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Subject: Criteria for amendment of Appendices I and II – comments

Regarding to the Notification to the Parties No. 2001/037 we send you next comments to the Criteria for amendment of Appendices I and II:

Page 2

“RESOLVES that when considering a proposal to amend Appendix I or II, the Parties shall act in the best interest of the species concerned and of its conservation, and adopt measures that are proportionate to the anticipated risk to the species;”

The revised text makes no reference to scientific uncertainty – the basis of the precautionary principle.

We recommend that the original text be retained.

Page 3

“e) species of which all specimens in trade have been bred in captivity or artificially propagated should not be included in the appendices if there is negligible probability of trade taking place in specimens of the wild origin;”

Even a small amount of trade may be detrimental in some cases. Words “negligible probability” can not be clear explained – proposed change is less clear than the original.

We recommend that the original text be retained.

Page 3

“RECOMMENDS that a species should normally not be included in Appendix I when the risk of the listing is considered to outweigh the conservation benefit of the listing;”

It is not precautionary and gives difficult burden of proof on proponents.

We oppose the inclusion of this new paragraph.

Page 3

RESOLVES that Parties should not normally approve the transfer to Appendix I of species subject to review under the provisions of Resolution Conf. 8.9 (Rev.)...
Resolution Conf. 8.9 (Rev.) is not a legal alternative to Appendix I. This paragraph may be misused.
We oppose the inclusion of this new paragraph.

Page 6

“C. A marked decline in the number of individuals in the wild, which has been either:...”
Meaning of “marked decline” is unclear. For species with small population any decline may pose a serious risk.
We oppose the inclusion of the word “marked” in this paragraph.

Page 6

“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 above criteria within a period of five years.”
With regard to the precautionary principle this paragraph must not be deleted. Appendix one provides more protection against illegal trade than Appendix II.
We oppose the deletion of original paragraph.

Page 6

Annex 2a
Original text was simpler and easier to follow. The new paragraph B ignores the effect of harvest for reasons other than trade. The convention requires only the possibility that species may become threatened with extinction.
We recommend that the original text be retained.

Page 7

Annex 2b
Requiring demonstration places a burden on the proponent. Words “non-expert” and “basic identification materials” are not defined.
The original text of paragraph B was clearer.
We oppose the requirement “proponent has demonstrated” and recommend that the original paragraph B be retained.

Page 9

Original paragraph A.
Deletion of this paragraph eliminates the precautionary principle.
We oppose the deletion of original paragraph.

Page 9

Paragraph A (original paragraph B)
The new text is not precautionary. The original text says that species should be retained in Appendix I unless they fail to satisfy App. I criteria, the new text says that they must be downlisted.
We recommend that the original text be retained.

Page 11

Affected by Trade

It is very difficult to prove that the trade has detrimental impact on the status of the species; this raises the burden of proof on the proponent. The Convention does not require that trade be proven to be detrimental before a species can be listed in Appendix I, only that the species is or may be affected by trade.
This is not a definition but condition for listing.
We recommend that the original text be retained as a part of the operative text, including par. iv.

Page 19

Threats

It may be impossible to assess the “relative importance” of threats and Convention requires only that a species is affected by trade.

We recommend that the words “relative importance” and the last sentence of the new text should be deleted.

Yours sincerely,

RNDr. Jozef **K r a m á r i k**
Director