

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



Sixty-sixth meeting of the Standing Committee
Geneva (Switzerland), 11-15 January 2016

Interpretation and implementation of the Convention

Amendment of the Appendices

EXTINCT OR POSSIBLY EXTINCT SPECIES

1. This document has been submitted by the Animals and Plants Committee.*
2. Decision 16.164, directed to the Animals and Plants Committees states the following:

The Animals and Plants Committees shall review the provisions of Resolution Conf. 9.24 (Rev. CoP16) on Criteria for amendment of Appendices I and II as they apply to species that are either extinct or possibly extinct and report to the Standing Committee on their findings.
3. In order to fulfil this mandate, the Committees established an intersessional working group that was tasked with reviewing the provisions of Resolution Conf. 9.24 (Rev. CoP16) on Criteria for amendment of Appendices I and II as they apply to species that are either extinct or possibly extinct, developing broad principles that could be applied for treating extinct or possibly extinct species included in the Appendices (including practical implementation challenges) and reporting back to the Committees. The intersessional working group reported its conclusions and recommendations for adoption to the 28th meeting of the Animals Committee (Tel Aviv, August 2015) and 22nd meeting of the Plants Committee (Tbilisi, October 2015). The fulsome report of the intersessional working group can be found in the Annex to AC28 Doc. 8 or PC22 Doc. 10.
4. To arrive at its recommendations, the Committees considered the current approach to extinct species as outlined in the relevant provisions of Resolution Conf. 9.24 (Rev. CoP16). The Committees considered the definition of extinct used in the IUCN Red List of Threatened Species and noted it was largely identical to the CITES definition of 'possibly extinct' found in Annex 5 of Resolution Conf. 9.24 (Rev. CoP16) except that CITES introduces the concept of doubt with the term "possibly".
5. The key issues identified by the Committees during discussion of the current approach to extinct species were the following:
 - a) The provisions in paragraph D of Annex 4 of Resolution Conf. 9.24 (Rev. CoP16) relating to 'possibly extinct' species have been applied inconsistently by the Parties and, as such, it is not clear what value this annotation, in its current format, serves. For example, while 30 species in Appendix I are indicated as being 'extinct' in the IUCN Red List, only four have been annotated as 'possibly extinct' on the Appendices in accordance with Resolution Conf. 9.24 (Rev. CoP16).

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

- b) The current provisions in Resolution Conf. 9.24 (Rev. CoP16) only apply to Appendix I species, and not to extinct or possibly extinct species listed on the other Appendices, for which no guidance is provided.
 - c) Resolution Conf. 9.24 (Rev. CoP16) does not provide any guidance on how to treat species whose extinction is not in doubt, nor how -or if- 'possibly' extinct species (as defined by CITES) should be distinguished from extinct species (as defined by IUCN). The Resolution does not clarify how to treat those 'possibly' extinct species which are re-discovered or for which there might be a reasonable probability of re-discovery.
 - d) No overall principle is provided (other than the look-alike provisions of Article II.2.b) as to whether it is desirable to have extinct species listed in the Appendices at all or, if so, under what circumstances they should be listed or retained.
 - e) Removing extinct species from higher taxon listings may make the Appendices more difficult to interpret and apply, and might lead to a risk of greater enforcement difficulties. For example, the de-listing of extinct species, if they are similar in appearance to extant species found on the CITES Appendices, could potentially facilitate illegal trade. Specimens of extinct species may still be traded which could provide opportunities for the deliberate mis-identification of CITES-listed specimens as the non-listed extinct species. By contrast, retaining extinct species in the Appendices may lead to some confusion for CITES officials and, for example the unintentional mis-labelling of specimens.
 - f) It may be useful for Parties to consider whether species included in a higher taxon listing, but which were known to be extinct before the listing came into force (or, indeed, before the Convention came into force), are, indeed, considered to be covered by the listing. Clarifying this issue is desirable but is beyond the remit of the Scientific Committees. Resolving this issue could avoid the need to submit amendment proposals for any such extinct species.
6. Based on the discussions, the Committees arrived at the following broad general principles for treatment of extinct or possibly extinct species on the CITES Appendices:
- a) Provisions and guidance relating to extinct or possibly extinct species should apply to, or be developed for, species included in Appendices I and II (and Appendix III).
 - b) The CITES and IUCN use of terms and definitions for extinct species should be consistent.
 - c) Extinct species should not normally be included in the Appendices, but extinct species already listed may be retained where one of the conditions outlined in paragraph d) below are met.
 - d) Extinct species should be retained in either Appendix I or II if
 - (i) their removal might unduly complicate the interpretation of the Appendices and/or
 - (ii) if such removal might risk trade in parts and derivatives of CITES-listed extant species being 'laundered' as if they were specimens of the unlisted extinct species, especially if they were look-alikes, and/or
 - (iii) if they may be affected by trade in the event of their re-discovery.
7. Accordingly, the Committees proposed modifications to Resolution Conf. 9.24 (Rev. CoP16) which can be found in the Annex of this document. The proposed modifications:
- a) adopt the IUCN Red List category and definition of 'extinct' instead of the term 'possibly extinct' currently used in Resolution Conf. 9.24 (Rev. CoP16);
 - b) remove the use of the current 'possibly extinct' annotation;
 - c) introduce the principle that extinct species should not normally be proposed for inclusion in the Appendices;
 - d) allow the de-listing of extinct species in Appendix I without the need for retention in Appendix II for two intersessional periods; and

- e) introduce the principle that extinct species already listed on the Appendices should not be removed from the Appendices if they meet relevant precautionary criteria for retention on the Appendices.
8. The Committees further asked the Secretariat to request UNEP-WCMC to ensure that extinct species listed in the Appendices are appropriately flagged in the Species+ database and the Index of CITES Species.

Recommendations

9. With regards to paragraph 5 f) of this report, the Committees noted it was not clear if higher taxon listings on the Appendices included species known to be extinct at the time of listing. As the Committees recognized this issue of interpretation was outside the scope of its functions, the Committees invite the Standing Committee to consider this issue and provide its advice to the Parties.
10. The Scientific Committees submit this report and their findings on the provisions of Resolution Conf. 9.24 (Rev. CoP16) as they apply to species that are either extinct or possibly extinct to the Standing Committee, in fulfilment of Decision 16.164, and invite the Committee to submit the revisions to Resolution Conf. 9.24 (Rev. CoP16) found in the Annex of the present document for consideration by the 17th meeting of the Conference of Parties.

Suggested amendments to the annexes of Resolution Conf. 9.24 (Rev. CoP16)

New text underlined; deleted text in ~~strike through~~

Resolution Conf. 9.24 (Rev. CoP1746)

Criteria for Amendment of Appendices I and II

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Annex 3

Special cases

Split-listing

Listing of a species in more than one Appendix should be avoided in general in view of the enforcement problems it creates.

When split-listing does occur, this should generally be on the basis of national or regional populations, rather than subspecies. Split-listings that place some populations of a species in the Appendices, and the rest outside the Appendices, should normally not be permitted.

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

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

Higher taxa

If all species of a higher taxon are included in Appendix I or II, they should be included under the name of the higher taxon. If some species in a higher taxon are included in Appendix I or II and all the rest in the other Appendix, the latter species should be included under the name of the higher taxon, with an appropriate annotation made in accordance with the provisions of the relevant Resolutions on the use of annotations in the Appendices.

When preparing a proposal to include a higher taxon in the Appendices, Parties are encouraged to note any extinct species in the higher taxon and to clarify whether these are included or excluded from the proposed listing.

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

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

Extinct species

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

Annex 4

Precautionary measures

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

- A.
1. No species listed in Appendix I shall be removed from the Appendices unless it has been first transferred to Appendix II, with monitoring of any impact of trade on the species for at least two intervals between meetings of the Conference of the Parties with the exception that extinct species may be deleted from Appendix I without first being transferred to Appendix II subject to the provisions of paragraph D.
 2. Species included in Appendix I should only be transferred to Appendix II:
 - a) If they do not satisfy the relevant criteria in Annex 1 and when on the following precautionary safeguards is met:
 - i) 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
 - ii) the species is likely to be in demand for trade, but its management is such that the Conference of the Parties is satisfied with:
 - A) implementation by the range States of the requirements of the Convention, in particular Article IV; and
 - B) appropriate enforcement controls and compliance with the requirements of the Convention; or
 - iii) an integral part of the amendment proposal is an export quota or other special measure approved by the Conference of the Parties, based on management measures described in the supporting statement of the amendment proposal, provided that effective enforcement controls are in place; or
 - b) when a ranching proposal is submitted in accordance with an applicable Resolution and is adopted by the Conference of the Parties.
 3. No proposal for transfer of a species from Appendix I to Appendix II shall be considered from a Party that has entered a reservation for the species in question, unless that Party agrees to remove the reservation within 90 days of the adoption of the amendment.
 4. No species should be deleted from Appendix II if such deletion would be likely to result in it qualifying for inclusion in the Appendices in the near future.
 5. No species should be deleted from Appendix II if, within the last two intervals between meetings of the Conference of the Parties, it has been subject to a recommendation under the provisions of the Review of Significant Trade to improve its conservation status.
- B. The following review procedures shall apply when a species is transferred to Appendix II pursuant to paragraph A. 2. iii) above:
1. Where the Plants Committee, the Animals Committee or a Party becomes aware of problems in compliance with the management measures and export quotas of another Party, the Secretariat shall be informed and, if the Secretariat fails to resolve the matter satisfactorily, it shall inform the Standing Committee which may, after consultation with the Party concerned, recommend to all Parties that they suspend trade with that Party in specimens of CITES-listed species, and/or request the Depositary Government to prepare a proposal to transfer the population back to Appendix I.
 2. If, on review of a quota and its supporting management measures, the Animals or Plants Committee encounters any problems with compliance or potential detriment to a species, the

relevant Committee shall request the Depository Government to prepare a proposal for appropriate remedial action.

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

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

D. Species that are regarded as ~~possibly~~ extinct should not be deleted from the Appendices † if:

- a) they may be affected by trade in the event of their rediscovery; or
- b) they resemble extant species included in the Appendices; or
- c) their deletion would cause difficulties implementing the Convention; or
- d) their removal would complicate the interpretation of the Appendices.

~~These species should be annotated in the Appendices as 'possibly extinct'.~~

Annex 5

Definitions, explanations and guidelines

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

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Possibly Extinct

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

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

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