

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



Twenty-sixth meeting of the Plants Committee  
Geneva (Switzerland), 5 – 9 June 2023

Thirty-second meeting of the Animals Committee  
Geneva (Switzerland), 19 – 23 June 2023

Appendices of the Convention

Nomenclature matters

Botanical and zoological nomenclature

HIGHER TAXON LISTINGS IN THE APPENDICES

1. This document has been prepared by the specialist on botanical nomenclature of the Plants Committee and the specialist on zoological nomenclature of the Animals Committee, with assistance from the Secretariat.\*
2. At its 19th meeting (CoP19; Panama City, 2022), the Conference of the Parties adopted Decision 19.272, directed to the Animals and Plants Committees, as follows:

***Directed to the Animals and Plants Committees***

**19.272** *The Animals and Plants Committees shall, taking into consideration document AC31 Doc. 38 with its Annex and its addendum, as well as the provisions of Resolution Conf. 9.24 (Rev. CoP17) on Criteria for amendment of Appendices I and II, Annex 3, review the impacts of existing and future higher taxon listings in the Appendices and propose further guidance and recommendations as necessary, for consideration by the Standing Committee.*

3. This Decision was adopted in response to the outcome of deliberations on Decision 18.315 on the listing of Pangolins (*Manis* spp.) in the Appendices. As noted in document AC31 Doc. 38 and its Addendum AC31 Doc. 38 Add. (paragraphs 7 to 9), and document CoP19 Doc. 84.1 (paragraphs 29 to 33), the Animals Committee was unable to come to a clear conclusion and course of action on the listing of pangolins in the Appendices, because its deliberations brought concerns of a broader nature to light. It was therefore deemed advisable to conduct a general consideration of the listing of higher taxa in the CITES Appendices before considering and acting on the specifics of the Pangolin (*Manis* spp.) case.
4. The fundamental unit of taxonomy and nomenclature is the species. Species are grouped into genera, genera into families, and so on; all these groupings of species are considered higher taxa. The inclusion of higher taxa in the CITES Appendices enables the listing of a group of taxonomically related species, which likely share similar biological characteristics, such as morphological similarity (relevant to species identification and look-alike species matters), similarity of desirability in trade, and/or similarity of sensitivity to trade impacts. Higher taxa also provide convenient stability to the Appendices and associated national legislation when taxonomic and/or nomenclatural changes occur to the species contained in the higher

---

\* *The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat (or the United Nations Environment Programme) concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.*

taxon: the listing remains the same, the treatment of specimens in trade remains the same, only the species name changes on a permit and in the CITES trade database. The listing of higher taxa in the CITES Appendices has been a standard practice since the Convention came into force, and amendments to the Appendices have occurred at times by the inclusion and deletion of entire genera or greater taxonomic units (such as families). The use of higher taxon listings is elaborated on in Annex 3 (*Special cases*) of Resolution Conf. 9.24 (Rev. CoP17).

5. Over the years of its implementation, CITES has experienced a number of cases of higher taxon listings that created complex situations that emphasize the need to consider the impacts of existing and future higher taxon listings. The following three cases serve as examples:
  - a) The evolution of the pangolin listings. For many years, pangolins were listed in Appendix II as a higher taxon listing, *Manis* spp., meaning that every one of its 8 recognised species was included in Appendix II. At CoP17, a suite of proposals each transferred one or more species to Appendix I, with the collective result that all eight species of pangolins are listed individually in Appendix I, while the genus listing remains in Appendix II despite every known pangolin species being listed in Appendix I, making the Appendix II higher taxon listing an 'empty shell'. A similar situation has existed for a long time in the Appendices, unnoticed or without triggering concern, for the snake family Bolyeriidae listed in Appendix II, which according to the adopted standard reference and all recent checklists contains just two species, *Bolyeria multocatinata* and *Caesarea dussumieri*, both of these species are individually listed in Appendix I.
  - b) The current listing of *Agalychnis* spp. At CoP15, the Parties adopted the proposal CoP15 Prop.13 to include the frog genus *Agalychnis* spp. in Appendix II, when that genus contained five species. Subsequent to CITES listing, scientific taxonomy recognised a number of novel species split out from the listed species, and transferred a number of species from the closely-related genus *Phyllomedusa* into the genus *Agalychnis*. These latter species (*Agalychnis buckleyi*, *A. dacnicolor*, *A. danieli*, *A. hulli*, *A. medinae*, *A. psilopygion*) (*A. taylori* is a separate case [see Annex 3 of AC32 Doc. 46]) have never been included in the CITES Appendices by way of a proposal or other means. Nevertheless, the adoption of an updated standard nomenclature reference (Frost 2021, Annex 1) as part of proposal CoP19 Prop. 35 placed these species in the genus *Agalychnis* for CITES purposes, meaning that the genus *Agalychnis* now contains listed and unlisted species. Proposal CoP19 Prop. 35 recommended the replacement of the genus listing *Agalychnis* spp. with a listing of the specific listed species in Appendix II; however, in the preparation of updated Appendices valid after CoP19, an alternative presentation was chosen, retaining the '*Agalychnis* spp.' genus listing, but clarifying it with a note '{Includes *Agalychnis annae*, *A. callidryas*, *A. lemur*, *A. moreletii*, *A. saltator*, *A. spurrelli* and *A. terranova*}'.
  - c) The genus listing of *Aloe* spp. in Appendix II. The entire genus *Aloe* spp. is included in Appendix II with a number of species individually listed in Appendix I. Recent evidence from molecular research on the aloes and their close relatives have resulted in a revised genus classification for this group of plants. Several species have been removed from the genus *Aloe* and placed into segregate genera (e.g., *Aloiampelos*, *Aloidendron*, *Kumara*, etc.). Even though these taxa are now treated under names not in the genus *Aloe*, they remain CITES-listed species. At the same time the genus *Chortolirion* (containing 3 non-CITES-listed species) has been included into *Aloe*, but for CITES purposes, they should not be included in the Appendices as they were not part of the original intent of the listing. As part of Decisions 19.279 and 19.280, the Plants Committee will consider the nomenclature of aloes (*Aloe* spp.). The matters pertaining to higher taxon listings and its implications will also have to be considered.
6. In these contexts, it is important to consider whether proposed amendments to the Appendices are substantive or non-substantive in nature and when a change in the name of a taxon is proposed, the original intent of the proposals adopted by the Conference of Parties should be considered, where available, noting that many species listings date from very early CoPs and in many cases the intent or scope of the listing was poorly defined or described. Relevant reviews under Resolution Conf. 14.8 (Rev. CoP19) on *Periodic review of species included in Appendices I and II* may also provide some useful information. Moreover, it must be considered how to address situations where a set of individual proposals collectively create a situation that is coincidentally beyond the original specific intent – such as a succession of species transfer proposals 'emptying out' a higher taxon listing, without any of these proposals specifying how to address the 'remainder' of the higher taxon listing. In terms of paragraph 2 f) of the Resolution Conf. 12.11 (Rev. CoP19) the Secretariat, in consultation with the Animals or Plants Committee, should determine whether a proposed change in the name of a taxon in the Appendices would alter the scope of protection for fauna or flora under the Convention. In the case where the scope of a taxon is redefined, the Animals or Plants Committee shall

evaluate whether acceptance of the taxonomic change would create substantive changes that would cause additional species to be included in the Appendices or listed species to be deleted from the Appendices.

7. Non-substantive changes are where the regulatory status of specimens remains unchanged, but the name under which trade is recorded and evaluated has changed. A name change may be the result of the inclusion of split-out populations of already-listed species under an additional name (or additional genera in case a higher taxon is nomenclaturally split), or it may lead to the deletion of a species name or higher taxon name from the Appendices in cases where a species or genus is synonymised with ('merged into') another species or genus listed in the same Appendix. Resolution Conf. 12.11 (Rev. CoP19) on *Standard nomenclature* provides for non-substantive amendments to the Appendices to keep the Appendices reasonably current with advances in scientific progress, including nomenclature. Under Resolution Conf. 12.11 (Rev. CoP19), nomenclatural changes accepted by CITES through the adoption of updated nomenclatural standard references can result in changes of names applied to listed taxa. The matter of what represents a non-substantive change is further considered in section 6 of information document CoP19 Inf. 17.
8. Substantive changes are where the change alters what populations and specimens are included in the listing or changes the requirements for their trade under the listing. Substantive changes to Appendices I and II require a proposal to the Conference of the Parties and a 2/3 majority in favour for adoption, as set out in Article XV of the Convention. In the case of substantive changes resulting from a nomenclatural change that redefines the scope of a taxon, the Depositary Government should be requested to submit a proposal to amend the Appendices in accordance with the recommendation of the Animals or Plants Committee, so that the original intent of the listing is retained, or an altered scope is deemed appropriate. Such proposals should be submitted for consideration at the next regular meeting of the Conference of the Parties, at which the recommendations of the Animals and Plants Committees will be considered.
9. The Animals Committee deliberated on the potential substantive difference between listing a group of individual species in the Appendices, and a higher taxon listing in the Appendices following Decision 15.63. The Animals Committee concluded that a higher taxon listing could potentially widen the scope of the original proposal in cases where newly described species are truly novel species [i.e., not a newly-named split-out population/species from a listed species]. This led to a recommendation from the Animals Committee at its 26th meeting to prepare proposals to change the listing of individual species to higher taxon listings in cases where the genus is comprised of more than one species and all of these species are listed [already] at species level in the Appendices (see documents AC26 Doc. 20 and its Annex 5, AC26 WG9, and document CoP16 Doc. 43.1 (Rev.1) paragraph 7).
10. The Secretariat notes that, in addition to the original intent of the proposals, the adoption of standard references (nomenclature) assists in determining whether the scope of the taxon will be redefined through a proposed change in a taxon name. Parties recommended in paragraph 2 d) of Resolution Conf. 12.11 (Rev. CoP19) that proponents should identify the reference used to describe the entity being proposed for inclusion in the Appendices. If a standard reference is not adopted by the Parties as part of a listing proposal, the species as specified in the original listing proposal should be considered as valid until a standard reference is officially adopted.
11. Should conflict arise regarding the choice of taxonomic authority for which no standard references have been adopted by the Conference of Parties, paragraph 2 h) of Resolution Conf. 12.11 (Rev. CoP19) sets out the process to be followed to resolve the conflict.
12. In reviewing the impacts of existing and future higher taxon listings in the Appendices, the Animals and Plants Committees may wish to consider the matters raised in the present document, including the following to address the issues raised in paragraph 10:
  - a) identify the higher taxa listings in the Appendices that do not have a standard nomenclature listed in the Annex to Resolution Conf. 12.11 (Rev. CoP19);
  - b) based on the taxa listings identified and taking into consideration decisions adopted by CoP19 relating to standard nomenclature (*Aloe* spp., *Pachypodium* spp., and Cactaceae spp.), identify the priority taxa for which standard nomenclature references should be developed; and
  - c) consider the scientific aspects of Annex 3 of Resolution Conf. 9.24 (Rev. CoP17) and whether amendments are needed to provide additional clarification on when a higher taxon listing may be deemed appropriate.

13. In addition, the Plants and Animals Committees are invited to consider whether in the current context the difference between a higher taxon listing and a list of all individual species in that higher taxon is sufficiently substantive to require a formal proposal to change a listing in the Appendices, or that a complete list of species may be replaced under the mandate of Resolution Conf 12.11 (Rev. CoP19) on *Standard Nomenclature* by a listing of the higher taxon — noting that amendments to Resolution Conf. 12.11 (Rev. CoP19) must also be considered by the Conference of Parties.

#### Recommendations

14. The Plants and Animals Committees are invited to establish a joint intersessional nomenclature working group to:
  - a) review the scientific implications and impacts of existing and future higher taxon listings in the Appendices, taking into consideration the aspects raised in the present document; and
  - b) develop draft recommendations and guidance to the joint session of the 33rd meeting of the Animals Committee and the 27th meeting of the Plants Committee scheduled to take place in 2024.