

Notification to the Parties 037/2001. Review of the criteria for amendment of Appendices I & II. Comments of Italy.

Dear Secretary General,

Italy thanks the Secretariat for the opportunity to comment on the work done by the Criteria Working Group and by the Animals and Plants Committees in reviewing Resolution Conf. 9.24, and would like to make the following comments.

Preamble

First paragraph

The proposed text does not adhere completely to the text of the last RECOMMENDS of Resolution Conf. 9.24 and we suggest that after the words " Conference of the Parties " the following words should be added "... with regard to the scientific validity of the criteria, definitions, notes and guidelines and their applicability to different groups of organisms"

Tenth and eleventh paragraphs

With the current wording, it is not clear, regarding intergovernmental bodies, whether they have to be consulted by the proponents also or by the Secretariat only

The operative part

Annex 2a

We believe that CITES has been confronted with the inclusion of species that or does not deserved the inclusion in Appendix II or that after a certain period of time lacked the proper management in order that their exploitation does not affect their status in the wild by causing a marked decrease in their populations.

Therefore we were quite sympathetic with the proposal contained in paragraph 45 of the report of the First meeting of the Criteria Working Group, and on that line we would like to propose a new criterion for the non inclusion of species in Appendix II when conditions based on sound wildlife management practises are met.

2. A species should not be included in Appendix II when, on the basis of available information on the status and trends of the wild population, the following criterion is met:

- A. It is known that is 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 1. A or B to this Resolution.**

It could be objected that the proposed criterion goes beyond the scope of Annex 2a that is "criteria for the inclusion of the species" ; but we believe that being wildlife management a recognised science its practical applications must be taken into account when deliberating a

regulation of trade in certain species. In effect, trade regulations could be unnecessary in certain specific cases when a species is subject to good management practises and this its exactly our point.

Higher taxa

After the adoption of Resolution Conf. 11.21 on the use of annotations in Appendices I and II, it would seem appropriate to add the words made in accordance with this Resolution at the very end of the paragraph.

Annex 4

New measure A

The adoption of such an amendment would oblige the proponents to submit new proposals to renew their export quotas at each meeting of the Parties, since it is the practice to set export quotas for a specified period of time to cover the interval between to meetings of the CoP. This would be a time-consuming and costly task, especially for developing countries, which are the vast majority of those subject to export quotas established by the Conference of the Parties. In addition, for certain species subject to emotional or political considerations, the risk that new quotas be rejected after a former acceptance should not be neglected. In addition, in our point of view, there is no need to reinforce further a precautionary approach, knowing that any Party, in particular the Depositary Government, may submit at any CoP, or for postal procedure, a proposal to reduce quotas, to adopt zero quotas or to transfer a species to Appendix I.

New measure C

In accordance with Article XV of the Convention, any Party is allowed to propose an amendment to Appendix I or II. This also applies to a change to a quota. This is not the task or a « privilege » of the proponent only. Moreover there sholud be a mistake in the reference to paragraph A2d, because it should be paragraph A2c,

The last sentence does not seem necessary. When a quota is established for a specified period of time, it should be understood that if a new quota is not adopted, the quota after the expiration of the period becomes a zero quota. If necessary, this may be specified in the Interpretation of Appendices I and II. To require from the Depositary Governement to prepare and submit proposals at each meeting it seems useless.

Annex 5

Affected by trade

We suggest that in paragraph ii) the words « potentntial international demand « be changed by the words « potential commercial demand at the international level » to make more clear the concept.

Area of distribution

The proposed exclusion, from the definition of the 'area of distribution' of a species, of 'introductions outside its natural range', appears to be a consequence of discussions held around the listing of *Araucaria araucana* in the Appendices after CoP11.

A careful evaluation of this exclusion should be done also in synergy with other biodiversity related Conventions in relation with the issue of alien and invasive species. Will it mean, for example that, introduced populations are excluded from the provisions of the Conventions? And how should specimens originating from introduced populations or individual animals or plants be treated when they enter into international trade? For example Mauritius is issuing export permits for *Macaca fascicularis* an introduced and pest species in that island. Should it stop to do so? What is lacking, in our point of view, are guidelines about how to deal with such introductions under CITES

The Standing Committee has agreed, at its 45th meeting (Paris, 2001), that the Secretariat shall prepare a document for consideration at CoP12, and the results of this document could prove to be useful in this respect.

Recruitment

The addition of a time element in the definition could prove to be useful, e.g. Annual recruitment.

Annex 6

Supporting statement

paragraph **10. Consultations**. This paragraph refers to consultations made by the proponent to obtain comments from competent intergovernmental organizations 'as required under the relevant Resolutions'. We have difficulty in finding a single Resolution, apart from the one under consideration that makes such a requirement.

As expressed shortly in our above comment on 10th and 11th paragraphs of the preamble, is it necessary or even recommendable to ask the proponent to have direct consultations of this kind with intergovernmental organizations? This is, in our point of view the role of the Secretariat, as required under Article XV for marine species.

We hope that the above comments can be useful for future discussions on this important issue and we would like to be kept informed of the outcome of future consultations.

Yours sincerely,

THE DIRECTOR GENERAL
(Dr. Aldo Cosentino)