

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

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Twelfth meeting of the Conference of the Parties  
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This document is being distributed at the request of the Government of Japan.

## Comments on revised CITES criteria

Government of Japan

### **Background**

At the 46th meeting of the CITES Standing Committee held in Geneva in March 2002, the review of the criteria for amendment of Appendices I and II was on agenda. However, the chair of the Plants Committee preferred to discuss this agenda item at the next meeting of the Conference of the Parties to CITES (CoP) to be held in Chile in November 2002. The Standing Committee decided to postpone full discussions until the next CoP. It also agreed that additional comments can be submitted to the CITES Secretariat by the members of the Standing Committee as well as by other CITES Parties. Under this background, the Government of Japan is happy to submit its comments. It should be noted that our comments are based on the document CoP 12 Doc. 58, Annex 5a (former SC46 Doc. 14, Annex 3) which was prepared jointly by the chairmen of the Animals Committee and Criteria Working Group in consultation with the CITES Secretariat.

### **General comments**

Japan has, since a decade ago, intensively participated in the criteria review process at various fora including CITES meetings and FAO meetings. In relation to the recent development, Japan would like to thank the chairmen of the Animals Committee, Plants Committee and Criteria Working Group for their excellent work.

We have several specific concerns about the suggested revision including the "precautionary principle", overall-long term extent of decline and generation time. These points will be addressed later under the section on specific comments.

We are pleased to note that many of the FAO's recommendations were incorporated into the final version. The FAO Technical Consultation meetings were held twice, first in Rome in 2000 and second in Windhoek in 2001. The FAO/COFI Sub-Committee on Fish Trade was held in Bremen in February 2002 and decided by consensus that the recommendations from the previous consultation meetings should be submitted formally to CITES. Japan hopes that the recommendations made by FAO will be fully incorporated into the final version.

At the Bremen meeting, it was also decided that FAO would convene Expert Consultation meeting in the near future to discuss other important issues such as "look-alike" clause, split-listing, administrative implication of listing fish species and introduction from the sea. We strongly urge that these discussions should also be taken into consideration.

Referring to the document CoP 12 Doc. 58, Annex 5a (former SC46 Doc. 14, Annex 3), it should be pointed out that if compared between the left column and right column, Japan prefers in general the texts on the left column. Japan did not make many comments because we supported the texts on the left column. Most of the comments, which appear on the middle column, were received from the opponents to the left column. It seems that the final texts on the right column were prepared mainly based on such objections in order to accommodate their concerns. In other words, the final texts on the right column may

not necessarily reflect the views of a majority of the Parties. It has been repeatedly mentioned by several delegates at various meetings that silence should be interpreted as support for the text in question. The comments from the Parties on the middle column on pages 25 and 26 further strengthen our feeling that the comments received from Parties do not reflect the view of a majority of the Parties. For example, there is the same mistake shared by Australia, Hungary and Species Survival Network, simply copying the same comments.

### **Specific comments**

Japan would like to reiterate that silence should be interpreted as support for the proposed text.

#### p. 12. Preambular paragraph on precautionary principle

Japan agrees to the deletion of the paragraph. Annex 5 contains a series of precautionary measures which we believe are sufficient. Our concern is that the words 'precautionary principle' is not defined. In the context of CITES, this terminology has been interpreted in different way by different Party. Furthermore, the words "precautionary principle" was not adopted at the WSSD. Therefore, we strongly recommend that this paragraph be deleted.

#### p. 14. Operative paragraph on the best interest of the species

Japan welcomed the clearer wording by deletion of ambiguous and strong phrase 'precautionary principle'. The new wording 'by virtue of the precautionary principle and in cases of uncertainty' is inserted in the paragraph on the right column. Many people tend to interpret that in the best interest of the conservation of the species, downlisting from Appendix I to Appendix II should be avoided and a transfer to Appendix I or listing in Appendix II be promoted. This is often not the case.

IUCN circulated its statement to the CITES Parties during CITES Conference in 2000. In that document, IUCN said that "According to precautionary measure A, in cases of uncertainty regarding the status or trade of a species, the Parties should act in the best conservation interest of the species. In some cases the best conservation interest of the species may require that international trade prohibited, while in other cases careful regulation and monitoring of international trade may provide important incentives for conservation. The best conservation interests of the species is, therefore, difficult to interpret, and should not necessarily be defined to mean restricting trade in cases of uncertainty."

Rather than accepting the revised text on the right column, Japan would go along the comments made by IUCN as shown on the middle column. We feel that IUCN's comments accommodate our concern. If this suggestion is not taken, we suggest that the words 'in cases of uncertainty' should be replaced with the words from the Rio Declaration 'where there are threats of serious or irreversible damage'.

#### p. 19. Operative paragraph on the risk of the listing

Japan strongly supported this paragraph because it gives flexibility to the listing of the species. This paragraph means that if Appendix I listing is detrimental to the species conservation, then such Appendix I listing should be avoided. Having read the new text on the right column, we have no problem with accepting the final version.

p. 22. Operative paragraph on Conf. 8. 9 process

Japan supports the significant review process and as such, agrees to the paragraph. Even the final version is acceptable to us.

p. 27. Operative paragraph on quantitative evaluation

Japan strongly supports this paragraph. The paragraph is also in line with FAO's recommendations. We are concerned that the definition of 'quantitative evaluation' is not made. We suggest to use the definition by IUCN (see below) and that definition should be added to Annex 5.

"Any form of analysis which estimates the extinction probability of a taxon based on known life history, habitat requirements, threats and any specified management options. Population viability analysis (PVA) is one such technique. Quantitative analyses should make full use of all relevant available data. In a situation in which there is limited information, such data as are available can be used to provide an estimate of extinction risk (for instance, estimating the impact of stochastic events on habitat). In presenting the results of quantitative analyses, the assumptions (which must be appropriate and defensible), the data used and the uncertainty in the data or quantitative model must be documented."

p. 31. Annex 1, paragraph A, iv) on decrease

Annex 5 does not use the word 'decrease' in relation to abundance, rather Annex 5 uses the words 'decline' and 'marked decline'. Using the word 'decrease' in Annex 1 without defining it, makes it ambiguous and could lead to listing based on very small decline in abundance for populations with restricted area of distribution. As such, we suggest the word 'decrease' be replaced with 'decline'.

p. 45. Annex 2b, paragraph A

Japan supports the final text on the right column. These criteria are very clear and very reasonable. This 'look-alike' issue will be discussed at FAO meetings. The results from the discussions should be taken into consideration.

p. 47. Annex 2b, paragraph B on compelling reasons

We do not think there are other possible compelling reasons. This is vague criteria that may be misused. As South Africa suggested in the middle column, this paragraph should be deleted.

p. 48. Annex 3, split-listing

Japan supports IUCN's comment. We agree that split-listings may have some conservation benefits. We have good example with regard to Crocodylians. In some cases, for the benefit of conservation, split-listing should be encouraged. Japan strongly supports the proposed final text.

p. 51. Annex 4, precautionary measures

As already discussed above, we believe that this deletion should be supported. The deletion was also supported by the FAO's first Technical Consultation meeting.

p. 53. Annex 4 on transfer to Appendix II

Japan strongly supports the new text as suggested on the right column. If species do not satisfy the criteria for Appendix I listing, they should not be included in Appendix I. There are adequate safeguards as shown in Annex 4. These safeguards are precautionary. Such species should be downlisted.

p. 71. Annex 5 on the overall long-term extent of decline

Japan is concerned about the overall long-term extent of decline. As IUCN commented, it is very difficult to determine historic rate of decline. Therefore, we suggested that the overall long-term extent of decline should be defined as a certain period, for example last 100 years.

p. 77. Annex 5 on marked recent rate of decline

Japan is strongly opposed to the inclusion of generation length and supports the paragraph on the left column. In Japan, there are very common tree species, e.g., *Cryptomeria japonica* and *Chamaecyparis obtusa*. These trees are abundant and cultivated in plantation. Their generation time may be 500 years or more. If we take three generations, it means that we are talking about more than 1,000 years ago. Compared to 1,000 years ago, the wild population may have declined by 80 %, well qualified for listing in Appendix I although these trees are still abundant. When we take conservation measures for specific species, we do not develop our programme based on generation time. We base on absolute time. For these reasons, Japan strongly recommends that generation length be removed from the final text on the right column.

p. 80. Annex 5 on generation

As mentioned above, the definition of generation length should be deleted. Japan opposes the inclusion of 'generation length'.

p. 86. Annex 5 on small wild population

We are concerned that FAO's recommendations were not taken into consideration. We suggest that the recommendations should be incorporated in the final text.