

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

Forty-sixth meeting of the Standing Committee
Geneva (Switzerland), 12-15 March 2002

Criteria review for amendments to Appendices I and II

COMMENTS FROM THE CHAIRMEN OF THE ANIMALS COMMITTEE AND
THE CRITERIA WORKING GROUP ON THE DOCUMENT PREPARED BY
THE CHAIRMAN OF THE PLANTS COMMITTEE

1. The Chairmen of the Animals Committee and the Criteria Working Group were greatly and very unpleasantly surprised when they learned about the position taken by the Chairman of the Plants Committee (SC46 Inf. 1). A lengthy and expensive telephone conference, held on 3 December 2001, clarified that the Chairman of the Plants Committee would not agree to participate in preparing a single report as required by Decision 11.2, preferring to submit her own document to the Standing Committee. We wish to expressly re-iterate here that all documentation that was sent to the Parties on this subject was sent with the full consent of all members of the Criteria Working Group, including the members of the Plants Committee that had been appointed to the Criteria Working Group by the Chairman of the Plants Committee, and who, with the other members of the Criteria Working Group, have contributed in a positive manner throughout the process. It is our opinion that the Chairs of the Animals and Plants Committees and the Criteria Working Group were tasked by CoP11 to provide the next CoP with a discussion document that is an amalgamation of the discussions that have been going on, and that it is not up to one of the Chairs to decide that this cannot and should not be done.
2. There has been some unfortunate confusion about meeting dates in November due to unforeseen circumstances. The Chairmen of the Animals and Plants Committees and the Criteria Working Group agreed to meet in Geneva from 5 to 7 November 2001 to prepare their final report, based on the comments received in response to Notification No. 2001/37. Just before the scheduled meeting, the Chairman of the Criteria Working Group, because of health problems, had to inform the Secretariat that he would not be able to attend. The Chairman of the Animals Committee at that point in time informed the Secretariat that he would be prepared to work on the final report with the Chairman of the Plants Committee. However, the Secretariat then informed him that the Chairman of the Plants Committee, despite earlier agreement on meeting in the indicated period, apparently could not attend all three days, but only on November 6 and part of the morning of November 7. This would have meant that the Chairman of the Animals Committee alone would have been responsible for the final report. As this did not seem to be an appropriate way of proceeding, it was therefore agreed to postpone the meeting to later that month, from 17 to 21 November. Unfortunately, due to complications with her travel and health problems the Chairman of the Plants Committee did not attend the meeting. The Chairmen of the Animals Committee and of the Criteria Working Group therefore had to prepare the final report in her absence.

3. The Chairmen of the Animals Committee and the Criteria Working Group strongly disagree with many of the comments made by the Chairman of the Plants Committee for the following reasons.
4. At its first meeting (at which the Chairman of the Plants Committee was not present), the Criteria Working Group was unable to fully address the definitions in Annex 5 of Resolution Conf. 9.24. One important reason for this was that the Animals and Plants Committees needed first to meet jointly to consider the proposed amendments to the preambular text and operative parts (including other annexes) of Resolution Conf. 9.24 and the comments received from the Parties after the first round of consultations, before the Group could determine which aspects of the criteria would require new or amended definitions. At that joint meeting, the Technical Committees agreed that a second meeting of the Criteria Working Group should be held to prepare the definitions and that these recommendations should be attached to the first report of the Chairs. It should be noted that the Technical Committees did not request a formal separate consultation on Annex 5 amendments. The suggestion by Belgium (on behalf of the EU) and by the Chairman of the Plants Committee that the Animals and Plants Committees should have had the possibility to evaluate the proposed text in Annex 5 is a misunderstanding of the amended protocol agreed at the joint meeting of the Technical Committees. Furthermore, neither of the Technical Committees felt it necessary to include a discussion of Annex 5 in their agenda for their respective meetings in August and September of 2001, which would have allowed their comments to be taken into account by the Chairmen when preparing their final report.
5. Although there were relatively few species assessments available for fauna at the commencement of the review, extensive assessments for plants had been made. These science-based assessments, in particular the ones for timber species that were endorsed by the Plants Committee, indicated that, in contrast to the biological criteria established for Appendix I, the current criteria for the inclusion of taxa in Appendix II were not clear and not easy to implement. Similar concerns were expressed by the FAO Secretariat who argued that Appendix II criteria were so broad that any commercial fish stock could be listed on CITES under those criteria. The concerns of FAO were considered important by the Parties and this was reflected in the unanimous decision of Parties to include FAO as an organisation in the CWG, giving them the opportunity to detail their concerns and possible solutions to the representatives of the AC and the PC that had been appointed to CWG by the Chairman of AC and PC. Difficulties with using the criteria for Appendix II were also demonstrated when applying these to all proposals for amending the Appendices at the 10th and 11th meetings of the Conference of the Parties. The Criteria Working Group, at its first meeting, therefore correctly addressed this issue under Paragraph 10 of their mandate in Decision 11.2 (Annex 2). Regrettably, the Chairman of the Plants Committee has chosen to ignore this mandate, and the numerous assessments of the Plants Committee, in her document to the Standing Committee.
6. The revised criteria, including Annex 5 of Resolution Conf. 9.24, take into account the concerns of FAO and some like-minded Parties that the present language of Resolution Conf. 9.24 allows the unwarranted inclusion in Appendix II of marine species subject to large scale fisheries management, where the continued existence of the species is not threatened, because exploitation is managed at a sustainable level.
7. The comments on a possible weakening of the precautionary principle have clearly been noted and the Chairmen of the Animals Committee and the Criteria Working Group believe that they have fully addressed these concerns in the newly proposed text in Annex 3 to document SC46 Doc.13.

8. The comment that the proposed amendments would increase the burden of work for proponent countries is incorrect. Comments to this effect were mainly made in relation to a change in Annex 4 (addressed in the newly proposed text) and the proposal by the second meeting of the Criteria Working Group regarding the optional inclusion of quantitative analysis, thus, there is no obligation whatsoever to provide such data.
9. The Chairmen of the Animals Committee and the Criteria Working Group do not agree that a diversity of opinions (note that written comments only were made by a minority of CITES Parties) should be a reason for not presenting proposals to amend Resolution Conf. 9.24. Further consultations, as suggested by the Chairman of the Plants Committee, will most likely not resolve this difference in opinions. The extensive rounds of consultation held (August 2000, the joint meeting of the technical Committees in December 2000, May 2001, and the various opportunities for the Parties to comment) have met literally all the requirements detailed in Decision 11.2 and, in our view, have been more than adequate. Also, similarly contrasting opinions were expressed prior to the ninth meeting of the Conference of the Parties. Yet the end product was unanimously adopted at that same meeting.
10. The Chairman of the Plants Committee implies, without further explanation, that the terms of reference for the review (Decision 11.2) have not been complied with. From the above it is clear, however, that these terms of reference have been fully adhered to. Also, the Secretariat has ensured that the suggested timetable presented in Annex 2 of Decision 11.2 has been followed to the letter. This fact was specifically referred to in the Secretariat's report on the Criteria Review, presented to the Standing Committee in June 2001 (refer SC Doc. 45.20 Paragraph 14).