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HIGHLIGHTS FROM THE CITES SECOND JOINT MEETING OF THE ANIMALS AND PLANTS COMMITTEES: 7-9 DECEMBER 2000

The Second Joint Meeting of the Animals and Plants Committees of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) was held from 7-9 December 2000, to review the criteria for amendments of CITES Appendices I and II. The 16th Meeting of the Animals Committee and the 10th Meeting of the Plants Committee begin today and will continue until 15 December 2000.

OPENING STATEMENTS

The Second Joint Meeting of the CITES Animals and Plants Committees opened on Thursday morning, 7 December, at the US Fish and Wildlife Service's Nature Conservation Training Center in Shepherdstown, West Virginia. Susan Lieberman, North America representative for the Animals Committee in the CWG and Vice-Chair of the Animals Committee, opened the Second Joint Meeting and welcomed participants. Rick Lemon, Director of the Nature Conservation Training Center (NCTC), welcomed participants to the new NCTC facility.

Willem Wijnstekers, CITES Secretary-General, stressed the importance of reviewing CITES criteria to ensure clarity, sustainability and consistency with conservation needs and to avoid conflicting interpretation. Marinus Hoogmoed (the Netherlands), Chair of the Animals Committee, thanked the NCTC and welcomed participants. He stressed the need to focus discussions on science and avoid political debates. Plants Committee Chair Margarita Clemente (Spain), highlighted increase participation in the Plants Committee.

Jamie Clark, Director of the United States Fish and Wildlife Service, welcomed the Plants and Animals Committees to their first meeting held in the US. She highlighted the importance of reviewing the CITES criteria for the proper listing of species. With 152 State Parties, she said CITES is the largest international conservation treaty.

REVIEW OF THE CRITERIA FOR AMENDMENTS OF APPENDICES I AND II-RESOLUTION 9.24 (ACPC.1.6)

OPERATIVE PART: On the detrimental impact of trade on the status of a species, the North America representative for the Animals Committee opposed the need to prove detrimental impact for listing. International Wildlife Coalition (IWC) and the US opposed qualifying trade. Doug Butterworth, University of Cape Town, suggested reference to non-negligible impact. IUCN suggested, with the Center for Marine Conservancy (CMC), referring to "likely has a detrimental

impact." The FAO suggested shifting the burden of proof to proving that trade is non-detrimental to avoid listing. TRAFFIC, supported by the Center for International Environmental Law (CIEL) and the CMC, expressed concern that text on avoiding species listing in Appendix II, in particular where the risk that the species in trade would be eligible for listing in Appendix II in the near future is negligible, may result in varying interpretations of sound management. The International Association for Marine Mammals suggested adding a reference to demonstrated negligible risk.

On refraining from listing a species in Appendices I or II where it may have adverse conservation effects by increasing levels of trade, Australia called for broader language to include non trade-related risks. Canada noted the risk linked to illegal activities could not be quantified or controlled with available scientific techniques, the US noting the implementation of risk assessment would be burdening to Parties. The IWC called for deletion, highlighting this could be used as a tool defeat proposals for listing.

Hank Jenkins, Chair of the Criteria Working Group (CWG) said CWG-proposed text preventing the transfer of species to Appendix I when subject to the significant trade process attempts a more cooperative approach to resolving implementation problems. Several delegates, including the North America representative to the Animals Committee and the Oceania and Asia representatives to the Plants Committee, opposed containing the right of Parties to submit an Appendix I listing proposal and Wijnstekers suggested the text could apply to proposals by non-range States. Several delegates called for deletion of text on annotations to proposals to amend Appendices I and II. On encouraging Parties submitting an amendment proposal to factor in quantitative analyses where the data are available, the EU, the US and Mexico requested that the text reflect the scarcity of available plant data. Austria and Doug Butterworth encouraged the use of qualitative data in the absence of accessible quantitative data. The FAO supported the use of the best scientific information (both quantitative and qualitative).

BIOLOGICAL CRITERIA FOR APPENDIX I: Regarding recruitment/reproductive success or reproductive potential, Hoogmoed and several delegates supported US alternative text referring to recruitment into reproductive age classes and subsequent reproductive success.

Mexico said it is unclear whether a reference to maturity of individuals concentrated in one sub-population refers to maturity in growth or reproductive status and weakens the biological criteria. Germany suggested deleting the reference to mature. IWC, using the example of the Philippine cockatoo, which has many mature individ-

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uals but low recruitment, said an overbalance of mature individuals might give a misrepresentation of the reproductive potential of a population. In accordance, the Animal Protection Institute illustrated the case of the effect of endocrine disruptors on Minke Whales. The Africa representative to the Plants Committee offered alternate language highlighting the number of individuals critical to different life history stages and to the continuance of life of the species. The FAO suggested reference to life stages that provide critical viability.

Several delegations, including the US, Germany, Costa Rica and IWC, opposed deletion of a listing criteria regarding species with impending need for listing on Appendix I.

CRITERIA FOR THE INCLUSION OF SPECIES IN APPENDIX II IN ACCORDANCE WITH ARTICLE II, PARAGRAPH 2(A): Hank Jenkins said CWG amendments correspond to a need for more prescriptive criteria. The Oceania representative to the Plants Committee, with Austria and Germany, remarked that the new wording is not a substantial improvement over the previous. IUCN, supported by the IWC, called for incorporation of quantitative factors and models for interpretation. The CITES Secretariat, noting Appendix II could be considered either as a stepping stone to Appendix I or as a way to regulate international trade, anticipated the amended text would satisfy both perspectives.

CRITERIA FOR THE INCLUSION OF SPECIES IN APPENDIX II IN ACCORDANCE WITH ARTICLE II, PARAGRAPH 2(B): On species that are morphologically indistinguishable, or look-alike species, the Africa representative to the Plants Committee called for language on species in the form in which they are traded. The FAO supported use of the term "may" instead of "should" regarding species inclusion on Appendix II based on the look-alike criteria. Several delegates, including the Central, South America and Caribbean representative to the Plants Committee and the Humane Society, opposed a CWG-proposed deletion of text on listing species that are members of a taxon of which most species are included in Appendix II. The Europe, Oceania and Africa representatives to the Plants Committee all noted that the numerous species of plants on Appendix II poses a challenge for record keeping and tracking, especially for range States. As the proposed language for Appendix II listing states that a non-expert, using basic identification materials, could not distinguish between look-alike species, the representative from the International Fund for Animal Welfare (IFAW) suggested that the phrase basic identification materials be defined, and these materials be provided. The Humane Society also wondered how it would be determined that non-experts could demonstrate their ability to distinguish between species.

SPECIAL CASES: On amended text on split listing, which provides that split listing should be avoided or can only downlist a population to Appendix II, Hank Jenkins further explained that split listing applies only to national or continental populations and to populations present in the Appendices. Many delegates, including the US, the World Society for the Protection of Animals, TRAFFIC, the Marine Specialists Group and IWC expressed concern that one-way split listing might create enforcement problems, in particular in the case of migratory species and individuals of subspecies. Jenkins noted a reference to precautionary measures should accommodate enforcement concerns. Japan supported the CWG amendments.

PRECAUTIONARY MEASURES: Several delegates opposed deletion of text stating that the best interest of the species should be taken into account when considering proposals to amend the Appendices.

Several delegates opposed rephrasing of a paragraph stating that a species should not be deleted from Appendix II when it is likely to qualify for listing in the near future. Jenkins said the amended language retains an exit mechanism but contains language better suited to CITES. The US asked that a reference be added stating that taxa qualifying for listing be included in Appendix II. IWC said the amended paragraph is counter-precautionary and supported the US

addition. He also suggested keeping the original paragraph together with the amended one. The Netherlands said it should remain clear that not listing could, in some cases, be in the best interest of a species. The FAO encouraged the inclusion of a definition of the precautionary principle and suggested narrowing the common definition with wording from the FAO technical guidelines. Doug Butterworth highlighted some language contained in the annex on precautionary measures was not compatible with that of the UN Convention for the Law Of the Sea (UNCLOS).

DEFINITIONS, NOTES AND GUIDELINES: The FAO suggested the definitions of species of populations and population units should be brought in line with common knowledge. Japan requested that a definition of the precautionary principle be included. On the definition of decline, China called for a standardized method of survey and on the definition of generation, suggested a reference to the average age of parents be replaced by the mean age of individuals and age of reproduction. The US recommended using taxonomically based numeric guidelines when defining generation, and suggested investigating the variable utility of numeric guidelines according to species' productivity.

Many delegates supported the creation of a working group to address definitions. Costa Rica suggested having a small population genetic expert present. OLDEPESCA requested that the group include experts representing the various regions. IWC requested that a legal specialist be involved. The Secretariat confirmed that the CWG would form the basis of the definitions working group, to meet in February or March of 2001, and Spain offered to host the meeting. Hoogmoed clarified that the new working group would consist of one representative for Plants and one for Animals from each region, with Hank Jenkins presiding. The CMC advocated for similar treatment of marine and terrestrial species, and recommended the resuscitation of a marine fisheries working group. Care for the Wild echoed the CMC's request to address a range of taxa, suggesting broadening the range of experts and taxonomic expertise in the working group.

FORMAT FOR PROPOSALS TO AMEND THE APPENDICES: Jenkins identified amendments, including provision of submission of an executive summary to enable Parties reviewing proposals to better evaluate them based on specific criteria. The European Union questioned the 12-page limitation applied to proposals and suggested the executive summary be allowed an additional page. The North America representative to the Animals Committee clarified that the new language aims at helping Parties that have not submitted proposals before. IWC suggested the new expanded CITES website could contain explanations on organisms to help Parties identify species under review before making proposals. Japan suggested an additional paragraph tackling potential problems in implementation and enforcement. Defenders of Wildlife suggested demonstrating the role of species in the ecosystem and the consequences of a species depleting versus listing a population. The World Society for the Protection of Animals contested the reference to the relative importance of threats, as data on the extent of trade for particular species might not be available. He also suggested a reference to parts and derivatives should be included in the text on safeguards and similar species.

THINGS TO LOOK FOR TODAY

ANIMALS COMMITTEE: The Committee will meet in Plenary at 9:30 am in the Entry Auditorium to address organizational matters, hear regional reports and address the strategic plan (AC.16.6.1/2/3), the transport of live animals (AC.16.10.1) and trade in hard corals.

PLANTS COMMITTEE: The Committee will convene in Plenary at 10:30 in the Gymnasium to tackle organizational matters, hear regional reports and address the follow up on COP11 decisions (PC.10.7.1/2/3/4) and technical proposals for COP12 (PC.10.8.1/2/3/4).