

Conf. 9.24 (Rev.)	Comments
<p>Note from the Secretariat: This document was prepared after the meeting from document Com. 9.17 (Rev.) adopted without being amended.</p> <p style="text-align: center;">Criteria for Amendment of Appendices I and II</p> <p>RECALLING that the Conference of the Parties at its eighth meeting, held in Kyoto, Japan, in March 1992, was convinced that the criteria adopted at the first meeting of the Conference of the Parties (Berne, 1976) (Resolutions Conf. 1.1 and Conf. 1.2) did not provide an adequate basis for amending the appendices, and directed the Standing Committee to undertake, with the assistance of the Secretariat, a revision of the criteria for amending the appendices (Resolution Conf. 8.20);</p> <p>NOTING that this review was carried out in consultation with the Parties and on the basis of initial technical work carried out by IUCN in collaboration with other experts;</p> <p>NOTING further that all aspects of this review were addressed by a joint meeting of the Plants and Animals Committees, in association with the Standing Committee, held in Brussels in September 1993;</p> <p>CONSIDERING the fundamental principles in paragraphs 1 and 2 of Article II of the Convention, which specify the species to be included in Appendices I and II;</p> <p>RECOGNIZING that to qualify for inclusion in Appendix I a species must meet biological and trade criteria;</p> <p>RECALLING that Article II, paragraph 2(a), provides for the inclusion of species which may become threatened with extinction in Appendix II, in order to avoid utilization incompatible with their survival;</p> <p>RECOGNIZING that for the proper implementation of this provision it is necessary to adopt appropriate criteria, considering both biological and trade factors;</p> <p>CONSIDERING, however, that this provision should also apply where there is a need to bring under effective control trade in specimens of species included in Appendix I;</p>	

RECOGNIZING that the range States of a species subject to an amendment proposal should be consulted following the procedures recommended by the Conference of the Parties, and that the intergovernmental bodies having a function in relation to that species should be consulted as well;

NOTING the competence of certain intergovernmental organizations in relation to the management of marine species;

RECALLING that the international trade in all wild fauna and flora is under the purview of the Convention;

EMPHASIZING the importance of Resolution Conf. 3.4, adopted at the third meeting of the Conference of the Parties (New Delhi, 1981), regarding the need to provide to developing countries technical assistance in matters relating to the Convention;

IWMC: We have the feeling that some rewording would be useful regarding the 11th and 12th paragraphs of the preamble, those concerning consultations. There are two aspects in the consultation process:

1. On one side the consultations by the Parties submitting amendment proposals;
2. On the other side the consultations by the Secretariat in relation with submitted proposals.

The consultations to be conducted by the Parties (1), or at their request, are dealt with in Resolution Conf. 8.21, as far as range States are concerned. The consultations to be conducted by the Secretariat (2) are dealt with in the text of the Convention (Article XV).

With the current wording, it is not clear, regarding intergovernmental bodies, whether they have to be consulted by the proponent Parties also or by the Secretariat only. The latter would appear more logical, although it does not mean that the proponents should not refer to publications and decisions from such bodies. This interpretation appears to have been acknowledged by the CWG as it is proposing to delete the first paragraph under item 7.2 International, in Annex 6. In conclusion, the following wording is proposed for both paragraphs to separate the role of the proponent Parties from that of the Secretariat and to differentiate what is compulsory from what is the result of recommendations.

"RECOGNIZING that the range States of a species subject to an amendment proposal should be consulted by the proponent or on its behalf following the procedures recommended by the Conference of the Parties and that all Parties shall be consulted by the Secretariat in accordance with Article XV, paragraph 1(a), of the Convention;"

"RECOGNIZING further that the Secretariat, in accordance with the same Article, shall consult intergovernmental bodies having competence in relation to the management of marine species, and should also consult other intergovernmental bodies having a function in relation to any species subject to a proposal for amendment;"

RECOGNIZING that by virtue of the precautionary principle, in cases of uncertainty, the Parties shall act in the best interest of the conservation of the species when considering proposals for amendment of Appendices I and II;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

ADOPTS the following Annexes as an integral part of this Resolution:

- Annex 1: Biological criteria for Appendix I;
- Annex 2a: Criteria for the inclusion of species in Appendix II in accordance with Article II, paragraph 2(a);
- Annex 2b: Criteria for the inclusion of species in Appendix II in accordance with Article II, paragraph 2(b);
- Annex 3: Special cases;
- Annex 4: Precautionary measures;
- Annex 5: Definitions, notes and guidelines; and
- Annex 6: Format for proposals to amend the appendices;

RESOLVES that when considering any proposal to amend Appendix I or II the Parties shall apply the precautionary principle so that scientific uncertainty should not be used as a reason for failing to act in the best interest of the conservation of the species;

RESOLVES that, when considering proposals to amend Appendices I and II, the following applies:

- a) any species that is or may be affected by trade should be included in Appendix I if it meets at least one of the biological criteria listed in Annex 1;
- b) a species "is or may be affected by trade" if:

ZA: The proposed deletion of criterion A of Annex 4 is supported, but the following amendments to the wording of the "RECOGNIZING" clause in the preamble is recommended:

RECOGNIZING that by virtue of the precautionary principle, in cases of uncertainty, the Parties shall act in the best interest of the conservation of the species replace the words "when considering proposals for amendment of Appendices I and II" with the words "and enact measures which are proportionate to the anticipated risk to the species".

AU: The proposed limited definition of 'affected' as having a detrimental impact on the status of a species is not considered appropriate.

The proposed wording of i) and ii) should be amended as follows:

- i) it is known to be in international trade, and that trade has an impact on the status of the species; or

ii) it is probably in international trade, although conclusive evidence is lacking, and that trade would have an impact on the status of the species; References to “detrimental should also be removed from iii) and iv).

However, if the Working Group would prefer not to alter paragraph ii), other than removing the reference to “detrimental”, an additional paragraph iii) should be inserted as follows:

iii) it is probably in international trade, although conclusive evidence is lacking, and that trade would have an impact on the status of the species; or
The addition of the above paragraph iii) would require renumbering of the following two clauses.

We are of the view, informed by the recent drafting of the proposal to include the Great White Shark in the appendices, that where a species is probably in international trade, it is very difficult, if not impossible, to conclusively prove that that trade has a detrimental impact on the status of the species. It could, however, be shown to be likely, if the trade was occurring at the levels presumed to be occurring, to have a detrimental impact on the species.

DE: The new interpretation of “affected by trade” refers to Appendix I listing of species that already fulfil the biological criteria as outlined in Annex 1. This means that a species is threatened with extinction (Article II paragraph 1 of the Convention). In such a situation any commercial trade has to be regarded as detrimental, especially with regard to the precautionary principle described in sentences of the introductory part directly prior to these ones. Therefore the proposed changes must be rejected and the previous text maintained.

IL: The proposed change concerning when a species “is affected by trade” seem to put a much larger burden of proof that the trade is in fact detrimental to the species, in order to list it. Often it is quite difficult to prove biologically that only trade is to blame for a species’ decline, as there may be compounding factors affecting a species status in the wild. It would seem that the precautionary principle would be greatly weakened by these proposed definitions.

US: We disagree strongly with the statement in paragraph 17 of the CWG report that the text of the Convention clearly implies that “such trade should also have a negative effect on the status of the species”.

While a resolution may interpret the text of the Convention, it may not be used to alter its meaning or intent. We find no problems with the current operative part of Resolution Conf. 9.24 as regards the term “is or may be affected by trade” (Resolution Conf. 9.24, second RESOLVES, paragraph b); we do not concur with changing it, nor with the changes proposed. We cannot agree with the definition proposed here for paragraph b), dealing with whether a species “is or may be affected by trade”. First, various English-language dictionaries define “affect” to mean “to influence or impress”. The word “affect” does not refer only to negative impacts. Restricting the meaning of the term, as is proposed, places an additional onus, not present in the treaty itself, on Parties seeking to

include species in the Appendices. While it may be comparatively easy to prove that trade in a species will have a discernible impact -- often simple examination of trade figures may be enough -- it is much more difficult, and perhaps impossible in some cases, to show that the impact is negative. Such findings are more appropriate in the non-detriment findings required by Articles III and IV, and not in the listing criteria. Furthermore, in the proposed wording in paragraph b) under the Second RESOLVES clauses i) through iv), as written a proponent must always prove that trade is having a detrimental impact on the species. As revised, subparagraph b) would never allow a species to be listed if there were any degree of uncertainty about the impact of trade on the species. For example, original clause ii) justifies listing a species if the species is probably in international trade, even if conclusive evidence is lacking. This provision is consistent with the express intent of the Parties that, in cases of uncertainty, decisions be made in the best interest of the conservation of the species. By contrast, the new "detrimental impact" element in clause ii) is set off by a comma from the term "probably" and the phrase "if conclusive evidence is lacking," removing it from the purview of these terms. As a result of this absolutist construction, this criterion would not be satisfied unless the proponent could prove that trade is having a detrimental impact. We suggest the following language instead, as a "compromise" between the existing language and the CWG Report's proposal:

- b) a species "is or may be affected by trade" if:
- i) it is known to be in international trade and trade may have an impact on the status of the species;
 - ii) it is probably in international trade, although conclusive evidence is lacking, and trade may have an impact on the status of the species;
 - iii) there is potential international demand for specimens of the species, and any international trade in the species may have an impact on its status;
 - iv) it would probably enter trade were it not subject to Appendix I controls, and that trade may have an impact on its status.

IWMC: CITES is about international trade and the definition of the word 'trade' in Article I of the Convention is clear. To add 'international' to 'trade' as it has been done in some of the proposed changes, e.g. as indicated in paragraph 18 of the CWG report, may create some confusion. When CITES, and CITES Resolutions and Decisions refer to trade it should always be understood that the reference is to international trade, unless expressly specified otherwise. However, if it is felt really necessary to include 'international' when reference is made to 'trade', this should be done not only in the revised or added sentences but throughout the draft revised resolution.

The intent of the changes proposed in this paragraph is well understood and supported. However, we have some concern with part of the wording.

- ~~i) it is known to be in trade; or~~
- ~~ii) it is probably in trade, but conclusive evidence is lacking; or~~
- ~~iii) there is potential international demand for specimens; or~~
- ~~iv) it would probably enter trade were it not subject to Appendix-I controls;~~

- i) it is known to be in international trade, and that trade has a detrimental impact on the status of the species; or**
- ii) it is probably in international trade, although conclusive evidence is lacking, and that trade has a detrimental impact on the status of the species; or**

- iii) there is a potential international demand, and any international trade would have a detrimental impact on the status of the species; or**

GB: We have some reservations about this amended section as by addressing the subject in greater detail the opportunity to argue about semantics increases. In particular, if, in b.ii), conclusive evidence is lacking about whether a species is in trade or not then it is equally unlikely that evidence about the impact of such trade will be available. A simpler approach may be to adopt a definition along the lines below:

"it is known [or suspected] to be in international trade, or there is a potential market, and that such trade would be detrimental to the conservation status of the species were it not subject to the Appendix I controls."

NO: This paragraph seems to contain a contradictory statement since it refers both to lack of knowledge if the species is in trade, while the next sentence state that the species is in trade. It could be a solution to include in the second sentence "trade will have a detrimental impact ..." instead of "trade has a detrimental effect ..." However, paragraph ii) then will resemble paragraph iii) and iv). Paragraph ii) thus seem redundant and we propose to delete it.

IWMC: This sub-paragraph concerns cases where there is no conclusive evidence of trade. In such circumstances how would it be possible to determine that the probable trade has a detrimental impact? This case seems to represent circumstances under which the 'species' may be affected by trade. Therefore the subparagraph should end: "... and that trade may have a detrimental impact on ..."

IWMC: This sub-paragraph seems to refer essentially to 'species' listed in Appendix I for which a transfer to Appendix II is proposed. Indeed, if the species would be listed in Appendix II or not listed at all, the existence of trade would be known. The use of the word 'demand' instead of trade is acknowledged. However, we have the feeling that it should be qualified by the word 'commercial', since non-commercial trade is possible under an Appendix-I listing. Because of that, it would be preferable, in our opinion, to replace the words 'and any international trade' by the words 'and any such (commercial) demand'.

iv) it would probably enter international trade, with a detrimental impact on the status of the species, were it not subject to Appendix-I controls;

- c) any species that meets the criteria for inclusion in Appendix II listed in Annex 2a should be included in Appendix II in accordance with Article II, paragraph 2(a);
- d) species should be included in Appendix II under the provisions of Article II, paragraph 2(b), if they satisfy the criteria listed in Annex 2b;
- e) species should be included in more than one appendix at the same time, and higher taxa should be included in the appendices, only if the species or higher taxa concerned satisfy the relevant criteria listed in Annex 3;
- f) species of which all specimens in trade have been bred in captivity or artificially propagated should not be included in the appendices if there is no probability of trade taking place in specimens of wild origin;
- g) any species included in Appendix I for which sufficient data are available to demonstrate that it does not meet the criteria listed in Annex 1 should be transferred to Appendix II only in accordance with the relevant precautionary measures listed in Annex 4;
- h) any species included in Appendix II in accordance with Article II, paragraph 2(a), that does not meet the criteria listed in Annex 2a should be deleted only in accordance with the relevant precautionary measures listed in Annex 4; and species included in accordance with Article II, paragraph 2(b), because they look like the species subject to the deletion, or for a related reason, should also be deleted only in accordance with the relevant precautionary measures; and
- i) the views, if any, of intergovernmental organizations with competence for the management of the species concerned should be taken into account;

RESOLVES that proposals to amend Appendices I and II should be based on the best information available and presented in the format in Annex 6, unless otherwise justified;

RESOLVES that Parties should avoid the inclusion in Appendix II of species that are in international trade, but managed in such a manner that there is a negligible risk that, in the near future, the species will qualify for inclusion in Appendix II under the provisions of Annex 2a to this Resolution;

IWMC: This sub-paragraph seems to refer also to 'species' listed in Appendix I for which a transfer to Appendix II is proposed. Therefore, here also the word 'commercial' should be added before (international) trade. In fact, the difference between sub-paragraphs iii) and iv) is rather small and may just be a semantic issue. Are both sub-paragraphs necessary?

AU: With regard to the first three proposed sub-'resolutions', we strongly believe that these should be the subject of separate debate at the CoP, and ultimately the subject of separate resolutions as all are major policy decisions not directly related to the criteria for listing a species. The three proposed "RESOLVES" are rather decisions on the appropriateness of listing

<p>RESOLVES/RECOMMENDS that a species should normally not be included in Appendices I or II when the risk of a detrimental increase in trade as a result of the listing is considered to outweigh the conservation benefit of the listing;</p>	<p>a particular species.</p> <p>DE: This paragraph is superfluous. When a species is managed in the way outlined in this paragraph it does not meet the criteria outlined in Annex 2a and cannot be included in Appendix II. Reject and delete this paragraph.</p> <p>JP: This new paragraph should be strongly supported.</p> <p>US: We cannot support requiring such a “risk analysis” by Parties submitting a proposal, as discussed in paragraphs 45-47 of the CWG report. It is burdensome on Parties, particularly range countries, and goes beyond the treaty. This is a scare argument (that somehow there is a risk of including a species in the Appendices). Further, the statement that including a species in Appendix I might be “taken in the wrong belief that the listing as such has solved the conservation concerns” is an unnecessary polemic that does not belong in a criteria document. We are not aware of studies published in the literature that substantiate such allegation. Furthermore, the report indicates that the Criteria Working Group discussed the need to “assess the risks associated with a listing”. Having had a representative at the meeting of the CWG, we note that some members of the group also suggested including the benefits of a listing (in addition to the risks). As discussed above, we oppose this added paragraph. It is unnecessary and contrary to the explicit language of the treaty, as discussed above. For species managed under international management regimes, such as many marine species, this paragraph would require the Parties to CITES to pass judgement on other operating conventions -- something that may be extremely difficult to do even if the scientific evidence suggests that these conventions are not fulfilling their mandates. We believe there is already adequate opportunity to consult other international treaties for marine species, as spelled out in Articles XIV and XV of the CITES treaty. Under the proposed new paragraph, therefore, CITES might well be prevented from listing a species until an unproven trade regime actually fails, even if such listing would make a positive contribution to the species’ conservation. This is highly contrary to the precautionary principle.</p> <p>IWMC: We agree with and support the first and third RESOLVES proposed for addition to the operative part.</p> <p>DE: CITES as all other species conservation conventions works on the principle of negative listing (same as the lists in the IUCN Red Data Book) restricting the international trade of wild species on different levels. If the listing of species results or will result in a detrimental impact as outlined in this paragraph than the implementation of CITES does not work. In this case the implementation should be improved rather than accept an over-exploitation.</p>
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RESOLVES that species subject to review under the provisions of Resolution Conf. 8.9 (Rev.) should not normally be transferred to Appendix I, or being subjected to a zero quota established by the Conference of the Parties:

Conservation status and trade are the cornerstone criteria of CITES as outlined in the text of the convention. It must be noted that by adding this text a hidden criterium enters the preamble of Resolution Conf. 9.24 that is not covered by the convention itself and not listed under the criteria in Annex 1, 2a and 2b. Reject and delete this paragraph.

GB: We support the wording proposed in here to address the issue of whether a CITES-listing will have more risks than benefits to the conservation of the species. However, we do not feel that this is a major issue nor one that warrants substantial further discussion.

US: We do not understand why it is necessary to suggest language to deal with a problem that, as the previous paragraph points out, has never been proven to exist. It does not appear that this text was suggested by the Criteria Working Group, and as such should be struck. Even if such a problem were to exist, it would appear to reflect not a listing issue, but rather failure to effectively enforce the treaty. The proper way to deal with such an issue, should it exist, is for the Parties to improve their levels of CITES enforcement and implementation.

The Parties that signed or acceded to CITES made the policy judgement that species covered by the definitions in Article II are best conserved through the permitting requirements outlined in Articles III, IV and V. It would be improper for the Parties (and certainly beyond the mandate of any working group or committee) to alter or limit the plain language and intent of the treaty, without a formal amendment to the treaty text.

DE: This paragraph may easily be misused in order to prevent or unjustifiably postponing Appendix I listing or the establishment of zero quota. With regard to the precautionary principle agreed upon that asks to act in the best interest of the species these paragraphs have to be rejected.

In addition it should be noted a recommendation of the CITES Secretariat to stop trade in a certain species of a certain country as a result of a recommendation within the significant trade process cannot be implemented by many CITES Parties according to their respective laws.

Reject and delete these paragraphs.

GB: We support the wording proposed by the working group with respect to Resolution Conf. 8.9 (Rev.). However, we note that to be correct in English the word 'being' should be replaced by 'be'.

IL: This seems to put a difficult burden on getting a species uplisted by proposing awaiting completion of the review process before transferring a species to Appendix I. We do not see the point in delaying uplisting by awaiting the actual completion of the review, when the situation is clear.

- a) until the completion of the review process has demonstrated that there is a need to do so; or
- b) unless the proponent demonstrates why the procedures outlined in Resolution Conf. 8.9 (Rev.) are not sufficient and an Appendix-I listing is warranted;

RESOLVES that annotations to proposals to amend Appendix I or Appendix II should be made in accordance with the applicable Resolutions of the Conference of the Parties;

US: We object strongly to the proposed language in paragraph 53 of the CWG report. We note that the CWG did not come up with this language, and it should be struck. We strongly support the Significant Trade Review process; we were one of its original architects. However, the mere fact that a species is under review does not preclude a Party, particularly range states, from proposing its transfer from Appendix II to I. If such an avenue is precluded, one important incentive for Parties to cooperate with the recommendations coming out of the review process would be foreclosed. Furthermore, this line of discussion is far too argumentative, and is beyond the remit of listing criteria.

Status as a “significant trade” species should not be a bar to uplisting, if the status of the species so warrants. Waiting until the review process is completed could take many years, and in fact with some species the process may never reach a satisfactory end point. We believe that the Parties should always be free to consider the effectiveness of the Significant Trade Review for any species in an unbiased and precautionary manner, and to decide on a case-by-case basis whether measures taken under Resolution Conf. 8.9 are adequate or if an Appendix I listing is necessary.

The listing criteria cannot, and should not, be used to preclude any Party from submitting a proposal for a species that qualifies. Such a prohibition violates Article XV, paragraph 1.b. of the CITES treaty, which states: “Any Party may propose an amendment to Appendix I or II for consideration at the next meeting.” No resolution, which is “soft law”, can take that right away from a contracting Party.

IWMC: We believe however that the third added paragraph should rather be a RECOMMENDS if it is considered as really necessary. In fact, it may be considered that it is covered by the precautionary principle under which the Parties shall act in the best interest of the conservation of the species when considering proposals for amendment of Appendices I and II. Indeed, to so act does not mean necessarily that the species must be listed.

DE: It is self-evident that proposals for amendment of the appendices of the convention should be in line with the provision of the convention. There is no need to specifically address it. Reject and delete the paragraph.

JP: When Resolution Conf. 11.20 is included in operative part of Resolution Conf. 9.24, we must ensure that any annotations involving quotas be based on

ENCOURAGES Parties, when sufficient and relevant biological data are available, to include a discussion of appropriate quantitative analysis in the supporting statement of an amendment proposal;

RESOLVES that, to monitor the effectiveness of protection offered by the Convention, the status of species included in Appendices I and II should be regularly reviewed by the range States and proponents, in collaboration with the Animals Committee or the Plants Committee, subject to the availability of funds;

URGES Parties and co-operating organizations to provide financial and technical assistance, when requested, in the preparation of proposals to amend the appendices, the development of management programmes, and the review of the effectiveness of the inclusion of species in the appendices. Parties should be open to using other available international mechanisms and instruments for these purposes in the broader context of biodiversity; **and**

~~RECOMMENDS that the text and the annexes of this Resolution be fully reviewed before the twelfth meeting of the Conference of the Parties with regard to the scientific validity of the criteria, definitions, notes and guidelines and their applicability to different groups of organisms; and~~

REPEALS the Resolutions listed hereunder:

- a) Resolution Conf. 1.1 (Berne, 1976) - Criteria for the Addition of Species and Other Taxa to Appendices I and II and for the Transfer of Species and Other Taxa from Appendix II to Appendix I;

best scientific advice.

Suggests to add text so this paragraph reads:

"RESOLVES that annotations to proposals to amend Appendix I or Appendix II should be made in accordance with the applicable Resolutions of the Conference of the Parties and on the basis of the best scientific advice."

IWMC: Regarding the new RESOLVES concerning annotations (see also paragraph 74 of the CWG report), we have the feeling that it does not follow what the Conference of the Parties decided at CoP11 when it adopted document Doc. 11.24, and the attached draft resolution with a few amendments. The document stated clearly, and this was approved by the Secretariat in its comment, that the new resolution should be combined or consolidated with Resolution Conf. 9.24 when it will be revised at CoP12. The new RESOLVES may not be considered as a consolidation. To follow the decision of the Parties we would recommend that the annotation process or conditions be included in a new annex to the revised resolution Conf. 9.24, and that the new paragraph under RESOLVES be amended accordingly.

US: While we concur that stock assessments and population viability assessments are desirable, it should be made clear that there are actually very few species for which the data required for such analyses are available.

- b) Resolution Conf. 1.2 (Berne, 1976) - Criteria for the Deletion of Species and Other Taxa from Appendices I and II;
- c) Resolution Conf. 2.17 (San José, 1979) - Format for Proposals to Amend Appendix I or II;
- d) Resolution Conf. 2.19 (San José, 1979) - Criteria for Addition of Extremely Rare Species to Appendix I;
- e) Resolution Conf. 2.20 (San José, 1979) - The Use of the Subspecies as a Taxonomic Unit in the Appendices;
- f) Resolution Conf. 2.21 (San José, 1979) - Species Thought to Be Extinct;
- g) Resolution Conf. 2.22 (San José, 1979) - Trade in Feral Species;
- h) Resolution Conf. 2.23 (San José, 1979) - Special Criteria for the Deletion of Species and Other Taxa Included in Appendix I or II without Application of the Berne Criteria for Addition;
- i) Resolution Conf. 3.20 (New Delhi, 1981) - Ten-year Review of the Appendices;
- j) Resolution Conf. 4.26 (Gaborone, 1983) - Ten-year Review of the Appendices;
- k) Resolution Conf. 7.14 (Lausanne, 1989) - Special Criteria for the Transfer of Taxa from Appendix I to Appendix II; and
- l) Resolution Conf. 8.20 (Kyoto, 1992) - Development of New Criteria for Amendment of the Appendices.

Annex 1

Biological Criteria for Appendix I

The following criteria must be read in conjunction with the definitions, notes and guidelines listed in Annex 5.

A species is considered to be threatened with extinction if it meets, or is likely to meet, **at least one** of the following criteria.

JP: Not to make further confusion, the sequence of criteria B (distribution), A (population size), C (decline) should correspond to that of IUCN criteria. (For there is a close relationship between CITES and IUCN. For instance, it is stated in paragraph 70 that the new IUCN approach is adopted as a guideline in the definition of decline.)

A.B. The wild population has a restricted area of distribution and is characterized by at least one of the following:

- i) fragmentation or occurrence at very few locations; or
- ii) large fluctuations in the area of distribution or the number of sub-populations; or
- iii) a high vulnerability due to the species' biology or behaviour (including migration); or
- iv) an observed, inferred or projected decrease in any one of the following:

- the area of distribution; or
- the number of sub-populations; or
- the number of individuals; or
- the area or quality of habitat; or
- reproductive potential—; or
- **recruitment/reproductive success or reproductive potential.**

NO: The underlined wording has been added as follows: "by at least one of the following:". In relation to subparagraph ii) we refer to the explanation as given in Appendix 5 (cf. explanatory note on "Large fluctuation"). As stated in the explanation "there will be many cases where this numerical guideline does not apply." It can thus be cast doubt about the value of the present explanation and the fact that only one of the criteria under paragraph A is needed to satisfy for inclusion in Appendix I. Under any circumstances it is necessary to retain the last sentence in Appendix 5, under explanation of the definition of fragmentation.

US: We do not see how changing the sequence of the three criteria would be useful. Rather, it will result in unnecessary confusion by Parties in preparing listing proposals.

NO: The definitions as stated in Annex 5 explain under definition of "Area of distribution" that "here will be many cases where this numerical guideline does not apply". To stress this fact we propose to include in paragraph A and subparagraph iv) the word "major" as follows: iv) an observed, inferred or projected major decrease in any one of the following:"

JP: The word "projected" or "can be projected" appears in revised Annex 1 and Annex 2a. This should be qualified to require that any such projections are based on valid assumptions otherwise anything can be "projected".

DE: This addition is not comprehensible. What is the difference between: a) reproductive potential; and b) recruitment/reproductive success or reproductive potential? Overlooked redundancy? Should a) be deleted?

JP: Item 'reproductive potential' is duplicated in A iv) 5th – 6th indent and C ii) 4th – 5th indent.

US: Instead of "recruitment/reproductive success or reproductive potential", we recommend: "recruitment into reproductive age classes and subsequent

B.A. The wild population is small, and is characterized by at least one of the following:

- ~~i) an observed, inferred or projected decline in the number of individuals or the area and quality of habitat; or~~
- i) ~~ii)~~ each sub-population being very small; or
- ii) ~~iii)~~ a majority of **mature** individuals, during one or more life-history phases, being concentrated in one sub-population; or

reproductive success”, or “recruitment or reproductive success”.

GB: We have reservations about the proposal to remove the decline sub-criterion. Firstly, this sub-criterion is repeated in criterion A.iv) (especially 3rd and 4th indents), and it would seem inconsistent to remove the sub-criterion from criterion B and not to do so from A. More fundamentally, this criterion was included because the effects of a decline in a small population (or in a species with restricted distribution) may be proportionally greater than in a large population. This is recognised in the current guidelines in Annex 5 where the guideline / threshold for what constitutes decline in a small population is less than for a decline in a non-small population. If this proposed change were to be made, it would need to be consistent across criteria A and B and that guidance on what constitutes a ‘marked decline’ should be amended accordingly to take account of the impact on small or restricted range populations. However, retaining a decline sub-criterion in A and B of Annex 1 would be consistent with IUCN red list criteria.

US: We do not feel that Subcriterion i) of the current criterion A is redundant and should be deleted. If a population size is small, possibly at or below minimum viable population size, any drop in population should be of concern. For species with populations significantly higher than minimum viable, however, the addition of “marked” in Criterion “C” is good.

DE: It is not comprehensible why the term “mature” has to be added under two different subpoints of this criterium. In many cases it is already difficult to evaluate the status of the whole population. It is almost impossible to restrict this evaluation to the mature individuals alone. Taking the total number of individuals in order to evaluate points **ii) ~~iii)~~** and **iii) ~~iv)~~** is absolutely correct with regard to the biological point of view.
Reject and delete the addition of the word “mature”.

GB: We strongly support the proposal to change any reference to the ‘number of individuals’ to the ‘number of **mature** individuals’. This change would be consistent with practice in the IUCN Red List criteria which also provide a suitable definition of this term.

JP: "a majority of mature individuals during one or more life-history phases..." This language is incorrect since one maturity is reached there are no other life-history phases other than death. What is the intention of this language? Japan suggests that different wording may reflect intention more accurately.

US: The CWG report suggests that the word "mature" should be used as an adjective of "individual" in current criterion A based on the argument that "several animal and plant species produce large amounts of offspring of which

only a relatively small part contributes to the recruitment of the species". While this argument seems reasonable at first it may not be as generally applicable as the CWG believed and after detailed analysis the United States recommends that it not be added to Criterion A, for a number of reasons:

In many cases, addition of the word "mature" actually reduces the flexibility of the criteria in terms of considering valid candidates for listing. For example, one could consider the hypothetical example of a previously unexploited population that takes several years to reach maturity, where suddenly, an international market develops for trade in the juveniles of the species. The juveniles are very valuable and it doesn't take long for harvest rates to reach unsustainable levels. However, due to the late maturity of the species, the high juvenile mortality rates may not translate into significant reductions in mature biomass for several years, by which time the species as a whole could be severely over-exploited. It is important for the criteria to retain sufficient flexibility to address those situations where international trade is focused on juvenile specimens of a species, thereby justifying an analysis of trade impacts on that vital stage of the life cycle. There may also be other examples where addition of the word "mature" results in a reduction in the flexibility of the criteria and impedes consideration of a particular species when other evidence indicates that listing of this species should be a priority.

Furthermore, the CWG itself suggested that use of the term "mature" might cause some problems when applied to particular plant species. Plant and animal demographics are inherently distinct. Typically, plant demographers analyse plant populations in terms of stage of growth, and not chronological age, which would make the term "mature" in listing criteria less than helpful. Also, plant survival and fecundity, important factors in assessing the status of populations in the wild, are determined largely by the size and physiological status of the individual plant (and not its "maturity"). In the case of trees, mature refers to the culmination of mean annual increment or nearly old growth. This age is reached long after reproductive age is reached. Plants have the ability to remain in a non-reproductive growth phase before reproduction. Some bamboos and trees, for example, spend years to even decades in a non-reproductive phase. Other plant species can delay flowering, or are single reproducers, or reproduce asexually. This plasticity in plant growth and reproduction necessitates retaining sufficient flexibility in the criteria.

Therefore, we believe that returning to the original language, and omission of the word "mature", leaves the criterion flexible and certainly does not preclude focusing on the mature portion of the population(s) when considering a species for listing. In fact, the existing phrase "during one or more life history phases" would seem to already encourage focus on the most relevant life history phase of a species.

<p>iii) iv) large short-term fluctuations in the number of mature individuals; or</p> <p>iv) iv) a high vulnerability due to the species' biology or behaviour (including migration).</p> <p>C. A marked decline in the number of individuals in the wild, which has been <u>either</u>:</p>	<p>NO: The interpretation may differ. If it is large decreases in species populations that warrants the subparagraph we propose to clarify the subparagraph by replacing "<u>short term fluctuations</u>" with "<u>decrease</u>", and the subparagraph to read as follows: iii) large decrease in the number of mature individuals; or ...</p> <p>US: Terms such as "large short term fluctuations" need definition (in Annex 5).</p> <p>AU: We would support the Working Groups suggestion that the term "marked" be included in Criteria C and that the IUCN criteria be considered appropriate to establish this. There are issues within this where a population has a planned decline, for example the fishing of virgin fish stocks.</p> <p>DE: In general it should be avoided to make already vague terms worse by adding undefined new words. "Decline" has been defined in Annex 5, but as long as there is no definition of both, the terms "decline" <u>and</u> "marked decline", there is no necessity of changing the wording. Delete the term "marked".</p> <p>GB: We agree with the proposed use of the term 'marked decline'.</p> <p>IL: The proposed change and the proposal to make changes to the definition of "decline" to "marked decline" in Annex 5, seem to reduce clarity rather than enhance it. The definition in Annex 5 seems to cover also cases where small declines can be very detrimental to a species, which the proposal does not. Without a new definition of "decline" it is not clear to us how "marked decline" improves the paragraph.</p> <p>US: We support the concept of including some degree of decline, or qualifying decline in some way. In many cases "marked decline" is acceptable, although we recognize for some species it may not be appropriate. We also suggest consideration of the issue of whether or not a given decline is significant. In some cases, a large population may have a marked but planned or permitted decline (e.g. some commercial fish species, and some tree species). The concept of significance could be tied to the planned sustained or minimum viable population levels, when appropriate. A "marked decline" might be defined as a function of the number of individuals involved, fecundity, and length of life cycle to get a sense of the significance of the decline. However, this sort of analysis is more appropriate in the context of a species' biology, and is the sort of issue where a taxon-specific, biologically-based review of the criteria in the manner prescribed by Resolution Conf. 9.24 would be useful. The addition of the word "marked" is not necessarily helpful. It would be preferable to discuss this in the Annexes, with some taxon-based specificity. The Conference of the Parties is always required to determine whether a decline is</p>
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ii) inferred or projected on the basis of any one of the following:

- a decrease in area or quality of habitat; or
- levels or patterns of exploitation; or
- threats from extrinsic factors such as the effects of pathogens, competitors, parasites, predators, hybridization, introduced species and the effects of toxins and pollutants; or
- decreasing reproductive potential; or
- **decreasing recruitment/reproductive success or reproductive potential.**

~~D. The status of the species is such that if the species is not included in Appendix I, it is likely to satisfy one or more of the above criteria within a period of five years.~~

sufficiently great to warrant listing. More significantly, if a species has already been greatly reduced, any additional decline, however small, is significant even if the rate of the decline as a percentage of the population is slowing. The same is true for any population that is already small or highly fragmented. We recommend further evaluation in Annex 5 of what is meant by "marked decline".

GB: We note the addition of 'decreasing recruitment / reproductive success or reproductive potential' to the relevant indent of criteria new A and C in Annex 1. However, the draft revision to the criteria duplicates the phrase relating to a decrease in 'reproductive potential' which appears singly in the previous indent in the draft revised annexes. In other words, the 5th indent of new criterion A.iv) and the 4th indent of criterion C.ii) should be deleted.

US: We prefer replacing "recruitment/reproductive success" with "recruitment, reproductive success", as the two are not the same. Alternatively, we would recommend "recruitment into the reproductive age classes and subsequent reproductive success of the individuals" or even just "decreasing recruitment or reproductive success" (since reproductive potential can be confusing).

DE: With regard to the precautionary principle this paragraph must not be deleted.

US: We cannot agree that Criterion D of Annex 1 can and should be deleted. We have evaluated this issue extensively since the meeting of the CWG, and believe it should not be deleted; we also cannot agree with the statement in the last sentence of paragraph 22. Criterion D of Resolution Conf. 9.24, Annex 1 is a precautionary measure designed to avoid downlisting species that may have to be returned to Appendix I in the near future.

As such we do not believe that merely incorporating it into the criteria in Annex 2a is an improvement. This aspect of Annex 1 addresses the issue of retaining a species on Appendix I as opposed to transferring it to Appendix II. We believe that this was the original intent of the Parties, rather than having it simply as an argument for inclusion on Appendix II as an interim measure. The concept should therefore be mentioned in both Annexes. The current mention in Annex 1 protects currently listed Appendix I species from premature

Annex 2a

Criteria for the Inclusion of Species in Appendix II
in Accordance with Article II, Paragraph 2(a)

downlisting. The mention in Annex 2a protects unlisted species that need to be listed on Appendix II. The two concepts are quite different. By suggesting that the criteria in Annex 1 should only be used in reference to substantial illegal trade, the paragraph completely ignores the issue of the effect of re-opening legal trade in a downlisted species, even if such trade would be likely to place the species in such jeopardy that it would have to be returned to Appendix I in the near future. In fact, without Criterion D a species in such a situation would have to be retained on Appendix II once downlisted until such time as one of the other criteria were met. This is not only potentially damaging to species conservation, it could prove costly and wasteful to implement in range states. Furthermore, we do not agree with the statement that inclusion in Appendix II with a trade prohibition or restriction is a preferable option. It may be preferable in some cases, but certainly not as an overarching principle. Parties should be free to propose, and support if appropriate, either Appendix I or Appendix II with a trade restriction such as a zero quota, depending on the status of the species concerned and the relevant situation. More significantly, if the status of a species is such that it meets the Appendix I criteria, or is about to meet the criteria, then a listing proposal is reasonable, and nothing in the criteria should limit a Party's ability to submit such a proposal.

AU: Appendix II is primarily about a species being affected by trade and therefore we consider it most appropriate that the criteria remain simple and focussed on this point, rather than seeking to include substantial biological considerations into the criteria.

Where there is the potential for biological information to assist in considering the affect of trade, this would be useful, but should not be mandatory. A descriptive approach to when an Appendix II listing might be appropriate is useful, but would need to be on the basis of different life histories (something for Annex 5).

We do not support the inclusion of the proposed wording that would seek a risk analysis of listing.

We consider that the issue of up-listing during a significant trade review should be subject of separate debate and not part of the debate on criteria.

DE: Annex 2a lists criteria (A, B, C) for the inclusion of species in Appendix II in accordance with Article II, paragraph 2(a). Although addressing different aspects these criteria are regarded as of equal value. A species meeting any of these criteria, unimportant whether it is either A or B or C, qualifies for being listed on Appendix II.

The approach used by the Criteria Working Group and described in the notes 34 to 44, however, seems to weigh their importance against each other, finally coming to a ranking in a way that obviously A is the best criterium, B is of

minor importance and C is the least important. This is definitely not in line with Annex 2a giving A, B and C equal value, and it seems to indicate that a proposal using criterium A is a better one than another using only C. The way it is demonstrated in the figure indicates that a species which fulfills the criterium A is already much nearer to extinction than another species fulfilling "only" criterium B. In reality it may be totally the other way round!

This sort of classifying the criteria is unnecessary and might lead to misinterpretation of the (equal) importance of the criteria. Thus it could be misused when discussing proposals for listing new species in Appendix I. We suggest that this model is revised accordingly.

IL: The proposal to determine listing criteria using a single axis model based on population size seems to be too simplistic to cover all species. In addition, the proposed model does not define well the "pristine" population size X. Furthermore, the numerical threshold of 15% for determining Appendix I listing appears unsubstantiated or even arbitrary. The Working Group claims to have proposed a descriptive model that has, in effect, rather substantial quantitative content.

US: Paragraphs 34-43 of the CWG report propose a new method for judging whether species should be considered for inclusion in Appendix II. We consider this "model" to be premature for these purposes, as part of the core criteria. In particular, we do not support including quantitative "triggers" or cut-offs in the criteria themselves. However, we recommend an analysis and evaluation of this concept on a taxon-by-taxon basis, to assess if inclusion of such percentages in the Definitions and Guidelines in Annex 5 might be preferable to the current figures in that Annex. We do not find useful the applicability of fixed percentages regardless of the taxon or life history characteristics, but an assessment of various percentages for a diverse range of case studies could be very useful.

Certainly, the concept of using a criterion such as "the current population level relative to some historical or potential level" is appealing, and for many taxa the science of sustainable yield is well developed enough to be of some use in listing criteria. We do consider it potentially useful if such a model could help shape how Parties can think of the concepts of minimum viable population, sustainable level, biological potential, etc. and their relationship to each other. The use of such concepts could greatly enhance species proposals that include them. Although it may be difficult to estimate pristine or historical abundance quantitatively, experts often use qualitative judgements about current abundance relative to historical or potential abundance as a basis for making inferences about the current status of a species. For example, when trying to determine whether a number like 500 or 5000 is "small", it may be necessary to consider these levels relative to what may have been and what potentially could still be (taking account of irreversible changes in the habitat or other relevant features of the environment) in order to differentiate between species

The following criteria must be read in conjunction with the definitions, notes and guidelines listed in Annex 5.

~~A species should be included in Appendix II when either of the following criteria is met.~~

~~A. It is known, inferred or projected that unless trade in the species is subject to strict regulation, it will meet at least one of the criteria listed in Annex 1 in the near future.~~

~~B. It is known, inferred or projected that the harvesting of specimens from the wild for international trade has, or may have, a detrimental impact on the species by either:~~

~~i) exceeding, over an extended period, the level that can be continued in perpetuity; or~~

that are essentially "naturally small" (i.e. have persisted at low levels in restricted areas for long periods) versus those that may be a remnant of their former size and distribution. Because population figures for many exploited species are based on catch or trade statistics, and often are not collected until after trade has been underway for some time, there is necessarily great uncertainty in attempting to project past pristine population levels for such species. Thus, the concept requires considerably more evaluation and further development before it is presented to the CITES Parties.

The United States will be conducting some work to further evaluate and develop the model and expects to be able report on its findings at the Joint Meeting of the Animals and Plants Committee, to be held 7-9 December 2000 here in the United States.

ZA: The reasoning behind the proposed amendments is very well explained. The development of more substantive criteria for the inclusion of species in Appendix II is considered a very important issue and the descriptive approach concept described in the report (paragraphs 33 – 43) constitutes an important step forward. However, the concept needs further discussion and deliberation. The fact that specific parameters have to be determined for each individual species to determine optimal harvest rates and to enable significant evaluation of effects of trade and other factors impacting on the species as a function of the size and status of the population is an enormous task. Especially with regard to plants, where data is very deficient and it will be almost impossible to determine optimal harvest rates. The implications of implementing this concept for all taxa are not clear and the question arises whether data deficient species will then be listed in perpetuity or not listed at all? Therefore it is recommended that the applicability to different groups of organisms of this concept be further discussed.

~~ii) reducing it to a population level at which its survival would be threatened by other influences.~~

A species should be included in Appendix II when, on the basis of available information on the status and trends of the wild population(s), any of the following criteria is met:

A. It is known or can be projected that unless the international trade in the species is subject to strict regulation, it is likely to satisfy one or more of the biological criteria for inclusion in Appendix I in the near future; or

B. It is known or can be projected that strict regulation of international trade is required to ensure that harvests of specimens from the wild for international trade do not negatively influence the status of the wild populations to such a degree that criterion A above would apply; or

DE: It is self-evident that you have to evaluate proposals to amend the appendices on the basis of available information on the status and trends of the wild population as outlined in Annex 6. This remark is superfluous and should be rejected.

Stick to the previous wording: "A species should be included in Appendix II when either of the following criteria is met:"

US: the rewording of the criteria in this Annex appears to go beyond the language of Article II of the treaty, which only requires the possibility that a species may become "threatened with extinction". We do not see any deficiency in fact in the existing Annex 2a criteria, and believe them to be sufficiently robust for the taxa we have evaluated. We do not object to removing the word "inferred", but would like some discussion in the Annexes of the concept "can be projected". Further, criterion B. is somewhat confusingly worded and does not seem to add anything not already in criterion A. Substituting strict regulation requirements for simple biological parameters makes the analysis more difficult, as it is not clear what the term means in this case. We feel that the original language was much simpler and easier to follow, and is likely to promote more useful debate.

DE: Article II defines Appendix II as follows: Appendix II shall include (a) all species which although not necessarily now threatened with extinction may become so unless trade

The new wording in the criteria A and B of Annex 2a by using the terms "it is known or can be projected" is far more restrictive than what the term "may become" in Article II of the Convention itself indicates. The previous wording of "it is known, inferred or projected" is much more precisely and covers the meaning of the article itself.

Substitute the wording "it is known or can be projected" by the wording "it is known, can be inferred or projected".

ZA: Insert at the beginning of the paragraph: "If the status of the species is such as to be close to satisfying the criteria for Appendix I, and if".

AU: This criteria appears to differ from Criteria A by including only the potential to take account of domestic use of a species. However, it still requires that a species must be being harvested at such a rate that it will meet the endangered criteria within a short period of time.

ZA: Amend last part of sentence as follows: "...criterion A above would likely apply in the near future."

C. An Appendix-II listing will enable any Party, in particular range States of the species, to limit use of the species to a level that can be maintained in perpetuity, and for which international co-operation is necessary.

AU: This criteria appears to focus on when a species is on the Appendices and one or more Parties see trade monitoring as being a significant reason for keeping the species on Appendix II. There appears under these circumstances not be a criteria aimed at listing species when they are in trade, but at levels significantly above endangered.

If Criteria C is more broadly interpreted, it remains the only criteria that can be used to regulate a species that is being significantly overused, but is some reasonable distance away from being endangered. Criteria C, under those circumstances, has a significant number of failings. Examples of these failings include:

- it generally limits itself to trade from Range States (and therefore excludes the high seas which is explicitly part of CITES);
- it is directed at Range States being able to manage where the Convention explicitly allows stricter measures (including measures by importing States); and
- it does not take into account the potential for a species being listed where the requirements of Article IV(3) which requires that a) species be able to maintain their role in the ecosystem and b) at a level WELL ABOVE the level where they might be eligible for inclusion in Appendix I.

The deletion of the previous criteria B in these circumstances is highly inappropriate.

DE: This criterion is not covered by Article II paragraph 2 but of paragraph 3 of the Convention. It should be used therefore as a criterion for Appendix III listing. Delete the new indent.

GB: We support in general the modified criteria for species to be included in Appendix II but feel that there is still scope for further discussion.

However, we feel that the proposed criterion C in Annex 2a, as currently drafted, reads much more as a criterion for Appendix III than for Appendix II. It may also encourage Parties to use CITES to achieve domestic controls on trade which is not the purpose for which the Convention exists. It may also imply that species may end up being listed on Appendix II indefinitely rather than taking the view that an Appendix II listing should offer the regulation that allows one to solve the problems of unsustainable use when, thereafter, species may be delisted.

We feel this criterion should be deleted entirely or, if it is to remain, should be substantially modified. However, the principle that this proposed criterion espouses, namely that an Appendix II listing can be used to help enable the sustainable use of a species is a valuable one. However, it is clear that if CITES involvement is required to achieve this, the regulation of international trade must be a necessary part of achieving such sustainable use. We suggest that if it is desirable to reflect this approach in the criteria, revised wording may be more appropriate. We offer the wording below as a possible alternative for discussion. 'An Appendix II listing will enable [or promote], by the regulation of international trade, the use of a species at a level that can be maintained in perpetuity'.

Annex 2b

Criteria for the Inclusion of Species in Appendix II
in Accordance with Article II, Paragraph 2(b)

Species should be included in Appendix II in accordance with Article II, paragraph 2(b), if they satisfy ~~one of~~ the following ~~criteria~~on.

~~A. The specimens resemble specimens of a species included in Appendix II under the provisions of Article II, paragraph 2(a), or in Appendix I, such that a non-expert, with reasonable effort, is unlikely to be able to distinguish between them.~~

~~B. The species is a member of a taxon of which most of the species are included in Appendix II under the provisions of Article II, paragraph 2(a), or in Appendix I, and the remaining species must be included to bring trade in specimens of the others under effective control.~~

A. The specimens of a species in the form in which they are traded resemble specimens of a species included in Appendix II under the provisions of Article II, paragraph 2(a), or in Appendix I, for which the proponent has demonstrated that a non-expert, using basic identification materials, is

IL: This Criterion is not clearly worded, and creates needless ambiguity.

US: We note that there appears to be a problem with the wording of the added criterion C. Although the wording in the main text of the report is "to enable use", in the draft resolution it is given as "to limit use". These, of course, have highly different meanings. If this language is to be included, the appropriate word is of course "limit". There is no way that a CITES listing could, or should, "enable" use of species to a greater extent than could be achieved by leaving the species off the Appendices altogether..'

ZA: Delete this paragraph. Its content is covered under Appendix-III listing, Article II paragraph 3.

ZA: Annex 2b indicates a high level of obligation to enact the "look-alike" provision, as it uses the same introductory wording ("species should be included") as Annex 2a. However, application of this provision to commercially harvested fish species traded in processed form could cause enormous and unnecessary listing of species, such as have happened with the plant species. To indicate an intended greater flexibility in application, it is suggested that the introductory sentence to Annex 2b be reworded. It is recommended to replace "should" with "may".

DE: Article II, paragraph 2(b) of the convention covers more than simply the look-alike-problem. To fully cover the meaning of Article II paragraph 2(b) of the Convention, however, the former point B should be maintained.

IL: We support maintaining Criterion B in Annex 2b.

US: We do not understand the elimination of criterion B. from this Annex.

US: We do not concur with the reference in the last sentence of paragraph 59 of the CWG report to costs associated with a listing under Article II.2.b. We do concur with asking a proponent to demonstrate what products are in trade, and how they are difficult to distinguish from those of other species, but we do not concur with the cost element. There is nothing in CITES suggesting that cost

unlikely to be able to distinguish between them.

Annex 3

Special Cases

Split-Listing

~~Listing of a species in more than one appendix should be avoided in general in view of the enforcement problems it creates. When split listing does occur, this should generally be on the basis of national or continental populations, rather than subspecies. Split listings that place some populations of a species in the appendices, and the rest outside the appendices, should normally not be permitted.~~

Listing of a species in more than one appendix should be avoided unless it relates to the down-listing of a population from Appendix I to Appendix II in accordance with the precautionary measures contained in paragraph A of Annex 4 to this Resolution.

should be included as a factor in listing decisions; it would be a violation of the spirit of the treaty to do so.

GB: We have concerns about the proposed change to the wording of the text of Paragraph A of Annex 2b. The intention is clearly to limit the scope of listings for look-alike reasons. Yet, because so many species will not be recognisable or distinguishable by non-experts using basic identification material, many more species may end up being proposed for listing under this criterion. We feel the original wording still has much to offer. We also note that significant expertise exists within enforcement authorities and that the quality of identification guides is continually improving. At the very least, retention of the phrase 'and with reasonable effort' from the original version (to be inserted after 'basic identification materials') is desirable but we feel this topic merits greater consideration.

IL: The proposed change seeks to add the requirement that the proponent has "demonstrated" that a non-expert cannot make a distinction between look-alike species. While agreeing that the original text in Resolution Conf. 9.24 is problematic and needs revision, it appears that requiring "demonstration" puts undue burden on the proponent.

IWMC: We support the proposed changes. However, in the first paragraph under Split-listing, we would recommend that the word 'down-listing' be replaced by the word 'transfer' as in CITES text and elsewhere in the Resolution under consideration.

DE: The previous wording of the aspects of split-listing covers all different aspects of split-listing. The specific split-listing case described in the first sentence of the proposed change is perfectly covered by the former text. There is no need at all to explicitly mention it. To do so would be an unjustified one-side preference of the user versus the conservation issue, even if the precautionary principle is mentioned. The previous text should therefore be maintained.

GB: We recognise the value of split-listings (subject to the measures in Annex 3) and support the proposals to amend Annex 3 as described. However, some thought may be given as to whether oceanic populations might also be appropriate for split-listings or whether split-listing of marine species is practical.

When split-listing does occur, this should generally be on the basis of national or continental populations, and should not result in some populations being outside the Appendices.

For species outside the jurisdiction of any State, listing in the appendices should use the terms used in other relevant international agreements, if any, to define the population. If no such international agreement exists, then the appendices should define the population by region or by geographic co-ordinates.

Taxonomic names below the species level should not be used in the appendices unless the taxon in question is highly distinctive and the use of the name would not give rise to enforcement problems.

Higher Taxa

If all species of a higher taxon are included in Appendix I or II, they should be included under the name of the higher taxon. If some species in a higher taxon are included in Appendix I or II and all the rest in the other appendix, the latter species should be included under the name of the higher taxon, with an appropriate annotation.

Annex 4

Precautionary Measures

~~A. When considering proposals to amend the appendices, the Parties shall, in the case of uncertainty, either as regards the status of a species or as regards the impact of trade on the conservation of a species, act in the best interest of the conservation of the species.~~

US: Generally, the modifications are an improvement. However, removing the language referring to enforcement problems deletes the main reason for avoiding split listings in the first place. We object to this change, and believe that enforcement challenges must be included. The Parties have agreed that enforcement problems are sufficient reason to avoid a split listing, most recently in the case of the Australian population of dugong (adopted by CoP11). Further, the reference to Annex 4 in this case makes it appear that a split listing is acceptable if it will facilitate trade, but not acceptable otherwise. There is no justification for such a distinction.

US: We suggest expanding the last sentence of this paragraph by adding, “or in individuals of some populations of migratory species being in more than one Appendix.”

AU: The precautionary approach is generally used where there is uncertainty about the consequences of an action or a lack of action, and that under circumstances where there is uncertainty, a precautionary approach should be adopted. To delete the paragraph A appears to be entirely contrary to what Annex 4 is about and therefore is not supported.

DE: Although indicated in the introductory part of the resolution (as referred to by the CWG) it is a basic principle that must be clearly defined in the beginning of a chapter that describes the precautionary measures. The original text must be maintained.

<p>A.B. 1. No species listed in Appendix I shall be removed from the appendices unless it has been first transferred to Appendix II, with monitoring of any impact of trade on the species for at least two intervals between meetings of the Conference of the Parties.</p> <p>2. Species included in Appendix I should only be considered for transfer to Appendix II if they do not satisfy the relevant criteria in Annex 1. Even if such species do not satisfy the relevant criteria in Annex 1, they should be retained in Appendix I unless they satisfy one of the following criteria:</p> <ul style="list-style-type: none">a) the species is not in demand for international trade, nor is its transfer to Appendix II likely to stimulate trade in, or cause enforcement problems for, any other species included in Appendix I; orb) the species is likely to be in demand for trade, but its management is such that the Conference of the Parties is satisfied with:<ul style="list-style-type: none">i) implementation by the range States of the requirements of the Convention, in particular Article IV; andii) appropriate enforcement controls and compliance with the requirements of the Convention; or	<p>GB: We agree that a third use of this precautionary phrase is redundant and should be deleted.</p> <p>IL: This paragraph states in a clear and unequivocal way exactly what the precautionary principle is, and should therefore not be deleted, as proposed by the Working Group.</p> <p>US: Although we agree that paragraph A of Annex 4 is redundant, we believe it to be a most necessary redundancy, and its removal could create unnecessary confusion. This language is central to the precautionary approach, and certainly belongs at the head of any Annex dealing with precautionary measures. Indeed, it sets the stage for defining what is meant by the term "precautionary".</p> <p>ZA: The term precautionary principle needs to be defined and the following definition is suggested: Precautionary Principle: Where there is a threat of significant reduction or loss of a species but inadequate or inconclusive scientific evidence to prove this, action should be considered to avoid or minimise threats. The proposed deletion of this paragraph is supported, but an amendment is proposed to the preamble.</p> <p>GB: It may be appropriate to consider the practical implications of how these precautionary measures might apply to the taking of marine species in international waters if a down-listing is proposed or successful. This issue may be worthy of further consideration.</p>
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- c) an integral part of the amendment proposal is an export quota approved by the Conference of the Parties, based on management measures described in the supporting statement of the amendment proposal, provided that effective enforcement controls are in place; or
 - d) an integral part of the amendment proposal is an export quota approved by the Conference of the Parties for a specified period of time, based on management measures described in the supporting statement of the amendment proposal, provided that effective enforcement controls are in place; or
 - e) a ranching proposal is submitted consistent with the applicable Resolutions of the Conference of the Parties and is approved.
3. No proposal for transfer of a species from Appendix I to Appendix II ~~with an export quota~~ shall be considered from a Party that has entered a reservation for the species in question, unless that Party agrees to remove the reservation within 90 days of the adoption of the amendment.
- ~~4. No species should be deleted from Appendix II if such deletion would be likely to result in it qualifying for inclusion in the appendices in the near future.~~
- 4. A species should be deleted from Appendix II when it no longer qualifies under the provisions of Annexes 2a and 2b of this Resolution and therefore implementation of the provisions of Article IV of the Convention is no longer required.**

US: We agree.

DE: This is no precautionary measure. It should be deleted under the heading "Precautionary measures". There is no need at all to describe this case. Every Party has the possibility to introduce a proposal to delist species from Appendix II under the provisions of Annexes 2a, 2b and 4. If it is added somewhere it should be noted that in this case in addition to the annexes 2a and 2b, the provisions of annex 4 have to be met as well.

US: We do not agree with the interpretation of Article II paragraph 2 (a) in paragraph 55 of the CWG report. The "strict regulation" referred to refers only to CITES measures. Therefore the concerns raised by some participants in the Working Group are unfounded. We therefore do not believe that the language proposed in paragraph 56 of the CWG report is necessary. If, however, the Parties desire to include language similar to that set out in paragraph 56, the text should be adjusted by including a commitment to list species that qualify under the provisions of Annexes 2a and 2b. This language, would add an important tone of neutrality that must be maintained in any revision of Resolution Conf. 9.24.

~~B.C.~~ The following review procedures shall apply when a species is transferred to Appendix II pursuant to paragraphs ~~BA2c~~ and ~~BA2d~~ above.

1. Where the Plants Committee, the Animals Committee or a Party becomes aware of problems in compliance with the management measures and export quotas of another Party, the Secretariat shall be informed and, if the Secretariat fails to resolve the matter satisfactorily, it shall inform the Standing Committee which may, after consultation with the Party concerned, recommend to all Parties that they suspend trade with that Party in specimens of CITES-listed species, and/or request the Depositary Government to prepare a proposal to transfer the population back to Appendix I.
2. If, on review of a quota and its supporting management measures, the Animals or Plants Committee encounters any problems with compliance or potential detriment to a species, the relevant Committee shall request the Depositary Government to prepare a proposal for appropriate remedial action.

~~C.D.~~ If the proponent Party wishes to renew, amend or delete a quota established pursuant to paragraph ~~BA2d~~ above, it shall submit an appropriate proposal for consideration at the next meeting of the Conference of the Parties. In anticipation of there being no such proposal submitted, the Depositary Government shall submit a proposal for consideration at the next meeting of the Conference of the Parties to impose a zero quota.

~~D.E.~~ Species that are regarded as possibly extinct should not be deleted from Appendix I if they may be affected by trade in the event of their rediscovery; these species should be annotated in the appendices as "p.e." (i.e. possibly extinct).

Annex 5

Definitions, Notes and Guidelines

AU: This Annex requires a significant amount of work as they are currently biased towards a limited number of taxa. We consider that this should be the major focus of the work of the group.

DE: Figure and text give an interesting, but highly theoretical overview of different types of decline possible. Only in exceptional cases (those with an already existing long-time monitoring) will it be possible to provide the necessary population data in time to work with these principles. In most cases these data will lack. Therefore we regard this approach as unsuitable with regard to Annex 5 which is in fact a set of annotations/definitions helping to implement CITES Resolution Conf. 9.24.

Area of distribution

Area of distribution is defined as the area contained within the shortest continuous imaginary boundary which can be drawn to encompass all the known, inferred or projected sites of occurrence, excluding cases of vagrancy (though inferring and projecting area of occurrence should be undertaken carefully, and in a precautionary manner). The area within the imaginary boundary should, however, exclude significant areas where the species does not occur, and so in defining area of distribution, account should be taken of discontinuities or disjunctions in the spatial distribution of species. For migratory species, the area of distribution is the smallest area essential at any stage for the survival of that species (e.g. colonial nesting sites, feeding sites for migratory taxa, etc.). For some species in trade where data exist to make an estimate, a figure of less than 10,000 km² has been found to be an appropriate guideline (not a threshold) of what constitutes a restricted area of distribution. However, this figure is presented only as an example, since it is impossible to give numerical values that are applicable to all taxa. There will be many cases where this numerical guideline does not apply.

Decline

A decline is a reduction in the number of individuals, or a decrease of the area of distribution, the causes of which are either not known or not adequately controlled. It need not necessarily still be continuing. Natural fluctuations will not normally count as part of a decline, but an observed decline should not be considered part of a natural fluctuation unless there is evidence for this. A decline that is the result of a harvesting programme that reduces the population

GB: We support consideration of the IUCN document considering the various types of decline and that these need to be addressed in Annex 5. We feel that time should be allocated to these discussions in December to explore the area thoroughly.

ZA: Although the Criteria Working Group did not attempt to discuss the current definitions, the inclusion of the new IUCN approach on decline needs to be carefully considered. The main concern is the objectives or focus of the IUCN and how that differs from what the Parties to CITES want to achieve by implementing CITES. It will however be premature to get involved in an immense debate at this stage. However, it is recommended that special attention be given to the development of definitions for mature, decline and precautionary principle. The current criteria embrace the admirable objective (in the context of simplicity) of a single set of criteria applicable across all species. Is this viable, plausible and appropriate in practice? Should separate criteria not be developed for terrestrial fauna and flora and marine fauna or at least for the major taxa? Although the current criteria might work, it is recommended that this option be discussed.

JP: Replace the words "the survival of the species" with the words "the persistence of the population".

to a planned level, not detrimental to the survival of the species, is not covered by the term "decline". For some species in trade where data exist to make an estimate, a decrease of 50% or more in total within 5 years or two generations, whichever is the longer, has been found to be an appropriate guideline (not a threshold) of what constitutes a decline. A guideline (not a threshold) of what constitutes a decline in a small wild population could be 20% or more in total within ten years or three generations, whichever is the longer. However, both these figures are presented only as examples, since it is impossible to give numerical values that are applicable to all taxa. There will be many cases where these numerical guidelines do not apply.

Extended period

The meaning of the term extended period will vary according to the biological characteristics of the species. Selection of the period will depend upon the observed pattern of natural fluctuations in the abundance of the species and on whether the number of specimens removed from the wild is consistent with a sustainable harvesting programme that is based on these natural fluctuations.

Fragmentation

Fragmentation refers to the case where most individuals within a taxon are found in small and relatively isolated sub-populations, which increases the probability that these small sub-populations will become extinct and the opportunities for re-establishment are limited. For some species in trade where data exist to make an estimate, an area of distribution of 500 km² or less for each subpopulation has been found to be an appropriate guideline (not a threshold) of what constitutes fragmentation. However, this figure is presented only as an example, since it is impossible to give numerical values that are applicable to all taxa. There will be many cases where this numerical guideline does not apply.

Generation

Generation is measured as the average age of parents in the population; except in the case of species that breed only once a lifetime, this will always be longer than the age at maturity.

Large fluctuations

Large fluctuations occur in a number of species where the population size or area of distribution varies widely, rapidly and frequently, with a variation greater than one order of magnitude. For some species in trade where data exist to make an estimate, a figure of two years or less has been found to be an appropriate guideline (not a threshold) of what constitutes a short-term fluctuation. However, this figure is presented only as an example, since it is

impossible to give numerical values that are applicable to all taxa. There will be many cases where this numerical guideline does not apply.

Population

Population is measured as the total number of individuals of the species (as defined in Article I of the Convention). In the case of species biologically dependent on other species for all or part of their life cycles, biologically appropriate values for the host species should be chosen. For some species in trade where data exist to make an estimate, a figure of less than 5,000 individuals has been found to be an appropriate guideline (not a threshold) of what constitutes a small wild population. However, this figure is presented only as an example, since it is impossible to give numerical values that are applicable to all taxa. There will be many cases where this numerical guideline does not apply.

Possibly extinct

A species is presumed extinct when exhaustive surveys in known and/or suspected habitat, and at appropriate times (diurnal, seasonal, annual), throughout its historic range have failed to record an individual. Before a species can be declared possibly extinct, surveys should take place over a time frame appropriate to the species's life cycle and life form.

Sub-populations

Sub-populations are defined as geographically or otherwise distinct groups in the population between which there is little exchange. For some species in trade where data exist to make an estimate, a figure of less than 500 individuals has been found to be an appropriate guideline (not a threshold) of what constitutes a very small sub-population. However, this figure is presented only as an example, since it is impossible to give numerical values that are applicable to all taxa. There will be many cases where this numerical guideline does not apply.

Threatened with extinction

Threatened with extinction is defined by Annex 1. The vulnerability of a species to threats of extinction depends on its population demographics, biological characteristics, such as body size, trophic level, life cycle, breeding structure or social structure requirements for successful reproduction, and vulnerability due to aggregating habits, natural fluctuations in population size (dimensions of time and magnitude), residency/migratory patterns. This makes it impossible to give numerical values for population size or area of distribution that are applicable to all taxa.

Annex 6

Format for proposals to amend the Appendices

The following provides information and instructions for the submission of a proposal to amend the appendices and the appropriate supporting statement. Proponents should be guided by the need to provide to the Conference of the Parties sufficient information, of sufficient quality and in sufficient detail ~~(to the extent available)~~, to allow ~~it the Conference~~ to judge the proposal against the criteria established for the proposed action. **Parties are reminded that proposals should normally be limited to 12 pages (exclusive of references cited).** This means that the relevant published and unpublished sources of information should be used, ~~but acknowledges that~~ **although** for some species the amount of scientific information will be limited. **Where research has been undertaken specifically to obtain information for the proposal, it should be presented in sufficient detail to be assessed by the Parties.** Furthermore, this means that it may not be possible to address all elements of the ~~Pproposal Fformat~~.

DE: General remarks:

Various points of the former format have been reorganised and specified with regard to various data desirable which should be analysed and evaluated. However, there are many cases in which such precise data are not available. Therefore it has to be made sure that in the various paragraphs the term “if available” is added whenever it is said that certain information has to be presented under the respective heading

In the chapters to follow it is sometimes said that the sources of information presented should be mentioned and included in the chapter references. This is a general principle that should be used throughout the whole proposal and should therefore be noted in the introductory remarks and not in certain paragraphs only.

GB: We support most of the modifications proposed to the format of proposals to amend the appendices. However, whilst paragraph 72 clearly refers to a proposal for an executive summary of the proposal, this only appears in Annex 6 as part of the rationale in proposed section 2.1. This is a rather strange location for a summary and, in any case, the rationale for listing should be simply that, namely a reasoned justification why the proposal meets the criteria. The UK proposes that each proposal should have a short (not exceeding 1 page) executive summary that covers the proposal, the proponent, compliance with the criteria and a summary of the rationale and other relevant factors. It is the convention in most published documents, that the summary should be the first item to appear in the format (after title etc.).

A. Proposal

The proponent should indicate the ~~intent of the specific action~~ **amendment to the Appendices** being proposed and **any relevant annotations or qualifications proposed** ~~the relevant criteria against which the proposal is to be judged.~~

___ Inclusion in Appendix I. **Specify which of the criteria in Annex 1 of the Resolution are satisfied**

___ Inclusion in Appendix II. **Specify which of the criteria in Annex 2 of the Resolution are satisfied**

___ in accordance with Article II 2(a)

___ in accordance with Article II 2(b)

___ for reasons of look-a-like problems (in this case, the name of the similar species already included in the appendices should be given in section C7 Additional Remarks)

___ for other reasons (such as those referred to in Annex 3 to this Resolution)

___ Transfer from Appendix I to Appendix II in accordance with a precautionary measure specified in Annex 4 to this Resolution. **Specify which of the criteria in Annex 2 of this Resolution are satisfied; specify why the criteria in Annex 1 of this Resolution are no longer satisfied; specify which of the criteria and factors in Annex 4 of this Resolution are satisfied or implemented**

___ Deletion from Appendix II. **Specify why the criteria in Annex 2 of this Resolution are not satisfied**

___ Other action (provide explanation)

Annotations

If a specific substantive annotation to the listing in the Appendices is proposed, the proponent should address:

Whether the proposed annotation is in compliance with Resolution Conf. 11.20; and

The practical intent of the annotation.

DE: The advantage/difference of the new wording is not comprehensible and needs explanation.

IWMC: 'section C7 Additional Remarks' should read 'section C11 Additional Remarks'.

B. Proponent

The proponent may only be a Party to the Convention, in accordance with Article XV of the Convention.

C. Supporting Statement

1. Taxonomy

The proponent should provide sufficient information to allow the Conference of the Parties to identify clearly the taxon that is the subject of the proposal.

1.1 Class

1.2 Order

1.3 Family

1.4 Genus, species or subspecies, including author and year

If the species concerned is included in one of the standard lists of names or taxonomic references adopted by the Conference of the Parties, the name provided by that reference should be entered here. If the species concerned is not included in one of the adopted standard references, the proponent should provide references as to the source of the name used.

1.5 Scientific synonyms

1.6 Common names

The proponent should provide information on other scientific names or synonyms under which the species concerned may be known currently, especially if these names are used in the trade in the species.

1.7 Code numbers

If the species concerned is already included in the appendices, refer to the code numbers in the CITES Identification Manual.

<p>2. <u>Rationale</u></p> <p>2.1 Overview</p> <p>Provide a brief overview of key elements of the proposal. Parties may wish to cite key sections of the supporting statement.</p> <p>2.2 Compliance with the criteria</p> <p>Provide a brief summary of the relevant criteria in this Resolution and how the taxon complies with those criteria. In the case of a transfer from Appendix I to II, the proponent should address both the Appendix II criteria satisfied and why the Appendix I criteria are no longer satisfied. Parties may wish to cite key sections of the supporting statement.</p> <p>32. <u>Species Overview Biological Parameters</u></p> <p>The information required in this section is a summary of the principal results of surveys, literature searches, and other relevant studies. The references used must be listed in section 8 12 of the proposal. It is understood that the quality of the information available will vary a lot, but - But these instructions indicate the type of information that is required. If the proposal relates to a geographically separate population or subspecies, it should consider the biological species in its entirety for appropriate context, as well as draw attention to any significant parameters relevant to the entity covered by the proposal.</p>	<p>DE: The chapter “Rationale” according to the explanations under point 2.1 and 2.2 is in fact a summary and not a rationale. The title should be amended accordingly.</p> <p>AU: This section should include information on where a species varies (genetically, morphologically or in habit) across its range.</p> <p>DE: The heading of this chapter would be better characterized by the words “Species Characteristics”. Surveys and literature searches are studies as well. The word “other” in the first sentence therefore should not be deleted.</p> <p>US: We support considering a species in its entirety. However, if a species has an extensive range and shows variation in population size and growth or decline in different areas, this needs to be presented in a proposal. There should also be a place for proponents to discuss information on genetic variation in populations, unique adaptations, intraspecific variation, etc. This should be elaborated in Annex 6, and possibly in Annex 5 as well.</p> <p>IWMC: The new wording may imply the need for a Party proposing an amendment concerning a separate population, in particular of a species with a vast range, to conduct a considerable volume of work, which that Party might not have the capacity to conduct for various reasons, unless it is understood that this is strictly limited by the words ‘for appropriate context’. It appears that the meaning of these words should be clarified, as well as the precise nature of what is expected from the proponent Party, keeping in mind that the word species is essentially and adequately used in the draft resolution, as in Resolution Conf. 9.24, in accordance with the definition provided in Article I of the Convention. This remark is also applicable to item 4. Status and trends.</p>
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<p>32.1 Distribution</p> <p>Specify Give an estimate of the current range of the species, and specify the references used. Specify the types of habitats occupied and, if possible, the extent of each habitat type over the range of the species. If possible, provide information to indicate whether or not the distribution of the species is continuous and, if it is not, indicate to what degree it is fragmented.</p> <p>32.2 Habitat availability</p> <p>Specify the types of habitats occupied by the species and, when relevant, the degree of habitat specificity. Give information on the nature, rate and extent of habitat loss and/or degradation, if possible with information from at least three points in time, and give the basis for future projections.</p> <p>3.3 Biological characteristics</p> <p>Provide a summary of general biological and life history characteristics of the species, particularly those that are relevant to population dynamics or to this proposal (e.g., reproduction, recruitment, survival rate, immigration, emigration, sex ratio, regeneration, reproductive strategies).</p> <p>3.4 Role of the species in its ecosystem</p> <p>Give information about the role of this species in its ecosystem, and other relevant ecological information, as well as the potential impact of this proposal on that role.</p> <p>4. <u>Status and trends</u></p> <p>This section includes qualitative and quantitative information which allow past and present trends to be evaluated pursuant to the criteria. The sources used must be referenced in section 12. of the proposal. It is</p>	<p>FR: Add the words "(its size or/and its fragmentation)" after the word "Distribution".</p> <p>DE: "the extent of each habitat type over the range of the species" is an important aspect and seems to have got lost in the process of reorganizing the format. It should be included again at an appropriate place.</p> <p>DE: An important aspect of the biology of a species is the question of migration and this term should be added.</p> <p>DE: The role of a species in the ecosystem is a difficult aspect. The previous comments included a clearer picture of what sort of information is expected under this point. We suggest to maintain the previous text: Role of the species in its ecosystem Give information about the specific relationship that exists between this species and others living in the same ecosystem. Indicate the possible consequences of depletion of the population of the species proposed for listing, for those depending on or associated with it.</p> <p>US: In addition to the proposed text, we recommend adding: "Explain if the elimination of this role will have a secondary effect that may threaten the survival of the species itself."</p> <p>AU: This section should include information on the number of different ages classes, where known, reproductive status of the population, recruitment success and whether reproduction is limited to certain areas or populations</p>
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understood that the quality of the information available will vary, but these instructions indicate the type of information that is required. If the proposal relates to a geographically separate population or subspecies, it should consider the biological species in its entirety for appropriate context, as well as draw attention to any significant parameters relevant to the entity covered by the proposal. If available, the proposal should include any relevant quantitative analyses, stock assessments, etc. When noting status and trends, the proposal should note whether conclusions are based on observations, inferences, or projections.

4.1 2-4 Population size status

Give an estimate of the **current** total population or number of individuals, **or other indices of population abundance, based on the most recently available data.** ~~with: i) date and nature of census; and ii) justification for any inferences made about total population size and/or number of individuals.~~ **Where appropriate to the proposal of the criteria used, provide** Give the number of sub-populations, **and where possible their estimated sizes,** ~~and the date and method of census.~~ ~~Give an estimate of, or information on, the size of the population in captivity.~~

4.2 2-4 Population trends

Basic, quantitative ~~and referenced~~ information should be provided on **current trends in the species's abundance** whether the population of the species is increasing, stable or declining, **and past trends in the species's abundance, when available.** The period over which these trends, if any, ~~have~~ been measured should be indicated. If the species naturally undergoes marked fluctuations in population size, information should be provided to demonstrate that the trend transcends natural fluctuations. If generation-time has been used in estimating the trend, state how the generation-time has been estimated.

4.3 Population structure

Provide basic information on the current structure of the population and any past or current changes over time in that structure (e.g., population demographics, proportion of mature individuals, sex ratio).

(source/sink) or migratory. These are important issues that could be discussed in this section.

GB: This section might more usefully reflect the structure of Annex A, e.g. dealing first with distribution and range, followed by discussion of population size and structure, followed then by a section on trends. Section 4.1 should include specific reference to distinguishing numbers of mature individuals from juvenile or sub-adult individuals.

AU: This section should include information on where a species is being listed, and the inclusion of genetic variability would be appropriate under this criteria.

US: The concept we are really concerned about is not just the number of individuals, but of effectively reproductive individuals, their success at reproducing, and recruitment into that group. In the descriptions of species' status, criteria should be included for how population size was determined (e.g., age class, reproductive status of individuals, number of individuals/ unit area). This may be very important for certain taxa (e.g., tree species). In addition, habitat fragmentation can have drastic effects on population size, or the pool of interbreeding individuals in an area, and the criteria should provide for this. After "population abundance", add: "genetic variability".

DE: In many cases information on trends of the species abundance etc. is qualitative. This kind of information is as reliable as a quantitative one, therefore the term qualitative must be added.

DE: An important aspect of the population structure of a species is the question of the social structure of the population. This term should be added.

~~4.4~~ ~~2.5~~ Geographic trends

Basic, quantitative information should be provided on current trends in the species's distribution [whether the species' area of distribution is increasing, stable or declining], and past trends in the species's area of distribution, when available. The period over which these trends, if any, have been measured should be indicated. Give data on the nature, rate and extent of decrease in range area or number of sub-populations, if possible with information from at least three points in time. If relevant Give data on the degree and periodicity of fluctuations in the area of distribution. range area or number of sub-populations, if possible with information from at least three points in time.

4.5 Habitat trends

Give information on the nature, rate and extent of habitat change (e.g., loss, degradation, or modification), noting when applicable the degree of fragmentation and discernable changes in the quality of habitat. Where appropriate, the relationship between habitat and population trends should be described.

~~2.6~~ Role of the species in its ecosystem

~~Give information about the specific relationship that exists between this species and others living in the same ecosystem. Indicate the possible consequences of depletion of the population of the species proposed for listing, for those depending on or associated with it.~~

5. ~~2.7~~ Threats

Specify the nature, intensity and relative importance ~~extent~~ of threats (e.g. habitat loss and/or degradation; over-exploitation; effects of introduced species, competitors, pathogens, parasites, predators, hybridization, ~~and the effects of toxins and pollutants; etc.~~), ~~if possible with information from at least three points in time, and give the basis for future projections.~~ Discuss in particular the relative importance of exploitation for international trade as a threat to the species in question.

~~6.3~~ Utilization and Trade

~~6.3.1~~ National utilization

Specify the types and extent of all uses of the species, indicating trends if possible. Give data on the level of exploitation, indicating trends if possible. Specify the purposes of exploitation. Provide details of harvest

DE: In many cases information on trends of the species distribution etc. is qualitative. This kind of information is as reliable as a quantitative one, therefore the term qualitative must be added.

DE: In many cases it may be impossible to specify the relative importance of different threats. Therefore the term "if possible" should be included before the word "relative importance".

IL: The proposed changes imply that species can only be listed if trade is an important factor in their decline. The Convention should provide protection to threatened species even if trade is a minor cause of their threatened status.

~~methods. Assess the importance of the offtake and the relationship between national and international trade. Indicate the extent to which utilization is from captive-bred, artificially propagated, or wild specimens.~~

Provide details of any stockpiles known to exist, and the measures that might be taken to dispose of them.

~~Where applicable, provide details of commercial captive breeding or artificial propagation operations for the species in question, including the size of captive stock and the production, and the extent to which these operations are either contributing to a conservation programme or meeting a demand that would otherwise be met by specimens from the wild.~~

63.2 Legal international trade

Quantify the level of international trade, identifying the source of statistics used (e.g. Customs statistics, CITES annual report data, FAO data, industry reports, etc.). Provide justification for inferences made about trade levels. Provide information about the nature of the trade (e.g. primarily for commercial purposes, primarily live specimens, primarily parts and derivatives, primarily of captive-bred or artificially propagated specimens, etc.) and about how the proposed amendment is expected to affect the nature of the trade. **Discuss which parts and derivatives are or will be primarily in trade.**

Assess the importance of the offtake and the relationship between national and international trades.

63.3 Illegal trade

To the extent possible, quantify the level of illegal trade, ~~including nationally and internationally, trade, and describe its provide details of the nature of this trade.~~ Assess the relative importance of this trade as it relates to legal offtake for national use or legal international trade. Provide information on how the proposed amendment is expected to affect the nature of the trade.

63.4 Actual or potential trade impacts of the proposal

Comment on the actual or potential trade impacts of the proposed amendment on the species in question, ~~and on the reason for believing that trade might become a threat to the survival of the species in question, or on whether trade may be beneficial to the survival of the species in question. Where applicable, include information on the actual or potential ecological impacts of the change in trade controls.~~

~~3.5 Captive breeding or artificial propagation for commercial purposes (outside country of origin)~~

~~To the extent possible, provide information on the extent of captive breeding or artificial propagation outside the country or countries of origin.~~

~~4. Conservation and Management~~

7. 4.1 Legal status

7.1 4.1.1 National

Provide details of legislation relating to the conservation of the species, including its habitat, either specifically (such as endangered species legislation) or generally (such as legislation on wildlife and accompanying regulations). Indicate the nature of legal protection (i.e. is the species totally protected, or whether harvesting is regulated or controlled). Provide an assessment of the effectiveness of this legislation in ensuring the **conservation protection and/or wise management** of the species.

Provide similar information relating to legislation governing the management of trade in the species in question. Provide an assessment of the effectiveness of this legislation in controlling illegal trade in the species.

7.2 4.1.2 International

~~In preparing proposals to amend the appendices, consult in advance with the relevant competent intergovernmental organizations responsible for the conservation and management of the species, and take their views fully into account.~~

Provide details of international instruments relating to the species in question, including the nature of the protection afforded by such instruments. Provide an assessment of the effectiveness of these instruments in ensuring the **conservation protection and/or wise management** of the species.

Provide similar information ~~on relating to~~ international instruments relating to the management of trade in the species in question. Provide an assessment of the effectiveness of these instruments in controlling illegal trade in the species.

DE: The chapter concerns the legal conservation status of the species discussed. We suggest to add the term “conservation” in the heading.

DE: This is an important aspect and seems to have got lost in the process of reorganizing the format. It should be included again at an appropriate place.

8. 4.2 Species management

8.1 Management measures

Provide details of programs in place in the range States to manage populations of the species in question (e.g. controlled harvest from the wild, captive breeding or artificial propagation, reintroduction, ranching, quota systems, etc.). Include, where appropriate, details such as planned harvest rates, planned population sizes, mechanisms and criteria for the establishment and implementation of quotas, etc.

Where applicable, provide details of any mechanisms used to ensure a return from utilization of the species in question to conservation and/or management programmes (e.g. pricing schemes, community ownership plans, export tariffs, etc.).

8.2 ~~4.2.1~~ Population monitoring

~~Provide details of programmes in place in the range States to monitor the status of wild populations and the sustainability of offtake from the wild. Such programmes might be under the auspices of government or through non-governmental organizations or scientific institutions. Indicate the extent to which non-governmental monitoring programmes link to governmental decision-making.~~

~~4.2.2~~ ~~Habitat conservation~~

~~Provide details of programmes in place in the range States to protect the habitat of the species in question, both inside and outside protected areas. Provide details about the nature of the protection offered by the programmes in question.~~

~~4.2.3~~ ~~Management measures~~

~~Provide details of programmes in place in the range States to manage populations of the species in question (e.g. controlled harvest from the wild, captive breeding or artificial propagation, reintroduction, ranching, quota systems, etc.). Include, where~~

AU: This section should include information regarding any protected areas established within the range of the species, and any critical habitat determined and protected.

DE: The previous text of this paragraph included the following aspect as part of the management: mechanisms for ensuring that the advice of those responsible for management of the species is taken into account. This is necessary e.g. to make sure that quotas suggested by a Scientific Authority within a management plan are respected and not neglected by the Management Authority. Therefore it is necessary to keep these previous words.

US: Add “and habitats” after “populations of the species”, and “protection of key habitat values, projected area of area habitat protected, and the effectiveness of these measures” after “implementation of quotas”.

IL: The proposed paragraph suggests that appropriate pricing schemes and tariffs could be used to counterbalance over-exploitation of threatened species. This concept seems to imply that high prices or tariffs could atone for poor conservation of a threatened species.

~~appropriate, details such as planned harvest rates, planned population sizes, mechanisms for ensuring that the advice of those responsible for management of the species is taken into account, mechanisms and criteria for the establishment of quotas, etc.~~

~~Where applicable, provide details of any mechanisms used to ensure a return from utilization of the species in question to conservation and/or management programmes (e.g. pricing schemes, community ownership plans, export tariffs, etc.).~~

~~8.3~~ ~~4.3~~ Control measures

~~8.3.1~~ ~~4.3.1~~ International control measures ~~trade~~

Provide information ~~on regarding~~ measures in place, in addition to CITES, to control the movement of specimens of the species in question across international borders. Include information about marking schemes in place, if any.

~~8.3.2~~ ~~4.3.2~~ Domestic control measures

Provide information regarding controls in the range States aimed at ensuring a sustainable harvest from the wild of the species in question. Include information on education, compliance and enforcement activities as appropriate and an assessment of the effectiveness of the programmes.

8.4 Captive breeding

Where applicable, provide details of commercial captive breeding or artificial propagation operations for the species in question within the country in question, including the size of captive stocks and the production, and the extent to which these operations are either contributing to a conservation programme or meeting a demand that would otherwise be met by specimens from the wild. Discuss any management implications of captive breeding or artificial propagation programs. Also provide information on the extent of captive breeding or artificial propagation outside the country or countries of origin to the extent possible.

US: Add “including plantations” after “artificial propagation operations”.

8.5 Habitat conservation

Provide details of programs in place in the range States to protect the habitat of the species in question, both inside and outside protected areas. Provide details about the nature of the protection offered by the programmes in question.

8.6 Safeguards

In the case of downlisting or delisting proposals, or of proposals involving substantive annotations, address any relevant safeguards.

If the proposed amendment is likely to lead to an increase in trade in the species concerned, explain why this would not result in unsustainable trade in similar species.

9. ~~5-~~Information on ~~S~~similar ~~S~~species

Give the names of species of which specimens in trade look very similar, state how they may be distinguished, **based on the commodities or parts and derivatives most common in trade**, and explain whether or not it is reasonable to expect an informed non-expert to be able to make a firm identification. Outline measures that would need to be taken to handle potential difficulties in distinguishing ~~between~~ specimens of this species from those of ~~and~~ similar species.

~~If the proposed amendment would be likely to lead to an increase in trade in the species concerned, explain why this would not result in unsustainable trade in similar species.~~

10. ~~6-~~ Other Comments

Provide details of the consultation undertaken to secure comments on the proposal from the range States of the species, either through direct contact or via the CITES Secretariat. Comments received from each country should be provided. Where comments were sought but not received in sufficient time to enable their inclusion in the supporting statement, this should be noted, as well as the date of the request.

In cases of consultation with Parties via the CITES Secretariat, information from range States and non-range States should be separated.

In the case of species that are also managed through other international agreements or intergovernmental bodies, provide details of the consultations undertaken to obtain the comments of those organizations or bodies, and indicate how those comments have been addressed in the

US: Add "In the case of trees, assuring that harvesting practices are designed to protect the habitat that the trees themselves provide."

supporting statement. Where comments were sought but not received in sufficient time to enable their inclusion in the supporting statement, this should be noted, as well as the date of the request.

11. ~~7~~ Additional Remarks

12. ~~8~~ References