

CITES CRITERIA REVIEW PROCESS
Comments from **Canada** to Notif. 2001/037
October 2001/ Bertrand von Arx

Introduction

The Canadian Management Authority sent Resol. Conf. 9.24 (rev.) as in Notif. 2001/037 for comments to Governmental and non-Governmental organisations involved in CITES in Canada. Comments were received back both from GO's and NGO's.

The Department of Fisheries and Oceans as well as the Canadian Forest Service were specifically solicited for intensive review of the draft Resolution. Both provided extensive comments which are included in this document.

Attached to the core of this document (Annex 1) are more specific comments from the Canadian Forest Service. Those reflect extensive discussions at the national level with respect to the Canadian tree species.

In General

Overall the revised criteria and appendices are good. They retain the best parts of the former criteria (their flexibility and broad applicability) and also remove some of the ambiguities. However, the proposed framework of criteria does not reflect enough the need to assess the risk or degree to which a species is threatened by its international trade. This is particularly evident in Annex 1. CITES clearly recognises that international co-operation is essential for the protection of certain species against over-exploitation through international trade and this to be emphasised

All agree that it is very important that the proposed CITES listing criteria and supporting information in listing proposals reflect the best science and expert views on the status of a species, pathways to extinction and the direct threats to species' status due to international trade.

Regarding the Resolution in general, it seems now as unambiguous as possible – most of the proposed changes are good.

In many cases we agree with the changes regarding the strength of the requirement to follow a criterion but for the sake of clarity we did not always mention it. We believe that - for example -the « *may be included* » instead of « *should* » in first line of Annex 2b allows more flexibility when needed, also the « *has a detrimental impact* » in Annex 5 definition of « Affected by trade » point i is a right choices.

However, the reason for the Recommendation that « *a species should normally not be included in Appendix I when the risk of the listing is considered to outweigh the conservation benefit...* » is probably not clear to the generalist reader (although it is no doubt clear to specialists). It can be ambiguous because the element of risk is not explained. This is an example where an additionnal Annex providing background could be useful.

The notion of how close and how quickly a population is declining towards the minimum viable population size (MVP) is central to a number of definitions in the proposed framework, e.g. population size, fluctuation and

marked decline. The draft resolution would be strengthened by highlighting and providing guidance on how to assess these important linkages to MVP.

The reference to the full array of specific threats to a population's viability (e.g. habitat loss, disease, international trade) needs to be more explicit. In this context, the starting point should be that the species is endangered and that, if left uncontrolled, international trade would result in extinction over a certain period of time.

The listing criteria should take into account that species can be genetically rare.

The relationship between individual species and ecosystems is also of concern. This relationship needs to be taken into account in ecological assessments because, for example, late successional forest ecosystems can depend on the occurrence of certain species. Although there is provision to include information on the role of a species in its ecosystem in Section 3 of CITES listing proposals, there is no guidance on how to link this information to the proposed listing criteria.

Annex 1 (Appendix I)

Criterion A. Adding « recruitment » while perhaps theoretically desirable would be quite difficult to implement in species where recruitment is naturally highly variable such as some marine fish (this also applies to Criterion C which adds decreasing recruitment under point iii).

Criterion B. (iv). « those life history stages that are of critical importance... ». This wording is not very useful because all stages are important. It would seem that the real intent is to refer to « mature individuals » or « individuals capable of reproduction » and using this wording would greatly improve clarity (and would be consistent with life history science and work of other criteria groups e.g. IUCN).

From the analysis by the experts in the Forest sector, it appears that the inclusion of additional criteria that would allow an assessment of the relative pressures being exerted on a wild population due to trade as well as other factors could strengthen the proposed framework of criteria. Examples can easily be constructed where a species is threatened by a number of factors that include international trade but where ceasing international trade will not prevent a species from becoming extinct. International co-operation should be invoked when it will be effective in achieving a shared goal. Criteria should be identified and added to the framework that would identify situations where controlling international trade will be effective in protecting the viability of threatened populations. In the absence of new criteria, at a minimum, it should be required/necessary to include information in listing proposals on the range of views concerning the expected effectiveness of listing a species on Appendix I or II.

Also pertinent ecological/silvicultural principles are missing from the proposed framework of criteria. Addition of two prime biological criteria, such as reproductive success and genetic diversity would be very appropriate for assessing whether a tree species is threatened with extinction.

However, reproductive success by itself is not a suitable criterion. This must be coupled with population assessment and even population viability analysis. The principle of ecological resiliency may also be relevant.

Annex 2a (Appendix II)

B. « ... that regulation of trade... is required to ensure that harvest ... from the wild is not detrimental.... » The term « *detrimental* » is extremely vague and could be interpreted to encompass almost anything. « *Detrimental* » should be clarified in the definitions. Annex 2a from Res. Conf. 9.4 gives two ways an impact can be detrimental, i.e. exceeding over an extended period the sustainable harvest, or reducing population to a level at which survival would be threatened by other influences. These are good clarifications and should be included with this criterion.

Criterion B is often seen as not different enough from Criterion A or even as a subset of Criterion A and could therefore be integrated into A.

Annex 2b. (Appendix II / “look-alike”)

The objective of the criteria should be to establish the problems that “look-alike” pose to the effective control of species threatened by international trade. As written, they presuppose that there are sufficient problems and go directly to the question as to whether a non-expert can distinguish between the products of “look-alike” and those of species threatened by their international trade. The proposed criteria relating to “look-alike” species are too broad and they lack clear guidance on how they should be applied. “Look-alike” problems need to be considered in the context of all available technologies (e.g. genetic markers) and not limited to just those tools available to non-experts.

It would be appropriate to suggest some “compelling reasons” as in Criterion B in order to clarify this Criterion.

Annex 4 (Precautionary principle)

Given the strongly worded draft text on the first “Resolves” paragraph, Annex 4 is not necessary and could be deleted. At a minimum, the title should be changed to “Guidance for amendment of listings” or equivalent wording.

The wording of Criterion 2 is a bit circular and somewhat derogatory towards certain Parties (mainly developing countries). The wording is circular because it suggests that Parties (either the proponents and/or the COP) can determine before considering a proposal to down-list, that certain conditions have already been met. However, it is the process of considering such a proposal that establishes this. One possible approach to take is to remember that the second “Recognising” para of the proposal states that appropriate intergovernmental bodies should be consulted regarding proposals (including down-listings). If it was required to include these views in conjunction with an assessment (including the range of views) of the effectiveness and/or expected effects of a down-listing, then it would be sufficient to just have the “Resolves” text that says Parties will act in the best interests of the species, i.e. Criterion 2 can be deleted.

Annex 5. (definitions)

We received a fair amount of comment on the definitions supporting the proposed criteria (Annex 5); it was felt that many were open to interpretation and not based on science. Several references were made to the appropriateness of particular definitions, both within the discussion on definitions and the criteria:

“Decline”

This new definition accounts for historical fluctuations and provides guidelines on the magnitude of changes in abundance and the time over which changes take place.

The section is a valiant attempt to summarise this and for the most part it is clear. The para starting « The historical extent of decline and recent rate... » should be second after the para defining declines – it is important for the reader to know that the two measures should be looked at together.

It is not appropriate to include the phrase « The extreme of 5% and 30% will be applicable to only a relatively small number of species » – that prejudices future analyses. « Some species may fall outside of these extremes » is appropriate.

The guidelines are useful but it has to be clear that these must be interpreted in light of species biology and that they may not be universal – and this is stated.

“Marked decline”

A “decline” is not sufficient; the rate of decline toward an appropriate species specific threshold (and whether the rate is increasing), is a clearer measure of population viability.

“Fragmentation” and “fluctuations”

Concern over the need to put these stresses into context by standardising against appropriate, species-specific thresholds, and consider the change in fragmentation and fluctuations over a suitable time period.

“Harvest”

In the context of Appendix II, Criterion B could be considered as a special case of Criterion A, and may be redundant.

“Individuals”

Unclear on asexual reproduction; tree species could be biased if definition includes solely sexually mature individuals.

“Inferred or projected”

Concern over the similarity in meaning of both words. As inference is a form of projection, it could be deleted. On the other hand, inference is an important statistical concept that in scientific research connotes that measurements have been made. To some "projection" connotes the use of models whose parameters may or may not be based on measured observation (i.e. parameters could be based on expert opinion). As the terms "inference" and "projection" are not defined, the proposed framework would be strengthened by guidance highlighting the need to document the methods used to develop inferences and projections. This information could be included in section 4 of the proposal format found in Annex 6. (see annex 1)

“Near future”

Concern over the possibility of having all species not listed under Appendix I included in Appendix II; the definition is extremely open and should be tightened up, possibly by adopting the IUCN approach and making reference to a suitable number of generations.

“Population size”

The use of « effective population size » seems inappropriate since it has already a very precise meaning in genetics. Something like « number of individuals capable of reproducing effectively » or « number of individuals capable of producing progeny » would be better.

The bullets provide a lot of detail on interpretation, much more than is provided for other topics, for example decline (for example if details on interpretation for « decline » were to be included, something on how to establish the « baseline » for declines would be useful – it is preferable that this kind of detail be developed outside an actual Conference Resolution). For balance, and in the interests of not putting excessive interpretative detail into a Conf. Res., several examples of considerations should be given at the end of the second line of the definition – something like « when estimating this population size, such considerations as natural fluctuations in abundance and excluding individuals which cannot produce recruits should be kept in mind. » -- and the detailed bullets not included.

If the bullets are retained :

- the first bullet referring to populations which fluctuate is not very clear.
- the 4th bullet is not right – if natural populations have a biased sex ratio, presumably this is for a biological reason and using numbers of reproductive females would be fine. The caveat would only apply if sex ratios have become biased because of exploitation or other factors and this should be made clear.

“Recruitment.”

The definition as is not very useful in the fisheries context. To be useful in this context it should be something like « individuals added to the breeding population » or to the adult population (in the fisheries context it is individuals added to the exploited population).

“small”

Some species have naturally small populations. “Smallness” is not sufficient ; it needs to be considered in the context of the population viability of specific species.

“Vulnerability”

These should be limited to factors affecting the **natural** vulnerability of the species – not to threats. The last five bullets are actually threat factors, not vulnerability factors, and should be removed from this list. The first line should be modified to read « Vulnerability can be defined as the natural susceptibility of a species to extinction risk ».

Annex 6

The format for proposals to amend the Appendices, is an effective tool to guide decisions on whether to list species.

However the information highlighted in Annex 6 should be mandatory. The current wording instructs the use of “best efforts” in providing information. It would be preferable to require the incorporation into listing proposals of all relevant information. In this regard, it should be required to document the range of expert opinion on controversial issues. This would be especially important when, due to scientific uncertainty, interpretations of information must be made.

Potential assistance of listing proposals would also be enhanced if:

- Equal weight was given to the listing criteria and other information contained in the listing proposals. It was sometimes felt that the current wording of Annex 6 was too restrictive as it limits information to be contained in proposals solely to the application of the listing criteria.
- More complete instructions or guidance were included on the nature, extent and rationale for information.
- There was a section documenting the likely short, medium and longer term effects of controlling international trade on the status of the species.

Point 6.2

For perfect clarity, add « product forms » to « parts and derivatives » -- « Discuss which parts and derivatives, including product forms, are or will be primarily in trade ».

The final line here « assess the importance of the offtake...trades » seems out of place and not needed as it repeats most of the rest of the Resolution.

Conclusion

The great deal of comments that the Management and Scientific Authorities were able to collect show definitely the interest of different experts to participate in this reviewing process. Although, not all comments are in favour of the changes or sometimes even question the validity of certain amendments, the overall input aims at an improvement of the existing criteria.

By providing extensive input from two major groups for which it was agreed that the original criteria were weak or even inappropriate in some cases (*Fisheries* and *Forests*), we intend to add constructive material for further amendment in this process of revising the criteria before the final draft will be considered at the next COP.

Many of the explanatory statements following the various proposed changes are very helpful and it might be worth keeping these (possibly as another separate annex) in order to explain to future generations why some of the wording is the way it is.

The inclusion of additional criteria that would allow an assessment of the relative pressures being exerted on a wild population due to trade as well as other factors could strengthen the proposed framework of criteria. For instance, the identification of situations where controlling international trade will be effective in protecting the viability of threatened populations.

Also the addition of two prime biological criteria, such as reproductive success and genetic diversity would be very appropriate for assessing whether a species is threatened with extinction in the case of tree species.

In the absence of new criteria, at a minimum, it should be required to include information in listing proposals on the range of views concerning the expected effectiveness of listing a species on Appendix I or II.

Finally, Canada is glad to be able to participate in this dynamic process and hopes that the comments provided herewith will assist the Chairmen of the Animals and Plants Committees and the Criteria Working Group to prepare the final draft resolution for consideration by the next Conference of the Parties.

General Comments

The proposed framework for listing species on Appendix I and II of CITES does not sufficiently reflect the clear direction in the convention text. In the preamble of the Convention, the context is stated to be the need to protect species “against over exploitation through international trade”. Operational Articles II 1) and II 2) reflect the same desire to protect species threatened by their international trade. However, the proposed framework of criteria do not reflect this need to assess the risk or degree to which a species is threatened by its international trade. This omission is most apparent in the the proposed criteria for Appendix I which are entitled “Biological Criteria”, i.e. there is no reference to international trade in the title of the criteria. Also, in the definition of “Affected by Trade” in Annex 5 (specifically in the annotation of the text provided by the CITES Secretariat), it states that the Co-chairs of the Criteria Working Group are of the opinion that “if trade is known to exist it must be demonstrated that this trade has a detrimental impact”. While this need would seem obvious, there is no requirement or mechanism in the proposed framework to accomplish this goal.

The proposed criteria are too broad/general. While it is understood that flexibility is desirable, the broadness of the proposed framework invites controversy and unnecessary debate. For many Parties, listing proposals are the only information to decide on whether to list a species. To facilitate such decisions, proposals should be required to include explanations of the range of views that exist on issues arising from the application or interpretation of listing criteria. The proposed listing framework (criteria, definitions and supporting information etc.) are essentially about assessing and categorizing the risk of extinction, notably due to international trade.

The application of the proposed framework would be more effective if the same criteria were used for Appendix I and II. The difference would be the time thresholds, immediate for Appendix I and within a certain time period appropriate to the species for Appendix II. This is the approach used by IUCN with its Red List criteria.

Specific Comments

Annex 1 - Appendix 1 Criteria

1) Is the definition of affected by trade found in Annex 5, page 11 appropriate?

We agree that if trade exists, it is necessary to show that it be detrimental to the status of a species. However, this need is not reflected in the biological criteria listed in Annex 1. The second half of the definition is very broad. While the explanation is clear, the text is vague and could lead one to conclude that international trade will always have a detrimental impact.

2) Is the definition of threatened with extinction found in Annex 5, page 15 appropriate?

No. It is difficult to see the relationship between the criteria in Annex 1 and the list of parameters found in the explanation to the definition. In general, it appears that the criteria in Annex 1 are proxies for defining a point where the risk becomes unacceptably high that a population is no longer viable and thus the species becomes extinct. However, there is no link to trade, as called for in Articles I and II, 2a) of the Convention.

Criterion A: “*The wild population has a restricted area of distribution and is characterized by at least one of the following;*”

1) Are the definitions of distribution and restricted distribution in Annex 5, page 11 appropriate? Is the guideline of 10,000 square kilometers appropriate?

The definition of distribution seems adequate; however, the reference to “restricted distribution” is not, *per se*, a definition as it merely introduces the concept of “smallness” to the definition of distribution. The guideline of 10,000 km² is not suitable to all species and is very small in the context of Canadian trees species.

2) Is a “restricted” population distribution a good proxy for assessing the risk of extinction or the detrimental effect (now or in the future) of trade on Canadian commercial tree species?

No, it does not follow that trade necessarily results in an increase in the threat of extinction. The question is whether the specific level of trade is it too high, i.e. the current level will lead to extinction through its detrimental impact(s) on the status of the species. If the level of trade is greater than that permissible, given a population’s status, size and distribution status, along with other stress factors, then it could lead to extinction. Considering biological criteria in isolation is not sufficient for banning international trade.

REgarding “i) fragmentation or occurrence at very few locations:”

3) Is the definition of fragmentation in Annex 5, page 13 appropriate?

No, fragmentation is not defined correctly (at least as it is used by the science community). It does not follow that isolated “patches” face a greater threat of extinction than contiguous distributions. In general, it is the change in fragmentation over time that is closely related to the threat of extinction. A necessary condition is that the level of international trade has a detrimental impact and thus increases the threat of extinction.

4) Is “occurrence” a good proxy for assessing the threat of extinction?

No, it does not follow that a reduced “occurrence” necessarily results in an increase in the threat of extinction. As above, it is the change in occurrence over time that is related to the risk of extinction. Again, the question is whether the level of trade results in a detrimental impact on the status of the species and thereby increases the threat of extinction.

REgarding “ii) fluctuations in the distribution or the number of sub-populations:”

5) Are the definitions in Annex 5, pages 10-11 and page 14 regarding species and populations appropriate?
Yes.

6) Are fluctuations in the distribution or the number of sub-populations a good predictor of the threat of extinction or the effects of trade?

No, as above, it is the size of fluctuations over time that should be the concern. Regarding international trade, the issue is whether it will have a detrimental impact and increase the risk of extinction through causing fluctuations that are too great given the reproductive and other biological characteristics of a species.

REgarding “iii) a high vulnerability due to the species’ biology or behaviour:”

- 7) What is the biological meaning of this criterion? Presumably, the meaning is that, for example, a tree species that has a restricted distribution and that produces a small number of seeds is more vulnerable (to the threat of extinction and the effects of trade) than other tree species that have restricted distributions but that produce a large(r) quantity of seeds? Is this concept a good proxy for assessing whether a Canadian commercial tree species may be threatened by extinction or that they may be affected by trade?

Sub-criterion iii) is a consideration to be taken into account in Criteria i, ii, and iv), i.e. the threat of extinction to e.g. a small fragmented population varies according to a variety of biological characteristics or behavior, notably related to reproductive strategies. “Vulnerability” as a concept seems to have a greater direct link to population size (i.e. the number of individuals) than it does to the size of a population’s distribution and thus could be moved to another Criterion. Vulnerability due to biological tendencies helps to describe/explain why there are “observed, inferred or projected declines” in a population. Also this Criterion is perhaps adequately accounted for in Annex 6 describing the format for listing proposals (notably section 3.3 Biological characteristics).

For these reasons, the Sub-criterion could be deleted.

REgarding “ iv) an observed, inferred or projected decrease in any of the following: the area of distribution; the area of habitat; or the number of sub-populations; or the number of individuals; quality of habitat; or recruitment:”

- 8) To what extent, if any, are issues in Sub-criterion iv) appropriate or repeated elsewhere in the Appendix I criteria?

The issues of the “area of habitat” and the “quality of habitat” should not be included explicitly as key dimensions of decline as they are explanatory factors for declines in the “area of distribution” and/or the “number of individuals”. Also area and quality of habitat should not be included in Criteria B and C.

As the proposal format calls for information on habitat trends in section 4.1, this issue could be deleted from the criteria.

On a separate matter, the issue “number of individuals” is superfluous as it is fully taken into account in Criterion B. The issue of the “number of sub-populations” could perhaps be combined with Criterion B (i.e. include it in the merging of Sub criteria Bi and Bii)

Criterion B: “The wild population is small, and is characterized by at least one of the following:”

- 1) Is the definition of small populations found in Annex 5, page 15 appropriate?

No. First there is the issue of asexual reproduction. Also, the meaning of “individuals capable of reproduction” is unclear. If the meaning is that populations include both existing sexually mature individuals as well as the likely number of immature individuals likely to reach sexual maturity, then the definition is OK. If it only includes existing sexually mature individuals, then the definition seems overly biased in the case of tree species (given the apparent objective of trying to assess the viability of a population).

REgarding “ i) an observed, inferred or projected decline in the number of individuals or the area and quality of habitat;”

- 2) Is the definition of decline found in Annex 5, page 12 appropriate?
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No, primarily because there is no explicit link between the rates of decline and the chief causes of decline, notably that attributable to international trade, i.e. “decline” is not a sufficient condition for a ban on international trade. Also, the statement “The estimated or inferred baseline for extent of decline should extend as far back in history as possible.” is biased.

Extending back until the population was viable (where there was ecological integrity) would seem more appropriate.

- 3) Could this Criterion be easily applied to Canadian commercial tree species? For example, for a particular species, would a decline in a specific age class be an effective proxy for an increased threat of extinction or effect due to trade?

No. A decline in the number of individuals in any one age class, on its own, is not a sufficient criterion for establishing that a “small” population is not viable. It is recognized there are varying tolerances to decline and in the longer term, a lack of tolerance can lead to a greater threat of extinction, .e.g, though a loss in genetic diversity. The focus should be on decline over time. Species suffering a rapid or accelerating rate of decline over time toward a threshold level where the population collapses, clearly face a higher threat of extinction. Even in the context of mature trees, there are several examples where population declines are not significant, i.e. they can rebound completely after older/mature age classes have been completely removed (by harvesting, insects, fire or disease for example).

- 4) Does a decline in the area or quality of habitat always equate to an increased risk of extinction or effect from trade, or do some Canadian commercial tree species have varying tolerances to such declines?

No. See responses to questions 1-3 above. Also see the response to question 10, under Criterion A.

REgarding “ ii) each sub-population being very small;”

- 5) Is the definition of very small sub-populations found in Annex 5, page 15 appropriate?

No. See the response to question 1 above.

REgarding “ iii) a majority of individuals, during one or more life-history phases, being concentrated in one sub-population;”

- 6) Is this Sub-criterion relevant to Canadian commercial tree populations, if so how?

It appears this Sub-criterion is aimed at species other than trees, consequently it may not be relevant to trees. Also there are potential problems that arise due to the focus on “individuals”, and because “smallness” *per se* is not a sufficient condition for banning international trade.

REgarding “ iv) a large short-term fluctuations in the number of individuals in those life history stages that are of critical importance for the continued survival of the species;”

- 7) Is this Sub-criterion relevant to Canadian commercial tree populations, if so how and would these critical life history stages be easy to identify?

Possibly no, but needs discussion to establish the extent that this Sub criterion is appropriate to trees. Also see response to question 6 above.

REgarding “v) a high vulnerability due to the species' biology or behaviour (including migration).”

8) See question 9 and its answer under Criterion A.

Criterion C: “A marked decline in the number of individuals in the wild, which has been either:”

1) In the context of Canadian commercial tree species, can the term “marked decline” be defined in biological, ecological or silvicultural terms?

Likely not.

There appears to be an unacceptable degree of overlap among Criteria Aiv), Bi) and Ci) and Cii).

2) What age classes should be considered to enable the consideration of the number of “individuals”?

A marked/significant decline *per se* is not a sufficient criterion to establish that a population is not viable. Depending on the age classes and biological characteristics, notably methods of reproduction, a marked/significant decline may not have approached the point where there is a corresponding unacceptable increase in the chance that the population will no longer be viable. In addition to this threshold concept, there is also the importance of the change in decline over time to an assessment of the risk of extinction. Also see answers under Criterion B, questions 3-7.

The notion of how close and how quickly a population is declining towards the minimum viable population size (MVP) is central to a number of definitions in the proposed framework, e.g. population size, fluctuation and marked decline. The proposed framework would be strengthened by highlighting and providing guidance on how to assess these important linkages to MVP.

Regarding “i) observed as ongoing or as having occurred in the past (but with a potential to resume);”

3) See Criterion A, questions 4 and 5. Are there natural fluctuations of declines in the number of individuals of Canadian tree species? Are such declines a good proxy for assessing whether a tree species is threatened with extinction due to international trade?

The definition of “decline” is unclear as is the concept of “declines having occurred in the past”. “Declines”, as defined, are reductions in abundance. As natural fluctuations should “not normally count as part of a decline” it is unclear whether natural periodic and/or stochastic declines due to e.g. disease or insect infestations should be considered or not. Once again, there should be explicit links to the causes of decline, notably due to international trade.

Regarding “ii) inferred or projected on the basis of any one of the following: a decrease in area of habitat; or a decrease in quality of habitat; or levels or patterns of exploitation; or threats from extrinsic factors such as the effects of pathogens, competitors, parasites, predators, hybridization, introduced species and the effects of toxins and pollutants; or decreasing recruitment.”

4) Is the definition of recruitment found in Annex 5, page 15 appropriate?

Yes.

5) Is inference a scientific concept? Is not inference a means for making a projection? If so, could “inferred” be deleted without significantly changing the proposed text?

Inference is an important statistical concept that in scientific research connotes that measurements have been made. On the other hand, to some “projection” connotes the use of model whose parameter may or may not be based measured observation (i.e. parameters could be based on expert opinion). As the terms inference

and projection are not defined, the proposed framework would be strengthened by guidance highlighting the need to document the methods used to develop inferences and projections. This information could be included in section 4 of the proposal format found in Annex 6.

- 6) Are there not a larger number of biological/ecological and socioeconomic factors that would need to be taken into account in order to project whether there will be a marked decline in the number of individuals, notably due to international trade. Regarding socioeconomic factors, is the level and pattern of exploitation a good proxy for the demand for a species, i.e. should other variables such as the existence of substitute products be included?

Reference to “levels or patterns of exploitation” should be deleted as this is double counting, i.e. “levels of exploitation” are among the factors that can/could explain a population’s decrease in individuals. Also, section 6 of the proposal format is the most appropriate place to include information regarding historical and current exploitation and end-use patterns. A distinction needs to be maintained between levels of exploitation and exploitation arising from international trade.

Annex 2a - Appendix II Criteria

“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), one of the following criteria is met:”

Criterion A: *“It is known, or can be inferred or projected that the regulation of trade in the species is necessary to avoid that it becomes eligible for inclusion in Appendix I in the near future;*

- 1 See Appendix I, Criterion C, question 5.
Delete “inference”.

- 2 Is the definition of the near future found in Annex 5, page 13 appropriate?
No. The definition of near future in the context of Criterion A would require that all species not on Appendix I be included on Appendix II. The IUCN approach of specifying relative time in terms of a number of generations may be a reasonable approach to adopt.

- 3 As is the case for Appendix I, Criterion C ii), should the factors or variables to include in a projection be specified? If so, would the factors differ between Appendix I and II?
As with the IUCN Red List approach, the difference between Appendix I and II should be one of degree or extent according to a common set of criteria as defined by thresholds. Consequently, there should be one set of criteria that inter alia assess the threat of extinction due to international trade. Where the values for the criteria indicate a very high likelihood of imminent extinction and that controlling international trade will reduce this likelihood, the species should be listed on Appendix I. Where there is a strong likelihood the species will degrade to an Appendix I status within several generations, the species should be listed on Appendix II.

Criterion B: *“It is known, or can be inferred or projected that regulation of trade in the species is required to ensure that the harvest of specimens from the wild is not detrimental to the species concerned.”*

- 1 See Appendix I, Criterion C, question 5.

- 2 Is the distinction between Criteria A and B significant? Is Criterion A the more relevant case and thus sufficient?

Delete this Criterion as it is not sufficiently different from Criterion A.

Annex 2b – Appendix II Criteria in accordance to Article 2 (b) of the Convention

Criterion 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 and with reasonable effort, is unlikely to be able to distinguish between them;”*

- 1 A common CITES annotation for timber species is “logs, sawn wood and veneer sheets”. Would a look-alike situation arise when a similar species was used in some or all layers of plywood?

Strictly speaking, yes. However, this may not be the intent of Article 2b).

- 2 There have been advances in species identification. To what extent are there “hi-tech” operational tests for Canadian commercial tree species? Could the existence of such tests be grounds for excluding the listing of a commercial tree species on Appendix II pursuant to Article 2b) of the Convention?

There are genetic marker tests to determine tree species and this could be sufficient to exclude an Article 2b) listing. However, these tests may be prohibitively expensive, at least in some cases and for some countries. Criterion A is problematic as it does not relate directly to the text of the Convention which states that “look-alikes” will be listed so that traded specimens of an Appendix II listed species “may be brought under effective control”. Criterion A implicitly assumes that effective control is not possible and goes directly to the operational problem of identification. Information that would aid the necessary assessment of whether effective control would be possible may include: number of “producer” and “consumer” countries; the current uses of the “look-alike” and whether it is already being used to produce the same products as the “listed” species; the potential for the “listed” species to be “laundered” as the “look-alike”; the ability of the range states of the “look-alike” species to control the trade in the products of the “look-alike” species. This “type of information should be required in the proposal format presented in Annex 6.

Criterion B: *“There are compelling reasons other than A) above to ensure that effective control of trade in currently listed species is achieved.”*

- 1 What other compelling reasons might there be for listing a tree species on Appendix II so that trade of another species “can be brought under effective control”?

The Criterion is too broad. It needs to be mentioned that the text of the proposed Decision for COP12 states, in the first “Resolves” para that in the context of Appendix I or II listings, “Parties shall act in the best interest of the species concerned and of its conservation and adopt measures that are proportionate to the anticipated risks to the species.” Consequently, there is already an overarching provision to list a “look-alike” if the level of risk warrants it. Criterion B, if necessary, should be redrafted and/or expanded to address risks arising from specific problems that will complicate establishing the effective control of the trade in specimens of “listed” species.