

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

Fifth Meeting of the Conference of the Parties

Buenos Aires (Argentina), 22 April to 3 May 1985

General Matters of Principle Relating to the Appendices

Consideration of the Criteria for Amendment of Appendices I and II

SPECIAL CRITERIA FOR THE TRANSFER OF TAXA FROM APPENDIX I
TO APPENDIX II

The present background paper has been prepared by Switzerland.

1. The criteria for the deletion of species and other taxa from Appendices I and II, as adopted by the Conference of the Parties at the Berne meeting, 1976 (Conf. 1.2), require "evidence of changing biological status". This requirement cannot be fulfilled in the case of species for which no population data had been available at the time of their inclusion.
2. This problem was recognized by the Parties at the second meeting held at San José (1979), and special criteria for the deletion of species and other taxa included in Appendix I or II without application of the Berne criteria for addition were proposed by the United States of America. This proposal was strongly opposed by some Parties and by 25 non-governmental organizations which remarked that the effect of the proposal would be to circumvent the Berne criteria. The final wording adopted by the Parties was all but clear, practically useless, and has had no impact on the appendices so far.
3. At the Technical Committee meeting held at Brussels in 1984, the problem was discussed again, after it had become evident that a number of Parties wished to remove taxa from Appendix I which had been listed without applying the Berne criteria for the addition of species and other taxa to Appendices I and II (Conf. 1.1), and for which "evidence of changing biological status" could not be given.
4. The participants at the TEC meeting agreed that delisting a species is a serious matter, and that the basic principle of the Berne criteria for deletion, the requirement that the removal of a species from the appendices or lowering the level of protection afforded shall not lead to the loss of the resource, has to be maintained. After a lengthy discussion it was agreed that by means of internationally agreed quotas the exploitation of a species could be limited to an extent which does not threaten its survival. A small drafting group was established, chaired by Switzerland and including France, Malawi, Seychelles and Zimbabwe, which prepared the attached draft (Annex). The draft was discussed and approved by TEC subsequently.

5. Several precautions have been taken to exclude unjustified removal of protection:
- a. The special criteria allow only the downgrading of taxa from Appendix I to Appendix II. They cannot be used to eliminate a taxon completely from the appendices.
 - b. The special criteria are applicable to a limited number of taxa only. Only the following taxa are eligible for a transfer from Appendix I to Appendix II:

Taxa which have been listed without applying the Berne criteria, i.e. which have been listed at the Washington Conference (1973), at the first meeting of the Conference of the Parties (Berne, 1976) or, in a very few cases at the second meeting of the Conference of the Parties (San José, 1979) (species proposed by India which have their main distribution outside of India and where the supporting statement applied to the Indian population only).
 - c. However, a large number of these taxa, although not formally included under the Berne criteria, obviously qualifies for Appendix I-listing. This is the case for all taxa, which are (or have been at the time of their listing) rated "Endangered" by the Red Data Book, for all taxa where Appendix I-status has been confirmed by the Ten Year Review, and for all taxa for which other status surveys have been carried out since their listing. The special criteria cannot be applied in all these cases.
 - d. The special criteria are applicable only to such taxa for which the data required by Resolution Conf. 1.2 cannot be supplied "within reasonable time or with reasonable effort". This excludes all taxa with a restricted range.
 - e. The Conference of the Parties has a possibility to judge on the quotas proposed by the countries of origin. If the quotas set are deemed to be too high, the Conference can refuse to downgrade the taxon.
6. Most of the proposals for the transfer of taxa from Appendix I to Appendix II submitted to the Conference of the Parties for consideration at the 5th meeting do not come up to the Berne criteria. This is true for the following proposals:

Proposals from the People's Republic of Bangladesh:

1. Kachuga tecta tecta
2. Lissemys punctata punctata
3. Varanus bengalensis
4. Varanus flavescens

Proposals from the People's Republic of China:

5. Selenarctos thibetanus
6. Felis bengalensis bengalensis

Proposals from the Republic of India:

7. Presbytis entellus
8. Kachuga tecta tecta
9. Trionyx gangeticus
10. Trionyx hurum

Proposal from the Republic of Malawi:

13. Crocodylus niloticus

Proposal from the People's Republic of Mozambique:

14. Crocodylus niloticus

Proposal from the Republic of Seychelles:

15. Eretmochelys imbricata

(Proposals on Flora have not been considered).

For all the species or populations mentioned above, no population data are available for the time of their inclusion in Appendix I, and in none of these cases has a complete population survey been carried out in the meantime. Unless the Conference decides to reject all these proposals for reasons of non-compliance with the Berne criteria, the adoption of the special criteria, as proposed by TEC, would be an advantage from the conservationist point of view.

7. The special criteria could also be used to remove some subspecies with doubtful taxonomic status; e.g. it would be possible to transfer Felis bengalensis as a whole to Appendix II, with India setting a zero-quota which would, in practice, not change the status of the Indian population of the Bengal cat, but which would result in less complicated appendices.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Special Criteria for the Transfer of Taxa from
Appendix I to Appendix II

ACCEPTING the Berne criteria for the addition and deletion of species and other taxa (Resolutions Conf. 1.1 and Conf. 1.2) as the ordinary basis for amendments of the Appendices I and II;

NOTING that the Berne criteria for the addition of species and other taxa have not been applied to those species which have been listed by the Plenipotentiary Conference (Washington, D.C., 1973), or by the Conference of the Parties at its first meeting (Berne, 1976) and, in some cases, at its second meeting (San José, 1979);

ACKNOWLEDGING that the Berne criteria for the deletion of species and other taxa from Appendices I and II are very difficult to fulfil in the case of some of these species because they require positive scientific evidence of changing biological status showing recovery sufficient to justify deletion;

RECOGNIZING that there are obviously some taxa listed in Appendix I that either never met the Berne criteria for inclusion or have recovered since their inclusion, although this cannot be demonstrated today because their population status was not determined when they were included in the appendix;

NOTING that the establishment of quotas for the management and exploitation of wildlife is a conservation procedure used in many cases at the national level and that the Conference of the Parties has already demonstrated its acceptance of this principle for international trade controls in Resolution Conf. 4.13;

RECOGNIZING also that the Parties may wish to re-evaluate the placement of certain taxa in Appendix I;

DESIRING to maintain scientific integrity in the amendment of the appendices;

NOTING also that many producer countries were not represented at the meetings in Washington D.C. (1973) and Berne (1976) and that, therefore, there was a lack of adequate knowledge as to the conservation status of certain taxa at the time of their inclusion in Appendix I;

NOTING further that the Ten Year Review of the Appendices remains incomplete;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that in the case where Resolution Conf. 1.1 has not been applied to the inclusion of a taxon in Appendix I of the Convention and where it is virtually impossible to supply the data required by Resolution Conf. 1.2 within reasonable time or with reasonable effort, but where one can take for granted that the populations of such taxon can withstand a certain level of exploitation for commercial trade, the criteria of Resolution Conf. 1.2 be not applied to the transfer from Appendix I to Appendix II if the countries of origin agree to introduce a quota system which is deemed by the Conference of the Parties to be sufficiently safe so as not to endanger the survival of the taxon in the wild.