

Interpretation and Implementation of the Convention

INCLUSION OF HIGHER TAXA

1. This document has been submitted by Namibia.

COMMENTS OF THE SECRETARIAT

2. From the preamble of the attached draft resolution it appears that the major concern is the changes in the Appendices that result from taxonomic review. The terms of reference of the Nomenclature Committee, specified in Resolution Conf. 9.1 Annex 5, are designed to address this question. One of the functions of the Committee is to: *ensure that changes in nomenclature recommended by a Party do not alter the scope of protection of the taxon concerned.*
3. It should, of course, also ensure that, when it proposes the adoption of standard nomenclatures or references, such adoption would not alter the scope of protection to the taxa concerned. In practice it does this but it could be said explicitly in the terms of reference of the Committee. However, the proposed amendment to paragraph i) of Resolution Conf. 9.26, in document
- Doc. 10.19, also addresses the problem. There is therefore not clearly a need for a new resolution.
4. The principle in the first paragraph in the operative part of the attached draft resolution is already embodied in Resolution Conf. 9.24 on criteria for amendment of Appendices I and II, which, in Annex 4, paragraph A, states that:
- *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.*
5. Therefore, if there is an amendment to be made, it should be to this paragraph.

Doc. 10.83 (Rev.) Annex

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Inclusion of Higher Taxa

NOTING that the taxonomic status of species listed in the Appendices of the Convention might often change as the result of routine taxonomic review;

NOTING the tendency to put aside the notion of including subspecies in the Appendices in favour of proposing listings at the level of higher taxa in order to avoid disputes over nomenclature and to simplify trade controls;

CONCERNED that, as geographically distinct populations can be included in higher taxa through taxonomic review, this might result in the listing of populations in one of the Appendices for taxonomic reasons rather than conservation or management reasons;

CONCERNED that this approach obscures the difference in conservation status and management requirements of geographically distinct populations of species and might compromise management options most appropriate for the conservation of such populations;

CONCERNED further that this approach might deny the benefits of particular management options to the populations in question or to specific producer communities;

RECALLING that the roles of Management and Scientific Authorities as outlined in Articles III, IV and V of the Convention do not preclude the assessment of trade impacts on a geographically distinct population or on a population in part of the range of a species rather than throughout its global range;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that:

- a) higher taxa should not be included in the Appendices without prior consideration of possible negative consequences to conservation and management programmes for geographically distinct populations or to sustainable development programmes involving such populations; and
- b) when taxa are included in the appendices, the use of annotations be generalized so that each species, as defined in Article 1.(a) of the Convention, is treated according to its conservation status and the most appropriate management programme.

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SPLIT-LISTINGS OF GEOGRAPHICALLY DISTINCT POPULATIONS IN THE APPENDICES

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

NOTING the concern expressed in Resolution Conf. 9.24 Annex 3 that the listing of species in more than one Appendix might create enforcement problems and that split-listing should not normally be permitted;

CONCERNED that this approach obscures differences in conservation status and management requirements of geographically distinct populations of species and might compromised the management options most appropriate for the conservation of such populations;

CONCERNED further that this approach might deny the benefits of particular management options to the populations in question or to specific producer communities;

RECALLING that the roles of Management and Scientific Authorities as outlined in Articles III, IV and V of the Convention do not preclude the assessment of trade impacts on a geographically distinct population or a part of the range of distribution of a species rather than its global range; and

RECALLING further that Resolution Conf. 9.24 advises that split-listing, where appropriate, should be done on the basis of national or continental populations;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that:

- a) global listings of geographically distinct populations in the Appendices not be made without prior consideration of negative consequences to conservation and management programmes for national populations or to sustainable development programmes involving such populations; and
- b) when listings are made in the appendices, the use of annotations be generalized so that each species, as defined in Article 1. (a) of the Convention, is treated according to its conservation status and the most appropriate management programme.

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NOTES IN SUPPORT OF THE DRAFT RESOLUTION ON
"SPLIT-LISTINGS OF GEOGRAPHICALLY DISTINCT POPULATIONS IN THE APPENDICES"

1. The Parties to CITES recognized in Resolution Conf. 9.24 Annex 3 that listing species on different Appendices could create law enforcement problems and should normally not be permitted. Global listings of species against the recommendations of individual range States have, however, resulted in severe tensions within the Convention. Such listings are examples of concerns over equity within CITES, as expressed during the review of the effectiveness of CITES and the resulting conflicts have harmed international relations and domestic conservation programmes.
2. It is unlikely that the recommendation in Resolution Conf. 9.24 Annex 3 concerning split-listing was adopted with the intention to undermine conservation programmes for national populations or harm rural producer communities who have been most affected. The purpose of the draft resolution in document Doc. 10.83.1 is therefore to request the Conference of the Parties to consider potentially negative impacts that might result from listing of global populations and to employ alternative ways to address unsustainable trade before making a species listing that would be incompatible with domestic conservation programmes.
3. Split-listing can be permitted under special circumstances (Resolution Conf. 9.24), although these circumstances are not defined beyond a recommendation that split-listing should be done on a national or continental basis. It seems most appropriate to employ split-listing to safeguard national conservation programmes provided that reasonable precautions can be taken to avoid any negative impact on trade controls for other populations.
4. The listing *per se* of a species in the CITES Appendices does not necessarily result in species recovery at the global level, as demonstrated by several well-known megafaunal examples and the recent review of the effectiveness of the Convention. Recovery seems to be more attainable at national level through programmes targeted at the fundamental causes of threats to conservation, such as habitat loss and lack of incentives for conserving the species. Concerns of range States that conservation programmes might be harmed as the result of listing should therefore be given significant weighting, if not precedence, over concerns about the imperative to include all populations of a species in a single appendix.