2 a of Resolution Conf. 9.16 (Rev. CoP16).

Conclusions and recommendations

Both *Dyscophus guineti* and *D. insularis* resemble *D. antongilii,* which is currently included in CITES Appendix I. Both *D. guineti* and *D. insularis* are in international trade, which requires to be regulated. If this proposal and Proposal 37 (to transfer *D. antongilii* to Appendix II) were accepted, it will have the effect of placing *D. guineti, D. insularis* and *D. antongilii* in the same Appendix II. This is expected to ensure more systematic and harmonized

trade management and controls for the three species concerned, and provide incentives for local people to better conserve the species and its habitats.

Recommendation

Based on the information available at the time of writing, *Dyscophus guineti* and *D. insularis* meet the criteria in Resolution Conf. 9.24 (Rev. CoP16), Annex 2 b, criterion A for their inclusion in Appendix II in accordance with Article II, paragraph 2 (b) of the Convention. It is unclear from the available information if the two species meet the criteria for inclusion in Appendix II in Annex 2 a of Resolution Conf. 9.16 (Rev. CoP16).

The Secretariat recommends that this proposal be **adopted.**

Proposal 39

Include *Scaphiophryne marmorat, Scaphiophryne boribory* and *Scaphiophryne spinosa* in Appendix II

Proponent: Madagascar

Assessment by the Secretariat

CITES background

Scaphiophryne boribory, *S. marmorata* and *S. spinosa*, Marbled burrowing frogs, are members of a genus endemic to Madagascar in which eleven (according to the proponent) or nine species (according to IUCN) are recognised. There is no CITES-recognized standard nomenclature reference for the species proposed for inclusion in Appendix II.

One species, *S. gottlebei*, the red rain frog, was listed in Appendix II in 2003. It was included in the Review of Significant Trade in 2008, and removed from the process in 2012 when Madagascar had implemented the recommendations of the Animals Committee to comply with Article IV of the Convention. It can be readily distinguished from the three species that are the subject of the present proposal.

Purpose and impact of the proposal

The proposal seeks to include *Scaphiophryne marmorata* and *Scaphiophryne boribory* in Appendix II in accordance with Article II, paragraph 2 (a) of the Convention [Criteria A in Annex 2a of Resolution Conf. 9.24 (Rev. CoP16)] and *Scaphiophryne spinosa* in accordance to the Article II paragraph 2 (b).

The trade in the three species would be subject to the provisions in article IV of the Convention.

Main points made in the supporting statement and general comments

Scaphiophryne boribory, *S. marmorata* and *S. spinosa* are endemic to Madagascar. They are green-brown in coloration and demonstrate a burrowing behaviour. They are believed to be explosive breeders during the rainy season.

S. boribory (considered Endangered by IUCN) and *S. marmorata* (Vulnerable) are localised in central eastern and eastern Madagascar, while *S. spinosa (*Least Concern) has a much larger distribution. Population trends are believed to be stable at sites where habitat still exists, but declining at sites where this is receding. The main threat to the species is habitat loss, while recently discovered fungus pathogens are also of concern.

There is some demand in the international pet trade for these species from specialized collectors. There is no known local use for any of the species.

Capture and trade in the three species is allowed pending authorizations. The proposal shows that annual exports of live animals from 2012 to 2015 may have been in the low hundreds per year. Trade is dominated by *S. marmorata*. No illegal trade has been recorded.

All three species reportedly breed well in captivity.

The three species subject to this proposal are relatively distinct from the other species in the genus, and should be identifiable from non-proposed *Scaphiophryne species* and *S. gottlebei*.

Compliance with listing criteria and other CoP recommendations

On the basis of the available trade data and information on the status and trends of the wild populations, it can be inferred that regulation of trade in *S. boribory*, *S. marmorata* and *S. spinosa* is required to ensure that the harvest of specimens from the wild is not reducing wild populations to a level at which their survival might be threatened by continued harvesting or other influences. The information in the proposal does not allow to determine if *S. spinosa* meets the look-alike criteria in Annex 2 b of Resolution Conf. 9.24 (Rev. CoP16).

Conclusions and recommendations

Scaphiophryne boribory, S. marmorata and *S. spinosa* all have relatively wide distributions in eastern Madagascar. There is no information on the overall population status of any of these three species, which are difficult to distinguish. *S. boribory* and *S. marmorata* are likely to be declining due to habitat loss and degradation. It should be noted that all three species may be affected by fungal diseases. All three have been recorded in international trade at low levels, but only *S. marmorata* in any quantity. International trade in these species is likely to remain limited to specialist markets, but it can be inferred or projected, that regulation of trade in the species is required to ensure that the harvest of specimens from the wild is not reducing the wild population to a level at which its survival might be threatened by continued harvesting or other influences.

Recommendation

Based on the information available at the time of writing, *Scaphiophryne boribory, S. marmorata* and *S. spinosa* meet the criteria in Resolution Conf. 9.24 (Rev. CoP16), Annex 2 a, criterion B for their inclusion in Appendix II in accordance with Article II, paragraph 2 (a) of the Convention.

The Secretariat recommends that this proposal be **adopted.**

Proposal 40

Include *Telmatobius culeus* (Garman, 1876) in Appendix I

Proponent: Bolivia (Plurinational State of) and Peru

Assessment by the Secretariat

CITES background

This is the first time the species is proposed for listing on the Appendices.

Purpose and impact of the proposal

The proposal seeks to include *Telmatobius culeus* in Appendix I. If the proposal is adopted, commercial international trade in specimens of *T. culeus* of wild origin will become prohibited. International trade in specimens of the species will be regulated in accordance with the provisions of Article III of the Convention.

Main points made in the supporting statement and general comments

T. culeus is endemic to the Lake Titicaca basin of Peru and Bolivia. It is classified as Critically Endangered by IUCN. The proposal states that it is difficult to accurately estimate the population of *T. culeus,* with existing estimates varying between 2.5 and 51 million individuals in Lake Titicaca alone. The IUCN assessment of 2004 observed a marked population decline, estimated to be more than 80% over three generations, due to over-exploitation, habitat degradation and invasive species. The generation length is assumed to be five years.

T. culeus is said to be fully protected by legislation in both Bolivia and Peru, and any domestic or international trade in specimens of the species is illegal in both countries. However, protection appears to be ineffective. The proposal states that the number of frogs illegally harvested in Bolivia is estimated at more than 40,000 individuals per year, and that the number is Peru is likely to be high as well, judging from 9,500 seizures of specimens of *T. culeus* between 2012 and 2015.

The proposal also mentions several cases of illegal international trade in *T. culeus* specimens, including the illegal export to Brazil and Japan of “large numbers of specimens” in the 1990s, illegal export of “thousands” of specimens illegally harvested in Bolivia and exported to Peru in 2006, and smaller quantities of live specimens sold internationally as pets. Specimens are said to be traded internationally as leather but details of the reference “(Richards, 2010)” are missing. Overall, it does not appear that international trade is a major factor affecting the status of *T. culeus.* The proponents may wish to provide more specific information on the type and volume of international trade in *T. culeus* and its impact on the species.

Compliance with listing criteria and other CoP recommendations

The proponent asserts that the available information indicates that listing *T. culeus* on Appendix I satisfies Criterion C of Annex 1 of Resolution Conf. 9.24 (Rev. CoP16). However, the supporting statement does not substantiate this, as the wild population is large and not restricted in range, and decline rates do not seem to meet definitions in Resolution Conf. 9.24 (Rev. CoP16).

Conclusions and recommendations

The main threats to *Telmatobius culeus* appear to be habitat loss and degradation, overharvesting, and ineffective implementation of existing protection measures. Yet, the species does not have a small population, nor a restricted range, and, where there are indications of recent population declines, they appear to relate to the Minor Lake of Titicaca, which comprises less than a third of the species’ range. The global decline by 80% indicated by the IUCN Red List assessment stems from 2004. There is no updated information available if the population has continued to decline, stabilized or increased since that time, and thus there is not sufficient information available to assess the recent decline in the sense of Resolution Conf. 9.24 (Rev. CoP16), which would require evidence of a “marked decline” over the last three generations (15 years) or 10 years, whichever is the longest. Therefore, the Secretariat considers that there is insufficient information to determine whether the species meets the biological criteria for its inclusion in Appendix I.

Recommendation

Based on the information available at the time of writing, *Telmatobius culeus* does not meet the biological criteria in Resolution Conf. 9.24 (Rev. CoP16), Annex 1, for its inclusion in Appendix I.

The Secretariat recommends that this proposal be **rejected**.

However, while there is insufficient information to determine whether the species meets the biological criteria for its inclusion in Appendix I, the available information on the status and trends of the wild population of *T. culeus* appear to indicate that the regulation of trade in the species is necessary to avoid it becoming eligible for inclusion in Appendix I in the near future. The Secretariat therefore considers that *T. culeus* may be eligible for inclusion in Appendix II, in satisfaction of criterion A of Annex 2 a of Resolution Conf. 9.24 (Rev. CoP16).

Proposal 41

Include *Paramesotriton hongkongensis* (Myers and Leviton, 1962) in Appendix II

Proponent: China

Assessment by the Secretariat

CITES background

The species has not been proposed for listing on the CITES Appendices before.

Purpose and impact of the proposal

The proposal seeks to include *Paramesotriton hongkongensis* in Appendix II. International trade in specimens of the species would be regulated in accordance with Article IV of the Convention.

Main points made in the supporting statement and general comments

P. hongkongensis is a semi aquatic newt that is endemic to China's Hong Kong (Special Administrative Region, SAR) and coastal Guangdong Province. It occurs in isolated locations in montane streams and pools. During breeding, they migrate to breeding pools, where they aggregate for an average of 45 days

The limited information in the proposal about the biology of the species points towards a relatively high reproductive potential, but no extensive population data is available and intrinsic factors make the species vulnerable, e.g. its migration and breeding aggregation behaviors.

P. hongkongensis is protected under domestic law in Hong Kong, SAR and harvest is regulated in nature reserves in China, but records of poaching and illegal trade exist. The species is further threatened by habitat alteration and pollution. No estimate of the population trend is available, however the supporting statement states that "because of the decrease in habitat quality and poaching caused by pet trade, its population is being decreased rapidly and will soon be under threatened status".

The proposal states that differentiation of *P. hongkongensis* from the other 12 species in the genus *Paramesotriton spp.* is difficult for non-experts, and it provides in an Annex 2 an identification key to the species in the genus.

Compliance with listing criteria and other CoP recommendations

The information available shows that *P. hongkongenis* occurs in isolated, specific habitats, within a restricted range and despite relatively good reproductive potential, is vulnerable to exploitation for the international pet trade due to its life history parameters. It is additionally impacted by non-trade related threats. It therefore appears to fulfill criterion B of Resolution Conf. 9.24 (Rev. CoP16), Annex 2a for inclusion in CITES Appendix II.

Conclusions and recommendations

While no detailed studies of population size and trends have been conducted, the proposal contains sufficient information on population size and illegal trade to infer that, in addition to other non-trade related threats, regulation of trade in *Paranesotriton hongkongensis* is required to ensure that the harvest of specimens from the wild is not reducing the wild population to a level at which its survival might be threatened by continued harvesting or other measures.

Recommendation

Based on the information available at the time of writing, *Paramesotriton hongkongensis* meets the criteria in Resolution Conf. 9.24 (Rev. CoP16), Annex 2 a, criterion B for inclusion in Appendix II in accordance with Article II, paragraph 2 (a) of the Convention.

The Secretariat recommends that this proposal be **adopted.**

Proposal 42

Include Silky shark *Carcharhinus falciformis* in Appendix II

Proponent: Bahamas, Bangladesh, Benin, Brazil, Burkina Faso, the Comoros, the Dominican Republic, Egypt, the European Union, Fiji, Gabon, Ghana, Guinea, Guinea-Bissau, Maldives, Mauritania, Palau, Panama, Samoa, Senegal, Sri Lanka and Ukraine

Assessment by the Secretariat

CITES background

This is the first time the species is proposed for inclusion in the CITES Appendices.

Purpose and impact of the proposal

The proposal seeks to include *Carcharhinus falciformis* in CITES Appendix II. International trade in specimens of the species would be regulated in accordance with Article IV of the Convention.

Main points made in the supporting statement and general comments

C. falciformis is a globally distributed, highly migratory shark occurring in oceanic to coastal-pelagic tropical waters, associated in particular with seamounts, and juveniles with floating objects. The biological characteristic speak for a species with low productivity. High susceptibility to overfishing from pelagic fisheries is reported. The global population size for *C. falciformis* is unknown and there is limited information available on its stock structure, but the proponents use the geographic divisions of Atlantic, Indian and Pacific Ocean. There is currently no stock assessment available for any of these regions, but the proposal quotes stock declines of 72% over 5 years, 69% over 10-20 years, 90% over 40 years and 46-50% over 13 years (1992-2005) for the Atlantic; 50-90% over 20 years for the Indian Ocean; and 60-80% between 1994 and 2004 dependent on sub region and 70% in <20 years from academic literature in the Pacific Ocean. The quality and reliability of the data from the various sources seems highly variable, with data from the Indian Ocean being particularly sparse and of anecdotal nature.

The main reported threat to *C. falciformis* is fishing mortality from targeted fisheries, and from bycatch (both utilized and discarded) in the tuna fisheries. Entanglement in Fishing Aggregation Devices (FADs), which are widely used in purse seine fisheries, are an additional source of mortality for juveniles. The species is among the most commonly by-caught sharks in longline and purse seine gear in tropical waters, comprising up to 90% of all elasmobranch bycatch in Indian Ocean tuna fisheries. There is no estimate of post-release mortality contained in the supporting statement.

The supporting statement argues that the principal driver for the exploitation of the species is the high international demand for fins of *C. falciformis,* which are traded with a distinct trade name ("Wu Jan"). These fins are reportedly of moderate value, and are estimated to make up a minimum of 3.5% from 1980-1990 and 4.4% from 1999-2001 of the global fin market. The meat of *C. falciformis* is reported to be consumed both domestically and internationally traded. Other products, including skin, liver oil, cartilage and teeth, are considered low grade and not traded in large quantities.

ICCAT[1] (since 2011) and WCPFC[2], (since 2013) have adopted measures that prohibit the retaining, transshipping or landing of *C. falciformis* in fisheries covered by them. For the remaining oceanic regions where the species occurs, no such management measures are in place. ICCAT, IATTC[3], WCPFC and IOTC[4] have further adopted regulations to ban the practice of shark finning and encourage the release of bycaught live sharks.

Catch and landings data of C. falciformis is sparse and underreported. A few countries, including some of the proponents, have domestically banned catch and trade of C. falciformis (for some as part of a general ban on catch and trade for all shark and shark products). There is no information contained in the proposal on domestic

[1] *International Commission for the Conservation of Atlantic Tunas*
[2] *Western & Central Pacific Fisheries Commission*
[3] *Inter-American-Tropical-Tuna-Commission*
[4] *Indian Ocean Tuna Commission*

population monitoring and control measures adopted by Parties that have not banned catch and trade of the species. The species is listed in Appendix II of CMS[5].

The supporting statement states that 110 range States and several non-range states were consulted regarding the proposal. 19 range States and 25 non-range States responded positively and subsequently co-sponsored the proposal. Mexico and the United States of America declared to be undecided. Japan declared that it did not support the proposal.

Compliance with listing criteria and other CoP recommendations

The proposal aims to list *C. falciformis* on CITES Appendix II with reference to Criterion A in Annex 2a of Resolution 9.24 (Rev. CoP16), and further argues that unless international trade is regulated, the species will in the near future qualify for listing on CITES Appendix I according to Criterion C) ii) contained in Annex 1 of the same resolution.

The guidelines contained in Annex 5 of Resolution 9.24 (Rev. CoP16) specify that for a commercially exploited marine species with low productivity, a population decline to 15-20% of the baseline would warrant inclusion in Appendix I, and a decline to a range of between 5 % and 10 % above that, e.g. 20-30% would justify inclusion in CITES Appendix II. When considering these percentages account needs to be taken of taxon- and case-specific biological and other factors that are likely to affect extinction risk.

It should be noted that both in the supporting statement itself and in the FAO Expert Panel's report, declines are referenced for time periods, and that it is sometimes unclear if these declines are from unfished "virgin" biomass or from previously fished stocks.

C. falciformis qualifies as a low productive species and, if a decline to 30% is used as criterion, solely based on the information contained in the proposal, it would qualify for inclusion in Appendix II in all oceanic regions considered (the Atlantic, Pacific and Indian Ocean). However the quality and reliability of the information provided appears highly variable for the different oceans. Only anecdotal evidence is available for the Indian Ocean, and in some cases, the source of data cannot be found in the original literature.

The FAO Expert Panel reviewed the sources contained in the original proposal and based on concerns about methodology and quality of data contained therein, decided to exclude several data sets and instead to include other recent sources of information as a basis for its deliberations. The Expert Panel assessed stock declines in five oceanic regions against the criteria, as outlined above, and concluded the following: the documented declines in the North East Pacific, Western Central and Pacific, and Atlantic do not meet criterion 2a A for inclusion in Appendix II; while the decline in the South East Pacific meets criterion 2a A for listing in Appendix II. It should be noted that for the South East Pacific stock, the most recent two years of data show a slight increase in Catch Per Unit Effort. However, the original authors of the referenced data did not consider the increase strong enough to offset the urgent need for precautionary approach. The Panel did not assess the status for the Indian Ocean as only anecdotal information was available.

Given its highly migratory nature and global distribution, which makes it likely that there is at least some level of exchange between the oceanic regions assessed above, and the difficulty to distinguish specimens in trade from the different stocks, an inclusion on the CITES Appendices would need to be at species level. However, given the paucity of data in the Indian Ocean, no global population status or trend can be inferred, and it is unclear if the species meets the criterion stated in Annex 2a A.

The available information shows that the species is susceptible to overfishing and that it had or has declined throughout its range (markedly in some areas), which is attributed to fishing mortality. It is worth noting that in the Atlantic and Western and Central Pacific Oceans, where the species does not meet the criteria for listing, the respective Regional Fisheries Management Organizations have adopted measures that prohibit the retaining, transshipping or landing of *C. falciformis* in 2011 and 2013, while RFMOs in other oceanic regions, including the Indian Ocean, have not yet done so.

It is of concern that no reliable effort and fishing mortality statistics for *C. falciformis* are available, in particular from the Indian Ocean. However, mortality related to fishing, including from bycatch, is reported to be high. Even when drawing upon proxy data no reliable inferences can be made as to the situation of the stock in the Indian Ocean.

[5] *Convention on the Conservation of Migratory Species of Wild Animals*

Conclusions and recommendations

Carcharhinus falciformis is a highly migratory, low productivity shark species with population status and trend varying across oceanic regions. Information available shows that the species is susceptible to overfishing and that the population has declined throughout its range, markedly in some areas, which is attributed to fishing mortality. Fins of *C. falciformis* are in high demand in international trade. They are reported to be of moderate value and among the most commonly traded in major consumer markets. It seems they can be readily distinguished in trade. In the Atlantic Ocean and the Western and Central Pacific Ocean, where information suggests that populations do not meet the decline criteria set out in Annex 5 of Resolution Conf. 9.24 (Rev. CoP16), the respective Regional Fisheries Management Organizations (RFMOs) have adopted measures prohibiting the retaining, transshipping or landing of *C. falciformis.* For the remaining three oceanic regions where the species occurs, no such management measures are in place (although some countries provide domestic protection). For these regions, the picture is less clear-cut, with the north eastern Pacific stock not meeting and the south eastern Pacific stock possibly meeting the decline criteria. Insufficient information is available to assess population trends for the Indian Ocean. In sum, the available information seems inconclusive regarding the global stock status and population trend of *C. falciformis*. The FAO expert panel concluded that a global CITES Appendix II listing would be inconsistent with the proportionate risk to the species as a whole. Because harvest and trade levels appear to be high, and may particularly affect stocks where no RFMO measures are in place, a precautionary approach as agreed by the Conference of the Parties may be considered to be in the best interest for the conservation of the species.

Recommendation

Based on the available information at the time of writing, it is unclear whether *Carcharhinus falciformis* meets the criteria in Resolution Conf. 9.24 (Rev. CoP16), Annex 2 a, criterion A, for its inclusion in Appendix II when read in conjunction with the footnote with respect to the application of decline for commercially exploited aquatic species in Annex 5. However, the Conference of the Parties, through Resolution Conf. 9.24 (Rev. CoP16), resolved that Parties by virtue of the precautionary approach and in case of uncertainty regarding the status of a species or the impact of trade on the conservation of a species, shall act in the best interest of the conservation of the species concerned, and the Secretariat recommends taking a precautionary approach.

The Secretariat recommends that this proposal be **adopted.**

Proposal 43

Include the genus *Alopias* spp. in Appendix II

Proponent: Bahamas, Bangladesh, Benin, Brazil, Burkina Faso, the Comoros, the Dominican Republic, Egypt, the European Union, Fiji, Gabon, Ghana, Guinea, Guinea-Bissau, Kenya, Maldives, Mauritania, Palau, Panama, Samoa, Senegal, Seychelles, Sri Lanka and Ukraine

Assessment by the Secretariat

CITES background

This is the first time the species is proposed for listing on the Appendices.

Purpose and impact of the proposal

The proposal seeks to include *Alopias superciliosus* in Appendix II of CITES on the basis of conservation concerns, and *A. vulpinus* and *A. pelagicus* as "look-alike" species. This would result in the inclusion of all species of the genus *Alopias* spp. in Appendix II. International trade in specimens of the species would be regulated in accordance with Article IV of the Convention.

Main points made in the supporting statement and general comments

A. supercilious is a highly migratory pelagic shark species with an almost worldwide circumglobal distribution in tropical and temperate oceanic and coastal seas. The species of the genus *Alopias* spp. are viviparous with all biological characteristics being consistent with low intrinsic productivity. Ecological Risk Assessments in the Atlantic and Indian Oceans have identified *Alopias* spp. as highly vulnerable to fishing mortality, both as target and bycatch species. A 2007 IUCN Assessment classified the species as vulnerable globally and endangered in the European and Mediterranean waters, and the northwest and western central Atlantic, but this information is probably outdated. Because thresher sharks tend to be identified at genus/family level in fisheries and trade statistics, there is little species-specific trend data available. No global population estimates for either *Alopias* spp or *A. superciliosus* exist. For *A. superciliosus*, a study from 2005 found a separation of the stocks between the Atlantic and Indo-Pacific Oceans, while no separation existed between the Indian and Pacific Ocean stocks.

The supporting statement quotes stock declines of 70-80%over the last 30 years for the Atlantic Ocean; 83-88% over the last 20 years for the Indian Ocean; 83% over the last three generations in the Pacific Ocean; and 99% in the Mediterranean Sea. Some data is indicated at species-level and other at genus level, and with varying quality and reliability. It is argued that based on information from the shark fin trade, thresher shark catches have historically been underreported. The proposal quotes a figure of 77-99%decline of the proportion of thresher sharks in the Hong Kong SAR shark fin market over the last 10-15 years, but acknowledges that there is an ongoing debate about multiple possible causes. The proposal concludes that *Alopias* spp. has declined by over 70% across its range.

Limited information is provided on habitat trends and conservation, but there is no reason to assume that habitat plays an important role in the reported declines. The principal threat seems fishery-related mortality as target or bycatch species in mainly long-line and gillnet fisheries. The species uses its tail to stun its prey and may become caught in longlines in the process, which may add to its vulnerability to fishing. For cases where the species is released upon haul, the post-release mortality is unknown but believed to be high.

Information on trade comes mainly from TRAFFIC and field research, showing high international demand for the large valuable fins of thresher sharks, which are identifiable to genus level and largely make up fins traded under the term "wu gu" on Chinese markets. In the early 2000s, they comprised approximately 2.3% of all shark fins recorded in trade in Hong Kong SAR. The meat and lesser-used derivatives are utilized nationally.

Three RFMOs have taken action to prohibit retention of these species (ICCAT[6] since 2009; GFCM[7] since 2010; and IOTC[8] since 2012). The genus is listed on Appendix II of CMS[9]. Several range States, including some of the proponents, have taken domestic measures to protect the species (some as part of a general ban on catch and

[6] *International Commission for the Conservation of Atlantic Tunas*
[7] *General Fisheries Commission for the Mediterranean*
[8] *Indian Ocean Tuna Commission*
[9] *Convention on the Conservation of Migratory Species of Wild Animals*

trade for all shark and shark products). However, in the light of continued reports of landing in some areas where no-retention measures are in place, the proposal states that these measures may not (or not fully) be enforced.

Having submitted the proposal at least 330 days before this meeting, the proponents requested the Secretariat to consult the range States on its behalf in accordance with paragraph b) of Resolution Conf. 8.21 (Rev. CoP16), which the Secretariat did through Notification No. 2016/03 of 5 February 2016. 16 range States, and the 28 member states of the European Union, some of which are range-States, responded positively and subsequently co-sponsored the proposal. Canada, New Zealand and the United States of America were undecided. Japan did not support the proposal.

Compliance with listing criteria and other CoP recommendations

The proposal aims to list *A. superciliosus* on CITES Appendix II according to criterion A contained in Annex 2a of Resolution 9.24 (Rev. CoP16), and the other species of the genus *Alopias* spp*. (A. vulpinus* and *A. pelagicus)* as "look-alike" species according to Criterion A in Annex 2b of Resolution 9.24 (Rev. CoP16).

The guidelines contained in Annex 5 of Resolution 9.24 (Rev. CoP16) suggest that for a commercially exploited marine species with low productivity a population decline to 15-20% of the baseline would warrant inclusion on Appendix I, and a decline to a range of between 5 % and 10 % above that, e.g. 20-30%, would fulfil the criterion in Annex 2a A of Resolution 9.24 (Rev. CoP16) for inclusion in CITES Appendix II. When considering these percentages, account needs to be taken of taxon- and case-specific biological and other factors that are likely to affect extinction risk. It should be noted that both in the proposal itself and in the FAO Expert Panel's, reported declines are referenced for time periods, but it is sometimes unclear if these declines are from unfished "virgin" biomass or from previously fished stocks.

A. superciliosus is a low productive species and, if a decline to 30% of the baseline is used as criterion, solely based on the information contained in the proposal would qualify for inclusion in Appendix II in all oceanic regions considered (the Atlantic, Pacific and Indian Oceans and the Mediterranean Sea). However, some of the information in the proposal is relatively old, and important new information on the status of *Alopias* spp. has become available since the proposal was submitted. The overall quality and reliability of the data in the supporting statement is highly variable for different oceanic regions, with the least information available for the Indian Ocean.

The FAO Expert Panel reviewed the sources contained in the original proposal and based on concerns about methodology and quality of data, decided to exclude several data sets, but instead included other available recent sources of information as basis for its deliberations. This concerned in particular a 2016 review of the status of *A. superciliosus* and *A. vulpinus* by the US National Marine Fisheries Service, that superseded some data presented in the proposal. Taking all information into account, the Panel concluded that both the Atlantic and Western Central Pacific stocks show relatively flat trends, in part even recovery; and that the species does not meet the decline criteria for inclusion in Appendix II of CITES. The Panel also discussed the data provided by the proponents for the Indian Ocean, but decided that due to methodological concerns, the information should not be used as evidence for declines. The United States of America provided further information and data in their response to Notification No. 2016/03.

Conclusions and recommendations

There are three species in the genus Alopias. The available information shows that *Alopias superciliosus* (Bigeye Thresher Shark) is highly migratory, has low productivity and is vulnerable to overfishing. Its population has declined, in some stocks markedly, throughout its range. This decline is attributed to fishing pressure, with international trade likely to be a driver. However, the most recent information available, some of which was published after the proposals was submitted, seems to show that the declines for two of the three stocks assessed by the FAO expert panel (Atlantic Ocean; Western and Central Pacific Ocean) seem to have stabilized. Insufficient information is available for the third stock (Indian Ocean). No-retention measures have been adopted by the International Commission for the Conservation of the Atlantic Tuna (ICCAT), the General Fisheries Commission for the Mediterranean (GFCM) and the Indian Ocean Tuna Commission (IOTC). The FAO *e*xpert panel concluded that there is no reliable evidence to demonstrate a decline of *Alopias superciliosus* that would meet the Appendix II listing criterion A in Annex 2 a of Resolution Conf. 9.24 (Rev. CoP16).

The other two species of Thresher shark, *A. vulpinus* (Common thresher) and *A. pelagicus* (Pelagic thresher) are covered by the proposal because the most commonly traded derivative are dried, unprocessed fins, which closely resemble the fins of *A. superciliosus.* The stated look-alike problems are of justified concern.

Recommendation

Based on the information available at the time of writing, *Alopias superciliosus* does not meet criterion A of Resolution Conf. 9.24 (Rev. CoP16), Annex 2 a for its inclusion in Appendix II. The supporting statement does not refer to criterion B. If *Alopias superciliosus* were to be included in Appendix II, *A. vulpinus* and *A. pelagicus* would meet the criteria in Resolution Conf. 9.24 (Rev. CoP16), Annex 2 b, criterion A, for their inclusion in Appendix II in accordance with Article II, paragraph 2 (b) of the Convention (look-alike). The Conference of the Parties, through Resolution 9.24 (Rev. CoP16), may consider the precautionary approach and in case of uncertainty regarding the status of a species or the impact of trade on the conservation of a species, shall act in the best interest of the conservation of the species concerned.

The Secretariat recommends that this proposal be **rejected** (as the species do not meet criterion A of Resolution Conf. 9.24 (Rev. CoP16), Annex 2 a.

Note to Parties

Important new information on the status of *Alopias* spp. has become available since the submission of proposal 43. Taking this into account, the proponents may consider if it would be appropriate to submit an updated proposal at the next meeting of the Conference of the Parties and whether the species might meet criterion B.

Proposal 44

Include the genus *Mobula* spp. in Appendix II

Proponent: Bahamas, Bangladesh, Benin, Brazil, Burkina Faso, the Comoros, Costa Rica, Ecuador, Egypt, the European Union, Fiji, Ghana, Guinea, Guinea-Bissau, Maldives, Mauritania, Palau, Panama, Samoa, Senegal, Seychelles, Sri Lanka and the United States of America

Assessment by the Secretariat

CITES background

This is the first time the species is proposed for listing on the Appendices. A proposal to include *Manta* spp. in Appendix II was adopted at CoP16. This proposal had already pointed out that species identification between the genera *Manta* spp. and *Mobula* spp. was challenging, in particular for the commodity most commonly in trade, the gill rakers. This challenge was reiterated by the Animals Committee at its 28th meeting in 2015.

Purpose and impact of the proposal

The proposal seeks to include the genus *Mobula* spp. in Appendix II of CITES. International trade in specimens of the species would be regulated in accordance with Article IV of the Convention.

Main points made in the supporting statement and general comments

Currently, 9 species are recognized in the genus *Mobula* spp. *M. japanica* and *M. tarapacana* are highly migratory, slow-growing, large bodied animals, and represent the two largest species of *Mobula* spp. They occur in small populations sparsely distributed across tropical and temperate oceans, which are believed to be highly fragmented. They show aggregation behavior when migrating in groups and when not-migrating. Combined with very low productivity, which puts them under the least fecund elasmobranchs, this makes them very vulnerable to many target and bycatch fisheries throughout their range, including harpooning, long lining, gillnetting and trawling. No global population estimates are available, but global genus-wide declines have been recorded. The supporting statement documents cases showing dramatic local declines over 10 to 15 years. There is a general lack of reliable information, in part because there are no stock assessments, monitoring or management in many of the fisheries targeting *Mobula* spp. The proposal has to rely on anecdotal information and locally documented events. Drawing on such information, the proposal reports a decrease in catch despite stable or increased fishing efforts for the Atlantic and Indian Oceans; a decline of up to 99% in landings at specific landing sites in Indonesia in the Indo-Pacific; and local declines of 78% in the Cocos Islands in the Pacific.

As large-bodied, long lived filter feeders, *M. japanica* and *M. tarapacana* are vulnerable to pollution, oil spills and climate change, but fisheries mortality remains the biggest threat. Reported declines are attributed to unsustainable fisheries, driven by increasing international trade demand for *Mobula* gill plates. As the largest species in the genus, *M. japanica* and *M. tarapacana* also have the largest and most-sought after gill plates. The proposal reports that recent market surveys documented an almost threefold increase in trade volume from early 2011 to late 2013 in major Chinese markets, and an expansion of the involvement in the gill plate tradefrom Southeast Asia to South America, Europe, Africa and the Middle East. While the gill plates are the most highly valued commodity imported primarily into southern China with smaller markets in Hong Kong SAR, Macau SAR and Singapore, the meat, cartilage and skin are utilized domestically but also sometimes traded internationally.

Two RFMOs have adopted management measures for the species: GFCM since 2012; and IATTC since 2015. The genus *Mobula* is listed on Appendix I and II of CMS and the Bern Convention and the Barcelona Convention list *Mobular mobular* as a species that requires strict protection. The catch and/or trade of *M. japanica* and M. *tarapacana* is prohibited domestically by several Parties. A very high post release mortality has been documented for *M. japanica* in purse seine fisheries.

The proposal states that a listing of *Mobula* spp. on CITES Appendix II would complement the current *Manta* spp. listing, facilitating implementation and enforcement as both *Manta* and *Mobula* spp. are caught in the same fisheries, and gill plates of both species are traded through the same supply chains. It would also resolve the species identification issues raised for example by the Animals Committee.

The proposal indicates that 85 range States of *Mobula japanica* and *M. tarapacana* were consulted, of which 19 and the European Union and its 28 Member States voiced support. Burkina Faso supports the proposal as non-range State. Australia indicated that it was undecided. Japan does not support the proposal.

Compliance with listing criteria and other CoP recommendations

The proposal aims to list *M. japanica* and *M. tarapacana* on CITES Appendix II according to criterion A contained in Annex 2a of Resolution 9.24(Rev. CoP16), and the 7 other species of the genus *Mobula* spp. as "look-alike" species according to Criterion A in Annex 2b of Resolution 9.24(Rev. CoP16).

Both *M. japanica* and *M. tarapacana* seem to clearly qualify as low productive species. There is limited information available on the overall population trend for both species to assess against the corresponding criterion, but what is presented suggests that they meet the criteria for inclusion in Appendix II. Additional anecdotal information, the vulnerability of the species to fishing pressure and the reported increase in demand for trade would also support the conclusion that they meet the criterion for inclusion in Appendix II throughout at least parts of their range.

As outlined in its report, the FAO Expert Panel considered several additional data sources to assess population declines in the Indian, Pacific and Atlantic Oceans, but information remains very sparse.

Conclusions and recommendations

Currently, nine species are recognized in the genus *Mobula* spp. *Mobula japanica* and *M. tarapacana* are low productive species, with information on population status and trend, sometimes at genus level, limited to the eastern and Indo-Pacific regions. The available information demonstrates that *Mobula* spp. are vulnerable to fishing pressure and, where assessed, meet the criteria for inclusion in Appendix II. International trade in *Mobula* spp. gill plates is reportedly increasing, which may partly be due to the Appendix II listing of *Manta* spp. and a shift to *Mobula* spp. as a source for gill plates. This would explain why the genus meets the criteria for inclusion in Appendix II throughout at least parts of its range. The FAO *e*xpert panel concluded that, in view of the evidence of decline, *Mobula japanica* and *M. tarapacana* meet the CITES Appendix II listing criteria. The Secretariat agrees with this assessment.

The other seven species of *Mobula* spp. are included in the proposal for listing because the most commonly traded specimens (dried gill plates) closely resemble those of *Mobula japanica* and *M. tarapacana* and small specimens of *Manta* spp.

Recommendation

Based on the available information at the time of writing, *Mobula japanica* and *M. tarapacana* meet the criterion A of Resolution Conf. 9.24 (Rev. CoP16), Annex 2 a, read in conjunction with the footnote with respect to the application of decline for commercially exploited aquatic species in Annex 5, for inclusion in Appendix II in accordance with Article II, paragraph 2 (a) of the Convention. The other seven species of *Mobula* spp. meet criterion A of Resolution Conf. 9.24 (Rev. CoP16), Annex 2 b in accordance with Article II, paragraph 2 (b) of the Convention.

The Secretariat recommends that this proposal be **adopted**.

Proposal 45

Include Ocellate River Stingray *Potamotrygon motoro* in Appendix II

Proponent: Bolivia (Plurinational State of)

Assessment by the Secretariat

CITES background

Potamotrygon motoro and *Potamotrygon schroederi* were subject of a proposal by Colombia for their inclusion in Appendix II at the latest meeting of the Conference of the Parties (see CoP16 Prop. 48). The proposal was not supported, with 51 votes in favor, 51 against and 19 abstentions. At the same meeting, the Conference of the Parties adopted a set of recommendations on freshwater stingrays (Potamotrygonidae), asking *inter alia* the Animals Committee to identify species of priority concern. The implementation of these decisions and corresponding recommendations are presented in document CoP17 Doc. 87, and the present proposal could be considered in that context. Species of priority concern, as identified by the Animals Committee, include *Potamotrygon motoro.*

Purpose and impact of the proposal

The proposal seeks to include *Potamotrygon motoro* in Appendix II. International trade in specimens of the species would be regulated in accordance with Article IV of the Convention.

Main points made in the supporting statement and general comments

Potamotrygon motoro is one of the 25 species of freshwater stingrays native to South America. It occurs in clear and black rivers in the Amazon region, as well as lagoons and flood plains in 12 range States. Information on reproductive biology in the proposal is limited, but is reported to have low fertility, long gestation periods, slow growth and considerable longevity. The supporting statement does not provide information on population size or structure.

The major threat to the species, according to the proposal, is commercial and small-scale fishing for capture as ornamental species for the aquarium trade and for consumption. Habitat degradation and destruction from agricultural and mining activities, and construction of hydroelectric plants and ports, are further threats to the species. Derivatives of the species are reported to be domestically utilized for medicinal and other purposes, and both live specimens and derivatives are traded domestically and internationally. There are indications of illegal trade. The proposal states that *P. motoro*'s size, color and attractive fins increase the demand for the species by traders, driving illicit activity.

There are limited species-specific management tools in place, with some regulation of take in Bolivia, Brazil and Colombia. The family Potamotrygonidae is included in the national action plans of sharks, rays and chimeras of Colombia and Uruguay. No information is given on range State consultations specific to the proposal.

Compliance with listing criteria and other CoP recommendations

The proposal aims to list *P. motoro* on CITES Appendix II according to criterion A contained in Annex 2a of Resolution 9.24 (Rev. CoP16). According to the information provided, the species qualifies as low productivity. Similar to the proposal that was rejected at CoP16, the supporting statement does not provide information that would allow the inference of population status or trends.

As outlined in its report, the FAO Expert Panel considered several additional sources of information in its deliberations on *P. motoro*. It classified the species as having medium productivity, and not 'low'. The Panel concluded that it did not have supportable data to assess historical or recent declines of the species, as did IUCN in its analysis of the proposal.

The Secretariat notes that there is a considerable amount of additional information on *P. motoro* contained in the report of the Freshwater Stingray Expert workshop that took place October 2014 in Colombia, and that is available as Annex 1 to document CoP17 Doc. 87, none of which is included in the proposal. This additional information does however not allow for an assessment of the population status or trend analysis.

Conclusions and recommendations

Potamotrygon motoro is a freshwater stingray widely distributed across several countries in South America. Its population size and populations trends are unknown, although the available information indicates that it is abundant in some locations. The species is fished and traded locally and regionally for consumption. Live specimens are traded internationally for the ornamental aquarium industry. The supporting statement does not provided verifiable data regarding historic or recent rates of decline, as also noted by the FAO expert panel.

Recommendation

Based on the available information at the time of writing, *Potamotrygon motoro* does not meet the criterion A of Resolution Conf. 9.24 (Rev. CoP16), Annex 2 a for inclusion in Appendix II in accordance with Article II, paragraph 2 (a) of the Convention.

The Secretariat recommends that this proposal be **rejected**.

Note to Parties

The Secretariat wishes to draw the Parties' attention to the report of the Freshwater Stingray Expert workshop that took place October 2014 in Colombia and that is available as Annex 1 of document CoP17 Doc. 87. The Animals Committee subsequently recommended all range States to include all species of concern, including *Potamotrygon motoro*, in Appendix III, as reflected in draft decision 17.BB contained in document CoP17 Doc. 87.

Proposal 46

Include *Pterapogon kauderni* in Appendix II

Proponent: The European Union

Assessment by the Secretariat

CITES background

Pterapogon kauderni has previously been proposed for inclusion in Appendix II of CITES at the 14th meeting of the Conference of the Parties by the United States of America (see CoP14 Prop. 19), where it was withdrawn.

Purpose and impact of the proposal

The proponent seeks to include *P. kauderni* in Appendix II. International trade in specimens of the species would be regulated in accordance with Article IV of the Convention.

Main points made in the supporting statement and general comments

Pterapogon kauderni is a small, benthic, site-attached marine fish endemic to the Banggai Archipelago of Central Sulawesi, eastern Indonesia, with an extremely restricted range of ca 5,500 km^2, in which it occurs in small isolated populations in shallow water up to 6m, most commonly between 1.5-2.5 m depth, at 34 islands. The species requires the presence of sea urchins, anemones and corals for shelter. Its maximum potential available habitat is estimated to be 23 km^2. The proponents argue that the species' biological characteristics make it vulnerable to overexploitation, in particular due to its low fecundity, extended parental care, very limited dispersal ability and ease of capture.

The population was estimated at 1.4 million individuals in 2015, representing a decline of 36% with respect to the estimated population in 2007 (since the last listing attempt), and a decline in abundance of over 90% with respect to the estimated pre-harvest level. The species is reported to exhibit the highest degree of population subdivision ever documented for a marine fish over small geographic scales, which is likely to be due to its very limited dispersal ability. Several introduced small populations exist along trade routes, but most have small population sizes and are highly restricted geographically.

Heavy collection pressure for the aquarium trade is reported to be the principal threat to the species, with annual harvest rates in the 2000s reaching up to 900,000 fish/year. Widespread degradation of its habitat, including through destructive fishing practices, and a general decline of sea urchins and anemones on which the species relies du to intensive and increasing harvest, are further threats to the species. *P. kauderni* is categorized as Endangered in the IUCN Red List on the basis of a very small area of occupancy, severe fragmentation, and the ongoing continuing decline due to exploitation for aquarium trade.

The supporting statement states that trade started in the late 1990s, while estimates of trade volume are available from the early 2000s onwards. While the species is not currently protected domestically in Indonesia, all trade in *P. kauderni* needs to be recorded before crossing administrative boundaries. The proposal claims that the vast majority of the trade remains unreported. The European Union included the species in its Annex D since 2008, requiring an import notification for international trade in live specimen of the species into the EU. A multi-year Banggai Cardinalfish Action Plan was developed by local and national stakeholder in the mid 2000s, but according to the proposal appears to never have been successfully implemented. The split of the region into two Administrative Districts reportedly further hampered implementation and made several existing management measures invalid, including a marine protected areas that was declared in 2007. A broad survey conducted in 2015 found that no coordinated, effective conservation program had been implemented in the Banggai region since *P. kauderni* was classified as Endangered in the IUCN Red List in 2007, and local conservation efforts were not implemented (generally because of a lack of financial and technical support).

Captive breeding of the species is reported to be a viable alternative to wild harvest. In 2012, a large-scale aquaculture facility in Thailand was reported to begin breeding *P. kauderni* in captivity for export, but capturing specimen from the wild remains cheaper.

The only range State of the species, Indonesia, was consulted, and does not support the proposal.

Compliance with listing criteria and other CoP recommendations

The proposals aims to list *P. kauderni* on CITES Appendix II with reference to Criterion A and B contained in Annex 2a of Resolution 9.24 (Rev. CoP16).

The guidelines contained in Annex 5 of Resolution 9.24 (Rev. CoP16) outlines the population decline criteria for commercially exploited marine species in relation to their productivity. For medium productivity a population decline to 10-15% of the baseline, for high productivity a population decline to 10-15% of the baseline would warrant inclusion on Appendix I respectively decline to a range of between 5 % and 10 % above that would justify inclusion in CITES Appendix II, while noting that when considering these percentages account needs to be taken of taxon- and case-specific biological and other factors that are likely to affect extinction risk.

From the information contained in the proposal, and taking into account the assessment of the FAO Expert Panel from 2007, it is unclear if *P. kauderni* has a medium or high productivity. However, the reported decline of over 90% with respect to estimated pre-harvest levels would qualify the species for inclusion in Appendix II for both cases.

The FAO Expert Panel drew on additional available sources of information. It concluded, contrary to the conclusion of the Panel in 2007, that while it considers *P. kauderni* to be a high productivity species with a good capacity to recover from population depletion, there are documented local extinction at 5 sites, while the population decline rates at 7 other sites meet the criteria for its inclusion in CITES Appendix II.

The Government of Indonesia submitted additional information pertinent to the proposal, based on national multi-stakeholder consultations. Indonesia argues that *P. kauderni* is naturally fast breeding all year round, easy to establish at new sites and easy to produce in a farm. It states that the local extinctions in the native range of the species are due to local mismanagement. Indonesia concludes that the species does to deserve inclusion in CITES Appendix II and should be regulated nationally.

Conclusions and recommendations

While available information shows that *Pterapogon kauderni*, which is an endemic species from Indonesia, is a high productivity fish species with a good capacity to recover from population depletion, there are documented local extinction at five sites, while population decline rates at seven other sites meet the criteria for inclusion in Appendix II. The overall decline in abundance of the population from estimated pre-harvest level is reported to be over 90%.

The species was the subject of a listing proposal submitted at CoP14. The proposal was withdrawn, with the range State committing to implement targeted conservation actions. However, the supporting statement shows that the species has continued to decline in the past nine years, and questions the effectiveness of the attempts to manage the species nationally. The species remains in demand for the ornamental fish trade, noting that that demand is partially met by captive-bred specimens. It's very restricted range, very low dispersal ability and the ease of depleting a local population with relatively little effort are important vulnerability factors that increase the risk that the species might become eligible for inclusion in Appendix I within a short period of time.

The Secretariat notes that the FAO expert panel concluded that the sequential serial depletion (historical extent of decline and recent rate of decline) of a large proportion of *Pterapogon kauderni* subpopulations meets the CITES Appendix II listing criteria.

Recommendation

Based on the available information at the time of writing, *Pterapogon kauderni* meets criterion A of Resolution Conf. 9.24 (Rev. CoP16), Annex 2 a for inclusion in Appendix II in accordance with Article II, paragraph 2 (a) of the Convention.

The Secretariat recommends that this proposal be **adopted**.

Proposal 47

Include *Holacanthus clarionensis* in Appendix II

Proponent: Mexico

Assessment by the Secretariat

CITES background

This is the first time the species is proposed for listing on the Appendices.

Purpose and impact of the proposal

The proposal seeks to include *Holacanthus clarionensis* in Appendix II. International trade in specimens of the species would be regulated in accordance with Article IV of the Convention.

Main points made in the supporting statement and general comments

H. clarionensis is a brightly coloured demersal marine fish distributed in Mexico and France (Isle Clipperton[10]), which occurs in coral and rocky reefs within 30m of depth, as well as close to blocks, walls and cliffs. The proposal contains limited information on the biology and reproductive capacity of the species. According to information in the proposal, the large majority of the population (99%) occurs within the Revillagigedo Archipelago, i.e. a relatively restricted area, while the modelled overall range of the species is reported to be much larger (13,365 km^2). An average density estimate inferred by the estimate of the population size and modelled range is provided, but seems erroneous, giving erroneous figures (several tens of millions of fish). The proposal contains information on a historic decline of the species by 95% at the end of the 1990s due to heavy harvesting by sport fishing boats in the Revillagigedo Archipelago. For one location, outside Revillagigedo Archipelago, the proponents report a decline by 93.2% from the period of 1998-2005 to 2006-2011.

The species is classified as vulnerable in the IUCN Red list due to its restricted range, vulnerability to extreme weather events and possible negative effects of climate change. While part of the reported range of *H. clarionensis* is contained in a Biosphere Reserve and National Marine Park in which harvesting of fish is restricted, the proposal identifies fishing pressure from both legal and illegal sources as another threat to the species.

According to the supporting statement, *H. clarionensis* is heavily traded as an ornamental aquarium fish, claiming that 99% of the specimen caught are exported for the international market with prices exceeding 2,000 USD per individual. Recorded trade volumes between Mexico and the principal importer, the United States of America, totalled 2,705 specimen between 2007 and 2013. There are reported cases of illegal trade from the past, and the proposal deems it possible that illegal trade continues to exist. In Mexico, the species is “subject to special domestic protection”, with only sustainably managed utilization allowed and parts of its range covered by spatial protection measures. Captive breeding programs in the range State have been unsuccessful, but are reported from an Indonesian company.

Mexico has submitted a revised version of its proposal on 5 July 2016.

Compliance with listing criteria and other CoP recommendations

The proposal aims to list *H. clarionensis* on CITES Appendix II according to criterion A contained in Annex 2a of Resolution 9.24 (Rev. CoP16). There is insufficient information presented in the proposal to assess if the species meets this criterion, and it is sometimes not clear from the proposal how densities and abundance were calculated.

The FAO Expert Panel considered several additional sources of information in its deliberations on *H. clarionensis* based on which it classified the species as having medium productivity. The Panel further concluded that the information presented is in part conflicting and that no decline in the overall population could be inferred.

In the revised version of its proposal submitted on 5 July 2016, Mexico included information showing that the species has high a productivity, and estimating local declines of up to 93.2% in one location. lies outside the core

[10] *French overseas territory*

range of species in the Revillagigedo Archipelago. The FAO Panel assessed that densities of the species outside the core range are historically low and unstable.

Conclusions and recommendations

Holacanthus clarionensis is a medium to high productivity species harvested as aquarium fish. There is insufficient information available to assess if the reported local population declines are representative across the range of the species. The available information rather indicates that the population is stable.

The species is in international trade, but it seems unlikely that levels of trade would result in the species meeting any of the criteria for inclusion in Appendix I in the near future, given that it is domestically regulated and that large parts of its range are protected. International demand for this species seems at least partially to be met by captive-bred specimens. The Secretariat agrees with the FAO expert panel that no decline in the overall population of the Clarion angelfish is demonstrated in the supporting statement.

Recommendation

Based on the available information at the time of writing, *Holacanthus clarionensis* does not meet the criterion A of Resolution Conf. 9.24 (Rev. CoP16), Annex 2 a for inclusion in Appendix II in accordance with Article II, paragraph 2 (a) of the Convention.

The Secretariat recommends that this proposal be **rejected**.

Mexico may wish to consider including *Holacanthus clarionensis* in CITES Appendix III.

Proposal 48

Include the Family Nautilidae (Blainville, 1825) in Appendix II

Proponent: Fiji, India, Palau and the United States of America

Assessment by the Secretariat

CITES background

This is the first time the taxon is proposed for listing on the Appendices.

Purpose and impact of the proposal

The proposal seeks to include all species in the Family Nautilidae in Appendix II. International trade in specimens of the species would be regulated in accordance with Article IV of the Convention.

Main points made in the supporting statement and general comments

The family Nautilidae contains two genera, *Allonautilus* spp. with two species, and *Nautilus* spp. with 4 species. The species of the family Nautilidae occur in naturally sparse, small and isolated populations in fore-reef slopes throughout south-east Asia and Oceania. They are slow-growing, late-maturing and long-lived, with a small number of offspring and a lengthy incubation period. Due to physiologically narrow temperature and depth requirements and the lack of a mobile larvae stage, they have very limited dispersal ability. Nautilidae are therefore highly vulnerable to local extinctions with low probabilities for recolonization.

According to the information contained in the proposal, the distinctive coiled shells of all species in the family Nautilidae are traded internationally for souvenir and decorative purposes, which drives the exploitation of the taxon, while meat is considered a byproduct. The fisheries harvesting Nautilidae, by the use of baited traps, are usually unmanaged and follow a boom-bust cycle, depleting local populations and then moving on to new locations. Other threats to Nautilidae include anthropogenic habitat loss, natural predation and certain forms of tourism.

No global population estimates for Nautilidae exists and the proposal states that genetic data suggests that the populations of the respective recognized species may be comprised of numerous genetically distinct, geographically- and reproductively-isolated populations. Populations are reported to be generally stable where no fishing occurs but to show declines, often marked declines, and local extinctions in many areas where fisheries occur or have occurred. There is domestic protection for some species of the family in parts of their range.

Compliance with listing criteria and other CoP recommendations

The proposal aims to list all species of the Family Nautilidae on CITES Appendix II according to criterion B contained in Annex 2a of Resolution 9.24 (Rev. CoP16).

The guidelines contained in Annex 5 of Resolution 9.24 (Rev. CoP16) suggest that for a commercially exploited marine species with low productivity a population decline to 15-20% of the baseline would warrant inclusion on Appendix I and a decline to a range of between 5 % and 10 % above that, e.g. 20-30% would justify inclusion in CITES Appendix II, while noting that when considering these percentages account needs to be taken of taxon- and case-specific biological and other factors that are likely to affect extinction risk.

The proposal reports unspecified anecdotal declines in India, New Caledonia and several regions of the Philippines. Fishery independent studies show historic declines of about 97% from Tañon Strait, the Philippines, and 100% in New Caledonia, which are attributed to fishing pressure.

As outlined in its report, the FAO Expert Panel considered several additional sources of information in its deliberations on Nautilidae.

Taking all available information into account, it appears that recent or historic major declines in Nautilidae are documented at almost all locations where long-term fishing has occurred. The one exception to that appears to be New Caledonia where sustained fishing effort over the last two years did not lead to a collapse of the population exception of populations in New Caledonia. The panel proposed that this exception could be due to

the existence of very large contiguous area of suitable habitat for Nautilidae in New Caledonia. Based on this information, the FAO Expert Panel concluded that Nautilidae meet the Appendix II listing criteria.

Conclusions and recommendations

The family *Nautilidae* contains two genera, *Allonautilus* spp. with two species, and Nautilus spp. with four species. The species of the family *Nautilidae* occur in naturally sparse, small and isolated populations in fore reef slopes throughout south-east Asia and Oceania, have low productivity and are highly vulnerable to targeted overexploitation for shells. Harvesting and trade similarly affect the nine species. While there is insufficient data on the global population status and trends, strong declines and some local extinctions from fished populations are clearly shown by the data in the proposal.

The FAO expert panel concluded that major declines at locations where long-term fishing has occurred meet the Appendix II listing criteria.

Recommendation

Based on the available information at the time of writing, the species of the family *Nautilidae* meet the criterion B of Resolution Conf. 9.24 (Rev. CoP16), Annex 2 a for inclusion in Appendix II in accordance with Article II, paragraph 2 (a) of the Convention.

The Secretariat recommends that this proposal be **adopted**.

Proposal 49

Inclusion of the genus *Polymita* in Appendix I in accordance with Article II, paragraph 1 of the Text of the Convention, as it meets Annex 1 criteria B and C of Resolution Conf. 9.24 (Rev. CoP16) for *Polymita picta, P. muscarum, P. venusta, P. sulphurosa, P. brocheri* and *P. versicolor*.

Proponent: Cuba

Assessment by the Secretariat

CITES background

This is the first time species of the genus *Polymita* spp. are proposed for listing in the Appendices.

Purpose and impact of the proposal

The proposal seeks to prohibit international commercial trade in specimens of wild origin of the genus *Polymita* spp. If the proposal is adopted, international trade in specimens of the genus will be regulated in accordance with the provisions of Article III of the Convention.

Main points made in the supporting statement and general comments

Polymita spp. consists of six species (*Polymita brocheri, P. muscarum, P. picta, P. sulphurosa, P. venusta,* and *P. versicolor*) which are endemic to Cuba. Their shells are valued for their forms, colours, and diversity of banding patterns.

None of the species has been evaluated by IUCN but nationally, they are listed as Critically Endangered in the "Red Book of Cuban Invertebrates". The proposal asserts that the area of distribution of all species of the genus has reduced [*P. sulphurosa* (-97%), *P. venusta* (-63%), *P. muscarum* (-56%), *P. brocheri* (-27%), *P. versicolor* (-25%) and *P. Picta* (-6%)]. For the six species, the area of distribution reduced by more than 56%, habitats became fragmented and populations declined.

The main reported threats to *Polymita* spp. include: destruction and fragmentation of their natural habitat, massive collection for trade, and increasing numbers of potential predators. The species in this genus are protected under Cuban legislation and trade without license is prohibited. The proposal states that in the last twenty years, only 90 specimen of *Polymita* spp. were legally exported. It is further said that illegal trade in the genus is significant. From 2012 to 2016, more than 23,400 shells were seized in a total of 15 seizures. In all cases, the shells were intended to be exported to the United States. Moreover, *Polymita* spp. are widely marketed internationally on websites located outside Cuba. They are also illegally sold within Cuba as tourist souvenirs. The proposal claims that inclusion of the genus in Appendix I will help to reduce illegal trade, and improve communication and exchange between the Parties in the fight against illicit trafficking and the conservation of these taxa.

Compliance with listing criteria and other CoP recommendations

The proponent asserts that listing *Polymita* spp. on Appendix I satisfies Criteria B and C of Annex 1 of Resolution 9.24 (Rev Cop16). However, the available information suggests that only *Polymita sulphurosa* meets these criteria, whereas *P. brocheri, P. muscarum, P. picta, P. venusta* and *P. versicolor* meet Criteria A and B of Annex 2a, and Criterion A of Annex 2b, respectively.

Conclusions and recommendations

The genus *Polymita* includes six recognized species. With the exception of *Polymita sulphurosa*, which has a very restricted range and evidence of marked population decline, other species in the genus *Polymita* spp.do not have small populations or very small ranges, nor do they show marked historic or recent declines in the sense of Resolution Conf. 9.24 (Rev. CoP16). Based on the available information, it seems that only *Polymita sulphurosa* therefore meets the biological criteria for its inclusion in Appendix I.

However, the available information suggests that, regarding *P. venusta* and *P. muscarum*, it can be inferred or projected that the regulation of trade in these species is necessary to avoid them becoming eligible for inclusion in Appendix I in the near future because of marked historical population declines. *P. venusta* and *P. muscarum*, therefore appear to meet criterion A of Annex 2 a of Resolution Conf. 9.24 (Rev. CoP16).

Regarding *P. brocheri* and *P. versicolor*, it can be inferred or projected, that regulation of trade in these species is required to ensure that the harvest of specimens from the wild is not reducing the wild population to a level at which its survival might be threatened by continued harvesting or other influences. *P. brocheri* and *P. versicolor* therefore appear to meet criterion B of Annex 2 a of Resolution Conf. 9.24 (Rev. CoP16).

Furthermore, in *P. picta* and in other species of *Polymita* spp., there is considerable intraspecific variation, making it difficult for non-experts to distinguish between the species. *P. picta, P. muscarum, P. venusta, P. sulphurosa and P. versicolor* therefore seem to meet criterion A of Annex 2 b of Resolution Conf. 9.24 (Rev. CoP16) (look-alike).

Recommendation

Based on the information available at the time of writing, *Polymita sulphurosa* meets the biological criteria in Resolution Conf. 9.24 (Rev. CoP16), Annex 1, for its inclusion in Appendix I; *P. muscarum* and *P. venusta* meet the criteria in Resolution Conf. 9.24 (Rev. CoP16), Annex 2 a, criterion A; *P. brocheri* and *P. versicolor* meet the criteria in Resolution Conf. 9.24 (Rev. CoP16), Annex 2 a, criterion B; and *P. muscarum, P. picta, P. venusta,* and *P. versicolor* meet the criteria in Resolution Conf. 9.24 (Rev. CoP16), Annex 2 b, criterion A.

The Secretariat recommends therefore that *Polymita sulphurosa* be included in Appendix I and *P. brocheri, P. muscarum, P. picta, P. venusta,* and *P. versicolor* be listed in Appendix II.