



# Safari Club International

A NON-PROFIT ORGANIZATION ♦ DEDICATED TO WILDLIFE CONSERVATION, EDUCATION AND HUNTING

441 -E Carlisle Drive ♦ Herndon, VA 20170-4802

703 700 2202 ♦ FAX 703 700 2204 ♦ www.sci.de.org

## Review of Criteria for Amendment of Appendices I and II

### COMMENTS OF SAFARI CLUB INTERNATIONAL ON THE SECOND REVISED DRAFT OF RESOLUTION CONF. 9.24 (CONF. 12.XX)

Safari Club International (SCI) wants to commend the Chairmen of the Criteria Working Group (CWG) and of the Animals and Plants Committees for the work they have accomplished on this important revision of Resolution Conf. 9.24. Although SCI did not comment on the first draft of this revision, we have followed the proceedings closely and offer the following comments for the Chairmen's consideration. Our comments are both editorial and structural in form. We offer two key suggestions at the first of our comments. The absence of comments regarding specific aspects of the draft under consideration should be interpreted as an expression of support by SCI.

#### Comments

Although we generally agree (see comments below) with the mechanics of the second revised draft of Resolution Conf. 9.24, we are concerned that implementation of the criteria for amendment of Appendices I and II will suffer from the apparent lack of recognition of two important points:

1. Adequate differentiation between types of 'best available science'. We strongly urge the Chairmen of the Criteria Working Group and of the Animals and Plants Committees to consider language throughout Resolution Conf. 9.24 that distinguishes between scientific peer-reviewed information and biological opinions and/or assumptions. For example, the **Second Paragraph of Annex 1** and **Annex 2a** should end with '...at least one of the following criteria based on best available science, preferably scientific peer-reviewed information'. In addition, **Annex 6, First Paragraph** currently references the use of 'relevant published and unpublished sources of information'. This sentence should suggest the clear distinction between peer-reviewed information and biological opinions and/or assumptions.

**Explanation:** All sources of information including expert opinion and biological assumptions based on both formal and informal information sources are acceptable as information for proposals. The issue is that in many cases reviewers of proposals cannot distinguish the types and quality of information used to make conclusions. Sources and quality of information should be recognizable to reviewers and parties.

2. Adequate differentiation between effects of trade on different taxa and/or species as well as types of trade (e.g., commercial and non-commercial trade). As written, the criteria described in Resolution Conf. 9.24 assume that all species are equal regarding trade effects on such demographic characteristics as population size, extent of fragmentation, and other key

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I'm at a loss for examples of 'types of trade'. Any suggestions?

demographic characteristics affecting population viability. Of course many of these affects are not clearly known. However, simply recognizing the difference between R and K strategy for reproduction capability and whether populations are naturally fragmented or contiguous is an initial start. Therefore, we strongly suggest that language be added to Annex 6; Format for proposals to amend the Appendices that requires proponents to highlight the type of specific trade occurring on target populations and what is known about the potential demographic effects of different types or levels of trade on the species that is the subject of the proposal.

**Explanation:** This issue follows the excellent discussion that was held in Shepardstown regarding population dynamics and the well-stated case to recognize that different species and populations respond to levels of trade differentially based on their inherent reproductive capability and population maintenance strategy. This is essentially a risk assessment based on key characteristics of the species subjected to trade. Currently the criteria and the format for proposals do not suggest the need to capture these biological capability differences even if they are not always perfectly known.

## **PREAMBLE**

### **9<sup>th</sup> Paragraph**

As currently worded, it is not clear who should consult the range States of a species subject to an amendment or who should consult intergovernmental bodies. It seems logical that the proponent of the amendment (proponent) or the Secretariat, on behalf of the proponent, should consult the range States in accordance with the relevant resolutions of the Conference of the Parties (COP) and Article XV, paragraph 1(a), of the Convention with respect to consultation by the Secretariat, specifically. Also, according to Article XV, paragraph 1(a), of the Convention, the Secretariat should consult intergovernmental bodies. We suggest that the 9<sup>th</sup> paragraph of the Preamble be modified for clarity on these issues.

## **OPERATIONAL SECTION**

### **First Paragraph (ADOPTS)**

The title of Annex 1 is fundamentally different in form than the titles of Annexes 2a and 2b. We suggest changing the title of Annex 1 to read: Biological criteria for the inclusion of species in Appendix I in accordance with Article II, paragraph 1.

### **Second RESOLVES, paragraphs b) and c)**

We suggest changes to paragraphs b) and c) to provide consistency with paragraph a). Specifically, in accordance with Article... should be used instead of 'under the provisions of Article' in paragraphs b) and c). Likewise, meet criteria should be used instead of 'satisfy the criteria' in paragraphs b) and c).

### **Second RESOLVES, paragraph d)**

To be consistent with paragraph a) and revised paragraphs b) and c), meet criteria should be used instead of 'satisfy the criteria' in paragraph d).

## **First RECOMMENDS**

Given the 'Explanation' following the Third RESOLVES regarding the flexibility offered by the word 'should', it seems superfluous to follow the word 'should' with 'normally'. We recommend dropping the word 'normally' from the statement.

#### **Fourth RESOLVES**

See former paragraph concerning the use of the word 'normally'. In addition, there appears to be a plurality problem with 'zero export quota'(s) and 'Animals and Plants Committee'(s).

#### **Fifth RESOLVES**

This new paragraph does not combine or consolidate Doc. 11.24 as adopted by the Conference of the Parties at CoP11 and the attached draft resolution with amendments. The decision at CoP11 clearly stated that the new resolution should be combined or consolidated with Resolution Conf. 9.24 when it is revised at CoP12. The incorporation of the annotation process should be included in a new annex to the revised Resolution Conf. 9.24. and submitted for consideration at the 12 meeting of the Conference of the Parties, as part of the proposed resolution.

#### **ANNEX 1**

As suggested above, the title should be modified to read: Biological criteria for the inclusion of species in Appendix I in accordance with Article II, paragraph 1.

As suggested above, the following phrase should follow after the word 'criteria' in the **Second Paragraph**: based on best available science, preferably scientific peer-reviewed information.

In principle, we agree that the general form of the biological criteria for the inclusion of species in Appendix I is sufficient. However, we feel implementation of the criteria will suffer from various interpretations due to a lack of placing current conditions of populations in context of both biological capability of the population to sustain harvest (as discussed above), and a historical context. We feel that interpretations would be more consistent if the criteria were judged against appropriate benchmarks. For criteria such as those described in Annex 1 for purposes of listing endangered flora or fauna, historical conditions are an important benchmark to consider. For example, **Criteria A, sub-paragraph ii)** references 'large fluctuations in the area of distribution'. Misinterpretation of this criteria could arise depending on how proponents define 'large' and what types of fluctuations occur in the absence of trade pressures or other anthropomorphic induced pressures. Although the definition of 'area of distribution' in **Annex 5** references the exclusion of 'cases of vagrancy and introductions outside its natural range', without specifically defining the criteria as a benchmark against historical conditions we feel the implementation of this criterion, and others will suffer.

We suggest a new paragraph precede Criterion A that reads: Interpretation of the following criteria should consider each criterion in the context of historical conditions and inherent demographic characteristics of the species to determine the relative impact of the criterion on the species that is the subject of the proposal.

#### **Criterion A, sub-paragraph ii)**

In order to be consistent with the definition of 'area of distribution' we suggest the following addition after the word 'fluctuations': excluding cases of vagrancy and introductions outside its natural range.

#### **Criterion A, sub-paragraph iv)**

The word the should be added before the words 'quality' and recruitment' for consistency.

## **ANNEX 2A**

### **First Paragraph**

In order to be consistent with the wording in the First Paragraph of Annex 1 and Annex 2b, the word 'when' should be replaced with the word 'if'.

As suggested above, the following phrase should follow after the word 'criteria' in the **Second Paragraph**: based on best available science, preferably scientific peer-reviewed information.

## **ANNEX 2B**

### **Criterion B**

In the phrase, 'other than A above' does not define what 'A' is. We suggest adding the words those identified in criteria after the word 'than'.

## **ANNEX 3**

### **Split-listing, first paragraph**

We suggest a statement of recognition of the fact that splitlistings maybe preferred if certain populations are gaining conservation benefit from some form of trade even if other populations or subspecies may warrant listing .

### **Split-listing, third paragraph**

The two occurrences of 'population' and one occurrence of 'region' should all be plural.

## **ANNEX 4**

### **Measure A, Paragraph 2**

See above comments on the use of the word 'normally' in relation to u sing 'should' alone.

**Sub-paragraph c** and **old sub-paragraph c** (proposed to be deleted) seem similar except for the qualifier in sub-paragraph c that reads 'for a specified period of time'. SCI strongly recommends that export quotas not be subjected to a s pecified time period. Subjecting proponent Parties to prepare and submit new export quota proposals at each meeting of the Parties would be unnecessarily restrictive and costly. Given that any Party, at any time can submit a proposal to reduce quotas or to adopt zero quotas seems like enough of a precautionary measure. Therefore, SCI recommends that the option of whether to specify a time period be added to sub-paragraph c by including the words or not after 'a specified period of time'.

### **Measure B**

The review procedures outlined in Measure B relate to measure A, not paragraph A. Therefore, it is suggested that the word measure replace the word 'paragraphs'. Measure is suggested as singular because the review procedures only apply to measure A2c following the comments made above.

## **Measure C**

Any Party can propose an amendment to Appendix I or II according to Article XV of the Convention. We interpret this to include renewal, amendment, or deletion of a quota. Therefore, we recommend deletion of the words 'the proponent' and insertion of the word any. Similar to the comment made above, reference to paragraph A2d is incorrect. Rather, the reference should be made to measure A2c.

If a proposal was not submitted and the specified time period expired, we would presume that the quota would become a zero quota. To require the Depositary Government to submit proposals in absence of others simply to affirm the obvious seems redundant.

## **ANNEX 5**

### **Affected by trade, sub-paragraph ii)**

IWMC makes a case for distinguishing between commercial and non-commercial trade on the basis that Appendix I listed species of non-commercial status can be traded. I do not understand the breadth of the argument here and have chosen not to include the comment. If I missed something here, IWMC lays out a nice argument.

## **Area of distribution**

This definition provides a specific example (i.e., 'a figure of less than 10,000 km<sup>2</sup> has been found...') and then goes on to describe the cautions associated with such examples (i.e., '...since it is impossible to give numerical values that are applicable to all taxa'). We are left wondering why the example was even given in the first place. Too often 'examples' are misconstrued as goals. We would prefer to see any specific example stricken from the definitions, explanations, and guidelines.

## **Decline, 2<sup>nd</sup> and 3<sup>rd</sup> Paragraphs**

See comment regarding use of specific examples above.

## **Fragmentation**

See comment regarding use of specific examples above.

Small wild population and Very small sub-population

In the area of distribution definition, the phrase 'species in trade where data exist' was replaced with 'species for which data were available'. We recommend extending the same change to the definitions of small wild population and very small sub-population.

Also, see comment regarding use of specific examples above.

## **ANNEX 6**

## A. Proposal

The **first sub-indent under 'in accordance with Article 11 2(b)** relates to 'reasons of look-a-like problems'. For clarity, we suggest adding referred to in Criteria A of Annex 2b after 'problems'.

'Criteria and factors in Annex 4' are referred to in the **third indent**. Given that Annex 4 describes 'measures' we recommend changing 'criteria and factors' to measures.

## Annotations

Our comments related to the **Fifth RESOLVES** above, if incorporated, would require amending the second sentence under **Annotations** accordingly.

## B. Supporting statement

### 8.1 Management measures

We recommend replacing the word 'measures' in the title with instruments to provide consistence with Supporting statement 7 - Legal instruments.

### 8.3 Control measures

We recommend replacing the word 'measures' in the title with instruments to provide consistence with Supporting statement 7 - Legal instruments and the recommended change to 8.1 Management measures (see above comment).

Replace the word 'measures' with instruments in **8.3.1 International** to provide consistency with the title.

### 8.6 Safeguards

The use of the phrase 'downlisting or delisting proposals' only appears here. We recommend using Appendix 'transfer' language as described elsewhere. For example, the first paragraph would read: In the case of proposals of transfer from Appendix I to Appendix II of deletion from Appendix II, or...

## 10. Consultations

### First Paragraph

Consultations from relevant competent intergovernmental organizations are described as 'required under the relevant Resolutions'. We are unaware of any 'relevant Resolutions' that require this level of consultation, other than the resolution under consideration. Therefore, we suggest removing the reference to 'relevant Resolutions'.

Also, this first paragraph seems redundant with the last paragraph in this item. Should the last paragraph be deleted?

Finally, we would like to call attention to the comments submitted above relative to the **9<sup>th</sup> paragraph of the Preamble** as they are applicable here, relative to item **10. Consultations**.

