

CITES CoP 20 Proposals – Pet Advocacy Network

Pet Advocacy Network (PAN) members are affected by several proposals submitted for consideration at the 20th Conference of the Parties. These include proposals for the inclusion of *Caribicus warreni* and *Kinixys homeana* in Appendix I and inclusion of *Phyllurus amnicola*, *Phyllurus caudiannulatus*, and 15 species of tarantulas from 9 genera in Appendix II. PAN urges the Delegation of the United States to oppose all of these proposals as they do not meet the criteria for listing.

Caribicus warreni and *Kinixys homeana* are not threatened by international trade, but instead domestic threats: persecution and domestic use for bush meat and traditional medicine respectively. Both species are bred in captivity in the United States and elsewhere, and the majority, if not entirety, of international trade is of captive bred specimens not originating in the range states. While either species may qualify for a listing in Appendix III, they do not meet the criteria for inclusion in Appendix I. The proposal for the inclusion of *Caribicus warreni* in Appendix I raises an additional issue that will be addressed later in this memorandum.

Similarly, *Phyllurus amnicola* and *Phyllurus caudiannulatus* do not meet the criteria for listing in Appendix II. These species are endemic to Australia, and international trade is limited to captive-bred specimens. Ensuring illegal trade is not threatening these species in the wild can be achieved through a listing in Appendix III. This would provide the species with the same level of protection as a listing in Appendix II, but without the restrictive nature such a listing would have on breeders producing the species in the United States, Europe, and other countries outside the range state.

The proposal of 15 species of tarantulas is also problematic. Considering 15 different species from 9 different genera in a single proposal forces the Parties to taking an all or nothing approach to listing decisions. Proposals should be conducted at the species level, with occasionally genus level proposals being appropriate. The treatment of so many different species and genera as one ignores the individual circumstances of each species in trade and does not allow for nuanced discussion or debate. PAN urges the Delegation of the United States to oppose listing of these species in Appendix II.

CoP20 Doc. 102 submitted by the United Kingdom of Great Britain and Northern Ireland addresses a similar issue that leads to the inclusion in the Appendices many species at once

(often including species which do not meet criteria for inclusion in the Appendices) due to misuse of the look-alike provision of CITES. The document highlights an issue threatening the effective functioning and integrity of the Convention. PAN therefore urges the Delegation of the United States to support the recommendations contained in the Document.

CoP20 Prop. 19 proposing the Hispaniolan Giant Galliwasp (*Caribicus warreni*) for listing in Appendix I has several deficiencies. These include that no analysis was conducted on the status of the species in Haiti and that no consultation with Haiti occurred. However, one flaw highlights a growing issue, both with CITES and with US law. In the document, the Dominican Republic makes the claim that it has never legally exported the species for commercial purposes, and any international trade in the species is illegal.

“Any specimen, part or derivative that is traded at a national or international level is considered to be illegal because no authorization has been issued by the Ministry of Environment and Natural Resources.”

However, the document does not disclose a specific date as to when the Dominican Republic outlawed the export of the species or when the Ministry of Environment and Natural Resources implemented its permitting system. Further, the Dominican Republic does not reveal its system for record keeping of exports, when this record keeping system was implemented, or for how long records are retained by the government. Therefore, it is unclear how the Dominican Republic made the determination that the species was never legally exported from the country.

Further, directly contradicting the Dominican Republic’s claim of illegality of every specimen of the species in international trade, the proposal submitted by the Dominican Republic explicitly states that the species has historically been legally exported from Haiti.

“There are records of legal trade of the species because, in the 1990s, giant galliwasp were quite frequently legally exported from Haiti to the United States of America. At that time, they could be seen for sale in pet shops (McGinnity, 2025 [Personal Communication]). Giant galliwasp are long-lived and have large litters, so there are many ways for them to be legally or possibly illegally introduced into the private sector (McGinnity, 2025 [Personal Communication]).”

This unambiguous conflict between the Dominican Republic’s claim and its admission that legal mechanisms exist for the species to enter international trade highlights the growing problem of declarations by governments that an endemic species was never legally exported from their

country. These claims often ignore the fact that the animal trade in almost all countries preceded laws prohibiting export, records were rarely kept, and those that do exist are often incomplete. Even in the United States, which has one of the most sophisticated record-keeping infrastructures in the world, records of imports and exports are only retained in its LEMIS database for five years.

Claims of wholesale illegality of species by governments should be met with skepticism, particularly when dealing in captive-bred specimens. The lack of export records or the absence of permitting by the current regime of a government alone should not be accepted as determinative evidence that specimens of a species in trade are, or are progeny of, illegally acquired specimens. At a minimum, a more involved burden of proof, including evidence of diligent record keeping from at least the time a given species first appeared in the international trade, is necessary for acceptance of a government's claim that all specimens in trade worldwide are illegal.

Unfortunately, the US Fish & Wildlife Service has conducted enforcement based exclusively on unsubstantiated claims by foreign governments. Port inspectors have refused imports and exports and seized shipments solely on the basis of foreign governments' claims that the species in question was never legally exported.

CoP20 Prop. 73 would require consultation with countries to which endemic species are native to confirm legal acquisition throughout the chain of custody, including the founder stock, before a permit could be issued for export of specimens of those species. This proposal ignores the issues explained throughout this memo, such as the fact that often such records do not exist. Even when such records do exist, governments often ignore them for political, economic, nationalistic, or a myriad of other reasons. Despite significant evidence to the contrary, foreign governments commonly claim all trade in a species is derived from illegal exports, as is displayed by the Dominican Republic's claims in the above-mentioned CITES proposal.

Adopting CoP20 Prop. 73 would essentially give foreign governments a property right in endemic species. The United States is not a signatory to the Convention on Biological Diversity and does not recognize the Nagoya Protocol or the ability of foreign governments to maintain property rights in genetic resources outside their internationally recognized borders. There is no legal basis in the United States for any person, company, or foreign government to claim property rights in the genetic lineage of a naturally occurring species. If the proposal is implemented by the Parties at CITES, it will allow foreign governments to the ability to

unilaterally shut down international trade and seize the property of citizens not under their jurisdiction without requiring any evidence of wrongdoing. This proposal is not a legitimate means of regulating trade and falls outside the scope of the CITES treaty but is a back door ploy for foreign governments to extend their jurisdiction beyond their internationally recognized borders.

The US Fish & Wildlife Service should treat any claim by a foreign government that an endemic species has never been legally exported with skepticism. The Agency should revise its policy on determination of the legality of a specimen to require a higher evidentiary standard than simply the contention by a country that no legal exports of a species have occurred. Finally, the United States delegation to CITES should oppose CoP20 Prop. 73 and encourage other Parties to do the same.

PAN looks forward to continued involvement in the CITES process and invites the Department of State, Department of Interior, and Department of Commerce to reach out to discuss these or any other issues further before or during the CoP at 202-452-1525 or info@petadvocacy.org.

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