

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

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Twenty-eighth meeting of the Animals Committee  
Tel Aviv (Israel), 30 August-3 September 2015

Interpretation and implementation of the Convention

Amendment of the Appendices

EXTINCT OR POSSIBLY EXTINCT SPECIES (DECISION 16.164)\*

1. This document has been submitted by Vincent Fleming (Member for Europe of the Animals Committee) and Quentin Luke (alternate Member for Africa of the Plants Committee).<sup>1</sup>
2. At the joint meeting of the Animals & Plants Committees (Veracruz, May 2014), the Committees established an intersessional working to take forward the work required by [Decision 16.164](#); Vincent Fleming and Quentin Luke were appointed as co-chairs.
3. This group has worked by email since then and this document provides a report of their progress. It is intended that those members of the working group present at the 28th Animals Committee meet with a mandate to continue to address the options identified in, and issues arising from, the report of the working group.
4. The Animals Committee is asked to:
  - i. note the progress of the working group to-date;
  - ii. consider the recommendations of the working group;
  - iii. offer comment on the options for a way forward; and
  - iv. forward the outcome of deliberations at this meeting to the Plants Committee for their consideration at their 22nd meeting, before subsequent submission to the 66th meeting of the Standing Committee.

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\* This agenda item is addressed to the Animals and Plants Committees

<sup>1</sup> The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat (or the United Nations Environment Programme) concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.

REPORT OF THE JOINT INTERSESSIONAL WORKING GROUP  
ON EXTINCT OR POSSIBLY EXTINCT SPECIES

1. This document has been prepared by the co-chairs of this working group: Quentin Luke (for the Plants Committee) and Vincent Fleming (for the Animals Committee). It summarises the outcome of intersessional discussions of the working group with respect to the mandate provided to it by the joint meeting of the Animals Committee (AC) and Plants Committee (Veracruz, May 2014).
2. The composition of the working group is provided in Annex 5. The group has worked by email using documents prepared and revised by the co-chairs.
3. [Decision 16.164](#), directed to the Animals and Plants Committees, states the following: *The Animals and Plants Committees shall review the provisions of Resolution Conf. 9.24 (Rev. CoP16) on Criteria for amendment of Appendices I and II as they apply to species that are either extinct or possibly extinct and report to the Standing Committee on their findings.*
4. This topic, informed by document [AC27/PC21 Doc. 10](#), was discussed at the joint meeting of the Animals and Plants Committees (Veracruz, May 2014). The Committees established an intersessional working group with the following mandate (see document [AC27/PC21 Sum. 1](#)):

The intersessional working group shall:

- i. review the provisions of Resolution Conf. 9.24 (Rev. CoP16) on *Criteria for amendment of Appendices I and II* as they apply to species that are either extinct or possibly extinct and report to the Standing Committee on their findings;
- ii. develop broad principles that could be applied for treating 'Extinct' and 'Possibly extinct' species included in Appendices I and II, and address the practical implementation challenges; and
- iii. report to the next meetings of the Committees.

**Provisions of Resolution Conf. 9.24 (Rev. CoP16)**

5. The relevant provisions of [Resolution Conf. 9.24 \(Rev. CoP16\)](#) are outlined below.

Preambular text

*RECOGNIZING the importance of the application of Rio Principle 15, the Precautionary Approach, in cases of uncertainty*

Operative text

.....

*RESOLVES that, by virtue of the precautionary approach and in case of uncertainty regarding the status of a species or the impact of trade on the conservation of a species, the Parties shall act in the best interest of the conservation of the species concerned and, when considering proposals to amend Appendix I or II, adopt measures that are proportionate to the anticipated risks to the species;*

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

.....

- i) *species included in Appendix I for which sufficient data are available to demonstrate that they do 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;*

- j) species included in Appendix II in accordance with Article II, paragraph 2 (a), that do not meet the criteria listed in Annex 2 a, 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; .....

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

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;.....

#### Annex 4 Precautionary measures

- D. 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 'possibly extinct'.

#### Annex 5 Definitions, explanations and guidance

##### **Possibly extinct**

A species is 'possibly extinct' when exhaustive surveys in known or suspected habitat, and at appropriate times (diurnal, seasonal, annual), throughout its historical 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' life cycle and life form.

##### **Definitions of extinct**

6. The IUCN Red List<sup>2</sup> is generally taken as the world authority on extinction risk to species. It uses the following [definitions](#) for taxa in its two extinct<sup>3</sup> categories:

Extinct (EX) - A taxon is Extinct when there is no reasonable doubt that the last individual has died. A taxon is presumed Extinct when exhaustive surveys in known and/or expected habitat, at appropriate times (diurnal, seasonal, annual), throughout its historic range have failed to record an individual. Surveys should be over a time frame appropriate to the taxon's life cycle and life form.

Extinct In the Wild (EW) - A taxon is Extinct in the Wild when it is known only to survive in cultivation, in captivity or as a naturalized population (or populations) well outside the past range. A taxon is presumed Extinct in the Wild when exhaustive surveys in known and/or expected habitat, at appropriate times (diurnal, seasonal, annual), throughout its historic range have failed to record an individual. Surveys should be over a time frame appropriate to the taxon's life cycle and life form.

7. However, the IUCN Red List also uses two tags to identify Critically Endangered taxa which are possibly already extinct, but for which confirmation is required. The two tags are Critically Endangered (Possibly Extinct) (CR(PE)) and Critically Endangered (Possibly Extinct in the Wild) (CR(PEW)). Critically Endangered (Possibly Extinct) taxa are those that are, on the balance of evidence, likely to be extinct but for which there is a small chance that they may be extant. Hence they should not be listed as Extinct until adequate surveys have failed to record the species and local or unconfirmed reports have been investigated and discounted. Possibly Extinct in the Wild correspondingly applies to such taxa known to survive in cultivation or captivity. Further details on these tags and the evidence that should be considered is provided in the 'Guidelines for Using the IUCN Categories and Criteria'.<sup>4</sup>

<sup>2</sup> IUCN 2014. *The IUCN Red List of Threatened Species. Version 2014.2*. <<http://www.iucnredlist.org>>. Downloaded on 24 July 2014.

<sup>3</sup> Note the IUCN Red List only records extinctions that have occurred from 1500 AD onwards

<sup>4</sup> IUCN Standards and Petitions Subcommittee. 2014. *Guidelines for Using the IUCN Red List Categories and Criteria. Version 11. Prepared by the Standards and Petitions Subcommittee.* <http://www.iucnredlist.org/documents/RedListGuidelines.pdf>. Downloaded on 14 April 2015

8. Two key points emerge from the above.
  - i. The first is that the IUCN definition of 'extinct' and the CITES definition of 'possibly extinct' (in Annex 5 of Resolution Conf. 9.24 (Rev. CoP16)) are largely identical except that CITES introduces the concept of doubt. The opening sentence of the IUCN definition classes a species as extinct when there is 'no reasonable doubt' that the last individual has died. By contrast, CITES takes essentially the same definition but chooses to refer to species as being only 'possibly' extinct. Indeed, the CITES definition of 'possibly extinct' more broadly corresponds to the IUCN definition of CR(PE).
  - ii. Secondly, it seems that species which are considered as 'Extinct in the Wild' by IUCN (and even CR(PEW)) should be beyond the scope of this working group because such species are evidently extant and specimens remain in captivity or cultivation or as wild populations beyond their original native range; the species may thus still be affected by trade and may, ultimately, be re-introduced to the wild in their native range.

#### **Extinct and possibly extinct species in the Appendices – scope**

9. Annex 4 to the present document (derived from document [AC27/PC21 Inf.2](#)) lists all the species in Appendices I and II which are annotated as:
  - a) extinct (EX) in the IUCN Red List;
  - b) possibly extinct in the CITES Appendices; and
  - c) extinct in the Species+ database.
10. In total, 37 taxa fall into the categories a) to c) indicated above; all but one of these are animals. The majority of these species (30) are in Appendix I; six are in Appendix II; and one is in Appendix III. It is not the role of this working group to make any specific recommendations regarding the appropriateness of the inclusion of these species in the Appendices.
11. However, IUCN has not assessed all species against its Red List criteria. There may be species included in the CITES Appendices that have not yet been assessed by IUCN but which may meet the definition of extinct according to IUCN Red List criteria.
12. The list of critically endangered, possibly extinct taxa in IUCN's sub-categories CR(PE) and CR(PEW), is available from the IUCN Red List.<sup>5</sup> The working group **recommends** that no further consideration be given to these species as they fall outside of its mandate.
13. While 30 species in Appendix I are indicated as being 'extinct' in the IUCN Red List, only four have been annotated as 'possibly extinct' (see Annex 4), as suggested by precautionary measure D in Annex 4 of Resolution Conf. 9.24 (Rev. CoP16). The Secretariat also noted the inconsistent application of this provision in document [AC27/PC21 Doc. 10](#).
14. Ten taxa were removed from the Appendices at the 16th meeting of the Conference of the Parties (CoP16) (six from Appendix I and four from Appendix II), because they were considered extinct and would not be affected by trade even in the unlikely event of their re-discovery (they are not included in the Table in Annex 2). In the case of the Appendix-I listed species, these de-listings did not follow the stipulated precautionary measures (transfer to Appendix II for two CoP intervals) before de-listing. Some of the de-listings from Appendix II were of species included in a higher taxon listing.
15. Arguably, the removal of extinct species from within higher taxon listings complicates the interpretation of the Appendices. Additionally, the de-listing of extinct species, if they are look-alikes for extant CITES-listed specimens, could potentially facilitate illegal trade. For example, specimens of extinct species, which are removed from the Appendices, may still be traded. This could provide opportunities for 'laundering' CITES-listed specimens as non-listed extinct look-alikes. By contrast, retaining extinct species in the Appendices may lead to some confusion for CITES officials and, for example, the unintentional mis-labelling of specimens.

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<sup>5</sup> See [http://www.iucnredlist.org/about/summary-statistics#Table\\_9](http://www.iucnredlist.org/about/summary-statistics#Table_9)

16. It seems unlikely that any extinct species would be proposed for inclusion in the CITES Appendices in its own right. If one were to be proposed, it is not clear how Annexes 1 and/or 2a of Resolution Conf. 9.24 (Rev. CoP16) can be interpreted. It is more likely that an extinct taxon may be included in the Appendices in future as part of a higher taxonomic listing or under the 'look-alike' provisions of Article II.2.b.

#### **Issues arising from the current approach**

17. The key issues arising from the above are the following.
- i. The provisions in paragraph D of Annex 4 of Resolution Conf. 9.24 (Rev. CoP16) relating to 'possibly extinct' species have been applied inconsistently by the Parties and, as such, it is not clear what value this annotation, in its current format, serves.
  - ii. The current provisions in Resolution Conf. 9.24 (Rev. CoP16) only apply to Appendix I species, and not to extinct or possibly extinct species in the other Appendices for which no guidance is provided.
  - iii. The Resolution does not provide any guidance on how to treat species whose extinction is not in doubt, nor how - or if - 'possibly' extinct species (as defined by CITES) should be distinguished from extinct species (as defined by IUCN). The Resolution does not clarify how to treat those 'possibly' extinct species which are re-discovered or for which there might be a reasonable probability of re-discovery.
  - iv. No overall principle is provided (other than the look-alike provisions of Article II.2.b) as to whether it is desirable to have extinct species listed in the Appendices at all or, if so, under what circumstances they should be listed or retained.
  - v. Removing extinct species from higher taxon listings may make the Appendices more difficult to interpret and apply and might lead to a risk of greater enforcement (see above) difficulties.
  - vi. It may be useful for Parties to consider whether species included in a higher taxon listing, but which were known to be extinct before the listing came into force (or, indeed, before the Convention came into force), are, indeed, considered to be covered by the listing. Clarifying this issue is desirable but is beyond the remit of this working group. Resolving this issue could avoid the need to submit amendment proposals for any such extinct species.

#### **Broad principles, with supporting rationale, for treating extinct and possibly extinct species in the Appendices**

18. The following are some suggested broad general principles:

- i. *Provisions and guidance relating to extinct or possibly extinct species should apply to, or be developed for, species included in Appendices I and II; [it is also desirable to extend these broad principles to Resolution Conf. 9.25 (Rev. CoP16) on Inclusion of species in Appendix III].*

Rationale: We should approach the topic of extinct species consistently between the Appendices. Although the down-listing and de-listing measures for Appendix I species differ from those for Appendix II species, the broad principles underlying the approach should be the same.

- ii. *The CITES and IUCN use of terms and definitions for extinct species should be consistent.*

Rationale: It is desirable to have key terms and definitions harmonised as much as possible. As the IUCN Red List is recognised as a leading authority on extinction risks to species, it seems appropriate for CITES, where necessary, to use the same terms and definitions, and to make use of the IUCN assessments of extinction risk if and when available (unless CITES has access to new data not available when any IUCN assessment of extinction risk was made).

- iii. *Extinct species should not normally be included in the Appendices, but extinct species already listed may be retained where one of the conditions outlined in paragraph [iv] below are met.*

Rationale: Retaining extinct species in the Appendices might arguably add to the enforcement burden (because enforcement officials may need to check for them unnecessarily), and undermines the scientific credibility of the Convention – there is no obvious conservation benefit in regulating trade in

specimens of species that no longer exist (unless such retention has benefits to extant listed species - see below). Equally, the criteria in Annexes 1 and 2 of Resolution Conf. 9.24 (Rev. CoP16) are clearly aimed at listing extant species (perhaps with the exception of Annex 2.b.B). But if there are circumstances where there is good reason for retention, under the precautionary approach, of extinct species in the Appendices, then these reasons should be transparent and articulated (i.e. we should know and document why we are doing things).

- iv. *Extinct species should be retained in either Appendix I or II if (i) their removal might unduly complicate the interpretation of the Appendices [(such as extinct species within higher taxon listings)] and/or (ii) if such removal might risk trade in parts and derivatives of CITES-listed extant species being 'laundered' as if they were specimens of the unlisted extinct species, especially if they were look-alikes, and/or (iii) if they may be affected by trade in the event of their re-discovery.*

Rationale: There is a case for retaining any extinct species (or exceptionally listing future ones) in the Appendices if they resemble other listed species and there are reasonable grounds to expect that they may cause look-alike or other problems when regulating trade in CITES-listed extant species. Alternatively, their removal may complicate the Appendices unnecessarily without providing any conservation or implementation benefit in return. The current provision under paragraph D of Annex 4 of Resolution Conf. 9.24 (Rev. CoP16) requires an assessment of the risk of any trade resuming were an 'extinct' species to be re-discovered, and also implies an assessment of the likelihood of such re-discovery.

## Potential approaches

19. The following approaches were considered by the working group:

- i. *Do nothing - leave the current provisions in Resolution Conf. 9.24 (Rev. CoP16) unaltered*

Rationale: Parties have worked with the Resolution in its current form since 1995 and, no doubt, could continue to do so; however, recent down-listings of some extinct species have raised a number of issues (see above) regarding inconsistencies in the approach taken to extinct or possibly extinct species. As a result, the working group concluded that it is better to attempt to resolve these issues if feasible and, accordingly, this option was not supported. However, as other options are likely to require amendment of the provisions of Resolution Conf. 9.24 (Rev. CoP16), then any such amendments should be for the specific purpose of addressing issues relating to extinct species only.

- ii. *Adopt IUCN definition of 'extinct' for consistency of approach*

Rationale. the IUCN Red List is the accepted global standard at assessing extinction risk. It is hard to see what merit there is in CITES using a separate category of 'possibly extinct' when the definition used is virtually identical to IUCN's for 'extinct', yet IUCN only uses the term 'possibly extinct' as a sub-category for relevant Critically Endangered taxa. The majority of the group supported adopting the IUCN definition of 'extinct' as it provides the benefits of standardisation and harmonisation.

- iii. *Remove or amend the current annotation of 'possibly extinct'*

Rationale. This annotation currently serves no useful purpose and has not been applied consistently. In practice, the way extinct species have been treated during consideration of proposals for de-listing has not been affected by the presence or absence of this annotation (other than the principle that species should not be de-listed if they might be affected by trade in the event of their rediscovery).

It might be amended to be replaced by a different annotation '*considered extinct by the IUCN Red List*' or similar wording (see options below). For higher taxon listings, species cannot be annotated in the Appendices but in the Species+ database, the following might be used: '*the following species are considered extinct by the IUCN Red List*'.

OR

The annotation might be removed entirely as the Red List status of any species is invariably considered during any proposal to amend the Appendices, and amending any annotation to the Appendices requires a decision by the Conference of the Parties.

Views within the working group were split on the two approaches, with a majority supporting removal of the current annotation entirely.

- iv. *Introduce the principle, as text in Annex 3 of Resolution Conf. 9.24 (Rev. CoP16), that extinct species should not normally be proposed for inclusion in the Appendices*

Rationale. This would introduce the general principle that extinct species should normally not be listed or included in the Appendices because, with some specific exceptions, there is little conservation benefit from regulating trade in species that no longer exist. It also potentially undermines the credibility of the Convention. This approach was supported by the working group.

- v. *Extinct species already listed should not be de-listed if they meet relevant precautionary criteria*

Rationale. Where extinct species are already included in the Appendices these should not be removed if they continue to meet suggested precautionary criteria for their retention. With suggested criteria provided (see later), this approach was supported by the working group.

- vi. *Amend the precautionary measures in Annex 4 to enable de-listing of extinct species in Appendix I without the need for two periods in Appendix II beforehand*

Rationale. The recent practice of Parties has been to take this approach regardless of the wording of the precautionary measures in Annex 4.A.1 of Resolution Conf. 9.24 (Rev. CoP16). For species which all accept as being genuinely extinct, and which do not meet any of the suggested precautionary criteria for retention, it seems that there is little merit in retaining species in Appendix II for two inter-CoP periods before their final de-listing. The working group supported this approach.

- vii. *Introduce the principle that extinct species should be removed from the Appendices unless there are good reasons to retain them.*

Rationale. For the reasons outlined in paragraphs iv) and vi) above, there may be little conservation benefit in retaining extinct species in the Appendices (with the exceptions in paragraph iv) above). An approach to rapidly de-list extinct species from the Appendices, unless there are compelling reasons to retain them (e.g. perhaps the criteria under iv) above), might be desirable. The views of the working group were split on this but with many supporting an approach to remove extinct species from the Appendices through a streamlined approach.

## Recommended approaches

20. The working group:

- a) **recommends** that species classed in the IUCN Red List as 'Extinct in the Wild' should not be part of the scope of the mandate of this working group because these species are still extant; the provisions of Resolution Conf. 9.24 (Rev. CoP16) do not, therefore, need to be reviewed for these species. Nor should the Critically Endangered taxa in the sub-categories 'possibly extinct' and 'possibly extinct in the wild' be part of the scope of this working group. In the latter category, the species are evidently not extinct; whilst in the former, there is doubt about whether they are extinct or not; the precautionary approach for CITES should be to consider them as still extant.
- b) **recommends** that clarification and guidance should be sought from the CITES Secretariat and the Standing Committee on the issue of whether species included in a higher taxon listing but which were known to be extinct before the listing came into force (or, indeed, before the Convention came into force) are considered to be covered by the listing. Some draft text is inserted in brackets in Option 1 (see below and Annex 1) for debate.
- c) **recommends** that CITES adopts the IUCN Red List category and definition of 'extinct' instead of the term and definition of 'possibly extinct' currently used in Resolution Conf. 9.24 (Rev. CoP16).

## Options

21. Three potential ways forward are suggested for consideration by the Plants and Animals Committees, as follows. Each of these has elements in common.

- a) Option 1. This option (see Annex 1) incorporates the recommendations above and provides suggested amendments to Resolution Conf. 9.24 (Rev. CoP16) to address the broader issues. In short, it suggests a presumption that extinct species should not normally be included in the Appendices but where these species are already listed, they should not be de-listed unless suggested precautionary criteria are met.

- b) Option 2. This option (see Annex 2), proposed by the United States, would retain extinct species in the Appendices with annotations and with restrictions on the types of trade that are permitted in specimens of extinct species.
  - c) Option 3. This option (Annex 3), proposed by Mexico, would seek to delete extinct species from the Appendices unless there were good reasons to retain them. Where any extinct species were retained in the Appendices, they would be annotated to indicate their retention was on precautionary grounds. This option also proposes a more streamlined mechanism to remove extinct species from the Appendices involving the scientific Committees, IUCN and relevant range States.
22. These recommendations and options, where appropriate, have been translated into suggested amendments to Resolution Conf. 9.24 (Rev. CoP16) as shown in Annexes 1, 2 and 3. The working group recommends these are considered by working groups at meetings of the Animals and Plants Committees before their onward transmission to the 66th meeting of the Standing Committee.



## Annex 1 – Option 1

### **Resolution Conf 9.24 (Rev. CoP16) – possible amendments**

(new text underlined; deleted text in ~~strikethrough~~)

#### **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 regional populations, rather than subspecies. Split-listing<sup>s</sup> that place some populations of a species in the Appendices, and the rest outside the Appendices, should normally not be permitted.

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 coordinates.

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 made in accordance with the provisions of the relevant Resolutions on the use of annotations in the Appendices.

Parties contemplating preparing a proposal to transfer an individual plant species from a higher-taxon listing in Appendix II to a separate listing in Appendix I should consider:

- i) the ease with which it can be propagated artificially;
- ii) the extent to which it is currently available in cultivation from artificially propagated specimens; and
- iii) any practical problems in identifying the species, particularly in the form in which it may be traded.

###### **Extinct species**

Extinct species should not normally be proposed for inclusion in the Appendices. Extinct species already included in the Appendices may be retained in the Appendices if they meet one of the precautionary criteria included in Annex 4.D.

[Species included under a higher taxon listing, that were considered extinct at the time that the listing came into force, are not considered to form part of that higher taxon for purposes of the Convention unless specifically included [under the provisions of Annex 2 b]. When preparing a proposal to include a higher taxon in the Appendices, Parties are encouraged to note any [recently] extinct species in the higher taxon which are excluded from the proposed listing.]

#### **Annex 4**

##### **Precautionary measures**

When considering proposals to amend Appendix I or II, the Parties shall, by virtue of the precautionary approach and in case of uncertainty either as regards the status of a species or the impact of trade on the conservation of a species, act in the best interest of the conservation of the species concerned and adopt measures that are proportionate to the anticipated risks to the species.

- A. 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. Extinct species may be deleted from Appendix I without first being transferred to Appendix II subject to the provisions of paragraph D.
2. Species included in Appendix I should only be transferred to Appendix II:
- a) If they do not satisfy the relevant criteria in Annex 1 and when one of the following precautionary safeguards is met:
- the species is not in demand for international trade, nor is its transfer to Appendix II likely
- i) to stimulate trade in, or cause enforcement problems for, any other species included in Appendix I; or
- the species is likely to be in demand for trade, but its management is such that the
- ii) Conference of the Parties is satisfied with:
- implementation by the range States of the requirements of the Convention, in particular Article IV; and
- B) appropriate enforcement controls and compliance with the requirements of the Convention; or
- an integral part of the amendment proposal is an export quota or other special measure approved by the Conference of the Parties, based on management measures described
- iii) in the supporting statement of the amendment proposal, provided that effective enforcement controls are in place; or
- b) when a ranching proposal is submitted in accordance with an applicable Resolution and is adopted by the Conference of the Parties.
3. No proposal for transfer of a species from Appendix I to Appendix II 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.
5. No species should be deleted from Appendix II if, within the last two intervals between meetings of the Conference of the Parties, it has been subject to a recommendation under the provisions of the Review of Significant Trade to improve its conservation status.
- B. The following review procedures shall apply when a species is transferred to Appendix II pursuant to paragraph A. 2. iii) 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 Depository 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 Depository Government to prepare a proposal for appropriate remedial action.
- C. With regard to quotas established pursuant to paragraph A. 2. iii) above:
1. If a Party wishes to renew, amend or delete such a quota, it shall submit an appropriate proposal for consideration at the following meeting of the Conference of the Parties.
  2. When a quota has been established for a limited period of time, after that period the quota will become zero until a new quota has been established.
- D. Species that are regarded as ~~possibly~~ extinct should not be deleted from ~~the Appendices~~ if:
- a) they may be affected by trade in the event of their rediscovery; **or**
  - b) they resemble extant species included in the Appendices such that their deletion would cause difficulties implementing the Convention; or
  - c) their removal would complicate interpretation of the Appendices unnecessarily.

[Extinct species retained [or included] in the Appendices should be annotated as:

'considered extinct by the IUCN Red List'. These species should be annotated in the Appendices as

'possibly extinct'.]

## Annex 5

### Definitions, explanations and guidelines

**NOTE:** Where numerical guidelines are cited in this Annex, they are presented only as examples, since it is impossible to give numerical values that are applicable to all taxa because of differences in their biology.

#### ***Possibly Extinct***

A species is considered to be 'possibly extinct' when

- a) it is listed as such (as category EX) in the IUCN Red List; ~~exhaustive surveys in known or suspected habitat, and at appropriate times (diurnal, seasonal, annual), throughout its historical 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' life cycle and life form.~~ **or**
- b) it complies with IUCN's 'extinct' definition, which reads: "A taxon is Extinct when there is no reasonable doubt that the last individual has died. A taxon is presumed Extinct when exhaustive surveys in known and/or expected habitat, at appropriate times (diurnal, seasonal, annual), throughout its historic range have failed to record an individual. Surveys should be over a time frame appropriate to the taxon's life cycle and life form."

### Proposal by the United States

The United States proposes that all extinct species listed in the CITES Appendices be annotated as extinct, as follows.

1. CITES adopt the use of “extinct” and eliminate “possibly” extinct.
2. CITES adopt the IUCN definition of Extinct (EX), namely: *A taxon is Extinct when there is no reasonable doubt that the last individual has died. A taxon is presumed Extinct when exhaustive surveys in known and/or expected habitat, at appropriate times (diurnal, seasonal, annual), throughout its historic range have failed to record an individual. Surveys should be over a time frame appropriate to the taxon’s life cycle and life form.*
3. We suggest the following process:
  - a) For the 37 species currently designated as EX, the Animals & Plant Committees (AC & PC) recommend that range States bring species proposals to Conference of the Parties (CoP) to annotate as EX.
  - b) For the future, the AC/PC Nomenclature Specialists regularly report at AC/PC meetings on any new IUCN designations of Extinct.
  - c) Based on the information provided by the Nomenclature Specialists, AC/PC makes a recommendation that a range State submit a proposal to apply the Extinct annotation.
  - d) A range State would prepare a species proposal (abbreviated document based on the IUCN Extinct finding) and submit the species proposal to the CoP for adoption.
4. CITES would annotate all extinct taxa listed in the CITES Appendices, as follows: “extinct” (or similar wording). The use of the IUCN definition would be explained in a revised Resolution Conf. 9.24 (Rev. CoP16).
5. This annotation would apply to Extinct listings as defined by IUCN. If a Party wishes to annotate a species as Extinct in the absence of an assessment to that effect by IUCN, the Party would bring a species proposal to CoP for consideration that shows how the taxon meets the IUCN definition of EX.
6. The annotation would be supported by a revised Resolution Conf. 9.24 (Rev. CoP16) or other agreement within the context of CITES to clarify the following:
  - a) there should be no trade in live Extinct species;
  - b) there may be trade in parts, products, and derivatives of Extinct species (such as museum specimens).

#### Benefits to this Approach

7. The “possibly extinct” annotation has been criticized for being ambiguous, inconsistently applied, and without meaning/significance. The U.S. proposal addresses all of these deficiencies.
8. We address ambiguity through the adoption of the IUCN definition of Extinct (EX). We still need to resolve the process whereby CITES would adopt and implement the annotations. A revised Resolution Conf. 9.24 (Rev. CoP16) addresses that issue (see below).
9. We address inconsistency by going forward and backward in applying the annotations to all Extinct taxa currently listed (37 at present).

10. We address the issue that the current annotation is without meaning/significance through the adoption of a revised Resolution Conf. 9.24 (Rev. CoP16) or agreement to the effect that trade in live/wild Extinct species would not be permitted or biologically feasible.
11. These annotations could appear in the CITES Appendices along with the species or higher taxon listing. There would not be any need to delist or transfer taxa; species could remain in their current Appendix.
12. There would be no need to develop any new CITES guidelines or principles; would need to define Extinct according to IUCN.
13. This could ease the burden on enforcement and permit issuing personnel.
14. There would be no need to delist or transfer extinct species currently listed in the Appendices; the annotation could clarify that a species was extinct, while a revised Resolution Conf. 9.24 would clarify the nature of any trade.
15. This annotation would facilitate tracking of the scientific name as scientific nomenclature and classification change over time in response to new information.
16. The application of the annotation would be implemented going forward.
17. Parties would also implement this annotation process going backward. Given the limited number of taxa (37 taxa at present, but more species expected given ongoing IUCN Red List assessments), the likely absence of trade, and limited amount of scientific information, the development of species proposals that would be submitted to CoP should not be a burdensome process. The review of species proposals by CoP likewise should not be a burdensome process. The number of extinct taxa should decline quickly after the first wave of annotations.
18. Without formally developing a new species proposal format, it would be possible to provide less information given that a species has been designated as Extinct by IUCN.
19. Individual extinct species would be annotated in the Appendices as: '*Genus species* (extinct)'
20. Higher taxa listings with one or more extinct species would be annotated in the Appendices as: *Genus spp.* (*Genus sp. 1* is extinct; *Genus sp. 3* is extinct).

**Resolution Conf 9.24 (Rev. CoP16) – possible amendments** (including United States amendments to option 1 text shown in yellow)

(new text underlined; deleted text in ~~strikethrough~~)

### **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 regional 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.

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 coordinates.

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 made in accordance with the provisions of the relevant Resolutions on the use of annotations in the Appendices. **Extinct species, however, should be annotated as such.**

Parties contemplating preparing a proposal to transfer an individual plant species from a higher-taxon listing in Appendix II to a separate listing in Appendix I should consider:

- i) the ease with which it can be propagated artificially;
- ii) the extent to which it is currently available in cultivation from artificially propagated specimens; and
- iii) any practical problems in identifying the species, particularly in the form in which it may be traded.

### Extinct species

Extinct species should not normally be proposed for inclusion in the Appendices. **Extinct species included within a higher taxon listing should be included with that listing and annotated as Extinct.** Extinct species already included in the Appendices **should be retained in the Appendices.**

**Species included under a higher taxon listing, that were considered extinct at the time that the listing came into force, shall be identified by their scientific name and annotated as Extinct and retained in the Appendix where listed.**

## **Annex 4**

### **Precautionary measures**

When considering proposals to amend Appendix I or II, the Parties shall, by virtue of the precautionary approach and in case of uncertainty either as regards the status of a species or the impact of trade on the conservation of a species, act in the best interest of the conservation of the species concerned and adopt measures that are proportionate to the anticipated risks to the species.

- A. 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.
2. Species included in Appendix I should only be transferred to Appendix II:
  - a) If they do not satisfy the relevant criteria in Annex 1 and when one of the following precautionary safeguards is met:
    - the species is not in demand for international trade, nor is its transfer to Appendix II likely
    - i) to stimulate trade in, or cause enforcement problems for, any other species included in Appendix I; or
    - the species is likely to be in demand for trade, but its management is such that the
    - ii) Conference of the Parties is satisfied with:

implementation by the range States of the requirements of the Convention, in particular Article IV; and

B) appropriate enforcement controls and compliance with the requirements of the Convention; or

an integral part of the amendment proposal is an export quota or other special measure approved by the Conference of the Parties, based on management measures described iii) in the supporting statement of the amendment proposal, provided that effective enforcement controls are in place; or

b) when a ranching proposal is submitted in accordance with an applicable Resolution and is adopted by the Conference of the Parties.

3. No proposal for transfer of a species from Appendix I to Appendix II 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.
5. No species should be deleted from Appendix II if, within the last two intervals between meetings of the Conference of the Parties, it has been subject to a recommendation under the provisions of the Review of Significant Trade to improve its conservation status.

B. The following review procedures shall apply when a species is transferred to Appendix II pursuant to paragraph A. 2. iii) 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 Depository 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 Depository Government to prepare a proposal for appropriate remedial action.

C. With regard to quotas established pursuant to paragraph A. 2. iii) above:

1. If a Party wishes to renew, amend or delete such a quota, it shall submit an appropriate proposal for consideration at the following meeting of the Conference of the Parties.
2. When a quota has been established for a limited period of time, after that period the quota will become zero until a new quota has been established.

D. There should be no trade in live extinct species. There may be trade in parts, products, and derivatives of extinct species (such as museum specimens).

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## Annex 5

### Definitions, explanations and guidelines

**NOTE: Where numerical guidelines are cited in this Annex, they are presented only as examples, since it is impossible to give numerical values that are applicable to all taxa because of differences in their biology.**

#### *Possibly Extinct*

A species is considered to be 'possibly extinct' when it meets the definition of extinct as provided by the IUCN Red List: exhaustive surveys in known or suspected habitat, and at appropriate times (diurnal, seasonal, annual), throughout its historical 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' life cycle and life form.

A taxon is Extinct when there is no reasonable doubt that the last individual has died. A taxon is presumed Extinct when exhaustive surveys in known and/or expected habitat, at appropriate times (diurnal, seasonal, annual), throughout its historic range have failed to record an individual. Surveys should be over a time frame appropriate to the taxon's life cycle and life form.

## Annex 6

### A. Proposal

[list of specific amendments, annotations, or qualifications]

- Annotation to a species listing that the species is 'extinct'.

## Proposal by Mexico

### A. Amendment to the preamble of Resolution Conf 9.24 (Rev. CoP16) and its Annex 4

Mexico agrees that “extinct species should not be included or retained in the Appendices (I-III) unless there are compelling reasons for doing so”; and, as a safeguard measure, in the unlikely event of the re-discovery of a species previously recognized as extinct, to avoid it becoming prone to extinction driven by unregulated international trade, said species should be automatically listed under Appendix I.

Yet Mexico does not believe the above will be properly addressed by including a specification in the preamble of Resolution Conf. 9.24, as has been suggested during the working group’s discussions. Instead, we suggest these precisions should be included in the operative section of Resolution; specifically by amending in the precautionary measures (paragraph D) of Annex 4 in Resolution Conf. 9.24 (Rev. CoP16), as follows:

*Species that are regarded as ~~possibly~~ extinct ~~should not~~ will be deleted from the Appendices, unless there are compelling reasons to retain them (e. g. look alike issues). In such cases, a dagger (†) will be included next to the species name or an annotation will be added next to a higher taxon’s name to indicate, also with a dagger (†), the particular extinct species covered by CITES provisions. As a safeguard measure, if a previously listed extinct species is rediscovered, it will be included in the Appendix I. † if they may be affected by trade in the event of their rediscovery. These species should be annotated in the Appendices as ‘possibly extinct’.*

And to give further guidance on the proposed amendment, we suggest adding a new paragraph at the end of the interpretation section of the Appendices as follows:

*9. The species marked with a dagger (†) besides its name denotes an extinct species retained due to precautionary measures.*

### B. On delisting species currently recognized as extinct

Below we suggest a couple of mechanisms to address this element of the working group’s discussion.

#### 1. Recommendation of Scientific Committees to remove already identified extinct species from the Appendices.

As a Working Group, and in collaboration with WCMC, we could submit a document for consideration of next Joint Sessions of the Animals and Plants Committees, consisting of the complete list of CITES species recognized as extinct by the IUCN, specifying, amongst other elements, the range countries of each of them and the link to the Red List assessment. Furthermore, since all species recognized as extinct under the *Red List* are backed up with the relevant assessment developed by the IUCN, we suggest evaluating if a more “automatic” process should be set in place for these cases. This process would avoid the requirement of “fully developed” amendment proposals. In any case, the final decision will be made by the Conferences of the Parties (CoP), who, as we all know, has the authority to decide on these matters, ideally based on the advice of the scientific committees.

On the other hand, recalling that the intersessional working group on periodic review has recognized that one of the main reasons proposals are rejected during Conferences of the Parties is the lack of proper involvement from range states, the “automatic process” to delist extinct species should require the final list to be supported by the IUCN and endorsed by all concerned range states through official communications (which would be included as Annexes of the working document of the Conference of the Parties); for this purpose, perhaps a 30 day (or more?) deadline after the adoption of the draft list by the Joint sessions of the Scientific Committees should be established, in order to allow range states enough time to express their support.

As to who should present the final list to the CoP, we suggest the Depositary Government (Switzerland); but this can be further discussed. Furthermore, the list of species recognized as

“extinct” by the CoP (and therefore, exempted from CITES provisions) can be published as reference in a section of the CITES website, in a similar fashion as export quotas and reservations to the Appendices are published and updated (as often as needed).

## 2. Parties’ proposals

Considering not all species have been assessed by the IUCN, if any Party has enough scientific information to conclude that a species is extinct, it can submit an amendment proposal to the CoP as appropriate at any time in compliance with the provisions of Resolution Conf. 9.24 (Rev. coP16) provisions.

## AC27/PC21 INF.2 (revised for working group)

## Extinct or possibly extinct species

Taxon	App <sup>6</sup>	IUCN List	Red	Species+	Range States (from Species+)	Additional Information by Nomenclature Specialist (& VF)
<i>Achatinella abbreviata</i>		EX		extinct	USA	Part of <i>Achatinella</i> spp. altogether 24 species
<i>Achatinella buddii</i>		EX		extinct	USA	
<i>Achatinella caesia</i>		EX		extinct	USA	
<i>Achatinella casta</i>		EX		extinct	USA	
<i>Achatinella decora</i>		EX		extinct	USA	
<i>Achatinella dimorpha</i>		EX		extinct	USA	
<i>Achatinella elegans</i>		EX		extinct	USA	
<i>Achatinella juddii</i>		EX		extinct	USA	
<i>Achatinella juncea</i>		EX		extinct	USA	
<i>Achatinella lehuiensis</i>		EX		extinct	USA	
<i>Achatinella livida</i>		EX		extinct	USA	
<i>Achatinella papyracea</i>		EX		extinct	USA	
<i>Achatinella spaldingi</i>		EX		extinct	USA	
<i>Achatinella thaanumi</i>		EX		extinct	USA	

<sup>6</sup> Annotated with 'p.e' to indicate those species annotated as 'possibly extinct' in the CITES Appendices

Taxon	App <sup>6</sup>	IUCN Red List	Species+	Range States (from Species+)	Additional Information by Nomenclature Specialist (& VF)
<i>Achatinella valida</i>	I	EX	extinct	USA	
<i>Babyrousa bolabatuensis</i>	I	VU (as <i>Babyrousa celebensis</i> )	extinct	Indonesia	Listed as single species, one of four species listed, all formerly listed as <i>Babyrousa babyrussa</i> and split later on in 4 species, the others are <i>B. bolabatuensis</i> , <i>B. celebensis</i> , <i>B. togaensis</i>
<i>Bolyeria multocarinata</i>	I	EX	extinct	Mauritius	All other Bolyeriidae species listed on App. II
<i>Cyclura onchiopsis</i>	I	EX	extinct	USA	Part of <i>Cyclura</i> spp., altogether 7 species
<i>Dasyornis broadbenti litoralis</i>	I p.e.	LC (at species level)	'possibly extinct'	Australia	<i>D. broadbenti</i> listed as LC (for entire species)' subsp. <i>litoralis</i> is extinct (last seen 1940) NB sub-species listed as 'possibly extinct' in the CITES Appendices
<i>Epioblasma sampsonii</i>	I	EX	extinct	USA	Listed as single species
<i>Epioblasma torulosa gubernaculum</i>	I	EX	extinct	Canada, USA	These two subspecies are listed on App. I the third sub-species, <i>E. t. rangiana</i> , is listed on App. II. NB the IUCN Red List considers only <i>E. t. rangiana</i> (App II) to be extant and lists this as CR.
<i>Epioblasma torulosa torulosa</i>	I	EX	extinct (?)	Canada, USA	
<i>Epioblasma turgidula</i>	I	EX	extinct (?)	USA	Listed as single species
<i>Eriocnemis godini</i>	II	CR	extinct (?)	Colombia (distribution uncertain), Ecuador	Listed as single hummingbird species, several other species on App. I, Majority as Trochilidae listed in App. II
<i>Hoplodactylus delcourti</i>	III	EX	extinct	New Zealand	Part of <i>Hoplodactylus</i> spp., altogether 11 species
<i>Incilius periglenes</i>	I	EX	extinct	Costa Rica	Listed as single species
<i>Monachus tropicalis</i>	I	EX	extinct	Several range States	Listed as part of <i>Monachus</i> spp., altogether 3 species

Taxon	App <sup>6</sup>	IUCN List	Red	Species+	Range States (from Species+)	Additional Information by Nomenclature Specialist (& VF)
<i>Monadenia ecalcarata</i>	II			extinct	South Africa	Part of Orchidaceae, App. II
<i>Pezoporus occidentalis</i>	I p.e.	EN		possibly extinct	Australia	NB listed as ' <b>possibly extinct</b> ' in the CITES Appendices  Formerly listed as <i>Geopsittacus occidentalis</i> . Apparently re-discovered in Australia in 2013
<i>Phelsuma edwardnewtonii</i>	II			extinct	Mauritius	Part of <i>Phelsuma</i> spp., altogether around 50 species
<i>Phelsuma gigas</i>	II	EX		extinct	Mauritius	
<i>Podilymbus gigas</i>	I	EX		extinct	Guatemala	Listed as single species
<i>Psephotus pulcherrimus</i>	I p.e.	EX		extinct	Australia	Listed as single species, among a number of other parrot species in App. I, Majority of parrots as Psittaciformes spp. in App. II NB listed as ' <b>possibly extinct</b> ' in the CITES Appendices
<i>Pteropus pilosus</i>	I	EX		extinct	Palau	Listed as single species in App. I together with other <i>Pteropus</i> species, all other species are listed on App. II
<i>Pteropus subniger</i>	II	EX		extinct	Mauritius	Part of <i>Pteropus</i> spp. in App. II altogether around
<i>Pteropus tokudae</i>	II	EX		extinct	Guam	
<i>Rhodonessa caryophyllacea</i>	I p.e.	CR		extinct (?)	Bangladesh EX, India EX, Myanmar EX?, Nepal EX	Listed as single species NB listed as ' <b>possibly extinct</b> ' in the CITES Appendices

## Annex 5

### Working group composition

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