

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



Joint sessions of the 31st meeting of the Animals Committee and
the 25th meeting of the Plants Committee
Geneva (Switzerland), 17 July 2020

Species specific matters

Maintenance of the Appendices

NOMENCLATURE OF APPENDIX-III LISTINGS

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. The particular complications created to the nomenclature of species listed in Appendix III by progress in taxonomic science were outlined in paragraph 9 of the joint report of the Animals and Plants committees to the Standing Committee (AC30 Doc. 31/PC24 Doc. 26). At its 70th meeting, the Standing Committee included this report in its considerations, and among others proposed a draft Decision for CoP18.

At the 18th meeting of the Conference of the Parties, the Parties adopted Decision 18.313, directed to the Animals and Plants Committees, which reads as follows:

The Animals and Plants Committees shall, taking into consideration the current guidance in Resolution Conf. 12.11 (Rev. CoP18) on Standard nomenclature, paragraph 2 g), evaluate how nomenclature changes affect Appendix-III listings and propose further guidance and recommendations as necessary, for consideration by the Standing Committee at its 73rd meeting that address how such nomenclature changes are to be handled.

3. The Annex to this document outlines the scope of the problem with regard to nomenclatural changes to species listed in Appendix III of CITES, and suggests different interpretations and possible solutions for consideration.
4. The Animals and Plants Committees are requested to review this document and its Annex, and forward it to the Standing Committee for its consideration.

* *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.*

Considerations on the effects of nomenclatural changes
on species listed in Appendix III of CITES

Background: Taxonomy and Nomenclature

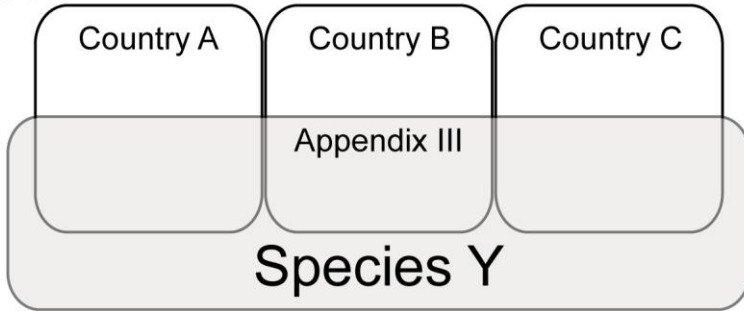
The findings of taxonomy, the science of what constitutes a species and how different species are related to each other, have direct results on the nomenclature of those species, i.e. by what name these species are known in biological science and in the wider world beyond science, including national legislation and conventions such as CITES.

Taxonomy examines the similarities among, and differences between, populations of similar organisms. Based on such examinations, taxonomists may conclude that two populations represent the exact same species, or slight differences between the populations may lead to a conclusion that the populations are the same species, but belong to different subspecies, or that the two populations are different enough to warrant recognition as separate species. Moreover, additional information may lead a taxonomist to conclude that one traditionally recognized species actually represents two or more species, and split the species into multiple species; or conversely, a taxonomist may conclude that the differences thought to indicate the separation of two species do not stand up at closer examination, and thus will synonymize (or 'lump') the two former species under one formal name.

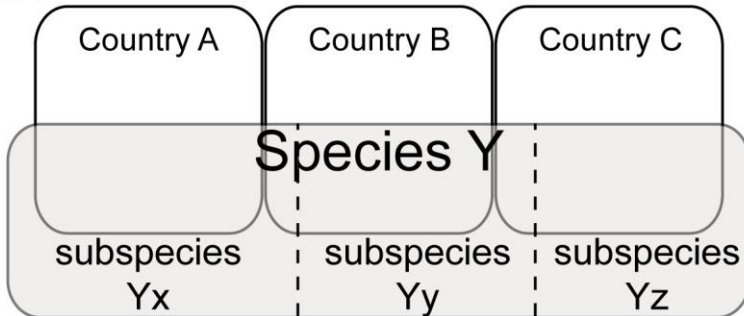
The characters on which taxonomists judge the degree of similarity or difference between populations include such aspects as reproductive compatibility, morphology (size, physical characteristics, colouration), vocalization and other behaviours, geographic and habitat occurrence, and differences in DNA, proteins and other molecules. With increasing resolution of the tools and analytical techniques available to taxonomists, and theoretical advances on species concepts, the general trend in recent decades has been towards increased recognition of additional species: What was historically considered a single, wide-ranging species showing some variability across that wide range may by modern taxonomic insights equally well be considered a set of related, but separate, species occurring in adjoining geographical areas. From a CITES context it is pertinent to realize that such sets of species are usually quite similar by external appearance (which is usually why they were considered a single species previously) and may thus represent identification challenges when in trade.

Whereas the science of taxonomy is primarily occupied with the definitions and interrelationships of species, the decisions to determine what scientific name to apply to a species are governed by the rules of nomenclature. While botanical and zoological nomenclature each have their own extensive set of rules governing the proper and valid application of names, the fundamental rule is that the oldest name for a species should be used. Thus, when two formerly recognized species are combined into a single species, the oldest of the two names used for the two former species will continue to be used as the valid name for the combined species, while the younger of the two initial names becomes a synonym of the valid (older) name.

1.1



1.2



1.3

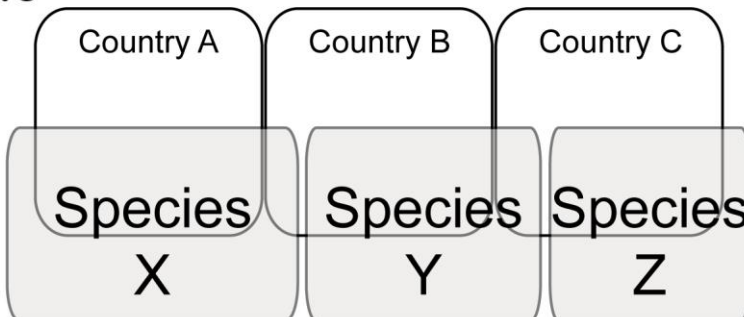


Figure 1: a theoretical example of three countries A, B, and C and the effects of taxonomic-nomenclatural splitting of a wide-ranging species.

Figure 1.1 shows all three countries inhabited by a single wide-ranging species Y

Figure 1.2 shows that taxonomic progress has recognized three subspecies among species Y, the typical subspecies Yy in Countries B and C as well as subspecies Yx in countries A and B and subspecies Yz endemic to country C.

Figure 1.3 shows the same situation as 1(B) except that taxonomists have now concluded that former subspecies x and z deserve to be recognized as full separate species. As a result, Country A is inhabited by species X, Country B is inhabited by species X and species Y, and Country C is range country for species Y and Z.

The effects of taxonomic-nomenclatural changes on Appendix III species

Trade in specimens of species listed in Appendix III is conducted in accordance with Article V of the Convention, while the implementation of the Convention for species in Appendix III is governed by Res. Conf. 9.25 (Rev. CoP18). Listing a species in Appendix III is a voluntary action by an individual Party that wants trade in its own population of a particular species to be regulated. This can occur without consent or consultation with other concerned Parties, which then in turn are obliged to issue documentation for trade in a species they did not consider to need international trade controls. The documentation requirements for export or re-export of Appendix III specimens from Parties that have or have not listed that species in Appendix III are tabulated in Annex 2 of Res. Conf. 9.25 (Rev. CoP18).

The implementation of standard nomenclature for CITES, including the process of implementing taxonomic changes recommended by the scientific community, is governed by Resolution Conf. 12.11 (Rev. CoP18). To summarize, changes in the names of species are conveyed into Appendices I and II by adoption by the Conference of the Parties of updated nomenclatural standard references; the effect of such changes is to maintain the CITES Appendix status of the specimens and populations concerned, irrespective of the updated name applied. In other words, if Species Y in figure 1.1 is listed in Appendix I or II, after adoption of a nomenclatural split as in figure 1.3 Species X, Y and Z all remain listed in the same Appendix as the original Species Y. Conversely, when species that are in different Appendices, or not listed, are synonymised / merged / lumped, only the populations that were in a particular Appendix will continue to be treated as subject to that Appendix. This usually occurs when species or subspecies listed in different Appendices are merged together as one species or subspecies, or when species are moved from an unlisted genus to a listed genus. Annex 4 of document CoP18 Doc. 99 provides a series of typical examples of the changes that occur in the Appendices and the Checklist of Species / Species+ database as a result of nomenclature updates without affecting the regulatory protocols in place for the populations and specimens concerned.

Concerning nomenclatural changes relating to taxa in Appendix III, paragraph 2 g) of Res. Conf. 12.11 (Rev. CoP18) recommends that *'if the Animals or Plants Committee proposes nomenclatural changes relating to taxa included in Appendix III, they should advise the Secretariat whether these changes would also result in changes in distribution that would affect the determination of which countries would be required to issue certificates of origin'*.

In the case of species listed in Appendix I or II the entire species is listed in all signatory Parties and the provisions of the Convention apply equally to all Parties, including the process to include, amend or delete species in the Appendices. But in the case of an Appendix III species, only a range state Party can include a species, and only the Party that listed the species in Appendix III can delete or withdraw that listing. A problem arises if a widespread species listed in Appendix III is divided into several closely-related and similar species, some of which do not occur in the country that placed the species in Appendix III; referring to figure 1.3, populations newly attributed to Species Z do not inhabit the country that placed it in Appendix III as part of the earlier understanding of Species Y.

The question therefore is whether a change of scientific name of a species listed in Appendix III is justification for a change of regulatory treatment.

As noted above, CITES is clear that name changes for species listed in Appendix I and II do NOT result in a changed regulatory treatment of the specimens (only a change of the name used in import/export documentation). If this logic were extended to species listed in Appendix III, then subsequent split-out species (like species Z in figure 1.3) would remain in the same Appendix as the parent species, i.e. listing in Appendix III. However, that creates the challenge that the Party that originally placed its native species Y in Appendix III, and thus imposed the need to issue Certificates of Origin on the other range state Parties, is no longer a range state for Species Z, and as such would have questionable authority to withdraw Species Z from Appendix III.

Paragraph 2 g) of Res. Conf. 12.11 (Rev. CoP18) recommends that the effects of nomenclatural changes proposed for species listed in Appendix III be advised to the Secretariat. There are no recommendations in the Convention or Resolutions what the Secretariat needs to do with this advice, nor how such situations are to be resolved. A number of possible ways forward can be imagined, based on different principles whether updated nomenclature or prevailing regulatory arrangements take precedence:

Option 1. The updated nomenclature takes precedence: Only the populations referred to the species listed in Appendix III remain in Appendix III, while populations now assigned to a different (split-out) name are implicitly deleted from Appendix III. As such, scientific decisions result in regulatory changes. It also becomes challenging to resolve if the 'original' name is assigned to a form/population that is not native to the country that placed it in Appendix III; in that case, the Appendix III listing needs to be updated to the name(s) of the split-out species occurring in the Appendix III-listing Party. A further complication occurs when a previously separate species is

synonymized with an Appendix-III listed species: when nomenclature takes precedence, all populations newly attributed to the Appendix-III-listed species now also require Certificate of Origin documentation.

Option 2. The regulatory arrangements in place take precedence: In this case, all populations that were previously included under the original species name that was placed in Appendix III remain listed in Appendix III, under one or more updated scientific names. This will ensure continued trade regulation as was implemented previously. The authority to withdraw a species from Appendix III may need to be expanded to provide that authority to the Party that placed the original, broader species in Appendix III, even though it is not a range state of the split-out species. Such withdrawal action could be taken following communication with the range state Party/ies of the newly split-out species.

Option 3. Maintain the status quo: By retaining the previous nomenclature, regulatory arrangements remain in place. However, nomenclature used by the Convention diverges from accepted scientific nomenclature, potentially creating confusion and risking the use of incorrect names in CITES documentation or national biodiversity inventories.

Procedurally, there is no constraint on the Scientific Committees to comply with paragraph 2 g) of Res. Conf. 12.11 (Rev. CoP18) and advise the Secretariat on the effects of proposed nomenclatural changes, including how such changes would relate to range states. Providing further clarification on nomenclatural and associated biological matters to the Secretariat and Parties as desired is part of the general mandate of Res. Conf. 12.11.

Further thought is required on the possible extent, pathways and formality of the Secretariat's engagement with range state Parties in general and the Party listing the species in Appendix III in particular, as well as feasible interactions between range state Parties without creating undue administrative burden.

In this context, it is worth recalling Paragraph 6 of Res. Conf. 9.25 (Rev. CoP18), which 'URGES Parties having included species in Appendix III to review periodically the status of these species, seek assistance of the Animals or Plants Committee in undertaking the review mentioned in paragraph 5 of this Resolution, if necessary, and taking into account these guidelines and any recommendations of the Animals and Plants Committees, to consider the necessity to maintain the species in Appendix III'.

Finally, any nomenclatural changes concerning species listed in Appendix III should be justified by the use of a standard nomenclature reference. The Annex to Resolution Conf. 12.11 (Rev. CoP18) lists standard references as adopted by the Conference of Parties, based on documentation submitted 180 days before the start of the meeting. Any updated nomenclatural standard references for Appendix III species should ideally be communicated well ahead of this deadline, which is far ahead of the recommendation in paragraph 3 of Res. Conf. 9.25 that the intent to include a species in Appendix III be communicated to the Secretariat at least three months before a meeting of the Conference of the Parties.