

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



Twenty-second meeting of the Plants Committee
Tbilisi (Georgia), 19-23 October 2015

Interpretation and implementation of the Convention

Species trade and conservation

Periodic review of species included in Appendices I and II

REPORT OF THE INTERSESSIONAL WORKING GROUP*

1. This document has been prepared by the Co-Chairs[†] for the intersessional working group on the periodic review of species included in Appendices I and II.
2. During the joint sessions of the 27th meeting of the Animals Committee and 21st meeting of the Plants Committee (Veracruz, May 2014), an intersessional working group on the periodic review of species was formed with the mandate to *consider the periodic review process and possible revisions to Resolution Conf. 14.8 (Rev. CoP16)*.
3. The members of the inter-sessional working group were as follows:
 - a) Plants Committee Co-Chair: Mr. Benitez (North America)
Animals Committee Co-Chair: Ms. Caceres (North America)
 - b) Plants Committee Members: Ms. Rivera (Central and South America and the Caribbean)
Animals Committee Members: Mr. Kasiki (Africa), Mr. Soemorumekso (Asia), Mr. Lortscher (Europe), Mr. Robertson (Oceania), Ms. Grimm (Nomenclature specialist), Ms. Gaynor (Alt. Europe)
 - c) Parties: Canada, Mexico, Netherlands, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America
 - d) Organizations: UNEP-World Conservation Monitoring Centre, IUCN, American Herbal Products Association, Human Society

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

† 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.

4. The inter-sessional working group used email and the CITES Forums to undertake its discussions. The working group was first asked to consider, in light of recent and past discussions on the periodic review process, whether modifications of Resolution Conf. 14.8 (Rev. CoP16) on *Periodic Review of species included in Appendices I and II* were needed and, if so, what sort of modifications would be proposed. Additionally, the working group was asked to consider the purpose and desired outcomes of the periodic review process and whether a process for prioritising species for the process should be considered. Finally, the working group was asked to propose modifications to Resolution Conf. 14.8 based on the discussion.

Regarding the purpose of the periodic review:

5. The Co-Chairs noted that each working group member provided a perspective on the history of the periodic review process which demonstrated that this process has undergone a natural evolution over the history of the Convention. The aim of the working group was thus to consider what type of periodic review process is needed and would be successful for the present CITES context. In that vein, the views expressed were broadly categorized into two areas. One view was that the periodic review process has not had meaningful achievements, is no longer useful and should be eliminated in favour of other priorities. Another view is that the periodic review process does make a meaningful contribution to CITES but perhaps needs some improvements.
6. The Co-Chairs elaborated on these differing points of view by summarizing the three basic rationales for the periodic review process that they heard from working group members:
 - a) Rationale 1: The objective of the periodic review is that “species are appropriately listed on the Appendices (so that the Appendices reflect the conservation need of the listed species).” The measures of success would be the reviews undertaken that find the species appropriately listed and proposals adopted where the review finds the species is not on an appropriate Appendix.
 - b) Rationale 2: The purpose of the periodic review is so that species listed early on in the Convention’s history are reviewed against the criteria in Resolution Conf. 9.24 (Rev. CoP16) on *Criteria for amendment of Appendices I and II*. The measures of success would be the reviews undertaken that find the species appropriately listed and proposals adopted where the review finds the species is not on an appropriate Appendix.
 - c) Rationale 3: The intent of the periodic review is to “clean up” the Appendices by focussing on species (likely those listed early on in the Convention’s history) that may not belong on the Appendices and reviewing these against the biological and trade criteria in Resolution Conf. 9.24 (Rev. CoP16). The measure of success in this case is down or de-listing proposals adopted where the review finds the species is not on an appropriate Appendix.
7. The Co-Chairs noted that, given that the biological and trade criteria found in Resolution Conf. 9.24 (Rev. CoP16) determine the appropriateness of a listing and thus reflect the conservation need of the species, then the second rationale is a re-formulation of the first rationale. Further, the third rationale was identified as a subset of the first in that it provides some precisions on the types of species that should be prioritized for review.
8. While some members of the working group questioned the value of the periodic review process, the Co-Chairs recognized that the majority of the respondents did find value in the periodic review process beyond proposals adopted and suggested the working group focus on the first rationale as the driver for the periodic review process.

Regarding the preparation of proposals following from the periodic review process:

9. The working group explored the respective roles of the Scientific Committees, to provide advice to the Parties on listing based on a scientific review, and Parties, to make listing decisions. In this vein, a review by the Scientific Committees that considers the current management and conservation activities for a species can provide valuable advice and support to range States, as well as

encourage range State collaboration for the reviewed species even if the outcome indicates the species is appropriately listed.

10. However, frustration was expressed within the working group regarding those instances where the Scientific Committee review finds the species is not appropriately listed and thus, as per the current periodic review process, prepares a listing proposal for consideration by the Conference of the Parties. Specifically, it appeared that those proposals that did not have clear range State support seemed to fail at the Conference of the Parties. For this reason, the working group proposed modifying the current process to remove the obligation on the Scientific Committees (via the Depositary Government) to submit proposals to the Conference of the Parties. Rather it was felt the decision to submit a proposal should rest with a range State. The obligation on the Scientific Committees would instead be to report on all of the reviews undertaken to the Conference of the Parties.
11. Some members of the working group further felt the format for a periodic review could be made less onerous given a review may not necessarily result in a proposal to the Conference of the Parties. Currently, the process requires the review follow the format of a proposal as outlined in Annex 6 of Resolution Conf. 9.24 (Rev. CoP16) on *Criteria for amendment of Appendices I and II*. However, there was some disagreement with this suggestion within the working group such that the working group did not propose modifications to the Annex to Resolution Conf. 14.8 (Rev. CoP16) on *Periodic review of species included in Appendices I and II*. The working group would instead invite the Animals and Plants Committee to share their views regarding the format of the review.

Regarding the selection of species for review:

12. Following the logic of the intrinsic value of a periodic review, the working group recognized that some attention may be needed on what species would best benefit from a periodic review, keeping in mind the benefits of the review process outlined earlier. The working group had varying advice on the how to select species for review.
13. The working group recognized that operative paragraph c) ii) of the current process as outlined in to Resolution Conf. 14.8 (Rev. CoP16) on *Periodic review of species included in Appendices I and II* identifies a list of taxa that should not be considered for review and debated whether that list could be improved. Specifically, different members of the working group suggested that:
 - Species not actively in trade, and thus receiving little benefit from addressing the appropriateness of their listing, should not be prioritized for review. This would include extinct species currently on the Appendices.
 - In the same vein, species where there was a strong supporting proposal or where there is little or no ambiguity around the appropriateness of their listing, do not benefit from an objective review. This guidance is captured to some degree in the current resolution but perhaps could be clarified.
 - There was a suggestion that species listed for reasons of similarity of appearance under the provisions of Article II 2(b) of the Convention would not benefit from a review.
 - Another suggestion was that the Committees should not review species where one or a majority of range States have indicated that they do not feel a review is necessary. This was followed with a suggestion that the selection of species for review become a decision of the Conference of the Parties. However other members of the working group felt the selection of species was better left to the Scientific Committees.
14. An additional step in the current selection process as outline in operative paragraph c) iii) of Resolution Conf. 14.8 (Rev. CoP16) on *Periodic review of species included in Appendices I and II* requests UNEP-World Conservation Monitoring Centre prepare summary information based on a filtering process outlined in the current Annex to Resolution Conf. 14.8 (Rev. CoP16). Some working group members felt the outputs process could be further modified or that the information created could be further filtered to create a shorter list of species for possible review. One participant further proposed that, rather than selecting species, the Committees simply invite range States to

undertake a review of the species found on the shorter list. On the other hand, other members of the working group felt that the Annex had not yet been fully tested and that it would thus be premature to propose changes to the Annex output process.

15. The working group did not have time to fully explore the proposed ideas for additional selection criteria or additional filtering of the UNEP- World Conservation Monitoring Centre outputs. For this reason, the suggestions were not included in the modifications to Resolution Conf. 14.8 (Rev. CoP16) on *Periodic review of species included in Appendices I and II* presented here. The working group would instead draw the Committee's attention to the suggestions in paragraph 13 and 14 above, and invite the Committee to provide further comments and direction.

Regarding modifications to Resolution Conf. 14.8 (Rev. CoP16) on *Periodic review of species included in Appendices I and II*:

16. Based on the comments and discussions, the working group proposed the following revisions to Resolution Conf. 14.8 (Rev. CoP16) on *Periodic review of species included in Appendices I and II*:

a) Revisions to the preamble to:

- Clearly acknowledge the advisory role of the Scientific Committees as distinct from the decision-making role of the Conference of the Parties
- Reflect language in Resolution Conf. 9.24 (Rev. CoP16) on *Criteria for amendment of Appendices I and II*
- Ensure the overall purpose and measure of success for the review are clear
- Recognize the benefits of undertaking the periodic review

b) Revisions to the operative to:

- Reorganize the operative paragraphs to separate the guidance on how to best undertake the process (such as the advice to engage students and non-Party reviewers) from the discrete steps to be followed. The current operative paragraphs a), f), g), and h) were separated from the steps within the process as these paragraphs provided general guidance on the process rather than a step to follow.
- Similarly reorganize paragraph c) of Resolution Conf. 14.8 such that:
 - Paragraphs c) i) and c) iii) are modified to become the introductory clauses
 - Paragraph c) ii) and c) iv) remain as a subordinate clauses
 - An additional subordinate clause is added to ensure the Secretariat is given a mandate to engage UNEP World Conservation Monitoring Centre in preparing the outputs requested in the Annex to the Resolution
- Clarify the timelines for the steps to be followed (including timing of periodic reviews and timing for the preparation of outputs)
- Modify the process so that the Scientific Committees provide their advice to the Secretariat and the Conference of the Parties but leave the decision on whether or not to submit a proposal resulting from the periodic review to the range State(s). As such original operative paragraphs j) and k) were deleted and new operatives requiring the Committees to make a recommendation on the appropriateness of the listing and report their conclusions to the Conference of the Parties, as well as have the Secretariat transmit their conclusions to the range State(s) were drafted. The new operative paragraph also has the Secretariat invite the range State(s) to submit a proposal where the Committees recommends a change in the current listing for a taxon.

17. The proposed revisions to Resolution Conf. 14.9 (Rev. CoP16) on *Periodic review of species included in Appendices I and II* are found in the Annex to this document. Additional language is shown in underline and deletions are shown in ~~strikeout~~ font. Not highlighted are those paragraphs that were simply re-organized and where no additional new language was proposed.

Recommendation

18. The Plants Committee is invited to review the conclusions of the working group and provide guidance on the questions regarding the format of the review (paragraph 11) and the selection of species for review (paragraph 15).
19. The Plants Committee is further invited to endorse the proposed modifications to Resolution Conf. 14.8 (Rev. CoP16) on *Periodic review of species included in Appendices I and II* found in the Annex to this document, and submit the revised Resolution Conf. 14.8 (Rev. CoP16) to the Conference of the Parties.

Proposed revisions to Resolution Conf. 14.8 (Rev. Cop16)

Proposed new language is in underline font, moved language is in double underline font, and deleted language is in ~~strikeout font~~.

RECOGNIZING the fundamental principles of Article II of the Convention and that there is a need to conduct periodic reviews of species listed in Appendices I and II to ensure that species are appropriately listed, based on current biological and trade information;

REAFFIRMING that Resolution Conf. 11.1 (Rev. CoP16) on *Establishment of Committees*, in Annex 2, paragraph h) under 'RESOLVES', directs the Animals and Plants Committees to undertake a periodic review of animal or plant species included in the CITES Appendices;

ACKNOWLEDGING that, in undertaking a periodic review, the Scientific Committees are mandated to provide advice and recommendations to the Conference of the Parties and it is the responsibility of the Conference of the Parties to take decisions as they deem appropriate.

ACKNOWLEDGING that Resolution Conf. 9.24 (Rev. CoP16) on *Criteria for amendment of Appendices I and II*, establishes criteria to ensure that decisions to amend the Convention's Appendices are founded on sound and relevant scientific information and 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;

ACKNOWLEDGING that a ~~successful completed~~ periodic review of a species consists of an objective evaluation by the Animals and Plants Committees of a species listed on Appendix I or II and may result in a recommendation to amend Appendix I or II, or equally may result in ~~advice a recommendation~~ that the Appendix under which the species is currently listed properly reflects its conservation needs and the species should be retained as listed;

RECOGNIZING that the periodic review process provides advice to Parties on the scientific basis underlying the Convention, can guide Parties in the implementation of the Convention and can provide valuable information to support range States' conservation and management actions for the species evaluated.

FURTHER recognizing that the periodic review process also facilitates open and constructive dialogue amongst range States and importing countries, and at meetings of the Animals and Plants Committees, particularly for challenging species.

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

AGREES that the Animals and Plants Committees shall conduct a periodic review of species listed in Appendix I and II, seeking information, participation and support from the range States. The regional representatives of the Animals and Plants Committees shall seek assistance from range States within their region to support the taxon reviews;

FURTHER AGREES ~~to the following:~~ that the review will be conducted in accordance to the following process:

~~a) The Animals and Plants Committees should share their experience, especially during joint meetings, regarding the undertaking of periodic reviews of taxa included in the Appendices (including financing of reviews, processes, format and outputs);~~

a) Normally, after every second meeting of the Conference of the Parties, the Animals and Plants Committees shall establish a schedule for the Periodic Review of the Appendices and identify a list of taxa they propose to review during the next two intersessional periods ~~between meetings of the~~

~~Conference of the Parties (CoP). The list should be established at the first meetings of the Committees after the meeting of the CoP that initiates the review period;~~

~~c) The Animals and Plants Committees are strongly encouraged to follow the following guidelines:~~

~~i) b) It is strongly encouraged that the Animals and Plants Committees, in consultation with the UNEP World Conservation Monitoring Centre, shall select a practical subset of CITES flora or fauna taxonomic entity or entities for analysis using the process outlined in the Annex to the present Resolution;~~

~~i) the Secretariat shall, subject to availability of funding, request that UNEP-World Conservation Monitoring Centre undertake the assessment outlined in the Annex and prepare the resulting outputs for consideration by the Scientific Committees at their first meeting after the meeting of the Conference of the Parties that initiates the review period (Note: if no funding is available, the Secretariat shall inform the Parties and the Scientific Committee Chairs);~~

~~ii) the following taxa should not be considered for review;~~

~~A. species that were the subject of listing proposals at the previous three meetings of the CoP (whether or not the proposals were adopted);~~

~~B. species subject to ongoing reviews, under the Review of Significant Trade [Resolution Conf. 12.8 (Rev. CoP13)], or periodic reviews conducted within the last 10 years; or~~

~~C. species subject to other reviews targeted by valid Decisions and Resolutions of the CoP; and~~

~~D. species for which it is clear that there has been no change in the status, range or trade and for which there is no possibility to need to amend the Appendices;~~

~~iii) the selected taxonomic entity or entities shall be assessed using the process outlined in the Annex to the present Resolution; and~~

~~iv) iii) outputs resulting from the assessment conducted in accordance with the Annex shall contain the following information in summary tables that include:~~

~~A. a summary of trade data since the initial inclusion of that taxon in the Appendices;~~

~~B. current conservation status, including the IUCN category of the species, if assessed;~~

~~C. current listing in the CITES Appendices, criteria under which it was listed (if known), date of first listing; and~~

~~D. the distribution of the species (range States);~~

~~d) c) From the resulting summary tables, At the first meetings of the Committees after the meeting of the CoP that initiates the review period and based on the outputs prepared in paragraph b) above, the Animals and Plants Committees will identify the list of taxa to be ~~reviewed~~ considered for periodic review;~~

~~e) d) The Secretariat shall send a copy of the proposed list of taxa to be reviewed to all Parties, and request Range States of the taxa to comment within 60 days on the need to review the taxa and express their interest in undertaking the reviews. The responses shall be relayed by the Secretariat to the Animals or Plants Committee. If no volunteer offers to undertake a review within two intersessional periods between CoPs, those taxa shall be deleted from the list of species to be reviewed;~~

~~f) The Animals and Plants Committees shall conduct or organize the reviews responsibly, seeking information, participation and support from the range States. The regional representatives of the Animals~~

~~and Plants Committees shall seek assistance from range States within their region to support the taxon reviews;~~

~~g) The Animals and Plants Committees and Parties are encouraged to undertake the following in order to facilitate periodic reviews:~~

~~i) collaborate with university graduate students, including those from the CITES Master's Programme at the International University of Andalusia;~~

~~ii) collaborate with other non-Party reviewers including species experts such as IUCN-SSC Specialist Groups;~~

~~iii) utilize readily available information on species' conservation status from organizations (e.g. IUCN, BirdLife, etc.) and Parties;~~

~~iv) seek financial support for reviews, including from importing countries, as appropriate; and~~

~~v) increase communication between the Chairs of the Animals and Plants Committees and suggest coordination with Parties when animal and plant species' ranges overlap;~~

~~h) The Chair of the Animals and Plants Committees shall keep the Standing Committee informed about the conduct of periodic reviews, noting that Standing Committee approval is not required to initiate the process;~~

~~i)e) Each review (in the format of a proposal used to amend the Appendices) is to be submitted as a working document to the Animals or Plants Committee for review, clearly specifying the recommendation with reference to the criteria in Resolution Conf. 9.24 (Rev. CoP16). The Secretariat shall notify the relevant range States of these working documents in advance of the meeting of the Committee;~~

~~f) Based on the information as per e) above, the Animals or Plants Committee is to make a recommendation on whether it would be appropriate to retain a taxon in the Appendix in which it is currently listed, transfer a taxon from one Appendix to another, or to delete a taxon from the Appendices; and~~

~~g) The Animals or Plants Committee shall draft its recommendation with reference to the criteria in Resolution Conf. 9.24 (Rev. CoP16). The Committee shall report its conclusions to the Conference of the Parties and to the Secretariat for provision to the range State(s) for the species reviewed. In the event that the Committee recommends a change in the CITES listing status for the species reviewed, the Secretariat shall invite the range State(s) of the species reviewed to submit a proposal to the next Conference of the Parties;~~

~~j) In cases where a review indicates, and the Animals or Plants Committee agrees, that it would be appropriate to transfer a taxon from one Appendix to another, or to delete a taxon from the Appendices:~~

~~i) the Animals or Plants Committee shall, in consultation with the range States, prepare or arrange the preparation of a proposal to amend the Appendices;~~

~~ii) the Secretariat, on behalf of the Animals or Plants Committee, shall provide copies of the proposal to the range States and request that one or more should submit the proposal for consideration at the following meeting of the CoP;~~

~~iii) if no range State is willing to submit the proposal, the Secretariat shall request the Depository Government to submit it as specified in Resolution Conf. 11.1 (Rev. CoP16) and to include the comments of the range States in the supporting statement; and~~

~~iv) proposals resulting from the periodic review of the Appendices must be submitted for decision to the CoP; and~~

k) In cases where the Animals or Plants Committee decides that it would not be appropriate to transfer a taxon from one Appendix to another, or to delete a taxon from the Appendices, it shall draft its decision with reference to the criteria in Resolution Conf. 9.24 (Rev. CoP16);

RECOMMENDS the Animals and Plants Committees should share their experience, especially during joint meetings, regarding the undertaking of periodic reviews of taxa included in the Appendices (including financing of reviews, processes, format and outputs);

ENCOURAGES the Animals and Plants Committees and Parties to facilitate periodic reviews by:

a) collaborating with university graduate students, including those from the CITES Master's Programme at the International University of Andalusia;

b) collaborating with other non-Party reviewers including species experts such as IUCN-SSC Specialist Groups;

c) using readily available information on species' conservation status from organizations (e.g. IUCN, BirdLife, etc.) and Parties;

d) seeking financial support for reviews, including from importing countries, as appropriate; and

e) increasing communication between the Chairs of the Animals and Plants Committees and suggest coordination with Parties when animal and plant species' ranges overlap;

DIRECTS the Chair of the Animals and Plants Committees to keep the Standing Committee informed about the conduct of periodic reviews, noting that Standing Committee approval is not required to initiate the process;

DIRECTS the Secretariat to maintain a record of the species selected for periodic review, including: species previously and currently reviewed; dates of relevant Committee documents; recommendations from the reviews; and any reports and associated documents; and

INVITES Parties, intergovernmental organizations, non-governmental organizations, and other interested entities to support the work of the Animals and Plants Committees in the undertaking of the periodic review of the Appendices.

Annex

Protocol for the assessment of taxa for consideration in the Period Review of the Appendices

Remains as found in Resolution Conf. 14.8 (Rev. CoP 16)