

**Comments of the German Scientific Authority
to the report of the CITES Criteria Working Group and their proposal to change Res. Conf. 9.24
submitted by the CITES Secretariat in Notification 2000/051**

We would like to congratulate the Criteria Working Group for the job they have done, finally tabling a proposal for changing Resolution Conf. 9.24. Many of the proposed changes are supported by the German Scientific Authority to CITES. However, we are of the opinion that some of the proposed changes are unnecessary (thus creating confusion or overloading the resolution) or not in line with the Convention itself.

Below we provide our comments only on those different aspects of the report as well as on those proposed changes of the resolution 9.24 which we believe cannot be accepted in the suggested way. Proposed changes not commented below are acceptable to our point of view.

Report of the first meeting of the Criteria Working Group	Comments of the German Scientific Authority to CITES
<p>Comment no. 34 to 44</p>	<p>Annex 2a lists criteria (A, B, C) for the inclusion of species in Appendix II in accordance with art. II, paragraph 2(a). Although addressing different aspects, these criteria are regarded as of equal value. A species meeting any of the criteria, unimportant whether it is either A or B or C, qualifies for being included on Appendix II.</p> <p>The approach used by the Criteria Working Group and described in the report 34 to 44, however, seems to weigh their importance against each other, finally coming to a ranking in a way that obviously A is the best criterion, B is of minor importance and C is the least important. This is definitely not in line with Annex 2a giving A, B and C equal value, and it seems to indicate that a proposal using criterion A is a better one than another using only B. The way it is demonstrated in the figure indicates that a species which fulfills the criterion A is already much nearer to extinction than another species fulfilling “only” criterion B. In reality it may be totally the other way round.</p> <p>This sort of classifying the criteria is unnecessary and might lead to misinterpretation of the (equal) importance of the criteria. Thus it could be misused when discussing proposals for listing new species in Appendix II. We suggest that this model is revised accordingly.</p>

Proposed changed section of Res. Conf. 9.24	Comments of the German Scientific Authority to CITES	Changes proposed by the German Scientific Authority to CITES
Introductory parts of the resolution		
<p>RESOLVES that, when considering proposals to amend Appendices I and II, the following applies:</p> <p>a) any species that is or may be affected by trade should be included in Appendix I if it meets at least one of the biological criteria listed in Annex 1;</p> <p>b) a species "is or may be affected by trade" if:</p> <p>i) it is known to be in trade; or</p> <p>ii) it is probably in trade, but conclusive evidence is lacking; or</p> <p>iii) there is potential international demand for specimens; or</p> <p>iv) it would probably enter trade were it not subject to Appendix I controls;</p> <p>i) it is known to be in international trade, and that trade has a detrimental impact on the status of the species; or</p> <p>ii) it is probably in international trade, although conclusive evidence is lacking, and that trade has a detrimental impact on the status of the species; or</p> <p>iii) there is a potential international demand, and any international trade would have a detrimental impact on the status of the species; or</p> <p>iv) it would probably enter international trade, with a detrimental impact on the status of the species, were it not subject to Appendix-I controls;</p>	<p>The new interpretation of "affected by trade" refers to Appendix I listing of species that already fulfill the biological criteria as outlined in Annex 1. This means that a species is threatened with extinction (Art. II paragraph 1 of the Convention). In such a situation any commercial trade has to be regarded as detrimental, especially with regard to the precautionary principle described in sentences of the introductory part directly prior to these ones. Therefore the proposed changes must be rejected and the previous text maintained.</p>	<p>Reject the proposed changes and maintain the previous text.</p>
<p>RESOLVES that Parties should avoid the inclusion in Appendix II of species that are in international trade, but managed in such a manner that there is a negligible risk that, in the near future, the species will qualify for inclusion in Appendix II under the provisions of Annex 2a to this Resolution;</p>	<p>This paragraph is superfluous. When a species is managed in the way outlined in this paragraph it does not meet the criteria outlined in Annex 2a and cannot be included in Appendix II.</p>	<p>Reject and delete this paragraph.</p>

Proposed changed section of Res. Conf. 9.24	Comments of the German Scientific Authority to CITES	Changes proposed by the German Scientific Authority to CITES
Introductory parts of the resolution (cont.)		
<p>RESOLVES/RECOMMENDS that a species should normally not be included in Appendices I or II when the risk of a detrimental increase in trade as a result of the listing is considered to outweigh the conservation benefit of the listing;</p>	<p>CITES as all other species conservation conventions works on the principle of negative listing (same as the lists in the IUCN Red Data Book) restricting the international trade of wild species on different levels. If the listing of species results or will result in a detrimental impact as outlined in this paragraph than the implementation of CITES does not work. In this case the implementation should be improved rather than accept an over-exploitation.</p> <p>Conservation status and trade are the cornerstone criteria of CITES as outlined in the text of the convention. It must be noted that by adding this text a hidden criterium enters the preamble of resolution 9.24 that is not covered by the convention itself and not listed under the criteria in Annex 1, 2a and 2b.</p>	<p>Reject and delete this paragraph.</p>

Proposed changed section of Res. Conf. 9.24	Comments of the German Scientific Authority to CITES	Changes proposed by the German Scientific Authority to CITES
Introductory parts of the resolution (cont.)		
<p>RESOLVES that species subject to review under the provisions of Resolution Conf. 8.9 (Rev.) should not normally be transferred to Appendix I, or being subjected to a zero quota established by the Conference of the Parties:</p> <p>a) until the completion of the review process has demonstrated that there is a need to do so; or</p> <p>b) unless the proponent demonstrates why the procedures outlined in Resolution Conf. 8.9 (Rev.) are not sufficient and an Appendix-I listing is warranted;</p>	<p>This paragraph may easily be misused in order to prevent or unjustifiably postponing Appendix I listing or the establishment of zero quota. With regard to the precautionary principle agreed upon that asks to act in the best interest of the species these paragraphs have to be rejected.</p> <p>In addition it should be noted a recommendation of the CITES Secretariat to stop trade in a certain species of a certain country as a result of a recommendation within the significant trade process cannot be implemented by many CITES Parties according to their respective laws.</p>	<p>Reject and delete these paragraphs.</p>
<p>RESOLVES that annotations to proposals to amend Appendix I or Appendix II should be made in accordance with the applicable Resolutions of the Conference of the Parties;</p>	<p>It is self-evident that proposals for amendment of the appendices of the convention should be in line with the provision of the convention. There is no need to specifically address it.</p>	<p>Reject and delete the paragraph.</p>

Proposed changed section of Res. Conf. 9.24	Comments of the German Scientific Authority to CITES	Changes proposed by the German Scientific Authority to CITES
Annex 1		
<p>A.B. The wild population has a restricted area of distribution and is characterized by <u>at least one</u> of the following:</p> <ul style="list-style-type: none"> i) fragmentation or occurrence at very few locations; or ii) large fluctuations in the area of distribution or the number of sub-populations; or iii) a high vulnerability due to the species' biology or behaviour (including migration); or iv) an observed, inferred or projected decrease in any one of the following: <ul style="list-style-type: none"> – the area of distribution; or – the number of sub-populations; or – the number of individuals; or – the area or quality of habitat; or – reproductive potential. ; or – recruitment/reproductive success or reproductive potential. 	<p>The addition of the last indent under iv) is not comprehensible. What is the difference between</p> <ul style="list-style-type: none"> a) reproductive potential and b) recruitment/reproductive success or reproductive potential? <p>Overlooked redundancy? Should a) be deleted?</p>	
<p>B.A. The wild population is small, and is characterized by at least one of the following:</p> <ul style="list-style-type: none"> i) an observed, inferred or projected decline in the number of individuals or the area and quality of habitat; or i) ii) each sub-population being very small; or ii) iii) a majority of mature individuals, during one or more life-history phases, being concentrated in one sub-population; or iii) iv) large short-term fluctuations in the number of mature individuals; or iv) v) a high vulnerability due to the species' biology or behaviour (including migration). 	<p>It is not comprehensible why the term “mature” has to be added under two different subpoints of this criterium. In many cases it is already difficult to evaluate the status of the whole population. It is almost impossible to restrict this evaluation to the mature individuals alone. Taking the total number of individuals in order to evaluate points ii) iii) and iii) iv) is absolutely correct with regard to the biological point of view.</p>	<p>Reject and delete the addition of the word “mature”.</p>

Proposed changed section of Res. Conf. 9.24	Comments of the German Scientific Authority to CITES	Changes proposed by the German Scientific Authority to CITES
Annex 1 (cont.)		
<p>C. A marked decline in the number of individuals in the wild, which has been <u>either</u>:</p>	<p>In general it should be avoided to make already vague terms worse by adding undefined new words. “Decline” has been defined in Annex 5, but as long as there is no definition of both, the terms “decline” and “marked decline”, there is no necessity of changing the wording.</p>	<p>Delete the term “marked”.</p>
<p>D. The status of the species is such that if the species is not included in Appendix I, it is likely to satisfy one or more of the above criteria within a period of five years.</p>	<p>With regard to the precautionary principle this paragraph must not be deleted.</p>	<p>Maintain this paragraph.</p>
Annex 2a		
<p>A species should be included in Appendix II when, on the basis of available information on the status and trends of the wild population(s), any of the following criteria is met:</p>	<p>It is self-evident that you have to evaluate proposals to amend the appendices on the basis of available information on the status and trends of the wild population as outlined in Annex 6. This remark is superfluous and should be rejected.</p>	<p>Stick to the previous wording: A species should be included in Appendix II when either of the following criteria is met:</p>
<p>A. It is known or can be projected that unless the international trade in the species is subject to strict regulation, it is likely to satisfy one or more of the biological criteria for inclusion in Appendix I in the near future; or</p> <p>B. It is known or can be projected that strict regulation of international trade is required to ensure that harvests of specimens from the wild for international trade do not negatively influence the status of the wild populations to such a degree that criterion A above would apply; or</p>	<p>Art. II defines Appendix II as follows: Appendix II shall include (a) all species which although not necessarily now threatened with extinction <u>may become</u> so unless trade</p> <p>The new wording in the criteria A and B of Annex 2a by using the terms “it is known or can be projected” is far more restrictive than what the term “may become” in Article II of the Convention itself indicates. The previous wording of “it is known, inferred or projected” is much more precisely and covers the meaning of the article itself.</p>	<p>Substitute the wording “it is known or can be projected” by the wording “it is known, can be inferred or projected”.</p>

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Annex 2a (cont.)		
<p>C. An Appendix-II listing will enable any Party, in particular range States of the species, to limit use of the species to a level that can be maintained in perpetuity, and for which international co-operation is necessary.</p>	<p>This criterium is not covered by Art. II paragraph 2 but of paragraph 3 of the Convention. It should be used therefore as a criterium for Appendix III listing.</p>	<p>Delete the new indent.</p>
Annex 2b		
<p>Only one criterium left: A. The specimens of a species in the form in which they are traded resemble specimens of a species included in Appendix II under the provisions of Article II, paragraph 2(a), or in Appendix I, for which the proponent has demonstrated that a non-expert, using basic identification materials, is unlikely to be able to distinguish between them.</p>	<p>Art. II, paragraph 2(b) of the convention covers more than simply the look-alike-problem. To fully cover the meaning of Art. II paragraph 2(b) of the Convention, however, the former point B should be maintained.</p> <p>The term “demonstrates” is too tight. It should be changed to “shown”</p>	<p>Change “demonstrates” into “shown” and maintain the former criterium B: B. The species is a member of a taxon of which most of the species are included in Appendix II under the provisions of Article II, paragraph 2(a), or in Appendix I, and the remaining species must be included to bring trade in specimens of the others under effective control.</p>

Proposed changed section of Res. Conf. 9.24	Comments of the German Scientific Authority to CITES	Changes proposed by the German Scientific Authority to CITES
Annex 3		
<p><u>Split-Listing</u></p> <p>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 continental 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.</p> <p>Listing of a species in more than one appendix should be avoided unless it relates to the down-listing of a population from Appendix I to Appendix II in accordance with the precautionary measures contained in paragraph A of Annex 4 to this Resolution.</p> <p>When split-listing does occur, this should generally be on the basis of national or continental populations, and should not result in some populations being outside the Appendices.</p>	<p>The previous wording of the aspects of split-listing covers all different aspects of split-listing. The specific split-listing case described in the first sentence of the proposed change is perfectly covered by the former text. There is no need at all to explicitly mention it. To do so would be an unjustified one-side preference of the user versus the conservation issue, even if the precautionary principle is mentioned.</p> <p>The previous text should therefore be maintained.</p>	<p>Maintain the previous text of split-listing.</p>
Annex 4		
<p>A. — 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.</p>	<p>Although indicated in the introductory part of the resolution (as referred to by the CWK) it is a basic principle that must be clearly defined in the beginning of a chapter that describes the precautionary measures.</p>	<p>The previous text must be maintained.</p>

Proposed changed section of Res. Conf. 9.24	Comments of the German Scientific Authority to CITES	Changes proposed by the German Scientific Authority to CITES
Annex 4 (cont.)		
<p>4. A species should be deleted from Appendix II when it no longer qualifies under the provisions of Annexes 2a and 2b of this Resolution and therefore implementation of the provisions of Article IV of the Convention is no longer required.</p>	<p>This is no precautionary measure. It should be deleted under the heading “Precautionary measures”.</p> <p>There is no need at all to describe this case. Every Party has the possibility to introduce a proposal to delist species from Appendix II under the provisions of Annexes 2a, 2b and 4.</p> <p>If it is added somewhere it should be noted that in this case in addition to the annexes 2a and 2b, the provisions of annex 4 have to be met as well.</p>	<p>Delete the new indent.</p> <p>If placed elsewhere then the text has be changed in the way indicated to the left.</p>
Annex 5		
<p>In order to promote the discussion of the term “decline” the Criteria Working Group introduced a text and figure box on different types of decline taken from a document prepared by the IUCN (see note 71)</p>	<p>Figure and text give an interesting, but highly theoretical overview of different types of decline possible. Only in exceptional cases (those with an already existing long-time monitoring) will it be possible to provide the necessary population data in time to work with these principles. In most cases these data will lack. Therefore we regard this approach as unsuitable with regard to Annex 5 which is in fact a set of annotations/definitions helping to implement CITES Res. 9.24.</p>	<p>Delete this approach from Annex 5.</p>

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Annex 6		
	<p>General remarks:</p> <p>Various points of the former format have been reorganised and specified with regard to various data desirable which should be analysed and evaluated. However, there are many cases in which such precise data are not available. Therefore it has to be made sure that in the various paragraphs the term “if available” is added whenever it is said that certain information has to be presented under the respective heading</p>	<p>Additions necessary, see explanation to the left</p>
Introduction to the format for proposals to amend the appendices	In the chapters to follow it is sometimes said that the sources of information presented should mentioned and included in the chapter references. This is general principle that should be used throughout the whole proposal and should therefore be noted in the introductory remarks and not in certain paragraphs alone.	<p>Additions necessary, see explanation to the left</p>
<p>A. Proposal</p> <p>The proponent should indicate the intent of the specific action amendment to the Appendices being proposed and any relevant annotations or qualifications proposed the relevant criteria against which the proposal is to be judged.</p>	The advantage/difference of the new wording is not comprehensible and needs explanation.	<p>Changed wording needs explanation.</p>

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Annex 6 (cont.)		
<p>2. Rationale</p> <p>2.1 Overview Provide a brief overview of key elements of the proposal. Parties may wish to cite key sections of the supporting statement.</p> <p>2.2 Compliance with the criteria Provide a brief summary of the relevant criteria in this Resolution and how the taxon complies with those criteria. In the case of a transfer from Appendix I to II, the proponent should address both the Appendix II criteria satisfied and why the Appendix I criteria are no longer satisfied. Parties may wish to cite key sections of the supporting statement.</p>	<p>The chapter “Rationale” according to the explanations under Point 2.1 and 2.2 is in fact a summary and not a rationale.</p>	<p>Change the heading “Rationale” into “Summary”</p>
<p>32. Species Overview Biological Parameters The information required in this section is a summary of the principal results of surveys, literature searches, and other relevant studies. The references used must be listed in section 8 12 of the proposal. It is understood that the quality of the information available will vary a lot, but but these instructions indicate the type of information that is required. If the proposal relates to a geographically separate population or subspecies, it should consider the biological species in its entirety for appropriate context, as well as draw attention to any significant parameters relevant to the entity covered by the proposal.</p>	<p>The heading of this chapter would be better characterized by the words “Species Characteristics”</p> <p>Surveys and literature searches are studies as well. The word “other” in the first sentence therefore should not be deleted.</p>	<p>Change heading into “Species Characteristics” and do not delete the word “other” in the first sentence.</p>
<p>32.1 Distribution Specify Give an estimate of the current range of the species, and specify the references used. Specify the types of habitats occupied and, if possible, the extent of each habitat type over the range of the species. If possible, provide information to indicate whether or not the distribution of the species is continuous and, if it is not, indicate to what degree it is fragmented.</p>	<p><i>“the extent of each habitat type over the range of the species”</i> is an important aspect and seems to have got lost in the process of reorganizing the format. It should be included again at an appropriate place.</p>	<p>Do not delete the aspect and put it at a suitable place within the new format.</p>

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Annex 6 (cont.)		
<p>3.3 Biological characteristics Provide a summary of general biological and life history characteristics of the species, particularly those that are relevant to population dynamics or to this proposal (<i>e.g.</i>, reproduction, recruitment, survival rate, immigration, emigration, sex ratio, regeneration, reproductive strategies).</p>	An important aspect of the biology of a species is the question of migration and this term should be added.	Add the term “migration” to the list in brackets.
<p>3.4 Role of the species in its ecosystem Give information about the role of this species in its ecosystem, and other relevant ecological information, as well as the potential impact of this proposal on that role.</p>	The role of a species in the ecosystem is a difficult aspect. The previous comments included a clearer picture of what sort of information is expected under this point. We suggest to maintain the previous text: 3.4 Role of the species in its ecosystem Give information about the specific relationship that exists between this species and others living in the same ecosystem. Indicate the possible consequences of depletion of the population of the species proposed for listing, for those depending on or associated with it.	Maintain the previous comments under the point “Role of the species in its ecosystem”
<p>4.2.2.4——Population trends Basic, quantitative and referenced information should be provided on current trends in the species's abundance whether the population of the species is increasing, stable or declining, and past trends in the species's abundance, when available.</p>	In many cases information on trends of the species abundance etc. is qualitative. This kind of information is as reliable as a quantitative one, therefore the term qualitative must be added.	Add the word “qualitative” after the word “quantitative” in the first sentence.
<p>4.3 Population structure Provide basic information on the current structure of the population and any past or current changes over time in that structure (<i>e.g.</i>, population demographics, proportion of mature individuals, sex ratio).</p>	An important aspect of the population structure of a species is the question of the social structure of the population. This term should be added.	Add the word “social structure” to the list in the brackets.

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Annex 6 (cont.)		
<p>4.4 2.5 Geographic trends Basic, quantitative information should be provided on current trends in the species's distribution [whether the species' area of distribution is increasing, stable or declining], and past trends in the species's area of distribution, when available. The period over which these trends, if any, have been measured should be indicated. Give data on the nature, rate and extent of decrease in range area or number of sub-populations, if possible with information from at least three points in time. If relevant Give data on the degree and periodicity of fluctuations in the area of distribution. range area or number of sub-populations, if possible with information from at least three points in time.</p>	<p>In many cases information on trends of the species distribution etc. is qualitative. This kind of information is as reliable as a quantitative one, therefore the term qualitative must be added.</p>	<p>Add the word “qualitative” after the word “quantitative” in the first sentence.</p>
<p>5.2.7 Threats Specify the nature, intensity and relative importance extent of threats (e.g. habitat loss and/or degradation; over-exploitation; effects of introduced species, competitors, pathogens, parasites, predators, hybridization, and the effects of toxins and pollutants; etc.), if possible with information from at least three points in time, and give the basis for future projections. Discuss in particular the relative importance of exploitation for international trade as a threat to the species in question.</p>	<p>In many cases it may be impossible to specify the relative importance of different threats. Therefore the term “if possible” should be included before the word “relative importance”</p>	<p>Add the words “, if possible,” before the words “relative importance” in the first sentence.</p>
<p>7.4.1 Legal status</p>	<p>The chapter concerns the legal conservation status of the species discussed. We suggest to add the term “conservation” in the heading.</p>	<p>Change heading into “Legal Conservation Status”</p>
<p>7.2 4.1.2 International In preparing proposals to amend the appendices, consult in advance with the relevant competent intergovernmental organizations responsible for the conservation and management of the species, and take their views fully into account.</p>	<p><i>“In preparing proposals to amend the appendices, consult in advance with the relevant competent intergovernmental organizations responsible for the conservation and management of the species, and take their views fully into account.”</i> is an important aspect and seems to have got lost in the process of reorganizing the format. It should be included again at an appropriate place.</p>	<p>Do not delete the aspect and put it at a suitable place within the new format.</p>

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Annex 6 (cont.)		
<p>8.1 Management measures Provide details of programs in place in the range States to manage populations of the species in question (e.g. controlled harvest from the wild, captive breeding or artificial propagation, reintroduction, ranching, quota systems, etc.). Include, where appropriate, details such as planned harvest rates, planned population sizes, mechanisms and criteria for the establishment and implementation of quotas, etc.</p>	<p>The previous text of this paragraph included the following aspect as part of the management: mechanisms for ensuring that the advice of those responsible for management of the species is taken into account. This is necessary e.g. to make sure that quotas suggested by a Scientific Authority within a management plan are respected and not neglected by the Management Authority. Therefore it is necessary to keep these previous words.</p>	<p>Maintain the previous aspect as mentioned to the left and add it after the words “planned population size”.</p>