

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



Joint sessions of the 30th meeting of the Animals Committee and
the 24th meeting of the Plants Committee
Geneva (Switzerland), 20-21 July 2018

Species specific matters

Maintenance of the Appendices

APPENDIX-III LISTINGS

1. This document has been submitted by the Co-Chairs of the Joint Animals and Plants Committee (AC-PC) Intersessional Working Group on Appendix III Listings.*
2. The Conference of the Parties at its 17th Meeting (CoP17, Johannesburg, 2016) adopted Decision 17.305, as follows:

Directed to the Animals and Plants Committees

The Animals and Plants Committees shall advise the Standing Committee working group, if requested by the Standing Committee or its working group, on subject-specific items, e.g. on characteristics of species for a possible listing of species in Appendix III CITES.

3. The Animals and Plants Committees (AC-PC) established an intersessional Working Group on Appendix III Listings at their last Joint Session (AC29/PC23, Geneva, 2017). The composition of the Working Group is as follows:

Members: PC Chair (Ms. Sinclair), AC representatives of North America (Ms. Gnam) and Oceania (Mr. Robertson), the AC alternate representative of Oceania (Mr. Makan) and the AC nomenclature Specialist (Mr. van Dijk);

Parties: Canada, China, Germany, Japan, South Africa, Switzerland, United States of America, and Zimbabwe; and

IGOs and NGOs: Association of Midwest Fish and Wildlife Agencies, Association of Southeastern Fish and Wildlife Agencies, Born Free Foundation, German Society of Herpetology (DGHT), Humane Society International, Ornamental Fish International, Species Survival Network, TRAFFIC, and WWF.

4. The mandate of this Working Group is as follows:

* *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.*

Taking account of document AC29 Doc. 34/PC23 Doc. 30, and discussions in plenary, explore ways to best advise the Standing Committee on characteristics of species for possible inclusion in Appendix III by:

- a) identifying particular biological or trade characteristic for the species concerned, and
 - b) making suggestions for amendments to Resolution Conf. 9.25 (Rev. CoP17) concerning guidance for range States on characteristics of species that may benefit from inclusion in Appendix III; and
5. Working Group members had many discussions regarding this mandate and offer the following conclusions for the Animals and Plants Committees' consideration at the Joint Session of the Animals-Plants Committee (AC30/PC24, Geneva, July 20-21, 2018). These general statements are offered as a means to aid decisions making by Parties on whether to include a species in CITES Appendix III:
- When possible, species that meet the criteria for inclusion in Appendix I or II should be included in these Appendices. However, some species that might qualify for listing under Appendix I or II should not be disqualified from consideration under Appendix III.
 - Appendix III can be considered for species for which biological or trade information are uncertain, in cases of lack of support for an Appendix I or II proposal, or variable concern for the species among range States.
 - Inclusion in Appendix III could serve a role of allowing a range State improved monitoring and control of trade for species that do not qualify for listing on Appendix I or II, for which there may be some concern regarding the conservation of the species or trade levels. Appendix III can provide important trade data that are otherwise lacking, and can help the listing Party gain control of trade through the added cooperation of other Parties. If there are actual concerns about the sustainable use of the species, the species should be considered for listing in either CITES Appendix II or I where questions regarding sustainability are addressed via the non-detriment finding, which, of course, is not a requirement for trade in Appendix-III specimens.
 - Some Working Group members have found that an Appendix III listing can be used as an interim solution to an Appendix I or II listing, if either 1) comprehensive data on levels of international trade or the conservation status of species is lacking at the time, which would be required to fulfill Resolution Conf. 9.24; or 2) in case immediate action is required in advance of a CoP.
6. We suggest the following biological and trade characteristics for consideration. These are in addition to those already included in the legal prerequisite as set out in Article II.3 of the CITES treaty (“all species which any Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the co-operation of other Parties in the control of trade.”)

Biological Characteristics (used to evaluate conservation status and vulnerability to impacts from trade):

- Species that are near-threatened (could serve as an early warning system of possible Appendix III listings), vulnerable or endangered (under the 'IUCN Red List' or comparable evaluations).
- Species that are not yet assessed by any Red List etc. due to, for example, the lack of knowledge or capacities, but for which there may be concern.
- Species with intrinsic biological characteristics that make them especially vulnerable to harvest (offtake) or habitat destruction (e.g.: habitat or food specialists [at least in one life stage], low mobility or sedentary, clumped distribution, easy to detect and/ or collect, vulnerability to climate change [such as amphibian species], high age of maturity, low reproductive output, high natural mortality rate, occurrence in low abundances, solitary species).
- Offtake characteristics in relation to intrinsic biological characteristics, for example, volume of offtake in relation to population size, population trends, and population resilience; age or sex specific offtake.
- Species that are non-migratory and/or endemic or with extremely restricted distribution area (not supported by most WG members - endemism by itself is not a species characteristic that is useful for considering whether a species belongs on Appendix III).

Trade Characteristics:

- Documented or perceived new or rapidly increasing exports of a species (or parts, derivatives, or finished products) not currently regulated through CITES.
- Increased availability of the species (or parts, derivatives, or finished products) in markets for traditional medicine, consumer goods, food, or the pet trade.
- Species known or suspected to be in illegal trade and an Appendix III listing can help range states, exporting, and importing countries address this illegal trade.
- Uncertainty on the amount of trade and a need to monitor levels of trade.
- Increasing trade or demand in the species, while the species is demonstrably difficult to breed and to maintain in captivity, implying that the demand is likely being covered only with wild specimens at the time and in the near future as well.
- Species where trade is a 'perceived' or a possible threat to the species and there are national laws to protect it in some countries in its range. Cooperation between range states to enforce countries' national laws would be helpful to the species' conservation.

Other Conclusions/Issues:

7. As was discussed at AC29/PC23, there was no support for the idea to prepare a list of species not currently protected under CITES, with biological characteristics that may qualify them for Appendix III (refer to AC29 summary record – p. 28).
8. Accordingly, in subsequent Working Group discussions most Working Group members did not support the concept of commissioning IUCN or TRAFFIC to prepare a list of species not currently protected under CITES, with characteristics that may qualify them for Appendix III. Some felt such action was not in the mandate given to the Working Group.
9. The Working Group considered an important nomenclature issue in our discussions. The Working Group recommends that the Standing Committee in its intersessional Appendix III Working Group consider this issue in consultation with the Secretariat, Animals and Plants Committee Chairs and Nomenclature Specialists. Nomenclature changes affect Appendix III species and it is unclear in Resolution 9.25 (rev. CoP17) and Resolution 12.11 (Rev. CoP17) how nomenclatural changes are to be handled for Appendix III species. In the case of Appendix I or II, the process of how to deal with a nomenclatural change (such as a split-off of a new species, a synonymization, or a genus transfer) is clear: the split-out species remains in the Appendix of the 'parent' species, listed under its new name; genus transfers do not affect the listing of the specific species (but may lead to changes in how higher taxa are listed in the Appendices). In contrast, there is no established mechanism to determine whether a split-out 'new' species remains listed in Appendix III if it occurs in a country different from the country listing its 'parent' species in Appendix III. If a widespread species listed in Appendix III is divided into two or more 'new' species by progressive taxonomic understanding (and adoption of updated nomenclature references in CITES), and some of these 'new' species do not occur in the country that placed the 'original' species in Appendix III, the question arises whether these 'new', 'non-native' split-off species would remain covered by the original Appendix III listing. If the existing practice for Appendix I and II species were applied to Appendix III species, and all 'daughter species' of an Appendix III species remain included in Appendix III, it leads to the question of how a daughter species can be removed from Appendix III in cases where it is not native to the Party that originally listed it in Appendix III. Conversely, if 'new' split-off species that do not occur within the Party listing the original species in Appendix III were automatically excluded from Appendix III, this creates the risk or opportunity for taxonomy to be influenced by trade considerations: "split the species taxonomically and you no longer have to be concerned about CITES Appendix III export permit/certificate requirements". In the nomenclature Working Group, there is such a case, that of Russell's viper (see paragraph 18 in document AC29 Doc.35), and several more are currently under discussion.

Comments on possible amendments to Resolution Conf. 9.25 (Rev. CoP17)

10. The biological and trade characteristics considered above should possibly be incorporated as guidance into the Resolution.
11. Most Working Group members support the revised wording for paragraph 2. b) of the Resolution to read as follows: “determine that, notwithstanding these regulations and measures, there are indications that the cooperation of the Parties is needed to monitor (addition to Resolution Text) and control trade (deletion of word illegal).”
12. While a few Working Group members expressed support for a geographically limited or a single country Appendix III listings, most WG members strongly agree that Appendix-III listings should cover the entire geographic range of the species unless there is a compelling reason to restrict it. Geographically limited listings undermine the effectiveness of an Appendix-III listing by narrowing the scope of cooperation by other countries with regard to the species and therefore, failing to take advantage of the full benefit of an Appendix III listing. (When only the population of the listing country is included, for example, specimens originating in other countries are not CITES specimens and therefore, trade in them does not require a CITES certificate of origin.) In addition, such listings often result in confusion over how they are to be implemented (the recent Appendix-III listings of freshwater stingrays, for example). We believe that the resolution should provide stronger guidance in this regard.
13. Guidance or perspectives on paragraphs 6 and 7 of Resolution Conf. 9.25 (Rev. CoP17), which call for the Parties and the Animals and Plants Committees, to regularly review the status of Appendix III species, and the need to maintain them.
14. Working Group members support the general review of Appendix III listings to ensure that they are still needed and relevant. Most members agreed that it is the responsibility of Parties that have included species in Appendix III to review the status of these species from time to time and consider the necessity of maintaining them in Appendix III [as stated in paragraph 7 of Resolution Conf. 9.25 (Rev. CoP17)]. There was little support for the establishment of a periodic review type process with Animals or Plants Committee assistance. Appendix III listings (or de-listings) are ultimately a decision of the listing range state Party, and therefore it does not seem appropriate to develop a formal process in which the AC/PC would provide (unsolicited) advice to range states.
15. The Working Group members considered that it is appropriate for the Animals Committee and Plants Committees to assist Parties in the review of the status of species in Appendix III, if requested by the Party that listed the species, and supports a revision to paragraph 6 of the Resolution to include the underlined text. The Working Group also suggests deleting from paragraph 6 the phrase “if necessary”.
16. We ask that the Animals and Plants Committee take note of this report and adopt it for consideration by the Standing Committee in its work on Appendix III listings.