

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



Fifteenth meeting of the Conference of the Parties
Doha (Qatar), 13-25 March 2010

Interpretation and implementation of the Convention

Amendment of the Appendices

PERIODIC REVIEW OF THE APPENDICES

1. This document has been prepared by the Secretariat.

Background

2. The costed programme of work for the CITES Secretariat for 2009-2011, approved by the Standing Committee at its 57th meeting (Geneva, July 2008), provides for the preparation of a revised resolution on the periodic review of the Appendices to be presented at the present meeting.
3. At the third meeting of the Conference of the Parties (New Delhi, 1981), the Parties recognized that an effective method of evaluating the effectiveness of the Convention would be a periodic review of the trade in and status of listed species. The Conference adopted terms of reference for such a review in Resolution Conf. 3.20 on *Ten Year Review of the Appendices*. This review of the trade in and biological status of all species in Appendices I and II was based on the criteria for amending the Appendices which were in force at the time. The Parties also accepted that such a review should be conducted at least once every 10 years. A central committee and regional committees were established to undertake this task.
4. At its fourth and fifth meetings (Gaborone, 1983, and Buenos Aires, 1985), the Conference of the Parties noted that the 10 year review of the Appendices remained uncompleted. At its sixth meeting (Ottawa, 1987), in Resolution Conf. 6.1 on *Establishment of Committees*, the Conference transferred responsibility for this review to the Animals and Plants Committees, which were instructed to undertake a periodic review of animal species included in the CITES Appendices by:
 - A) *establishing a schedule for reviewing the biological and trade status of these species;*
 - B) *identifying problems or potential problems concerning the biological status of species being traded; and*
 - C) *informing the Parties of the need to review specific species, and assisting them in such reviews.*

At the 11th meeting of the Conference of the Parties (Gigiri, 2000), in Resolution Conf. 11.1 on *Establishment of Committees*, the following tasks were added:

...

- iii) *consulting the Parties on the need to review specific species, working directly with the range States in the selection process, and seeking their assistance in such reviews; and*
- iv) *preparing and submitting amendment proposals resulting from the review, through the Depositary Government, for consideration at meetings of the Conference of the Parties.*

These instructions continue to apply under Resolution Conf. 11.1 (Rev. CoP14).

Results and problems encountered

5. Since CoP6, the review has resulted in the preparation of a number of proposals to amend the Appendices:

CoP meeting	Number of proposals to amend the Appendices arising from the periodic review
CoP7 (Lausanne, 1989)	10 proposals
CoP8 (Kyoto, 1992)	15 proposals
CoP9 (Fort Lauderdale, 1994)	Five proposals
CoP10 (Harare, 1997)	11 proposals
CoP11 (Gigiri, April 2000)	11 proposals
CoP12 (Santiago, 2002)	Zero proposal (One proposal related to a species considered under the periodic review, although the supporting statement did not mention that the proposal resulted from the review)
CoP13 (Bangkok, 2004)	Zero proposal
CoP14 (The Hague, 2007)	Zero proposal (Five proposals related to species that were being considered under the periodic review, but none of the supporting statements for these mention that the proposals were a result of the review. Indeed, one of the supporting statements (proposal CoP14 Prop. 24) states: "there seem to be considerable problems related to the <i>modus operandi</i> of the Periodical Review. In the case of extremely widespread higher taxa..... with a high number of species and range States, it seems virtually impossible – with no funds allocated by CITES – to conduct a very detailed review, comprising complete data for all species and from all range States and it therefore may be a more pragmatic way forward to present the issue to the CoP for deliberation and decision")

6. The absence of proposals submitted to the meetings of the Conference of the Parties since CoP11 is partly due to the fact that, at that meeting, some range States of species subject to an amendment proposal under the periodic review objected to the proposals made. Subsequently, at CoP12, Decision 12.96 instructed the Standing Committee to develop mechanisms to obtain greater involvement of the range States in the periodic review of the Appendices and provide guidance to reach a clear recommendation after the completion of the review. Between CoP12 and CoP13, the Standing Committee developed and adopted comprehensive recommendations in this regard [see document SC51 Doc. 16, Annex A to document AC21 Doc. 11.1 (Rev. 1) and Annex 1 to document PC16 Doc. 11 (Rev. 1)]. The recommendations include guidelines to assist the Animals and Plants Committees in the selection of species to be reviewed and in conducting the review. These guidelines had been developed by a joint working group of the scientific committees.
7. However, after further consideration, the Animals and Plants Committees concluded that the guidelines for selecting taxa for the periodic review were too complex. Consequently, in document CoP14 Doc. 66, they proposed the adoption of a simplified procedure. On the basis of this proposal, at CoP14, the Conference adopted Resolution Conf. 14.8 on *Periodic Review of the Appendices*.
8. In recent years, the Animals and Plants Committees have experienced difficulties in finding volunteers to review species and roughly half of all species selected have remained unreviewed [see documents CoP14 Inf. 11, PC18 Doc. 16.1.1 and AC24 Doc. 10.2 (Rev. 1)].
9. It appears to the Secretariat that the procedures for undertaking the periodic review in effect since CoP11 have been over-complicated and ineffective.

Future developments

10. Over time, the purpose of the periodic review of the Appendices has become less clear. Initially it was to evaluate the effectiveness of the Convention, and Parties clearly feel that this is still an important function as the Standing Committee adopted at its 57th meeting the following indicators for Objective 1.4 (*The Appendices correctly reflect the conservation needs of species*) of the *CITES Strategic Vision: 2008-2013*:
 - 1.4.1 *The number and proportion of species that have been found to meet the criteria contained in Resolution Conf. 9.24 or its successors. This includes both the periodic review and amendment proposals.*
 - 1.4.2 *The number of unlisted species subject to significant levels of international trade, for which the trade and biological information is evaluated via a transparent mechanism including IUCN Red List and other data to identify species that would benefit from inclusion in the Appendices and the number of such species subsequently included in the Appendices.*

These indicators are clearly linked to the periodic review of the Appendices.

11. In contrast, although Resolution Conf. 14.8 contains no preamble to explain its background or purpose, the operative section describes a process of 'tidying up' the Appendices, particularly in relation to species that have featured little in international trade in recent years. It states that the resulting draft proposals to amend the Appendices must be submitted for decision to the Conference of the Parties.
12. Since CoP11, the number of reviews successfully concluded by the Animals and Plants Committees has been very small – fewer than 10 species. The Secretariat believes that a clarification of the purpose of the review and significant streamlining the procedures involved are required.
13. In relation to the indicators mentioned in paragraph 10 above, the Standing Committee instructed its Working Group on Special Reporting Requirements at its 58th meeting (Geneva, July 2009) to follow up on how the reporting required in these indicators would be undertaken. However, it is unrealistic to expect the Animals and Plants Committees to undertake periodic reviews of a large number of species on a voluntary basis, and a sampling approach would appear to be required. The Secretariat proposes a draft decision in Annex 1 to the present document which would formalize the arrangements for this exercise.
14. Concerning the use of a periodic review in order to delete a species from the Appendices or transfer it from Appendix I to Appendix II as described in Resolution Conf. 14.8, the Secretariat proposes a simplified procedure in Annex 2 to the present document.
15. The Secretariat does not believe however, that the periodic review described in the draft resolution in Annex 2 can be initiated on a significant scale on a voluntary basis by the Animals and Plants Committees. Activity 8 of the Costed programme of work for the CITES Secretariat for 2009-2011 contains little funding earmarked for the periodic review. This will need to be increased in the next triennium if the review is to be an effective tool.

Recommendations

16. The Conference of the Parties is requested to adopt the draft decision in Annex 1 to the present document and the draft resolution in Annex 2.
17. The Conference of the Parties is requested to endorse the call in document CoP15 Doc. 7.2.1, for funds to be allocated for the periodic review.

DRAFT DECISION OF THE CONFERENCE OF THE PARTIES

Periodic review

Directed to the Standing Committee

The Standing Committee shall advise the Animals and Plants Committees, prior to their 25th and 19th meetings respectively, of the number and format of periodic reviews to be undertaken to address Indicators 1.4.1 and 1.4.2 of the *CITES Strategic Vision: 2008-2013*.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Periodic review of species included in Appendices I and II

RECOGNIZING that an effective method of evaluating the effectiveness of the Convention would be a periodic review of the trade in and status of species;

ACKNOWLEDGING that, in order to ensure that the Appendices continue to reflect correctly the requirements of Article II, paragraphs 1 and 2, of the Convention, a periodic review of species included in Appendices I and II is required to take into account changes in international trade and in the status of these species;

RECALLING that criteria for the inclusion of species in Appendices I and II and for their deletion were approved by the Conference of the Parties at its ninth meeting (Fort Lauderdale, 1994) in Resolution Conf. 9.24 and that these have subsequently been amended at its 12th, 13th and 14th meetings (Santiago, 2002, Bangkok, 2004, and The Hague, 2007);

RECALLING also that, in Resolution Conf. 9.25 adopted at the ninth meeting of the Conference of the Parties (Fort Lauderdale, 1994) and amended at its 10th and 14th meetings (Harare, 1997, and The Hague, 2007), Parties having included species in Appendix III were urged to review periodically the status of these species and, taking into account the guidelines in that Resolution and any recommendations of the Animals and Plants Committees, consider the necessity to maintain them in that Appendix;

RECALLING also that in Resolution Conf. 11.1 adopted at the 11th meeting of the Conference of the Parties (Gigiri, 2000) and subsequently amended at its 12th, 13th, and 14th meetings (Santiago, 2002, Bangkok, 2004, and The Hague, 2007), the Conference of the Parties has resolved that the Animals and Plants Committees shall undertake a periodic review of animal or plant species included in the CITES Appendices;

AGREEING that there is a need to give the Animals and Plants Committees guidance in this regard, building on the guidelines in Resolution Conf. 14.8 adopted at the 14th meeting of the Conference of the Parties;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

AGREES that the periodic review referred to in Resolution Conf. 11.1 (Rev. CoP14), shall have two purposes:

- a) an indicator of the effectiveness of the Convention; and
- b) a tool to ensure that species included in Appendices I and II continue to meet the criteria for inclusion in their respective Appendix;

DIRECTS the Standing Committee to provide instructions to the Animals and Plants Committees, concerning the number and format of reviews required to establish reliable indicators of the effectiveness of the Convention;

DIRECTS the Animals and Plants Committees to:

- a) establish an efficient procedure for reviewing species included in Appendices I and II;
- b) prepare a list of candidate species for review;
- c) establish a schedule for reviewing the trade in, and biology of, these species;
- d) through their regional members, consult the Parties on the need to review specific species and seek their assistance in such reviews;
- e) undertake or oversee reviews the trade in, and biology of, selected species; and
- f) prepare amendment proposals resulting from the review and, if no range State is willing to submit the proposals, request the Depository Government to submit them for consideration at meetings of the Conference of the Parties;

INSTRUCTS the Animals and Plants Committees to submit the list of candidate species for approval by the Standing Committee before embarking on the reviews, and to keep the Standing Committee regularly informed of progress with the reviews;

INSTRUCTS the Secretariat, within available resources, to provide the assistance requested by the Animals and Plants Committees in undertaking the periodic review and to maintain a database of species previously reviewed, containing dates of the reviews and associated documents;

INVITES Parties, intergovernmental organizations and non-governmental organizations to support the work of the Animals and Plants Committees in undertaking the periodic review; and

REPEALS the Resolutions or parts thereof listed hereunder:

- a) Resolution Conf. 11.1 (Rev. CoP14) - *Establishment of committees* – subparagraphs i) to iv) under paragraph h) of the first RESOLVES in Annex 2; and
- b) Resolution Conf. 14.8 (The Hague, June 2007) – *Periodic Review of the Appendices*.