

## **Comments on Review of the Criteria for the Amendment of Appendices I and II (notification 2000/051) – submitted by the Scientific Authorities of the United Kingdom.**

Preliminary comments by the UK Scientific & Management Authorities on this report are provided below, referring where appropriate to the relevant paragraph of the Report of the 1<sup>st</sup> Meeting of the Criteria Working Group. Overall, we are impressed by the work and achievements of the working group and the steps they have taken to move this important topic forwards.

Para 18. We have some reservations about this amended section as by addressing the subject in greater detail the opportunity to argue about semantics increases. In particular, if, in 18.b.ii, conclusive evidence is lacking about whether a species is in trade or not then it is equally unlikely that evidence about the impact of such trade will be available. A simpler approach may be to adopt a definition along the lines below:

*"it is known [or suspected] to be in international trade, or there is a potential market, and that such trade would be detrimental to the conservation status of the species were it not subject to the Appendix I controls."*

Para 20. The report notes that the current criteria have not been applied to commercial fisheries stocks and so the applicability of the criteria to this group could not be assessed. However, we note that the current criteria have been successfully applied to sturgeon (Acipenseriformes), which are surely a commercial fisheries stock. This example could have been considered in this respect.

Para 23. We strongly support the proposal to change any reference to the 'number of individuals' to the 'number of **mature** individuals'. This change would be consistent with practice in the IUCN Red List criteria which also provide a suitable definition of this term.

Para 24. We have reservations about the proposal to remove the decline sub-criterion from current criterion A. Firstly, this sub-criterion is repeated in current criterion B.iv. (especially 3<sup>rd</sup> & 4<sup>th</sup> indents), and it would seem inconsistent to remove the sub-criterion from criterion A and not to do so from B. More fundamentally, this criterion was included because the effects of a decline in a small population (or in a species with restricted distribution) may be proportionally greater than in a large population. This is recognised in the current guidelines in Annex 5 where the guideline / threshold for what constitutes decline in a small population is less than for a decline in a non-small population. If this proposed change were to be made, it would need to be consistent across criteria A and B and that guidance on what constitutes a 'marked decline' should be amended accordingly to take account of the impact on small or restricted range populations. However, retaining a decline sub-criterion in A & B of Annex 1 would be consistent with IUCN red list criteria.

Para 25. We agree with the proposed use of the term 'marked decline'.

Paras 27 & 28. We note the addition of 'decreasing recruitment / reproductive success or reproductive potential' to the relevant indent of criteria new A and C in

Annex 1. However, the draft revision to the criteria duplicates the phrase relating to a decrease in ‘reproductive potential’ which appears singly in the previous indent in the draft revised annexes. In other words, the 5<sup>th</sup> indent of new criterion A.iv and the 4<sup>th</sup> indent of criterion C.ii should be deleted.

Para 29. We support encouraging the use of more quantitative analyses of population status, trends and threats. We also note the limitations of such models / quantitative approaches where mis-leading outcomes can be generated not only by inadequate data but also by mistaken or false assumptions.

Para 44. We support in general the modified criteria for species to be included in Appendix II but feel that there is still scope for further discussion.

However, we feel that the proposed criterion C in Annex 2a, as currently drafted, reads much more as a criterion for Appendix III than for Appendix II. It may also encourage Parties to use CITES to achieve domestic controls on trade which is not the purpose for which the Convention exists. It may also imply that species may end up being listed on Appendix II indefinitely rather than taking the view that an Appendix II listing should offer the regulation that allows one to solve the problems of unsustainable use when, thereafter, species may be delisted.

We feel this criterion should be deleted entirely or, if it is to remain, should be substantially modified. However, the principle that this proposed criterion espouses, namely that an Appendix II listing can be used to help enable the sustainable use of a species is a valuable one. However, it is clear that if CITES involvement is required to achieve this, the regulation of international trade must be a necessary part of achieving such sustainable use. We suggest that if it is desirable to reflect this approach in the criteria, revised wording may be more appropriate. We offer the wording below as a possible alternative for discussion.

*‘An Appendix II listing will enable [or promote], by the regulation of international trade, the use of a species at a level that can be maintained in perpetuity’*

Paras 46-49. We support the wording proposed in para 49 to address the issue of whether a CITES-listing will have more risks than benefits to the conservation of the species. However, we do not feel that this is a major issue nor one that warrants substantial further discussion.

Para 53. We support the wording proposed by the working group with respect to resolution Conf. 8.9 (Rev.). However, we note that to be correct in English the word ‘being’ should be replaced by ‘be’.

Para 58. We have concerns about the proposed change to the wording of the text of Paragraph A of Annex 2b. The intention is clearly to limit the scope of listings for look-alike reasons. Yet, because so many species will not be recognisable or distinguishable by non-experts using basic identification material, many more species may end up being proposed for listing under this criterion. We feel the original wording still has much to offer. We also note that significant expertise exists within enforcement authorities and that the quality of identification guides is continually improving. At the very least, retention of the phrase ‘and with reasonable effort’ from

the original version (to be inserted after 'basic identification materials') is desirable but we feel this topic merits greater consideration.

Paras 61-63. We recognise the value of split-listings (subject to the measures in Annex 3) and support the proposals to amend Annex 3 as described. However, some thought may be given as to whether oceanic populations might also be appropriate for split-listings or whether split-listing of marine species is practical.

Paras 67-68. We agree that a third use of this precautionary phrase is redundant and should be deleted.

Para 71. We support consideration of the IUCN document considering the various types of decline and that these need to be addressed in Annex 5. We feel that time should be allocated to these discussions in December to explore the area thoroughly.

### **Additional comments**

#### Annex 4 Precautionary measures. Section B.2 (new A.2)

It may be appropriate to consider the practical implications of how these precautionary measures might apply to the taking of marine species in international waters if a down-listing is proposed or successful. This issue may be worthy of further consideration.

#### Annex 6. Proposed format for proposals.

We support most of the modifications proposed to the format of proposals to amend the appendices. However, whilst para 72 clearly refers to a proposal for an executive summary of the proposal, this only appears in Annex 6 as part of the rationale in proposed section 2.1. This is a rather strange location for a summary and, in any case, the rationale for listing should be simply that, namely a reasoned justification why the proposal meets the criteria.

The UK proposes that each proposal should have a short (not exceeding 1 page) executive summary that covers the proposal, proposer, compliance with the criteria and a summary of the rationale and other relevant factors. It is the convention in most published documents, that the summary should be the first item to appear in the format (after title etc.).

Section 4 might more usefully reflect the structure of Annex A, e.g. dealing first with distribution and range, followed by discussion of population size and structure, followed then by a section on trends. Section 4.1 should include specific reference to distinguishing numbers of mature individuals from juvenile or sub-adult individuals.

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