

Explanation of why the criteria review process concluded that
the current Resolution Conf. 9.24 should be amended

Why is there a need to revise Resolution Conf. 9.24?

1. The "Terms of reference for the review of the criteria for amendment of Appendices I and II" included as Annex 2 to the Decisions required the Secretariat to convene a meeting of the Criteria Working Group (CWG) to address, among other issues, the question of whether the present criteria in Resolution Conf. 9.24 (and the definitions and notes in its Annex 5) "are scientifically valid and applicable to and sufficient for all taxonomic groups of plants and animals".
2. At its first meeting, the CWG reviewed a number of reports that assessed the adequacy of the present criteria against the numerous taxa that had been evaluated since the Resolution had been adopted in 1994. These reports have been posted on the CITES website.
3. The reports clarified that the Appendix-I criteria (i.e. the 'biological criteria for Appendix I', detailed in Annex 1 of the Resolution), worked well for all taxonomic groups and were easily and unambiguously applicable. However, this could not be said for the Appendix-II criteria (detailed in Annex 2 of the Resolution).
4. The experience of the Secretariat (which had thoroughly assessed some 137 species proposals for animals and plants since Resolution Conf. 9.24 had been adopted) was that the CITES criteria for Appendix I could be easily and objectively applied, but that the criteria for Appendix II were ambiguous and difficult to apply with any confidence for plant or animal species. This conclusion was echoed by the Plants Committee, which had systematically assessed hundreds of plant species against the new criteria, including 208 timber species. The review of the latter (see Tree species evaluation using the new CITES listing criteria', under 'Criteria Review' at www.cites.org) concluded that:

"application of the CITES criteria for Appendix I tended to be a straightforward exercise when sufficient information on the species was available and, in such cases, there was little doubt when a species fulfilled the criteria"; and

"The criteria for Appendix II were found to be more ambiguous than criteria for Appendix I; terms are not precisely defined, making application of these criteria considerably more difficult."

5. The reasons for this conclusion were explained as follows:

"Listing according to Appendix-II Criterion A requires that species will fulfil listing criteria for Appendix I in the near future, unless the species is subject to strict regulation. There is no definition of 'near future' given in Resolution Conf. 9.24. Criterion A of Appendix II is very similar to Criterion D of Appendix I, with Criterion A having a presumed time scale of longer than that outlined in Criterion D (i.e. five years). ...

In contrast to criteria for listing in Appendix I, where international trade must merely be known or suspected to take place, Criteria B. [i] and ii)] for listing on Appendix II require that international trade has a deleterious effect on the species concerned. The criteria specify either that trade will exceed over an extended period the level that can be continued in perpetuity [Criterion B. i)] or will cause or has caused the taxon to become threatened for other reasons [Criterion B. ii)]. Guidance is not given as to interpretation of the term "extended period" within Resolution Conf. 9.24.

In evaluation of the selected timber species, Criterion B. i) was understood to mean that the level of exploitation from the wild for international trade was greater than that deemed to be sustainable

and B. ii) was assumed to mean that the level of exploitation from the wild for international trade would reduce the population to a level where threats other than exploitation would jeopardize the species. In practice it was found to be difficult to make the distinction between Criteria B. i) and B. ii) when evaluating tree species.

...Difficulties in application of the criteria relate to ambiguities in the wording of Annexes of Resolution Conf. 9.24”.

6. The “Terms of reference for the review of the criteria for amendment of Appendices I and II” included as Annex 2 to the Decisions further required the involvement of FAO and ITTO in the CWG. Although no fish species had been assessed by FAO under the CITES listing criteria, FAO nevertheless commented that they were particularly concerned about the Appendix-II criteria listed in Annex 2 of the Resolution. FAO suggested that the Appendix-II criteria were so broad and ambiguous that essentially any currently managed fish stock could meet these criteria and hence, under the current criteria, could be eligible for inclusion in the CITES Appendices. FAO argued that this could not possibly have been the intention of the CITES Appendix-II criteria. FAO therefore initiated its own process of review of the CITES criteria, and reports resulting from this review are available on the CITES website.
7. Clearly, from these assessments the CWG needed to focus its attention on the Appendix-II criteria in particular and on the ambiguities in the various Annexes to Resolution Conf. 9.24.

Why is the revision of Resolution Conf. 9.24 not restricted to changes in the Appendix-II criteria listed in Annex 2 of the Resolution?

8. The CWG quickly concluded that a revision of the Appendix-II criteria detailed in Annex 2 of the Resolution required consequential changes in the various Annexes of the Resolution. It also noted a number of other ambiguities in the text of the various Annexes, as the Plants Committee had also concluded. These needed to be clarified.
9. The detailed amendments to Resolution Conf. 9.24 proposed by the Chairmen of the Animals Committee and the Criteria Working Group are provided in Annex 3 to this document, together with an explanation as to why each amendment is needed.

The position of the Secretariat

10. The review of the criteria took place in accordance with Decision 11.2.
11. The Secretariat wishes to thank the Chairmen of the Animals and Plants Committees, the members of these Committees and of the Standing Committee, and the members of the Criteria Working Group for their hard work and the resulting valuable contributions towards reaching objective 2.2. of the CITES ‘Strategic Vision Through 2005’: “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.”