

## REVISION OF RESOLUTION CONF. 9.24

### General comments

AU: While supportive of many of the changes proposed to the criteria, Australia has some significant concerns and reservations about the content and the direction of some of the proposed new criteria. In particular, the intended scope of the review (as required by Resolution Conf. 9.24 and Decision 11.2) was to consider the applicability of the criteria (text and annexes) to different groups of organisms. Overall, Australia does not believe that this has been undertaken. Many of the suggested changes, particularly to Annex 5 and 6, are not applicable to differing taxa and do not provide the Parties with an improved Resolution.

There are also a number of proposed changes that are minor or are simply changes to the language—these changes provide minimal, if any, conservation benefit. As the existing Resolution has been shown to work effectively for a large range of species, Australia considers that the focus of any change should be on areas of particular need, where there is a clearly identified problem and where an improvement to the original can be achieved. Minor changes made because the opportunity exists should be avoided.

One of Australia's most significant concerns is that many of the proposed changes emphasise the need to be able to fully document that trade is detrimental as a means of 'proving' that a proposed listing is fully justified. While we agree that there is a need for decisions to be based on the best available information, there is a difference between providing documentation and demonstrating that a species is, or may be, at risk. The proposed new test does not recognise this important difference. It is imperative that the Convention continues to ensure that the proper conservation outcomes are achieved. As such, it is imperative that in cases of uncertainty, the important role of the precautionary principle must be made clear. Australia is concerned that the changes proposed will reduce clarity in how the precautionary principle should be applied, particularly where conclusive information is not available. We are strongly opposed to any changes to the criteria that will weaken the precautionary basis for listing or limit the rights of Parties to submit proposals.

Additionally, the increased emphasis on having conclusive data and comprehensive proposals does not necessarily take into account a number of other important components, such as:

- the realities of limited available scientific knowledge;
- the capacity of Parties in preparing proposals; or
- the validity of certain assessments and analysis techniques.

It is essential that the criteria and the CITES listing process adequately recognises the differing levels of Parties' capacity to meet the requirements for a proposal.

BE (on behalf of the EU): The existing criteria for the amendment of Appendices I and II (Resolution Conf. 9.24) were adopted by consensus in Fort Lauderdale after a huge and detailed consultation exercise. The penultimate paragraph of this Resolution calls for a review of the scientific validity of the criteria prior

to Cop12. The Member States of the EU are concerned that the process set out by the Conference of the Parties has been diverted from a review of the scientific validity of the criteria to a discussion about what changes can be made to them to alter the scope of the appendices.

As far as can be seen, the taxon reviews set out in the Terms of Reference for the exercise (Decision 11.1 of CoP11) have not been fully completed, nor have they informed the debate about the scientific validity of the existing criteria. In addition the Animals and Plants Committees have not had the opportunity to comment on the critical Annex 5, or the changes proposed to it, because the review timetable could not be respected because of time constraints.

Individual Member States may be making technical comments of their own about the revisions proposed but this letter is to express our collective unease about the way the review has evolved. In an exercise as delicate and potentially controversial as this it is important that the agreed Terms of Reference are followed to the letter. We count on the Secretariat to be particularly vigilant in pointing out shortfalls in this regard to the Conference of the Parties and its inter-sessional Committees.

CA: Overall the revised criteria and appendices are good. They retain the best parts of the former criteria (their flexibility and broad applicability) and also remove some of the ambiguities. However, the proposed framework of criteria does not reflect enough the need to assess the risk or degree to which a species is threatened by its international trade. This is particularly evident in Annex 1. CITES clearly recognises that international co-operation is essential for the protection of certain species against over-exploitation through international trade and this to be emphasised.

All agree that it is very important that the proposed CITES listing criteria and supporting information in listing proposals reflect the best science and expert views on the status of a species, pathways to extinction and the direct threats to species' status due to international trade.

Regarding the Resolution in general, it seems now as unambiguous as possible – most of the proposed changes are good.

The notion of how close and how quickly a population is declining towards the minimum viable population size (MVP) is central to a number of definitions in the proposed framework, e.g. population size, fluctuation and marked decline. The draft resolution would be strengthened by highlighting and providing guidance on how to assess these important linkages to MVP.

The reference to the full array of specific threats to a population's viability (e.g. habitat loss, disease, international trade) needs to be more explicit. In this context, the starting point should be that the species is endangered and that, if left uncontrolled, international trade would result in extinction over a certain period of time.

The listing criteria should take into account that species can be genetically rare.

The relationship between individual species and ecosystems is also of concern. This relationship needs to be taken into account in ecological assessments because, for example, late successional forest ecosystems can depend on the occurrence of certain species. Although there is provision to include information on the role of a species in its ecosystem in Section 3 of CITES listing proposals, there is no guidance on how to link this information to the proposed listing criteria.

Also pertinent ecological/silvicultural principles are missing from the proposed framework of criteria. Addition of two prime biological criteria, such as reproductive success and genetic diversity would be very appropriate for assessing whether a tree species is threatened with extinction. However, reproductive success by itself is not a suitable criterion. This must be coupled with population assessment and even population viability analysis. The principle of ecological resiliency may also be relevant.

The great deal of comments that the Management and Scientific Authorities were able to collect show definitely the interest of different experts to participate in this reviewing process. Although, not all comments are in favour of the changes or sometimes even question the validity of certain amendments, the overall input aims at an improvement of the existing criteria.

By providing extensive input from two major groups for which it was agreed that the original criteria were weak or even inappropriate in some cases (Fisheries and Forests), we intend to add constructive material for further amendment in this process of revising the criteria before the final draft will be considered at the next CoP.

Many of the explanatory statements following the various proposed changes are very helpful and it might be worth keeping these (possibly as another separate annex) in order to explain to future generations why some of the wording is the way it is.

The inclusion of additional criteria that would allow an assessment of the relative pressures being exerted on a wild population due to trade as well as other factors could strengthen the proposed framework of criteria. For instance, the identification of situations where controlling international trade will be effective in protecting the viability of threatened populations.

Also the addition of two prime biological criteria, such as reproductive success and genetic diversity would be very appropriate for assessing whether a species is threatened with extinction in the case of tree species.

In the absence of new criteria, at a minimum, it should be required to include information in listing proposals on the range of views concerning the expected effectiveness of listing a species on Appendix I or II.

Finally, Canada is glad to be able to participate in this dynamic process and hopes that the comments provided herewith will assist the Chairmen of the Animals and Plants Committees and the Criteria Working Group to prepare the final draft resolution for consideration by the next Conference of the Parties.

DE: As already notified by the Belgian Presidency of the European Union to the CITES Secretariat there is concern of the member states of the EU that the process set out by the Conference of the Parties to amend CITES Resolution Conf. 9.24 has been diverted from a review of the scientific validity of the criteria to a discussion about what changes can be made to them to alter the scope of the appendices.

The second redraft of CITES Resolution Conf. 9.24 still bears some proposed changes of the first version and some new additions that stress this point outlined above and which, according to the view of the German Scientific Authority, should not be accepted.

First of all, generally, the role of the precautionary principle is strongly weakened. The term itself which is a keyword has been totally deleted from the resolution and substituted by new wordings which are claimed to even strengthen the application of the principle.

- i) This opinion is not shared by us, we think that - in contrary - the wording weakens its application. This is demonstrated e.g. in the proposed change for the interpretation of the term "is or may be affected by trade". The old interpretation is based on the precautionary principle, the new one is not.
- ii) The keyword "Precautionary Principle" itself is too important for conservation that it could be totally deleted from the resolution.

Secondly, the presented draft raises obstacles in an unbalanced way to list species in the appendices, especially in appendix I, compared to downlisting.

Forefrontedly, the listing criteria for Appendix I seem to be unchanged in the aspect that in addition to certain biological criteria the species concerned must comply with the point that it "is or may be affected by trade". This wording is unchanged. However, the interpretation of this term, transferred from the major part of the resolution to Annex 5, has been changed substantially by interpreting "affect" as "detrimental impact" and changing the wording in a way that this criterion is not satisfied unless the proponent proves that trade is having a detrimental affect. We do not see any need to change the former text of this criterion in order to improve the its scientific validity. If changed at all, we can only support the compromise wording suggested by the American delegation in their comments to the first draft.

ES: Regarding the revised version of Resolution Conf. 9.24, in general terms, the main points of concern we wish to point out are the following:

- The proposed new version is far removed from the mandate granted by the Parties and reflected in the current version. The first RECALLING has been transcribed partially deleting the fundamental basis of the terms of reference, i.e., to make sure the criteria are scientifically valid. While the task performed by the Working Group constitutes a great synthesis and clarification, when it comes to complying with Resolution Conf. 9.24, it has not fulfilled the basic purpose of establishing and analysing the scientific validity of the criteria. The proposed changes are not the consequence of a thorough analysis of the criteria.
- In the new version, the precautionary principle is practically eliminated.

For these reasons, Spain would maintain the need for examining the text and the Annexes with respect to the scientific validity of the criteria, definitions, notes and guidelines, as well as their applicability to the various groups of organisms. Otherwise, Spain cannot accept this revised version.

GB: Subject to some comparatively minor editing, we are content with many of the proposed changes. There are four main areas, however, where the UK has significant concerns as follows:

- i) the review process appears to have departed too far from the agreed Terms of Reference. For example, the taxon reviews have not been completed and the drafting changes appear to be leading to significant changes to the scope of the appendices, rather than a review of the scientific validity of the existing criteria (which was called for in Conference Resolution 9.24). I know that other European Union Member States have voiced similar concerns, and I understand that the Belgian Presidency of the EU have written expressing these views. In many areas, therefore, we would strongly recommend retaining the original text on these grounds;
- ii) we believe that the listing requirements now go beyond what is set out in the Convention. For example, when proposing Appendix I listings, Contracting Parties should have to demonstrate only that trade **may have** a detrimental impact on the species concerned;

- iii) the latest revision now makes no overt mention of the precautionary principle, whereas it was mentioned three times in Conference Resolution 9.24. We believe that this important omission should be rectified, which can be done easily with a few drafting changes as set out in the attached annex;
- iv) The revised draft places a greater burden on Parties preparing proposals.

IN: Resolution Conference 9.24 the criteria for listing of species on Appendix I and II was adopted in 1994 after more than 2 years of debate and discussion. It provided scientific basis for listing without compromising with the spirit of the Convention i.e. to protect species from over exploitation by international trade. The new version prepared for consideration of the parties at the 12th meeting gives greater weightage to international trade and tends to ignore the basic objective of the Convention.

NA: General support but cannot support the requirement to submit proposals at every COP to renew quotas (Annex 4).

NL: The Netherlands considers that sound scientific information is an important factor for the criteria to amend the CITES Appendices. Where possible, a clear reference to existing scientific information should be made. But for cases where scientific information is lacking or scientific uncertainty exists, a reference to the precautionary principle should be maintained. This is also in line with the precautionary measures as f.i. in other Conventions and international law.

NO: We note that the proposed criteria bear resemblance to the present IUCN criteria for red listing. Further that the results from this work show that for a number of species it is not possible to follow a certain set of criteria, but that it is necessary to be flexible. However, we are concerned that this need for flexibility is not as evident in the new CITES criteria, since the criteria relating to trade and the precautionary measures are integral parts of the proposed criteria.

We also wish to point out that the criteria must be applied when species are evaluated for removal from the Appendices and not only for retaining species or including new species. In order for the criteria to achieve credibility and to gain a wide acceptance, it is paramount that the same basis for assessment (i.e. the criteria) is used. It must be clear that species not fulfilling any of the criteria must be removed from the Appendices according to set procedures in the same way as the criteria are the basis for inclusion of species. The preambles should express this more explicitly.

A prerequisite of species appearing on any of the CITES Appendices must be that they are threatened by exploitation for commercial purposes. Many communities depend on natural resources for their livelihood and indeed survival. Consequently they have an interest in conserving wildlife just for that reason. With criteria that are credible and met with wide public acceptance, and thus ensuring the effective implementation of regulation in trade with CITES species, we strongly believe that CITES can achieve its goal as an effective instrument in conserving wildlife without violating agreed allowances for sustainable use.

The aims of "reviewing the validity of the criteria" and "their applicability to different groups of organisms" have our full support. However, we believe that it is not easy to find criteria that are equally applicable to any kind of organism and at any time. We thus believe that it is important to have criteria that are flexible, and that the preambles should explicitly state that the aim of CITES is to conserve wildlife through regulation of trade without unnecessary impediments to the sustainable use of natural resources. In relation to precautionary measures we will thus point out that these criteria must not be misused, but also be based on scientific information. Just as sound science must be the basis for the biological criteria and the precautionary measures, so must the same requirements apply to the trade criteria and *inter alia* relate to the degree of threat that species are subject to.

NZ: We are concerned that aspects of the draft listing proposal increases the burden of Parties preparing and writing listing proposals. It is often the countries with limited capacity that need most assistance from CITES and it is vital that we do not impose increased burdens on countries with limited capacity, and the Convention maintains a realistic workload that all countries can achieve.

Lack of comprehensive information should not be used as an excuse to refuse a listing proposal, particularly when all evidence available points to trade being a threat and where trade regulation is the only way to ensure continued survival of the species.

Recommendations: Acknowledge in the preamble to the listing criteria that species may be listed even when anecdotal information or limited information is presented, if it appears the proposal is in the best interests of the species and when all evidence suggests trade is a threat to the species, thus reducing the possible deterrent that the new criteria may present to Parties preparing and writing proposals.

RO: We agree to the proposals regarding revision of the CITES listing criteria transmitted in Notification to the Parties 2001/37.

US: We appreciate the hard work of the Criteria Working Group and the Plants and Animals Committees, and the Chairmen's efforts to present a document for consideration at the next meeting of the Standing Committee. We consider this a high priority for the Parties between now and COP12. Our specific comments on the Chairmen's report are attached, but we have some general comments as well.

Resolution Conf 9.24 in its present form represents a compromise developed after more than two years of intense and detailed work, with repeated negotiations and opportunities for comment by the CITES Parties. It is a compromise that appears to have accommodated the wishes of the Parties, effected sound conservation, and generally resulted in appropriate CITES listings for the world's fauna and flora in international trade. Furthermore, the criteria in Resolution Conf. 9.24 have been effective at both COP10 and COP11 in allowing amendments of the Appendices, including addition, deletion, transfer between Appendices of species, in most cases by consensus, further demonstrating that the criteria operate satisfactorily. We see a need for improvement (as noted in the attachment) in the original Annexes 3 and 6, and particularly 5--definitions, explanations, and guidelines. The operative text, biological criteria, and precautionary measures in Annexes 1, 2, and 3 are not, in our opinion, scientifically flawed, and we are wary of some conceptual changes in their current revisions. Furthermore, this substantive revision is not mandated by Resolution Conf. 9.24 and its final recommendation to "review the criteria, notes, definitions, guidelines, and their applicability to different groups of organisms." In fact, it seems there has been little effort within the Criteria Working Group to address the criteria's applicability to various taxa and thus offer a practical evaluation of the need for revision. In other words, the Parties are now forced to consider significant philosophical shifts in the listing criteria without an objective analysis of their current reliability for classifying species for CITES purposes.

Finally, we believe that listing criteria should be precautionary, allowing the Parties to act in the interest of conserving species in the absence of complete information. Such an approach is mentioned in the original operative text and Annex 4, but is contradicted in some of the potential revisions. We make special note of this in our comments regarding the definition of "affected by trade" and the potential impact on taxa being considered for Appendix I.

GREENPEACE: While we appreciate the effort which has been put into the proposal for new criteria, we believe that the review process has departed from the mandate given to it in Conf 9.24 and taken forward at COP 11. The type of review requested in Conf 9.24 i.e. one with regard to the scientific validity of the criteria, definitions, notes and guidelines and their applicability to different groups of organisms did not take place. Furthermore, the proposed changes undermine the precautionary nature of CITES, greatly reduce flexibility and will put greater demands on the Parties. Accordingly, we believe that most of the changes proposed should not be made.

ITTO: It was indeed a great privilege for ITTO to have been invited to participate in the Second Meeting of the Criteria Working Group which took place in Saigüenza, Spain on 21-23 May 2001. Our representative, Dr Paul P.K. Chai, participated actively in the meeting which had been instrumental for the marked improvement of the reports in terms of clarity of language. As comments from ITTO have been duly conveyed by its representative at its Second Meeting of the Criteria Working Group, we wish to inform that ITTO has no further comments to make regarding the reports.

IWMC: World Conservation Trust agrees with most of the proposed amendments to the original text of Resolution Conf. 9.24. Our organization nevertheless regrets that some of the comments it has made on the first revised draft have not been taken into consideration and, therefore, when we feel it appropriate, these comments are repeated below. Some other comments are also provided for consideration in the preparation of the third draft by the Chairmen of the Animals and Plants Committees, in accordance with Decision 11.2 Annex 2. The absence of comments regarding specific amendments in the draft under consideration must be interpreted as an expression of support by IWMC World Conservation Trust.

NABU: CITES is the only effective instrument capable of achieving an at least rudimentary protection of species. This is precisely the reason why it is important that CITES is not undermined. Even 25 years after CITES came into effect in Germany no one can claim that the majority of problems have been addressed or solved but at least in some areas damage limitation has been possible.

CITES is therefore becoming more important all the time. However, conflicts of interest are also constantly on the increase.

By discussing the listing criteria we are homing in on CITES raison d'etre, since the protective status of a species determines trade restrictions and thereby the future of the species.

We have serious reservations about the revised text. If it boils down to a vote to decide between the old and new version, without an extensive discussion of the new wording, we would opt for retaining the old version.

SCI:Safari Club International: Although SCI did not comment on the first draft of this revision, we have followed the proceedings closely and offer the following comments for the Chairmen's consideration. Our comments are both editorial and structural in form. We offer two key suggestions at the first of our comments. The absence of comments regarding specific aspects of the draft under consideration should be interpreted as an expression of support by SCI.

SSN (Species Survival Network): In general, some of the changes proposed in the draft text are improvements (for example, the expansion of the requirement in Annex 4 that proponents of a downlisting drop any reservations to include all such cases, not merely those relating to quotas). However, we feel that there are a large number of serious criticisms that can be made against the proposed changes.

Resolution Conf 9.24 contains very specific language with respect to the review process to be taken prior to the Twelfth Meeting of the Conference of the Parties. Although it calls for a full review, it specifically states that this review is to be "with regard to the scientific validity of the criteria, definitions, notes and guidelines and their applicability to different groups of organisms." Although it is clearly true that no resolution can prevent the Parties from looking at future changes to its language in any way that they see fit, we nonetheless believe that there was an excellent reason for enshrining these conditions for a future review into Resolution Conf 9.24, and that this language should have been the basis of the mandate for the current revision process.

Resolution Conf 9.24 in its present form represents a compromise arrived at after more than two years of intense and detailed work, with repeated negotiations and opportunities for comment by the CITES Parties. It is a compromise that should not lightly be set aside. By adopting it, the Parties set CITES on a course of scientifically-based pragmatism, without a strong ideological position either for or against listing species on the Appendices. Although we do not regard its text as perfect by any means, we recognize that it represents a balanced position that reflects the attitude of the Parties as a whole towards the CITES treaty. That the Parties prefer a balanced approach is further borne out by the results of the study of the Effectiveness of the Convention, conducted after the adoption of Resolution Conf 9.24. The survey of the Parties undertaken as part of that study showed that there is no general feeling that CITES should shift its position towards a more restrictive view of the Appendices.

We therefore believe that, consistent with the language in Resolution Conf 9.24, the revision process should have focused on refining the criteria with respect to making them more applicable to a broad range of taxa. Unfortunately, many of the suggested changes in the most recent draft text seem to have been motivated not by a desire to improve the criteria in the manner requested by the Parties, but by a desire (which we believe to be a minority view) to make listing on the Appendices, or uplisting, more difficult and deletion of species from the Appendices, or downlisting, easier, and to weaken the precautionary basis for the listing process.

We are also concerned that many of the proposed changes in the most recent draft were neither requested by the Parties nor recommended by the Criteria Working Group. It was our understanding that, with the exception of the definitions proposed in Annex 5 arising from the second meeting of the Criteria Working Group, the current draft was to be drawn up by the Chairs of the Animals and Plants Committees in order to reflect the results of the Joint Meeting of the two Committees last December. On this understanding, the text should not have included entirely new language that was considered neither by the Parties at the Joint Meeting nor, to our knowledge, by the Criteria Working Group. We have specifically indicated these passages in our comments below.

We also consider it unfortunate that no formal report was produced as a result of the Second Meeting of the Criteria Working Group (as was done for the first meeting) so that the reasoning behind the Group's proposed changes to Annex 5 could have been made available.

TRAFFIC: The TRAFFIC Network appreciates the important opportunity to comment on the proposed changes to the Resolution Conf. 9.24 provided by CITES Notification No. 2001/037. We believe that a great number of sound improvements to the existing text have been proposed and are appreciative of the dedicated work of the CITES Criteria Working Group. However, since revision of this resolution will obviously have a significant impact on the scope and implementation of CITES, we feel that several aspects of the proposed revisions require further consideration in order to address fully the deficiencies within Resolution Conf 9.24 identified by the Criteria Working Group, Parties, the Secretariat and others.

UCBD The need for relevant scientific data with a view to regulating the trading in a species is generally recognised.

1. Questions are raised, among others, regarding the criteria which should be used in regarding a species as vulnerable and threatened and what methods are recommended to carry out measurements and estimates of the situation of a population.
2. The criteria for Appendix II were regarded in the past as more ambiguous than those for Appendix I. A number of terms were not properly defined which made the criteria difficult to apply. The terminology in the revised text is clearer and therefore easier to apply. Nature conservation policy certainly needs clearer terms.

3. Workable measures to protect forests are fundamentally different in nature from those aimed at protecting animals and also quite different from those relating to the protection of plant curiosities. Now CITES was originally intended to regulate trade in threatened animal species. Its convention was adjusted to include plants right from its inception. As wood trading will probably be increasingly discussed at CITES committee meetings, efforts should be made to produce texts that are more relevant for forest protection and the wood trade. In other words, CITES has real and potential consequences for the wood trade but still hasn't adapted its convention to the reality of forestry, exploitation and the wood trade. This lacuna explains why studies generated unfounded conclusions about wood species to be listed as threatened.

WWF: We believes that it is vital that the listing criteria for amendments of CITES Appendices I and II be scientifically rigorous, while at the same time sufficiently flexible and precautionary. It is vital that listing proposals be based on sound scientific and technical information. It is also vital that developing countries not be precluded from submitting proposals for their native species, in the interest of precaution and conservation, out of concern that sufficient scientific rigor may be lacking. Furthermore, we believe Conf. 9.24 has worked well, and any revisions must take into consideration whether they improve the ability of Parties around the world to develop and evaluate proposals to amend the CITES Appendices.

NB: In the column 'Final version', new text in **bold underline**; deleted text in ~~bold strikethrough~~

Notification to the Parties 2001/037 (31/5/2001)	Comments from the Parties	Final version
<p><b>Criteria for amendment of Appendices I and II</b></p>		<p><b>Criteria for amendment of Appendices I and II</b></p>
<p><del>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);</del></p>		<p><del>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);</del></p>
<p><del>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;</del></p>		<p><del>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;</del></p>
<p><del>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;</del></p>		<p><del>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;</del></p>
<p><b>RECALLING that Resolution Conf. 9.24, adopted by the Conference of the Parties at its ninth meeting (Fort Lauderdale, 1994) recommended that the text and the annexes of that Resolution be fully reviewed before the 12th meeting of the Conference of the Parties;</b></p>	<p>AU: Include the complete text of the last RECOMMENDS of Resolution Conf. 9.24 in this first RECALLING</p> <p>ES: The work done by the working group, even though it is a big job of synthesis and clarification when applying Resolution Conf. 9.24, has not accomplished its primary aim concerning the establishment and analysis of the scientific validity of the criteria. Modifications proposed are not the consequence of a rigorous analysis of the criteria; the text should be quoted in full.</p>	<p><b>RECALLING that Resolution Conf. 9.24, adopted by the Conference of the Parties at its ninth meeting (Fort Lauderdale, 1994) recommended that the text and the annexes of this Resolution be fully reviewed before the 12th meeting of the Conference of the Parties <u>with regard to the scientific validity of the criteria, definitions, notes and guidelines and their applicability to different groups of organisms</u>;</b></p> <p><i>Additional explanation: The Chairs agree with the suggested amendment.</i></p>

Notification to the Parties 2001/037 (31/5/2001)	Comments from the Parties	Final version
	<p>HU: The proposed text of the second paragraph should quote the language in Resolution Conf. 9.24 in order to set out the precise justification for the review.</p> <p>IT: The proposed text does not adhere completely to the text of the last RECOMMENDS of Resolution Conf. 9.24 and should be quoted in full.</p> <p>WWF: We believe that it would be preferable in the Preamble to be clear as to what review was undertaken post-CoP11, and to clarify that the review was called for in Conf. 9.24, and endorsed at CoP11 by the Parties.</p>	
<p><b>RECALLING that the Conference of the Parties at its 11th meeting, (Gigiri, 2000), approved procedures for this review, laid down in Decision 11.2;</b></p>		<p><b>RECALLING that the Conference of the Parties at its 11th meeting, (Gigiri, 2000), approved procedures for this review, laid down in Decision 11.2;</b></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>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>JP: Since there is no corresponding explanation on “trade criteria”, it has to be explained, or the phrase should be changed to read, “... a species must meet biological criteria and is or may be affected by trade.”</p>	<p>RECOGNIZING that to qualify for inclusion in Appendix I a species must meet biological <del>and trade</del> criteria <b>and is or may be affected by trade</b>;</p> <p><i>Additional explanation: The Chairs agree with the suggestion by Japan.</i></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>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>

Notification to the Parties 2001/037 (31/5/2001)	Comments from the Parties	Final version
RECOGNIZING that for the proper implementation of this provision it is necessary to adopt appropriate criteria, considering both biological and trade factors;		RECOGNIZING that for the proper implementation of this provision it is necessary to adopt appropriate criteria, considering both biological and trade factors;
RECALLING that paragraph 2(b) of Article II provides only for the inclusion in Appendix II of species which must be subject to regulation in order that trade in specimens of certain species included in Appendix II in accordance with Article II, paragraph 2(a), may be brought under effective control;		RECALLING that paragraph 2(b) of Article II provides only for the inclusion in Appendix II of species which must be subject to regulation in order that trade in specimens of certain species included in Appendix II in accordance with Article II, paragraph 2(a), may be brought under effective control;
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;		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;
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;	<p>IT: With the current wording, it is not clear, regarding intergovernmental bodies, whether they have to be consulted by the proponents also or by the Secretariat only.</p> <p>IWMC: With the current wording, it is not clear, regarding intergovernmental bodies, whether they have to be consulted by the proponents also or by the Secretariat only. The latter would appear more logical to us, although it does not mean that the proponents should not refer to publications and decisions from such bodies (see below under item 10. Consultation of Annex 6).</p> <p>SCI:As currently worded, it is not clear who consult the range States of a species subject to an amendment or who should consult intergovernmental bodies.</p>	<p><del>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;</del></p> <p><b><u>RECOGNIZING that the range States of a species subject to an amendment proposal should be consulted by the proponent, or on its behalf by the Secretariat, in accordance with the relevant Resolutions of 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;</u></b></p>

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<p>NOTING the competence of certain intergovernmental organizations in relation to the management of marine species;</p>	<p>NO: We support the use of competent <i>scientific</i> intergovernmental organizations for evaluating the applicability of criteria and proposals for listing and de-listing. With regard to marine species subject to commercial exploitation, we particularly call attention to the competence of the FAO and scientific Regional Fisheries Organizations. We therefore suggest the inclusion of the word "scientific" in front of competence in the preamble section cited above. We also wish to raise a question as to the distinction between the terms "bodies" and "organizations" as used in the preamble, and suggest that this be clarified.</p>	<p><del>NOTING the competence of certain intergovernmental organizations in relation to the management of marine species;</del></p> <p><b><u>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;</u></b></p> <p><i>Additional explanation: The new texts in the two paragraphs above (proposed by IWMC) clarifies the respective roles of the Secretariat and proponents in relation to required consultations.</i></p>
<p>RECALLING that the international trade in all wild fauna and flora is under the purview of the Convention;</p>		<p>RECALLING that the international trade in all wild fauna and flora is under the purview of the Convention;</p>
<p><del>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;</del></p> <p><i>Explanation: The reference to a general statement in Resolution Conf. 3.4 is not the subject of the matter dealt with in this Resolution and is of little use. It is removed for the sake of conciseness.</i></p>	<p>ES: "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 and specifically in the application of the criteria for amendment of Appendices I and II".</p> <p>SSN: Has no objection to this change.</p>	<p>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 <b><u>and specifically in the application of the criteria for amendment of Appendices I and II;</u></b></p> <p><i>Additional explanation: This paragraph was originally recommended for deletion as not being relevant. However, with the added text it is now consistent with Goal 2 of the Strategic Vision.</i></p>
		<p><b><u>RECALLING that Objective 2.2 of the Strategic Vision calls for ensurance that decisions to amend the Convention's Appendices are founded on sound and relevant scientific information and meet agreed biological and trade criteria for such amendments.</u></b></p> <p><i>Additional explanation: This RECALLING has been added</i></p>

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		<p><i>because the Chairs believe that this Resolution should also refer to the guiding principles in the Strategic Vision, as adopted by the Parties at the 11th meeting of the CoP.</i></p>
<p><del>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;</del></p> <p><i>Explanation: This preamble is moved to and incorporated in the first "Resolves" in the operational part of the Resolution, which deals with the same issue and where the precautionary principles are formulated in stronger language. Thereby, the intention of this preamble can be retained and enhanced.</i></p>	<p>AU: Strongly oppose the removal of the reference to the "precautionary principle". The precautionary principle is recognised by most scientist and parties and is a fundamental element of the Convention. The use of new text which refers to "anticipated risk" does not provide a stronger more direct reference to the precautionary principle.</p> <p>CL: This text should be retained.</p> <p>CR: The original text should be maintained, the reference to the precautionary principle is essential.</p> <p>GB: We believe that the original paragraph should be retained since the proposed change removes all reference to the precautionary principle in the preamble.</p> <p>HU: Recommends that the original paragraph be retained.</p> <p>IL: Should be retained.</p> <p>IN: Feels that original paragraph be retained.</p> <p>Greenpeace: We strongly oppose the deletion of the paragraph. We strongly oppose the new language proposed to replace the first operative paragraph referenced above since these changes undermine the precautionary principle.</p> <p>SSN: Recommends that the original paragraph be retained.</p> <p>WWF: We do not agree with deletion of this paragraph. The retention here, in addition to later in the resolution, of the concept of the</p>	<p><b><u>RECOGNIZING the importance of the application of the precautionary principle in cases of uncertainty.</u></b></p> <p><i>Additional explanation: We recognize the need to make a reference to the precautionary principle in the preamble, but the important aspects of it should be included in the operative part.</i></p>

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	precautionary principle, is vital. Nothing is gained through its deletion.	
THE CONFERENCE OF THE PARTIES TO THE CONVENTION		THE CONFERENCE OF THE PARTIES TO THE CONVENTION
ADOPTS the following Annexes as an integral part of this Resolution:		ADOPTS the following Annexes as an integral part of this Resolution:
Annex 1: Biological criteria for Appendix I;	SCI: We suggest changing the title of Annex 1 to read: 'Biological criteria for the inclusion of species in Appendix I in accordance with Article II, paragraph 1'.	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 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 2b: Criteria for the inclusion of species in Appendix II in accordance with Article II, paragraph 2(b);
Annex 3: Special cases;		Annex 3: Special cases;
Annex 4: Precautionary measures;		Annex 4: Precautionary measures;
Annex 5: Definitions, explanations and guidelines; and		Annex 5: Definitions, explanations and guidelines; and
Annex 6: Format for proposals to amend the appendices;		Annex 6: Format for proposals to amend the appendices;
<del>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;</del>	CL: The language that the Parties should act in the best interest of the species is important and should be retained. DE: Keep this paragraph. HU: Recommends that the original paragraph be retained because a genuine precautionary approach, based on uncertainty, must be retained in the criteria. IN: Original paragraph be retained because	<del>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;</del>

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	<p>anticipated degree of risk facing species is difficult to assess.</p> <p>SSN: Strongly recommends that the original paragraph be retained.</p> <p>WWF: We do not concur with deletion of the existing paragraph and the proposed substitution. The proposed revision makes no reference to scientific uncertainty, which is a key element of the precautionary principle. The proposed revision is not a restatement of the precautionary principle.</p>	
<p><b>RESOLVES that when considering a proposal to amend Appendix I or II, the Parties shall act in the best interest of the species concerned and of its conservation, and adopt measures that are proportionate to the anticipated risks to the species;</b></p> <p><i>Explanation: The rewording combines the text of the last preamble with the text in the first operational paragraph of the Resolution to achieve a stronger and more direct reference to the precautionary principle. The added text, "and adopt etc.", proposed by the CWG, clarifies the context in which the precautionary principles should apply and provides guidance to the Parties.</i></p>	<p>AU: Determining the risks or anticipated risks may be difficult. Precautionary Principle should thus be applied. There may be considerable uncertainty about the risks and in such cases the Parties should be guided to applying a cautionary and conservation based approach.</p> <p>CR: Original text should be maintained. 'Scientific uncertainty' needs to be mentioned.</p> <p>ES: is replaced. In the new RESOLVES the precautionary principle is less precise. Its appear to us that it would be more adequate to merge the text of the last paragraph of the preamble and the first paragraph of the operative part of the Resolution. Nevertheless, the way it is formulated makes the precautionary principle less precise.</p> <p>GB: As mentioned above, the latest revised document now contains no overt mention of the precautionary principle. Similarly, the proposed revision makes no reference to scientific uncertainty, which is a key element of the precautionary principle. We would, therefore, like to see the revised paragraph retained but with the insertion of "by virtue of the precautionary principle and in cases of</p>	<p><b><u>RESOLVES by virtue of the precautionary principle and in cases of uncertainty, that when considering a proposal to amend Appendix I or II, the Parties shall act in the best interest of the species concerned and of its conservation, and adopt measures that are proportionate to the anticipated risks to the species;</u></b></p> <p><i>Additional explanation: The Chairs have noted the comments of the Parties and have adopted the suggestion of GB and reinstated specific reference to the precautionary principle and uncertainty while retaining some of the originally proposed language.</i></p>

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	<p><i>uncertainty</i>" after "RESOLVES".</p> <p>IL: Recommends not accepting this alternative paragraph (supports retention of original paragraph).</p> <p>JP: We welcome the clearer wording by deletion of ambiguously defined phrase "precautionary principle".</p> <p>MX: Suggests that original text be maintained.</p> <p>SK: The revised text makes no reference to scientific uncertainty – the basis of the precautionary principle. We recommend that the original text be retained.</p> <p>IUCN: We recognise there have been difficulties in the interpretation of the previous precautionary text, but believes a reference to uncertainty should be incorporated and suggests adding the language "shall take uncertainty into account and act in the best interest of the species concerned". IUCN also finds the qualifying statement, "proportionate to the anticipated risks" problematic and liable to varying interpretations. IUCN suggests closing this paragraph as follows: "and adopt measures that have the highest chance of enhancing the conservation of the species in practice.</p> <p>WCS: The new language does not strengthen or enhance the precautionary principle but appears to do just the opposite greatly weakening it if not completely eliminating the entire "precautionary principle".</p>	
<p>RESOLVES that, when considering proposals to amend Appendices I and II, the following applies:</p>		<p>RESOLVES that, when considering proposals to amend Appendices I and II, the following applies:</p>
<p>a) any species that is or may be affected by trade should be included in Appendix I <b>in</b></p>	<p>HU: The added language is unnecessary.</p> <p>IUCN: We note that this statement is actually</p>	<p>a) <del>any</del> species that <del>is</del> <b>are</b> or may be affected by trade should be included in Appendix I <b>in</b></p>

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<p><b>accordance with Article II, paragraph 1</b>, if it meets at least one of the biological criteria listed in Annex 1;</p> <p><i>Explanation: The inserted text provides consistency with the structure and language of the proposed paragraphs b) and c) below.</i></p>	<p>contradicted by one further down, where it implies that species that meet the Appendix I criteria should not always be listed as such.</p> <p>SSN: The added language is unnecessary.</p>	<p><b>accordance with Article II, paragraph 1</b>, if <del>it</del> <b>they</b> meets at least one of the biological criteria listed in Annex 1;</p> <p><i>Additional explanation: Removing 'any' will not remove any flexibility for considering the inclusion of a species in any Appendix. Some minor editorial changes were made as elsewhere suggested by GB.</i></p>
<p><del>b) a species "is or may be affected by trade" if:</del></p>	<p>Further comments from Parties are included in Annex 5.</p> <p>CL: The definition of affected by trade should be maintained in the operational part, and in its original form, because it is a condition for listing.</p> <p>HU: Recommends that the original language be retained as part of the operative section of the resolution.</p> <p>IL: Supports retention of the original paragraph from Resolution Conf. 9.24.</p> <p>IN: Original language of Resolution be retained.</p> <p>SSN: Recommends that the original language be retained as part of the operative section of the resolution.</p> <p>WCS: This section should not be moved to Annex 5 where the definition change proposed destroys the intent of this section.</p> <p>WWF: We do not see how deletion of this paragraph improves the resolution, or makes it clearer for Parties as to how to prepare and evaluate proposals to amend the Appendices.</p>	<p><del>b) a species "is or may be affected by trade" if:</del></p>
<p><del>i) it is known to be in trade; or</del></p>		<p><del>i) it is known to be in trade; or</del></p>
<p><del>ii) it is probably in trade, but conclusive evidence is lacking; or</del></p>		<p><del>ii) it is probably in trade, but conclusive evidence is lacking; or</del></p>
<p><del>iii) there is potential international demand for specimens; or</del></p>		<p><del>iii) there is potential international demand for specimens; or</del></p>

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<p><del>iv) it would probably enter trade were it not subject to Appendix I controls;</del></p> <p><i>Explanation: As suggested by the CWG, the section is moved to and incorporated in Annex 5, Definitions, explanations and guidelines.</i></p>		<p><del>iv) it would probably enter trade were it not subject to Appendix I controls;</del></p>
<p><del>e) 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);</del></p>	<p>HU: Recommends that the original language be retained. Removing the word “any” from this criterion shifts its meaning away from encouraging the listing of all appropriate species.</p> <p>IN: Original language of the resolution be retained.</p> <p>SSN: Recommends the original language be retained.</p>	<p><del>e) 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);</del></p>
<p><b>b) species should be included in Appendix II under the provisions of Article II, paragraph 2(a), if they satisfy the criteria listed in Annex 2a;</b></p> <p><i>Explanation: The proposed rewording improves the clarity of the paragraph, and makes it consistent with the proposed language in paragraphs a) and c).</i></p>	<p>GB: We are content with the new wording, but if consistency between paragraphs is a justification for the change then new paragraph (a) should also begin in the same way (i.e. delete ‘any’).</p>	<p><b>b) species should be included in Appendix II under the provisions of Article II, paragraph 2 (a), if they satisfy the criteria listed in Annex 2a;</b></p>
<p><del>d)c) 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;</del></p>	<p>SSN: No objection to this change.</p>	<p><del>d)c) 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;</del></p>
<p><del>e)d) 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;</del></p>	<p>SSN: No objection to this change.</p> <p>WWF: Annex 3 is clearly not a list of criteria applicable to species, but rather sets out guidelines that should be followed by those making listing decisions in these special cases.</p>	<p><del>e)d) 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;</del></p>
		<p><b>e) <u>entire geographically separate populations should not be included in the Appendices without prior consideration of negative consequences to conservation and management programmes for national populations or to sustainable development</u></b></p>

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		<p><b><u>programmes involving such populations.</u></b></p> <p><i>Additional explanation: The Chairs decided to incorporate this new paragraph to reflect Decision 11.65.</i></p>
<p><del>f</del>e) 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 <del>no</del> <b>negligible</b> probability of trade taking place in specimens of wild origin;</p> <p><i>Explanation: As the probability of future trade in specimens of wild origins can never be totally excluded for those species for which the only known trade consists in specimens from artificially propagated or captive bred sources, the word “negligible” is more appropriate and maintains the intention of this paragraph.</i></p>	<p>AU: Determining the likelihood of there being “negligible probability of trade taking place” is an added complication and additionally requires some assessment of probability thus adding further doubt. In application this is generally a criterion for removing species from the Appendices where added precaution should be applied. Recommend retention of the original text, ie the words “no probability”.</p> <p>CR: Maintain the original text.</p> <p>HU: Recommends that the original language be retained.</p> <p>IN: Original language of the resolution be retained.</p> <p>MX: Amendment is not clear, leave original text.</p> <p>SK: Even a small amount of trade may be detrimental in some cases. Words “negligible probability” can not be clear explained – proposed change is less clear than the original. We recommend that the original text be retained.</p> <p>IUCN: In preparing the <i>Analyses of Amendment proposals</i> it has noted the difficulty of establishing that no trade is taking place and supports the intent of the change of “no trade” to “negligible trade”.</p> <p>SSN: Recommends the original language be retained.</p> <p>WCS: The proposed change of “is no probability to trade” to “is negligible probability of trade” opens the door for interpretation. Does negligible mean very little or relatively little.</p>	<p><del>f</del>e) <del>f</del> 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 <del>no</del> <b>negligible</b> probability of trade taking place in specimens of wild origin;</p> <p><i>Additional explanation: The Chairs believe that the proposed change is appropriate in particular because it more accurately reflects earlier decisions regarding some plant species. Probability should be interpreted in the general sense, not in a statistical sense.</i></p>

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<p><del>g</del>f) 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;</p>	<p>and if so how much is this?</p> <p>SSN: No objection to this change.</p>	<p><del>g</del>f) <b>g)</b> <u>any</u> species included in Appendix I for which sufficient data are available to demonstrate that <del>it they does</del> 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;</p> <p><i>Additional explanation: Some minor editorial changes were made as elsewhere suggested by GB.</i></p>
<p><del>h</del>g) 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</p>	<p>SSN: No objection to this change.</p>	<p><del>h</del>g) <b>h)</b> <u>any</u> species included in Appendix II in accordance with Article II, paragraph 2(a), that <del>does</del> 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</p> <p><i>Additional explanation: Some minor editorial changes were made as elsewhere suggested by GB.</i></p>
<p><del>h</del>h) the views, if any, of intergovernmental organizations with competence for the management of the species concerned should be taken into account;</p>	<p>SSN: No objection to this change.</p>	<p><del>h</del>h) <b>i)</b> the views, if any, of intergovernmental <u>organizations bodies</u> with competence for the management of the species concerned should be taken into account;</p> <p><i>Additional explanation: Editorial change to make the wording consistent with the text of the Convention.</i></p>
<p>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, <del>unless otherwise justified;</del></p> <p><i>Explanation: The last three words are superfluous: the use of the word "should" in the preceding part of the sentence provides the same flexibility and conditionality</i></p>	<p>AU: While Australia understands and supports the reasoning for having a standardised format for proposals, there may be cases where this is not possible or is inappropriate. Recommend that this paragraph should read "...best information available and, where possible, be presented in the format in Annex 6."</p>	<p>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, <del>unless otherwise justified;</del></p> <p><i>Additional explanation: This paragraph recognizes that not always all information is available. What is available, however, should be presented using the format in</i></p>

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<p><i>as was sought by inserting these three words.</i></p>	<p>CR: Maintain the original text. Flexibility should be maintained for not following the whole format of Annex 6.</p> <p>GB: We would not object to the deletion of “<i>unless otherwise justified</i>” provided that some flexibility in how proposals can be presented is retained. Whilst Annex 6 provides a good template for listing proposals, some flexibility in how proposals are presented is appropriate. An alternative solution would be to insert “<i>normally</i>” before “<i>presented in the format of Annex 6</i>” to provide a degree of flexibility and conditionality.</p> <p>HU: Recommends that the original language be retained.</p> <p>SSN: Recommends the original language be retained.</p>	<p><i>Annex 6, and there should be no justification for not adhering to it nor providing the best information available.</i></p>
<p><b>RECOMMENDS that a species should normally not be included in Appendix I when the risk of the listing is considered to outweigh the conservation benefit of the listing;</b></p> <p><i>Explanation: The text of this RECOMMENDS is based on the one proposed in the report of the first meeting of the CWG. The Chairmen have carefully considered the written comments provided before and the comments made at the joint meeting. They believe that the text proposed here is a reasonable compromise between the various positions on this subject.</i></p>	<p>AU: This paragraph will require Parties to analyse risk versus benefit, for a scenario that has, in our opinion, never occurred. Increases the level of evidence required of Parties and is contrary to both the precautionary principle and the Convention.</p> <p>Should the matter arise it can (and would) be discussed at the CoP – see no reason for the inclusion of this paragraph.</p> <p>CA: Is probably not clear to the generalist reader.</p> <p>CL: Opposes the inclusion of this text. It is not precautionary, and will occur only very infrequently. If it occurs, the Parties can make their decision without the need for this paragraph.</p> <p>CR: This refers to a hypothetical situation and is not necessary. If it ever arises, the Parties can consider that risk without special language.</p>	<p><del><b>RECOMMENDS that a species should normally not be included in Appendix I when the risk of the listing is considered to outweigh the conservation benefit of the listing;</b></del></p> <p><b><u>RESOLVES that the Convention’s Appendices should correctly reflect the conservation and management needs for the species;</u></b></p> <p><i>Additional explanation: The text proposed was not as clear as intended, and correctly commented upon by various Parties. The newly proposed text reflects the text of Objective 2.1 in the Strategic Vision, as adopted by the Parties, and also reflects the views expressed at the first meeting of the CWG. It is consistent with the precautionary principle that Parties should not normally take actions that are not in the best interest of the conservation of the species.</i></p>

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	<p>DE: Delete this paragraph. We have to stress again that if the listing of species results or will result in a detrimental impact as outlined in this paragraph then the implementation of CITES does not work. Then we have a failure of enforcement but not a listing issue. Therefore this paragraph has to be deleted.</p> <p>GB: We wish to see this paragraph deleted. Again this does not follow the precautionary principle and places an undue burden on developing countries. If a Party considers that the inclusion of a species in Appendix I will not deliver any conservation benefit, they can choose not to submit a proposal or, if appropriate, they have the option not to support a proposal. This appears to be a significant policy alteration to the Treaty rather than a review of the scientific validity of the criteria. If this argument is not accepted Parties should be given a further opportunity to consider the wording in this and the following new RESOLVES.</p> <p>HU: Hungary is against to involve this new paragraph. It is not precautionary and it is very difficult to proof.</p> <p>IL: opposes this paragraph. It is hard to envisage such a scenario, and it sounds contrary to the language of the Convention.</p> <p>IN: Opposes the inclusion of this new paragraph because it is not consistent with the precautionary principles.</p> <p>JP: We strongly support this paragraph because it gives flexibility to the listing of the species.</p> <p>SK: It is not precautionary and gives difficult burden of proof on proponents.</p>	

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	<p>We oppose the inclusion of this new paragraph.</p> <p>US: We strongly object to this new aspect of the operative text, because it requires an analysis of risk of <i>the listing</i> as a precursor to an Appendix-I proposal. We are particularly concerned that the nature of the risks to be considered or how they should be measured is undefined, whereas benefits are defined as those relating to conservation. This allows the potential for the introduction of subjective non-biological factors to preclude a biologically justifiable listing. Listing criteria should focus on straightforward biological concepts, applied in a precautionary manner to ensure the continued survival of species subject to trade.</p> <p>Greenpeace: We strongly oppose inclusion of new operative paragraph since it is not precautionary and seeks to introduce a new test for listing which is not provided for in the CITES treaty.</p> <p>IUCN: We note that this “RECOMMENDS paragraph” contradicts subparagraph a) under the second RESOLVES. The second RESOLVES requires that species should be listed on Appendix I if they meet the criteria, but this RECOMMENDS paragraph then qualifies that earlier RECOMMENDS. We believe that the sentiments expressed in this RECOMMENDS paragraph are required, but to deal with this ambiguity and to correctly place the burden of proof, suggests the following wording:</p> <p>“RECOMMENDS that a species that meets the criteria for Inclusion in Appendix I should normally be included on that Appendix unless</p>	

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	<p>the risk of the listing on Appendix I is considered to outweigh the conservation benefit of the listing;”</p> <p>SSN: Strongly opposes the inclusion of this new paragraph.</p> <p>WCS: This suggested change clearly weakens the listing criteria to allow for wider trade and implies that the “risk of listing” is of prime importance.</p> <p>WWF: We do not see the utility of this paragraph, and we recommend its deletion. This is not a criterion for listing, and is not precautionary. This also introduces the concept of risk analysis, which does not appear in the treaty, and poses an undue burden for developing countries.</p>	
<p><b>RESOLVES that Parties should not normally approve the transfer to Appendix I of species subject to review under the provisions of Resolution Conf. 8.9 (Rev.), or establish zero export quota for such species unless the proponent, following consultation with the Animals and Plants Committee, demonstrates why the procedures outlined in Resolution Conf. 8.9 (Rev.) are not sufficient;</b></p> <p><i>Explanation: The idea of this paragraph was proposed in the report of the first meeting of the CWG. Taking into account the various comments made in the joint meeting, the Chairmen believe that the currently proposed text should be acceptable. The intent of this amendment is to strengthen recognition of Resolution Conf. 8.9 as an alternative for an Appendix-I listing, because it is aimed at assisting Parties in the wise management of species by applying specific corrective measures.</i></p>	<p>AU: While noting that the inclusion of this paragraph does not in any way restrict the right of a Party to submit a proposal, Australia believes that it is not a criteria which should be included in the operative part of the resolution.</p> <p>A preferred alternative would be to include the intent of this paragraph in Annex 6 as guidance to Parties when formulating proposals.</p> <p>CL: Resolution Conf. 8.9 is not a legal alternative to Appendix I. The Significant Trade Review may take years to complete, and a transfer to Appendix I should always be a possible alternative if the review is not working effectively.</p> <p>CR: The fact that a species is subject to a review under Resolution Conf. 8.9, should not prevent Parties from making an Appendix-I</p>	<p><del><b>RESOLVES that Parties should not normally approve the transfer to Appendix I of species subject to review under the provisions of Resolution Conf. 8.9 (Rev.), or establish zero export quota for such species unless the proponent, following consultation with the Animals and Plants Committee, demonstrates why the procedures outlined in Resolution Conf. 8.9 (Rev.) are not sufficient;</b></del></p> <p><b><u>ENCOURAGES proponents that submit proposals to transfer species to Appendix I or establishing zero export quotas for species under review in accordance with the provisions of Resolution Conf. 8.9 (Rev.), to refer to the results of this review and, following consultation with the Animals or Plants Committees and the range State(s), make clear why additional measures are needed;</u></b></p> <p><i>Additional explanation: The amendments proposed by NL and GB more clearly reflect the original intent of the</i></p>

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	<p>proposal.</p> <p>DE: Delete this paragraph.</p> <p>GB: We believe that this new text should be deleted or amended as it appears to infringe upon a Parties' right to present proposals for the amendment of the appendices. However, we do recognise that the Parties have established the significant trade process, that this process is expensive in time and resources, and that it is highly desirable that it should function effectively. We accept, therefore, that it is not unreasonable for any Party making a proposal for a species in the significant trade process to be <u>encouraged</u> to consult with the relevant committee and explain why they feel the process has failed. If this paragraph is to be retained, the operative word should be amended to 'ENCOURAGES' and the text amended accordingly.</p> <p>HU: Hungary does not agree with the inclusion of this new paragraph and may easily be misused in order to prevent or unjustifiably postpone Appendix I listing.</p> <p>IL: We do not feel that having a species in the significant trade review process should serve as a reason to prevent uplisting to Appendix I. A zero quota is not the same as an Appendix I listing and should not serve as a substitute.</p> <p>JP: To clarify the meaning of the second clause (following the "or"), it should be changed to read "..., nor establish ..."</p> <p>NL: This paragraph should be change into:  "Resolves that proponents that submit proposals to transfer species to Appendix I or establishing zero export quota for species</p>	<p><i>CWG. The new text recognizes the primacy of the text of the Convention over a procedure established by Resolution, as a practical mechanism aimed at assisting Parties in the conservation of species by applying specific corrective measures. The proposed text in no way infringes on the right of Parties to make an amendment proposal. It merely stresses the fact that Parties should be encouraged to consult the relevant Committee and range State(s) to ensure that the Significant Trade Review process is not compromised. The new text no longer instructs the Parties on how to decide on such proposals.</i></p>

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	<p>under review of the provisions of Resolution Conf 8.9 (Rev), refer to the results of this review and, following consultation with the Animals and Plants Committee, make clear why additional measures would be needed".</p> <p>Explanation: It is considered that Resolution Conf 8.9 can play (and plays) a significant role and can be a good alternative for appendix I listing. But the wording of the amended text now could be "misused" not to approve or to postpone any appendix I listing or a zero quota (app. II), especially when the review takes a long time or cannot be done effectively. We therefore want the original wording to be weakened.</p> <p>SK: Resolution Conf. 8.9 (Rev.) is not a legal alternative to Appendix I. This paragraph may be misused. We oppose the inclusion of this new paragraph.</p> <p>US: We cannot support the suggested language. We believe it is inappropriate to allow the Significant Trade Review process to interfere with the need for enhanced protection of a species whose status is deteriorating. The process of Resolution Conf. 8.9 can be lengthy, sometimes spanning several years, and an ongoing decline of the species could compel the Parties to transfer that species to Appendix I before that process is completed. The Parties may still consider information derived from the Significant Trade Review process relative to a species that is the subject of a proposal. Furthermore, allowing the submission of proposals to transfer species from Appendix II to Appendix I, even if they are subject to the Significant Trade Review process, could serve as an incentive</p>	

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	<p>for timely implementation of recommendations and other actions resulting from the review. If the aggregate of information available on the species, including information derived from the Significant Trade Review, does not satisfy the biological criteria or is otherwise inappropriate, we trust in the integrity and wisdom of the Parties to not adopt it.</p> <p>Greenpeace: We strongly oppose to this paragraph.</p> <p>IUCN: We note that this is one of several places where particular responsibilities have been placed on the proponent in the criteria. These criteria are to be used by the CoP, so it is the CoP that needs to be satisfied that the Resolution Conf. 8.9 procedures are not sufficient in this instance. If the CoP needs independent advice on the matter, then that should come from the Animals or Plants Committee, not the proponent.</p> <p>SSN: Opposes this new paragraph.</p> <p>WCS: Once again the proposed language is negative not positive, and shifts the burden of proof to those desiring to exercise a precautionary approach.</p> <p>WWF: We are strongly opposed to this paragraph, for several reasons:</p> <ul style="list-style-type: none"> <li>• This is virtually the same text that was proposed before the December 2000 Joint Meeting and was resoundingly opposed by Parties in writing and in attendance at that meeting.</li> <li>• Resolution Conf. 8.9 is not <i>per se</i> an alternative to Appendix I listing.</li> <li>• Some range countries may be effectively</li> </ul>	

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	<p>implementing Appendix II, but populations in other countries decline precipitously and qualify for Appendix I; it would not be responsible to preclude range countries from submitting proposals to list species in Appendix I.</p> <p>We share the desire to not see more species qualify for Appendix I. However, this proposed text is not acceptable and should be deleted.</p>	
<p><b>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;</b></p> <p><i>Explanation: The paragraph draws attention to the relevant Resolutions, and emphasises that the annotations should be scientifically meaningful, unambiguous and justifiable.</i></p>	<p>AU: Foresee no problems with proposed new text. Would hope that these matters were self evident. The term “scientific evidence [Secretariat: advice?]” should however be expanded to include other evidence such as trade information which may not be covered by the term “scientific”.</p> <p>ES: In the Spanish version word “no” should be deleted in the phrase “... Conferencia de las Partes y <del>no</del> atendiendo al mejor asesoramiento ...”</p> <p>GB: We are content with the addition of this new paragraph, but suggest that “<i>and on the basis of the best scientific advice</i>” is not needed and should, therefore, be deleted. There is, for example, no reference to the need for scientific evidence in Resolution Conf. 11.21.</p> <p>HU: We opposes the inclusion of this new paragraph. We do not agree to addition of the words “on the basis of the best scientific evidence [Secretariat: advice?]”. “Best scientific evidence” is not defined, and the third RESOLVES already states that “proposals...should be based on the best information available.” This information should include not only scientific evidence, but also data on trade, enforcement, and related</p>	<p><b>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 <del>and on the basis of the best scientific advice</del>, be specific and accurate as to affected parts and derivatives and should, to the extent possible, be harmonized with existing annotations;</b></p> <p><i>Additional explanation: This paragraph has been amended in view of the comments provided and the suggestion by the US. It now also refers to the need for clearer and uniform annotations (see for instance Decision 11.118) This new paragraph also responds to paragraph 15 of the Terms of Reference for the CWG. The last part of the originally proposed text has been deleted as suggested by various Parties.</i></p>

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	<p>issues.</p> <p>US: We support this concept regarding annotations, but suggests additional language to clarify intent and strengthen Conf. 11.21. Specifically, we recommend adding to the end of the sentence:</p> <p><i>"and should be harmonized with existing annotations, and be specific and accurate as to affected parts and derivatives,"</i></p> <p>Greenpeace: We strongly oppose the current form of the paragraph and recommend that it be amended by deletion of the words 'on the basis of the best scientific advice'.</p> <p>IWMC: This new paragraph concerning annotations does not follow the decision made by the Conference of the Parties at CoP11. The new RESOLVES can 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.</p> <p>SSN: Opposes the inclusion of this new paragraph. We particularly oppose the addition of the words "on the basis of the best scientific evidence [Secretariat: advice?]" . "Best scientific evidence" is not defined, and the third RESOLVES already states that "proposals...should be based on the best information available."</p> <p>WWF: We concur with the first portion of this sentence, that annotations should be made in accordance with the applicable Resolutions of the CoP. We believe that the text "and on the basis of the best scientific advice" is not</p>	

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<p><b>ENCOURAGES Parties, when sufficient relevant biological data are available, to include a quantitative evaluation in the supporting statement of the amendment proposal;</b></p> <p><i>Explanation: The inclusion in amendment proposals of information on stock assessments, population viability assessments, and other quantitative evaluations of suitable biological data to determine the status and/or trends in a wild population should be encouraged. This view was brought forward in the CWG. Furthermore, use of the word 'encourage' does not mean that quantitative analyses are mandatory.</i></p>	<p>needed.</p> <p>AU: Support inclusion of new text, the wording is sufficient to ensure that Parties will not be required to undertake additional extensive work if the data is not already available.</p> <p>GB: We support this addition. The principle of <i>encouraging</i> Parties to provide quantitative analyses when available is sound, and incorporating this phrase is consistent with the IUCN Red List criteria.</p> <p>HU: Hungary opposes the inclusion of this new paragraph. There are only a few species for which these data are available.</p> <p>JP: We support insertion of this statement.</p> <p>However, the definition/explanation of "quantitative evaluation" should be added to the Annex 5. We suggest the following (adopted from the "2000 IUCN Red List of Threatened Species") for the definition of "quantitative evaluation":</p> <p>The technique of population viability analysis (PVA), or any other quantitative form of analysis, which estimates the extinction probability of a taxon or population based on the known like history and specified management or non-management options. In presenting the results of quantitative analyses, the structural equations and the data should be explicit.</p> <p>IUCN: We believe that all available biological data should be used in as quantitative a manner as possible. However, IUCN's experience of using quantitative analysis in the IUCN Red Listing criteria has highlighted the difficulty of using quantitative modelling. In practice there</p>	<p><b>ENCOURAGES Parties, when sufficient relevant biological data are available, to include a quantitative evaluation in the supporting statement of the amendment proposal;</b></p> <p><i>Additional explanation: This text is retained in view of the supportive comments from the Parties.</i></p>

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	<p>are many different models, parameter values and assumptions that can be used in the analysis. Our experience suggests that the biological parameters are not as significant for model outcome as the parameters that relate to extrinsic processes such as future human exploitation, long-term environmental change and interspecific effects. Consequently is important when modelling approaches are used to ensure that the models are subject to independent expert review.</p> <p>We suggest the following modification: ENCOURAGES Parties, when sufficient relevant biological data are available, to include a quantitative evaluation in the supporting statement of the amendment proposal, recognising the limitations associated with incorporating reliable measures of extrinsic factors in quantitative models and the need for independent review of quantitative modelling approaches;</p> <p>SSN: Opposes the inclusion of this new paragraph.</p> <p>WWF: We support this paragraph, in that whenever relevant biological or other data are available they should be evaluated in the supporting statement of any proposal. We do not however believe this requires Parties to submit or undertake population viability analyses, or other similar assessments.</p>	
<p>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;</p>		<p>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;</p>

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<p>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; <b>and</b></p> <p><i>Explanation: A minor editorial change to take into consideration the deletion of the next paragraph.</i></p>		<p>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; <b>and</b></p>
<p><del>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</del></p> <p><i>Explanation: Redundant after the 12th meeting of the Conference of the Parties.</i></p>	<p>SSN: Has no objection to this change.</p>	<p><del>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</del></p>
<p><del>REPEALS the Resolutions Conf. 9.24 (Fort Lauderdale, 1994) - Criteria for Amendment of Appendices I and II. listed hereunder:</del></p>	<p>IUCN: We question if there is a need to add: and all repealed resolutions listed therein? SSN: Has no objection to this change.</p>	<p><del>REPEALS the Resolutions Conf. 9.24 (Fort Lauderdale, 1994) - Criteria for Amendment of Appendices I and II. listed hereunder:</del></p>
<p><del>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;</del></p>		<p><del>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;</del></p>
<p><del>b) Resolution Conf. 1.2 (Berne, 1976) - Criteria for the Deletion of Species and Other Taxa from Appendices I and II;</del></p>		<p><del>b) Resolution Conf. 1.2 (Berne, 1976) - Criteria for the Deletion of Species and Other Taxa from Appendices I and II;</del></p>
<p><del>c) Resolution Conf. 2.17 (San José, 1979) - Format for Proposals to Amend Appendix I or II;</del></p>		<p><del>c) Resolution Conf. 2.17 (San José, 1979) - Format for Proposals to Amend Appendix I or II;</del></p>
<p><del>d) Resolution Conf. 2.19 (San José, 1979) -</del></p>		<p><del>d) Resolution Conf. 2.19 (San José, 1979) -</del></p>

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Criteria for Addition of Extremely Rare Species to Appendix I;		Criteria for Addition of Extremely Rare Species to Appendix I;
<del>e) Resolution Conf. 2.20 (San José, 1979) – The Use of the Subspecies as a Taxonomic Unit in the Appendices;</del>		<del>e) Resolution Conf. 2.20 (San José, 1979) – The Use of the Subspecies as a Taxonomic Unit in the Appendices;</del>
<del>f) Resolution Conf. 2.21 (San José, 1979) – Species Thought to Be Extinct;</del>		<del>f) Resolution Conf. 2.21 (San José, 1979) – Species Thought to Be Extinct;</del>
<del>g) Resolution Conf. 2.22 (San José, 1979) – Trade in Feral Species;</del>		<del>g) Resolution Conf. 2.22 (San José, 1979) – Trade in Feral Species;</del>
<del>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;</del>		<del>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;</del>
<del>i) Resolution Conf. 3.20 (New Delhi, 1981) – Ten year Review of the Appendices;</del>		<del>i) Resolution Conf. 3.20 (New Delhi, 1981) – Ten year Review of the Appendices;</del>
<del>j) Resolution Conf. 4.26 (Gaborone, 1983) – Ten year Review of the Appendices;</del>		<del>j) Resolution Conf. 4.26 (Gaborone, 1983) – Ten year Review of the Appendices;</del>
<del>k) Resolution Conf. 7.14 (Lausanne, 1989) – Special Criteria for the Transfer of Taxa from Appendix I to Appendix II; and</del>		<del>k) Resolution Conf. 7.14 (Lausanne, 1989) – Special Criteria for the Transfer of Taxa from Appendix I to Appendix II; and</del>
<del>l) Resolution Conf. 8.20 (Kyoto, 1992) – Development of New Criteria for Amendment of the Appendices.</del>		<del>l) Resolution Conf. 8.20 (Kyoto, 1992) – Development of New Criteria for Amendment of the Appendices.</del>

Annex 1		Annex 1
<u>Biological criteria for Appendix I</u>	CA (For.): From the analysis by the experts in the Forest sector, it appears that the inclusion of additional criteria that would allow an assessment of the relative pressures being exerted on a wild population due to trade as well as other factors could strengthen the proposed framework of criteria. Examples can easily be constructed where a species is threatened by a number of factors that include international trade but where ceasing international trade will not prevent a species from becoming extinct.	<u>Biological criteria for Appendix I</u>
The following criteria must be read in conjunction with the definitions, explanations and guidelines listed in Annex 5.	NL: In Annex 1 the following criterium could be included:  " - the population of the species in the wild is (nearly) extinct and the captive population needs to be monitored".  Explanation: This is of relevance for species that are nearly extinct. For these species a well managed population in captivity is of high importance. This could be a reason to put (or keep) this species in Appendix I.	The following criteria must be read in conjunction with the definitions, explanations and guidelines listed in Annex 5.  <i>Additional explanation: A species in the situation suggested by NL would certainly fit the criteria in this Annex and should already have been included in Appendix I.</i>
A species is considered to be threatened with extinction if it meets, or is likely to meet, at least one of the following criteria.	SCI: The following phrase should follow after the word 'criteria': 'based on best available science, preferably scientific peer-reviewed information'.  We suggest a new paragraph precede criterion A that reads: 'Interpretation of the following criteria should consider each criterion in the context of historical conditions and inherent demographic characteristics of the species to determine the relative impact of the criterion on the species that is the subject of the proposal'.	A species is considered to be threatened with extinction if it meets, or is likely to meet, at least one of the following criteria.
<del>A.B.</del> The wild population has a restricted area	SSN: Has no objection to this change.	<del>A.B.</del> The wild population has a restricted area

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<p>of distribution and is characterized by at least one of the following:</p> <p><i>Explanation: The amendment simply represents a re-ordering of the existing criteria and was proposed by the CWG. It provides a more logical sequence of the biological criteria for Appendix I, notably the distribution criterion (currently criterion B), the population size criterion (currently criterion A), and then the decline criterion (currently criterion C). Furthermore, knowledge of distribution and habitat is generally more readily available than information addressing the other criteria – therefore it seemed logical to give this criterion primacy over the others in terms of their sequence.</i></p>		<p>of distribution and is characterized by at least one of the following:</p>
<p>i) fragmentation or occurrence at very few locations; or</p>		<p>i) fragmentation or occurrence at very few locations; or</p>
<p>ii) large fluctuations in the area of distribution or the number of sub-populations; or</p>	<p>SCI: We suggest the following addition after the word 'fluctuations': 'excluding cases of vagrancy and introductions outside its natural range'.</p>	<p>ii) large fluctuations in the area of distribution or the number of sub-populations; or</p>
<p>iii) a high vulnerability due to the species' biology or behaviour (including migration); or</p>	<p>FAO: Add: 'or other modifying factors as appropriate;' to A iii), B v), and C ii).</p>	<p>iii) a high vulnerability due to the species' biology or behaviour (including migration); or</p>
<p>iv) an observed, inferred or projected decrease in any one of the following:</p>		<p>iv) an observed, inferred or projected decrease in any one of the following:</p>
<p>– the area of distribution; or</p>		<p>– the area of distribution; or</p>
<p>– the area of habitat; or</p>		<p>– the area of habitat; or</p>
<p>– the number of sub-populations; or</p>		<p>– the number of sub-populations; or</p>
<p>– the number of individuals; or</p>		<p>– the number of individuals; or</p>
<p>– quality of habitat; or</p>		<p>– <b>the</b> quality of habitat; or</p>
<p><del>– reproductive potential</del></p>		<p><del>– reproductive potential</del></p>
<p>– <b>recruitment.</b></p> <p><i>Explanation: The rearrangement of the dashed items above provides a sequence in line with the proposed order for the Biological Criteria for Appendix I. For</i></p>	<p>AU: The use of the term recruitment is supported as are the other changes.</p> <p>CA: Adding "recruitment" while perhaps theoretically desirable would be quite difficult</p>	<p>– <b>the recruitment.</b></p> <p><i>Additional explanation: Originally the CWG suggested to include 'recruitment/reproductive success or reproductive potential'. In view of the comments</i></p>

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<p><i>reasons of clarity the original language “the area or quality or habitat” have been separated under distinct dashes.</i></p>	<p>to implement in species where recruitment is naturally highly variable such as some marine fish (this also applies to criterion C which adds decreasing recruitment under point iii).</p> <p>GB: We support the changes here. However, whilst the revised definition of population in Annex 5 (especially with reference to effective population size) means that any decline in individuals should also represent a decline in reproductive potential, if the new definition is not accepted we would prefer the retention of the term reproductive potential in Annex 1.</p> <p>WWF: We support the inclusion of recruitment as a factor that should be assessed.</p>	<p><i>received earlier this was amended to refer to recruitment only.</i></p>
<p><del>B.A.</del> The wild population is small, and is characterized by at least one of the following:</p>	<p>IN: Opposes the new language. Original working should be retained.</p>	<p><del>B.A.</del> The wild population is small, and is characterized by at least one of the following:</p>
<p>i) an observed, inferred or projected decline in the number of individuals or the area and quality of habitat; or</p> <p><i>Explanation: Although the CWG originally suggested to delete this paragraph, the Chairmen believe that it is better to maintain it. This criterion deals with small, wild population and the effect of the rate or extend of a decline may be proportionally different than for large populations.</i></p>	<p>GB: We strongly support the restoration of criterion new B i) in the most recent draft. A decline in a small population is potentially much more significant than decline in a larger population.</p> <p>HU: Supports this restoration of criterion B i).</p> <p>SSN: Supports this restoration of criterion B i).</p> <p>WWF: We are pleased that this paragraph has been restored. It should be noted that the Criteria Working Group was not unanimous in its suggestion to delete it</p>	<p>i) an observed, inferred or projected decline in the number of individuals or the area and quality of habitat; or</p>
<p>ii) each sub-population being very small; or</p>		<p>ii) each sub-population being very small; or</p>
<p>iii) a majority of individuals, during one or more life-history phases, being concentrated in one sub-population; or</p>	<p>CA (For): It appears this Sub-criterion is aimed at species other than trees, consequently it may not be relevant to trees. Also there are potential problems that arise due to the focus on “individuals”, and because “smallness” <i>per se</i> is not a sufficient condition for banning</p>	<p>iii) a majority of individuals, during one or more life-history phases, being concentrated in one sub-population; or</p>

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<p>iv) large short-term fluctuations in the number of individuals <b>in those life history stages that are of critical importance for the continued survival of the species</b>; or</p> <p><i>Explanation: The additional text is an amended version of a proposal made by FAO at the joint meeting. The reason for its insertion is that large short-termed fluctuations in the numbers of individuals may be exhibited naturally in small wild populations of species that are highly fecund, and biologically characterized by a reproductive R-strategy. However, such fluctuations in numbers of individuals would be of concern when occurring in life history stages that are of vital importance to the continued survival of the species, and that provide the best indicators of the viability of the population.</i></p>	<p>international trade.</p> <p>AU: The new bold text, while written with fish species in mind will also be relevant for a large number of other taxa.</p> <p>CA: “those life history stages that are of critical importance...”. This wording is not very useful because all stages are important. It would seem that the real intent is to refer to “mature individuals” or “individuals capable of reproduction” and using this wording would greatly improve clarity (and would be consistent with life history science and work of other criteria groups e.g. IUCN).</p> <p>CL: All life history stages are of critical importance to the survival of a species. The original wording should be retained.</p> <p>GB: We do not favour the new wording in Criterion B iv) (namely ‘ in those life history stages .... survival of the species’) and would prefer to return to the original. The proposed additional wording seems redundant because population size is defined in Annex 5 and guidance on how to count ‘individuals’ is provided there.</p> <p>HU: We oppose, to the new language in Criterion B iv), which is unclear and unnecessary. All life history stages are of critical importance to the survival of a species. The original wording should be retained.</p> <p>IL: opposes the proposed addition, as it does not make sense biologically, since all life stages can be important in species survival.</p> <p>Greenpeace: Reject the new language.</p> <p>IUCN: We note that sub-paragraph iv) is meaningless, because all life history stages are by definition essential for the continued</p>	<p>iv) large short-term fluctuations in the number of individuals <b>in those life history stages that are of critical importance for the continued survival of the species</b>; or</p> <p><i>Additional explanation: The reasons for adding this text have already been explained. For some species this addition is highly relevant, for others all life history stages need to be considered with respect to large short-term fluctuations. It should be noted that the CWG at both its meetings discussed whether the term ‘mature individuals’ should be used in the criteria, but decided against it because for many species there is an additional practical difficulty of determining which mature individuals to count (e.g. reproductive versus non reproductive mature individuals).</i></p>

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	<p>survival of the species in question. Consequently we oppose the addition of this phrase, but suggest it could be qualified by changing number of individuals to number of mature individuals.</p> <p>SSN: We oppose, the new language in Criterion B iv), which is unclear and unnecessary.</p> <p>TRAFFIC: The principle contained within this subparagraph is an important one. However, we believe that it is necessary to clarify which life stages this subparagraph refers to. We therefore suggest changing the text to read "in the number of <i>mature</i> individuals...".</p> <p>WCS: While this may be true in many or most cases it opens up a new level of interpretation and implies that you must know which of the life history stages are of "critical importance for the continued survival of the species".</p>	
<p>v) a high vulnerability due to the species' biology or behaviour (including migration).</p>		<p>v) a high vulnerability due to the species' biology or behaviour (including migration).</p>
<p>C. A <b>marked</b> decline in the number of individuals in the wild, which has been either:</p> <p><i>Explanation: The insertion of "marked", as suggested by the CWG, provides a degree of qualification of the decline, and is further expanded upon and defined in the relevant paragraph in Annex 5, Definitions, explanations and guidelines.</i></p>	<p>AU: Support the use of the term "marked decline" but believe that Annex 5 should contain definition and guidance on what is meant by this term. The definition should include guidance on scenarios related to different: population sizes, life histories, changes in sex ratios etc. Other changes supported.</p> <p>CL: Opposes the use of the term "marked decline". Its meaning is unclear, and it has not been defined. For species with small populations, any decline, no matter how small, may pose a serious risk.</p> <p>CR: Delete the word 'marked'.</p> <p>HU: We oppose the use of the term "marked decline". Its meaning is unclear, and it has not</p>	<p>C. A <b>marked</b> decline in the number of individuals in the wild, which has been either:</p> <p><i>Additional explanation: The issue of any decline in small populations is taken care of in criterion B. i). The inclusion of 'marked' however is considered to be a precautionary approach for large populations that may not meet any of the other criteria.</i></p>

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	<p>been defined in Annex 5. For species with small populations, any decline, no matter how small, may pose a serious risk. The terms “decreasing reproductive potential” and “decreasing recruitment” have different meanings. Both terms should be retained and clearly defined.</p> <p>IL: Opposes the addition of the word “marked” here.</p> <p>SK: Meaning of ‘marked decline’ is unclear. For species with small population any decline may pose a serious risk. We oppose its inclusion.</p> <p>Greenpeace: Accept all new language except the word ‘marked’.</p> <p>IUCN: In compiling the Analyses of Amendment Proposals, we have noted difficulties in interpretation of ‘decline’ and recommended that this term be qualified and notes that marked decline is defined in Annex 5.</p> <p>SSN: Opposes the use of the word ‘marked’.</p> <p>TRAFFIC: As with the above paragraph, it may be useful to define which ‘individuals’ are being referred to. Such definition should of course be in accordance with the appropriate definition of ‘marked decline’ contained within Annex 5.</p> <p>WCS: The addition of the word ‘marked’ opens this one up for a great variation in subjective interpretation. How much decline is a ‘marked’ decline, 20% to be clearly enunciated.</p>	
<p>i) observed as ongoing or as having occurred in the past (but with a potential to resume); or</p>	<p>NO: It is not clear to us what exactly is meant here, since little is said about the present status (extinct or sound population?) of the species, and in relation to reasons for the decline. It may be argued that a presently</p>	<p>i) observed as ongoing or as having occurred in the past (but with a potential to resume); or</p> <p><i>Additional explanation: This criterion was perceived by the CWG as not being problematic and neither was it</i></p>

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	<p>healthy population, but with a past large decline, may fit the description given in this paragraph of the criteria. We wish to express that healthy populations should not be eligible for this criterion, consequently the criteria should read as follows: "i) observed as ongoing; or", i.e. deleting the last part of the proposed criterion.</p>	<p><i>commented upon in earlier consultations.</i></p>
<p>ii) inferred or projected on the basis of any one of the following:</p>		<p>ii) inferred or projected on the basis of any one of the following:</p>
<p>– <del>a decrease in area or quality of habitat; or</del></p>		<p>– <del>a decrease in area or quality of habitat; or</del></p>
<p>– a decrease in area of habitat; or</p>		<p>– a decrease in area of habitat; or</p>
<p>– a decrease in quality of habitat; or</p>		<p>– a decrease in quality of habitat; or</p>
<p>– levels or patterns of exploitation; or</p>		<p>– levels or patterns of exploitation; or</p>
<p>– threats from extrinsic factors such as the effects of pathogens, competitors, parasites, predators, hybridization, introduced species and the effects of toxins and pollutants; or</p>		<p>– threats from extrinsic <b>human-induced</b> factors such as <del>the effects of pathogens, competitors, parasites, predators,</del> <b>competition/predation by introduced species or the effects of hybridization, introduced species and the effects of</b> toxins and pollutants; or</p> <p><i>Additional explanation: Most of the factors mentioned in the current text are not influenced by man. These factors, largely related to natural processes, should not be used as an argument to include a species in Appendix I. This criterion should be restricted to antropogenic influences.</i></p>
<p>– decreasing <del>reproductive potential</del> <b>recruitment</b>.</p> <p><i>Explanation: Separating "a decrease in area or quality of habitat" into two separate dashes adds to clarity and consistency.</i></p>	<p>WWF: We support the inclusion of recruitment as a factor that should be assessed.</p>	<p>– <del>a decreasing reproductive potential</del> <b>recruitment</b>.</p>
<p><del>D</del> The status of the species is such that if the</p>	<p>AU: Oppose the deletion of this paragraph.</p>	<p><del>D</del> The status of the species is such that if the</p>

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<p><del>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.</del></p> <p><i>Explanation: The Criterion in paragraph D is deleted and incorporated in the proposed criterion A in Annex 2a. In circumstances when this criterion would apply i.e. substantial illegal trade in a species that requires to be strictly regulated, it would be more appropriate and practical to opt for inclusion in Appendix II with trade restrictions. In addition, a species that would satisfy this criterion will most probably also satisfy one of the other criteria in this Annex. This criterion is therefore duplicative and it would be better to delete it in favour of an Appendix-II criterion. That criterion would apply to those cases where species are known to also be subject to large volumes of trade that is not regulated and where an Appendix-II criterion is required to avoid that the species would eventually satisfy criteria for inclusion in Appendix I.</i></p>	<p>Appendix II listings with trade restrictions should not be used where an Appendix I listing is justified. Appendix II listing with trade restrictions is a management measure that can be employed in particular cases but should not be a default option in all situations.</p> <p>CL: Strongly supports maintaining the original text. It is an important precautionary criterion that avoids premature elimination of a species from the Appendices. We do not agree that it is preferable to transfer a species to Appendix II with a quota that will limit trade.</p> <p>CR: The reference to the precautionary principles is very important and must be maintained.</p> <p>DE: Maintain this paragraph. This aspect of Annex 1 addresses the issue of retaining a species on Appendix I as opposed to transferring it to Appendix II.</p> <p>ES: We believe that this paragraph should be kept since the text incorporated in Annex 2a of criteria A. does not express the same as what is reflected in criteria D. This criterion constitutes the precautionary principle for the inclusion of species in Appendix I.</p> <p>GB: We do not have particularly strong views on whether paragraph (D) should be deleted (and Annex 2a revised accordingly). As a general rule, however, if the changes are not considered essential it would seem sensible to adhere as far as possible to the original text rather than risk protracted debate at CoP12.</p> <p>HU: We do not agree to the deletion of original paragraph.</p> <p>IL: We recommend retaining this paragraph.</p> <p>IN: The original language should be maintained.</p>	<p><del>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.</del></p> <p><i>Additional explanation: The Chairs note the comments received. However, the former Criterion D is not a biological criterion and its retention here would not only contradict the text in paragraph a) under the first 'RESOLVES', but its retention in Annex 1 would also seriously compromise the scientific veracity of the other criteria in that Annex.</i></p> <p><i>The species referred to in this criterion clearly qualify for Appendix II or are already included in it. Speculating that such species will meet the criteria for inclusion in Appendix I within five years, also means that the proponent projects a failure of the Convention in protecting it and that the provisions of Resolution Conf. 8.9 (Rev.) cannot be applied in that time.</i></p> <p><i>Several of the comments argue that this criterion is meant to avoid premature down-listing to Appendix II. In that case it should be included in Annex 4 where it is already covered by paragraph A. 2.</i></p>

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	<p>MX: We believe that this paragraph should be maintained as a precautionary measure.</p> <p>SK: With regard to the precautionary principle this paragraph must not be deleted. Appendix I provides more protection against illegal trade than Appendix II.</p> <p>US: By suggesting that Criterion D in Annex 1 is primarily used in reference to substantial illegal trade, the Chairmen’s explanation ignores the effect of re-opening legal trade in a downlisted species. If the downlisting was premature, with Parties misjudging the regulatory and enforcement controls in range countries, legal Appendix-II trade could place vulnerable species in such jeopardy that they would have to be returned to Appendix I in the near future.</p> <p>The Chairmen also state that species likely to meet Annex 1 biological criteria in the near future should be placed in Appendix II with trade restrictions. Such an approach places species in Appendix II when they otherwise qualify for Appendix I, presumably as an incentive for range countries to implement management changes to achieve sustainable commercial trade in the species. While we realize that these types of listings have been accepted as a compromise when the Conference of the Parties was unwilling to support transfer of a species to Appendix I, such an approach would actually seem to complicate the way in which such species are handled without actually simplifying processes for resuming commercial trade. First, placing species in Appendix-II with zero quotas, which is often how these are handled, prohibits trade in scientific or other non-commercial</p>	

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	<p>specimens unless the listing is further annotated; an Appendix-I listing would allow trade in such specimens without further clarification of the listing. Second, the Chairmen’s analysis also discounts the enhanced domestic protection that can be obtained through an Appendix-I listing. Appendix-I taxa are often afforded more significant protection under national laws than their Appendix-II counterparts with zero trade quotas. Finally, whether the eventual improvement in status of the species results in transfer from Appendix I to Appendix II, or elimination of a zero quota adopted by the Parties for an Appendix-II species, such a decision must be taken by the Conference of the Parties in either case and would require the same improvements in management by range countries. We see no advantage to attempting to substitute modified Appendix-II listings for Appendix I in these cases, but some disadvantages emerge. Therefore, we recommend retaining the current Criterion D.</p> <p>FAO: The Second Technical Consultation supported the rationale behind the deletion of D.</p> <p>Greenpeace: Reject the deletion of paragraph D.</p> <p>IUCN: We note that the proposed solution of inclusion in Appendix II is not completely satisfactory. IUCN recognises the dilemma that inclusion in Appendix I may push the trade “underground” so that levels can no longer be monitored and recognises the desire to avoid this outcome by including/maintaining the species in Appendix II with a zero quota. However, it is not clear what mechanism the Parties should adopt to maintain species</p>	

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	<p>already included in Appendix II but institute a zero quota, (in cases where the problem has not been picked up by the significant trade process) – Should the format for proposals contain guidance on submitting a proposal to annotate a current listing e.g. to propose a zero quota for an Appendix II species?</p> <p>SSN: Opposes the deletion of original paragraph (D).</p> <p>TRAFFIC: We appreciate the justification for removing this paragraph. However, we believe that this step needs to be carefully considered since procedures for setting and amending precautionary quotas for Appendix II species are not established, and we believe, that if this paragraph is deleted, such guidance needs to be incorporated into Annex 4. Another consideration is whether species listed in Appendix II with zero export quotas would be afforded the same degree of regulatory protection applied to Appendix I species under national legislation employed by the Parties.</p> <p>WCS: This section D. is moved to annex 2a but is changed from “within a period of five years” to “near future”. This raises a question of vagueness and opens it to various interpretations. The original “five years” was intended to cover two CoP’s which is clear and concise while the proposed new wording is vague. We urge the old wording be retained even if moved to Annex 2a.</p>	

Annex 2a		Annex 2a
<p><u>Criteria for the inclusion of species in Appendix II in accordance with Article II, paragraph 2(a)</u></p>	<p>GB: We are content with the changes to the Appendix II criteria – even though the benefits of the proposed changes are relatively minor. We also accept the new criterion B, which appears to be aimed at enabling listings to regulate trade to enable sustainable utilisation.</p> <p>IL: Opposes the proposed changes to Annex 2, which seem to contradict Article II of the treaty which allows species to be listed on Appendix II even when there is only the possibility that a species may become threatened with extinction.</p> <p>IT: We believe that CITES has been confronted with the inclusion of species that or did not deserve the inclusion in Appendix II or that after a certain period of time lacked the proper management in order that their exploitation does not affect their status in the wild by causing a marked decrease in their populations.</p> <p>Therefore we were quite sympathetic with the proposal contained in paragraph 45 of the report of the First meeting of the Criteria Working Group, and on that line we would like to propose a new criterion for the non inclusion of species in Appendix II when conditions based on sound wildlife management practises are met.</p> <p>2. A species should not be included in Appendix II when, on the basis of available information on the status and trends of the wild population, the following criterion is met:</p> <p>It is known that is 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</p>	<p><u>Criteria for the inclusion of species in Appendix II in accordance with Article II, paragraph 2(a)</u></p> <p><i>Additional explanation: The text proposed by Italy relates to an earlier RESOLVES dealing with this subject that was proposed by the CWG. It was deleted in view of comments received after the first consultation. In addition, the proposed criterion goes against the text of Article IV, paragraph 2 (b).</i></p>

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	<p>1. A or B to this Resolution.</p> <p>It could be objected that the proposed criterion goes beyond the scope of Annex 2a that is “criteria for the inclusion of the species”; but we believe that being wildlife management a recognised science its practical applications must be taken into account when deliberating a regulation of trade in certain species.</p> <p>Greenpeace: Reject all changes.</p>	
The following criteria must be read in conjunction with the definitions, explanations and guidelines listed in Annex 5.		The following criteria must be read in conjunction with the definitions, explanations and guidelines listed in Annex 5.
<del>A species should be included in Appendix II when either of the following criteria is met.</del>		<del>A species should be included in Appendix II when either of the following criteria is met.</del>
<del>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.</del>		<del>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.</del>
<del>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:</del>		<del>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:</del>
<del>i) exceeding, over an extended period, the level that can be continued in perpetuity;</del> <del>or</del>		<del>i) exceeding, over an extended period, the level that can be continued in perpetuity;</del> <del>or</del>
<del>ii) reducing it to a population level at which its survival would be threatened by other influences.</del>  <i>Explanation: The paragraphs are deleted and proposed to be replaced by the text hereunder.</i>		<del>ii) reducing it to a population level at which its survival would be threatened by other influences.</del>

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<p><b>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), one of the following criteria is met:</b></p> <p><i>Explanation: The new text of the paragraph, as proposed by the CWG, is clearer in pointing out that available information plays an important role in deciding whether a species should be listed in Appendix II. Clearly, trade volume in a species has no meaning unless it can be linked in a meaningful way to the conservation status and biological characteristics of the species. The proposed language has the effect of avoiding the inclusion in Appendix II of species that do not require CITES controls to ensure that trade is not detrimental to the conservation of the species.</i></p>	<p>AU: Oppose the limitation of available information to that on population status and trends – it is feasible and likely that sound decisions can be made on other information, such as exploitation rates or harvest trends – particularly where compared to other similar taxa and scenarios.</p> <p>CR: We agree with the newly proposed criteria.</p> <p>FAO: The following is suggested as text to replace the existing.</p> <p>“A species should be included on Appendix II when, on the basis of available information on or indicating the status and trends or exploitation of the wild populations, one of the following criteria is met:</p> <p>A. It is known, inferred, or projected that the regulation of trade in the species is necessary to avoid it becoming eligible for inclusion in Appendix 1 in the near future;</p> <p>B. It is known or inferred that the species, whether declining or not, is sufficiently near to meeting the criteria for inclusion in Appendix I that the application of a precautionary approach warrants regulation of trade;</p> <p>C. It is known, inferred, or projected that regulation of trade in the species is required to ensure that the harvest of specimens from the wild is not reducing populations to a level at which their survival is threatened by other factors.”</p> <p>IUCN: We support retention of the original wording: “A species should be included in Appendix II when either of the following criteria is met”. By retaining the original</p>	<p><b>A species should be included in Appendix II when, on the basis of available <u>trade data and</u> information on the status and trends of the wild population(s), one of the following criteria is met:</b></p> <p><i>Additional explanation: The addition of the phrase “trade data” addresses the concerns of AU and IUCN.</i></p>

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	<p>wording, the Parties are given the credit for assessing the available information and making appropriate decisions, so that species are neither listed unnecessarily nor overlooked through a genuine lack of information. The third RESOLVES already requires Parties to prepare proposals on the basis of the best available information. For example, the Parties have determined that the trade in South-east Asian freshwater turtles requires review and are also investigating the possibility that several Appendix II listed species are being harvested unsustainably – yet there is little information on the status and trends of the wild populations – the problems facing these species have been inferred by connecting the large trade volumes with the lack of recent sightings of these species in the wild, and the slow reproductive rates of the species involved.</p> <p>WCS: Here the original text is greatly preferred as it allows the precautionary principle to apply.</p>	
<p><b>A. It is known, or can be inferred or projected, that the regulation of trade in the species is necessary to avoid that it becomes eligible for inclusion in Appendix I in the near future; or</b></p> <p><i>Explanation: Criterion A of Annex 2a was originally proposed by the CWG, and is reworded to fit in former biological criterion D for incorporating species in Appendix I (in Annex 1). The language is more direct and more specific. This criterion provides a mechanism to include in Appendix II species that require trade controls in order to avoid a situation that necessitates listing the taxon directly in Appendix I in the near future.</i></p>	<p>HU: Support the retention of the original paragraph (A).</p> <p>NL: This is a rather wordy or complicated description. It is better to link up with the text of Article II (a) of CITES: “regulation of trade in the species is necessary to avoid that it becomes threatened with extinction owing to utilisation incompatible with its survival”.</p> <p>IUCN: This could be re-worded as follows: “It is known, or can be inferred or projected that the regulation of trade in the species is necessary to avoid the species becoming eligible for inclusion in Appendix I in the near future; or”</p>	<p><b>A. It is known, or can be inferred or projected, that the regulation of trade in the species is necessary to avoid that it becomes eligible for inclusion in Appendix I in the near future; or</b></p>

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	<p>SSN: Support the retention of the original paragraph (A). Disagrees with the Chairs that the new paragraph (A) incorporates former criterion (D).</p>	
<p><b>B. It is known, or can be inferred or projected that regulation of trade in the species is required to ensure that the harvest of specimens from the wild is not detrimental to the species concerned.</b></p> <p><i>Explanation: The proposed wording under the new criterion B is an adaptation of the text proposed in the report of the first meeting of the CWG. In view of the many comments on the earlier proposed new criteria B, and C., the Chairmen have suggested this new text to permit Parties to propose Appendix-II listings of species for which trade regulation is required to ensure sustainable utilization. This was also the intent of the text originally proposed by the CWG.</i></p>	<p>AU: Paragraph B is ok, however, overall do not believe that the new text is an improvement on the original text.</p> <p>CA: “detrimental” should be clarified in the definitions. Criterion B is often seen as not different enough from Criterion A.</p> <p>CL: Prefers to maintain the original paragraph. The newly proposed text prevents the inclusion in Appendix II of many species for which it can not be demonstrated that that the trade is detrimental to their survival.</p> <p>HU: The original paragraph (B) should be retained.</p> <p>IN: Original paragraph B. should be retained. The new paragraph ignores the effect of harvest of other than trade.</p> <p>MX: We believe that amendment to this paragraph should not be accepted. Original version is more clear.</p> <p>SK: Original text was simpler and easier to follow. The new paragraph B ignores the effect of harvest for reasons other than trade. The convention requires only the possibility that species may become threatened with extinction.</p> <p>US: We do not object to most of the proposed changes for Annex 2a, although we did not find the original criteria scientifically flawed. In fact, we believe that the original criterion B(ii) shows foresight and precaution when it addresses trade in a species that has been “reducing it to a population level at which its</p>	<p><b>B. It is known, or can be inferred or projected, that regulation of trade in the species is required to ensure that the harvest of specimens from the wild is <del>not detrimental to the species concerned</del> <u>sustainable and is not reducing wild populations to a level at which their survival would be threatened by other influences</u>.</b></p> <p><i>Additional explanation: Adopting the wording proposed by the US and FAO also addresses concerns expressed in other comments.</i></p>

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	<p>survival would be threatened by other influences." These "other influences" include invasive species or habitat loss, which constitute major threats to biodiversity in the 21st Century but are not addressed in the current revisions. We offer the following substitute language for Criterion B:</p> <p>B. It is known, or can be inferred or projected, that regulation of trade in the species is required to ensure that the harvest of specimens from the wild is sustainable and is not reducing wild populations to a level at which their survival would be threatened by other influences.</p> <p>SSN: Original paragraph (B) should be retained.</p>	

Annex 2b		Annex 2b
<p><u>Criteria for the inclusion of species in Appendix II in accordance with Article II, paragraph 2(b)</u></p>		<p><u>Criteria for the inclusion of species in Appendix II in accordance with Article II, paragraph 2(b)</u></p>
<p>Species <del>should</del> <b>may</b> be included in Appendix II in accordance with Article II, paragraph 2(b), if <del>they</del> <u>satisfy one</u> of the following criteria <b>is met</b>:</p> <p><i>Explanation: To indicate a certain flexibility in the application of the "look-alike" provisions in cases where very large numbers of species or specimens in commercial trade would require listing, "should" is replaced by "may", as proposed in the CWG. Some additional minor editorial changes are made to make the text consistent with the same one in Annex 2a.</i></p>	<p>CA: Agrees with change "may be included" instead of "should". Referring to "look-alike": lack clear guidance on how they should be applied.</p> <p>GB: We support the insertion of 'may' rather than 'should', to permit some flexibility in the listing of look-alikes.</p> <p>IL: Opposes the proposed new language. This change from the original language of the paragraph is unreasonable and unnecessary. We also believe that the second paragraph ("the look-alike provision"), should be retained.</p> <p>FAO: Changes from 'should' to 'may' in the introductory sentence were supported by the second FAO Technical Consultation, because of the difficulties to which this clause could give rise for processed fish products.</p> <p>Greenpeace: Reject all changes.</p> <p>IUCN: We support the change to "may" but notes that the change proposed here now contradicts the main resolution, where the word "should" is used with relation to the Article II.2.b criteria.</p> <p>SSN: Opposes the requirement in Criterion A that a "proponent has demonstrated"</p>	<p>Species <del>should</del> <b>may</b> be included in Appendix II in accordance with Article II, paragraph 2(b), if <del>they</del> <u>satisfy one</u> of the following criteria <b>is met</b>:</p>
<p><del>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.</del></p>		<p><del>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.</del></p>
<p><del>B. The species is a member of a taxon of which</del></p>		<p><del>B. The species is a member of a taxon of which</del></p>

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<p><del>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.</del></p> <p><i>Explanation: The paragraphs are deleted and proposed to be replaced by the text hereunder.</i></p>		<p><del>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.</del></p>
<p><b>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 and with reasonable effort, is unlikely to be able to distinguish between them; or</b></p> <p><i>Explanation: The formulation of the new paragraph A implies that a proponent asking for the inclusion of ‘species’ under the provisions of Article II, paragraph 2(b) (for look-alike reasons) should explain in reasonable detail why the specimens (in the sense of the CITES definition, thus including all parts and derivatives) can not be easily differentiated by a non-expert. Such an explanation will also provide the Conference of the Parties with a clear indication of possible enforcement problems and costs resulting from the adoption or non-adoption of the proposal.</i></p>	<p>AU: Believe that the original text is clearer and achieved the aims intended. The new text is unnecessarily confusing, adds a number of new terms which are not defined and will be subject to varying interpretation (eg. “basic identification material” and “compelling reasons”).</p> <p>The level of information and demonstrated evidence required by criteria is yet another instance of the proposed new criteria moving away from a precautionary approach.</p> <p>CL: Opposes the new text, because it places a heavy burden on the proponent and wants that the old paragraph B be maintained.</p> <p>CR: Delete that phrase ‘the proponent has demonstrated that’. This puts too heavy burden on the proponent.</p> <p>GB: We agree with most of the revised wording but feel that the requirement on a proponent to demonstrate the difficulties of distinguishing between look-alikes may be unnecessarily burdensome. We agree that any Party proposing the addition of species on look-alike grounds should provide some evidence of the difficulties encountered, but feel that revised wording may be appropriate. We suggest reverting in part to the previous wording, namely by replacing ‘for which the</p>	<p><b>A. The specimens of <del>a</del> the 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, <del>such for which the proponent has demonstrated that a non-expert, using basic identification materials and</del> with reasonable effort, is unlikely to be able to distinguish between them; or</b></p> <p><i>Additional explanation: Adopting the proposal by GB and deleting some other text parts, the new text addresses most of the concerns expressed. The Chairs noted the comments by the US on the previous explanation but believe that, although it is not a requirement, such information, if provided, will significantly assist in the decision-making process of the CoP.</i></p>

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	<p><i>proponent has demonstrated' with 'such'.</i></p> <p>HU: We oppose the requirement in Criterion A that a "proponent has demonstrated" that non-experts cannot distinguish between species. This places a burden on proponents, with no guidance provided on what a "non-expert" is, what "basic identification materials" are, how they might be reliably made available to non-experts, or what needs to be proven to show that the specimens are unlikely to be distinguished.</p> <p>MX: We consider that this paragraph is not well written. We suggest maintaining the original version.</p> <p>SK: Requiring demonstration places a burden on the proponent. Words "non-expert" and "basic identification materials" are not defined. The original text of paragraph B was clearer. We oppose the requirement "proponent has demonstrated" and recommend that the original paragraph B be retained.</p> <p>US: We note that the Chairmen make reference to the "enforcement problems and costs" resulting from the adoption or non-adoption of a proposal for Appendix-II listing. As noted in our cover letter, this background text is inappropriate for an objective analysis of listing criteria. Invoking cost-benefit or financial considerations in the CITES biological listing criteria only obscures the distinction between science and political considerations.</p> <p>IUCN: We, whilst recognising the need for the proponent to undertake the initial identification work, note that the ultimate responsibility for determining whether specimens can be identified falls to the CoP assisted, as</p>	

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	<p>necessary, by the Animals or Plants Committee and the proposed text should reflect this.</p> <p>TRAFFIC: We concur with the changes proposed, with the exception of the language “for which the proponent has demonstrated”. This language is not an appropriate listing criterion and should be deleted from here, and instead be maintained as proposed in paragraph 9 of Annex 6, but with a specific reference to Annex 2b listings.</p> <p>WCS: We believe the original wording is preferable. The proposed wording here of “in the form in which they are traded” opens an entirely new restriction implying that one “form could be listed” but another form might not be.</p>	
<p><b>B. There are compelling reasons other than A above to ensure that effective control of trade in currently listed species is achieved.</b></p> <p><i>Explanation: The old paragraph B goes beyond the provisions of paragraph 2(b) of Article II because it allows for automatic higher taxon listings where this might not be necessary to achieve the intent of this paragraph. The proposed alternative text provides sufficient flexibility for the inclusion of species to assure the application of effective trade controls when necessary. This criterion reinforces the precautionary approach by providing a mechanism by which a species can be included in Appendix II pursuant to Article II, paragraph 2(b).</i></p>	<p>CA: It would be appropriate to suggest some “compelling reasons”.</p> <p>CR: Maintain the original criterion B.</p> <p>ES: It appears to us more adequate to keep original criteria B, since the proposed one does not strengthen precautionary principle.</p> <p>GB: We are content with the new criterion B which is fairly wide and all embracing. It provides Parties with the facility to make a case based on factors other than a higher taxon basis. However, whilst criterion new B does not exclude the possibility of a higher taxon listing, there is merit in retaining criterion old B and accepting the proposed wording as an additional criterion new C.</p> <p>HU We oppose the removal of the original paragraph B from Resolution Conf. 9.24. The original language provides a clear justification</p>	<p><b>B. There are compelling reasons other than <u>in criterion A</u> above to ensure that effective control of trade in currently listed species is achieved.</b></p> <p><i>Additional explanation: As explained earlier, the old paragraph B goes beyond the provisions of the Convention. The new paragraph B is included for precautionary reasons, in the case that for reasons other than look-alike species (covered by paragraph A), trade in other species needs to be regulated. This leaves it to the CoP to determine whether the reasons provided warrant the support of the proposal.</i></p>

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	<p>for listing decisions; the replacement paragraph is meaningless and is likely to increase confusion.</p> <p>ZA: There are no compelling reasons other than A. This paragraph should be deleted or an indication must be provided regarding what other compelling reasons could be.</p> <p>IUCN: We support this change.</p> <p>SSN: Opposes the removal of the original paragraph B.</p> <p>TRAFFIC: We agree with the intent of broadening the application of this criterion. However, we feel that the Parties would benefit from elaboration of the term “compelling reason”.</p> <p>WCS: We believe that this new B is a good addition to the old A and B. It should be added as C.</p>	

Annex 3		Annex 3
<u>Special cases</u>	<p>FAO: This Annex was not reviewed by the Second FAO Technical Consultation, but it recommended that it should be considered at the COFI Sub-committee on Fish Trade meeting in Bremen in February 2002.</p> <p>Greenpeace: Reject all changes.</p>	<u>Special cases</u>
<u>Split-listing</u>		<u>Split-listing</u>
<p><del>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.</del></p> <p><i>Explanation: The text is separated into two new paragraphs. The new formulations state more clearly the possible benefits and disadvantages of split-listing.</i></p>	<p>AU: Prefers to retain the original text. It needs to be recognised that split listings are a reality and it is possible that they will increase in number rather than decrease. As such the resolution and particularly Annex 4 need to be clear on how split listings are to be managed. The enforcement difficulties and risks of illegal trade should be made explicit in any proposal for a split listing.</p> <p>DE: Maintain the original wording.</p> <p>HU: Supports retention of original wording.</p> <p>IN: Supports retention of original wording.</p> <p>SCI: We suggest a statement of recognition of the fact that split-listings maybe preferred if certain populations are gaining conservation benefit from some form of trade even if other populations or subspecies may warrant listing.</p> <p>SSN: Supports retention of original wording.</p>	<p><del>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.</del></p>
<p><b>Listing of a species in more than one appendix should be avoided unless it relates to the transfer 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.</b></p> <p><i>Explanation: The proposed text improves clarity, and was discussed in the CWG.</i></p>	<p>CL: Supports the retention of the original text. The reference to Annex 4 in the first paragraph gives the impression that split-listing is preferred to facilitate trade. We do not agree to this. The second paragraph is not as strong as the original text.</p> <p>GB: The proposed revised wording in the first paragraph states that split-listing should be avoided unless it relates to a down-listing</p>	<p><b>Listing of a species in more than one Appendix should be avoided unless it relates to the transfer 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 <u>or to the retention of certain national or regional populations in Appendix II when the majority of the populations of the species concerned meet the criteria for inclusion in</u></b></p>

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	<p>under the relevant precautionary measures. This would seem to exclude the possibility, however, of a split-listing being initiated due to the <u>uplisting</u> of a continental or regional population. No justification is provided for this discrepancy. For this reason we would prefer to revert to the original wording.</p> <p>IL: Supports retaining the original text for Annex 3 in Resolution Conf. 9.24. The proposed language does not include specifically the important point that split-listing by sub-species is not desirable. The second paragraph of the proposed text is more ambiguous than the original text of Resolution Conf. 9.24.</p> <p>US: We agree that much of the new suggested text clarifies Annex 3 and the precautionary approach in CITES. However, the first new paragraph condones split-listing only when transferring a taxon from Appendix I to Appendix II. The original text was broader and accommodated other “special cases” as necessary. We believe that the original text is preferable, understanding that the conditions in the second paragraph should be followed.</p> <p>IUCN: We note that split-listings may have some conservation benefits in allowing a greater range of management tools to be brought to bear on a problem. The use of split-listings also demonstrates CITES ability to evolve as a Convention and to incorporate current conservation thinking. With this in mind, we question why split listing is being limited to cases of transfer from I to II, noting that there are instances for split-listing when populations are moved from II to I, although it may be the intention of CWG that these are dealt with by</p>	<p><b><u>Appendix I.</u></b>  <i>Additional explanation: The proposed change addresses the oversight of the Chairs regarding transfer of populations from Appendix II to Appendix I.</i></p>

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	<p>an annotation and Appendix II zero quota.</p> <p>Add the following changes: “or to the retention of certain national or regional populations in Appendix II when the majority of the species meets the criteria for Inclusion in Appendix I.”</p> <p>WCS: We urge retention of the original text on split-listing. The new proposed text suggests that split-listing can only apply in the one case of species from Appendix I to Appendix II.</p>	
<p><b>When split-listing does occur, this should generally be on the basis of national or regional populations, and should not result in some populations being excluded from the Appendices if enforcement problems are created by doing so.</b></p> <p><i>Explanation: The text improves clarity, and was discussed in the CWG.</i></p>	<p>GB: The 2nd revised paragraph is acceptable but we would like to see a reference re-inserted to continental populations (as in the original text).</p> <p>The issue of migratory species that may move from one Appendix listing to another in their travels (e.g. as they move from the jurisdiction of one state to another, or from a state to the high seas) has not been addressed. This is pertinent to a number of proposals, however, and some guidance on this would be desirable.</p> <p>US: Suggested changes:</p> <p>“In view of the potential enforcement problems 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 excluded from the Appendices, or in individuals of migratory species being in different Appendices depending on their seasonal movements.”</p> <p>We believe this discourages unenforceable split-listings in migratory individuals, while diminishing the implied burden for Parties to demonstrate enforcement problems before a split-listing is adopted.</p>	<p><b>When split-listing does occur, this should generally be on the basis of national or regional populations, and should not result in some populations being excluded from the Appendices if enforcement problems are created by doing so.</b></p> <p><i>Additional explanation: The current text caters for all possibilities and there is no need to mention migratory species specifically, particularly because it is not defined which species are covered by this term. The reference to regional populations also covers continental ones.</i></p>

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	IUCN: We recommend deleting “if enforcement problems are created by doing so”.	
<p>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.</p>	<p>EC: It should say: “For populations <del>species</del> outside the jurisdiction of any range State,…”</p>	<p>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.</p> <p><i>Additional explanation: This paragraph intends to refer to high sea species. The Chairs note that the concerns raised by EC are a matter of specific consideration by the Secretariat. At the request of the Standing Committee it will prepare a document on introduced populations for consideration by the next meeting of the CoP.</i></p>
<p>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.</p>		<p>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.</p>
<p><u>Higher taxa</u></p>		<p><u>Higher taxa</u></p>
<p>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.</p>	<p>IT: After the adoption of Resolution Conf. 11.21 on the use of annotations in Appendices I and II, it would seem appropriate to add the words <u>made in accordance with this Resolution</u> at the very end of the paragraph.</p>	<p>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 <b><u>made in accordance with the provisions of Resolution Conf. 11.21.</u></b></p> <p><i>Additional explanation: The reference to this Resolution is appropriate.</i></p>

Annex 4		Annex 4
<p align="center"><u>Precautionary measures</u></p>	<p>CA: Annex 4 is not necessary and the title should be changed to “Guidance for amendment of listing”.</p> <p>Greenpeace: Reject all changes.</p>	<p align="center"><u>Precautionary measures</u></p>
<p><del>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.</del></p> <p><i>Explanation: This paragraph is redundant because the wording of the paragraph is covered by the amended stronger text in the operational part (under RESOLVES).</i></p>	<p>AU: See comments above on the operational part under <i>RESOLVES</i>. Also strongly support retention of this paragraph at the head of Annex 4 – it is an essential element and there is no disadvantage in having this statement repeated.</p> <p>CL: We do not agree to the deletion of this paragraph. It is a declaration about the precautionary principle, which is the focus of this Annex.</p> <p>CR: Maintain the original paragraph A.</p> <p>DE: Keep this paragraph.</p> <p>ES: This paragraph should not be deleted. Although it can appear redundant, it clearly express a precautionary measure. In the other hand, as it has already been indicated, the formulation of the new amended text in the operative part under <i>RESOLVES</i>, makes the precautionary principle less precise.</p> <p>GB: We are content with the deletion of this paragraph, subject to the insertion of a direct reference to the precautionary principle in the Preamble/1st <i>RESOLVES</i> of the operative text.</p> <p>HU: We do not agree with the deletion of the paragraph.</p> <p>IL: We strongly oppose the proposed deletion of paragraph A.</p> <p>IN: Opposes deletion of this paragraph.</p> <p>MX: We suggest maintaining original text, the amendment does not make reference to the</p>	<p><del>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.</del></p> <p><i>Additional explanation: The Chairs have noted the views expressed by some Parties and have therefore reinstated and reinforced the reference to the precautionary principle in the preamble and in the operative section. The purpose of this Annex is to provide specific measures to apply the precautionary principle when amending the Appendices.</i></p>

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	<p>precautionary principle</p> <p>NL: The wording of Annex 4, paragraph A in the original Resolution Conf. 9.24 should be maintained.</p> <p>SK: We oppose the deletion of original paragraph because it eliminates the precautionary principle.</p> <p>FAO: The Second FAO Technical Consultation did not specifically discuss this Annex but noted that these changes (deleting the first paragraph, which is now covered by the other text in the operational part of this document) was as requested by FAO in the First Technical Consultation on the CITES Listing Criteria.</p> <p>SSN: Strongly opposes deletion of this paragraph.</p> <p>WCS: The original language is much better and stronger here. The proposed language in RESOLVES above is much weaker and not as clear. The original is very clear and concise and therefore should be retained.</p>	
<p><del>A.B.</del> 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>SSN: Has no objection to this change.</p>	<p><del>A.B.</del> 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 <del>only be considered for transfer</del> <b>normally be transferred</b> to Appendix II if they do not satisfy the relevant criteria in Annex 1. <del>Even if such species do not satisfy the relevant criteria in Annex 1, they should be retained in Appendix I.</del></p>	<p>AU: The proposed new text reverses the onus and intent of these paragraphs. The proposed text, which will require a almost automatic down-listing, raises concerns about how a precautionary approach would apply. At a minimum the level of proof, data and justification for removing a species from</p>	<p>2. Species included in Appendix I should <del>only be considered for transfer</del> <b>normally be transferred</b> to Appendix II if they do not satisfy the relevant criteria in Annex 1. <del>Even if such species do not satisfy the relevant criteria in Annex 1, they should be retained in Appendix I.</del></p>

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<p><del>unless they satisfy one of the following criteria, and when one of the following precautionary safeguards is met:</del></p> <p><i>Explanation: The proposed changes improve the language of this paragraph, and re-enforces the application of a precautionary approach to counteract the proposed deletion of old paragraph A of Annex 4.</i></p>	<p>Appendix I should be equivalent to proposals to list. Issues of doubt and uncertainty then need to be considered (and debated) by the CoP.</p> <p>CA: Certain conditions have already been met. However, it is the process of considering such a proposal that establishes this.</p> <p>CL: 'normally' should be deleted.</p> <p>CR: Maintain the original text.</p> <p>DE: Maintain the previous wording. To our opinion the proposed text change does not improve the language of this paragraph and re-enforce the precautionary approach. In contrary, it weakens this approach. This is not in line with the spirit of this Annex which aims at applying the precautionary principle.</p> <p>GB: We oppose the proposed new wording. The new language is not precautionary, and reverses the onus of the original. While the original resolution says species should be retained on Appendix I unless they fail to satisfy Appendix I criteria, the new language insists that they must be downlisted if they do so.</p> <p>HU: We do not agree with the new wording. The new language is not precautionary.</p> <p>IL: Opposes the proposed changes. The proposed text is less precautionary than the original text. In addition, the inclusion of paragraphs c) d) and e) is inappropriate because they imply that quotas and ranching are automatically good conservation measures that can compensate for downlisting a species.</p> <p>IN: New language is against precautionary principle and we are in favour of retaining</p>	<p><del>unless they satisfy one of the following criteria, and only when one of the following precautionary safeguards is met:</del></p> <p><i>Additional explanation: The proposed text is consistent with the text of operative paragraph f) under the second 'RESOLVES' (above). To make it completely consistent with that paragraph, the word 'normally' has been replaced by 'only' and 'only' has been inserted between 'and' and 'when'.</i></p>

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	<p>original wording of the resolution.</p> <p>NO: When species do not satisfy the criteria for inclusion in Appendix I they must be transferred to Appendix II. We would suggest that the word "normally" be excluded, and the word "should" be replaced by "must". The use of the word "normally" here is not only inconsistent with the Convention, but also with the proposed criteria themselves.</p> <p>SK: The new text is not precautionary. The original text says that species should be retained in Appendix I unless they fail to satisfy Appendix I criteria, the new text says that they must be downlisted. We recommend that the original text be retained.</p> <p>ZA: The word normally should be deleted. If it does not comply to the criteria and a precautionary safeguard has been met it should be down listed.</p> <p>SSN: Strongly objects to the proposed new wording. The new language is not precautionary, and completely reverses the onus of the original.</p> <p>TRAFFIC: We would encourage the retention of "only" as opposed to the proposed "normally" as the inclusion of "normally" adds an unnecessary ambiguity to the criteria.</p> <p>The only specific trade restrictions within paragraph A2 of Annex 4 are export quotas. However, the Parties may consider adopting other restrictions that are not acknowledged or incorporated into the proposed revisions within Annex 4. For example: other forms of quota such as those covering specimens introduced from the sea and re-export quotas; imposition of conditions under which export of</p>	

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	<p>a specified product may be carried out (e.g. Decision 11.3 regarding export of ivory); export of products obtained through non-destructive harvesting (e.g. Vicuna annotation °606). These are important mechanisms for down-listing from Appendix I and we believe that some guidance of what kinds of restrictions are allowed and the circumstances under which these may be appropriate, would be helpful.</p> <p>WCS: We urge that the old version remains because it urges that we should leave species on Appendix I unless one of the following criteria is met.</p>	
<p>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; or</p>		<p>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; or</p>
<p>b) the species is likely to be in demand for trade, but its management is such that the Conference of the Parties is satisfied with:</p>		<p>b) the species is likely to be in demand for trade, but its management is such that the Conference of the Parties is satisfied with:</p>
<p>i) implementation by the range States of the requirements of the Convention, in particular Article IV; and</p>		<p>i) implementation by the range States of the requirements of the Convention, in particular Article IV; and</p>
<p>ii) appropriate enforcement controls and compliance with the requirements of the Convention; or</p>	<p>TRAFFIC: The terms “appropriate enforcement” and “effective enforcement” are used within paragraphs A2bii and A2c respectively. We believe that it is important to define and distinguish between these terms since these relate to a selection of important precautionary safeguards that can be met when down-listing species from Appendix I.</p>	<p>ii) appropriate enforcement controls and compliance with the requirements of the Convention; or</p>

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<p><del>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</del></p> <p><i>Explanation: This paragraph is unnecessary because its content is covered by old paragraph d) [= new c)]. The deletion of this paragraph further reinforces a precautionary approach to transfers from Appendix I to Appendix II by only providing for such transfers when an export quota has been approved by the CoP for a specified period of time – thereby requiring the range State to re-submit a proposal for any continuation of trade beyond the period specified.</i></p>	<p>BW: Oppose the deletion of paragraph c). It is nor economically feasible, because adoption of such an amendment shall be financially taxing for proponent countries who will be required to submit a new proposal at each Conference of the Parties. We believe that the limited resources that are available should be invested in the management and conservation of the species concerned instead of being used in preparation and submission of proposals for export quota to Conference of the Parties every two-three years.</p> <p>CL: Can not agree to the deletion of this paragraph, because it will require regular decisions by the CoP for new quota.</p> <p>CR: Do not delete this paragraph.</p> <p>GB: The deletion of paragraph (c) would require that all quotas under this Annex be time-limited, with no guidance on what happens when these quotas expire.</p> <p>IT: The adoption of such an amendment would oblige the proponents to submit new proposals to renew their export quotas at each meeting of the Parties, since it is the practice to set export quotas for a specified period of time to cover the interval between to meetings of the CoP. This would be a time-consuming and costly task, especially for developing countries, which are the vast majority of those subject to export quotas established by the Conference of the Parties. In addition, for certain species subject to emotional or political considerations, the risk that new quotas be rejected after a former acceptance should not be neglected.</p> <p>NA: We can not support the requirement to submit</p>	<p>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</p> <p><i>Additional explanation: Reinstalling this paragraph and deleting the next one will address the concerns expressed in the various comments. If necessary the proponent or the CoP can decide whether or not to specify a period of time.</i></p>

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	<p>proposals at every CoP to renew export quotas. It is therefore recommended that paragraph A.2.d) be reinstated. And that new paragraph c) be deleted altogether.</p> <p>ZA: If the specified period is determined by the Party it would not be a problem - if the CoP determines the period, it should be deleted. The Party can establish a national quota. The specified period should be determined by the proponent country.</p> <p>ZW: We strongly oppose the deletion of this paragraph.</p> <p>WWF: We concur with deletion of old paragraph c, and retention of old paragraphs d and e (new c and d).</p>	
<p>c) <del>d)</del> 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</p>	<p>IWMC: We strongly recommends to the Parties, in particular range States from the developing world, not to accept the deletion of old subparagraph c) of paragraph 2.</p> <p>SCI: We strongly recommend that export quotas not be subject to a specified time period.</p>	<p><del>c) d)</del> 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</p>
<p>d) <del>e)</del> a ranching proposal is submitted consistent with the applicable Resolutions of the Conference of the Parties and is approved.</p>		<p>d) <del>e)</del> a ranching proposal is submitted consistent with the applicable Resolutions of the Conference of the Parties and is approved.</p>
<p>3. No proposal for transfer of a species from Appendix I to Appendix II <del>with an export quota</del> 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</p>	<p>GB: We support the proposed change in this paragraph.</p> <p>IN: Supports the change.</p> <p>SSN: Supports this change.</p> <p>WCS: Which is PRECISELY why it should "stay on I and not move to II unless and until one of the criteria below is met," rather that "move it</p>	<p>3. No proposal for transfer of a species from Appendix I to Appendix II <del>with an export quota</del> 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</p>

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<p>amendment.</p> <p><i>Explanation: This deletion was already proposed in the report of the first meeting of the Criteria Working Group. The text is superfluous because paragraph b) above provides for the possibility of a transfer without a quota, in which case the proponent should still withdraw its reservation.</i></p>	<p>to II, and think about these issues.”</p>	<p>amendment.</p>
<p><del>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.</del></p> <p><i>Explanation: In the report of the first meeting of the Criteria Working Group it was proposed to delete this criterion, because it does not provide any meaningful guidance to the Parties. The new text proposed in this report was regarded by many as not being appropriate either. The Chairmen therefore propose the following new text.</i></p>	<p>CR: Maintain the original text of paragraph 4, as well as the newly proposed one.</p> <p>DE: Maintain the previous wording of the paragraph. If necessary, add the new paragraph to demonstrate one case in which the principle outlined in the first paragraph is met.</p> <p>GB: Recommend retaining the original paragraph 4.</p> <p>WWF: We do not support deletion of the original paragraph 4. It is NOT the same as the proposed new paragraph 4. We support retention of both paragraphs.</p>	<p>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.</p> <p><i>Additional explanation: In view of the many comments received the Chairs have revised the issue and, contrary to the view of the CWG, propose to reinstate this paragraph.</i></p>
<p><b>4. 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 Resolution Conf. 8.9 (Rev.) concerning its conservation status.</b></p> <p><i>Explanation: The paragraph needs to be considered together with paragraph g) [= old h)] under the second Resolves in the operative part of the Resolution. The intent of the new text is to be more prescriptive by providing the guiding precautionary measures in accordance with the mentioned paragraph g).</i></p>	<p>AU: Support the inclusion of the new text. However the original Paragraph 4 dealt with a different scenario. Australia believes that the original paragraph should also be retained.</p> <p>CL: Supports the new text, but the old paragraph 4 should also be maintained.</p> <p>ES: It would be worthwhile to clarify that the recommendation refers to the bad conservation status. For this reason we suggest to add a word in order to clarify it. The wording could be as follows: “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 Resolution Conf. 8.9 (Rev.) concerning its</p>	<p><del>4</del> <b>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 Resolution Conf. 8.9 (Rev.) to improve its conservation status.</b></p> <p><i>Additional explanation: To address the suggestion by ES it is suggested to replace ‘concerning’ with ‘to improve’. This also reinforces the reason for including this precautionary measure.</i></p>

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	<p>deficient conservation status.”</p> <p>GB: We support the proposed changes in these paragraphs, but recommend retaining the original paragraph 4 as well.</p> <p>HU: We agree with the new language, but opposes the deletion of the original paragraph 4, which deals with a quite different matter. Both paragraphs should be used. Not all species traded in unsustainable levels have been reviewed under Resolution Conf. 8.9.</p> <p>IUCN: Add: “or if such deletion would be likely to result in it qualifying for inclusion in the appendices in the near future.”</p> <p>SSN: Agrees with the new language, but opposes the deletion of the original paragraph 4.</p> <p>TRAFFIC: We disagree with removal of the existing paragraph 4, as this is an appropriate precautionary measure, providing a valid concept that is not duplicative to the proposed text. We would prefer to see both the existing and proposed paragraphs retained.</p> <p>WCS: We urge retaining the old language. The new language is very circular requiring that no species be deleted if it has had some recommendation under Resolution Conf. 8.9 (Rev.) within the last two intervals between meetings. However the intent of review under Resolution Conf. 8.9 (Rev.) should be to help determine whether listing is called for.</p>	
<p><del>B.C.</del>The following review procedures shall apply when a species is transferred to Appendix II pursuant to paragraphs <del>BA2c</del> and <del>BA2d</del> above.</p>	<p>TRAFFIC: We note that these procedures now apply to species that have been subject to ranching proposals and we agree that this is a useful procedure to apply. However, the text contained within B1 and B2 are very similar, and feel that confusion will arise from this.</p>	<p><del>B.C.</del>The following review procedures shall apply when a species is transferred to Appendix II pursuant to paragraphs <del>BA2c</del> and <del>BA2d</del> above.</p>

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	<p>For example, in B1, the technical committees are to advise the Secretariat of any problems and it is the Standing Committee that is responsible for requesting the Depository Government to prepare remedial amendment proposals. However, in B2, the technical committees are not requested to advise the Secretariat of any problems, and they are responsible for directly requesting the Depository Government to prepare remedial amendment proposals. We question whether there is a need to have two separate procedures, and if not, would suggest retaining B1 over B2 with an expansion of the current scope of "population", e.g. to "species".</p>	
<p>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.</p>		<p>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.</p>
<p>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</p>		<p>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</p>

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<p>Government to prepare a proposal for appropriate remedial action.</p>		<p>Government to prepare a proposal for appropriate remedial action.</p>
<p><del>C.D.</del> If the proponent Party wishes to renew, amend or delete a quota established pursuant to paragraph <del>BA2d</del> 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.</p>	<p>SCI: Any party can propose an amendment to Appendix I or II according to Article XV of the Convention. We interpret this to include renewal, amendment, or deletion of a quota. Therefore, we recommend deletion of the words ‘the proponent’ and insertion of the word ‘any’.</p> <p>TRAFFIC: We remain concerned that there are no criteria within the Resolution or elsewhere under the Convention for assessing any proposal for renewing, amending or deleting such quotas. If it is deemed that the most relevant criteria by which to judge such a proposal are those in Annex 4, new Paragraph A2c (management measures and effective enforcement controls), this should be stated. If these ‘criteria’ are not considered appropriate, we believe the Parties would strongly benefit from guidance as to the appropriate criteria to use since the use of quotas will continue to be a useful and well-utilised mechanism with regards to down-listings.</p> <p>In addition to the range of restrictions utilised for down-listing species, the Parties are increasingly imposing restrictions on species in Appendix II as an alternative to up-listing to Appendix I. For example, the proposal for up-listing <i>Manis</i> spp. at CoP11 resulted in a zero export quota being imposed for the specimens of three pangolin species removed from the wild and traded for primarily commercial purposes (under annotation °612). This could be considered a precautionary measure, however, there are no guidelines or criteria for</p>	<p><del>C.D.</del> <del>i) If <u>the proponent a</u> Party wishes to renew, amend or delete a quota established pursuant to paragraph <del>BA2d</del> above, it shall submit an appropriate proposal for consideration at the next meeting of the Conference of the Parties. <del>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.</del></del></p> <p><u>ii) when a quota has been established, pursuant to paragraph A 2c) above, for a limited period of time, beyond that period the quota will become zero until a new quota has been established.</u></p> <p><i>Additional explanation: Because of the deletion of former paragraph A.2.d), this paragraph has to be amended.</i></p>

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	how such restrictions will be reviewed or evaluated, and we feel that such guidance is warranted.	
<p><b>D.E.</b>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).</p> <p><i>Explanation: There are minor editorial changes to accommodate the renumbering of the paragraphs.</i></p>		<p><b>D.E.</b>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).</p>

Annex 5		Annex 5
<p><u>Definitions, explanations and guidelines and notes</u></p> <p><i>Explanation: The title of this Annex has been slightly changed to better reflect the contents of the various paragraphs below.</i></p>	<p>WWF: We support the proposed revision of the title of this Annex, to better reflect its content.</p>	<p><u>Definitions, explanations and guidelines and notes</u></p>
<p><b><u>Species</u></b></p>		<p><b><u>Species</u></b></p>
<p><b>In Article I of the Convention the term species is defined as “any species, subspecies or geographically separate population thereof”.</b></p>	<p>TRAFFIC: We are concerned regarding the broad proposed definitions for “species” and “subspecies” and feel that this important definition warrants further consideration. Our concerns relate particularly to the concept of fisheries stocks as being biologically separate units, whereas they are primarily determined on the basis of management boundaries.</p> <p>WWF: We support defining the term. There needs to be more discussion however regarding the term “stocks”, since this generally refers not to a geographically separate population or other biological entity, but rather a management unit.</p>	<p><b>In Article I of the Convention the term species is defined as “any species, subspecies or geographically separate population thereof”.</b></p>
<p><b>Species and subspecies refer to the biological concept of a species, and do not require any further definition. The two terms also cover varieties, populations, sub-populations and fisheries stocks.</b></p>	<p>IUCN: Concurs with the initial part of the proposed definition of species, and subspecies, although finds it confusing to define population and sub-population in this paragraph and then further through this Annex to find separate definitions of population and subpopulations. However IUCN questions whether the two terms (species and sub-species) also cover varieties, populations, sub-populations and fisheries stocks. The designation of fisheries stocks may not reflect biological differences, but may rather be determined by lines on a map delimiting management units (in such cases there may also be the added complication of being able to identify specimens from these stocks reliably). Consequently, IUCN suggests changing the</p>	<p><b>Species and subspecies refer to the biological concept of a species, and do not require any further definition. The two terms also cover <del>varieties, populations, sub-populations and fisheries stocks</del>.</b></p> <p><i>Additional explanation: We note and agree with the views expressed. The text has been changed accordingly, recognizing that the deleted words may also refer to non-biological entities.</i></p>

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	<p>second sentence to read:</p> <p>“Geographically separate populations of a species may include varieties, populations, sub-populations and fisheries stocks.”</p>	
<p><b>‘Geographically separate population’ refers to parts of a species or a subspecies within particular geographical boundaries. This can also refer to populations or subpopulations, or to the ‘stocks’ traditionally used in fisheries.</b></p>	<p>AU: The use of the term “stocks” is inconsistent with the rest of the definition. The definition of species should be based on biological parameters which can be consistently applied across taxa. The term “stocks” is often used to refer to the useable (commodity) component of a population. It does not necessarily correlate to the ecological terms of population or sub-population.</p> <p>Recommend that this text be altered to read “... populations and sub –populations, including marine species populations (which may under certain management regimes be otherwise referred to as “stocks”).”</p> <p>GB: We note that the fisheries term “stock” has been included in the definition of a “geographically separate population” rather than being separately defined. However, as ‘population’ and ‘sub-population’ are adequately defined, we do not see the need to add a further undefined term. Stocks are often non-biologically based management units, rather than biological populations, and specimens from different stocks may interbreed and / or be indistinguishable from one another. In other words, we support the inclusion of the new paragraph but not the phrase referring to ‘stocks’.</p> <p>HU: We do not believe that marine species proposed for listing or delisting should be split according to stock.</p> <p>SSN: We do not believe that marine species</p>	<p><b>‘Geographically separate population’ refers to parts of a species or a subspecies within particular geographical boundaries. This can also refer to populations or subpopulations, or, <u>for the sake of convenience, to the ‘stocks’ as the term is understood in fisheries management traditionally used in fisheries.</u></b></p>

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	proposed for listing or delisting should be split according to stock.	
Until now, the Conference of the Parties has interpreted 'geographically separate populations' as populations delimited by geopolitical boundaries, whereas they have not yet used the other option of geographical boundaries.		Until now, the Conference of the Parties has interpreted 'geographically separate populations' as populations delimited by geopolitical boundaries, whereas they have <del>not yet</del> rarely used the other option of geographical boundaries.
<u>Affected by trade</u>		<u>Affected by trade</u>
<del>b) a A species "is or may be affected by trade" if:</del>		<del>b) a A species "is or may be affected by trade" if:</del>
<del>i) it is known to be in trade; or</del>		<del>i) it is known to be in trade; or</del>
<del>ii) it is probably in trade, but conclusive evidence is lacking; or</del>		<del>ii) it is probably in trade, but conclusive evidence is lacking; or</del>
<del>iii) there is potential international demand for specimens; or</del>		<del>iii) there is potential international demand for specimens; or</del>
<del>iv) it would probably enter trade were it not subject to Appendix I controls;</del> <i>Explanation: This part has been removed from the operational part (under the second RESOLVES) and incorporated in Annex 5 because it concerns definitions. Paragraph iv) is deleted because it concerns a listing criterion, and is not a definition of a species" that is or may be in trade".</i>		<del>iv) it would probably enter trade were it not subject to Appendix I controls;</del>
<p><b>i) it is known to be in trade, and that trade has a detrimental impact on the status of the species; or</b></p> <p><i>Explanation: The wording of former paragraph i) is improved in accordance with suggestions in the report of the first meeting of the CWG.</i></p> <p><i>Note by the Chairs of the Animals and Plants Committees and the CWG: The second meeting of the Criteria Working Group recommended that words 'may have' should be used in stead of 'has' as proposed by the Chairs. The Chairs are, however, of the opinion that if trade is known to exist it must be demonstrated that</i></p>	<p>AU: The new proposed text will require Parties to present unequivocal evidence that the species is in trade and that the trade is detrimental. In many cases (past and future) this may be difficult to achieve. Application of the precautionary principle, particularly for Appendix I species, must then be applied. The burden of proof created by the new text is in conflict with any precautionary approach.</p> <p>Additionally, if conclusive evidence is lacking on whether a species is in trade it is almost certain that evidence of that trade being</p>	<p><b>i) it is known to be in trade, and that trade has <u>or may have</u> a detrimental impact on the status of the species; or</b></p> <p><i>Additional explanation: In view of the many comments received, 'has' was changed to 'has or may have'. The word 'has' was maintained because Article II, paragraph 1, of the Convention describes two conditions: 'are or may be affected...'. This requires the use of the more definitive 'has' as well as the probable 'may have'. The reference to detriment is appropriate and fully reflects the purpose of the Strategic Vision: "To ensure that no species of wild fauna or flora becomes or remains subject to unsustainable</i></p>

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<p><i>this trade has a detrimental impact. They therefore continue to favour the option of using 'has' in this criterion."</i></p>	<p>detrimental will also be lacking. Many proposals and successful listings have proceeded based on inferred and likely scenarios using a precautionary approach – the proposed text appears to eliminate this option.</p> <p>The proposed new text is unnecessarily restrictive and does not provide any benefit or clarity to that contained in the original text.</p> <p>The original text should be retained.</p> <p>CA: "has a detrimental impact" is a right choice.</p> <p>CA (For): We agree that if trade exists, it is necessary to show that it be detrimental to the status of a species. However, this need is not reflected in the biological criteria listed in Annex 1. The second half of the definition is very broad. While the explanation is clear, the text is vague and could lead one to conclude that international trade will always have a detrimental impact.</p> <p>CL: It will be very difficult to demonstrate that trade is detrimental, and the text goes much further than the text of the Convention.</p> <p>CR: Maintain the original text. The text proposed by the CWG weakens the precautionary principle. CITES does not require that it must be demonstrated that trade is detrimental before a species can be included in Appendix I.</p> <p>DE: We disagree strongly with the amendments made under this paragraph. This concerns especially the interpretation of affect as "detrimental impact" and the fact that the chairs of the Animal and Plants Committee now propose the wording "has a detrimental</p>	<p><i>exploitation because of international trade." Furthermore the Chairs question whether an Appendix-I listing where trade is not detrimental is consistent with Objective 2.1 of the Strategic Vision.</i></p>

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	<p>impact" instead of the original recommendation of the Criteria Working Group who proposed "may have a detrimental impact".</p> <p>GB: We support the intention expressed by the 2nd CWG to use the phrase 'may have' (of trade having a detrimental impact) but to be consistent with the introductory text, the term 'has' should be retained also. Such wording is more consistent with Article II.1 of the Convention – a detrimental impact does not need to be demonstrated.</p> <p>HU: We support the retention of the original language as part of the operative text. We strongly object to the new wording.</p> <p>The proposed language is more restrictive than the treaty itself. There is no requirement in the Convention that trade must be proven to be detrimental before a species can be listed on Appendix I (the phrase "affected by trade" only applies to listing on Appendix I, under Article II.1.</p> <p>We further oppose the removal of original subparagraph (iv).</p> <p>IL: Supports the use of "may have" as recommended by the CWG, because it is more precautionary.</p> <p>IN: Original language of Resolution be retained.</p> <p>NL: With regard to the precautionary principle we recommend to use the words "has or most likely has"....instead of only "has", since it will be very difficult to give full proof that trade has a detrimental impact on the specific species.</p> <p>SK: It is very difficult to prove that the trade has</p>	

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	<p>detrimental impact on the status of the species; this raises the burden of proof on the proponent. The Convention does not require that trade be proven to be detrimental before a species can be listed in Appendix I, only that the species is or may be affected by trade.</p> <p>This is not a definition but condition for listing.</p> <p>We recommend that the original text be retained as a part of the operative text, including paragraph iv).</p> <p>US: Although we are unconcerned about its placement in either the operative text or Annex 5, we cannot agree with the new definition of “affected by trade” proposed by the Chairmen’s report. The proposed changes imply that Parties must prove that trade is or will be detrimental to a taxon in any Appendix-I listing proposal. We note that Article II.1. of the Convention only requires that these species “<i>may be affected by trade.</i>” To force a burden of proof on proponents of a listing proposal restricts the intent of Article I and runs counter to the precautionary approach described elsewhere in the resolution. In addition, the Chairmen have eliminated Annex 4’s reference to acting in the “best interest of the conservation of the species,” and modified it in the operative text by admonishing Parties to adopt measures that are “proportionate to the anticipated risks to the species.” We disagree that the proposed language offers a “stronger and more direct reference” to the precautionary approach, nor that it offers guidance to the Parties. The original text specified that uncertainty should not be used as a reason for failing to act; the new text eliminates all</p>	

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	<p>reference to uncertainty and imposes a burden of proof about risks before action should be initiated. We believe this is an unacceptable and significant change in the CITES listing criteria, not asked for by the Parties at CoP9, and not called for now.</p> <p>If changes must be made, we would offer more neutral language as below:</p> <p><i>a species "is or may be affected by trade" if:</i></p> <ul style="list-style-type: none"> <li><i>i) it is known to be in international trade and trade may have an impact on the status of the species;</i></li> <li><i>ii) it is probably in international trade, although conclusive evidence is lacking, and trade may have an impact on the status of the species;</i></li> <li><i>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;</i></li> <li><i>iv) it would probably enter trade were it not subject to Appendix I controls, and that trade may have an impact on its status.</i></li> </ul> <p><i>Information to establish the potential demand for a taxon may be obtained from historical trade patterns of the same or similar species.</i></p> <p>Greenpeace: Maintain the existing definition and reject new language suggested to replace it.</p> <p>IUCN: We note the huge implications of the new text proposed by the CWG, as it is central to the operation of the Convention. During the development of the Resolution Conf 9.24 Criteria it was decided that the term "is affected by trade" did not imply that the trade was detrimental. In other words, the Parties</p>	

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	<p>interpreted the Convention as saying that if a species is threatened with extinction (i.e., meets the biological criteria for Appendix I), then it should not be in international commercial trade.</p> <p>However, From IUCN's experience of undertaking <i>the Analyses of Proposals to amend the CITES Appendices</i>, it is clear that interpreting the phrase "is affected by" as above could result in the Appendices including many species that would not benefit directly from CITES protection, because international trade is not impacting their populations. On the other hand, for some species it may be difficult to show the causal link that trade is impacting the species. As a minimum, IUCN suggests the addition of the words "or may have".</p> <p>SSN: Supports the retention of the original language as part of the operative text. We strongly object to the new wording. The proposed language is more restrictive than the treaty itself. We further oppose the removal of original subparagraph iv).</p> <p>TRAFFIC: We welcome the attempt to focus the definition of "is or may be affected by trade" and concur that this be related to detriment since this definition regards inclusion of species in Appendix I only. However, we also believe that the strict requirement of showing that trade "has a detrimental impact" to be too narrow in paragraph i., and as recommended by the Criteria Working Group, would strongly support "has" being replaced by "may have".</p> <p>WCS: this shows either a total misunderstanding</p>	

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	<p>of the precautionary principle, or a flagrant disregard for the intent of the Convention. If you have to PROVE that trade is detrimental ("has a detrimental impact") to show that it MAY be affected by trade, then the definition is absurd. We urge retention of the old language.</p> <p>WWF: We do not support the proposed new definition of what constitutes "is or may be affected by trade", for the following reasons:</p> <ul style="list-style-type: none"> <li>• If CITES is effectively implemented, the treaty requires all trade to be non-detrimental. Therefore, that species would not be affected by trade under this proposed new definition.</li> <li>• The draft text erects a very high hurdle for potential listing proposals. A proponent must actually demonstrate that trade has a detrimental impact on the status of the species.</li> <li>• The Convention does not require that trade be detrimental to qualify a species for inclusion in Appendix I.</li> <li>• The precautionary principle would dictate that even the potential risk of harm by trade would be sufficient for inclusion or retention of a species in Appendix I, if it qualified biologically.</li> </ul>	
<p><b>ii) it is suspected to be in trade, or there is potential international demand for the species that may be detrimental to its survival in the wild.</b></p> <p><i>Explanation: The former paragraphs ii) and iii) have been incorporated into this paragraph which addresses instances in which conclusive evidence of trade in the species is lacking but suspected to exist, and in which</i></p>	<p>GB: We feel that this second criterion should be amended as follows 'It is suspected to be in trade, or there is potential international demand, and such trade may be detrimental to its survival in the wild if not subject to Appendix I controls'.</p> <p>IT: Suggests that in paragraph ii) the words</p>	<p><b>ii) it is suspected to be in trade, or there is potential international demand for the species that may be detrimental to its survival in the wild.</b></p>

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<p><i>potential trade or the international demand may be detrimental to the conservation of the species. The new text is based on recommendations from the CWG.</i></p>	<p>“potential international demand” be changed by the words “<u>potential commercial demand at the international level</u>” to make more clear the concept.</p>	
<p><u>Area of distribution</u></p>		<p><u>Area of distribution</u></p>
<p>Area of distribution <b>of a species</b> 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 <b>and introductions outside its natural range</b> (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 <del>in trade where for</del> <b>which data exist were available</b> to make an estimate, a figure of less than 10,000 km<sup>2</sup> 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.</p>	<p>CA (For): The definition of distribution seems adequate; however, the reference to ‘restricted distribution’ is not, <i>per se</i>, a definition as it merely introduces the concept of ‘smallness’ to the definition of distribution. The guideline of 10,000 km<sup>2</sup> is not suitable to all species and is very small in the context of Canadian trees species.</p> <p>EC: Concerning “and introductions outside its natural range”, what happens with flora species that have been introduced in parks and gardens in cities of the world? (<i>The Chairs note that the concerns raised by EC are a matter of specific consideration by the Secretariat. At the request of the Standing Committee it will prepare a document on introduced populations for consideration by the next meeting of the CoP</i>).</p> <p>IT: The proposed exclusion, from the definition of the ‘area of distribution’ of a species, of ‘introductions outside its natural range’, appears to be a consequence of discussions held around the listing of <i>Araucaria araucana</i> in the Appendices after CoP11.</p> <p>A careful evaluation of this exclusion should be done also in synergy with other biodiversity related Conventions in relation with the issue of alien and invasive species. Will it mean, for example that, introduced populations are excluded from the provisions of the Conventions? And how should specimens</p>	<p>Area of distribution <b>of a species</b> 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 <b>and introductions outside its natural range</b> (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 <b>an</b> 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 <del>in trade where for</del> <b>which data exist were available</b> to make an estimate, a figure of less than 10,000 km<sup>2</sup> 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.</p>

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	<p>originating from introduced populations or individual animals or plants be treated when they enter into international trade? For example Mauritius is issuing export permits for <i>Macaca fascicularis</i> an introduced and pest species in that island. Should it stop to do so? What is lacking, in our point of view, are guidelines about how to deal with such introductions under CITES.</p> <p>IWMC: The proposed deletion, from the definition of the 'area of distribution' of a species, of 'introductions outside its natural range', which appears as a consequence of discussions held around the listing of <i>Araucaria araucana</i> in the Appendices after CoP11, is supported.</p> <p>SSN: has no objection to this change.</p> <p>WWF: We support the proposed changes to the text.</p>	
<u>Decline</u>		<u>Decline</u>
<p><del>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 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</del></p>		<p><del>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 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</del></p>

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<p><del>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.</del></p>		<p><del>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.</del></p>
<p><b>A decline is a reduction in the abundance or area of distribution of a species. Decline can be expressed in two different ways: (i) the overall long-term extent of decline or (ii) the recent rate of decline. The long-term extent of decline is the total estimated or inferred percentage reduction from a baseline level of abundance or area of distribution. The recent rate of decline is the percentage change in abundance or area of distribution over a recent time period. The estimated or inferred baseline for extent of decline should extend as far back into history as possible.</b></p>	<p>AU: We support the new text referring to decline, but strongly question the numerical values and associated descriptions. On what are these numerical values based?</p> <p>The text of Resolution Conf 9.24 called for the text and annexes to be fully reviewed with regard to the scientific validity and their applicability to different groups of organisms. The inclusion of numerical values which may or may not be applicable are of limited value. If such values are to be used they need to be qualified and the limitations on their applicability clearly outlined (as it is in the definition of "Large fluctuations").</p> <p>It would be much better (and more in-line with the original intent of the review) if actual examples of decline for a range of species with differing life histories were to be included.</p> <p>CA: A 'decline' is not sufficient; the rate of decline towards an appropriate species specific threshold (and whether the rate is increasing), is a clearer measure of population viability.</p> <p>CA: (For): The definition of decline is not appropriate, primarily because there is no explicit link between the rates of decline and the chief causes of decline, notably that</p>	<p><b>A decline is a reduction in the abundance<sub>1</sub> or area of distribution<sub>1</sub> of a species. Decline can be expressed in two different ways: (i) the overall long-term extent of decline or (ii) the recent rate of decline. The long-term extent of decline is the total estimated or inferred percentage reduction from a baseline level of abundance or area of distribution. The recent rate of decline is the percentage change in abundance or area of distribution over a recent time period. The estimated or inferred baseline for extent of decline should extend as far back into the past as possible.</b></p>

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	<p>attributable to international trade, i.e. “decline” is not a sufficient condition for a ban on international trade. Also, the statement “The estimated or inferred baseline for extent of decline should extend as far back in history as possible.” is biased.</p> <p><u>Extending back until the population was viable</u> (where there was ecological integrity) would seem more appropriate.</p> <p>A decline in the number of individuals in any one age class, on its own, is not a sufficient criterion for establishing that a “small” population is not viable. It is recognized there are varying tolerances to decline and in the longer term, a lack of tolerance can lead to a greater threat of extinction, .e.g, though a loss in genetic diversity. The focus should be on decline over time. Species suffering a rapid or accelerating rate of decline over time toward a threshold level where the population collapses, clearly face a higher threat of extinction. Even in the context of mature trees, there are several examples where population declines are not significant, i.e. they can rebound completely after older/mature age classes have been completely removed (by harvesting, insects, fire or disease for example).</p> <p>A marked/significant decline <i>per se</i> is not a sufficient criterion to establish that a population is not viable. Depending on the age classes and biological characteristics, notably methods of reproduction, a marked/significant decline may not have approached the point where there is a corresponding unacceptable increase in the chance that the population will no longer be viable. In addition to this threshold concept,</p>	

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	<p>there is also the importance of the change in decline over time to an assessment of the risk of extinction.</p> <p>The notion of how close and how quickly a population is declining towards the minimum viable population size (MVP) is central to a number of definitions in the proposed framework, e.g. population size, fluctuation and marked decline. The proposed framework would be strengthened by highlighting and providing guidance on how to assess these important linkages to MVP.</p> <p>The definition of “decline” is unclear as is the concept of “declines having occurred in the past”. “Declines”, as defined, are reductions in abundance. As natural fluctuations should “not normally count as part of a decline” it is unclear whether natural periodic and/or stochastic declines due to e.g. disease or insect infestations should be considered or not. Once again, there should be explicit links to the causes of decline, notably due to international trade.</p> <p>HU: We do not agree with the new definition            IL: Agrees with the new proposed definition.            JP: We do not support this new definition as it is. The first way of expressing decline seems inappropriate, since the estimated or inferred baseline should extend as far back into history as possible. Therefore we recommend the following:</p> <p>i) the overall long-term extent of decline: “should be defined as a certain period, for example last 100 years”.</p> <p>MX: We think that it would be more clear to say:</p>	

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	<p>“The long-term extent of decline is the total estimated or inferred percentage reduction from a <del>baseline level of abundance or area of distribution</del> initial estimates of abundance or area of distribution.”</p> <p>Greenpeace: Reject deletion of the existing section and all new language suggested to replace it.</p> <p>IUCN: We oppose these changes in the definition of decline:</p> <ul style="list-style-type: none"> <li>• For the vast majority of species it will be virtually impossible to reliably determine historic baselines of abundance or extent of distribution. Consequently, it will be extremely difficult to agree on the extent of decline.</li> <li>• The proposed definitions of decline do not include any measure of the reversibility of the decline – an irreversible decline clearly has much more significant consequences than one that is likely to be reversible. Indeed, the concept of generation time has been removed, and so the ability to scale the seriousness of a decline in relation to the capacity of a species to recover is lost.</li> <li>• IUCN believes that 10 years is far too short a time period to measure a decline for the long-lived, slow-breeding species that matter most to CITES, declines MUST be scaled to the capacity of a species to recover.</li> <li>• IUCN does not support the paragraph: “A given recent rate of decline is of greater concern the higher the historical extent of decline.” IUCN contends that recent rates</li> </ul>	

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	<p>of decline are more problematic in species which have undergone large extents of decline. Declines in naturally small, endemic populations are probably more worrying than declines in large, widespread species, whatever their current vs. historical decline.</p> <p>In summary IUCN proposes that the original definition of decline be re-instated, which scales decline to the species' ability to recover (using the surrogate of generation length). However, IUCN proposes that the words "or a decrease in the area of distribution" be deleted from the first sentence of the original paragraph to remove what has clearly given rise to a confusion in interpretation.</p> <p>SSN: We support the recognition of long-term decline, but has difficulties with other proposed changes to this definition.</p> <p>TRAFFIC: We appreciate the attempt to qualify this important term, but disagree with the proposed guidelines. We concur with IUCN's comments regarding the extent, reversibility and proposed time frame for measuring decline, and suggest that the proposed text be revised in light of these concerns.</p> <p>UCBD: Abundance, when this is understood to mean the number of individuals per surface unit, is in forestry less useful than stampage, basal area, etc.</p> <p>For forests, it is extremely difficult if not impossible to make a distinction between natural fluctuations and fluctuations influenced by human factors. Trees are long-lived organisms. An understanding of natural population dynamics can only be gained after</p>	

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	<p>very long-term investigation.</p> <p>WCS: The baseline point will be major concerns here. If we use historical baselines for formerly abundant widespread species we could see declines of 70 or 80% and still have a species numbering in the millions. We believe that the old wording is preferable to the proposed new wording under "Decline".</p> <p>WWF: We strongly support the proposed revisions here, as a significant improvement to the original text. We strongly support the clear definition of both extent of decline and recent rate of decline. The inclusion of the concept of extent of decline is highly important, is biologically-based, and will be useful to the Parties. We welcome the inclusion of historical extent of decline, and the concept of baseline "as far back into history as possible." This allows the Parties to assess the issue of shifting baseline, for species for which it is relevant, and brings the concepts used in wildlife management and fisheries management into the criteria.</p> <p>We note that the numerical guidelines in the original text were annotated as to the fact that they are examples only, and there will be cases where they did not apply. The same sort of language should be restored for the numerical guidelines here.</p>	
<p><b>A general guideline for a marked historical extent of decline is a percentage decline to 5%-30% of the baseline, depending on the biology of the species. The extremes of 5% and 30% will be applicable to only a relatively small number of species, but some species may even fall outside of these extremes.</b></p>	<p>CL: Opposes the use of numerical values. There is no scientific basis for these, and they are not uniformly applicable to all species and in all circumstances. They should be marked clearly everywhere as was done in the original Resolution Conf. 9.24.</p> <p>GB: On marked recent decline we suggest</p>	<p><b>A general guideline for a marked historical extent of decline is a percentage decline of 5%-30% of the baseline, depending on the <u>reproductive</u> biology of the species. The extremes of 5% and 30% will be applicable to only a relatively small number of species, but some species may even fall outside of these extremes. <u>However, both these</u></b></p>

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	<p>retaining the general guideline of 50% decline over 10 years but insert '<i>or three generations whichever is longer</i>' immediately after '10 years'. This gives a criterion which is directly equivalent to the IUCN red list criterion A.2 for endangered. If the decline for a small population is to be consistent with IUCN also, then we recommend a decline of 20% or more over '<i>5 years or 2 generations whichever is longer</i>' rather than 10 years as suggested (broadly consistent with IUCN endangered criterion C.1).</p> <p>FAO: Substitute 'productivity' for 'biology'.</p>	<p><b><u>figures 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</u></b>.</p> <p>* <u><i>Application of decline for resources exploited by fisheries</i></u>  <u>In marine and large freshwater bodies, a narrower range of 5-20% is deemed to be more appropriate in most cases, with a range of 5-10% being applicable for species with high productivity, 10-15% for species with medium productivity and 15-20% for species with low productivity. Nevertheless some species may fall outside this range.</u></p> <p><u>In general, historical extent of decline should be the primary criterion for consideration of listing in Appendix I. However, in circumstances where information to estimate extent-of-decline is limited, rate-of-decline over a recent period could itself still provide some information on extent-of-decline.</u></p> <p><u>For listing in Appendix II, the historical extent of decline and the recent rate of decline should be considered in conjunction with one another. The higher the historical extent of decline, and the lower the productivity of the species, the more important a given recent rate of decline is.</u></p> <p><u>A general guideline for a marked recent rate of decline is the rate of decline that would drive a population down within approximately a 10-year period from the current population level to the historical extent of decline guideline (i.e. 5-20% of baseline for exploited fish species). There should rarely be a need for concern for populations that have exhibited an historical extent of decline of less than 50%, unless the recent rate of decline has been extremely high.</u></p> <p><u>Even if a population is not declining appreciably, it could be considered for listing in Appendix II if it is near the extent-of-decline guidelines recommended above for consideration for Appendix I-listing. A range of between 5% and 10% above the relevant extent-of-decline might be considered as a definition of 'near'.</u></p> <p><u>A recent rate-of-decline is important only if it is still occurring, or may resume, and is projected to lead to the species reaching the applicable point for that species in the Appendix I extent-of-decline guidelines within approximately a 10-year period. Otherwise the overall extent-of-decline is what is important. When sufficient data are available, the recent rate-of-decline should be calculated over approximately a 10-year period. If fewer data are available, annual rates over a shorter period</u></p>

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		could be used. If there is evidence of a change in the trend, <u>greater weight should be given to the more recent consistent trend. In most cases, listing would only be considered if the decline is projected to continue.</u>
<p>A general guideline for a marked recent rate of decline is a percentage decline of 50% or more in the last 10 years. If the population is small, a percentage decline of 20% or more in the last 10 years may be more appropriate. The percentage used should also depend on the biology of the species.</p>	<p>CR: For long-living species, the period of 10 years is too short to determine a marked recent decline.</p> <p>EC: Spanish version only: add “years” after second 10.</p> <p>WCS: We are concerned with the loss of generation length.</p>	<p>A general guideline for a marked recent rate of decline is a percentage decline of 50% or more in the last 10 years <u>or three generations, whichever is the longer</u>. If the population is small, a percentage decline of 20% or more in the last <del>10</del> <u>5 years or 2 generations (whichever is the longer)</u> may be more appropriate. <del>The percentage used should also depend on the biology of the species.</del> <u>However, these figures 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.</u></p>
<p>The historical extent of decline and the recent rate of decline should be considered in conjunction with one another. A given recent rate of decline is of greater concern the higher the historical extent of decline.</p>	<p>CA: This paragraph should be second after paragraph defining declines – measures should be looked at together.</p>	<p>The historical extent of decline and the recent rate of decline should be considered in conjunction with one another. <del>A given recent rate of decline is of greater concern the higher the historical extent of decline.</del> <u>In general, the higher the historical extent of decline, and the lower the productivity of the species, the more important a given recent rate of decline is.</u></p>
<p>In estimating or inferring the historical extent of decline or the recent rate of decline, all relevant data should be taken into account. A decline need not necessarily be continuing. If data are available only for a short period and the extent or rate of decline based on these data are cause for concern, the guidelines above (extrapolated as necessary or relevant) should still apply. However, natural fluctuations should not normally count as part of a decline, but an observed decline should not necessarily be considered part of a natural fluctuation unless there is evidence for this. A decline that is the result of a harvesting</p>	<p>MX: Spanish version: redundant to say “short period <u>of time</u>” (delete ‘of time’).</p> <p>WCS: We think the authors are confusing a number of issues. While we philosophically agree that loss of ecological function (for which historical declines <i>may</i> be a reasonable surrogate) is a critical issue, the reality is that the Convention deals with endangerment by trade.</p>	<p>In estimating or inferring the historical extent of decline or the recent rate of decline, all relevant data should be taken into account. A decline need not necessarily be ongoing. If data are available only for a short period and the extent or rate of decline based on these data are cause for concern, the guidelines above (extrapolated as necessary or relevant) should still apply. However, natural fluctuations should not normally count as part of a decline, but an observed decline should not necessarily be considered part of a natural fluctuation unless there is evidence for this. A decline that is the result of a harvesting</p>

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<p><b>programme that reduces the population to a planned level, not detrimental to the survival of the species, is not covered by the term “decline”.</b></p> <p><i>Explanation: The current use of “decline” in Annex 1 Resolution Conf. 9.24 is unclear as to whether the extent of decline or the rate of decline is referred to, while the current Annex 5 discusses the rate of decline only. The CWG2 discussed this in detail, and agreed to recommend to the Parties the inclusion of the concepts of both “historical extent of decline” and “recent rate of decline”. The proposed explanation of “decline” above provides guidelines for ranges of percentage historical extent of decline and recent rate of decline, that are of particular concern and reflect risks to the status of species in the wild. The worst scenario is the case of a large historical extent of decline combined with a high recent rate of decline, and therefore both should be considered. However, each in isolation can also be cause for concern. For example, if a species has already been heavily reduced, there is a threat of extinction even if it is not currently declining. Further, a 50% decline in recent years should be of far greater concern for a species that has already declined to, for example, 10% of historical levels than it would be for a previously unexploited population. A historical extent of decline from 5%-30%, depending on the biology of the species, is recommended as a cause for concern for the long-term viability of a species. For a given species, the percentage that triggers concern may fall outside this range, depending on vulnerability factors, as discussed elsewhere in Annex 5. The Working Group believes these guidelines may have broad applicability, although they are drawn from the literature on exploited marine species and would benefit from evaluation for other taxa.</i></p>		<p><b>programme that reduces the population to a planned level, not detrimental to the survival of the species, is not covered by the term “decline”.</b></p> <p><i>Additional explanation: The Chairs have taken into account the comments received from FAO, and have decided to include, as a footnote, the text provided by FAO as an example of a possible scenario for specific cases.</i></p>
<u>Extended period</u>		<u>Extended period</u>
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	FAO: Redundant if the original text of Annex 2a Bi is to be deleted.	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

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<p>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.</p>		<p>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.</p>
<p><b>Fluctuations</b></p>		<p><b>Fluctuations</b></p>
<p><del>Large f</del>Fluctuations occur in a number of species where the in population size or area of distribution are considered large when they vary widely, rapidly or frequently. Where data exist to make an estimate, one order of magnitude has been found to be an appropriate guideline (not a threshold) for population size. Similarly, fluctuations can be considered ‘short term’ if the period of fluctuation is about two years. <del>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.</del> 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.</p>	<p>AU: Support the proposed text on the basis that the last sentence makes it clear that the numerical values are an example only.</p> <p>CA: Concern over the need to put these stresses into context by standardising against appropriate, species-specific thresholds, and consider the change in fragmentation and fluctuations over a suitable time period.</p> <p>GB: We are content with the proposed wording.</p> <p>HU: Although the guidelines of “two years” and “one order of magnitude” are carried over from the original resolution, we believe they should be re-examined.</p> <p>IL: Agrees with the new proposed definition.</p> <p>FAO: The Second FAO Technical Consultation recognises the importance of taking fluctuations in population sizes or area of distribution into account in evaluating population status with respect to criteria and guidelines and of making adequate allowance for the natural fluctuations that occur in fish populations. There was inadequate time at the Consultation to discuss the specifics of the proposed definition but the Consultation nevertheless was appreciative of the advance made by CITES on this matter.</p> <p>TRAFFIC: Although guidance as to the definition of “fluctuation” would be useful to Parties, the reference to “two years”, even with the</p>	<p><del>Large f</del>Fluctuations occur in a number of species where the in population size or area of distribution are considered large when they vary widely, rapidly or frequently. Where data exist to make an estimate, one order of magnitude has been found to be an appropriate guideline (not a threshold) for population size. Similarly, fluctuations can be considered ‘short term’ if the period of fluctuation is about two years. <del>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.</del> 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.</p> <p><i>Additional explanation: Since the original section on ‘Large fluctuations’ covered both ‘large fluctuation’ and ‘short-term fluctuation’ it has been moved under the new heading ‘Fluctuations’.</i></p>

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	<p>disclaimer that follows, may be to be more hurtful than helpful. It will more often be inapplicable than applicable and should be reconsidered.</p> <p>WWF: We do not believe that two years is useful as a definition of short term fluctuation, since it is not applicable for many species. Although it originated in the original Conf. 9.24, perhaps it should be revisited, and a function of generation time considered instead.</p>	
<u>Fragmentation</u>		<u>Fragmentation</u>
<p>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 km<sup>2</sup> 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.</p>	<p>CA: Concern over the need to put these stresses into context by standardising against appropriate, species-specific thresholds, and consider the change in fragmentation and fluctuations over a suitable time period.</p> <p>CA (For): Fragmentation is not defined correctly (at least as it is used by the science community). It does not follow that isolated 'patches' face a greater threat of extinction than contiguous distributions. 'In general, it is the change in fragmentation over time that is closely related to the threat of extinction. 'A necessary condition is that the level of international trade has a detrimental impact and thus increases the threat of extinction.</p> <p>SSN: Although the guidelines of "two years" and "one order of magnitude" are carried over from the original resolution, we believe they should be re-examined.</p>	<p>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 km<sup>2</sup> 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.</p>
<u>Generation</u>		<u>Generation length</u>
<p><del>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.</del></p>	<p>IUCN: We note that by removing generation time, any scaling of the biological factors is lost. Generation time can be used as a surrogate for productivity, species which take a long</p>	<p><b><u>Generation length is the average age of parents of the current cohort (i.e. newborn individuals in the population). Generation length therefore reflects the turnover rate of breeding individuals in a</u></b></p>

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<p><i>Explanation: This term is no longer used in the criteria.</i></p>	<p>time to mature, although they may produce large numbers of offspring and juveniles, rarely show high levels of recruitment to the adult population. Rather than the vague term “based on the biology of the species”, IUCN recommends that generation time be included using the new IUCN definition.</p> <p>TRAFFIC: In this case, we suggest revising the definition to reflect the new IUCN definition of “generation time”.</p>	<p><b><u>population. Generation length is greater than the age at first breeding and less than the age of the oldest breeding individual, except in taxa that breed only once. Where generation length varies under threat, the more natural, i.e. pre-disturbance, generation length should be used.</u></b></p> <p><i>Additional explanation: This text was reinstated because of the re-introduction of the word generation in the definition of decline.</i></p>
<p><u>Large fluctuations</u></p>		<p><u>Large fluctuations</u></p>
<p><del>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.</del></p> <p><i>Explanation: Since this section covers both ‘large fluctuation’ and ‘short-term fluctuation’ it has been moved under a new heading ‘fluctuation’.</i></p>		<p><del>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.</del></p>
<p><u>Near future</u></p>		<p><u>Near future</u></p>
<p><b>Refers to a time period in which it can be projected or inferred that a species would satisfy one (or more) of the criteria in Annex I unless it is included in Appendix II. Clearly this period will be taxon and case specific, however 5-10 years is considered an appropriate time period.</b></p>	<p>AU: This is probably a term that does not require definition. Particularly given that it will vary dependent on the species. Numerical values should be avoided unless linked to specific examples.</p> <p>HU: We do not see a need to define this term. If the term must be defined, it should be on the basis of the biological characteristics of the</p>	<p><b>Refers to a time period in which it can be projected or inferred that a species would satisfy one (or more) of the criteria in Annex I unless it is included in Appendix II. Clearly this period will be taxon- and case- specific, however 5-10 years <del>is</del> <u>may be considered an appropriate time period a useful guideline. However, this figure is presented only as an example, since it is impossible to give numerical</u></b></p>

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	<p>species involved, including life span, time to maturity and recruitment rate, the nature of the threats the species faces. However, because these will vary on a case-by-case basis, a formal general definition of the term is unnecessary.</p> <p>IL: Agrees with the new proposed definition.</p> <p>FAO: The Second FAO Technical Consultation recommended this definition be simplified to: "Near future is considered to refer to a period of approximately 10-years".</p> <p>Greenpeace: Reject new language.</p> <p>SSN: We do not see a need to define this term.</p> <p>TRAFFIC: Again, the use of a specific period of time may be problematic for taxa with very different life histories. If the "5-10 years" is to be retained at all, it should be accompanied by a clearer disclaimer about its frequent inapplicability as found in the definition of "fluctuations".</p> <p>WWF: We do not support the proposed definition. We do not believe that it is necessary or useful to define "near future". We also believe that 5-10 years is unacceptably short for many species, particularly those that are long-lived.</p>	<p><b><u>values that are applicable to all taxa. There will be many cases where this numerical guideline does not apply.</u></b></p> <p><i>Additional explanation: Adding the last sentence makes it more explicit that this is only a guideline.</i></p>
<p><b><u>Population issues</u></b></p> <p><i>Explanation: under this heading all paragraphs related to population have been brought together for easier reference.</i></p>	<p>WWF: We strongly support establishment of this section, and we applaud the effort to bring population issues under one heading in this Annex.</p>	<p><b><u>Population issues</u></b></p>
<p>Population</p>		<p>Population</p>
<p>Population <del>refers to is measured as</del> the total number of individuals of the species (as <b>species is</b> defined in Article I of the Convention). <del>In the case of species</del></p>	<p>CL: We do not think it is realistic to expect that proponents will know the effective population size. For many species it is difficult to estimate the population size, not to mention</p>	<p>Population <del>refers to is measured as</del> the total number of individuals of the species (as <b>species is</b> defined in Article I of the Convention <b>and in this Annex) in a defined</b></p>

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<p><del>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.</del></p> <p><i>Explanation: The small textual changes serve to clarify the definitions. The first strikethrough sentence is reintroduced as the one but last bullet point under 'population size' below. The remaining part appears below under the heading 'small wild population'.</i></p>	<p>the number of individuals capable of breeding or the recruitment.</p> <p>GB: We support.</p> <p>HU: We do not, in general, see the need for the 'population size' section, or the need to define <u>Small subpopulation</u> or <u>Very small subpopulation</u> in general terms. The individual characteristics of species should, instead, be taken into account on a case-by-case basis when considering population matters.</p> <p>IL: We propose to add the words 'in a prescribed area' to the end of this definition, so that it is clear that one is not referring to the entire global species as a 'population', as the current proposal implies.</p> <p>Greenpeace: Reject deletion of existing text and all new language suggested to replace it.</p> <p>SSN: We do not, in general, see the need for the 'population size' section, or the need to define <u>Small subpopulation</u> or <u>Very small subpopulation</u> in general terms.</p> <p>WWF: We support the proposed revisions, as they are incorporated in the population size section that follows.</p>	<p><u>area</u>. <del>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.</del></p> <p><i>Additional explanation: The Chairs have adopted the suggestion by IL in order to make the definition more explicit.</i></p>
<p>Sub-population</p>		<p>Sub-population</p>
<p>Sub-populations are defined as geographically or otherwise distinct groups in the population between which there is <b>little limited genetic</b> exchange. <del>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</del></p>	<p>GB: We support.</p> <p>HU: Defining a subpopulation as is done here ignores mixtures of non-breeding individuals on the feeding grounds, such as happens with sea turtles.</p>	<p>Sub-populations are defined as geographically or otherwise distinct groups in the population between which there is <b>little limited genetic</b> exchange. <del>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</del></p>

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<p><del>numerical values that are applicable to all taxa. There will be many cases where this numerical guideline does not apply.</del></p> <p><i>Explanation: The added text makes the definition more precise. The strikethrough text is reintroduced below under the heading 'very small sub-population.'</i></p>		<p><del>numerical values that are applicable to all taxa. There will be many cases where this numerical guideline does not apply.</del></p>
<p><b>Population size</b></p>		<p><b>Population size</b></p>
<p><b>When providing details on the size of a population or sub-population, it should be made clear whether the information presented relates to the effective population size or not. When estimating the effective population size, the following points should be born in mind.</b></p>	<p>CA: The use of “effective population size” seems inappropriate since it has already a very precise meaning in genetics. Something like “number of individuals capable of reproducing effectively” or “number of individuals capable of producing progeny” would be better.</p> <p>The bullets provide a lot of detail on interpretation, much more than is provided for other topics, for example decline (for example if details on interpretation for “decline” were to be included, something on how to establish the “baseline” for declines would be useful – it is preferable that this kind of detail be developed outside an actual Conference Resolution). For balance, and in the interests of not putting excessive interpretative detail into a Conf. Res., several examples of considerations should be given at the end of the second line of the definition – something like “when estimating this population size, such considerations as natural fluctuations in abundance and excluding individuals which cannot produce recruits should be kept in mind.” -- and the detailed bullets not included.</p> <p>If the bullets are retained:</p> <ul style="list-style-type: none"> <li>• the first bullet referring to populations which fluctuate is not very clear.</li> <li>• the 4th bullet is not right – if natural populations have a biased sex ratio,</li> </ul>	<p><b>When providing details on the size of a population or sub-population, it should be made clear whether the information presented relates to <u>an estimate of the total number of individuals or to the effective population size or not.</u> <del>When estimating the effective population size, the following points should be born in mind. This measure is intended to count (i.e. individuals capable of reproduction, and should therefore exclude excluding individuals that are environmentally and behaviourally or otherwise reproductively suppressed in the wild).</del></b></p> <p><b><u>In the case of species biologically dependent on other species for all or part of their life cycles, biologically appropriate values for the host or co-dependent species should be chosen.</u></b></p> <p><b><u>In case estimates of effective population size are provided the following aspects should be taken into account:</u></b></p> <p><i>Additional explanation: Adding the new language clarifies that two types of estimates can be made.</i></p> <p><i>In response to the comments (FAO in particular) the text has been rearranged to include some of the former bullet points into the explanation of population size. Some bullets points have been restructured to improve their clarity and intent as guidance to the Parties.</i></p>

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	<p>presumably this is for a biological reason and using numbers of reproductive females would be fine. The caveat would only apply if sex ratios have become biased because of exploitation or other factors and this should be made clear.</p> <p>GB: We strongly support “effective population size”.</p> <p>HU: Hungary believes that introducing the concept of “effective population size” will add considerably to the burden on Parties.</p> <p>IL: We believe that the attempt here to distinguish between population size and effective population size is not necessary and should be avoided, because it is cumbersome, difficult to assess and often not relevant. We propose to use a simpler definition: Population size is the number of individuals that are in the population.</p> <p>JP: “Effective population size” needs to be explained. Base on that explanation, the contents and phrasing of the bullet point need to be reconsidered.</p> <p>UCBD: The term “population” refers in the CITES context to the total number of individuals of a species. In forests, the structure (physiognomy and age distribution) of a timber stand is more important than the development of numbers of individuals.</p> <p>WWF: We appreciate this section, and the useful summary and guidelines that follow. We support adding the concept of effective population size, and encourage its inclusion in Annex 6 as well.</p>	
<p>- Where the population is characterised by</p>		<p>- Where the <u>total</u> population is</p>

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<p>natural fluctuations use a lower estimate. In most cases this will be much less than the mean.</p>		<p>characterized by natural fluctuations, <u>these fluctuations, should be considered in relation to the size of the effective population use a lower estimate. In most cases this will be much less than the mean.</u></p>
<ul style="list-style-type: none"> <li>- Individuals that cannot produce recruits should not be counted (e.g. densities are too low for fertilization).</li> </ul>		<p><del>Individuals that cannot produce recruits should not be counted (e.g. densities are too low for fertilization).</del></p>
<ul style="list-style-type: none"> <li>- This measure is intended to count individuals capable of reproduction and should therefore exclude individuals that are environmentally and behaviourally or otherwise reproductively suppressed in the wild.</li> </ul>		<p><del>This measure is intended to count individuals capable of reproduction and should therefore exclude individuals that are environmentally and behaviourally or otherwise reproductively suppressed in the wild.</del></p>
<ul style="list-style-type: none"> <li>- For the number of individuals in populations with biased adult or breeding sex ratios it is appropriate to use lower estimates which take this into account (e.g. estimated effective population size).</li> </ul>		<p><del>For the number of individuals in populations with biased adult or breeding sex ratios it is appropriate to use lower estimates which take this into account (e.g. estimated effective population size).</del></p> <ul style="list-style-type: none"> <li>- <u>In population with skewed adult or breeding sex ratios ensure that this bias is taken into account in the estimate.</u></li> </ul>
<ul style="list-style-type: none"> <li>- Reproducing units within a clone should be counted as individuals, except where such units are unable to survive alone.</li> </ul>		<ul style="list-style-type: none"> <li>- Reproducing units within a clone should be counted as individuals, except where such units are unable to survive alone.</li> </ul>
<ul style="list-style-type: none"> <li>- In the case of species biologically dependent on other species for all or part of their life cycles, biologically appropriate values for the host or co-dependent species should be chosen.</li> </ul>		<p><del>In the case of species biologically dependent on other species for all or part of their life cycles, biologically appropriate values for the host or co-dependent species should be chosen.</del></p>
<ul style="list-style-type: none"> <li>- In the case of taxa that naturally loose all or a subset of individuals at some point in their life cycle, the estimate should be made at the appropriate time, when</li> </ul>		<ul style="list-style-type: none"> <li>- In the case of <u>taxa species</u> that naturally loose all or a subset of individuals at some point in their life cycle, the estimate should be made at the appropriate time,</li> </ul>

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individuals are available for breeding.		when individuals are available for breeding.
<b>Small wild population</b>		<b>Small wild population</b>
<p>For some species <del>in trade</del> 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.</p>	<p>IL: The proposed definition is essentially useless, as these expression appears only in sections of the Resolution that have been deleted. We propose to delete this definition.</p> <p>MX: In both paragraphs (“Small wild population” and “Very small sub-population”) the number of individuals are specified, we think that this is not very appropriate since this will depend on the species concerned, we believe that it will be more appropriate to talk about percentages.</p> <p>FAO: The Second Technical Consultation commented that these guidelines were not applicable for most exploited fish populations, where the number of individuals associated with the risk of extinction could range from less than 1 000 (e.g. some low productivity species of reef fish) to at least 1 000 000 (e.g. some high productivity species of small pelagics), depending on the productivity and life history strategy of the species. It recommended that the current CITES guidelines for small absolute population size are appropriate for only a few exploited marine species, such as some sessile or semi-sessile species, some species with extremely low productivity, and some small endemic populations. Therefore in Annex 5 as applied to criterion A of Annex 1, the definition of small population size should be changed, at least where applied to most exploited fish species, to place greatest emphasis on historical-extent-of-decline.</p>	<p>For some species <del>in trade</del> 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.</p> <p><i>Additional explanation: Regarding the observation by IL reference is made to Annex 1, criterion B.</i></p>

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<p><b>Very small sub-population</b></p> <p>For some species <del>in trade</del> 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.</p>	<p>IL: The proposed definition is essentially useless, as these expression appears only in sections of the Resolution that have been deleted. We propose to delete this definition.</p> <p>FAO: Same comments as for “Small wild population”</p>	<p><b>Very small <u>wild</u> sub-population</b></p> <p>For some species <del>in trade</del> 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.</p> <p><i>Additional explanation: Regarding comment from IL reference is made to Annex 1, criterion B.</i></p>
<p><u>Possibly extinct</u></p> <p>A species is <del>presumably</del> <b>possibly</b> 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' life cycle and life form.</p> <p><i>Explanation: This change is made to make the text consistent with the title.</i></p>		<p><u>Possibly extinct</u></p> <p>A species is <del>presumably</del> <b>possibly</b> 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' life cycle and life form.</p>
<p><u>Recruitment</u></p> <p><b>Recruitment is the total number of individuals added to a given demographic class of a population by either sexual or asexual reproduction.</b></p>	<p>CA: The definition is not very useful in the fisheries context. Proposed text: ‘individuals added to the breeding population’.</p> <p>IL: We propose to include ‘immigration’ as another source of recruitment of individuals to a population, and not just reproduction.</p> <p>IT: The addition of a time element in the definition could prove to be useful, e.g. <u>Annual recruitment</u>.</p>	<p><u>Recruitment</u></p> <p><b>Recruitment is the total number of individuals added <del>to a given</del> <u>annually to any particular demographic class of a population</u> by either sexual or asexual reproduction.</b></p> <p><i>Additional explanation: Although the Chairs recognize that immigration of individuals may have a role for populations, this generally is negligible as compared to the intrinsic recruitment of a population (i.e. reproduction).</i></p>

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	<p>IWMC: It appears that a time element is missing in the definition, unless the title would be changed to become, e.g. <u>Annual recruitment</u>.</p> <p>SSN: Has no objection to this change.</p> <p>WWF: We support inclusion of this term in the criteria, and its definition in Annex 5.</p>	
<u>Sub populations</u>		<u>Sub populations</u>
<p><del>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.</del></p> <p><i>Explanation: This text has been moved under a new heading 'population issues' and divided under two subheadings: 'sub-population' and 'sub-population size'.</i></p>		<p><del>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.</del></p>
<u>Threatened with extinction</u>		<u>Threatened with extinction</u>
<p>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 <b>threshold</b> values for population size or area of distribution</p>	<p>CA (For): It is difficult to see the relationship between the criteria in Annex 1 and the list of parameters found in the explanation to the definition. In general, it appears that the criteria in Annex 1 are proxies for defining a point where the risk becomes unacceptably high that a population is no longer viable and thus the species becomes extinct. However, there is no link to trade, as called for in Articles I and II, 2a) of the Convention.</p>	<p>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 <b>threshold</b> values for population size or area of distribution</p>

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that are applicable to all taxa.		that are applicable to all taxa.
<u>Vulnerability</u>		<u>Vulnerability</u>
<p><b>Vulnerability can be defined as the susceptibility of a species to extinction risk.</b></p>	<p>CA: Natural vulnerability of the species – not to threats.</p> <p>FAO: Vulnerability is defined as being susceptible to harmful effects, and vulnerability factors as used here are those which increase the risk of extinction. Modifying factors that increase vulnerability will often be taxon- or case-specific.”</p> <p>IUCN: IUCN notes that in Annex 1 Aiii), and Bv) the wording is “a high vulnerability due to the species’ biology or behaviour ( including migration)”. The list of vulnerability factors goes beyond species’ biology and behaviour, including habitat loss, climate change – some consistency/ clarification is required.</p> <p>SSN: Has no objection to this change.</p> <p>WWF: We strongly support this discussion and definition of vulnerability, and the factors provided. This is a significant improvement, and will greatly benefit Parties in preparing and evaluating future proposals.</p>	<p><b><u>Vulnerability can be defined as the susceptibility to harmful effects which increase the risk of extinction of a species to extinction risk.</u></b></p>
<p><b>There are a number of taxon- or case-specific biological and other factors that are likely to affect the extension risk associated with a given percentage decline, small population size or restricted area of distribution. This can be, but are not limited to, any of the following:</b></p>	<p>JP: Bullet points are not well organized. They should be rearranged, for example, according to species’ biological characteristics and human-related impacts, or internal and external factors. The second point is the criteria itself and should be deleted. Some bullet point need further explanation. In point sixth, ‘endemism’ should be deleted as it is not necessarily linked with ‘specialized niche requirements’.</p>	<p><b>There are a number of taxon- or case-specific biological and other factors that are likely to affect the <del>extension</del> <u>extinction</u> risk associated with a given percentage decline, small population size or restricted area of distribution. <del>This</del> <u>These</u> can be, but are not limited to, any of the following:</b></p> <p><i>Additional explanation: It was noted that the criteria in Annex 1 refer to the species’ biology and behaviour. In this Annex, however, vulnerability is explained in a more comprehensive manner. The modifying factors, as proposed by FAO, are all included here under ‘Vulnerability’.</i></p>

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- Life history (e.g., low fecundity, slow growth rate, high age at first maturity, long generation time).		- Life history (e.g., low fecundity, slow growth rate, high age at first maturity, long generation time).
- Low absolute numbers or biomass or restricted area of distribution.		- Low absolute numbers or biomass or restricted area of distribution.
- Population structure (age/size structure, sex ratio).		- Population structure (age/size structure, sex ratio).
- Behavioral factors (e.g., social structure, migration).		- Behavioural factors (e.g., social structure, migration, <u>aggregating behaviour</u> ).
- Density (for sessile or semi-sessile species).		- Density (for sessile or semi-sessile species).
- Specialized niche requirements (e.g., diet, habitat, endemism).	EC: Spanish version: We do not understand the word "habitáculos".	- Specialized niche requirements (e.g., diet, habitat, endemism).
- Species associations such as symbiosis and other forms of co-dependency.		- Species associations such as symbiosis and other forms of co-dependency.
- Fragmentation.		- Fragmentation <u>and habitat loss</u> .
- Reduced genetic diversity.	CA: Actually threat factor.	- Reduced genetic diversity.
- Severe habitat loss.	CA: Actually threat factor.	<del>Severe habitat loss</del> • <u>Depensation (prone to continuing decline even in the absence of exploitation).</u>
		- <u>Endemism</u> .
- Threats from disease or invasive species.	CA: Actually threat factor.	- Threats from disease or invasive species.
- Rapid environmental change (e.g., climate regime shifts).	CA: Actually threat factor.	- Rapid environmental change (e.g., climate regime shifts).
- Selectivity of removals (that may compromise recruitment).	CA: Actually threat factor.	- Selectivity of removals (that may compromise recruitment).

## Annex 6

*Explanation: All recommendations for insertions, deletions and rewording that were formulated by the joint AC/PC meeting and the CWG were taken into account, and amendments are included in the revised Annex 6 below without further detailed explanations. Where appropriate the sequence of the paragraphs in some of the sections has been changed to make them consistent with the sequence of the listing criteria.*

*Additional explanation: Changes in Annex 6 have been made to reflect text changes in the main body of the Resolution and in Annexes 1-5, as well as comments made by Parties and NGOs.*

### 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). Departures from this limitation should be discussed and resolved between the proponent and the Secretariat. In this case the proponent should provide translations in the official working languages of the Convention.** 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 ~~Proposal~~ **Proposal** format.

#### A. Proposal

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

Inclusion in Appendix I **or transfer from Appendix II to Appendix I.** Specify which of the criteria in Annex 1 of the Resolution are satisfied;

Inclusion in Appendix II.

in accordance with Article II 2(a)

**specify which of the criteria in Annex 2a of the Resolution are satisfied**

in accordance with Article II 2(b)

for reasons of ~~bot-~~ **alike** ~~a-like~~ problems **(criterion A of Annex 2b).** In this case, the names of the similar species already included in the Appendices should be given in section ~~C7~~ **11**, "Additional remarks";

for other reasons (such as those referred to in Annexes **2a, paragraph B and/or** 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 measures 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) **(e.g. amendment of a quota)**

### **Annotations**

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

- ensure that the proposed annotation is in compliance with the applicable Resolution(s); ~~Conf. 11.20;~~ and
- indicate the practical intent of the annotation~~;~~;
- harmonize new annotations with existing annotations; and
- be specific and accurate as to affected parts and derivatives.

#### 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

**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.**

#### 1.6 Common names **(including, where appropriate, trade 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.

## 2. **Overview**

Provide a brief overview of key elements of the proposal. Parties should cite key sections of the supporting statement. Also explain how the species complies with the criteria in this Resolution.

### 3.2. **Species characteristics** ~~Biological Parameters~~

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, where relevant, the biological species in its entirety for to provide the appropriate context.**

#### 3.2.1 Distribution

**Specify** ~~Give an estimate of the~~ **current** ~~currently known~~ 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.

### 3.2.2 Habitat availability

Specify the types of habitats occupied by the species and, when relevant, the degree of habitat specificity and the extent of each habitat type over the range of the species. ~~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.~~

### 3.3 Biological characteristics

Provide a summary of general biological and life history characteristics of the species (e.g. reproduction, recruitment, survival rate, migration, sex ratio, regeneration or reproductive strategies).

### 3.4. Morphological characteristics

Provide a general description of the morphological diagnostic characteristics of the species, including colour, and information on morphological features by which the species can be differentiated from taxonomically closely related species.

### 3.5 Role of the species in its ecosystem

If available, provide 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.

## 4. Status and trends

This section includes qualitative and quantitative information that 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 understood that the quality of the information available will vary, ~~but~~ the instructions below indicate the type of information that should be provided if possible is required. If the proposal relates to a geographically separate population or subspecies, it should consider, when relevant, the biological species in its entirety to provide the for appropriate context. If available, the proposal should include any relevant quantitative analyses, stock assessments, etc. The proposal should note whether conclusions are based on observations, inferences or projections.

### 4.1 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.

### 4.2 ~~2-1~~ Population size ~~status~~

Give an estimate of the **current** total population or number of individuals **differentiated by relevant age classes where possible, or other indices of population abundance, based on the most recently available data.** Provide information on the source of the data used. ~~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 provide 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.~~

#### 4.3 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. social structure, population demographics, proportion of mature individuals or sex ratio).

#### 4.4 ~~2-4~~ Population trends

Basic, quantitative ~~and referenced~~ and qualitative information, when available, should be provided on ~~current whether the population of the species is increasing, stable or declining,~~ and past trends in the species's abundance (provide sources). 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.

#### 4.5 ~~2-5~~ Geographic trends

Provide information, when available on current and past trends in the species' distribution, indicating the period over which these trends, if any, have been measured. ~~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.~~

#### ~~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 if possible relative importance ~~extent~~ of human-induced threats (e.g. habitat loss and/or degradation; over-exploitation; effects of introduced species, competitors, pathogens, parasites, predators, hybridization, and effects of competition/predation by introduced species and effects of hybridization, 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

### 63.1 National utilization

**Specify the types and extent of all known 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 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.

## 6.3 Parts and derivatives in trade

To the extent possible, list parts and derivatives, including types of products in trade, Customs tariff codes specific to those parts and derivatives, and major importing and exporting countries that trade in those parts and derivatives.

### 63.3 4 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 in relation 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 5 Actual or potential trade impacts of the proposal

Discuss the importance of exploitation for international trade relative to overall (domestic included) use as a threat to the species in question.

~~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 instruments~~

~~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.~~

~~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~~ procedures for the establishment and implementation of quotas, ~~etc~~ and mechanisms for ensuring that wildlife management advice is taken into account.

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 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 ~~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 ~~measures~~

~~Provide information on 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 and artificial propagation

Where applicable, provide details of commercial captive-breeding or artificial propagation operations, including plantations, 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 programmes. Also provide information on the extent of captive-breeding or artificial propagation outside the country or countries of origin to the extent possible.

#### 8.5 Habitat conservation

Provide information, where available, regarding the number, size and type of protected areas relevant to the habitat of the species, and on habitat conservation programmes outside protected areas.

#### 8.6 Safeguards

In the case of ~~downlisting or delisting proposals to transfer species from Appendix I to Appendix II or deletion from Appendix II, or of proposals involving substantive annotations, provide information on 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 similar species

Give the names of species of which specimens in trade look very similar., ~~Provide details on state~~ **Provide details on state** how they may be distinguished, **including, in particular, details on the those 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~~ **Provide details on how to resolve potential difficulties in distinguishing between specimens of this the species proposed for listing and from those of and similar species, in particular those specimens most common in trade.**

~~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 Consultations

~~Provide details on the consultation undertaken to secure comments from the relevant competent intergovernmental organizations responsible for the conservation and management of the species, as required under the relevant Resolutions, and take their views fully into account.~~

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 proposals to transfer Appendix-II species that are subject to actions pursuant to Resolution Conf. 8.9 (Rev.) to Appendix I the proponent should consult the affected range State(s) and, as appropriate, the Animals Committee or Plants Committee. The proponent should state the reasons to justify why the amendment proposal was made.**

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 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

