



The Evolution of CITES

Willem Wijnstekers

The Evolution of



7th edition - 2003

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A reference to the

**Convention on International Trade in Endangered Species
of Wild Fauna and Flora**

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Preface

Dear reader,

Together with the CITES Handbook, the Checklist of CITES Species, the CITES website and CITES produced CD roms with information and training materials on every aspect of the Convention, the *Evolution of CITES* is intended to facilitate access to the many rules, recommendations and decisions that have been made over the almost 30 years that CITES has been in force.

It took me longer than I had expected to get this 7th edition on your desk. This is partly due to the fact that - after I had finished the update - the non-governmental organization that traditionally sponsored the publication, unexpectedly informed me that it would no longer do so.

I am very glad and thankful to the **Government of Japan, Safari Club International, the Department for Environment, Food and Rural Affairs of the United Kingdom, the CITES Management Authority of Spain** and the **Government of Switzerland** for having agreed to ensure the funding of this publication. Equally good news is that we will now be able to again produce a French and a Spanish version!

The next meeting of the Conference of the Parties is less than a year away. COP 13 will take place in Bangkok, Thailand, from 3 to 14 October 2004. Make sure to put the *Evolution of CITES* in your luggage!

As ever, I hope the *Evolution of CITES* helps you to contribute to achieving the aims of the Convention.

I look forward to see you all at COP 13 in Bangkok.



Willem Wijnstekers

Geneva, November 2003

Secretary-General of CITES

How to use this book

This 7th edition of the *Evolution of CITES* is more austere than the previous one, but contains a lot more information and should also be better and faster accessible than the last version because of its extensive subject index and tables of valid Resolutions and Decisions of the Conference of the Parties.

The **text** of the Convention articles is in ***bold italics***.

Numbers of currently applicable **Resolutions** and **Decisions** are in **bold**.

For recommendations and other provisions of Resolutions, I maintained the references to the Resolutions in which they were initially made. I find this important because it allows you to establish since when they apply. Recommendations from such earlier Resolutions are followed by: (ex Resolution Conf.).

Notes are in text boxes

The references to and content of repealed Resolutions, recommendations and Decisions is in grey, which allows you to easily separate them from the currently applicable ones.

Chapter 1 - Introduction

The **1960** Seventh IUCN General Assembly urged governments to restrict the import of animals in accordance with the export regulations of the countries of origin. The feasibility thereof, however, was questionable as there was no framework enabling importing countries to be aware of such export regulations.

In **1963**, the IUCN General Assembly passed a resolution calling for “an international convention on regulations of export, transit and import of rare or threatened wildlife species or their skins and trophies”. The limited scope of this resolution may be at the origin of the later title of CITES, which gives the wrong impression that the Convention only concerns endangered species.

A first draft for a convention appeared in **1964** and at the **1969** IUCN General Assembly a list of species to be controlled was presented. A second draft was circulated in **1971**.

In **1972**, the United Nations Stockholm Conference on the Human Environment adopted Recommendation 99.3, in response to which 88 countries discussed a draft convention at a plenipotentiary conference held in Washington, DC in February/March 1973.

On 3 March **1973**, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) was signed. It entered into force after the tenth ratification, on 1 July **1975**.

In the Convention's Preamble the contracting Parties to CITES recognize that the conservation of wild fauna and flora is of global importance, that the countries where they occur have the first responsibility for their protection, but also - and this is the main reason for the conclusion of the Convention -:

“that international cooperation is essential for the protection of certain species of wild fauna and flora against over-exploitation through international trade.”

The importance of international cooperation is obvious as wildlife exploitation levels depend in many cases on markets elsewhere. Poaching and smuggling of animals and plants is frequently only driven by the prices in consumer countries.

The shared responsibility of producer and consumer countries for the conservation of the world's fauna and flora therefore goes without saying. It is further physically impossible for any country to police the taking of every animal and plant and the export thereof, no matter how high the quality of its wildlife legislation and management and the level of enforcement may be. The total prevention of poaching and smuggling is impossible and measures are doomed to fail unless consumer countries complement the efforts of producer countries by enforcing strict controls.

The 1992 Rio Declaration on Environment and Development also recognizes this shared responsibility. It establishes, in Principle 7 that States shall cooperate in a spirit of global partnership to conserve, protect and restore the health and integrity of the Earth's ecosystem and that, in view of the different contributions to global environmental degradation, States have common but differentiated responsibilities.

A further reason for the necessity of international cooperation is the fact that we can only effectively protect wild animals and plants and take decisions on their exploitation, if any, by increasing and sharing our limited knowledge of them, their interaction and of other mechanisms affecting their conservation status.

CITES establishes the necessary international legal framework for the prevention of trade in endangered species and for an effective regulation of trade in others. It gives producer and consumer countries their share of the joint responsibility and provides the necessary tools for the international cooperation that is so essential for fulfilling this responsibility.

The Strategic Vision through 2005

and the Action Plan to implement it, adopted by the 11th meeting of the Conference of the Parties, focuses the work under the Convention on seven main goals:

1. *Enhance the ability of each Party to implement the Convention*
2. *Strengthen the scientific basis of the decision-making processes*
3. *Contribute to the reduction and ultimate elimination of illegal trade in wild fauna and flora*
4. *Promote greater understanding of the Convention*
5. *Increase cooperation and conclude strategic alliances with international stakeholders*
6. *Progress toward full global membership*
7. *Provide the Convention with an improved and secure financial and administrative basis*

For the full version of this important document please consult the CITES website.

Chapter 2 - The basics

1. CITES regulates *international trade in specimens of species of wild fauna and flora*, i.e., export, re-export and import of live and dead animals and plants and of parts and derivatives thereof, based on a system of *permits and certificates* which can be issued if certain conditions are met and that have to be presented before consignments of specimens are allowed to leave or enter a country.
2. Each Party must designate one or more *Management Authorities* responsible for issuing these permits and certificates, subject to the advice from one or more *Scientific Authorities* designated for that purpose.
3. The animal and plant species subject to different degrees of regulation are listed in three appendices:

Appendix I includes species *threatened with extinction*, for which trade must be subject to particularly strict regulation, and only authorized in exceptional circumstances.

Appendix-II species are *not necessarily now threatened with extinction* but may become so unless trade is strictly regulated. Appendix II further contains so-called *look-alike* species, which are controlled because of their similarity in appearance to the other regulated species, thereby facilitating a more effective control thereof.

Appendix III contains species that are *subject to regulation within the jurisdiction of a Party* and for which the *cooperation of other Parties* is needed to control the trade.

4. *Conditions* for the issue of permits and certificates involve questions with regard to whether or not trade as such, or a certain type of trade in a species, will be *detrimental* to its survival, the legal *acquisition* of specimens, the preparation for *shipment* of live specimens and, for Appendix-I species, whether the importer has suitable *facilities* to house and care for live specimens. Imports of Appendix-I specimens cannot take place if they are to be used for *primarily commercial purposes*.
5. The Convention provides for several conditioned *exemptions* from its provisions. They concern *transit and transshipment*, specimens *acquired before the Convention* became applicable to them, certain specimens that are *personal or household effects*, *captive bred* animals and *artificially propagated* plants, the exchange of specimens in the collection of *scientists and scientific institutions* and of captive bred or pre-Convention specimens held by *travelling exhibitions*.
6. The *monitoring of trade* is an essential tool for achieving the aims of the Convention. Scientific Authorities must monitor export permits granted for Appendix-II species as well as the actual export thereof and advise their Management Authorities of suitable

Chapter 2 - The basics

measures to limit the issue of export permits whenever they determine that the *export should be limited in order to maintain a species throughout its range at a level consistent with its role in the ecosystems in which it occurs and well above the level at which it might become eligible for inclusion in Appendix I.*

7. A second important monitoring system is based on the *trade records* to be kept by all Parties and to be reported to the Secretariat on an annual basis. The *annual reports* of all Parties together should provide statistical information on the total volume of world trade in CITES species, which is an invaluable element for the assessment of their conservation status. These reports further reflect the performance of Parties regarding CITES implementation when all reported exports and re-exports are compared with all reported imports.
8. The fact that a number of countries are not a Party to the Convention is regrettable but unavoidable. The Convention tries to cope with this problem by providing that Parties shall require documentation from *non-Parties* that substantially conforms to the requirements for CITES permits and certificates.
9. The Convention provides for a *Secretariat* and a *Conference of the Parties*, which play a major role in the functioning of the Convention. The Conference of the Parties established a number of permanent committees, which play an important role in between its biennial meetings: The Standing Committee, the Animals Committee and the Plants Committee.
10. The remaining provisions establish *procedures for amending the Convention and its Appendices*, address *enforcement measures* to be taken by the Parties, the Convention's *effects on domestic legislation and on other international conventions*, the *resolution of disputes, ratification, accession and denunciation* and allow for the *entry of reservations*.

Chapter 3 - Definitions in Article I

The text of the Convention itself contains only very few definitions and most of them have been refined through Resolutions:

Species, subspecies and populations

Article I, paragraph (a), defines *species* as follows:

'Species' means any species, subspecies, or geographically separate population thereof.

The following recommendations from the Conference of the Parties are worth mentioning in this context:

Resolution Conf. 1.6 (Rev.), in its paragraph a), addressed the special situation of *rare island fauna and flora*, which are often endemic taxa which may be difficult to distinguish from mainland forms and therefore often not suitable for listing in the Appendices. It urged governments with jurisdiction over rare island fauna and flora to take every opportunity to protect them and their vanishing habitats.

Annex 3 to **Resolution Conf. 11.1 (Rev. CoP12)** resolves that the Nomenclature Committee shall cause standardized nomenclatural references for animal and plant taxa, to the level of subspecies or botanical variety and including synonyms, to be prepared, or propose for adoption existing nomenclatural references, as appropriate, for all species listed in the Appendices to the Convention.

Annex 3 to **Resolution Conf. 9.24 (Rev. CoP12)** provides, amongst other things, that the split listing of species in the Appendices should generally be on the basis of national or continental populations, rather than subspecies. It also provides that taxonomic names below the species level should not be used in the Appendices unless the taxon in question is highly distinctive and the use of the name would not give rise to enforcement problems. It lays down that for species outside the jurisdiction of any State, listing in the Appendices should use the terms used in other relevant international agreements, if any, to define the population. If no such international agreement exists, then the Appendices should define the population by region or by geographic coordinates.

Annex 5 to **Resolution Conf. 9.24 (Rev. CoP12)** contains a definition of population and defines sub-populations as geographically or otherwise distinct groups in the population between which there is little exchange.

Chapter 3- Definitions in Article I

Annex 1 to **Resolution Conf. 12.3** provides that permits and certificates should include the scientific name of subspecies when it is relevant in order to determine in which Appendix the taxon concerned is included.

Resolution Conf. 12.11, like its predecessors, considers the great practical difficulties involved in recognizing many of the subspecies at present listed in the Appendices when they appear in trade and the need to weigh ease of subspecies identification against reliability of information on geographic source, for enforcement purposes. It recommends with regard to subspecies that:

- a) a subspecies be proposed for inclusion in the Appendices only if it is generally recognized as a valid taxon (ex Resolution Conf. 2.20), and easily identifiable in the traded form; and
- b) where there are identification difficulties, the problem be approached by either including the entire species in Appendix I or Appendix II (ex Resolution Conf. 2.20) or by circumscribing the range of the subspecies warranting protection and listing the populations within this area on a country basis.

Resolution Conf. 2.20 also recommended that proposals for listing an entire species in Appendix I or II because of identification difficulties, indicate for the record which subspecies were considered to be under actual or potential threat, and which were proposed to be included because of the need to effectively control trade in other species or subspecies.

The recommendations concerned are no longer valid and the subject is now covered by **Resolution Conf. 9.24 (Rev. CoP12)**.

Specimen, readily recognizable

Article I, paragraph (b) defines *specimen* as:

- (i) any animal or plant, whether alive or dead;**
- (ii) in the case of an animal: for species included in Appendices I and II, any readily recognizable part or derivative thereof; and for species included in Appendix III, any readily recognizable part or derivative thereof specified in Appendix III in relation to the species, and**
- (iii) in the case of a plant: for species included in Appendix I, any readily recognizable part or derivative thereof, and for species included in Appendices II and III, any readily recognizable part or derivative thereof specified in Appendices II and III in relation to the species.**

Recommendation Conf. S.S. 1.4 of the 1977 Special Working Session suggested the preparation of a minimum list of parts and derivatives to be controlled.

Although the preparation of such a minimum list was discussed at the second meeting of the Conference of the Parties, the idea was dropped because of the risk that Parties might consider it as a maximum rather than as a minimum list.

Chapter 3- Definitions in Article I

With **Resolution Conf. 9.6 (Rev.)**, the Conference of the Parties agrees that the term '*readily recognizable part or derivative*', as used in the Convention, shall be interpreted to include any specimen which appears from an accompanying document, the packaging or a mark or label, or from any other circumstances, to be a part or derivative of an animal or plant of a species included in the Appendices, unless such part or derivative is specifically exempted from the provisions of the Convention (ex Resolution Conf. 5.9).

Resolution Conf. 9.6 (Rev.) also addresses the difficulty of trade between Parties, one of which considers the parts and derivatives concerned as not being readily recognizable. It recommends, in paragraph b), that importing Parties that require that CITES export permits or re-export certificates accompany imports of parts and derivatives do not waive that requirement when such parts and derivatives are not considered to be readily recognizable by the exporting or re-exporting Party (ex Resolution Conf. 4.8).

Resolution Conf. 4.8 also recommended that all Parties notify the Secretariat of the controls of parts and derivatives operative under implementing legislation in their countries and requested the Secretariat to distribute to Parties a summary of such controls. This recommendation was not repeated.

Products of ranching operations

Paragraph a) of **Resolution Conf. 9.6 (Rev.)** recommends that Parties consider all products of ranching operations to be readily recognizable (ex Resolution Conf. 6.22 (Rev.)).

Coral

With **Resolution Conf. 9.6 (Rev.)**, the 11th meeting of the Conference of the Parties agreed that coral sand and coral fragments (as defined in the Annex to **Resolution Conf. 11.10 (Rev. CoP12)**) are not considered readily recognizable and are therefore not covered by the provisions of the Convention.

The Appendix listings for corals are further annotated to the effect that fossils are not covered by the Convention.

With **Resolution Conf. 11.10 (Rev. CoP12)** on trade in hard corals, the Conference of the Parties adopted working definitions of coral sand, coral fragments, coral rock, live coral and dead coral as follows:

Coral sand – material consisting entirely or in part of finely crushed fragments of dead coral no larger than 2 mm in diameter and which may also contain, amongst other things, the remains of Foraminifera, mollusc and crustacean shell, and coralline algae. Not identifiable to the level of genus.

Coral fragments (including gravel and rubble) – unconsolidated fragments of broken finger-like dead coral and other material between 2 and 30 mm in diameter, which is not identifiable to the level of genus.

Chapter 3- Definitions in Article I

*Coral rock*¹ (also *live rock and substrate*) – hard consolidated material, >3 cm in diameter, formed of fragments of dead coral and which may also contain cemented sand, coralline algae and other sedimentary rocks. ‘*Live rock*’ is the term given to pieces of coral rock to which are attached live specimens of invertebrate species and coralline algae not included in the CITES Appendices and which are transported moist, but not in water, in crates.

‘*Substrate*’ is the term given to pieces of coral rock to which are attached invertebrates (of species not included in the CITES Appendices) and which are transported in water like live corals. Coral rock is not identifiable to the level of genus but is recognizable to the level of order. The definition excludes specimens defined as dead coral.

Dead coral – pieces of coral that are dead when exported, but that may have been alive when collected, and in which the structure of corallites (the skeleton of the individual polyp) is still intact; specimens are therefore identifiable to the level of species or genus.

Live coral – pieces of live coral transported in water and that are identifiable to the level of species or genus.

Resolution Conf. 11.10 (Rev. CoP12) further recommends that:

Parties give much greater emphasis to the implementation of Article IV, paragraph 3, when permitting the export of corals and that they adopt the principles and practice of an ecosystem approach, rather than relying on the monitoring of exports alone; and urges:

- a) interested Parties and other bodies from range and consumer States to collaborate and provide support, coordinated by the Secretariat, to produce as a priority accessible and practical guides to recognizing corals and coral rock in trade and to make these widely available to Parties through appropriate media; and
- b) Parties to seek synergy with other multilateral environmental agreements and initiatives to work for the conservation and sustainable use of coral reef ecosystems.

The 12th meeting of the Conference of the Parties instructed the Animals Committee with **Decision 12.62** to consider and recommend a practical means of distinguishing fossilized corals from non-fossilized corals in international trade, and provide a report at the 13th meeting of the Conference of the Parties.

Worked ivory

With **Resolution Conf. 10.10 (Rev. CoP12)** the Conference of the Parties agreed that ‘worked ivory’ shall be considered readily recognizable and that this term shall cover all items made of ivory for jewellery, adornment, art, utility or musical instruments (but not including whole tusks in any form, except where the whole surface has been carved), provided that such items are clearly recognizable as such and in forms requiring no further carving, crafting or manufacture to effect their purpose. (ex Resolutions Conf. 3.12 and Conf. 6.13).

¹ Rock that does not contain any corals or in which the corals are fossilized is not subject to the provisions of the Convention

Appendix-II plants and Appendix-III animals and plants

In the case of Appendix-II plants and Appendix-III animals and plants, the definition of 'specimen' in Article I(b)(ii) and (iii) provides that readily recognizable parts and derivatives are to be specified in the Appendices in relation to the species.

At the ninth meeting of the Conference of the Parties it was decided (Decision 9.26) that a proposal to bring the provisions of Article XVI (listing of Appendix III parts and derivatives) in line with Convention procedures for Appendices I and II (Article XV) should be put on the agenda of the next extraordinary meeting of the Conference of the Parties, whenever this may be convened.

Summary

The following specimens are covered by the Convention as a result of Resolutions and amendments to the Interpretation of the Appendices:

- i) any animal or plant, whether alive or dead;
- ii) in the case of an animal: for species included in Appendices I, II and III, any readily recognizable part or derivative thereof, and
- iii) in the case of a plant: for species included in Appendix I, any readily recognizable part or derivative thereof with the exception of seedlings and tissue cultures of orchids obtained *in vitro*, in solid or liquid media, transported in sterile containers, and, for species included in Appendices II and III, any readily recognizable part or derivative thereof unless such parts and derivatives are specifically exempt.

Trade

Trade is defined in **paragraph (c) of Article I:**

(c) 'Trade' means export, re-export, import and introduction from the sea;

Re-export

Re-export is defined in **paragraph (d) of Article I:**

(d) 'Re-export' means export of any specimen that has previously been imported.

It is important to note that the wording of this paragraph has been chosen to exclude specimens that were introduced from the sea, which implies that trade with another country of such introduced specimens is considered to be an export rather than a re-export.

Introduction from the sea

Introduction from the sea is defined in **paragraph (e) of Article I**:

(e) ‘Introduction from the sea’ means transportation into a State of specimens of any species which were taken in the marine environment not under the jurisdiction of any State.

There has been some discussion about whether the boarding of specimens of a vessel is considered to be an introduction from the sea. I have always been of the opinion that this was not intended to be the case. “Transportation into a state” is clearly something different from “entering the territory of a state” and I therefore believe that a specimen is only introduced from the sea when it is landed.

Resolution Conf. 11.4 (Rev. CoP12) (ex Resolution Conf. 2.8) recognizes that the jurisdiction of the Parties with respect to marine resources in their adjacent seas is not uniform in extent, varies in nature and has not yet been agreed internationally, but recommends that the Parties use their best endeavours to apply their responsibilities under the Convention in relation to cetaceans.

Authorities

Scientific Authority and Management Authority are defined in **Article I, paragraphs (f) and (g)**:

(f) ‘Scientific Authority’ means a national Scientific Authority designated in accordance with Article IX;

(g) ‘Management Authority’ means a national Management Authority designated in accordance with Article IX.

Also see **Chapter 18**.

Party

According to **Article I, paragraph (h)**, *Party* means:

a State for which the present Convention has entered into force.

The entry into force of the Convention is dealt with in Article XXII. The effects of specific reservations on the regulation of trade with a Party are the subject of Article XXIII (3).

Chapter 4 - Species in Appendices I and II

Article II contains the following **fundamental principles** with regard to the **species to be included in Appendices I and II**:

1. Appendix I shall include all species threatened with extinction, which are or may be affected by trade. Trade in specimens of these species must be subject to particularly strict regulation in order not to endanger further their survival and must only be authorized in exceptional circumstances;

2. Appendix II shall include:

(a) all species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival; and

(b) other species which must be subject to regulation in order that trade in specimens of certain species referred to in subparagraph (a) of this paragraph may be brought under effective control.

The inclusion, transfer and deletion of species in Appendices I and II

Resolution Conf. 9.24 (Rev. CoP12) contains a comprehensive set of criteria for amendment of Appendices I and II and repeals the 12 earlier Resolutions dealing with the inclusion and deletion of species. **Chapter 5** gives an overview of the history of the listing criteria.

At the time of adoption of Resolution Conf. 9.24, it was recommended that the text and the annexes of the Resolution be fully reviewed before the twelfth meeting of the Conference of the Parties with regard to the scientific validity of the criteria, definitions, notes and guidelines and their applicability to different groups of organisms.

At the 12th meeting of the Conference of the Parties, the results of this review were discussed. This led to the adoption of **Decision 12.97** which lays down the terms of reference for the review of the criteria for amendment of Appendices I and II, to be completed by the 13th meeting of the Conference of the Parties, as follows:

- a) The revised version of Annex 4 of document CoP12 Doc. 58 compiled by the Chairman of the Criteria Working Group (CWG) formed by Committee I during the 12th meeting of the Conference of the Parties (the CWG12 Chairman's text) will form a basis for further discussion, in recognition of the substantial and constructive efforts contributed by the Parties, the inter-sessional Criteria Working Group set up at the 11th meeting of the

Chapter 4 - Species in Appendices I and II

Conference of the Parties, FAO, the Criteria Working Group formed during the 12th meeting of the Conference of the Parties, and others.

- b) The Animals and Plants Committees shall coordinate an open, transparent and broadly consultative process involving all Parties to consider further revision of the CWG12 Chairman's text.
- c) The process should include reviews of selected taxa, to ensure that the applicability of the criteria and guidelines to a broad array of taxa is assessed, and results of these reviews should be made widely available.
- d) The Animals and Plants Committees shall report to the Standing Committee before a date to be established by the Standing Committee.

Resolution Conf. 9.24 (Rev. CoP12) notes that the review of the Bern criteria was carried out in consultation with the Parties and on the basis of initial technical work carried out by IUCN in collaboration with other experts and that all aspects of this review were addressed by a joint meeting of the Plants and Animals Committees, in association with the Standing Committee, held in Brussels in September 1993.

It recalls that international trade in **all** wild fauna and flora is under the purview of the Convention.

Trade and biological criteria remain the basis for listing species in the Appendices

Resolution Conf. 9.24 (Rev. CoP12) recognizes that to qualify for inclusion in Appendix I a species must meet biological and trade criteria and that for the proper implementation of Article II.2.(a) it is necessary to adopt appropriate criteria, considering both biological and trade factors.

Look-alike species and Resolution Conf. 9.24 (Rev. CoP12)

Resolution Conf. 9.24 (Rev. CoP12) recalls that Article II.2(b) only provides for the inclusion in Appendix II of species that must be subject to regulation in order that trade in other Appendix-II species may be brought under effective control. The Resolution considers, however, that this provision should also apply where there is a need to bring trade in specimens of species included in Appendix I under effective control.

The inclusion of look-alike species in Appendix I is not provided for at all and Article II.2(b) indeed only envisages the inclusion in Appendix II of look-alike species with regard to other Appendix-II species.

Resolution Conf. 1.1 nevertheless provided for the inclusion in Appendix II of species similar to Appendix-I species and it is only appropriate that **Resolution Conf. 9.24 (Rev. CoP12)** continues this. Article II.2(b) should have referred to 'certain species referred to in **paragraph 1 and** in subparagraph (a) of this paragraph'.

Consultation of range States and intergovernmental bodies

Resolution Conf. 9.24 (Rev. CoP12) recognizes that the range States of a species subject to an amendment proposal should be consulted following the procedures recommended by the Conference of the Parties (i.e. **Resolution Conf. 8.21** below), and that the intergovernmental bodies having a function in relation to that species should be consulted as well. In this context, it notes the competence of certain intergovernmental organizations in relation to the management of marine species.

The Resolution also emphasizes the importance of **Resolution Conf. 3.4**, regarding the need to provide to developing countries technical assistance in matters relating to the Convention.

In **Resolution Conf. 8.21** the Conference of the Parties notes that the provisions of the Convention do not require the prior support of range States for proposals to amend Appendices I and II, but observes that many proposals have been submitted without the comments from the range States, as provided for in **Resolution Conf. 2.17**, being sought. It recognizes, however, that for certain taxa with extensive distributions such consultation may be difficult. Conscious that amendments to Appendices I and II may affect the interests of range States, remarking that international treaties rely for their successful implementation upon cooperation and mutual respect and mindful that an additional period of time may be required to consult with range States, the Conference of the Parties recommends that for *any submission of a proposal to amend Appendix I or II of the Convention*, one of the following two procedures be applied:

<p>Note: The reference to <i>any submission of a proposal</i> implies that range states should also be consulted where a proposal concerns a population or populations of a species.</p>

- a) where the proposing Party intends to consult the range States, it
 - i) advises the Management Authorities of the range States within which the species occurs of its intention to submit a proposal;
 - ii) consults with the Management and Scientific Authorities of these States on the substance of the proposal; and
 - iii) includes the opinions of these Authorities in section 6 of the proposal submitted in accordance with **Resolution Conf. 2.17** (now **Resolution Conf. 9.24 (Rev. CoP12)**) except that, where no response has been received from a range State within a reasonable period of time, the proposing Party may instead simply document its attempts to obtain these opinions; or
- b) where prior consultation with range states will not take place:
 - i) the Party submits the proposal at least 330 days in advance of the next scheduled meeting of the Conference of the Parties;
 - ii) the Secretariat circulates the proposal as soon as possible to all Parties;

and

iii) interested Parties send their comments to the proposing Party in order to allow it to submit a revised proposal at least 150 days prior to the meeting. The revised proposal should incorporate the comments received, in compliance with **Resolution Conf. 2.17** (now **Resolution Conf. 9.24 (Rev. CoP12)**), separating them into two categories, reflecting the opinions of range States and non-range States.

Decision 12.7 concerns the establishment of a Memorandum of Understanding between CITES and the Food and Agriculture Organization of the United Nations (FAO).

It provides that, on the basis of the Conference of the Parties' recognition of the primary role of FAO and regional fisheries management organizations in fisheries management and the role of CITES in regulating international trade, the Standing Committee shall work with FAO in the drafting of a Memorandum of Understanding between CITES and FAO, to establish a framework for cooperation, to be presented in draft form for consideration at the 25th meeting (February 2003) of COFI and, if possible, the 49th meeting of the Standing Committee.

The following terms of reference should guide the Standing Committee in carrying out this work:

- a) elaborate provisions regarding future FAO involvement in the scientific evaluation of proposals for including exploited aquatic species in the Appendices or for downlisting them (see Appendix F of the Report of COFI: FTVIII);
- b) cooperate with respect to capacity building in developing countries, in particular efforts centred on fisheries law enforcement activities of mutual interest;
- c) append to the MoU annexes consisting of work plans listing issues of common interest to both organizations, including those found in Appendix F of the Report of COFI: FTVIII; and
- d) report on work completed under the MoU at each meeting of the Conference of the Parties to CITES and the FAO Committee on Fisheries.

The precautionary principle in Resolution Conf. 9.24 (Rev. CoP12)

The Resolution recognizes that by virtue of the precautionary principle, in cases of uncertainty, the Parties shall act in the best interest of the conservation of the species when considering proposals for amendment of Appendices I and II. It resolves that when considering any proposal to amend Appendix I or II, the Parties shall apply the precautionary principle so that scientific uncertainty should not be used as a reason for failing to act in the best interest of the conservation of the species.

The *precautionary principle* was already included in the Bern criteria (see **Chapter 5**). It is also laid down in Principle 15 of the June 1992 Rio Declaration on Environment and Development. See **Chapter 1**.

The criteria for listing

Resolution Conf. 9.24 (Rev. CoP12) resolves based on the considerations mentioned above that, when considering proposals to amend Appendices I and II, the following applies:

- a) any species that is or may be affected by trade should be included in Appendix I if it meets at least one of the biological criteria listed in Annex 1;
- b) a species “is or may be affected by trade” if:
 - i) it is known to be in trade; or
 - ii) it is probably in trade, but conclusive evidence is lacking; or
 - iii) there is potential international demand for specimens; or
 - iv) it would probably enter trade were it not subject to Appendix-I controls;
- c) any species that meets the criteria for inclusion in Appendix II listed in Annex 2a should be included in Appendix II in accordance with Article II, paragraph 2(a);
- d) species should be included in Appendix II under the provisions of Article II, paragraph 2(b), if they satisfy the criteria listed in Annex 2b;
- e) species should be included in more than one Appendix at the same time, and higher taxa should be included in the Appendices, only if the species or higher taxa concerned satisfy the relevant criteria listed in Annex 3;
- f) 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 no probability of trade taking place in specimens of wild origin;
- g) any species included in Appendix I for which sufficient data are available to demonstrate that it does not meet the criteria listed in Annex 1 should be transferred to Appendix II only in accordance with the relevant precautionary measures listed in Annex 4;
- h) any species included in Appendix II in accordance with Article II, paragraph 2(a), that does not meet the criteria listed in Annex 2a should be deleted only in accordance with the relevant precautionary measures listed in Annex 4; and species included in accordance with Article II, paragraph 2(b), because they look like the species subject to the deletion, or for a related reason, should also be deleted only in accordance with the relevant precautionary measures; and
- i) the views, if any, of intergovernmental organizations with competence for the management of the species concerned should be taken into account.

Chapter 4 - Species in Appendices I and II

In the final paragraphs of **Resolution Conf. 9.24 (Rev. CoP12)** it is resolved that:

- proposals to amend Appendices I and II should be based on the best information available and presented in the format in Annex 6, unless otherwise justified;
- that entire geographically separate populations should not be included in the Appendices without prior consideration of negative consequences to conservation and management programmes for national populations or to sustainable development programmes involving such populations.

<p>Note: The above paragraph was added at the 12th meeting of the Conference of the Parties.</p>
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- to monitor the effectiveness of protection offered by the Convention, the status of species included in Appendices I and II should be regularly reviewed by the range States and proponents, in collaboration with the Animals Committee or the Plants Committee, subject to the availability of funds.

The Resolution urges Parties and cooperating organizations to provide financial and technical assistance, when requested, in the preparation of proposals to amend the Appendices, the development of management programmes, and the review of the effectiveness of the inclusion of species in the Appendices. Parties should be open to using other available international mechanisms and instruments for these purposes in the broader context of biodiversity.

The Conference of the Parties adopted the following Annexes as an integral part of **Resolution Conf. 9.24 (Rev. CoP12)**:

Annex 1: Biological criteria for Appendix I

Annex 2a: Criteria for the inclusion of species in Appendix II in accordance with Article II, paragraph 2(a);

Annex 2b: Criteria for the inclusion of species in Appendix II in accordance with Article II, paragraph 2(b);

Annex 3: Special cases;

Annex 4: Precautionary measures;

Annex 5: Definitions, notes and guidelines;

Annex 6: Format for proposals to amend the Appendices

Annex 1 to Resolution Conf. 9.24 (Rev. CoP12): Biological criteria for Appendix I

The following criteria must be read in conjunction with the definitions, notes and guidelines listed in Annex 5.

A species is considered to be *threatened with extinction* if it meets, or is likely to meet, **at least one** of the following criteria:

- A. The wild population is small, and is characterized by **at least one** of the following:
- i) an observed, inferred or projected decline in the number of individuals or the area and quality of habitat; or
 - ii) each sub-population being very small; or
 - iii) a majority of individuals, during one or more life-history phases, being concentrated in one sub-population; or
 - iv) large short-term fluctuations in the number of individuals; or
 - v) a high vulnerability due to the species' biology or behaviour (including migration).
- B. The wild population has a restricted area of distribution and is characterized by **at least one** of the following:
- i) fragmentation or occurrence at very few locations; or
 - ii) large fluctuations in the area of distribution or the number of sub-populations; or
 - iii) a high vulnerability due to the species' biology or behaviour (including migration); or
 - iv) an observed , inferred or projected decrease in any one of the following:
 - the area of distribution; or
 - the number of sub-populations; or
 - the number of individuals; or
 - the area or quality of habitat; or
 - reproductive potential.
- C. A decline in the number of individuals in the wild, which has been **either**:
- i) observed as ongoing or as having occurred in the past (but with a potential to resume); or
 - ii) inferred or projected on the basis of any one of the following:
 - a decrease in area or quality of habitat; or
 - levels or patterns of exploitation; or

Chapter 4 - Species in Appendices I and II

- 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 reproductive potential.

D. 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 of the above criteria within a period of five years.

Annex 2a to Resolution Conf. 9.24 (Rev. CoP12): Criteria for the inclusion of species in Appendix II in accordance with Article II, Paragraph 2(a)

The following criteria must be read in conjunction with the definitions, notes and guidelines listed in Annex 5.

A species should be included in Appendix II when **either** of the following criteria is met:

- A. It is known, inferred or projected that unless trade in the species is subject to strict regulation, it will meet at least one of the criteria listed in Annex 1 in the near future.
- B. It is known, inferred or projected that the harvesting of specimens from the wild for international trade has, or may have, a detrimental impact on the species by either:
 - i) exceeding, over an extended period, the level that can be continued in perpetuity; or
 - ii) reducing it to a population level at which its survival would be threatened by other influences.

Annex 2b to Resolution Conf. 9.24 (Rev. CoP12): Criteria for the inclusion of species in Appendix II in accordance with Article II, Paragraph 2(b)

Species should be included in Appendix II in accordance with Article II, paragraph 2(b), if they satisfy **one** of the following criteria.

- A. The specimens resemble specimens of a species included in Appendix II under the provisions of Article II, paragraph 2(a), or in Appendix I, such that a non-expert, with reasonable effort, is unlikely to be able to distinguish between them.
- B. The species is a member of a taxon of which most of the species are included in Appendix II under the provisions of Article II, paragraph 2(a), or in Appendix I, and the remaining species must be included to bring trade in specimens of the others under effective control.

Annex 3 to Resolution Conf. 9.24 (Rev. CoP12): Special cases

Split-listing

Listing of a species in more than one Appendix should be avoided in general in view of the enforcement problems it creates. When split-listing does occur, this should generally be on the basis of national or continental populations, rather than subspecies. Split-listings that place some populations of a species in the Appendices, and the rest outside the Appendices, should normally not be permitted.

For species outside the jurisdiction of any State, listing in the Appendices should use the terms used in other relevant international agreements, if any, to define the population. If no such international agreement exists, then the Appendices should define the population by region or by geographic coordinates.

Taxonomic names below the species level should not be used in the Appendices unless the taxon in question is highly distinctive and the use of the name would not give rise to enforcement problems.

Higher taxa

If all species of a higher taxon are included in Appendix I or II, they should be included under the name of the higher taxon. If some species in a higher taxon are included in Appendix I or II and all the rest in the other Appendix, the latter species should be included under the name of the higher taxon, with an appropriate annotation.

Higher taxon listings for plants are also subject to the following recommendations (ex Resolution Conf. 5.14) of **Resolution Conf. 11.11**:

- a) the current higher-taxon listings of plants in the Appendices, including the families of Orchidaceae and Cactaceae, be maintained as they are essential for effective control of trade in the many species within those taxa that are threatened or potentially at risk; and
- b) the Parties contemplating preparing a proposal to transfer an individual plant species from a higher-taxon listing in Appendix II to a separate listing in Appendix I consider:
 - i) whether the increased protection possible by a transfer to Appendix I would compensate for the increased risk created by attracting the attention of traders to the species;
 - ii) the ease with which it can be propagated artificially;
 - iii) the extent to which it is currently available in cultivation from artificially propagated specimens; and
 - iv) any practical problems in identifying the species, particularly in the form in which it may be traded.

Annex 4 to Resolution Conf. 9.24 (Rev. CoP12): Precautionary measures

- A. When considering proposals to amend the Appendices, the Parties shall, in the case of uncertainty, either as regards the status of a species or as regards the impact of trade on the conservation of a species, act in the best interest of the conservation of the species.
- B. 1. No species listed in Appendix I shall be removed from the Appendices unless it has been first transferred to Appendix II, with monitoring of any impact of trade on the species for at least two intervals between meetings of the Conference of the Parties.
2. Species included in Appendix I should only be considered for transfer to Appendix II if they do not satisfy the relevant criteria in Annex 1. Even if such species do not satisfy the relevant criteria in Annex 1, they should be retained in Appendix I unless they satisfy one of the following criteria:
- a) the species is not in demand for international trade, nor is its transfer to Appendix II likely to stimulate trade in, or cause enforcement problems for, any other species included in Appendix I; or
 - b) the species is likely to be in demand for trade, but its management is such that the Conference of the Parties is satisfied with:
 - i) implementation by the range States of the requirements of the Convention, in particular Article IV; and
 - ii) appropriate enforcement controls and compliance with the requirements of the Convention; or
 - c) an integral part of the amendment proposal is an export quota approved by the Conference of the Parties, based on management measures described in the supporting statement of the amendment proposal, provided that effective enforcement controls are in place; or
 - d) an integral part of the amendment proposal is an export quota approved by the Conference of the Parties for a specified period of time, based on management measures described in the supporting statement of the amendment proposal, provided that effective enforcement controls are in place; or
 - e) a ranching proposal is submitted consistent with the applicable Resolutions of the Conference of the Parties and is approved.
3. No proposal for transfer of a species from Appendix I to Appendix II with an export quota shall be considered from a Party that has entered a reservation for the species in question, unless that Party agrees to remove the reservation within 90 days of the adoption of the amendment.
4. No species should be deleted from Appendix II if such deletion would be likely to result in it qualifying for inclusion in the Appendices in the near future.

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- C. The following review procedures shall apply when a species is transferred to Appendix II pursuant to paragraphs B 2.c. and B 2.d. above:
1. Where the Plants Committee, the Animals Committee or a Party becomes aware of problems in compliance with the management measures and export quotas of another Party, the Secretariat shall be informed and, if the Secretariat fails to resolve the matter satisfactorily, it shall inform the Standing Committee which may, after consultation with the Party concerned, recommend to all Parties that they suspend trade with that Party in specimens of CITES-listed species, and/or request the Depositary Government to prepare a proposal to transfer the population back to Appendix I.
 2. If, on review of a quota and its supporting management measures, the Animals or Plants Committee encounters any problems with compliance or potential detriment to a species, the relevant Committee shall request the Depositary Government to prepare a proposal for appropriate remedial action.
- D. If the proponent Party wishes to renew, amend or delete a quota established pursuant to paragraph B 2.d. above, it shall submit an appropriate proposal for consideration at the next meeting of the Conference of the Parties. In anticipation of there being no such proposal submitted, the Depositary Government shall submit a proposal for consideration at the next meeting of the Conference of the Parties to impose a zero quota.
- E. Species that are regarded as possibly extinct should not be deleted from Appendix I if they may be affected by trade in the event of their rediscovery; these species should be annotated in the Appendices as “p.e.” (i.e. possibly extinct).

Note: Resolution Conf. 2.21 noted that the definitions of the Appendices excluded extinct species and that such species should not be added to the Appendices. It recommended that no action is taken, however, to remove extinct species from the Appendices and that species not observed for at least 50 years despite repeated surveys be annotated in the Appendices as p.e. (possibly extinct). See the current definition of p.e., contained in Annex 5 to **Resolution Conf. 9.24**

Annex 5 to Resolution Conf. 9.24 (Rev. CoP12): Definitions, notes and guidelines

Area of distribution

Area of distribution is defined as the area contained within the shortest continuous imaginary boundary which can be drawn to encompass all the known, inferred or projected sites of occurrence, excluding cases of vagrancy (though inferring and projecting area of occurrence should be undertaken carefully, and in a precautionary manner). The area within the imaginary boundary should, however, exclude significant areas where the species does not occur, and so in defining area of distribution, account should be taken of discontinuities or disjunctions in the spatial distribution of species. For migratory species, the area of distribution is the smallest area essential at any stage for the survival of that species (e.g. colonial nesting sites, feeding sites, etc.). For some species in trade where data exist to make an estimate, a figure of less than 10,000 km² has been found to be an appropriate guideline (not a threshold) of what constitutes a restricted area of distribution. However, this figure is presented only as an example, since it is impossible to give numerical values

that are applicable to all taxa. There will be many cases where this numerical guideline does not apply.

Decline

A decline is a reduction in the number of individuals, or a decrease of the area of distribution, the causes of which are either not known or not adequately controlled. It need not necessarily still be continuing. Natural fluctuations will not normally count as part of a decline, but an observed decline should not be considered part of a natural fluctuation unless there is evidence for this. A decline that is the result of a harvesting programme that reduces the population to a planned level, not detrimental to the survival of the species, is not covered by the term “decline”.

For some species in trade where data exist to make an estimate, a decrease of 50% or more in total within 5 years or two generations, whichever is the longer, has been found to be an appropriate guideline (not a threshold) of what constitutes a decline. A guideline (not a threshold) of what constitutes a decline in a small wild population could be 20% or more in total within ten years or three generations, whichever is the longer. However, both these figures are presented only as examples, since it is impossible to give numerical values that are applicable to all taxa. There will be many cases where these numerical guidelines do not apply.

Extended period

The meaning of the term ‘extended period’ will vary according to the biological characteristics of the species. Selection of the period will depend upon the observed pattern of natural fluctuations in the abundance of the species and on whether the number of specimens removed from the wild is consistent with a sustainable harvesting programme that is based on these natural fluctuations.

Fragmentation

Fragmentation refers to the case where most individuals within a taxon are found in small and relatively isolated sub-populations, which increases the probability that these small sub-populations will become extinct and the opportunities for re-establishment are limited. For some species in trade where data exist to make an estimate, an area of distribution of 500 km² or less for each subpopulation has been found to be an appropriate guideline (not a threshold) of what constitutes fragmentation. However, this figure is presented only as an example, since it is impossible to give numerical values that are applicable to all taxa. There will be many cases where this numerical guideline does not apply.

Generation

Generation is measured as the average age of parents in the population; except in the case of species that breed only once a lifetime, this will always be longer than the age at maturity.

Large fluctuations

Large fluctuations occur in a number of species where the population size or area of distribution varies widely, rapidly and frequently, with a variation greater than one order of magnitude. For some species in trade where data exist to make an estimate, a figure of two years or less has been found to be an appropriate guideline (not a threshold) of what constitutes a short-term fluctuation. However, this figure is presented only as an example, since it is impossible to give numerical values that are applicable to all taxa. There will be many cases where this numerical guideline does not apply.

Population

Population is measured as the total number of individuals of the species (as defined in Article I of the Convention). In the case of species biologically dependent on other species for all or part of their life cycles, biologically appropriate values for the host species should be chosen. For some species in trade where data exist to make an estimate, a figure of less than 5,000 individuals has been found to be an appropriate guideline (not a threshold) of what constitutes a small wild population. However, this figure is presented only as an example, since it is impossible to give numerical values that are applicable to all taxa. There will be many cases where this numerical guideline does not apply.

Possibly extinct

A species is presumed extinct when exhaustive surveys in known and/or suspected habitat, and at appropriate times (diurnal, seasonal, annual), throughout its historic range have failed to record an individual. Before a species can be declared possibly extinct, surveys should take place over a time frame appropriate to the species' life cycle and life form.

Sub-populations

Sub-populations are defined as geographically or otherwise distinct groups in the population between which there is little exchange. For some species in trade where data exist to make an estimate, a figure of less than 500 individuals has been found to be an appropriate guideline (not a threshold) of what constitutes a very small subpopulation. However, this figure is presented only as an example, since it is impossible to give numerical values that are applicable to all taxa. There will be many cases where this numerical guideline does not apply.

Threatened with extinction

Threatened with extinction is defined by Annex 1. The vulnerability of a species to threats of extinction depends on its population demographics, biological characteristics, such as body size, trophic level, life cycle, breeding structure or social structure requirements for successful reproduction, and vulnerability due to aggregating habits, natural fluctuations in population size (dimensions of time and magnitude), residency/migratory patterns. This makes it impossible to give numerical values for population size or area of distribution that are applicable to all taxa.

Annex 6 to Resolution Conf. 9.24 (Rev. CoP12): Format for proposals to amend the Appendices

The following provides information and instructions for the submission of a proposal to amend the Appendices and the appropriate supporting statement. Proponents should be guided by the need to provide to the Conference of the Parties sufficient information, of sufficient quality and in sufficient detail (to the extent available), to allow the Conference to judge the proposal against the criteria established for the proposed action. This means that the relevant published and unpublished sources of information should be used, but acknowledges that for some species the amount of scientific information will be limited. Furthermore, this means that it may not be possible to address all elements of the Proposal Format.

A. Proposal

The proponent should indicate the intent of the specific action being proposed and the relevant criteria against which the proposal is to be judged.

- Inclusion in Appendix I
- Inclusion in Appendix II
 - in accordance with Article II 2(a)
 - in accordance with Article II 2(b)
 - for reasons of look-alike
 - for other reasons (such as those referred to in Annex 3 to this Resolution)
- Transfer from Appendix I to Appendix II in accordance with a precautionary measure specified in Annex 4 to this Resolution
- Deletion from Appendix II
- Other action (provide explanation)

B. Proponent

The proponent may only be a Party to the Convention, in accordance with Article XV of the Convention.

C. Supporting statement

1. Taxonomy

The proponent should provide sufficient information to allow the Conference of the Parties to identify clearly the taxon that is the subject of the proposal.

1.1 Class

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1.2 Order

1.3 Family

1.4 Genus, species or subspecies, including author and year

If the species concerned is included in one of the standard lists of names or taxonomic references adopted by the Conference of the Parties, the name provided by that reference should be entered here. If the species concerned is not included in one of the adopted standard references, the proponent should provide references as to the source of the name used.

1.5 Scientific synonyms

1.6 Common names

The proponent should provide information on other scientific names or synonyms under which the species concerned may be known currently, especially if these names are used in the trade in the species.

1.7 Code numbers

If the species concerned is already included in the Appendices, refer to the code numbers in the CITES Identification Manual.

2. Biological parameters

The information required in this section is a summary of the principal results of surveys, literature searches, and other studies. The references used must be listed in section 8 of the proposal. It is understood that the quality of information available will vary a lot. But these instructions indicate the type of information that is required.

2.1 Distribution

Give an estimate of the current range of the species, and specify the references used. Specify the types of habitats occupied and, if possible, the extent of each habitat type over the range of the species. If possible, provide information to indicate whether or not the distribution of the species is continuous and, if it is not, indicate to what degree it is fragmented.

2.2 Habitat availability

Give information on the nature, rate and extent of habitat loss and/or degradation, if possible with information from at least three points in time, and give the basis for future projections.

2.3 Population status

Give an estimate of the total population or number of individuals with:

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- i) date and nature of census; and
- ii) justification for any inferences made about total population size and/or number of individuals. Give the number of sub-populations, where possible their estimated size, and the date and method of census. Give an estimate of, or information on, the size of the population in captivity.

2.4 Population trends

Basic, quantitative and referenced information should be provided on whether the population of the species is increasing, stable or declining. The period over which the trend, if any, has been measured should be indicated. If the species naturally undergoes marked fluctuations in population size, information should be provided to demonstrate that the trend transcends natural fluctuations.

If generation-time has been used in estimating the trend, state how the generation-time has been estimated.

2.5 Geographic trends

Give data on the nature, rate and extent of decrease in range area or number of sub-populations, if possible with information from at least three points in time. Give data on the degree and periodicity of fluctuations in range area or number of sub-populations, if possible with information from at least three points in time.

2.6 Role of the species in its ecosystem

Give information about the specific relationship that exists between this species and others living in the same ecosystem. Indicate the possible consequences of depletion of the population of the species proposed for listing, for those depending on or associated with it.

2.7 Threats

Specify the nature, intensity and extent of threats (e.g. habitat loss and/or degradation; exploitation; effects of introduced species, competitors, pathogens, parasites, predators, hybridization and the effects of toxins and pollutants; etc), if possible with information from at least three points in time, and give the basis for future projections.

3. Utilization and trade

3.1 National utilization

Give data on the level of exploitation, indicating trends if possible. Specify the purposes of exploitation. Provide details of harvest methods. Assess the importance of the off take and the relationship between national and international trade.

Provide details of any stockpiles known to exist, and the measures that might be taken to dispose of them.

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Where applicable, provide details of commercial captive-breeding or artificial propagation operations for the species in question, including the size of captive stock and the production, and the extent to which these operations are either contributing to a conservation programme or meeting a demand that would otherwise be met by specimens from the wild.

3.2 Legal international trade

Quantify the level of international trade, identifying the source of statistics used (e.g. Customs statistics, CITES annual report data, FAO data, industry reports, etc.). Provide justification for inferences made about trade levels. Provide information about the nature of the trade (e.g. primarily for commercial purposes, primarily live specimens, primarily parts and derivatives, primarily of captive-bred or artificially propagated specimens, etc.) and about how the proposed amendment is expected to affect the nature of the trade.

3.3 Illegal trade

To the extent possible, quantify the level of illegal trade, including national and international trade, and provide details of the nature of this trade. Assess the relative importance of this trade as it relates to legal off take for national use or legal international trade. Provide information on how the proposed amendment is expected to affect the nature of the trade.

3.4 Actual or potential trade impacts

Comment on the actual or potential trade impacts of the proposed amendment on the species in question, and on the reason for believing that trade might become a threat to the survival of the species in question, or on whether trade may be beneficial to the survival of the species in question. Where applicable, include information on the actual or potential ecological impacts of the change in trade controls.

3.5 Captive breeding or artificial propagation for commercial purposes (outside country of origin)

To the extent possible, provide information on the extent of captive breeding or artificial propagation outside the country or countries of origin.

4. Conservation and management

4.1 Legal status

4.1.1 National

Provide details of legislation relating to the conservation of the species, including its habitat, either specifically (such as endangered species legislation) or generally (such as legislation on wildlife and accompanying regulations). Indicate the nature of legal protection (i.e. is the species totally protected, or whether harvesting is regulated or controlled). Provide an assessment of the effectiveness of this legislation in ensuring the protection and/or wise management of the species.

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Provide similar information relating to legislation governing the management of trade in the species in question. Provide an assessment of the effectiveness of this legislation in controlling illegal trade in the species.

4.1.2 International

In preparing proposals to amend the Appendices, consult in advance with the relevant competent intergovernmental organizations responsible for the conservation and management of the species, and take their views fully into account.

Provide details of international instruments relating to the species in question, including the nature of the protection afforded by such instruments. Provide an assessment of the effectiveness of these instruments in ensuring the protection and/or wise management of the species.

Provide similar information relating to international instruments relating to the management of trade in the species in question. Provide an assessment of the effectiveness of these instruments in controlling illegal trade in the species.

4.2 Species management

4.2.1 Population monitoring

Provide details of programmes in place in the range States to monitor the status of wild populations and the sustainability of off take from the wild.

Such programmes might be under the auspices of government or through non-governmental organizations or scientific institutions. Indicate the extent to which non-governmental monitoring programmes link to governmental decision-making.

4.2.2 Habitat conservation

Provide details of programmes in place in the range States to protect the habitat of the species in question, both inside and outside protected areas.

Provide details about the nature of the protection offered by the programmes in question.

4.2.3 Management measures

Provide details of programmes in place in the range States to manage populations of the species in question (e.g. controlled harvest from the wild, captive breeding or artificial propagation, reintroduction, ranching, quota systems, etc.). Include, where appropriate, details such as planned harvest rates, planned population sizes, mechanisms for ensuring that the advice of those responsible for management of the species is taken into account, mechanisms and criteria for the establishment of quotas, etc.

Where applicable, provide details of any mechanisms used to ensure a return from utilization of the species in question to conservation and/or management

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programmes (e.g. pricing schemes, community ownership plans, export tariffs, etc.).

4.3 Control measures

4.3.1 International trade

Provide information regarding measures in place, in addition to CITES, to control the movement of specimens of the species in question across international borders. Include information about marking schemes in place, if any.

4.3.2 Domestic measures

Provide information regarding controls in the range States aimed at ensuring a sustainable harvest from the wild of the species in question. Include information on education, compliance and enforcement activities as appropriate and an assessment of the effectiveness of the programmes.

5. Information on similar species

Give the names of species of which specimens in trade look very similar, state how they may be distinguished, and explain whether or not it is reasonable to expect an informed non-expert to be able to make a firm identification. Outline measures that would need to be taken to handle potential difficulties in distinguishing between specimens of this and similar species.

If the proposed amendment would be likely to lead to an increase in trade in the species concerned, explain why this would not result in unsustainable trade in similar species.

6. Other comments

Provide details of the consultation undertaken to secure comments on the proposal from the range States of the species, either through direct contact or via the CITES Secretariat. Comments received from each country should be provided. Where comments were sought but not received in sufficient time to enable their inclusion in the supporting statement, this should be noted, as well as the date of the request.

In cases of consultation with Parties via the CITES Secretariat, information from range States and non-range States should be separated.

In the case of species that are also managed through other international agreements or intergovernmental bodies, provide details of the consultations undertaken to obtain the comments of those organizations or bodies, and indicate how those comments have been addressed in the supporting statement. Where comments were sought but not received in sufficient time to enable their inclusion in the supporting statement, this should be noted, as well as the date of the request.

7. Additional Remarks

8. References

The listing of hybrids in the Appendices

The issue was first addressed with *Resolution Conf. 2.13*.

The current recommendations for *plants* are contained in **Resolution Conf. 11.11**, see **Chapter 29**.

As far as *animals* are concerned, **Resolution Conf. 10.17 (Rev.)**, expresses concern that trade in hybrids of species included in the Appendices should be controlled in order to support the controls on trade in the species included in Appendices I and II.

The Conference of the Parties therefore decides that:

- a) hybrids may be specifically included in the appendices but only if they form distinct and stable populations in the wild (ex *Resolution Conf. 2.13*);
- b) hybrid animals that have in their recent lineage one or more specimens of species included in Appendix I or II shall be subject to the provisions of the Convention just as if they were full species, even if the hybrid concerned is not specifically included in the Appendices (reworded ex *Resolution Conf. 2.13*);
- c) if at least one of the animals in the recent lineage is of a species included in Appendix I, the hybrids shall be treated as specimens of species included in Appendix I (and shall be eligible for the exemptions of Article VII when applicable);
- d) if at least one of the animals in the recent lineage is of a species included in Appendix II, and there are no specimens of an Appendix-I species in such lineage, the hybrids shall be treated as specimens of species included in Appendix II; and

Note: Paragraphs c) and d) replace paragraph c) of *Resolution Conf. 2.13*, which recommended that if the parents of a hybrid specimen are included in different Appendices, the provisions of the more restrictive Appendix shall apply.

- e) as a guideline, the words “recent lineage”, as used in this Resolution, shall generally be interpreted to refer to the previous four generations of the lineage.

Note: This paragraph was added at the 11th meeting of the Conference of the Parties. The content was earlier recommended in Notification 1998/28.

Resolution Conf. 10.17 (Rev.) also recommends that, when Parties are considering the making of non-detriment findings, in accordance with Article III, paragraph 2(a), or Article IV, paragraph 2(a), for specimens of hybrids that are subject to the provisions of the Convention, they take into account any potential detriment to the survival of the listed species. A similar recommendation was contained in **Resolution Conf. 2.13**.

Annotations in the Appendices

The Conference of the Parties has increasingly used annotations to appropriately address the different conservation needs of populations of species listed in the Appendices, e.g. for the vicuña, rhinos, the African elephant.

At the 10th meeting, it was therefore decided (Decision 10.70), that the Standing Committee should consider ways and means of clarifying legal and implementation issues related to the use of annotations in the appendices and present a report at the 11th meeting of the Conference of the Parties. The Standing Committee set up a working group for this purpose.

Resolution Conf. 11.21 is the result.

It recognizes that annotations are increasingly used in the Appendices for a number of purposes and that certain types of annotations are for reference only, whereas others are substantive and are intended to define the scope of the inclusion of a species. It considers that the Parties have developed specific procedures for transfer, reporting and review for certain special cases of amendment of the Appendices, such as those relating to ranching, quotas, certain parts and derivatives, and trade regimes. Certain types of annotations are an integral part of a species listing and any proposal to introduce, amend or delete such an annotation must follow the provisions of Resolution Conf. 9.24 (Rev. CoP12). Criteria for the submission of proposals to amend the Appendices that include annotations, and procedures for reviewing the implementation of such annotations, need to be clearly defined to avoid implementation and enforcement problems.

It was agreed that:

- a) the following are reference annotations and are for information purposes only:
 - i) asterisks (*/**);
 - ii) the annotations “p.e.”, for possibly extinct; and
 - iii) annotations relating to nomenclature (=300- and =400-series);
- b) the following are substantive annotations, and are integral parts of species listings:
 - i) annotations relating to the inclusion or exclusion of designated geographically separate populations, subspecies, species, groups of species, or higher taxa, which may include export quotas (-100- and +200-series); and
 - ii) annotations relating to specified types of specimens (such as live animals, live plants, or specified parts or derivatives), which may include export quotas (600-series and #-series);
- c) reference annotations may be introduced, amended or deleted by the Conference of the Parties, or by the Secretariat, as required, to facilitate the understanding of the Appendices;

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Note: After the 12th meeting of the Conference of the Parties, the Secretariat introduced a new presentation of the Appendices, which provides annotations against species names.

- d) substantive annotations relating to species in Appendix I or II may be introduced, amended or deleted only by the Conference of the Parties in accordance with Article XV of the Convention;
- e) substantive annotations relating to geographically separate populations in Appendix I or II should be in compliance with the split-listing provisions contained in Resolution Conf. 9.24 (Rev. CoP12) Annex 3; and
- f) substantive annotations used in the context of transferring a species from Appendix I to Appendix II should be in compliance with the precautionary measures contained in Resolution Conf. 9.24 (Rev. CoP12) Annex 4;

It was further agreed that no proposal for transfer of a species from Appendix I to Appendix II subject to an annotation relating to specified types of specimens shall be considered from a Party that has entered a reservation for the species in question, unless that Party has agreed to remove the reservation within 90 days of the adoption of the amendment.

The Resolution recommends that:

- a) Parties submitting proposals that contain substantive annotations ensure that the text is clear and unambiguous;
- b) if a proposed annotation relates to specified types of specimens, the applicable provisions of the Convention for import, export and re-export of each type of specimen should be specified;
- c) as a general rule, Parties avoid making proposals to adopt annotations that include live animals or trophies; and
- d) annotations relating to specified types of specimens should be used sparingly, as their implementation is particularly challenging, especially where there are identification problems or where the purpose of trade has been specified;

The Resolution directs:

- a) the Secretariat to report to the Standing Committee, for at least four years following the adoption of a proposal to transfer species from Appendix I to Appendix II subject to a substantive annotation, any credible information it receives indicating a significant increase in the illegal trade in or poaching of such species; and
- b) the Standing Committee to investigate any such reports of illegal trade and to take appropriate action to remedy the situation, which may include calling on the Parties to suspend commercial trade in the affected species, or inviting the Depositary Government to submit a proposal to amend the annotation or to retransfer the species to Appendix I; and finally, it was agreed that, for species transferred from Appendix I to II

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subject to an annotation relating to specified types of specimen, specimens that are not specifically included in the annotation should be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.

With regard to annotations referring to ‘**appropriate and acceptable destinations**’ in relation to trade in live animals, **Resolution Conf. 11.20** recalls that at the ninth meeting of the Conference of the Parties, the South African population of southern white rhinoceros (*Ceratotherium simum simum*) was transferred to Appendix II of the Convention subject to an annotation stating, in part, “For the exclusive purpose of allowing international trade in live animals to appropriate and acceptable destinations and hunting trophies”.

It recalls also that, at the 10th meeting of the Conference of the Parties, the African elephant (*Loxodonta africana*) populations of Botswana, Namibia and Zimbabwe were transferred to Appendix II of the Convention subject to an annotation stating, in part, “For the exclusive purpose of allowing export of live animals to appropriate and acceptable destinations”.

It notes that the term ‘appropriate and acceptable destinations’ is yet to be fully defined and notes further that the Parties have not indicated whether the determination that destinations are ‘appropriate and acceptable’ was to be made by the exporting or the importing country.

The Resolution recognizes that there are annotations currently existing that refer to live animals, and that similar annotations may be adopted in future.

It notes that appropriate and acceptable destinations for live animals should be those that ensure that the animals are humanely treated.

It was agreed that, where the term ‘appropriate and acceptable destinations’ appears in an annotation to the listing of a species in Appendix II of the Convention with reference to the export of or international trade in live animals, this term shall be defined to mean destinations where the Scientific Authority of the State of import is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it.

Medicinal plant annotations

Decision 11.118 (Rev. CoP12) charges the Plants Committee to consider the annotations in Appendices I and II relating to species of plants used for medicinal purposes and to make recommendations to clarify the annotations, for consideration at the 13th meeting of the Conference of the Parties.

Recommendations with regard to species not (yet?) listed in the Appendices

Tooth fish

At the 12th meeting of the Conference of the Parties, a proposal to list two tooth fish species in Appendix II was withdrawn. Also see CCAMLR in Chapter 22.

Sea cucumbers

The 12th meeting of the Conference of the Parties adopted the following Decisions with regard to future work on the conservation of these species:

Decision 12.60:

The Animals Committee shall:

- a) review, with the assistance of experts as may be needed, the outcomes of the technical workshop convened by the Secretariat and other available information concerning the biology, catch and by catch of and trade in sea cucumbers in the families Holothuridae and Stichopodidae and develop appropriate recommendations; and
- b) prepare, for consideration at the 13th meeting of the Conference of the Parties, a discussion paper on the biological and trade status of sea cucumbers in the above families to provide scientific guidance on the actions needed to secure their conservation status.

Decision 12.61:

The Secretariat shall:

- a) assist in obtaining funds from interested Parties, intergovernmental and non-governmental organizations, exporters, importers and other stakeholders, to support a technical workshop of relevant experts on the conservation of sea cucumbers in the families Holothuridae and Stichopodidae;
- b) contingent on the availability of external funding, cooperate with other relevant bodies, including the fisheries sector, to convene a technical workshop to consider and review biological and trade information that would assist in establishing conservation priorities and actions to secure the conservation status of sea cucumbers in these families; and
- c) contract the preparation of a document for discussion at the technical workshop. This document should contain all relevant available information concerning the status, catches and by catches of, and trade in specimens of species in the families Holothuridae and Stichopodidae and on any domestic measures for their conservation and protection, and a review of the adequacy of such measures.

Harpagophytum (devil's claw)

Decision 11.63 provided that, in the light of increasing international trade in the roots of *Harpagophytum* spp. (devil's claw), the range and importing States should submit to the Secretariat all available information concerning the trade, management and biological status of *Harpagophytum* species and regulatory measures applying to them.

Decision 11.111 charged the Plants Committee to:

- a) review information submitted to the Secretariat in accordance with Decision 11.63;

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b) summarize the biological and trade status of *Harpagophytum* species subject to international trade; and prepare a report on the biological and trade status of *Harpagophytum* species, at least six months before the 12th meeting of the Conference of the Parties, for consideration at that meeting.

On the basis of this work, the 12th meeting of the Conference of the Parties decided with **Decision 12.63** that Range States of *Harpagophytum* species that authorize the export of specimens of these species should provide an update on implementation of the policies and management programmes mentioned in the reports submitted in fulfilment of Decision 11.63 (cf. document PC12 Doc. 8.1) for consideration by the Plants Committee at its 14th meeting. Reports on progress with the implementation of this decision should be provided to the Secretariat 90 days before the 14th meeting of the Plants Committee for inclusion by the Secretariat in a report to that meeting.

Decision 12.64 provides that Range States and importing States should negotiate with the devil's claw industry to obtain support for management programmes that promote sustainable use and the development of communities that are managing the resource. Assistance in this regard could, if necessary, be requested from the Plants Committee and the Secretariat. Reports on progress with the implementation of this decision should be provided to the Secretariat 90 days before the 14th meeting of the Plants Committee for inclusion by the Secretariat in a report to that meeting.

Decision 12.65 further provides that Range States should explore how processes and mechanisms in other international treaties can be used to provide support for sustainable resource use and fair trade, and should request the CITES Secretariat to provide assistance if required. Reports on progress with the implementation of this decision should be provided to the Secretariat 90 days before the 14th meeting of the Plants Committee for inclusion by the Secretariat in a report to that meeting.

Chapter 5 - The history of the listing criteria

The simple fundamental principles laid down in Article II concerning the inclusion of species in Appendices I and II soon required the establishment of more detailed criteria and already in 1976, the Conference of the Parties adopted criteria for the addition of species to Appendices I and II and for the deletion of species from Appendices I and II. These criteria will be remembered as:

The Bern criteria

With **Resolution Conf. 1.1** it was decided that in determining the appropriate Appendix in which a species or other taxon should be placed, the biological and trade status of the taxon should be evaluated together, as follows:

Appendix-I criteria with regard to the biological status

To qualify for Appendix I, a species must be currently threatened with extinction.

Information of any of the following types should be required, in order of preference:

- a) scientific reports on the population size or geographic range of the species over a number of years,
- b) scientific reports on the population size or geographic range of the species based on single surveys,
- c) reports by reliable observers other than scientists on the population size or geographic range of the species over a number of years, or
- d) reports from various sources on habitat destruction, heavy trade or other potential causes of extinction.

Genera should be listed if most of their species are threatened with extinction and if identification of individual species within the genus is difficult. The same should apply to the listing of any smaller taxa within larger ones. If most of the smaller taxa are not threatened, but identification of individual species is difficult, the entire larger taxon should be placed on Appendix II.

Taxa listed in Appendix I because of difficulty in separating them from endangered forms within the same taxa, should be annotated as such in the Appendix.

Appendix-I criteria with regard to the trade status

Species meeting the biological criteria should be listed in Appendix I if they are or may be affected by international trade. This should include any species that might be expected to be traded for any purpose, scientific or otherwise. Particular attention should be given to any species for which such trade might, over a period of time, involve numbers of specimens constituting a significant portion of the total population size necessary for the continued survival of the species.

The biological status and the trade status of a species are obviously related. When biological data show a species to be declining seriously, there need be only a probability of trade. When trade is known to occur, information on the biological status need not be as complete. This principle especially applies to groups of related species, where trade can readily shift from one species that is well known to another for which there is little biological information.

The Conference of the Parties feared that the Bern criteria, expressed in such general terms, could lengthen Appendix I excessively. With **Resolution Conf. 2.19** it therefore recommended:

- a) that the criteria be interpreted as applying where the population of a species in the wild is known to be so low that, if it were to be exploited in any way, it may be exterminated before effective steps could be taken to save it; and
- b) that, however, if the addition of a species to Appendix I would draw public attention to its rarity, this be also taken into consideration.

Appendix-II criteria with regard to the biological status

To qualify for Appendix II, species need not currently be threatened with extinction, but there should be some indication that they might become so. Such an indication might be a decreasing or very limited population size or geographic range of distribution.

Information on the biological status should be one of the types required for Appendix-I species.

Genera should be listed if some of their species are threatened and identification of individual species within the genus is difficult. The same should apply to listing any smaller taxa within larger ones.

Appendix-II criteria with regard to the trade status

Species meeting the biological criteria should be listed if they presently are subject to trade or are likely to become subject to trade. The latter situation can arise where heavy trade in one species is extended to include similar species if demand grows or if supplies of the one species are depleted.

The amount of trade that a species can sustain without threat of extinction generally will be greater for species in Appendix II than for those in Appendix I, so there should be evidence of actual or expected trade in such a volume as to constitute a potential threat to the survival of the species.

Appendix II serves in part as a monitoring tool (Article IV(3)) to gather such trade data.

At the second meeting of the Conference of the Parties it was proposed to annotate the entries in Appendix II in order to facilitate the identification by Parties of the reason for their inclusion. This was thought to help Scientific Authorities in exporting countries to assess the general situation of a species. The majority of the Parties opposed this idea because it would complicate the Appendices and served internal purposes that should not be solved by means of the presentation of the Convention's Appendices. As a compromise solution, the Parties adopted the following statement for entry in the record of the meeting: "Understanding the necessity in some States for a clear statement of the reasons under the Convention for the inclusion of a species into Appendix II to the Convention, the Parties recommend that proposals for addition to Appendix II should make it clear wherever possible whether the proposal is made under Article II.2.(a) or II.2.(b) of the Convention and in cases where groups of species or subspecies are entered for the same reason it will be sufficient so to indicate, i.e. species a, b and c under Article II.2.(a), the remainder of the higher taxon under II.2.(b)."

Review of the Appendices

The fact that some 1,100 species were included in the Appendices prior to the adoption of the Bern criteria necessitated a review of such species. This has been the subject of many resolutions.

Already at the first meeting, it was resolved that the Appendices should be examined in their entirety, species by species, by a technical conference that could be held in the near future or by some other means.

Resolution Conf. 1.2 resolved that the deletion of a taxon from Appendix I or a transfer to Appendix II was a serious matter that should be approached with caution for the following reasons: The addition to and deletion from the Appendices require a different approach. If an error is made by unnecessarily placing a taxon on an Appendix, the result is the imposition of a documentation requirement. If, however, the Conference errs in prematurely removing a plant or animal from protection, or lowering the level of protection afforded, the result can be the permanent loss of the resource. If it errs it should be therefore toward protection of the resource.

Criteria for deletion or transfer should require positive scientific evidence that the plant or animal can withstand the exploitation resulting from the removal of protection. This evidence must transcend informal or lay evidence of changing biological status and any evidence of commercial trade, which may have been sufficient to require the animal or plant to be placed on an Appendix initially. Such evidence should include at least a well-documented population survey, an indication of the population trends of the species, showing recovery sufficient to justify deletion, and an analysis of the potential for commercial trade in the species or population.

In addition (...) it is advisable to contact the country or countries of origin prior to this action.

Chapter 5 - The history of the listing criteria

Many of the species or taxa on the Appendices were placed there at the request of countries, which may not be represented at a Conference (deciding on the deletion or transfer of a species or taxon). The information from countries of origin and from the Secretariat should be made available to the Parties for examination in a written form prior to action by the Conference.

Review of animal species

Recommendation Conf. S.S. 1.8 of the 1977 Special Working Session requested Parties to review the animal species occurring in their countries in the light of the 'Bern criteria' and to submit amendment proposals to the second meeting of the Conference of the Parties or in accordance with the postal procedure. The Parties were to let the Secretariat know (by 31 December 1977) which taxa they would review and the Secretariat was to coordinate this work and to undertake, together with IUCN, a similar review for species not reviewed by any Party.

Review of plant species

A now repealed paragraph of **Resolution Conf. 1.6 (Rev.)** recommended that as a number of plant species on the Appendices did not meet the 'Bern criteria' a review should be undertaken by the Threatened Plants Committee of IUCN to make proposals in sufficient time, with necessary documentation, to enable the Parties to take appropriate action as soon as possible.

At the Special Working Session in 1977 and at the second meeting of the Conference of the Parties in 1979, the Threatened Plants Committee emphasized the lack of trade data available for plants. It was decided to carry out a preliminary review of a sample number of plant species from the Appendices in time for the third meeting of the Conference of the Parties (1981). Twelve of 30 Appendix-I species examined were proposed for transfer to Appendix II, unless evidence of trade became available. The removal of two of 15 examined species from Appendix II was proposed on the same condition.

Decision 11.116 (ex 10.87) provided that, in accordance with the terms of reference specified in Resolution Conf. 11.1, Annex 2, paragraph h) under RESOLVES, all timber species currently included in the appendices should be reviewed and the results of this review should be reported at the 12th meeting of the Conference of the Parties.

Ten-year review of the Appendices

The 1977 recommendations with regard to the regular review of the Appendices were formalized in 1981 with the establishment of a procedure for a 10-year review of the Appendices.

Resolution Conf. 3.20 set up Regional Committees to review the trade and biological status of all Appendixes-I and -II species indigenous to the region and a Secretariat Committee to review the species not indigenous to any region.

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It further established a time schedule for the preparation of proposals to the fourth meeting of the Conference of the Parties and laid down the principle that a review is made at least every 10 years.

This first comprehensive review was not completed in time and **Resolution Conf. 4.26**, adopted in 1983, urged the regions to complete it for the fifth meeting of the Conference of the Parties in 1985.

Proposals in the context of the 10-year review procedure were made at every meeting of the Conference of the Parties until 1994 when the new criteria for the inclusion of species in the Appendices were adopted.

Decision 12.96 directs the Standing Committee shall develop mechanisms to obtain greater involvement of the range States in the periodic review of the Appendices and provide guidance to reach a clear recommendation after the completion of the review.

Reverse listing

At one stage an attempt was made to find another method of classifying the species in the Appendices. The difficulties related to the use of so many species and subspecies in the Appendices such as identification problems, questions about taxa validity and the existence of taxonomic synonyms for many species led to the consideration of the so-called reverse listing, green listing, or positive listing concept. In 1981, **Resolution Conf. 3.21** recommended that a sub-committee examine the implications of the general concept of listing species in which commercial trade is permitted (as compared to the current system, in which trade in listed species is restricted).

This concept appeared to present many practical difficulties and, as it would also require a series of amendments to the text of the Convention, the idea was dropped.

In the case of plants, the difficulties were most apparent. The necessary list of exemptions would need to show all the main agricultural, horticultural and forestry crop species besides the thousands of minor economic and specialist crop species.

The very diversity and length of such a list would not only undermine the advantages of reverse listing for plants but also probably make it impossible to compile.

Exceptions from the Bern criteria

Of course these also needed to be provided for sooner or later. The deletion of species in the absence of normally required population data was first made possible in 1979.

The Conference of the Parties decided with **Resolution Conf. 2.23** that species included in Appendix I or II during or before the first meeting of the Conference of the Parties, might be proposed for deletion from Appendix I or II or for transfer from Appendix I to Appendix II, if a careful review of all available information on the status of the species did not lead to the conclusion that the species would be eligible for retention in its present Appendix under the adopted criteria.

This opening of the possibility to delist or downlist species on the basis of available information was mainly to avoid the enormous cost of rigorously documenting the population status of species that had been included in the Appendices with little or no information, and that apparently did not meet the 'Bern criteria'.

Quota systems (see also Chapter 27)

Partly for the same reasons as those for **Resolution Conf. 2.23** above, further special criteria for the transfer of species from Appendix I to Appendix II were established in 1985. A temporary system was created on the basis of quota systems, which were deemed by the Conference of the Parties to be sufficiently safe as to not to endanger the survival of the species in the wild.

On the basis of **Resolution Conf. 5.21**, such a transfer could take place without applying **Resolution Conf. 1.2** if the species had been included in Appendix I without **Resolution Conf. 1.1** having been applied. It was decided to review the Resolution at the seventh meeting of the Conference of the Parties. Details of **Resolution Conf. 5.21** and **Resolution Conf. 7.14**, which replaced it in 1989, are contained in **Chapter 27**. The subject is now covered by **Resolution Conf. 9.24 (Rev. CoP12)**, see **Chapter 4**.

Revision of the Bern criteria

In 1992 a major initiative was taken on the basis of the fact that the 1976 Bern Criteria were not only outdated, but that the above described mechanisms and procedures were no longer satisfactory.

In **Resolution Conf. 8.20**, the Conference of the Parties noted:

- that the Appendices to the Convention now include a very large number of species, many of which may not be threatened by commercial trade;
- that certain species may not be appropriately listed in the Appendices, and the failure of mechanisms approved by the Conference of the Parties to delete from the Appendices or to transfer between Appendices inappropriately listed species.

Conscious of the growing feeling amongst many Parties that the composition of the Appendices might not be enhancing conservation of some wild fauna and flora, the Conference believed that, to some extent, the difficulties arose from a lack of appropriate criteria to define the term 'threatened with extinction' in Article II.

In view of the above and the aspects of **Resolution Conf. 8.3**, the Conference expressed its conviction that the criteria adopted at the first meeting of the Conference of the Parties did not provide an adequate basis for amending the Appendices and decided that they should be replaced at the ninth meeting in 1994.

Resolution Conf. 8.20 directed the Standing Committee to undertake, with the assistance of the Secretariat, a revision of the criteria for amending the Appendices, for consideration at the ninth meeting of the Conference of the Parties, by:

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- a) drawing up the terms of reference for the work to be done;
- b) seeking the expertise of IUCN and other organizations and individuals as appropriate; and
- c) arranging for a common meeting of the Plants and Animals Committees at which a draft resolution on such criteria should be prepared.

The Conference decided the following consultation procedure:

- a) the Secretariat was to distribute the draft resolution to the Parties at least 300 days prior to the meeting;
- b) the Parties were invited to comment on the draft, to the Secretariat, in order to allow the Standing Committee to prepare a revised draft; and
- c) the revised draft was to be circulated to the Parties at least 150 days prior to the meeting.

This led to the adoption of **Resolution Conf. 9.24 (Rev. CoP12)**, see **Chapter 4**.

Review of Resolution Conf. 9.24 (Rev. CoP12)

At the 12th meeting of the Conference of the Parties, the review of the criteria contained in **Resolution Conf. 9.24 (Rev. CoP12)** was discussed. This review was carried out in accordance with the terms of reference decided at the 11th meeting of the Conference of the Parties (Decision 11.2) as follows:

Selection of taxa

1. The Chairmen of the Animals and Plants Committees, in collaboration with the Secretariat, should prepare separate lists of species for review.
2. The taxa should be selected on the basis of the results of the Animals and Plants Committees' work on the regular review of the appendices, but may include, where appropriate, taxa that have not been subject to that review.
3. In order to evaluate the applicability of the criteria to all organisms, using all appropriate sources, the Animals and Plants Committees should identify a variety of other taxa, or groups of taxa, not currently included in the appendices to the Convention, as additional candidates for review.
4. The lists should be circulated to the members of the Animals and Plants Committee for their consideration and comments.
5. The species assessments resulting from the review of the appendices should follow the format detailed in Annex 2 A and B.

The review process

6. A Criteria Working Group, comprising 12 individuals, should be established by the Conference of the Parties at its 11th meeting.
7. Representation on the Working Group should be on the basis of expertise across all major taxonomic groups drawn from a representative or alternate representative of the Animals Committee (appointed by its Chairman) and a representative or alternate representative of the Plants Committee (appointed by its Chairman) from each of the six CITES regions. The Criteria Working Group should be serviced by the Secretariat.
8. At its first meeting, convened by the Secretariat, the Criteria Working Group should elect a Chairman and Vice-chairman from among the members of the Group.

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9. The Criteria Working Group should have the authority, in consultation with the Secretariat, to co-opt, as and when necessary, up to four external experts to assist it in conducting the review, including representatives from organizations such as FAO and ITTO.

10. The Criteria Working Group should address *inter alia* the following questions:

a) Are the present criteria in Resolution Conf. 9.24 (Rev. CoP12), Annexes 1 and 2, and definitions and notes in Annex 5 scientifically valid and applicable to and sufficient for all taxonomic groups of plants and animals?

b) Are the present guidelines in Annex 5 useful in assisting Parties to apply Resolution Conf. 9.24 (Rev. CoP12) when making proposals to amend the appendices to the Convention?

c) Does the format in Annex 6 address the biological information requirements and focus the proponent on the information required to assess a proposal against the criteria?

11. The species assessments, provided by the Animals and Plants Committees, will assist the Working Group to identify any deficiencies in Resolution Conf. 9.24 (Rev. CoP12). If deficiencies are identified, the Working Group should develop proposals for consideration at the 12th meeting of the Conference of the Parties.

12. The results of the review should be fully documented and a preliminary report will be submitted to the Secretariat for circulation to the Parties, to interested intergovernmental organizations, and to non-governmental organizations, seeking their comments. Respondents will have 60 days in which to provide written comments to the Secretariat.

13. The analyses and any conclusions reached by the Criteria Working Group should be reviewed at a joint meeting of the Animals and Plants Committees taking into account the comments received.

14. A final report, amended as appropriate, should be prepared by the Chairmen of the Animals and Plants Committees for submission to the Conference of the Parties at its 12th meeting, including if necessary any proposed amendments to Resolution Conf. 9.24 (Rev. CoP12).

15. N.B. Some text included in Resolutions adopted at the tenth meeting of the Conference of the Parties and in draft resolutions for the 11th meeting might more properly be included in Resolution Conf. 9.24 (Rev. CoP12). If the Criteria Working Group is proposing amendments to Resolution Conf. 9.24 (Rev. CoP12), it should take these into account.

Terms of reference for the review of the criteria for amendment of Appendices I and II

The 12th meeting of the Conference of the Parties considered the extensive documentation resulting from the review process since the 11th meeting and with **Decision 12.97** adopted the following terms of reference for the review of the criteria for amendment of Appendices I and II, to be completed by the 13th meeting of the Conference of the Parties:

a) The revised version of Annex 4 of document CoP12 Doc. 58 compiled by the Chairman of the Criteria Working Group (CWG) formed by Committee I during the 12th meeting of the Conference of the Parties (the CWG12 Chairman's text) will form a basis for further discussion, in recognition of the substantial and constructive efforts contributed by the Parties, the inter-sessional Criteria Working Group set up at the 11th meeting of the Conference of the Parties, FAO, the Criteria Working Group formed during the 12th meeting of the Conference of the Parties, and others.

b) The Animals and Plants Committees shall coordinate an open, transparent and broadly consultative process involving all Parties to consider further revision of the CWG12 Chairman's text.

c) The process should include reviews of selected taxa, to ensure that the applicability of the criteria and guidelines to a broad array of taxa is assessed, and results of these reviews should be made widely available.

- d) The Animals and Plants Committees shall report to the Standing Committee before a date to be established by the Standing Committee.

Trade can be beneficial to the conservation of wild fauna and flora

This was recognized with **Resolution Conf. 8.3**, in which the Conference notes that the majority of species of wild fauna and flora which CITES seeks to protect and enhance occur in the developing countries of the world and recognized that the sustainable use of wild fauna and flora, whether consumptive or non-consumptive, provided an economically competitive land-use option.

The Conference expressed its awareness of the fact that, unless conservation programmes took into account the needs of local people and provided incentives for sustainable use of wild fauna and flora, conversion to alternate forms of land use might occur.

It further acknowledged that the aesthetic, scientific, cultural, and recreational and other largely non-consumptive uses of wild fauna and flora were also of enormous importance. It was recognized that the returns from legal use might provide funds and incentives to support the management of wild fauna and flora to contain the illegal trade.

However, the Conference, because of the fact that over-utilization is detrimental to the conservation of wild fauna and flora, was of the opinion that legal trade should not lead to increases in illegal trade anywhere in the range and that there were many species for which trade would be detrimental to their survival.

The overall conclusion of the Conference of the Parties was the recognition that commercial trade may be beneficial to the conservation of species and ecosystems and/or to the development of local people when carried out at levels that are not detrimental to the survival of the species in question.

In **Resolution Conf. 8.20** it was also recognized that trade in wildlife products can be beneficial to the conservation of wild fauna and flora.

Chapter 6 - Listing criteria for Appendix III

Article II, paragraph 3, lays down which species shall be included in **Appendix III**:

Appendix III shall include all species which any Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the cooperation of other Parties in the control of trade.

This principle should be read together with the provisions of **Article XVI**, which deals with Appendix III and amendments thereto.

Resolution Conf. 9.25 (Rev.) consolidates all earlier Resolutions on the inclusion of species in Appendix III.

It recognizes that Article XVI, paragraph 1, provides Parties with the right to list species in Appendix III, but recalls that Article II, paragraph 3, provides for the inclusion of species in Appendix III by a Party only if it needs the cooperation of other Parties in the control of trade.

The Resolution reiterates that Appendix III contains species that occur rarely or not at all in international trade and for which the Convention is therefore not effective. It again observes that many Parties are unwilling to take on the administrative burden of implementing the provisions of the Convention with regard to Appendix III and that this unsatisfactory implementation arises because the Parties are not fully convinced of the effectiveness of Appendix III.

In 1997, a paragraph was added to the preamble stating that, for a species with a natural distribution that goes beyond the territory of the Party requesting its inclusion in Appendix III and its immediate neighbours, such inclusion may not necessarily need to cover all range States. Also see the actual new recommendation in paragraph a) iv) below.

The Resolution considers that for the effective implementation of the Convention with regard to Appendix III it is desirable to give clear guidelines for including species in Appendix III that reflect the aims of the Convention expressed in its Preamble and recommends that, when considering the inclusion of a species in Appendix III, a Party:

- a) ensure that:
 - i) the species is native to its country (ex Resolutions Conf.1.5 (Rev.) and Conf. 5.22);
 - ii) its national regulations are adequate to prevent or restrict exploitation and to control trade, for the conservation of the species, and include penalties for illegal taking,

Chapter 6 - Listing criteria for Appendix III

trade or possession and provisions for confiscation (partly ex paragraph b) of Resolution Conf. 5.22);

- iii) its national enforcement measures are adequate to implement these regulations; and

Note: Resolution Conf. 1.5 recommended that when domestic legislation was adequate to protect a species, it should **not** be added to Appendix III.

- iv) for species that are traded for their timber, consideration is given to including only that geographically separate population of the species for which the inclusion would best achieve the aims of the Convention and its effective implementation, particularly with regard to the conservation of the species in the country requesting its inclusion in Appendix III;

Note: Decision 11.4 established the *Mahogany Working Group of the Conference of the Parties* as follows:

- a) The Parties agree to establish a *Swietenia macrophylla* (bigleaf mahogany) Working Group. This Working Group should report to the Conference of the Parties at its 12th meeting.
- b) This Working Group shall include all range States for *Swietenia macrophylla*, principal importing countries and a representative to be designated by the Plants Committee.
- c) The Mahogany Working Group shall:
 - i) review the effectiveness of current and potential Appendix-III listings;
 - ii) analyse legal and illegal trade;
 - iii) review studies of the status of the species;
 - iv) encourage the exchange of information by CITES Management and Scientific Authorities on the implementation of the Convention and import/export controls;
 - v) study appropriate measures to widen the geographic scope of Appendix-III listings;
 - vi) assess and analyse the results of the action specified in paragraphs i) to v) above; and
 - vii) present a report on its findings as well as its recommendations for consideration at the 12th meeting of the Conference of the Parties.
- d) The Secretariat shall convene a meeting of the Mahogany Working Group within one year after the 11th meeting of the Conference of the Parties, to meet with experts in the species including: representatives from relevant multilateral organizations such as ITTO, IFF, UNFF, and FAO as well as IUCN, TRAFFIC; and other relevant technical experts as appropriate.
- e) The fulfilment of these Terms of Reference and the convening of any meetings of the Mahogany Working Group shall be dependent on the availability of funding. Interested donor agencies and conservation and trade organizations are encouraged to provide funding to facilitate this effort.

- b) determine that, notwithstanding these regulations and measures, there are indications that the cooperation of the Parties is needed to control illegal trade (ex Resolution Conf. 9.25 (Rev.));

- c) inform the Management Authorities of other range States, the known major importing countries, the Secretariat and the Animals Committee or the Plants Committee that it is

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considering the inclusion of the species in Appendix III and seek their opinion on the potential effects of such inclusion (partly ex Resolution Conf. 8.23); and

- d) after due consultation, and having satisfied itself that the biological status and trade status of the species justify the action, submit to the Secretariat the name of the species it wishes to include in Appendix III;

The Resolution recommends further that, unless there is an urgent need for inclusion, a Party intending to include a species in or delete a species from Appendix III inform the Secretariat of its intention at least three months before a meeting of the Conference of the Parties, in order that the Parties are informed of the amendment in time to ensure that it enters into force on the same date as amendments to Appendices I and II adopted at the meeting (ex Resolution Conf. 7.15);

It directs the Secretariat:

- a) to publish the changed Appendices I, II and III together after each meeting of the Conference of the Parties (ex Resolution Conf. 7.15), or at other times when warranted; and
- b) before communicating to Parties the inclusion of a species in Appendix III, to ensure that copies of all relevant national laws and regulations have been received from the Party concerned in accordance with paragraph 4 of Article XVI.

The Animals Committee and the Plants Committee are requested to assist Parties if necessary in reviewing the status of species in Appendix III, subject to available funding.

Parties having included species in Appendix III are urged to periodically review the status of these species and, taking into account these guidelines and any recommendations of the Animals and Plants Committees, to consider the necessity to maintain them in that Appendix (ex Resolution Conf. 8.23).

Resolution Conf. 1.3 authorizes the Secretariat to delete a species from Appendix II where it is added to Appendix I and from Appendix III where it is added to Appendix I or II. In the latter case, the Secretariat must refer to the Party having listed the species in Appendix III.

The history of the criteria for listing species in Appendix III

The first effort to reduce the number of species in Appendix III was made in 1976. The now repealed paragraph 5 of Resolution Conf. 1.5 recommended that when domestic legislation was adequate to protect a species, it should not be added to Appendix III. Species occurring in a country and not appearing in Appendix I or II could be added to Appendix III, when international control was needed to provide proper protection.

It was further provided (Resolution **Conf. 1.5 (Rev. CoP12)**) that, if a country made a reservation on any species listed in Appendix I or II, that country should not propose that this species be listed in Appendix III. In 1985, at the fifth meeting of the Conference of the Parties, the subject was given further attention. At that occasion, reference was also made to

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the possibility of abuse of Appendix III. The fact that some countries of origin only issued export permits for finished products and prohibited the export of raw materials was considered to be a trade rather than a conservation measure.

Resolution Conf. 5.22 noted that different interpretations of the criteria of Article II.3 may lead to abuses of the instrument of Appendix III and recommended:

- a) that only those species, which are native to the country proposing such inclusion, be included in Appendix III;
- b) that only those species which, within the jurisdiction of the country concerned, are subject to regulations for the protection of fauna and flora for the purpose of preventing or restricting exploitation be included in Appendix III;
- c) that Parties proposing the inclusion of species in Appendix III can exclude readily recognizable parts and derivatives only if this is in accordance with Resolution Conf. 4.24; and
- d) that export permits granted under Article V(2) be issued in accordance with uniform criteria.

Changes in Appendix III force other Parties to change their implementation legislation and in order to avoid that happening too frequently, the Conference of the Parties, in 1989 (**Resolution Conf. 7.15**), encouraged each Party that intended to include or to withdraw species, to declare this at meetings of the Conference of the Parties. It was, however, also considered that urgent circumstances might make the quick listing of species in Appendix III necessary.

In 1992, the right of each Party to decide which species are to be included in Appendix III was acknowledged, but it was also considered that the Appendix might contain several species, which occur rarely or not at all in international trade and for which the Convention was therefore not effective. It was also felt that Appendix III contained species that were not threatened by international trade in the region for which they had been included. Concern was therefore expressed that the credibility of the Convention and its effectiveness were not enhanced by the inclusion in any Appendix of species that were not in trade or not in any way considered as endangered or vulnerable as a consequence of international trade. Another concern was that the Parties might be less inclined to adequately implement the Convention with regard to Appendix III and to cope with the resulting administrative burden if they were not fully convinced of the effectiveness of Appendix III.

Resolution Conf. 8.23 recommended:

- a) that Parties in principle restrain themselves from adding species to Appendix III and, when they intend to submit species for inclusion in Appendix III, they consider carefully whether such inclusion can be effective for the conservation of such species in terms of the Convention;
- b) that, before submitting a species for inclusion in Appendix III, Parties request the advice of the Animals Committee or the Plants Committee regarding the trade status and biological status of that species;

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- c) that Parties seriously consider not submitting a species for inclusion in Appendix III when the advice under b) does not favour such inclusion;
- d) that Parties having included species in Appendix III carefully review such species and the necessity to maintain such species in that Appendix; and
- e) that Parties seriously consider withdrawing species from Appendix III if their review, or the advice of the Animals Committee or the Plants Committee referred to below, support such withdrawal.

The Animals and Plants Committees were directed to review the effectiveness, for the purposes of the Convention, if the retention in Appendix III of each species listed therein, taking account of its trade and biological status, and to advise the Parties concerned of the results of this review before the ninth meeting of the Conference of the Parties.

This resulted in the adoption of **Resolution Conf. 9.25** dealt with at the beginning of this Chapter.

Chapter 7 - Trade in specimens of Appendix-I species

The regulation of trade in specimens of Appendix-I species is laid down in **Article III, paragraph 1** of which provides that:

All trade in specimens of species included in Appendix I shall be in accordance with the provisions of this Article.

The conditions under which the different forms of trade must take place are contained in the subsequent paragraphs of Article III: export in 2, import in 3, re-export in 4 and introduction from the sea in 5.

Export of Appendix-I specimens

Article III.2:

The export of any specimen of a species included in Appendix I shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:

(a) a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;

The advice of the Scientific Authority that the export of specimens of Appendix-I and -II species and in the case of Articles III.5 and IV.6 the introduction from the sea will not be detrimental to the survival of the species is obviously essential for achieving the aims of the Convention. It is also obvious that this advice requires sufficient knowledge of the conservation status of the species and that a positive advice should not be given in the absence thereof. The fact that, under the provisions of the Convention, a Management Authority cannot issue permits in the absence of positive advice from the Scientific Authority cannot be stressed enough. It is, however, a condition, which is not always implemented. The role of the Scientific Authority is laid down in **Resolution Conf. 10.3**. See **Chapter 18**.

Article III.2

(b) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora;

The Management Authority is the authority mentioned in Article I(g) and designated by a Party in compliance with Article IX.1(a). It is the authority for granting permits and certifi-

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cates and will normally be a government body, which is in many cases also responsible for nature conservation. It should therefore be in the position to establish whether a specimen was legally acquired in its country, i.e. not in contravention of its own laws for the protection of fauna and flora.

As Article III.2 concerns the export of specimens, it should be established that the specimens were indeed taken from the wild in the country of export and not in another country. Otherwise the export would in fact be a re-export and the prior export and import should have been in accordance with the provisions of the Convention.

(c) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and

See Chapter 10.

(d) a Management Authority of the State of export is satisfied that an import permit has been granted for the specimen.

The provision that an import permit must have been issued before an export permit for an Appendix-I specimen can be granted is essential for the functioning of the CITES system with regard to trade in Appendix-I species. Article II.1 provides that trade in Appendix-I species must be subject to particularly strict regulation and only be authorized in exceptional circumstances. A further limitation is provided for in Article III.3(c), which binds the issue of an import permit to the condition that the specimens are not to be used for primarily commercial purposes.

Article III.3(a) requires the advice from the Scientific Authority of the importing country that the import will be for purposes which are not detrimental to the survival of the species involved and Article III.3(b) contains conditions with regard to the housing of live specimens in the importing country.

The Management Authority of the exporting country, in view of its obligations under Article II.1 and knowing that the exceptional circumstances in which trade can be authorized do not include the primarily commercial use of specimens in the importing country, therefore needs the assurance that all relevant conditions are met before it can issue an export permit. That assurance is given in the form of the import permit granted by the Management Authority of the importing country in accordance with Article III.3. In the absence of such an import permit, the export permit cannot be granted.

The difference between the wording of Article III.2(d) and that of the corresponding provision of Article III.4(c) is awkward. In the case of export, the provision that an import permit must have been granted applies to *all* specimens and in the case of re-export only to *living* specimens. Because in the case of re-export the specimens have already been removed from the wild and subject to international trade, the authors of the Convention appear to have attached less importance to the subsequent fate of dead specimens and parts and derivatives and must have taken it that the Management Authority of the re-exporting country would probably feel the same. In my opinion, this was a mistake. The guarantee, provided by the availability of an import permit, that the specimens are not to be used for primarily commercial or detrimental purposes is not given to the Management Authority of

the re-exporting country and where no such import permit was or will be issued this situation may lead to abuse.

It should be pointed out that in the case of approved quotas for hunting trophies of Appendix-I species, the obligation that an import permit must have been granted before an export permit is issued also applies, but poses certain practical difficulties.

It is obviously difficult for a trophy hunter to know before leaving his country what trophies he will be able to obtain and eventually import. With regard to leopard skins, **Resolution Conf. 10.14 (Rev. CoP12)** recommends therefore in paragraph d) that the words 'has been granted' be deemed to have been satisfied upon the written assurance of the Management Authority of the state of import that an import permit will be granted. **Resolution Conf. 10.15 (Rev. CoP12)** contains the same provision for markhor hunting trophies.

Import of Appendix-I specimens

Article III.3:

The import of any specimen of a species included in Appendix I shall require the prior grant and presentation of an import permit and either an export permit or a re-export certificate. An import permit shall only be granted when the following conditions have been met:

(a) a Scientific Authority of the State of import has advised that the import will be for purposes which are not detrimental to the survival of the species involved;

This condition must be read together with the fundamental principle laid down in Article II.1 that trade in specimens of Appendix-I species must only be authorized in exceptional circumstances.

As Article III.3 (c) provides that the specimens are not to be used for primarily commercial purposes, it is the task of the Scientific Authority under Article III.3(a), to determine whether other than primarily commercial purposes of an importation are detrimental to the survival of the species or not. There are no specific resolutions on the subject in spite of the obvious difficulties linked to it. See paragraph g) of **Resolution Conf. 10.3**.

When is the purpose of importing an endangered animal or plant detrimental to the survival of its species?

The reply will differ from species to species, specimen to specimen (live or dead, was already in captivity or not, etc.) and from purpose to purpose. The only obvious case of an importation not being detrimental to the survival of a species is if it is clearly beneficial to its survival. Such purposes are limited, however, and the outcome of the considerations of a Scientific Authority will in the majority of cases be more difficult to arrive at.

Some examples of purposes that might meet the conditions of both Article III.3 (a) and (c) are:

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- a) Scientific research in the interest of the survival of the species, e.g. with a view to enhance the reproduction and survival rates of the animals in the wild or in captivity.
- b) Captive breeding and artificial propagation, either with a view to the reintroduction of the species in the wild, to increase small existing wild populations, or to reduce the number of specimens that would otherwise be taken from the wild.
- c) Research for the development of substitutes for products hitherto derived from specimens taken from the wild.
- d) Education and training.

In this context, the display to the public for educational purposes poses a particular problem. Part of that problem is related to the possible commercial aspects of such a display. However, even if a zoo, an aquarium, a plant collection, etc. meets the condition of Article III.3 (c), the question remains whether the educational effect of displaying an endangered animal or plant to the public is in itself sufficient to meet the condition of Article III.3 (a). The reply to be given by the Scientific Authority will differ from case to case.

A positive reply seems, however, unlikely unless the display is subsidiary to scientific research, captive breeding/artificial propagation or any other primarily non-commercial purpose, which the Scientific Authority deems permissible.

- e) The transport of 'surplus' specimens from one wild population to a less thriving one in another country.

The Scientific Authority should ask itself in most of the above cases whether the intended purpose might be achieved by other means, e.g. through the acquisition of specimens of another, non-endangered, species or of captive bred specimens.

- f) Hunting trophies.

Article III.3:

(b) a Scientific Authority of the State of import is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and

There is a difficulty in the text of Article III.3 (b) and in that of Article III.5 (b). Both conditions concern the question of whether the proposed recipient of a live Appendix-I specimen is suitably equipped to house and care for it. In III.3(b), however, the task of examining this is attributed to the Scientific Authority and in III.5(b) to the Management Authority.

This difference was already discovered before the first meeting of the Conference of the Parties and **Resolution Conf. 1.5** invited the Secretariat to take note of this and a number of other textual errors and made proposals which should be put on the agenda of the first extraordinary meeting of the Conference of the Parties as amendments to the Convention.

Meanwhile two such meetings have taken place but the errors concerned have never been corrected. At the ninth meeting of the Conference of the Parties, it was again decided (**De-**

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cision 9.26) to put the necessary amendment proposals on the agenda of the next extraordinary meeting of the Conference of the Parties, whenever this may be convened.

There are no resolutions on the housing conditions of Article III.3 (b) although there is an aspect to it that deserves the attention of Management and Scientific Authorities: The question of who the 'proposed recipient' of a living specimen is.

In some cases, the importation for a purpose meeting the conditions of subparagraphs (a) and (c) is carried out by an agent (not to be confused with a dealer). In those cases, the proposed recipient is the person on behalf of whom the importation shall take place and not the agent. It is advisable to subject the movement of the specimens from the approved address, after the importation has taken place, to authorization by the Management Authority.

Trade in wild-taken Appendix-I specimens for the pet trade should be impossible under conditions (a) and (c), which facilitates a correct implementation of condition (b).

Article III.3:

(c) a Management Authority of the State of import is satisfied that the specimen is not to be used for primarily commercial purposes.

The term '***not to be used for primarily commercial purposes***' cannot be applied in general and can in addition hardly be defined.

The question whether a specimen is to be used for *primarily* commercial purposes or not, at least implies that an import permit cannot be granted if the intended use is for commercial purposes. The use of the word 'primarily' further suggests that if the use is for a combination of commercial and non-commercial purposes, the latter must predominate. Imports can therefore only be for non-commercial purposes or for primarily non-commercial purposes.

It must be pointed out that the nature of the transaction between exporter and importer may very well be commercial. The condition of Article III.3 (c) only concerns the use of the specimens from the time of importation onwards. Paragraph 4 of **Resolution Conf. 5.10** below confirms this point of view. The situation is clear in cases where the purpose of the importation, or rather of the subsequent use of the specimens to be imported, lacks any commercial aspect whatsoever. Such cases are rare and most will combine commercial and non-commercial aspects.

Resolution Conf. 5.10 is entitled

Definition of 'primarily commercial purposes'

The Resolution acknowledges that such a definition cannot be given. It therefore lays down some general principles and gives examples for the guidance of Parties in their assessment of the commercial aspects of the intended use of Appendix-I specimens to be imported:

General principles

1. Trade in Appendix-I species must be subject to particularly strict regulation and authorized only in exceptional circumstances.

Note: This is merely a repetition of the fundamental principle laid down in Article II.1.

2. An activity can generally be described as commercial, if its purpose is to obtain economic benefit, including profit (whether in cash or in kind) and is directed toward resale, exchange, provision of a service or other form of economic use or benefit.
3. The term 'commercial purposes' should be defined by the country of import as broadly as possible so that any transaction which is not wholly 'non-commercial' will be regarded as 'commercial'. In transposing this principle to the term 'primarily commercial purposes' it is agreed that all uses whose non-commercial aspects do not clearly predominate shall be considered to be primarily commercial in nature with the result that the importation of Appendix-I specimens should not be permitted. The burden of proof for showing that the intended use of specimens of Appendix-I species is clearly non-commercial shall rest with the person or entity seeking to import such specimens.
4. Articles III.3(c) and III.5(c) concern the intended use of the Appendix-I specimen in the country of importation, not the nature of the transaction between the owner of the specimen in the country of export and the recipient in the country of import. It can be assumed that commercial transaction underlies many of the transfers of Appendix-I specimens from the country of export to the country of import. This does not automatically mean, however, that the specimen is to be used for primarily commercial purposes.

Resolution Conf. 5.10 gives six examples of categories of transactions in which the non-commercial aspects may or may not be predominant, depending upon the facts of each situation. The discussion that follows each example provides further guidance in and criteria for, assessing the actual degree of the commercial aspects on a case-by-case basis. The list is not intended to be exhaustive of situations where an importation of Appendix-I specimens could be found to be not for primarily commercial purposes:

Purely private use

Example a) of Resolution Conf. 5.10 reiterates that Article VII.3 contains special rules for specimens that are 'personal or household effects'. The exceptions mentioned do not apply when specimens of Appendix-I species are acquired by the owner outside his country of usual residence and are being imported into that country. It can, however, be deduced from these provisions that specimens imported for purely private use should not be considered to be for primarily commercial purposes.

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Note: It should have been made clear that this conclusion does not imply that Appendix-I specimens can always be imported for purely private use. Such imports may under Article III.3(a) be considered as for purposes, which are detrimental to the survival of the species, and therefore not be authorized.

Scientific purposes

This is the subject of example b) of **Resolution Conf. 5.10**. Article VII.6 uses the term 'non-commercial loan, donation or exchange between scientists and scientific institutions'. Thus, the Convention acknowledges that scientific purposes may justify a special departure from the Convention's general procedure.

The import of specimens of an Appendix-I species may be permitted in those situations where the scientific purpose for such importation is clearly predominant, the importer is a scientist or scientific institution registered or otherwise acknowledged by the Management Authority of the country of import, and the resale, commercial exchange or exhibit for economic benefit of the specimens is not the primarily intended use.

Education or training

Example c) of **Resolution Conf. 5.10** states that specimens of Appendix-I species may also be imported by government agencies or non-profit organizations acknowledged by the Management Authority of the country of import for purposes of conservation, education or training. For example, a specimen could be imported primarily to train customs staff in effective CITES control. Imports of this type would thus be considered permissible.

Note: Other specific examples of conservation education could be mentioned, namely universities, zoos, plant collections, etc. The use of confiscated specimens for enforcement purposes is recommended in **Resolution Conf. 9.10 (Rev.)**.

Biomedical industry

Example d) of **Resolution Conf. 5.10** recommends that close scrutiny be applied to the imports of specimens of Appendix-I species in connection with the biomedical industry with an initial presumption that such importation is commercial. The purpose of the import here would be twofold: to develop products to promote public health and to sell such products, i.e. to make a profit. The latter aspect in this case would usually be considered to be predominant and as a result, imports of this type will most often not be acceptable. However, where the importer clearly shows that the sale of the products is only incidental to public health research and not for the primary purpose of economic benefit or profit, then such imports could fall within group b) above.

Note: Although this is probably the correct approach to this kind of purpose, it should be noted that not all biomedical research is, as it is called here, 'to promote public health' and that not all such research aims at the sale of products derived from the animals or plants concerned.

Particular attention should be given to the necessity of the research with regard to public health, the need for the products to be developed, alternative ways to carry out the research, etc. How can a Management Authority assess the need for Appendix-I specimens in research concerning pharmaceutical products, claimed to serve public health purposes? In most cases, the Management Authority will be unable to judge the validity of the arguments put forward. It will then have to consult other specialized government agencies. The role of the Scientific Authority under subparagraph (a) should not be forgotten either. The use of products derived from Appendix-I species or of live Appendix I animals in laboratory tests in the cosmetics industry is a clear case of not meeting the conditions under discussion.

Captive-breeding programmes (see also Chapter 14)

Example e) of **Resolution Conf. 5.10** states that the importation of specimens of Appendix-I species for captive-breeding purposes raises special problems. Any importation of such specimens for captive-breeding purposes must be aimed as a priority at the long-term protection of the affected species as required in **Resolution Conf. 2.12**.

Note: **Resolution Conf. 2.12** did not require that the importation of Appendix-I specimens for captive-breeding purposes must 'be aimed at the long term protection of the affected species'. It said nothing about the priority of the aims of the breeding operation, which may very well be purely commercial. The effect of a successful captive breeding or artificial propagation operation is that it may reduce the number of animals or plants which would otherwise be taken from the wild, legally or illegally, and that it therefore contributes to the conservation of the species concerned. This applies in principle to both commercial and non-commercial operations.

The Resolution's text on the subject continues to say that:

Some captive-breeding operations sell surplus specimens to underwrite the cost of the captive-breeding programme. Importation under these circumstances could be allowed if any profit made, would not inure to the personal economic benefit of a private individual or shareholder. Rather, any profit gained would be used to support the continuation of the captive-breeding programme to the benefit of the Appendix-I species. It should not, therefore, be assumed that importation under such circumstances is inappropriate.

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Note: The profit on the sale of surplus specimens is of no relevance to the conditions for their importation. Point 4 of the general principles laid down in the same resolution is sufficiently clear on that matter. The importation of specimens that do not fall under Article VII.4 or 5, however, cannot take place for primarily commercial purposes!

The text continues with the statement that as for imports of captive bred specimens for captive breeding programmes for commercial purposes, Article VII.4 and 5 eliminate the need to address the primarily commercial purposes standard in Article III.3(c).

In connection with captive breeding purposes, the Resolution further notes that, as a general rule, importations must be part of general programmes aimed at the recovery of species and be undertaken with the help of the Parties in whose territory the species originate. The profit gained that might result should be used to support the continuation of the programme aimed at the recovery of the Appendix-I species.

Note: This reinforces the intention of the Resolution to restrict imports of wild taken specimens of Appendix-I species for captive breeding and artificial propagation purposes to non-commercial operations. Point b)ii) B under Decides in **Resolution Conf. 10.16** and paragraph 12 of Annex 1 to **Resolution Conf. 12.10** would seem to contradict this intention.

Importation via professional dealers

Example f) of **Resolution Conf. 5.10** addresses the problem occurring with examples b) through e) above if the import is via a professional dealer. In such situations, the import initially serves a commercial purpose and in principle, therefore, should be prohibited under Article III.3(c). The fact that the dealer states a general intention to eventually sell the imported specimens to an undetermined zoo or scientific institution should not change this overall conclusion. In practice, living specimens are generally imported commercially with just this aim in mind. However, importations through a professional dealer by a qualified scientific, educational, zoological or other non-profit organization may be considered acceptable if the ultimate intended use would be for one of the purposes set out in examples b), c) and e) above, and where a binding contract (including a contract conditioned on the granting of permits) for the importation and sale of a particular Appendix-I specimen has already been concluded between the professional dealer and the purchasing institution and is presented to the Management Authority of the country of import with the import permit application. The same should apply to example d) if sale is incidental to public health and not for the primary purpose of economic benefit or profit.

In order to limit the importation via professional dealers, the qualified organizations referred to should be encouraged to conclude direct contracts with the supplier in the country of origin.

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Note: The procedure suggested could indeed be useful in cases where such direct contracts are not possible. In some cases, it may also be more practical for qualified organizations to collectively import specimens, birds for example, rather than having to arrange for their individual shipment.

The final paragraphs of **Resolution Conf. 5.10** are very important. They read as follows:

If a proposed importation of a specimen of an Appendix-I species fits within one of the above examples, all other applicable provisions of the Convention must still be satisfied in order for the importation to be acceptable. For example, where the primary purpose for the importation is scientific study or zoological exhibition, the remaining conditions under Article III.3 or 5, as applicable, must still be met. Thus, it is possible for an importation for scientific or zoological exhibition purposes to be inappropriate where such import is found to be detrimental to the survival of the species or where, in the case of live specimens, it is found that the ultimate recipient of the specimens lacks facilities suitably equipped to house and properly care for the specimens. Moreover, in keeping with the provisions of Article II.1 the importation of Appendix-I specimens removed from the wild for one of the purposes set forth above should, as a general rule, not be allowed unless the importer has first demonstrated that:

- a) he has been unable to obtain suitable captive-bred specimens of the same species;
- b) another species not listed in Appendix I could not be utilized for the proposed purpose;
and
- c) the proposed purpose could not be achieved through alternative means.

Note: The Scientific Authority should also consider these questions in relation to the condition of Article III.3(a).

Re-export of Appendix-I specimens

Article III.4:

The re-export of any specimen of a species included in Appendix I shall require the prior grant and presentation of a re-export certificate. A re-export certificate shall only be granted when the following conditions have been met:

(a) a Management Authority of the State of re-export is satisfied that the specimen was imported into that State in accordance with the provisions of the present Convention;

The condition of Article III.4 (a) is simple. The import should have taken place on the basis of an import permit and an export or re-export document. The Management Authority should therefore be able to trace these documents.

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It must in addition require that the custom's endorsed copy of the import permit be presented together with the application for a re-export certificate in order to avoid it being presented for the re-export of other (illegal?) specimens. Where in the case of Appendix I no such import permit was issued and where none of the exemptions of Article VII apply, the re-export should not be authorized and the Management Authority should investigate the legality of the specimens.

An important fact to establish is that the documents concerning the importation really concern the specimens to be re-exported in order to avoid the possibility that illegally imported specimens are legalized.

Article III.4:

(b) a Management Authority of the State of re-export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and

(c) a Management Authority of the State of re-export is satisfied that an import permit has been granted for any living specimen.

See the remark on Article III.2.(d) concerning the requirement that an import permit must only have been granted for living specimens in the case of re-export.

Introduction from the sea of Appendix-I specimens

Article III.5:

The introduction from the sea of any specimen of a species included in Appendix I shall require the prior grant of a certificate from a Management Authority of the State of introduction. A certificate shall only be granted when the following conditions have been met:

(a) a Scientific Authority of the State of introduction advises that the introduction will not be detrimental to the survival of the species involved;

See comments under Article III.2.(a) and III.3.(a).

(b) a Management Authority or Scientific Authority of the State of introduction is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and

See comments under Article III.3.(b).

(c) a Management Authority of the State of introduction is satisfied that the specimen is not to be used for primarily commercial purposes.

See comments under Article III.3.(c).

Chapter 8 - Trade in specimens of Appendix-II species

The conditions under which trade in specimens of species included in *Appendix II* must take place are laid down in **Article IV, paragraph 1** of which provides that:

All trade in specimens of species included in Appendix II shall be in accordance with the provisions of this Article.

The different forms of trade are dealt with in the subsequent paragraphs: export in paragraphs 2 and 3, import in paragraph 4, re-export in paragraph 5 and the introduction from the sea in paragraphs 6 and 7.

Export of Appendix-II specimens

Article IV:

2. The export of any specimen of a species included in Appendix II shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:

(a) a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;

(b) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora; and

(c) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.

3. A Scientific Authority in each Party shall monitor both the export permits granted by that State for specimens of species included in Appendix II and the actual exports of such specimens. Whenever a Scientific Authority determines that the export of specimens of any such species should be limited in order to maintain that species throughout its range at a level consistent with its role in the ecosystems in which it occurs and well above the level at which that species might become eligible for inclusion in Appendix I, the Scientific Authority shall advise the appropriate Management Authority of suitable measures to be taken to limit the grant of export permits for specimens of that species.

Chapter 8 - Trade in specimens of Appendix-II species

The provisions of Article IV.3 are essential for achieving the aims of the Convention with regard to the prevention of species becoming threatened with extinction as a result of utilization incompatible with their survival [cf. Article II.2(a)]. Every transfer of a species from Appendix II to Appendix I can therefore be considered as an example of the failure of the Parties to fulfil their obligations under the Convention!

The Scientific Authority should be able to assess the effects of trade on the populations of the species occurring in its country and must therefore be informed on any matter of relevance to that task. Unlike many other provisions, the text of paragraph 3 is rather detailed and adequately describes the obligation of the Scientific Authorities of exporting countries, i.e. countries of origin. This, however, does not make that task an easy one. Many countries of origin lack the necessary scientific data on the status of their animal and plant populations, which makes it impossible to calculate the effects thereon of different levels of exploitation.

Resolution Conf. 2.6 (Rev.), replaced in 2000 by **Resolution Conf. 11.18**, is the result of the concerns expressed by various Parties, that trade in Appendices II and III animals and plants may be detrimental to the survival of certain species. It recommends that if any Party deems that an Appendix-II or -III species is being traded in a manner detrimental to the survival of that species, it

- a) consult directly with the appropriate Management Authorities of the countries involved or, if this procedure is not feasible or successful, make use of the provisions of Article XIII to call upon the assistance of the Secretariat;
- b) make use of the options provided by Article XIV to apply stricter domestic measures particularly when re-export or transshipment, or trade with a State not party to the Convention is involved; or
- c) make use of the options provided by Article X when trade with a State not party to the Convention is involved.

The remaining recommendations of **Resolution Conf. 2.6 (Rev.)** were deleted with the adoption of **Resolution Conf. 11.3** on compliance and enforcement.

Resolution Conf. 4.7 noted that some Parties, exporting wild animals and plants listed in Appendix II, were unable to effectively implement Article IV.3 unilaterally and recognized that all Parties benefited from management of Appendix-II species that ensured the continued availability of these resources.

The Resolution recommended that the Technical Committee:

- a) identify those Appendix-II species that are the subject of significant international trade, for which scientific information is insufficient to satisfy the requirements of Article IV.3, as determined by the range States;
- b) at the request of at least one of the countries involved and in collaboration with representatives of range States, importing States and organizations experienced in the management of wildlife, develop and negotiate measures to ensure that those requirements are satisfied; and

Chapter 8 - Trade in specimens of Appendix-II species

- c) encourage Parties to develop agreements with range States for the cooperative implementation of these measures.

The Technical Committee proposed a procedure and a timetable for the implementation of Resolution Conf. 4.7. These were approved by the Conference of the Parties with Resolution Conf. 5.3, which instructed the Technical Committee to implement this procedure and timetable; charges the Secretariat to seek external funding to support the necessary work to be conducted by the IUCN Conservation Monitoring Centre, the workshops and research projects; and invited the Parties and all organizations interested in the conservation and utilization of wildlife to provide the necessary financial support.

Resolution Conf. 6.1 eliminated the Technical Committee and attributed the work related to the significant trade issue to the Animals Committee and the Plants Committee.

The eighth meeting of the Conference of the Parties adopted a very important resolution on the trade in wild-caught animal specimens, which should lead to an improved implementation of the Convention for Appendix-II species. That **Resolution Conf. 8.9** was amended at the 11th meeting of the Conference of the Parties and at the 12th meeting of the Conference of the Parties replaced by **Resolution Conf. 12.8**.

The original preamble of **Resolution Conf. 8.9** acknowledged that international concern had been focused on serious conservation problems which existed in the trade in wild-caught birds and recognized that further examination of these problems by the Animals Committee had revealed that these problems were representative of difficulties in the implementation of the Convention for animal species in general.

Resolution Conf. 11.8 is based on the recognition that some States permitting export of Appendix-II species are not effectively implementing Article IV, paragraphs 2 (a), 3 and 6 (a), and that, in such cases, measures necessary to ensure that the export of an Appendix-II species takes place at a level that will not be detrimental to the survival of that species, such as population assessments and monitoring programmes, are not being undertaken, and that information on the biological status of many species is frequently not available.

With **Resolution Conf. 12.8** the Conference of the Parties directs the Animals and Plants Committees in cooperation with the Secretariat and experts, and in consultation with range States, to review the biological, trade and other relevant information on Appendix-II species subject to significant levels of trade, to identify problems and solutions concerning the implementation of Article IV, paragraphs 2 (a), 3 and 6 (a), in accordance with the following procedure:

Selection of species to be reviewed

- a) the Secretariat shall request UNEP-WCMC to produce, within 90 days after each meeting of the Conference of the Parties, a summary from the CITES database of annual report statistics showing the recorded net level of exports² for Appendix-II species over the five most recent years;

² 'Net level of exports' means the total gross number of specimens exported from a range State minus the gross number imported by the same range State, based on the reported export and import data in the annual reports of the Parties.

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- b) on the basis of recorded trade levels and information available to the Animals or Plants Committee, the Secretariat, Parties or other relevant experts, species of priority concern shall be selected for review by the Animals or Plants Committee (whether or not such species have been the subject of a previous review);
- c) in exceptional cases where new information indicates an urgent concern, the Animals or Plants Committees may add a species to the list of species of concern at another stage;

Consultation with the range States concerning implementation of Article IV

- d) the Secretariat shall, within 30 days after the meeting of the Animals or Plants Committee at which species are selected, notify range States of the species selected, providing an explanation for this selection and requesting comments regarding possible problems of implementing Article IV identified by the Committee. Range States shall be given 60 days to respond;
- e) the Secretariat shall report to the Animals or Plants Committee on the response of the range States concerned, including any other pertinent information;
- f) when the Animals or Plants Committee, having reviewed the available information, is satisfied that Article IV, paragraph 2 (a), 3 or 6 (a), is correctly implemented, the species shall be eliminated from the review with respect to the State concerned. In that event, the Secretariat shall notify the Parties accordingly within 60 days;

Compilation of information and preliminary categorization

- g) in the event that the species is not eliminated from the review in accordance with paragraph f) above, the Secretariat shall proceed with the compilation of information regarding the species;
- h) when necessary, consultants shall be engaged by the Secretariat to compile information about the biology and management of and trade in the species and shall contact the range States or relevant experts to obtain information for inclusion in the compilation;
- i) the Secretariat or consultants, as appropriate, shall summarize their conclusions about the effects of international trade on the selected species, the basis on which such conclusions are made and problems concerning the implementation of Article IV, and shall provisionally divide the selected species into three categories:
 - i) 'species of urgent concern' shall include species for which the available information indicates that the provisions of Article IV, paragraph 2 (a), 3 or 6 (a), are not being implemented;
 - ii) 'species of possible concern' shall include species for which it is not clear whether or not these provisions are being implemented; and
 - iii) 'species of least concern' shall include species for which the available information appears to indicate that these provisions are being met;
- j) before the report of the Secretariat, or consultant, is considered by the Animals or Plants Committee, the Secretariat shall transmit it to the relevant range States, seeking comments and, where appropriate, additional information. Range States shall be given 60 days to respond;

Review of information and confirming of categorization by the Animals or Plants Committee

- k) the Animals or Plants Committee shall review the report of the Secretariat or the consultants and the responses received from the States concerned and, if appropriate, revise the preliminary categorization proposed;
- l) species of least concern shall be eliminated from the review. Problems identified in the course of the review that are not related to the implementation of Article IV, paragraph 2 (a), 3 or 6 (a), shall be addressed by the Secretariat in accordance with other provisions of the Convention and relevant Resolutions;

Formulation of recommendations and their transmission to the range States

- m) the Animals Committee or Plants Committee shall, in consultation with the Secretariat, formulate recommendations for the remaining species. These recommendations shall be directed to the range States concerned;
- n) for species of urgent concern, these recommendations should propose specific actions to address problems related to the implementation of Article IV, paragraph 2 (a), 3 or 6 (a). Such recommendations should differentiate between short-term and long-term actions, and may include, for example:
 - i) the establishment of administrative procedures, cautious export quotas or temporary restrictions on exports of the species concerned;
 - ii) the application of adaptive management procedures to ensure that further decisions about the harvesting and management of the species concerned will be based on the monitoring of the impact of previous harvesting and other factors; or
 - iii) the conducting of taxon- and country-specific status assessments, field studies or evaluation of threats to populations or other relevant factors to provide the basis for a Scientific Authority's non-detriment finding, as required under the provisions of Article IV, paragraph 2 (a) or 6 (a);

deadlines for implementation of these recommendations should be determined by the Animals or Plants Committee. They must be appropriate to the nature of the action to be undertaken, and should normally be not less than 90 days but not more than two years after the date of transmission to the State concerned;

- o) for species of possible concern, these recommendations should specify the information required to enable the Animals or Plants Committee to determine whether the species should be categorized as either of urgent concern or of least concern. They should also specify interim measures where appropriate for the regulation of trade. Such recommendations should differentiate between short-term and long-term actions, and may include, for example:
 - i) the conducting of taxon and country-specific status assessments, field studies or evaluation of threats to populations or other relevant factors; or
 - ii) the establishment of cautious export quotas for the species concerned as an interim measure;

deadlines for implementation of these recommendations should be determined by the Animals or Plants Committee. They must be appropriate to the nature of the action to be

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undertaken, and should normally be not less than 90 days but not more than two years after the date of transmission to the State concerned;

- p) these recommendations shall be transmitted to the range States concerned by the Secretariat;

Measures to be taken regarding the implementation of recommendations

- q) the Secretariat shall, in consultation with the Chairman of the Animals or Plants Committee, determine whether the recommendations referred to above have been implemented and report to the Standing Committee accordingly;
- r) where the recommendations have been met, the Secretariat shall, following consultation with the Chairman of the Standing Committee, notify the Parties that the species was removed from the process;
- s) when the Secretariat, having consulted with the Chairman of the Animals or Plants Committee, is not satisfied that a range State has implemented the recommendations made by the Animals or Plants Committee in accordance with paragraphs n) or o), it should recommend to the Standing Committee appropriate action, which may include, as a last resort, a suspension of trade in the affected species with that State. On the basis of the report of the Secretariat, the Standing Committee shall decide on appropriate action and make recommendations to the State concerned, or to all Parties;
- t) the Secretariat shall notify the Parties of any recommendations or actions taken by the Standing Committee;
- u) a recommendation to suspend trade in the affected species with the State concerned should be withdrawn only when that State demonstrates to the satisfaction of the Standing Committee, through the Secretariat, compliance with Article IV, paragraph 2 (a), 3 or 6 (a); and
- v) the Standing Committee, in consultation with the Secretariat and the Chairman of the Animals or Plants Committee, shall review recommendations to suspend trade that have been in place for longer than two years and, if appropriate, take measures to address the situation;

Regarding support to the range States

The Conference of the Parties urges the Parties and all organizations interested in the conservation and sustainable use of wildlife to provide the necessary financial support or technical assistance to those States in need of such assistance to ensure that wild populations of species of fauna and flora subject to significant international trade are not subject to trade that is detrimental to their survival.

Examples of such measures could include:

- a) training of conservation staff in the range States;
- b) provision of information and guidance to persons and organizations involved in the production and export of specimens of the species concerned;
- c) facilitation of information exchange among range States; and
- d) provision of technical equipment and support.

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The Secretariat was directed to assist with identification and communication of funding needs in the range States and with identification of potential sources of such funding.

Regarding monitoring, reporting and reintroduction of species into the review process

The Secretariat was directed, for the purpose of monitoring and facilitating the implementation of this Resolution and the relevant paragraphs of Article IV:

- a) to report to each meeting of the Animals or Plants Committee on the implementation by the range States concerned of the recommendations made by the Committee; and
- b) to maintain a register of species that are included in the review process set out in this Resolution and a record of progress with the implementation of recommendations.

Decision 9.33 directs the Secretariat to contract IUCN to coordinate, in collaboration with the UNEP World Conservation Monitoring Center, the conduct of the field studies required for Appendix-II species identified by the Animals Committee as being subject to significant levels of trade, and to raise the funds necessary for such studies.

Decision 12.75 provides that the Animals and Plants Committees shall draft terms of reference for an evaluation of the Review of Significant Trade, to be considered at the 13th meeting of the Conference of the Parties.

Import of Appendix-II species

Article IV.4:

The import of any specimen of a species included in Appendix II shall require the prior presentation of either an export permit or a re-export certificate.

Note the difference between Article III.3, concerning the import of Appendix-I specimens, and the above provision of Article IV.4 with regard to the import of Appendix-II specimens: the latter does not require the prior grant and presentation of an import permit. Article V does not prescribe import permits for Appendix-III specimens either.

This implies that enforcement officers in importing countries, in many cases customs officers, must be in a position to judge the validity of the export permits and re-export certificates issued by other Parties and that of comparable documents issued by non-Parties. As this may pose serious enforcement difficulties, an important number of importing countries has adopted implementation legislation requiring import permits for all CITES and sometimes other species. This allows the Management Authorities of those importing countries to check the validity of the export and re-export documents presented by importers before or at the time of importation, and facilitates the work of control officers at the border by providing them with a document issued by the Management Authority of its own country which validity can be easily verified.

Other advantages of such a system are that it provides the Management Authority with a better basis for maintaining the records of trade and the preparation of annual reports, prescribed in Article VIII.6 and 7, and for the issue of re-export certificates.

Re-export of Appendix-II specimens

Article IV.5:

A re-export certificate shall only be granted when the following conditions have been met:

(a) a Management Authority of the State of re-export is satisfied that the specimen was imported into that State in accordance with the provisions of the present Convention; and

As an import permit is not required for Appendix II-specimens, it is more difficult to trace the necessary information on their legal import than for Appendix-I specimens. Much depends on the implementation system adopted by the re-exporting country. A Management Authority will in the absence of an import permit only be able to comply with the condition of paragraph (a) if the export permit or re-export certificate presented at the time of importation, was retained by customs and transmitted to the Management Authority. The same is of course true for import permits, but there the Management Authority will, in addition, have a copy of every import permit issued and both the Management Authority and the importer will have a copy of every used, customs endorsed, permit. The legality of the importation can thus be proven more easily.

Where no import permit is required, importers should be given a customs endorsed copy of the export or re-export document in order to enable them to prove the legal importation of specimens.

The high volume of trade in specimens of many Appendix-II species makes it more complicated for a Management Authority to establish that a given specimen was legally imported.

Whether or not the specimens to be re-exported (or products derived there from!) are indeed the same as those in the CITES documents claimed to have covered their importation is a difficult question to answer. The proper implementation of the provision concerned requires a thorough knowledge of the trade situation in the Management Authority's country with regard to CITES specimens and regular inspection of the premises of dealers, producers, etc.

The use of marking systems (see Chapter 12) increases the possibilities for Management Authorities to follow specimens and corresponding documents at all production and trade stages.

Article IV.5

(b): a Management Authority of the State of re-export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.

See comments under Article III.2.(c).

Introduction from the sea of Appendix-II specimens

Article IV:

6. The introduction from the sea of any specimen of a species included in Appendix II shall require the prior grant of a certificate from a Management Authority of the State of introduction. A certificate shall only be granted when the following conditions have been met:

Article XIV.4 implies that a certificate for the introduction from the sea of Appendix-II specimens is not required with respect to specimens that are taken by ships registered in a State which is a Party to a treaty, convention or international agreement affording protection to marine species included in Appendix II and where that take is in accordance with that treaty, convention or international agreement.

As Article XIV.4 specifically refers to any other treaty, convention or international agreement which is *in force at the time of the coming into force of the present Convention*, this provision only applies to treaties, conventions and international agreements which were in force on 1 July 1975 and not to those which entered into force thereafter.

A Convention, older than CITES and affording protection to Appendix-II marine species is the 1946 International Convention for the Regulation of Whaling. All cetaceans regulated by that Convention, however, have meanwhile been included in Appendix I of CITES as commercial whaling is subject to zero quotas under the Whaling Convention.

At its ninth, 10th, 11th and 12th meetings, the Conference of the Parties confirmed that cetacean species subject to zero quotas under the International Convention for the Regulation of Whaling should be listed in Appendix I.

Article IV.6:

(a) a Scientific Authority of the State of introduction advises that the introduction will not be detrimental to the survival of the species involved; and

See comments under Article III.2.(a).

(b) a Management Authority of the State of introduction is satisfied that any living specimen will be so handled as to minimize the risk of injury, damage to health or cruel treatment.

See comments under Article III.2.(c).

Article IV.7:

Certificates referred to in paragraph 6 of this Article may be granted on the advice of a Scientific Authority, in consultation with other national scientific authorities or, when appropriate, international scientific authorities, in respect of periods not exceeding one year for total numbers of specimens to be introduced in such period.

This provision is in contradiction with Article VI.5, which provides that a separate permit or certificate shall be required for each consignment of specimens. In relation to Article XIV.4 it is also confusing.

Invasive, alien species

This is not an issue covered by the Convention, but the 10th meeting of the Conference of the Parties decided with **Decision 10.54** that the Parties should:

- a) recognize that non-indigenous species can pose significant threats to biodiversity, and that fauna and flora species in commercial trade are likely to be introduced to new habitat as a result of international trade;
- b) consider the problems of invasive species when developing national legislation and regulations that deal with the trade in live animals or plants;
- c) consult with the Management Authority of a proposed country of import, when possible and when applicable, when considering exports of potentially invasive species, to determine if there are domestic measures regulating such imports; and
- d) consider the opportunities for synergy between CITES and the Convention on Biological Diversity, and explore appropriate cooperation and collaboration between the two Conventions on the issue of introductions of alien (invasive) species.

With Decision 10.75 and 10.85, it was decided at the 10th meeting of the Conference of the Parties that the Animals and Plants Committees should establish formal liaison with the IUCN / SSC Invasive Species Specialist Group between the 10th and 11th meetings of the Conference of the Parties to review species in international trade with respect to their biological potential for becoming invasive, and that collaboration with them should take place in the development of databases on invasive species to identify the species which may become invasive if introduced.

Decisions 10.76 and **10.86** provide that the Animals and Plants Committees shall establish cooperation with the IUCN/SSC Invasive Species Specialist Group in the implementation of their document "Draft IUCN Guidelines for the Prevention of Biodiversity Loss Due to Biological Invasion", of which parts are related to the trade in and transport of live specimens of species of wildlife.

Chapter 9 - Trade in specimens of Appendix-III species

The conditions under which trade in specimens of species included in Appendix III must take place are laid down in **Article V**, paragraph 1 of which provides that:

All trade in specimens of species included in Appendix III shall be in accordance with the provisions of this Article.

Subsequent paragraphs deal with the different forms of trade: 2 with export, 3 with import and 4 with re-export.

Appendix III is intended to provide international assistance to individual Parties in regulating the control of trade, if any, of species within their jurisdiction (see the listing criteria in **Chapter 6**).

Export of Appendix-III specimens

Article V.2:

The export of any specimen of a species included in Appendix III from any State which has included that species in Appendix III shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:

a) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora; and

See remark on Article III.2.(b).

(b) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.

See Chapter 10.

Import of Appendix-III specimens

Article V.3:

The import of any specimen of a species included in Appendix III shall require, except in circumstances to which paragraph 4 of this Article applies, the prior presentation of a certificate of origin and, where the import is from a State which has included that species in Appendix III, an export permit.

The export of Appendix-III specimens from other countries than those having listed the species is thus not subject to CITES controls. Such controls, however, take place at the time of import, whereby it is necessary for the *importing* country to be able to establish the origin of specimens of such species. Article V provides for no less than four different documents for that purpose, one of which is an export permit similar to that to be presented at the export and import of Appendix-I and –II specimens. Such an export permit is only required if the export is from the country having included the species in Appendix III. If the specimen is exported from another country, a certificate of origin is required and in the case of re-export, either a certificate that the specimen was processed or a certificate that it is being re-exported (i.e. a re-export certificate). The latter three documents only have to be presented at the time of import.

Paragraph 3 does not indicate that the certificate of origin it provides for, is to be issued by the CITES Management Authority. With Resolution Conf. 5.8 the Conference of the Parties recognized that the practice of issuing such certificates of origin by customs or other authorities that are not designated as competent to issue Convention permits and certificates did not satisfy the requirements of Articles V and VI of the Convention and could diminish the effective implementation of the Convention.

Resolution Conf. 12.3 recommends that certificates of origin for export of specimens of species listed in Appendix III only be issued by a designated Management Authority or by the competent authority if trade is from a state not a Party to the Convention, and that Parties do not accept certificates of origin unless they are issued by such authorities (ex Resolution Conf. 5.8).

Re-export of Appendix-III specimens

Article V.4:

In the case of re-export, a certificate granted by the Management Authority of the State of re-export that the specimen was processed in that State or is being re-exported shall be accepted by the State of import as evidence that the provisions of the present Convention have been complied with in respect of the specimen concerned.

The re-export of Appendix-III specimens is not subject to CITES controls.

The import into a Party, however, necessitates documentation from the re-exporting country. Where Article V, paragraph 3, does not specify the competent authority for the issue of certificates of origin for the export of Appendix-III specimens, paragraph 4, strangely

Chapter 9 - Trade in specimens of Appendix-III species

enough, prescribes that the certificate that the specimen was processed or is being re-exported is to be granted by the Management Authority of the State of re-export.

Article VI.3, however, prescribes that each permit or certificate shall contain the name and any identifying stamp of the *Management Authority* granting it and a control number assigned by it. This implies that no other authority than a CITES Management Authority is considered competent to issue CITES documents. Although the wording of paragraph 4 seems to allow for the use of a different kind of certificate than that prescribed for the re-export of Appendix-I and -II specimens, it is advisable not to create such an additional certificate that the specimen was processed in the country of re-export.

The use of the same re-export certificate for all CITES specimens is less confusing and more practical.

Chapter 10 - Transport of live specimens

Specific provisions

Articles III, IV, V and VII.7 of the Convention contain conditions for the shipment of live specimens.

The export of live specimens of Appendix-III species from another country than that having included the species in the Appendix and the re-export of live specimens of Appendix-III species are not subject to specific provisions. The introduction from the sea of live specimens of Appendix-II species requires that they will be so handled as to minimize the risk of injury, damage to health or cruel treatment (Article IV.6.b). That provision is not made with regard to the introduction from the sea of live Appendix-I specimens, which is an obvious omission in the text of the Convention.

The general requirement

The transport of captive bred animals or artificially propagated plants of Appendix-II and -III species, live specimens that are personal effects/household goods and for pre-Convention specimens is covered by Article VIII.3, which requires that Parties ensure the proper care of all living specimens during any period of transit, holding or shipment. This provision also covers the above cases for which there are no specific provisions.

History of recommendations

In 1977, the special working session of the Conference of the Parties recognized the necessity of international directives for the preparation and shipment of live specimens of the species included in the Appendices to the Convention.

With Recommendation Conf. S.S. 1.1 it requested the Secretariat, in cooperation with IUCN, other organizations and representatives of the Parties, to establish a complete set of directives based on the IATA Live Animals Regulations. The Secretariat was further requested to submit the opinion of the Parties with regard to required modifications of the IATA regulations to that organization. In 1979, the second meeting of the Conference of the Parties adopted the **Guidelines for transport and preparation for shipment of live wild animals and plants**, published as a UNIPUB edition in 1980 (ISBN 0-89059-013-3).

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Since 1979, five further Resolutions have been adopted, the recommendations of which were consolidated in **Resolution Conf. 9.23**. The latter was already replaced at the tenth meeting of the Conference of the Parties with **Resolution Conf. 10.21**.

Current recommendations

Resolution Conf. 10.21 notes that, while there have been improvements in the transport of live animals, mortality for certain species has not been reduced significantly, despite continuing efforts by the Parties to improve transport conditions, and that mortality in transport undermines the concept of sustainable trade. It is mindful of the fact that, because of a number of biological and other factors, some species are far more difficult to prepare and ship without risk of injury, damage to health or cruel treatment than others.

The Resolution does not repeat the concern expressed in **Resolution Conf. 9.23** that transport of live birds for the pet trade is a problem of particular concern because mortality remains high for many species and that many export permits have been issued for live birds that are not prepared and shipped so as to minimize the risk of injury, damage to health or cruel treatment.

It agrees that the effective implementation of Article IV, paragraph 2(c), of the Convention necessitates further specific evaluation of the problem, analysis of information and recommendations to the Parties for remedial or corrective action.

<p>Note: It is not clear why this was limited to Appendix-II species. Particularly bird species included in Appendix III are subject to large commercial shipments.</p>
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It recognizes the important work of the Working Group on the Transport of Live Specimens in advising the Parties and providing technical assistance in conjunction with the Secretariat and notes the lack of regional representation of the Parties at meetings of that Working Group. In order to improve this, it directs the Animals Committee to deal with matters related to the transport of live animals. The transport issue was since 1983 covered by the Technical Committee and since 1985 by a Working Group of that committee. It reported directly to the Standing Committee after the elimination of the Technical Committee in 1987. In 1989 the Working Group on Transport of Live Specimens became a permanent working group reporting to the Standing Committee. Now that the issue was transferred to the Animals Committee, it is likely that even less attention than before will be given to the transport of plants.

Resolution Conf. 10.21 recommends that:

- a) suitable measures be taken by the Parties to promote the full and effective use by Management Authorities of the Guidelines for transport and preparation for shipment of live wild animals and plants and that they be brought to the attention of carriers, freight forwarders and international organizations and conferences competent to regulate conditions of carriage by air, land and sea or inland waterways (ex Resolution Conf. 3.16);
- b) Parties invite the above organizations and institutions to comment on and amplify these Guidelines, so as to promote their effectiveness (ex Resolution Conf. 3.16);

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- c) the regular communication of the CITES Secretariat and the Standing Committee with the Live Animals and Perishables Board of the International Air Transport Association (IATA) be continued and that a relationship with the Animals Transportation Association (ATA) be developed (reworded ex Resolution Conf. 7.13);
- d) for as long as the CITES Secretariat and the Standing Committee agree, the IATA Live Animals Regulations be deemed to meet the CITES Guidelines in respect of air transport (ex Resolutions Conf. 4.20 and Conf. 7.13);
- e) except where it is inappropriate, the IATA Live Animals Regulations should be used as a reference to indicate suitable conditions for carriage by means other than air;

Note: This recommendation is rather puzzling in view of those in paragraphs a) and, in particular, g).

- f) the IATA Live Animals Regulations be incorporated into the domestic legislation of the Parties (ex Resolution Conf. 5.18);
- g) applicants for export permits or re-export certificates be notified that, as a condition of issuance, they are required to prepare and ship live specimens in accordance with the IATA Live Animals Regulations for transport by air and the CITES Guidelines for Transport of Live Specimens for carriage by means other than air (ex Resolution Conf. 7.13);
- h) to the extent possible, shipments of live animals be examined and necessary action taken to determine the well-being of the animals by CITES-designated persons or airline personnel during extended holding periods at transfer points (ex Resolution Conf. 7.13);

Note: The history of the recommendation under h) is not really a success story:

Resolution Conf.3.17 recommended the development of an international reporting system for specimens stressed during transport. Such a system was recommended with Resolution Conf. 4.21. The system was not implemented and Resolution Conf. 4.21 repealed with Resolution Conf. 7.13. In the meantime, to assist enforcement officers, Resolution Conf. 6.24 recommended a “crating, health and welfare checklist” which was to accompany CITES export documents and re-export certificates. A number of clauses in that checklist were unacceptable to the IATA Live Animals Board because they were considered outside the authority of CITES. With Resolution Conf. 7.13 the form was replaced by a “container checklist”, which, as that Resolution was repealed with Resolution Conf. 9.23, now no longer exists!

- i) where Parties to the Convention have designated ports of entry and exit, animal-holding facilities be provided (ex Resolution Conf. 7.13);
- j) to the extent possible, Parties ensure that animal-holding facilities are open for inspection of shipments, with the concurrence of the transport company, by CITES-

Chapter 10 - Transport of live specimens

designated enforcement personnel or designated observers; and that any documented information be made available to the appropriate authorities and transport companies (ex Resolution Conf. 7.13);

The Resolution urges all Parties that permit imports of live animals: to maintain records of the number of live specimens per shipment and of mortalities in transport of species listed in the appendices; to note obvious causes of mortality, injury or damage to health; and to provide these data relating to the previous calendar year along with their annual reports (reworded ex Resolution Conf. 8.12) and decides that non-submission of these data will be noted in a report from the Secretariat to the Standing Committee.

Resolutions Conf. 8.12 and Conf. 9.23 recommended this in particular for birds. They further recommended that Parties take appropriate measures, including temporary suspension of trade for commercial purposes with specific countries when appropriate, regarding trade in species of birds that have significant high mortality rates in transport, based on their own data or data supplied by the Animals Committee.

Under Resolution Conf. 8.12, the Transport Working Group had to, on the basis of the information from Party reports and information from scientists, veterinarians, zoological institutions and other experts, in cooperation with the Secretariat, make recommendations to the Parties designed to minimize mortality.

Resolution Conf. 10.21 extends this mandate and directs the Animals Committee to, in consultation with the Secretariat:

- a) establish the format for the presentation of data on mortality and injury or damage to health in transport; and b) conduct a systematic review of the scope and causes of the mortality and injury or damage to health of animals during the shipment and transport process and of means of reducing such mortality and injury or damage to health;
 - i) the review should include a process for making recommendations to the Parties designed to minimize mortality, on the basis of consultation with exporting, importing, re-exporting and transit countries, IATA and AATA, and additional information from scientists, veterinarians, zoological institutions, trade representatives, carriers, freight forwarders and other experts; and
 - ii) these recommendations should be focused on individual species and countries of export, import, re-export or transit where appropriate, particularly those that have significant high mortality rates in transport, and should be designed to provide positive solutions to identified problems.

The Secretariat is directed to:

- a) to convey these recommendations to the exporting, importing or re-exporting Parties concerned, IATA and AATA after they have been approved by the Standing Committee; and
- b) in consultation with the Animals and Standing Committees, to monitor the implementation of these recommendations and of other aspects of this Resolution and report its findings and recommendations at each meeting of the Conference of the Parties.

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The Resolution invites non-governmental organizations, particularly veterinary, scientific, conservation, welfare and trade organizations with expertise in the shipment, preparation for shipment, transport, care or husbandry of live animals, to provide the necessary financial, technical and other assistance to those Parties in need of and requesting such assistance to ensure the effective implementation of the provisions of the Convention for the transport and preparation for shipment of live animals subject to international trade.

Resolution Conf. 10.21 finally notes (ex Resolution Conf. 9.23) that in order to improve implementation of the IATA Live Animals Regulations through the Parties there is a need for greatly increased awareness of the Regulations through:

- a) more effective methods of training of personnel of airlines and enforcement agencies; and
- b) improved methods of liaison and information.

The 12th meeting of the Conference of the Parties adopted **Decision 12.85**, which directs the Animals Committee to, in collaboration with interested non-governmental organizations and the Secretariat,

- a) develop recommendations regarding transport of live animals by road, rail or ship to supplement, where necessary, the IATA Live Animals Regulations;
- b) investigate cost-effective options for containers and packing materials that could be recommended for adoption in the IATA Live Animals Regulations;
- c) assist in identifying model practices concerning the transport and preparation for shipment of live wild animals, and develop recommendations to the Parties regarding the proper handling and transportation of live animals, particularly in exporting countries; and
- d) report at the 13th meeting of the Conference of the Parties on progress with the implementation of paragraphs a) to c) above.

The Secretariat is directed with **Decision 12.86** to, in consultation with the Animals Committee, liaise with the International Air Transport Association (IATA) and the World Association of Zoos and Aquariums (WAZA) with a view to concluding a Memorandum of Understanding in order to:

- a) strengthen further collaboration in order to improve transport conditions of live animals;
- b) establish an official training programme on animal transport; and
- c) facilitate the exchange of technical information relevant to animal transport, between the Secretariat, the IATA Live Animals and Perishables Boards and the WAZA Executive Office.

Chapter 11 - Permits and certificates

Provisions with regard to permits and certificates are laid down in **Article VI**, which provides that:

- 1. Permits and certificates granted under the provisions of Articles III, IV and V shall be in accordance with the provisions of this Article.*

Introduction

Permits and certificates form the administrative basis for CITES trade controls and it is not surprising that they have been the subject of a lot of attention from the Conference of the Parties.

Already at the first meeting of the Conference of the Parties, in 1976, the subject of harmonizing permit and certificate forms was briefly discussed. Although it was believed that models of permits and certificates would provide guidance to the Parties, it was decided that further experience was necessary before considering the standardization of export permits. (now repealed paragraph 7 of Resolution Conf. 1.5).

The 1977 Special Working Session discussed the issue further and agreed that some degree of uniformity would be helpful.

In 1979, it was considered that the harmonization of permit forms and procedures was a continuous task which would best be entrusted to a committee of technical experts designated for this purpose by the Parties.

Resolution Conf. 2.5 recommended that the Parties volunteer technical experts to serve on a committee to guide the progressive harmonization of permit forms and procedures and that Parties which have not yet done so provide the Secretariat with copies of their permit forms for circulation to other Parties.

In 1981, it was recommended that import permits for Appendix-I specimens, re-export certificates and other certificates issued by a Party under provisions of the Convention contain, as appropriate, similar information to that required for the export permit. This was the first step towards the development of one standard form for all CITES documents and Parties were recommended to adapt the contents and, to the extent practicable, the format of their export permits and re-export certificates to the standard model attached to the Resolution concerned (**Resolution Conf. 3.6**).

Chapter 11 – Permits and Certificates

In 1989, the Conference of the Parties directed the Secretariat to undertake an in-depth study of any necessary changes in the standard permit model contained in **Resolution Conf. 3.6** and to make recommendations for consideration at the eighth meeting. (**Resolution Conf. 7.3**)

In 1992, at the eighth meeting of the Conference of the Parties, a Resolution was adopted on the basis of the requested study and recommendations from the Secretariat. This Resolution (**Resolution Conf. 8.5**) was, in 1994, replaced by **Resolution Conf. 9.3**. In 1997, the latter was in its turn replaced by **Resolution Conf. 10.2**, which was amended at the 11th meeting of the Conference of the Parties in 2000. The 12th meeting of the Conference of the Parties in 2002 made further amendments.

The current Resolution is **Conf. 12.3**, which – for the first time – recognized that the issuance of CITES permits and certificates serves as a certification scheme for assuring that trade is not detrimental to the survival of species included in the Appendices.

Current provisions, recommendations and decisions

Resolution Conf. 12.3 has fourteen sections and four annexes as follows:

- I. Regarding standardization of CITES permits and certificates
 - II. Regarding export permits and re-export certificates
 - III. Regarding import permits
 - IV. Regarding pre-Convention certificates
 - V. Regarding certificates of origin
 - VI. Regarding travelling-exhibition certificates
 - VII. Regarding phytosanitary certificates
 - VIII. Regarding permits and certificates for species subject to quotas
 - IX. Regarding permits and certificates for crocodylian specimens
 - X. Regarding permits and certificates for coral specimens
 - XI. Regarding permits and certificates for timber species included in Appendices II and III with the annotation 'Designates logs, sawn wood and veneer sheets'
 - XII. Regarding the use of simplified procedures to issue permits and certificates
 - XIII. Regarding retrospective issue of permits and certificates
 - XIV. Regarding acceptance and clearance of documents and security measures
- Annex 1 Information that should be included in CITES permits and certificates
- Annex 2 Standard CITES form; instructions and explanations
- Annex 3 Model travelling-exhibition certificate; instructions and explanations; continuation sheet
- Annex 4 Types of biological samples and their use

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Rather than including them in the consolidated Resolution, the Conference of the Parties confirmed and adopted a number of separate Decisions on documents at the ninth meeting. These Decisions are based on recommendations of the Secretariat in the infractions report in relation to specific situations, which are, however, not mentioned. Outside that context, most of these 'decisions' do not make a lot of sense, but they so far survived subsequent meetings of the Conference of the Parties:

Decision 9.7: The Parties should verify the origin and the species of specimens for which they issue export permits, in order to avoid permits being issued for specimens of Appendix-I species when the transaction is for primarily commercial purposes and no import permit has been previously issued.

Note: Not the transaction but the purpose of importation must not be for primarily commercial purposes.

Decision 9.8: The Parties should be particularly vigilant regarding the issuance of documents for very valuable specimens and specimens of species included in Appendix I.

Decision 9.9: To avoid abusive or fraudulent use, the Parties should not use forms for their internal trade certificates that are identical to CITES forms.

Decision 9.10: The Parties should check with the Secretariat when they have doubts about the validity of permits accompanying suspect shipments.

Decision 9.11: The Parties should ask for the Secretariat's advice before accepting the import of live specimens of Appendix-I species declared as bred in captivity.

Note: I cannot see why a Party should check whether a specimen was indeed captive bred where it originates in a registered commercial breeding operation. I do not see either why such advice is only recommended for live specimens.

Decision 9.12: When a Party is presented with a false document, it should do everything in its power to find out where the specimens are and where the false document originated.

Decision 9.13: When a Party is informed by the Secretariat of the fraudulent use of documents issued by the Party, it should carry out an inquiry to identify the instigators of the crime, calling on ICPO-Interpol where necessary.

Decision 9.23: The Parties should carefully check the telexes and telefaxes they receive to confirm the validity of permits; they should ensure that the information that appears on the telexes and telefaxes, including the numbers, corresponds to that in the CITES Directory.

Resolution Conf. 12.3 observes that false and invalid permits and certificates are used more-and-more often for fraudulent purposes and that appropriate measures are needed to prevent such documents from being accepted (ex Resolution Conf. 7.3).

It further considers the need to improve the standardization of permits and certificates and that the data carried on permits and certificates must supply maximum information, as

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much for export as for import, to allow verification of the conformity between the specimens and the document (ex Resolution Conf. 7.5).

Article VI:

2. An export permit shall contain the information specified in the model set forth in Appendix IV, and may only be used for export within a period of six months from the date on which it was granted.

Although the Convention provides for the model of an export permit in its Appendix IV, later attempts to harmonize and standardize all permit and certificate forms have added so much to that model that it would only be confusing to provide the initial model here.

The model recommended with **Resolution Conf. 12.3** is as follows:

Chapter 11 – Permits and Certificates

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA		PERMIT/CERTIFICATE No. <input type="checkbox"/> EXPORT <input type="checkbox"/> RE-EXPORT <input type="checkbox"/> IMPORT <input type="checkbox"/> OTHER:		Original	
		2. Valid until			
3. Importer (name and address)		4. Exporter/re-exporter (name, address and country)			
3a. Country of import		_____ Signature of the applicant			
5. Special conditions		6. Name, address, national seal/stamp and country of Management Authority			
<i>For live animals, this permit or certificate is only valid if the transport conditions conform to the Guidelines for Transport of Live Animals or, in the case of air transport, to the IATA Live Animals Regulations</i>					
5a. Purpose of the transaction (see reverse)	5b. Security stamp no.				
7./8. Scientific name (genus and species) and common name of animal or plant	9. Description of specimens, including identifying marks or numbers (age/sex if live)	10. Appendix no. and source (see reverse)	11. Quantity (including unit)	11a. Total exported/Quota	
A	7./8. _____	9. _____	10. _____	11. _____	11a. _____
	12. Country of origin * Permit no. Date	12a. Country of last re-export Certificate no. Date	12b. No. of the operation ** or date of acquisition ***		
B	7./8. _____	9. _____	10. _____	11. _____	11a. _____
	12. Country of origin * Permit no. Date	12a. Country of last re-export Certificate no. Date	12b. No. of the operation ** or date of acquisition ***		
C	7./8. _____	9. _____	10. _____	11. _____	11a. _____
	12. Country of origin * Permit no. Date	12a. Country of last re-export Certificate no. Date	12b. No. of the operation ** or date of acquisition ***		
D	7./8. _____	9. _____	10. _____	11. _____	11a. _____
	12. Country of origin * Permit no. Date	12a. Country of last re-export Certificate no. Date	12b. No. of the operation ** or date of acquisition ***		
* Country in which the specimens were taken from the wild, bred in captivity or artificially propagated (only in case of re-export) ** Only for specimens of Appendix-I species bred in captivity or artificially propagated for commercial purposes *** For pre-Convention specimens					
13. This permit/certificate is issued by:					
_____		_____		_____	
Place		Date		Security stamp, signature and official seal	
14. Export endorsement:			15. Bill of Lading/Air waybill number:		
Block	Quantity				
A					
B					
C					
D					
		_____	_____	_____	_____
		Port of export	Date	Signature	Official stamp and title

CITES PERMIT/CERTIFICATE No.

Chapter 11 – Permits and Certificates

Instructions and explanations

(These correspond to block numbers on the form)

1. Tick the square which corresponds to the type of document issued (export permit, re-export certificate, import permit or other). If the box "other" has been ticked, the type of document must be indicated. The original number is a unique number allocated to each document by the Management Authority.
2. For export permits and re-export certificates, the date of expiry of the document may not be more than six months after the date of issuance (one year for import permits).
3. **Complete** name and address of the importer.
- 3a. The name of the country must be written in full.
4. **Complete** name and address of the exporter/re-exporter. The name of the country must be stated. The absence of the signature of the applicant renders the permit or certificate invalid.
5. Special conditions may refer to national legislation or special conditions placed on the shipment by the issuing Management Authority. This block can also be used to justify the omission of certain information.
- 5a. The following codes should be used: **T** for commercial, **Z** for zoos, **G** for botanical gardens, **Q** for circuses and travelling exhibitions, **S** for scientific purposes, **H** for hunting trophies, **P** for personal, **M** for medical, **E** for education, **N** for reintroduction or introduction into the wild, and **B** for breeding in captivity or artificial propagation, **L** for law enforcement / judicial / forensic.
- 5b. Indicate the number of the security stamp affixed in block 13.
6. The name, address and country of the issuing Management Authority should already be printed on the form.
- 7-8. Indicate the scientific name (genus and species, where appropriate subspecies) of the animal or plant as it appears in the Convention Appendices or the reference lists approved by the Conference of the Parties, and the common name of the animal or plant as known in the country issuing the permit.
9. Describe, as precisely as possible, the specimens entering trade (live animals, skins, flanks, wallets, shoes, etc.). If a specimen is marked (tags, identifying marks, rings, etc.), whether or not this is required by a Resolution of the Conference of the Parties (specimens originating in a ranching operation, specimens subject to quotas approved by the Conference of the Parties, specimens of Appendix-I species bred in captivity for commercial purposes, etc.), indicate the number and type of mark. The sex and age of the live animals should be recorded, if possible.
10. Enter the number of the Appendix of the Convention (I, II or III) in which the species is listed.
Use the following codes to indicate the source:
 - W** Specimens taken from the wild
 - R** Specimens originating from a ranching operation
 - D** Appendix-I animals bred in captivity for commercial purposes and Appendix-I plants artificially propagated for commercial purposes, as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 4, of the Convention
 - A** Plants that are artificially propagated in accordance with Resolution Conf. 11.11, paragraph a), as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 5 (specimens of species included in Appendix I that have been propagated artificially for non-commercial purposes and specimens of species included in Appendices II and III)
 - C** Animals bred in captivity in accordance with Resolution Conf. 10.16 (Rev.), as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 5 (specimens of species included in Appendix I that have been bred in captivity for non-commercial purposes and specimens of species included in Appendices II and III)
 - F** Animals born in captivity (F1 or subsequent generations) that do not fulfil the definition of 'bred in captivity' in Resolution Conf. 10.16 (Rev.), as well as parts and derivatives thereof
 - U** Source unknown (**must be justified**)
 - I** Confiscated or seized specimens
 - O** Pre-Convention (may be used with other source codes).
11. The quantity and units indicated should conform to the most recent version of the *Guidelines for the preparation and submission of annual reports*.
- 11a. Indicate the total number of specimens exported in the current calendar year (including those covered by the present permit) and the current annual quota for the species concerned (for example 500/1000). This should be done for the national quotas as well as for those determined by the Conference of the Parties.
12. The country of origin is the country in which the specimens were taken from the wild, bred in captivity or artificially propagated. Indicate the number of the permit or certificate of the exporting country and the date of issuance. If all or part of the information is not known, this should be justified in block 5. This block must only be completed in case of re-exports.
- 12a. The country of last re-export is the country from which the specimens were re-exported before entering the country in which the present document is issued. Enter the number of the re-export certificate of the country of last re-export and its date of issuance. If all or part of the information is not known, this should be justified in block 5. This block must only be completed in case of re-export of specimens previously re-exported.
- 12b. The "No. of the operation" is the number of the registered captive-breeding or artificial propagation operation. The "date of acquisition" is defined in Resolution Conf. 5.11 and is required only for pre-Convention specimens.
13. To be completed by the official who issues the permit. The name of the official must be written in full. The security stamp must be affixed in this block and must be cancelled by the signature of the issuing official and a stamp or seal. The seal, signature and security-stamp number should be clearly legible.
14. To be completed by the official who inspects the shipment at the time of export or re-export. Enter the quantities of specimens actually exported or re-exported. Strike out the unused blocks.
15. Enter the number of the bill of lading or air way-bill if the method of transport used requires the use of such a document.

The document must be written in one of the three working languages of the Convention (English, Spanish or French) or must include a full translation into one of these three languages. Exported and re-exported specimens should not appear on the same document unless it is clearly indicated which specimens are being exported and which re-exported.

AFTER USE THIS DOCUMENT MUST BE RETURNED TO A MANAGEMENT AUTHORITY OF THE IMPORTING COUNTRY.

3. *Each permit or certificate shall contain the title of the present Convention, the name and any identifying stamp of the Management Authority granting it and a control number assigned by the Management Authority.*
4. *Any copies of a permit or certificate issued by a Management Authority shall be clearly marked as copies only and no such copy may be used in place of the original, except to the extent endorsed thereon.*
5. *A separate permit or certificate shall be required for each consignment of specimens.*
6. *A Management Authority of the State of import of any specimen shall cancel and retain the export permit or re-export certificate and any corresponding import permit presented in respect of the import of that specimen.*

Resolution Conf. 12.3

Section I concerns:

The standardization of CITES permits and certificates

The Conference of the Parties agrees that:

- a) to fulfil the requirements of Article VI and relevant Resolutions, export and import permits, re-export and pre-Convention certificates, certificates of origin and certificates of captive breeding and artificial propagation (except where phytosanitary certificates are used for this purpose) should include all the information specified in Annex 1 of the present Resolution (ex Resolution Conf. 9.3);

The Annex reads as follows:

Information that should be included in CITES permits and certificates

- a) The full name and the logo of the Convention
- b) The complete name and address of the Management Authority issuing the permit
- c) A unique control number
- d) The complete names and addresses of the exporter and importer
- e) The scientific name of the species to which the specimens belong (or the subspecies when it is relevant in order to determine in which Appendix the taxon concerned is included) in accordance with the adopted standard nomenclature
- f) The description of the specimens, in one of the Convention's three working languages, using the nomenclature of specimens distributed by the Secretariat
- g) The numbers of the marks appearing on the specimens if they are marked or if a Resolution of the Conference of the Parties prescribes marking (specimens from ranches, subject to quotas approved by the Conference of the Parties, originating from operations which breed animals included in Appendix I in captivity for commercial purposes, etc.)
- h) The Appendix in which the species or subspecies or population is listed
- i) The source of the specimens
- j) The quantity of specimens and, if appropriate, the unit of measure used
- k) The date of issue and the date of expiry
- l) The name of the signatory and his/her handwritten signature
- m) The embossed seal or ink stamp of the Management Authority
- n) A statement that the permit, if it covers live animals, is only valid if the transport conditions comply with the CITES Guidelines for Transport of Live Animals or, in case of air transport, with the IATA Live Animals Regulations
- o) The registration number of the operation, attributed by the Secretariat, when the permit involves specimens of a species included in Appendix I that originate from an operation practising breeding in captivity or artificial propagation for commercial purposes (Article VII, paragraph 4), and the name of the operation when it is not the exporter
- p) The actual quantity of specimens exported, certified by the stamp or seal and signature of the authority that carried out the inspection at the time of the exportation
- q) When specimens are marked with microchip transponders, all microchip codes, together with the trade mark of the transponder manufacturer, and, where possible, the location of the microchip in the specimen

To be included in certificates of origin only

- r) A statement that the specimens originate in the country that issued the certificate

Chapter 11 – Permits and Certificates

- b) every form should be printed in one or more of the working languages of the Convention (English, Spanish, French) and in the national language if it is not one of the working languages (ex Resolution Conf. 8.5);
- c) every form should indicate which type of document it is (e.g. import or export permit, re-export or pre-Convention certificate, etc.) (ex Resolution Conf. 8.5);
- d) if a permit or certificate form includes a place for the signature of the applicant, the absence of the signature should render the permit or certificate invalid (ex Resolution Conf. 9.3); and
- e) if an annex is attached to a permit or certificate as an integral part of it, this and the number of pages should be clearly indicated on the permit or certificate, and each page of the annex should include the following (ex Resolution Conf. 9.3):
 - i) the number of the permit or certificate and its date of issue; and
 - ii) the signature and the stamp or seal, preferably embossed, of the authority issuing the document.

In **Section I** of the Resolution it is further recommended that:

- a) Parties wishing to modify their permit and certificate forms, to reprint existing documents or to introduce new documents, first ask the Secretariat for advice (ex Resolution Conf. 8.5);
- b) Parties adapt the contents and, to the extent practicable, the format of their export permits and re-export certificates to the standard form attached to the present Resolution as Annex 2;
- c) for tracking and annual reporting purposes, permit and certificate numbers be limited, if possible, to 14 characters in the format:

WWxxYYYYYY/zz

where **WW** represents the last two digits of the year of issuance; **xx** represents the two-letter ISO code of the country; **YYYYYY** represents a six-digit serial number; and **zz** represents two digits or letters, or a combination of a digit and a letter, that a Party may use for national informational purposes;

- d) Parties state, on each of their permits and certificates, the purpose of the transaction using the following codes (ex Resolution Conf. 8.5):

- T** Commercial
- Z** Zoos
- G** Botanical gardens
- Q** Circuses and travelling exhibitions
- S** Scientific
- H** Hunting trophies
- P** Personal
- M** Medical (including biomedical research)

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- E Educational
- N Reintroduction or introduction into the wild
- B Breeding in captivity or artificial propagation
- L Law enforcement / judicial / forensic;

e) the following codes be used to indicate the source of the specimens (ex Resolution Conf. 8.5):

- W Specimens taken from the wild
- R Specimens originating from a ranching operation
- D Appendix-I animals bred in captivity for commercial purposes and Appendix-I plants artificially propagated for commercial purposes, as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 4
- A Plants that are artificially propagated in accordance with Resolution Conf. 11.11, paragraph a), as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 5 (specimens of species included in Appendix I that have been propagated artificially for non-commercial purposes and specimens of species included in Appendices II and III)
- C Animals bred in captivity in accordance with Resolution Conf. 10.16 (Rev.), as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 5 (specimens of species included in Appendix I that have been bred in captivity for non-commercial purposes and specimens of species included in Appendices II and III)
- F Animals born in captivity (F1 or subsequent generations) that do not fulfil the definition of “bred in captivity” in Resolution Conf. 10.16 (Rev.), as well as parts and derivatives thereof
- U Source unknown (must be justified)
- I Confiscated or seized specimens;
- O Pre-Convention specimens;

f) in cases where codes are used on permits and certificates to indicate the type of specimen, these conform to the codes provided in the Secretariat’s most recent Guidelines for the preparation and submission of annual reports and that the units of measurement used also conform to these Guidelines;

g) all Parties consider issuing permits and certificates printed on security paper;

Note: **Resolution Conf. 3.7** requested the Secretariat to give to those Parties that requested it, practical support in the printing of permits and certificates with adequate security guarantees and to, when external funding was available, to have permit and certificate forms printed on security paper for those Parties requesting it. These requests are no longer included in **Resolution Conf. 12.3** but laid down in **Decisions 9.29** and **9.30**. **Decision 12.76** directs the Secretariat to study and evaluate the possibility of creating a future centralized system that would allow the establishment of a communications network through the CITES website that would make it possible to check the authenticity and veracity of permits and certificates issued and received by each of the Parties.

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- h) Parties that do not already do so affix a security stamp to each permit and certificate;

Note: With Resolution Conf. 3.7, the Secretariat was requested to design, and at the request of the Parties, print and distribute to the Parties, at cost, serially numbered adhesive security stamps, similar in size to large postage stamps, and keep records of the distribution of such stamps. Each security stamp produced by the Secretariat bears a serial number preceded by the two-letter ISO code of the country issuing the permit to which the stamp must be affixed. The provision no longer exists. Since mid-2001, however, the Secretariat produces high quality security stamps for Parties at cost.

- i) when a security stamp is affixed to a permit or certificate, it be cancelled by a signature and a stamp or seal, preferably embossed and the number of the stamp also be recorded on the document (ex Resolutions Conf. 3.7 and Conf. 8.5);
- j) when issuing permits and certificates, the Parties follow the standard nomenclatures adopted by the Conference of the Parties to indicate the names of species (see Resolution Conf. 12.11) (ex Resolution Conf. 8.18);

Note: In Resolution Conf. 11.3 on compliance and enforcement, the Conference of the Parties recommends that:

- a) when issuing permits and certificates, Parties use a standardized nomenclature for the names of parts and derivatives, established by the Secretariat;
- b) the Secretariat establish a draft nomenclature and submit it to the Parties, who will have 60 days in which to present their observations; that the Secretariat then establish the definitive nomenclature; and that the same procedure be applied to modify the nomenclature.

It should be noted that a standardized terminology for parts and derivatives is given in the Guidelines for the preparation and submission of annual reports, which provide, however, that it is not necessarily for use on permits and that the description of specimens on permits should be as precise as possible.

- k) Parties that have not yet done so communicate to the Secretariat the names of the persons empowered to sign permits and certificates, as well as three specimens of their signatures, and that all the Parties communicate, within one month of any change thereto, the names of persons who have been added to the list of those already empowered to sign, the names of persons whose signatures are no longer valid and the dates the changes took effect (ex Resolution Conf. 8.5);
- l) when the means of transport used requires a “bill of lading” or an “air waybill”, the number of such document be stated on the permit or certificate (ex Resolution Conf. 8.5);

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- m) each Party inform the other Parties, direct or through the Secretariat, of any stricter internal measures it has taken under Article XIV, paragraph 1(a), of the Convention, and that, when a Party is informed of this, it refrain from issuing permits and certificates that run counter to these measures (ex Resolution Conf. 8.5);
- n) when an permit or certificate has been cancelled, lost, stolen or destroyed, the issuing Management Authority immediately inform the Management Authority of the country of destination, as well as the Secretariat regarding commercial shipments (ex Resolution Conf. 9.3); and
- o) when a permit or certificate is issued to replace a document that has been cancelled, lost, stolen or destroyed, or that has expired, it indicate the number of the replaced document and the reason for the replacement (ex Resolution Conf. 9.3).

Note: Paragraph (i) of **Resolution Conf. 8.16** on travelling live animal exhibitions, recommends that when, during a stay in a state, a pre-Convention or certificate of captive breeding for a specimen is lost, stolen or accidentally destroyed, only the Management Authority which has issued the document may issue a duplicate. This duplicate will bear the same number, if possible, and the same date of validity as the original document, and contain the following statement: "This certificate is a true copy of the original"

Section II of **Resolution Conf. 12.3** concerns:

Export permits and re-export certificates

The Conference of the Parties agrees that a re-export certificate should also specify:

- a) the country of origin, the number of the export permit of the country of origin and its date of issue (ex Resolution Conf. 8.5); and
- b) the country of last re-export, the number of the re-export certificate of that country and its date of issue (ex Resolution Conf. 8.5);

or if the case arises:

- c) justification for the omission of any of the aforementioned information (ex Resolution Conf. 8.5).

In Section II it is further recommended that:

- a) exported specimens and re-exported specimens not appear on the same document (ex Resolution Conf. 8.5), unless it is clearly indicated which specimens are being exported and which re-exported;
- b) when re-export certificates are issued for specimens whose form has not changed since being imported, the unit of measure used be the same as that used on the permit or certificate accepted when they were imported (ex Resolution Conf. 9.3);

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- c) the provisions of Article III, paragraph 3, Article IV, paragraph 4, Article V, paragraph 3, and Article VI, paragraph 2, be understood to mean that an export permit or re-export certificate shall be valid for a period of no more than six months from the date on which it was granted and that it may not be accepted to authorize export, re-export or import except during the period of validity (reworded ex Resolution Conf. 4.9);
- d) after the expiry of the said six-month period of validity, an export permit or re-export certificate be considered as void and of no legal value whatsoever (ex Resolution Conf. 4.9) except in the case referred to in section XI relating to timber species;
- e) no export permit or re-export certificate be issued for a specimen known to have been acquired illegally, even if it has been imported in accordance with the national legislation, unless the specimen has previously been confiscated; and
- f) Parties not authorize the import of any specimen if they have reason to believe that it was not legally acquired in the country of origin;

Note: Resolution Conf. 8.16 recommends, in paragraph b), that pre-Convention certificates and certificates of captive breeding issued for travelling live animal exhibitions be valid for a maximum period of three years to allow multiple imports, exports and re-exports of individual specimens of these exhibitions.

Section III of **Resolution Conf. 12.3** concerns:

Import permits

The Conference of the Parties agrees that an import permit for specimens of species included in Appendix I may carry, among other things, certification that the specimens will not be used for primarily commercial purposes and, in the case of live specimens, that the recipient has suitable facilities to house and care for them (ex Resolution Conf. 8.5); and recommends that:

- a) the provisions of Article III, paragraphs 2 and 4, of the Convention be understood to mean that an import permit shall be valid for a period of not more than 12 months from the date on which it was granted (ex Resolution Conf. 5.7) and that it may not be accepted to authorize import except during the period of validity; and
- b) after the expiry of the said 12-month period of validity, an import permit granted be considered as void and of no legal value whatsoever (ex Resolution Conf. 5.7);

Note: The result of the restricted time validity of export permits and re-export certificates to six months and that of import permits to 12 months is as follows: The import permit, which is required for the issue of an export permit for any Appendix-I specimen and for the issue of a re-export certificate for live Appendix-I specimens, may be of longer validity than the corresponding export permit or re-export certificate to be granted. It can, however, not be used for import if at the time of its presentation for that purpose, the export permit or re-export certificate was issued more than six months ago.

NB The actual expiry date on the export permit or re-export certificate is thus not relevant at the time of import. In case the import permit has, at the time of issue of the corresponding export permit or re-export certificate, a remaining time validity of less than six months, the time validity of the export permit or re-export certificate should be adapted to that of the import permit.

Section IV of **Resolution Conf. 12.3** concerns:

Pre-Convention certificates

The Conference of the Parties agrees that a pre-Convention certificate should also specify:

- a) that the specimen covered by the certificate is pre-Convention (ex Resolution Conf. 8.5); and
- b) the date of acquisition of the specimen as defined in Resolution Conf. 5.11 adopted at the fifth meeting of the Conference of the Parties (Buenos Aires, 1985) (ex Resolution Conf. 8.5);

Note: **Decision 9.6** provides that the Parties should not issue permits for pre-Convention stocks, except for export to countries having become Parties to the Convention after the date of entry into force of the Convention in the issuing country or for export to States not Party to the Convention. Also see **Chapter 13**.

Section V of **Resolution Conf. 12.3** concerns:

Certificates of origin

The Conference of the Parties recommends that:

- a) certificates of origin for export of specimens of species listed in Appendix III only be issued by a designated Management Authority or by the competent authority if trade is from a State not a Party to the Convention, and that Parties not accept certificates of origin unless they are issued by such authorities (ex Resolution Conf. 5.8);
- b) the provisions of Article V, paragraph 3, be understood to mean that a certificate of origin shall be valid for a period of not more than 12 months from the date on which it was

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granted, and that it may not be accepted to authorize export or import except during the period of validity; and

- c) after the expiry of the said 12-month period of validity, a certificate of origin be considered as void and of no legal value whatsoever;

Section VI of **Resolution Conf. 12.3** concerns:

Travelling-exhibition certificates

and recommends (ex Resolution Conf. 8.16) that

- a) each Party issue a travelling-exhibition certificate for CITES specimens belonging to a travelling exhibition based in its State, registered with the Management Authority and wishing to transport specimens of CITES species to other States for exhibition purposes only, on the condition that they were legally acquired and will be returned to the State in which the exhibition is based and that they were:
 - i) acquired before 1 July 1975 or before the date of inclusion of the species in any of the Appendices of the Convention;
 - ii) bred in captivity as defined in Resolution Conf. 10.16 (Rev.); or
 - iii) artificially propagated as defined in Resolution Conf. 11.11;
- b) travelling-exhibition certificates should be based on the model included in Annex 3 of the present Resolution. They should be printed in one or more of the working languages of the Convention (English, Spanish or French) and in the national language if it is not one of these;

The recommended certificate is as follows:

Chapter 11 – Permits and Certificates

 CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA		TRAVELLING-EXHIBITION CERTIFICATE	
		Original	
		1. Certificate no.	2. Valid until
3. Owner of specimen(s) (name, permanent address and country of registration)		4. Name, address, national seal/stamp and country of issuing Management Authority	
_____ Signature of owner			
5. Special conditions: a) Valid for multiple cross-border movements. Owner to retain original form b) The specimen(s) covered by this certificate may not be sold or otherwise transferred in any State other than the State in which the exhibition is based and registered. This certificate is non-transferable. If the specimen(s) dies, is stolen, destroyed, lost, sold or otherwise transferred, this certificate must be immediately returned by the owner to the issuing Management Authority c) This certificate is not valid unless accompanied by a continuation sheet This certificate is valid only if the transport conditions conform to the Guidelines for Transport of Live Animals or, in the case of air transport, to the IATA Live Animal Regulations			
6. Country of import Various	7. Purpose of the transaction Q	8. Security stamp no.	
9. Scientific name (genus and species) and common name of species	10. Description of specimen/s, including identifying marks or numbers, age, sex	11. Quantity 12. Appendix no. and source	
13. Country of origin	14. Permit no. and date	15. Exhibition registration number	16. Date of acquisition, if pre-Convention
17. This certificate is issued by:			
_____ Place	_____ Date	_____ Security stamp, signature and official seal	
18. Additional conditions			
19. Customs endorsement (see Continuation sheet)			

TRAVELLING-EXHIBITION CERTIFICATE No.

Chapter 11 – Permits and Certificates

Instructions and explanations

(The following correspond to the block numbers on the reverse of the form)

1. A unique number should be generated by the issuing Management Authority for the certificate.
2. The date of expiry of the document may not be more than three years after the date of issuance.
3. Complete the full name, permanent address and country of the owner of the specimen covered by the certificate. Absence of the signature of the owner renders the certificate invalid.
4. The name, address and country of the issuing Management Authority should already be pre-printed on the form.
5. This block has been pre-printed to indicate the validity of the certificate for multiple cross-border movements of the specimen with its exhibition for exhibition purposes only and to clarify that the certificate is not to be collected but is to remain with the specimen/owner. This block also can be used to justify the omission of certain information.
6. This block has been pre-printed to indicate that cross-border movement is permitted to any country accepting this certificate as a matter of national law.
7. This block has been pre-printed with the code Q for circuses and travelling exhibitions.
8. Indicate the number of the security stamp affixed in block 17.
9. Indicate the scientific name (genus and species, where appropriate subspecies) of the species as it appears in the Convention Appendices or the reference lists approved by the Conference of the Parties, and the common name as known in the country issuing the certificate.
10. Describe, as precisely as possible, the specimen covered by the certificate, including identifying marks (tags, rings, unique markings, etc.) sufficient to permit the authorities of the Party into which the exhibition enters to verify that the certificate corresponds to the specimen covered. The sex and age, at the time of the issuance of the certificate, should be recorded, where possible.
11. Indicate the total number of specimens. In the case of live animals it should normally be one. If more than one specimen, state "see attached inventory".
12. Enter the number of the Appendix of the Convention (I, II, or III) in which the species is listed. Use the codes below to indicate the source. This certificate may not be used for specimens with source code **W**, **R**, **F** or **U** unless they are pre-Convention specimens and the code **O** is also used.
 - W** Specimens taken from the wild
 - R** Specimens originating from a ranching operation
 - A** Plants that are artificially propagated in accordance with Resolution Conf. 11.11, paragraph a), as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 5, of the Convention (specimens of species included in Appendix I that have been propagated artificially for non-commercial purposes and specimens of species included in Appendices II and III)
 - C** Animals bred in captivity in accordance with Resolution Conf. 10.16 (Rev.) and exported under the provisions of Article VII, paragraph 5 (specimens of species included in Appendix I that have been bred in captivity for non-commercial purposes and specimens of species included in Appendices II and III)
 - F** Animals born in captivity (F1 or subsequent generations) that do not fulfill the definition of "bred in captivity" in Resolution Conf. 10.16 (Rev.)
 - U** Source unknown (must be justified)
 - O** Pre-Convention (may be used in conjunction with any other code).
13. The country of origin is the country in which the specimens were taken from the wild or bred in captivity.
14. Indicate the number of the export permit of the country of origin and the date of issuance. If all or part of that information is not known, this should be justified in block 18.
15. This block must contain the exhibition registration number.
16. Enter the date of acquisition only for pre-Convention specimens.
17. To be completed by the official who issues the certificate. A certificate may only be issued by the Management Authority of the country where an exhibition is based and only when the owner of the exhibition has registered full details of the specimen with that Management Authority. The name of the issuing official must be written in full. The security stamp must be affixed in this block and must be cancelled by the signature of the issuing official and a stamp or seal. The seal, signature and security stamp number should be clearly legible.
18. This block may be used to refer to national legislation or additional special conditions placed on the cross-border movement by the issuing Management Authority.
19. This block has been pre-printed to refer to the attached Continuation Sheet, which should indicate all cross-border movements.

SUBJECT TO 5 ABOVE, UPON EXPIRATION, THIS DOCUMENT MUST BE RETURNED TO THE ISSUING MANAGEMENT AUTHORITY.

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 <p>CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA</p>	<p align="center">TRAVELLING-EXHIBITION CERTIFICATE CONTINUATION SHEET</p> <p align="center">Page _____ of _____</p>		
<p>1. Original certificate no.</p>	<p>4. Name, address, national seal/stamp and country of Management Authority</p>		
<p>8. Security stamp no.</p>			
<p>17. This certificate is issued by:</p>			
_____	_____	_____	
Place	Date	Security stamp, signature and official seal	
_____	_____	_____	
Port of export or re-export	Date	Signature	Official stamp
_____	_____	_____	_____
Port of export or re-export	Date	Signature	Official stamp
_____	_____	_____	_____
Port of export or re-export	Date	Signature	Official stamp
_____	_____	_____	_____
Port of export or re-export	Date	Signature	Official stamp
_____	_____	_____	_____
Port of export or re-export	Date	Signature	Official stamp
_____	_____	_____	_____

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- c) travelling-exhibition certificates should contain the purpose code 'Q' and include in block 5, or in another block if the model form is not used, the following language: "The specimen/s covered by this certificate may not be sold or otherwise transferred in any State other than the State in which the exhibition is based and registered. This certificate is non-transferable. If the specimen/s dies, is/are stolen, destroyed, lost, sold or otherwise transferred, this certificate must be immediately returned by the owner to the issuing Management Authority";
- d) a separate travelling exhibition certificate must be issued for each live animal;
- e) for travelling exhibitions of specimens other than live animals, the Management Authority should attach an inventory sheet that contains all of the information in blocks 9 through 16 of the model form for each specimen;
- f) travelling-exhibition certificates should be valid for not more than three years from the date on which they were granted to allow multiple imports, exports and re-exports of the individual specimens that they cover;
- g) Parties consider such travelling-exhibition certificates as proof that the specimens concerned have been registered with the issuing Management Authority and allow the movement of such specimens across their borders;
- h) at each border crossing, Parties endorse travelling-exhibition certificates with an authorized stamp and signature by the inspecting official and allow the certificates to remain with the specimens;
- i) Parties check travelling exhibitions closely, at the time of export/re-export and import, and note especially whether live specimens are transported and cared for in a manner that minimizes the risk of injury, damage to health or cruel treatment;
- j) Parties require that specimens be marked or identified in such a way that the authorities of each State into which an exhibition enters can verify that the travelling-exhibition certificates correspond to the specimens being imported;
- k) when, during a stay in a State, an animal in possession of an exhibition gives birth, the Management Authority of that State be notified and issue a Convention permit or certificate as appropriate;
- l) when, during a stay in a State, a travelling-exhibition certificate for a specimen is lost, stolen or accidentally destroyed, only the Management Authority which has issued the document may issue a duplicate. This duplicate will bear the same number, if possible, and the same date of validity as the original document, and contain the following statement: "This certificate is a true copy of the original"; and
- m) Parties include in their annual reports a list of all travelling-exhibition certificates issued in the year concerned;

Section VII of **Resolution Conf. 12.3** concerns:

Phytosanitary certificates

The Conference of the Parties recommends that:

- a) any Party having considered the practices governing the issue of its phytosanitary certificates for export of Appendix-II specimens, and having determined that such practices provide adequate assurance that the specimens are artificially propagated (as defined in Resolution Conf. 11.11), may consider these documents as certificates of artificial propagation in accordance with Article VII, paragraph 5. Such certificates must include the scientific name of the species and the type and quantity of the specimens and bear a stamp, seal or other specific indication stating that the specimens are artificially propagated as defined by CITES (ex Resolution Conf. 4.16);
- b) any Party using phytosanitary certificates as certificates of artificial propagation inform the Secretariat and provide copies of the certificates, stamps, seals, etc. that are used (ex Resolution Conf. 4.16); and
- c) phytosanitary certificates be used exclusively for the purpose of export from the country of artificial propagation of the specimens concerned.

<p>Note: This paragraph was added at the 12th meeting of the Conference of the Parties.</p>

Section VIII of **Resolution Conf. 12.3** concerns:

Permits and certificates for species subject to quotas

The Conference of the Parties recommends that:

- a) when a Party has voluntarily fixed national export quotas for specimens of species included in Appendix I, for non-commercial purposes, and/or in Appendices II and III, it inform the Secretariat of the quotas before issuing export permits and of any changes thereto as soon as they are made and it state on each export permit the total number of specimens already exported in the current year (including those covered by the permit in question) and the quota for the species concerned (ex Resolution Conf. 8.5);
- b) when a Party has export quotas allocated by the Conference of the Parties for specimens of species included in Appendices I and II, it state on each export permit the total number of specimens already exported in the current year (including those covered by the permit in question) and the quota for the species concerned (ex Resolution Conf. 8.5); and
- c) Parties send to the Secretariat copies of permits issued for species subject to quotas if so requested by the Conference of the Parties, the Standing Committee or the Secretariat.

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Note: Until the 12th meeting of the Conference of the Parties, the recommendation was to send *all* such permits to the Secretariat.

Section IX of **Resolution Conf. 12.3** concerns:

Permits and certificates for crocodilian specimens

The Conference of the Parties recommends that:

- a) when trade in tagged crocodilian skins is authorized, the same information as is on the tags be given on the permit or certificate (ex Resolution Conf. 10.2 Rev.);
- b) in the case of crocodilian species subject to quotas approved by the Conference of the Parties, no permit or certificate for skins be issued before the skins are tagged in accordance with the requirements of the issuing Management Authority and their sizes are recorded (ex Resolution Conf. 10.2 Rev.); and
- c) in the event of mismatches of information within a permit or certificate for crocodilian skins, the Management Authority of the importing Party immediately contact its counterpart in the exporting/re-exporting Party to establish whether this was a genuine error arising from the volume of information required by this Resolution and Resolution Conf. 11.12, and that, if this is the case, every effort be made to avoid penalizing those involved in such transactions (ex Resolution Conf. 10.2 Rev.).

Section X of **Resolution Conf. 12.3** concerns:

Permits and certificates for coral specimens

The Conference of the Parties recommends that:

- a) on permits and certificates for trade in specimens that are readily recognizable as coral rock, where the genus cannot be readily determined, the scientific name for the specimens should be 'Scleractinia (ex Resolution Conf. 10.2 Rev.)';
- b) any Party wishing to authorize export of coral rock (as defined in Resolution Conf. 11.10 Annex) identified to ordinate level only should, in view of the inability to make a non-detriment finding for coral rock pursuant to Article IV, paragraph 2 (a), apply the provisions of Article IV, paragraph 3 (ex Resolution Conf. 10.2 Rev.); and
- c) Parties that authorize export of coral rock should:
 - i) establish an annual quota for exports and communicate this quota to the Secretariat for distribution to the Parties (ex Resolution Conf. 10.2 Rev.); and
 - ii) through their Scientific Authorities, make an assessment (which would be available to the Secretariat on request), based on a monitoring programme, that such export will not affect the role that coral rock has in ecosystems affected by the extraction of such specimens (ex Resolution Conf. 10.2 Rev.).

Section XI of **Resolution Conf. 12.3** concerns:

Permits and certificates for timber species included in Appendices II and III with the annotation ‘Designates logs, sawn wood and veneer sheets’

The Conference of the Parties recommends that the validity of the export permit or re-export certificate may be extended beyond the normal maximum of six months after the date of issue, on the condition that:

- a) the shipment has arrived in the port of final destination before the date of expiration indicated on the permit or certificate and is being held in Customs bond (i.e. is not considered as imported) (ex Resolution Conf. 10.3 (Rev.);
- b) the time extension does not exceed six months from the date of expiration of the permit or certificate and no previous extension has been granted (ex Resolution Conf. 10.3 (Rev.);
- c) the appropriate enforcement personnel has included the date of arrival and the new date of expiration in the box relating to special conditions, or an equivalent place, on the export permit or re-export certificate, certifying the modification with an official stamp or seal and signature;
- d) the shipment is imported for consumption from the port where it was located when the extension was approved and before the new date of expiration (ex Resolution Conf. 10.3 (Rev.); and
- e) a copy of the export permit or re-export certificate as amended in accordance with subparagraph c) above is sent to the country of export or re-export, allowing it to amend its annual report, and to the CITES Secretariat (ex Resolution Conf. 10.3 (Rev.); and

further recommends (ex Resolution Conf. 10.3 (Rev.) that any permit or certificate that indicates the complete names and addresses of the (re-)exporter and importer, in conformity with Annex 1, paragraph d), to this Resolution, not be accepted for import into a country other than the one for which it was issued, except under the following conditions:

- a) the actual quantity of specimens exported or re-exported is included in the designated box on the permit or certificate, certified by the stamp or seal and signature of the authority that carried out the inspection at the time of export or re-export;
- b) the exact quantity referred to under a) is imported;
- c) the number of the bill of lading of the shipment is included on the permit or certificate;
- d) the bill of lading of the shipment is presented to the Management Authority together with the original of the permit or certificate at the time of import;
- e) the import takes place within six months after the issue of the export permit or re-export certificate or within 12 months after the issue of a certificate of origin;
- f) the period of validity of the permit or certificate has not already been extended;
- g) the Management Authority of the importing country includes on the permit or certificate, in the box relating to special conditions, or an equivalent place, the following text, certified by its stamp or seal and signature:

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"import into [name of country] permitted in accordance with Resolution Conf. 12.3 (section XI) on [date]"; and

- h) a copy of the permit or certificate as amended in accordance with sub-paragraph g) above is sent to the country of export or re-export, allowing it to amend its annual report, and to the CITES Secretariat.

The 12th meeting of the Conference of the Parties included the following new section in **Resolution Conf. 12.3**:

Section XII:

The use of simplified procedures to issue permits and certificates

The Conference of the Parties recommends that:

- a) Parties use simplified procedures to issue permits and certificates to facilitate and expedite trade that will have a negligible impact, or none, on the conservation of the species concerned, e.g.:
 - i) where biological samples of the type and size specified in Annex 4 of this Resolution are urgently required:
 - A. in the interest of an individual animal;
 - B. in the interest of the conservation of the species concerned or other species listed in the Appendices;
 - C. for judicial or law enforcement purposes;
 - D. for the control of diseases transferable between species listed in the Appendices; or
 - E. for diagnostic or identification purposes;
 - ii) for the issuance of pre-Convention certificates in accordance with Article VII, paragraph 2;
 - iii) for the issuance of certificates of captive breeding or artificial propagation in accordance with Article VII, paragraph 5, or for the issuance of export permits or re-export certificates in accordance with Article IV for specimens referred to in Article VII, paragraph 4; and
 - iv) in other cases judged by a Management Authority to merit the use of simplified procedures;
- b) Parties, in order to simplify procedures concerning the issuance of permits and certificates under the circumstances outlined above:
 - i) maintain a register of persons and bodies that may benefit from simplified procedures, as well as the species that they may trade under the simplified procedures;
 - ii) provide to registered persons and bodies partially completed permits and certificates that remain valid for a period of up to six months for export permits, 12 months for import permits or re-export certificates, and three years for pre-Convention certificates and certificates of captive breeding or artificial propagation; and

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- iii) authorize the registered persons or bodies to enter specific information on the face of the CITES document when the Management Authority has included in box 5, or an equivalent place, the following:
- A. a list of the boxes that the registered persons or bodies are authorized to complete for each shipment; if the list includes scientific names, the Management Authority must have included an inventory of approved species on the face of the permit or certificate or in an attached annex;
 - B. any special conditions; and
 - C. a place for the signature of the person who completed the document;
- c) concerning trade in biological samples of the type and size specified in Annex 4 of this Resolution, where the purpose is among those specified in paragraph a) of this section, permits and certificates be accepted that were validated at the time the documents were granted, rather than at the time a shipment was exported or re-exported provided that the container bears a label, such as a Customs label, that specifies 'CITES Biological Samples' and the CITES document number; and
- d) when processing applications for the export of biological samples of the type and size and for the use specified in Annex 4 to this Resolution, Scientific Authorities develop generic non-detriment advice that would cover multiple shipments of such biological samples, taking into account the impacts of the collection of the specimens of species included in Appendix I or II to determine whether the export or import of biological samples would be detrimental to the survival of the species;

Annex IV to **Resolution Conf. 12.3** contains the *types of biological samples and their use* to which the above simplified procedures may be applied:

Types of biological samples and their use

Type of sample	Typical size of sample	Use of sample
blood, liquid	drops or 5 ml of whole blood in a tube with anticoagulant; may deteriorate in 36 hours	haematology and standard biochemical tests to diagnose disease; taxonomic research; biomedical research
blood, dry (smear)	a drop of blood spread on a microscope slide, usually fixed with chemical fixative	blood counts and screening for disease parasites
blood, clotted (serum)	5 ml of blood in tube with or without a blood clot	serology and detection of antibodies for evidence of disease; biomedical research
tissues, fixed	5 mm ³ pieces of tissues in a fixative	histology and electron microscopy to detect signs of disease; taxonomic research; biomedical research

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Type of sample	Typical size of sample	Use of sample
tissues, fresh (excluding ova, sperm and embryos)	5 mm ³ pieces of tissues, sometimes frozen	microbiology and toxicology to detect organisms and poisons; taxonomic research; biomedical research
swabs	tiny pieces of tissue in a tube on a swab	growing bacteria, fungi, etc. to diagnose disease
hair, skin, feathers, scales	small, sometimes tiny pieces of skin surface in a tube (up to 10 ml in volume) with or without fixative	genetic and forensic tests and detection of parasites and pathogens and other tests
cell lines and tissue cultures	no limitation of sample size	cell lines are artificial products cultured either as primary or continuous cell lines that are used extensively in testing the production of vaccines or other medical products and taxonomic research (e.g. chromosome studies and extraction of DNA)
DNA	small amounts of blood (up to 5 ml), hair, feather follicle, muscle and organ tissue (e.g. liver, heart, etc.), purified DNA, etc.	sex determination; identification; forensic investigations; taxonomic research; biomedical research
secretions, (saliva, venom, milk)	1-5 ml in vials	phylogenetic research, production of anti-venom, biomedical research

Section XIII of **Resolution Conf. 12.3** deals with:

Retrospective issue of permits and certificates

Articles III, IV and V of the Convention provide that trade in any specimen of a species included in its Appendices requires the prior grant and presentation of the relevant document.

With **Resolution Conf. 6.6**, the Conference of the Parties addressed the fact that many consignments involving specimens of the species listed in the Convention Appendices are in international trade without this clear condition being met and recalled that Parties were obliged, under Article VIII paragraph 1(b) to provide for the confiscation or return to the state of export of specimens traded in violation of the Convention. The Resolution noted that the efforts of importing countries to fulfil their obligations under Article VIII, paragraph

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1(b), of the Convention may be seriously obstructed by the retrospective issuance of export or re-export documents for specimens having left the exporting or re-exporting country without such documents, and that declarations about the validity of documents which did not meet the requirements of the Convention were likely to have a similar effect. The Conference of the Parties further expressed its concern about the danger that the retrospective issuance and validation of CITES documents becomes a substitute for their prior issuance and presentation, in particular for commercial shipments and considered that this practice had an increasingly negative impact on the possibilities for properly enforcing the Convention and led to the creation of loopholes for illegal trade.

The Conference of the Parties recommends (ex Resolution Conf. 6.6) that:

- a) a Management Authority of an exporting or re-exporting country:
 - i) not issue CITES documents retrospectively;
 - ii) not provide exporters, re-exporters and/or consignees in importing countries with declarations about the legality of exports or re-exports of specimens having left its country without the required CITES documents; and
 - iii) not provide exporters, re-exporters and/or consignees in importing countries with declarations about the legality of permits or certificates which at the time of export, re-export or import did not meet the requirements of the Convention;
- b) a Management Authority of an importing country, or of a country of transit or transshipment, not accept permits or certificates that were issued retrospectively;
- c) exceptions from the recommendations under a) and b) above not be made with regard to Appendix-I specimens, and be made with regard to Appendix-II and -III specimens only where the Management Authorities of both the exporting (or re-exporting) and the importing countries are, after a prompt and thorough investigation in both countries and in close consultation with each other, satisfied:
 - i) that the irregularities that have occurred are not attributable to the exporter (or re-exporter) or the importer; and
 - ii) that the export (or re-export) and import of the specimens concerned are otherwise in compliance with the Convention and with the relevant legislation of the countries of export (or re-export) and import; and
- d) whenever exceptions are made:
 - i) the permit or certificate clearly indicate that it is issued retrospectively; and
 - ii) the reasons for the relaxation, which should come within the purview of paragraph c), sub-paragraphs i) and ii) above, are specified on the permit or certificate and a copy sent to the Secretariat.

Section XIV concerns the

Acceptance and clearance of documents and security measures

The Conference of the Parties recommends that:

- a) the Parties refuse to accept permits and certificates if they have been altered (by rubbing out, scratching out, etc.), modified or crossed out, unless the alteration, modification or crossing-out has been authenticated by the stamp and signature of the authority issuing the document (ex Resolution Conf. 8.5);
- b) whenever irregularities are suspected, the Parties exchange issued and/or accepted permits or certificates to verify their authenticity (ex Resolution Conf. 3.7);
- c) when a security stamp is affixed to a permit or certificate, the Parties refuse the document if the security stamp is not cancelled by a signature and a stamp or seal (ex Resolution Conf. 8.5);
- d) the Parties refuse to accept any permit or certificate that is invalid, including authentic documents that do not contain all the required information as specified in this Resolution or that contain information that brings into question the validity of the permit or certificate;

<p>Note: Since Resolution Conf. 9.3, this paragraph only referred to the need to refuse documents that referred to an invalid or non-existing export document.</p>

- e) the Parties refuse to accept permits and certificates that do not indicate the scientific name of the species concerned (including subspecies when appropriate), except in the case where (ex Resolution Conf. 10.2 (Rev)):
 - i) the Conference of the Parties has agreed that the use of higher-taxon names is acceptable;
 - ii) the issuing Party can show it is well justified and has communicated the justification to the Secretariat; or
 - iii) certain manufactured products contain pre-Convention specimens that cannot be identified to the species level;
 - iv) worked skins or pieces thereof of Tupinambis species that were imported before 1 August 2000 are being re-exported, in which case it is sufficient to use the indication Tupinambis spp.;

<p>Note: The last paragraph was added at the 12th meeting of the Conference of the Parties.</p>

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- f) when a Party refuses to accept a permit or certificate, it keep the original or, if this is against its national laws, it cancel the document indelibly, preferably by perforation, particularly the security stamp (ex Resolution Conf. 8.5);
- g) when a Party refuses to accept a permit or certificate issued for export or re-export, it immediately inform the exporting or re-exporting country (ex Resolution Conf. 9.3);
- h) when a Party is informed that a permit or certificate it has issued for export or re-export has been refused, it take measures to ensure that the specimens in question do not enter into illegal trade (ex Resolution Conf. 9.3); and
- i) Parties ensure that, when the original of a permit or certificate is not used by the permittee for the trade authorized, it is returned by the permittee to the issuing Management Authority in order to prevent the illegal use of the document (ex Resolution Conf. 9.3).

Note: This obviously is an important requirement. If not effectively implemented, it would lead to the multiple use of documents during their period of validity.

Chapter 12 - The marking of specimens

Paragraph 7 of Article VI addresses the use of marks to assist in identifying specimens:

Where appropriate and feasible a Management Authority may affix a mark upon any specimen to assist in identifying the specimen. For these purposes 'mark' means any indelible imprint, lead seal or other suitable means of identifying a specimen, designed in such a way as to render its imitation by unauthorized persons as difficult as possible.

More and more species - and even specimens - are subject to different rules. This makes the marking of specimens an increasingly necessary identification and enforcement tool.

There is of course also the more general problem of how to ensure that specimens entering international trade are indeed the same as those for which permits and certificates are issued.

Recommendations for the identification of specimens of a number of species and on certain techniques have been made over the years. Apart from a number of general recommendations, they mainly concern specimens originating from captive breeding and ranching operations and of quota species. Specific recommendations also exist for the marking of ivory, of leopard skins, of crocodile skins and of specimens in travelling exhibitions.

General recommendations for marking

Resolution Conf. 7.12 (Rev.) concerns Marking requirements for trade in specimens of taxa with populations in both Appendix I and Appendix II.

For the **identification of live specimens** it recommends that:

- a) any marking system that requires the attachment of a tag, band or other uniquely marked label, or the marking of a part of the animal's anatomy be undertaken only with due regard for the humane care, well-being and natural behaviour of the specimen concerned.

For the **identification of parts and derivatives** of ranched or captive-bred animals it recommends that:

- b) where requested by individual Parties, the Secretariat purchase and disseminate appropriately coded tags or stamps and that the costs be recovered from participating Parties.

Chapter 12 – The Marking of Specimens

The Animals Committee was requested to address further the issue of marking requirements for the identification of specimens of look-like species for the purpose of developing practical marking strategies and systems, and report progress to the next meeting of the Conference of the Parties. The result can be found in **Resolution Conf. 12.10**.

Paragraph f) of **Resolution Conf. 12.10** merely resolves that registered captive breeding operations shall ensure that an appropriate and secure marking system is used to clearly identify all breeding stock and specimens in trade and shall undertake to adopt superior marking and identification methods as they become available.

The use of microchips

Resolution Conf. 7.12 (Rev.) recommended:

- b) that the use of coded microchip implants be adopted on a trial basis on a sample range of high value captive-bred Appendix I taxa which are subject to international trade, to be determined by the Animals Committee and Parties involved; and
- c) that the overall effectiveness and efficiency of identifying animals and regulating trade in such specimens by the use of microchip technology be reviewed by the Conference of the Parties.

These recommendations led to the adoption of Resolution Conf. 8.13, which was amended at the 11th meeting of the Conference of the Parties.

Resolution Conf. 8.13 (Rev.) recommends that:

- a) Parties, where possible and appropriate, without excluding the use of other methods, adopt the use of implantable transponders bearing permanent, non-programmable, unalterable and permanently unique codes for the identification of live animals;
- b) Parties take into account the findings of the IUCN/SSC Conservation Breeding Specialist Group regarding frequency, size and sterility of transponder;
- c) microchip transponders be implanted where consistent with the well being of the specimens concerned;
- d) the location of implanted transponders in each animal be standardized according to advice from the IUCN/SSC Conservation Breeding Specialist Group;

The Secretariat was directed:

- a) to consult regularly with the ISO Central Secretariat on this subject, and to urge it to resolve current problems with standards ISO 11784 and ISO 11785;

The Management Authority of each Party was directed:

- b) to make contact with all known manufacturers of microchip-implants and associated equipment on its territory and inform them about the present Resolution, urge them to strive towards the production of compatible equipment that can be applied universally

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and ask them for information about their products compatible with CITES needs and to advise the Secretariat about the results, for the information of the Parties; and

The Animals Committee was directed:

- c) to monitor developments in microchip-implant technology and application techniques and to advise the Secretariat about such developments, for the information of the Parties.

Paragraph q) of Annex 1 to **Resolution Conf. 12.3** provides that:

When specimens are marked with microchip transponders, all microchip codes, together with the trademark of the transponder manufacturer, and, where possible, the location of the microchip in the specimen must be included in CITES permits and certificates.

Captive-bred Appendix-I specimens (see also Chapter 14)

Resolution Conf. 10.16 (Rev.) recommends that the trade in a captive bred specimen be permitted only if it is marked in accordance with the provisions on marking in the Resolutions adopted by the Conference of the Parties and if the type and number of the mark are indicated on the document authorizing the trade.

Resolution Conf. 6.21, paragraph d), recommended that for live birds of Appendix-I species, the marking system to be adopted be that of the individually marked closed ring of an appropriate size which cannot be removed from the bird's leg after having been applied in the first days of the bird's life, but that where the physical or behavioural properties of a species do not allow the use of such rings a suitable other marking method as approved by the Animals Committee be applied. Resolution Conf. 6.21 was repealed, however, with the adoption of **Resolution Conf. 8.15**. See the remark under General recommendations for marking at the beginning of this Chapter.

Ranched specimens (see also Chapter 26)

Resolution Conf. 11.16 on ranching, recommends in paragraph c) that any Party submitting a ranching proposal include details of its marking system that should meet the minimum requirements of the uniform marking system defined in this Resolution.

In its paragraph b) under decides,, it defines the term 'uniform marking system' as a system of marking each product approved by the Conference of the Parties for a species, which, as a minimum, includes the International Organization for Standardization two-letter code for the country of origin, a unique identification number and the year of production or, for products in stock or manufactured from products of the operation in stock at the time of the proposal, the year of approval of the proposal.

Quota species (see also Chapter 27)

Resolution Conf. 5.21 established special criteria for the transfer of taxa from Appendix I to Appendix II if the countries of origin agreed to introduce a quota system.

The Resolution directed the Technical Committee to develop recommendations, prior to the sixth meeting of the Conference of the Parties for marking and other suitable methods of controlling trade in specimens of species subject to quotas, so as to ensure that such trade is effectively regulated. The recommendations of the Technical Committee resulted in **Resolution Conf. 6.17**.

A universal tagging system for crocodylian skins was adopted with **Resolution Conf. 9.22**. The above Resolutions have been replaced with **Resolution Conf. 11.12**, see under Crocodylian skins below.

The marking of ivory

Resolution Conf. 9.16 consolidated all earlier Resolutions on trade in African elephant ivory. It was replaced and extended with **Resolution Conf. 10.10 (Rev. CoP12)**. With regard to the marking of ivory, that Resolution recommends (ex Resolutions Conf. 3.12, Conf. 5.12 and Conf.6.15) that:

whole tusks of any size, and cut pieces of ivory that are both 20 cm or more in length and one kilogram or more in weight, be marked by means of punch-dies, or, where this is not practicable, with indelible ink using the following formula: country-of-origin two-letter ISO code, the last two digits of the year / the serial number for the year in question / and the weight in kilograms (e.g. KE 00/127/14). This number is to be placed at the “lip mark”, in the case of whole tusks, and highlighted with a flash of colour.

In relation to ivory quotas **Resolution Conf. 10.10 (Rev. CoP12)** recommends (ex Resolution Conf. 5.12) that:

- g) no export, re-export or import of raw ivory be authorized unless it is marked in accordance with this Resolution or in accordance with the Secretariat Manual.

The manual referred to is the *Ivory Trade Control Procedures Manual* that was circulated by the Secretariat in November 1985. With regard to marking it is weaker and even contradicts **Resolution Conf. 10.10 (Rev. CoP12)** and its predecessors! Paragraph 4.2 of the manual stipulates that each tusk that is large enough should be marked in accordance with Resolution Conf. 3.12, using punch-dies if possible. If the use of punch-dies is impractical, indelible ink (e.g. felt tip pen) is an acceptable alternative. The tusk number should include, as a minimum, the two-letter ISO code for the exporting country, a unique serial number, the year and the weight of the tusk in kilograms. Paragraph 4.3 provides that if very small whole tusks (of less than 1 kg each) are involved, they should still be individually marked. However, for practical reasons, such tusks should be marked using indelible ink (e.g. felt-tip pen) rather than punch dies.

The manual does not deal with the marking of pieces of raw ivory, which is, however, recommended in **Resolution Conf. 10.10 (Rev. CoP12)** (ex Resolution Conf. 3.12). It merely states, in its paragraph 3.1, that trade control procedures for cut pieces of raw ivory should be a matter for the discretion of each country and urges Parties that this should not become a loophole for evasion of the export quota system. Paragraph 6.6 of the manual concerns the marking of previously unmarked tusks prior to re-export: The two-letter ISO

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code of the re-exporting country should be used together with a unique serial number, the year of marking and the weight in kilograms. The accompanying certificate should specify that the tusks have been marked by the re-exporting country.

Leopard skins

The leopard, *Panthera pardus*, is listed in Appendix I.

For the first time with **Resolution Conf. 4.13** a quota system for the export of skins was established and a marking system recommended. The wording of the recommendation concerned, most recently repeated in **Resolution Conf. 10.14 (Rev. CoP12)**, is as follows:

- c) the Management Authority of a State of import permit the import of leopard skins in accordance with this Resolution only if each skin has a self-locking tag attached which indicates the State of export, the number of the specimen in relation to the annual quota and the calendar year to which the quota applies for example ZW 6/500 1997 indicating that Zimbabwe is the State of export and that the specimen is the sixth specimen exported by Zimbabwe out of its quota of 500 for 1997 and if the same information as is on the tag is given on the export document.

Crocodilian skins

Resolution Conf. 9.22 established a universal tagging system for the identification of crocodilian skins. The recommendations concerned are now, together with those of Resolution Conf. 6.17, contained in **Resolution Conf. 11.12**.

Note: In 1992, a first attempt to establish such a system was made (Resolution Conf. 8.14). The Secretariat was directed to, in consultation with the Animals Committee, develop a practical tracking system for monitoring tags used in trade. The Animals Committee was directed to, in consultation with the Secretariat, study the possibilities of a practical uniform marking system for manufactured products of crocodilian skins in commercial trade and report its findings and recommendations to the next meeting of the Conference of the Parties. The Animals Committee and the Secretariat were further directed to evaluate the marking system as recommended in Resolution Conf. 5.16 (on trade in ranches specimens) and report their findings and recommendations at the ninth meeting of the Conference of the Parties.

With the Resolution the Conference of the Parties expresses its awareness that all living species of crocodilian are listed in Appendix I or II of CITES and its concern that several crocodilian species may be subject to some levels of illegal trade. It recognizes that illegal trade has in the past threatened the survival of certain populations of crocodilians and has undermined the efforts of producer countries to manage their crocodilian resources on a sustainable basis.

The Conference of the Parties further considers that the tagging of all crocodilian skins in international trade would be a fundamental step towards the effective regulation of interna-

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tional trade in crocodilians. It notes, however, that strategies for the secure marking of similar species should take into consideration systems currently in place as well as the requirements of legitimate processing industries and that the system established at the ninth meeting of the Conference of the Parties was found to require improvement.

The Conference of the Parties notes the existence of a register of manufacturers able to produce tags for the marking of crocodilian skins, established and maintained by the Secretariat.

It finally recognizes that any requirement for a marking system that involves the individual identification and documentation of huge numbers of specimens is likely to result in increased errors in documentation.

Resolution Conf. 11.12 recommends:

- a) the maintenance of a universal tagging system for the identification of raw, tanned, and/or finished crocodilian skins by the general application of non-reusable tags to all crocodilian skins entering international trade from the countries of origin;
- b) that crocodilian skins and flanks be individually tagged and that chalecos have attached a tag to each side (flank) before export;
- c) that the non-reusable tags include, as a minimum, the ISO two-letter code for the country of origin; a unique serial identification number; a standard species code (as provided in Annex 1, see below); and, where appropriate, the year of production or harvest in accordance with the provisions of **Resolution Conf. 11.16**); and further, that such tags have as a minimum the following characteristics: a self-locking mechanism, heat resistance, inertia to chemical and mechanical processing, and alphanumeric information applied by permanent stamping;
- d) that the year of production and serial number be separated with a hyphen (-) where the information on tags appears in the sequence: country of origin, year of production, serial number, species code;
- e) that for the labelling of skins derived from crocodilian hybrids, the designation HYB or, where the parentage is known, the two three-letter codes for the parents, separated by the character 'x' (e.g. PORxSIA where the hybrid is a cross between *Crocodylus porosus* and *Crocodylus siamensis*), be used instead of the standard species codes in Annex 1 of this Resolution;
- f) that tails, throats, feet, back strips, and other parts be exported in transparent, sealed containers clearly marked with a non-reusable tag together with a description of the content and total weight, and all the information required for tags for individual skins, flanks and chalecos, as outlined in paragraphs c), d) and e).
- g) that Parties establish, where legally possible, a system of registration or licensing, or both, for producers, tanners, importers and exporters of crocodilian skins;
- h) that all countries permitting re-export of raw, tanned, and/or finished crocodilian skins implement an administrative system for the effective matching of imports and re-exports and, further, ensure that skins and flanks are re-exported with the original tags

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intact unless the pieces originally imported have been further processed and cut into smaller pieces;

- i) that, where the original tags have been lost or removed from raw, tanned, and/or finished skins and flanks, the country of re-export should tag each such skin or flank prior to re-export, with a 're-export tag' meeting all the requirements of paragraph c) above except that the country of origin and standard species codes and years of production and/or harvest will not be required; and further, that the same information as is on these tags be given on the re-export certificate together with details of the original permit under which the skins were imported;
- j) that, where a re-export consignment contains untagged skins that pre-date the entry into effect of Resolution Conf. 9.22 (16 February 1995), the Management Authority record this on the re-export certificate;
- k) that Parties accept export permits, re-export certificates or other Convention documents for trade in crocodylian skins and parts thereof only if they contain the information referred to in paragraphs c), f), i) or j), as appropriate, and if the related skins and parts thereof are tagged in accordance with the provisions of this Resolution;
- l) that Parties, with the advice of the Secretariat if appropriate, implement a management and tracking system for tags used in trade as outlined in Annex 2 to this Resolution; and
- m) that Management Authorities ensure that tags not affixed to skins, flanks and chalcos in the year specified on the tag are destroyed.

Annex 1 to **Resolution Conf. 11.12** contains the

Codes for the identification of crocodylian species

Species	Code
<i>Alligator mississippiensis</i>	MIS
<i>Alligator sinensis</i>	SIN
<i>Caiman crocodilus apaporiensis</i>	APA
<i>Caiman crocodilus chiapasius</i>	CHI
<i>Caiman crocodilus crocodilus</i>	CRO
<i>Caiman crocodilus fuscus</i>	FUS
<i>Caiman latirostris</i>	LAT
<i>Caiman yacare</i>	YAC
<i>Crocodylus acutus</i>	ACU
<i>Crocodylus cataphractus</i>	CAT
<i>Crocodylus intermedius</i>	INT
<i>Crocodylus johnstoni</i>	JOH
<i>Crocodylus moreletti</i>	MOR
<i>Crocodylus niloticus</i>	NIL
<i>Crocodylus novaeguineae mindorensis</i>	MIN
<i>Crocodylus novaeguineae novaeguineae</i>	NOV
<i>Crocodylus palustris</i>	PAL

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<i>Crocodylus porosus</i>	POR
<i>Crocodylus rhombifer</i>	RHO
<i>Crocodylus siamensis</i>	SIA
<i>Gavialis gangeticus</i>	GAV
<i>Melanosuchus niger</i>	NIG
<i>Osteolaemus tetraspis</i>	TET
<i>Paleosuchus palpebrosus</i>	PAP
<i>Paleosuchus trigonatus</i>	TRI
<i>Tomistoma schlegelii</i>	SCH

Annex 2 to Resolution Conf. 11.12 concerns a:

Management and tracking system for tags used in the crocodylian skin trade

1. The CITES Secretariat should establish, maintain, and amend periodically thereafter, a list of approved sources capable of manufacturing tags that meet the minimum requirements as laid down in paragraph c) of this Resolution; and further, the Secretariat should regularly give notice to the Parties of such sources and each Management Authority should obtain tags to mark crocodylian skins only from these approved sources.
2. Any approved tag manufacturer registered by the Secretariat should first agree, in writing, that it will:
 - a) not duplicate any series of tags produced in accordance with this Resolution;
 - b) sell such tags only to Management Authorities or, in non-party States, to designated government agencies recognized by the Secretariat in accordance with **Resolution Conf. 9.5**, or to bodies approved by these agencies; and
 - c) report direct and immediately to the Secretariat each order for tags that is fulfilled.
3. When ordering tags from approved sources, Management Authorities should immediately inform the Secretariat of the details of each tag order.
4. Upon request by a Management Authority, the Secretariat should purchase and distribute tags for crocodylian skins, and should recover the full cost, except if external funding becomes available for Parties requiring assistance.
5. When issuing export permits or re-export certificates for crocodylian skins, or other specimens referred to in this Resolution, Parties should record the numbers of the tags associated with each document and make this information available to the Secretariat on request.
6. The Management Authorities of the exporting, re-exporting and importing Parties should provide to the Secretariat, when directed by the Standing Committee or agreed to between the range State and the CITES Secretariat, a copy of each export permit, re-export certificate, or other Convention document for crocodylian skins or flanks immediately after issuance or receipt as appropriate.

7. Parties that require or intend to require the use of tags for containers should send to the Secretariat at least one sample tag for reference. The Resolution directs the Secretariat to report deficiencies of the system or specific instances of concern to the Animals Committee and the relevant Parties, as appropriate.

Specimens in travelling live animal exhibitions

Resolution Conf. 8.16 recommends in paragraph g) that Parties require that specimens in *travelling live animal exhibitions* be marked or identified in such a way that the authorities of the Party into which an exhibition enters can verify that the pre- Convention certificates or certificates of captive breeding correspond to the specimens.

CITES guidelines for a universal labelling system for the trade in and identification of caviar

Resolution Conf. 11.13 established this system. It was replaced by **Resolution Conf. 12.7** as a result of Decision 11.162, which instructed the Secretariat to:

- a) explore, in collaboration with the Animals Committee and relevant Parties, mechanisms for the effective and secure labelling of caviar that is subject to repackaging and re-export, together with appropriate administrative control procedures, and report its findings and recommendations at the 12th meeting of the Conference of the Parties; and
- b) monitor, in collaboration with the Animals Committee, implementation of the universal labelling system for caviar, and report deficiencies in the system at the 12th meeting of the Conference of the Parties.

Resolution Conf. 12.7 urges Parties to implement without delay the labelling of caviar in accordance with its Annexes 1 and 2.

Decision 12.51 provides that from 1 January 2004, importing countries should not accept shipments of caviar unless they are marked in accordance with the universal labelling system outlined in Annexes 1 and 2 of Resolution Conf. 12.7 on conservation of and trade in sturgeons and paddlefish.

Annex 1 to Resolution Conf. 12.7 reads as follows:

- a) The uniform labelling system applies to all caviar produced for commercial and non-commercial purposes, for either domestic or international trade, and is based on the application of a non-reusable label on each primary container.
- b) The following definitions apply in relation to trade in caviar:
 - Caviar: processed roe of Acipenseriformes species.
 - Lot identification number: a number that corresponds to information related to the caviar tracking system used by the processing or repackaging plant.

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- Non-reusable label: any label or mark that cannot be removed undamaged or transferred to another container.
 - Pressed caviar: caviar composed of the roe of one or more sturgeon or paddlefish species, remaining after the processing and preparation of higher quality caviar.
 - Primary container: tin, jar or other receptacle that is in direct contact with the caviar.
 - Processing plant: facility in the country of origin responsible for the first packaging of caviar into a primary container.
 - Repackaging plant: facility responsible for receiving and repackaging caviar into new primary containers.
 - Secondary container: receptacle into which primary containers are placed.
 - Source code: letter corresponding to the source of the caviar, as defined by the relevant CITES resolutions (e.g. 'W' for wild or 'C' for captive bred).
- c) In the country of origin, the non-reusable label should be affixed by the processing plant to any primary container. This label must include, as a minimum: a standard species code as provided in Annex 2; the source code of the caviar; the ISO two-letter code for the country of origin; the year of harvest; the official registration code of the processing plant (e.g. xxxx); and the lot identification number for the caviar (e.g. yyyy), for instance:
- HUS/W/RU/2000/xxxx/yyyy
- d) When no repackaging takes place, the non-reusable label referred to in paragraph c) above should be maintained on the primary container and be considered sufficient, including for re-export.
- e) A non-reusable label should be affixed by the repackaging plant to any primary container in which caviar is repackaged. This label must include, as a minimum: a standard species code as provided in Annex 2; the source code of the specimen; the ISO two-letter code of the country of origin; the year of repackaging; the official registration code of the repackaging plant, which incorporates the ISO two-letter code of the country of repackaging if different from the country of origin (e.g. IT-wwww); and the lot identification number, or CITES export permit or re-export certificate number (e.g., zzzz), for instance:
- PER/W/IR/2001/IT-wwww/zzzz
- f) When caviar is exported or re-exported, the exact quantity of caviar must be indicated on any secondary container in addition to the description of the content in accordance with international Customs regulations.
- g) The same information that is on the label affixed to the container must be given on the export permit or re-export certificate, or in an annex attached to the CITES permit or certificate.
- h) In the event of inconsistencies between information on a label and a permit or certificate, the Management Authority of the importing Party should contact its counterpart in the exporting or re-exporting Party as soon as possible to establish whether this was a genuine error arising from the complexity of information required by these guidelines. If this is the case, every effort should be made to avoid penalizing those involved in such transactions.

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- i) Each importing, exporting and re-exporting Party should establish, where consistent with national law, a registration system for processing and repackaging plants in its territory and provide to the Secretariat the list of these facilities and their official registration codes. The list should be updated as needed.
- j) Parties should accept shipments of caviar only if they are accompanied by appropriate documents containing the information referred to in paragraph c), d) or e).

Annex 2 to Resolution **Conf. 12.7** contains the codes referred to in paragraphs c) and e) of Annex 1:

Codes for identification of Acipenseriformes species, hybrids and mixed species

Species	Code
<i>Acipenser baerii</i>	BAE
<i>Acipenser baerii baicalensis</i>	BAI
<i>Acipenser brevirostrum</i>	BVI
<i>Acipenser dabryanus</i>	DAB
<i>Acipenser fulvescens</i>	FUL
<i>Acipenser gueldenstaedtii</i>	GUE
<i>Acipenser medirostris</i>	MED
<i>Acipenser mikadoi</i>	MIK
<i>Acipenser naccarii</i>	NAC
<i>Acipenser nudiventris</i>	NUD
<i>Acipenser oxyrhynchus</i>	OXY
<i>Acipenser oxyrhynchus desotoi</i>	DES
<i>Acipenser persicus</i>	PER
<i>Acipenser ruthenus</i>	RUT
<i>Acipenser schrencki</i>	SCH
<i>Acipenser sinensis</i>	SIN
<i>Acipenser stellatus</i>	STE
<i>Acipenser sturio</i>	STU
<i>Acipenser transmontanus</i>	TRA
<i>Huso dauricus</i>	DAU
<i>Huso huso</i>	HUS
<i>Polyodon spathula</i>	SPA
<i>Psephurus gladius</i>	GLA
<i>Pseudoscaphirhynchus fedtschenkoi</i>	FED
<i>Pseudoscaphirhynchus kaufmanni</i>	HER
<i>Pseudoscaphirhynchus hermanni</i>	KAU
<i>Scaphirhynchus platyrhynchus</i>	PLA

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Species	Code
<i>Scaphirhynchus albus</i>	ALB
<i>Scaphirhynchus suttkusi</i>	SUS
Mixed species (for pressed 'caviar exclusively)	MIX
Hybrid specimens: code for the species of the male x code for the species of the female	YYYxXXX

Chapter 13 - Exemptions and other special trade provisions

Article VII provides for exemptions from Articles III, IV and V of the Convention.

Resolution Conf. 2.10 (Rev.) recommends that Parties experiencing significant problems in administering or enforcing the exemptions contained in Article VII take stricter national measures where appropriate to eliminate those problems.

Transit and transshipment

Article VII, paragraph 1, concerns the exemption from Articles III, IV and V for specimens in transit and transshipment:

The provisions of Articles III, IV and V shall not apply to the transit or transshipments of specimens through or in the territory of a Party while the specimens remain in customs control.

In 1983, the Conference of the Parties recognized the potential for abuse of this provision “by the keeping of specimens in the territory of a Party while seeking a buyer in another country”.

In 1989, it noted that the control of transit shipments for valid export documentation was an important way to discover illegal trade in CITES specimens and recognized the need for Parties to take measures to fight illegal trade.

In 1992, the inspection of transit shipments from and/or to non-party States was recommended.

With **Resolution Conf. 9.7**, the Conference of the Parties combines the recommendations of these earlier Resolutions (and made a further recommendation in paragraph f) as follows:

- a) for the purpose of Article VII, paragraph 1, of the Convention, the phrase ‘transit or transshipment of specimens’ be interpreted to refer only to specimens that remain in Customs control and are in the process of shipment to a named consignee when any interruption in the movement arises only from the arrangements necessitated by this form of traffic (ex Resolution Conf. 4.10);
- b) the Parties inspect, to the extent possible under their national legislation, specimens in transit or being transhipped, to verify the presence of valid export documentation as re-

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quired under the Convention or to obtain satisfactory proof of its existence (ex Resolution Conf. 7.4);

- c) such valid export documentation clearly show the ultimate destination of the shipment (ex Resolution Conf. 4.10);
- d) any change of ultimate destination be investigated by the country of transit or transshipment to verify that the transaction complies with the purposes of the Convention (ex Resolution Conf. 4.10);
- e) Parties adopt legislation allowing them to seize and confiscate specimens in transit or being transhipped without valid export documentation or proof of the existence thereof (ex Resolution Conf. 7.4);
- f) when an illegal shipment in transit is discovered by a Party that can not seize it, the Party provide to the country of final destination and to the Secretariat all relevant information on the shipment as soon as possible and, if applicable, to other countries through which the shipment will pass in transit;
- g) the above recommendations be applied also to specimens in transit or being transhipped that are destined for or coming from States not party to the Convention, including specimens in transit between such States (ex Resolution Conf. 8.8); and

Note: The latter recommendation is, in view of the absence of CITES documents for trade between two non-Parties, not very realistic.

Paragraph c) of **Resolution Conf. 9.5** on trade with States not party to the Convention, recommends exactly the same, in a slightly different wording, namely that its recommendations also apply to specimens in transit destined for or coming from States not party to the Convention, including specimens in transit between such States. In paragraph d) it recommends that particular attention be given to the inspection of specimens in transit exported or re-exported from, and/or destined for States not party to the Convention and to the inspection of documentation for such specimens.

Resolution Conf. 10.2 recommends that a Management Authority of an importing country, or of a country of transit or transshipment, not accept export or re-export documents that were issued retrospectively. The Resolution allows exceptions for specimens of Appendix-II and -III species.

- h) Parties note that the Convention does not make special provision for airport lounges (including duty-free shops), free ports or non-Customs zones, because each Party is deemed to have sovereignty over the whole of its territory, and to apply the Convention accordingly (ex Resolution Conf. 4.10).

Pre-Convention specimens

Paragraph 2 of Article VII addresses the issue of specimens that were acquired before the Convention applied to them:

Where a Management Authority of the State of export or re-export is satisfied that a specimen was acquired before the provisions of the present Convention applied to that specimen, the provisions of Articles III, IV and V shall not apply to that specimen where the Management Authority issues a certificate to that effect.

The reason for the inclusion of this exemption in the Convention was to avoid problems related to retroactive legislation, e.g.:

- 1) CITES enters into force in country A in July 1975. A specimen of an Appendix-I species was legally acquired in 1972. Country A cannot be expected to prohibit the owner to export the specimen concerned because he could not have been aware of CITES at the time of acquisition.
- 2) An importer in country B legally imports an Appendix-I specimen. Country B is not a Party to CITES. He wants to re-export the specimen but meanwhile CITES entered into force in country B. Again, country B cannot be expected to prohibit that re-exportation.

Many Parties, however, took stricter national measures to avoid the consequences of the pre-Convention exemption for importing countries. They would have to accept imports of pre-Convention stocks from other countries without the conditions of Article III to V being met. Some Parties decided to only recognize pre-Convention certificates where the date of acquisition was prior to the entry into force of the Convention as such. Others applied the date of entry into force of CITES in their own country. As a result it is difficult to establish which Parties apply which criteria and dates, and holding an Article VII(2) certificate is by no means a guarantee for the possibility to export or re-export specimens to another Party.

In 1983, the Conference of the Parties adopted **Resolution Conf. 4.11** in an attempt to define the term 'pre-Convention specimen'. It, however, only addressed part of the difficulties of the issue and created new problems.

Resolution Conf. 5.11 revoked **Resolution Conf. 4.11**. The Conference of the Parties recognized the crucial role of importing Parties in implementing Article VII.2 and the authority of importing Parties to apply stricter domestic measures under Article XIV.1 to specimens covered by pre-Convention certificates. Its recommendations are as follows:

- a) that for the purposes of Article VII.2 of the Convention, the date on which a specimen is acquired be:
 - i) for live and dead animals or plants taken from the wild: the date of their initial removal from their habitat; or
 - ii) for parts and derivatives: the date of their introduction to personal possession, whichever date is the earliest;

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- b) the certificate referred to in Article VII, paragraph 2, only be issued by a Management Authority of an exporting country where it is satisfied that at the date on which a specimen was acquired:
- the species involved was not listed in one of the Convention Appendices; or
 - its country was not a Party to the Convention; or
 - the specimen concerned was subject to a reservation entered by its country with regard to the species involved;

Note: At the ninth meeting of the Conference of the Parties, it was decided (**Decision 9.6**) that the Parties should not issue permits (*sic*) for pre-Convention stocks, except for export to countries having become Parties to the Convention after the date of entry into force of the Convention in the issuing country or for export to states not party to the Convention.

This decision makes no sense for species listed after both the exporting country and importing country became Parties to the Convention and should have used the same wording as recommendation d) below. It is further unclear why the decision is limited to exporting countries and not directed to re-exporting countries as well.

- c) that the certificate referred to in Article VII.2 of the Convention only be issued by a Management Authority of a re-exporting country where it is satisfied that at the date on which the specimen was acquired:
- the species involved was not listed in one of the Convention Appendices; or
 - the country of origin was not a Party to the Convention; or the specimen concerned was subject to a reservation entered by the country of origin with regard to the species involved;
- in addition to the second and third considerations, its own country:
- was not a Party to the Convention; or
 - was treated as a State not a Party to the Convention with respect to trade in the species concerned under Article XXIII.3 of the Convention;
- d) that a Management Authority of an importing country only recognize a pre-Convention certificate issued by another Party state if the date of acquisition of the specimen is anterior to the date at which the Convention entered into force in the country of import for the specimen concerned;
- e) that Parties which issue a pre-Convention certificate either indicate on this certificate the precise date of acquisition of the specimen concerned or certify that this specimen was acquired before a specific date;
- f) that a specimen be not qualified for the Article VII.2 exemption if neither of the dates referred to in e) can be determined;
- g) that Parties do not accept pre-Convention certificates which have not been issued in compliance with this Resolution; and

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- h) that in the case of a species uplisted, i.e. from Appendix III to II or I, or from Appendix II to I, or downlisted from Appendix I to II or III, specimens concerned shall be subject to the provisions applicable to them at the time of export, re-export or import.

Note: The approach in h) deviates from the originally proposed text and is inconsistent with the basic idea behind the exemption of Article VII.2 in so far as it recommends to treat specimens acquired as Appendix II or III specimens as Appendix-I specimens after the uplisting of the species involved.

The Conference of the Parties nevertheless decided to follow this approach, which was thought to be in the interest of conservation.

On the other hand, however, specimens acquired during the Appendix-I listing of a species, i.e. at a time it was considered endangered, can be traded after its transfer to Appendix II.

The Resolution calls on Parties to take any necessary measures in order to prevent the undue acquisition of specimens of a species between the date at which the Conference of the Parties approves the inclusion of that species in Appendix I and the date at which the inclusion takes effect.

In 1989, in view of the transfer of the African elephant from Appendix II to Appendix I, it was recommended that all Parties implement stricter domestic controls on trade in African elephant ivory under the Appendix-I listing with immediate effect, in anticipation of the formal entry into force of the amendment (Resolution Conf. 7.8).

Resolution Conf. 8.16 recommends in its paragraph c) that for *travelling live animal exhibitions*, in order to avoid any problem concerning the implementation of **Resolution Conf. 5.11**, pre-Convention certificates be issued only for specimens that have been acquired before 1 July 1975 or before the date of inclusion of the species concerned in any of the Appendices to the Convention.

Personal effects and household goods

Article VII.3:

The provisions of Articles III, IV and V shall not apply to specimens that are personal or household effects.

This exemption shall not apply where:

(a) in the case of specimens of a species included in Appendix I, they were acquired by the owner outside his State of usual residence, and are being imported into that State; or

(b) in the case of specimens of species included in Appendix II:

- (i) they were acquired by the owner outside his State of usual residence and in a State where removal from the wild occurred,***
- (ii) they are being imported into the owner's State of usual residence, and***
- (iii) the State where removal from the wild occurred requires the prior grant of export permits before any export of such specimens, unless a Management Authority is satisfied that the specimens were acquired before the provisions of the present Convention applied to such specimens.***

The regulation of the movement of personal effects and household goods is one of the most complicated to effectively implement and enforce, not least as a result of the way in which the text of the Convention addresses the issue.

For Appendix-I specimens the situation is relatively clear:

- Article III does not apply to personal or household effects which somebody has acquired in his own country and with which he travels to other countries, and
- Article III does apply in case somebody travels abroad, buys an Appendix-I specimen and imports it into his own country. He needs an export permit or re-export certificate when leaving the country of origin or re-export and an import permit when entering his own country. If he travels through other countries on his way home, Article III does not apply.

For Appendix-II specimens the situation is much more complicated:

The use of 'acquired ... in a State where removal from the wild occurred' in paragraph (b)(i) implies that the exemption applies to Appendix-II specimens acquired in another country than the country of origin. Paragraph (b)(iii), however, could be taken to make it necessary to find out whether that country of origin requires the prior grant of export permits before any export of such specimens.

The following interpretation of paragraph (b)(iii) is the most logical, causes the least complications, makes the exemption better enforceable and is therefore probably the only correct interpretation:

- 'the State where removal from the wild occurred' is the same as 'a State where removal from the wild occurred' in paragraph (b)(i).
- 'any export of such specimens' refers to the export of specimens that are personal or household effects.

The result of this interpretation is that:

- Article IV does not apply to personal or household effects, which somebody has acquired in a foreign country, which is not the country of origin of the species concerned.

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- Article IV does not apply to personal or household effects which somebody has acquired in a foreign country which is the country of origin of the species concerned but not a Party to the Convention, or a Party which has entered a reservation with regard to the species involved, or which does not require permits for the export of Appendix II personal and household effects.
- Article IV does not apply to personal or household effects that somebody has acquired in his own country and with which he travels to other countries.
- Article IV does apply in case somebody travels abroad, buys an Appendix-II specimen in a country which is the country of origin and a Party to CITES requiring a permit for the export of personal and household effects and imports it into his own country. He needs an export permit when leaving the country of origin and when entering his own country. If he travels through other countries on his way home, Article IV does not apply.

With regard to Appendix-I and -II specimens, paragraph 3 further exempts personal or household effects from the provisions of Articles III and IV where a Management Authority is satisfied that the specimens were acquired before the Convention applied to such specimens. This provision exempts the owner from the need to present the pre-Convention certificate referred to in Article VII.2 where the Management Authority is satisfied otherwise. This will of course require some kind of documentary or other evidence.

Only for Appendix-III specimens the position is perfectly clear. The provisions of Article V do not apply to specimens that are personal or household effects.

Resolution Conf. 10.6, on the control of trade in tourist souvenir specimens, recognizes that parts, products and derivatives of species listed on Appendices I and II continue to be widely sold as tourist souvenir specimens and that specimens of Appendix-I species continue, in some countries, to be offered for sale at gift shops at international airports and other places (including duty-free areas) catering largely to international travellers. It recognizes that the sale of specimens of Appendix-I species in places of international departure may encourage, either intentionally or unintentionally, the illegal export of such items, and that such export is an issue of concern with respect to the conservation of such species. The Resolution recognizes further that international airports, seaports and border crossings provide an excellent opportunity for educational displays informing travellers about the requirements of the Convention, and that sales of tourist souvenir specimens in such places may seriously detract from that educational message.

The Resolution acknowledges that sale of tourist souvenir specimens of Appendix-I species can in some cases form a substantial part of a trade which could threaten the survival of such species and that there is still widespread public ignorance of the purpose and requirements of the Convention and of domestic legislation relating to trade in endangered species.

It also recognizes that export permits are frequently not required by exporting countries.

The Resolution recalls paragraph h) of Resolution Conf. 9.7, which recommends that Parties note that the Convention does not make special provision for airport lounges (including duty-free shops), free ports or non-Customs zones.

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It urges that:

- a) all Parties comply fully with the requirements of Article III of the Convention with respect to tourist souvenir specimens of Appendix-I species (ex Resolution Conf. 4.12 (Rev.));
- b) Parties take all necessary steps to prohibit the sale of tourist souvenir specimens of Appendix-I species in places of international departure, such as international airports, seaports and border crossings and particularly in duty-free areas beyond Customs control points;
- c) such steps include inspection and provision of information to merchants;
- d) all Parties make their best efforts to comply fully with the purpose of the Convention with respect to tourist souvenir specimens of Appendix-II species and in particular control export and import of specimens of those species which are likely to be adversely affected by heavy trade (ex Resolution Conf. 4.12 (Rev.)); and

Note: Paragraph c) of Resolution Conf. 4.12 recommended that Parties which regulate the export or import of Appendix-II souvenir specimens communicate to the Parties through the Secretariat which species are so regulated. This system proved not to work. Many Parties did not communicate their regulations in question but nevertheless controlled trade in Appendix II tourist souvenirs. Therefore, the Conference of the Parties decided to try the opposite.

Resolution Conf. 6.8 urged Parties that did not regulate or did not regulate completely export or import of Appendix II tourist souvenir specimens to inform the Parties through the Secretariat by 31 December 1987, and thereafter communicate to the Parties any new or amended regulations as soon as possible.

This apparently did not work either. The Secretariat received very few reactions from the Parties. In 1994, recommendation c) of Resolution Conf. 4.12 and Resolution Conf. 6.8 were repealed with document Com 9.14.

- e) importing countries experiencing problems with imports of tourist souvenir specimens notify the relevant exporting countries and the CITES Secretariat accordingly (ex Resolution Conf. 4.12 (Rev.));

The Resolution recommends that:

- a) all Parties provide information through displays and by other means, in all relevant languages, in places of international departure and arrival, informing travellers about the purpose and requirements of the Convention, and of their responsibilities with respect to international and domestic laws relating to the export and import of wildlife specimens;
- b) Parties, in collaboration with national and international tourist agencies, carriers and other relevant bodies, take all possible steps to ensure that tourists travelling abroad are made aware of the import and export controls that are or may be in force (ex Resolution Conf. 4.12 (Rev.));

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- c) a person in possession of tourist souvenir specimens of Appendix-II species covered by an export permit be afforded the exemption for personal effects given by Article VII when entering States other than the State of usual residence or when leaving States other than the State of export (ex Resolution Conf. 4.12 (Rev.)); and

Note: As countries of origin have the freedom not to require an export permit for personal effects and because re-exported personal effects are exempted from Article IV, it is inappropriate to restrict the free passage of tourist specimens through countries of transit to those covered by an export permit. Under Article VII.3 such countries are not obliged to control personal and household effects at all.

- d) the term “tourist souvenir specimen” apply only to personal and household effects acquired outside the owner’s State of usual residence and not be applied to live specimens (ex Resolution Conf. 4.12 (Rev.));

Note: Resolution Conf. 6.16 on trade in worked ivory from African elephants recognized that worked ivory qualifying as personal or household effects was exempt from the requirements of Article IV and acknowledged the need for a practical and reasonable approach to control of trade in worked ivory that would not impede legitimate trade, not burden government authorities with non-essential documentation, and would minimize inconvenience to travellers.

It recommended therefore:

- a) ...
- b) that all trade in worked ivory from African elephants that does not qualify for exemption under Article VII of the Convention continue to be subject to the provisions of Article IV;
- c) that Parties note the exemption provided for by Article VII, paragraph 3, in regulating ex-port/re-export and import of personal or household effects, and under this exemption require presentation of an export permit upon import into the owner’s state of usual residence from a state where removal from the wild occurred which requires an export permit, but need not require presentation of a certificate with respect to a re-export;
- d) that in applying the provisions of Article VII, paragraph 3, a practical approach be taken in determining what quantity of items qualifies for the exemption.

The last paragraph of the Resolution directed the Secretariat to notify the Parties when it has been informed that a Party intends to regulate the export or import of worked ivory as personal or household effects.

NB This Resolution was repealed with **Resolution Conf. 9.16**, in which the recommendations under b) to d) above were not included.

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The Standing Committee is directed to consider ways of assisting any Party which informs the Committee of difficulties in the application of this Resolution (ex Resolution Conf. 4.12 (Rev.)).

The Resolution repeals Resolution Conf. 4.12 (Rev.).

A draft Resolution submitted to the sixth meeting of the Conference of the Parties proposed a comprehensive, realistic and pragmatic approach of the issue of personal effects (including tourist souvenirs) and household goods. This proposal was not adopted, but the Conference recognized with **Resolution Conf. 6.8** that the implementation of Article VII.3 has, particularly with regard to Appendix-II specimens, given rise to serious enforcement difficulties and that the current enforcement of the Convention with regard to personal and household effects is far from effective. It requested the Standing Committee to further examine the matter of tourist souvenir specimens and to provide recommendations to the seventh meeting of the Conference of the Parties.

In view of the failure of previous attempts to improve the situation, the Standing Committee abandoned the subject. A proper regulation of trade in personal effects, household goods and tourist souvenirs would only be possible by amending Article VII.3 of the Convention.

At the ninth meeting of the Conference of the Parties, Parties were urged, with **Decision 9.15**, to remind their diplomatic missions, their delegates on mission in foreign countries and their troops serving under the flag of the United Nations that they are not exempted from the provisions of the Convention.

The 12th meeting of the Conference of the Parties adopted a further Resolution on the issue: **Resolution Conf. 12.9**, which in a number of places duplicates recommendations contained in other Resolutions (i.e. 9.7, 10.6, 11.11 and 12.7)

It recalls – as do Resolutions **Conf. 9.7** and **Conf.10.6** - that the Convention does not make special provision for airport lounges (including duty-free shops), free ports or non-Customs zones, because each Party is deemed to have sovereignty over the whole of its territory, and to apply the Convention accordingly.

It notes that Resolution Conf. 10.6 addresses trade in tourist souvenirs in isolation from personal or household effects despite the clear relationship between the two concepts and recognizes that Parties currently implement Article VII, paragraph 3, and Resolution Conf. 10.6 in varying ways and that there should be uniform application of the exemption for personal or household effects.

The Conference of the Parties decides that the term ‘personal or household effects’ contained in Article VII, paragraph 3, means specimens that are:

- a) personally owned or possessed for non-commercial purposes;
- b) legally-acquired; and
- c) at the time of import, export or re-export either:
 - i) worn or carried or included in personal baggage; or
 - ii) part of a household move;

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recommends that Parties:

- a) regulate the cross-border movements of legally acquired, personally owned live animals of species listed in the Appendices of CITES in accordance with Resolution Conf. 10.20;
- b) not require export or import permits, or re-export certificates, for personal or household effects for the following dead specimens, parts and derivatives of Appendix-II species except where the quantity exceeds the specified limits:
 - i) caviar of sturgeon species (*Acipenseriformes* spp.) – up to a maximum of 250 grams per person;

Note: This is also dealt with in **Resolution Conf. 12.7.**

- ii) rain sticks of *Cactaceae* spp. – up to three per person;

Note: This is also dealt with in **Resolution Conf. 11.11.**

- iii) specimens of crocodylian species – up to four specimens per person; and
- iv) queen conch (*Strombus gigas*) shells – up to three specimens per person;
- c) advise their Customs administrations of the treatment of personal or household effects under CITES;
- d) take all necessary steps, including inspection and provision of information to merchants, to prohibit the sale of tourist souvenir specimens of Appendix-I species in places of international departure, such as international airports, seaports and border crossings and particularly in duty-free areas beyond Customs control points;
- e) provide information through displays and by other means, in all relevant languages, in places of international departure and arrival, informing travellers about the purpose and requirements of the Convention, and of their responsibilities with respect to international and domestic laws relating to the export and import of wildlife specimens; and

Note: This is also recommended in **Resolution Conf. 10.6.**

- f) in collaboration with national and international tourist agencies, carriers, hotels and other relevant bodies, take all possible steps to ensure that tourists and persons with diplomatic privileges traveling abroad are made aware of the import and export controls that are or may be in force with respect to items derived from CITES species;

Note: This is also recommended in **Resolution Conf. 10.6.**

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The Secretariat is requested to develop a process for consideration of specimens of personal and household effects of Appendix-II species which may be exempted from permitting according to Article VII, paragraph 3.

Parties are encouraged to harmonize their national legislation with regard to this Resolution.

Frequent transborder movements of personally owned live animals

The frequent transborder movement of falconers with one or more birds in particular leads to the issue of useless series of CITES documents. This may even distort the picture of the “trade” in birds of prey in annual reports.

Resolution Conf. 10.20 provides the Parties with a solution. It recalls that Article VII, paragraph 3, of the Convention provides that, other than in certain circumstances, the provisions of Articles III, IV and V shall not apply to specimens that are personal or household effects. It recognizes that, because the Convention does not define the term “personal or household effects”, in Article VII, paragraph 3, this term may be interpreted by the Parties in different ways. It notes that **Resolution Conf. 8.13 (Rev.)** recognizes the use of coded microchip implants for marking live animals of Appendix-I species in trade, without excluding the use of other appropriate methods. Apart from falconry, the Resolution refers to a variety of legitimate purposes, including but not limited to companion or competition animals, and animals moved as household effects. It notes that the repeated granting of permits and certificates under Articles III, IV, V or VII of the Convention for live animals that undergo frequent movement across international borders poses problems of a technical and administrative nature, and that such movement needs to be monitored closely to prevent illegal activities. The Resolution states that exemptions provided by the Convention should not be used to avoid the necessary measures for the control of international trade in live animals of species listed in the appendices and recognizes that Article XIV, paragraph 1(a), allows Parties to adopt stricter domestic measures.

The Resolution recommends that:

- a) the term “personal or household effects” in Article VII, paragraph 3, for the purpose of the application of this Resolution, include personally owned live animals that are based and registered in the owner’s State of usual residence;
- b) any Party may issue a certificate of ownership to the personal owner of a legally acquired live animal who wishes to travel to other States with the animal as a personal or household effect, only after agreement between the Parties concerned and if the usual residence of the owner is in the territory of such Party and the animal is registered with the Management Authority of that Party;
- c) a Management Authority not issue a certificate of ownership for a live animal of a species listed in the Appendices that is a personal or household effect unless it is satisfied that the live animal is legally possessed by the applicant and that the animal has not been acquired in contravention of the provisions of the Convention;

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- d) the Management Authority require the applicant for a certificate of ownership to provide his name and address and pertinent data regarding the live animal, including the species, sex and mark number or other means of identification;
- e) the certificate issued in accordance with paragraph b) above include in box 5, or in another box if the standard form referred to in **Resolution Conf. 12.3** is not used, the following language: "The specimen covered by this certificate, which permits multiple transborder movements, is owned for personal non-commercial use and may not be transported for commercial purposes. If the certificate holder is no longer in the possession of the live animal, the certificate must be immediately returned to the issuing Management Authority."
- f) when a live animal that is the subject of a certificate of ownership issued pursuant to this Resolution is no longer in the possession of the owner (escape, death, sale, theft, etc.), the original certificate of ownership be immediately returned to the issuing Management Authority;
- g) a certificate of ownership issued for a live animal as a personal or household effect be valid for a maximum period of three years to allow multiple imports, exports and re-exports of the animal;
- h) the Parties concerned treat each certificate of ownership as a type of passport that allows the movement of a live animal accompanied by its owner across their borders upon presentation of the original certificate to the appropriate border control officer who:
 - i) inspects the original and validates it with an ink stamp, signature and date to show the history of movement from State to State; and
 - ii) does not collect the original at the border, but allows it to remain with the specimen;
- i) the Parties concerned inspect such a live animal to ensure that it is transported and cared for in a manner that minimizes the risk of injury, damage to health or cruel treatment;
- j) the Parties concerned require that any live animal that is a personal or house hold effect be securely marked or otherwise appropriately identified and that this mark be included on the certificate of ownership so that the authorities of the State into which the live animal enters can verify that the certificate corresponds to the live animal in question;
- k) when, during a stay in another State, a live animal travelling under a certificate of ownership produces progeny, the holder of the certificate comply with the requirements of Articles III, IV or V to export such progeny from the State where it was produced and to import it into the holder's State of usual residence. For progeny produced from an animal travelling under a certificate of ownership, a certificate of ownership may be issued after it has been moved to the State of usual residence of the owner of the parent;
- l) when, during a stay in another State, a certificate of ownership for a live animal is lost, stolen or accidentally destroyed, only the Management Authority that issued the document may issue a duplicate. This duplicate will bear the same number if possible and

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the same date of validity as the original document and a new date of issuance, and contain the following statement: "This certificate is a true copy of the original";

- m) in accordance with paragraph e) above, the owner not sell or otherwise transfer a live animal that is a personal or household effect when travelling outside of his State of usual residence; and
- n) Parties maintain records of the number of certificates of ownership issued under this Resolution and if possible include the certificate numbers and the scientific names of the species concerned in their annual reports.

Scientists and scientific institutions

Paragraph 6 of Article VII provides for an exemption from Articles III to V for the non-commercial trade between scientists and scientific institutions in certain specimens:

The provisions of Articles III, IV and V shall not apply to the non-commercial loan, donation or exchange between scientists or scientific institutions registered by a Management Authority of their State, of herbarium specimens, other preserved, dried or embedded museum specimens, and live plant material which carry a label issued or approved by a Management Authority.

This provision is currently the subject of **Resolution Conf. 11.15 (Rev. CoP12)**, which consolidates the earlier recommendations contained in Resolutions Conf. 1.4 and Conf. 2.14.

The Resolution encourages Parties (since the 12th meeting of the Conference of the Parties) to register their scientific institutions to facilitate scientific exchange of specimens needed to conduct taxonomic and species-conservation research and urges them to contact scientists and scientific institutions in the territory under their jurisdiction to facilitate greater understanding of the scientific exchange provisions of Article VII, paragraph 6, on the non-commercial loan, donation or exchange of scientific specimens;

It considers that museum needs for research specimens can have an adverse impact on small populations of rare animals and plants (ex Resolution Conf. 1.4) and recommends that:

- a) Parties take every opportunity within the scope of the Convention to encourage scientific research on wild fauna and flora that may be of use in conserving species that are threatened with extinction or that may become so (ex Resolution Conf. 2.14);
- b) in order to reduce the potential impact of research, the Parties encourage their natural history museums and herbaria to inventory their holdings of rare and endangered species and make that information widely available to the Parties and the research community. These inventories will allow researchers to efficiently borrow specimens for study (ex Resolution Conf. 1.4);
- c) addenda should be added to the inventories as specimens become available. Scientific and Management Authorities of the Parties can use the information in determining

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whether further collecting of some rare species may be justifiable, or whether the need already can be met by borrowing specimens from other museums (ex Resolution Conf. 1.4); and

- d) Parties urge their museums and herbaria to undertake such inventories and make such information available (ex Resolution Conf. 1.4); and

Note: Resolution Conf. 1.5 recommended that further study should be undertaken to investigate methods for facilitating the exchange of preserved animal specimens of registered scientific institutions.

Recommendation Conf. S.S. 1.2 of the 1977 Special Working Session clarified in paragraph I.2 that the exemption of Article VII.6 only applied to specimens of animals and plants which already were part of a collection and not to specimens which had been taken from the wild in one State for a collection in another State, to which Articles III, IV or V applied.

- e) Parties implement the exemption for scientific exchange in Article VII, paragraph 6, of the Convention as follows (ex Resolution Conf. 2.14):

- i) registration of scientific institutions should be done in a manner that extends the exemption to all scientific institutions meeting certain standards in each Party as determined to be *bona fide* upon the advice of a Scientific Authority;

Note: **Decision 12.79** instructs the Secretariat to develop a brochure that will illustrate the importance of registering scientific institutions under Article VII, paragraph 6, of the Convention and demonstrate how the registration procedures can be applied in a simplified manner.

- ii) each Management Authority should communicate to the Secretariat as soon as practicable the names and addresses of those scientific institutions so registered, and the Secretariat without delay then communicate this information to all other Parties;

- iii) the requirement that the container used to transport the specimens carry a label issued or approved by a Management Authority should be met by authorizing the use of Customs Declaration labels, provided they bear the acronym CITES, identification of contents as herbarium specimens, preserved, dried or embedded museum specimens or live plant material for scientific study, the name and address of the sending institution and the codes of the exporting and importing institutions over the signature of a responsible officer of that registered scientific institution; or a label issued by a Management Authority containing the same information and the users of which would be responsible to that body;

- iv) to prevent abuse of this exemption, it should be limited to shipments of legally obtained specimens between registered scientific institutions, and if trade is to or from a non-Party, the Secretariat shall ensure that the institution in this State meets the

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same standards for registration, as indicated by competent authorities of the non-party governments;

- v) the exemption should be applied to include frozen museum specimens, duplicate herbarium specimens, and all other types of scientific specimens named in Article VII, paragraph 6, including those that are legally collected in one State for shipment to another State as non-commercial loans, donations, or exchanges;
- vi) the standards for registration of scientific institutions should be as follows:
 - A. collections of animal or plant specimens, and records ancillary to them, permanently housed and professionally curated;
 - B. specimens accessible to all qualified users, including those from other institutions;
 - C. all accessories properly recorded in a permanent catalogue;
 - D. permanent records maintained for loans and transfers to other institutions;
 - E. specimens acquired primarily for purposes of research that is to be reported in scientific publications;
 - F. specimens prepared and collections arranged in a manner that ensures their utility;
 - G. accurate data maintained on specimen labels, permanent catalogues and other records;
 - H. acquisitions and possession of specimens accord with the laws of the State in which the scientific institution is located; and
 - I. all specimens of species included on Appendix I permanently and centrally housed under the direct control of the scientific institution, and managed in a manner to preclude the use of such specimens for decoration, trophies or other purposes incompatible with the principles of the Convention;
- vii) scientists who keep private collections should be encouraged to affiliate with registered scientific institutions in order that they may take advantage of the exemption provided in Article VII, paragraph 6;
- viii) all States should take precautions to avoid damage or loss to science of museum and herbarium specimens or of any accompanying data;
- ix) this exemption should be implemented to ensure that non-commercial exchange of scientific specimens is not interrupted and that it occurs in a way consistent with the terms of the Convention; and
- x) a five character coding system for identifying registered institutions should be adopted; the first two characters should be the two-letter country code, established by the International Organization for Standardization, as provided in the CITES Directory; the last

three characters should be a unique number assigned to each institution by a Management Authority, in the case of a Party or by the Secretariat, in the case of a non-Party.

Travelling exhibitions

Article VII, paragraph 7, provides for the possibility to waive the requirements of Articles III to V for certain specimens in travelling zoos and the like:

A management authority of any State may waive the requirements of Articles III, IV and V and allow the movement without permits or certificates of specimens which form part of a travelling zoo, circus, menagerie, plant exhibition or other travelling exhibition provided that:

- (a) the exporter or importer registers full details of such specimens with that Management Authority;***
- (b) the specimens are in either of the categories specified in paragraph 2 or 5 of this Article; and***
- (c) the Management Authority is satisfied that any living specimen will be so transported and cared for as to minimize the risk of injury, damage to health or cruel treatment.***

Paragraph (b) limits the exemption to pre-Convention specimens and specimens that were bred in captivity or artificially propagated. Paragraph (b) refers only to VII.5 and not to VII.4, which in the light of the adopted interpretation of the two paragraphs concerned implies that the exemption does not apply to animals and plants of Appendix-I species bred in captivity or artificially propagated for commercial purposes.

This could, however, also be an indication that the authors of the Convention intended Article VII.5 to mean that a certificate was to be accepted in lieu of *any* of the permits or certificates required under Article III, IV or V, including for commercially captive-bred Appendix-I specimens! That is not the interpretation applied since 1979 (**Resolution Conf. 2.12 (Rev.)**) and confirmed in **Resolution Conf. 10.16 (Rev.)**. As **Resolution Conf. 8.16** below does not limit itself to captive bred specimens under Article VII.5, it is at odds with the standing interpretation of the Conference of the Parties of Article VII, paragraphs 4 and 5 of the Convention. See **Chapter 14**.

In **Resolution Conf. 8.16**, the Conference of the Parties notes that the application of the measures of Article VII.7 poses problems of a technical nature and is a source of fraud. It expresses the desire that exemptions provided by the Convention not be used to avoid the necessary measures for the control of international trade in specimens listed in the Appendices to the Convention.

With regard to travelling live animal exhibitions, it therefore recommends that:

- a) each Party issue to any exhibition based in its state and wishing to travel to other states, a pre-Convention certificate or a certificate of captive breeding, as appropriate,

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for each animal travelling to another state. The certificate should include in box 5, or in another box if the standard permit form is not used, the following language: "The specimen covered by this certificate belongs to a travelling animal exhibition. If the specimen leaves the possession of the exhibition, this certificate must be immediately returned to the issuing Management Authority;

- b) pre-Convention and certificates of captive breeding issued for exhibitions be valid for a maximum period of three years to allow multiple imports, exports and re-exports of the individual specimens in these exhibitions;
- c) in order to avoid any problem concerning the implementation of Resolution Conf. 5.11, pre-Convention certificates for exhibitions be issued only for specimens that have been acquired before 1 July 1975 or before the date of inclusion of the species concerned in any of the Appendices to the Convention;
- d) Parties consider such pre-Convention certificates or certificates of captive breeding as proof that the specimens concerned have been registered with the issuing Management Authority and allow the movement of such specimens across their borders;
- e) Parties not collect the above mentioned certificates at their borders but allow the documents to remain with the specimens and be considered valid for export or re-export from each Party;

Note: This is the system the Convention envisages for these certificates in general. A problem is of course that this removes the basis for reporting this trade.

- f) Parties check exhibitions closely, for export, re-export and for import, and note especially whether live specimens are transported and cared for in a manner that minimizes the risk of injury, damage to health or cruel treatment;

Note: See Chapter 10.

- g) Parties require that specimens be marked or identified in such a way so that the authorities of the Party into which an exhibition enters can verify that the pre-Convention certificates or the certificates of captive breeding correspond to the specimens;
- h) when, during a stay in a state, an animal in possession of an exhibition gives birth, the Management Authority of that state be notified and issue a Convention certificate as appropriate. In the case of an addition of specimens to an exhibition, the Management Authority of the Party in which the addition takes place should issue the appropriate document for each new specimen to be used in the exhibition. When an animal is no longer in the possession of an exhibition (death, sale, theft, etc.), the original certificate should be immediately returned to the issuing Management Authority;
- i) when, during a stay in a state, a pre-Convention or certificate of captive breeding for a specimen is lost, stolen or accidentally destroyed; only the Management Authority which has issued the document may issue a duplicate. This duplicate will bear the

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same number, if possible, and the same date of validity as the original document, and contain the following statement: "This certificate is a true copy of the original"; and

- j) the Parties include in their annual reports lists of all pre-Convention certificates and certificates of captive breeding issued for specimens in exhibitions.

With **Decision 9.23**, the Conference of the Parties directed the Secretariat to explore with the World Customs Organization ways to require on ATA Carnets the inclusion of numbers of any CITES permits and certificates covering live animals of species included in the CITES Appendices that are a part of travelling exhibitions.

This apparently did not work as **Resolution Conf. 10.5** does not mention this idea at all. It merely recognizes that Articles III, IV and V of the Convention lay out the need for permits and certificates for shipments of specimens of species included in Appendices I, II and III. It further states that shipments not covered by the exemptions specified in Article VII of the Convention and travelling on an ATA or TIR carnet still require appropriate CITES documentation. It mentions that many shipments of specimens of CITES species travelling on an ATA or TIR carnet without appropriate CITES documentation have been refused entry into either the importing country or the country of (re-)export upon return.

The Resolution recommends that all Parties ensure that their Management Authorities issue the appropriate documents for shipments travelling on ATA and TIR carnets and urges all Parties to communicate with their Customs and other CITES enforcement officials to ensure that all CITES shipments travelling on these carnets comply with the applicable provisions of CITES.

The 12th meeting of the Conference of the Parties revived the issue and adopted **Decision 12.77**, which directs the Standing Committee to, in consultation with other relevant conventions and organizations, namely the World Customs Organization, ATA and TIR, examine the procedures and conditions for a CITES certificate becoming an annex to an ATA or TIR carnet, on the basis of document CoP12 Doc. 52.2 presented at the 12th meeting of the Conference of the Parties.

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Article VII, paragraphs 4 and 5, contain special provisions for the trade in captive bred animals and artificially propagated plants.

4. Specimens of an animal species included in Appendix I bred in captivity for commercial purposes, or of a plant species included in Appendix I artificially propagated for commercial purposes shall be deemed to be specimens of species included in Appendix II.

5. Where a Management Authority of the State of export is satisfied that any specimen of an animal species was bred in captivity or any specimen of a plant species was artificially propagated or is a part of such an animal or plant or was derived there from, a certificate by the Management Authority to that effect shall be accepted in lieu of any of the permits or certificates required under the provisions of Article III, IV or V.

Resolution Conf. 9.24 (Rev. CoP12) resolves in paragraph f) that 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 no probability of trade taking place in specimens of wild origin.

Article VII, paragraph 4, must be applied separately from Article VII, paragraph 5

Article VII.4 deals with specimens of Appendix-I species bred in captivity (animals) and artificially propagated (plants) 'for commercial purposes' and provides that these shall be deemed to be specimens of Appendix-II species.

Article VII.5 provides that a certificate that an animal was bred in captivity or that a plant was propagated artificially, replaces the export, re-export and import documents normally required under Articles III, IV and V.

The combination of these provisions leads to the conclusion that Appendix I specimens bred in captivity or artificially propagated for commercial purposes shall be treated as Appendix-II specimens, and therefore require an export permit or re-export certificate under Article IV, which documents are, however, replaced by the certificate referred to in Article VII.5.

That can of course not have been the intention of the authors of the Convention. What was intended is the following:

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- *Appendix I animals bred in captivity for commercial purposes and Appendix I plants artificially propagated for commercial purposes shall be treated as Appendix-II specimens and therefore require an export permit or re-export certificate, which can be issued when the conditions of Article IV.2 and 5 have been met.*

The difference with Appendix I treatment thus is that no import permit is required, that the housing of live specimens is not subject to conditions and that the specimens can be imported for primarily commercial purposes.

- *The provisions of Article VII.5 concern Appendix I animals and plants bred in captivity/artificially propagated for non-commercial purposes and Appendix II and III animals and plants bred in captivity/artificially propagated for either commercial or non-commercial purposes. A certificate replaces import and export permits and re-export certificates.*

None of the conditions of Article III or IV apply.

This view was supported by recommendation a) of Resolution Conf. 2.12 (Rev.), which stated that the provisions of Article VII.4 should be applied separately from those of Article VII.5. Specimens of animal species in Appendix I, bred in captivity for commercial purposes, or plant species in Appendix I, artificially propagated for commercial purposes, shall be treated as if they were in Appendix II, and shall not be exempted from the provisions of Article IV by the granting of certificates to the effect that they were bred in captivity or artificially propagated.

Interesting in this context, however, is the wording of Article VII(7)(b).

Resolution Conf. 2.12 was adopted in 1979 and revised in 1994 at which time the Secretariat was further directed with Decision 22 to prepare, in consultation with the Animals Committee, a draft Resolution that will resolve problems regarding the exemptions under Article VII, paragraphs 4 and 5. It needed amongst other things to resolve different interpretations by Parties of the criteria in Resolution Conf. 2.12 (Rev.) to determine whether a captive-breeding operation is “managed in a manner which has been demonstrated to be capable of reliably producing second-generation offspring in a controlled environment”.

In 1997, Resolution Conf. 2.12 (Rev.) was replaced by **Resolution Conf. 10.16**, which was in its turn revised at the 11th meeting of the Conference of the Parties in 2000.

Resolution Conf. 10.16 (Rev.) notes that:

- in accordance with Article VII, paragraph 4, specimens of Appendix-I species bred in captivity **for commercial purposes** shall be deemed to be specimens of species included in Appendix II and that therefore they should be traded in accordance with the provisions of Article IV, and

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Note: **Resolution Conf. 12.10** determines that commercial purposes include economic benefit, including profit, whether in cash or kind, where the purpose is directed toward sale, exchange or provision of a service, or any other form of economic use or benefit.

- in accordance with Article VII, paragraph 5, the import of specimens of Appendix-I species bred in captivity **not for commercial purposes** that are covered by a certificate of captive breeding does not require the issuance of an import permit and may therefore be authorized whether or not the purpose is commercial.

Note: You have now seen Article VII, paragraphs 4 and 5 explained in three different ways. There is, however, no different result and I still prefer my explanation in italics on the previous page.

Resolution Conf. 10.16 (Rev.) expresses the concern of the Conference of the Parties that, in spite of the adoption of several Resolutions at various meetings of the Conference of the Parties, much trade in specimens declared as bred in captivity remains contrary to the Convention and to Resolutions of the Conference of the Parties, and may be detrimental to the survival of wild populations of the species concerned.

The Resolution therefore makes another attempt to improve the definitions and criteria.

Terminology related to captive breeding

- “first-generation offspring (F1)” are specimens produced in a controlled environment from parents at least one of which was conceived in or taken from the wild;
- “offspring of second generation (F2) or subsequent generation (F3, F4, etc.)” are specimens produced in a controlled environment from parents that were also produced in a controlled environment;
- the “breeding stock” of an operation means the ensemble of the animals in the operation that are used for reproduction; and
- “a controlled environment” is an environment that is manipulated for the purpose of producing animals of a particular species, that has boundaries designed to prevent animals, eggs or gametes of the species from entering or leaving the controlled environment, and the general characteristics of which may include but are not limited to: artificial housing; waste removal; health care; protection from predators; and artificially supplied food;

“Bred in captivity”

- the definition provided below shall apply to the specimens bred in captivity of species included in Appendix I, II or III, whether or not they were bred for commercial purposes; and

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- b) the term “bred in captivity” shall be interpreted to refer only to specimens, as defined in Article I, paragraph (b), of the Convention, born or otherwise produced in a controlled environment, and shall apply only if:
- i) the parents mated or gametes were otherwise transferred in a controlled environment, if reproduction is sexual, or the parents were in a controlled environment when development of the offspring began, if reproduction is asexual; and

Note: This part of the definition should avoid that wild taken eggs and young animals, reared in captivity, are considered as captive-bred. The adoption of this definition in 1979 obviously caused difficulties for ranching operations involving Appendix-I species. Their products could no longer be internationally traded for primarily commercial purposes until a special solution was found. A working group considered the problem and reported to the third meeting of the Conference of the Parties (see Chapter 26).

- ii) the breeding stock, to the satisfaction of the competent government authorities of the exporting country:
 - A) was established in accordance with the provisions of CITES and relevant national laws and in a manner not detrimental to the survival of the species in the wild;
 - B) is maintained without the introduction of specimens from the wild, except for the occasional addition of animals, eggs or gametes, in accordance with the provisions of CITES and relevant national laws and in a manner not detrimental to the survival of the species in the wild as advised by the Scientific Authority:
 1. to prevent or alleviate deleterious inbreeding, with the magnitude of such addition determined by the need for new genetic material; or
 2. to dispose of confiscated animals in accordance with Resolution Conf. 10.7; or
 3. exceptionally, for use as breeding stock; and

Note: **Resolution Conf. 5.10** addresses the import of Appendix-I specimens for captive-breeding programmes and restricts the possibility to import such specimens to non-commercial operations!

- C) 1. has produced offspring of second generation (F2) or subsequent generation (F3, F4, etc.) in a controlled environment; or

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Note: Resolution Conf. 10.16 contained a paragraph 2.a) as follows: is of a species included in a list of species commonly bred in captivity to second or subsequent generation, that is established and amended by the Standing Committee, on the basis of proposals submitted by the Animals Committee after consultation with range States and experts in captive breeding and in the species in question.

An attempt to draw up such a list of species commonly bred in captivity to second or subsequent generation was made after the 10th meeting of the Conference of the Parties and abandoned at the 11th meeting.

2. is managed in a manner that has been demonstrated to be capable of reliably producing second-generation offspring in a controlled environment;

Note: Paragraph 2 is the requirement that has been in place since 1979. It does not imply that a breeding operation has to actually produce second generation offspring itself. Its first generation offspring will still be considered captive-bred if the operation is found to be capable of reliably producing second-generation offspring. This is the case when the stock is managed in the same way as a comparable stock that reliably produces second-generation offspring elsewhere. An operation thus managed can therefore export first-generation offspring before actually producing second-generation offspring, which makes it financially more feasible to start a commercial captive-breeding operation.

It should be noted that **Resolution Conf. 10.3**, paragraph m), recommends the review by the appropriate Scientific Authority of all applications submitted for consideration under Article VII, paragraph 4 or 5, and that it advise its Management Authority as to whether the facility concerned meets the criteria for producing specimens considered to be bred in captivity or artificially propagated in accordance with the Convention and relevant Resolutions.

Resolution Conf. 10.16 (Rev.) finally recommends regarding the trade in specimens of Appendix-I species bred in captivity, that that trade be permitted only if they are marked in accordance with the provisions on marking in the Resolutions adopted by the Conference of the Parties and if the type and number of the mark are indicated on the document authorizing the trade.

An old Resolution to mention in this context is **Resolution Conf. 1.6 (Rev.)**, which recognizes that many species of animals which are popular in the pet trade are becoming rare or even endangered due both to over-exploitation and diminishing habitats and that mortality in trade and captivity is high. It urges exporting countries to endeavour to restrict gradually the collection of wild animals for the pet trade and all Parties to encourage the breeding of animals for this purpose, with the objective of eventually limiting the keeping of pets to those species, which can be bred in captivity.

Although the recommendation is still valid, its relevance for conservation today is doubtful and so is its appropriateness with regard to *in situ* conservation, ownership of resources, etc.

Registration of operations that breed Appendix-I animal species for commercial purposes

Introduction

The registration of captive-breeding operations involving Appendix-I species started in 1985 (**Resolution Conf. 4.15**). It then concerned all captive-breeding operations for commercial purposes, with the exception of those, including private persons, which occasionally bred specimens (zoos, hobbyists, etc.) and were therefore entitled to the exemption of Article VII .5.

In 1987, the registration of *commercial* captive-breeding operations involving Appendix-I species became a condition for the authorization of trade (**Resolution Conf. 6.21**). Species to be added to the register operations now needed approval by the Conference of the Parties. Operations breeding species already included could be registered by the Management Authority simply informing the Secretariat.

In 1989, criteria for approval by the Parties of the first commercial captive-breeding operation of Appendix-I species were adopted (**Resolution Conf. 7.10**) that made it almost impossible for an operation to become registered. This was recognized in 1992, when all previous Resolutions on the subject were repealed with **Resolution Conf. 8.15**.

At the 10th meeting of the Conference of the Parties, it was decided with **Decision 10.77** that the Animals Committee should:

- a) examine the effectiveness of and the need for the existing registration system for operations breeding specimens of Appendix-I species in captivity for commercial purposes;
- b) provide advice at the 11th meeting of the Conference of the Parties on the need for any changes; and
- c) consider the proposed definition of “bred in captivity for commercial purposes” in document Doc. 10.67.

This resulted in **Resolution Conf. 11.14**, which was supposed to replace **Resolution Conf. 8.15** as soon as the Standing Committee had adopted its Annex 3. Annex 3 was to be prepared by the Animals Committee and was to contain species that are critically endangered in the wild and/or known to be difficult to keep or breed in captivity. Commercial operations breeding species not in the list would not have to be registered and this would have been quite a reduction of red tape. No such list could be agreed, however, and both Resolutions were replaced by **Resolution Conf. 12.10**.

The Resolution recalls that **Resolution Conf. 10.16 (Rev.)** establishes the definition of ‘bred in captivity’ and provides the basis for determining whether or not an operation is eligible to be considered for registration.

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It determines that:

- a) the term 'bred in captivity for commercial purposes', as used in Article VII, paragraph 4, of the Convention, shall be interpreted as referring to any specimen of an animal bred to obtain economic benefit, including profit, whether in cash or kind, where the purpose is directed toward sale, exchange or provision of a service or any other form of economic use or benefit; whereas
- b) for Appendix-I species, Article VII, paragraph 5, of the Convention shall be interpreted as referring to a specimen of an animal bred for non-commercial purposes where each donation, exchange or loan is not for profit and is conducted between two operations involved in a cooperative conservation programme that provides for the participation and/or support of one or more range States for the species concerned.

With **Resolution Conf. 12.10** it is agreed that the exemption of Article VII, paragraph 4, should be implemented through the registration by the Secretariat of operations that breed specimens of Appendix-I species for commercial purposes.

Rather than limited to a list of species as proposed with Resolution Conf. 11.14, a procedure was agreed to register a captive-breeding operation for each Appendix-I listed animal species bred for commercial purposes;

It was also agreed that determination of whether or not to apply the exemptions in Article VII, paragraph 4, for the export of specimens of Appendix-I animals bred in captivity for commercial purposes remains the responsibility of the Management Authority of the exporting Party on the advice of the Scientific Authority that each operation complies with the provisions of Resolution Conf. 10.16 (Rev.).

With **Decision 12.78**, the Animals Committee shall study and evaluate the process for registering operations that breed Appendix-I animal species for commercial purposes and report at the 13th meeting of the Conference of the Parties. It shall:

- a) describe and analyze the specific problems that limit the wider use of the registration procedure;
- b) provide recommendations to resolve those problems; and
- c) study and evaluate how commercial captive breeding of Appendix-I species and the process for registration of breeding operations contributes to conservation of Appendix-I species.

The registration procedure is as follows:

- a) an operation may only be registered according to the procedure in this Resolution, if specimens produced by that operation qualify as 'bred in captivity' according to the provisions of Resolution Conf. 10.16 (Rev.);
- b) the first and major responsibility for approving captive-breeding operations under Article VII, paragraph 4, shall rest with the Management Authority of each Party, in consultation with the Scientific Authority of that Party;

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- c) the Management Authority shall provide the Secretariat with appropriate information to obtain, and to maintain, the registration of each captive-breeding operation as set out in Annex 1;
- d) the Secretariat shall notify all Parties of each application for registration following the procedure set out in Annex 2;
- e) Parties shall strictly implement the provisions of Article IV of the Convention with respect to specimens of species included in Appendix I originating from operations that breed such specimens in captivity for commercial purposes;
- f) registered captive-breeding operations shall ensure that an appropriate and secure marking system is used to clearly identify all breeding stock and specimens in trade, and shall undertake to adopt superior marking and identification methods as these become available;
- g) the Management Authority, in collaboration with the Scientific Authority, shall monitor the management of each registered captive-breeding operation under its jurisdiction and advise the Secretariat in the event of any major change in the nature of the operation or in the type(s) of products being produced for export, in which case the Animals Committee shall review the operation to determine whether it should remain registered;
- h) any Party within whose jurisdiction an operation is registered may unilaterally request the removal of that operation from the Register without reference to other Parties by so notifying the Secretariat, and, in this case, the operation shall be removed immediately;
- i) any Party believing that a registered operation does not comply with the provisions of Resolution Conf. 10.16 (Rev.) may, after consultation with the Secretariat and the Party concerned, propose that the Conference of the Parties delete the operation from the Register by a two-thirds vote of the Parties as described in Article XV of the Convention; and, once deleted, such an operation may only be reinstated in the Register by satisfying the procedure outlined in Annex 2; and
- j) the Management Authority shall satisfy itself that the captive-breeding operation will make a continuing meaningful contribution according to the conservation needs of the species concerned.

Parties are urged to, prior to the establishment of captive-breeding operations for exotic species, undertake an assessment of the ecological risks, in order to safeguard against any negative effects on local ecosystems and native species.

The Conference of the Parties further agrees that:

- a) Parties shall restrict imports for primarily commercial purposes, as defined in Resolution Conf. 5.10, of captive-bred specimens of Appendix-I species listed in Annex 3 of this Resolution to those produced by operations included in the Secretariat's Register and shall reject any document granted under Article VII, paragraph 4, of the Convention, if the specimens concerned do not originate from such an operation and if the document does not describe the specific identifying mark applied to each specimen; and

- b) comparable documentation granted in accordance with the Convention by States that are not Parties to the Convention shall not be accepted by Parties without prior consultation with the Secretariat.

Annex 1

Information to be provided to the Secretariat by the Management Authority on operations to be registered

1. Name and address of the owner and manager of the captive-breeding operation.
2. Date of establishment.
3. Species bred (Appendix I only).
4. Details of the number and age (if known or appropriate) of males and females that comprise the parental breeding stock.
 - Evidence of legal acquisition of each male and female, including receipts, CITES documents, capture permits, etc.
5. Operations located within range States must produce evidence that the parental stock was obtained in accordance with the relevant national laws (e.g. capture permits, receipts, etc.), or, if imported, in accordance with the provisions of the Convention (e.g. receipts, CITES documents, etc.).
6. Operations located in non-range States must produce evidence that the animals comprising the parental stock:
 - a) are pre-Convention specimens (e.g. relevant dated receipts or other acceptable proof of lawful acquisition);
 - b) have been derived from pre-Convention specimens (e.g. relevant dated receipts or other acceptable proof of lawful acquisition); or
 - c) were acquired from the range State(s) in accordance with the provisions of the Convention (e.g. receipts, CITES documents, etc.).
7. Current stock (numbers, by sex and age, of progeny held in addition to parental breeding stock above).
8. Information on the percentage mortalities and, where possible, on the percentage mortalities in the different age groups and between males and females.
9. Documentation showing that the species has been bred to second-generation offspring (F2) at the facility and a description of the method used.
10. If the operation has only bred the species to the first generation, documentation showing that the husbandry methods used are the same as, or similar to, those that have resulted in second-generation offspring elsewhere.
11. Past, current and expected annual production of offspring and, where possible, information on:
 - a) the number of females producing offspring each year; and

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- b) unusual fluctuations in the annual production of offspring (including an explanation of the probable cause).
12. An assessment of the anticipated need for, and source of, additional specimens to augment the breeding stock to increase the genetic pool of the captive population in order to avoid any deleterious inbreeding.
13. Type of product exported (e.g. live specimens, skins, hides, and/or other body parts).
14. Detailed description of the marking methods (e.g. bands, tags, transponders, branding, etc.) used for the breeding stock and offspring and for the types of specimens (e.g. skins, meat, live animals, etc.) that will be exported.
15. Description of the inspection and monitoring procedures to be used by the CITES Management Authority to confirm the identity of the breeding stock and offspring and to detect the presence of unauthorized specimens held at or incorporated within the operation or provided for export.
16. Description of the facilities to house the current and expected captive stock, including security measures to prevent escapes and/or thefts. Detailed information should be provided on the number and size of breeding and rearing enclosures, egg incubation capacity, food production or supply, availability of veterinary services and record-keeping.
17. Description of the strategies used by the breeding operation, or other activities, that contribute to improving the conservation status of wild population(s) of the species.
18. Assurance that the operation shall be carried out at all stages in a humane (non-cruel) manner.

Annex 2

Procedure to be followed by the Secretariat before registering new operations

1. For all applications:
 - a) review each application for registration to verify that it meets the requirements of Annex 1; and
 - b) notify all Parties of each application for registration and provide full information (specified in Annex 1) on the operation to any Party that requests it.
2. Any Party wishing to do so must comment on the registration of an operation within a period of 90 days from the date of notification by the Secretariat.
3. If any Party objects to the registration, or expresses concern about the application, the Secretariat shall refer the documentation to the Animals Committee, which shall respond to these objections within 60 days. Then, the Secretariat shall facilitate a dialogue between the Management Authority of the Party submitting the application and the Party or Parties objecting to the registration, and shall provide the recommendations of the Animals Committee, and allow a further 60 days for resolution of the identified problem(s).
4. If the objection is not withdrawn or the identified problem(s) not resolved, the application shall be postponed until it is decided by a two-thirds majority vote at the following meeting of the Conference of the Parties, or by postal procedures equivalent to those set forth in Article XV.

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5. For applications involving species already on the Secretariat's Register, refer such applications to experts for advice on their suitability only in cases where there are significant new aspects or other reasons for concern.
6. When satisfied that an application meets all requirements in Annex 1, publish the name and other particulars of the operation in its Register.
7. When an operation is not accepted for registration, provide the relevant Management Authority with a full explanation of the reasons for rejection and indicate the specific conditions that must be met before it can be resubmitted for further consideration.

Relationship between the origin of founder breeding stock, commercial breeding and *in situ* conservation

Resolution Conf. 8.15 instructed the Animals Committee to examine the complex issues related to the origin of founder breeding stock and the relationship between registered breeding operations and conservation programmes for the species within the countries of origin and report on its findings and recommendations at the next (ninth) meeting of the Conference of the Parties.

In the report of the Animals Committee to the ninth meeting of the Conference of the Parties the issue is called extremely difficult and problematical. Certain principles, such as those concerning resource ownership, property rights and access to benefits derived from *ex situ* commercial captive breeding form part of the debate and were considered to go beyond the scope of CITES. It was recommended that these issues are better dealt with in the framework of the Convention on Biological Diversity, in close collaboration with the CITES Secretariat.

Note: Currently, the situation is that, unless a prior bilateral arrangement is made between a range State and the breeding operation, control over a resource ends at the time of export.

Decision 11.102 (Rev. CoP12) follows up by again instructing the Animals Committee to examine the complex issues related to the origin of founder breeding stock and the relationship between *ex situ* breeding operations and *in situ* conservation of the species and, in collaboration with the Plants Committee, the American Zoo and Aquarium Association, the European Association of Zoos and Aquaria and the World Association of Zoos and Aquariums, identify possible strategies and other mechanisms by which registered *ex situ* breeding operations may contribute to enhancing the recovery and/or conservation of the species within the countries of origin, and report its findings at the 13th meeting of the Conference of the Parties.

Definition of artificially propagated (see also Chapter 29)

Resolution Conf. 2.12 recommended in paragraph c) that the term 'artificially propagated' be interpreted to refer only to plants grown by man from seeds, cuttings, callus tissues, spores or other propagules under controlled conditions. The artificially propagated stock must be:

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- i) established and maintained in a manner not detrimental to the survival of the species in the wild, and
- ii) managed in a manner designed to maintain the artificially propagated stock indefinitely.

Controlled conditions for plants is under an environment that is intensively manipulated by man for the purpose of producing selected species. General characteristics of controlled conditions may include but are not limited to tillage, fertilization, weed control, irrigation, or nursery operations such as potting, bedding, or protection from weather.

The eighth meeting of the Conference of the Parties realized that the text of the Convention and several Resolutions on plants may not or could not have been drafted in the light of modern developments in plant propagation and of the trade in artificially propagated plants. It recognized that there are unique aspects of the plant trade and plant biology such as flaked orchid seedlings that are not considered analogous to those for animals, and that a different approach for plants is sometimes necessary.

Resolution Conf. 8.17 repealed the above recommendation of Resolution Conf. 2.12.

Resolution Conf. 11.11, as Resolution Conf. 9.18(Rev.) before it, consolidates earlier recommendations on the regulation of trade in plants and determines, in similar wording as Resolution Conf. 8.17, *regarding the definition of 'artificially propagated'* that:

- a) the term 'artificially propagated' shall be interpreted to refer only to live plants grown from seeds, cuttings, divisions, callus tissues or other plant tissues, spores or other propagules under controlled conditions; and that 'under controlled conditions' means in a non-natural environment that is intensively manipulated by human intervention for the purpose of producing selected species or hybrids. General characteristics of controlled conditions may include but are not limited to tillage, fertilization, weed control, irrigation, or nursery operations such as potting, bedding, or protection from weather;

<p>Note: There is an important difference between the conditions relating to captive-bred animals and artificially propagated live plants. For the latter there is no 'second generation offspring' requirement as - under paragraph a) above - live plants can be grown from seeds, cuttings etc. collected in the wild and are then considered artificially propagated.</p>
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- b) the cultivated parental stock used for artificial propagation must be to the satisfaction of the competent government authorities of the exporting country:
 - i) established in accordance with the provisions of CITES and relevant national laws and in a manner not detrimental to the survival of the species in the wild; and
 - ii) managed in such a way that long-term maintenance of this cultivated stock is guaranteed;
- c) seeds shall be regarded as artificially propagated only if they are taken from specimens acquired in accordance with the provisions of paragraph b) above and grown under controlled conditions, or from parental stock artificially propagated in accordance with paragraph a) above;

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- d) all other parts and derivatives shall be regarded as being artificially propagated only if they are taken from specimens that have been artificially propagated in accordance with the provisions of paragraph a) above; and
- e) grafted plants shall be recognized as artificially propagated only when both the root-stock and the graft have been artificially propagated.

Resolution Conf. 10.13 recommends with regard to the definition of 'artificially propagated' in relation to timber that:

- g) timber taken from trees grown in monospecific plantations be considered as being artificially propagated in accordance with the definition contained in Resolution Conf. 11.11.

Guidelines for the registration of nurseries exporting artificially propagated specimens of Appendix-I species

These guidelines are contained in **Resolution Conf. 9.19**, but the first initiative for plant nursery registration was taken in 1985.

With Resolution Conf. 5.15, on the licensing traders in artificially propagated plants, the Conference of the Parties intended to improve and simplify the regulation of trade in artificially propagated plants. It observed that certain Parties that export large quantities of artificially propagated plants needed to find ways of (a) reducing paperwork while maintaining protection for wild plants, and (b) helping exporters of artificially propagated plants to understand and to comply with the requirements of the Convention. It recommended:

- a) that Parties consider, where appropriate to their circumstances, registering individual traders of artificially propagated Appendix-I, -II or -III plants; adequate steps shall be taken to ensure that such traders do not also trade in wild collected plants; such steps can include inspection of nursery premises whenever possible, together with inspection of trade catalogues, advertisements and other relevant literature; and
- b) that authorized traders may be issued a license for a specified length of time to export any quantity of specified Appendix II or Appendix III artificially propagated plants, provided that a certified copy of the license and a schedule recording quantities and other details of the plants accompany each consignment; this would be an alternative to the system of phytosanitary certificates recommended in Resolution Conf. 4.16.

Parties adopting this system were requested to inform the Secretariat accordingly and to provide copies of the documents, stamps, seals, etc. used, for notification to the Parties.

No Party, however, ever informed the Secretariat that it had implemented a registration system.

At the eighth meeting of the Conference of the Parties, in 1992, a draft resolution regarding nursery registration was discussed by Committee I. It was decided that the Plants Committee and the Secretariat would seek advice from the Parties, trader organizations

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and plant specialist groups, to develop a set of criteria for nursery registration, which would be evaluated and approved by the Plants Committee by the end of 1992, submitted to the Standing Committee for approval and circulated to the Parties for adoption at the ninth meeting of the Conference of the Parties.

This resulted in **Resolution Conf. 9.19**, which recognizes that Article VII, paragraph 4, of the Convention provides that specimens of Appendix-I species artificially propagated for commercial purposes shall be deemed to be specimens of species included in Appendix II and that the artificial propagation of plants is essentially different from captive breeding of animals, in particular with regard to the number of specimens produced, as well as, in most cases, with regard to the time span between generations, and therefore requires a different approach. It also recognizes the rights that each Party holds over its own natural phylogenetic resources and that the transfer of germplasm is regulated under the Global System for the Conservation and Utilization of Plant Genetic Resources (FAO).

The Resolution further recognizes that the artificial reproduction of specimens of species included in Appendix I could form an economic alternative to traditional agriculture in countries of origin, and could also increase conservation interest in the areas of natural distribution and that the artificial propagation of specimens of species included in Appendix I, by making specimens readily available to all those interested, has a positive effect on the conservation status of the wild populations because it reduces the collecting pressure.

It recalls that a number of Resolutions have been adopted to facilitate the trade in artificially propagated specimens of species included in Appendix II and in hybrids of species included in Appendix I and observes that such facilitation may also be necessary to ensure that the artificial propagation of species included in Appendix I will continue or be initiated.

Resolution Conf. 9.19 recognizes that nurseries, which are not registered, may still continue exporting artificially propagated specimens of Appendix-I species using the standard procedures for obtaining export permits. Unlike the registration of captive-breeding operations concerning Appendix-I species, the proposed nursery registration is not a condition for being allowed to trade.

Resolution Conf. 9.19 resolves that:

- a) the responsibility for the registration of nurseries that, for export purposes, artificially propagate specimens of Appendix-I plant species shall rest with the Management Authority of each Party, in consultation with the Scientific Authority of that Party;
- b) any Management Authority that wishes to register any commercial nursery artificially propagating specimens of species included in Appendix I for export purposes shall provide to the Secretariat, for inclusion in its Register, all appropriate information to obtain and maintain the registration of each such nursery;
- c) artificially propagated specimens of Appendix-I species produced in registered nurseries may only be exported when:
 - i) they are packed and labelled in such a way that they are clearly separated from artificially propagated or wild-collected Appendix-II and/or Appendix-III plants in the same consignment; and

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- ii) the CITES export permit clearly states the registration number attributed by the Secretariat and the name of the nursery of origin if it is not the exporter; and
- d) notwithstanding the right of each Party to remove a nursery within its jurisdiction from the Register, any Party that becomes aware of, and can demonstrate, a failure of a registered exporting nursery to comply satisfactorily with the requirements for registration may propose to the Secretariat that this nursery be deleted from the Register, but the Secretariat will only make the deletion after consultation with the Management Authority of the Party in which the nursery is located; and

The Resolution directs the Secretariat to review any application for registration, and to compile and update a Register of Commercial Nurseries that, for export purposes, artificially propagate specimens of plant species included in Appendix I, on the basis of information received from the Parties, and to communicate this Register to the Parties.

In **Annex 1 to Resolution Conf. 9.19** the Conference of the Parties resolves concerning:

The role of the commercial nursery

that the owner/manager of any commercial nursery seeking inclusion in the Secretariat's Register shall be responsible for providing to the Management Authority of the country in which it is located the following information:

1. name and address of the owner, manager or technical director of the nursery;
2. date of establishment;
3. description of the facilities and the propagation techniques;
4. description of the historical background of the nursery, in particular information on which species or plant groups have been propagated in the past;
5. taxa currently in propagation (Appendix I only);
6. description of the Appendix-I parental stock of wild origin, including quantities and evidence of legal acquisition; and
7. quantities of specimens expected to be exported in the near future.

Annex 2 to Resolution Conf. 9.19 concerns:

The role of the Management Authority

and resolves that each Management Authority shall perform the following functions:

- a) notify to the Secretariat to register a nursery artificially propagating and exporting specimens of Appendix-I species and provide the following:
 - i) information about the scientific names (and full synonymy) of the taxa concerned;
 - ii) a description of the facilities and propagation techniques of the nursery, as provided by the nursery in accordance with Annex 1;
 - iii) a description of the inspection procedures used by the Management Authority to confirm the identity and the legal origin of the parental stock; and

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- iv) evidence of the legal origin of any other specimens of Appendix-I species of wild origin present in the nursery concerned, or adequate assurance that such specimens are controlled under existing national legislation;
- b) ensure that the number of specimens of wild origin in a registered nursery designated as parental stock of species in Appendix I is not depleted by the disposal of specimens other than through natural causes, unless the Management Authority consents, on the request of the registered nursery, to the transfer of the parental stock (or of part thereof) to another registered exporting nursery;
- c) ensure that the registered exporting nurseries are reviewed on a regular basis by a specialist from the Management or Scientific Authority or other qualified entity appointed by the Management Authority, to certify the size of the parental stock of wild origin and that the nursery holds no other specimens of wild origin of Appendix-I species, and communicate the results of these reviews to the Secretariat;
- d) design a simple procedure for the issuance of export permits to each registered nursery, in accordance with Article VII, paragraph 4, of the Convention, and with **Resolution Conf. 9.3** (now **Conf. 12.3**). Such a procedure could involve the pre-issuance of CITES export permits on which: i) in box 12b, the registration number of the nursery is included; and ii) in box 5, at least the following information is included:

PERMIT VALID ONLY FOR ARTIFICIALLY PROPAGATED PLANTS AS DEFINED BY CITES RESOLUTION CONF. 11.11.

VALID ONLY FOR THE FOLLOWING TAXA:

Annex 3 of Resolution Conf. 9.19 concerning:

The role of the Secretariat

resolves that the Secretariat shall perform the following functions:

- a) receive from Management Authorities and review applications for registration of nurseries that artificially propagate specimens of Appendix-I plant species for export;
- b) when satisfied that a nursery meets all requirements, publish the name, the registration number and other particulars in its Register within 30 days after receipt of the report;
- c) when not satisfied that a nursery meets all the requirements, provide the relevant Management Authority with a full explanation and indicate the specific conditions that must be met;
- d) receive and review reports on registered nurseries, provided by the Parties, and present summary conclusions to the Plants Committee;
- e) delete the name of a nursery from its Register when requested to do so, in writing, by the responsible Management Authority; and

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- f) receive and review information from Parties or other sources regarding failure of a registered nursery to comply satisfactorily with the requirements for registration and, after consultation with the Management Authority of the Party in which the nursery is located, delete the operation from the Register if appropriate.

Chapter 15 - Enforcement measures

Article VIII concerns measures to be taken by the Parties to enforce the provisions of the Convention:

1. The Parties shall take appropriate measures to enforce the provisions of the present Convention and to prohibit trade in specimens in violation thereof.

The fact that the implementation of this obligation leaves to be desired will become apparent from the following series of Resolutions on the subject.

Compliance and enforcement

This important issue is the subject of **Resolution Conf. 11.3**, which consolidates earlier Resolutions Conf. 2.6 (paragraph b) and the paragraph under 'requests', Resolutions Conf. 3.9, Conf. 6.3, Conf. 6.4, Conf. 7.5 and Conf. 9.8.

Guidelines on Compliance

The 12th meeting of the Conference of the Parties instructed the Secretariat with **Decision 12.84** to, on the basis of document CoP12 Doc. 26 and related discussions during the 12th meeting of the Conference of the Parties, draft a set of Guidelines on Compliance with the Convention for consideration by the Standing Committee at its 49th meeting.

The Oceania region

Decision 12.94 provides that the Secretariat shall seek funding to convene a capacity-building workshop for the Oceania region before the 13th meeting of the Conference of the Parties in order to improve implementation of the Convention in the region and to encourage non-Parties to accede to the Convention. Subject to available funds, the Secretariat shall invite the Parties of the Oceania region, Party observers, non-party States, and regional intergovernmental and non-government organizations as may be appropriate.

Small Island Developing States (SIDS)

Decision 12.95 instructs the Secretariat to, in collaboration with Fiji, develop a capacity-building initiative to improve the implementation of the Convention in Fiji. This initiative shall seek to integrate existing initiatives carried out through the Secretariat to improve leg-

isolation and the scientific basis for non-detriment findings and, in collaboration with Parties of the Oceania region, importing Parties, and intergovernmental and non-governmental organizations, provide direct assistance to Fiji to improve the administrative, legal and scientific basis for CITES implementation in Fiji. The Secretariat shall assist in obtaining funds from interested Parties, intergovernmental and non-governmental organizations, exporters, importers and other stakeholders, to support this initiative.

Compliance, control and cooperation

On this issue, **Resolution Conf. 11.3** urges:

all Parties to strengthen, as soon as possible, the controls on trade in wildlife in the territories under their jurisdiction, and in particular controls on shipments from producing countries, including neighbouring countries, and to strictly verify the documents originating from such countries with the respective Management Authorities (partly ex Resolution Conf. 6.3).

The Resolution recommends that:

- a) all Parties:
 - i) ensure strict compliance and control in respect of all mechanisms and provisions of the Convention relating to the regulation of trade in animal and plant species listed in Appendix II, and of all provisions ensuring protection against illegal traffic for the species listed in the Appendices;
 - ii) in case of violation of the above-mentioned provisions, immediately take appropriate measures pursuant to Article VIII, paragraph 1, of the Convention in order to penalize such violation and to take appropriate remedial action; and
 - iii) inform each other of all circumstances and facts likely to be relevant as regards illegal traffic and also of control measures, with the aim of eradicating such traffic;
- b) importing Parties in particular: not accept under any circumstances or pretext, export or re-export documents issued by any authority, irrespective of its hierarchical level, other than the Management Authority officially designated as competent by the exporting or re-exporting Party and duly notified to the Secretariat; and
- c) if an importing country has reason to believe that an Appendix-II or -III species is traded in contravention of the laws of any country involved in the transaction, it:
 - i) immediately inform the country whose laws were thought to have been violated and, to the extent possible, provide that country with copies of all documentation relating to the transaction; and
 - ii) where possible, apply stricter domestic measures to that transaction as provided for in Article XIV of the Convention.

With regard to:

Names used for part and derivatives on permits and certificates

Resolution Conf. 11.3 recommends that:

- a) When issuing permits and certificates, Parties use a standardized nomenclature for the names of parts and derivatives, established by the Secretariat; and
- b) the Secretariat establish a draft nomenclature and submit it to the Parties, who will have 60 days in which to present their observations; that the Secretariat then establish the definitive nomenclature; and that the same procedure be applied to modify the nomenclature.

Regarding:

Application of Article XIII

the Resolution recommends that:

- a) when, in application of Article XIII, the Secretariat requests information on an alleged infraction, Parties reply within a time-limit of one month or, if this is impossible, acknowledge within the month and indicate a date, even an approximate one, by which they consider it will be possible to provide the information requested;
- b) when, within a one year time-limit, the information requested has not been provided, Parties provide the Secretariat with justification of the reasons for which they have not been able to respond;
- c) if major problems with implementation of the Convention in particular Parties are brought to the attention of the Secretariat, the Secretariat work together with the Party concerned to try to solve the problem and offer advice or technical assistance as required;
- d) if it does not appear a solution can be readily achieved, the Secretariat bring the matter to the attention of the Standing Committee, which may pursue the matter in direct contact with the Party concerned with a view to helping to find a solution; and
- e) the Secretariat keep the Parties informed as fully as possible, through Notifications, of such implementation problems and of actions taken to solve them, and include such problems in its report of alleged infractions.

<p>Note: Decision 9.31 also requires that separate reports on infractions shall be submitted to the Conference of the Parties for consideration at each regular meeting.</p>
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Regarding:

Enforcement activities of the Secretariat

the Resolution urges the Parties, inter-governmental and non-governmental organizations to provide additional financial support for the enforcement of the Convention, by providing funds to the enforcement assistance work of the Secretariat.

It directs the Secretariat to utilize such funds towards the following priorities:

- a) the appointment of additional officers to the Secretariat to work on enforcement related matters;
- b) assistance in the development and implementation of regional law-enforcement agreements; and
- c) training and technical assistance to the Parties;

The Resolution further urges the Parties to offer secondment of enforcement officers to assist the Secretariat in addressing law enforcement issues, and directs the Secretariat to pursue closer international liaison between the Convention's institutions, national enforcement agencies, and existing intergovernmental bodies, particularly the World Customs Organization and ICPO-Interpol.

Regarding:

Communication of information

Resolution Conf. 11.3 recommends that:

- a) Management Authorities coordinate with governmental agencies responsible for enforcement of CITES, including Customs and Police, by arranging training activities and joint meetings, and facilitating the exchange of information through, for example, the establishment of inter-agency committees at national level;
- b) the Parties provide to the Secretariat detailed information on significant cases of illegal trade; and
- c) the Parties inform the Secretariat, when possible, about convicted illegal traders and persistent offenders;

The Resolution directs the Secretariat to communicate such information quickly to the Parties.

Regarding:

Additional actions to promote enforcement

the Resolution recommends further that the Parties:

- a) promote incentives to secure the support and cooperation of local and rural communities in managing wildlife resources and thereby combating illegal trade;
- b) where appropriate, evaluate and utilize for enforcement purposes, information from non-governmental sources while maintaining standards of confidentiality; and
- c) consider the formation, at national level, of specialized wildlife enforcement units or teams;

The Resolution finally encourages States to offer rewards for information on illegal hunting and trafficking of specimens of Appendix-I species leading to the arrest and conviction of the offenders.

Decision 9.14 states that when specimens are seized, the Parties concerned should do all they can to identify and convict those responsible.

Implementation legislation

Resolution Conf. 8.4, on the basis of the belief that a substantial number of Parties have not taken the appropriate measures to enforce the provisions of the Convention, directs the Secretariat, within available resources:

- a) to identify those Parties whose domestic measures do not provide them with the authority to:
 - i) designate at least one Management Authority and one Scientific Authority;
 - ii) prohibit trade in specimens in violation of the Convention;
 - iii) penalize such trade; or
 - iv) confiscate specimens illegally traded or possessed;
- b) to seek from each Party so identified information indicating the procedures, action and time frames that are needed in order to establish the measures necessary to properly enforce the provisions of the Convention; and
- c) to report its findings, recommendations or progress to the Standing Committee and at the ninth meeting of the Conference of the Parties.

It urges all Parties that have not adopted the appropriate measure to fully implement the Convention to do so and inform the Secretariat when such measures have been adopted, directs the Secretariat to seek external funding to enable it to provide technical assistance to Parties in the development of their measures to implement the Convention and invites all Parties, governmental, intergovernmental and nongovernmental organizations and

other sources to provide financial and/or technical assistance for the development of such measures.

Resolution Conf. 3.4 on technical cooperation, calls on Parties to ensure the inclusion of the technical assistance, in matters relating to this Convention, in the bilateral and multilateral programmes of development aid in which they participate. It urges Parties to make special funding and qualified staff available, possibly by way of 'associate expert' assignments to the Secretariat and to developing countries, to carry out such technical assistance projects for the benefits of the other Parties. It further requests the Secretariat in consultation with the Standing Committee to continue to seek external funding for this purpose, and to execute the projects so funded, on behalf of the Parties. On the basis of the report from the Secretariat under recommendation c) of **Resolution Conf. 8.4**, the ninth meeting of the Conference of the Parties decided with **Decisions 6 to 8** that:

6. The following actions should be taken by each Party named in the revised Annex 1 of document Doc. 9.24, whose national legislation is believed generally not to meet the requirements for implementation of CITES.

a) The Party concerned should:

- i) take all necessary measures to develop national legislation for implementation of CITES and to ensure that this legislation will be introduced (this means submitted to the legislature) by the 10th meeting of the Conference of the Parties; and
- ii) report to the Secretariat any progress made in this regard no later than six months before that meeting;

b) If the Party concerned believes that the Secretariat's current analysis of legislation is not accurate, it should, by 15 January 1995, provide to the Secretariat:

- i) copies of all relevant legislation not referred to in the analysis and, where applicable, a translation of this legislation into one of the three languages of the Convention; and
- ii) its comments as to how such legislation applies to the implementation of CITES.

c) Notwithstanding the new information provided by the Party, Decision 6.a) should apply until the Party receives different advice from the Secretariat.

7. With respect to Parties that have not taken positive steps to implement the recommendations under Decision 6., the Conference of the Parties at its tenth meeting shall consider appropriate measures, which may include restrictions on the commercial trade in specimens of CITES-listed species to or from such Parties.

8. The following actions should be taken by any Party named in the revised Annex 1 of document Doc. 9.24, whose national legislation is believed not to meet all requirements for CITES implementation.

a) The Party concerned should:

- i) take steps to improve its national legislation for implementation of CITES in the areas of weakness indicated in the analysis; and

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- ii) report to the Secretariat any progress made in this regard no later than six months before the tenth meeting of the Conference of the Parties.
- b) If the Party concerned believes that the Secretariat's analysis of legislation is not accurate, it should, by 15 January 1995, provide to the Secretariat:
 - i) copies of all relevant legislation not referred to in the analysis and, where applicable, a translation of this legislation into one of the three languages of the Convention; and
 - ii) its comments as to how such legislation applies to the implementation of CITES.
- c) Notwithstanding the new information provided by the Party, Decision 8.a) should apply unless the Party is advised by the Secretariat that its legislation is believed to generally meet all requirements for CITES implementation.

The Secretariat was directed to:

- a) consider any new information on legislation for implementation of CITES received by 15 January 1995 from the Parties indicated in the revised Annex 1 of document Doc. 9.24 and, in consultation with the Parties concerned, the IUCN Environmental Law Centre and TRAFFIC USA, amend the analyses and overall judgment of their legislation accordingly;
- b) advise the Parties concerned of any amendments to the analyses and overall judgment of their legislation and, as a result, of any changes regarding actions that they should take concerning the recommendations in Decisions 6.a) and 8.a) of the Conference of the Parties directed to the Parties;
- c) provide technical assistance to Parties requesting assistance in the development of their national legislation for CITES implementation, giving priority to those Parties named in the revised Annex 1 of document Doc. 9.24, whose national legislation is believed generally not to meet the requirements for implementation of CITES;
- d) develop, in 1995, analyses of legislation of the Parties to the Convention not named in the revised Annex 1 of document Doc. 9.24;
- e) keep current analyses of legislation, using the information from biennial reports required under Article VIII, paragraph 7(b), of the Convention and other relevant information that becomes available;
- f) report to the 10th meeting of the Conference of the Parties:
 - i) the measures taken by the Parties concerned to implement the recommendations in Decisions 6. and 8. of the Conference of the Parties directed to the Parties, and any recommendations for Parties that have not taken positive steps in this regard;
 - ii) the progress concerning technical assistance provided to the Parties in the development of their national legislation for implementation of CITES; and
 - iii) the conclusions of the analyses of legislation begun in 1995 for Parties not named in the revised Annex 1 of document Doc. 9.24; and

- g) implement as far as possible directives a), c), d) and e), using funds from the budget of the Trust Fund, as follows:
- i) in 1995, from line item 2103, Species in Legislation [document Com. 8.5 (Rev.)]; and
 - ii) in 1996 and 1997, from line item 2103, CITES Implementation Legislation (document Com. 9.5).

The 10th meeting of the Conference of the Parties decided

Regarding the implementation of Resolution Conf. 8.4:

Parties whose legislation was analyzed during Phase 1:

10.18: The following action should be taken in relation to the Parties, identified in Annex 1, paragraph 10, of document Doc. 10.31 (Rev.): whose national legislation is believed generally not to meet the requirements for implementation of CITES; which did not comply with Decision 6 a) directed to the Parties, adopted at the ninth meeting of the Conference of the Parties, by reporting improvements in their legislation; and which have been identified as Parties engaged in significant amounts of international trade in specimens of CITES species:

- a) all Parties should, from 9 June 1998, refuse any import from, and export and re-export to, these countries of CITES specimens, if so advised by the Standing Committee; and

Decision 10.64 directed the Standing Committee to decide whether this paragraph shall apply or not to the Parties in question.

- b) any Party identified in Annex 1, paragraph 10, of document Doc. 10.31 (Rev.) that enacts legislation meeting the criteria specified in **Resolution Conf. 8.4** should report to the Secretariat regarding such enactment. Such report should be in writing, include the text that has been enacted and has taken effect and be translated into one of the three working languages of the Convention, if necessary. It should be received by the Secretariat no later than 1 February 1998.

10.19: Parties identified in document Doc. 10.31 (Rev.) Annex 1 as having national legislation in categories 2 and 3, but which are not identified in paragraph 10, should:

- a) take all necessary measures to develop national legislation for implementation of CITES and to ensure that this legislation will be in effect by the 11th meeting of the Conference of the Parties;
- b) report to the Secretariat any progress made in this regard no later than six months before that meeting; and
- c) provide to the Secretariat copies of all relevant new legislation and, where applicable, a translation of this legislation into one of the three working languages of the Convention.

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10.20: With respect to Parties described in Decision 10.19 that have not taken positive steps to implement it, the Conference of the Parties at its 11th meeting shall consider appropriate measures, which may include restrictions on the commercial trade in specimens of CITES-listed species to or from such Parties.

The tenth meeting of the Conference of the Parties adopted the following decisions regarding the implementation of Resolution Conf. 8.4 with regard to

Parties whose legislation was analyzed during Phase 2:

10.21:

- a) Parties identified in document Doc. 10.31 (Rev.) Annex 2, paragraph 3, whose national legislation is believed generally not to meet the requirements for implementation of CITES should:
 - i) take all necessary measures to develop national legislation for implementation of CITES and to ensure that this legislation will be introduced (this means submitted to the legislature) by the 11th meeting of the Conference of the Parties; and
 - ii) report to the Secretariat any progress made in this regard no later than six months before that meeting.
- b) If any of these Parties believes that the Secretariat's analysis of legislation is not accurate, it should, by 1 September 1997, provide to the Secretariat:
 - i) copies of all relevant legislation not referred to in the analysis and, where applicable, a translation of this legislation into one of the three working languages of the Convention; and
 - ii) its comments as to how such legislation applies to the implementation of CITES.
- c) Notwithstanding the new information provided by the Party, Decision 10.21, paragraph a), should apply until the Party receives different advice from the Secretariat.

10.22:

With respect to Parties described in Decision 10.21, paragraph a), that have not taken positive steps to implement recommendations i) and ii), the Conference of the Parties at its 11th meeting shall consider appropriate measures, which may include restrictions on the commercial trade in specimens of CITES-listed species to or from such Parties.

10.23:

- a) Parties identified in document Doc. 10.31 (Rev.) Annex 2, paragraph 2, whose national legislation is believed not to meet all requirements for implementation of CITES should:
 - i) take steps to improve their national legislation for implementation of CITES in the areas of weakness indicated in the analysis; and
 - ii) report to the Secretariat any progress made in this regard no later than six months before the 11th meeting of the Conference of the Parties.
- b) If any of these Parties believes that the Secretariat's analysis of legislation is not accurate, it should, by 1 September 1997, provide to the Secretariat:

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- i) copies of all relevant legislation not referred to in the analysis and, where applicable, a translation of this legislation into one of the three working languages of the Convention; and
 - ii) its comments as to how such legislation applies to the implementation of CITES.
- c) Notwithstanding the new information provided by the Party, Decision 10.23, paragraph a), should apply unless the Party is advised by the Secretariat that its legislation is believed to generally meet all requirements for CITES implementation.

Decision 10.115 spelled out the activities of the Secretariat on the implementation of Resolution Conf. 8.4 until the 11th meeting of the Conference of the Parties:

The Secretariat shall:

- a) before 9 June 1998, report to the Standing Committee on the progress on the adoption of national legislation that substantially improves implementation of CITES within any Party identified in paragraph 10 of Annex 1 to document Doc. 10.31 (Rev.). The report shall include the comments of that Party;
- b) consider any new information on legislation for implementation of CITES received from the Parties indicated in Annexes 1 and 2 of document Doc. 10.31 (Rev.) and amend the analyses of legislation and the ratings accordingly;
- c) advise the Parties concerned of any amendments to the analyses of their legislation and to their ratings and, as a result, of any changes regarding actions that they should take concerning Decisions 10.19, 10.21 and 10.23;
- d) provide technical assistance to Parties requesting assistance in the development of their national legislation for CITES implementation, giving priority to those Parties identified in Annex 1 of document Doc. 10.31 (Rev.) as having national legislation that is believed generally not to meet the requirements for implementation of CITES (category 3);
- e) initiate immediately Phase III of the analysis of national legislation by analyzing the legislation of Parties not named in Annex 1 or 2 of document Doc.10.31 (Rev.);
- f) keep current the analyses of legislation, using the information from the biennial reports required under Article VIII, paragraph 7(b), of the Convention and other relevant information that becomes available;
- g) communicate on request, to Parties (free of charge) or to any international or national organization (against payment to cover costs), a copy of the analysis of the national legislation of any Party whose analysis is completed and which has formally agreed to this communication; and
- h) report to the 11th meeting of the Conference of the Parties:
 - i) the measures taken by the Parties concerned to implement Decisions 10.19, 10.21 and 10.23, and any recommendations relating to Parties that have not implemented them;

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- ii) any progress concerning technical assistance provided to the Parties in the development of their national legislation for implementation of CITES; and
- iii) the conclusions of the analyses of legislation begun in 1997 for Parties not named in Annex 1 or 2 of document Doc. 10.31 (Rev.).

At the 11th meeting of the Conference of the Parties, **Decisions 11.15 to 11.21**, regarding implementation of **Resolution Conf. 8.4**, addresses the following issues:

Parties whose legislation was analyzed during Phase 3:

Decision 11.15

In paragraph 18 of document Doc. 11.21.1, the Secretariat brought to the attention of the Conference of the Parties that four Parties whose legislation was analyzed during Phase 3 of the National Legislation Project, namely Fiji, Turkey, Viet Nam and Yemen, have high volumes of international trade in specimens of CITES-listed species and their national legislation is believed generally not to meet the requirements for implementation of CITES (Category 3).

These Parties:

- a) before 31 October 2001 should adopt adequate legislation to implement the Convention;
- b) may request technical assistance from the Secretariat in order to prepare such legislation. The Parties that require assistance shall receive the guidelines for the preparation of legislation, training for the CITES authorities and others responsible for the formulation of measures requiring legislation, as well as any technical support specified in their requests relevant to the development of national legislation; and
- c) should report to the Secretariat any progress made in this regard no later than 30 April 2001.

Decision 11.16:

All Parties should, from 31 October 2001, if so advised by the Standing Committee, refuse any import of specimens of CITES-listed species from, and any export or re-export of such specimens to, the Parties listed in Decision 11.15, if, in spite of the assistance, the Parties concerned do not adopt the legislation required under the text of the Convention. The Standing Committee is given the responsibility to decide what the appropriate measures to be taken by the Parties is (see Decision 11.77 below).

Decision 11.17:

The remaining Category 3 Parties whose legislation was analyzed in Phase 3:

- a) should take steps to enact legislation for implementation of the Convention;
- b) may request technical assistance from the Secretariat in order to prepare such legislation; and

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- c) should report to the Secretariat any progress made in this regard no later than six months prior to the 46th meeting of the Standing Committee.

Decision 11.18:

The following action should be taken in relation to the Parties identified in Decisions 10.19 to 10.23 that have not complied with those Decisions, and that have been identified as Parties having high volumes of international trade in specimens of CITES-listed species:

- a) such Parties should take all necessary measures to enact national legislation for the implementation of CITES and to ensure that this legislation will be in effect no later than 30 days before the 45th meeting of the Standing Committee;
- b) Parties referred to in this Decision should report to the Secretariat any progress made in this regard no later than six months before the 45th meeting of the Standing Committee;
- c) with respect to Parties referred to in this Decision that have not complied with paragraph a), the Standing Committee, at its 45th meeting, shall consider appropriate measures, which may include restrictions on the commercial trade in specimens of CITES-listed species to or from such Parties; and
- d) Parties that are preparing national legislation to fulfil the requirements established by the text of the Convention may request technical assistance from the Secretariat.

Decision 11.19:

The following action should be taken in relation to the Parties identified in Decisions 10.19 to 10.23 that have not yet complied with those Decisions, and that have been identified as Parties not having high volumes of international trade in specimens of CITES-listed species:

- a) such Parties should take all necessary measures to enact national legislation for implementation of CITES and to ensure that this legislation will be in effect no later than 30 days before the 46th meeting of the Standing Committee;
- b) Parties referred to in this Decision should report to the Secretariat any progress made in this regard no later than six months before the 46th meeting of the Standing Committee;
- c) with respect to Parties referred to in this Decision that have not complied with paragraph a), the Standing Committee, at its 46th meeting, shall consider appropriate measures, which may include restrictions on the commercial trade in specimens of CITES-listed species to or from such Parties; and
- d) Parties that are preparing national legislation to fulfil the requirements established by the text of the Convention may request technical assistance from the Secretariat.

Decision 11.20:

All Parties referred to in Annex 5 to these Decisions should provide to the Secretariat copies of all relevant new legislation and, where applicable, a translation of this legislation into one of the three working languages of the Convention.

Annex 5 reads as follows:

Parties identified in Decision 11.18

The Standing Committee agreed:

- a) For Parties in Category 3, that:
 - i) The Dominican Republic and Mozambique should submit a CITES Legislation Plan to the Secretariat by 31 May 2002. Such a Plan should include the agreed steps needed for each Party to adopt adequate legislation by 31 October 2002.
 - ii) The Secretariat shall issue a notification recommending a suspension of commercial trade in specimens of CITES-listed species with any of these Parties that fails to submit a CITES Legislation Plan by 31 May 2002 or to adopt adequate legislation by 31 October 2002. The Secretariat may withhold action on this instruction if good legislative progress has been made by a Party but shall implement the instruction immediately if adequate legislation has not been adopted by 31 March 2003.
- b) For Parties in Category 2, that:
 - i) Cameroon, Panama, Poland, the Russian Federation, South Africa and Thailand should submit a CITES Legislation Plan to the Secretariat by 31 May 2002. Such a Plan should include the agreed steps needed for each Party to adopt adequate legislation by 31 January 2003.
 - ii) The Secretariat shall issue a notification recommending a suspension of commercial trade in specimens of CITES-listed species with any of these Parties that fails to submit a CITES Legislation Plan by 31 May 2002 or to adopt adequate legislation by 31 January 2003. The Secretariat may withhold action on this instruction if good legislative progress has been made by a Party but shall implement the instruction immediately if adequate legislation has not been adopted by 31 March 2003.³

Parties identified in Decision 11.19

The Standing Committee agreed that:

- a) Parties listed in paragraphs 22, 23, 24 and 25 of document SC46 Doc. 11.1⁴ should submit a CITES Legislation Plan to the Secretariat by 31 May 2002. Such a plan should

³ Since the adoption of the above decisions at the 46th meeting of the Standing Committee, adequate legislation has been adopted by Greece, Poland and Thailand. The Secretariat has amended the analyses of national legislation and the categories accordingly and advised these Parties that Decisions 11.18 and 11.19 no longer applied to them. The same will be done as other Parties adopt adequate legislation.

⁴ Afghanistan, Algeria, the Bahamas, Bangladesh, Barbados, Belize, Benin, Bolivia, Botswana, Brazil, Brunei-Darussalam, Bulgaria, Burkina Faso, Burundi, the Central African Republic, Chad, Chile, China, Comoros, Congo, Côte d'Ivoire, Cyprus, Djibouti, Ecuador, El Salvador, Equatorial Guinea, Eritrea, Estonia, Gabon, Gambia, Ghana, Greece, Grenada, Guinea, Guinea Bissau, Honduras, Hungary, India, Indonesia, Israel, Jordan, Kazakhstan, Kenya, Liberia, Madagascar, Malawi, Malaysia, Mali, Mauritius, Monaco, Morocco, Myanmar, Namibia, Nepal, Niger, Pakistan, Papua New Guinea, Peru, the Philippines, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Seychelles, Sierra Leone, Sri Lanka, Sudan, Suriname, Togo,

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include the agreed steps needed for each Party to adopt adequate legislation by 31 December 2003.

- b) the Secretariat shall issue a notification recommending the following compliance measures: if an affected Party fails to submit a CITES Legislation Plan by 31 May 2002, the Standing Committee shall consider further action at its 47th meeting. The Standing Committee expects the affected Parties to meet the above deadlines so that further measures, which may include restrictions on commercial trade, will not be required. If an affected Party fails to adopt adequate legislation by 31 December 2003, the Standing Committee shall recommend restrictions on commercial trade at its first meeting after that date unless a Party can show good cause for its lack of adequate progress.⁵

Decision 11.21:

If any of the Parties whose legislation was analyzed in Phase 3 believes that the Secretariat's analysis of legislation is not accurate, it should, by 1 August 2000, provide to the Secretariat:

- a) copies of all relevant legislation not referred to in the analysis and, where applicable, a translation of this legislation into one of the three working languages of the Convention; and
- b) its comments as to how such legislation applies to the implementation of CITES.

Decision 11.77 provided that, beginning at its 45th meeting, and continuing at each successive meeting, as necessary, the Standing Committee should decide the appropriate measures to be taken with respect to the Parties identified in Decisions 11.15, 11.18 and 11.19.

Decision 11.132 instructed the Secretariat to:

- a) consider the information on specific provisions adopted by the Parties to give effect to obligations specified in Article VIII of the Convention and Resolution Conf. 8.4 and amend the analyses of legislation and the ratings accordingly;
- b) advise the Parties concerned of any amendments to the analyses of their legislation and to their ratings, indicating the actions that they should take to give effect to obligations under the Convention;
- c) provide technical assistance to Parties that request advice in the formulation of legislative proposals for CITES implementation, and assistance to achieve effective enforcement both of the Convention and of legislation adopted to implement the Convention, giving priority to those Parties identified as having national legislation that is believed generally not to meet the requirements for implementation of the Convention (Category 3).

Trinidad and Tobago, Tunisia, Uganda, the United Arab Emirates, the United Republic of Tanzania, Uruguay, Venezuela and Zambia [list added by the Secretariat].

⁵ *Since the adoption of the above decisions at the 46th meeting of the Standing Committee, adequate legislation has been adopted by Greece, Poland and Thailand. The Secretariat has amended the analyses of national legislation and the categories accordingly and advised these Parties that Decisions 11.18 and 11.19 no longer applied to them. The same will be done as other Parties adopt adequate legislation.*

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The Secretariat shall cooperate with the Parties and, to the extent possible with available resources shall provide:

- i) guidelines for the preparation of the appropriate measures;
 - ii) training for the CITES authorities and others responsible for the formulation of environmental policies requiring legislation; and
 - iii) any specific support requested by the Parties relevant to the fulfilment of the requirements; and
- d) report at the 12th meeting of the Conference of the Parties:
- i) the legislation adopted by the Parties to implement the Convention and any recommendations relating to Parties that have not adopted such legislation;
 - ii) any progress concerning technical assistance provided to the Parties in the development of their national legislation for implementation of CITES; and
 - iii) the conclusions of the analysis of legislation updated or begun since 1999.

Decision 12.80 provides that:

- a) Parties and overseas territories identified in Decision 11.17⁶ should submit a "CITES Legislation Plan" to the Secretariat by 31 March 2003.
- b) The CITES Legislation Plan should include the agreed steps needed for each Party to adopt adequate legislation by 30 June 2004. It should specify the entire legislative process from the date the proposed legislation is drafted until the date it is signed, published in the official gazette and sent to the Secretariat in one of the working languages of the Convention. It should include:
 - i) the legal form of enactment (legislative or regulatory);
 - ii) the precise scope and content of the proposed legislation;
 - iii) the schedule for transmittal of the draft legislation to the Secretariat for comments;
 - iv) the legislative and administrative steps that must be taken to adopt the legislation; and
 - v) the time in which the Party can achieve the proposed form of enactment in accordance with its own legal system (time-frames for initiating and completing each stage of the law-making process).
- c) Parties that are preparing national legislation to fulfil the requirements of the Convention may request technical assistance from the Secretariat.

⁶ *Antigua and Barbuda, Belarus, Cambodia, Dominica, Georgia, Latvia, Mauritania, Mongolia, Myanmar, Saudi Arabia, Somalia, Swaziland, Uzbekistan and three overseas territories, namely Pitcairn Islands, Saint Helena and Dependencies and South Georgia and the South Sandwich Islands. [A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Malvinas)].*

Decision 12.81:

With respect to Parties referred to in Decision 12.80 that have not complied with paragraph a), the Standing Committee shall consider appropriate measures, which may include restrictions on the commercial trade in specimens of CITES-listed species to or from such Parties.

Decision 12.82:

The Standing Committee shall adjust the deadlines for enactment of legislation agreed at its 46th meeting to allow affected Parties that are making good legislative progress additional time in which to complete the legislative process.

Decision 12.83:

The Secretariat shall:

- a) consider the information on specific legislative measures adopted by the Parties to fulfil the requirements laid down in the text of the Convention and the Resolutions of the Conference of the Parties and amend the analyses of national legislation and the categories according to the criteria stated in Resolution Conf. 8.4;
- b) advise the Parties concerned of any amendments to the analyses of their legislation and to their categories, specifying in the case of legislation in Categories 2 and 3 the requirements that are not yet met;
- c) provide technical assistance to Parties requesting advice in the formulation of legislative proposals for CITES implementation by providing, to the extent resources are available:
 - i) legal guidance in the preparation of necessary legislative measures;
 - ii) training of CITES authorities and other relevant bodies responsible for the formulation of wildlife trade policies or legislation; and
 - iii) any specific support relevant to the fulfilment of the legislative requirements for the implementation of CITES;
- d) report to the Standing Committee on Parties' progress in enacting legislation and, if necessary, recommend the adoption of appropriate compliance measures, including suspension of trade pursuant to the decisions taken at the 46th meeting of the Standing Committee (see Annex 5 to these Decisions);
- e) identify for the Standing Committee any countries that require attention as a priority under the National Legislation Project; and
- f) report at the 13th meeting of the Conference of the Parties on:
 - i) the legislation adopted by the Parties to implement the Convention and any recommendations relating to Parties that have not adopted adequate legislation for implementation of the Convention; and
 - ii) any progress concerning technical assistance provided to the Parties in the development of their national legislation for implementation of CITES.

The Conference of the Parties adopted the following decisions regarding

The control and checking of shipments of CITES specimens

Decision 10.30:

In order to improve enforcement, Parties should take the necessary measures to develop a comprehensive strategy for border controls, audits and investigations, by:

- a) taking into account the different procedures for Customs clearance of goods and Customs procedures such as transit, temporary admission, warehouse storage, etc.;
- b) ensuring that officers in charge of control are aware of and trained in CITES matters regarding, for example, CITES requirements, identification of specimens and the handling of live animals;
- c) implementing document control in order to ensure the authenticity and validity of CITES permits and certificates, especially, if necessary, by requesting the Secretariat to confirm their validity;
- d) conducting physical examination of goods, based on a policy of risk assessment and targeting;
- e) increasing the quality of controls at the time of export and re-export; and
- f) providing the necessary resources in order to reach these objectives.

Decision 10.118:

The Secretariat shall cooperate with the World Customs Organization, ICPO-Interpol and competent national authorities to:

- a) prepare and distribute appropriate training material; and
- b) facilitate the exchange of technical information between the authorities in charge of border controls.

Decision 12.88 instructs the Secretariat to convene a meeting of experts, including representatives of the CITES Tiger Enforcement Task Force, ICPO-Interpol and the World Customs Organization, to: identify measures to improve the flow of enforcement-related data to and from relevant international, regional and national law enforcement organizations, CITES Management Authorities and the CITES Secretariat; to assist the coordination of investigations regarding violations of the Convention; and to help maintain appropriate levels of confidentiality regarding law enforcement information.

Decision 12.89 provides that the Secretariat shall report to the Standing Committee on the outcome of the meeting, so that recommendations may be made for consideration at the 13th meeting of the Conference of the Parties.

Penalties, confiscation

Article VIII contains a number of specific measures that Parties must, amongst others, take to enforce the Convention:

1.(a) to penalize trade in, or possession of, such specimens, or both; and

The prohibition and penalization of certain activities involving illegally traded CITES specimens within the jurisdiction of a Party are of course essential for a proper implementation of the Convention. A prohibition of the possession of such specimens is the strictest measure possible and in my view therefore the most appropriate.

If the measures are limited to commercial activities, they should at least include the display to the public, the sale, keeping for sale, offering for sale and transporting for sale.

1.(b) to provide for the confiscation or return to the State of export of such specimens.

See Chapter 16.

Designation of ports of exit and entry

Article VIII:

2. In addition to the measures taken under paragraph 1 of this Article, a Party may, when it deems it necessary, provide for any method of internal reimbursement for expenses incurred as a result of the confiscation of a specimen traded in violation of the measures taken in the application of the provisions of the present Convention.

See Chapter 16.

3. As far as possible, the parties shall ensure that specimens shall pass through any formalities required for trade with a minimum of delay. To facilitate such passage, a party may designate ports of exit and ports of entry at which specimens must be presented for clearance. The parties shall ensure further that all living specimens, during any period of transit, holding or shipment, are properly cared for so as to minimize the risk of injury, damage to health or cruel treatment.

The positive aspect of a limited number of 'checkpoints' is that the number of control officers can also be limited, which allows better training and therefore a higher degree of expertise on CITES matters. Therefore, specimens will indeed pass through the formalities with a minimum of delay and, at the same time, CITES enforcement at such points will be optimal.

The possible negative aspect of a limited number of ports for the purpose of clearing CITES specimens and the consequent concentration of knowledge of the Convention, is that the other points of entry and exit of a country, where knowledge of the Convention

may be minimal, provide a better chance for success of illegal trade. Parties opting for the designation of ports of entry and exit should be aware of this risk and take the necessary preventive measures under their border control systems.

The position of paragraph 3 of Article VIII, in the middle of paragraphs dealing with the confiscation and disposal of illegally traded specimens, is rather awkward.

Article VIII:

- 4. *Where a living specimen is confiscated as a result of measures referred to in paragraph 1 of this Article:***
 - (a) the specimen shall be entrusted to a Management Authority of the State of confiscation;***
 - (b) the Management Authority shall, after consultation with the State of export, return the specimen to that State at the expense of that State, or to a rescue centre or such other place as the Management Authority deems appropriate and consistent with the purposes of the present Convention; and***
 - (c) the Management Authority may obtain the advice of a Scientific Authority, or may, whenever it considers it desirable, consult the Secretariat in order to facilitate the decision under subparagraph (b) of this paragraph, including the choice of a rescue centre or other place.***
- 5. *A rescue centre as referred to in paragraph 4 of this Article means an institution designated by a Management Authority to look after the welfare of living specimens, particularly those that have been confiscated.***

See Chapter 16.

Non-implementation of the Convention

Article XIII is entitled **International measures** and lays down a procedure for the communication of information on the adverse effects of trade on species or the non-implementation of the Convention between the Secretariat and Parties:

- 1. *When the Secretariat in the light of information received is satisfied that any species included in Appendices I or II is being affected adversely by trade in specimens of that species, or that the provisions of the present Convention are not being effectively implemented, it shall communicate such information to the authorized Management Authority of the Party or Parties concerned.***
- 2. *When any Party receives a communication as indicated in paragraph 1 of this Article, it shall, as soon as possible, inform the Secretariat of any relevant facts in so far as its laws permit and, where appropriate, propose remedial action. Where the Party considers that an inquiry is desirable, such inquiry may be carried out by one or more persons expressly authorized by the Party.***

After the Secretariat has communicated information to a Party, that Party informs the Secretariat of relevant facts and, where appropriate, proposes remedial action. That is clear, but the last sentence of paragraph 2 is confusing. It refers to an inquiry that the *Party* may consider desirable and which may then be carried out by one or more persons expressly authorized by the *Party*. That speaks for itself, so maybe this should have read "Where the *Secretariat* considers that an inquiry is desirable, such inquiry may be carried out by one or more persons expressly authorized by the *Party*."

Article XIII:

3. The information provided by the Party or resulting from any inquiry as specified in paragraph 2 of this Article shall be reviewed by the next conference of the Parties which may make whatever recommendations it deems appropriate.

In spite of the fact that Article XIII provides it with limited powers, past action by the Secretariat has demonstrated that it fulfils this task in the majority of cases rather successfully. Essential for the effectiveness of the Secretariat's action in this context is of course the full, unconditioned support by other Parties, both during the stages referred to in paragraphs 1 and 2 and at the meeting of the Conference of the Parties referred to in paragraph 3.

At the 10th meeting of the Conference of the Parties it was agreed that the Secretariat should, under Article XIII, submit a separate report on infractions for consideration at each regular meeting of the Conference of the Parties.

This is currently laid down in **Decision 9.36**.

The 10th meeting further adopted Decision 10.122, which provides that a clear distinction shall be made between alleged infractions of the provisions of the Convention and non-compliance with the provisions laid down in Resolutions of the Conference of the Parties. The summaries of these two different categories of cases shall be presented in separate annexes to the reports. Until the ninth meeting, the Secretariat considered the non-implementation of Resolutions as infractions and put them on an equal footing with infringements of the Convention. That was obviously incorrect, but this important Decision was not repeated at the 11th meeting of the Conference of the Parties.

With **Resolution Conf. 11.3** (ex Resolution Conf. 7.5), the Conference of the Parties states its conviction that enforcement of the Convention must be a constant concern of the Parties if they are to succeed in fulfilling the objectives of the Convention and insists on the need of close cooperation between the Parties. It recognizes the important role the Secretariat can play in the enforcement process, and the means provided by Article XIII of the Convention. Article XIII does not specify a time limit for a Party to respond to a request for information from the Secretariat. The Conference found that such a deadline was necessary in order that the absence of response not be interpreted as a refusal to respond.

Resolution Conf. 11.3 (ex Resolution Conf. 7.5) therefore recommends:

Regarding implementation of Article XIII

a) when, in application of Article XIII, the Secretariat requests information on an alleged infraction, Parties reply within a time-limit of one month or, if this is impossible, ac-

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knowledge within the month and indicate a date, even an approximate one, by which they consider it will be possible to provide the information requested;

- b) when, within a one-year time limit, the information requested has not been provided, Parties provide the Secretariat with justification of the reasons for which they have not been able to respond;
- c) if major problems with implementation of the Convention in particular Parties are brought to the attention of the Secretariat, the Secretariat work together with the Party concerned to try to solve the problem and offer advice or technical assistance as required;
- d) if it does not appear a resolution can be readily achieved, the Secretariat bring the matter to the attention of the Standing Committee which may pursue the matter in direct contact with the Party concerned with a view to helping to find a solution; and

<p>Note: The Standing Committee has used this paragraph to recommend suspensions of trade with particular Parties. It is, however, questionable whether Resolution Conf. 11.3 actually provides the basis for such action.</p>
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- e) that the Secretariat keep the Parties informed as fully as possible, through Notifications, of such implementation problems and of actions taken to solve them, and include such problems in its report of alleged infractions.

The Conference urged the Parties to assist the Secretariat with provision of the necessary funding to carry out these activities.

There have been two Resolutions by the Conference of the Parties under paragraph 3 of Article XIII.

Resolution Conf. 5.2 on the implementation of the Convention in Bolivia recommended that if within 90 days the Government of Bolivia had not demonstrated to the Standing Committee that it had adopted all necessary measures to adequately implement the Convention, all Parties refuse to accept shipments of CITES specimens accompanied by Bolivian documents, or of specimens declared as originating from Bolivia, until the Government of that country had demonstrated to the Conference of the Parties, or to the Standing Committee, that it had adopted all possible measures to adequately implement the Convention.

Resolution Conf. 6.4 observed that Bolivia had not been able to effectively implement the Convention yet, despite the support obtained from the highest levels of Government. It considered that since 1985 Bolivia had made administrative changes in its wildlife departments, in a continuing effort to build a programme for the implementation of CITES and its rules. The fact that some research on caiman and cat populations had been started in cooperation with the CITES Secretariat was recognized and the agreement to use a consultant proposed by the Secretariat to assist in the development of a CITES programme understood as a proof of the willingness of the Government of Bolivia to fully comply with the provisions of the Convention. The Resolution recommended that all Parties that received wildlife products from Bolivia, make sure that each shipment be accompanied by a CITES export permit as required under the provisions of the Convention, and in the case of caiman skins, as an additional guarantee that the shipment was exported legally, that the im-

porting country: a) allow only the entry of finished caiman skins (tanned, dyed and glazed) and of products manufactured from caiman skins; b) allow only the entry of shipments that were accompanied by the certificate of conformity given by the Society General de Surveillance; and c) allow the entry of a shipment only if it had been shipped by one of the members of the Association de Industrials de Cuero's de Saris (ASICUSA).

Specific cases

Rhino horn

Resolution Conf. 3.11 on illegal trade in rhinoceros horn, recommended that:

- a) the Secretariat make recommendations, in the way it considers most appropriate, on behalf of the Parties to the governments of all non-Parties where records show they have imported or exported rhinoceros products within the past five years, to request that they take measures with a view to preventing rhinoceros products from being commercially imported or exported; and
- b) that the Secretariat make representations to both Party and non-Party governments and request them to halt all trade by placing a moratorium on the sale of all government and parastatal stocks of rhino products, and that in the case of Parties these stocks be recorded in the annual reports to the Convention.

At the sixth meeting of the Conference of the Parties with **Resolution Conf. 6.10**, it was noted that the black rhinoceros had continued to decline catastrophically, and that the species was extremely endangered. Also the precarious conservation status of Asian rhinoceros species and the continuing threat posed to these species by commerce in their parts and derivatives were noted.

The Parties acknowledged that their efforts and those of the Secretariat and other interested agencies had failed to stem the flow of illegal trade in rhinoceros products, particularly horn, and that this trade is the primary factor responsible for the destruction of rhinoceros populations. That situation was feared to continue to deteriorate unless immediate and drastic measures were taken. It was further considered that certain countries that do not have rhinoceros populations have been acting as safe entrepôts for illegal shipments of rhinoceros horn and thus have been stimulating the disastrous wave of poaching. The Parties recognized that poachers cross international borders to kill rhino's and addressed the security risk involved in holding large stocks of valuable rhinoceros horn in a routine fashion in government stores and the fact that this has already stimulated criminal action and theft of such stocks.

Resolution Conf. 6.10 urged all Parties to take steps to establish the following measures immediately:

- a) a complete prohibition on all sales and trade, internal and international, of rhinoceros parts and derivatives, especially horn, whether whole or in any other form, including personal effects, but excluding (solely) non-commercial movement of legitimate hunting trophies where appropriate full CITES documents are issued to that effect;

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- b) the destruction of all government and parastatal stocks of rhinoceros horn with supporting contributory funds from external aid sources to be used for rhino conservation in the state concerned;
- c) the issuance of special instructions to all law enforcement agencies to be particularly alert to the problem of rhinoceros horn smuggling;
- d) an increase in penalties for individuals/companies convicted of relevant offences; and
- e) firm action against middlemen and poachers involved in cross border poaching and trafficking in horn.

It recommended:

- a) that Parties use all appropriate means (including economic, political and diplomatic) to exert pressure on countries continuing to allow trade in rhinoceros horn, in particular Burundi and the United Arab Emirates, (including the passive allowance of such trade), to take the necessary action to prohibit such trade and to enforce such a prohibition;
- b) that Parties encourage the use of substitutes for rhinoceros horn and other rhinoceros products used; and
- c) that Parties encourage the development of national and continental rhino conservation strategies.

The eighth meeting of the Conference of the Parties directed the Standing Committee to address rhinoceros conservation problems.

The above Resolutions were repealed at the ninth meeting of the Conference of the Parties with **Resolution Conf. 9.14**. That Resolution was revised at the 11th meeting of the Conference of the Parties. Under the title 'Conservation of and trade in African and Asian rhinoceros', the Conference of the Parties expresses, with **Resolution Conf. 9.14 (Rev.)**, the concern that some rhinoceros populations have continued to decline drastically and that four of the five species are threatened with extinction. It recalls that all species of rhinoceros were included in Appendix I in 1977 and that the South African population of *Ceratotherium simum simum* was transferred to Appendix II with an annotation in 1994.

The Resolution commends the successful management and protection of rhinoceroses in some range States, often under difficult circumstances and the measures taken by countries to control and reduce use of rhinoceros horn, especially countries where use is part of a cultural tradition extending back many centuries.

It concludes, however, that all the above measures have not arrested the decline of all rhinoceros populations and that the illegal trade in rhinoceros horn is known to be a global law enforcement problem, extending beyond range States and traditional consuming countries, but that emphasis solely on law enforcement has failed to remove the threat to rhinoceroses.

It notes that stocks of rhinoceros horn continue to accumulate in some countries and that the call for their destruction, as recommended by Resolution Conf. 6.10, has not been implemented and is no longer considered appropriate by a number of Parties. The Confer-

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ence of the Parties recognizes that some international measures may have unintended consequences. It recognizes further that there is a diversity of opinion as to the most effective approaches to the conservation of rhinoceroses. It finally expresses its concern that threats to rhinoceros populations still exist and that the cost of ensuring adequate security for them is increasing and cannot easily be met by many range States.

The Conference of the Parties urges:

- a) all Parties that have stocks of rhinoceros horn to identify, mark, register and secure all such stocks;
- b) all Parties to adopt and implement comprehensive legislation and enforcement controls, including internal trade restrictions and penalties, aimed at reducing illegal trade in rhinoceros parts and derivatives;
- c) the Secretariat, where possible, to assist those Parties with inadequate legislation, enforcement, or control of stocks, by providing them technical advice and relevant information;
- d) range States to be vigilant in their law enforcement efforts, including the prevention of illegal hunting and the early detection of potential offenders;
- e) that law enforcement cooperation between and among States be increased in order to curtail illegal trade in rhinoceros horn; and
- f) the consumer States, as a matter of priority, to work with all user groups and industries to develop and implement strategies for reducing the use and consumption of rhinoceros parts and derivatives.

The Standing Committee is directed to continue to pursue actions aimed at reducing illegal trade, ensuring that:

- a) all such actions are accompanied by evaluations of their effectiveness;
- b) appropriate, cost-effective, standardized indicators of success are developed and/or refined to measure changes in levels of illegal hunting and of the status of rhinoceros populations in the range States; and
- c) the policies that guide interventions are responsive and adaptive to the outcome of evaluations.

The Conference of the Parties strongly urges range States, and all other Parties where applicable, to submit a report, according to an agreed format, to the Secretariat at least six months prior to each meeting of the Conference of the Parties, detailing the following:

- a) the status of captive and wild rhinoceros populations;
- b) a summary of incidents of illegal hunting;
- c) a summary of incidents of illegal trade in rhinoceros parts and derivatives;

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- d) the status, type, and frequency of law enforcement activities and monitoring programmes for all major rhinoceros populations;
- e) the status of development and implementation of national legislation and national conservation action plans; and
- f) the status of marking, registration and control of rhinoceros horn stocks;

It directs the Secretariat to develop a standard format for these reports, to evaluate the reports as well as any information it has received related to trade in rhinoceros parts and derivatives, and to submit a written summary of these for consideration at each meeting of the Conference of the Parties.

It recommends that those range States without a budgeted conservation and management plan for rhinoceros should develop and implement one as expeditiously as possible, utilizing all available relevant expertise and resources.

The Resolution recommends further that those range States with an existing, budgeted plan for rhinoceros should endeavour to implement the plan as expeditiously as possible, and should undertake a review of the adequacy of enforcement and trade control measures therein. It calls upon all governments and intergovernmental organizations, international aid agencies and non-governmental organizations to provide funds to implement rhinoceros conservation activities, especially efforts to prevent the illegal killing of rhinoceros and to control and monitor the illegal trade in rhinoceros horn and calls for constructive engagement amongst all Parties to the Convention and synergy between the Convention and the IUCN/SSC Rhino Specialist Groups to achieve the aims of this Resolution.

At the ninth meeting of the Conference of the Parties, the South African population of *Ceratotherium simum simum* (White rhinoceros) was transferred from Appendix I to Appendix II for the exclusive purpose of allowing international trade in live animals to appropriate and acceptable destinations and hunting trophies.

With **Resolution Conf. 11.20**, the Conference of the Parties agreed that, where the term 'appropriate and acceptable destinations' appears in an annotation to the listing of a species in Appendix II of the Convention with reference to the export of or international trade in live animals, this term shall be defined to mean destinations where the Scientific Authority of the State of import is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it.

At its 10th meeting, the Conference of the Parties adopted **Decision 10.45** regarding the conservation of Rhinoceroses: The range States must report at the 11th meeting of the Conference of the Parties, through the Secretariat, the measures that they have taken to conserve their rhinoceros populations. This resulted in the revision of Resolution Conf. 9.14 above.

Asian big cats

Resolution Conf. 9.13 (Rev.) on the conservation of and trade in tigers was another example of recommendations with regard to a particular species. It was revised in 1997 and replaced in 2000 with **Resolution Conf. 11.5**, which in its turn was replaced at the 12th

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meeting of the Conference of the Parties by **Resolution Conf. 12.5**. This new Resolution extends the scope of the Resolution to all Appendix -I Asian big cat species.

The Resolution states that three subspecies of tiger, *Panthera tigris*, have become extinct within the last 50 years and notes with concern that, despite inclusion of Asian big cat species in Appendix I, illegal trade in specimens of nearly all these species has escalated and further threatens their long-term survival in the wild. It further notes that wild populations of tigers and other Asian big cat species (snow leopard, *Uncia uncia*, clouded leopard, *Neofelis nebulosa*, all subspecies of leopard *Panthera pardus* within its Asian range, and Asiatic lion, *Panthera leo persica*) are threatened by the combined effects of poaching and of habitat loss caused by disturbance, fragmentation and destruction.

The Conference of the Parties expresses concern that the use of medicines and products containing parts and derivatives from the tiger and other Asian big cat species continues in many countries around the world and that the bones of some of these species may be used in traditional medicine systems as a substitute for tiger bone. It is further concerned that trade in skins from the tiger and other Asian big cat species appears to be escalating again, and that this trend could fuel poaching that could lead to extinction in the wild.

It notes that the Standing Committee has called upon all Parties and non-Parties to the Convention to take such measures as are required to halt the illegal trade in tigers and tiger parts and derivatives.

The Conference of the Parties commends the positive actions taken by some range and consumer States to address the illegal trade in tiger and tiger parts and derivatives and to facilitate cooperation with other Parties, but noting that measures are required to address illegal trade in specimens of all Appendix-I Asian big cat species.

The Conference of the Parties is conscious of the fact that the driving forces behind the illegal killing of tigers and other Asian big cats and the illegal trade in specimens from them vary from region to region and may include financial gain from the sale of live specimens, parts and derivatives, protection of people living in Asian big cat habitats and protection against or response to the predation of livestock.

It recognizes that strengthened technical cooperation between range and non-range States and financial support, would contribute to more effective conservation of tigers and other Asian big cat species and acknowledges that increased political commitment, financial resources and expertise in some range and consumer States will significantly improve control of the illegal killing of Asian big cat species, trade in their parts and derivatives and protection of their habitats.

The Conference of the Parties acknowledges the progress made through the CITES Tiger Enforcement Task Force, including the enforcement training course conducted in India, but noting that the causes of conservation problems could be relevant to other Asian big cat species and that the solutions to reduce illegal trade in tiger specimens could be applied to benefit these species.

It further acknowledges the actions and reports of members of the Snow Leopard Network and of the Global Tiger Forum in reviewing the threats to the long-term survival of the species in the wild and the recommended measures to address those threats.

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It finally recognizes that long-term solutions to the protection, conservation and management of tigers and other Asian big cat species and their habitats requires the adoption of bold and innovative actions based on a sound base of information.

The Conference of the Parties therefore urges:

- a) all Parties and non-Parties, especially range and consumer States of Asian big cat species, to adopt comprehensive legislation and enforcement controls which clearly define the administrative responsibilities of the various government agencies responsible for regulating trade within and outside of protected areas and in outlets for parts and derivatives such as in wildlife markets and shops, etc., as a matter of urgency;
- b) all Parties seeking to improve their legislation prohibiting international commercial trade in specimens of tiger and other Asian big cat species, and products labelled as, or claiming to contain, their parts and derivatives, to adopt such legislation, to include penalties adequate to deter illegal trade and to consider introducing national measures to facilitate implementation of CITES, such as voluntarily prohibiting internal trade in such parts, derivatives and products, as provided for in Resolution Conf. 9.6 (Rev.);
- c) all Parties, especially range and consumer States, to introduce innovative enforcement methods and, as a matter of priority, strengthen enforcement efforts in key border regions;
- d) those Parties and non-Parties in whose territory tigers and other Asian big cat species are bred in captivity to ensure that adequate management practices and controls are in place to prevent parts and derivatives from entering illegal trade from or through such facilities;
- e) those Parties and non-Parties in whose countries there exist stocks of parts and derivatives of tiger and other Asian big cat species (such as tiger bone stocks), but not including pre-Convention specimens, to consolidate and ensure adequate control of such stocks, and where possible destroy the same, with the exception of those used for educational and scientific purposes;
- f) range and non-range States of the tiger and other Asian big cat species to support and participate in international conservation programmes, such as the Global Tiger Forum and the Snow Leopard Network; and
- g) all range and consumer States that are not party to CITES to accede to the Convention at the earliest possible date in order to improve control of international trade in parts and derivatives of tiger and other Asian big cat species;

The Conference of the Parties recommends that:

- a) the CITES Secretariat expand the remit of the CITES Tiger Enforcement Task Force to include all Asian big cat species;
- b) the range States of the tiger and other Asian big cat species ensure that anti-poaching teams and enforcement units are established and effectively resourced to counter the illegal killing of and trade in Asian big cat species, and that intelligence is shared between relevant enforcement agencies to counter illegal killing and trade;
- c) range States of the tiger and other Asian big cat species carry out appropriate education and awareness campaigns directed at urban and rural communities and other targeted

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groups, on the ecological and cultural significance and the significance for ecotourism of Asian big cats, their prey and habitats;

- d) all range and consumer States take measures to increase awareness of wildlife crime and illicit wildlife trade among their enforcement, prosecution and judicial authorities;
- e) the enforcement agencies in range and consumer States of the tiger and other Asian big cat species establish cooperative bilateral and multilateral arrangements, especially for the management of shared wildlife species and protected habitats with common boundaries, in order to achieve more effective control of illegal international trade in specimens of Asian big cat species;
- f) Parties and non-Parties convene regional workshops on law enforcement needs associated with illegal cross-border movement of specimens of Asian big cat species, including the extent of the trade, smuggling routes, methods and final consumer markets for live specimens and parts and derivatives, with technical assistance from the CITES Secretariat and, where available, financial support from interested governments and organizations; and
- g) the range States of Asian big cat species conduct, where appropriate, studies to examine the motivation behind the illegal killing of these species and to recommend appropriate measures to address such motivation;

The Conference of the Parties requests:

- a) countries and organizations with the relevant expertise to encourage and support range and consumer States, as a matter of urgency, in the development of practical identification manuals to aid the detection and accurate identification of parts and derivatives of Asian big cats; and
- b) that, since biological and distribution data are essential for the implementation of the Convention, donor nations assist in funding the infrastructure and the provision of expertise to develop computer databases and mapping as well as any other necessary conservation management techniques;

It recommends that the consumer States of specimens from the tiger and other Asian big cat species:

- a) work with traditional medicine communities and industries to develop strategies for gradually reducing and eventually eliminating the use of Asian big cat parts and derivatives;
- b) where necessary and appropriate, remove references to parts and derivatives of Appendix-I Asian big cats from the official pharmacopoeia and include acceptable substitute products that do not endanger other wild species, and introduce programmes to educate the industry and user groups in order to eliminate the use of substances derived from Appendix-I Asian big cats and promote the adoption of appropriate alternatives; and
- c) carry out appropriate education and awareness campaigns to eliminate illegal trade in and use of Asian big cat skins as trophies, ornaments and items of clothing or for the production of other materials;

The Resolution finally calls upon all governments and intergovernmental organizations, international aid agencies, and non-governmental organizations to provide, as a matter of urgency, funds and other assistance to stop illegal trade in specimens of Asian big cat species, and to ensure the long-term survival of the Asian big cat species in the wild.

The 11th meeting of the Conference of the Parties adopted a series of decisions regarding tiger conservation and trade in tiger specimens, as follows:

Decision 11.47

Range and consumer States that were visited by the Technical Team and had not reported to the Secretariat their response to the Team's recommendations by the time of the 11th meeting of the Conference of the Parties, should do so by 31 August 2000.

Decision 11.48

All Parties, non-Parties, international organizations and non-governmental organizations are encouraged to provide financial support to tiger conservation in India. However, India is encouraged to demonstrate that measures are or will be in place to allow the efficient disbursement of funds for tiger conservation.

Decision 11.49

India should establish a specialized unit to combat wildlife crime and illicit trade. The Conference of the Parties urges India to determine how the Union, working with the States, could investigate serious incidents of wildlife crime and coordinate action at Union and States levels. India should also review the process for issuing specific instructions to State police managers to increase action against wildlife crime and ensure that responses from police managers are monitored.

Decision 11.50

Parties with appropriate expertise and experience in combating poaching and illicit trade are encouraged to participate in the provision of training. Additionally, they are encouraged to provide continuing support through the secondment of enforcement officers to enable in-the-field and on-the-job training to take place. Priority for such a secondment might be given to the proposed specialized unit in India.

Decision 11.51

All range and consumer States should take measures to increase awareness of wildlife crime and illicit wildlife trade among their enforcement, prosecution and judicial authorities.

Decision 11.52

Every consumer and range State that seizes an illicit shipment of tiger parts or derivatives, and any Party that intercepts such a shipment, should communicate the details of such action to each country of origin, export or re-export that can be determined and, in any case, to the CITES Secretariat. Any country so advised, should conduct an appropriate investigation and report the result to the State of seizure and to the Secretariat.

Decision 11.53

Noting the continuing intelligence and evidence that China remains a destination for tiger parts and derivatives, the Conference suggests that China should especially be prepared to implement the preceding decision.

Decision 11.54

China should circulate a list of former manufacturers of traditional Chinese medicine products containing parts of tiger or other Appendix-I species, including illustrations of typical

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packaging. This would assist CITES enforcement agencies in consumer countries to assess whether future seizures of tiger products were newly manufactured or from old stocks that continue to be in illegal commerce. This list could be used alongside other enforcement tools, including the guide to recognition of genuine and fake tiger parts, in the TRAFFIC report 'Far From A Cure'.

Decision 11.55

Each range State should consider ways in which local communities might be encouraged to play a part in, and benefit from, the conservation of tigers and their habitat, for example through ecotourism. Each range State should prepare a report on its approach to this matter for the 45th meeting of the Standing Committee, so that concepts and initiatives can be shared among relevant Parties.

Decision 11.56

Tiger range States should seek to draw upon the experience of some African range States of endangered species, in all aspects of conservation, enforcement and ecotourism. The provision of external funding to enable exchange visits between enforcement and management personnel of such States is encouraged.

With Decision 11.81 the Standing Committee was charged to:

continue to review, through a targeted programme, the progress of tiger range and consumer States, particularly those reviewed by the Technical and Political Missions. This review should consider: control of the illegal tiger trade; legislative and enforcement measures taken by States; and implementation of the recommendations of the Missions.

and with Decision 11.82 to:

report at the 12th meeting of the Conference of the Parties upon the progress made by the Parties visited by the Technical and Political Missions. The report may contain recommendations regarding appropriate measures where no progress has been made.

Decisions 11.140 to 11.148 were addressed to the Secretariat:

Decision 11.140

The Secretariat should report at the 45th meeting of the Standing Committee on the communications it receives in response to Decision 11.47. It should additionally report upon the implementation of undertakings by Parties in response to the recommendations of the Technical Team. The Standing Committee shall consider such responses and decide whether further action is appropriate.

Decision 11.141

The Secretariat should bring to the attention of all Parties, ICPO-Interpol and the World Customs Organization, the apparent resurgence in illicit trade involving skins of cat species and seek their cooperation in combating this.

Decision 11.142

The Secretariat should provide to the Standing Committee at its 45th meeting an assessment of the effectiveness of the legislative changes relating to trade in tiger parts and derivatives introduced by Japan.

Decision 11.143

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The Secretariat should seek invitations to visit tiger range States that remain non-Parties to CITES (Bhutan, Democratic People's Republic of Korea and Lao People's Democratic Republic) to encourage their accession. Parties neighbouring those States, the United Nations Environment Programme and NGOs should also give such encouragement.

Decision 11.144

The CITES Secretariat should seek to establish a Memorandum of Understanding with the Secretariat of the Global Tiger Forum, or another appropriate means of creating a closer link between the two organizations.

Decision 11.145

The Conference of the Parties having adopted the terms of reference for the Tiger Enforcement Task Force, the Secretariat should seek external funding to allow the establishment of the first Task Force to examine, among other things, ways in which illicit trade in tiger specimens can be combated and how to improve the collation of information relating to poaching of tigers and trade in their parts. The participation of ICPO-Interpol and the World Customs Organization should be encouraged. Attention should be given to range States as a priority.

The terms of reference for the TETF are attached as Annex 4 to the list of Decisions and read as follows:

The TETF is an enforcement group with the objective of combating illicit trade in tigers and tiger parts and derivatives, as defined by the Conference of the Parties at its 11th meeting.

The TETF operates in accordance with the basic principles and rules specific to the enforcement activities performed.

1. The activities of the TETF will be coordinated by the CITES Secretariat following agreement with the participating Parties. The Secretariat will arrange for the secretarial and administrative support.
2. The TETF will consist of middle to senior officials drawn from law enforcement agencies and/or Customs authorities of CITES Parties of tiger range and consumer States for the length of time agreed upon by participating Parties.
3. The TETF will provide technical advice on wildlife crime and illicit trade, and intelligence support to Parties to the Convention. Only country representatives will be responsible for operations within their territory.
4. The TETF will, when targeting wildlife crime and illicit trade in tiger specimens, ensure that the relevant CITES Management Authorities are kept informed, on a need to know basis, of its activities and maintain ongoing liaison with such authorities.
5. The CITES Secretariat will report upon the work of the TETF at each meeting of the Standing Committee and will be responsible for the dissemination of information useful for the Parties.
6. The TETF will, when appropriate, liaise and cooperate with ICPO-Interpol, the World Customs Organization and appropriate regional law enforcement groups.

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7. The TETF will establish and maintain a network and lines of communication for the handling of intelligence data relating to wildlife crime and illicit trade in tiger specimens to the law enforcement agencies of the Parties.
8. The TETF will be tasked with disseminating information relating to developments in law enforcement and forensic science techniques, relevant to the tiger, to all CITES Parties that can benefit from such information. To this end, the TETF may engage in and/or support specific training at international, regional and national levels in cooperation with the relevant CITES Management Authorities and/or law enforcement agencies.
9. The TETF should where appropriate and relevant, seek to draw upon the wildlife trade knowledge of the TRAFFIC Network and other sources.
10. The TETF will not disclose intelligence obtained during its activities to any individual or organization, other than ICPO-Interpol, the World Customs Organization, relevant CITES Management Authorities and/or governmental law enforcement agencies of a CITES Party.
11. The TETF will, when appropriate, be expected to provide advice to Parties, the CITES Secretariat, the Animals Committee and the Standing Committee, to assist in the development of project proposals, strategies, draft resolutions and decisions to assist in the enforcement and implementation of the Convention at international, regional national and levels. The TETF will be expected to respond to requests for expert advice from the CITES Secretariat, the Standing Committee and the Conference of the Parties.
12. The number and level of activities of the TETF is subject to the availability of funding.
13. Any participating Party may withdraw its representative from the task force by informing the other participating Parties of its intent 90 days before the withdrawal.

Note: As **Resolution Conf. 12.5** extends the scope of the TEFT to all Asian big cats, it would have been useful to maintain the terms of reference of the taskforce.

Decision 11.146

The Secretariat should organize a workshop, or workshops, in tiger range States to provide training for enforcement personnel. These should include a train-the-trainer element. The Secretariat should report at the 12th meeting of the Conference of the Parties on how States have made use of and disseminated the training provided.

Decision 11.147

The Secretariat should support any activities undertaken in relation to Decision 11.51, in particular by range States, and report on these at the 45th meeting of the Standing Committee.

Decision 11.148

The Secretariat should communicate to ICPO-Interpol and the World Customs Organization the importance of the exchanges of information referred to in Decision 11.52 and request their participation in facilitating this.

The 12th meeting of the Conference of the Parties adopted the following decisions on the issue of Asian big cat species:

Decision 12.29:

Every consumer and range State Party that seizes a significant illegal shipment of Asian big cat parts or derivatives, and any Party that intercepts such a shipment should communicate the details of such actions to each country of origin, export or re-export that can be determined and, in every case, to the Secretariat. Any country so advised, should conduct an appropriate investigation and report the result to the State of seizure and to the Secretariat.

Decision 12.30:

Each range State Party should consider ways in which local communities might be encouraged to play a part in, and benefit from, the conservation of Asian big cats and their habitats, for example through eco-tourism. Each range State should prepare a report on its approach to this matter for the 49th meeting of the Standing Committee, so that concepts and initiatives can be shared among relevant Parties.

Decision 12.31:

The Standing Committee shall continue to review the progress in range and consumer States that were earlier subject to CITES Technical and Political Tiger Missions to ensure that recommendations made by the Missions continue to be implemented.

Decision 12.32:

The Standing Committee shall report at the 13th meeting of the Conference of the Parties upon the progress made by the range and consumer States of Asian big cat species. The report may contain recommendations regarding appropriate measures where no progress has been made.

Bears

Resolution Conf. 10.8 (Rev. CoP12) addresses the conservation of and trade in bears.

Its preamble refers to the fact that all populations of bear species are included either in Appendix I or Appendix II of the Convention and that bears are native to Asia, Europe, North America and South America. Therefore, the issue of bear conservation is a global one. It is noted that the continued illegal trade in parts and derivatives of bear species undermines the effectiveness of the Convention and that if CITES Parties and States not-party do not take action to eliminate such trade, poaching may cause declines of wild bears that could lead to the extirpation of certain populations or even species. The Resolution recognizes that long-term solutions for the protection and conservation of bears require the adoption of substantive and measurable actions.

It urges all Parties, particularly bear range and consuming countries, to take immediate action in order to demonstrably reduce the illegal trade in bear parts and derivatives by the 13th meeting of the Conference of the Parties, by:

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- a) confirming, adopting or improving their national legislation to control the import and export of bear parts and derivatives, ensuring that the penalties for violations are sufficient to deter illegal trade;
- b) increasing CITES enforcement by providing additional resources, nationally and internationally, for wildlife trade controls;
- c) strengthening measures to control illegal export as well as import of bear parts and derivatives;
- d) initiating or encouraging new national efforts in key producer and consumer countries to identify, target and eliminate illegal markets;
- e) developing international training programmes on enforcement of wildlife laws for field personnel, with a specific focus on bear parts and derivatives, and exchanging field techniques and intelligence; and
- f) developing bilateral and regional agreements for conservation and law enforcement efforts; and
- g) sharing forensic technology to assist Parties lacking sufficient capabilities for the identification of bear parts and derivatives, and for the examination of products labelled as containing parts and derivatives of bears (ex Decision 11.44);

The Resolution recommends that all Parties review and strengthen measures, where necessary, to enforce the provisions of the Convention relating to specimens of species included in Appendices I and II, where bear parts and derivatives are concerned.

It recommends further that Parties and States not-party, as a matter of urgency, address the issue of illegal trade in bear parts and derivatives by:

- a) strengthening dialogue between government agencies, industry, consumer groups and conservation organizations to ensure that legal trade does not provide a conduit for illegal trade in parts and derivatives of Appendix-I bears and to increase public awareness of CITES trade controls;
- b) encouraging bear range and consumer countries that are not party to CITES to accede to the Convention as a matter of urgency;
- c) providing funds for research on the status of endangered bears, especially Asian species;
- d) working with traditional-medicine communities to reduce demand for bear parts and derivatives, including the active promotion of research on and use of alternatives and substitutes that do not endanger other wild species; and
- e) developing programmes in cooperation with traditional-medicine communities and conservation organizations to increase public awareness and industry knowledge about the conservation concerns associated with the trade in bear specimens and the need for stronger domestic trade controls and conservation measures.

The Resolution finally calls upon all governments and intergovernmental organizations, international aid agencies and non-governmental organizations to provide, as a matter of urgency, funds and other assistance to stop the illegal trade in bear parts and derivatives and to ensure the survival of all bear species.

The 11th meeting of the Conference of the Parties adopted the following Decisions regarding trade in bear specimens:

Decision 11.43

Parties should send reports to the Secretariat by 31 July 2001 documenting any action taken to implement Resolution Conf. 10.8 (or any revision) for submission to the Standing Committee.

- a) Parties should report to the Secretariat on whether their national or subnational legislation controls trade in bear parts and derivatives, as well as in products labelled as containing parts and derivatives of bear, and whether such controls apply to all CITES-listed bear species.
- b) Parties should inform the Secretariat what specific penalties exist for violations of existing national and sub-national laws to regulate the trade in bear parts.

Decision 11.45

Parties should consider, where appropriate, introducing measures within their territory to facilitate implementation of CITES with respect to the trade in bear parts and derivatives and products labelled as containing parts and derivatives of bear.

Decision 11.46

Parties are encouraged to evaluate the recommendations of the CITES Tiger Missions Technical Team and CITES Political Missions and, where appropriate, to apply these recommendations to the conservation of bears and trade in bear specimens, particularly with respect to bear species included in Appendix I.

Decision 11.80 provided that the Standing Committee should:

- a) include the international illegal trade in bear parts and derivatives as an issue at its 45th and 46th meetings with a view to identifying additional legislative and enforcement measures that may be necessary to stop the international illegal trade in bears and bear parts and derivatives; and
- b) report at the 12th meeting of the Conference of the Parties on progress made in bear range and consumer States in implementing the provisions of the Convention with respect to the trade in bear specimens, specifically focusing on the measures recommended in Resolution Conf. 10.8 for demonstrably reducing the illegal international trade in bear parts and derivatives as well as in products labelled as containing parts and derivatives of bears.

The 12th meeting of the Conference of the Parties followed up on the above decisions and as a result decided with **Decision 12.27** that the Parties that did not report to the Secretariat by 31 July 2001 as required by Decision 11.43, and that are believed to be significant

range and consumer States for bear and bear products – namely, Australia, Azerbaijan, Belarus, Bhutan, Bulgaria, Cambodia, Canada, Finland, Georgia, India, Indonesia, Kazakhstan, Lithuania, Latvia, Malaysia, Mongolia, Myanmar, Pakistan, the Philippines, the Republic of Korea, Serbia and Montenegro, Singapore, Slovenia, Thailand, Turkey, Ukraine, Uzbekistan and Viet Nam – should submit to the Secretariat by 31 July 2003 reports documenting the actions they have taken to implement Resolution Conf. 10.8 (Rev. CoP12) (Conservation of and trade in bears).

The Standing Committee was directed with **Decision 12.28** to include the international trade in bear parts and derivatives in the agenda of its 50th meeting with a view to identifying additional legislative and enforcement measures that may be necessary to stop illegal international trade in bears and bear parts and derivatives, drawing upon the information received by the Secretariat pursuant to Decision 12.27.

Musk deer

Musk deer are native to Asia but that natural musk and products containing musk are used and traded worldwide and, therefore, that conservation of musk deer is a global concern. All musk deer species are included either in Appendix I or Appendix II of the Convention. The status and trends of musk deer populations and the domestic demand for musk in range countries are inadequately documented. If Parties and States that are not yet party to the Convention do not take action to eliminate the illegal trade, poaching may cause declines and even extirpation of certain populations. Long-term solutions for the protection of musk deer require the adoption of substantive and measurable actions designed to ensure sustainable use. Strengthening technical cooperation between range and consumer States and financial support would contribute to more effective musk deer conservation. With the above as a basis, the 11th meeting of the Conference of the Parties adopted **Resolution Conf. 11.7** on the conservation of and trade in musk deer.

The Conference of the Parties urges all Parties, particularly musk deer range and consuming countries and those through which musk deer specimens pass in transit, to take immediate action in order to reduce demonstrably the illegal trade in musk deriving from wild musk deer by:

- a) introducing innovative enforcement methods in range and consumer States and, as a matter of priority, strengthening enforcement efforts in key border regions;
- b) pursuing the development of a clear labelling system for products containing musk, and the development and dissemination of forensic methods to detect natural musk in medicinal and other products;
- c) encouraging all range States and consumer States that are not party to CITES to accede to it at the earliest possible date in order to improve international trade control of raw musk and products containing musk;
- d) working with musk consumers to develop alternatives for raw musk in order to reduce demand for natural musk, while encouraging the development of safe and effective techniques for collecting musk from live musk deer; and
- e) developing bilateral and regional agreements for improving musk deer conservation and management, strengthening legislation and strengthening enforcement efforts;

The Resolution recommends that manufacturing and consumer States cooperate in the development and distribution of identification guides for manufactured products containing musk to assist with enforcement efforts and calls on the Parties, international aid agencies, intergovernmental organizations, and non-governmental organizations, as a matter of priority, to provide financial and technical assistance to range States to conduct population surveys, and surveys of domestic markets for musk deer, including both legal and illegal trade.

The 11th meeting of the Conference of the Parties further adopted the following decisions with regard to musk deer conservation:

Decision 11.57

Parties that authorize export of raw musk should consider reductions in their export quotas, if biologically appropriate, until the Animals Committee has completed its consideration of musk deer in the Review of Significant Trade.

Decision 11.83

The Standing Committee shall undertake a review of actions taken by key musk deer range, transit and consumer States – particularly China, India, Kazakhstan, Mongolia, Nepal, the Russian Federation, Germany, France, Malaysia, Singapore, the Republic of Korea and Japan – to improve enforcement (especially in key border areas), implement trade controls and conserve and protect musk deer populations, and shall report at the 12th meeting of the Conference of the Parties.

Decision 11.92

The Animals Committee shall consider at its first meeting following the 11th meeting of the Conference of the Parties, as a matter of priority, the trade in musk deer, raw musk, and products containing musk in the context of the Review of Significant Trade, pursuant to Resolution Conf. 8.9 (Rev.), and present proposals for remedial actions to the Standing Committee prior to the 12th meeting of the Conference of the Parties.

Decision 11.149

The Secretariat shall conduct an analysis of the use of musk in perfume industries and in traditional medicines in Asia and in Asian communities outside Asia in order to identify the level of demand, trends, and user groups, and shall report at the 12th meeting of the Conference of the Parties.

Tibetan antelope

The Tibetan antelope (*Pantholops hodgsonii*) is listed in Appendix I, and all commercial international trade in its parts and derivatives has been regulated by the Convention since 1979. The wild population of the Tibetan antelope continues to be threatened by poaching to supply the market for shahtoosh, the fine wool of the species, and shahtoosh products. An effective ban on processing of and trade in shahtoosh is a critically important complement to effective *in situ* conservation of the species, including control of large scale poaching. Strengthened technical cooperation between range and non-range States, and financial support, would contribute to more effective conservation of Tibetan antelope.

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With the above in mind, the 11th meeting of the Conference of the Parties adopted Resolution Conf. 11.8 on the conservation of and control of trade in Tibetan antelope. The Resolution was revised at the 12th meeting of the Conference of the Parties.

Resolution Conf. 11.8 (Rev. CoP12) recalls the International Workshop on Conservation and Control of Trade in Tibetan Antelope, held in Xining, China, 12-14 October 1999, where a draft resolution on the conservation and control of trade in Tibetan antelope was discussed by government representatives from China, France, India, Italy, Nepal, the United Kingdom and the United States of America, as well as representatives of the CITES Secretariat and non-governmental organizations.

The Conference of the Parties commends the initiatives by Parties to facilitate cooperation in conservation of Tibetan antelope and to address illegal hunting of Tibetan antelope, including:

- a) China, which has made a serious effort to stop poaching and smuggling of Tibetan antelope and has also established nature reserves for the species; and
- b) France, India, Italy, the United Kingdom and the United States of America, which have taken steps to protect the species, including enforcement and judicial action to halt the illegal trade in Tibetan antelope parts and derivatives and the development of identification techniques for such parts and derivatives;

The Resolution recommends that:

- a) all Parties and non-Parties, especially consumer and range States, adopt comprehensive legislation and enforcement controls as a matter of urgency, with the aim of eliminating commercial trade in Tibetan antelope parts and derivatives, especially shahtoosh, in order to demonstrably reduce the illegal trade in Tibetan antelope products;
- b) all Parties treat any product claimed to be 'shahtoosh' or claimed to contain Tibetan antelope specimens as a readily recognizable part or derivative of the Tibetan antelope and therefore subject to the provisions relating to Appendix-I species, as provided for in Resolution Conf. 9.6 (Rev.), and enact legislation, where it does not exist, to fully implement these provisions for such products;
- c) all Parties adopt penalties adequate to deter illegal trade and measures to enhance public awareness of the actual origin of the products and of the status of the Tibetan antelope; and
- d) all Parties and non-Parties in whose territory stocks of Tibetan antelope parts and raw materials exist, adopt a registration system and national measures to prevent such stocks from re-entering into trade;

The Resolution directs:

- a) the Secretariat, with the assistance of interested Parties, intergovernmental organizations and non-governmental organizations, to provide funding and technical assistance to the range States of the Tibetan antelope in order to improve anti-poaching efforts, to carry out population censuses, to formulate a conservation strategy and to prevent trade in Tibetan antelope parts and derivatives;

- b) the Secretariat to report to the Standing Committee, at its 50th meeting, on implementation of this Resolution; and
- c) the Standing Committee to review this report and to report to the Conference of the Parties at its 13th meeting.

The Conference of the Parties finally urges:

- a) the processing countries of the products of Tibetan antelope to continue their efforts to ban the processing of Tibetan antelope wool;
- b) all countries and territories with relevant experience and technical capabilities to strengthen cooperation and the exchange of information, technology and experience with regard to education and awareness, law enforcement such as smuggling routes and methods, and techniques for the identification of parts and derivatives of Tibetan antelope; and
- c) relevant Parties to designate a contact point and to provide contact details to the Secretariat in order to establish a network to assist in the control of illegal trade in Tibetan antelope parts and derivatives, particularly shahtoosh, and, where appropriate to make full use of the ECO-MESSAGE of ICPO-Interpol and existing law enforcement networks, including the World Customs Organization.

The 12th meeting of the Conference of the Parties adopted **Decision 12.40**, which provides that subject to available funding, the Secretariat shall undertake an enforcement-needs assessment mission to China to provide technical assistance regarding anti-poaching issues and combating the smuggling of wool, and organize a workshop in China to provide training for enforcement personnel involved in anti-poaching and anti-smuggling of Tibetan antelope wool in 2003.

Freshwater turtles and tortoises

The global international trade in freshwater turtles and tortoises involves millions of specimens each year, affecting more than 50 Asian Chelonian species and at least five North American species. Nearly all Asian freshwater turtle and tortoise species are found in trade, and a number of species are already included in Appendix I or II. The collection of freshwater turtles and tortoises is carried out through an extensive informal network of trappers, hunters and middlemen, and collection efforts and export volumes have increased significantly, especially throughout much of Asia. In addition, turtles in general are vulnerable to overexploitation, because of biological characteristics such as late maturity, limited annual reproductive output, and high juvenile mortality, as well as habitat degradation and loss. There are two significant types of trade in freshwater turtles and tortoises, a high-volume trade in freshwater turtles and tortoises and their parts for consumption both as food and in traditional medicine, and a species-focused trade for pets. The movement of live freshwater turtles and tortoises to non-range states where introduction could occur could have adverse impacts on the native species of importing countries, and little is known of such impacts by alien species.

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Little is known of the population status and ecological role of freshwater turtles and tortoises. Trade from and transit through some countries that are not party to CITES could be a concern. Article III, paragraph 2 (c), Article IV, paragraph 2 (c) and Article V, paragraph 2 (b), of the Convention require that live specimens be so prepared and shipped as to minimize the risk of injury, damage to health, or cruel treatment. The shipment of living freshwater turtles and tortoises is often not conducted in accordance with the provisions of Articles III, IV and V of the Convention, and in particular that transport of living freshwater turtles and tortoises by air is often not conducted in accordance with IATA regulations. Many countries have legislation concerning freshwater turtles and tortoises but that there are inadequacies in the scope and extent of coverage, and that enforcement is often insufficient. The demand for and trade in freshwater turtles and tortoises poses a significant threat to wild populations, and that international cooperation is needed to urgently address these threats.

Against this background, **Resolution Conf. 11.9 (Rev. CoP12)** urges:

- a) all Parties, especially range states and exporting and importing States of Asian tortoises and freshwater turtles to enhance and increase enforcement efforts with regard to existing legislation as a matter of urgency;
- b) all Parties, especially range states and exporting and importing States of Asian tortoises and freshwater turtles, to enhance cooperation among wildlife law enforcement agencies at national and international levels concerning control of trade in tortoises and freshwater turtles, and between enforcement agencies and national CITES authorities;

Note: The above paragraph was added at the 12th meeting of the Conference of the Parties.

- c) all Parties, especially range states and exporting and importing States of Asian tortoises and freshwater turtles to assess current efforts to manage native tortoise and freshwater turtle populations, and improve those efforts as necessary, e.g. by establishing quotas *that take into consideration the particular biology of tortoises and freshwater turtles*;

Note: The words in italics were added at the 12th meeting of the Conference of the Parties.

- d) all Parties to develop and implement research programmes to identify the species involved in trade, to monitor and assess the impact of trade *on wild populations, and to evaluate the conservation risks and benefits of large-scale commercial breeding of tortoises and freshwater turtles*;

Note: The words in italics were added at the 12th meeting of the Conference of the Parties.

- e) all Parties whose national legislation is not sufficient to control effectively the unsustainable harvest of and trade in tortoises and freshwater turtles, to enact legislation to protect *and manage* these species *appropriately*;

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Note: The words in italics were added at the 12th meeting of the Conference of the Parties.

- f) all Parties to increase public awareness of the threats posed to tortoises and freshwater turtles from unsustainable harvest and unregulated trade;

Note: The above paragraph was reworded at the 12th meeting of the Conference of the Parties.

- g) all Parties to explore ways to enhance the participation of collectors, traders, exporters, importers and consumers in the conservation of and sustainable trade in tortoises and freshwater turtle species.

The following paragraphs were added to the Resolution at the 12th meeting of the Conference of the Parties:

- h) all Parties, especially in the Asian region, to collaborate on all aspects of conservation and management of, trade in, and implementation of the Convention for, tortoises and freshwater turtles, taking into consideration the recommendations formulated at a technical workshop on conservation of and trade in tortoises and freshwater turtles held in Kunming, China, 25-28 March 2002;
- i) all Parties, particularly those in the Asian region, to develop plans of action in compliance with Resolution Conf. 10.7 that can be executed without delay in the event that live specimens of tortoises and freshwater turtles are confiscated; and
- j) range States of tortoises and freshwater turtles to develop management strategies concerning CITES-listed tortoises and freshwater turtles, including regional action plans for the conservation of Asian tortoises and freshwater turtles, in collaboration with the Secretariat, industry representatives, interested governmental and non-governmental organizations and other stakeholders as appropriate; and

The Secretariat was directed to provide assistance with securing financial resources from Parties, United Nations specialized agencies, intergovernmental and non-governmental organizations, trade associations, industry and others as appropriate to range States in need of and requesting financial support to develop and implement management strategies and action plans concerning CITES-listed tortoises and freshwater turtles in accordance with this Resolution.

The following provision was removed from the Resolution at the 12th meeting of the Conference of the Parties: all Parties involved in the trade in freshwater turtles and tortoises to examine their national legislation to ensure that treatment of these animals during transport is in accordance with the provisions of the Convention and, where relevant, with IATA regulations, and to take immediate action to correct any deficiencies in such legislation.

Decision 11.93 provided that the Animals Committee should consider the trade in specimens of CITES-listed freshwater turtles and tortoises in the context of the Review of Significant Trade, pursuant to Resolution Conf. 8.9 (Rev.).

Decision 11.150 charged the Secretariat to:

- a) subject to available funds, convene a technical workshop in order to establish conservation priorities and actions to achieve sustainable trade in freshwater turtles and tortoises and invite the Chairman of the Animals Committee as well as representatives from range, exporting and consumer States and relevant inter-governmental and non-governmental organizations to participate in this workshop, to be held within 12 months after the 11th meeting of the Conference of the Parties. Recommendations elaborated at the Workshop on Trade in Terrestrial and Freshwater Turtles and Tortoises in Asia, held in Cambodia in December 1999, should be considered at the technical workshop. The findings and recommendations of this workshop should be reported to the Animals Committee by the Secretariat before the 12th meeting of the Conference of the Parties;
- b) encourage Parties, intergovernmental and non-governmental organizations and other appropriate bodies to assist capacity-building and training efforts throughout the Asian region with respect to the trade in freshwater turtles and tortoises; and
- c) encourage Parties and trading companies involved in the trade in freshwater turtles and tortoises to assist in raising funds for the workshop.

The work carried out as a result of the above resulted in the listing of an important number of species in the Appendices at the 12th meeting of the Conference of the Parties, which also adopted the following decisions:

Decision 12.41:

All Parties that authorize commercial trade in tortoises and freshwater turtles should submit a report, according to an agreed format, to the Secretariat at least six months before the 13th meeting of the Conference of Parties, detailing progress in implementing the recommendations contained in Resolution Conf. 11.9 (Rev. CoP12) on conservation of and trade in tortoises and freshwater turtles.

Decision 12.42:

The Secretariat shall develop a standard format for these reports, evaluate the reports, as well as any information it has received, and submit a written summary of these for consideration at the 13th meeting of the Conference of the Parties.

The Pancake tortoise

The 12th meeting of the Conference of the Parties adopted **Decision 12.43**, which directs the Animals Committee to:

The Animals Committee, particularly its working group on tortoises and freshwater turtles, shall, before the 13th meeting of the Conference of the Parties, in collaboration with the Secretariat and the Management and Scientific Authorities of the known range States of *Malacochersus tornieri* (pancake tortoise):

- a) review the biology, genetic variability, conservation status and distribution of this species in the wild;

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- b) assess the current production systems of this species with the aim of advising on adequate control, management and monitoring practices;
- c) consider appropriate identification and marking systems for specimens in trade and for breeding stocks in captivity in the range States; and
- d) advise on training and capacity-building needs to manage and control the trade in this species.

The Hawksbill turtle

As a result of two Dialogue meetings on the Hawksbill turtle in the wider Caribbean, the 12th meeting of the Conference of the Parties adopted the following Decisions on the issue:

Decision 12.44 provides that States and territories in the wider Caribbean region should:

- a) develop further a collaborative regional conservation strategy, based on the outline of a strategic plan provided in Annex 4 to these Decisions, to enhance the conservation status of hawksbill turtles and, where appropriate, other marine turtles within the wider Caribbean;
- b) implement the strategy through the development and implementation of national management plans;
- c) adopt and implement standard protocols for the monitoring, at recommended and agreed index sites, of populations of nesting and foraging hawksbill turtles and that similar efforts should be made to monitor legal harvests, by-catch in other fisheries and illegal take;
- d) implement measures to reduce illegal catch and illegal trade in hawksbill turtles and parts and derivatives thereof, including measures to improve the control of stocks of hawksbill turtle parts and derivatives by identifying, marking, registering and securing all such stockpiles; and
- e) report on progress with the implementation of the regional conservation strategy and national management plans at the 13th meeting of the Conference of the Parties.

Decision 12.45 encourages Governments and intergovernmental organizations, international aid agencies and non-governmental organizations to provide funds to enable the implementation of the Caribbean regional hawksbill strategy and to support the regional dialogue process.

Decision 12.46 directs the Secretariat to, subject to funding and before the 13th meeting of the Conference of the Parties, arrange at least one meeting of the wider Caribbean region on the hawksbill turtle in order to facilitate regional collaboration, planning and information exchange, as well as collaboration with other bodies and multilateral agreements with a mandate concerning the conservation and management of this species in the wider Caribbean region.

The Houbara bustard

Resolution Conf. 10.11 addresses the situation of the houbara bustard (*Chlamydotis undulata*), a species included in Appendix I. It notes with concern the critical conservation status of this species over large spans of its range in Asia and North Africa and expresses concern that international trade in the houbara bustard still takes place as well as uncontrolled hunting of the species in its breeding and nesting areas.

The Resolution acknowledges recommendations 1.27 and 1.28 adopted at the World Conservation Congress at its first session, held in Montreal, 14-23 October 1996, regarding the conservation of the houbara bustard and recommendation 5.4 adopted at the fifth meeting of the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS) held in Geneva, 10- 16 April 1997, concerning the conservation of this species. Appreciation is expressed for the recent efforts of the Kingdom of Saudi Arabia as the representative of Asia in the Standing Committee of CMS in developing a multilateral agreement on the conservation of the Asiatic houbara bustard.

The Resolution urges all Parties that are range States for the houbara bustard to take all appropriate action to prohibit all hunting, trapping and egg collection activities in breeding and nesting areas of this species. It calls upon all range States of the Asiatic subspecies of the houbara bustard (*Chlamydotis undulata maqueenii*) to review the Draft Agreement officially circulated by the Government of Saudi Arabia and communicate their comments to the National Commission for Wildlife Conservation and Development (NCWCD), Riyadh, Saudi Arabia. It finally encourages all range States of this species to cooperate among themselves to initiate research and technical partnerships for the conservation of the species over the entirety of its range.

Sturgeons and paddlefish

Resolution Conf. 12.7 replaces **Resolution Conf. 10.12 (Rev.)**. It concerns the conservation of and trade in sturgeons and paddlefish, included in Appendix II since 1 April 1998. It refers to the fact that sturgeons (Acipenseriformes) represent a valuable renewable biological and economic resource that in recent years has been affected by such negative factors as illegal fishing and illegal trade, regulation of water flow and decrease in natural spawning sites.

The Resolution notes the need for further research and the importance of scientific monitoring of the status of stocks and an understanding of their genetic structure as the basis for sustainable fisheries management.

It considers that Eurasian range States of Acipenseriformes are in need of funds and technical assistance in order to develop regional management and monitoring programmes for conservation, habitat protection, and the combating of illegal fishing and trade.

Therefore, the Conference of the Parties urges the range States of species in the order Acipenseriformes to:

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- a) encourage scientific research and ensure adequate monitoring of the status of stocks⁷ to promote the sustainability of sturgeon and paddlefish fisheries through appropriate management programmes;
- b) curtail the illegal fishing of and trade in sturgeon and paddlefish specimens by improving the provisions in and enforcement of existing laws regulating fisheries and export, in close collaboration with the CITES Secretariat, ICPO-Interpol and the World Customs Organization;
- c) explore ways of enhancing the participation of representatives of all agencies responsible for sturgeon and paddlefish fisheries in conservation and sustainable-use programmes for these species; and
- d) promote regional agreements between range States of sturgeon and paddlefish species aiming at proper management and sustainable utilization of these species;

The Resolution recommends:

- a) that range States license legal exporters of specimens of sturgeon and paddlefish species and maintain a register of such persons or companies and provide this register to the Secretariat upon request;
- b) that importing countries be particularly vigilant in controlling all aspects of the trade in specimens of sturgeon and paddlefish species, including the unloading of sturgeon specimens, transit, re-packaging, re-labelling and re-exports;
- c) that Parties monitor the storage, processing and re-packaging of specimens of sturgeon and paddlefish species in Customs free zones and free ports, and for airline and cruise line catering;
- d) that Parties ensure that all their relevant agencies cooperate in establishing the necessary administrative, management, scientific and control mechanisms needed to implement the provisions of the Convention with respect to sturgeon and paddlefish species; and
- e) that Parties consider the harmonization of their national legislation related to personal exemptions for caviar, to allow for the personal effects exemption under Article VII, paragraph 3, of the Convention and consider limiting this exemption to no more than 250 grams of caviar per person;

The Resolution recommends further, with regards to catch and export quotas, that:

- a) Parties not accept the import of specimens of Acipenseriformes species from stocks shared between different range States⁸ unless:
 - i) export quotas for that year have been established by the range States⁹ concerned and have been communicated by the Secretariat to the Parties;
 - ii) the export quotas referred to in subparagraph i) have been derived from catch quotas agreed amongst States that provide habitat for the same stock of an Acipenseriformes species;

⁷ The term 'stock' is regarded, for the purposes of this Resolution, to be synonymous with 'population'.

⁸ Quotas do not have to be established for specimens from endemic stocks, i.e. stocks not shared with other countries, and captive breeding or aquaculture operations. Quotas communicated for such specimens are voluntary quotas.

⁹ For States that do not have legislation to establish export quotas at the national level, export quotas communicated to the Parties are considered to be export quotas for the purposes of this Resolution only.

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- iii) catch quotas are based on an appropriate regional conservation strategy and monitoring regime for the species concerned; and
 - iv) the Secretariat is satisfied that catch and export quotas are agreed by all relevant range States, on the basis of information provided to it on the status of stocks of the species concerned; and
- b) if a range State of a shared stock of a species of Acipenseriformes decides to reduce its quota established in accordance with this Resolution under stricter domestic measures, this shall not affect the quotas of the other range States of this stock.

The Resolution urges Parties to implement without delay the labelling of caviar in accordance with Annexes 1 and 2. **See Chapter 12** on the marking of specimens.

It calls upon range States, importing countries and other appropriate experts and organizations such as the IUCN/SSC Sturgeon Specialist Group, in consultation with the Secretariat and the Animals Committee, to explore the development of a uniform DNA-based identification system for parts and derivatives and aquaculture stocks of Acipenseriformes species to assist in the subsequent identification of the origin of specimens in trade.

The Secretariat is directed:

- a) in collaboration with range States and international organizations from both industry and the conservation community, to assist with the development of a strategy including action plans for the conservation of Acipenseriformes; and
- b) to provide assistance with securing financial resources from Parties, international organizations, United Nations specialized agencies, intergovernmental and non-governmental organizations and industry;

The 11th meeting of the Conference of the Parties also made a series of Decisions with regard to sturgeon and paddlefish conservation:

Decision 11.58

Starting from 1 January 2001, range States should declare coordinated intergovernmental level annual export and catch quotas per basin, or biogeographical region where appropriate, for all commercial trade in specimens of Acipenseriformes. Parties should inform the Secretariat prior to 31 December of the preceding year. Parties that fail to inform the Secretariat will automatically be treated as having a zero quota for the following year.

Decision 11.59

All Parties engaged in trade in sturgeon and paddlefish specimens should report to the Secretariat on the progress made to implement the measures agreed upon in Resolution Conf. 10.12 (Rev.) and on their national management strategies for Acipenseriformes prior to the 18th meeting of the Animals Committee.

Decision 11.95

The Animals Committee shall consider Acipenseriformes species (sturgeons and paddlefish) in the Review of Significant Trade, as recommended in Resolution Conf. 10.12 (Rev.) pursuant to Resolution Conf. 8.9 (Rev.) and report at the 12th meeting of the Conference of the Parties.

Decision 11.96

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The Animals Committee shall review the Secretariat's report resulting from implementation of Decision 11.152 and, at its 18th meeting, decide upon actions to be taken by Parties on the implementation of CITES and regarding regional management strategies, and report at the 12th meeting of the Conference of the Parties.

Decision 11.152

The Secretariat shall prepare a report with recommendations regarding implementation by Parties of the measures agreed upon in Resolution Conf. 10.12 (Rev.) and, after review by the Parties concerned, submit it for consideration at the 18th meeting of the Animals Committee.

The 12th meeting of the Conference of the Parties adopted the following decisions with regard to sturgeons:

Decision 12.50:

When developing regional conservation strategies and action plans, range States of sturgeons in the Eurasian region should take into account the recommendations in document CoP12 Doc. 42.1.

Decision 12.51:

From 1 January 2004, importing countries should not accept shipments of caviar unless they are marked in accordance with the universal labelling system outlined in Annexes 1 and 2 of Resolution Conf. 12.7 on conservation of and trade in sturgeons and paddlefish.

Decision 12.52:

In consultation with the Parties and other relevant entities, the Secretariat shall explore the possibility of establishing a clearing-house mechanism for information regarding all permits issued for international trade in caviar to assist in the control of illegal trade and report its findings to the Standing Committee before the 13th meeting of the Conference of the Parties.

Sharks

Resolution Conf. 9.17 noted the increase in the international trade in parts and derivatives of sharks.

It expressed concern that some shark species are heavily utilized around the world for their fins, skins and meat. It noted that levels of exploitation in some cases are unsustainable and may be detrimental to the long-term survival of certain shark species, that sharks were not specifically managed or conserved by any multilateral or regional agreement for the management of marine fisheries and the ongoing initiatives to foster international cooperation in the management of fisheries resources.

The Resolution expressed concern that the international trade in parts and products of sharks lacks adequate monitoring and control. It recognized that the members of the IUCN Species Survival Commission's Shark Specialist Group were reviewing the status of sharks and the global trade in their parts and derivatives in the course of developing an

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action plan on shark conservation and also that other intergovernmental organizations and bodies, including the Food and Agriculture Organization (FAO) of the United Nations, and the International Commission for Conservation of Atlantic Tunas (ICCAT), had undertaken efforts to collect elaborate statistical data on catches and landings of diverse marine species, including sharks. The collection of species-specific data was recognized to be a complex task, considering that there are some 100 species of sharks being exploited both commercially and for recreation, and that numerous countries utilize this marine resource.

The Resolution urged the Parties to submit to the Secretariat all available information concerning the trade and biological status of sharks, including historical catch and trade data on shark fisheries.

It directed the Animals Committee, with the assistance of experts as may be needed, to:

- a) review such information, and information made available through consultation with FAO and other international fisheries management organizations and, where appropriate, to include information made available by nongovernmental organizations;
- b) summarize the biological and trade status of sharks subject to international trade; and
- c) prepare a discussion paper on the biological and trade status of sharks, at least six months prior to the 10th meeting of the Conference of the Parties.

The Conference of the Parties requested:

- a) FAO and other international fisheries management organizations to establish programmes to further collect and assemble the necessary biological and trade data on shark species, and that such additional information be provided no later than six months prior to the 11th meeting of the Conference of the Parties;
- b) all nations utilizing and trading specimens of shark species to cooperate with FAO and other international fisheries management organizations, and to assist developing States in the collection of species-specific data; and
- c) FAO and other international fisheries management organizations to fully inform the CITES Secretariat of progress on collection, elaboration and analyses of data.

At the 10th meeting of the Conference of the Parties, it was decided with Decision 10.48, regarding the biological and trade status of sharks, that to achieve effective implementation of **Resolution Conf. 9.17**:

- a) the Parties concerned should, in collaboration with FAO and regional fisheries organizations, improve methods to accurately identify, by species, record and report landings of sharks from directed fisheries and sharks taken as a by-catch in another fishery;
- b) Parties that have a shark fishery and/or trade in sharks and shark parts and derivatives should establish appropriate species-specific recording and reporting systems for all sharks that are landed as a directed catch or a bycatch;
- c) Parties that have a shark fishery should initiate efforts to:

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- i) collect species-specific data on landings, discards and fishing effort;
 - ii) compile information on life history and biological parameters such as growth rate, life span, sexual maturity, fecundity and stock-recruitment relationships of sharks taken in their fisheries;
 - iii) document the distribution of sharks by age and sex, as well as their seasonal movements and interactions between populations; and
 - iv) reduce mortality of sharks captured incidentally in the course of other fishing activities; and
- d) the Parties concerned are encouraged to initiate management of shark fisheries at the national level and establish international/regional bodies to coordinate management of shark fisheries throughout the geographic range of species that are subject to exploitation, in order to ensure that international trade is not detrimental to the long-term survival of shark populations.

Decision 10.93 directed itself to the Food and Agriculture Organization of the United Nations (FAO). To achieve effective implementation of **Resolution Conf. 9.17**, it was suggested that FAO should:

- a) as a matter of urgency, initiate a work programme involving:
 - i) changing the manner in which it requests members to record and report data on shark landings;
 - ii) continuing a consultancy, commenced in 1996, to design and undertake an inquiry into the availability of biological and trade data on sharks;
 - iii) updating the Shark World Species Catalogue and the 1978 Shark Utilization and Marketing Monograph; and
 - iv) finalizing and publishing the World Catalogue of Rajiformes;
- b) transmit the results of the consultancy to the CITES Secretariat for circulation to and comment by the Parties to the Convention; and
- c) encourage its member States that have a shark fishery, or a fishery that takes sharks as a by-catch, to implement the principles and practices elaborated in:
 - i) the FAO Code of Conduct for Responsible Fisheries;
 - ii) the FAO Precautionary Approach to Fisheries, Part 1: Guidelines on the Precautionary Approach to Capture Fisheries and Species Introductions; and
 - iii) the FAO Code of Practice for the Full Utilization of Sharks.

The following Decisions were directed to the Animals Committee:

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10.73 The CITES Animals Committee, together with the CITES Secretariat, shall cooperate in the expert consultation organized by the FAO Committee of Fisheries to develop and propose guidelines leading to a plan of action for the conservation and effective management of sharks, in an effort to further the implementation of **Resolution Conf. 9.17**.

10.74 The Chairman of the Animals Committee shall serve as liaison with the United Nations Food and Agriculture Organization (FAO) and with intergovernmental fisheries management and/or research organizations in relation to all activities concerning the implementation of **Resolution Conf. 9.17**.

The Secretariat was instructed with Decision 10.126 to:

- a) in an effort to improve statistics on trade in sharks and shark parts and derivatives and in collaboration with FAO, consult the World Customs Organization to establish more specific headings within the standard six-digit Customs tariff headings adopted under the Harmonized System tariff classification, to discriminate between shark meat, fins, leather, cartilage and other products;
- b) circulate to the Parties for comments the results transmitted to it of the consultancy mentioned in Decision 10.93, paragraph a) ii);
- c) together with the CITES Animals Committee, cooperate in the expert consultation organized by the FAO Committee of Fisheries to develop and propose guidelines leading to a plan of action for the conservation and effective management of sharks; and
- d) communicate the relevant recommendations to FAO and other intergovernmental fisheries management and/or research organizations and establish liaison with them to monitor implementation of these recommendations.

At the 11th meeting of the Conference of the Parties, proposals to list shark species in the Appendices were rejected. With Decision 11.94, the Chairman of the Animals Committee was directed to maintain liaison with the Secretary of the Committee on Fisheries of the United Nations Food and Agriculture Organization to monitor the implementation of the International Plan of Action for the Conservation and Management of Sharks, and report at the 12th meeting of the Conference of the Parties on progress made with this. The 18th meeting of the Animals Committee noted that CITES should continue to contribute to international efforts to address shark conservation and trade concerns.

The 12th meeting of the Conference of the Parties adopted two proposals for listing sharks in Appendix II (the Basking shark – which the United Kingdom had listed in Appendix III since the 11th meeting of the Conference of the Parties - and the Whale shark). It further adopted **Resolution Conf. 12.6** on the conservation and management of sharks.

The Conference of the Parties recognizes that sharks are particularly vulnerable to over-exploitation owing to their late maturity, longevity and low fecundity, that there is a significant international trade in sharks and their products, that unregulated and unreported trade is contributing to unsustainable fishing of a number of shark species and that it is the duty of all States to cooperate, either directly or through appropriate sub-regional or regional organizations in the conservation and management of fisheries resources.

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It notes that IUCN – The World Conservation Union's Red List of Threatened Species (2000) lists 79 shark taxa (from the 10 per cent of taxa for which Red List assessments have been made) and recognizes that the International Plan of Action on the Conservation and Management of Sharks (IPOA-sharks) was prepared by FAO in 1999 and that all States whose vessels conduct directed fisheries or regularly take sharks in non-directed fisheries are encouraged by COFI to adopt a National Plan of Action for the Conservation and Management of Shark Stocks (NPOA-Sharks).

The Conference of the Parties notes that States were encouraged by FAO to have prepared NPOAs for sharks by the COFI 24th session held in 2001 and that there is a significant lack of progress with the development and implementation of NPOAs.

It expresses concern that insufficient progress has been made in achieving shark management through the implementation of IPOA-Sharks except in States where comprehensive shark assessment reports and NPOA-Sharks have been developed and that the continued significant trade in sharks and their products is not sustainable.

The Conference of the Parties therefore:

agrees that a lack of progress in the development of the FAO IPOA-Sharks is not a legitimate justification for a lack of further substantive action on shark trade issues within the CITES forum;

instructs the CITES Secretariat to raise with FAO concerns regarding the significant lack of progress in implementing the IPOA-Sharks, and to urge FAO to take steps to actively encourage relevant States to develop NPOA-Sharks;

directs the Animals Committee to continue activities specified under Decision 11.94 beyond the 12th meeting of the Conference of the Parties, and to report on progress at the 13th meeting of the Conference of Parties;

directs the Animals Committee to critically review progress towards IPOA-Sharks implementation (NPOA-Sharks) by major fishing and trading nations, by a date one year before the 13th meeting of the Conference of the Parties to CITES;

directs the Animals Committee to examine information provided by range States in shark assessment reports and other available relevant documents, with a view to identifying key species and examining these for consideration and possible listing under CITES;

encourages Parties to obtain information on implementation of IPOA-Sharks from their fisheries departments, and report directly on progress to the CITES Secretariat and at future meetings of the Animals Committee;

urges FAO COFI and Regional Fisheries Management Organizations to take steps to undertake the research, training, data collection, data analysis and shark management plan development outlined by FAO as necessary to implement the IPOA-Sharks;

encourages Parties to contribute financially and technically to the implementation of the IPOA-Sharks;

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directs the Animals Committee to make species-specific recommendations at the 13th meeting and subsequent meetings of the Conference of the Parties if necessary on improving the conservation status of sharks and the regulation of international trade in these species;

recommends that Parties continue to identify endangered shark species that require consideration for inclusion in the Appendices, if their management and conservation status does not improve; and

requests Management Authorities to collaborate with their national Customs authorities to expand their current classification system to allow for the collection of detailed data on shark trade including, where possible, separate categories for processed and unprocessed products, for meat, cartilage, skin and fins, and to distinguish imports, exports and re-exports. Wherever possible these data should be species-specific.

The Secretariat was instructed, with **Decision 11.151**, to continue to liaise with the World Customs Organization to promote the establishment and use of specific headings within the standard tariff classifications of the Harmonized System to discriminate between shark meat, fins, leather, cartilage and other products.

The 12th meeting of the Conference of the Parties also adopted three Decisions on the issue of shark listings:

Decision 12.47:

The Chairman of the Animals Committee shall maintain the liaison established with the Secretary of the Committee on Fisheries of the United Nations Food and Agriculture Organization, to monitor the implementation of the International Plan of Action for the Conservation and Management of Sharks (IPOA-Sharks). The Chairman of the Animals Committee shall report on progress with the implementation of IPOA-Sharks at the 13th meeting of the Conference of the Parties.

Decision 12.48:

The Secretariat shall transmit to FAO the concerns of the Conference of the Parties regarding the lack of progress in implementing the IPOA-Sharks, and urge FAO to take steps to encourage the implementation of the IPOA-Sharks by States and regional fisheries management organizations.

Decision 12.49:

The Secretariat shall encourage CITES authorities of Parties to obtain information on IPOA-Sharks implementation from their national fisheries departments and report on progress at future meetings of the Animals Committee.

Seahorses

Decision 11.97 provided that the Animals Committee should:

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- a) review, with the assistance of experts as may be needed, the outcomes of the technical workshop convened by the Secretariat and other available information concerning the biology, catch and bycatch of and trade in seahorses and other syngnathids and develop appropriate recommendations; and
- b) prepare, for consideration at the 12th meeting of the Conference of the Parties, a discussion paper on the biological and trade status of seahorses and other syngnathids to provide scientific guidance on the actions needed to secure their conservation status.

Decision 11.153 directed the Secretariat to:

- a) assist in obtaining funds from interested Parties, intergovernmental and non-governmental organizations, exporters, importers and other stakeholders, to support a technical workshop of relevant experts on the conservation of seahorses and other syngnathids;
- b) contingent on the availability of external funding, cooperate with other relevant bodies, including the fisheries sector, to convene a technical workshop to consider and review biological and trade information that would assist in establishing conservation priorities and actions to secure the conservation status of seahorses and other syngnathids;
- c) request Parties to provide, for discussion at the technical workshop, all relevant available information concerning the status, catches and by catches of, and trade in, seahorses and other syngnathids and on any domestic measures for their conservation and protection, and to review the adequacy of such measures;
- d) encourage scientific research to promote the long-term conservation and sustainable use of seahorses and other syngnathids; and
- e) explore ways to enhance the participation of fishermen, traders and consumers in the conservation and sustainable use of seahorses and other syngnathids.

The 12th meeting of the Conference of the Parties adopted a proposal for the inclusion of *Hippocampus* spp. in Appendix II. This decision enters in effect on 15 May 2004.

The meeting also adopted a series of decisions on the issue:

Decision 12.53:

- a) Parties are encouraged, where domestic legislation bans fishing of and trade in species listed in the Appendices, as a matter of priority, to allow sustainable trade in specimens of *Hippocampus* species under the provisions of the Convention;
- b) Parties are encouraged to explore the benefits of trade certification options offered by independent organizations; and
- c) CITES Management Authorities are requested to strengthen their collaboration and co-operation regarding management of *Hippocampus* species with appropriate fisheries agencies.

Decision 12.54:

The Animals Committee shall identify a minimum size limit for specimens of all *Hippocampus* species in trade as one component of an adaptive management plan, and as a simple precautionary means of making initial non-detriment findings in accordance with Article IV of the Convention.

Decision 12.55:

The Nomenclature Committee shall propose a standard taxonomy for species in the genus *Hippocampus*.

Decision 12.56:

The World Customs Organization is invited to develop harmonized codes for live seahorses, dried seahorses, live pipefishes (and pipehorses), and dried pipefishes (and pipehorses).

Traditional medicines

Resolution Conf. 10.19 (Rev. CoP12) addresses the continued use of endangered animal and plant species in traditional medicines.

It recognizes that wild fauna and flora are used in many forms of traditional medicine and that continued and uncontrolled use of several endangered species in traditional medicine has been the subject of concern among range States and consumer countries in view of the potential threat to the long-term survival of these species and the development of traditional medicines on a sustainable basis. It further recognizes that most traditional-medicine systems in East Asia were derived from traditional Chinese medicine which is a rational system of thought and practice developed over several millennia and involving extensive clinical observation and testing.

It refers to the fact that the World Health Organization has acknowledged the importance of traditional medicines to the world's medicinal security and that millions of people depend on these medicines for primary health care.

The Conference of the Parties is convinced of the need to improve understanding about the significance of traditional medicines in the world's health care systems whilst addressing the problems of over-exploitation of certain wild species.

It acknowledges that many forms of traditional medicine depend on the sustainable harvesting of wild species and recalls **Resolution Conf. 9.19**, which acknowledges that pressure on wild populations may be relieved by captive breeding and artificial propagation. It also recognizes the importance of research into the use of substitutes for specimens of endangered species.

The Conference of the Parties believes that adequate measures should be taken to conserve wild species at risk of over-exploitation to avoid their becoming threatened to the point where more severe measures may be necessary as in the case of the rhinoceroses

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and the tiger and is convinced of the importance of comprehensive national legislation and its effective enforcement for the implementation of the Convention in all party States.

It recommends that the Parties:

- a) work closely with groups of traditional-medicine practitioners and consumers in developing public education and awareness programmes towards the reduction and eventual elimination of illegal use of endangered species, and developing awareness of the need to avoid over-exploitation of other wild species;
- b) promote the development of techniques, including the application of forensic science, for identifying parts and derivatives used in traditional medicines;
- c) investigate the potential for further use in traditional medicines of substitutes for specimens of threatened wild species, ensuring that this does not lead to other species becoming threatened; and
- d) consider, where appropriate and with sufficient safeguards, the application of artificial propagation and, in certain circumstances, captive breeding, to meet the needs of traditional medicines where this would relieve pressure on wild populations of species and is in accordance with their national legislation.

The Conference of the Parties urges potential donors to assist with funding actions to implement the measures in this Resolution.

The following provisions were deleted from the Resolution at the 12th meeting of the Conference of the Parties:

- b) ensure that, in accordance with **Resolution Conf. 9.6 (Rev.)** adopted at the ninth meeting of the Conference of the Parties (Fort Lauderdale, 1994), their national legislation effectively controls trade in all parts and derivatives of species used for healing purposes and trade in medicinal products containing or purporting to contain them; and
- c) strengthen efforts to enforce legislation governing trade in threatened and endangered species and capitalize on the value of such action in focusing public attention on the importance of safeguarding wild populations.

With Decision 10.82, the Animals Committee was charged to review trade in animal species for use in traditional medicines to assess the implications for wild populations.

Decision 11.165 provided that the Secretariat should, in consultation with the Animals and Plants Committees:

- a) compile an inventory of operations where artificial propagation or captive breeding of CITES species is conducted for medicinal purposes;
- b) develop projects aimed at assisting Parties in improving CITES implementation with regard to international trade in medicinal products derived from Appendix- II species;

- c) continue developing the list of species of plants and animals and their parts traded for their medicinal properties;
- d) where appropriate, incorporate in its programme for assisting Scientific Authorities the implementation of the Convention in relation to animals and plants traded for medicinal purposes; and
- e) report at the 12th meeting of the Conference of the Parties on the progress made with regard to the work outlined above.

Illegal trade in whale meat

In 1979, Resolution Conf. 2.9 already recommended that the Parties agree not to issue any import or export permit, or certificate for introduction from the sea for primarily commercial purposes for any specimen of a species or stock protected from commercial whaling by the IWC.

In 1981, with **Resolution Conf. 3.13**, the Conference of the Parties recommended:

- a) that Parties pay particular attention to the documentation requirements for specimens of cetaceans under Articles IV and XIV; and
- b) that Parties give urgent consideration to Resolution Conf. 2.7 (Rev.) calling on those Parties which do not currently adhere to the International Convention for the Regulation of Whaling to do so.

In 1994, the Conference of the Parties adopted **Resolution Conf. 9.12** on illegal trade in whale meat in which it expressed concern about continuing international reports of the discovery of whale meat and products appearing for sale in, or en route to importing countries, from no plausible existing source and that the international trade in meat and other products of whales is lacking adequate international monitoring or control. It noted that some unknown level of exploitation of whales may be occurring outside the control of the International Whaling Commission (IWC). It recognized that the IWC is the major source of information on whale stocks around the world and the need for the IWC and CITES to cooperate and exchange information on international trade in whale products. The Conference of the Parties affirmed its concern that any illegal international trade in Appendix I whale specimens undermined the effectiveness of both the IWC and CITES and, while welcoming the work of the IWC in this respect, urged CITES Parties to explore the issue of illegal trade in whale meat and the geographic origin of such meat and to cooperate with the CITES Secretariat in the collection of such information. It encouraged the IWC to keep CITES Parties fully informed through the CITES Secretariat and the Standing Committee between meetings of the Conference of the Parties on all related developments regarding the illegal trade in whale products. The Resolution invited all countries concerned to cooperate to prevent illegal trade in whale meat, and to report to the CITES Secretariat on any development regarding this issue. The Secretariat was directed to share with the IWC any information it collected regarding illegal trade in whale meat.

In 2000, all earlier Resolutions on the conservation of cetaceans, trade in cetacean specimens and the relationship with the International Whaling Commission were consolidated.

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The resulting **Resolution Conf. 11.4 (Rev. CoP12)** reads as follows:

It recommends:

Regarding adherence to the International Convention for the Regulation of Whaling

that those Parties that do not currently adhere to the International Convention for the Regulation of Whaling be encouraged to do so.

Regarding trade in specimens of cetaceans

that Parties pay particular attention to the documentation requirements for specimens of cetaceans under Articles IV and XIV.

Regarding trade in specimens of certain species and stocks of whales protected by the IWC from commercial whaling

that the Parties agree not to issue any import or export permit, or certificate for introduction from the sea, under this Convention for primarily commercial purposes for any specimen of a species or stock protected from commercial whaling by the International Convention for the Regulation of Whaling. It requests that the Secretariat communicate to the Parties a list of such species and stocks and revised versions of this list as necessary;

Regarding illegal trade in whale meat

the Resolution welcomes the work of the IWC in this respect and urges CITES Parties to explore the issue of illegal trade in whale meat and the geographic origin of meat apparently illegally traded and to cooperate with the CITES Secretariat in the collection of information on this subject, and encourages the IWC to keep CITES Parties fully informed through the CITES Secretariat and the Standing Committee between meetings of the Conference of the Parties on all related developments regarding the illegal trade in whale products.

It invites all countries concerned to cooperate to prevent illegal trade in whale meat, and to report to the CITES Secretariat on any development regarding this issue. The Secretariat is directed to share with the IWC any information it collects regarding illegal trade in whale meat.

At the 12th meeting of the Conference of the Parties, the following paragraphs – which were previously contained in Decisions - were added to the Resolution:

Regarding cooperation in monitoring illegal trade in whale parts and derivatives

Encourages all countries concerned are encouraged to voluntarily:

- a) inventory all frozen whale parts and derivatives possessed in commercial quantities, indicating the species, quantity and geographic origin; and
- b) collect and inventory skin or meat samples for DNA identification from all such frozen whale specimens; (ex Decision 10.40)

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Recommends that all countries concerned collect and inventory skin or meat samples for DNA identification from baleen whales:

- a) taken in a directed harvest;
- b) taken in aboriginal subsistence hunts; and
- c) taken incidentally to other fishing operations, and if any specimens from these whales will be entered into commerce; (ex Decision 10.41)

Invites all countries concerned are invited to cooperate in determining sources of whale parts and derivatives, and the species concerned, in cases of smuggling by:

- a) where assistance is requested, providing skin or meat samples or digitized DNA sequencing to countries that have the capability to determine species and geographic origin of the animal, or to confirm the initial analysis;
- b) analyzing the samples provided by the country that has collected them, and fully consulting it regarding the results of the analysis before releasing them to other Parties or to the public; and
- c) obtaining and issuing necessary CITES documentation for export and import of the samples for analysis; (ex Decision 10.42)

Urges every country concerned to submit to the CITES Secretariat any information relevant to its inventory of whale parts and derivatives and to examination of unknown whale products, for dissemination by the Secretariat to interested Parties upon request. (ex Decision 10.43)

Bushmeat

Decision 11.166 charged the Secretariat to:

- a) note the concerns, issues and suggestions contained in document Doc. 11.44 'Bushmeat as trade and wildlife management issue' and, taking this document as a starting point, convene a working group of interested range and donor States to examine issues raised by the trade in bushmeat, with the aim of identifying solutions that can be willingly implemented by range States; and
- b) contact organizations such as the International Tropical Timber Organization, the Secretariat of the Convention on Biological Diversity, the Food and Agriculture Organization of the United Nations, and others that can make a contribution to achieve better and sustainable management of the bushmeat trade under their own mandates, and invite them to participate in the abovementioned working group.

Decision 12.19 provides that the Bushmeat Working Group shall be maintained with its current balance of membership and approximate size until the 13th meeting of the Conference of the Parties and shall continue, using external funding, to examine issues raised by the trade in bushmeat and to implement its action plan, with a view to proposing solutions.

Decision 12.20 directs the Secretariat to continue to facilitate and overview the work of the Bushmeat Working Group and shall report on its activities at the 13th meeting of the Conference of the Parties.

Rescue of live specimens in special circumstances

Decision 12.99 directs the Secretariat to examine the options available to Parties, and other relevant organizations, to facilitate the rescue and rehabilitation of specimens of CITES-listed species in special circumstances, such as periods of war or civil unrest, when a Party's designated Management Authority's ability to respond is seriously impaired. It should prepare recommendations that can be considered by the Standing Committee at its 49th meeting.

Decision 12.98 directs the Standing Committee to, at its 49th meeting, consider the recommendations prepared by the Secretariat following Decision 12.99 and, if they are acceptable, have them communicated to the Parties.

Chapter 16 - The disposal of confiscated specimens

Introduction

Paragraphs 1(b), 2, 4 and 5 of Article VIII (see **Chapter 15**) deal with *the confiscation and disposal of illegally traded specimens*; an issue on which the Conference of the Parties adopted no less than six resolutions. The issue is now comprehensively covered by **Resolutions Conf. 9.9, Conf. 9.10 (Rev.) and Conf. 10.7**.

Resolution Conf. 9.9 concerns

The confiscation of specimens exported or re-exported in violation of the Convention

It recognizes that the return by the importing Party to the State of export or re-export of specimens that have been traded in violation of the Convention may result later in such specimens being entered into illegal trade unless measures are taken by the Parties concerned to prevent this. It states that, when specimens are exported or re-exported in violation of the Convention, the only enforcement action taken against the exporter is often the confiscation of such specimens by the importing Party.

The Resolution recommends that:

- a) when specimens are exported or re-exported in violation of the Convention, importing Parties:
 - i) consider that the seizure and confiscation of such specimens are generally preferable to the definitive refusal of the import of the specimens; and
 - ii) notify as soon as possible the Management Authority of the State from which the specimens were consigned of the violation and of any enforcement actions taken concerning the specimens; and
- b) when the import of specimens that have been exported or re-exported in violation of the Convention is refused by the country to which the specimens are consigned, the exporting or re-exporting Party take the measures necessary to ensure that such specimens are not re-entered into illegal trade, including monitoring their return to the country and providing for their confiscation.

Chapter 16 - The disposal of confiscated specimens

With **Decision 9.14**, the Conference of the Parties decided that when specimens are seized, the Parties concerned should do all they can to identify and convict those responsible.

The disposal of confiscated specimens

This is the subject of **Resolutions Conf. 9.10 (Rev.) and Conf. 10.7**, which consolidate all earlier recommendations on the issue.

Resolution Conf. 9.10 (Rev.) recognizes that Parties have experienced problems with the disposal of specimens of Appendix-I species that have been obtained as a result of confiscation, accidental death or otherwise. It recalls that Article III, paragraph 4(a), and Article IV, paragraph 5(a), of the Convention require that as a pre-condition for the issuance of a re-export certificate the Management Authority of the State of re-export be “satisfied that the specimen was imported into that State in accordance with the provisions of the present Convention”. Although it is recognized that Article VIII, paragraph 4(b), of the Convention requires Parties to return any confiscated living specimen to the State of export, after consultation with and at the expense of that State, or to place it in a rescue centre or other appropriate place, it is noted that Article VIII does not preclude the Management Authority allowing the importer to refuse acceptance of a shipment, thus forcing the transporter to carry the shipment back to the (re)exporter (ex Resolution Conf. 7.6).

The Resolution considers that a Party may also provide for the internal reimbursement of expenses that result from the confiscation of a specimen traded in violation of the Convention.

Note: Until the Resolution was revised at the 10th meeting of the Conference of the Parties, it also contained the consideration (ex Resolution Conf. 2.15) that, while confiscated specimens of Appendix-I species should not be returned to commercial utilization in any form, physical destruction of the specimens should only be considered as a last resort after exhaustion of other options.

It recommends that regarding:

The export or re-export of illegally traded specimens

- a) except in the circumstances specified in paragraphs b) and c) below, Parties not authorize any re-export of specimens for which there is evidence that they were imported in violation of the Convention (ex Resolution Conf. 3.9 (Rev.));
- b) when applying Article III, paragraph 4(a), and Article IV, paragraph 5(a), of the Convention to specimens imported not in accordance with the provisions of the Convention that are being re-exported by a Management Authority for purposes of implementing the provisions of Article VIII or of this Resolution, or for investigatory or judicial purposes, the specimens be deemed to have been imported in accordance with the provisions of the Convention (ex Resolution Conf. 4.17);

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- c) when applying Article IV, paragraphs 2(b) and 5(a), of the Convention to specimens of species in Appendix II that have been confiscated as a result of attempts to import or export them illegally and that have subsequently been sold by the Management Authority, having satisfied itself that this would not be detrimental to the survival of the species, the specimens be deemed to have been obtained in accordance with the provisions of the Convention and with the laws of the State for the protection of fauna and flora for the purposes of issuing export permits or re-export certificates (ex Resolution Conf. 4.17); and
- d) permits and certificates granted in accordance with paragraph b) or c) above clearly indicate that the specimens are confiscated specimens (ex Resolution Conf. 4.17).

The disposal of illegally traded specimens of species in Appendix II

(ex Resolution Conf. 4.18)

- e) as a general rule, confiscated parts and derivatives of Appendix-II species be disposed of in the best manner possible to benefit enforcement and administration of the Convention, and that steps be taken to ensure that the person responsible for the offence does not receive financial or other gain from the disposal;
- f) in the case of live specimens, Parties having not done so endeavour to make legislative provision to require the guilty importer and/or the carrier to meet the costs of confiscation, custody and returning specimens to the country of origin or re-export (as appropriate), where the Scientific Authority of the confiscating State deems it in the interest of the specimens to do so, and the country of origin or re-export so wishes; and
- g) where such legislation does not exist and the country of origin or re-export wishes the live specimens to be returned, the financial assistance of nongovernmental organizations be sought to facilitate the return;

The disposal of seized or confiscated plants

(ex Resolution Conf. 5.14)

- h) priority be given to the care of seized or confiscated wild-collected specimens of Appendix-I species and of Appendix-II species that may be at risk.

<p>Note: The Resolution contained a series of recommendations on the disposal of confiscated plants. These have, in 1997, been included in Resolution Conf. 10.7.</p>

General recommendation

- i) Parties publicize information on seizures and confiscations when appropriate as a deterrent to illegal trade, and inform the public about their procedures for dealing with seized and confiscated specimens and about rescue centers (ex Resolution Conf. 3.14, which concerned plants only).

How to decide on the disposal of confiscated live animals and plants

Resolution Conf. 9.11 dealt with the disposal of confiscated live animals of species included in the Appendices. It was replaced by **Resolution Conf. 10.7**, which covers all live specimens, i.e. both animals and plants.

It recalls that according to Article VIII, paragraph 4(b), of the Convention, confiscated animals shall, after consultation with the State of export, be returned to that State at the expense of that State, or to a rescue centre or such other place as the Management Authority deems appropriate and consistent with the purposes of the Convention.

It also recalls that Article VIII, paragraph 4(c), of the Convention, leaves open the possibility for the Management Authority to obtain the advice of a Scientific Authority or of the Secretariat.

The Resolution notes that shipments of Appendix I or II live animals often include large quantities of specimens for which no adequate housing can be made available, and that in general there are no detailed data about country of origin and site of capture for these specimens.

It considers that the successful recovery of the costs of confiscation and disposal from the guilty party may be a disincentive for illegal trade.

It further considers that specimens once in trade no longer form part of the reproducing wild population of the species and expresses concern about the risks of releasing confiscated specimens into the wild, such as the introduction of pathogens and parasites, genetic pollution and negative effects on the local fauna and flora.

The Resolution also considers that release to the wild may not always be in the best interest of the conservation of a species, especially one not in danger of extinction and recalls that IUCN is developing draft Guidelines for the Disposal of Confiscated Animals and Guidelines for Re-introductions.

It expresses the conviction of the Conference of the Parties that the ultimate objective of the Convention is the continued existence of wild populations in their natural habitat.

Resolution Conf. 10.7 recommends that:

- a) the Management Authorities before making a decision on the disposal of confiscated live animals of species in the Appendices consult with and obtain the advice of their own Scientific Authorities and, if possible, of that of the State of export of the confiscated animals, and other relevant experts such as IUCN/SSC Specialist Groups;
- b) each Scientific Authority in preparing its advice take note of the guidelines in Annexes 1 and 2;
- c) the Secretariat be informed about any decision taken on the disposal of confiscated live animals of species that are either in Appendix I or, if in Appendix II or III, involve commercial quantities; and

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- d) in the case where live specimens arrive in an importing country without the proper export permits or re-export certificates, and where an importer refuses to accept a shipment of live specimens, the shipment be confiscated and the specimens disposed of in accordance with the guidelines set out in Annex 1 or 2.

The Resolution urges Management Authorities, in consultation with Scientific Authorities and other bodies concerned, to develop action plans to deal with seized and confiscated live animals consistent with the guidelines set out in Annex 3.

Annex 1 to Resolution Conf. 10.7 contains:

CITES Guidelines for the disposal of confiscated live animals

Statement of principle

When live animals are confiscated by government authorities, these authorities have a responsibility to dispose of them appropriately. Within the confines of the law, the ultimate decision on disposal of confiscated animals must achieve three goals:

- 1) to maximize conservation value of the specimens without in any way endangering the health, behavioural repertoire, or conservation status of wild or captive populations of the species¹⁰;
- 2) to discourage further illegal or irregular trade in the species; and
- 3) to provide a humane solution, whether this involves maintaining the animals in captivity, returning them to the wild, or employing euthanasia to destroy them.

Statement of need

Increased regulation of trade in wild plants and animals and enforcement of these regulations has resulted in an increase in the number of wildlife shipments intercepted by government authorities as a result of non-compliance with these regulations. In some instances, the interception is a result of patently illegal trade; in others, it is in response to other irregularities, such as insufficient or incomplete paperwork from the exporting country or poor packing that has compromised the welfare of the live animals in the shipment. While in some cases the number of animals in a confiscated shipment is small, in many others the number is in the hundreds.

Although, in many countries, confiscated animals have usually been donated to zoos or aquaria, this option is proving less viable with large numbers of animals and, increasingly, common species. The international zoo community has recognized that placing animals of low conservation priority in limited cage space may benefit those individuals but may also detract from conservation efforts as a whole. They are, therefore, setting conservation pri-

¹⁰ Although this document refers to species, in the case of species with well-defined sub-species and races, the issues addressed will apply to lower taxonomic units

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orities for cage space. In light of these trends, there is an increasing demand and urgent need for information and advice to guide confiscating authorities in the disposal of live animals. Although specific guidelines have been formulated for certain groups of organisms, such as parrots and primates, no general guidelines exist.

When disposing of confiscated animals, authorities must adhere to national, regional and international law. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) requires that confiscated individuals of species listed in the treaty's appendices be returned to the "State of export...or to a rescue centre or such other place as the Management Authority deems appropriate and consistent with the purpose of the Convention" (Article VIII). However, the treaty does not elaborate on this requirement, and CITES Management Authorities must act according to their own interpretation, not only with respect to repatriation but also as regards what constitutes disposal that is "appropriate and consistent" with the treaty.

Although the present guidelines are intended to assist CITES Management Authorities in making this assessment, they are designed to be of general applicability to all confiscated live animals. The lack of specific guidelines has resulted in confiscated animals' being disposed of in a variety of ways, many inconsistent with conservation objectives. In some cases, release of confiscated animals into existing wild populations has been done after careful evaluation and with due regard for existing guidelines. In other cases, such releases have not been well planned. Poorly planned releases of confiscated animals may doom these animals to a slow, painful death. Such releases may also have strong negative conservation value by threatening existing wild populations. Threats to existing populations can take several forms:

- 1) diseases and parasites acquired by the released animals while held in captivity may spread into existing wild populations;
- 2) individuals released into existing populations, or in areas near to existing populations, may not be of the same race or subspecies as those in the wild population, resulting in mixing of distinct genetic lineages;
- 3) animals held in captivity, particularly juveniles and immatures, may acquire an inappropriate behavioural repertoire from individuals of other related species.

Release of these animals could result in inter-specific hybridization. Disposal of confiscated animals is not a simple process. Only on rare occasions will such disposal be straightforward or result in an action with conservation value. Options for disposal of confiscated animals have thus far been influenced by the perception that returning animals to the wild is the optimal solution in terms of both animal welfare and conservation. A growing body of scientific study of reintroduction of captive animals suggests that such actions may be among the least appropriate options for many reasons. This recognition requires that the options available to confiscating authorities for disposal of the animals be carefully reviewed.

Management options

In deciding on the disposal of confiscated animals, managers must ensure both the humane treatment of the animals and the conservation and welfare of existing wild populations of the species involved. Options for disposal fall into three principal categories:

- 1) maintenance of the individuals in captivity;
- 2) returning the individuals in question to some form of life in the wild; and
- 3) euthanasia.

The last option may often prove the most appropriate and most humane. Within a conservation perspective, by far the most important consideration in reviewing the options for disposal is the conservation status of the species concerned.

For confiscated animals of endangered or threatened species, particular effort should be directed towards evaluating whether and how these animals might contribute to a conservation Programme for the species. The decision as to which option to employ in the disposal of confiscated animals will depend on various legal, social, economic and biological factors. The “Decision Tree” provided in the present guidelines is intended to facilitate consideration of these options. The tree has been written so that it may be used for both threatened and common species, although it is recognized that the conservation status of the species will be the primary consideration affecting whether or not confiscated animals might be valuable to an active conservation breeding/reintroduction Programme, and whether or not local or international agencies will be willing to make an investment in expensive and difficult tasks such as genetic determination of country of origin and site of capture or the establishment of reintroduction, benign introductions, or reinforcement of extant wild populations. International networks of experts, such as the IUCN Species Survival Commission Specialist Groups, should be able to assist confiscating authorities, and CITES Scientific and Management Authorities, in their deliberations as to the appropriate disposal of confiscated specimens.

Option 1 - Captivity

Confiscated animals are already in captivity; there are numerous options for maintaining them in captivity. Depending on the circumstances, animals can be donated, loaned or sold. Placement may be in zoos or other facilities, or with private individuals. Finally, placement may be in the country of origin, the country of export (if different), the country of confiscation, or a country with adequate and/or specialized facilities for the species in question. If animals are maintained in captivity, in preference to either being returned to the wild or destroyed, they must be afforded humane conditions and ensured proper care for their natural lives. Zoological gardens, aquaria and safari parks are the captive facilities most commonly considered for disposal of animals, but a variety of other captive situations exist. These include the following:

- a) Rescue centres, established specifically to treat injured or confiscated animals, are sponsored by a number of humane organizations in many countries.
- b) Lifetime-care facilities devoted to the care of confiscated animals have been built in a few countries.

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c) Specialist societies or clubs devoted to the study and care of single taxa or species (e.g. reptiles, amphibians, birds) have, in some instances, provided an avenue for the disposal of confiscated animals without involving sale through intermediaries.

d) Humane societies may be willing to ensure placement of confiscated specimens with private individuals who can provide humane lifetime care.

e) Universities and research laboratories maintain collections of exotic animals for many kinds of research (e.g. behavioural, ecological, physiological, psychological, and medical). Attitudes towards vivisection, or even towards the non-invasive use of animals in research laboratories as captive study populations, vary widely from country to country. Whether transfer of confiscated animals to research institutions is appropriate will therefore engender some debate, although transfer to an establishment that conducts research under humane conditions may offer an alternative, and one which may eventually contribute information relevant to the species' conservation. In many cases, the lack of known provenance, and the potential that the animal in question has been exposed to unknown pathogens will make transfer to a research institution an option unlikely to be exercised or desired.

f) Sale of confiscated specimens to traders, commercial captive breeders, or others involved in commercial activities can provide a means of disposal that helps offset the costs of confiscation. However, sale should only be considered in certain circumstances, such as where the animals in question are not threatened and not subject to a legal prohibition on trade (e.g. CITES Appendix II) and there is no risk of stimulating further illegal or irregular trade. Sale to commercial captive breeders may contribute to reducing the demand for wild-caught individuals. At the same time, however, it may prove to be a poor option owing to the risk of creating a public perception of the State's perpetuating or benefiting from illegal or irregular trade. Finally, confiscating authorities should be aware that, unless specific legal provisions apply, it is impossible to assure the welfare of the animals following placement.

Where animals are transferred by the confiscating authority but not sold, ownership should be specified as one of the terms and conditions of the transfer. Where the country of origin desires return of the animals, this desire should be respected. The custodian (zoo, welfare organization) of confiscated animals should only move the animals to another facility for legitimate humane and propagation purposes with the authorization of the administrative authority.

Captivity benefits and disadvantages

The benefits of placing confiscated animals in a facility that will provide lifetime care under humane conditions include:

a) educational value;

b) potential for captive breeding for eventual reintroduction; and

c) possibility for the confiscating authority to recover, from sale, the costs of confiscation.

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The disadvantages of placing animals in a facility not involved in an established Programme for captive breeding and reintroduction include the following:

a) Potential to encourage undesired trade

Some authors have maintained that any transfer whether commercial or non-commercial of confiscated animals risks promoting a market for these species and creating a perception of the State's being involved in illegal or irregular trade. Bird Life International suggests that in certain circumstances sale of confiscated animals does not necessarily promote undesired trade. They offer the following requirements that must be met in order for sale by the confiscating authority to be permitted:

1) the species to be sold is already available in the confiscating country in commercial quantities; and

2) wildlife traders under indictment for, or convicted of, crimes related to import of wildlife are prevented from purchasing the animals in question. Experience in selling confiscated animals in the United States suggests that it is virtually impossible to ensure that commercial dealers implicated or suspected of being implicated in illegal or irregular trade are not involved, directly or indirectly, in purchasing confiscated animals. This suggests that confiscation results in increased costs but is not necessarily a disincentive as regards the practices or problems that gave rise to confiscation.

Placing threatened species into commercial trade should not be considered because of the risks of stimulating unwanted trade. Appendix-I species may be sold to a registered commercial breeding facility for Appendix-I species, but these specimens should not be resold or enter commercial trade. As captive-bred offspring of Appendix-I species are deemed to be specimens of species included in Appendix II, there is the potential for commercial breeders to breed animals in captivity to replace wild-caught animals as a source for trade. Hence sale, in certain circumstances (e.g. to commercial captive breeders), may have a clearer potential for the conservation of the species than non-commercial disposal or euthanasia. Such breeding programmes must be carefully assessed and approached with caution. It may be difficult to monitor these programmes and such programmes may unintentionally, or intentionally, stimulate trade in wild animals. It is essential that confiscating authorities recognize that there are many threatened species that are not included in the CITES appendices but may require the same treatment as CITES Appendix-I species.

b) Cost of placement

While any payment will place a value on an animal, there is no evidence that trade would be encouraged if the institution receiving a donation of confiscated animals were to reimburse the confiscating authority for costs of care and transport. However, payments should be kept to a minimum and, where possible, the facility receiving the animals should bear all costs directly.

c) Disease

Confiscated animals may serve as vectors for disease and, therefore, must be subject to extremely stringent quarantine. The potential consequences of the introduction of alien disease to a captive facility are as serious as those of introducing disease to wild populations.

d) Captive animals can escape from captivity and become pests

Accidental introduction of exotic species can cause tremendous damage and in certain cases, such as the escape of mink *Mustela vison* from fur farms in the United Kingdom, the introduction of exotics can result from importation of animals for captive breeding.

Option 2 - Return to the wild

Although CITES requires that repatriation of confiscated CITES-listed animals to the country of export be considered as an option for disposal by a confiscating authority, the treaty in no way requires that animals be returned to the wild in that country. These guidelines suggest that return to the wild would be a desirable option in a very small number of instances and under very specific circumstances. Repatriation to avoid addressing the question of disposal of confiscated animals is irresponsible. When considering repatriation, the confiscating authority must ensure that the recipients of the animals are fully cognizant of the ramifications of repatriation and the options for disposal, as set forth in these guidelines. Furthermore, the country returning an animal to its country of origin for release must ensure that the Management Authority in the country of origin is aware of the return. The rationale behind many of the decision options in this section is discussed in greater detail in the IUCN Guidelines for Reintroduction. It is important to note that these Guidelines make a clear distinction between the different options for returning animals to the wild. These are elaborated on the next page.

a) Reintroduction: an attempt to establish a population in an area that was once part of the range of the species but where it has become extinct.

Some of the best-known reintroductions have been of species that were extinct in the wild. Examples include: Père David's deer *Elaphurus davidianus* and the Arabian oryx *Oryx leucoryx*. Other reintroduction programmes have involved species that existed in some parts of their historical range but that had been eliminated from other areas; the aim of these programmes is to re-establish a population in an area, or region, from which the species has disappeared. An example of this type of reintroduction is the recent reintroduction of the swift fox *Vulpes velox* in Canada.

b) Reinforcement of an existing population: the addition of individuals to an existing population of the same taxon.

Reinforcement can be a powerful conservation tool when natural populations are diminished by a process which, at least in theory, can be reversed. An example of a successful reinforcement project is that involving the golden lion tamarin *Leontopithecus rosalia* in Brazil. Habitat loss, coupled with capture of live animals for pets, resulted in a rapid decline of the golden lion tamarin. When reserves were expanded, and capture for the pet trade curbed, captive golden lion tamarins were then used to supplement depleted wild populations.

Reinforcement has been most commonly pursued when individual animals injured by human activity have been provided with veterinary care and released. Such activities are common in many western countries, and specific programmes exist for species as diverse as hedgehogs, Erinaceinae, and birds of prey. However common an activity, reinforcement carries with it the very grave risk that individuals held in captivity, even temporarily, are po-

tential vectors for disease back into a wild population. Because of inherent disease risks, reinforcement should only be employed in instances where there is a direct and measurable conservation benefit (demographically or genetically), as when reinforcement is critical for the viability of the wild population into which an individual is being placed.

Return to the wild - Concerns and Benefits

Before return to the wild of confiscated animals is considered, several issues of concern must be considered in general terms: welfare, conservation value, cost and disease.

a) Welfare

While return to the wild may appear to be humane, it may be nothing more than a sentence to a slow death. Humane considerations require that each effort to return confiscated animals to nature be thoroughly researched and carefully planned. Such returns also require long-term commitment in terms of monitoring the fate of released individuals. Some authors have advocated that the survival prospects for released animals must at least approximate those for wild animals of the same sex and age class in order for return to the wild to be seriously considered. While such demographic data on wild populations are, unfortunately, rarely available, the spirit of this suggestion should be respected; there must be humane treatment of confiscated animals when attempting to return them to the wild.

b) Conservation value and cost

In cases where returning confiscated animals to the wild appears to be the most humane option, such action can only be undertaken if it does not threaten existing populations of wild plants and animals or the ecological integrity of the area in which they live. The conservation of the species as a whole, and of other animals already living free, must take precedence over the welfare of individual animals that are already in captivity.

Before animals are used in programmes in which existing populations are reinforced, or new populations are established, it must be determined that returning these individuals to the wild will make a significant contribution to the conservation of the species. Larger populations are less likely to become extinct, hence reinforcing existing very small wild populations may reduce the probability of extinction. In very small populations a lack of males or females may result in reduced population growth or in population decline. Reinforcing a very small population lacking animals of a particular sex may also improve prospects for survival of that population. It should be noted that where confiscated individuals are used for reintroduction (as defined above) they will form the nucleus of a new population. If such a programme is to be successful, a relatively large number of individuals will be required for success. Hence, small groups of confiscated animals may be inappropriate for reintroduction programmes.

The cost of returning animals to the wild in an appropriate manner can be prohibitive for all but the most endangered species. The species for which the conservation benefits clearly outweigh these costs represent a tiny proportion of the species listed in the CITES appendices, although it includes numerous species not regulated under CITES. In the majority of cases, the costs of appropriate, responsible reintroduction will preclude return to the wild.

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Poorly planned or executed reintroduction programmes are the equivalent of dumping animals in the wild and should be vigorously opposed on both conservation and humane grounds.

c) Source of individuals

If the country of origin and site of capture of the animals is not known, or if there is any question of the source of the animals, supplementation may lead to inadvertent pollution of distinct genetic races or subspecies. If particular local races or subspecies show specific adaptation to the local environment, mixing in animals from other races or subspecies may be damaging to the local population. Introducing an animal into the wrong habitat type may also doom it to death.

d) Disease

Animals held in captivity and/or transported, even for a very short time, may be exposed to a variety of pathogens. Release of these animals into the wild may result in introduction of disease to conspecifics or unrelated species with potentially catastrophic effects. Even if there is a very small risk that confiscated animals have been infected by exotic pathogens, the potential effects of introduced diseases on wild populations are so great that this will often preclude returning confiscated animals to the wild.

Where confiscated animals are found to be unsuitable for return to the wild, disease screening and appropriate quarantine are, nevertheless, essential in order to ensure that they are free of disease, or that diseases and parasites harboured by these animals are found in the captive population to which the animals may be transferred. Introduced diseases can be dangerous to captive facilities, particularly in zoos where infection across different species in a collection is a serious threat. Where such quarantine cannot ensure that an individual is healthy, isolation for an indefinite period or euthanasia must be carried out.

There are clearly instances where return to the wild of confiscated animals must be considered an option for disposal. First and foremost, the question to be addressed is: will returning the animals to the wild make a significant contribution to the conservation of the species in question? Release into the wild of any animal that has been held in captivity is risky. While some diseases can be tested for, tests do not exist for many animal diseases. Furthermore, animals held in captivity are frequently exposed to diseases not usually encountered in their natural habitat. Veterinarians and quarantine officers, thinking that the species in question is only susceptible to certain diseases, may not test for these diseases picked up in captivity.

Given that any release incurs some risk, we must adopt the following "precautionary principle": if there is no conservation value in releasing confiscated specimens, the possibility of accidentally introducing into the environment a disease that is not already present, however unlikely, will rule out returning confiscated specimens to the wild.

There are several benefits of returning animals to the wild, either through reintroduction or reinforcement of an existing population.

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- a) In situations where the existing population is severely threatened, such an action might improve the long-term conservation potential of the species as a whole, or of a local population of the species (e.g. golden lion tamarins).
- b) Returning animals to the wild makes a strong political/educational statement concerning the fate of the animals (e.g. orangutans *Pongo pygmaeus* and chimpanzees *Pan troglodytes*) and may serve to promote local conservation values. However, as part of any education or public awareness programme, the costs and difficulties associated with return to the wild must be emphasized.

Option 3 - Euthanasia

Euthanasia the killing of animals carried out according to humane guidelines is unlikely to be a popular option amongst confiscating authorities for disposal of confiscated animals. However, it cannot be overstressed that euthanasia may frequently be the simplest and most humane option available. In many cases, authorities confiscating live animals will encounter the following situations.

- a) Return to the wild in some manner is either unnecessary (e.g. in the case of a very common species), impossible, or prohibitively expensive as a result of the need to conform to biological and animal welfare guidelines.
- b) Placement in a captive facility is impossible, or there are serious concerns that sale will be problematic or controversial.
- c) During transport, or while held in captivity, the animals have contracted a chronic disease that is incurable and, therefore, a risk to any captive or wild population.

Euthanasia has several clear advantages.

- a) From the point of view of conservation of the species involved, and of protection of existing captive and wild populations of animals, euthanasia carries far fewer risks when compared to returning animals to the wild.
- b) Euthanasia will also act to discourage the activities that gave rise to confiscation, be it smuggling or other patently illegal trade, inadequate paperwork, poor packing, or other problems, as the animals in question are removed entirely from trade.
- c) Euthanasia may be in the best interest of the welfare of the confiscated animals. Unless adequate finances are available for reinforcement of existing populations or reintroduction, release to the wild will carry enormous risks for existing wild populations and severely jeopardize the survival prospects of the individual animals, which may, as a result, die of starvation, disease or predation.
- d) When animals are destroyed, or when they die a natural death while in captivity, the dead specimens should be placed in the collection of a natural history museum, or another reference collection in a university or research institute. Such reference collections are of great importance for studies of biodiversity. If such placement is impossible, carcasses should be incinerated to avoid illegal trade in animal parts or derivatives.

Decision tree analysis

For decision trees dealing with “Return to the Wild” and “Captive Options”, the confiscating Party must first ask the question:

Question 1: Will returning the animal to the wild make a significant contribution to the conservation of the species, including through education and other means?

The most important consideration in deciding on disposal of confiscated specimens is the conservation of the species in question. Because there can never be absolute certainty that a confiscated animal is free of diseases and parasites, returning to the wild an individual that has been held in captivity will always involve some level of risk to existing populations of the same or other species in the ecosystem to which the animal is returned.

Where releasing confiscated animals to the wild appears to be the most humane action, it must improve the prospects for survival of the existing wild population. Humanitarian and conservation interests are best served by ensuring the survival of as many individuals as possible, not just the short-term comfort of a few individuals. The benefits of the return in terms of conservation value must clearly outweigh the potential risks.

In most instances, the benefits of return to the wild will be outweighed by the costs and risks of such an action. If returning animals to the wild is not of conservation value, captive options pose fewer risks and may offer more humane alternatives.

Answer:

Yes: Investigate “Return to the Wild” options. No: Investigate “Captive” options.

Decision tree analysis - Captivity

The decision to maintain confiscated animals in captivity involves a simpler set of considerations than does the decision to return them to the wild. It should be noted that the order in which options are placed in the present decision tree is not necessarily the most appropriate for all authorities in all countries: it is expected that each confiscating authority will determine which option is most appropriate based on the particular case and its particular situation.

Question 2: Have animals been found to be disease-free by comprehensive veterinary screening and quarantine?

Because of the risk of introducing disease to captive populations, animals that may be transferred to certified captive facilities must have a clean bill of health. If confiscated animals are not found to be healthy they must be placed in quarantine before being transferred or the facility to which they are transferred must have adequate quarantine facilities. If, during quarantine, the animals are found to harbour diseases that cannot be cured, they must be destroyed to prevent infection of other animals.

Answer:

Yes: Proceed to Question 3.

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No: Quarantine; re-assess question 2 after quarantine.

If chronic and incurable infection, first offer animals to research institutions. If impossible to place in such institutions, destroy.

Question 3: Is space available in non-commercial captive facility (e.g. lifetime-care facility, zoo or rescue centre)?

Transfer of animals to either zoological gardens or lifetime-care facilities should generally provide a safe and acceptable means of disposal of confiscated animals. When a choice must be made between several such institutions, the paramount consideration should be which facility can provide the most consistent care and ensure the welfare of the animals. The terms and conditions of the transfer should be agreed between the confiscating authority and the recipient institution. Terms and conditions for such agreements should include:

- a) a clear commitment to ensure lifetime care or, in the event that this becomes impossible, transfer to another facility that can ensure lifetime care, or euthanasia;
- b) exclusion from resale of the animals involved; and
- c) clear specification of ownership of the specimens concerned and, where breeding may occur, the offspring. Depending on the circumstances, ownership may be vested with the confiscating authority, the country of origin, or the recipient facility.

In the majority of instances, there will be no facilities or zoo or aquarium space available in the country in which animals are confiscated. Where this is the case: 1) other captive options should be investigated; 2) transfer to a captive facility outside the country of confiscation should be explored; or 3) the animals should be destroyed.

Answer:

Yes: Execute agreement and transfer. No: Proceed to Question 4.

Question 4: Are private individuals able and willing to provide humane lifetime care on a non-commercial basis?

In many countries, there are active specialist societies or clubs of individuals with considerable expertise in the husbandry and breeding of individual species or groups of species. Such societies can assist in finding homes for confiscated animals without involving sale through intermediaries. In this case, individuals receiving confiscated animals must have demonstrated expertise in the husbandry of the species concerned and must be provided with adequate information and advice by the club or society concerned.

Transfer to specialist societies or individual members must be made according to terms and conditions agreed with the confiscating authority. Such agreements may be the same or similar to those executed with lifetime-care facilities or zoos.

Answer:

Yes: Execute agreement and transfer. No: Proceed to Question 5.

Question 5: Are institutions interested in animals for research conducted under humane conditions?

Many universities and research laboratories maintain collections of exotic animals for research conducted under humane conditions. If these animals are kept in conditions that ensure their welfare, transfer to such institutions may provide an acceptable alternative to other options, such as sale or euthanasia. As in the preceding instances, such transfer should be subject to terms and conditions agreed with the confiscating authority; in addition to those already suggested, it may be advisable to include terms that stipulate the types of research the authority considers permissible.

Answer:

Yes: Execute agreement and transfer. No: Proceed to Question 6.

Question 6: Is the species listed in Appendix I or regarded as endangered or critical?

Commercial sale of specimens of Appendix-I species should not be permitted as it is undesirable to stimulate trade in these species. Species not listed in any CITES appendix, but which are nonetheless seriously threatened with extinction, should be afforded the same caution.

Answer:

Yes: Proceed to Question 7.
No: Proceed to Question 8.

Question 7: Is there a commercial facility breeding this Appendix-I species and is that facility interested in the specimens?

As discussed above, captive-bred offspring of Appendix-I species offer the potential for commercial breeders to breed animals in captivity to replace wild-caught animals as a source for trade. These breeding programmes must be carefully assessed and approached with caution.

It may be difficult to monitor such programmes and they may unintentionally, or intentionally, stimulate trade in wild animals. The conservation potential of this transfer, or breeding loan, must be carefully weighed against even the smallest risk in stimulating trade which would further endanger the wild population of the species.

Answer:

Yes: Execute agreement and transfer.
No: Destroy, and dispose of carcass as described above.

Question 8: Are there grounds for concern that sale will stimulate further illegal or irregular trade?

Sale of confiscated animals, where legally permitted, is a difficult option to consider. While the benefits of sale income and quick disposal are clear, there are many problems that may arise as a result of further commercial transactions in the specimens involved. Equally, it should be noted that there may be circumstances where such problems arise as a result of a non-commercial transaction and that, conversely, sale to commercial captive breeders may contribute to production offsetting capture from the wild.

More often than not, sale should be considered only for species that are neither threatened with extinction nor legally protected from commercial trade (i.e. CITES Appendix-II species).

There may be rare cases where a commercial captive-breeding operation may receive individuals for breeding, which may reduce pressure on wild populations subject to trade. In all circumstances, the confiscating authority should be satisfied that: 1) those involved in the illegal or irregular transaction that gave rise to confiscation can not obtain the animals; 2) the sale does not compromise the objective of confiscation; and, finally, 3) the sale will not increase illegal, irregular or otherwise undesired trade in the species. Previous experience with sale in some countries (e.g. the United States) has indicated that selling confiscated animals is rife with both logistical and political problems and that, in addition to being controversial, it may also be counter-productive.

Answer:

Yes: Destroy, and dispose of carcass as described above. No: Sell to qualified buyers.

Decision tree analysis - Return to the wild

Question 2: Have animals been found to be disease-free by comprehensive veterinary screening and quarantine?

Because of the risk of introducing disease to wild populations, animals that may be released must have a clean bill of health. If such animals are not found to be healthy they must be placed in quarantine before being considered for return to the wild. If, during quarantine, the animals are found to harbour diseases that cannot be cured, they must be destroyed to prevent infection of other animals.

Answer:

Yes: Proceed to Question 3.

No: Quarantine; re-assess question 2 after quarantine.

If chronic and incurable infection, first offer animals to research institutions. If impossible to place in such institutions, destroy.

Question 3: Can country of origin and site of capture be determined?

The geographical location from which confiscated individuals have been removed from the wild must be determined if they are to be reintroduced or used to supplement existing populations. In most cases, animals should only be returned to populations that are of a similar genetic constitution to those from which they were taken. If the country of origin and site of capture of the animals are not known, release for reinforcement may lead to inadvertent hybridization of distinct genetic races or subspecies resulting in outbreeding depression. Related species of animals that may live in sympatry in the wild and never hybridize have been known to hybridize when held in captivity or shipped in multi-species groups. This type of “misimprinting” can result in behavioural problems compromising the success of any future release and can also pose a threat to wild populations by artificially destroying reproductive isolation that is behaviourally controlled.

Answer:

Yes: Proceed to Question 4. No: Pursue “captive” options.

Question 4: Can animals be expeditiously replaced to origin and do benefits of such action outweigh the risks?

Answer:

Yes: Repatriate and reinforce at origin (specific location) following IUCN Guidelines.
No: Proceed to Question 5.

Question 5: Does a generally recognized captive-breeding or reintroduction programme exist for the species in question?

If the species in question is part of a coordinated captive breeding and/or reintroduction programme, the animals should be offered to this programme.

Answer:

Yes: Proceed to Question 6. No: Proceed to Question 7.

Question 6: Are the animals from an appropriate population for an existing breeding/ reintroduction programme?

In the case of species for which active captive-breeding and/or reintroduction programmes exist, and for which further breeding stock/founders are required, confiscated animals should be transferred to such programmes after consultation with the appropriate scientific authorities. If the species in question is part of a captive-breeding programme, but the animals are of a subspecies or race that is not part of this programme, other methods of disposal must be considered. Particular attention should be paid to genetic screening to avoid jeopardizing captive breeding programmes through inadvertent hybridization.

Answer:

Yes: Transfer to existing programme. No: Proceed to Question 7.

Question 7: Is there a commitment to establish a new reintroduction programme following IUCN guidelines?

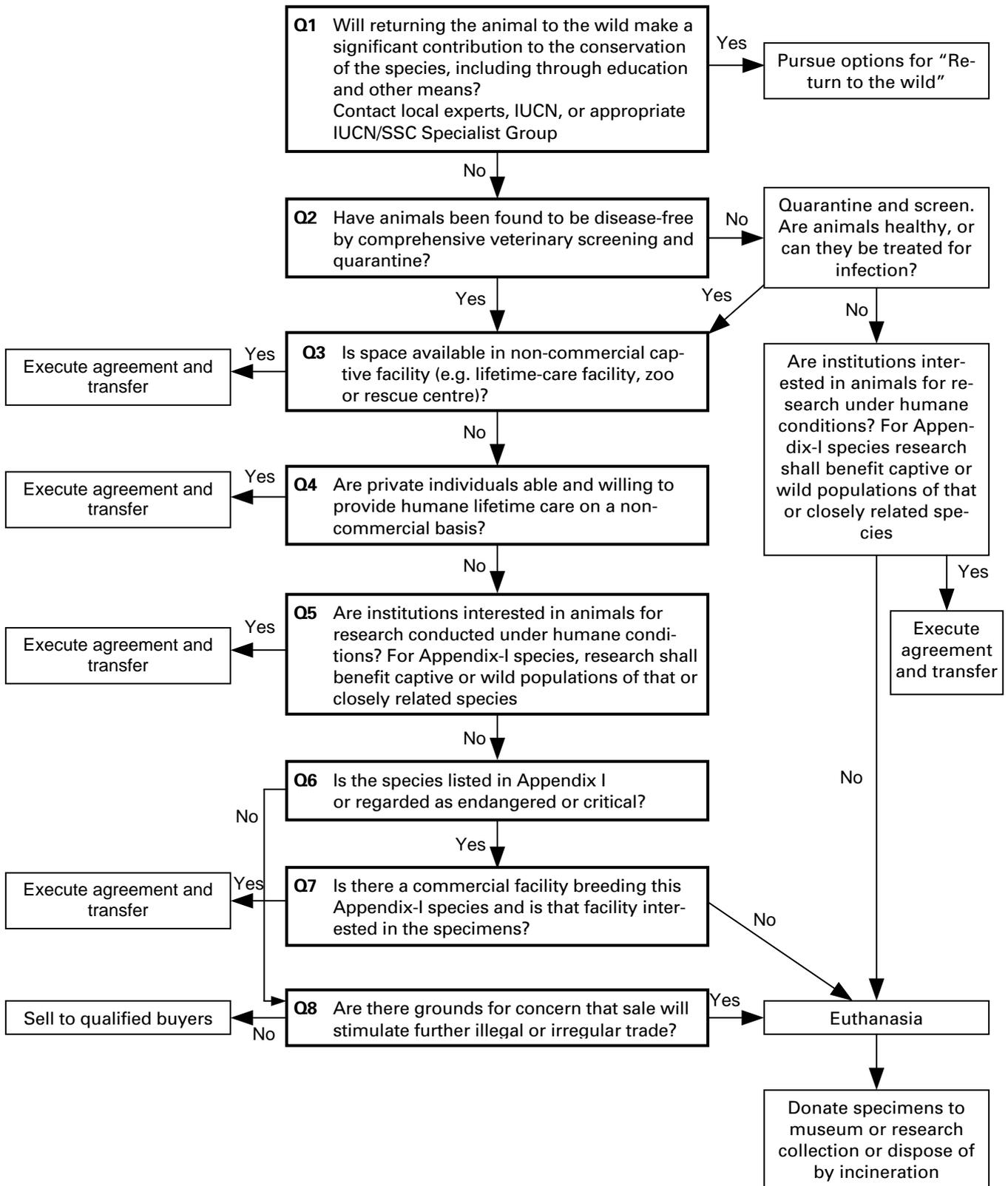
In cases where the animals can not be transferred to existing programmes, their return to the wild, following appropriate guidelines, will only be possible under the following circumstances: 1) appropriate habitat exists for such an operation; 2) sufficient funds are available, or can be made available, to support a programme over the many years that reintroduction will require; and 3) either sufficient numbers of animals are available so that reintroduction efforts are potentially viable, or only reinforcement of existing populations is considered. In the majority of cases, at least one, if not all, of these requirements will fail to be met. In such cases, other options for disposal of the animals must be considered.

It should be emphasized that, if animals of a particular species or taxon are confiscated with some frequency, consideration should be given to whether to establish a reintroduction or reinforcement programme. Animals should not be held by the confiscating authority indefinitely while such programmes are planned, but should be transferred to a holding facility after consultation with the organization that is establishing the new programme.

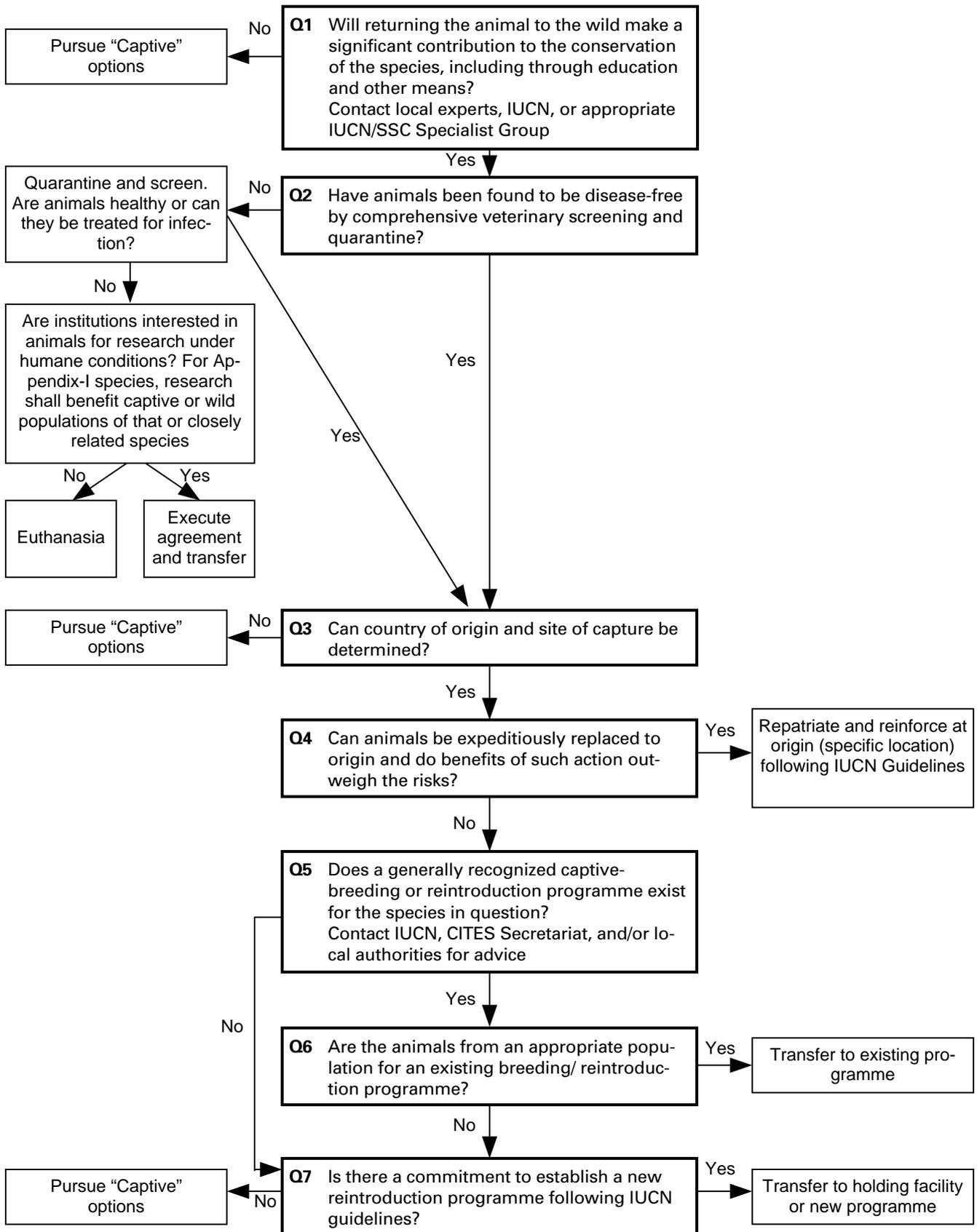
Answer:

Yes: Transfer to holding facility or new programme. No: Pursue "Captive" options.

Decision tree for “Captive” options



Decision tree for “Return to the wild” options



Annex 2 to Resolution Conf. 10.7 contains:

CITES guidelines for the disposal of confiscated live plants

These Guidelines are addressed to authorities in countries of origin and countries of import. When government authorities seize and subsequently confiscate live plants, these authorities have a responsibility to dispose of them appropriately. In the case of importing countries, the country of origin and/or export of the plants will normally first be contacted and notified of the seizure. Within the confines of the law, the ultimate decision on disposal of confiscated plants must achieve three goals:

- a) to maximize conservation value of the specimens without in any way endangering the genetic integrity or conservation status of wild or cultivated populations of the taxon (species, subspecies etc.);
- b) to discourage further illegal or irregular trade in the taxon; and
- c) to avoid the resources used by organizations involved in their care or disposal being diverted away from other equally important conservation activities.

Statement of need

Increased regulation of trade in wild plants and animals and enforcement of these regulations have resulted in an increase in the number of wildlife shipments intercepted by government authorities as a result of non-compliance with these regulations. In some instances, the interception is a result of patently illegal trade; in others, it is in response to other irregularities, such as insufficient or incomplete paperwork from the exporting country or poor packing of the shipment. Whilst in some cases the number of plants in a seized shipment is small, in many others the number is in the hundreds or thousands.

Although, in many countries, confiscated plants have been donated to botanic gardens or other publicly managed living plant collections, this option is proving less viable with large numbers of poorly documented plants and common species of artificially propagated horticultural origin. In light of these trends, there is an increasing demand and urgent need for information and advice to guide CITES authorities in the disposal of live plants. Although the options available have been discussed for certain groups of plants, such as cycads, no general guidelines exist. When disposing of confiscated plants, authorities must adhere to national, regional and international law. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) requires that confiscated live specimens of taxa listed in the treaty's appendices be returned to the 'State of export ... or to a rescue centre or such other place as the Management Authority deems appropriate and consistent with the purpose of the Convention' (Article VIII). However, the treaty does not elaborate on this requirement, and CITES Management Authorities must act according to their own interpretation, not only with respect to repatriation but also as regards what constitutes disposal that is 'appropriate and consistent' with the treaty. Although the present guidelines are intended to assist CITES Management Authorities in making this assessment, they are designed to be of general applicability to all confiscated live plants.

Chapter 16 - The disposal of confiscated specimens

The lack of specific guidelines has resulted in confiscated plants being disposed of in a variety of ways, many inconsistent with conservation objectives. While, in some cases, re-planting of confiscated plants into existing wild populations has been done after careful evaluation and with due regard for existing guidelines, in others, such releases have not been well planned. Such releases may have a strong negative conservation value by threatening existing wild populations. Threats to existing populations can take different forms:

- a) diseases and parasites acquired by the released plants while held on horticultural premises may spread into existing wild populations; and
- b) specimens planted amongst existing populations, or in areas near to existing populations, may not be of the same race or subspecies as those in the wild population, resulting in mixing of distinct genetic lineages.

Until recently disposal of confiscated plants has meant either long term care in a botanic garden or transfer to a secure nursery for the purpose of artificial propagation in an attempt to lessen the demand for the species from wild sources.

Management options

Within a conservation perspective, by far the most important consideration in reviewing the options for disposal is the conservation status of the species concerned. For confiscated plants of endangered or threatened taxa, particular effort should be directed towards evaluating whether and how these plants might contribute to a conservation programme for the taxon concerned. The decision as to which option to employ in the disposal of confiscated plants will depend on various legal, economic and biological factors. The 'Decision Tree Analysis' provided in the present guidelines is intended to facilitate consideration of these options. The tree has been written so that it may be used for both threatened and common taxa, although it is recognized that the conservation status of the taxa will be the primary consideration affecting whether or not confiscated plants might be of value to an active conservation propagation/reintroduction programme, and whether or not local or international agencies will be willing to make an investment in expensive and difficult tasks such as genetic determination of country of origin and site of collection, the establishment of reintroduction programmes, or reinforcement of extant wild populations. International networks of experts, such as the IUCN/Species Survival Commission's Specialist Groups, Botanic Gardens

Conservation International (BGCI) and the International Association of Botanic Gardens (IABG), should be able to assist confiscating authorities and CITES Scientific and Management Authorities in their deliberations as to the appropriate disposal of confiscated specimens. Confiscated plants, whether destined for long term maintenance at horticultural premises or eventual reintroduction into the wild, should first be made available to propagation centres in the country of origin, if these exist and are willing to accept the consignment.

Option 1 - Maintenance in cultivation

Seized plants are usually maintained in publicly managed horticultural establishments pending a decision on confiscation; subsequently there are numerous options for their maintenance. Placement may be in the country of origin, the country of export (if different), the country of confiscation, or a country with adequate and/or specialized facilities for the taxa in question. Depending on the circumstances and national laws, plants can be donated, loaned or sold. Final placement may be in botanic gardens or other publicly managed facilities or with private organizations/individuals. Placement options include:

a) Botanic gardens and other publicly managed facilities, which are those that have mostly been used to date (and which in some cases are reaching the limit of capacity, placing in jeopardy their ability to carry out other ex situ conservation activities).

b) Universities and research laboratories, which maintain living botanical collections for many kinds of research and teaching purposes (e.g. molecular systematics, anatomy, cytogenetics, reproductive biology, etc). Whether transfer of confiscated plants to research institutions is appropriate will depend on the likelihood that research carried out may eventually contribute information relevant to the species' conservation. In some cases, the lack of known provenance will make transfer to a research institution an option unlikely to be exercised or desired. Depending on the nature of the research being carried out it may also be important to establish written agreements protecting the rights of the country of origin of the plants concerned in line with the Convention on Biological Diversity.

c) Specialist societies or clubs devoted to the study and care of particular plant groups (e.g. succulent plants), which could, in some instances, provide an avenue for the disposal of confiscated plants without involving sale through intermediaries. However, care must be taken to ensure that such organizations do not include persons trading in wild-collected specimens.

d) Sale of confiscated specimens to traders, commercial propagators or others involved in commercial activities, which can provide a means of disposal that helps offset the costs of confiscation, especially in the case of large consignments of artificially propagated material.

However, sale should not be considered unless the plants in question have been legally collected in the country of origin, are not going to be exploited in contravention of the Convention on Biological Diversity, are not subject to a legal prohibition on trade and there is no risk of stimulating further illegal or irregular trade. Sale to commercial propagators may contribute to reducing the demand for wild-collected specimens. At the same time, however, it may prove to be a poor option owing to the risk of creating a public perception of the State's perpetuating or benefiting from illegal (unlicensed) or irregular trade.

Where plants are transferred by the confiscating authority but not sold, ownership by the Management Authority should be specified as one of the terms and conditions of the transfer. Where the country of origin may desire return of the plants, this desire should be respected, so long as the condition of the plants is such that they will survive the return voyage. The custodian (botanic garden or other organization) of confiscated plants should only move confiscated stocks to another facility for legitimate propagation purposes with the authorization of the administrative authority.

Maintenance in cultivation - Benefits and disadvantages

The benefits of placing confiscated plants in a facility that will provide a satisfactory standard of horticultural care include:

- a) educational value;
- b) potential for propagation for eventual reintroduction and/or to satisfy consumer demand for artificially propagated specimens; and
- c) potential to carry out genetic fingerprinting and other molecular studies contributing to a better understanding of the population genetics and therefore conservation status of the taxa concerned.

The disadvantages of placing plants in a facility not involved in an established programme for artificial propagation and reintroduction include the following:

- a) The risk of encouraging illegal **trade** unless:
 - i) the species to be sold is already available in the confiscating country in commercial quantities or as legally traded wild-collected specimens; and
 - ii) wildlife traders under indictment for, or convicted of, crimes related to import of wildlife are prevented from obtaining the specimens in question.

Placing threatened taxa into commercial trade should not be considered because of the risks of stimulating unwanted trade. Appendix-I taxa may be sold to a nursery registered under CITES for the propagation of Appendix-I taxa, but the confiscated specimens themselves should not be resold or enter commercial trade. Since artificially propagated offspring of Appendix-I taxa are deemed to be specimens of species included in Appendix-II, there is the potential for commercial growers to propagate specimens to replace wild-collected plants as a source for trade. Hence the loan or sale, in certain circumstances (e.g. to commercial nurseries) may have a higher potential for the conservation of the species than non-commercial disposal or destruction. Such propagation activities must be carefully assessed and approached with caution, since they may be difficult to monitor.

It is essential that confiscating authorities recognize that there may be threatened plant taxa that are not currently included in CITES Appendix I but may, nevertheless, warrant the same treatment.

b) Cost of placement

While seized plants are being maintained pending a decision on confiscation, the facility providing care for the plants may have its expenses reimbursed by the importer, airline carrier and/or the confiscating authority. Upon confiscation, if the plants are sold to a commercial organization, any payment received by the CITES authorities will place a value on such specimens. However, there is no evidence that trade would be encouraged if a commercial trader were to reimburse costs of care and transport.

c) Disease

Confiscated plants may serve as vectors for disease and, therefore, must be subject to proper quarantine inspection. The potential consequences of the introduction of alien disease to a horticultural establishment are as serious as those of introducing disease to wild populations.

d) Risk of escape

Plants can escape from horticultural control and become deleterious weeds. Accidental introduction of exotic species can cause tremendous damage and certain countries have strict legislation aimed at limiting the risks of this happening.

Option 2 - Return to the wild

Although CITES requires that repatriation of confiscated CITES-listed plants to the country of export be considered as an option for disposal by a confiscating authority, the treaty in no way requires that plants be returned to the wild in that country. These guidelines suggest that return to the wild would be a desirable option only in certain circumstances. Repatriation to avoid addressing the question of disposal of confiscated plants is irresponsible.

When considering repatriation, the confiscating authority must ensure that the recipients of the plants are fully cognizant of the ramifications of repatriation and the options for disposal, as set forth in these Guidelines. Furthermore, the country returning a plant to its country of origin must ensure that the Management Authority in the country of origin is aware of the return and welcomes it. The rationale behind many of the decision options in this section is discussed in greater detail in the IUCN Guidelines for Reintroduction (IUCN/SSC Reintroduction Specialist Group, IUCN, 1995). It is important to note that these Guidelines make a clear distinction between the different options for returning organisms to the wild.

These are elaborated below.

a) Reintroduction: an attempt to establish a population in an area that was once part of the range of the species but where it has become extinct. Some of the best-known reintroductions involving plants have been of taxa that were extinct in the wild. Other reintroduction programmes have involved taxa that existed in some parts of their historical range but that had been eliminated from other areas; the aim of such programmes being to re-establish a population in an area, or region, from which the species has disappeared.

b) Reinforcement of an existing population: the addition of specimens to an existing population of the same taxon.

Reinforcement can be a powerful conservation tool when natural populations are diminished by a process, which, at least in theory, can be reversed. Because of inherent disease risks, reinforcement should only be employed in instances where there is a direct and measurable conservation benefit (demographically or genetically), as when reinforcement is critical for the viability of the wild population into which a specimen is being placed.

Return to the Wild - Concerns and benefits

Before return to the wild of confiscated plants is contemplated, several issues of concern must be considered in general terms: conservation value, cost, source of specimens and disease.

a) Conservation value and cost

In cases where returning confiscated plants to the wild appears to be feasible, such action can only be undertaken if it does not threaten existing populations of wild plants and animals or the ecological integrity of the area in which they live. The conservation of the taxon as a whole, and of other organisms already living free, must take precedence over the welfare of specimens that are already in cultivation.

b) Source of specimens

If the country of origin and site of collection of plants is not known, or if there is any question of their source, supplementation may lead to inadvertent pollution of distinct genetic races or subspecies.

c) Disease

Plants maintained in cultivation and/or transported, even for a very short time, may be exposed to a variety of pathogens. Release of these plants into the wild may result in introduction of disease to conspecific or unrelated species with potentially catastrophic effects. Even if there is a very small risk that confiscated plants have been infected by exotic or common horticultural pathogens, the potential effects of introduced diseases on wild populations are so great that this will often preclude returning confiscated plants to the wild.

Where confiscated plants are judged unsuitable for return to the wild, disease screening and appropriate quarantine are, nevertheless, essential (and are frequently a legal requirement) in order to ensure that they are free of disease, or that diseases and parasites harboured by these plants are already present in the cultivated population to which the specimens may be transferred. Introduced diseases can be a serious threat to horticultural establishments.

Where such quarantine cannot provide a reasonable level of certainty that a specimen is healthy, isolation for an indefinite period or destruction of the confiscated specimens must be carried out.

Clearly, there are instances where return to the wild of confiscated plants must be considered an option for disposal. First and foremost, the question to be addressed is: will returning the plants to the wild make a significant contribution to the conservation of the taxon in question?

Release into the wild of any plant that has been held in horticultural premises is risky. While some diseases can be tested for, tests do not exist for all plant diseases. Furthermore, plants held in horticultural premises are frequently exposed to diseases not usually encountered in their natural habitat. Given that any release incurs some risk, we must adopt the following 'precautionary principle': if there is no conservation value in releasing confiscated specimens, the possibility of accidentally introducing into the environment a

Chapter 16 - The disposal of confiscated specimens

disease that is not already present, however unlikely, will rule out returning confiscated specimens to the wild.

There are certain benefits of returning plants to the wild, either through reintroduction or reinforcement of an existing population.

a) In situations where the existing population is severely threatened, such an action might improve the long-term conservation potential of the taxon as a whole, or of a local population of the taxon.

b) Returning plants to the wild makes a strong political/educational statement concerning their fate and may serve to promote local conservation values. However, as part of any education or public awareness programme, the costs and difficulties associated with return to the wild must be emphasized.

Option 3 - Destruction

Destruction of plant material of common taxa, poorly documented specimens and/or those of horticultural origin, or of diseased material that will require expensive techniques to rid it of the diseases or pests involved, is clearly a justifiable action, especially when to keep the material in horticultural premises will cause the use of resources better directed to other conservation activities. Destruction of such material, if publicized, will also act to discourage the activities that led to confiscation, e.g. illegal collection (although the plants may be needed in the country of origin as evidence), failure to obtain correct import/export documents, poor packing, etc. In some cases, while it may be impractical to maintain plants in a living state in cultivation, their preservation as herbarium specimens may be desirable, especially if their country and site of origin is adequately documented and technical help for their preparation is available from the recipient herbarium or museum. This applies both to the country where the confiscation took place and to the country of origin, whose institutions may have been denied the right to receive material through illegal collecting. Destruction of material that is well documented as to its wild provenance should be done only as a last resort when all other options for its disposal have been exhausted.

Decision tree analysis

For decision trees dealing with 'Return to the Wild' and 'Maintain in Cultivation' options the confiscating Party, in discussion with the CITES authorities in the country of origin (if appropriate), must first ask the question:

Question 1: Will returning the plant to the wild make a significant contribution to the conservation of the taxon, including through education and other means?

The most important consideration in deciding on disposal of confiscated specimens is the conservation of the taxon in question. Because there can never be absolute certainty that a confiscated plant is free of pests and diseases, returning to the wild a specimen that has been held on horticultural premises will always involve some level of risk to existing populations of the same or other taxa in the ecosystem to which the plant is returned.

Chapter 16 - The disposal of confiscated specimens

Where returning confiscated plants, or their propagations, to the wild appears to be an achievable action, it must improve the prospects for survival of the existing wild population(s). Conservation interests are best served by ensuring the survival of as many specimens as possible, not just the short-term survival of a few specimens. The benefits of the reintroduction in terms of conservation value must clearly outweigh the potential risks.

In most instances, the benefits of return to the wild will be outweighed by the costs and risks of such an action. If returning plants to the wild is not of conservation value, maintenance in cultivation in a propagation centre may pose fewer risks and may offer more conservation benefits.

Answer:

Yes: Investigate "Return to the Wild" options.

No: Investigate "Maintain in Cultivation" options.

Decision tree analysis - Maintain in cultivation

The decision to maintain confiscated plants in cultivation, whether in the country of origin or elsewhere, involves a simpler set of considerations than does the decision to return them to the wild.

Question 2: Have plants been subjected to comprehensive plant health screening and quarantine?

Plants that may be transferred to horticultural premises must have a clean bill of health because of the risk of introducing disease to cultivated populations. These plants must be placed in quarantine to determine if they are disease-free before being transferred to a propagation centre.

Answer:

Yes: Proceed to Question 3.

No: Quarantine and screen and move to Question 3.

Question 3: Have plants been found to be disease-free by comprehensive plant health screening and quarantine or can they be treated for any pests and diseases discovered?

If, during quarantine, the plants are found to harbour pests that cannot be eliminated or diseases that cannot reasonably be expected to be cured, they must be destroyed to prevent infection of other plants. If the plants are suspected to have come into contact with diseases for which screening is impossible, extended quarantine, donation to a research facility or destruction must be considered.

Answer:

Yes: Proceed to Question 4.

Chapter 16 - The disposal of confiscated specimens

No: If with chronic and incurable infection, first offer plants to research institutions or to herbaria/museums for preservation. If impossible to place in or not required by such institutions, destroy.

Question 4: Are there grounds for concern that sale or donation will stimulate further illegal or irregular trade?

Commercial sale of Appendix-I taxa might stimulate trade in these species. Taxa that are not listed in any CITES appendix but that are nonetheless seriously threatened with extinction should be afforded the same caution. Sale or donation of confiscated plants, where legally permitted, is a difficult option to consider. While the benefits of sale income and quick disposal are clear, there are many problems that may arise as a result of further commercial transactions of the specimens involved. Equally, it should be noted that there may be circumstances where problems arise as a result of non-commercial transactions. It should also be noted that sale or donation to commercial nurseries may increase the availability of propagated material, thereby reducing the threats from wild-collection.

More often than not, sale of threatened taxa should not take place. Sale of or trade in threatened species may be legally proscribed in some countries, or by CITES. There may be instances where a commercial nursery may purchase or receive specimens for propagation, which may reduce pressure on wild populations subject to trade. In all circumstances, the confiscating authority should be satisfied that:

- a) those involved in the illegal or irregular transaction that gave rise to confiscation cannot obtain the plants;
- b) the sale or donation does not compromise the objective of confiscation; and
- c) the sale or donation will not increase illegal, irregular or otherwise undesired trade in the taxon.

Answer:

Yes: Proceed to Question 5a. No: Proceed to Question 5b.

Question 5a: Is space available in a botanic garden/ non-commercial propagation centre, whether publicly managed or privately owned?

Question 5b: Is space available in a botanic garden/ non-commercial propagation centre, whether publicly managed or privately owned, or is there a commercial facility propagating this taxon, and is it interested in the plants?

Transfer of plants to non-commercial propagation facilities, if their sale, donation or loan may stimulate further illegal or irregular trade, or to commercial propagation facilities, an option only if sale/donation/loan will not stimulate further illegal or irregular trade, should generally provide a safe and acceptable means of disposal of confiscated plants. When a choice must be made between several such institutions, the paramount consideration should be which facility can:

- a) offer the opportunity for the plants to be used in a programme of propagation; and

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b) provide the most consistent care without compromising the resources available for other equally valuable conservation activities in which it is engaged. The terms and conditions of the transfer should be agreed between the confiscating authority and the recipient institution.

Terms and conditions for such agreements should include:

a) a clear commitment to ensure indefinite care to an acceptable standard or, in the event that this becomes impossible, transfer to another facility that can ensure such care;

b) a clear specification of ownership of the specimens concerned (as determined by national law) and, where propagation may occur, the offspring. Depending on the circumstances, ownership may be vested with the confiscating authority, the country of origin or export, or with the recipient facility; and

c) a clear specification of conditions under which the plants, or any plants propagated from them, may be sold.

In the majority of instances, there will be limited facilities available in the country in which plants are confiscated. Where this is the case other horticultural options should be investigated. This could include transfer to a propagation centre outside the country of confiscation and ideally in the country of origin, or, if it will not stimulate further illegal trade, placement in a commercial propagation facility. However, such propagation programmes must be carefully assessed and approached with caution, bearing in mind the restraints implied by the Convention on Biological Diversity. It may be difficult to monitor these programmes and such programmes may unintentionally stimulate trade in wild-collected plants. The conservation potential of transfer to a commercial propagation facility, or loan for propagation, must be carefully weighed against even the smallest risk of stimulating trade that would further endanger the wild population of the taxon.

In many countries, there are active specialist societies or clubs of individuals with considerable expertise in the care and propagation of particular plant groups in trade. Such organizations can assist in finding homes for confiscated plants without involving sale through intermediaries. In this case, individuals receiving confiscated plants must have demonstrated expertise in the cultivation of the taxa concerned and must be provided with adequate information and advice by the relevant club or society. Transfer to specialist societies or individual members must be made according to terms and conditions agreed with the confiscating authority. Placement with these societies or members is an option if sale or donation of the confiscated plants may or may not stimulate trade.

Answer:

Yes: Execute agreement and sell/donate/loan. No: Proceed to Question 6.

Question 6:

Are institutions interested in plants for research as museums specimens?

Answer:

Yes: Execute agreement and transfer. No: Destroy.

Decision tree analysis - Return to the wild

Question 2:

Have plants been subjected to comprehensive plant health screening and quarantine?

Because of the risk of introducing disease to wild populations, plants that may be reintroduced must have a clean bill of health. These plants must be placed in quarantine to determine if they are disease-free before being considered for return.

Answer:

Yes: Proceed to Question 3.

No: Quarantine and screen and move to Question 3.

Question 3:

Have plants been found to be disease-free by comprehensive plant health screening and quarantine or can they be treated for any pests and diseases discovered?

If, during quarantine, the plants are found to harbour pests that can not be eliminated or diseases that can not be expected reasonably to be cured, unless any institutions are interested in the plants, whether alive or preserved, they must be destroyed to prevent spread of disease. If the plants are suspected to have come into contact with diseases for which screening is impossible, extended quarantine, donation to a research facility or destruction must be considered.

Answer:

Yes: Proceed to Question 4.

No: If with chronic and incurable infection, first offer plants to research institutions or to herbaria/museums for preservation. If impossible to place in such institutions, destroy.

Question 4:

Can country of origin and site of collection be confirmed?

The geographical location from which confiscated specimens have been removed from the wild must be determined if these specimens are to be reintroduced or used to supplement existing populations. In most cases, plants should only be returned to the population from which they were taken or to populations that are known to have gene exchange with this population. If the provenance of the plants is not precisely known, their use for reinforcement may lead to inadvertent hybridization of distinct genetic races or subspecies.

Related plant taxa that live in sympatry in the wild and never hybridize may do so when held in cultivation and this problem is in no way restricted either to naturally sympatric taxa or even to closely related taxa in the plant kingdom.

Answer:

Yes: Proceed to Question 5.

No: Pursue "Maintain in Cultivation" options.

Question 5:

Can specimens be returned expeditiously to origin (specific location), and will benefits to conservation of the taxon outweigh any risks of such action?

Reintroduction of the specimens and reinforcement of the population will only be options under certain conditions and following the IUCN/SSC Reintroduction Specialist Group's 1995 Guidelines. An appropriate habitat for such an operation should still exist in the specific location from which the specimens were removed.

Answer:

Yes: Repatriate and reinforce at origin (specific location) following IUCN Guidelines.

No: Proceed to Question 6.

Question 6:

For the taxon/taxa in question, does a generally recognized programme exist whose aim is conservation of that/those taxon/taxa and eventual return to the wild of confiscated specimens and/or their progeny?

(Contact relevant IUCN/SSC Specialist Group, BGCI and/or IABG).

In the case of species for which active propagation and/or reintroduction programmes exist, and for which further propagation material / mother plants are required, confiscated plants should be transferred to such programmes after consultation with the appropriate scientific authorities. If there is such a programme for the taxon in question, but the actual subspecies or race confiscated is not part of this programme, other methods of disposal must be considered. Particular attention should be paid to genetic screening to avoid jeopardizing reintroduction programmes through inadvertent hybridization.

Answer:

Yes: Execute agreement and transfer to existing programme. No: Proceed to Question 7.

Question 7:

Is there a need and is it feasible to establish a new reintroduction programme following IUCN Guidelines?

In cases where specimens cannot be transferred to existing reintroduction programmes, return to the wild, following appropriate guidelines, will only be possible under the following circumstances:

a) appropriate habitat exists for such an operation;

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b) sufficient funds are available, or can be made available, to support a programme over the many years that (re)introduction will require; and

c) either sufficient numbers of specimens are available so that reintroduction efforts are potentially viable or only reinforcement of existing populations is considered.

In the majority of cases, at least one, if not all, of these requirements will fail to be met. In this instance, either conservation introductions outside the historical range of these species or other options for disposal of the plants must be considered. It should be emphasized that, if a particular taxon is confiscated with some frequency, consideration should be given as to whether to establish a reintroduction, reinforcement or introduction programme. Plants should not be held by the confiscating authority indefinitely while such programmes are planned, but should be transferred to a holding facility after consultation with the organization that is establishing the new programme.

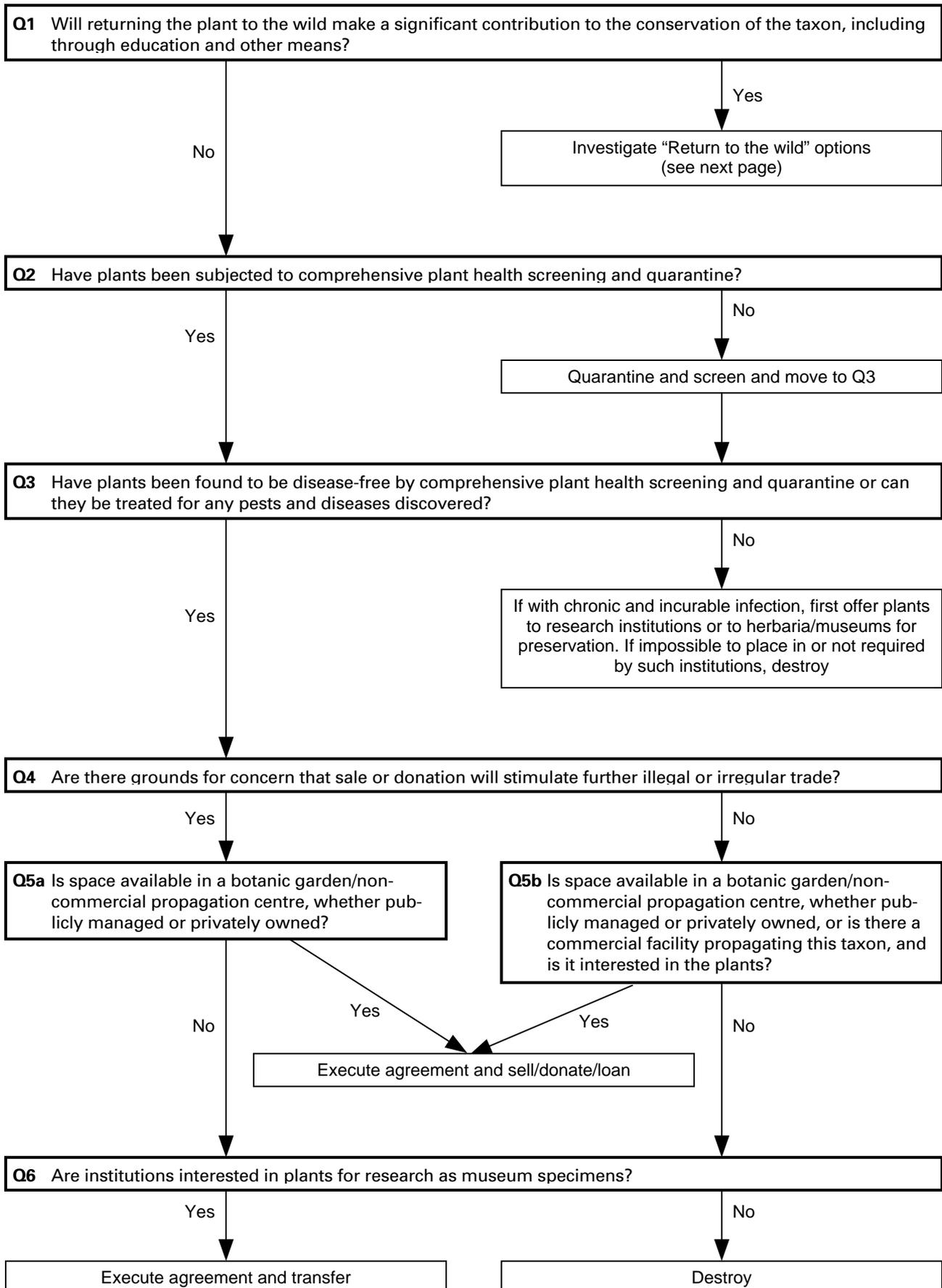
Answer:

Yes: Execute agreement and transfer to holding facility or new programme.

No: Pursue "Maintain in Cultivation" options.

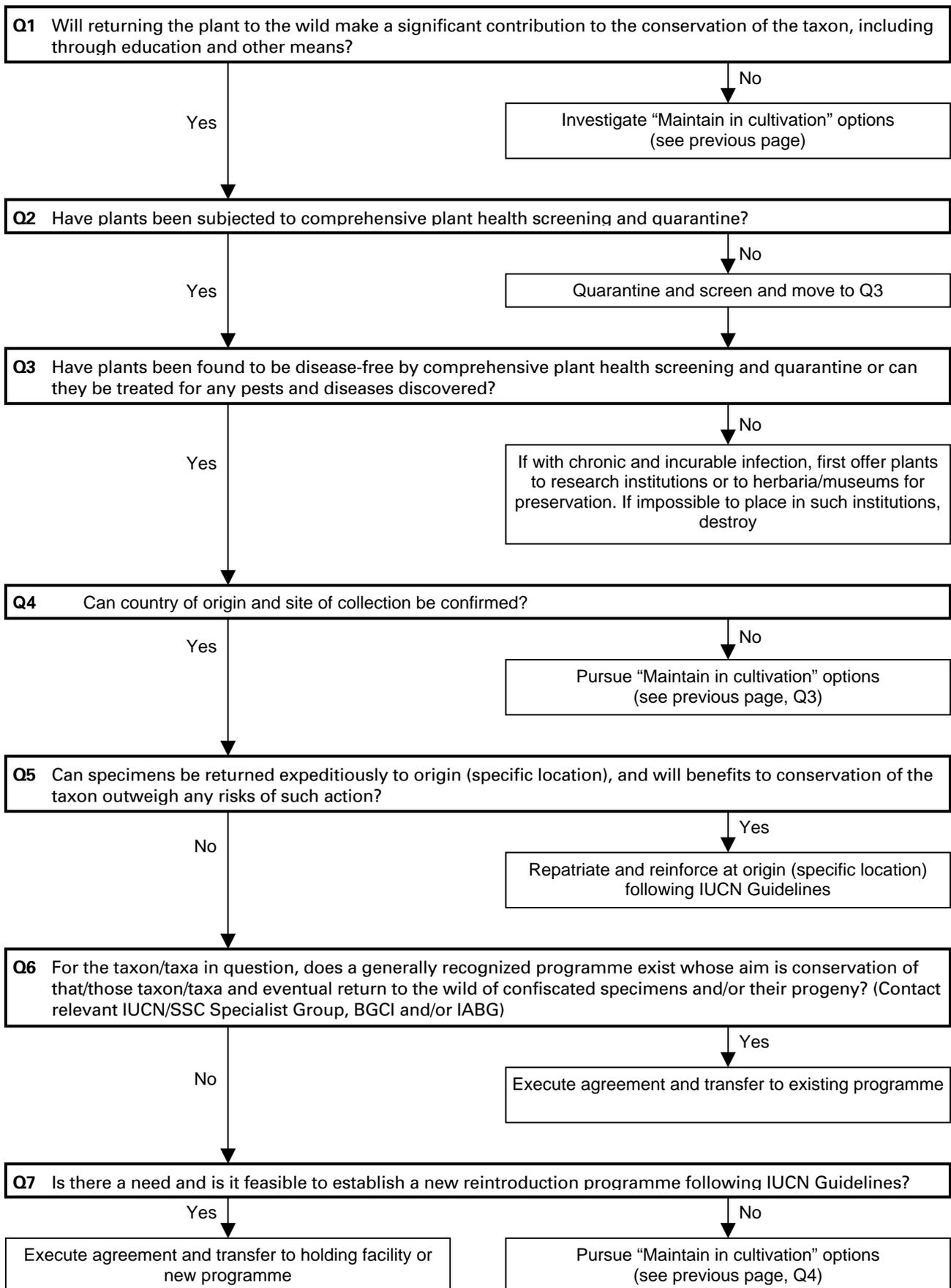
Chapter 16 - The disposal of confiscated specimens

Decision tree for “Maintain in cultivation” options



Chapter 16 - The disposal of confiscated specimens

Decision tree for “Return to the wild” options



Annex 3 to Resolution Conf. 10.7

Guidelines to develop an action plan on seized and/or confiscated live specimens

Each Party should develop a plan of action that can be executed without delay in the event that live specimens are seized. This action plan should be developed in accordance with the CITES Guidelines for the Disposal of Confiscated Live Animals in Annex 1 and the CITES Guidelines for the Disposal of Confiscated Live Plants in Annex 2.

The plan should:

1. identify means for procuring funds to provide care, quarantine, and transport and other costs incurred for seized and confiscated live specimens. Funding might be secured through levying of fines, obtaining reimbursement from importers, licensing and bonding importers and exporters, requiring import duties or permit fees, seeking donations from private or government sources, obtaining government allocations, or selling confiscated live specimens, where appropriate;
2. establish a procedure for implementing the Guidelines in accordance with the Party's domestic law and policy;
3. identify government agencies and personnel with authority to make decisions regarding the seizure and disposal of live specimens and clarify their roles and jurisdiction in this process. Such agencies and personnel may include Customs, agricultural inspection services, law enforcement agencies, veterinary agencies, public health services, and the Management and Scientific Authorities;
4. identify which authority in the country of origin listed in the CITES Directory should be contacted in the event that live specimens are seized. This authority should be annotated in the CITES Directory;
5. provide for training of personnel involved in the seizure and disposal of live specimens to ensure both the immediate and long-term welfare of the specimens;
6. include a list of experts who or institutions which can assist in species identification, care and/or other technical aspects of the seizure, confiscation and disposal process;
7. identify and/or develop facilities to provide for the care of live specimens immediately after seizure;
8. identify temporary holding facilities that have agreed to provide adequate care for seized live specimens of particular taxa until the confiscation process is completed;
9. identify approved facilities and programmes located within the country that have agreed to provide adequate care, including veterinary or phytosanitary care, and that are willing to accept confiscated live specimens of particular taxa. Parties should prepare a list of such facilities and programmes, which should be submitted to the Secretariat which will make it available to the Parties on request; and

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10. ensure that the Party begins evaluating options for disposal of seized live specimens immediately after seizure.

The role of the Secretariat with regard to the disposal of confiscated specimens was drastically reduced, compared to the tasks it was given in earlier Resolutions:

The Conference of the Parties requested the Secretariat, with Resolution Conf. 2.15, to facilitate international exchanges of confiscated specimens for scientific/educational and for enforcement/identification purposes, initially limited to confiscated dead specimens and parts and derivatives of Appendix-I species, with a view to subsequent elaboration of a system for living specimens. Resolution Conf. 3.14 recommended: a) that the Secretariat develop a uniform international format for the listing and inventorying of available specimens and for the qualifications of scientific institutions, rescue centers or such other places as the Management Authority of each Party deems appropriate, to receive confiscated or other accumulated Appendix-I specimens and b) that the Secretariat establish a central point of coordination to expedite the development of criteria and procedures for the implementation of international exchanges. It further recommended c) that each Party deposit with the Secretariat inventories of excess confiscated or accumulated Appendix-I specimens held by that Party and d) that each Party update its inventories annually and that the Secretariat circulate such inventories to the Parties. In paragraph f) of the Resolution, it was recommended that the Secretariat consider the development of appropriate guidelines for agreements under which return to the wild would take place.

With Notification 206 of 22 March 1982, the Secretariat transmitted to the Parties the uniform international formats for the listing and inventorying of available specimens and for the qualifications of potential recipients of such specimens prepared pursuant to paragraph a) of Resolution Conf. 3.14. The Secretariat further invited the Parties, in accordance with recommendations c) and d), to complete and deposit the inventories with their annual reports.

Resolution Conf. 5.14 recommended with regard to live plants that Parties provide the Secretariat with information on their experience in maintaining seized plants having specialized requirements, as a first step toward a horticultural guide to maintenance of specimens of such species; and that the Secretariat distribute the provided information to Parties. It was also recommended that Parties include information on seizures of plant specimens in their annual reports as recommended in Resolution Conf. 3.10.

Chapter 17 - Records and reports

Article VIII, paragraphs 6 to 8, concern the records to be kept and reports to be made by the Parties:

- 6. Each Party shall maintain records of trade in specimens of species included in Appendices I, II and III which shall cover:**
 - (a) the names and addresses of exporters and importers; and**
 - (b) the number and type of permits and certificates granted; the State with which such trade occurred; the numbers or quantities and types of specimens, names of species as included in Appendices I, II and III and, where applicable the size and sex of the specimens in question.**
- 7. Each Party shall prepare periodic reports on its implementation of the present Convention and shall transmit to the Secretariat:**
 - (a) an annual report containing a summary of the information specified in paragraph 6 (b) of this Article; and**
 - (b) a biennial report on legislative, regulatory and administrative measures taken to enforce the provisions of the present Convention.**
- 8. The information referred to in paragraph 7 of this Article shall be available to the public where this is not inconsistent with the law of the Party concerned.**

Biennial reports

The biennial reports on legislative, regulatory and administrative measures taken to enforce the provisions of the Convention, provided for in Article VIII.7(b), can either be provided to the Secretariat separately or in combination with the annual reports on trade. Biennial reports have not been subject to specific Resolutions but are sometimes referred to in Resolutions on annual reports.

Resolution Conf. 2.16 recommended that all Parties ensure the preparation and timely submission of annual and biennial reports. Resolution Conf. 5.4 noted that the biennial submission of a legal and administrative report was mandatory. With Resolution Conf. 3.19 the Conference of the Parties recognized that information on current national and international legislation relating to species of wild fauna and flora is important for the effective im-

plementation of the Convention. It noted the work of the IUCN Environmental Law Centre in this respect and recommended that Parties provide additional information and corrections as required, on relevant legislative and regulatory texts. The UNEP International Referral System was called on to continue to cooperate in the work and the Secretariat was requested to continue the project for the updating and further development of the *Index of Species Mentioned in Legislation*.

These Resolutions were repealed with Resolution Conf. 9.4 (Rev.) without the references to biennial reports being replaced. **Resolution Conf. 11.17 (Rev. CoP12)** currently deals with annual reports and monitoring of trade.

Annual reports on trade

The importance of annual reports has been stressed earlier. The annual reports of all Parties together should provide statistical information on the volume of world trade in all CITES species; information which is an invaluable element for the assessment of the conservation status of the species concerned. Comparing the figures reported by all Parties with each other should further provide a picture of the individual performance of Parties with regard to CITES implementation and reveal possible violations or frauds.

Article XII .2 (d) provides that it shall be a function of the Secretariat to study the reports of Parties and to request from Parties such further information with respect thereto as it deems necessary to ensure implementation of the Convention. The Conference of the Parties adopted a series of Resolutions on the preparation of annual reports and the Secretariat developed 'Guidelines for the Preparation of CITES Annual Reports'.

With Resolution Conf. 9.4 (Rev.), the recommendations from all previous Resolutions were consolidated, but the Resolution was replaced by Resolution Conf. 11.17 in 2000. It was revised in 2002 and is now referred to as **Resolution Conf. 11.17 (Rev. CoP12)**.

Resolution Conf. 11.17 (Rev. CoP12) recognizes the importance of the annual reports as the only available means of monitoring the implementation of the Convention and the level of international trade in specimens of species included in the Appendices and acknowledges the necessity for annual reports to be as complete as possible and to be comparable.

It considers that the provisions of Article XII, paragraph 2(d), of the Convention require the Secretariat to study the periodic reports of Parties and expresses appreciation for the valuable assistance in meeting this responsibility provided by the UNEP Wildlife Trade Monitoring Unit of the World Conservation Monitoring Centre under contract to the Secretariat.

The Resolution notes that the use of computers can help to ensure that trade statistics are dealt with more effectively.

The Conference of the Parties expresses its concern that many Parties have not followed its recommendations (Resolution Conf. 2.16) and those of the Secretariat that the annual reports be submitted by 31 October of the year following the year for which they are due and following the guidelines for the preparation of such reports.

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The Resolution therefore urges all Parties to submit their annual reports required under the provisions of Article VIII, paragraph 7(a), of the Convention in accordance with the "Guidelines for the Preparation and Submission of CITES Annual Reports" distributed by the Secretariat with Notification to the Parties No. 2002/022 dated 9 April 2002, as may be amended by the Secretariat from time to time with the concurrence of the Standing Committee.

Parties with multiple Management Authorities are (since the 12th meeting of the Conference of the Parties) urged to submit a coordinated annual report to the extent possible.

It recommends that Parties:

- a) make every effort to report trade in CITES-listed plants at the species level or, if this is impossible for those taxa included in the Appendices by family, at the generic level; however, artificially propagated Appendix-II orchid hybrids may be reported as such (ex Resolution Conf. 5.14);
- b) distinguish in their annual reports between plant specimens of wild and of artificially propagated origin (ex Resolution Conf. 5.14); and
- c) include in their annual reports complete data on imports, exports and re-exports of raw ivory including, as a minimum, the country of origin, the year that the export was authorized under a quota, the number of whole or substantially whole tusks, and their individual weights and serial numbers (ex Resolution Conf. 5.12); and
- d) make every effort to report trade in hard coral at the species level or, if this is not practical, at the generic level at least.

The Resolution further recommends that Management Authorities:

- a) consult their national timber organizations to identify any anomalies in their annual reports and to discuss remedies if such anomalies exist; and
- b) carefully review their procedures for reporting the trade in timber species included in the appendices to ensure that reporting is based on permits used rather than permits issued.

The Resolution also recommends that each Party to the Convention, if a member of a regional trade agreement within the meaning of Article XIV, paragraph 3, of the Convention, include in its annual reports information on trade in specimens of species included in Appendices I, II and III with other member States of that regional trade agreement, unless the record-keeping and reporting duties of Article VIII of the Convention are in direct and irreconcilable conflict with the provisions of the regional trade agreement. (ex Resolution Conf. 5.5).

Note: The Resolution is worded in general terms but was initially aimed at the Member States of the European Community, which commonly implement CITES at the outside borders of the Union and have removed border controls between them. This obviously implies the absence of CITES reports on trade between

The Resolution urges every Party to consider whether the preparation of its statistical reports could be computerized and the submission of such reports made in electronic format and Parties experiencing problems with the regular preparation and submission of annual reports to seek assistance from the Secretariat to produce those reports.

It recommends that Parties studying or developing computer programmes for licensing and reporting trade under the Convention consult with each other, and with the Secretariat, in order to ensure optimal harmonization and compatibility of systems;

The Resolution appeals to all Parties, and to non-governmental organizations interested in furthering the objectives of the Convention, to make financial contributions to the Secretariat to support the trade monitoring work of the Secretariat and that of the UNEP World Conservation Monitoring Centre undertaken under contract to the Secretariat.

Resolution Conf. 6.5 on the implementation of CITES in the European Economic Community recommended that it monitor the movement of CITES specimens within and between Member States in accordance with the mechanisms foreseen in its legislation and by use of existing forms.

Resolution Conf. 5.6 urged every Party to consider whether the preparation of its statistical reports could be computerized, or undertaken under a contract between the Party and the Wildlife Trade Monitoring Unit of the World Conservation Monitoring Centre. **Resolution Conf. 3.10** recommended that Parties studying or developing computer programmes for licensing and reporting trade under the Convention consult with each other, and with the Secretariat, in order to ensure optimal harmonization and compatibility of systems.

Resolution Conf. 3.10 also requested the Secretariat to continue the regular comparative tabulation of annual reports from Parties, with a view to the publication of a Yearbook of International Wildlife Trade; and in consultation with the Chairman of the Technical Expert Committee, to explore the availability of the external funding for this purpose.

The Yearbook concerned was never published and the request is not repeated in **Resolution Conf. 11.17 (Rev. CoP 12)**.

With **Resolution Conf. 11.17 (Rev. CoP 12)**, the Conference of the Parties decides that:

- a) failure to submit an annual report by 31 October of the year following the year for which the report was due constitutes a major problem with the implementation of the Convention, which the Secretariat shall refer to the Standing Committee for a solution in accordance with Resolution Conf. 11.3 (ex Resolution Conf. 8.7); and
- b) the Secretariat may approve a valid request from a Party for a reasonable extension of time to the 31 October deadline for the submission of annual reports provided the Party submits to the Secretariat a written request, containing adequate justification, before that deadline. (ex Resolution Conf. 8.7)

The 11th meeting of the Conference of the Parties also decided, with **Decision 11.37**, that from 1 January 2001, Parties should not authorize any trade in specimens of CITES-listed species with any Party that the Standing Committee has determined has failed, without having provided adequate justification, to provide the annual reports required under Article VIII, paragraph 7 (a), of the Convention for three consecutive years within the deadline established in **Resolution Conf. 11.17 (Rev. CoP12)**, or the extended deadline that is provided for in that Resolution.

Decision 11.89 requires the Standing Committee to, on the basis of reports presented by the Secretariat, determine which Parties have failed, without having provided adequate justification, to provide the annual reports required under Article VIII, paragraph 7 (a), of the Convention for three consecutive years within the deadline established in **Resolution Conf. 11.17 (Rev. CoP12)**, or the extended deadline that is provided for in that Resolution.

The Standing Committee did not meet until June 2001, so the above decisions did not enter into force on 1/1/01. The Resolution finally appeals to all Parties, and to non-governmental organizations interested in furthering the objectives of the Convention, to make financial contributions to the Secretariat to support the trade monitoring work of the Secretariat and that of the UNEP World Conservation Monitoring Centre undertaken under contract to the Secretariat. (ex Resolution Conf. 9.4 (Rev.), reworded ex Resolution Conf. 5.9).

Decision 12.87 provides that:

- a) The Standing Committee shall undertake a review of the reporting requirements under the Convention with a view to identifying and analysing the causes of non-compliance with those requirements and proposing ways to turn reporting requirements into useful management tools for Parties.
- b) The review shall consider the:
 - i) various reporting requirements under the Convention and Resolutions and Decisions of the Conference of the Parties (e.g. annual reports, biennial reports, special reports, etc.);
 - ii) feasibility and desirability of undertaking analyses of Parties' capacity to produce complete, accurate and timely reports;
 - iii) possible inclusion of CITES reports in broader biodiversity or state-of-the-environment reports;
 - iv) experience of other conventions in facilitating Parties' compliance with reporting requirements;
 - v) sufficiency of the existing Guidelines for the preparation and submission of CITES annual reports;
 - vi) actions needed to make better use of CITES data through graphic review tools, building on the report on *CITES trade data: an under-utilized wildlife resource*, and to develop the searchability of such data on the CITES website;
 - vii) desirability and feasibility of producing an International Yearbook of Wildlife Trade;
 - viii) work of the Standing Committee related to information management systems;

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- ix) additional financial or technical assistance that might facilitate reporting;
 - x) implications of technological developments such as electronic permitting;
 - xi) desirability and feasibility of a coordinated global system for the issuance and monitoring of CITES permits and certificates;
 - xii) accessibility of annual reports;
 - xiii) consequences of persistent late or non-submission of reports, despite assistance;
 - xiv) possible need to revise or draft relevant resolutions of the Conference of the Parties;
 - xv) necessary funding from the CITES Trust Fund or external sources that would be required to implement actions that are proposed; and
 - xvi) most cost effective measures required to implement these matters.
- c) The review shall include the following terms of reference relevant to biennial reports:
- i) to clarify the purpose and usefulness of biennial reports, especially in relation to annual reports, the submission of biennial reports by Parties with Category 1 legislation under the National Legislation Project and various special reports under the Convention;
 - ii) to assess the need to enhance the use of biennial reports as a means for Parties to communicate implementation problems and possible solutions;
 - iii) to explore whether biennial reports could be thematic in nature and synchronized with special reports for the Conference of the Parties or subsidiary bodies to the Convention;
 - iv) to consider whether biennial reports could be harmonized with national reporting under other biodiversity-related conventions; and
 - v) to identify ways in which biennial reports could be standardized for easier analysis and comparison, including the adoption of guidelines and standard formats for their preparation and submission.
- d) The Standing Committee shall report at the 13th meeting of the Conference of the Parties.

Note: Resolution Conf. 5.4 requested the Secretariat to contact non-Party States, urging them to submit reports. I never considered this request to be very realistic, particularly not where it concerns importing countries. In order to be able to prepare reports, a country must have a monitoring system for trade in CITES specimens. Countries of origin are probably able to provide useful information on the export of species subject to exploitation, but consumer countries are likely to lack the sources to provide relevant information on imports and re-exports, unless they have committed themselves to the purposes of CITES, in which case they will be a Party to the Convention. The request was not repeated with Resolution Conf. 9.4, or its successor, **Conf. 11.17(Rev. CoP 12)**.

Resolution Conf. 4.25, on the effects of reservations calls on the Parties having entered reservations nevertheless to maintain and communicate statistical records on trade in the species concerned, as part of their annual reports, so that international trade in these species may be properly monitored.

Resolution Conf. 8.16 on travelling live animal exhibitions recommends in paragraph j), that the Parties include in their annual reports lists of all pre-Convention certificates and certificates of captive breeding issued for specimens in exhibitions.

Guidelines for the preparation and submission of CITES annual reports

These guidelines are contained in Notification 2002/022 of 9 April 2002.

1. Introduction

Article VIII, paragraph 7, of the Convention requires each Party to submit to the Secretariat an annual report summarizing the following information:

- the number and type of permits and certificates granted;
- the States with which trade in specimens of species included in Appendices I, II and III occurred;
- the numbers or quantities and types of specimens and the names of species as included in Appendices I, II and III; and
- the size and sex of the specimens in question.

The present guidelines for the submission of annual reports were prepared by the Secretariat in accordance with Resolution Conf. 11.17 and were approved by the Standing Committee at its 45th meeting (Paris, France, June 2001).

One of the functions of these guidelines is to encourage Parties to present information in a standard form, so that it can be easily computerized, with two main objectives:

- to enable monitoring of the extent of world trade in each species included in the CITES Appendices and the identification of potentially harmful trade; and
- to enable monitoring of the implementation of the Convention and the detection of potentially illicit trade.

The standard format proposed herein is designed for data on specimens imported, exported, re-exported or introduced from the sea, or on permits or certificates issued. It does not deal with any other information to be included in a report (such as information on administration and details of prosecutions), which may be presented in the format considered by the reporting Management Authority to be the most appropriate.

2. General principles

- a) Annual reports must contain information on imports, exports, re-exports and introductions from the sea of specimens of all species included in Appendices I, II and III.

However, as information on trade in manufactured products is of limited use, it is considered acceptable for records of trade in manufactured specimens of species in Appendices II and III to be summarized in the report [see paragraph g) below].

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Where the products include contents not derived from CITES species, the figure recorded should, as far as possible, be the amount that is actually from specimens of CITES species.

- b) Each annual report should cover the period 1 January to 31 December.
- c) Annual reports should be prepared in one of the three working languages of the Convention: English, French and Spanish.
- d) The data should be divided into two main categories:
 - IMPORTS; and
 - EXPORTS AND RE-EXPORTS.

A separate section may be made to summarize the imports, exports and re-exports of manufactured products derived from species included in Appendices II and III.

Any introductions from the sea should be included in the section on imports.

- e) As far as possible, the data in the report should record the actual trade that took place, i.e. the quantity of specimens that entered or left the country. If it is not possible to report the actual exports and re-exports, the data on such trade should come from each permit and certificate issued.

The report should state clearly whether the data used for the records of imports and exports/re-exports are based on permits/certificates issued or on actual trade.

- f) The animal and plant species traded should be listed in the taxonomic order given in the appendices of the Convention, under the following headings: Mammalia; Aves; Reptilia; Amphibia; Pisces; Insecta; Arachnida; Hirudinoidea; Bivalvia; Gastropoda; Anthozoa; Hydrozoa; Alcyonaria; Flora. The species of flora should be listed following the alphabetical order of the families. Within each family, genera and species should be arranged alphabetically.
- g) The report should include a record of each shipment of each species. However, for shipments of manufactured products derived from species in Appendices II and III [see paragraph a) above] the trade may be summarized.

Summaries of trade in manufactured products of species in Appendix II and III need indicate only the following: the number and type of permits and certificates granted; the States with which such trade occurred; and the names of the species and the total numbers or quantities and types of specimens.

- h) The data should include entries, in the appropriate taxonomic position, in respect of specimens seized and/or confiscated [see recommendation 3. g) below].
- i) Any record relating to a specimen that was traded in accordance with an exemption, under Article VII of the Convention, should be annotated to show this. The annotation may be included in the column for "Source" or "Remarks".

3. Specific instructions

The headings in this section refer to the column headings in the recommended format for reports, in section 4. below.

a) Appendix

Enter the number of the Appendix in which the taxon was listed at the time the trade was authorized.

NB: If a specimen of a species in Appendix I is considered or treated as being in Appendix II because it was bred in captivity or artificially propagated, or because the trading Party has entered a reservation, the specimen is nonetheless of a species in Appendix I.

b) Species

Enter the scientific name of the species or subspecies, using the binomial (genus and species) or trinomial (genus, species and subspecies).

The scientific names used must be those recorded in the Appendices or, for species included in the Appendices as part of a higher-taxon listing, those included in the standard lists of names approved by the Conference of the Parties. (Approved names are also found in the Checklist of CITES Species, the CITES Bulb Checklist, the CITES Cactaceae Checklist and the CITES Orchid Checklist.)

The names of higher taxa should not be used to indicate the species traded unless the specimens can not be identified, in which case the name of the genus must be indicated (see separate relevant Notifications, e.g. regarding trade in stony corals). The following exceptions are recognized.

Stony Corals

- For shipments where ‘base rock’ and ‘substrate’ made of coral, but not including pieces of coral collected alive and exported dead, can not be identified to the level of genus, the trade may be recorded at the level of order (see Resolution Conf. 11.10);
- Shipments of coral sand and coral gravel that do not contain large pieces of gravel may be recorded at the level of order (Scleractinia) (see Resolution Conf. 11.10).

Orchids

Artificially propagated hybrids of Appendix-II orchids may be reported as such [in accordance with Resolution Conf. 11.17].

The common name of the species may be recorded in addition to the scientific name, but it is not required.

c) Description

Enter the description of the specimens in accordance with the terminology of specimens listed in section 5. a) below. If codes are used to indicate the type of specimen (for example, if the annual report is computerized) the codes in section 5. a) should be used. If it is not clear which is the correct term to use, or if the specimens are not apparently covered by any of the terms in section 5. a),

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use whatever terms are appropriate to ensure that the specimens are accurately described.

NB: The terms in section 5. a) are not necessarily for use on permits. The descriptions of specimens on permits should be as precise as possible.

d) Quantity

Enter the quantity of specimens that is appropriate to the type of specimen, in accordance with the list in section 5. a) below.

The quantity recorded should be only the quantity of the specimen of the species named. For example, if 10 kg of cloth contains only 100 g of hair of *Lama guanicoe*, the quantity recorded should be only 100 g.

The preferred unit of quantity indicated in section 5. a) should be recorded if possible. Otherwise the alternative unit that is indicated should be used. Both units may be recorded if the data are available.

If the data can not be obtained to allow entry of either the preferred or the alternative units, the quantity of specimens should be recorded so as to allow:

- verification of the quantity actually traded; and
- where relevant, estimation of the impact of the trade on the wild population of the species.

As far as possible, quantities should be recorded in metric measures.

Quantities should always be recorded in standard units of measure and never in non-standard units such as "boxes", "cartons" or "bales".

e) Country of export/origin/destination

In the section of the annual report on exports and re-exports, record:

- country of destination; and
- country of origin of re-exports.

In the section of the annual report on imports, record:

- country from which the specimens were consigned (i.e. country of export or re-export); and
- country of origin, if it is a different country.

The name of the country in each case should either be indicated in full or by the use of two-letter codes for the representation of names of countries, in accordance with the list in section 5. b) below.

f) Purpose

Enter the purpose of the transaction in accordance with the terminology in section 5. c) below. If the purpose is not one of those specified, it should be explained in the section for remarks.

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g) Source

Enter the source of the specimens in accordance with the terminology in section 5. d) below. This column should also be used to indicate specimens seized, confiscated or illegally traded.

h) Permit or certificate number

In the case of exports and re-exports, enter the number of the permit or certificate issued to cover the shipment.

In the case of imports, enter the number of the export permit, re-export certificate or other certificate issued by the Management Authority or competent authority of the exporting or re-exporting country. (Do not enter the number of the import permit.)

In the case of introductions from the sea, enter the number of the certificate of introduction.

i) Remarks

This column should be used to:

- justify omission in other columns, such as the name of the country of origin;
- indicate introductions from the sea;
- indicate whether a specimen was traded in accordance with one of the exemptions under Article VII of the Convention if this is not indicated in another column (e.g. if the specimens were pre-Convention or traded between registered scientific institutions);
- indicate the registration numbers in the case of transactions between registered scientists or scientific institutions;
- include any additional information on confiscated or seized specimens;
- specify identification markings (tag number, ring number, etc.).

4. Recommended format

Annual reports may be submitted in the form of printed or hand-written reports or in electronic format. In either case, the information submitted should correspond to that indicated in the following tables.

IMPORTS

Appendix	Species	Description	Quantity	Country of export or re-export	Number of export permit or re-export certificate	Country of origin of re-exports	Purpose	Source	Remarks

EXPORTS/RE-EXPORTS

Appendix	Species	Description	Quantity	Country of destination	Number of export permit or re-export certificate	Country of origin of re-exports	Purpose	Source	Remarks

5. Terminology

a) Description of specimens and units of quantity

Description	Code	Preferred unit	Alternative unit	Explanation
bark	BAR	kg		tree bark (raw, dried or powdered; unprocessed)
body	BOD	no.	kg	substantially whole dead animals, including fresh or processed fish, stuffed turtles, preserved butterflies, reptiles in alcohol, whole stuffed hunting trophies, etc.
bone	BON	kg	no.	bones, including jaws
calipee	CAL	kg		calipee or calipash (turtle cartilage for soup)
carapace	CAP	no.	kg	raw or unworked whole shells of Testudinata species
carving	CAR	kg	m ³	carvings (including wood, and including finished wood products such as furniture, musical instruments and handicrafts). NB: there are some species from which more than one type of product may be carved (e.g. horn and bone); where necessary, the description should therefore indicate the type of product (e.g. horn carving)
caviar	CAV	kg		unfertilized dead processed eggs from all species of Acipenseriformes; also known as roe
chips	CHP	kg		chips of timber, especially <i>Aquilaria malaccensis</i> and <i>Pterocarpus santalinus</i>
claw	CLA	no.	kg	claws – e.g. of Felidae, Ursidae or Crocodylia (NB: 'turtle claws' are usually scales and not real claws)

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Description	Code	Preferred unit	Alternative unit	Explanation
cloth	CLO	m ²	kg	cloth – if the cloth is not made entirely from the hair of a CITES species, the weight of hair of the species concerned should instead, if possible, be recorded under "HAI"
coral (raw)	COR	kg	no.	coral, raw or unworked. NB: the trade should be recorded by number of pieces only if the coral specimens are transported in water
culture	CUL	no. of flasks, etc.		cultures of artificially propagated plants
derivatives	DER	kg/l		derivatives (other than those included elsewhere in this table)
dried plant	DPL	no.		dried plants – e.g. herbarium specimens
ear	EAR	no.		ears – usually elephant
egg	EGG	no.	kg	whole dead or blown eggs (see also 'caviar')
egg (live)	EGL	no.	kg	live fertilized eggs – usually birds and reptiles but includes fish and invertebrates
eggshell	SHE	g/kg		raw or unworked eggshell except whole eggs
extract	EXT	kg	l	extract – usually plant extracts
feather	FEA	kg/ no. of wings	no.	feathers – in the case of objects (e.g. pictures) made of feathers, record the number of objects
fibre	FIB	kg	m	fibres – e.g. plant fibre but includes strings of tennis rackets
Fin	FIN	kg		fresh, frozen or dried fins and parts of fins
fingerlings	FIG	kg	no.	juvenile fish of one or two years of age for the aquarium trade, hatcheries or for release operations
flower	FLO	kg		flowers
flower pot	FPT	no.		flower pots made from parts of a plant – e.g. treefern fibres (NB: live plants traded in so-called 'community pots' should be recorded as 'live plants', not as flower pots)

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Description	Code	Preferred unit	Alternative unit	Explanation
frog legs	LEG	kg		frog legs
fruit	FRU	kg		fruit
foot	FOO	no.		feet – e.g. of elephant, rhinoceros, hippopotamus, lion, crocodile, etc.
gall	GAL	kg		gall
gall bladder	GAB	no.	kg	gall bladder
garment	GAR	no.		garments – including gloves and hats but not shoes. Includes trimming or decoration on garments
genitalia	GEN	kg	no.	castrates and dried penes
graft rootstock	GRS	no.		graft rootstocks (without the grafts)
hair	HAI	kg	g	hair – includes all animal hair, e.g. of elephant, yak, vicuña, guanaco
horn	HOR	no.	kg	horns – includes antlers
leather product (small)	LPS	no.		small manufactured products of leather – e.g. belts, braces, bicycle saddles, cheque book or credit card holders, earrings, handbags, key fobs, notebooks, purses, shoes, tobacco pouches, wallets, watch-straps
leather product (large)	LPL	no.		large manufactured products of leather – e.g. briefcases, furniture, suitcases, travel trunks
live	LIV	no.	kg	live animals and plants
leaf	LVS	kg	no.	leaves
logs	LOG	m ³		all wood in the rough, whether or not stripped of bark or sapwood, or roughly squared, for processing notably into sawn wood, pulpwood or veneer sheets. NB: trade in logs of special purpose timbers traded by weight (e.g. <i>lignum vitae</i> , <i>Guaiacum</i> spp.) should be recorded in kg
meat	MEA	kg		meat, including flesh of fish if not whole (see "body"), fresh or unprocessed meat as well as processed meat (e.g. smoked, raw, dried, frozen or tinned)
medicine	MED	kg/l		medicine
musk	MUS	g		musk

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Description	Code	Preferred unit	Alternative unit	Explanation
oil	OIL	kg	l	oil – e.g. from turtles, seals, whales, fish, various plants
piece – bone	BOP	kg		pieces of bone, not manufactured
piece – horn	HOP	kg		pieces of horn, not manufactured – includes scrap
piece – ivory	IVP	kg		ivory pieces, not manufactured – includes scrap
plate	PLA	m ²		plates of fur skins – includes rugs if made of several skins
powder	POW	kg		powder
root	ROO	no.	kg	roots, bulbs, corms or tubers
sawn wood	SAW	m ³		wood simply sawn lengthwise or produced by a profile-chipping process; normally exceeds 6mm in thickness. NB: trade in sawn wood of special purpose timbers traded by weight (e.g. lignum vitae, <i>Guaiacum</i> spp.) should be recorded in kg
scale	SCA	kg		scales – e.g. of turtle, other reptiles, fish, pangolin
seed	SEE	kg		seeds
shell	SHE	no.	kg	raw or unworked shell of molluscs
side	SID	no.		sides or flanks of skins; does not include crocodilian Tinga frames (see under 'skin')
skeleton	SKE	no.		substantially whole skeletons
skin	SKI	no.		substantially whole skins, raw or tanned, including crocodilian Tinga frames, external body lining, with or without scales
skin piece	SKP	kg		skin pieces – including scraps, raw or tanned
skull	SKU	no.		skulls
soup	SOU	kg	l	soup – e.g. of turtle
specimen (scientific)	SPE	kg/l/ml/ no.		scientific specimens – includes blood, tissue (e.g. kidney, spleen, etc.), histological preparations, preserved museum specimens, etc.
stem	STE	no.	kg	plant stems

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Description	Code	Preferred unit	Alternative unit	Explanation
swim bladder	SWI	kg		hydrostatic organ, including isinglass / sturgeon glue
tail	TAI	no.	kg	tails – e.g. of caiman (for leather) or fox (for garment trimming, collars, boas, etc.)
tooth	TEE	no.	kg	teeth – e.g. of whale, lion, hippopotamus, crocodile, etc.
timber	TIM	m ³	kg	raw timber except saw-logs and sawn wood
trophy	TRO	no.		trophy – all the trophy parts of one animal if they are exported together: e.g. horns (2), skull, cape, backskin, tail and feet (i.e. ten specimens) constitute one trophy. But if, for example, the skull and horns are the <u>only</u> specimens of an animal that are exported, then these items together should be recorded as one trophy. Otherwise the items should be recorded separately. A whole stuffed body is recorded under "BOD". A skin alone is recorded under "SKI"
tusk	TUS	no.	kg	substantially whole tusks, whether or not worked. Includes tusks of elephant, hippopotamus, walrus, narwhal, but not other teeth
veneer sheets – rotary veneer – sliced veneer	VEN VEN	m ³ m ²	kg kg	thin layers or sheets of wood of uniform thickness, usually 6mm or less in thickness, usually peeled (rotary veneer) or sliced (sliced veneer), for use in making plywood, for veneering furniture, veneer containers, etc.
wax	WAX	kg		wax, including ambergris
whole	WHO	kg	no.	entire animal or plant (dead or alive)

Key to units (equivalent non metric measurements may be used)

g	= grams
kg	= kilograms
l	= litres
cm ³	= cubic centimetres
ml	= millilitres
m	= metres
m ²	= square metres

m³ = cubic metres
no. = number of specimens

b) Names of countries and territories

The countries and entities listed below are designated in accordance with the International Standard "Codes for the representation of names of countries" published by the International Organization for Standardization (ISO). Out-of-date names of countries and territories are retained for purposes of recording re-exports of specimens originating in those places. The ISO list is based on the list included in the "United Nations Standard Country or Area Code for Statistical Use" established by the Statistical Office of the United Nations. The names of countries, territories or other areas correspond to those given in the United Nations "Terminology Bulletin", issued by the Department of Conference Services. Some additional entities are included in the ISO International Standard with a view to providing more complete global coverage. However, the designations do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat or the Secretariat of the United Nations concerning the legal status of any country, territory, city or area, or of its authorities, or concerning the delimitation of its frontiers or boundaries.

ISO country codes

Code	Name
AF	Afghanistan
AL	Albania
DZ	Algeria
AS	American Samoa
AD	Andorra
AO	Angola
AI	Anguilla
AQ	Antarctica
AG	Antigua and Barbuda
AR	Argentina
AM	Armenia
AW	Aruba
AU	Australia
AT	Austria
AZ	Azerbaijan
BS	Bahamas
BH	Bahrain
BD	Bangladesh
BB	Barbados
BY	Belarus
BE	Belgium
BZ	Belize
BJ	Benin
BM	Bermuda
BT	Bhutan
BO	Bolivia
BA	Bosnia and Herzegovina
BW	Botswana
BV	Bouvet Island
BR	Brazil
IO	British Indian Ocean Territory
VG	British Virgin Islands

Code	Name
BN	Brunei Darussalam
BG	Bulgaria
BF	Burkina Faso
BI	Burundi
KH	Cambodia
CM	Cameroon
CA	Canada
CV	Cape Verde
KY	Cayman Islands
CF	Central African Republic
TD	Chad
CL	Chile
CN	China
CX	Christmas Island
CC	Cocos (Keeling) Islands
CO	Colombia
KM	Comoros
CG	Congo
CK	Cook Islands
CR	Costa Rica
CI	Côte d'Ivoire
HR	Croatia
CU	Cuba
CY	Cyprus
CZ	Czech Republic
KP	Democratic People's Republic of Korea
CD	Democratic Republic of the Congo
DK	Denmark
DJ	Djibouti
DM	Dominica
DO	Dominican Republic
TP	East Timor
EC	Ecuador

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Code	Name
EG	Egypt
SV	El Salvador
GQ	Equatorial Guinea
ER	Eritrea
EE	Estonia
ET	Ethiopia
FK	Falkland Islands (Malvinas)
FO	Faroe Islands
FJ	Fiji
FI	Finland
FR	France
GF	French Guiana
PF	French Polynesia
TF	French Southern Territories
GA	Gabon
GM	Gambia
GE	Georgia
DE	Germany
GH	Ghana
GI	Gibraltar
GR	Greece
GL	Greenland
GD	Grenada
GP	Guadeloupe
GU	Guam
GT	Guatemala
GN	Guinea
GW	Guinea-Bissau
GY	Guyana
HT	Haiti
HM	Heard Island and McDonald Islands
VA	Holy See
HN	Honduras

Code	Name
HK	Hong Kong
HU	Hungary
IS	Iceland
IN	India
ID	Indonesia
IR	Iran (Islamic Republic of)
IQ	Iraq
IE	Ireland
IL	Israel
IT	Italy
JM	Jamaica
JP	Japan
JO	Jordan
KZ	Kazakhstan
KE	Kenya
KI	Kiribati
KW	Kuwait
KG	Kyrgyzstan
LA	Lao People's Democratic Republic
LV	Latvia
LB	Lebanon
LS	Lesotho
LR	Liberia
LY	Libyan Arab Jamahiriya
LI	Liechtenstein
LT	Lithuania
LU	Luxembourg
MO	Macau
MG	Madagascar
MW	Malawi
MY	Malaysia
MV	Maldives
ML	Mali

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Code	Name
MT	Malta
MH	Marshall Islands
MQ	Martinique
MR	Mauritania
MU	Mauritius
YT	Mayotte
MX	Mexico
FM	Micronesia (Federated States of)
MD	Moldova, Republic of
MC	Monaco
MN	Mongolia
MS	Montserrat
MA	Morocco
MZ	Mozambique
MM	Myanmar
NA	Namibia
NR	Nauru
NP	Nepal
NL	Netherlands
AN	Netherlands Antilles
NT	Neutral Zone
NC	New Caledonia
NZ	New Zealand
NI	Nicaragua
NE	Niger
NG	Nigeria
NU	Niue
NF	Norfolk Island
MP	Northern Mariana Islands
NO	Norway
OM	Oman
PK	Pakistan
PW	Palau

Code	Name
PA	Panama
PG	Papua New Guinea
PY	Paraguay
PE	Peru
PH	Philippines
PN	Pitcairn Islands
PL	Poland
PT	Portugal
PR	Puerto Rico
QA	Qatar
KR	Republic of Korea
RE	Reunion
RO	Romania
RU	Russian Federation
RW	Rwanda
SH	Saint Helena and Dependencies
KN	Saint Kitts and Nevis
LC	Saint Lucia
PM	Saint Pierre and Miquelon
VC	Saint Vincent & the Grenadines
WS	Samoa
SM	San Marino
ST	Sao Tome and Principe
SA	Saudi Arabia
SN	Senegal
SC	Seychelles
SL	Sierra Leone
SG	Singapore
SK	Slovakia
SI	Slovenia
SB	Solomon Islands
SO	Somalia
ZA	South Africa

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Code	Name
GS	South Georgia and the South Sandwich Islands
ES	Spain
LK	Sri Lanka
SD	Sudan
SR	Suriname
SJ	Svalbard and Jan Mayen Islands
SZ	Swaziland
SE	Sweden
CH	Switzerland
SY	Syrian Arab Republic
TW	Taiwan, Province of China
TJ	Tajikistan
TH	Thailand
MK	The former Yugoslav Republic of Macedonia
TG	Togo
TK	Tokelau
TO	Tonga
TT	Trinidad and Tobago
TN	Tunisia
TR	Turkey
TM	Turkmenistan
TC	Turks and Caicos Islands
TV	Tuvalu
UM	United States Minor Outlying Islands
UG	Uganda
UA	Ukraine
AE	United Arab Emirates
GB	United Kingdom
TZ	United Republic of Tanzania
US	United States of America
UY	Uruguay

Code	Name
UZ	Uzbekistan
VU	Vanuatu
VE	Venezuela
VN	Viet Nam
VI	Virgin Islands of the United States
WF	Wallis and Futuna Islands
EH	Western Sahara
YE	Yemen
YU	Yugoslavia
ZM	Zambia
ZW	Zimbabwe

c)
Codes for purpose of trade

Code	Description
M	Bio-medical research
G	Botanical gardens
B	Breeding in captivity or artificial propagation
Q	Circuses and travelling exhibitions
T	Commercial / Trade
E	Educational
L	Enforcement (e.g. evidence for use in court, specimens for training)
H	Hunting trophies
P	Personal
N	Reintroduction or introduction into the wild
S	Scientific
Z	Zoos

If the purpose of the transaction is not one of the above, it should be explained in the section for remarks.

d)
Codes for source of specimens

Code	Description
W	Specimens taken from the wild
R	Specimens originating in a ranching operation
D	Appendix-I animals bred in captivity for commercial purposes and Appendix-I plants artificially propagated for commercial purposes, as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 4, of the Convention
A	Plants that are artificially propagated in accordance with Resolution Conf. 11.11, paragraph a), as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 5, of the Convention (specimens of species included in Appendix I that have been propagated artificially for non-commercial purposes and specimens of species included in Appendices II and III)
C	Animals bred in captivity in accordance with Resolution Conf. 10.16 (Rev.), as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 5, of the Convention (specimens of species included in Appendix I that have been bred in captivity for non-commercial purposes and specimens of species included in Appendices II and III)
F	Animals born in captivity (F1 or subsequent generations) that do not fulfil the definition of 'bred in captivity' in Resolution Conf. 10.16 (Rev.), as well as parts and derivatives thereof

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Code	Description
O	Pre-Convention specimens (may be used with another code)
U	Source unknown (must be justified)
I	Confiscated or seized specimens (may be used with another code)

6. Submission of annual reports

- a) Annual reports should be submitted to the Secretariat before 31 October of the year following the year to which they relate.

In accordance with Resolution Conf. 11.17, the Secretariat may approve a valid request from a Party for a reasonable extension of this deadline provided that, before the deadline, the Party concerned submits to the Secretariat a written request containing adequate justification for the delay.

- b) Annual reports should be sent either to the offices of the Secretariat in Switzerland or to the UNEP World Conservation Monitoring Centre (WCMC), which maintains the computer database of annual report statistics on behalf of the Secretariat.

However, if the annual report is sent directly to WCMC, a note of transmission of the report must be sent to the Secretariat. Otherwise, the report will not be considered as having been transmitted to the Secretariat in accordance with Article VIII, paragraph 7, of the Convention.

Difficulties in reporting

There are many possible reasons for the fact that annual reports are incomplete and that the correlation between export and import figures is poor:

- a) Article VIII(6)(b) refers to the number and type of permits and certificates granted. Not all permits and certificates, however, are actually used (planned transactions do not take place, permits and certificates expire, etc.). So if the report of an exporting or re-exporting country is based on permits and certificates granted, a number of consignments will not appear in the reports of importing countries.

It is therefore recommended to base annual reports on actual trade, which in addition provides a better basis for calculating the effects of such trade on the conservation status of wild populations.

- b) Reporting on actual trade requires that the use of permits and certificates is made known to Management Authorities and that they are further aware of the expiry of documents which have not been used. Internal procedures must provide for a system whereby a copy of used export permits and re-export certificates is returned to the Management Authority by the authorities inspecting the goods at the time of export/re-export, in most cases customs, and holders of permits and certificates must be obliged to return expired documents to the issuing Management Authority. If under such a system used permits and certificates are not returned to the Management Authority, the consequence will be that the export or re-export is not reported, but that the consignments concerned do appear in the reports of importing countries.

c) On the importing side the entire reporting system depends on the efficiency of the system providing for the return by customs to the Management Authority of CITES documents. For Appendix-II and -III specimens there is no other document than the permit or certificate issued by the (re-)exporting country and if that document does not reach the Management Authority of the importing country, the consequence for its annual report is obvious.

Parties whose implementation system requires the prior grant of import permits for all CITES specimens have additional means to obtain complete data on imports.

d) Imports may take place on the basis of invalid export or re-export documents which were not identified as such. The detection of such cases is of course essential and therefore the annual reports of importing countries deserve close examination by (re-)exporting countries.

e) Correlation is to a certain extent negatively affected by the fact that (re-)exports may take place in one calendar year and imports in the next. In theory the time validity of export permits and re-export certificates of six months may cause the non-correlation of annual reports for (re-)exports that have taken place from 1 July onwards and for imports that have taken place before that date with an increasing likelihood for shipments carried out closer to 1 January.

f) Shipments of pre-Convention specimens, captive bred/artificially propagated specimens and those between scientific institutions represent a particular problem with regard to annual reports. Pre-Convention, artificial propagation and captive breeding certificates are intended to remain with the specimens concerned and, unlike import and export permits and re-export certificates, not cancelled and retained by the authorities of importing countries.

Trade in artificially propagated Appendix-II plants may take place on the basis of plant health certificates and consignments falling under Article VII.6 cross borders on the basis of a simple label. Unless Parties have adopted specific measures, trade in the above categories of specimens is likely to take place without being reported. Article VII.2 and 5 certificates should be copied when used for export, re-export and import; plant health authorities must provide CITES Management Authorities with information on trade in artificially propagated Appendix II or III specimens on the basis of plant health (phytosanitary) certificates and where registered scientific institutions complete their own labels under Article VII.6, they must provide their Management Authority with the necessary information. Imports by registered scientific institutions under Article VII.6 should likewise be reported.

Chapter 18 - Management and Scientific Authorities

Article IX concerns the obligation for each Party to designate Management and Scientific Authorities:

- 1. Each Party shall designate for the purpose of the present Convention: (a) one or more management authorities competent to grant permits or certificates on behalf of that Party; and (b) one or more scientific authorities.**
- 2. A State depositing an instrument of ratification, acceptance, approval or accession shall at that time inform the depositary government of the name and address of the Management Authority authorized to communicate with other Parties and with the Secretariat.**
- 3. Any changes in the designations or authorizations under the provisions of this Article shall be communicated by the Party concerned to the Secretariat for transmission to all other Parties.**
- 4. Any Management Authority referred to in paragraph 2 of this Article shall, if so requested by the Secretariat or the Management Authority of another Party, communicate to it impression of stamps, seals or other devices used to authenticate permits or certificates.**

Management Authorities

With Notification 8 of 14 November 1975, the Secretariat requested the Parties to inform it of, for example:

- the models of permits and certificates used;
- the system of numbering the said permits and certificates;
- the names of people authorized to sign permits and certificates;
- the specimens of signatures of such people;
- the models of labels used for identification of the specimens of species protected by the Convention;
- the models of labels used for shipment of specimens;
- the list of the ports of entry and exit at which specimens must be presented for clearance;
- any changes in earlier communicated information.

Resolution Conf. 1.5 (Rev.) stated that direct communications between the Management Authorities are essential and should be established for proper implementa-

tion of the Convention. The initial Resolution further recommended that the Secretariat should provide Parties continuously with updated lists of Management Authorities and their authenticating seals.

The Secretariat introduced a 'Directory of names and addresses of Management Authorities and other information' in June 1980. Its format permits the addition or replacement of pages on the basis of new information.

Also see **Resolution Conf. 8.4** in **Chapter 15**

Resolution Conf. 12.3 recommends:

that the Parties that have not yet done so communicate to the Secretariat the names of the persons empowered to sign permits and certificates, as well as three specimens of their signatures, and that all the Parties communicate, within one month of any change thereto, the names of persons who have been added to the list of those already empowered to sign, the names of persons whose signatures are no longer valid and the dates the changes took effect (ex Resolution Conf. 8.5).

Scientific Authorities

Resolution Conf. 10.3 recalls **Resolution Conf. 8.6 (Rev.)**. It acknowledges that each Party is required, in accordance with Article IX of the Convention, to designate one or more Scientific Authorities and recognizes that the responsibilities of the Scientific Authority are described in Article III, paragraphs 2(a), 3(a) and (b) and 5(a), and Article IV, paragraphs 2(a), 3 and 6(a), of the Convention and that responsibilities described in other Articles are not assigned to a specific office but require scientific considerations. It recognizes further that these responsibilities are elaborated upon in **Resolutions Conf. 1.4, Conf. 2.14 (now Conf. 11.15), Conf. 8.15 (now Conf. 11.14), Conf. 8.21, Conf. 9.19, Conf. 9.21, Conf. 10.7** and **Conf. 10.22 (now Conf. 11.22)**. It notes the concerns of the Parties indicated in the responses to the Secretariat's questionnaire on the functioning of Scientific Authorities, as reported to the Animals Committee at its 13th meeting (Pruhonic, 1996). The Resolution recalls that **Resolution Conf. 8.4** directs the Secretariat to identify those Parties whose domestic measures do not provide them with the authority to designate at least one Scientific Authority and notes that the Secretariat's reports on alleged infractions have identified several Parties that have not designated Scientific Authorities. It further notes that issuance of permits by a Management Authority without appropriate Scientific Authority findings constitutes a lack of compliance with the provisions of the Convention and seriously undermines species conservation. It recalls that **Resolution Conf. 9.5** recommends that Parties accept documentation from States not party to the Convention only if details of the competent authorities and scientific institutions of such States are included in the most recent updated list of the Secretariat or after consultation with the Secretariat.

The Resolution acknowledges the necessity for the Secretariat, members of the Animals and Plants Committees, and Scientific Authorities to be in contact with the appropriate Scientific Authorities of each Party. It finally reminds Article XIV, paragraph 1, which permits any Party to adopt stricter domestic measures.

Chapter 18 – Management and Scientific Authorities

The Resolution directs the Secretariat:

- a) to continue its efforts to identify the Scientific Authorities in each country;
- b) to continue to identify in its reports on alleged infractions those countries that have not informed the Secretariat of their Scientific Authorities (ex Resolution Conf. 8.6 (Rev.)) and
- c) to continue to provide to all Parties information on the Scientific Authorities or comparable entities of States not party;

It recommends that:

- a) all Parties designate Scientific Authorities independent from Management Authorities;
- b) Parties not accept export permits from countries that have not informed the Secretariat of their Scientific Authorities for more than one interval between regular meetings of the Conference of the Parties;

Note: At the ninth meeting of the Conference of the Parties, the following paragraph was added to Resolution Conf. 8.6:

- b) Parties not accept any export permit or import permit for specimens of species included in Appendices I and II from a Party that has not designated at least one Scientific Authority and has not informed the Secretariat of this designation.

There is now more time before drastic action is recommended. Given the role of the Scientific Authority in the issuance of import permits for Appendix-I specimens, it is unclear why the new recommendation no longer concerns such import permits.

- c) Management Authorities not issue any export or import permit, or certificate of introduction from the sea, for species listed in the appendices without first obtaining the appropriate Scientific Authority findings or advice (ex Resolution Conf. 8.6 (Rev.));
- d) Parties enlist the assistance of Scientific Authorities of other Parties, as appropriate;
- d) neighbouring Parties consider sharing their resources by supporting common scientific institutions to provide the scientific findings required under the Convention;

Chapter 18 – Management and Scientific Authorities

Note: Recommendations d) and e) replace the following recommendation of Resolution Conf. 8.6 (Rev.): d) those Parties that are concerned about whether or not their procedures ensure the appropriate scientific review and Scientific Authority advice, consult with the Secretariat on ways to enhance their scientific assessment necessary for conservation of species listed in the Appendices such as designating joint Scientific Authorities and seeking information from regional conservation centers, within-country experts, and international specialist groups.

- f) the Parties consult with the Secretariat when there is reason for concern as to whether the proper Scientific Authority findings are being made (ex Resolution Conf. 8.6 (Rev.));
- g) the appropriate Scientific Authority advise on the issuance of export permits or of certificates for introduction from the sea for Appendix-I or -II species, stating whether or not the proposed trade would be detrimental to the survival of the species in question, and that every export permit or certificate of introduction from the sea be covered by Scientific Authority advice (ex Resolution Conf. 8.6 (Rev.));
- h) the findings and advice of the Scientific Authority of the country of export be based on the scientific review of available information on the population status, distribution, population trend, harvest and other biological and ecological factors, as appropriate, and trade information relating to the species concerned (ex Resolution Conf. 8.6 (Rev.));
- i) the appropriate Scientific Authority of the importing country advise on the issuance of permits for the import of specimens of Appendix-I species, stating whether the import will be for purposes not detrimental to the survival of the species (ex Resolution Conf. 8.6 (Rev.));
- j) the appropriate Scientific Authority monitor the status of native Appendix-II species and export data, and recommend, if necessary, suitable remedial measures to limit the export of specimens in order to maintain each species throughout its range at a level consistent with its role in the ecosystem and well above the level at which the species might become eligible for inclusion in Appendix I (ex Resolution Conf. 8.6 (Rev.));
- k) the appropriate Scientific Authority either make the findings required on the suitability of the recipient to house and care for live specimens of Appendix-I species being imported or introduced from the sea, or make its recommendations to the Management Authority prior to the latter making such findings and the issuance of permits or certificates (ex Resolution Conf. 8.6 (Rev.));
- l) the appropriate Scientific Authority provide advice to its Management Authority as to whether or not scientific institutions seeking registration for the purpose of being issued labels for scientific exchange meet the criteria established in Resolution Conf. 11.15 (Rev. 12), and other standards or any stricter national requirements (ex Resolution Conf. 8.6 (Rev.));

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- m) the appropriate Scientific Authority review all applications submitted for consideration under Article VII, paragraph 4 or 5, and advise its Management Authority as to whether the facility concerned meets the criteria for producing specimens considered to be bred in captivity or artificially propagated in accordance with the Convention and relevant Resolutions (ex Resolution Conf. 8.6 (Rev.));
- n) the appropriate Scientific Authority gather and analyze information on the biological status of species affected by trade to assist in the preparation of proposals necessary to amend the appendices (ex Resolution Conf. 8.6 (Rev.)); and
- o) the appropriate Scientific Authority review proposals to amend the appendices submitted by other Parties and make recommendations as to how the delegation of its own country should address each proposal (ex Resolution Conf. 8.6 (Rev.)).

The Resolution encourages the Parties, the Secretariat and interested nongovernmental organizations to develop and support workshops/seminars designed specifically to improve the implementation of CITES by Scientific Authorities. It repeals Resolution Conf. 8.6 (Rev.).

Note: The directions to the Secretariat of Resolution Conf. 8.6 (Rev.) to in consultation with appropriate experts, prepare general guidelines for conducting appropriate scientific reviews by Scientific Authorities to make findings as required by Articles III, IV and V of the Convention and to provide these guidelines to the Animals Committee and Plants Committee for review were not repeated with **Resolution Conf. 10.3**.

Chapter 19 - Trade with States not party to the Convention

Article X deals with the trade between Parties and non-Parties:

Where export or re-export is to, or import is from, a State not a Party to the present Convention, comparable documentation issued by the competent authorities in that State which substantially conforms with the requirements of the present Convention for permits and certificates may be accepted in lieu thereof by any Party.

Introduction

The negative implications of the, unavoidable, co-existence of Parties and non-Parties for the functioning of the trade mechanisms of the Convention have regularly occupied the Conference of the Parties. In 1976, it was recommended that Parties should apply Article X so that all trade in listed fauna and flora from non-Parties required equivalent documentation to that required of Parties to the Convention (Resolution Conf. 1.5).

The Conference of the Parties recognized that the Convention covered the entire world's wildlife including that occurring in the high seas, and that such wildlife knew no political boundaries. It stated that the ultimate effectiveness of the Convention depended on its universal application and that the spirit of universality prevailed at the 1973 Plenipotentiary Conference. States that were not participating fully were urged to ratify or accede to the Convention at their earliest possible opportunity and, until they became Parties, to act in the spirit of the Convention (Resolution Conf. 1.9).

Recommendations

In 1994, the Conference of the Parties combined the recommendations of two earlier Resolutions (Resolutions Conf. 3.8 and Conf. 8.8) in **Resolution Conf. 9.5**. The Resolution recalls the provisions of Article X and considers the need to provide guidance to Parties for the uniform implementation of that Article. It further considers the need to keep States not party to the Convention informed of its progressive implementation, to enable them to express their views regarding trade with the Parties, and to promote wider participation in the Convention.

The Conference of the Parties reiterates its consciousness that the risk of trade from and through States not party to the Convention jeopardizes the effectiveness of the Convention, its awareness that illegal trade, in particular in Appendix-I species, ap-

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appears to avoid States that are party to the Convention and seeks trade routes to, from and through States not party to the Convention and its conviction of the need to counteract illegal trade by tightening the conditions applying to trade with States not party to the Convention.

It recalls **Resolution Conf. 9.7**, recommending that valid documentation be required for transit shipments and notes that control of transit shipments in particular appears to produce substantial information on illegal trade in CITES specimens. It finally recognizes the possibility for Parties to impose more restrictive domestic controls on trade under Article XIV.

The Resolution recommends that:

- a) that permits and certificates issued by States not party to the Convention not be accepted by Parties unless they contain:
 - i) the name, stamp and signature of a competent issuing authority (ex Resolution Conf. 3.8);
 - ii) sufficient identification of the species concerned for the purposes of the Convention (ex Resolution Conf. 3.8);
 - iii) certification of the origin of the specimen concerned including the export permit number from the country of origin, or justification for omitting such certification (ex Resolution Conf. 3.8);
 - iv) in the case of export of specimens of a species included in Appendix-I or II, certification to the effect that the competent scientific institution has advised that the export will not be detrimental to the survival of the species (in case of doubt a copy of such advice should be required) and that the specimens were not obtained in contravention of the laws of the State of export (ex Resolutions Conf. 3.8 and Conf. 8.8);
 - v) in the case of re-export, certification to the effect that the competent authority of the country of origin has issued an export document that substantially meets the requirements of Article VI of the Convention (ex Resolution Conf. 3.8); and
 - vi) in the case of export or re-export of live specimens, certification to the effect that they will be transported in a manner that will minimize the risk of injury, damage to health or cruel treatment (ex Resolution Conf. 3.8);

- b) Parties accept documentation from States not party to the Convention only if details of the competent authorities and scientific institutions of such States are included in the most recent updated list of the Secretariat or after consultation with the Secretariat (ex Resolution Conf. 8.8);

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Note: With Resolution Conf. 3.8, the Secretariat was requested to compile, and communicate to the Parties, on the basis of the information available, updated lists of competent authorities issuing comparable documentation in States not Party to the Convention, and other information relevant to the uniform implementation of Article X. It should, to the extent practicable, communicate for this purpose with States not Party to the Convention. Resolution Conf. 8.8 directed the Secretariat:

- a) to request states not Party to the Convention to communicate to the Secretariat:
 - i) details of the authorities competent to issue comparable documentation, within three months, and to confirm these details at least once every two years;
 - ii) details of the scientific institutions capable of advising that an export is not detrimental to the survival of the species concerned, within three months, and to confirm these details at least once every two years; and
 - iii) any changes in the competent authorities and scientific institutions within one month after such changes take place; and
- b) to compile, and to communicate at regular intervals to the Parties, an updated list of competent authorities and scientific institutions containing only those authorities and institutions details of which were communicated by the state concerned less than two years previously.

The latter paragraph was transformed into a decision of the Conference of the Parties at the ninth meeting: **Decision 9.32:** An updated list of competent authorities and scientific institutions containing only those authorities and institutions details of which were communicated by the State concerned less than two years previously shall be maintained and communicated at regular intervals to the Parties.

- c) the recommendations above also apply to specimens in transit destined for or coming from States not party to the Convention, including specimens in transit between such States (ex Resolution Conf. 8.8);
- d) particular attention be given to the inspection of specimens in transit exported or re-exported from, and/or destined for States not party to the Convention and to the inspection of documentation for such specimens (ex Resolution Conf. 8.8);
- e) Parties authorize import from and export or re-export to States not party to the Convention of specimens of wild origin of Appendix-I species only in special cases where it benefits the conservation of the species or provides for the welfare of the specimens, and only after consultation with the Secretariat (ex Resolution Conf. 8.8);
- f) Parties allow import from States not party to the Convention of captive bred and artificially propagated specimens of Appendix-I species only after favourable advice from the Secretariat (ex Resolution Conf. 8.8); and

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With **Resolution Conf. 12.10**, it was also agreed that Parties shall not accept documentation from non-Parties without prior consultation with the Secretariat.

- g) Parties communicate to the Secretariat any inconsistencies in trade involving States not party to the Convention (ex Resolution Conf. 8.8).

Elephant specimens and non-Parties

Resolution Conf. 10.10 (Rev. CoP12) on trade in elephant specimens contains the following recommendation with regard to non-Parties:

- i) Parties may accept raw ivory from a producer non-party State only if a quota for that State has been reviewed by the Secretariat and communicated to the Parties and if the Secretariat has received from the State an annual report on its ivory trade, and if the State meets all the other conditions in this Resolution and Article X of the Convention (as interpreted by Resolutions of the Conference of the Parties) (reworded ex Resolution Conf. 9.16);
- j) in compiling their annual reports, producer party and non-party States that have authorized the export of raw ivory relate such exports to their quota for any given year, providing the Secretariat with as much relevant information as possible, including, as a minimum, the number of whole or substantially whole tusks and their individual weights and identification numbers (ex Resolution Conf. 9.16).

Ranching and trade with non-Parties

Resolution Conf. 10.18 (ex Resolution Conf. 5.16) recognized that if adequate protection is to be provided for both ranched and other populations, trade with non-Party countries must be discouraged and refers to the possibility of imposing more restrictive domestic controls upon trade in specimens of listed populations under Article XIV. On that basis it recommends that Parties do not export or re-export a product unit of a ranched population to a non-Party or a reserving Party, nor accept an import of a product unit of a ranched population from such states.

The practicability of this recommendation has always been doubtful as has the underlying idea that non-Parties are per definition sources of illegal trade. Where a non-Party complies with the documentation requirements of Article X and with the conditions for trade in ranched specimens, there does not appear to be a valid reason for the recommended boycott. A similar provision with regard to trade in quota species was proposed but rejected because of its possible negative implications for developing countries and their trade position vis-à-vis other countries. The group that drafted Resolution Conf. 3.15 arrived at the same conclusion.

Doubts about the usefulness and legality of recommendation j) of Resolution Conf. 5.16 led to the adoption of Resolution Conf. 7.11 which requested that the Secretariat seek legal advice from the IUCN Environmental Law Centre on the requirements of Resolution Conf. 5.16, paragraph j), as they relate to the provisions of the Convention. The IUCN Environmental Law Centre advised that the recommendation con-

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cerned posed no problem under international law. That, however, did not answer the question about the appropriateness of the recommendation.

The recommendation is no longer contained in **Resolution Conf. 11.16**, which has now replaced Resolution Conf. 10.18.

Chapter 20 - Financing of the Convention and the Secretariat

Article XI.3:

At meetings, whether regular or extraordinary, the Parties shall review the implementation of the present Convention and may:

(a) make such provisions as may be necessary to enable the Secretariat to carry out its duties, and adopt financial provisions;

The words “,and adopt financial provisions” were added to subparagraph (a) by the first extraordinary meeting of the Conference of the Parties (Bonn, 22 June 1979).

This amendment entered into force on 13 April 1987 in accordance with Article XVII.3 and **Resolution Conf. 4.27**, i.e. after acceptance by 2/3 of the 51 Parties at the time of adoption of the amendment. Article XI.3.(a) must be read together with **Article XII.1** which reads:

Upon entry into force of the present Convention, a Secretariat shall be provided by the Executive Director of the United Nations Environment Programme.

To the extent and in the manner he considers appropriate, he may be assisted by suitable inter-governmental or non-governmental international or national agencies and bodies technically qualified in protection, conservation and management of wild fauna and flora.

Background

Article XI.3(a) empowers the Conference of the Parties to make provisions to enable the Secretariat to carry out its duties and Article XII.1 provides that the Executive Director of the United Nations Environment Programme (UNEP) shall provide a Secretariat upon the entry into force of the Convention. Article XII.1 further provides that the Executive Director of UNEP may be assisted by suitable inter-governmental or non-governmental international or national agencies and bodies technically qualified in protection, conservation and management of wild fauna and flora. The Governing Council of UNEP authorized the Executive Director of UNEP on 22 June 1973 (Decision 1(I)VIII) to provide Secretariat services for the implementation of CITES in accordance with its Article XII. UNEP contracted the International Union for Conservation of Nature and Natural Resources (IUCN) in April 1974 to perform the services of

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the Secretariat for an initial period of one year. Through extensions of the contract, IUCN performed the Secretariat services until 31 October 1984.

At its first meeting in 1976, the Conference of the Parties adopted Resolution Conf. 1.8, which - in its annex - noted that activity under the Convention had, so far, been relatively light but also that the increasing number of Parties, the probable need to use more official languages and the fact that the effectiveness of the Convention depended to a large extent upon the effectiveness of the Secretariat. In the Resolution itself, the Conference resolved that a strong Secretariat was essential to the proper implementation of the Convention, recognized with appreciation the contribution by UNEP but also that the Secretariat did not have adequate resources to deal with its increasing workload and to meet its full responsibilities under the Convention.

It urged:

- (1) that the Executive Director of UNEP provide further Secretariat capabilities; and
- (2) that the Parties give strong support at the May 1977 meeting of the UNEP Governing Council for the question of a reinforced Secretariat to be considered by the Council as a matter of high priority.

In response, the Governing Council of UNEP adopted Decision 86 (V) C on 25 May 1977, requesting the Executive Director of UNEP to provide further Secretariat capabilities based on the analyses presented in the above Resolution Conf. 1.8. In October 1977 the Special Working Session of the Conference of the Parties decided to request the assistance of the Executive Director of UNEP in further strengthening the Secretariat and in perfecting a means of providing an adequate and effective Secretariat for the implementation of the Convention.

On 1 March 1978 the intention of the Executive Director of UNEP to enlarge the already established Secretariat with funds provided under the terms of a UNEP project was confirmed in a letter to the Parties. While stressing the catalytic role of the Fund of UNEP it was proposed to come to an agreed cost-sharing arrangement which was to include direct financial support by the Parties for the operation of the Secretariat and the convening of meetings of the Conference of the Parties.

On 24 May 1978 the UNEP Governing Council adopted Resolution 6/5 D which requested that a contribution from the Environment Fund be made to the budget of the Secretariat for 1978-1979 and that the costs of the second meeting, and of no subsequent meetings, of the Conference of the Parties should be met by contributions from the Environment Fund. The Governing Council called upon the Conference of the Parties, in cooperation with the Executive Director of UNEP, to establish at its second meeting an arrangement for sharing the administrative costs of the Secretariat and for the gradual reduction and cessation at the earliest possible date, and no later than the end of 1983, of Fund contributions to such costs. The Parties were invited to submit proposals to UNEP from time to time for research and other projects, which would assist in the effective implementation of the Convention.

The situation was discussed by the second meeting of the Conference of the Parties in March 1979. It was agreed that an extraordinary meeting of the Conference of the Parties be convened for the adoption of an amendment to Article XI which would pro-

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vide a legal basis for contributions by the Parties. That meeting took place in parallel with the plenipotentiary conference in Bonn (June 1979), which adopted the Migratory Species Convention. (The amendment concerned entered into force on 13 April 1987).

For the period between the cessation of contributions from the UNEP Environment Fund and the entry into force of the amendment to Article XI, an interim financing mechanism had to be found. UNEP agreed to participate in the establishment and administration of a trust fund arrangement, which was thought to be the most appropriate approach.

Resolution Conf. 2.1, which was adopted by consensus, requested the establishment by the Executive Director of UNEP of a **Trust Fund**, which was to provide financial support for the aims of the Convention in accordance with the adopted terms of reference for the administration thereof.

The Governing Council of UNEP confirmed in May 1979 (decision 7/14 E) that the regular funding by UNEP would cease after 1983 and that the funding of the Secretariat and of meetings of the Conference of the Parties would be the sole responsibility of the Parties. The United Nations Controller, on behalf of the Secretary General of the United Nations, established in September 1979 the Trust Fund for the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Resolution Conf. 3.2 requested that the Trust Fund continued to provide financial support in accordance with the (adapted) Terms of Reference and emphasized to the Parties the importance of making their contributions to the Trust Fund promptly by the beginning of the respective calendar year or financial period to which the contributions apply or, if this is not possible, as soon thereafter as possible.

The Resolution urged all Parties who had not yet done so to deposit an instrument of acceptance of the amendment to Article XI(3)(a). It invited non-Party States, governmental, inter-governmental and non-governmental organizations to consider contributing to the Trust Fund. The Resolution introduced a registration fee of \$ 50 for observers.

Resolution Conf. 4.3 requested UNEP to continue the Trust Fund and adapted its Terms of Reference. It again emphasized the importance of Parties making timely contributions and ratifying the financial amendment. It also repeated the invitation to other sources and the decision about the registration costs for observers of **Resolution Conf. 3.2**.

In July 1984 the Standing Committee discussed the relationship between UNEP, the IUCN and CITES and outlined its resulting recommendation in a letter to the Executive Director of UNEP. The Standing Committee had identified shortcomings in the arrangements not only with regard to finances but also in relation to administration, accommodation, staff relationship and associated matters. It was of the opinion that the arrangements were no longer appropriate in the situation where the Parties were themselves providing the funds for the conduct of business and where the Convention represented a substantial proportion of the governments of the world, not all of which were members of the IUCN. It advised that UNEP should establish more direct and efficient operation of the CITES account as soon as possible and that the most

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logical arrangement was direct control by the Secretary General under financial supervision of the Executive Director of UNEP and within the budgetary and financial decisions taken by the Parties. In order to alleviate current and potential difficulties involving space, cost sharing and other facilities, the CITES Secretariat was thought to have to be moved to another location within Switzerland, preferably in or near Gland to facilitate technical and professional association with IUCN. In order to ensure smooth implementation and continuity of programmes it was recommended that the Secretariat staff members be taken over as a functional unit by UNEP.

In response, the Executive Director of UNEP expressed his regret that the Parties felt that the provision of the Secretariat services by IUCN was no longer appropriate, but agreed that under the circumstances the only practical alternative was indeed to take a more direct control of the Secretariat and to establish it within UNEP. He also accepted the recommendation with regard to the separate location of the Secretariat but stressed that the technical association with IUCN should not be lost.

Resolution Conf. 5.1 recognized that, in line with the 1979 decision by UNEP, its regular funding ceased after 1983 and that the Parties were now solely responsible for the funding of the Secretariat and of meetings of the Conference of the Parties. It acknowledged the support provided to the Secretariat by UNEP with the assistance of IUCN and recognized the continuing need for administrative and financial arrangements between the Parties and the Executive Director of UNEP. It requested that the Executive Director of UNEP, with the approval of the Governing Council of UNEP, seek the consent of the United Nations Secretary General for an extension of the Trust Fund until 31 December 1987 and adapted the Terms of Reference.

The Conference of the Parties agreed that the financial structure, which included the budget, the medium term plan, the scale of contributions and the Terms of Reference for the Administration of the Trust Fund should be maintained after the coming into force of the amendment to Article XI(3)(a). It urged all Parties to pay their contribution to the Trust Fund in accordance with the agreed scale as in Table 1 attached to the Resolution, requested the Parties to pay as far as possible at the beginning of each year and appealed strongly to those Parties which, for legal or other reasons, had not so far been able to contribute towards the Trust Fund, to consider making voluntary contributions pending the acceptance of the financial amendment to Article XI(3)(a). It repeated the appeal to Parties to ratify the amendment and the invitation to other sources to contribute.

With **Resolution Conf. 6.2** the Conference of the Parties approved the 1985 accounts and took note of the provisional accounts for 1986 and the estimates of expenditure for 1987. It further approved the 1988-1989 budgets and took note of the 1988-1991 medium term budget estimates. It approved the Secretariat report. **Resolution Conf. 7.2** acknowledged with appreciation the support provided to the Secretariat by the Executive Director of UNEP, which had provided, as an interim measure, direct financial assistance to cover the shortage in financial resources in 1987 and the first half of 1988.

The Conference of the Parties approved the 1987 and 1988 accounts and took note of the estimates of expenditure for 1989. It approved the 1990-1992 budgets and took note of the 1990-1995 medium term budget estimates. It approved the Secretariat report.

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The Executive Director of UNEP was requested to, with the approval of the Governing Council of UNEP, seek the consent of the United Nations Secretary General for an extension of the Trust Fund until 31 December 1995 to provide financial support for the aims of the Convention in accordance with the Terms of Reference for the Administration of the Trust Fund.

With **Resolution Conf. 8.1**, the Conference of the Parties approved the accounts for 1989 and 1990 and took note of the estimates of expenditures for 1991 and 1992. It approved the 1993-1995 budgets and took note of the 1993-1998 medium term budget estimates. It also approved the Secretariat report. It was decided to write off the outstanding contributions of the German Democratic Republic and the Union of Soviet Socialist Republics and to remove these countries from the scale of contributions to CITES.

UNEP was invited to put forward to the Global Environment Facility requests by the Secretariat for additional funding of appropriate CITES projects aiming at protecting biodiversity.

After the seventh meeting of the Conference of the Parties, the Executive Director of UNEP replaced the Secretary General and the need arose to establish the roles of the Executive Director and the Standing Committee in Secretariat staff matters.

This led to the approval by the eighth meeting of the Conference of the Parties of an

Agreement between the CITES Standing Committee and the Executive Director of UNEP.

The current version, signed on 20 June 1997, reads as follows:

CONSCIOUS of the need to maintain flexibility and adaptability in the management of the CITES Secretariat and in the provision of services to the Parties to the Convention;

AWARE that the responsibilities and functions of the Standing Committee and the Executive Director of the United Nations Environment Programme (UNEP) with regard to the implementation of Articles XI and XII of the Convention need to be clarified;

RECOGNIZING that the decisions of the Conference of the Parties shall guide the implementation of CITES and management of its Secretariat;

DESIRING to further improve the relationship between CITES and UNEP; and

RECOGNIZING that the 37th meeting of the Standing Committee recommended that the Agreement between the Standing Committee and the Executive Director of UNEP, signed in June 1992, be revised;

The CITES Standing Committee and the Executive Director of UNEP agree as follows:

Basic principles

1. The Executive Director will act in conformity with the provisions of Articles XI and XII of the Convention and the rules and regulations of the United Nations on these and other functions as may be entrusted to the Secretariat by the Parties.

The Executive Director shall ensure that the Secretary General implements the policy guidance of the Conference of the Parties and, between the meetings of the Conference of the Parties, the policy guidance of the Standing Committee in exercising the functions of the Secretariat in accordance with Articles XI and XII of the Convention, and other functions as may be entrusted to the Secretariat by the Parties.

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2. The Executive Director will inform the Standing Committee in advance of any significant action with respect to the Secretariat which may affect the interests of the Parties or the efficient administration of the Convention, and will consider carefully the views the Standing Committee presented to him/her on such actions.

3. Where consultations between the Executive Director and the Standing Committee are required under this agreement, they shall be conducted through the Chairperson of the Committee who shall seek the views of the members and reflect these in his or her reply. On specific issues, the Chairperson may designate another member of the Standing Committee to conduct such consultations.

Personnel management

4. Personnel selection

All personnel selection shall be performed expeditiously by UNEP and the Secretary General. The aim should be to ensure that any vacancies occurring among the senior professional staff should be filled by replacements on fixed term appointments within 6 months. Any unforeseen delays in filling senior posts shall be explained in writing to the Chairperson of the Standing Committee, as representative of the Parties, upon his/her written request. All vacancy announcements shall be drafted carefully and in conformity with UN rules, and UN shall ensure its circulation to all the Parties. All selection panels for posts at the Secretariat shall be convened in accordance with United Nations rules and regulations.

Only candidates with the requisite knowledge, experience, and expertise shall be considered for posts at the CITES Secretariat. For senior posts, the Executive Director, or his/her designated official (Secretary General), shall consult with the Standing Committee in establishing selection panels, as appropriate (note: In accordance with UN staff rules and regulations, selection panels for all posts are established by the Executive Director, who has delegated this authority to the Secretary General).

5. Selection of the Secretary General

The Secretary General (the Chief Officer of the Secretariat of the Convention) shall be appointed by the Executive Director of UNEP in accordance with the United Nations personnel rules, and after consulting with the Standing Committee. The consultation will be such that every effort will be made to appoint a Secretary General acceptable to the Standing Committee, while recognizing that the United Nations personnel rules will govern the appointment.

6. Selection of other staff

Other staff members will also be appointed under the United Nations personnel rules, which provide for consultation with the Secretary General. The consultation will be such that every effort will be made to appoint candidates the Secretary General considers acceptable for the effective conduct of the business of the Secretariat.

7. The appointment of individuals to posts in the Secretariat financed by Governments other institutions over and above their normal contributions to the CITES Trust Fund (e.g., secondments) will be confirmed through the applicable appointment process of the United Nations Environment Programme, and will be subject to the terms of an agreement negotiated between the originating Government agency and UNEP.

8. Performance of the Secretary-General

In appraising the performance of the Secretary General, the Executive Director will provide the Standing Committee with the applicable performance appraisal criteria. On an annual basis, the Standing Committee will submit its comments to the Executive Director on the per-

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formance of the Secretary General. The Executive Director will reflect these comments in his/her performance evaluation of the Secretary General. The Executive Director will consult with the Standing Committee on issues of concern to him/her in the performance of the Secretary General. The Executive Director will extend or discontinue the contract of the Secretary General after consultation with the Standing Committee.

9. Performance of other personnel

The evaluation of the performance of the incumbents of all other posts shall be in accordance with the applicable Staff Rules of the United Nations, which provide for the full participation of the supervisors of the Secretariat.

Financial management

10. Budget Oversight and Execution

The Standing Committee oversees on behalf of the Parties the development and execution of the Secretariat budget as derived from the Trust Fund and other sources. The Executive Director will be guided by the specific Resolutions established by each meeting of the Conference of the Parties with respect to matters related to the financing and budgeting of the Secretariat taking into account the availability of resources. The Executive Director shall consult with the Standing Committee before taking actions or implementing decisions which cause an unforeseen change in the budget of the Secretariat.

11. To assist the Standing Committee in fulfilling its responsibilities, the Executive Director shall ensure that a report is submitted to each meeting of the Committee showing details of the expenditure for each of the years of the triennium in question which a) has been allocated by the Conference of the Parties, b) which is projected or committed, and c) has been incurred. The reports should allow year on year comparison with the final year of the preceding triennium and show the amount of unspent balance held in the Trust Fund. In the year preceding a Conference of the Parties the Executive Director shall additionally provide the Standing Committee with detailed expenditure proposals for the next biennium identifying priorities and the scope for savings, including those from increased efficiency. This information shall be included in the report as indicated in paragraph 16 of this Agreement.

12. Administrative support charge

Recognizing the current process within UNEP in collaboration with the United Nations to determine an adequate mechanism to report administrative support cost, as called for in UNEP Governing Council Decision 19/248, UNEP will provide to the Parties as detailed an accounting as possible of services provided to CITES with the understanding that the level of detail will be consistent with the needs of the Parties. This information shall be included in the report as indicated in paragraph 16 of this Agreement. Progress on the implementation of this paragraph will be assessed at the 42nd meeting of the Standing Committee.

13. Externally financed projects

Proposals for externally financed projects shall be submitted in the established format to the Standing Committee which has the authority to approve proposals. Upon approval by the Standing Committee, the CITES Secretariat then discusses the proposal with the implementing body and finalizes the document with the assistance of the UNEP Programme Support Unit in Geneva. The requisite project document shall then be signed by the Secretary General of CITES, the relevant implementing body and UNEP. UNEP will give authorization to commit resources for the project subject to the actual receipt of the externally provided finance in the CITES account. Any changes in the current practice of administering these pro-

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jects will be subject to negotiations between the Executive Director and the Standing Committee.

14. Location and custody of the Trust Fund

In accordance with Rule 8.1 of the Financial Rules and Regulations of the United Nations, the Controller, in consultation with UNEP and the CITES Secretary General, has designated a bank in Geneva in which the CITES Trust Fund shall be located. The Annual reports of the United Nations auditors on the management and investment of the Trust Fund account shall be provided to the CITES Standing Committee, for transmission to all CITES Parties.

Management review

15. UNEP, in consultation with the Standing Committee or at its request, may as appropriate commission an independent management review of services provided by the CITES Secretariat, in the interest of promoting cost efficiency, transparency, and furthering the goals of the Convention. UNEP shall keep the Committee fully informed about any such reviews which are undertaken.

Periodic review

16. UNEP report

UNEP shall submit an annual report on its provision of and support to the Secretariat, including the implementation of this agreement, and the administration of the Secretariat for consideration at each meeting of the Standing Committee and meetings of the Conference of the Parties. In the event that the Standing Committee meets more than once a year, the required information, in particular that set out in paragraph 11, will be updated accordingly. This report will be utilized by the Standing Committee and UNEP to monitor and enhance the implementation of this Agreement.

17. Revision of this agreement

This agreement may, at the request of either party to it, be reviewed at any time. Such a request shall be made at least four months in advance, and shall then be addressed at the next meeting of the Standing Committee or the next meeting of the Conference of the Parties, whichever comes first.

<p>Note: Before COP12, the Standing Committee agreed that its Chair discuss a draft for a revised agreement with the Executive Director of UNEP.</p>

With Resolution Conf. 9.2, the Conference of the Parties approved the expenditures for 1992 and 1993 and took note of the estimates of expenditure for 1994 and 1995. It further approved the 1996-1997 budgets and took note of the 1996-2000 medium-term budget estimates. It approved the Secretariat's reports.

With Resolution Conf. 10.1, the Conference of the Parties accepted the expenditures for 1994-1996 and took note of the estimates of expenditures for 1997. It approved the 1998-2000 budgets and took note of the 1998-2002 medium-term budget estimates. It was further decided that, as the average annual budget for the triennium 1998-2000 represents an 8.66% increase vis-à-vis that of the biennium 1996- 1997, 5% shall be covered by adjusting the contributions by the Parties, and the Secretariat

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may draw the remaining 3.66% from the balance in the CITES Trust Fund at the end of each year.

The Conference of the Parties authorized the Secretariat, subject to listed priorities, to draw additional funds from the Trust Fund balance at the end of each year, provided that it is not reduced below CHF 2.3 million at the commencement of any year.

With Resolution Conf. 11.2 the Conference of the Parties accepted the expenditures for 1997, 1998 and 1999 and took note of the estimates of expenditure for 2000. It approved the 2001-2002 budget including five new posts previously approved by the Standing Committee at its 40th and 42nd meetings and agreed that, during the biennium 2001-2002, funding required for two of these posts will be drawn from the available balance in the CITES Trust Fund, and one of these posts may be funded from the biennium budget from cost savings, if available. The Conference of the Parties further took note of the 2001-2005 medium-term budget estimates. It expressed concern that there may be significant discrepancies between resources available and expenditures after 2002 because of significant expenditures from the CITES Trust Fund balance, and noted Goal 7 of the Strategic Vision, to improve realistic planning and forecasting for the Convention. The Secretariat was requested to provide clear indication of the increase in Parties contributions consequent to each proposed budget and was directed, in association with the Standing Committee, to identify one-off and discrete programmes that conclude before or soon after 2002 with a view to allocating the freed-up resources to future funding.

The Conference of the Parties decided that the average annual budget for the biennium 2001-2002 represents a 26.53% increase vis-à-vis that of the previous triennium 1998-2000 and that this increase had to be covered by adjusting the contributions by the Parties by 6.1% and by drawing the remaining deficit from the balance of the CITES Trust Fund at the end of each year.

The Secretariat was authorized, subject to listed priorities, to draw additional funds from the CITES Trust Fund balance at the end of each year, provided that it is not reduced below CHF 1 million at the commencement of any year.

Note: The Parties, in discussions of priorities for the use of additional funds from the Trust Fund balance and any savings from the approved biennium budget, gave strong support for use of such funds to implement specific activities to assist Parties in implementation, capacity building, enforcement and regional coordination.

The Secretariat was directed to, in association with the Standing Committee:

a) to incorporate such of the above priority tasks into the base operating budget as can effectively be done with the funds available; and

b) to establish the priorities for funding the un-funded or insufficiently funded budget items, deriving from Resolutions and Decisions adopted at the 11th meeting of the Conference of the Parties, from any available draw down in the Trust Fund balance, or from savings or adjustments to the items within the base operating budget or from

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external funding. In establishing priorities, first priority should be given to new activities for the Parties.

The currently applicable financial and budgetary provisions are contained in:

Resolution Conf. 12.1 on financing and budgeting of the Secretariat and of meetings of the Conference of the Parties

The Conference of the Parties notes the considerable increase in the number of Parties to the Convention, the need for greater assistance to the Parties to achieve more effective implementation, the necessity to implement the various Decisions and Resolutions of the Conference of the Parties and the resulting increasing expenditure incurred by the Secretariat. It further notes the serious economic difficulties being experienced by certain Parties and stressing the need to allow for flexibility in application of the UN scale of assessment to the countries concerned.

The Conference of the Parties accepts the expenditures for 2000–2001 and takes note of the estimates of expenditure for 2002. It approves the budget for the triennium 2003–2005 (Annex 2) and decides that the budget for the triennium 2003–2005 shall be covered by average annual contributions from Parties that shall be increased by six per cent as compared to annual average contributions for the previous biennium.

The Secretariat is requested to maintain an operating cash reserve of USD 700,000 to ensure financial liquidity and is authorized to draw additional funds from the CITES Trust Fund balance at the end of each year, provided that it is not reduced below USD 700,000 at the commencement of each year.

The Secretariat is further requested to identify, for review by the Standing Committee, items directed by the Conference of the Parties and the technical committees that are either insufficiently funded or will require external budgetary resources.

The Conference of the Parties approves the Terms of Reference for the Administration of the Trust Fund, attached to the Resolution, for the financial period beginning on 1 January 2003 and ending on 31 December 2005.

It is agreed:

- a) that contributions to the Trust Fund shall be based on the United Nations scale of assessment, as amended from time to time, adjusted to take account of the fact that not all members of the United Nations are Parties to the Convention;
- b) that any other basis of assessment of contributions shall not be used without the consent of all Parties present and voting at a meeting of the Conference of the Parties;
- c) that any change in the basic scale of contributions which would increase the liability of a Party to contribute, or would impose a new such liability, shall not apply to that Party without its consent, and that any proposal to change the basic scale of contributions from that currently in use shall only be considered by the Confer-

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ence of the Parties if notice of such proposal has been communicated by the Secretariat to all Parties at least 90 days before the meeting; and

- d) that Parties should pay their contributions to the Trust Fund in accordance with the agreed scale as in the Table attached to this Resolution and, whenever possible, should make special contributions to the Trust Fund above their assessed contributions;

The Conference of the Parties requests all Parties to pay their contributions as far as possible during the year prior to the one to which they relate or, in any case, promptly by the beginning of the calendar year to which the contributions apply and appeals strongly to those Parties which, for legal or other reasons, have so far been unable to contribute to the Trust Fund to do so.

All Parties that have not yet done so are urged to deposit as soon as possible an instrument of acceptance of the amendments to the Convention adopted on 22 June 1979 and 30 April 1983.

States not Parties to the Convention, other governmental, inter-governmental and non-governmental organizations, and other sources are invited to consider contributing to the Trust Fund. All Parties are invited to support, through their representatives in UNEP, UNDP and the World Bank, the requests of the Secretariat for additional funding of CITES projects by the Global Environment Facility.

It is decided that the standard participation charge for all observer organizations other than the United Nations and its specialized agencies shall be set at a minimum of USD 600 (except as otherwise decided by the Secretariat as required) and such organizations were urged to make a greater contribution if possible at least to meet their effective costs of participation.

Note: This was CHF 600 until COP 12
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The Standing Committee is also requested to develop future budget containment strategies as follows:

- a) facilitate the collection of arrears through innovative payment strategies and develop an approach for dealing with non-payment of contributions;
- b) consider inviting bids for the relocation of the Secretariat to a lower cost location;
- c) negotiate a reduction in the programme support costs from 13 per cent with the Executive Director of UNEP;
- d) review overall travel costs and identify means to reduce expenditures;
- e) review any CoP agenda items not requested by the Parties to ensure they are relevant to the meeting Agenda;
- f) consider increasing the minimum contribution to the CITES Trust Fund;

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- g) investigate options regarding a Host Country Agreement with Switzerland; and
- h) review possible cost-saving measures related to translation and interpretation;

The Secretariat's reports are approved and it is decided that:

- a) in respect of the review of activities in any work unit, the Secretary-General shall have the authority to make staffing decisions as necessary to implement the priorities of the Parties within the overall budget and in accordance with the UN rules; and
- b) any work of the Secretariat deriving from a new resolution or decision shall only be undertaken if additional funds are approved or if existing work carried out under the Trust Fund is reprioritized at the time such a resolution or decision is adopted by the Conference of the Parties.

Note: The Secretariat proposed to change the alternating two- and three-year budget cycles into a three-year budget cycle. This proposal was referred to the Standing Committee for its review and endorsement. The Standing Committee agreed in April 2003.

Scale Of Contributions For The Triennium 2003-2005 in United States Dollars (USD)

Party	UN scale for 2003	CITES adjusted scale	2003-2005 contributions	Annual contribution
	%	%	USD	USD
Afghanistan	0.00900	0.00892	1,265	422
Algeria	0.07000	0.06941	9,843	3,281
Antigua and Barbuda	0.00200	0.00198	281	94
Argentina	1.14900	1.13927	161,560	53,853
Australia	1.62700	1.61322	228,771	76,257
Austria	0.94700	0.93898	133,157	44,386
Azerbaijan	0.00400	0.00397	562	187
Bahamas	0.01200	0.01190	1,687	562
Bangladesh	0.01000	0.00992	1,406	469
Barbados	0.00900	0.00892	1,265	422
Belarus	0.01900	0.01884	2,672	891
Belgium	1.12900	1.11944	158,748	52,916
Belize	0.00100	0.00099	141	47
Benin	0.00200	0.00198	281	94
Bhutan	0.00100	0.00099	141	47
Bolivia	0.00800	0.00793	1,125	375

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Party	UN scale for 2003	CITES adjusted scale	2003-2005 contribu- tions	Annual contribu- tion
	%	%	USD	USD
Botswana	0.01000	0.00992	1,406	469
Brazil	2.39000	2.36976	336,056	112,019
Brunei Darussalam	0.03300	0.03272	4,640	1,547
Bulgaria	0.01300	0.01289	1,828	609
Burkina Faso	0.00200	0.00198	281	94
Burundi	0.00100	0.00099	141	47
Cambodia	0.00200	0.00198	281	94
Cameroon	0.00900	0.00892	1,265	422
Canada	2.55800	2.53634	359,678	119,893
Central African Republic	0.00100	0.00099	141	47
Chad	0.00100	0.00099	141	47
Chile	0.21200	0.21020	29,809	9,936
China	1.53200	1.51903	215,413	71,804
Colombia	0.20100	0.19930	28,262	9,421
Comoros	0.00100	0.00099	141	47
Congo	0.00100	0.00099	141	47
Costa Rica	0.02000	0.01983	2,812	937
Côte d'Ivoire	0.00900	0.00892	1,265	422
Croatia	0.03900	0.03867	5,484	1,828
Cuba	0.03000	0.02975	4,218	1,406
Cyprus	0.03800	0.03768	5,343	1,781
Czech Republic	0.20300	0.20128	28,544	9,515
Democratic Republic of the Congo	0.00400	0.00397	562	187
Denmark	0.74900	0.74266	105,316	35,105
Djibouti	0.00100	0.00099	141	47
Dominica	0.00100	0.00099	141	47
Dominican Republic	0.02300	0.02281	3,234	1,078
Ecuador	0.02500	0.02479	3,515	1,172
Egypt	0.08100	0.08031	11,389	3,796
El Salvador	0.01800	0.01785	2,531	844
Equatorial Guinea	0.00100	0.00099	141	47
Eritrea	0.00100	0.00099	141	47
Estonia	0.01000	0.00992	1,406	469
Ethiopia	0.00400	0.00397	562	187
Fiji	0.00400	0.00397	562	187
Finland	0.52200	0.51758	73,398	24,466
France	6.46600	6.41125	909,179	303,060

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Party	UN scale for 2003	CITES adjusted scale	2003-2005 contribu- tions	Annual contribu- tion
	%	%	USD	USD
Gabon	0.01400	0.01388	1,969	656
Gambia	0.00100	0.00099	141	47
Georgia	0.00500	0.00496	703	234
Germany	9.76900	9.68628	1,373,611	457,870
Ghana	0.00500	0.00496	703	234
Greece	0.53900	0.53444	75,788	25,263
Grenada	0.00100	0.00099	141	47
Guatemala	0.02700	0.02677	3,796	1,265
Guinea	0.00300	0.00297	422	141
Guinea-Bissau	0.00100	0.00099	141	47
Guyana	0.00100	0.00099	141	47
Honduras	0.00500	0.00496	703	234
Hungary	0.12000	0.11898	16,873	5,624
Iceland	0.03300	0.03272	4,640	1,547
India	0.34100	0.33811	47,948	15,983
Indonesia	0.20000	0.19831	28,122	9,374
Iran (Islamic Republic of)	0.27200	0.26970	38,246	12,749
Ireland	0.29400	0.29151	41,339	13,780
Israel	0.41500	0.41149	58,353	19,451
Italy	5.06475	5.02186	712,150	237,383
Jamaica	0.00400	0.00397	562	187
Japan	19.51575	19.35050	2,744,094	914,698
Jordan	0.00800	0.00793	1,125	375
Kazakhstan	0.02800	0.02776	3,937	1,312
Kenya	0.00800	0.00793	1,125	375
Kuwait	0.14700	0.14576	20,670	6,890
Latvia	0.01000	0.00992	1,406	469
Liberia	0.00100	0.00099	141	47
Liechtenstein	0.00600	0.00595	844	281
Lithuania	0.01700	0.01686	2,390	797
Luxembourg	0.08000	0.07932	11,249	3,750
Madagascar	0.00300	0.00297	422	141
Malawi	0.00200	0.00198	281	94
Malaysia	0.23500	0.23301	33,043	11,014
Mali	0.00200	0.00198	281	94
Malta	0.01500	0.01487	2,109	703
Mauritania	0.00100	0.00099	141	47

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Party	UN scale for 2003	CITES adjusted scale	2003-2005 contribu- tions	Annual contribu- tion
	%	%	USD	USD
Mauritius	0.01100	0.01091	1,547	516
Mexico	1.08600	1.07680	152,702	50,901
Monaco	0.00400	0.00397	562	187
Mongolia	0.00100	0.00099	141	47
Morocco	0.04400	0.04363	6,187	2,062
Mozambique	0.00100	0.00099	141	47
Myanmar	0.01000	0.00992	1,406	469
Namibia	0.00700	0.00694	984	328
Nepal	0.00400	0.00397	562	187
Netherlands	1.73800	1.72328	244,379	81,460
New Zealand	0.24100	0.23896	33,887	11,296
Nicaragua	0.00100	0.00099	141	47
Niger	0.00100	0.00099	141	47
Nigeria	0.06800	0.06742	9,561	3,187
Norway	0.64600	0.64053	90,834	30,278
Pakistan	0.06100	0.06048	8,577	2,859
Panama	0.01800	0.01785	2,531	844
Papua New Guinea	0.00600	0.00595	844	281
Paraguay	0.01600	0.01586	2,250	750
Peru	0.11800	0.11700	16,592	5,531
Philippines	0.10000	0.09915	14,061	4,687
Poland	0.37800	0.37480	53,150	17,717
Portugal	0.46200	0.45809	64,961	21,654
Qatar	0.03400	0.03371	4,781	1,594
Republic of Korea	1.85100	1.83533	260,268	86,756
Republic of Moldova	0.00200	0.00198	281	94
Romania	0.05800	0.05751	8,155	2,718
Russian Federation	1.20000	1.18984	168,731	56,244
Rwanda	0.00100	0.00099	141	47
Saint Kitts and Nevis	0.00100	0.00099	141	47
Saint Lucia	0.00200	0.00198	281	94
Saint Vincent and the Grenadines	0.00100	0.00099	141	47
Sao Tome and Principe	0.00100	0.00099	141	47
Saudi Arabia	0.55400	0.54931	77,897	25,966
Senegal	0.00500	0.00496	703	234
Serbia and Montenegro	0.02000	0.01983	2,812	937
Seychelles	0.00200	0.00198	281	94

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Party	UN scale for 2003	CITES adjusted scale	2003-2005 contribu- tions	Annual contribu- tion
	%	%	USD	USD
Sierra Leone	0.00100	0.00099	141	47
Singapore	0.39300	0.38967	55,259	18,420
Slovakia	0.04300	0.04264	6,046	2,015
Slovenia	0.08100	0.08031	11,389	3,796
Somalia	0.00100	0.00099	141	47
South Africa	0.40800	0.40455	57,369	19,123
Spain	2.51875	2.49742	354,159	118,053
Sri Lanka	0.01600	0.01586	2,250	750
Sudan	0.00600	0.00595	844	281
Suriname	0.00200	0.00198	281	94
Swaziland	0.00200	0.00198	281	94
Sweden	1.02675	1.01806	144,370	48,123
Switzerland	1.27400	1.26321	179,136	59,712
Thailand	0.29400	0.29151	41,339	13,780
The former Yugoslav Republic of Macedonia	0.00600	0.00595	844	281
Togo	0.00100	0.00099	141	47
Trinidad and Tobago	0.01600	0.01586	2,250	750
Tunisia	0.03000	0.02975	4,218	1,406
Turkey	0.44000	0.43627	61,868	20,623
Uganda	0.00500	0.00496	703	234
Ukraine	0.05300	0.05255	7,452	2,484
United Arab Emirates	0.20200	0.20029	28,403	9,468
United Kingdom	5.53600	5.48912	778,413	259,471
United Republic of Tanzania	0.00400	0.00397	562	187
United States of America	22.00000	21.81371	3,093,402	1,031,134
Uruguay	0.08000	0.07932	11,249	3,750
Uzbekistan	0.01100	0.01091	1,547	516
Vanuatu	0.00100	0.00099	141	47
Venezuela	0.20800	0.20624	29,247	9,749
Viet Nam	0.01600	0.01586	2,250	750
Yemen	0.00600	0.00595	844	281
Zambia	0.00200	0.00198	281	94
Zimbabwe	0.00800	0.00793	1,125	375
Total	100.8540 0	100.0000 0	14,181,000	4,727,000

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Budget For The Triennium 2003-2005 (expressed in USD)

Description	2003	2004*	2005
	USD	USD	USD
Personnel costs			
Professional staff	2,000,000	2,020,000	2,040,000
Support staff	692,000	699,000	706,000
Temporary assistance/overtime	15,000	16,000	16,000
Staff travel	140,000	142,000	144,000
Total	2,847,000	2,877,000	2,906,000
Office maintenance costs			
Office supplies	30,000	31,000	31,000
Non-expendable equipment	51,000	51,000	52,000
Maintenance of the office**	0	0	0
Maintenance of office equipment	40,000	41,000	41,000
Communications (telephone, fax, mail)**	85,000	85,000	87,000
Bank charges	7,000	7,000	7,000
Hospitality	5,000	5,000	5,000
Total	218,000	220,000	223,000
CoP meeting			
External translation of CoP documents	0	51,000	0
Salary/travel of Conference staff to CoP	0	286,000	0
Travel of Secretariat's staff to CoP	0	204,000	0
CoP-related documents	0	90,000	0
Logistics for CoP	0	102,000	0
African Elephant Panel of Experts	0	26,000	0
Total	0	759,000	0
SC meeting			
External translation of documents	5,000	5,000	5,000
Salary/travel of Conference staff to SC mtg	25,000	26,000	26,000
Travel of SC members	25,000	26,000	26,000
Logistics for SC mtg	10,000	10,000	10,000
Total	65,000	67,000	67,000
AC meeting			
External translation of documents	10,000	11,000	11,000
Salary/travel of Conference staff to AC mtg	18,000	20,000	18,000
Travel of AC members	26,000	28,000	26,000

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Description	2003	2004*	2005
	USD	USD	USD
Logistics for AC mtg	10,000	11,000	10,000
Travel of Secretariat's staff	0	12,000	0
Total	64,000	82,000	65,000
PC meeting			
External translation of documents	10,000	11,000	11,000
Salary/travel of Conference staff to PC mtg	18,000	20,000	18,000
Travel of PC members	26,000	28,000	26,000
Logistics for PC mtg	10,000	11,000	10,000
Travel of Secretariat's staff		12,000	0
Total	64,000	82,000	65,000
Publications			
Identification manual	30,000	31,000	31,000
CITES, Checklist w/annot. Append. and reserv.	44,000	0	45,000
Newsletter	15,000	15,000	15,000
In-house printing	20,000	20,000	21,000
Other publications/documents	30,000	31,000	31,000
Total	139,000	97,000	143,000
Other activities			
Significant trade	73,000	73,000	74,000
Assistance to Scientific Authorities	143,000	145,000	146,000
CITES website	61,000	61,000	62,000
Training courses/seminars	59,000	59,000	60,000
Trade monitoring and support	106,000	133,000	108,000
Legislation, compliance and enforcement	10,000	10,000	10,000
Consultants	35,000	36,000	36,000
Total	487,000	517,000	496,000
TOTAL DIRECT COSTS	3,884,000	4,701,000	3,965,000
Programme support costs (13%)	505,000	611,000	515,000
GRAND TOTAL	4,389,000	5,312,000	4,480,000

* CoP year ** No provision was made by the Conference of the Parties for office maintenance costs, including Internet connection, of USD 100,000 annually.

Financing of the conservation of species of wild fauna and flora

With Decision 11.78, the Conference of the Parties decided that the Standing Committee should form a working group to:

- a) inventory existing funding mechanisms made available by the Parties specifically for the conservation of wild fauna and flora;
- b) analyse the way in which these mechanisms operate, taking into account
 - i) the origin of the funds and the way they are collected;
 - ii) principles followed in allocating these funds;
 - iii) structures of administration and control;
 - iv) amounts already involved;
 - v) probable trends concerning these sources of financing; and
 - vi) the overall effectiveness of the funds for the conservation of wild fauna and flora; and
- c) evaluate the potential use of these funding mechanisms for the purpose of improving implementation of the Convention, especially for assisting enforcement and supporting range States with *in situ* conservation, for implementation of the provisions of Article IV, paragraph 3, of the Convention and for implementation of the Strategic Plan.

Decision 11.79 provided that the Standing Committee should report the result of this analysis at the meeting of the Standing Committee during the second half of 2001. These results were only to be for the discretionary use of the Parties.

Also, Decision 11.8 said that Parties should provide to the Standing Committee working group on financing conservation of species of wild fauna and flora all relevant information regarding existing funds or those being established in territories under their jurisdiction.

Decision 11.129 charges the Secretariat to ensure maximum use of available funds, especially the Global Environment Facility (GEF), the Secretariat, in cooperation with the Secretariat of the Convention on Biological Diversity, shall approach the Secretariat of GEF to determine which projects for the sustainable management of species of wild fauna and flora included in the Appendices of CITES are eligible for financing from GEF.

On the basis of the work done under the above decisions, the 12th meeting of the Conference of the Parties adopted the following decisions.

Decision 12.25 provides that the Parties and observers are invited to provide to the Secretariat information on best-practice methods for the financing the conservation of species of wild fauna and flora as well as capacity building for developing countries / countries with economies in transition with a view to furthering *inter alia* the implementation of the Convention at the national level as well as sustainable international trade in species of wild fauna and flora as may be appropriate; such methods include but are not limited to conservation trust funds, government budgetary allocations where possible, user fees, taxes and fines, subsidies and compensation pro-

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grammes, private sector partnerships, international donor aid, and other innovative approaches as may be relevant.

Decision 12.26 instructs the Secretariat to review, depending on the availability of financial resources, existing and innovative mechanisms to finance the conservation of species of wild fauna and flora as well as capacity building for developing countries / countries with economies in transition with a view to furthering *inter alia* the implementation of the Convention at the national level as well as sustainable international trade in species of wild fauna and flora. In its review, to be carried out in consultation with relevant conventions, government bodies and aid and donor agencies, the Secretariat shall look at relevant trust funds, government budgetary allocations, user fees, taxes and fines, subsidies and compensation programmes, private sector partnerships, international donor aid, and other innovative approaches as may be relevant, and compare their usefulness and their potential for benefiting the conservation of CITES-listed species and capacity building for developing countries / countries with economies in transition to ensure the full implementation of the Convention at the national level. The Secretariat shall present its analysis at the 13th meeting of the Conference of the Parties.

Economic incentives and trade policy

The 12th meeting of the Conference of the Parties discussed an innovative document from the Secretariat on the above issues. As a result, it adopted **Decision 12.22**, which provides that:

The Secretariat should, contingent on the availability of external funding and in collaboration with the Parties that wish to participate and with CBD, FAO, Fauna and Flora International, ICTSD, IFC, IUCN, OECD, TRAFFIC, UNEP-ETB, UNCTAD-BIOTRADE, the World Resources Institute, the World Bank and WTO:

- a) organize a technical workshop on wildlife trade policies and economic incentives applicable to the management of and trade in CITES-listed species, in particular in order to develop a methodology to review those policies and to make targeted recommendations on the use of those incentives;
- b) report at the 49th meeting of the Standing Committee the findings and recommendations of the workshop;
- c) invite Parties to inform the Secretariat, on the basis of the results of the workshop, if they wish to be included in the trade policy review;
- d) conduct, in cooperation with the Parties, a review of their national policy regarding the use of and trade in CITES-listed species, taking into account economic incentives, production systems, consumption patterns, market access strategies, price structures, certification schemes, CITES-relevant taxation and subsidy schemes, property rights, mechanisms for benefit sharing and reinvestment in conservation, as well as stricter domestic measures that Parties apply or are affected by;
- e) compile and synthesize the information provided by the Parties, and produce a report analysing the economic impacts of wildlife trade policies in terms of socio-economic and conservation benefits and costs, economic value, levels of legal and

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illegal trade, improvement of the livelihood of local communities, and the role of the private sector involved in wildlife trade;

- f) report at the 13th meeting of the Conference of the Parties on the progress made with regard to the implementation of this Decision; and
- g) prepare and submit a project proposal to the Global Environment Facility, and other funding institutions and development agencies, to seek financial support to prepare the trade-policy reviews in the selected countries, in the context of their national and regional strategies for biodiversity conservation.

Participation charge for observer organizations

Resolution Conf. 3.2 established this minimum participation charge for all observers except the United Nations and its specialized agencies and set it at US\$ 50. With Resolution Conf. 6.2 the Conference of the Parties raised it to US \$ 150. With Resolution Conf. 8.1 the minimum charge was set at CHF 250. Resolution Conf. 9.2 doubled it to CHF 500 and Resolution Conf. 10.1 CHF 600. This amount was changed into US\$ 600 with **Resolution Conf. 12.1**.

The Terms of Reference for the administration of the Trust Fund for CITES

The Terms of Reference were first adopted in 1979 with **Resolution Conf. 2.1**. They were adapted in 1981 (**Resolution Conf. 3.2**), 1983 (**Resolution Conf. 4.3**), 1985 (**Resolution Conf. 5.1**), 1987 (**Resolution Conf. 6.2**), 1989 (**Resolution Conf. 7.2**), 1992 (**Resolution Conf. 8.1**), 1994 (**Resolution Conf. 9.2**), 1997 with **Resolution Con. 10.1**, 2000 (**Resolution Conf. 11.2** and **Resolution Conf. 12.1**).

The latest version provides that:

1. The Trust Fund for the Convention on International Trade in Endangered Species of Wild Fauna and Flora (hereinafter referred to as the Trust Fund) shall be further continued for a period of three years (1 January 2003–31 December 2005) to provide financial support for the aims of the Convention.
2. Pursuant to the Financial Regulations and Rules of the United Nations, the Executive Director of the United Nations Environment Programme (UNEP), with the approval of the Governing Council of UNEP and the Secretary-General of the United Nations, shall continue the Trust Fund for the administration of the Convention.
3. The Trust Fund shall cover the financial period of three calendar years which begins on 1 January 2003 and ends on 31 December 2005.
4. The appropriations of the Trust Fund for the first financial period shall be financed from:
 - a) the contributions made by the Parties by reference to the attached Table including contributions from any new Parties which are to be added to the Table;

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- b) contributions from States not Parties to the Convention, other governmental, inter-governmental and non-governmental organizations and other sources; and
 - c) any uncommitted appropriations from any of the financial periods prior to 1 January 2003.
5. The budget estimates covering the income and expenditure for each of the calendar years constituting the financial period to which they relate, prepared in US dollars, shall be submitted for approval to the regular meeting of the Conference of the Parties to the Convention.
 6. The estimates for each of the calendar years covered by a financial period shall be specified according to objects of expenditure and shall be accompanied by such information as may be required by, or on behalf of, the contributors and such further information as the Executive Director of UNEP may deem useful and advisable.
 7. The proposed budget, including all the necessary information, shall be dispatched by the Secretariat to all Parties at least 90 days before the date fixed for the opening of the regular meeting of the Conference of the Parties.
 8. The budget shall be adopted by a 3/4 majority of the Parties present and voting at the regular meeting.
 9. In the event that the Executive Director of UNEP expects that there might be a shortfall in resources, over the year as a whole, he shall consult with the Secretary-General of the Convention, who shall seek the advice of the Standing Committee as to its priorities for expenditure.
 10. The Secretary-General of the Convention is authorized, to the extent consistent with the Financial Regulations and Rules of the United Nations, to make transfers from one budget line to another up to a maximum of 20 per cent over and above the annual amount foreseen in the budget under any budget sub-component (e.g. 11, 12, 13, etc.) provided that such action does not negatively affect any high-priority items. When any such transfers are made, these shall be reported to the Standing Committee at its following meeting. Any budget adjustments on a specific budget sub-component over and above the 20 per cent flexibility mentioned above may be made only after they have been agreed by the Standing Committee. However, the total budget approved by the Parties for that financial period shall not be exceeded unless this is specifically sanctioned in writing by the Standing Committee.
 11. Commitments against the resources of the Trust Fund may be made only if they are covered by the necessary income of the Convention.
 12. All contributions shall be paid in any convertible currency. The amount of any payment, however, shall be at least equal to the amount payable in US dollars on the day the contribution is made. Contributions from States that become Parties after the beginning of the financial period should be made on a pro-rata basis for the balance of the financial period.
 13. At the end of each calendar year of a financial period, the Executive Director of UNEP shall submit to the Parties the accounts for the year. He shall also submit, as soon as practicable, the audited accounts for the financial period.

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14. The Secretary-General of the Convention shall provide the Standing Committee with an estimate of proposed expenditure over the coming calendar year simultaneously with, or as soon as possible after, distribution of the accounts and reports referred to in the preceding paragraphs.
15. The general procedures governing the operations of the Fund of UNEP and the Financial Regulations and Rules of the United Nations shall govern the financial operations of the Trust Fund for the Convention.
16. These Terms of Reference shall be effective for the financial period of 1 January 2003 to 31 December 2005 subject to amendments at the 13th meeting of the Conference of the Parties.

Procedure for Approval of Externally Funded Projects

Resolution Conf. 2.3 requested the Secretariat to prepare suitable proposals for the external funding of specific programmes or projects which would assist in the effective implementation of the Convention and to submit, after consultation with the Standing Committee, such proposals to appropriate funding institutions.

The Standing Committee, at its 23rd meeting, adopted guidelines and procedures which the Secretariat had to follow in developing proposals for projects and in seeking funds external to the Secretariat core budget.

The 12th meeting of the Conference of the Parties adopted a proposal from the Secretariat to adapt the procedure in order to make it more efficient. The new procedure is contained in **Resolution Conf. 12.2**.

The Conference of the Parties notes that the earlier procedure for approval of externally funded projects has proven cumbersome for both the Standing Committee and the Secretariat and that submission of project proposals and funding applications to donors have been delayed until donors were approved.

Note: Therefore, the Standing Committee at its 45th meeting (Paris, June 2001) requested the Secretariat to propose a mechanism for approval of donors by the Secretariat rather than the Standing Committee.

The Conference of the Parties also notes that Objective 1.11 of the *Strategic Vision through 2005* is to review and simplify, where possible, existing measures, procedures, mechanisms and recommendations for the implementation of the Convention.

It adopted the following procedure for approval of externally funded projects, providing guidelines and procedures to be followed by the Parties in developing proposals for projects and to be followed by the Secretariat in prioritizing project implementation and in seeking external funds:

1. CRITERIA FOR PROJECT DEVELOPMENT

- a) The following shall be considered priority areas for the development of projects by the Parties and the Secretariat:

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- i) the compilation of relevant scientific information on species that are or may be threatened by trade;
 - ii) the development of protection, conservation or management schemes for species currently threatened by, or actually suffering from over-exploitation, so that they can be restored to a level consistent with their role in the eco-systems in which they occur;
 - iii) the provision of scientific and legal advice to the Parties for better implementation of the Convention;
 - iv) the provision of assistance in the development of legal, trade and economic policies to the Parties for better implementation of the Convention;
 - v) the development and delivery of training packages for implementation and enforcement of the Convention; and
 - vi) the provision of assistance to developing countries for their full participation in the Convention.
- b) The Secretariat shall ensure that proposals for projects are directed towards the areas of greatest need, either because of the degree of threat to species from trade, or because projects can generate the greatest improvement to the implementation of the Convention.
 - c) The Secretariat shall not consider as a priority projects that are technical studies for species in abundance that are not perceptibly threatened by actual or potential trade.
 - d) The following types of projects, although requiring external funding, shall be considered by the Secretariat as part of its routine work programme and, as such, are not covered by this procedure. The Secretariat shall prioritize these projects based on their importance and the availability of funds:
 - i) activities or projects derived from Resolutions and Decisions adopted at meetings of the Conference of the Parties;
 - ii) organization of and participation in meetings for training, legislation, enforcement or specialist consultations;
 - iii) provision of assistance to developing countries in improving their administration of the Convention; and
 - iv) production of CITES capacity building materials such as implementation manuals.

2. SUBMISSION AND APPROVAL OF PROJECT PROPOSALS

- a) Project proposals shall be submitted to the Secretariat for solicitation of funds, or finalization of agreements where funds have been freely offered. Project proposals submitted for consideration shall conform to the priority criteria in 1.1 above and the format in Annex 2.
- b) The Secretariat shall review species-related projects that are proposed by Parties seeking funding and those developed as a result of recommendations made by the Animals and Plants Committees in the review of significant trade.

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- c) The Secretariat shall, in consultation with the Animals and Plants Committees where necessary, approve and prioritize projects to be implemented.
- d) The Secretariat shall solicit funding or obtain funding freely offered, provided that the source of funding has been approved in accordance with the procedure below.
- e) Any project that has not been funded after three years shall be deleted from the list of approved projects and any conditionally approved project shall be deleted from the list after one year if the conditional issues have not been met.

3. FUNDING SOURCES AND APPROVAL

- a) Any Party or organization may propose an organization as a prospective donor.
- b) If the proposal is received from the Management Authority of the Party in whose territory the organization is based, the Secretariat shall consider the organization's objectives and legal status. If the Secretariat has no reason to object, the organization shall be included in the list of approved donors.
- c) If the organization is based in the territory of another Party, or the organization is proposed by any entity other than the Management Authority, the Secretariat shall contact the Management Authority of the Party in whose territory the organization is based and enquire whether it has any objection to the organization being included in the list of approved donors. If the Management Authority does not object, the Secretariat shall consider the organization's objectives and legal status. If the Secretariat has no reason to object, the organization shall be included in the list of approved donors.
- d) If the organization being proposed for inclusion in the list is an international organization with offices in different countries, the Secretariat shall contact the Management Authority of the Party in whose territory the organization's headquarters is officially based, and if feasible the Management Authorities of States where the organization has offices, and enquire whether they have any objection to the organization being included in the list of approved donors. If the Management Authorities do not object, the Secretariat shall consider the organization's objectives and legal status. If the Secretariat has no reason to object, the organization shall be included in the list of approved donors.
- e) If the Management Authority of the Party where an organization is based does not endorse the inclusion of the organization in the list of approved donors, the Secretariat shall discuss with it the reasons for this. Based on the information provided by the Management Authority, the Secretariat shall inform the Party or organization that submitted the organization for inclusion that it has been rejected and the reasons for the rejection.
- f) The list of approved donors shall not contain any of the following:
 - i) organizations that are known through reliable evidence available to the Secretariat to have been involved in illegal trade in CITES-listed species or other relevant wildlife conservation infractions, whether convicted or not;
 - ii) individual companies directly involved in legal commercial trade in CITES species; and

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- iii) any organization that has deliberately brought the Convention into public disrepute.
 - g) When the source of funds for a project has been approved as a donor, the Secretariat shall proceed to solicit funding, finalize grant agreements and commence implementation.
4. The Secretariat shall maintain the list of approved projects and the list of approved donors and shall publish it through Notifications to the Parties and on its website.

Format for project review

CITES PROJECT PROPOSAL

1. Title
2. Date of submission
3. Originators of project proposal
4. Project period
5. Funds required and potential sources
6. Objectives
7. Justification
8. Execution
 - a) Activities
 - b) Work plan
 - c) Outputs
 - d) Personnel (including use of local expertise)
9. Budget

Article XII, paragraph 2, specifies the functions of the Secretariat:

The functions of the Secretariat shall be:

(a) to arrange for and service meetings of the Parties;

See **Chapter 21**.

(b) to perform the functions entrusted to it under the provisions of Articles XV and XVI of the present Convention;

See **Chapter 23**.

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- (c) to undertake scientific and technical studies in accordance with programmes authorized by the conference of the Parties as will contribute to the implementation of the present Convention, including studies concerning standards for appropriate preparation and shipment of living specimens and the means of identifying specimens;**

There are many examples of scientific and technical studies undertaken by the Secretariat or under its supervision. On the specific issues mentioned, there are the Guidelines for transport and preparation for shipment of live wild animals and plants (see **Chapter 10**). The Identification Manual (see **Chapter 30**), is part of a continuing process.

- (d) to study the reports of Parties and to request from Parties such further information with respect thereto as it deems necessary to ensure implementation of the present Convention;**

This concerns, but it not limited to, the annual and biennial reports of Parties under Article VIII, see **Chapter 17**.

- (e) to invite the attention of the Parties to any matter pertaining to the aims of the present Convention;**
- (f) to publish periodically and distribute to the Parties current editions of Appendices I, II and III together with any information which will facilitate identification of specimens of species included in those Appendices;**

Resolution Conf. 9.25 (Rev.) directs the Secretariat to publish changed Appendix-I, -II and -III together after each meeting of the Conference of the Parties (ex Resolution Conf. 7.15).

- (g) to prepare annual reports to the Parties on its work and on the implementation of the present Convention and such other reports as meetings of the Parties may request;**

The Secretariat submits activity reports to meetings of the Standing Committee and to each meeting of the Conference of the Parties. The Secretariat, assisted by UNEP/WCMC's Wildlife Trade Monitoring Unit, further prepares reports (analyses) on the annual reports on trade submitted by the Parties in compliance with Article VIII (7).

- (h) to make recommendations for the implementation of the aims and provisions of the present Convention, including the exchange of information, of a scientific or technical nature;**
- (i) to perform any other function as may be entrusted to it by the Parties.**

With Decision 11.131, the 11th meeting of the Conference of the Parties directed the Secretariat, in view of the need for publicity materials for plant and animal species included in the Appendices, to:

- a) develop a programme of work for the preparation of these materials;

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- b) prepare a budget estimate for this programme of work;
- c) submit the programme and budget estimate to the Standing Committee at its first ordinary meeting after the 11th meeting of the Conference of the Parties;
- d) carry out the work as directed by the Standing Committee; and
- e) report at the next meeting of the Conference of the Parties.

Article XIII International measures contains a further important function of the Secretariat, namely with regard to non-implementation of the Convention. The provisions concerned are therefore discussed in **Chapter 14**, which deals with enforcement measures.

Chapter 21 - The Conference of the Parties

Article XI establishes the Conference of the Parties, lays down when it shall meet, describes its mandate and contains the conditions for participation.

For mandates and the composition of committees and working groups, see **Chapter 30**.

Meetings of the Conference of the Parties

Article XI.1:

The Secretariat shall call a meeting of the conference of the Parties not later than two years after the entry into force of the present Convention.

This first meeting of the Conference of the Parties took place from 2 to 6 November 1976 in Bern, Switzerland.

Article XI.2:

Thereafter the Secretariat shall convene regular meetings at least once every two years, unless the conference decides otherwise and extraordinary meetings at any time on the written request of at least one-third of the parties.

A special working session of the Conference of the Parties took place in 1977 and regular meetings were held in 1979, 1981, 1983, 1985, 1987, 1989, 1992, 1994, 1997 and 2000 and 2002. The 13th meeting will be held in Bangkok, Thailand, from 3 to 14 October 2003. Thereafter, meetings of the Conference of the Parties shall take place only every three years as decided by the 12th meeting.

The first extraordinary meeting was held in Bonn (22 June 1979), where the Conference of the Parties adopted the “financial amendment” to Article XI.3(a). The second extraordinary meeting took place in Gaborone, Botswana, on 30 April 1983, at which the Conference adopted an amendment to Article XXI regulating the accession to the Convention by regional economic integration organizations. At the next extraordinary meeting, the identified mistakes in the text of the Convention must be repaired.

Decision 9.26 provides that note shall be taken of the following proposals, which should be put on the agenda of the next extraordinary meeting of the Conference of the Parties, whenever this may be convened, as amendments to the Convention:

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- a) the provisions of Article XVI, regarding the listing of Appendix-III parts and derivatives, should be brought into line with Convention procedures for Appendices I and II (Article XV);
- b) paragraph 5 of Article XIV should read: “Notwithstanding the provisions of Article IV, any export of a specimen” etc.;
- c) paragraphs 3 (b) and 5 (b) of Article III should include “either a Management Authority or a Scientific Authority of the State” etc.; and
- d) correction of errors of an orthographical nature discovered in the text of the Convention.

Article XI.3

At meetings, whether regular or extraordinary, the Parties shall review the implementation of the present Convention and may:

- (a) make such provisions as may be necessary to enable the Secretariat to carry out its duties, and adopt financial provisions;***

See Chapter 20.

- (b) consider and adopt amendments to Appendices I and II in accordance with Article XV;***

See Chapter 23.

- (c) review the progress made towards the restoration and conservation of the species included in Appendices I, II and III;***

This is a task of the (Conference of the) Parties that so far received little attention.

Other than in the context of amendments to the Appendices, there has not yet been a review of the progress made towards the restoration and conservation of species in the more general way provided for in subparagraph (c).

Of course, the downlisting of species or their delisting may be a confirmation of the fact that its conservation status has improved. It may, however, also mean that the species should not have been listed in a particular Appendix in the first place. The current knowledge of the conservation status of most species included in the Appendices and of the effects of exploitation thereon is very limited. The effects of international trade in specimens of species are in addition difficult to estimate because of the many difficulties related to the preparation of annual reports and their subsequent analysis.

As long as such basic information is lacking, a general review as implied in subparagraph (c) will remain difficult to carry out.

- (d) receive and consider any reports presented by the Secretariat or by any Party;***

The Secretariat can and does report on any matter relevant to the implementation of the Convention, e.g. in compliance with Article XII(2)(g). Reports by Parties are mainly the annual reports on trade and the biennial reports on legislative, regulatory and administrative measures under Article VIII (7).

(e) *where appropriate, make recommendations for improving the effectiveness of the present Convention.*

This function, together with that concerning amendments to the Appendices, represents the bulk of the work of the meetings of the Conference of the Parties. The Convention does not indicate what form the recommendations referred to in paragraph (e) have to take.

Resolutions, recommendations and decisions

Form

Until the ninth meeting of the Conference of the Parties, recommendations were only laid down in the form of Resolutions, but certain decisions could be found in the Proceedings of the meetings. The ninth meeting of the Conference of the Parties therefore adopted **Decision 9.28**, which provided for the compilation of Decisions made by the Conference of the Parties and recorded in the Proceedings of the meetings of the Conference. The layout of this document was changed at the 12th meeting of the Conference of the Parties with **Decision 12.3**:

After each meeting of the Conference of the Parties, the Secretariat shall update the list of Decisions to contain all the recommendations (or other forms of decision) that are not recorded in Resolutions and that remain in effect. The list shall be sorted according to subject, using the subjects of the Resolutions for guidance, and within the section for each subject they shall be divided according to the body to which they are directed. The Secretariat shall distribute to the Parties a copy of the updated document soon after each meeting of the Conference.

Proposals

With **Resolution Conf. 4.6 (Rev. CoP12)** the Conference of the Parties agreed that the term “the text of the proposed amendment” in Article XV, paragraph 1, of the Convention includes the substantially complete supporting statement accompanying it, and this interpretation is extended to certain amendment proposals, draft resolutions and other documents submitted for consideration at meetings of the Conference of the Parties, for which deadlines for submission are established under Resolutions of the Conference

The Resolution recognizes the necessity that the Parties are informed in advance of the draft resolutions and other documents submitted by other Parties.

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It recommends therefore that:

- a) the text of any draft resolution to be submitted to a meeting of the Conference of the Parties be communicated to the Secretariat at least 150 days before the meeting;
- b) the text of any documents submitted for consideration at a meeting of the Conference of the Parties be communicated to the Secretariat at least 150 days before the meeting;
- c) the Secretariat be authorized to accept draft resolutions and documents (other than proposals for amendment of Appendices I and II) after the time limit of 150 days has expired only in exceptional circumstances, when it is established, to the satisfaction of the Secretariat, that the draft resolutions or documents could not be communicated before the expiration date.
- d) when drafting a resolution that is intended to be exhaustive, or to treat a subject comprehensively, or to make significant changes in the way in which a subject is dealt with, a Party should prepare the draft so that, if adopted, it will replace and repeal all existing Resolutions (or, as appropriate, the relevant paragraphs) on the same subject (ex Decision 9.4);
- e) unless practical considerations dictate otherwise, draft resolutions should not include (ex Decisions 9.5 and 9.24):
 - i) instructions or requests to Committees, Working Groups or the Secretariat, unless they are part of a long-term procedure;
 - ii) decisions on the presentation of the Appendices; and
 - iii) recommendations (or other forms of decision) that will be implemented soon after their adoption and will then be obsolete; and
- f) as a general rule, documents submitted for consideration at a meeting of the Conference of the Parties be no more than 12 pages in length.

Note: Paragraph d) which applies to all documents submitted for a meeting of the Conference of the Parties, i.e. draft resolutions, decisions, proposals for amendments to the Appendices, etc. was added at the tenth meeting of the Conference of the Parties. The Standing Committee, at its 42nd meeting in October, 1999, decided that “if the secretariat receives a document longer than 12 pages, it will request the Party concerned to provide the translations”.

The ninth meeting of the Conference of the Parties further adopted **Decision 9.27**:

When the Conference of the Parties adopts any draft resolution that is designed merely to add points to the recommendations (or other decisions) in existing Resolu-

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tions, or to make a minor amendment thereto, the existing Resolutions shall be replaced by a revised version with the agreed changes.

At its tenth meeting, the Conference of the Parties also decided - see **Resolution Conf. 4.6 (Rev. CoP12)** - that any draft resolutions or decisions submitted for consideration at a meeting of the Conference of the Parties that have budgetary and workload implications for the Secretariat, must contain or be accompanied by a budget for the work involved and an indication of the source of funding.

Decision 12.2 instructs the Secretariat, when revising its publication of current Resolutions after each meeting of the Conference of the Parties, to correct the texts of already existing Resolutions to ensure that all references to other Resolutions are accurate.

Adoption

The Rules of Procedure adopted for every meeting of the Conference of the Parties provided until the fifth meeting of the Conference of the Parties in 1985 that Resolutions were adopted by a simple majority of the Parties present and voting.

The Conference adopted 111 Resolutions until then and although most of these recommendations indeed contributed to an improved effectiveness of the Convention, their number also complicated proper implementation.

The Rules of Procedure adopted since the sixth meeting of the Conference of the Parties provide that the adoption of resolutions shall take place by a two-thirds majority. The aim is to not only reduce the number of future Resolutions but also to guarantee better implementation of Resolutions adopted by such a majority.

Entry into force

Resolution Conf. 4.6 (Rev. CoP12) lays down that the recommendations contained in Resolutions and Decisions adopted by the Conference of the Parties shall be effective from the date on which they are sent by Notification to the Parties at the latest, unless otherwise specified in the recommendation concerned (ex Decision 9.1).

Their implementation by the individual Parties is of course subject to the procedures required under their national legislation.

Article XI.4:

At each regular meeting, the Parties may determine the time and venue of the next regular meeting to be held in accordance with the provisions of paragraph 2 of this Article.

Until the fifth meeting of the Conference of the Parties the determination of the venue of the next meeting was rather easy. An unwritten rule that meetings were to be held in all continents was followed, one country from the next continent offered to host the next meeting and the decision was taken. The advantage of holding meetings in turn in different continents is that it stimulates regional participation. At the fifth and sub-

sequent meetings there were several candidates from different continents to host the next meeting and the host country had to be elected by secret ballot. A problem arose between, the sixth and seventh meeting and before the eleventh when the elected host country withdrew its offer. The Secretariat did not find another Party to host the meeting. The seventh meeting was eventually hosted by the Secretariat itself in Lausanne with substantial financial assistance from Switzerland. The eleventh meeting was hosted by the Secretariat in – and with important logistical support of – the UNEP headquarters in Nairobi in March 2000.

Article XI.5:

At any meeting, the Parties may determine and adopt rules of procedure for the meeting.

See **Chapter 31**.

Observers

Article XI.6:

The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not Party to the present Convention, may be represented at meetings of the conference by observers, who shall have the right to participate but not to vote.

7. Any body or agency technically qualified in protection, conservation or management of wild fauna and flora, in the following categories, which has informed the Secretariat of its desire to be represented at meetings of the conference by observers, shall be admitted unless at least one-third of the Parties present object:

- (a) international agencies or bodies, either governmental or nongovernmental, and national governmental agencies and bodies; and***
- (b) national non-governmental agencies or bodies which have been approved for this purpose by the State in which they are located.***

Once admitted, these observers shall have the right to participate but not to vote.

This right to participate was, for the first time with **Resolution Conf. 3.2**, linked to a participation fee of US \$ 50 to be paid by all observer organizations referred to in Article XI (7) (a) and (b) at the time of registration, except as otherwise reduced by the Standing Committee as required. **Resolution Conf. 4.3** confirms this decision, but with **Resolution Conf. 5.1** the standard participation charge was increased to a minimum of US \$ 100 (except as otherwise reduced by the Standing Committee as required) and the observer organizations concerned were urged to make a greater contribution if possible. With **Resolution Conf. 6.2** the minimum was increased to US \$ 150, which was maintained with **Resolution Conf. 7.2**. The latter Resolution allows the Secretariat to decide on another amount as required. With **Resolution**

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Conf. 8.1, which no longer officially expressed budgets in US Dollars, the charge was set at CHF 250 and with **Resolution Conf. 9.2** at CHF 500. **Resolution Conf. 10.1** increases the contribution to CHF 600. **Resolution Conf. 12.1** changes the amount into US\$ 600.

Decision 11.124 provides that if the representative of a Party at a meeting of the Conference of the Parties is also an observer for a non-governmental organization, the Secretariat shall not provide sponsorship for that person through the Delegates' Project.

With regard to the registration of observers at meetings of the Conference of the Parties, there are two Decisions to keep in mind:

Decision 11.125:

Any body or agency that informs the Secretariat of its desire to be represented at a meeting of the Conference of the Parties and that wishes to be considered as an international agency or body in accordance with Article XI, paragraph 7 (a), should be registered by the Secretariat only if it demonstrates, to the satisfaction of the Secretariat that it is:

- a) qualified in protection, conservation or management of wild fauna and flora: and
- b) an organization in its own right, with a legal persona and an international character, remit and programme of activities.

Decision 11.126:

Rule 3, paragraph 4, of the Rules of the Procedure for meetings of the Conference of the Parties should be interpreted by the Secretariat such that it may not accept any additional names of observers of bodies and agencies (other than the United Nations and its Specialized Agencies) after the one-month deadline, and that it may not accept any changes in the names after this deadline except where a body or agency has registered no more than two observers before the deadline and the Secretariat is satisfied that the person whose name is to be replaced is prevented from attending through *force majeure*.

Decision 11.14 provides that in selecting venues for future meetings of the Conference of the Parties, the Parties should make every effort to ensure that the venues selected have space for observers on the floors of the halls for the plenary sessions, Committee I and Committee II and **Decision 11.127** that the Secretariat and the host country of each meeting of the Conference of the Parties should make every effort to ensure that each approved observer is provided with at least one seat on the floor in the meeting rooms of the plenary sessions, Committee I and Committee II, unless one-third of the Party representatives present and voting object.

Decision 11.70 provides that the Presiding Officers at plenary sessions, and sessions of Committee I and Committee II should make every effort to allow observers time in the sessions to speak on issues (make interventions).

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Decision 11.71 provides that, recognizing that conservation of time, in order to complete the agenda for a meeting of the Conference of the Parties in the two-week period, is a valid concern, Presiding Officers should give observers a time limit for speaking if necessary and encourage observers not to be redundant in speaking on a particular issue.

Decision 11.73 provides that, when possible, Presiding Officers should invite knowledgeable observers to participate in working groups of Committee I and Committee II.

Decision 11.128 says that the Secretariat should make every effort to ensure that informative documents on the conservation and utilization of natural resources, prepared by observers for distribution at a meeting of the Conference of the Parties and approved by the Secretariat, are distributed to the participants in the meeting.

This issue was solved, however, by an amendment to the Rules of Procedure, which allows these documents to be distributed by the Secretariat without prior approval and under the distributor's responsibility.

Chapter 22 - Effects on legislation and conventions

Article XIV deals with the relation between the Convention and national legislation and between the Convention and other international conventions.

Stricter national measures

1. *The provisions of the present Convention shall in no way affect the right of Parties to adopt:*
 - (a) *stricter domestic measures regarding the conditions for trade, taking possession or transport of specimens of species included in Appendices I, II and III, or the complete prohibition thereof; or*
 - (b) *domestic measures restricting or prohibiting trade, taking possession, or transport of species not included in Appendices I, II or III.*

The provision of Article XIV.1. (a) confirms the right of the Parties to the Convention to go further than the Convention by the adoption of stricter measures concerning the species listed in its Appendices. Many Parties have taken such measures, both with regard to indigenous and exotic species.

A great many Resolutions adopted by the Parties either recognize the possibility for Parties to take stricter measures or call for measures that go further than the provisions of the Convention. Those that are still valid are: **Conf. 5.11, Conf. 8.13(Rev.), Conf. 9.5, Conf. 10.3, Conf. 11.16** and **Conf 11.18**.

Resolution Conf. 6.7 on the interpretation of Article XIV, Paragraph 1, of the Convention recognizes the concern of some Parties that stricter domestic measures taken pursuant to Article XIV, paragraph 1, of the Convention may have an adverse impact on the conservation status of the species concerned in their countries of origin. The Conference of the Parties believes that any difficulties that arise with respect to the adoption of stricter domestic measures can be resolved by mutual consultation and co-operation and recommends that:

- a) each Party intending to take stricter domestic measures pursuant to Article XIV, paragraph 1, of the Convention regarding trade in specimens of non-indigenous species included in the appendices make every reasonable effort to notify the range States of the species concerned at as early a stage as possible prior to the

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adoption of such measures, and consult with those range States that express a wish to confer on the matter; and

- b) each Party that has taken such stricter domestic measures for non-indigenous species prior to the adoption of this Resolution consult, if requested, on the appropriateness of such measures with range States of the species concerned.

Resolution Conf. 12.3, under section I, paragraph m, recommends that each Party inform the other Parties, direct or through the Secretariat, of any stricter internal measures it has taken under Article XIV, paragraph 1(a), of the Convention, and that, when a Party is informed of this, it refrain from issuing permits and certificates that run counter to these measures. This recommendation was also contained in paragraph q) of Resolution Conf. 8.5 which was based on paragraph f) of Resolution Conf. 3.6, which recommended Parties to communicate to the Secretariat information relating to stricter domestic measures in accordance with Article XIV, paragraph 1 (a), of the Convention, which may affect the legality of imports, exports or re-exports. It requested the Secretariat to disseminate that information to other Parties with a view to ensuring effective implementation in the context of Article XIII of the Convention. Several Parties experienced difficulties in following up Resolution Conf. 3.6.

Secretariat notifications about export prohibitions for example proved to have insufficient inherent probative value before courts of law in importing countries. Having a copy of relevant measures and other authenticating information was believed to ameliorate this situation, for which reason **Resolution Conf. 4.22** recommends that:

- a) Parties informing the Secretariat of the existence, adoption or amendment of stricter domestic measures provide the Secretariat with a copy of the laws, regulations, decrees, and other documents establishing such measures, any interpretation and other information which may be of assistance in understanding such measures, citations to such laws, regulations, decrees, and other documents, and the name, address and telephone/telex number of the government organization and official responsible for implementing such measures; and
- b) Parties informing the Secretariat of the invalidity, deficiency or special requirements of permits and certificates do so in a signed writing containing the name, address and telephone/telex number of the government agency and official responsible for granting the relevant permits and certificates.

The Secretariat is requested to attach copies of the information submitted by the Parties mentioned in paragraphs a) and b) to the relevant notifications it circulates to the Parties.

Resolution Conf. 10.13 on the implementation of the Convention for timber species recommends that:

- h) Parties consider any possible deleterious conservation and trade impacts before they impose stricter domestic measures on trade in timber specimens of species included in Appendix II or III.

Other conventions, treaties and agreements

Article XIV:

- 2. The provisions of the present Convention shall in no way affect the provisions of any domestic measures or the obligations of Parties deriving from any treaty, convention, or international agreement relating to other aspects of trade, taking possession, or transport of specimens which is in force or subsequently may enter into force for any Party including any measure pertaining to the customs, public health, veterinary or plant quarantine fields.***

Paragraph 2 of Article XIV confirms that the Convention shall not affect domestic measures taken or to be taken by Parties for other than conservation purposes, such as those pertaining to the customs, public health, veterinary or plant quarantine fields.

The Convention further does not affect measures in these fields taken or to be taken by Parties under obligations deriving from treaties, conventions or international agreements.

The Convention on Biological Diversity

A Convention that was concluded more recently and that is of direct relevance to the aims of CITES, is the Convention on Biological Diversity. At its tenth meeting, the Conference of the Parties adopted **Resolution Conf. 10.4 on Co-operation and Synergy with the Convention on Biological Diversity**. In its turn, Decision III/21 of the Conference of the Parties to the Convention on Biological Diversity invites "the governing bodies of biological-diversity-related conventions to consider the possible contributions of those conventions to the implementation of the objectives of the Convention on Biological Diversity, and to share experience with the Conference of the Parties on, inter alia, successful management practices". That Decision also endorses the Memorandum of Understanding between the CITES Secretariat and the Secretariat of the Convention on Biological Diversity. The Conference of the Parties to the Convention on Biological Diversity had also invited "contracting Parties to relevant biological diversity-related conventions to explore opportunities for accessing funding through the Global Environment Facility for relevant projects involving a number of countries, which fulfil the eligibility criteria and guidance provided by the Conference of the Parties to the Convention on Biological Diversity to the Global Environment Facility"

Resolution Conf. 10.4 refers to these events and expresses appreciation for the co-operation and cordial relationship that has been developed between the two Secretariats. It recalls Chapter 38 of Agenda 21 and welcomes decision 19/9c of the Governing Council of UNEP which "recognizes the importance of the Programme's role in promoting and supporting co-operation and co-ordination with and amongst environmental agreements and their secretariats" and "requests the Conference of the Parties of the relevant conventions to encourage their respective convention secretariats to engage and continue to participate actively in the coordination process".

The Resolution notes the proposal to explore the revival of the Ecosystem Conservation Group, which would meet within the context of UNEP's meetings on coordination of Secretariats of environmental conventions. It recognizes that UNEP should undertake such tasks in full co-operation with the Conference of the Parties. The operative part of **Resolution Conf. 10.4** calls upon the CITES Secretariat and the Secretariat of the Convention on Biological Diversity to co-ordinate their programme activities particularly through the UNEP co-ordination meetings. It suggests that Parties, as appropriate to their national circumstances and to encourage synergy, take measures to achieve co-ordination and reduce duplication of activities between their national authorities for each Convention. It, in its turn, calls upon Parties to explore opportunities for obtaining funding through the Global Environment Facility for relevant projects, including multilateral projects, which fulfil the eligibility criteria and guidance provided by the Conference of the Parties to the Convention on Biological Diversity to the Global Environment Facility. It recommends that the Secretariat investigate opportunities whereby CITES can become a partner in the implementation of appropriate provisions of the Convention on Biological Diversity.

The Resolution invites the Conference of the Parties to the Convention on Biological Diversity, at its fourth meeting, to consider further modalities for enhancing co-operation and synergy between the two Conventions, to be considered at the 11th meeting of the Conference of the Parties to CITES.

The Resolution finally directs the Chairman of the Standing Committee to transmit to the Conference of the Parties to the Convention on Biological Diversity this and other relevant Resolutions and Decisions adopted at the 10th and all future meetings of the Conference of the Parties.

The 11th meeting of the Conference of the Parties endorsed a series of practical proposals from the Secretariat with regard to cooperation and applied synergy with the Convention on Biological Diversity and other biodiversity-related Conventions (Document Doc. 11.12.3).

The Convention on the Conservation of Migratory Species of Wild Animals (CMS)

Decision 12.5 directs the Standing Committee to keep under regular review the Memorandum of Understanding concluded between the Secretariats of CITES and CMS on 18 September 2002, in particular with a view to:

- a) seeking reports from the CITES Secretariat on steps taken to implement a more detailed work programme to be developed jointly with CMS in early 2003; and
- b) ensuring that CITES initiatives in respect of the following species or taxonomic groups complement, reinforce and, as far as possible, benefit from the regional collaboration already being undertaken or envisaged in the framework of CMS:
 - i) saiga antelope (*Saiga tatarica*), snow leopard (*Uncia uncia*) and west and central African populations of African elephants (*Loxodonta africana*);
 - ii) marine turtles of the Atlantic coast of Africa, the Indian Ocean / Southeast Asia, and the Pacific Ocean;

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- iii) the whale shark (*Rhincodon typus*) of South and Southeast Asia; as well as the great white shark (*Carcharodon carcharias*); and
- iii) sturgeons (Acipenseriformes).

Decision 12.6 instructs the Secretariat to, in keeping with the spirit of the Memorandum of Understanding concluded between the Secretariats of CITES and CMS on 18 September 2002 to extend invitations to CMS and its related Agreements to participate in meetings pertaining to species and issues of common concern.

The Commission for the Conservation of Antarctic Marine Living Resources

With **Resolution Conf. 12.4**, the Conference of the Parties recognizes that international cooperation is essential for the protection of certain species of wild fauna and flora and prevention of overexploitation and other adverse effects that can be caused by international trade. It points out the importance of oceans for the earth's ecosystem and of the obligation of all States to protect and preserve the marine environment and its resources.

The Conference of the Parties further recognizes that several organizations and regional agreements in the field of fisheries are adopting conservation measures that include guidelines for the certification of the origin of capture for species whose recovery and sustainable use they wish to promote and that for the success of these efforts it is important that all States, including those that are not members of or parties to those organizations or agreements, cooperate with these conservation measures and implement them. The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) has adopted an action plan that includes, together with measures for preventing and eliminating excessive fishing, others aimed at ensuring transparency of international trade in the species that it regulates, especially the Patagonian tooth fish and Antarctic tooth fish (*Dissostichus* spp.) in order that that trade does not affect the sustainable development of fishing nor the responsible use of Antarctic marine living resources. It is noted that CCAMLR promotes cooperation with specific organizations and with any other organization that contributes to the work of that Commission and its Scientific Committee in aspects related to the protection of the Antarctic marine ecosystem.

The Conference of the Parties expresses concern that illicit, unregulated and unreported fishing activities threaten to harm the populations of several fish species, including those of the Patagonian tooth fish and Antarctic tooth fish, and urges all countries to cooperate with international efforts to eradicate illicit, unregulated and unreported fishing.

It takes note that CCAMLR has established regulations on commercial exploitation of all Antarctic marine living resources, especially the Patagonian tooth fish and Antarctic tooth fish, for all member States in order to prevent fishing from reaching levels of overexploitation and that, at its 21st meeting, it urged CITES Parties to require a document under the CCAMLR Catch Documentation Scheme for all tooth fish imports as well as agreeing that further cooperation with CITES would be welcome.

The Conference of the Parties also recognized the need for CCAMLR and CITES to cooperate closely, both for the exchange of information concerning international trade in products of the Patagonian tooth fish and Antarctic tooth fish, and in their efforts to ensure that international trade in these species is carried out with the utmost legality, rigour and transparency.

Concerned that illicit international trade in specimens of species regulated by CCAMLR undermines the effectiveness of CCAMLR and the principles of CITES, the Conference of the Parties urges the Parties to CITES to use all measures within their power to ensure that ships flying their flag are not used to undermine conservation measures adopted by CCAMLR or adopted voluntarily outside the scope of that Convention by countries in whose jurisdictional waters specimens of *Dissostichus* spp. are captured.

With regard to international trade in tooth fish

The Conference of the Parties recommends that, regarding these species, the Parties adopt the *Dissostichus* Catch Document used by CCAMLR for *Dissostichus* spp. and implement requirements for verification in all cases where specimens of these species are introduced into or exported from or transit through the territory under their jurisdiction.

With regard to illicit trade in tooth fish products

The Conference of the Parties welcomes with satisfaction the work of CCAMLR in combating illicit, unregulated and unreported fishing and urges the Parties to CITES to study carefully the question of trade in specimens of Patagonian tooth fish and Antarctic tooth fish, especially their geographic origin, and to cooperate with the Secretariat of CCAMLR in gathering information in this regard.

It encourages CCAMLR to maintain a permanent flow of information to the Parties to CITES through the Conference of the Parties and requests that the Secretariat in turn transmit to the Secretariat of CCAMLR any information available on illicit trade in these species.

The Conference of the Parties invites all interested countries, the United Nations Food and Agriculture Organization (FAO) and other intergovernmental or international organizations active in this field to cooperate in efforts to prevent illicit trade in these species and transmit any relevant information to the Secretariat of CCAMLR.

With regard to adherence to the Convention for the Conservation of Antarctic Marine Living Resources

The Conference of the Parties recommends to the Parties that capture tooth fish or that trade in tooth fish products, and which have not yet done so, to adhere to the Convention for the Conservation of Antarctic Marine Living Resources and, in any case, to cooperate voluntarily with its conservation measures.

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The 12th meeting of the Conference of the Parties also adopted the following Decisions on the issue:

Decision 12.57:

Parties should, by the end of 2003, report to the Secretariat their use of the *Dissostichus* Catch Document used by CCAMLR, and their verification requirements for such Catch Documents.

Decision 12.58:

The Secretariat shall compile the information on the use of and verification requirements for *Dissostichus* Catch Documents provided by Parties and send this information to CITES Parties and to CCAMLR yearly, and report on this at the 13th meeting of the Conference of the Parties.

Decision 12.59:

The Secretariat shall invite CCAMLR to consider, at its 22nd Commission meeting, how further cooperation between CITES and CCAMLR could be progressed.

The Food and Agriculture Organization of the United Nations (FAO)

Decision 12.7 concerns the establishment of a Memorandum of Understanding between CITES and the Food and Agriculture Organization of the United Nations (FAO).

It provides that, on the basis of the Conference of the Parties' recognition of the primary role of FAO and regional fisheries management organizations in fisheries management and the role of CITES in regulating international trade, the Standing Committee shall work with FAO in the drafting of a Memorandum of Understanding between CITES and FAO, to establish a framework for cooperation, to be presented in draft form for consideration at the 25th meeting (February 2003) of COFI and, if possible, the 49th meeting of the Standing Committee.

The following terms of reference should guide the Standing Committee in carrying out this work:

- a) elaborate provisions regarding future FAO involvement in the scientific evaluation of proposals for including exploited aquatic species in the Appendices or for down listing them (see Appendix F of the Report of COFI: FTVIII);
- b) cooperate with respect to capacity building in developing countries, in particular efforts centred on fisheries law enforcement activities of mutual interest;
- c) append to the MoU annexes consisting of work plans listing issues of common interest to both organizations, including those found in Appendix F of the Report of COFI: FTVIII; and
- d) report on work completed under the MoU at each meeting of the Conference of the Parties to CITES and the FAO Committee on Fisheries.

Quito declaration

Decision 11.170 instructs the Secretariat to:

- a) identify a coordinating mechanism to work jointly with UNEP/ROLAC and other multilateral environmental agreements to implement the Quito Declaration; and
- b) identify financial resources for the purpose of implementing the actions that derive from the Quito Declaration, especially those referring to:
 - i) organization of regional meetings, at least one regional meeting before each meeting of the Conference of the Parties; and
 - ii) support for the different activities to be carried out by the regional representatives regarding CITES implementation.

For the text of the Quito declaration, please consult the CITES website.

Regional trade agreements

Article XIV:

3. *The provisions of the present Convention shall in no way affect the provisions of, or the obligations deriving from, any treaty, convention or international agreement concluded or which may be concluded between States creating a union or regional trade agreement establishing or maintaining a common external customs control and removing customs control between the parties thereto in so far as they relate to trade among the States members of that union agreement.*

Where customs controls between the members of a customs union have been removed and replaced by a common external customs control or where countries have created a single market, the Convention's provisions with regard to the control of permits and certificates cannot be implemented between them. In the absence of CITES documents it is also impossible to report on internal trade.

Resolution Conf. 11.17 (Rev. CoP12) nevertheless repeats the recommendation of **Resolutions 9.4 (Rev.)** and its predecessor **Conf. 5.5** that each Party to the Convention, if a member of a regional trade agreement within the meaning of Article XIV.3, include in its annual reports information on trade in specimens of species included in Appendices-I, -II and -III with other member States of that regional trade agreement, unless the record-keeping and reporting duties of Article VIII are in direct and irreconcilable conflict with the provisions of the regional trade agreement. An amendment to Article XXI of the Convention will, after its entry into force, allow regional economic integration organizations to accede to the Convention (see **Chapter 25**).

Special treatment of marine species

Article XIV:

4. *A State Party to the present Convention, which is also a Party to any other treaty, convention or international agreement which is in force at the time of the coming into force of the present Convention and under the provisions of which protection is afforded to marine species included in Appendix II, shall be relieved of the obligation imposed on it under the provisions of the present Convention with respect to trade in specimens of species included in Appendix II that are taken by ships registered in that State and in accordance with the provisions of such other treaty, convention or international agreement.*
5. *Notwithstanding the provisions of Articles III, IV and V, any export of a specimen taken in accordance with paragraph 4 of this Article shall only require a certificate from a Management Authority of the State of introduction to the effect that the specimen was taken in accordance with the provisions of the other treaty, convention or international agreement in question.*

Article XIV.4 relieves CITES Parties which are also Parties to an international agreement affording protection to Appendix II marine species, of the obligations related to trade in specimens of Appendix-II species that are taken by ships registered in those Parties and in accordance with such other international agreement. The exemption only refers to agreements in force at the time of the coming into force of CITES.

Article XIV.5 extends the exemption of Article XIV.4 with regard to the introduction from the sea to the export of specimens taken in accordance with Article XIV.4. The export permit, normally required under Article IV.2 is replaced by a certificate to the effect that the specimens were taken in accordance with the provisions of the other international agreement.

For recommendations of the Conference of the Parties concerning the trade in whale products, see **Chapter 15**.

Article XIV.5 contains one of the mistakes already identified in 1976, when Resolution Conf. 1.5 invited the Secretariat to take note of them and it recommended that they be put on the agenda of the first extraordinary meeting of the Conference of the Parties for amendment. Instead of 'Notwithstanding the provisions of Articles III, IV and V ...', Article XIV, paragraph 5 should read 'Notwithstanding the provisions of Article IV ...', as Article XIV.4 only refers to specimens of Appendix-II species. At the ninth meeting of the Conference of the Parties it was decided (Decision 10.94) to put a proposal for a relevant amendment of the Convention on the agenda of the next extraordinary meeting of the Conference of the Parties, whenever this may be convened.

Law of the sea

Article XIV:

6. *Nothing in the present Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to resolution 2750 C (XXV) of the General Assembly of the United Nations nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction.*

This provision is of relevance to the introduction of specimens from the sea as defined in Article I (e).

Chapter 23 - Procedures for amending the Appendices

Amendments to Appendices I and II

Article XV lays down the procedures for amendments to Appendices I and II *at* meetings of the Conference of the Parties (paragraph 1) and *between* such meetings (paragraph 2). The criteria for the determination of what species are to be listed in what Appendix are contained in **Resolution Conf. 9.24 (Rev. CoP12)** (see **Chapter 4**).

1. *The following provisions shall apply in relation to amendments to Appendices I and II at meetings of the conference of the Parties:*

(a) Any Party may propose an amendment to Appendix I or II for consideration at the next meeting. The text of the proposed amendment shall be communicated to the Secretariat at least 150 days before the meeting.

The Secretariat shall consult the other Parties and interested bodies on the amendments in accordance with the provisions of subparagraphs (b) and (c) of paragraph 2 of this Article and shall communicate the response to all Parties not later than 30 days before the meeting.

Proposals

After the adoption of the Bern criteria for amendments to the Appendices, the development of a standard format for the compilation and submission of the required scientific, trade and other data was a logical step. The 1977 Special Working Session of the Conference of the Parties adopted such a format for proposals to amend Appendices I and II with **Recommendation Conf. S.S. 1.6**, which was confirmed in 1979 by the adoption of **Resolution Conf. 2.17**. The format concerned was replaced by the one contained in **Annex 6 to Resolution Conf. 9.24 (Rev. CoP12)** (see **Chapter 4**).

At the fifth meeting of the Conference of the Parties it was agreed that 'the text of the proposed amendment' is to include the substantially complete supporting statement accompanying it. This is now in **Resolution Conf. 4.6 (Rev. CoP12)**:

The term "the text of the proposed amendment" in Article XV, paragraph 1, of the Convention includes the substantially complete supporting statement accompanying it, and this interpretation is extended to certain amendment proposals, draft resolutions and other documents submitted for consideration at meetings of the Conference

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of the Parties, for which deadlines for submission are established under Resolutions of the Conference.

The Secretariat was thus given the possibility to recommend the rejection of amendment proposals if the substantially complete supporting statements were not submitted within the deadlines.

It is important to note that **Resolution Conf. 11.19** exhorts Parties having successfully submitted proposals to include new species in the Appendices, to provide appropriate data for inclusion in the Identification Manual within one year after acceptance of such additions.

With regard to amendment proposals for timber species, **Resolution Conf. 10.13** recommends that:

- e) proposals for the inclusion of timber species in Appendix II or III indicate clearly which parts and derivatives should be regulated; and
- f) where these parts and derivatives are not logs, sawn wood and veneer sheets, the proponent also propose the relevant amendment to **Resolution Conf. 12.3** if the procedures for extending the period of validity of, and/or changing the destination on, the export permit or re-export certificate should apply.

Deadlines for proposals

Resolution Conf. 8.21 makes the deadline for the submission of proposals dependent upon whether or not range states were consulted: **150 days in case of consultation and 330 days in case of non-consultation**. Proposals for the transfer of a population from Appendix I to Appendix II under **Resolution Conf. 11.16** on **ranching** (see **Chapter 26**) must be submitted to the Secretariat at least **330** days before a meeting of the Conference of the Parties. Paragraph (e) of the Resolution concerned recommends that in order to be discussed at the next meeting of the Conference of the Parties any proposal for amendment of the Appendices pursuant to this Resolution be received by the Secretariat at least 330 days before that meeting; the Secretariat will consult with the Standing Committee in seeking such appropriate scientific and technical advice to verify that the criteria have been met; if in the opinion of the Secretariat further information concerning the criteria is required, the Secretariat shall request information from the proposing Party within 150 days after receipt; thereafter the Secretariat shall communicate with the Parties in accordance with Article XV of the Convention.

The role of the Secretariat

Subparagraph 1.(a) of Article XV provides that the Secretariat shall consult the other Parties and interested bodies on the amendment in accordance with the provisions of Article XV, subparagraphs 2 (b) and (c). The fact that a number of important procedural provisions concerning amendments to the Appendices *at* meetings are only to be found through a reference to the provisions concerning the much less frequent

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amendments *between* meetings is somewhat awkward. It would have been better to spell them out in paragraph 1(a).

The 'interested bodies' in XV.1.(a) are according to XV.2.(b) and (c): intergovernmental bodies having a function in relation to marine species. The Secretariat must communicate the response of the Parties and interested bodies to all Parties not later than 30 days before the meeting. That communication shall also contain the Secretariat's own findings and recommendations.

Resolution Conf. 12.11 recommends in paragraph e) that upon receiving proposals to amend the Appendices to the Convention, the Secretariat seek, where appropriate, the advice of the Nomenclature Committee on the correct names to use for the species or other taxa in question (ex Resolution Conf. 4.23).

See **Resolution Conf. 11.16** above for the role of the Secretariat with regard to ranching proposals.

Resolution Conf. 5.20 contains guidelines for the Secretariat when making recommendations in accordance with Article XV:

- a) where appropriate, references shall be cited in the text of recommendations so that specific data can be traced to a source;
- b) citations shall be given in accordance with a recognized scientific standard for such citations;
- c) data in unpublished form may be used and referred to, provided the source is indicated. If the information is classified as confidential, the fact must be stated;
- d) if the species has been listed previously or proposed for listing or delisting, a brief history of such listing or proposals and their treatment under CITES may be included in the recommendations;
- e) if applicable, reference should be made to any existing Resolutions affecting the proposals or to any draft resolutions that have been tabled and await consideration by the Parties;
- f) additional biological and/or trade data may be requested from the proposing and/or range states or from any other source to confirm or dispute other available data; and
- g) as far as possible, the Secretariat recommendations should be based on as wide a range of information as it can obtain recognizing that such information should not be limited to scientific data.

The Secretariat is urged to continue to endeavour to provide recommendations with the main objective of furthering the principles and effective implementation of the Convention.

Adoption

Article XV.1:

- (b) Amendments shall be adopted by a two-thirds majority of Parties present and voting. For these purposes 'Parties present and voting' means Parties present and casting an affirmative or negative vote. Parties abstaining from voting shall not be counted among the two-thirds required for adopting an amendment.***

Subparagraph 1.(b) of Article XV provides that amendments shall be adopted by a two-thirds majority of parties present and voting, which means parties present and casting an affirmative or negative vote. Parties abstaining from voting are not counted.

This provision implies that amendments could for example be adopted by 2 votes to 1 and 157 abstentions.

The Rules of Procedure for meetings of the Conference of the Parties provide for a quorum. A quorum for the plenary session of the meeting of the Conference of the Parties and of meetings of Committee I and II shall consist of one-half of the Representatives of Parties having delegations at the meeting. In the absence of a quorum no decisions can be taken.

Entry into force

Article XV.1:

- (c) Amendments adopted at a meeting shall enter into force 90 days after that meeting for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.***

This provision serves two purposes:

- 1) It gives the Parties a reasonable period of time to adapt their implementation legislation and
- 2) It allows Parties that do not agree to the amendment to enter a reservation in accordance with Article XV (3).

Withdrawal of proposals

Proposing amendments is properly addressed, but not their withdrawal.

At the third meeting of the Conference of the Parties a number of proposals for amendments to the Appendices were withdrawn. The question was raised whether another Party was allowed to take over such proposals so that they would not be withdrawn from consideration.

The Chairman ruled that pursuant to Article XV of the Convention, any proposal to amend the Appendices must be made at least 150 days prior to the meeting and that this precluded a second Party from reviving at the same meeting a proposal withdrawn by the proposing Party.

The matter was put to a vote and the Conference decided that a Party is allowed to withdraw a proposal for amendment of the Appendices and approved the ruling of the Chairman that a proposal having been withdrawn by the proposing Party cannot be brought up again by another Party at the same meeting. At the fourth meeting of the Conference of the Parties, it was therefore agreed to include a recommendation in the summary record of the meeting that if a Party becomes aware that another Party is considering a proposal it would itself wish to make, it should approach the other Party with a view to making a joint proposal or it proceed with its own irrespective of the action of the other Party.

Postal procedures

The fact that meetings of the Conference of the Parties normally only take place every two years makes it necessary to provide for the possibility to adopt urgently required amendments between two subsequent meetings.

Paragraph 2 of Article XV therefore contains the following procedure:

The following provisions shall apply in relation to amendments to Appendices I and II between meetings of the conference of the Parties:

- (a) Any Party may propose an amendment to Appendix I or II for consideration between meetings by the postal procedures set forth in this paragraph.***
- (b) For marine species, the Secretariat shall, upon receiving the text of the proposed amendment, immediately communicate it to the Parties. It shall also consult inter-governmental bodies having a function in relation to those species especially with a view to obtaining scientific data these bodies may be able to provide and to ensuring coordination with any conservation measures enforced by such bodies. The Secretariat shall communicate the views expressed and data provided by these bodies and its own findings and recommendations to the Parties as soon as possible.***

Resolution Conf. 11.4 (Rev. CoP12) (ex Resolution Conf. 2.7 (Rev.)) on the relationship with the International Whaling Commission, considers that, for marine species, Article XV, paragraph 2(b), of the Convention requires the Secretariat to consult inter-governmental bodies having a function in relation to those species. It notes that, in accordance with the recommendations of the special working session of the Conference of the Parties (Geneva, 1977), the Secretariat has requested and obtained observer status, and adviser status for trade matters, at meetings of the IWC and at meetings of the Scientific Committee of the IWC. It notes further that the IWC has requested and obtained observer status at meetings of the Conference of the Parties.

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The Resolution recommends that those Parties which do not currently adhere to the International Convention for the Regulation of Whaling be encouraged to do so.

Paragraph (b) of Article XV.2 is yet another example of how the text of the Convention was influenced by conventions (fisheries, whaling) that already existed in 1973. The provisions of paragraph (b) do not take account of *future* international conventions for the conservation of species and should therefore have been much more general.

- (c) *For species other than marine species, the Secretariat shall, upon receiving the text of the proposed amendment, immediately communicate it to the Parties and, as soon as possible thereafter, its own recommendations.***
- (d) *Any Party may, within 60 days of the date on which the Secretariat communicated its recommendations to the Parties, under subparagraphs (b) or (c) of this paragraph, transmit to the Secretariat any comments on the proposed amendment together with any relevant scientific data and information.***
- (e) *The Secretariat shall communicate the replies received together with its own recommendations to the Parties as soon as possible.***
- (f) *If no objection to the proposed amendment is received by the Secretariat within 30 days of the date the replies and recommendations were communicated under the provisions of subparagraph (e) of this paragraph, the amendment shall enter into force 90 days later for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.***
- (g) *If an objection by any Party is received by the Secretariat, the proposed amendment shall be submitted to a postal vote in accordance with the provisions of subparagraphs (h), (i) and (j) of this paragraph.***
- (h) *The Secretariat shall notify the Parties that notification of objection has been received.***
- (i) *Unless the Secretariat receives the votes for, against or in abstention from at least one-half of the Parties within 60 days of the date of notification under subparagraph (h) of this paragraph, the proposed amendment shall be referred to the next meeting of the conference for further consideration.***
- (j) *Provided that votes are received from one-half of the Parties, the amendment shall be adopted by a two-thirds majority of Parties casting an affirmative or negative vote.***
- (k) *The Secretariat shall notify all Parties of the result of the vote.***
- (l) *If the proposed amendment is adopted it shall enter into force 90 days after the date of the notification by the Secretariat of its acceptance for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.***

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The postal procedure concerned is thus as follows:

- 1) Any Party may propose an amendment (paragraph a). The criteria and format for proposals are contained in **Resolution Conf. 9.24 (Rev. CoP12)**.
- 2) The Secretariat communicates the proposal to the Parties immediately upon receipt and, as soon as possible thereafter, its own recommendations (paragraph c). Guidelines for these recommendations are given in **Resolution Conf. 5.20**. For marine species, the Secretariat is required to also consult intergovernmental bodies having a function in relation to those species (paragraph b).
- 3) Any Party may, within 60 days of the date of the Secretariat's recommendations referred to in 2, transmit comments on the proposal to the Secretariat together with relevant scientific data and information (paragraph d).
- 4) The Secretariat communicates the replies received and its own recommendations (which may be different from those referred to in 2 in the light of the additional information received) to the Parties as soon as possible (paragraph e).
- 5) Then there are two possibilities:
 - a) The Secretariat receives no objection to the proposed amendment within 30 days of the communication under 4, and the amendment enters into force 90 days later (paragraph 7) (see, however, Article XV.3). Although this is not provided for, the Secretariat informs the Parties of the fact that no objections were received and confirms the date of entry into force of the amendment (= 30 days plus 90 days after the communication referred to in 4).
 - b) An objection is received by the Secretariat within 30 days and the proposal is submitted to a postal vote (paragraph g). In the case of 5 b) above, the following procedure applies:
- 6) The Secretariat notifies Parties of the received objection (paragraph h).
- 7) At least one-half of the Parties must, within 60 days of the date of the notification under 6, send their vote for, against or in abstention to the Secretariat, otherwise the proposal is referred to the next meeting of the Conference of the Parties (paragraph i).
- 8) If at least one-half of the Parties has voted, the amendment shall be adopted by a two-thirds majority of Parties casting an affirmative or negative vote (paragraph j).
- 9) The Secretariat notifies the Parties of the result (paragraph k).
- 10) If adopted, the amendment enters into force 90 days after the notification under 9 (paragraph l), (see, however, Article XV.3).

Reservations

Article XV.3:

During the period of 90 days provided for in subparagraph (e) of paragraph 1 or subparagraph (l) of paragraph 2 of this Article, any Party may, by notification in writing to the depositary government, make a reservation with respect to the amendment. Until such reservation is withdrawn, the Party shall be treated as a State not Party to the present Convention with respect to trade in the species concerned.

As a Party may not agree to an adopted amendment, it has the possibility to notify the depositary government (Switzerland) that it makes a reservation with respect to the amendment. For entering such a reservation Parties have a period of 90 days from the date of adoption. It is clear that reservations should only concern the inclusion of a new species in one of the Appendices or an uplisting of a species. Parties who do not agree to the downlisting or deletion of a species may want to adopt stricter domestic measures under Article XIV.

Resolution Conf. 1.5 (Rev.) more or less repeated the last phrase of Article XV.3 by recommending that any species or any parts or derivatives subject to a reservation (Article XXIII) by any Party must be treated by other Parties as if coming from a State not Party to the Convention (Article X). The provision that Parties having made a reservation for a species shall be treated as States not Party to the Convention with respect to trade in the species concerned is not in all circumstances satisfactory. In the case of the transfer of a species from Appendix II to Appendix I a Party may not agree to that decision but, if it already implemented the Convention with respect to a species during its Appendix II status, there is of course no reason to afford it lesser protection because of its transfer by the Parties to Appendix I.

Resolution Conf. 4.25 therefore recommends that:

- a) that any Party having entered a reservation with regard to the transfer from Appendix II to Appendix I of a species continue to treat that species as if it remained in Appendix II for all purposes, including documentation and control; and
- b) that, by analogy, any Party having entered a reservation with regard to any species listed in Appendix I treat that species as if it were listed in Appendix II for all purposes, including documentation and control.

The reservation referred to in b) can either be with regard to the inclusion of a new species in Appendix I or a reservation entered under Article XXIII by a Party with respect to Appendix-I listings at the time of its accession.

The Resolution calls on Parties having entered reservations nevertheless to maintain and communicate statistical records on trade in the species concerned, as part of their annual reports, so that international trade in these species may be properly monitored.

Resolution Conf. 11.3 on compliance and enforcement mentions that reservations made by importing countries allow loopholes through which specimens illegally ac-

Chapter 23 - Procedures for amending the Appendices

quired in the countries of origin can find legal markets without any control whatsoever (ex Resolution Conf. 6.3).

It observes that some importing countries that maintain reservations refuse to take into consideration the recommendations of the Conference of the Parties in **Resolution Conf. 4.25**, weakening in that way the conservation policies of producing countries that wish to protect their wildlife resources. It considers that it is essential for the success of the Convention that all Parties implement and comply effectively with all the regulations established by the Convention and that the countries which import these illegally obtained resources are directly responsible for encouraging illegal trade worldwide, and in this way the natural heritage of producing countries is damaged.

It therefore urges all Parties to strengthen, as soon as possible, the controls on trade in wildlife in the territories under their jurisdiction and in particular controls on shipments from producer countries, including neighbouring countries, and to strictly verify the documents originating from such countries with the respective Management Authorities.

Annex 4 to **Resolution Conf. 9.24 (Rev. CoP12)** provides that no proposal for transfer of species from Appendix I to II shall be considered from a Party that has entered a reservation for the species in question, unless that Party agrees to remove the reservation within 90 days of the adoption of the amendment. Articles XV.3 and XXIII.3 provide that reservations can be withdrawn. It is obvious that such a withdrawal should be notified to the depositary government and should indicate from which date onwards the Party concerned will apply the provisions relating to the species' listing in the Appendices.

Amendments to Appendix III

Article XVI concerns the listing of species in Appendix III and amendments thereto:

- 1. Any Party may at any time submit to the Secretariat a list of species which it identifies as being subject to regulation within its jurisdiction for the purpose mentioned in Article II (3). Appendix III shall include the names of the Parties submitting the species for inclusion therein, the scientific names of the species so submitted), and any parts or derivatives of the animals or plants concerned that are specified in relation to the species for the purposes of Article I (b).**
- 2. Each list submitted under the provisions of paragraph 1 of this Article shall be communicated to the Parties by the Secretariat as soon as possible after receiving it. The list shall take effect as part of Appendix III 90 days after the date of such communication. At any time after the communication of such list, any Party may by notification in writing to the depositary government enter a reservation with respect to any species or any parts or derivatives, and until such reservation is withdrawn, the State shall be treated as a State not a Party to the present Convention with respect to trade in the species or part or derivative concerned.**

- 3. A Party which has submitted a species for inclusion in Appendix III may withdraw it at any time by notification to the Secretariat which shall communicate the withdrawal to all Parties. The withdrawal shall take effect 30 days after the date of such communication.**

- 4. Any Party submitting a list under the provisions of paragraph 1 of this Article shall submit to the Secretariat a copy of all domestic laws and regulations applicable to the protection of such species, together with any interpretations which the Party may deem appropriate or the Secretariat may request. The Party shall, for as long as the species in question is included in Appendix III, submit any amendment of such laws and regulations or any new interpretations as they are adopted.**

For the listing criteria, see **Chapter 6**.

With **Resolution Conf. 9.25 (Rev.)** the Secretariat is directed to publish the changed Appendices I, II and III together after each meeting of the Conference of the Parties, or at other times when warranted (ex Resolution Conf. 715). Before communicating to Parties the inclusion of a species in Appendix III, the Secretariat is to ensure that copies of all relevant national laws and regulations have been received from the Party concerned in accordance with paragraph 4 of Article XVI (ex Resolution Conf. 1.5).

Paragraph 4 of Article XVI prescribes the submission of such documents to the Secretariat.

As in the case of amendments to Appendices I and II, the Parties are given 90 days to adapt their implementation legislation to the inclusion of species in Appendix III. They, however, only have 30 days to amend their legislation to the withdrawal of species from Appendix III. Such an amendment is of course necessary to avoid, for example, a situation in which documents from exporting countries continue to be required on importation.

The provisions concerning reservations with respect to Appendix-III listings are different from those of Articles XV and XXIII concerning Appendices I and II and amendments thereto:

- a) Reservations can be entered at any time after the notification of new species whereas for amendments to Appendices I and II they must be made within 90 days, and

- b) Reservations can also be entered with regard to parts and derivatives whereas in the case of Appendices I and II they can only concern the species as such.

Chapter 24 - Amendments to the Convention

Only at an extraordinary meeting of the Conference of the Parties

Article XVII lays down that procedure for amending the text of the Convention. This can only be done at an extraordinary meeting of the Conference of the Parties

- 1. An extraordinary meeting of the conference of the Parties shall be convened by the Secretariat on the written request of at least one-third of the Parties to consider and adopt amendments to the present Convention. Such amendments shall be adopted by a two-thirds majority of Parties present and voting. For these purposes 'Parties present and voting' means Parties present and casting an affirmative or negative vote. Parties abstaining from voting shall not be counted among the two-thirds required for adopting an amendment.***
- 2. The text of any proposed amendment shall be communicated by the Secretariat to all Parties at least 90 days before the meeting.***

The initiative of a Party (or Parties) to have an extraordinary meeting of the Conference of the Parties convened obviously requires careful planning. The Secretariat should be consulted at an early stage and be kept informed of developments throughout the entire process.

At least one-third of the Parties must not only be convinced of the need to consider an amendment to the text of the Convention, but must be made to support the request for an extraordinary meeting in writing. It is therefore advisable to invite all Parties to submit such a written request to the Secretariat. Parties should of course be provided with convincing reasons and sufficiently clear indications of how the Convention should be amended.

As in the case of the extraordinary meetings held so far, it is further advisable to combine extraordinary meetings with ordinary meetings or other events where the majority of the Parties is present. It is for financial reasons not likely that Parties will be ready to support a proposal for an extraordinary meeting if this is not combined with another meeting.

The timing of the subsequent steps should allow the Parties to carefully consider the proposal for an extraordinary meeting. They may require additional information from the proponent before supporting the request or want to make suggestions with regard to the envisaged amendment. The text of the proposed amendment should be submitted to the Secretariat in sufficient time to enable it to communicate it, in the three

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working languages (English, French and Spanish), to all Parties 90 days before the extraordinary meeting (paragraph 2).

The voting procedures for the adoption of an amendment to the text of the Convention are identical to those for the adoption of amendments to Appendices I and II at meetings of the Conference of the Parties, see Article XV.1.(b).

Resolution Conf. 1.5 (Rev.) recommended that for the purpose of practical use, corrections of errors of an orthographical nature, of misprints and of other purely factual errors may be made by consensus agreement, but that changes in the text of the Convention must necessarily follow the amendment procedure provided for by the Convention.

At the ninth meeting of the Conference of the Parties, the Secretariat was instructed (Decision 9.26) that note shall be taken of the following proposals, which should be put on the agenda of the next extraordinary meeting of the Conference of the Parties, whenever this may be convened, as amendments to the Convention:

- a) the provisions of Article XVI, regarding the listing of Appendix-III parts and derivatives, should be brought into line with Convention procedures for Appendices I and II (Article XV);
- b) paragraph 5 of Article XIV should read: "Notwithstanding the provisions of Article IV, any export of a specimen" etc.;
- c) paragraphs 3(b) and 5(b) of Article III should include "either a Management Authority or a Scientific Authority of the State" etc.; and
- d) correction of errors of an orthographical nature discovered in the text of the Convention.

Entry into force

Article XVII:

3. *An amendment shall enter into force for the Parties which have accepted it 60 days after two-thirds of the Parties have deposited an instrument of acceptance of the amendment with the depositary government. Thereafter, the amendment shall enter into force for any other Party 60 days after that Party deposits its instrument of acceptance of the amendment.*

Amendments to the Appendices enter into force for *all* Parties 90 days after their adoption unless a reservation is made within that period. The situation with regard to amendments to the text of the Convention is far more complicated.

Parties have to deposit an instrument of acceptance of the amendment with the depositary government (Switzerland) and the amendment only enters into force *for the Parties which have accepted it* 60 days after two-thirds of the Parties have done so. For the remaining Parties the amendment does not enter into force until they have

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deposited their instrument of acceptance in which case the amendment enters into force, 60 days later, for them as well.

The system chosen for paragraph 3 gives rise to a number of questions, the most worrying of which are related to the situation in which certain amendments may be in force for certain parties and other amendments for other Parties. There have only been two amendments but as a result there can be four categories of Parties:

- 1) those having accepted both amendments,
- 2) those having accepted the amendment to Article XI only,
- 3) those having accepted the amendment to Article XXI only, and
- 4) those not having accepted any of the amendments.

It is not clear how for example this affects the position of regional economic integration organizations acceding to the Convention after the entry into force of the amendment to Article XXI. Will they not be recognized as a Party by those Parties not having accepted the amendment and with what consequences? Also in relation to the financial amendment to Article XI(3)(a) the provisions of paragraph 3 appear to be inadequate.

A second difficulty was identified during 1982 when certain Parties challenged the Secretariat's view that an amendment enters into force after its acceptance by two-thirds of the states which were a Party at the time of adoption of the amendment.

The United States of America, for example, held the view that an amendment only enters into force after acceptance by two-thirds of all Parties without regard to their status at the time of the adoption of the amendment.

With **Resolution Conf. 4.27** the Conference of the Parties adopted the Secretariat's view and recommended that the meaning of Article XVII, paragraph 3, of the Convention be interpreted in its narrow sense as to mean that the acceptance of two-thirds of the Parties at the time of adoption of an amendment is required for the coming into force of such amendment.

The reason for the adoption of this interpretation was to limit the number of Parties required for the coming into force of an amendment as the increasing number of Parties would constantly increase the number of Parties constituting a two-thirds majority.

It would in my view have been preferable to require acceptance by two-thirds of all Parties in combination with a decision that States acceding to the Convention after the adoption of an amendment, could only accede to it as amended.

Chapter 25 - Final Articles of the Convention

Resolution of disputes

Article XVIII concerns the *resolution of disputes*:

- 1. Any dispute which may arise between two or more Parties, with respect to the interpretation or application of the provisions of the present Convention, shall be subject to negotiation between the Parties involved in the dispute.**
- 2. If the dispute cannot be resolved in accordance with paragraph 1 of this Article, the Parties may, by mutual consent, submit the dispute to arbitration, in particular that of the Permanent Court of Arbitration at The Hague and the Parties submitting the dispute shall be bound by the arbitral decision.**

Disputes have so far always been settled between the Parties involved or, particularly where they concerned the interpretation of the Convention, by resolution of the Conference of the Parties.

Signature of the Convention

Article XIX establishes the deadline for *signature* of the Convention:

The present Convention shall be open for signature at Washington until 30 April 1973 and thereafter at Bern until 31 December 1974.

Ratification, acceptance and approval of the Convention

Article XX provides for *ratification, acceptance or approval* of the Convention by States having signed the Convention in accordance with Article XIX:

The present Convention shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of the Swiss Confederation which shall be the depositary government.

Accession to the Convention

Article XXI provides for the *accession* by States not having signed the Convention between 3 March and 30 April 1973 in Washington or between 1 May 1973 and 31 December 1974 in Bern:

The present Convention shall be open indefinitely for accession. Instruments of accession shall be deposited with the depositary government.

See, however, the amendment to this Article below.

Amendment to Article XXI of the Convention

The second extraordinary meeting of the Conference of the Parties, held in Gaborone, Botswana, on 30 April 1983, adopted an amendment to Article XXI in order to allow *accession to the Convention by regional economic integration organizations*. The amendment concerned will enter into force after 54 acceptances (2/3 of the 81 Parties at the time of the adoption of the amendment. In early 2003, 40 of the Parties concerned had accepted the amendment. Also see **Chapter 24**.

The amendment reads as follows:

[ARTICLE XXI]

Accession

The present Convention shall be open indefinitely for accession. Instruments of accession shall be deposited with the Depositary Government.

- 1. This Convention shall be open for accession by regional economic integration organizations constituted by sovereign States which have competence in respect of the negotiation, conclusion and implementation of international agreements in matters transferred to them by their Member States and covered by this Convention.***
- 2. In their instruments of accession, such organizations shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary of any substantial modification in the extent of their competence. Notifications by regional economic integration organizations concerning their competence with respect to matters governed by this Convention and modifications thereto shall be distributed to the Parties by the Depositary.***
- 3. In matters within their competence, such regional economic integration organizations shall exercise the rights and fulfil the obligations which this Convention attributes to their Member States, which are Parties to the Convention. In such cases the Member States of the organizations shall not be entitled to exercise such rights individually.***

Chapter 25- Final Articles of the Convention

So far, the only regional economic integration organization that meets the requirement of paragraph 1 is the European Union.

Resolution Conf. 6.5 (Rev.) requested that, in view of its abolition of internal border controls, it urgently establish full means of Community supervision of its legislation by means of an adequately staffed Community inspectorate and recommended that it monitor the movement of CITES specimens within and between Member States in accordance with the mechanisms foreseen in EEC Council Regulation No. 3626/82 and by use of existing forms available under Community legislation.

Resolution Conf. 8.2 (Rev.), amended at the 9th and repealed at the 12th meeting of the Conference of the Parties, referred to the fact that in 1993 the European Community terminated controls between member countries and that consequently any specimen that entered one of the countries of the Community was allowed free circulation within the Community. It considered that the Community was one of the most important regions with respect to trade in CITES species and that a weak implementation of the Convention opened this important market to the trade in CITES specimens of illegal origin. It further recognized that some Community countries did not have adequate national legislation to ensure the correct implementation of the Convention, particularly with regard to the requirements of Article VIII, and that some Community countries issued re-export certificates without taking the necessary measures to ascertain the validity of the documents issued by the countries of origin, and that the potential re-exports might legalize goods of illegal origin. This situation was considered serious both in general terms and in particular in the case of live animals and of reptile skins and parts thereof. The Resolution urged the Community Member States that are Parties to the Convention to complete the development of appropriate legislation and to increase substantially the allotment of resources required to ensure the enforcement of the Convention and to provide the international community the necessary assurance regarding compliance with the agreements in force. It further urged the Community Member State not Party to CITES (i.e. Ireland) to ratify the Convention as soon as possible.

Until the 9th meeting of the Conference of the Parties, Resolution Conf. 8.2 recommended that before accepting a re-export document covering live animals, or reptile skins and parts thereof, issued by a state member of the Community, Parties check with the Management Authority of the declared country of origin or with the Secretariat the validity of the export document and, in cases where the country of origin has been contacted directly, the Secretariat be notified immediately by the Management Authorities of the countries of origin and of import of the existence of any invalid documents. The Secretariat was requested to evaluate the efficiency of controls and their effective implementation with respect to CITES specimens that are either imported into or re-exported from the EEC, and report to the ninth meeting of the Conference of the Parties in the context of the review of alleged infractions. It recommended that Parties that had not yet done so accept the Gaborone amendment.

At the ninth meeting of the Conference of the Parties, the recommendations in the paragraph above were repealed on the basis of the Secretariat's report and the Secretariat was directed to write to the Parties which have not yet accepted the amendment to the text of the Convention adopted in Gaborone in 1983 to do so as soon as possible.

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Decision 12.1 urges all Parties that have not done so, and in particular those that were Parties on 30 April 1983, to accept the Gaborone Amendment to Article XXI of the Convention as soon as possible and well before the 13th meeting of the Conference of the Parties.

- 4. In the fields of their competence, regional economic integration organizations shall exercise their right to vote with a number of votes equal to the number of their Member States which are Parties to the Convention. Such organizations shall not exercise their right to vote if their Member States exercise theirs, and vice versa.**

Although paragraph 4 adds in fact nothing to the provisions of paragraph 3, it was added at the extraordinary meeting of the Conference of the Parties in order to spell out the situation with regard to voting rights. It limits the number of votes of regional economic integration organizations to the number of their Member States that are Parties to the Convention and prevents double voting by the organization and its Member States on the same issues.

- 5. Any reference to Party in the sense used in Article I (h) of this Convention, to State/States or to State Party/States Parties to the Convention shall be construed as including a reference to any regional economic integration organization having competence in respect of the negotiation, conclusion and application of international agreements in matters covered by this Convention.**

Paragraph 5 extends the definition of "Party" in Article I (h) and the meaning of State Party/Parties to regional economic integration organizations in the sense of Article XXI.1.

Entry into force of the Convention

Article XXII concerns the *entry into force* of the Convention:

- 1. The present Convention shall enter into force 90 days after the date of deposit of the 10th instrument of ratification, acceptance, approval or accession, with the depositary government.**

The Convention entered into force on 1 July 1975.

- 2. For each State which ratifies, accepts or approves the present Convention or accedes thereto after the deposit of the 10th instrument of ratification, acceptance, approval or accession, the present Convention shall enter into force 90 days after the deposit by such State of its instrument of ratification, acceptance, approval or accession.**

The entry of reservations

Article XXIII provides for the entry of *reservations*, as follows:

1. *The provisions of the present Convention shall not be subject to general reservations. Specific reservations may be entered in accordance with the provisions of this Article and Articles XV and XVI.*
2. *Any State may, on depositing its instrument of ratification, acceptance, approval or accession, enter a specific reservation with regard to:*
 - (a) *any species included in Appendix I, II or III; or*
 - (b) *any parts or derivatives specified in relation to a species included in Appendix III.*
3. *Until a Party withdraws its reservation entered under the provisions of this Article, it shall be treated as a State not a Party to the present Convention with respect to trade in the particular species or parts or derivatives specified in such reservation.*

Reservations can under Articles XV, XVI and XXIII only concern species listed in any of the Appendices as well as parts and derivatives of Appendix-III species.

They can be entered:

- a) by new Parties when depositing their instrument of ratification, approval or accession;
- b) by any Party and at any time where they concern Appendix-III species or their parts and derivatives (Article XVI.2).

Reservations cannot concern provisions of the Convention. A Party cannot in that respect do less than the Convention, but it can do more under Article XIV.1.

Reservations cannot concern parts or derivatives of Appendix-I or -II species either, but the definition of specimen in Article I (b), refers to *readily recognizable* parts or derivatives, which has been (ab)used by Parties to exclude certain parts and derivatives from controls.

Resolution Conf. 5.9 and was among other things aimed at reducing that possibility. The issue is now covered by **Resolution Conf. 9.6 (Rev.)**.

Resolution Conf. 1.5 (Rev. CoP12) recommends that if a country makes a reservation on Appendix-I or -II species, it should not propose that this species be listed in Appendix III.

Denunciation of the Convention

Article XXIV concerns the *denunciation* of the Convention:

Any Party may denounce the present Convention by written notification to the depositary government at any time. The denunciation shall take effect 12 months after the depositary government has received the notification.

Only one Party, the United Arab Emirates, has so far used the possibility to denounce the Convention. It did so in January 1988, but rejoined the Convention in May 1990.

Depositary

Article XXV

- 1. The original of the present Convention, in the Chinese, English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited with the depositary government, which shall transmit certified copies thereof to all States that have signed it or deposited instruments of accession to it.***

Switzerland is the depositary government.

- 2. The depositary government shall inform all signatory and acceding States and the Secretariat of signatures, deposit of instruments of ratification, acceptance, approval or accession, entry into force of the present Convention, amendments thereto, entry and withdrawal of reservations and notifications of denunciation.***
- 3. As soon as the present Convention enters into force, a certified copy thereof shall be transmitted by the depositary government to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.***

In addition to these diplomatic communications from the Swiss government to the Parties, the Secretariat informs the Parties of such matters under Article XII.2.

Chapter 26 - Ranching

Ranching and the text of the Convention

Although the word ranching cannot be found in the text of the Convention, it has proven to be possible to create procedures for the establishment of ranching operations and trade in their products without amending the text of the Convention.

The difference between ranching and captive breeding

Ranching is the rearing in a controlled environment of specimens taken from the wild.

Article III of the Convention 'prohibits' international trade in specimens of Appendix-I species where the import is for primarily commercial purposes. Article VII.4 removes that restriction for trade in captive bred specimens but the definition of 'captive bred', since *Resolution Conf. 2.12*, is such that commercial trade in any specimens of Appendix-I species taken from the wild is excluded. The definition concerned restricts the meaning of the term 'captive bred' to offspring produced in a controlled environment of parents that mated in a controlled environment and requires the capability of the captive breeding stock to reliably produce second-generation offspring in a controlled environment.

Ranching operations bring young animals or eggs into a controlled environment and rear them until they are of a commercially exploitable size. Until the adoption of *Resolution Conf. 2.12* a number of Parties considered the rearing of animals in a controlled environment as captive-breeding and traded these animals, or their products, under the exemption of Article VII.4. It was one of the aims of the Resolution to exclude this use of the exemption.

The Conference of the Parties recognized the problem this caused for ranching operations involving populations of Appendix-I species that could withstand a certain level of exploitation.

A committee was set up to consider the issue and a proposal was made to the third meeting of the Conference of the Parties in 1981. The Committee made a recommendation and a drafting group was set up during the third meeting of the Conference of the Parties.

The group agreed that the national population of a country in which the species was ranched would be listed in Appendix II and not the ranching operation as such. This led to the adoption of Resolution Conf. 3.15. In 1985, Resolution Conf. 5.16 laid down a marking system for products of ranching operations. In 1987, Resolution 6.22 was adopted, followed by Resolution Conf. 8.22 in 1992. In 1994, the Conference of the Parties revised the latter and in 1997, it consolidated all these Resolutions in Resolution Conf. 10.18, with the exception of a few paragraphs on marking in Resolution Conf. 5.16(Rev.) and several recommendations in Resolution Conf. 8.22(Rev.). Both Resolutions were, in 2000, replaced by **Resolution Conf. 11.16**, which simplifies issues such as the marking requirements.

Resolution Conf. 11.16 on Ranching and trade in ranched specimens of species transferred from Appendix I to Appendix II

The Resolution notes that the terms of Resolution Conf. 10.16 (Rev.) on specimens of animal species bred in captivity, do not allow the entry into trade of specimens of species included in Appendix I that have been taken from the wild and reared in captivity, except in accordance with the provisions of Article III of the Convention.

It recognizes that some Parties with successful programmes for the conservation of certain species permit specimens of those species into international trade on the basis that such trade is no longer detrimental to the survival of their wild populations (ex Resolution Conf. 3.15).

It repeats from the initial preamble of Resolution Conf. 8.22 (Rev.) that ranching of crocodylians on the basis of controlled collection of eggs or hatchlings can be potentially a valuable and positive conservation tool, whereas taking of wild adult animals needs stricter control and reiterates its consciousness of the danger of providing greater incentives for the establishment of captive-breeding operations, which may damage efforts to conserve wild populations, than for ranching operations, which in principle are more beneficial to crocodylian conservation. It emphasizes that the overriding objective of the Convention is to conserve wild populations of the species listed in the Appendices and that positive incentives must be offered to programmes designed to achieve this aim.

With regard to marking, the Resolution recognizes that it is necessary to mark parts and derivatives of ranched animals in trade to achieve adequate control. It further states that, if each Party establishes a different marking system for the same species, confusion will result and enforcement will be difficult.

Definitions

With **Resolution Conf. 11.16**, the Conference of the Parties decides that:

- a) the term “ranching” means the rearing in a controlled environment of specimens taken from the wild (ex Resolution Conf. 3.15);
- b) the term “uniform marking system” means a system of marking each product unit approved by the Conference of the Parties for a species, which, as a minimum, includes the International Organization for Standardization two letter code for the

country of origin, a unique identification number and the year of production or, for product units in stock or manufactured from products of the operation in stock at the time of the proposal, the year of approval of the proposal (ex Resolution Conf. 5.16);

Proposals to transfer populations from Appendix I to Appendix II for ranching

With **Resolution Conf. 11.16**, the Conference of the Parties recommends that:

- a) populations of species included in Appendix I that occur within the jurisdiction of Parties and are deemed by the Conference of the Parties to be no longer endangered and to benefit by ranching with the intention of trade be included in Appendix II (ex Resolution Conf. 3.15);

Note: The transfer from Appendix I to Appendix II can only concern a population that occurs within the jurisdiction of a Party, in other words the proposing country's population, or a smaller geographically separate part thereof. This implies that a ranching proposal can only be made with regard to a wild population or geographically separate part thereof, and by the country in which that wild population occurs. The transfer of captive populations from Appendix I to Appendix II is excluded and so is the establishment of ranching operations outside the country from which the specimens to be ranched are to be taken from the wild.

The precautionary measures laid down in Annex 4 to **Resolution Conf. 9.24 (Rev. CoP12)** confirm (paragraph B.2.e) that a ranching proposal, which is consistent with the applicable Resolutions and approved by the Conference of the Parties, is one of the possibilities for the transfer of a species/population from Appendix I to Appendix II.

- b) in order to be considered by the Conference of the Parties, any proposal to transfer a population to Appendix II in order to conduct a ranching programme satisfy the following general criteria (reworded ex Resolution Conf. 3.15):
 - i) the programme must be primarily beneficial to the conservation of the local population (i.e., where applicable, contribute to its increase in the wild or promote protection of the species' habitat while maintaining a stable population); and
 - ii) all products (including live specimens) of each operation must be adequately identified and documented to ensure that they can be readily distinguished from products of Appendix-I populations;
 - iii) the programme must have in place appropriate inventories, harvest-level controls and mechanisms to monitor the wild populations; and
 - iv) there must be sufficient safeguards established in the programme to ensure that adequate numbers of animals are returned to the wild if necessary and where appropriate;

Chapter 26 - Ranching

- c) any Party submitting a ranching proposal for a population of a species, whether or not a ranching proposal has been approved for the species previously, include in the proposal the following, in addition to the usual biological data requested for proposals to amend the Appendices (reworded ex Resolution Conf. 5.16):
- i) details of its marking system that should meet the minimum requirements of the uniform marking system defined in this Resolution;
 - ii) a list, specifying the type of products produced by the operation;
 - iii) a description of the methods that will be used to mark all products and containers entered into trade; and
 - iv) an inventory of current stocks of specimens of the species concerned, whether or not they are from the ranching operation;
- d) any proposal for the transfer to Appendix II of a Party's population or a smaller geographically separate population of a species, for the purpose of ranching, not be approved by the Conference unless it contains the following (reworded ex Resolution Conf. 3.15):
- i) evidence that the taking from the wild will have no significant detrimental impact on wild populations;
 - ii) an assessment of the likelihood of the biological and economic success of each ranching operation;
 - iii) assurance that the operation shall be carried out at all stages in a humane (non-cruel) manner;

Note: The recommendation in iii) is a bit surprising. The Convention only deals with matters of animal welfare in relation to the shipment of live specimens and the housing of live Appendix-I specimens in importing countries. It does not concern the methods used for the taking of animals from the wild and the Conference of the Parties refused to consider Resolutions concerning the humane aspects of such methods. At its fourth meeting, the Conference of the Parties discussed a proposal from Gambia which aimed at an interpretation of the term 'prepared and shipped' to include all handling and manipulation of a specimen from the instant it is removed from the normal conduct of its life in nature. The Technical Committee gave as its opinion that the issue was inappropriate to CITES. The Secretary General concluded that the issue did not fall within the jurisdiction of the Convention and that adoption of the proposal would set a dangerous precedent. The Conference of the Parties rejected the proposal by 30 to 6 votes. Paragraph d)iii), however, is a perfect match of the rejected interpretation of 'prepared and shipped' at the subsequent meeting of the Conference of the Parties.

- iv) documented evidence to demonstrate that the programme is beneficial to the wild population through reintroduction or in other ways; and
- v) assurance that the criteria specified in paragraph b) above under RECOMMENDS shall continue to be met;

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- e) in order to be discussed at the next meeting of the Conference of the Parties, any proposal for amendment of the Appendices pursuant to this Resolution be received by the Secretariat at least 330 days before that meeting. In consultation with the Animals Committee, the Secretariat shall seek appropriate scientific and technical advice to verify that the criteria specified in paragraph b) above under RECOMMENDS have been met and to review the information and assurances in the proposal that are specified in paragraph d) above. If in the opinion of the Secretariat further information concerning the criteria is required, the Secretariat shall request information from the proposing Party within 150 days after receipt. Thereafter, the Secretariat shall communicate with the Parties in accordance with Article XV of the Convention (ex Resolution Conf. 3.15);

Note: It should be noted that the procedure in paragraph e) excludes the submission of proposals for consideration between meetings by the postal procedure set forth in Article XV (2). However, changes to an already approved ranching proposal can be made through a postal procedure (also see point i)).

- f) proposals that include a component of a wild-adult harvest be examined much more stringently than those based purely on collection of eggs, neonates, larvae or other juvenile life stages (reworded ex Resolution Conf. 8.22);
- g) Parties achieving or having achieved the transfer of their populations of a species to Appendix II under the provisions of this Resolution limit the manner of exploitation of wild populations to those techniques described in their proposals and not, for example, later initiate new short-term programmes for taking wild animals without notifying the Secretariat (ex Resolution Conf. 8.22);
- h) any Party with an approved ranching proposal submit any changes to the information supplied in paragraph c) above under 'RECOMMENDS' to the Secretariat. The Secretariat, in consultation with the Animals Committee, should determine whether the changes proposed substantially alter the original ranching programme, and undermine or jeopardize the conservation of the wild population. The Secretariat should advise the Party of its determination accordingly; and
- i) in cases where the Secretariat, in consultation with the Animals Committee, concludes that changes to the ranching programme that are proposed in accordance with paragraph h) would result in substantial changes to management of the species, the proposed management be treated as a new proposal, requiring the submission of a proposal pursuant to this Resolution and to the requirements of Article XV of the Convention;

Trade in ranched specimens of species transferred from Appendix I to Appendix II for ranching

The Conference of the Parties recommends that all Parties prohibit trade in products of ranching operations unless such trade complies with all the terms, conditions and

requirements of the approved ranching proposal for the population concerned (ex Resolution Conf. 5.16).

Note: The recommendation that trade with non-Parties or Parties with a reservation for the species concerned be prohibited was deleted.

Monitoring and reporting in relation to species transferred from Appendix I to Appendix II for ranching

- a) annual reports on all relevant aspects of each approved ranching operation be submitted to the Secretariat by the Party concerned, and include any new information on the following (ex Resolution Conf. 6.22):
 - i) the status of the wild population concerned;
 - ii) the number of specimens (eggs, young or adults) taken annually from the wild;
 - iii) an estimate of the percentage of the production of the wild population that is taken for the ranching operation;
 - iv) the number of animals released and their survival rates estimated on the basis of surveys and tagging programmes, if any;
 - v) the mortality rate in captivity and causes of such mortality;
 - vi) production, sales and exports of products; and
 - vii) conservation programmes and scientific experiments carried out in relation to the ranching operation or the wild population concerned;
- b) with the consent of the Standing Committee and the Party concerned, the Secretariat should have the option to visit and examine a ranching operation wherever circumstances require it to do so (ex Resolution Conf. 6.22); and
- c) where the Secretariat reports failure to comply with this Resolution, and the Standing Committee and the Party concerned fail to resolve the matter satisfactorily, the Standing Committee may, after full consultation with the Party concerned, request the Depositary Government to prepare a proposal to transfer the population concerned back to Appendix I (ex Resolution Conf. 6.22).

Marine turtle ranching

The most controversial ranching proposals made were those related to the Green turtle (*Chelonia mydas*). No proposal was ever adopted.

Resolution Conf. 6.23 recognized that the Parties, through the adoption of Resolutions Conf. 3.15 and Conf. 5.16, had expressed their desire to provide means for establishing ranching operations for marine turtles and other species while controlling international trade resulting from these operations. It further recognized that a number of facilities had been developed for ranching marine turtles with the prospect of marketing marine turtle products internationally. In order to arrive at the establish-

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ment of a generally accepted scientific basis for the evaluation of proposals, the Resolution requested:

that the International Union for Conservation of Nature and Natural Resources (IUCN), subject to availability of funding, convene a meeting of specialists on marine turtle biology, trade controls, and ranching; and recommended:

- a) that this specialist meeting provide the Parties with guidelines for evaluating marine turtle ranching proposals that take into account biological, economic, and trade control aspects; and
- b) that such guidelines be transmitted to the Secretariat of CITES for circulation to the Parties by 30 April 1988. Interested Parties, governmental and non-governmental organizations were urged to provide the funding necessary to convene this meeting.

A working group meeting took place in January 1988. This resulted in the conclusion that it was impossible to develop guidelines for evaluating marine turtle ranching proposals in the absence of an accepted conservation strategy for the species concerned. At the seventh meeting of the Conference of the Parties, Committee I decided to defer consideration of the issue to the eighth meeting. At the eighth meeting of the Conference of the Parties, the observer from IUCN stated that a resolution had been passed at the 1990 IUCN General Assembly calling upon IUCN not to support any proposals for marine turtle ranching. It would therefore not be appropriate for IUCN to work further on guidelines. The Conference agreed therefore to direct the Animals Committee to develop guidelines. IUCN suggested that the Animals Committee consult with its Marine Turtle Specialist Group, which was preparing a global action plan for the conservation of marine turtles. This resulted, in 1994 and a revision in 1997, in **Resolution Conf. 9.20 (Rev.)** on:

Guidelines for evaluating marine turtle ranching proposals

The Resolution recognizes that, as a general rule, use of sea turtles has not been conducted in a sustainable manner and has led to the decline of sea turtle populations and also that other factors such as habitat loss, pollution and incidental catch are seriously impacting sea turtle populations. It recalls that **Resolution Conf. 10.18**, which was replaced with **Resolution Conf. 11.16**, recommends that, for a proposal to transfer a species from Appendix I to Appendix II for the purpose of ranching, the operation "must be primarily beneficial to the conservation of the local population". The Resolution notes that the unique biology of sea turtles makes their sustainable use difficult and imposes special restraints on their exploitation, which require the application of rigorous controls.

It recognizes that the demand for marine turtle products in some States stimulates illegal trade both nationally and internationally and notes that the cooperation of range States greatly enhances the conservation of marine turtle populations. The Conference of the Parties understood that, because of the behavior of marine turtles of returning to specific beaches to nest, range States had a special responsibility to protect marine-turtle nesting habitat and nesting females during the breeding season

and recognized that sustainable use may have potential benefits for the conservation of marine turtles and their habitats.

The Resolution recommends that:

- a) any Party seeking to allow international trade in products of sea turtle ranches satisfy all the requirements of the Convention and **Resolution Conf. 5.16 (Rev.)** adopted at the fifth meeting of the Conference of the Parties and amended at the 10th meeting and **Conf. 10.18** (both Resolutions have been replaced with **Resolution Conf. 11.16**);
- b) any Party seeking to transfer a marine turtle population from Appendix I to Appendix II pursuant to **Resolution Conf. 10.18** provide information in accordance with the guidelines contained in the Annex to this Resolution; and
- c) any Party whose population of marine turtles is transferred to Appendix II pursuant to this Resolution and **Resolution Conf. 10.18** ensure that procedures for regular adequate reporting to the Secretariat exist and are implemented. Failure to satisfy this requirement and to demonstrate conservation benefit to the population or compliance with other requirement of **Resolution Conf. 10.18** may result in the application of paragraph c) of that Resolution under the last 'recommends'.

The Annex to **Resolution Conf. 9.20 (Rev.)** contains the following:

1. Resource Management

A. Biological Information

The proposal should provide information on the biology, management and geographic extent of each population that will be affected throughout its range. Geographic extent should be described using sound scientific techniques. Range is defined as all the range States and waters in which the population occurs. The following characteristics of the population of marine turtles that is the subject of the ranching proposal should be detailed:

- a) Population distribution. Describe the current (and, if possible, the historical) nesting grounds, feeding areas and migratory range of the population. Nesting areas from which eggs and/or hatchlings are to be taken should be described in detail.
- b) Population status and trend. Describe the population and its trend using indices of abundance for the different life stages with particular attention to the age/size structure of the population.
- c) Reproduction. Provide an estimate or calculation of the annual reproductive rate or size of the annual production (e.g. numbers of eggs and/or hatchlings).
- d) Population mortality. Provide an estimate of hatching success and estimates of human-induced mortalities of the population.

B. National Management

A prerequisite for approval of a ranching proposal will be the effective implementation of a national management plan for marine turtles. The plan should include:

- a) Monitoring. A description of the annual programme to monitor population trends and mortality rates.
- b) Habitat protection. All important nesting beaches, feeding grounds and other significant habitats should be protected from disruption including development, urbanization and pollution.
- c) Harvest regulation. Harvesting for ranches should normally be restricted to eggs and/or hatchlings. The annual numbers (and percentage) of eggs and/or hatchlings proposed for removal to the ranch must be specified. The proposed harvest rate should also be presented as a proportion of the natural production of the population being harvested for ranches.
- d) Protection of the population. Human induced mortality of marine turtles, such as uncontrolled harvests, incidental catch in fisheries and pollution of habitat should be identified and mechanisms be in place to control such mortalities.
- e) Rules for stopping harvests. Predetermined threshold values of population trends and changes in status, mortality or habitat should be proposed, the passing of which would automatically trigger the suspension of harvests, and the initiation of additional conservation measures.

C. Regional Management

Because of the migratory behavior of marine turtles, that segment of the population occurring within the jurisdiction of any one State cannot be considered in isolation.

Any management of the population should involve the range States sharing the majority of the population.

A Party submitting a ranching proposal shall take the lead in the development and effective implementation of a regional management protocol designed to enhance the conservation of the population.

- a) Activities undertaken by the proponent to develop co-operative regional management among the range States sharing the majority of the population should be described. Regional management should entail cooperative mechanisms for:
 - i) assessment of the conservation status of the population throughout its range and identification of key recruitment areas (e.g. breeding and nesting sites);
 - ii) regular monitoring of population trends, involving an assessment of sources of annual mortality including an assessment of the impact of the ranching operation;
 - iii) effective protection of important nesting beaches and other essential habitats (e.g. feeding areas);
 - iv) regulating where necessary harvests and domestic sale of marine turtle specimens; and

v) effective controls, sufficient to prevent the stimulation of illegal trade in products from wild populations.

b) The regional management protocol designed to enhance conservation of the marine turtles in the wild should also document existing conservation legislation and trade controls by range States and provide a forum through which more effective or complementary trade controls, enforcement activities and other conservation measures may be developed.

2. Trade controls

Proponents must take every reasonable measure to ensure that the trade in products from approved ranches does not stimulate an increase in trade from other sources in a manner detrimental to the survival of the population, other populations or other species of marine turtle, or serve as a cause for such trade. Therefore, the proponent Party should ensure that both it and any country to which the products of the ranching operation are destined have adequate legal frameworks and administrative measures for monitoring and reporting, and adequate local and national enforcement capabilities before international trade is authorized. In particular each proponent Party must:

a) Agree that exports of marine turtle products derived from the population covered by its proposal will be restricted to those from the ranching operation, in specified amounts (i.e. a quota may be set) that can be met by proposed ranch production. Importing States shall undertake to provide documentation of their domestic laws to regulate the import, re-export, possession, sale, purchase and transport of marine turtles and their parts and derivatives, and the measures taken to control existing stockpiles of such specimens.

b) Document its domestic laws and enforcement mechanisms (including those in any territories and overseas political units) that regulate the taking of marine turtles from the wild and the possession, sale, purchase, transport, import and export of marine turtles, their parts and derivatives.

c) Undertake registration of any existing stockpiles of marine turtle parts and derivatives held within its territorial jurisdiction and instigate marking and control systems to ensure that such items are readily distinguishable from similar items deriving from approved ranches.

d) Describe marking and tracking procedures for all parts and derivatives from approved ranches that will allow the unambiguous identification of ranch products, including methods for marking products and packages, packaging types, transport methods, shipping routes, product documentation, secure storage of products, inventory control up to the point of export and specification of the maximum quantities of products (quotas) to be exported annually.

3. The ranching operation

To satisfy recommendation d) ii) under the first 'recommends' of **Resolution Conf. 11.16**, the proponent should provide information on:

a) Financial operation. Identity of the owners and a business and financial plan taking account of market demand and production goals and objectives.

b) Physical plant. In accordance with technical and professional standards, descriptions of:

- i) site, including geographical location, lay out, size and technical specifications;
- ii) facilities for maintaining stock, food storage, quarantine, slaughter and processing, refrigeration and freezing;
- iii) seawater source, including circulation, filtration, waste disposal and quality control systems; and
- iv) staff, including numbers and qualifications of technical and management personnel and numbers of support staff.

c) Operating procedures, taking account of:

- i) stock collection, including location of source sites, methods used in collection and removal of specimens, age and size-classes of specimens (e.g. eggs, hatchlings), collecting seasons, number of specimens to be collected each year and the proportion of natural annual production that the harvest represents, methods of handling and transport to the ranching operation, and injury levels and mortality during collection and transport;
- ii) stocking rates, including the number or weight of turtles per 1,000 litres of seawater and square meters of surface area;
- iii) production schedules, including production profiles by age and size class, growth rates, methods used to identify ranch stocks, culling procedures exclusive of harvesting, reports of non-harvest mortality, methods of disposal of carcasses from non-harvest mortality and number of specimens by age and size-class that will be harvested each year;
- iv) feeding, including sources of feed, general nutritional composition, evaluation of additives and contaminants, and feeding regimen (amount, frequency and method of distribution);
- v) health care, including monitoring methods, veterinary care and treatment procedures; and
- vi) slaughter procedures, including specimen selection, methods used to collect and transport specimens to the processing site, humane slaughter technique, processing techniques, waste disposal.

d) Record keeping, indicating procedures followed in inspecting and monitoring records maintained by the ranching operation.

e) Benefits, indicating how local people would benefit from the operation.

4. Summary statement describing benefit to the population

Proponents should summarize the legal and enforcement mechanisms that will prevent detrimental impact of the renewal of legal trade and summarize the benefits resulting or expected to result from the management actions implemented for the population to be harvested for ranches including regional management protocols.

5. Reporting

Proponents that achieve a transfer of their national population of marine turtles from Appendix I to Appendix II subject to this Resolution should include in their annual reports updated information on: population status and trends; any change in the area of beaches that provide suitable nesting habitat; any change in enforcement effort; and amendments to co-operative agreements to preserve and manage the marine turtle resource. Reports should also detail the nature of and progress in developing and implementing effective regional management protocols.

Vicuña

The shearing of wool from live vicuña forms a special case that is not covered by activities such as captive breeding or ranching. The vicuña is listed in Appendix I, but since 1987 certain populations were downlisted to Appendix II for the exclusive purpose of trading in products made from wool sheared from live animals.

In 1994, at the ninth meeting of the Conference of the Parties, this system was extended to allow international trade in wool sheared from live vicuñas of the populations included in Appendix II.

The current annotations also include manufactured products and the populations of Argentina, Bolivia, Chile and Peru. For the exact text of the annotations please refer to footnotes 3 to 6 in the Appendices.

The reverse side of the cloth must bear the logotype adopted by the range States of the species, which are signatories to the *Convenio para la Conservación y Manejo de la Vicuña*, and the selvages the words "VICUÑA-COUNTRY OF ORIGIN", depending on the country of origin. Other products must bear a label including the logotype and the designation "VICUÑA-COUNTRY OF ORIGIN - ARTESANÍA". All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.

In **Resolution Conf. 11.6** it is noted that stocks of cloth manufactured from vicuña wool, as well as stocks of wool, have been detected in countries such as Japan and the United Kingdom of Great Britain and Northern Ireland and in Hong Kong (China). The Conference of the Parties considers that the eighth regular meeting of the *Comisión Técnico-Administradora del Convenio para la Conservación y Manejo de la Vicuña* (Argentina, Bolivia, Chile, Ecuador and Peru) took place in Chile in September 1987 and that it adopted Resolution No. 56/87, addressed to the CITES Secretariat, requesting it to recommend to all Parties, and especially those Parties that have stocks of vicuña cloth and wool, that they submit within a determined time limit a list of those stocks, and suggesting that the Parties with stocks manufacture cloth with the wool in stock as soon as possible. It further considers that, based on Resolution No. 56/87 adopted by the signatory States of the *Convenio para la Conservación y Manejo de la Vicuña*, the CITES Secretariat submitted Notification to the Parties No. 472 asking the Parties to respond favourably. The Conference of the Parties also referred to the fact that Resolution No. 97/90, adopted at the 11th regular meeting of the *Comisión Técnico-Administradora del Convenio de la Vicuña*, reminds the CITES

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Secretariat of the agreement adopted under Resolution No. 56/87. The Resolution recommends that:

- a) Management Authorities authorize the import of vicuña cloth only if the reverse bears the logotype corresponding to the country of origin and the trade mark VICUÑA – COUNTRY OF ORIGIN or if it is cloth containing pre-Convention wool of vicuña; and
- b) any State member of the *Convenio para la Conservación y Manejo de la Vicuña* that exports vicuña cloth in accordance with this Resolution inform the Secretariat on an annual basis about the quantity of products exported, the number of animals sheared and the local populations to which they belong, and that the Secretariat submit a report at each regular meeting of the Conference of the Parties.

Chapter 27 - Quota systems

Introduction

The establishment of quota systems within the framework of CITES is probably the most effective tool for the regulation of international trade in wild fauna and flora currently available. There are, however, many limitations to quota systems, which are mainly related to the lack of scientific data on which to base safe quota levels.

As in the case of ranching, the Convention does not explicitly provide for quota systems but ways could be found to overcome this. The Conference of the Parties to CITES has developed several types of quota systems:

- Trade in leopard hunting trophies and skins for personal use
- Trade in live specimens of cheetah and hunting trophies
- Markhor Hunting Trophies
- Trade in ivory from African elephants
- Special criteria for the transfer of taxa from Appendix I to Appendix II where the countries of origin agree to introduce a quota system
- Voluntary national export quotas

Decision 12.17 provides that:

- a) The Standing Committee shall establish an intersessional Export Quota Working Group with the goal of developing guidelines for Parties to establish, implement, monitor and report national export quotas for CITES-listed taxa. The Standing Committee shall consult extensively with the Animals and Plants Committees to fulfil the following Terms of Reference.
- b) The Terms of Reference of the working group should include the following:
 - i) particular issues to be addressed should include the problems identified in Annex 2 of document CoP12 Doc. 50.2 and additional suggestions or submissions from the Parties;
 - ii) representatives with expertise in this issue, particularly from Parties with export quotas and from key importing countries, should be invited to participate. The Secretariat shall be invited to participate in discussions. The Chairman of the Working Group may invite representatives of non-governmental or intergovernmental organizations with particular expertise in this issue to participate in the Working Group;

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- iii) an interim report by the Working Group to the Standing Committee on its progress toward achievement of its goals should be completed by 31 March 2004; and
- iv) a final report, which may include a draft resolution(s) or decision(s) of the Conference of the Parties, should be submitted by the Working Group to the Standing Committee for consideration at its last meeting before the 13th meeting of the Conference of the Parties and the Standing Committee shall submit it to the Conference for consideration at that meeting.

Decision 12.18 directs the Secretariat to seek funding for a meeting of the Export Quota Working Group.

Decision 12.72 further directs the Standing Committee to consider the issue of improving the management of annual export quotas, and report at the 13th meeting of the Conference of the Parties.

Decision 12.90 provides that the Parties should seek funding in order to:

- a) assist the Secretariat in implementing its capacity-building programme dealing with the scientific basis for establishment and implementation of voluntary national export quotas for Appendix-II species; and
- b) support exporting countries in their efforts to gather information needed to set quotas.

Decision 12.91 encourages the Secretariat to continue to develop and refine its capacity-building programme dealing with the scientific basis for development, establishment, and implementation of voluntary national export quotas for Appendix-II species, and shall, as appropriate, consult with the Animals Committee and Plants Committee on this programme. This consultation may include:

- a) solicitation of input from the Committees regarding materials used in the capacity-building programme for voluntary national export quotas for Appendix-II species; and
- b) a request for new information from the Committees on methods used for establishing quotas and for relevant case studies on the establishment of quotas.

Decision 12.92 provides that to facilitate the development and refinement of its capacity-building programme for voluntary national export quotas for Appendix-II species, the Secretariat may invite Parties to provide new information regarding the scientific basis for establishment and implementation of such quotas, and regarding the most appropriate ways of disseminating relevant information to the Parties in a timely and cost-effective manner.

Decision 12.93 instructs the Secretariat to seek funding to:

- a) continue its capacity-building programme for the scientific basis for establishment and implementation of voluntary national export quotas for Appendix-II species, and

- b) support exporting countries in their efforts to gather information needed to set quotas.

Trade in hunting trophies of species listed in Appendix I

Resolution Conf. 2.11 (Rev.) (revised at the ninth meeting of the Conference of the Parties) recommends that:

- a) with the exception of the rare case of exemptions granted under paragraph 3 of Article VII of the Convention, trade in hunting trophies of animals of the species listed in Appendix I be permitted only in accordance with Article III, i.e. accompanied by import and export permits;
- b) that in order to achieve the envisaged complementary control of trade in Appendix-I species by the importing and the exporting countries in the most effective and comprehensive manner, the Scientific Authority of the importing country accept the finding of the Scientific Authority of the exporting country that the exportation of the hunting trophy is not detrimental to the survival of the species, unless there are scientific or management data to indicate otherwise; and
- c) that the scientific examination by the importing country in accordance with paragraph 3 (a) of Article III of the Convention be carried out independently of the result of the scientific assessment by the exporting country in accordance with paragraph 2 (a) of Article III, and vice versa.

The initial version of paragraph b) referred to 'the envisaged double control (also in the scientific field)'. It recommended further that the comprehensive examination by the Scientific Authority of the importing country, concerning the question of whether the importation is serving a purpose which is not detrimental to the survival of the species, should, if possible, also cover the question of whether the killing of the animals whose trophies are intended for import would enhance the survival of the species. This was based on a misreading of the provisions of Article III. Although it provides for advice from the Scientific Authority in the exporting as well as the importing country, it is incorrect to refer to this as an *envisaged double control*. The advice of the Scientific Authority in the exporting country under paragraph 2(a) concerns the effects of the export on the conservation status of the species and paragraph 3(a) limits the role of the Scientific Authority in the importing country to the question of whether the purpose of import is detrimental.

There is no basis in Article III for referring questions with regard to the effects of exploitation to the Scientific Authority of an importing country and therefore the question whether such exploitation would not be detrimental or even enhance the survival of the species is clearly outside its remit.

The aim of **Resolution Conf. 2.11 (Rev.)**, to only allow trade in hunting trophies from Appendix-I species where this would enhance the survival of the species concerned, is the basis for the quota system for leopard skins. The point of departure of that quota system is also that it enhances the survival of the species in the countries of origin concerned. **Resolution Conf. 10.14 (Rev. CoP12)** substitutes the role of the Scientific Authority in the importing country, attributed to it by **Resolution Conf. 2.11**

(Rev.), by a decision of the Conference of the Parties. This is true for any quotas concerning species in Appendix I, as **Resolution Conf. 9.21** makes clear (see below).

Resolution Conf. 2.11 (Rev.) continues to apply to other species than the leopard and cheetah and to trophies from countries of origin without an approved trophy export quota. In my view the advice of the Scientific Authority of an importing country should be negative in case the country from which a trophy is to be imported, proposed but was refused an export quota by the Conference of the Parties, or where a country of origin with an approved quota wants to export hunting trophies in addition to such a quota. In all other instances each case should be judged on its merits.

Resolution Conf. 9.21 concerns the **interpretation and application of quotas for species included in Appendix I** and reads as follows:

RECALLING **Resolution Conf. 6.7**, adopted at the sixth meeting of the Conference of the Parties (Ottawa, 1987), calling on Parties to consult with range States prior to taking stricter domestic measures pursuant to Article XIV which may interfere with trade in wild animals and plants, and **Resolution Conf. 8.21**, adopted at the eighth meeting of the Conference of the Parties (Kyoto, 1992), requiring consultation between proposing States and range States;

RECALLING **Resolution Conf. 8.3**, adopted at the eighth meeting of the Conference of the Parties (Kyoto, 1992), recognizing the benefits of the use of wildlife;

RECALLING in particular the Preamble to the Convention which states that peoples and States are and should be the best protectors of their own wild fauna and flora;

RECALLING Resolution Conf. 4.6 (Rev. CoP12), adopted at the fourth meeting of the Conference of the Parties (Gaborone, 1983) and amended at the 10th and 12th meeting, which recommends that the text of any document submitted for consideration at a meeting of the Conference of the Parties be communicated to the Secretariat at least 150 days before the meeting;

RECOGNIZING the supreme importance of co-operative and mutual action as called for at the United Nations Conference on Environment and Development in 1992 at Rio de Janeiro and as embodied in the Convention on Biological Diversity;

AWARE that the Parties have set quotas for the export of specimens of the leopard, various crocodylians, and the cheetah;

AWARE that it is the understanding and practice of the majority of Parties that the establishment of quotas by the Parties satisfies the required findings that the export of a specimen will not be detrimental to the survival of the species and that the import of that specimen will not be for purposes detrimental to the survival of the species, provided that the export is within the limits set in the quota;

AWARE however that the failure of some Parties to adhere to this majority understanding has had negative consequences on the conservation of species by range States;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

AGREES that:

- a) a Party desiring a quota for a species included in Appendix I should submit to the Secretariat its proposal, with supporting information, at least 150 days before a meeting of the Conference of the Parties; and
- b) whenever the Conference of the Parties has set an export quota for a particular species included in Appendix I, this action by the Parties satisfies the requirements of Article III regarding the findings by the appropriate Scientific Authorities that the export will not be detrimental to the survival of the species and that the purposes of the import will not be detrimental to the survival of the species, provided that:
 - i) the quota is not exceeded; and
 - ii) no new scientific or management data have emerged to indicate that the species population in the range State concerned can no longer sustain the agreed quota.

Trade in leopard trophies and skins for personal use

The leopard, *Panthera pardus*, is listed in Appendix I and therefore international trade in it or its products is prohibited if the importation is for primarily commercial purposes.

For the first time in 1983, with *Resolution Conf. 4.13*, the Conference of the Parties recognized that the killing of specimens of leopard may be sanctioned by countries of export in defence of life and property and to enhance the survival of the species.

It was also recognized that in a number of range states the leopard was in no way endangered.

The Resolution recalled, however, that import permits could only be granted if the specimens were not to be used for primarily commercial purposes and that export permits could only be granted when a Scientific Authority of the State of export had advised that such export would not be detrimental to the survival of the species. It recognized the overwhelming desire of the Parties that the commercial market for leopard skins should not be reopened.

In order to strike a balance between the wish of the countries of origin to export leopard skins killed in defence of life and property and to enhance the survival of the species and the refusal of the majority of the Parties to reopen the commercial market for leopard skins, the Conference of the Parties agreed upon the establishment of a quota system. The system concerned was reviewed at the fifth, sixth and seventh meeting of the Conference of the Parties and extended for two years with *Resolutions Conf. 5.13* and *Conf. 6.9*. At each meeting quotas were raised or added but the recommendations remained practically the same.

Chapter 27 - Quota systems

With Resolution Conf. 7.7 (paragraph f) it was decided to continue the system without the usual biannual review with any increase in a quota or any new quota (i.e. for a state not previously having one) requiring the consent of the Conference of the Parties. The title was changed from that of the earlier Resolutions, 'Trade in Leopard Skins', into 'Quotas for Leopard Hunting Trophies and Skins for Personal Use'. In 1992, the subject was covered by Resolution Conf. 8.10. In 1994, that Resolution was merely revised (Resolution Conf. 8.10 (Rev.)). The currently applicable system is contained in **Resolution Conf. 10.14 (Rev. CoP12)**, which recommends that:

- a) in reviewing applications for permits to import whole skins or nearly whole skins of leopard *Panthera pardus* (including hunting trophies), in accordance with paragraph 3 (a) of Article III of the Convention, the Scientific Authority of the state of import approve permits if it is satisfied that the skins being considered are from one of the following states, which may not export more of the said skins from any one calendar year than the number shown under 'Quota' opposite the name of the State:

State	Quota
Botswana	130
Central African Republic	40
Ethiopia	500
Kenya	80
Malawi	50
Mozambique	60
Namibia	100
South Africa	75
United Republic of Tanzania	500
Zambia	300
Zimbabwe	500

- b) in reviewing applications for permits to import whole skins or nearly whole skins of leopard, in accordance with paragraph 3 (c) of Article III of the Convention, the Management Authority of the state of import be satisfied that the said skins are not to be used for primarily commercial purposes if:
- i) the skins are acquired by the owner in the country of export and are being imported as personal items that will not be sold in the country of import; and
 - ii) the owner imports no more than two skins in any calendar year and their export is authorized by the legislation of the country of origin;

Note: The import of two skins per person per calendar year has been allowed since Resolution Conf. 7.7. In previous Resolutions this was only one skin.

- c) the Management Authority of the State of import permit the import of leopard skins in accordance with this Resolution only if each skin has a self-locking tag attached which indicates the State of export, the number of the specimen in relation to the annual quota and the calendar year in which the animal was taken in the wild for example ZW 6/500 1997 indicating that Zimbabwe is the State of export and that the specimen is the sixth specimen taken in the wild in Zimbabwe out of its quota of 500 for 1997 and if the same information as is on the tag is given on the export document;
- d) in the case of whole or nearly whole leopard skins traded according to the terms of this Resolution, the words 'has been granted' in paragraph 2(d) of Article III of the Convention be deemed to have been satisfied upon the written assurance of the Management Authority of the state of import that an import permit will be granted;
- e) the system adopted in this Resolution be continued, with any increase in a quota or any new quota (i.e. for a State not previously having one) requiring the consent of the Conference of the Parties, in accordance with Resolution Conf. 9.21 adopted at the ninth meeting of the Conference of the Parties.

Until the 12th meeting of the Conference of the Parties, the Resolution provided that each State that permits exports of leopard skins in terms of this Resolution submit to the Secretariat, by 31 March of each year, a special report on the number of trophies and skins so exported during the previous year; as optional information, that each State include details of the permit numbers, the identification numbers of the tags attached to the skins, the countries of destination and the numbers of the import permits; and that the Secretariat submit a report to each regular meeting of the Conference of the Parties.

Cheetah, live specimens and hunting trophies

The Conference of the Parties adopted quotas with regard to cheetah, listed in Appendix I, and included the following annotation in the Interpretation to Appendices and II:

Annual export quotas for live specimens and hunting trophies are granted as follows:

Botswana:	5
Namibia:	150
Zimbabwe:	50

The trade in such specimens is subject to the provisions of Article III of the Convention.

Markhor

This species first became subject to a Conference approved quota system for hunting trophies in 1997. The Resolution concerned was revised in 2000 and 2002.

Resolution Conf. 10.15 (Rev. CoP12) is a copy of that for the leopard, see above, except that the annual number of trophies per individual is limited to one, which is not surprising given the total annual quota of twelve (was six until the 12th meeting of the Conference of the Parties). The Resolution recalls that the markhor *Capra falconeri* was included in Appendix II in 1973 and transferred to Appendix I in 1994. It recognizes that the markhor is threatened by illegal hunting, fragmentation and loss of its habitat and competition with domestic livestock and that its conservation will depend on the capacity of the State to regulate use and on local people having sufficient incentives to maintain the species in preference to their domestic livestock. It further recognizes that Pakistan is actively promoting community-based management of wild resources as a conservation tool and has approved management plans for ibex that ensure the financial benefits derived from trophy hunting of a limited number of specimens go direct to the managing communities and that the communities use an equitable share of such financial benefits to sustain the management programme for the species. Because of the importance of monitoring the utilization of quotas granted under this Resolution, Pakistan will implement a rigorous programme to monitor community-based management plans, including annual surveys of the wild population.

The Conference of the Parties approves an export quota of 12 hunting trophies of markhor (*Capra falconeri*) from Pakistan per calendar year.

It recommends that:

- a) in reviewing applications for permits to import markhor hunting trophies, in accordance with paragraph 3(a) of Article III of the Convention, the Scientific Authority of the State of import approve permits if it is satisfied that the trophies being considered are from Pakistan and will be traded in accordance with the provisions of this Resolution;
- b) in reviewing applications for permits to import markhor hunting trophies, in accordance with paragraph 3(c) of Article III of the Convention, the Management Authority of the State of import be satisfied that the said trophies are not to be used for primarily commercial purposes if:
 - i) the trophies are acquired by the owners in the country of export and are being imported as personal items that will not be sold in the country of import; and
 - ii) each owner imports no more than one trophy in any calendar year and export is authorized by the legislation of the country of origin;
- c) the Management Authority of the State of import permit the import of markhor hunting trophies in accordance with this Resolution only if each trophy has a self-locking tag attached which indicates the State of export, the number of the specimen in relation to the annual quota and the calendar year to which the quota ap-

plies, and if the same information as is on the tag is given on the export document;

- d) in the case of trophies traded according to the terms of this Resolution, the words “has been granted” in paragraph 2(d) of Article III of the Convention be deemed to have been satisfied upon the written assurance of the Management Authority of the State of import that an import permit will be granted; and
- e) the system adopted in this Resolution be continued, with any increase in the quota or any new quota (i.e. for another State not previously having one) requiring the consent of the Conference of the Parties, in accordance with Resolution Conf. 9.21 adopted at the ninth meeting of the Conference of the Parties (Fort Lauderdale, 1994).

Until the 12th meeting of the Conference of the Parties, Pakistan had to submit to the Secretariat, by 31 March of each year, or later if prevailing climatic conditions have delayed the completion of surveys, a special report on the status of *Capra falconeri* including its population status and the number of hunting trophies exported during the previous quota year. The Secretariat was directed to recommend to the Parties to suspend imports of markhor hunting trophies if Pakistan, or any other country subsequently approved for an export quota, has not met the reporting requirement in accordance with recommendation e) of this Resolution, but only after first checking with Pakistan (or any other range State concerned) to ascertain why the special report has not been submitted.

The history of the quota system

The transfer of species from Appendix I to Appendix II is now regulated by **Resolution Conf. 9.24 (Rev. CoP12)** (in **Chapter 4**), which repeals all of the numerous attempts made since 1979 to facilitate the transfer of species from Appendix I to Appendix II. The problem was that **Resolution Conf. 1.2** laid down general criteria for the transfer of species from Appendix I to Appendix II that required positive scientific evidence that the species could withstand the exploitation resulting from the removal of protection. That evidence had to include at least a well documented population survey, an indication of the population trends of the species showing recovery sufficient to justify the transfer and an analysis of the potential for commercial trade in the species or population. These elements were, however, in many cases not all available.

Resolution Conf. 2.23 therefore laid down special criteria for the transfer of taxa from Appendix I to Appendix II and opened the possibility to transfer species from Appendix I to Appendix II on the basis of a careful review of **available** information on the status of species. Where such a review did not lead to the conclusion that the species would be eligible for retention in Appendix I under the Bern criteria, it could be transferred to Appendix II or deleted from the Appendices. The aim of this Resolution was to allow an easy procedure for the transfer or deletion of species which clearly did not meet the Bern criteria for inclusion and which had on the basis of little or no information been included before the adoption of the criteria concerned. A working document on the issue was presented to the fifth meeting of the Conference of the

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Parties in which Resolution Conf. 2.23 was qualified as unclear, practically useless and having had no impact on the Appendices. This was caused by the fact that the original proposal under discussion in 1979 was strongly opposed by some Parties and by non-governmental organizations which were of opinion that the effect of the proposal would be to circumvent the Bern criteria. The wording was watered down to such an extent that it, in its acceptable form, had become useless.

The problem was raised again after it became evident that a number of Parties wished to remove taxa from Appendix I which had been listed without applying the Bern criteria and for which evidence of changing biological status could not be given. At the fourth meeting of the Conference of the Parties, proposals from several African countries concerning the transfer of the Nile crocodile to Appendix II and for its deletion from the Appendices had been rejected.

At the 1984 Technical Committee meeting in Brussels, participants agreed that delisting a species is a serious matter, and that the basic principle of the Bern criteria for deletion, the requirement that the removal of a species from the Appendices or lowering the level of protection afforded shall not lead to the loss of the resource, had to be maintained. On that basis it was agreed that by means of internationally agreed quotas the exploitation of a species would be limited to an extent that did not threaten its survival.

The fifth meeting of the Conference of the Parties approved the results of the work of the Technical Committee and adopted, by consensus, Resolution Conf. 5.21, which was repealed by the seventh meeting of the Conference of the Parties with the adoption of Resolution Conf. 7.14. The latter acknowledged that Resolution Conf. 5.21 had proved useful and that its principles should be kept as an interim mechanism for the transfer of taxa from Appendix I to Appendix II. The preambles of both Resolutions differed slightly but in both the Conference of the Parties noted that the Bern criteria for the addition of species and other taxa to Appendices I and II had not been applied to those species which had been listed by the Plenipotentiary Conference (Washington, D.C., 1973), or, in some cases, by the Conference of the Parties at its first (Bern, 1976) or second meeting (San Jose, 1979). The Bern criteria for the deletion of species and other taxa from Appendices I and II were very difficult to fulfil in the case of some of those species because they required positive scientific evidence of changing biological status showing recovery sufficient to justify deletion. It was recognized that there were obviously some taxa listed in Appendix I that either never met the Bern criteria for inclusion or had recovered since their inclusion, although this could not be demonstrated because their population was not determined when they were included in the Appendix. It was noted that many producer countries were not represented at the meetings in Washington, D.C. (1973) and Bern (1976) and that therefore, there was a lack of adequate knowledge as to the conservation status of certain taxa at the time of their inclusion in Appendix I.

The establishment of quotas for the management and exploitation of wildlife was noted to be a conservation procedure used in many cases at the national level. Resolution Conf. 7.14 recognized further that so far the special criteria established with Resolution Conf. 5.21 had only been applied to crocodiles and that for these species ranching on the basis of controlled egg collection was potentially a valuable, positive conservation force, whereas hunting of wild crocodiles required more careful control.

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It is important to note that the preambles of both Resolutions clearly indicated that:

- 1) the Bern criteria were confirmed by the Conference of the Parties as the accepted mechanism to include, transfer and delete species;
- 2) both Resolutions only provided for a *temporary* mechanism to transfer species to Appendix II that were incorrectly listed in Appendix I;
- 3) the mechanism was only to be applied to species listed in 1973, 1976 and 1979 without application of the Bern criteria; and
- 4) scientific integrity in amending the Appendices should be maintained.

Resolution Conf. 7.14 recommended (in slightly different words than Resolution Conf. 5.21 did): that in the case where Resolution Conf. 1.1 has not been applied to the inclusion of a species in Appendix I to the Convention and where it is virtually impossible to supply the data required by Resolution Conf. 1.2 within reasonable time or with reasonable effort, but where the populations of such species can be demonstrated to be capable of withstanding a certain level of exploitation for commercial trade, the criteria of Resolution Conf. 1.2 be not applied to the transfer from Appendix I to Appendix II, if the country or countries of origin agree to introduce a quota system which is deemed by the Conference of the Parties to be sufficiently safe so as not to endanger the survival of the species in the wild.

A species could thus be transferred from Appendix I to Appendix II if:

- 1) the Bern criteria had not been applied to its inclusion in Appendix I;
- 2) it was virtually impossible to supply the data required by Resolution Conf. 1.2 within reasonable time or with reasonable effort; and
- 3) the populations of the species could be demonstrated to be capable of withstanding a certain level of exploitation for commercial trade. Where the above conditions were met, the Bern criteria would not be applied to the transfer from Appendix I to Appendix II:
- 4) if the country or countries of origin agreed to introduce a quota system,
- 5) which the Conference of the Parties deemed sufficiently safe so as not to endanger the survival of the species in the wild.

The Resolution further recommended that the above approach be taken only when:

- a) there is sufficient evidence from a well-documented scientific report on population size and geographical range of the species based on at least a single survey to establish that the species should be included in Appendix II, rather than Appendix I, according to the criteria of Resolution Conf. 1.1;
- b) the species is non-migratory and therefore can be adequately managed by a single Party;

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- c) the Party concerned has a scientifically based and well-documented management programme for the species in question;
- d) there is assurance from the Party concerned that the entry into trade of specimens of the species in question will be so controlled as not to lead to a reduction in CITES controls on trade in other species;
- e) the products of the quota are adequately marked in accordance with Resolution Conf. 5.16 (NB: replaced with Resolution Conf. 11.16) and subsequent Resolutions on marking and documented to ensure they can be readily distinguished from products of Appendix I populations;
- f) it is established that a range state seeking to export specimens of the species is capable of fulfilling its obligations under Article IV, paragraphs 2(b) and 3, of the Convention;
- g) the Party that is a range state of the species has met and continues to meet its annual reporting requirements under Article VIII, paragraph 7, in a timely fashion, and
- h) the Party seeking approval of a quota either has not entered a reservation for the species in question, or agrees to remove the reservation within six months of receiving an annual quota from the Parties.

<p>Note: Paragraphs b), c), e) and h) were not included in Resolution Conf. 5.21. The other paragraphs already existed but were slightly reworded.</p>

Resolution Conf. 7.14 contained the following additional recommendations: that when a population of those species already approved under the provisions of Resolution Conf. 5.21, as well as when a new species is transferred from Appendix I to Appendix II under the terms of this Resolution with the introduction of a quota system, the following general rules apply: a) for those species for which an export quota under Resolution Conf. 5.21 was approved prior to the seventh meeting, such transfer should be for a maximum period of two intervals between regular meetings of the Conference of the Parties or one interval should the usual interval become three years, and for those species added at or after the seventh meeting the transfer should be for a maximum of two intervals between regular meetings, after which the population should be transferred to Appendix I if it is not retained in Appendix II under the provisions of either Resolution Conf. 1.2, where applicable, or Resolution Conf. 3.15; b) quotas should be established, confirmed, or changed only by the Conference of the Parties, and any Party seeking approval of a quota, or a confirmation or a change in its quota, should submit a proposal with information on the status of the species and its management programme to the Secretariat in accordance with the procedures in Article XV; c) where crocodylians are involved, quota proposals submitted for the first time and proposals which are amended within the normal maximum period which include a cropping component (cropping here is used to describe the regulated hunting of wild animals for skins) should be examined more stringently than those referring solely to specimens reared in captivity from wild eggs or hatchlings; d) if a Party with a quota approved at a regular meeting of the Conference of the Parties

intends to keep its quota unchanged for the interval between the next two regular meetings this should be agreed to by the Conference of the Parties, but no supporting statement is required if the Party has fulfilled its reporting requirements in terms of this Resolution; e) the wild harvest normally should not greatly exceed the export quota and the supporting statement should indicate: i) the proposed total annual wild harvest, including but not limited to the off take from cropping and for trophy hunting and ranching; ii) the proposed number and type of wild-collected specimens to be exported (e.g. live animals, skins, other parts, derivatives); iii) the proposed number and type of specimens reared in captivity from wild eggs or hatchlings; and iv) the proposed number and type of captive-born specimens; and f) the Management Authority shall include in its reports to the Secretariat detailed information on: i) the total annual harvest, including its forms; ii) the number and type of wild-collected specimens which have been exported; iii) the number and type of specimens reared in captivity from wild eggs or hatchlings which have been exported; and iv) the number and type of captive-born specimens which have been exported.

The Animals Committee was directed to develop recommendations for marking (see **Chapter 12**) and other suitable methods of controlling trade in specimens of species subject to quotas, so as to ensure that such trade is effectively regulated.

The Secretariat was requested to compile data on trade in specimens of species subject to quotas and to report such data along with information on timely submission of annual reports, together with the Secretariat's recommendations on proposals to the Conference of the Parties for such action as the Parties may deem appropriate.

The population of a particular Party could be transferred back to Appendix I in the case of problems in the implementation of the Resolution. The Conference of the Parties provided that:

where another Party becomes aware of problems in implementing this Resolution with regard to trade from a particular Party, the Secretariat shall be informed, and where the Secretariat fails to resolve the matter satisfactorily, it shall inform the Standing Committee which may, after full consultation with the Party concerned, request the Depositary Government to prepare a proposal to transfer the population back to Appendix I.

On the basis of Resolution Conf. 5.21 the Conference of the Parties already approved export quotas for a number of countries in 1987.

Resolution Conf. 9.24 (Rev. CoP12) addresses the criteria for all transfers of species from Appendix I to Appendix II, so that there is no longer an need for a specific Resolution dealing with transfers to Appendix II under a quota system.

Paragraph VIII. b) of **Resolution Conf. 12.3**, recommends: that, when a country has export quotas allocated by the Conference of the Parties for specimens included in Appendices I and II, it state on each export permit the total number of specimens already exported (including those covered by the permit in question) and the quota for the species concerned. Paragraph c) recommends that Parties send to the secretariat copies of permits issued for species subject to quotas if so requested by the Conference of the Parties, the Standing Committee or the Secretariat. (reworded ex Resolution Conf. 8.5).

Chapter 28 - The African elephant

A chronological summary of decisions of the Conference of the Parties in relation to the African elephant

The African elephant, *Loxodonta africana*, was not listed in the initial Appendices to the Convention.

The species was first listed in Appendix III on 26 February **1976** by Ghana.

It was listed in Appendix II on 4 February **1977**.

In **1981**, Resolution Conf. 3.12 referred in its preamble to the fact that due to the increasing monetary value of ivory, illegal trade activities had reached a significant level. Ivory was frequently traded with inadequate documentation, and States that were not Party to the Convention played a special role in this trade. It noted the positive results experienced by a number of Parties having applied stricter domestic measures for ivory trade, in accordance with the provisions of Article XIV.

In **1983**, the feelings of the producer countries on the question of restricting the ivory trade were illustrated by the preamble of Resolution Conf. 4.14, on trade in worked ivory:

The African Parties participating in the fourth meeting of the Conference of the Parties submit that the statement made by the President of Botswana in his opening speech, that 'it is encouraging to note that CITES does not prohibit or discourage legalized trade in wild fauna and flora but rather that it aims at controlling the trade so as to ensure the sustainable utilization of the resource', is the crux of participation in and ratification of CITES and acknowledge that the wild fauna and flora are preserved in Africa for their inherent value, they also constitute an economic resource of major importance to the continent which can and should be used correctly for the benefit of the resource and the people on whose land it occurs. They emphasized the great concern of the African Parties present and participating at the fourth meeting of the Conference of the Parties to ensure that CITES is both efficient and does not impede the legitimate trade in wild flora and fauna or reduce the profitability of this trade, and submitted that it would be in conflict with the purpose of CITES if the Convention were to be used in any way to devalue wildlife. The African Parties further believed that the endeavours by some Parties to control the trade in worked ivory are an unnecessary negative influence on the value of ivory and overlook the status of

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the African elephant as agreed at the IUCN meeting of the African elephant and Rhino specialist group held in 1981.

The Conference directed the Technical Committee to draw up guidelines for controlling the trade in worked ivory as quickly as possible and in so doing to liaise closely with African Parties as well as other Parties having elephant populations. So, Appendix II was insufficient while Appendix I was found to be counterproductive and might even have put the continued participation of a number of ivory producing countries in CITES at stake!

In **June 1984** a Seminar on CITES implementation in Africa was hosted by the European Commission in Brussels prior to a meeting of the Technical Committee.

During that seminar the basis for a solution to the ivory trade problem was found, the key features thereof being export quotas for raw ivory based on scientifically established management programmes, no trade from countries without such quotas and no trade in unmarked ivory. The approach was fully endorsed by the Technical Committee.

The Secretariat designed a project, which was aimed at providing the necessary basis for the establishment of quotas. As the Secretariat was to play a central role in the co-ordination of the ivory trade controls it proposed the establishment of a special unit within the Secretariat for that purpose.

The approval of the quota system of **Resolution Conf. 5.12** in **1985** and the Secretariat's proposal for the creation of the Ivory Control Unit added a number of powerful tools to the conventional Appendix II controls and at the time allowed the Parties not to go as far as to prohibit international trade in African elephant ivory...

At the sixth meeting of the Conference of the Parties, in **1987**, no less than six Resolutions were adopted to refine the quota system.

In **1989**, at the seventh meeting of the Conference of the Parties, the African elephant was transferred to Appendix I.

In **1994**, all earlier recommendations were with a view to reduce the number of applicable resolutions consolidated in **Resolution Conf. 9.16**.

That Resolution was, in **1997**, replaced with **Resolution Conf. 10.10**, which was revised in **2000** and became **Resolution Conf. 10.10 (Rev. CoP12)** in **2002**.

Consideration of proposals for the transfer of African elephant populations from Appendix I to Appendix II

In adopting the transfer to Appendix I in 1989, the Conference of the Parties also adopted a special mechanism for the transfer of African elephant populations from Appendix I to Appendix II. The preamble of **Resolution Conf. 7.9** even stated that the Conference of the Parties was aware that populations of elephants in certain African states which may not meet the criteria provided for in **Resolution Conf. 1.1** were transferred to Appendix I.

Resolution Conf. 7.9 further noted that the Parties had agreed that transfer to Appendix II shall be considered on the basis of a report to the Parties that addresses, inter alia, the status of elephant populations, the effectiveness of elephant conservation measures, and the degree of control of the movement of ivory within and through the Parties including those that may have entered a reservation with respect to the listing of *Loxodonta africana* in Appendix I of the Convention and that the Parties had called upon UNEP, IUCN and TRAFFIC to provide nominees to serve on a Panel of Experts to advise the Conference of the Parties on requests for transferring particular elephant populations back to Appendix II.

Resolution Conf. 7.9 laid down the Terms of Reference for the Panel of Experts on the African Elephant and Criteria for the Transfer of Certain African Elephant Populations from Appendix I to Appendix II.

Another Resolution adopted at the seventh meeting of the Conference of the Parties has to be mentioned here. Resolution Conf. 7.8 urged all Parties were urged to support the uplisting of the African elephant to Appendix I by implementing strictly the controls applied by virtue of that listing. The Resolution further recommended that all Parties implement stricter domestic controls on trade in African ivory under the Appendix-I listing with immediate effect, in anticipation of the formal entry into force of the amendment to the Appendices.

The ninth meeting of the Conference of the Parties (1994), decided (Decisions 6 and 7) that the Standing Committee should:

Decision 6.

- a) revisit, in close co-operation with the African region, the review procedure for African elephant proposals;
- b) address concerns regarding stockpiles of African elephant ivory, regarding producer and consumer countries; and
- c) submit its recommendations to the 10th meeting of the Conference of the Parties.

Decision 7.

The nature of any proposals submitted to the tenth meeting of the Conference of the Parties, regarding the downlisting of African elephant populations, shall be taken into consideration and the mandate of the Panel of Experts shall be amended accordingly.

Resolution Conf. 7.9 was, in 1997, replaced by **Resolution Conf. 10.9**. In its preamble it is reiterated that the transfer of the African elephant to Appendix I was agreed by the Conference of the Parties in 1989 although populations in certain range States may not have met the criteria in Resolution Conf. 1.1. It resolves that:

- a) all proposals to transfer populations of the African elephant from Appendix I to Appendix II shall be subject to a review by a Panel of Experts, which shall consider:
 - i) the scientific evidence regarding the numbers and trends of the populations;
 - ii) the conservation and management of these populations, and threats to their status; and

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- iii) the adequacy of controls on trade in ivory and other parts and derivatives;
- b) the Panel of Experts shall include expertise from the following areas:
 - i) elephant ecology and population biology
 - ii) field conservation and management;
 - iii) monitoring of trade in parts and derivatives of elephants;
 - iv) establishment and operation of trade regimes including establishment of quotas; and
 - v) security aspects of stocks of elephant parts and derivatives and/or wildlife law enforcement;
- c) the Standing Committee, after consultation as appropriate with UNEP, IUCN, TRAFFIC International, the affected range state and the region concerned, shall nominate the members of the Panel of Experts, which should not exceed six in number;
- d) the selection should take into account the need for appropriate geographical representation;
- e) the proponent State should appoint a representative to facilitate the work of the Panel and to act as an adviser;
- f) the Standing Committee shall direct the CITES Secretariat to convene the Panel of Experts;
- g) the Panel of Experts shall:
 - i) meet at its earliest convenience but no later than two months following the receipt by the Secretariat of a proposal to be reviewed and as frequently thereafter as is necessary;
 - ii) evaluate, within 45 days after its first meeting if possible, each proposal to transfer a population to Appendix II;
 - iii) elect its Chairman from within its own membership;
 - iv) be provided with technical assistance and support as required;
 - v) assign particular tasks to individual members and may appoint consultants to carry out studies on its behalf; and
 - vi) be financed from the regular budget of the CITES Secretariat or from funds assigned for this purpose by Parties;
- h) the proponent State should undertake to give the Panel or its accredited consultants free and unrestricted access to all data in its possession regarding elephant populations, elephant management, trade in parts and derivatives of elephants and, as appropriate, law enforcement procedures and actions;
- i) in evaluating the status and management of an elephant population the Panel of Experts shall take into account:
 - i) the viability and sustainability of the population, and potential risks;
 - ii) the affected range state's demonstrated ability to monitor the subject population; and

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- iii) the effectiveness of current anti-poaching measures;
 - j) in evaluating the affected range state's ability to control trade in ivory from African elephants, the Panel of Experts shall take into account:
 - i) whether total levels of off take from both legal and illegal killing are sustainable;
 - ii) whether control of ivory stocks is adequate to prevent the mixing of legal and illegal ivory;
 - iii) whether law enforcement is effective; and
 - iv) whether enforcement and controls are sufficient to ensure that no significant amounts of ivory taken or traded illegally from other countries are traded within or through the territory of the affected range state;
 - k) when appropriate, the Panel of Experts shall also consider:
 - i) the trade in parts and derivatives from the African elephant other than ivory and the controls on such trade in the proponent State; and
 - ii) the controls on ivory trade in specified importing countries;
 - l) the Panel of Experts shall also evaluate whether acceptance of the proposal under review is likely to have a positive or negative impact on the conservation status of the elephant population and its environment in the affected range State; and
- Note:** Paragraphs k) and l) were not included in *Resolution Conf. 7.9*. They extend the scope of the terms of reference of the Panel and allow it to consider the effects of trade in products other than ivory and take account of the impact of the downlisting proposal on the elephant and its environment in the range state concerned.
- m) for the purpose of deciding on the transfer of a population of the African elephant from Appendix I to Appendix II and the necessary conditions to be attached to such a transfer, the Parties shall take into account the report of the Panel of Experts and in particular:
 - i) the status of the elephant population in the affected range State;
 - ii) the affected range State's ability to manage and conserve its population effectively; and
 - iii) the affected range State's ability to control trade in elephant ivory.

The 1997 decisions

In addition to the adoption of **Resolution Conf. 10.8**, the Conference of the Parties adopted **Resolution Conf. 10.10** (revised in 2000 and 2002), which notes that the African elephant *Loxodonta africana* was transferred from Appendix II to Appendix I at the seventh meeting of the Conference of the Parties (Lausanne, 1989) but some populations were transferred back to Appendix II, under certain conditions, at the 10th and 11th meetings.

With the Resolution, the Conference of the Parties, regarding:

Definitions

agrees that:

- a) the term 'raw ivory' include all whole elephant tusks, polished or unpolished and in any form whatsoever, and all elephant ivory in cut pieces, polished or unpolished and howsoever changed from its original form, except for 'worked ivory' (ex Resolutions Conf. 3.12 and 6.15);
- b) 'worked ivory' be considered readily recognizable and that this term shall cover all items made of ivory for jewellery, adornment, art, utility or musical instruments (but not including whole tusks in any form, except where the whole surface has been carved), provided that such items are clearly recognizable as such and in forms requiring no further carving, crafting or manufacture to effect their purpose (ex Resolutions Conf. 3.12 and Conf. 6.16);

Note: Resolution Conf. 6.16 recommended also that: d) in applying the provisions of Article VII, paragraph 3, a practical approach be taken in determining what quantity of items qualifies for the exemption.

Note: Until the 11th meeting of the Conference of the Parties, the above definitions referred specifically to African elephant ivory.

With regard to:

Marking

the Resolution recommends that whole tusks of any size, and cut pieces of ivory that are both 20 cm or more in length and one kilogram or more in weight, be marked by means of punch-dies or, where this is not practicable, with indelible ink, using the following formula: country-of-origin two-letter ISO code, serial number for the year in question/the last two digits of the year and the weight in kilograms (e.g. KE 00/127/14). This number is to be placed at the "lip mark", in the case of whole tusks, and highlighted with a flash of colour (ex Resolutions Conf. 3.12 and Conf. 6.15).

On:

The control of internal ivory trade

Resolution Conf. 10.10 (Rev. CoP12) recommends to those Parties in whose jurisdiction there is an ivory carving industry that is not yet structured, organized or controlled and to those Parties designated as ivory importing countries, that comprehensive internal legislative, regulatory and enforcement measures be adopted to:

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- a) register or license all importers, manufacturers, wholesalers and retailers dealing in raw, semi-worked or worked ivory products;
- b) establish a nation-wide procedure, particularly in retail outlets, informing tourists and other non-nationals that they should not purchase ivory in cases where it is illegal for them to import it into their own home countries; and

Note: Paragraph b) was added at the 12th meeting of the Conference of the Parties.

- c) introduce recording and inspection procedures to enable the Management Authority and other appropriate government agencies to monitor the flow of ivory within the State, particularly by means of:
 - i) compulsory trade controls over raw ivory; and
 - ii) a comprehensive and demonstrably effective reporting and enforcement system for worked ivory;

Since the 12th meeting of the Conference of the Parties, the Resolution urges the Secretariat, where possible, to assist Parties in improving their legislative, regulatory and enforcement measures and directs the Standing Committee to undertake a regular review of actions taken by consumer States to improve legislation and enforcement measures and to report the results at each meeting of the Conference of the Parties.

The 12th meeting of the Conference of the Parties also adopted the following decisions on the subject of internal ivory trade controls:

Decision 12.36:

Parties, donors and organizations are requested to provide urgent financial and technical support to strengthen the implementation of Resolution Conf. 10.10 (Rev. CoP12) regarding control of internal ivory trade in elephant range States for, *inter alia*:

- a) building capacity for law enforcement within elephant range States;
- b) improving public awareness of the conservation impacts from unregulated national trade in ivory;
- c) improving coordination and cooperation amongst national law enforcement agencies;
- d) registering and marking raw ivory in public and private possession, and registering and licensing all importers, manufacturers, wholesalers and retailers dealing in raw, semi-worked or worked ivory products;
- e) introducing recording and inspection procedures as part of a system of comprehensive and compulsory national trade controls; and
- f) urgently strengthening provisions in their national legislation concerning the regulation of internal ivory markets and the implementation of CITES in general where necessary.

Decision 12.37:

The Standing Committee, at its 50th meeting, shall review the work conducted by the Secretariat and the Parties to comply with Decision 12.39 and shall consider whether additional measures are appropriate. In the case of non-compliance these may include recommendations to restrict the commercial trade in specimens of CITES-listed species to or from the Parties concerned.

Decision 12.38:

The Secretariat shall assist range States as outlined in Decision 12.36 paragraphs a) to f).

Decision 12.39:

- a) Contingent on the availability of funding, the Secretariat shall assess whether countries with currently active internal ivory markets (i.e. Cameroon, China, the Democratic Republic of the Congo, Djibouti, Ethiopia, Japan, Nigeria, Thailand, Uganda and the United States of America) have established the comprehensive internal legislative, regulatory and enforcement measures specified in Resolution Conf. 10.10 (Rev. CoP12) regarding compliance with control of internal trade.
- b) Where such assessments demonstrate that a Party does not have adequate measures, the Secretariat shall seek from that Party an action plan that is an outline of its programme to adopt measures to enable it to adequately regulate trade in ivory. The purpose of such a plan is to establish and commit to a timeframe for developing, approving, enacting and implementing such measures. The Secretariat shall provide technical assistance in the development of such plans.

Resolution Conf. 6.14 partly contained the recommendations in a) and b) of Resolution Conf. 10.10 (Rev. CoP12), but in addition recommended:

- a) that Parties establish a system of registration or licensing, or both, for commercial importers and exporters of raw ivory in their countries, but that this requirement need not apply to individuals engaged in bona fide transactions in personal and household effects covered by Article VII, paragraph 3, of the Convention;
- b) that commercial imports, exports and re-exports of raw ivory be limited to such registered or licensed importers and exporters effective 1 January 1989; and
- c) that registered or licensed importers and exporters be encouraged to form an association to regulate their own industry, and to maintain liaison with the CITES Secretariat.

Resolution Conf. 6.14 recommended that where possible Parties adopt domestic measures whereby importers, exporters or re-exporters of raw ivory would be subject to a license to conduct such trade, unless such trade is only conducted by the Party itself.

Resolution Conf. 6.16 on trade in worked ivory contained the suggestion that to inhibit illegal practices, range states producing worked ivory adopt internal controls such as registering or licensing ivory workers, industries and wholesale and retail outlets, and require them to keep records adequate for documenting the flow of ivory.

At the 12th meeting of the Conference of the Parties, the following section was added in **Resolution Conf. 10.10 (Rev. CoP12)**:

Compliance with control of internal trade

DIRECTS the Secretariat, with reference to the findings of ETIS and MIKE and within available resources:

- a) to identify those Parties with an ivory carving industry and internal ivory trade whose domestic measures do not provide them with the authority to:
 - i) register or license all importers, manufacturers, wholesalers and retailers dealing in raw, semi-worked or worked ivory products;
 - ii) assert compulsory trade controls over raw ivory; and
 - iii) establish a comprehensive and demonstrably effective reporting and enforcement system for worked ivory;
- b) to seek from each Party so identified information indicating the procedures, action and time frames that are needed in order to establish the measures necessary to properly effect the recommendations regarding internal ivory trade; and
- c) to report its findings, recommendations or progress to the Standing Committee, which shall consider appropriate measures, including restrictions on the commercial trade in specimens of CITES-listed species to or from such Parties; and

DIRECTS the Secretariat, dependent on available resources, to provide technical assistance to Parties to develop practical measures to regulate their internal ivory trade.

With regard to:

Monitoring of illegal hunting of and trade in elephant specimens

the Conference of the Parties agrees with **Resolution Conf. 10.10 (Rev. CoP12)** that:

- a) The systems known as Monitoring the Illegal Killing of Elephants (MIKE) and the Elephant Trade Information System (ETIS), established under the supervision of the Standing Committee, shall continue and be expanded with the following objectives:
 - i) measuring and recording levels and trends, and changes in levels and trends, of illegal hunting and trade in ivory in elephant range States, and in trade entrepôts;
 - ii) assessing whether and to what extent observed trends are related to changes in the listing of elephant populations in the CITES Appendices and/or the resumption of legal international trade in ivory;

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- iii) establishing an information base to support the making of decisions on appropriate management, protection and enforcement needs; and
 - iv) building capacity in range States;
- b) this monitoring system shall be in accordance with the framework outlined in Annex 1 for monitoring of illegal trade in ivory and other elephant specimens and in Annex 2 for monitoring of illegal hunting in elephant range States; and
 - c) information on illegal killing of elephants and trade in their products from other credible law enforcement and professional resource management bodies, should also be taken into consideration; and
 - d) technical oversight will be provided to both MIKE and ETIS through an independent technical advisory group to be established by the Secretariat;

The last paragraph was added at the 12th meeting of the Conference of the Parties.

The 12th meeting of the Conference of the Parties also adopted the following Decisions on MIKE:

Decision 12.33:

By its 49th meeting, the Standing Committee, in consultation with the MIKE Central Coordinating Unit and IUCN should define the geographical scope and the nature of the data that constitute the baseline information from MIKE that must be provided before any exports can be approved.

Decision 12.34:

The Standing Committee shall determine how it would conclude that a detrimental impact on other elephant populations had occurred as a result of approved trade in ivory.

Decision 12.35:

By its 49th meeting, the Standing Committee is encouraged to recommend measures for improving law enforcement coordination between ivory producing and ivory importing States.

The following recommendations are no longer contained in Resolution Conf.10.10 (Rev. CoP12):

Resolution Conf. 3.12 and Conf. 9.16 also recommended that permits or certificates for raw ivory be accepted only if they mention the actual country of origin and that relevant information be exchanged among Parties, and between Parties and the Secretariat and, if there is any doubt concerning the validity of an export permit or re-export certificate for ivory, a copy of the document be submitted to the issuing Management Authority for clarification. Paragraph c) of Resolution Conf. 6.15 recommended that importing countries accept re-export certificates for raw ivory where the country of origin is not given when there is justification given for this omission in rela-

tion to the recommendations of Resolution Conf. 3.6, and the certificate bears a statement to this effect. Resolution Conf. 6.16 contained the same recommendation for worked ivory.

Resolutions Conf. 5.12 and Conf. 9.16 recommended that all trade in raw ivory be prohibited with or through any State that does not conform with the ivory quota and trade requirements of CITES as advised by the Secretariat and confirmed by the Standing Committee of the Conference of the Parties. Resolutions Conf. 6.11 and Conf. 9.16 recommended the use of all possible means (including economic, diplomatic and political) to exert pressure on countries continuing to tolerate illegal trade in ivory, to take the necessary action to prohibit such trade.

Resolution Conf. 6.12 and Conf. 9.16 encouraged States to offer rewards for information on illegal hunting and trafficking in ivory leading to the arrest and conviction of illegal traffickers in ivory and recommended that Parties notify the Secretariat, when possible, about convicted illegal traders and persistent offenders, and directed the Secretariat to provide such information quickly to the Parties.

<p>Note: Resolution Conf. 9.8 (Rev.) on Enforcement now contains these provisions, but without limiting it to illegal ivory.</p>

Resolutions Conf. 6.12 and Conf. 9.16 also recommended to improve communications on ivory consignments between producer and consumer States and between such States and the Secretariat by providing Management Authorities of producer countries with the means to do so, and ivory user States in particular are urged to assist.

Resolutions Conf. 7.8 and Conf. 9.16 recommended that Parties review their publicity of CITES controls to ensure that members of the public are aware of them and in particular of controls on ivory.

Regarding the

Assistance to elephant range States

Resolution Conf. 10.10 (Rev. CoP12) recommends that Parties assist range States to improve their capacity to manage and conserve their elephant populations through improved law enforcement, surveys and monitoring of wild populations (ex Resolution Conf. 6.12);

and regarding:

Quotas for and trade in raw ivory

it recommends that:

- a) each State that has a population of African elephants and wishes to authorize export of raw ivory establish, as part of its management of the population, an annual export quota for raw ivory expressed as a maximum number of tusks (ex Resolution Conf. 5.12);

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- b) each export quota be communicated to the CITES Secretariat in writing by 31 December for the next calendar year (ex Resolution Conf. 5.12);

Note: This was 1 December in Resolutions Conf. 5.12 and Conf. 9.16.

- c) Parties ensure that significant amounts of confiscated ivory are notified separately to the Secretariat and are not incorporated in quota submissions (ex Resolution Conf. 5.12);
- d) the CITES Secretariat assist in the implementation of the quota system by: reviewing information submitted on each quota, together with any information received about the status of the population in question; discussing any concern with the relevant State; and, if there is no cause for concern, communicating the current quota to the Parties not later than 31 January of each year;

Note: This adds importantly to the role given to the Secretariat with Resolution Conf. 5.12, which limited it to the maintenance of a central database, the circulation of the list of quotas (before 1 January) and to provide advice on the conservation status of elephant populations.

- e) the Secretariat maintain its Ivory Trade Control Procedures Manual and that the Parties follow the procedures for quota submissions documented in this Manual (ex Resolution Conf. 9.16);
- f) if the quota is not submitted by the deadline, the State in question have a zero quota until such time as it communicates its quota in writing to the Secretariat and the Secretariat in turn notifies the Parties (ex Resolution Conf. 5.12);
- g) no export, re-export or import of raw ivory be authorized unless it is marked in accordance with this Resolution or in accordance with the Secretariat Manual (ex Resolution Conf. 5.12);
- h) Parties accept raw ivory from producer States only where the export permit was issued in a year for which a quota for the State in question has been communicated to the Parties in accordance with this Resolution (ex Resolution Conf. 5.12);
- i) Parties may accept raw ivory from a producer non-party State only if a quota for that State has been reviewed by the Secretariat and communicated to the Parties and if the Secretariat has received from the State an annual report on its ivory trade, and if the State meets all the other conditions in this Resolution and Article X of the Convention (as interpreted by Resolutions of the Conference of the Parties) (ex Resolution Conf. 5.12. The words in italics were added.);
- j) in compiling their annual reports, producer party and non-party States that have authorized the export of raw ivory relate such exports to their quota for any given

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year, providing the Secretariat with as much relevant information as possible, including, as a minimum, the number of whole or substantially whole tusks and their individual weights and identification numbers (ex Resolution Conf. 5.12);

- k) all Parties maintain an inventory of the stock of raw ivory held within their territory, and that they inform the Secretariat of the level of this stock each year before 31 January, indicating the source of the ivory; and

Note: Resolutions Conf. 5.12 and Conf. 9.16 only recommended a stock inventory of raw ivory that might be destined for international trade and the Secretariat only had to be informed before export was allowed.

- l) Parties assist the Secretariat to ensure that the duties set out in this Resolution are carried out (ex Resolution Conf. 5.12);

Regarding resources required for implementation of Resolution Conf. 10.10 (Rev. CoP12)

The Resolution appeals to all governments, non-governmental conservation organizations and other appropriate agencies to provide funds for the resources required in the Secretariat and producer States to ensure that the recommendations in this Resolution can be effectively implemented (ex Resolution Conf. 5.12).

Note: Resolution Conf. 6.13 on improving, coordinating and financing African elephant ivory trade controls, recognized that the level of voluntary contributions from governments, non-governmental organizations and individuals was not adequate for the Secretariat to continue providing effective co-ordination. It urged that governments, non-governmental organizations, trade groups and other appropriate agencies contribute on a voluntary basis to the Secretariat for ivory trade control co-ordination activities, with contributions proportionate to their trade in African elephant ivory. It directed the Secretariat to consult with the IUCN Environmental Law Centre and report within one year to the Standing Committee on potential sources of revenue from duties, taxes, awards, fines, fees and assessments that Parties could implement or use for the purpose of financially assisting in CITES enforcement and Secretariat activities such as those of the Ivory Unit.

Annex 1 to Resolution Conf. 10.10 (Rev. CoP12):

Monitoring of illegal trade in ivory and other elephant specimens

1. Introduction

In order to monitor and record levels of illegal trade in ivory and other elephant specimens on a global basis, there is a need for a system to collect and compile law

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enforcement data on seizures and confiscations. The Conference of the Parties recognizes the Bad Ivory Database System (BIDS) established by TRAFFIC for this purpose in 1992.

Through further development and refinement of BIDS, the Elephant Trade Information System (ETIS) was developed to monitor the pattern and scale of illegal trade in ivory and other specimens.

2. Scope

ETIS will include the details of law enforcement records for seizures or confiscations of elephant ivory and other elephant specimens which have occurred anywhere in the world since 1989. ETIS will also include subsidiary information on law enforcement effort, legal and illegal elephant product markets and background economic data.

3. Methods

Data and information on illegal trade in elephant ivory and other elephant specimens will be collected by TRAFFIC in collaboration with the CITES Secretariat. In this regard, a standardized methodology will be developed for the collection of data, including, *inter alia*:

- source of information
- date of seizure
- type of transaction
- country of seizure
- country of origin
- country of export
- country of destination/import
- type of ivory and quantity
- mode of transport
- *modus operandi*
- profile of offenders/suspects
- status of cases in the courts
- law enforcement effort.

A data collection form has been designed and circulated to all Parties by the CITES Secretariat.

4. Data collection and compilation

ETIS will be managed and coordinated by TRAFFIC.

All Parties should provide information on seizures and confiscations of ivory or other elephant specimens on the prescribed form to the Secretariat within 90 days of their occurrence. In addition, law enforcement agencies in States not-party are also requested to provide such information.

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TRAFFIC will assist the relevant Parties with the collection of data, ensure data quality and consistency, and provide training in data collection and information management techniques to designated officials around the world as appropriate.

5. Data analysis and interpretation

The analysis and interpretation of data will be coordinated by TRAFFIC in association with the CITES Secretariat and institutions involved with monitoring the illegal hunting of elephants (see Annex 2). The Secretariat will establish a technical advisory group to support the development and implementation of ETIS.

<p>Note: The last sentence was added at the 12th meeting of the Conference of the Parties.</p>
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6. Reporting

TRAFFIC will produce a comprehensive report to each meeting of the Conference of the Parties.

7. Intersessional remedial action

In the event that there is a need for urgent intersessional action, TRAFFIC will report to the Standing Committee via the Secretariat as appropriate.

8. Funding

A funding mechanism will be established to ensure that ETIS is fully operational.

Annex 2 to Resolution Conf. 10.10 (Rev. CoP12):

Monitoring of illegal hunting in elephant range States (MIKE)

1. Introduction

In order to address the concerns of many elephant range States, it is necessary to establish a system through which the impact of CITES decisions with respect to elephants and trade in elephant specimens can be assessed. Of primary importance is the establishment of a simple system of international reporting of incidents of illegal hunting as a baseline against which levels and trends can be determined and changes in these levels and trends can be detected.

It is recognized that such measurement must consist of two elements.

The first of these is the monitoring of parameters relevant to the issue, such as the pattern and scale of illegal killing, the pattern and scale of illegal trade in ivory, the effort and resources being applied to detection and/or prevention and the monetary value of illegally traded ivory, as well as other factors that might affect these parameters, such as civil strife, the flow of illegal arms and ammunition, loss of habitat and drought.

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The second element is the establishment of correlations between relevant parameters and the decisions of the Conference of the Parties with regard to elephants.

The overall aim of this system is to provide information needed for range States and other Parties to CITES to make appropriate management and enforcement decisions, and to build institutional capacity within the range States for the long-term management of their elephant populations *by improving their ability to monitor elephant populations, detect changes in levels of illegal killing, and to use this information to provide more effective law enforcement and to strengthen any regulatory measures required to support such enforcement. The system should be established in such a way that it can continue after financial support for the programme has come to an end.*

<p>Note: The words in italics were added at the 12th meeting of the Conference of the Parties.</p>
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2. Scope and methodology

The monitoring system will include elephant range States in both Africa and Asia and trade entrepôts.

It will be based on a standardized methodology for the reporting of illegal hunting by CITES Management Authorities in range States and for monitoring in specific sites or areas. Relevant databases and standard reporting protocols will be established by the CITES Secretariat in consultation with the range States and the MIKE Technical Advisory Group (TAG).

Sites will be selected on the basis of representative sampling (since it is neither possible nor practical to cover all range States) and will include a variety of habitat types, geographical regions and protected and non-protected areas. The sites included in the system are selected collaboratively with the range States, the CITES Secretariat and other relevant experts.

For countries wishing to include in the monitoring system sites other than the selected ones, it will be possible and desirable to contribute data voluntarily on additional sites.

3. Data collection, compilation and reporting

Data collection will cover the following topics:

- elephant population data/trends
- incidence and patterns of illegal hunting
- measures of the effort and resources employed in detection and prevention of illegal hunting and trade.

Data and information on illegal hunting and illegal trade in ivory will be collected through active communication with range States through the implementation of MIKE and ETIS (see Annex 1).

The CITES Secretariat will request/sub-contract technical support from appropriate experts, with the advice of the TAG, to:

- a) select sites for monitoring as representative samples;
- b) develop a standardized methodology for data collection analysis;
- c) provide training to designated officials in countries with selected sites and to CITES Management Authorities of elephant range States;
- d) collate and process all data and information from all sources identified; and
- e) provide a report to the CITES Secretariat for transmission to the Standing Committee and Parties to CITES.

4. Reporting

The CITES Secretariat will provide an updated report on information collected, as part of this monitoring programme, to each meeting of the Conference of the Parties.

5. Funding

Substantial funding will be required for the above activities.

The following decision played a crucial role in the decision-taking process following the tenth meeting of the Conference of the Parties:

Decision 10.1 - Conditions for the resumption of trade in African elephant ivory from populations transferred to Appendix II at the 10th meeting of the Conference of the Parties

Part A

Trade in raw ivory shall not resume unless:

- a) deficiencies identified by the CITES Panel of Experts (established pursuant to Resolution Conf. 7.9, replaced by Resolution Conf. 10.9) in enforcement and control measures have been remedied;
- b) the fulfilment of the conditions in this Decision has been verified by the CITES Secretariat in consultation with the African regional representatives on the Standing Committee, their alternates and other experts as appropriate;
- c) the Standing Committee has agreed that all of the conditions in this Decision have been met;
- d) the reservations entered by the range States with regard to the transfer of the African elephant to Appendix I were withdrawn by these range States prior to the entry into force of the transfer to Appendix II;

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Note: “Range States” is understood to mean the States whose populations of African elephant have been transferred to Appendix II [as in paragraph h)].

- e) the relevant range States support and commit themselves to international cooperation in law enforcement through such mechanisms as the Lusaka Agreement;
- f) the relevant range States have strengthened and/or established mechanisms to reinvest trade revenues into elephant conservation;
- g) the Standing Committee has agreed to a mechanism to halt trade and immediately re-transfer to Appendix I populations that have been transferred to Appendix II, in the event of non-compliance with the conditions in this Decision or of the escalation of illegal hunting of elephants and/or trade in elephant products owing to the resumption of legal trade;

Note: The Standing Committee, agreed at its 40th meeting that in the event of non-compliance with the conditions of Decision 10.1, Part A, or if it is satisfied that illegal hunting of elephants or illegal trade in elephants products has escalated as a result of the resumption of legal trade in raw ivory, it would:

- i) request the Depository Government to make a proposal to transfer to Appendix I one or more of the African elephant populations currently included in Appendix II, to be considered by postal procedures unless the 11th meeting of the Conference of the Parties is less than six months away; and
- ii) request Botswana, Japan, Namibia and Zimbabwe to immediately cease authorizing commercial trade in raw ivory, and recommends that Botswana, Japan, Namibia and Zimbabwe agree to cease trade in compliance with Decision 10.1, Part A, paragraph g), if so requested by the Standing Committee.

- h) all other precautionary undertakings by the relevant range States in the supporting statements to the proposals adopted at the 10th meeting of the Conference of the Parties have been complied with; and
 - i) the relevant range States, the CITES Secretariat, TRAFFIC International and any other approved party agree to:
 - ii) an international system for reporting and monitoring legal and illegal international trade, through an international database in the CITES Secretariat and TRAFFIC International; and
 - ii) an international system for reporting and monitoring illegal trade and illegal hunting within or between elephant range States, through an international database in the CITES Secretariat, with support from TRAFFIC International and institutions such as the IUCN/SSC African Elephant Specialist Group and the Lusaka Agreement.

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Note: With Notification to the Parties No 1998/10, the Secretariat introduced an “Ivory and Elephant Product Seizure Data Collection Form” and an “Incident Report Form on Illegal Hunting of Elephants”.

Part B

- a) If all of the conditions in this Decision are met, the Standing Committee shall make available its evaluation of legal and illegal trade and legal off take pursuant to the implementation of Resolution Conf. 10.10 as soon as possible after the experimental trade has taken place.
- b) The Standing Committee shall identify, in co-operation with the range States, any negative impacts of this conditional resumption of trade and determine and propose corrective measures.

The annotation in the Appendices

The transfer of the African elephant populations of Botswana, Namibia and Zimbabwe from Appendix I to Appendix II not only took place on the conditions laid down in Decision 10.1, but was also limited by the following annotation in the Appendices:

604 For the exclusive purpose of allowing: 1) export of hunting trophies for non-commercial purposes; 2) export of live animals to appropriate and acceptable destinations (Namibia for non-commercial purposes only); 3) export of hides (Zimbabwe only); 4) export of leather goods and ivory carvings for non-commercial purposes (Zimbabwe only). No international trade in ivory is permitted before 18 months after the transfer to Appendix II comes into effect (i.e. 18 March 1999). Thereafter, under experimental quotas for raw ivory not exceeding 25.3 tonnes (Botswana), 13.8 tonnes (Namibia) and 20 tonnes (Zimbabwe), raw ivory may be exported to Japan subject to the conditions established in Decision of the Conference of the Parties regarding ivory No 10.1. All other specimens shall be deemed to be specimens included in Appendix I and the trade in them shall be regulated accordingly.

The experimental trade referred to above took place successfully in 1999.

At the 11th meeting of the Conference of the Parties the annotated transfer to Appendix II of the South African elephant population was decided.

The 11th meeting of the Conference of the Parties also adopted **Resolution Conf. 11.20** which recalls that, at the ninth meeting of the Conference of the Parties, the South African population of southern white rhinoceros (*Ceratotherium simum simum*) was transferred to Appendix II of the Convention subject to an annotation stating, in part, “For the exclusive purpose of allowing international trade in live animals to appropriate and acceptable destinations and hunting trophies”. It also recalls that, at the 10th meeting of the Conference of the Parties, the African elephant (*Loxodonta africana*) populations of Botswana, Namibia and Zimbabwe were transferred to Appendix II of the Convention subject to an annotation stating, in part, “For the exclusive purpose of allowing export of live animals to appropriate and acceptable destinations”; It notes that the term ‘appropriate and acceptable destinations’ is yet to be

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fully defined and that the Parties have not indicated whether the determination that destinations are 'appropriate and acceptable' was to be made by the exporting or the importing country. The Conference of the Parties recognizes that there are annotations currently existing that refer to live animals, and that similar annotations may be adopted in future. It finally notes that appropriate and acceptable destinations for live animals should be those that ensure that the animals are humanely treated.

On the basis of the above, the Conference of the Parties agrees that, where the term 'appropriate and acceptable destinations' appears in an annotation to the listing of a species in Appendix II of the Convention with reference to the export of or international trade in live animals, this term shall be defined to mean destinations where the Scientific Authority of the State of import is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it.

The 12th meeting of the Conference of the Parties – on the basis of a wide consensus reached at the preceding African Elephant Range States Dialogue meeting - adopted proposals from **Botswana, Namibia** and **South Africa** to maintain their populations in Appendix II and approved the conditioned possibility of the sale of their ivory stocks and other products as follows:

For the exclusive purpose of allowing:

- 1) trade in hunting trophies for non-commercial purposes;
- 2) trade in live animals for in situ conservation programmes;
- 3) trade in hides;
- 4) trade in leather goods for non-commercial purposes;
- 5) trade in registered raw ivory (for Botswana and Namibia, whole tusks and pieces; for South Africa, whole tusks and cut pieces of ivory that are both 20 cm or more in length and one kilogramme or more in weight) subject to the following:
 - i) only registered government-owned stocks, originating in the State (excluding seized ivory and ivory of unknown origin) and, in the case of South Africa, only ivory originating from the Kruger National Park);
 - ii) only to trading partners that have been verified by the Secretariat, in consultation with the Standing Committee, to have sufficient national legislation and domestic trade controls to ensure that the imported ivory will not be re-exported and will be managed in accordance with all requirements of Resolution Conf. 10.10 (Rev. CoP12) concerning domestic manufacturing and trade;
 - iii) not before May 2004, and in any event not before the Secretariat has verified the prospective importing countries, and the MIKE programme has reported to the Secretariat on the baseline information (e.g. elephant population numbers, incidence of illegal killing);
 - iv) a maximum of 20,000 kg (Botswana),
10,000 kg (Namibia) and

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30,000 kg (South Africa) of ivory may be traded, and despatched in a single shipment under strict supervision of the Secretariat;

- v) the proceeds of the trade are used exclusively for elephant conservation and community conservation and development programmes within or adjacent to the elephant range; vi) only after the Standing Committee has agreed that the above conditions have been met. On a proposal from the Secretariat, the Standing Committee can decide to cause this trade to cease partially or completely in the event of non-compliance by exporting or importing countries, or in the case of proven detrimental impacts of the trade on other elephant populations. All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.

A proposal from **Zimbabwe** was not adopted, which implies that the decision of COP 11 remains unchanged. The annotation now in force for Zimbabwe reads:

For the exclusive purpose of allowing: 1) export of hunting trophies for non-commercial purposes; 2) export of live animals to appropriate and acceptable destinations; 3) export of hides; 4) export of leather goods and ivory carvings for non-commercial purposes. All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly. To ensure that where a) destinations for live animals are to be "appropriate and acceptable" and/or b) the purpose of the import is to be "non-commercial", export permits and re-export certificates may be issued only after the issuing Management Authority has received, from the Management Authority of the State of import, a certification to the effect that: in case a), in analogy to Article III, paragraph 3(b) of the Convention, the holding facility has been reviewed by the competent Scientific Authority, and the proposed recipient has been found to be suitably equipped to house and care for the animals; and/or in case b), in analogy to Article III, paragraph 3(c), the Management Authority is satisfied that the specimens will not be used for primarily commercial purposes.

Decision 10.2 - Conditions for the disposal of ivory stocks and generating resources for conservation in African elephant range States

- a) The African elephant range States recognize:
 - i) the threats that stockpiles pose to sustainable legal trade;
 - ii) that stockpiles are a vital economic resource for them;
 - iii) that various funding commitments were made by donor countries and agencies to offset the loss of assets in the interest of unifying these States regarding the inclusion of African elephant populations in Appendix I;
 - iv) the significance of channelling such assets from ivory into improving conservation and community-based conservation and development programmes;
 - v) the failure of donors to fund elephant conservation action plans drawn up by the range States at the urging of donor countries and conservation organizations; and
 - vi) that, at its ninth meeting, the Conference of the Parties directed the Standing Committee to review the issue of stockpiles and to report back at the 10th meeting.

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- b) Accordingly, the African elephant range States agree that all revenues from any purchase of stockpiles by donor countries and organizations will be deposited in and managed through conservation trust funds, and that:
 - i) such funds shall be managed by Boards of Trustees (such as representatives of governments, donors, the CITES Secretariat, etc.) set up, as appropriate, in each range State, which would direct the proceeds into enhanced conservation, monitoring, capacity building and local community-based programmes; and
 - ii) these funds must have a positive rather than harmful influence on elephant conservation.
- c) It is understood that this decision provides for a one-off purchase for non-commercial purposes of government stocks declared by African elephant range States to the CITES Secretariat within the 90-day period before the transfer to Appendix II of certain populations of the African elephant takes effect. The ivory stocks declared should be marked in accordance with the ivory marking system approved by the Conference of the Parties in Resolution Conf. 10.10 (Rev. CoP12). In addition, the source of ivory stocks should be given. The stocks of ivory should be consolidated in a pre-determined number of locations. An independent audit of any declared stocks shall be undertaken under the auspices of TRAFFIC International, in cooperation with the CITES Secretariat.
- d) The African elephant range States that have not yet been able to register their ivory stocks and develop adequate controls over ivory stocks require priority assistance from donor countries to establish a level of conservation management conducive to the long-term survival of the African elephant.
- e) The African elephant range States therefore urge that this matter be acted upon urgently since any delays will result in illegal trade and the premature opening of ivory trade in non-proponent range States.
- f) This mechanism only applies to those range States wishing to dispose of ivory stocks and agreeing to and participating in:
 - i) an international system for reporting and monitoring legal and illegal international trade, through an international database in the CITES Secretariat and TRAFFIC International; and
 - ii) an international system for reporting and monitoring illegal trade and illegal hunting within or between elephant range States, through an international database in the CITES Secretariat, with support from TRAFFIC International and institutions such as the IUCN/SSC African Elephant Specialist Group and the Lusaka Agreement.

The ivory trade control procedures manual

In November 1985, the Secretariat circulated the manual referred to in paragraph e) of **Resolution Conf. 10.10 (Rev. CoP12)**.

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It consists of:

- an Introduction,
- (guidelines for) Establishing export quotas,
- (recommended) Enforcement procedures,
- (recommendations regarding) Trade Monitoring,
- forms for use in estimating the ivory production and export quotas:
 - form Q 1: Estimate of animals dying in the quota year
 - form Q 2: Estimate of export ivory quota
- a Tusk Data Sheet to be appended to the export permit

The forms are not included in this book.

INTRODUCTION

This Manual is designed as a practical guide specifically to assist the CITES Management and Scientific Authorities of Party states, and the equivalent authorities in non-Party states, to implement CITES Resolution Conf. 5.12 and thus control the international trade in raw ivory from African elephants.

The procedures described herein are not intended to replace normal CITES procedures, but rather to complement them. If there is any point on which further advice or assistance is required, the Secretariat will be happy to respond to such inquiries. In addition, the reader should refer to the detailed report Establishment of African Ivory Export Quotas and Associated Control Procedures by Rowan B. Martin and Co-ordination of Ivory Trade Controls, CITES document Doc. 5.22.1 (Rev.), both of which are available from the CITES Secretariat.

These procedures are not designed and will not be used by the Secretariat to regulate the trade.

They are specifically for two purposes:

- a) to ensure that importing countries do not accept shipments of ivory that have not been exported from the country of origin under proper CITES controls, i.e. exported against the wishes of the Management Authority of the exporting country, and
- b) to provide an accurate means of monitoring the trade and thus provide feedback of data into the export quota system. The role of the Secretariat is primarily that of a central, coordinating store of information.

Thus, the procedures are designed to maximize the flow of information to and from the Secretariat. If the necessary data are not provided to the Secretariat, the system will not function. Therefore, it is essential that countries transmit the necessary information in a timely fashion and that the Secretariat is consulted as a matter of routine. The procedures suggested are not necessarily the only effective methods, but are recommended in order to provide advice to those who might need it and to introduce as much uniformity in the system as possible. It should be noted that Resolution Conf. 5.12, in recommendations h), k) and n), calls for trade in raw ivory with non-Party states to be prohibited, unless a non-Party complies with all aspects of CITES

ivory trade control procedures. Thus, non-Party producer states must submit an export quota and conform to all other conditions in the same way as Party states. With respect to import and/or re-export, the non-Party must notify the Secretariat of its intention to comply with all relevant requirements, including notification by 1 December 1986 of current stocks. It is emphasized that, unless a non-Party state informs the Secretariat to the contrary, it will be assumed to be not conforming to the requirements.

ESTABLISHING EXPORT QUOTAS

1 Methods

1.1 Where appropriate domestic systems have not yet been established, it is recommended that the methods used to determine the annual export quota of tusks should follow, as closely as possible, the procedure detailed in Rowan B. Martin's report (Chapter 2) which provides a complete basis for estimating export quotas.

1.2 Forms to assist in the estimation of export quotas are given in Annex 3:

Forms Q1 and Q2 (*These are currently irrelevant and not included here*).

If these forms are used for such estimation, the Secretariat would be happy to receive completed copies for reference. If a simple quota (with no details of how it is calculated) is submitted, it should be on Form Q2 and should contain, as a minimum, the name of the country, the year and the total number of tusks expected to be exported.

1.3 It is important that the quota submitted should be a realistic estimate of the number of tusks expected to be produced and should include confiscated tusks wherever possible. Current stocks anticipated to enter international trade should be included. However, if additional large numbers of tusks subsequently become available as a result of Government confiscations, this should be dealt with separately (see ENFORCEMENT PROCEDURES).

1.4 If further information or assistance is required, the Secretariat is available for consultation at any time.

2 Timing

2.1 Each African country having an elephant population and expecting to export tusks should forward its quota statement to reach the Secretariat by 1 December of the year prior to that to which the quota applies. Under Resolution Conf. 5.12, those countries not submitting a quota figure will be assumed to have a zero quota until the Secretariat is informed otherwise.

2.2 Countries with an elephant population but not expecting to export tusks should submit a zero quota to the Secretariat by the same date in order to confirm their position and prevent unnecessary correspondence.

2.3 The Secretariat will send reminders to all producer countries in October/November of each year. If no quota figure has been received by 1 December

from a country normally exporting tusks, the Secretariat will immediately send a further reminder.

2.4 By 10 December, the Secretariat will transmit to the Parties (and to those non-Parties participating in the system) a statement of export quotas for the following year, together with any other relevant information.

2.5 If any country submits an export quota after the deadline, the Secretariat will transmit this information as quickly as possible to the other Parties and relevant non-Parties.

ENFORCEMENT PROCEDURES

3 General

3.1 The control measures outlined in this Manual are aimed primarily at trade in whole or substantially whole tusks. Trade control procedures for cut pieces of raw ivory should be a matter for the discretion of each country. However, governments should ensure that any difference in controls for cut pieces should not become a loophole for evasion of the export quota system. A strict definition of substantially whole tusk is impossible and should be avoided. However, as a general guide, it is suggested that this term should cover any cut piece that obviously formed the major part of a tusk and would normally include the area known as the lip mark

3.2 Trade in raw ivory should not be permitted, under any circumstances, from or to any state which the Secretariat has advised (with confirmation from the Standing Committee) as not conforming with the ivory quota and trade requirements of CITES. In the case of a non-Party state, it should be assumed that it is not conforming unless the Secretariat advises to the contrary.

3.3 The Secretariat is the focal point for information with respect to the implementation of ivory trade control procedures in general and Resolution Conf. 5.12 in particular. Therefore, all countries are strongly recommended to consult the Secretariat if they are in any doubt about such procedures or the acceptability of a specific shipment of ivory.

4 For exporting countries (i.e. only those with an export quota)

4.1 Whenever the export of tusks is authorized, the Management Authority of the exporting country should immediately notify both the Secretariat and the Management Authority of the importing country. Ideally, this should be done by telex giving the permit number, total weight, number of tusks and destination. At the same time, a copy of the export permit and full details of tusk numbers (see paragraph 4.4 below) should be mailed to the Secretariat.

4.2 Each tusk that is large enough should be marked in accordance with Resolution Conf. 3.12, using punch-dies if possible. If the use of punch-dies is impractical, indelible ink (e.g. felt-tip pen) is an acceptable alternative. The tusk numbers should include, as a minimum, the two-letter ISO code for the exporting country, a unique serial number, the year and the weight of the tusk in kilograms.

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4.3 If very small whole tusks (of less than 1 kg. each) are involved, they should still be individually marked. However, for practical reasons, such tusks should be marked using indelible ink (e.g. felt-tip pen) rather than punch-dies.

4.4 Each export permit should include, or be accompanied by, a full list of the tusk numbers covered. Where possible, the tusk numbers should be entered on sheets in the format provided in Annex 4 (*not included*), this will facilitate the computer processing of the data by the Secretariat. Additional blank tusk data sheets are available from the CITES Secretariat, on request.

4.5 All export permits should clearly specify the country of destination, i.e. the importing country and not a transit point. However, transit points should also be specified, if appropriate.

4.6 If a government confiscates a large number of tusks (in excess of those estimated for use in calculating the export quota) which will cause the quota to be exceeded if permitted for export in the same year, the Management Authority should notify the Secretariat of the full details prior to such export so that the confiscated tusks will not be included in the export quota figures and confusion will be avoided.

5 For importing countries

5.1 Importation from an exporting (i.e. producer) country should be permitted only when that country (Party or non-Party) has established an export quota and when it has been ascertained, either from the Secretariat or directly from the designated Management Authority of the exporting country, that the accompanying permit is authentic. It is recommended that communication normally be via the Secretariat to avoid fraudulent replies from unscrupulous traders posing as a Management Authority (as has been experienced in the past).

5.2 Importation from a re-exporting country should be permitted only when it is clear that the ivory has been exported from the country of origin in accordance with the quota system, or that it is part of the stock registered no later than 1 December 1986 with both the Management Authority of the re-exporting country and the Secretariat, or that it is ivory that has been confiscated by the government of the re-exporting country (see paragraph 4.6 above), or it is ivory that was in personal possession before 1 December 1986 (see paragraph 6.5 below).

5.3 Importation from a re-exporting country should be permitted only when a full CITES re-export certificate is presented and which includes, as a minimum, the following information (or acceptable justification for its omission):

- country of origin
- number of export permit or re-export certificate accepted for import
- year of export from country of origin, or year of import
- individual tusk numbers

In addition, in exceptional circumstances, it would be reasonable to request (in confidence), from the re-exporting country, a photocopy of the permit or certificate under which the ivory was imported into that country.

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5.4 An export permit or re-export certificate should not be accepted for importation unless the address of the consignee is located in that country (i.e. the destination country should be specified accurately) in accordance with paragraph 4.5 above and Resolution Conf. 4.10 on the definition of In Transit.

5.5 Importation from a non-Party re-exporting country should be permitted only when it is clear that that country is strictly following the recommendations of Resolution Conf. 5.12.

5.6 The important point is to ensure that re-exporting countries are not used to unwittingly launder ivory originally exported contrary to CITES. If there is any doubt whatsoever about the acceptability of a document, the Secretariat should be consulted.

6 For re-exporting countries

6.1 A re-export certificate should be issued only when the Management Authority is satisfied that the tusks have been imported under the quota system (i.e. in accordance with Resolution Conf. 5.12), or have been registered as current stock prior to 1 December 1986, or have been confiscated by the government, or were in personal possession before 1 December 1986 (see paragraph 6.5 below).

6.2 Each re-export certificate should include, as a minimum, the following information (or acceptable justification for its omission):

- country of origin
- number of export permit or re-export certificate accepted for import
- year of export from country of origin, or year of import
- individual tusk numbers

In addition, in exceptional circumstances, the Management Authority of the importing country or the Secretariat might request (in confidence) a photocopy of the permit or certificate under which the ivory was originally imported (see paragraph 5.3 above).

6.3 During 1986 (if not already done), re-exporting countries should ask traders to register all stocks of tusks which might enter international trade. Tusks thus registered will be eligible for later re-export provided that they have either been marked previously or that they are marked prior to re-export.

6.4 Each re-exporting country registering such stocks should notify the Secretariat no later than 1 December 1986 of the total number of tusks registered and their total weight. In the absence of such notification, it will be assumed that no such stocks exist and it is recommended that no imports be permitted from any such country on the basis of a declaration that the tusks are old stock (unless they fall into the category described in paragraph 6.5 below).

6.5 Registration of stocks has been recommended in order to prevent large shipments of illegal ivory suddenly appearing on the market in the guise of old stock. Therefore, it should be remembered that non-registration of individual tusks or pairs of tusks that are in personal (rather than commercial) possession does not preclude their ultimate entry into international trade. Under such circumstances it is the responsibility of the Management Authority of the country concerned to satisfy itself that the tusks were in personal possession before 1 December 1986.

6.6 To mark tusks (previously unmarked) prior to re-export, the two-letter ISO code of the re-exporting country should be used together with a unique serial number, the year (of marking) and the weight in kilograms. The accompanying certificate should specify that the tusks have been marked by the re-exporting country and should include a list of the tusks numbers.

6.7 A copy of the re-export certificate (or details of its number, date of issue, country of origin, number of export permit or re-export certificate accepted for import, country of destination and quantity of ivory covered) and full details of individual tusk numbers should be sent to the Secretariat, preferably at the time of actual re-export.

6.8 If a non-producer country confiscates tusks, such ivory should be eligible for re-exportation with an explanatory note on the re-export certificate. All such tusks should be marked and the Secretariat should be notified, prior to actual re-exportation, of the full details of the shipment(s).

TRADE MONITORING

7 Annual reports

7.1 Resolution Conf. 5.12 recommends that all Parties include, in their annual reports, full details of all trade in raw ivory, including individual numbers and weights of all tusks. In order to reduce duplicate paperwork, the Secretariat proposes the following:

a) The responsibility for reporting individual tusks numbers and weights should rest with the exporting or re-exporting country for each transaction. When copies of permits/certificates and accompanying lists of tusk numbers are submitted to the Secretariat, this will be deemed to meet the requirements of Resolution Conf. 5.12 and, therefore, such tusk data need not be included in the annual report. However, if the Secretariat has not received full details of tusk numbers at the time of export or re-export, the Management Authority of the exporting or re-exporting country should include these details in its annual report.

b) Under the circumstances described in a), it is necessary for importing countries to report for each shipment only the usual details (i.e. permit or certificate number, total weight, number of tusks, etc.) since the tusk numbers will already have been received from the exporting/re-exporting country.

8 Uses of data

8.1 Data submitted to the Secretariat will be processed on a computer to allow rapid retrieval and crosschecking as an enforcement aid.

8.2 Each year, the Secretariat will produce an analysis of the data, together with a report on the implementation of Resolution Conf. 5.12.

In addition, countries will be able to ask the Secretariat for any specific analysis or situation report at any time.

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Although the Convention's Appendices contain more plant than animal species, implementation of the Convention with regard to trade in plants has always been and still is a reason for concern. The continuing insufficient level of implementation is caused by a number of factors, the main one probably being a lack of interest of most of the Parties, for which trade in plants is from an economic point of view far less important than trade in animals and their parts and derivatives. Meetings of the Conference of the Parties that considered proposals to list certain commercial timber species in Appendix II aroused a lot more interest.

Public opinion has, certainly in consumer countries, proven to play an important role in the adoption of national and international measures for the conservation and welfare of animals. Public interest for the conservation of plants was, however, practically non-existent until the timber issue was raised. Nature conservation organizations had until then also given comparatively little attention to endangered plant species. Other factors for the Convention being less effectively implemented for plants are of a technical nature. The identification of specimens, i.e. to tell one species apart from the other is in most cases even more difficult than for animals and their parts and derivatives. The consideration of timber listings adds yet another dimension to this problem.

Plant species subject to significant levels of trade

One of the most important tools created by the Conference of the Parties is the mechanism to address unsustainable levels of trade in Appendix-II species through what has become known as 'the significant trade process'.

Resolution Conf. 8.9 (Rev.) - since the 11th meeting of the Conference of the Parties - contained similar tasks for the Animals Committee and the Plants Committee, namely to:

- a) in cooperation with the Secretariat and experts, to continue to review the biological, trade and other relevant information on Appendix-II species, with a view to identifying problems with the aim of ensuring the implementation of Article IV, paragraphs 2 (a), 3 and 6 (a);
- b) in relation to those species under review for which sufficient information is available on trade and biological status, to determine possible problems with the implementation of the relevant paragraphs of Article IV, and following consultation

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with the range States, to make specific recommendations. Such recommendations shall be either primary or secondary recommendations;

- i) primary recommendations include, for example, administrative procedures, specific quotas, zero quotas or temporary restrictions on exports of the species concerned; and
 - ii) secondary recommendations include, for example, field studies or evaluation of threats to populations or other relevant factors, including illegal trade, habitat destruction, internal or other uses, designed to provide the information necessary for a Scientific Authority non-detriment finding;
- c) for those species under review for which sufficient information on trade and biological status of the species under review is not available:
- i) to recommend taxon-specific status assessments;
 - ii) to recommend country-specific status assessments;
 - iii) to recommend to range States the establishment of cautious quotas as an interim measure; and
 - iv) to make, as appropriate, recommendations as described under paragraph b) above once the assessments referred to in paragraphs c) i) and ii) have been completed; and
- d) to report at each meeting of the Conference of the Parties on the progress of this review, and on the measures adopted and those recommended to implement Article IV for Appendix-II species subject to significant trade.

The Resolution determined that these reviews shall be carried out in close consultation with all range States concerned, and in accordance with the Decisions of the Conference of the Parties regarding the implementation of this Resolution.

It recommended that:

- a) the above-mentioned recommendations of the Animals Committee and the Plants Committee be communicated by the Secretariat to each Party concerned;
- b) for primary recommendations, each Party concerned, within 90 days of receipt, demonstrate to the satisfaction of the Secretariat that it has implemented the recommendations;
- c) for secondary recommendations, each Party concerned, within 12 months of receipt, demonstrate to the satisfaction of the Secretariat that it has implemented or taken action to implement the recommendations;
- d) for recommendations made pursuant to paragraphs c) i) and ii) under 'DIRECTS' above, each range State concerned, in consultation with the Secretariat and the Chairman of the Animals Committee or Plants Committee, as appropriate, complete a status assessment within two years of receipt of the recommendations of the committee concerned;
- e) for recommendations made under the provisions of paragraph c) iii) under 'DIRECTS' above, each Party concerned, within 90 days of receipt of the recom-

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mendations of the Animals Committee or the Plants Committee, demonstrate to the satisfaction of the Secretariat that it has implemented the recommendations;

- f) upon failure of a concerned Party to satisfy the Secretariat that it has fulfilled the requirements specified in paragraph b), c), d) or e) of this section, the Secretariat recommend to the Standing Committee that all Parties immediately take strict measures, including as appropriate suspension of trade in the affected species with that Party;
- g) following acceptance of the Secretariat's recommendation by the Standing Committee, the Secretariat notify the Parties accordingly; and
- h) in the case of suspension of trade in accordance with paragraph f) above, trade in the affected species with the Party concerned be reinstated only when that Party demonstrates to the satisfaction of the Standing Committee, through the Secretariat, compliance with the recommendations made by the Animals Committee or Plants Committee with respect to the implementation of Article IV, paragraph 2 (a), 3 or 6 (a).

The Conference of the Parties directed the Secretariat for the purpose of monitoring and facilitating the implementation of this Resolution and the relevant paragraphs of Article IV of the Convention, and for allowing the reintroduction of a species into the review process in case of concern:

- a) to report to each meeting of the Animals Committee and the Plants Committee on the implementation by the countries concerned of the recommendations made by the committee; and
- b) to immediately inform the Animals Committee and the Plants Committee about possible concerns regarding trade in species:
 - i) that had been eliminated from the review process at a time when the committee concerned believed that the trade data available indicated that the trade was not detrimental to the survival of the species concerned; or
 - ii) for which the Secretariat was satisfied that the primary or secondary recommendations had been fulfilled by the Parties concerned.

It urged the Parties and all organizations interested in the utilization and conservation of wildlife to provide the necessary financial support and/or technical assistance to those Parties in need of such assistance to ensure that wild populations of species of fauna and flora subject to significant international trade are maintained at a level that will allow international trade that is not detrimental to their survival.

The significant trade process is currently laid down in **Resolution Conf. 12.8**.

Enforcement of the Convention for plants

In 1985, with Resolution Conf. 5.14, the Conference of the Parties recognized the need to regulate trade in certain plants and recommended that CITES Parties con-

tinue to strive for greater implementation for plants, increase and improve their enforcement actions with regard to plants under the Convention and that concerted efforts be made to have specific non-member countries join the Convention, especially those that are suppliers of CITES-listed plants.

These recommendations were not repeated in the Resolutions of the ninth meeting of the Conference of the Parties, which repealed Resolution Conf. 5.14, because they were considered to be no longer necessary.

Resolution Conf. 11.11 (ex Resolution Conf. 9.18 (Rev.)) recommends regarding enforcement for plants that Parties ensure that:

- a) enforcement officers are adequately informed of CITES requirements, procedures governing inspection and clearance of CITES plant specimens, and procedures necessary for the detection of illegal trade;
- b) enforcing agencies obtain access to materials and expertise enabling identification of plant specimens in trade, including whether the specimen is of wild or artificially propagated origin;
- c) enforcing agencies utilize annual reports, plant health documents, nursery catalogues and other sources of information to detect possible illegal trade; and
- d) enforcing agencies maintain close liaison with the Management and Scientific Authorities for the purpose of setting and implementing enforcement priorities.

With Resolution Conf. 5.14 Parties were recommended to inform the Secretariat of the agencies responsible for enforcing the provisions of CITES with respect to trade in plants and the Secretariat was asked distribute this information to all Parties. The Resolution also recommended that Parties, in cooperation with the Secretariat, develop co-operative programmes to resolve enforcement difficulties, especially in the area of identification.

These recommendations were never followed up by the Parties and were not included in Resolution Conf. 9.18 and its successors, which contain more practical recommendations.

The ninth meeting of the Conference of the Parties also adopted the following decisions with regard to enforcement for trade in plants:

Decision 9.21:

The Parties should carefully check material in trade in order to improve enforcement and in particular check plants declared to have been artificially propagated, both on import and on export.

Decision 9.22:

Management Authorities should supply to the Secretariat information on nurseries involved in the export of CITES-listed plants, in order to facilitate implementation of CITES for plants.

Decision 9.36:

Information provided by the Parties on nurseries involved in the CITES export trade in the major source countries shall be compiled and a directory of this information shall be published.

Education about plant conservation

With regard to education about plant conservation through CITES, Resolution Conf. 5.14 recommended, given the widespread lack of interest in plant conservation, that Parties take the case of plant species conservation by CITES to scientific associations, legislative bodies, tourist organizations and non-governmental organizations and that the Secretariat prepare suitable brochures providing a clear explanation of CITES trade controls, the reasons for them, and the roles of Scientific and Management Authorities of Parties so that they can make the information available to plant traders. Parties were to prepare brochures describing their own CITES permit processes and distribute them to plant traders. They should further produce lectures and displays and publish information in scientific and trade journals concerning how CITES works, the volume and value of trade in listed plants, and the effect of trade on wild populations.

These recommendations were repealed with Resolution Conf. 9.18 (Rev.). Its successor, **Resolution Conf. 11.11**, recommends regarding education about plant conservation through CITES that:

- a) Parties routinely provide updates of information on all aspects of CITES implementation for plants for publication in scientific, horticultural or plant trade journals and in the publications of plant associations;
- b) Parties regularly provide updates of information on all aspects of CITES implementation to botanic gardens, tourist organizations and relevant nongovernmental organizations for further dissemination to the general public;
- c) Parties develop and maintain a good liaison with national plant-trade organizations, to inform them about all aspects of the implementation of CITES for plants, and to communicate to the Secretariat specific implementation problems presented by these national organizations, for consideration by the Plants Committee;
- d) the Secretariat develop and maintain a good liaison with international plant trade organizations and botanic garden associations (in particular with the International Association of Botanic Gardens and Botanic Gardens Conservation International); and
- e) the Secretariat distribute information on the beneficial aspects of artificial propagation for the survival of natural populations and, where possible, promote such artificial propagation.

Plant parts and derivatives

The text of the Convention, Article I, b) iii), provides that specimens of Appendices II and III plants are in addition to live and dead specimens only those readily recognizable parts and derivatives that are specified in the Appendices in relation to the species. In the case of Appendix-I plants any readily recognizable part or derivative is to be controlled.

It took a number of Resolutions and finally formal amendments of the Interpretation to the Appendices to extend the control system for Appendix-II and -III plants to all readily recognizable parts and derivatives. It was, however, necessary to exclude certain specimens from controls. Also for Appendix-I plant species the Conference of the Parties, in spite of the text of the Convention, exempted certain specimens.

Paragraph 3 of **Resolution Conf. 1.5** recommended that as a temporary measure and to facilitate implementation, Parties listing species in Appendix III should specify that all readily recognizable parts and derivatives should be covered.

Resolution Conf. 2.18 recommended that in the case of amendments involving Appendix-II plants and Appendix-III animals and plants, it be accepted that all readily recognizable parts and derivatives are to be regulated unless particular parts or derivatives are specified as being exempt. For species already listed, Parties were to make proposals at the third meeting of the Conference of the Parties. Thereafter a footnote in the Appendices would have to state, that all readily recognizable parts and derivatives were to be regulated unless specifically exempt.

Resolution Conf. 4.24 tried to settle the matter definitively by recommending:

- a) that trade in all readily recognizable parts and derivatives of plants included in Appendix II or III be controlled under the Convention, unless such specimens are specifically exempt, and that for this purpose, each proposal for a plant to be included in Appendix II or III indicate those parts and derivatives to be exempt;
- b) that trade in seeds, spores, tissue cultures and cut flowers of artificially propagated orchids not be controlled for plants included in Appendix II or III;
- c) that trade in any other parts or derivatives of plants included now or in the future in Appendix II or III, not be controlled if this is agreed upon by the Conference of the Parties.
- d) that the Secretariat maintain and provide to the Parties a list of the forms in which plants and their parts and derivatives are commonly in trade to assist enforcement, and that the Secretariat amend this list on the basis of information from reliable sources.
- e) that Parties dealing with parts and derivatives of animals originating in countries that list them in Appendix III, afford them the same recognition as parts or derivatives of animals listed in Appendix II.

After the Secretariat had put Resolution Conf. 4.24 into practice, by amending the interpretations to Appendices II and III accordingly, several Parties expressed the opin-

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ion that this was an amendment to the Appendices which could not be brought into effect without the adoption of an amendment in accordance with the procedure described in Article XV.1.

Such a proposal was put forward and adopted at the fifth meeting of the Conference of the Parties. It generally exempted seeds, spores, pollen (including pollinia), tissue cultures and flasks seedling cultures from Appendix II and III controls. Specific exemptions were made for:

- fruits and parts and derivatives thereof of naturalized or artificially propagated cacti,
- separate stem joints (pads) and parts and derivatives thereof of naturalized or artificially propagated *Opuntia* spp. subgenus *Opuntia*,
- separate leaves and parts and derivatives thereof of naturalized or artificially propagated *Aloe vera*. (NB: The species was deleted from Appendix II at the 9th meeting of the Conference of the Parties)
- fruits and parts and derivatives thereof of artificially propagated *Vanilla* spp.,
- cut flowers of artificially propagated Orchids.

With Resolution Conf. 6.18 the Conference of the Parties specified that pollen (including pollinia) and flasks seedling cultures are standard exemptions for Appendix-II and -III plants, in addition to seeds, spores and tissue cultures as specified in Resolution Conf. 4.24, recommendation b).

Proposals for Appendix-II plant listings are subject to the general exemptions but, where necessary for the conservation of a species, a deviation therefrom may be proposed. Any proposal may contain additional parts and derivatives to be exempted. **Resolution Conf. 11.11**, in the section regarding flasks seedlings, recommends that flasks seedlings of orchid species listed in Appendix I be interpreted as being exempt from CITES control, taking into account the provisions of Article VII, paragraph 4, and Article I, paragraph (b) (iii), and agreeing to a derogation from **Resolution Conf. 9.6 (Rev.)** for this exemption (ex Resolution Conf. 8.17).

The Conference of the Parties thus created a way around the fact that Article I (b) (iii) does not allow the exclusion of Appendix-I plant parts and derivatives from the provisions of the Convention.

The Interpretation to Appendices I, II and III contains the following annotations with regard to the many exclusions related to plants and their parts and derivatives:

7. In accordance with Article I, paragraph (b), sub-paragraph (iii), of the Convention, the symbol (#) followed by a number placed against the name of a species or higher taxon included in Appendix II or III designates parts or derivatives which are specified in relation thereto for the purposes of the Convention as follows:

#1 Designates all parts and derivatives, except:

- a) seeds, spores and pollen (including pollinia);
- b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers; and
- c) cut flowers of artificially propagated plants.

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- #2 Designates all parts and derivatives, except:
- a) seeds and pollen;
 - b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers;
 - c) cut flowers of artificially propagated plants; and
 - d) chemical derivatives and finished pharmaceutical products.
- #3 Designates whole and sliced roots and parts of roots, excluding manufactured parts or derivatives such as powders, pills, extracts, tonics, teas and confectionery.
- #4 Designates all parts and derivatives, except:
- a) seeds, except those from Mexican cacti originating in Mexico, and pollen;
 - b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers;
 - c) cut flowers of artificially propagated plants;
 - d) fruits and parts and derivatives thereof of naturalized or artificially propagated plants; and
 - e) separate stem joints (pads) and parts and derivatives thereof of naturalized or artificially propagated plants of the genus *Opuntia* subgenus *Opuntia*.
- #5 Designates logs, sawn wood and veneer sheets.
- #6 Designates logs, sawn wood, veneer sheets and plywood.
- #7 Designates logs, wood-chips and unprocessed broken material.
- #8 Designates all parts and derivatives, except:
- a) seeds and pollen (including pollinia);
 - b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers;
 - c) cut flowers of artificially propagated plants; and
 - d) fruits and parts and derivatives thereof of artificially propagated plants of the genus *Vanilla*.

Plant species included in the Appendices

The Convention does not differentiate between the criteria for the listing of species of plants and animals in the Convention. The criteria for the listing of species are now comprehensively covered by **Resolution Conf. 9.24 (Rev. CoP12)** (see **Chapter 4**).

With regard to higher taxon listings, **Resolution Conf. 9.24 (Rev. CoP12)** recommends in paragraph e) that higher taxa should be included in the Appendices, only if the species or higher taxa concerned satisfy the relevant criteria listed in its Annex 3, which provides that if all species of a higher taxon are included in Appendix I or II, they should be included under the name of the higher taxon. If some species in a higher taxon are included in Appendix I or II and all the rest in the other Appendix,

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the latter species should be included under the name of the higher taxon, with an appropriate annotation.

Higher taxon listings for plants are also subject to the following recommendations (ex Resolution Conf. 5.14) of **Resolution Conf. 11.11**:

- a) that current higher-taxon listings of plants in the Appendices, including the families of Orchidaceae and Cactaceae, be maintained as they are essential for effective control of trade in the many species within those taxa that are threatened or potentially at risk; and
- b) that Parties contemplating preparing a proposal to transfer an individual plant species from a higher-taxon listing in Appendix II to a separate listing in Appendix I consider:
 - i) whether the increased protection possible by a transfer to Appendix I would compensate for the increased risk created by attracting the attention of traders to the species;
 - ii) the ease with which it can be propagated artificially;
 - iii) the extent to which it is currently available in cultivation from artificially propagated specimens; and
 - iv) any practical problems in identifying the species, particularly in the form in which it may be traded.

The following recommendations of Resolution Conf. 5.14 were not included in Resolution Conf. 9.18 and its successors: that problems associated with higher taxon listings be addressed by informing traders about reasons for regulating their trade and about procedures for them to follow in order to satisfy CITES requirements and simplifying Management Authority procedures for administering the permit system and reporting on trade and developing identification materials to distinguish threatened species from those of similar appearance that are not at risk. It was also recommended that higher taxon listings be reassessed as the ability of Parties to fulfil their obligations for plants under CITES improved.

Plant nomenclature

This was most recently addressed with **Resolution Conf. 12.11** with which the Conference of the Parties adopts the *Checklist of CITES species*, compiled by the UNEP World Conservation Monitoring Centre, 2001 and its updates accepted by the Nomenclature Committee as the standard reference for species included in the Appendices.

Decision 9.39 provides that each standard reference for Orchidaceae shall be made available to the Parties immediately after its completion.

Also see **Chapter 30** under Nomenclature Committee.

Artificially propagated plants

Article VII, paragraphs 4 and 5, of the Convention concern the exemption from the provisions of Articles III, IV and V of artificially propagated plants. The definition of “artificially propagated” was first given in Resolution Conf. 2.12 (Rev.), amended with Resolution Conf. 8.17 and is now contained in **Resolution Conf. 11.11**. See **Chapter 14**.

The use of *plant health certificates* for artificially propagated plants has been made possible and a recommended system for *nursery registration* for Appendix-I species was created.

Artificially propagated hybrids

With Resolution Conf. 2.13 the Parties decided with regard to both animal and plant hybrids:

- a) that hybrids may be specifically included in the Convention Appendices, but shall be included only if they form distinctive and stable populations in the wild;
- b) that hybrids are subject to the provisions of the Convention even though not specifically included in the Appendices if one or both of their parents are of taxa included in the Appendices;
- c) that if the parents of a hybrid specimen are included in different Appendices, the provisions of the more restrictive Appendix shall apply; and
- d) that determinations whether trade in unlisted hybrids will not be detrimental to survival shall be made with reference to survival of the included parental taxa or to survival of other taxa that were meant to be protected by inclusion of the parental taxa.

The Plant Working Group discussed ways to improve the implementation of the Convention for Appendix-I plant hybrids that are artificially propagated. It found that with regard to some plant groups that are extensively traded as artificially propagated hybrids, crossing the artificial hybrids with specimens recently collected from the wild is very uncommon in most commercial plant operations and that creation of new artificial hybrids and their artificial propagation is carried out using well-established nursery stocks of species and hybrids that have been artificially propagated for many years. It agreed that in such circumstances it is not useful to plant conservation or the administration of CITES to try to reconstruct the genealogy (parentage) of the artificial hybrid to see whether there is an Appendix-I species in its ancestry. The germplasm of the Appendix-I species is too removed to be likely to benefit conservation of the species and even hybrids with a direct Appendix I parent are unlikely, in general, to be of conservation value because specimens of the species as such are likely to be available.

Recommendations were made with **Resolution Conf. 6.19**, modified and replaced by Resolution Conf. 8.17. The decisions of the latter were in their turn incorporated in

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Resolution Conf. 9.18 (Rev.). That Resolution was replaced by **Resolution Conf. 11.11**, which determines:

- a) hybrids shall be subject to the provisions of the Convention even though not specifically included in the appendices if one or both of their parents are of taxa included in the appendices, unless the hybrids are excluded from CITES controls by a specific annotation in Appendix II or III (see annotation 608 in the Interpretation of Appendices I and II); and
- b) regarding artificially propagated hybrids:
 - i) plant species or other taxa listed in Appendix I shall be annotated (in accordance with Article XV) if the provisions relevant to the most restrictive appendix are to apply;
 - ii) if a plant species or other taxon listed in Appendix I is annotated, an export permit or re-export certificate shall be required for trade in specimens of all artificially propagated hybrids derived from it; but
 - iii) artificially propagated hybrids derived from one or more unannotated Appendix-I species or other taxa shall be regarded as being included in Appendix II and entitled therefore to all exemptions applicable to artificially propagated specimens of species listed in Appendix II.

The Interpretation to Appendices I, II and III contains the following provision:

5. As none of the species or higher taxa of FLORA included in Appendix I is annotated to the effect that its hybrids shall be treated in accordance with the provisions of Article III of the Convention, this means that artificially propagated hybrids produced from one or more of these species or taxa may be traded with a certificate of artificial propagation, and that seeds and pollen (including pollinia), cut flowers, seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers of these hybrids are not subject to the provisions of the Convention.

The use of plant health certificates

Section VII of **Resolution Conf. 12.3 recommends** (ex Resolution Conf. 4.16) regarding the use of phytosanitary certificates that:

- a) any Party having considered the practices governing the issue of its phytosanitary certificates for export of Appendix-II specimens, and having determined that such practices provide adequate assurance that the specimens are artificially propagated (as defined in Resolution Conf. 11.11), may consider these documents as certificates of artificial propagation in accordance with Article VII, paragraph 5, of the Convention. Such certificates must include the scientific name of the species and the type and quantity of the specimens and bear a stamp, seal or other specific indication stating that the specimens are artificially propagated as defined by CITES; and
- b) any Party using phytosanitary certificates as certificates of artificial propagation inform the Secretariat and provide copies of the certificates, stamps, seals, etc. that are used.

The ninth meeting of the Conference of the Parties directed the Secretariat with **Decision 9.35** to notify the Parties when any Party confirms that it issues phytosanitary certificates for export of artificially propagated plants of Appendix-II species (ex Resolution Conf. 4.16).

Resolution Conf. 4.16 also urged the FAO Committee on Agriculture to once more reconsider its stand on including a special declaration on the 'model phytosanitary certificate', which is of great importance to CITES; and b) the Parties to instruct their FAO representative accordingly.

The declaration concerned was, however, never included in the FAO model.

Artificially propagated hybrids produced from Appendix-I species can also be traded with a certificate of artificial propagation and thus a plant health certificate.

Identification of plant specimens

Resolution Conf. 11.11 only refers, in paragraph b) of the section dealing with enforcement, to the need for Parties to ensure that enforcing agencies have access to materials and expertise enabling identification of plant specimens in trade, including whether the specimen is of wild or artificially propagated origin. Because the information concerned should be included in the Identification Manual, it does not repeat the following recommendations of Resolution Conf. 5.14 on the subject: that non-technical identification materials be prepared and provided to port inspectors; this material should include a general key with illustrations and general descriptions of CITES plants, including references to the differences between wild and artificially propagated specimens, lists of names of plants used in trade, and countries where they occur; that a second type of identification material including labelled, botanical quality black and white drawings and/or photographs of plants as they appear in trade also be prepared; the material should include detailed botanical descriptions of the species, indicating key diagnostic features, a list of countries where they occur, and references to further information or illustrations; and that the highest priority for the production of these materials be given to Appendix-I plants and commonly traded taxa in Appendix II that are at risk.

Trade in salvaged plant specimens

Resolution Conf. 11.11 recommends (ex Resolution Conf. 5.14) that:

- a) whenever possible, Parties ensure programmes of environmental modification do not threaten the survival of plant species included in the CITES Appendices, and that protection of Appendix-I species *in situ* be considered as a national and international obligation;
- b) Parties establish salvaged specimens in cultivation where concerted attempts have failed to ensure that such programmes do not put at risk wild populations of species included in the CITES Appendices; and

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- c) international trade in salvaged specimens of Appendix-I plants, and of Appendix-II plants whose entry into trade might be detrimental to the survival of the species in the wild, be permitted where all of the following conditions are met:
 - i) such trade would clearly enhance the survival of the species, albeit not in the wild;
 - ii) import is for the purposes of care and propagation of the species; and
 - iii) import is by a bona fide botanic garden or scientific institution, or a registered nursery.

Secretariat activities related to plants

Decision 9.38 (rev. CoP12) provides that arrangements shall be made for the following activities:

- a) a review of the levels of trade in Appendix-I cycads in the family Zamiaceae, i.e. the genera *Ceratozamia*, *Encephalartos* and *Microcycas*;
- b) an investigation of the international trade in aloe products, including an assessment of the impact on wild populations and methods of improving trade controls.

Timber species and CITES

Both at the eighth and ninth meeting of the Conference of the Parties, proposals for the inclusion in Appendix II of commercial timber species were made, most of which had to be withdrawn or were rejected after heated discussion. Particularly proposals concerning Ramin and Mahogany were disputed. A number of countries listed bigleaf mahogany in Appendix III and the 12th meeting of the Conference of the Parties adopted a proposal to list Bigleaf mahogany in Appendix II as of 15 November 2003.

The ninth meeting of the Conference of the Parties decided to direct the Standing Committee to establish a temporary working group, chaired by the Chairman of the Plants Committee that would:

- i) in consultation with the Standing Committee:
 - a) establish limited terms of reference for the working group, which address the technical and practical problems associated with the implementation of tree listings;
 - b) define its relationship with existing international organizations, which are at present addressing the problem of sustainable use of timber resources; and
 - c) consider other associated matters referred to it by the Plants Committee, the Standing Committee, or the Secretariat;
- ii) ensure that relevant expertise is the key issue when deciding upon participation in the working group;
- iii) ensure range States are present to contribute their expertise;
- iv) ensure that temperate, boreal and tropical forest product issues are likewise addressed; and
- v) report back to the next meeting of the Conference of the Parties.

This led to the adoption, in 1997, of **Resolution Conf. 10.13** on the

Implementation of the Convention for timber species

In its preamble, the Resolution recognizes that amendment proposals should contain the maximum amount of biological and trade information on the taxon concerned and that such information is frequently available from international organizations that have expertise related to timber trade and/or forest management. It also recognizes that parts and derivatives mentioned in the “Interpretation of Appendices I and II” and in the “Interpretation of Appendix III” should be clearly defined. It emphasizes the need for Parties to adequately report on their annual trade in timber and to use agreed units of measurement.

The Resolution’s preamble further states that identification sheets suitable for inclusion in CITES Identification Manuals have not yet been published for any of the timber species currently included in the appendices of the Convention and that unambiguous identification of timber, by its nature, can be a complex procedure, requiring particular expertise. It mentions that the development of timber identification materials is essential for the effective implementation of the Convention and that the cost of production will be considerable.

It says that the approach that authorities of some countries have taken, whereby they meet with timber trade groups and enforcement officers and agree to use standard nomenclature for vernacular and corresponding scientific names of timber species, appears to be a useful one.

It further notes that many internationally traded timber species, boreal, temperate and tropical, can be managed on a sustainable basis through the application of appropriate silvicultural techniques, but that for other timber species such knowledge is currently lacking and, finally, that some timber species may be under threat because of detrimental levels of use and international trade.

The Conference of the Parties recommends regarding:

International organizations

that:

- a) any Party that intends to present an amendment proposal for a timber species (irrespective of other agreed procedures) should consult with at least four different organizations listed in the table below [two from each of the two types (B and T)], to verify or request biological and trade data and should include any relevant information in the amendment proposal before this is sent to the Secretariat for distribution to the Parties; and
- b) when any proposal is submitted to amend the CITES appendices for timber species, for the implementation of paragraph i) of the second RESOLVES of **Resolution Conf. 9.24 (Rev. CoP12)**, the Secretariat should seek the views of ITTO, FAO and IUCN and present these to the Conference of the Parties;

Regarding:

Timber parts and derivatives

the Resolution recommends that:

c) the following definitions be applied with respect to annotations in the CITES Appendices:

i) Logs

All wood in the rough, whether or not stripped of bark or sapwood, or roughly squared, for processing, notably into sawn wood, pulpwood or veneer sheets (HS¹¹ code 44.03);

ii) Sawn wood

Wood simply sawn lengthwise or produced by a profile-chipping process. Sawn wood normally exceeds 6 mm in thickness (HS code 44.06, HS code 44.07); and

iii) Veneer sheets

Thin layers or sheets of wood of uniform thickness, usually 6 mm or less, usually peeled or sliced, for use in making plywood, for veneering furniture, veneer containers, etc. (HS code 44.08); and

d) for the purpose of annotations in the appendices for parts and derivatives of species traded as timber, definitions be used that, to the extent possible, are based on the tariff classifications of the Harmonized System of the World Customs Organization;

Regarding:

Amendment proposals for timber species

the Resolution recommends that:

e) proposals for the inclusion of timber species in Appendix II or III indicate clearly which parts and derivatives should be regulated; and

¹¹ HS refers to the Harmonized System of the World Customs Organization describing and coding goods in trade. The codes referred to in this document for timber include the following: 44.03 Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared 44.06 Railway or tramway sleepers of wood 44.07 Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or finger-jointed, of a thickness exceeding 6 mm 44.08 Veneer sheets and sheets for plywood (whether or not spliced) and other wood sawn lengthwise, sliced or peeled, whether or not planed, sanded or finger-jointed, of a thickness not exceeding 6 mm.

- f) where these are different from the parts and derivatives included in the current annotation #5, the proponent also propose the relevant amendment to Resolution Conf. 12.3 if the procedures for extending the period of validity of, and/or changing the destination on, the export permit or re-export certificate should apply;

The Resolution further recommends with regard to:

The definition of ‘artificially propagated’ in relation to timber

- g) timber taken from trees grown in monospecific plantations be considered as being artificially propagated in accordance with the definition contained in Resolution Conf. 11.11;

and regarding:

The improvement of public understanding of the role of the Convention in the conservation of timber species

- h) Parties consider any possible deleterious conservation and trade impacts before they impose stricter domestic measures on trade in timber specimens of species included in Appendix II or III; and
- i) Management Authorities work with governmental agencies (including local governments), non-governmental organizations, industry and the general public to develop and provide information on the objectives, provisions and implementation of the Convention to counter the misconception that the inclusion of species in the appendices represents a ban on the trade in specimens of these species, and to disseminate the message that international trade and utilization of timber species included in Appendices II and III are generally permitted and can be beneficial.

Timber species of concern

On this subject, **Resolution Conf. 10.13** finally recommends that:

- j) the range States pay particular attention to internationally traded timber species within their territories for which the knowledge of the biological status and silvicultural requirements gives cause for concern.

Bigleaf Mahogany Working Group

The 11th meeting of the Conference of the Parties established a Bigleaf Mahogany Working Group, which had to report to the 12th meeting of the Conference of the Parties:

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Decision 11.4 provided that:

- a) The Parties agree to establish a *Swietenia macrophylla* (bigleaf mahogany) Working Group. This Working Group should report to the Conference of the Parties at its 12th meeting.
- b) This Working Group shall include all range States for *Swietenia macrophylla*, principal importing countries and a representative to be designated by the Plants Committee.
- c) The Mahogany Working Group shall:
 - i) review the effectiveness of current and potential Appendix-III listings;
 - ii) analyse legal and illegal trade;
 - iii) review studies of the status of the species;
 - iv) encourage the exchange of information by CITES Management and Scientific Authorities on the implementation of the Convention and import/export controls;
 - v) study appropriate measures to widen the geographic scope of Appendix-III listings;
 - vi) assess and analyse the results of the action specified in paragraphs i) to v) above; and
 - vii) present a report on its findings as well as its recommendations for consideration at the 12th meeting of the Conference of the Parties.
- d) The Secretariat shall convene a meeting of the Mahogany Working Group within one year after the 11th meeting of the Conference of the Parties, to meet with experts in the species including: representatives from relevant multilateral organizations such as ITTO, IFF, UNFF, and FAO as well as IUCN, TRAFFIC; and other relevant technical experts as appropriate.
- e) The fulfilment of these Terms of Reference and the convening of any meetings of the Mahogany Working Group shall be dependent on the availability of funding. Interested donor agencies and conservation and trade organizations are encouraged to provide funding to facilitate this effort.

With **Decision 12.21**, the Conference of the Parties decided:

- a) The *Swietenia macrophylla* Bigleaf Mahogany Working Group shall be maintained.
- b) The Secretariat shall reconvene the Working Group, subject to the availability of external funding.
- c) The Working Group shall discuss the capacities needed for the implementation of the Appendix-II listing of *Swietenia macrophylla*, related to sustainable harvest and scientifically based non-detriment findings and shall review the recommendations contained in Annex 3 to these Decisions.
- d) This Working Group shall report to the Conference of the Parties at its 13th meeting.

Timber and annual reports

In 1997, the following recommendation to Management Authorities was included in Resolution Conf. 9.4 (Rev.), now **Resolution Conf. 11.17 (Rev. CoP12)**:

- a) to consult their national timber organizations to identify any anomalies in their annual reports and to discuss remedies if such anomalies exists; and
- b) to carefully review their procedures for reporting the trade in timber species included in the appendices to ensure that reporting is based on permits used rather than permits issued;

ITTO

Decision 9.34 instructs the Secretariat to continue attempts to effect a more constructive collaboration with the International Tropical Timber Organization.

Chapter 30 - Committees

Introduction

In order to facilitate the work of the Conference of the Parties and to keep that work going in between meetings, the Conference established a number of committees, sub-committees and working groups.

Through the years, their number increased and existing committees and working groups were given additional tasks. Mandates, membership and working procedures varied from one committee to another and were to be found in a great many Resolutions.

In 1987, a comprehensive and far reaching proposal, prepared and submitted for consideration by the sixth meeting of the Conference of the Parties by representatives of Canada, Switzerland, the United Kingdom and Zimbabwe, addressed the need to develop structures and procedures for a proper functioning of committees, sub-committees and working groups. The proposal aimed at the re-establishment of existing committees, sometimes under a different name, and at the creation of a number of new committees and subcommittees.

It made a distinction between committees that operate during meetings of the Conference of the Parties (sessional committees) and those that operate between such meetings.

The proposal did not concern the sessional committees, which are established by the Rules of Procedure of meetings of the Conference of the Parties.

Although the Conference of the Parties rejected many of the elements of the proposal, it agreed, with **Resolution Conf. 6.1**, to formalize a system for the appointment of committees of the Conference of the Parties and to establish procedures to be followed when committees are created. That Resolution was repealed with **Resolution Conf. 9.1** in 1994. In 1997, that Resolution was amended and became **Resolution Conf. 9.1 (Rev.)**, which was replaced by **Resolution Conf. 11.1** in 2000. The latter was revised in 2002 and is now referred to as **Resolution Conf. 11.1 (Rev. CoP12)**. The Conference of the Parties recognizes with the Resolution that Rules of Procedure common to all Committees are an essential requirement for formal meetings and agrees to formalize a system for the appointment of committees of the Conference of the Parties and to establish procedures to be followed when committees are created. It resolves that:

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- a) there shall be a permanent Standing Committee of the Conference of the Parties, which shall be the senior Committee, and shall report to the Conference of the Parties;
- e) there shall be an Animals Committee, a Plants Committee and a Nomenclature Committee, which shall report to the Conference of the Parties at its meetings and, if so requested, to the Standing Committee between meetings of the Conference of the Parties;
- f)

Note: The Identification Manual Committee, which existed until 2000, was abolished and its tasks taken over by the Secretariat.

Note: This committee structure did not always provide an appropriate framework for issues to be dealt with, e.g. the scientific committees were charged with administrative and technical questions that did not necessarily fall within their area of expertise. A proposal to establish an Implementation Committee (similar to the Technical Committee that was abolished in 1996) was, however, rejected by the 12th meeting of the Conference of the Parties, which adopted **Decision 12.23** and **Decision 12.24** instead.

Decision 12.23 directs the Standing Committee to:

- a) identify, in conjunction with the Animals and Plants Committees, the typical categories of technical implementation issues (i.e. operational / administrative / management issues, not matters of a Party's compliance with the Convention) that have proved to be difficult to address under existing Committee structures;
- b) establish and implement a process for the Standing Committee to act as a clearing house to direct technical implementation issues to the appropriate body (permanent committees, Secretariat, Party or, when appropriate, outside experts) so that issues can be handled in a flexible, timely and accountable manner; and
- c) report at the 13th meeting of the Conference of the Parties on the categories of technical implementation issues identified by the permanent committees, development of a process for the Standing Committee to act as clearing house, and recommendations.

Decision 12.24 directs the Animals and Plants Committees to:

- a) continue to work on technical implementation issues of a primarily scientific nature;
- b) develop recommendations on how the Committees could assist the Standing Committee in providing advice on technical implementation issues; and
- c) report to the Standing Committee by its 50th meeting.

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- c) the Conference of the Parties may appoint additional committees as the need arises;
- d) the Conference of the Parties or the Standing Committee may appoint working groups with specific terms of reference as required to address specific problems. These working groups shall have a defined lifespan which shall not exceed the period until the next meeting of the Conference of the Parties, at which time it may be renewed if necessary. They shall report to the Conference of the Parties and, if so requested, to the Standing Committee;
- e) the Rules of Procedure to be adopted by the Standing Committee shall apply to other Committees as far as is practicable;
- f) regional representatives shall be elected by the Conference of the Parties as members of the Standing Committee;
- g) to the extent possible, the Secretariat shall make provision for the payment, if requested, of reasonable and justifiable travel expenses of members of the Standing Committee, the Animals Committee and the Plants Committee;

Note: The Animals and Plants Committees were added in 2000.
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- h) all Committees established by the Conference of the Parties shall be listed in Annexes to this Resolution; and
- i) the Secretariat shall, upon request by a committee chairman, provide secretarial services when such services can be met within the approved budget of the Secretariat.

The history of the Standing Committee

In 1976, with Resolution Conf. 1.7, the first meeting of the Conference of the Parties, established a Steering Committee to coordinate with the Secretariat the organization of a special working session of the Conference of the Parties. This meeting was held in October 1977 in Geneva. By agreement of the Parties present at that meeting, the Steering Committee also became involved in questions with regard to the budget of the Convention and corresponded with UNEP on the matter. In accordance with Resolution Conf. 1.7, it further assisted in the organization of the second meeting of the Conference of the Parties.

The appointment of the Steering Committee was regarded as provisional until the next meeting of the Conference of the Parties. Its membership should provide for the best geographical representation, within the limits set by the geographical distribution of existing Parties and their willingness to serve. In a paper on the future of the Steering Committee, submitted by the Secretariat to the second meeting of the Conference of the Parties, it was considered essential that a permanent Committee be established. The Secretariat suggested to change the title into Standing Committee of the Conference of the Parties and made proposals with regard to its terms of reference and composition.

This resulted in 1979 (Resolution Conf. 2.2) in the establishment of the Standing Committee of the Conference of the Parties. With Resolution Conf. 3.1, the mandate was revised and with Resolution Conf. 4.1 voting procedures were established. Only the regional representative members were given the right to vote, however, in the case of a tie vote, the Depository Government representative member was given the right to vote to break the tie.

In 1987, Resolution Conf 6.1 re-established the Standing Committee.

In 1989, Resolution Conf. 7.1 introduced alternate regional members.

In 1994, with Resolution Conf. 9.1 and with **Resolution Conf. 11.1 (Rev. CoP12)**, the Conference of the Parties considered the following:

- the important role that the Standing Committee plays in steering the work and performance of the Convention in the periods between the meetings of the Conference of the Parties;
- the number of wildlife trade problems that occur between the South and the North, and the significant influence of the Standing Committee in deciding the status of the affected species listed in the Appendices;
- that skewed representation on the Standing Committee could cause unfair assessment in deciding issues of great concern to producer States; and
- the importance of ensuring that representation of regions in the Convention clearly reflects the participation of the Parties covered by each region.

In Annex 1 to **Resolution Conf. 11.1 (Rev. CoP12)**, the Conference of the Parties resolves to re-establish the Standing Committee of the Conference of the Parties with the following

Terms of Reference of the Standing Committee

Within the policy agreed to by the Conference of the Parties, the Standing Committee shall:

- a) provide general policy and general operational direction to the Secretariat concerning the implementation of the Convention;
- b) provide guidance and advice to the Secretariat on the preparation of agendas and other requirements of meetings, and on any other matters brought to it by the Secretariat in the exercise of its function;
- c) oversee, on behalf of the Parties, the development and execution of the Secretariat's budget as derived from the Trust Fund and other sources, and also all aspects of fund raising undertaken by the Secretariat in order to carry out specific functions authorized by the Conference of the Parties, and to oversee expenditures of such fund-raising activities;

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- d) provide coordination and advice as required to other Committees and provide direction and coordination of working groups established by either itself or the Conference of the Parties;
- e) carry out, between one meeting of the Conference of the Parties and the next, such interim activities on behalf of the Conference as may be necessary;
- f) draft resolutions for consideration by the Conference of the Parties;
- g) report to the Conference of the Parties on the activities it has carried out between meetings of the Conference;
- h) act as the Bureau at meetings of the Conference of the Parties, until such time as the Rules of Procedure are adopted; and
- i) perform any other functions as may be entrusted to it by the Conference of the Parties.

As a result of the study on how to improve the effectiveness of the Convention, the Standing Committee was directed by the tenth meeting of the Conference of the Parties to, in co-operation with the other permanent Committees, set up a sub-committee to develop, with the co-operation of the Secretariat, a medium/long-term (3-6 years) framework document for the structure of the work of the permanent Committees. This document shall give consideration to the development of performance indicators for the Convention.

This resulted in the adoption by the 11th meeting of the Conference of the Parties of the 'Strategic Vision through 2005'. For the text of this important document, please consult the CITES website.

Specific tasks attributed to the Standing Committee

These can be found in the following Resolutions and Decisions:

RESOLUTION	SUBJECT	DECISION	SUBJECT
3.4	Technical cooperation	11.18 11.19	Legislation project
8.9 (Rev.)	Significant trade plants	11.37 11.89	Annual reports
9.14 (Rev.)	Rhino conservation	12.5	CMS
9.24 (Rev.CoP12), annex 4	Species listings, precautionary measures	12.7	FAO
10.4	CBD	12.17 12.72	Export quotas
10.9	Afr. Elephants, Panel of Experts	12.22	Economic incentives and trade policy

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RESOLUTION	SUBJECT	DECISION	SUBJECT
10.10 (Rev.CoP12)	Ivory trade controls, MIKE, ETIS	12.23	Identification of technical implementation issues
10.11	Houbara bustard	12.28	Bears
10.21	IATA		
11.3	Article XIII	12.30 12.31 12.32	Asian big cats
11.4 (Rev.CoP12)	IWC	12.33 12.34	MIKE Detrimental impact
11.8 (Rev.CoP12)	Tibetan antelope		
11.16	Ranching	12.35 12.37	Law enforcement ivory Ivory trade controls
11.17(Rev.CoP12)	Annual reports	12.52	Caviar permits
11.21	Annotation Appendices and illegal trade	12.77	ATA, TIR carnets
12.1	Finance and budget	12.81 12.82 12.83	Legislation project
12.5	Asian big cats	12.84	Guidelines on compliance
12.8	Significant trade animals	12.87	Annual reports
		12.89	Enforcement-related data (improve flow)
		12.96	Periodic review Appendices (range state involvement)
		12.97	Review listing criteria
		12.98 12.99	Rescue of live specimens in certain circumstances
		12.100	Secret ballots

Membership of the Standing Committee

With **Resolution Conf. 11.1 (Rev. CoP12)**, the Conference of the Parties determines the following principles for the composition of the Standing Committee:

i) the membership of the Standing Committee shall consist of:

A. a Party or Parties elected from each of the six major geographic regions consisting of Africa, Asia, Europe, North America, South and Central America and the Caribbean, and Oceania, according to the following criteria:

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1. one representative for regions with up to 15 Parties;
2. two representatives for regions with 16 to 30 Parties; or
3. three representatives for regions with 31 to 45 Parties;
4. four representatives for regions with more than 45 Parties;

The fourth paragraph was added at the 11th meeting of the Conference of the Parties. Until then, the maximum number of representatives was 3 for regions with more than 30 Parties.

B. the Depositary Government;

C. the previous host Party and the next host Party; and

- ii) each Party elected as an alternate member for a member described in paragraph A., to be represented at meetings as a regional member only in the absence of a representative of the member for which it is the alternate; and
- iii) the membership of the Committee shall be reviewed at every regular meeting of the Conference of the Parties. The terms of office of the regional members shall commence at the close of the regular meeting at which they are elected and shall expire at the close of the second regular meeting thereafter.

Representative	Alternate	Period
AFRICA 50 Parties		
Cameroon	Guinea	2002-2007 2002-2007
United Republic of Tanzania	Kenya	2000-2004 2000-2004
South Africa	Zambia	2000-2004 2000-2004
Tunisia	Ghana	2000-2004 2000-2004
ASIA 31 Parties		
China	United Arab Emirates	2000-2004 2002-2007
Malaysia	India	2002-2007 2000-2004
CENTRAL AND SOUTH AMERICA AND THE CARIBBEAN 31 Parties		
Saint Lucia	Saint Vincent and the Grenadines	2000-2004 2000-2004
Ecuador	Chile	2000-2004 2000-2004
Nicaragua	Costa Rica	2002-2007 2002-2007

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EUROPE 42 Parties		
Czech Republic	Portugal	2002-2007 2000-2004
Germany	United Kingdom	2002-2007 2002-2007
Norway	Turkey	2000-2004 2000-2004
NORTH AMERICA 3 Parties		
United States of America (Chair)	Canada	2000-2004 2000-2004
OCEANIA 5 Parties		
Australia	Vanuatu	2000-2004 2000-2004
DEPOSITARY GOVERNMENT		
Switzerland		
PREVIOUS HOST COUNTRY		
Chile		
NEXT HOST COUNTRY		
Thailand		

For up-to-date contact details, please visit the CITES website.

Regional representation in the Standing Committee

With **Resolution Conf. 11.1 Rev. CoP12)** it is recommended that the following guidelines be implemented (ex Decision 10.3):

A. Selection of regional members and alternate regional members

- a) In the selection of regional members and alternate regional members, the following considerations should be taken into account:
 - i) for regions with one member and one alternate member, a rotation in the selection is recommended; and
 - ii) for regions with more than one member and one alternate member, the selection should try to achieve a balanced representation (geopolitical, cultural, and ecological).
- b) The regional candidatures should be officially submitted by the interested Parties through a governmental channel, at least 120 days before a meeting of the Conference of the Parties. These candidatures should be communicated to all the Parties of the region through the Secretariat.

- c) If more candidatures are submitted than there are positions available for any region, a vote should take place in a session of the Parties of that region to be held during the meeting of the Conference of the Parties. To be elected, a candidate should obtain an absolute majority (i.e. more than half the votes). Only the delegations duly accredited by the Conference should have the right to vote. The election should take place during the second week of the meeting.
- d) The election of a member and of the alternate should take place at the end of the term of office of their predecessors, in accordance with the abovementioned procedure, through successive votes during a single process.

B. Timing of replacement of members and alternate members

The terms of office of the regional members shall commence at the close of the regular meeting at which they are elected and shall expire at the close of the second regular meeting thereafter. The Resolution does not refer to alternate members but it may be assumed that the same rule applies. It is followed in the paragraphs below:

- a) for regions with one member and one alternate member, the selection may be conducted as it has been so far, taking into account however the recommendation made in paragraph A a) i); and
- b) for regions with more than one member and one alternate member, to guarantee some continuity, not all members and alternate members should be changed at the same meeting.

<p>Note: A look at the last column of the table above shows that this decision has not really been followed.</p>

Regional sessions at meetings of the Conference of the Parties

With **Resolution Conf. 11.1 Rev. CoP12)** the Conference of the Parties agrees (ex Decision 10.3) that:

- a) The regional sessions have an official character and should have an agenda. Proceedings should be prepared concerning the proposals and agreements dealt with.
- b) The chairman of each regional session should be the representative of a regional member of the Standing Committee.
- c) Each region has specific tasks to fulfil, as follows:
 - i) selection, if appropriate, of members and alternate members of the Standing Committee, which are Parties;

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ii) selection of the members and alternate members of the Animals and Plants Committees. In accordance with Annex 2 of this Resolution, the members and alternate members of the Animals and Plants Committees are persons. The persons to be chosen should be experts in animals or plants in general and of the region they are representing in particular;

iii) the regions with more than one member should decide the way the representation should be exercised until the next meeting of the Conference of the Parties. This should be reviewed at each meeting; and

iv) other tasks depending to a large extent on the agenda of the meeting of the Conference of the Parties. The regional representatives, perhaps with the help of their alternates, should establish the agenda of the session before the session. This agenda should cover the points mentioned in paragraphs c) i) to iii) and provide for discussion of the main items of the agenda of the meeting to be considered by the Conference of the Parties, at plenary sessions or at sessions of Committees I and II, in particular those of special interest to the region concerned.

Standing Committee procedures

Resolution Conf. 11.1 (Rev. CoP12), Annex 1, determines that the Standing Committee shall adhere to the following procedures:

- i) all Committee members may participate in Committee business but only the regional members or alternate regional members shall have the right to vote except in the case of a tie vote, when the Depositary Government shall have the right to vote to break the tie;
- ii) the Chairman, Vice-Chairman and any other necessary executive officers shall be elected by and from the regional members;
- iii) if an extraordinary meeting of the Conference of the Parties is held between two regular meetings, the host Party of that meeting shall participate in the work of the Committee on matters related to the organization of the meeting;
- iv) Parties not members of the Committee shall be entitled to be represented at meetings of the Committee by an observer who shall have the right to participate but not to vote;
- v) the Chairman may invite any person or a representative of any other country or organization to participate in meetings of the Committee as an observer without the right to vote; and
- vi) the Secretariat shall inform all Parties of the time and venue of Standing Committee meetings.

Decision 12.8 provides that the Chairmen of the technical committees shall be invited on a regular basis to the meetings of the Standing Committee, and to the sessions of the Standing Committee working group dealing with strategic planning and the review and prioritization of tasks and budgets.

Travel expenses of members of the Standing Committee

With regard to the payment of travel expenses to members of the Standing Committee, paragraph c) of Annex 1 to **Resolution Conf. 11.1** determines the following principles:

- i) the Secretariat shall make provisions in its budget for the payment, if requested, of reasonable and justifiable travel expenses of one person representing each regional member, to attend one Standing Committee meeting per calendar year;
- ii) members should make every effort to pay their own travel expenses;
- iii) the Chairman of the Standing Committee may be refunded for all reasonable and justifiable travel expenses for travel undertaken on behalf of the Conference of the Parties, the Standing Committee, or the Secretariat; and
- iv) travel arrangements for sponsored regional members will be made by the Secretariat in accordance with the Rules and Regulations of the United Nations and, where applicable, claims for refunds must be supported by receipts, and be submitted to the Secretariat within 30 days from the completion of the travel.

At the 12th meeting of the Conference of the Parties a number of earlier adopted Decisions were included in the Resolution. They concern the

Duties of the regional representatives in the Standing Committee

- a) Regional representatives should maintain a fluid and permanent communication with the Parties of their region and the Secretariat (ex Decision 10.3);
- b) Before the meetings of the Standing Committee, the representatives should communicate to the Parties of their region the items on the agenda, to request their opinions, preferably on matters specifically relevant to the countries or the region. They should also inform them of the results of the meeting. At least two regional meetings should take place between meetings of the Conference of the Parties, one of which should be specifically to deal with proposals to be submitted to the Conference at its next meeting. The regional representatives should convene these meetings (ex Decision 10.3);
- c) The regional representatives should report in detail on their activities, initiatives and achievements at the regional sessions that are taking place during meetings of the Conference of the Parties. The Parties may make comments on these reports, which should be included in the proceedings (ex Decision 10.3).

The Animals Committee

Resolution Conf. 6.1 (Annex 2) established the Animals Committee in 1987.

In 1994, the Conference of the Parties realized the many problems faced by the Conference of the Parties and individual Parties concerning the lack of biological data and expert knowledge of animal trade and management. It recognized that an effective method of evaluating whether a species is appropriately listed in the CITES Appendices requires a periodic review of its biological and trade status and the need to identify those Appendix-II species that are subject to levels of significant international trade and for which scientific information on the capacity of the species to withstand such levels of trade is insufficient to satisfy the requirements of Article IV, paragraph 3, of the Convention. It also recognized that the bulk of the world's biodiversity occurs in Africa, South and Central America and Asia, and also that the majority of animal and plant species listed in the Appendices of the Convention are from these regions. In this context it stated that there are only three Parties in the North American region, but more than 40 in Africa, more than 25 in South and Central America and the Caribbean, and more than 20 in Asia, which, in addition, stretches from Israel in the West to Japan in the East.

The Animals Committee of the Conference of the Parties was re-established with Annex 2 to Resolution Conf. 9.1(Rev.).

In 2000, the Animals Committee was, together with the Plants Committee, re-established with Annex 2 to Resolution Conf. 11.1. This is now **Resolution Conf. 11.1 (Rev. CoP12)**.

The Plants Committee

The Conference of the Parties established a Plant Working Group at its fourth meeting in 1983.

Resolution Conf. 6.1 (Annex 3) re-established it as the Plants Committee and in 1994, the Conference of the Parties re-established it as such with Resolution Conf. 9.1, which was revised in 1997 and replaced by **Resolution Conf. 11.1** in 2000. This is now **Resolution Conf. 11.1 (Rev. CoP12)**.

Terms of Reference of the Animals Committee and the Plants Committee

Within the policy agreed to by the Conference of the Parties:

- a) provide advice and guidance to the Conference of the Parties, the other committees, working groups and the Secretariat, on all matters relevant to international trade in animal and plant species included in the Appendices, which may include proposals to amend the Appendices;
- b) assist the Nomenclature Committee in the development and maintenance of a standardized list of species names;
- c) assist the Secretariat with the implementation of the Resolution on the Identification Manual and Decisions related to it and, upon request of the Secretariat, review proposals to amend the Appendices with regard to possible identification problems;

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- d) cooperate with the Secretariat on the implementation of its programme of work to assist Scientific Authorities;
- e) develop regional directories that list the botanists and zoologists in each region who are experts in CITES-listed species;

Note: **Decision 12.14** provides that the regional representatives should update the regional directories annually. **Decision 12.15** charges the Secretariat to place the regional directories on the CITES website.

- f) establish a list of those taxa included in Appendix II that are considered as being significantly affected by trade, and review and assess all available biological and trade information including comments by the range States on these taxa to:
 - i) exclude all species for which there is adequate information to conclude that trade is not having a significant detrimental effect on their populations;
 - ii) formulate recommendations for remedial measures for those species for which trade is believed to be having a detrimental effect; and
 - iii) establish priorities for projects to collect information for those species for which there is insufficient information available on which to base a judgement as to whether the level of trade is detrimental;
- g) assess information on those species for which there is evidence of a change in the volume of trade or for which specific information is available to indicate the necessity for review;
- h) undertake a periodic review of animal or plant species included in the CITES Appendices by:
 - i) establishing a schedule for reviewing the biological and trade status of these species;
 - ii) identifying problems or potential problems concerning the biological status of species being traded;
 - iii) consulting the Parties on the need to review specific species, working directly with the range States in the selection process, and seeking their assistance in such reviews; and
 - iv) preparing and submitting amendment proposals resulting from the review, through the Depositary Government, for consideration at meetings of the Conference of the Parties;
- i) make available advice on management techniques and procedures for range States requesting such assistance;
- j) draft resolutions on matters related to animals or plants, for consideration by the Conference of the Parties;
- k) perform any other functions that may be entrusted to them by the Conference of the Parties or the Standing Committee; and

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- l) report to the Conference of the Parties and, if so requested, to the Standing Committee, on the activities they have carried out or supervised between meetings of the Conference;

It was further resolved that the Animals Committee shall also deal with issues related to the transport of live animals, see chapter 10.

Composition of the Animals Committee and Plants Committee

Resolution Conf. 11.1, Annex 2, determines that:

- a) the membership of the Animals and Plants Committees shall consist of:
 - i) a person chosen by each of the major geographic regions consisting of North America and Oceania; and
 - ii) two persons chosen by each of the major geographic regions consisting of Africa, Asia, Europe and South and Central America and the Caribbean;
- b) each person chosen as an alternate member for a member described in paragraph a) i) or ii), shall be represented at meetings as a regional member only in the absence of the member for whom he/she is the alternate;
- c) the membership of the Committee shall be reviewed at every regular meeting of the Conference of the Parties. The terms of office of the regional members shall commence at the close of the regular meeting at which they are elected and shall expire at the close of the second regular meeting thereafter;
- d) any Party shall be entitled to be represented at meetings of the Committee as an observer;
- e) a Chairman and a Vice-Chairman shall be elected by the Committee; and
- f) the Chairman may invite any person or representative of any other country or organization to participate in meetings of the Committee as an observer.

At the 12th meeting of the Conference of the Parties, the following provisions from Decisions 11.90 and 11.110 were included in the Resolution. They concern the

Duties of members of the Animals Committee and Plants Committee and their alternates

- a) each member should collaborate with his/her alternate regarding the work to be done between the meetings of the Committee;
- b) each member should maintain regular communication with the Parties in his/her region;
- c) when a region has more than one representative, the representatives should also agree which Parties each represents. Contact persons should be identified in

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those countries. Contact should also be established with non-Parties in the region;

- d) each member should increase the awareness of the role and function of the Committee, its mandate and the issues of concern to his/her region through mechanisms such as participation in seminars or in related meetings organized by the Secretariat and by other organizations at regional or sub-regional level;
- e) before the meetings of the Committee, the members should inform and consult the Parties in their regions about the agenda and in particular on matters specifically relevant to the countries of the region;
- f) the members should submit a written report, covering the preceding period, to each meeting of the Committee;
- g) the members should inform the Parties in their regions of the results of each meeting of the Committee;
- h) the members must inform the alternates well in advance if they will not attend a forthcoming Committee meeting; and
- i) the members should provide to their successors all relevant information on the activities in the region.

Decision 12.14 charges the regional representatives to update the regional directories (see Terms of Reference above) annually.

Decision 12.16 directs the Secretariat to provide materials regarding CITES procedures to the new members and alternate members in the Plants Committee, and a general introduction concerning the operation of the Plants Committee, at its first meeting after the 12th meeting of the Conference of the Parties.

Regional representation in the Animals Committee and Plants Committee

Resolution Conf. 11.1 (Rev. CoP12) recommends that the following guidelines be implemented (ex Decision 10.4):

A. Election of the candidates

- a) The proposals for candidates as representatives should be supported by the relevant governments in order to ensure as far as possible that they will obtain the necessary means to undertake their activities.
- b) The names of the proposed candidates, and their curricula vitae, should be circulated to the Parties of the region concerned at least 120 days before the meeting of the Conference of the Parties at which the representatives will be elected.
- c) Ideally the candidates should be associated with a Scientific Authority, have adequate knowledge of CITES and receive sufficient institutional support to carry out their duties. This information should also be included in the curricula vitae.

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d) As long as the regional representatives are persons, a Party shall not be accepted as a proposed candidate, subject to a later identification of the person concerned by the Party.

B. Timing of replacement of members and alternate members

a) If the same procedure as that for the Standing Committee is applied, the present members and alternate members should be replaced as follows:

i) for regions with one member and one alternate member, the selection should be conducted as it has been so far for the Standing Committee, taking into account however that a rotation in the selection is recommended; and

ii) for regions with two members and two alternate members, to guarantee some continuity, the two members should not be changed at the same meeting.

b) As alternate members are alternates of specified members, they should be elected at the same time as the members.

g) If a region wishes to re-elect a member or alternate member, there is nothing to prevent it from doing so.

Decision 12.13 provides that, if funding is not available for separate regional meetings of the Plants Committee, they should be organized in conjunction with seminars or other related meetings organized by the Secretariat. One day could be dedicated to deal with regional issues on plants. The regional representatives should prepare the agenda and chair the regional meeting.

Membership of the Animals Committee

Representative	Alternate
Africa	
Dr Edson Chidziya	Mr Mustafa Ahmed Mahmoud
Mr Michael Griffin	Dr Richard Kiome Bagine
Asia	
Dr Mohammad Pourkazemi	Dr Nobuo Ishii
Dr Schwann Tunhikorn	Dr Choo-Hoo Giam
Central and South America and the Caribbean	
Mr Sixto J. Inchástegui	Mr Roberto Ramos Tangarona

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Representative	Alternate
Dr Marco Polo Micheletti	M.Sc. Magaly M. Ojeda C.
Europe	
Dr Thomas Althaus (Chair)	Mr Carlos Ibero Solana
Dr Katalin Rodics	Dr Alexander G. Sorokin
North America	
Dr Rodrigo A. Medellín	Mr Javier Alvarez
Oceania	
Dr Rod Hay	Dr Richard John Watling

For up-to-date contact details please visit the CITES website.

Membership of the Plants Committee

Representative	Alternate
Africa	
Dr John Donaldson	Mr Koffi Akpagana
Mr Quentin Luke	Mr Sayed F.I. Khalifa
Asia	
Dr Irawati	Mr Zul Mukshar Md. Shaari
Dr N.P. Singh	Mr Jiansheng Jia
Central and South America and the Caribbean	
Dr Enrique Forero	Ms Dora Ingrid Rivera
Dra Fátima Mereles	

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Representative	Alternate
Europe	
Dra. Margarita Clemente Muñoz (Chair)	Dr Hanna Werblan-Jakubiec
Mr Giuseppe Frenguelli	Mr Jonas Lüthy
North America	
Dra. Patricia Dolores Dávila Aranda	Mr Robert R. Gabel
Oceania / Oceanía / Océanie	
Dr Greg Leach	Dr Osia Gideon

For up-to-date contact details, please visit the CITES website.

Work programme of the Animals Committee

Decision 10.76: Cooperation shall be established with the IUCN/SSC Invasive Species Specialist Group in the implementation of their document “IUCN Guidelines for the Prevention of Biodiversity Loss Due to Biological Invasion”, of which parts are related to the trade in and transport of live specimens of species of wildlife.

Decision 11.102: The Animals Committee shall examine the complex issues related to the origin of founder breeding stock and the relationship between *ex situ* breeding operations and *in situ* conservation of the species and, in collaboration with interested organizations, identify possible strategies and other mechanisms by which registered *ex situ* breeding operations may contribute to enhancing the recovery and/or conservation of the species within the countries of origin, and report its findings at the 12th meeting of the Conference of the Parties.

Decision 12.75:

The Animals and Plants Committees shall draft terms of reference for an evaluation of the Review of Significant Trade, to be considered at the 13th meeting of the Conference of the Parties.

The Resolutions and Decisions in the table on the next page also contain tasks of the Animals Committee:

RESOLUTION	SUBJECT	DECISION	SUBJECT
7.12 (Rev.) 8.13	Microchips	10.86	Invasive species
9.24 (Rev.CoP12)	Review of species listings and compliance	11.57	Musk deer
9.25	Appendix III listings	11.94	Sharks

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RESOLUTION	SUBJECT	DECISION	SUBJECT
10.21	Transport	11.102 (Rev. CoP12)	Founder breeding stock
11.12	Crocodile skins (tags)	12.17	Export quota working group
11.16	Ranching	12.24	Technical implementation issues
12.2	Externally funded projects	12.43	Pancake tortoise
12.6	Sharks	12.47 12.49	Sharks
12.7	Sturgeon identification	12.54	Seahorses
12.8	Significant trade	12.60	Sea cucumbers
12.10	Registration Appendix I commercial breeding operations	12.62	Corals
		12.75	Significant trade review
		12.78	Registration Appendix I commercial breeding operations
		12.85	IATA/WAZA
		12.91	Voluntary quotas, capacity building

Work programme of the Plants Committee

Decision 12.4 requires that any draft decision directed to the Plants Committee be discussed together with an evaluation of the budget that will be required to implement it fully and, if possible, an indication of the available funding.

Decision 11.114 provides that the Plants Committee shall:

- a) undertake a review of the genus *Guaiaacum* to:
 - i) clarify the current taxonomy of this genus as it is most widely understood;
 - ii) resolve how species within the genus may be distinguished from each other when in trade; and
 - iii) assess the status in the wild, the status in trade and threats to the species; and
- b) based on the results of this review, recommend the preparation of proposals to amend the Appendices with respect to these species, as appropriate.

Decision 11.118 charges the Plants Committee to consider the annotations in Appendices I and II relating to species of plants used for medicinal purposes and shall

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make recommendations to clarify the annotations, for consideration at the 12th meeting of the Conference of the Parties. At the 12th meeting, this task was extended until the 13th meeting of the Conference of the Parties.

Decision 12.9 provides that:

- a) The following topics shall continue to be given full attention and become high priorities for the Plants Committee:
 - i) the periodic review of the Appendices (action point 2.1.2 of the Action Plan of the Strategic Vision);
 - ii) the Review of Significant Trade (action point 2.1.3); and
 - iii) the review of heavily traded non-CITES species (action point 2.1.4).
- b) For each of these priorities, specific activities shall be identified in order to determine the funding, resources and time-frame required to address them successfully. Furthermore, indicators should be identified to monitor the status and evolution of these activities closely.
- c) Annex 2 to the published Decisions (see www.cites.org) presents the status of the tasks addressed to the Plants Committee and the order of priorities to carry them out.

Decision 12.10 instructs the Plants Committee to, during the period between the 12th and 13th meetings of the Conference of the Parties, develop proposals to amend the Appendices on the basis of the *Contribution to an evaluation of tree species using the new CITES Listing Criteria*, published by the Management Authority of the Netherlands in 1998.

Decision 12.11 instructs the Plants Committee to, in the period between the 12th and 13th meetings of the Conference of the Parties,

- a) continue with the implementation of the Action Plan of the Plants Committee resulting from the adoption of the Strategic Plan for the Convention at the 11th meeting of the Conference of the Parties;
- b) apply the mechanisms established by the Standing Committee to review the Appendices. These mechanisms should clearly identify who would draft a proposal for presentation at the next meeting of the Conference of the Parties once a review has been finalized and is supported by the Plants Committee. Ideally, one or more range States of the taxa in question would undertake to draft and submit proposals to amend the Appendices but, if this does not happen, the Depositary Government, with the support of the Plants Committee members, should be asked to accomplish this task;
- c) continue the review of the Appendices with the following priorities: timbers, based on 'Contribution to an evaluation of tree species using the new CITES Listing Criteria', the review of tree species in trade by the Netherlands; and artificially propagated plants traded in large quantities;

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- d) participate in the implementation of Resolution Conf. 12.8 concerning the review of significant trade in specimens of Appendix-II species;
- e) review the Resolutions concerning plants and the plant trade to improve their clarity and to facilitate their understanding through guides or other materials;
- f) support the Secretariat in its work on the development of a programme to assist Scientific Authorities in making non-detriment findings in accordance with the provisions of Article IV of the Convention;
- g) take responsibility for the scientific analysis of problems related to the international trade in plants in order to provide scientifically-based findings for the drafting of proposals to be presented at meetings of the Conference of the Parties;
- h) collaborate, when requested, in the preparation of identification materials for plants for the identification manual;
- i) collaborate with the Nomenclature Committee, when requested, in the preparation of checklists and in addressing taxonomic questions concerning plants;
- j) strengthen the work of the regional representatives regarding the updating of regional directories;
- k) establish links with industry and traders to promote projects on sustainable use of plants and plant resources in collaboration with local communities of exporting countries;
- l) analyse the relationship between *in situ* conservation and *ex situ* production of plants;
- m) explain the role of Appendix II and identify good case studies for a better understanding of listing in this Appendix; and
- n) establish permanent relations with the Convention on Biological Diversity regarding the Global Strategy for Plant Conservation (GSPC) and other issues of interest to the Plants Committee.

Decision 12.12 provides that the Plants Committee shall analyze the GSPC adopted at the sixth meeting of the Conference of the Parties to the Convention on Biological Diversity in detail and links with its activities and collaborations, especially regarding target xi 'No species of wild flora endangered by international trade'.

The following decisions are also relevant to the Plants Committee:

Decision 12.63:

Range States of *Harpagophytum* species that authorize the export of specimens of these species should provide an update on implementation of the policies and management programmes mentioned in the reports submitted in fulfilment of Decision 11.63 (cf. document PC12 Doc. 8.1) for consideration by the Plants Committee at its 14th meeting. Reports on progress with the implementation of this decision should be provided to the

Secretariat 90 days before the 14th meeting of the Plants Committee for inclusion by the Secretariat in a report to that meeting.

Decision 12.64:

Range States and importing States should negotiate with the devil's claw industry to obtain support for management programmes that promote sustainable use and the development of communities that are managing the resource. Assistance in this regard could, if necessary, be requested from the Plants Committee and the Secretariat. Reports on progress with the implementation of this decision should be provided to the Secretariat 90 days before the 14th meeting of the Plants Committee for inclusion by the Secretariat in a report to that meeting.

Decision 12.65:

Range States should explore how processes and mechanisms in other international treaties can be used to provide support for sustainable resource use and fair trade, and should request the CITES Secretariat to provide assistance if required. Reports on progress with the implementation of this decision should be provided to the Secretariat 90 days before the 14th meeting of the Plants Committee for inclusion by the Secretariat in a report to that meeting.

Decisions 12.66 to 12.71 concern *Aquilaria* species.

Decision 12.66:

The DNA work currently being undertaken by the National Herbarium of the Netherlands under contract with the Secretariat should continue and should be aimed at investigating the options for the development of identification tools based on molecular analysis.

Decision 12.67:

More detailed information on the distribution of species should be compiled and assessed as an aid to better trade reporting, using point-of-origin data.

Decision 12.68:

As the trade is in the readily identifiable product of agarwood, studies should include all known agarwood-producing taxa and not only the CITES-listed species *A. malaccensis*.

Decision 12.69:

IUCN should be invited to re-evaluate the threatened status of all agarwood-producing taxa according to the 2000 IUCN criteria.

Decision 12.70:

A standard method for determining the population status of CITES-listed agarwood-producing taxa should be developed to assist Scientific Authorities in advising that

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exports will not be detrimental to the survival of the species in compliance with Article IV of the Convention. Such a standard method could be used to verify populations across all agarwood-producing areas, and allow not only the setting of appropriate quotas but also the verification of species being harvested.

Decision 12.71:

Further field research should be conducted on trade dynamics, including in the major import and re-exporting States and territories (Japan, Saudi Arabia, Singapore, Taiwan, province of China, and the United Arab Emirates).

Decision 12.73:

The review of plants in Madagascar shall be conducted by the Royal Botanic Gardens, Kew (the Scientific Authority for plants of the United Kingdom). The Royal Botanic Gardens is recommended to undertake a workshop in Madagascar, if possible, to discuss the results of the review.

Decision 12.74:

In the period following the 12th meeting of the Conference of the Parties, the following taxa shall be reviewed: *Prunus africana*, *Aquilaria malaccensis*, *Pericopsis elata* and *Aloe* species from East Africa used as extracts.

Decision 12.75:

The Animals and Plants Committees shall draft terms of reference for an evaluation of the Review of Significant Trade, to be considered at the 13th meeting of the Conference of the Parties.

The following Resolutions and Decisions also contain tasks for the Plants Committee:

RESOLUTION	SUBJECT	DECISION	SUBJECT
9.19	Nursery registration	10.86	Invasive species
9.24 (Rev.CoP12)	Review of species listings	12.13	Regional meetings
9.25 (Rev.)	Appendix III listings	12.14	Regional directories
11.11	Trade in Plants	12.17	Export quota working group
12.2	Externally funded projects	12.24	Technical implementation issues
12.8	Significant trade	12.91	Voluntary export quotas, capacity building
		12.97	Review of listing criteria

Travel expenses of regional members of the Animals Committee and Plants Committee

Resolution Conf. 11.1 (Rev. CoP12), Annex 2, determines the following principles for the payment of travel expenses to regional members of the Plants or Animals Committee:

- a) the Secretariat shall make provisions in its budget for the payment, if requested, of reasonable and justifiable travel expenses of regional members, to attend one Committee meeting per calendar year;
- b) members should make every effort to pay their own travel expenses; and
- c) travel arrangements for sponsored regional members will be made by the Secretariat in accordance with the Rules and Regulations of the United Nations and, where applicable, claims for refunds must be supported by receipts, and be submitted to the Secretariat within 30 days from the completion of the travel;

Production costs of publications prepared by the Animals and Plants Committees

In Annex 2 to **Resolution Conf. 11.1 (Rev. CoP12)**, the Conference of the Parties directs the Secretariat, to the extent possible, to provide funding from outside sources for the production costs of publications prepared by the Committees.

The Identification Manual Committee of the Conference of the Parties (until 2000)

Article XII.2(c) of the Convention provides that it shall be a function of the Secretariat to undertake scientific and technical studies concerning, among other things, the means of identifying specimens. Article XII.2(f) provides for the periodic publication and distribution to the Parties of current editions of the Appendices together with any information which will facilitate identification of specimens of species included in those Appendices.

On the basis of **Recommendation Conf. S.S. 1.3** of the 1977 Special Working Session, the Secretariat with a *Committee of Experts* nominated for that purpose started the preparation of an Identification Manual. With **Resolution Conf. 2.4** it was decided that a project proposal for the development and continuous updating of an identification manual be submitted to UNEP and the Secretariat was requested to execute such an approved project in consultation with the Committee of Experts nominated by the Parties.

Resolution Conf. 3.10, on the review and harmonization of annual reports, recommended in paragraph d) that the Nomenclature Committee and the Identification Manual Committee provide guidance also on the appropriate classification of taxa and statistical data in the annual reports of the Parties.

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Resolution Conf. 3.18 extended the mandate of the Identification Manual Committee up to the fourth meeting of the Conference of the Parties, Resolution Conf. 4.19 up to the fifth meeting and Resolution Conf. 5.17 up to the sixth. All three Resolutions invited Parties proposing additions to the Appendices to provide appropriate data for inclusion in the Identification Manual within one year after acceptance of such additions and, more generally, to submit in consultation with the Committee appropriate contributions for existing listings on the Appendices.

Resolution Conf. 5.17, in addition, requested the Parties to promote the use of the Identification Manual by enforcement officials and to report to the sixth meeting of the Conference of the Parties on the uses of the Manual which they had instigated and on its availability to competent authorities. The Secretariat was directed to, within its financial capacity, publish a French and Spanish version and organizations and parties were asked to provide funds to ensure the continuation of the work.

Resolution Conf. 6.1, Annex 4, re-established the Identification Manual Committee and Annex 4 of Resolution Conf. 9.1(Rev.), considering that the accurate identification of specimens of species listed in the Appendices to the Convention is of critical importance in the effective enforcement of the Convention and appreciating that a standard work of reference is urgently needed for use by the Parties, does the same.

The Identification Manual Committee was abolished in 2000 with **Resolution Conf. 11.19**.

The Conference of the Parties expresses its gratitude to all persons who have served this Committee, for the work they have done to develop the Identification Manual. It notes also that between 1987 and 1997 the Committee was without Chairman and membership and that following the 10th meeting of the Conference of the Parties, in 1997, only one Party has expressed interest in appointing members of the Committee. It recognizes the need for a regular production of sheets for the Identification Manual in the three working languages of the Convention and that the work involved is not of a nature readily performed by a committee. The Conference of the Parties therefore directs the Secretariat to:

- a) prepare sheets on the identification of animal and plant species for inclusion in the Identification Manual in the three working languages of the Convention;
- b) upon request from a Party, provide advice on the identification of species, or seek advice from experts on the taxa concerned;
- c) ensure, where relevant, that the subject of identification of species or specimens is included in training seminars organized by the Secretariat;
- d) provide assistance to Parties in the development of national or regional identification manuals;
- e) obtain, from Parties whose proposals to include new species in the Appendices have been adopted, appropriate data for inclusion in the Identification Manual within one year after acceptance of such additions;
- f) publish, within its financial capacity, the Identification Manual;

- g) inform each meeting of the Standing, Animals and Plants Committees on the progress made; and
- h) report to each meeting of the Conference of the Parties;

It exhorts Parties having successfully submitted proposals to include new species in the Appendices, to provide appropriate data for inclusion in the Identification Manual within one year after acceptance of such additions and appeals to Parties and organizations to provide funds to ensure the production of the Identification Manual. The Resolution finally requests the Parties to promote the use of the Identification Manual.

The Nomenclature Committee of the Conference of the Parties

Already in 1977 the Special Working Session recognized the need for the standardization of Appendices taxonomy (Recommendation Conf. S.S. 1.7).

Resolution Conf. 6.1 re-established the Nomenclature Committee and so does Annex 5 to Resolution Conf. 9.1(Rev.) and Annex 3 of **Resolution Conf. 11.1 (Rev. CoP12)** in which the Conference of the Parties recognizes that biological nomenclature of species may differ from country to country, notes that such biological nomenclature is not static and recognizes that the nomenclature used in the Appendices to the Convention will be most useful to the Parties if standardized.

Terms of reference of the Nomenclature Committee

Paragraph a) of Annex 3 to **Resolution Conf. 11.1 (Rev. CoP12)** establishes the Terms of Reference as follows:

Within the policy agreed to by the Conference of the Parties, the Nomenclature Committee shall:

- i) cause standardized nomenclatural references for animal and plant taxa, to the level of subspecies or botanical variety and including synonyms, to be prepared, or propose for adoption existing nomenclatural references, as appropriate, for all species listed in the Appendices to the Convention;
- ii) upon its acceptance of a new or updated reference (or part thereof) for a given taxon, present this to the Conference of the Parties for adoption as the standard reference for that taxon;
- iii) ensure that the highest priorities in developing the standard reference lists of animal and plant names and synonyms be:
 - A. species names of animals and plants listed at the species level in the Appendices;

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- B. generic names of animals and plants listed at the genus or family level in the Appendices; and
- C. family names of animals and plants listed at the family level in the Appendices;
- iv) review the existing Appendices with regard to the correct use of zoological and botanical nomenclature;
- v) upon request from the Secretariat, review proposals to amend the Appendices to ensure that correct names for the species and other taxa in question are used;
- vi) ensure that changes in nomenclature recommended by a Party do not alter the scope of protection of the taxon concerned; and
- vii) make recommendations on nomenclature to the Conference of the Parties, other committees, working groups and the Secretariat.

Decision 9.39 provides that each standard reference for Orchidaceae shall be made available to the Parties immediately after its completion.

Decision 11.119 directs the Nomenclature Committee to:

- a) Between CoP11 and CoP12, complete the consolidation of a checklist for orchid genera in trade not covered in Volumes 1 to 3 of the orchid checklists. This will be the final volume for orchids.
- b) Maintain and update the databases from which the checklists were generated, to facilitate publication of updates to these lists as required by the Parties. In addition, all of the databases require work to enable them to be made available in electronic form to the Parties. The most work required is for the upgrade to the Cactus Checklist database. The key databases should be converted and maintained at a level to allow printing 'on demand' for future publications.
- c) At the same time, CD-ROMs should be developed and searchable checklists should be established on the World Wide Web. It is beyond the scope of the nomenclature programme to fund such projects fully. It is hoped that the provision of limited seed funding will encourage organizations and institutions to develop, host and maintain Web sites and transfer checklists to CD-ROMs.

Decision 11.120 provides that:

The Nomenclature Committee shall review, for adoption, the standard reference *Amphibian Species of the World*, by D.R. Frost, printed out by the Secretariat seven months before each second meeting of the Conference of the Parties, starting with the 12th meeting.

Composition of the Nomenclature Committee

Annex 3 to **Resolution Conf. 11.1 (Rev. CoP12)** provides that

- b) the Nomenclature Committee shall comprise two individuals appointed by the Conference of the Parties; one zoologist to address nomenclatural issues for animal taxa and one botanist for plant taxa; and
- c) these two scientists shall coordinate and monitor the input needed from specialists in fulfilling the responsibilities assigned by the Parties, inform the Animals and Plants Committees at each meeting about the progress made, and report to each meeting of the Conference of the Parties.

Until 2000, membership of the Committee was on a voluntary basis, although already at the 10th meeting, in 1997, a chairman and a vice-chairman were appointed. These were confirmed in 2000.

Dr Marinus Hoogmoed of The Netherlands is the chairman and required zoologist. Mr. Noel McGough of the United Kingdom is the botanist and vice-chairman.

Publication and funding of publications of the Nomenclature Committee

Resolution Conf. 11.1 (Rev. CoP12), Annex 3, directs the Secretariat, to the extent possible, to provide funding from outside sources to cover the production costs of publications prepared by the Committee (ex Resolution Conf. 6.1).

Current standard nomenclature and recommendations

With **Resolution Conf. 9.26**, the Conference of the Parties noted that biological nomenclature is dynamic. It repeats this with **Resolution Conf. 10.22** and **11.22** and **Resolution Conf. 12.11** that now applies. It also repeats that the names of the genera and species of several families are in need of standardization and that the current lack of a standard reference with adequate information decreases the effectiveness of the implementation of CITES in conserving the many species that are listed in the Appendices and that the taxonomy used in the Appendices to the Convention will be most useful to the Parties if standardized by nomenclatural references. The Nomenclature Committee has identified names of taxa used in the Appendices to the Convention that should be changed to reflect accepted use in biology and it was recognized that there are several taxa included in the Appendices of which domesticated forms exist, and that in several cases the Parties have chosen to discriminate between the wild form and the domesticated form by applying a name that differs from the name cited in the standard nomenclature for the protected form.

As with **Resolution Conf. 9.26**, the Conference of the Parties notes that these changes should be adopted by the Conference of the Parties to the Convention. It further repeats that, in the case of new proposals for listing in the Appendices, the Parties should use adopted standard references whenever available. It considers the great practical difficulties involved in recognizing many of the subspecies at present

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listed in the Appendices when they appear in trade; and the need to weigh ease of subspecies identification against reliability of information on geographic source, for enforcement purposes.

The Resolution recommends that:

- a) a subspecies be proposed for inclusion in the Appendices only if it is generally recognized as a valid taxon, and easily identifiable in the traded form (ex Resolution Conf. 9.26);
- b) where there are identification difficulties, the problem be approached by either including the entire species in Appendix I or Appendix II or by circumscribing the range of the subspecies warranting protection and listing the populations within this area on a country basis (ex Resolution Conf. 9.26);
- c) where there are domesticated forms of listed taxa the Nomenclature Committee recommend names for the wild and domestic forms (ex Resolution Conf. 9.26);
- d) when submitting a proposal to amend the Appendices to the Convention the proponent identify the reference used to describe the entity being proposed (ex Resolution Conf. 9.26);
- e) upon receiving proposals to amend the Appendices to the Convention, the Secretariat seek, where appropriate, the advice of the Nomenclature Committee on the correct names to use for the species or other taxa in question;
- f) the Secretariat may make orthographic changes in the lists of species included in the Appendices to the Convention, without consulting the Conference of the Parties (ex Resolution Conf. 9.26);
- g) the Secretariat inform the Parties whenever the name of a taxon to be used in the Appendices to the Convention changes, provided that:
 - i) the change has been recommended or agreed to by the Nomenclature Committee; and
 - ii) the change will not alter the scope of protection for fauna or flora under the Convention;
- h) whenever the scope of a taxon is redefined as a result of a taxonomic revision, the Nomenclature Committee advise the Secretariat on the name to be listed in the Appendices or on alternative actions, including amendments to the Appendices, required to ensure that the original intent of the listing is retained.

Note: With **Resolution Conf. 2.22** on trade in feral species, the Conference of the Parties, aware of the fact that some species of higher taxa on Appendix II may occur as feral populations in some countries, recognized the problem this may create if feral species and their products are not adequately identified. It recommended: a) that the status of individual feral species of higher taxa included in the Appendices be determined by the Parties to the Convention and according to criteria for adding, transferring or deleting species in the Appendices; and b) that Parties assist each other in solving the problems of identification and documentation in the case of trade in such feral species.

- i) if there is conflict regarding the choice of taxonomic authority for taxa for which no standard references have been adopted by the Conference of the Parties, countries authorizing export of animals or plants (or parts or derivatives thereof) of such taxa inform the CITES Secretariat and prospective importing countries of their preferred published taxonomic authority. “Taxonomic authority” means a recent published paper or monograph that reviews the nomenclature of the taxon being exported and that has been reviewed by professionals in the pertinent discipline. In cases where specimens of the taxon are exported from several countries and the exporting countries do not agree, or the exporting and importing countries do not agree, on the taxonomic authority, the zoologist and the botanist of the Nomenclature Committee will determine the most appropriate taxonomic authority; and
- j) the Secretariat be provided the citations (and ordering information) of checklists that will be nominated for standard references at least six months before the meeting of the Conference of the Parties at which such checklists will be considered. The Secretariat shall include such information in a notification to the Parties so that Parties can obtain copies to review if they wish before the meeting.

With **Resolution Conf. 12.11**, the Conference of the Parties – instead of a long list of taxonomic references – adopts the *Checklist of CITES species*, compiled by the UNEP World Conservation Monitoring Centre, 2001 and its updates accepted by the Nomenclature Committee as the standard reference for species included in the Appendices.

It was agreed that the adoption of a standard checklist or reference by the Conference of the Parties does not by itself change the status vis-à-vis CITES of any entity, whether it is listed in the Appendices or not, and the status of the entity remains as intended in the proposal adopted by the Conference unless specifically changed by the adoption of a further proposal.

The Resolution urges Parties to assign to their Scientific Authorities the principal responsibility for:

- a) interpretation of the listings;
- b) consultation with the CITES Nomenclature Committee as appropriate;

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- c) identification of nomenclatural issues that may warrant further review by the appropriate CITES Committee and preparation of proposals to amend the Appendices if appropriate; and
- d) supporting and co-operating in the development and maintenance of the check-lists.

Decision 11.167 provides that the Secretariat shall:

- a) make a print-out of the standard reference Amphibian Species of the World, by D.R. Frost, seven months before every second meeting of the Conference of the Parties, starting with the 12th meeting of the Conference of the Parties, and submit the print-out for review and adoption by the Nomenclature Committee;
- b) after adoption of the printed version by the Nomenclature Committee, send a Notification to the Parties to announce the accepted standard reference for amphibians valid as from the date of distribution of the Notification, and with the Notification provide the pertinent pages regarding CITES-listed species of amphibians, either in a printed form or on a CD-ROM, whichever is most cost-effective; and
- c) make allowance in its annual budget from 2004 onwards for distribution of the information specified in paragraph b).

The text of the Convention

Convention on International Trade in Endangered Species of Wild Fauna and Flora

Signed at Washington, D.C., on 3 March 1973
Amended at Bonn, on 22 June 1979

The Contracting States,

Recognizing that wild fauna and flora in their many beautiful and varied forms are an irreplaceable part of the natural systems of the earth which must be protected for this and the generations to come;

Conscious of the ever-growing value of wild fauna and flora from aesthetic, scientific, cultural, recreational and economic points of view;

Recognizing that peoples and States are and should be the best protectors of their own wild fauna and flora;

Recognizing, in addition, that international co-operation is essential for the protection of certain species of wild fauna and flora against over-exploitation through international trade;

Convinced of the urgency of taking appropriate measures to this end;

Have agreed as follows:

Article I - Definitions

For the purpose of the present Convention, unless the context otherwise requires:

- (a) "Species" means any species, subspecies, or geographically separate population thereof;
- (b) "Specimen" means:
 - (i) any animal or plant, whether alive or dead;
 - (ii) in the case of an animal: for species included in Appendices I and II, any readily recognizable part or derivative thereof; and for species included in Appendix III, any readily recognizable part or derivative thereof specified in Appendix III in relation to the species; and

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- (iii) in the case of a plant: for species included in Appendix I, any readily recognizable part or derivative thereof; and for species included in Appendices II and III, any readily recognizable part or derivative thereof specified in Appendices II and III in relation to the species;
- (c) “Trade” means export, re-export, import and introduction from the sea;
- (d) “Re-export” means export of any specimen that has previously been imported;
- (e) “Introduction from the sea” means transportation into a State of specimens of any species which were taken in the marine environment not under the jurisdiction of any State;
- (f) “Scientific Authority” means a national scientific authority designated in accordance with Article IX;
- (g) “Management Authority” means a national management authority designated in accordance with Article IX;
- (h) “Party” means a State for which the present Convention has entered into force.

Article II - Fundamental principles

1. Appendix I shall include all species threatened with extinction which are or may be affected by trade. Trade in specimens of these species must be subject to particularly strict regulation in order not to endanger further their survival and must only be authorized in exceptional circumstances.
2. Appendix II shall include:
 - (a) all species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival; and
 - (b) other species which must be subject to regulation in order that trade in specimens of certain species referred to in sub-paragraph (a) of this paragraph may be brought under effective control.
3. Appendix III shall include all species which any Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the co-operation of other Parties in the control of trade.
4. The Parties shall not allow trade in specimens of species included in Appendices I, II and III except in accordance with the provisions of the present Convention.

Article III - Regulation of trade in specimens of species included in Appendix I

1. All trade in specimens of species included in Appendix I shall be in accordance with the provisions of this Article.
2. The export of any specimen of a species included in Appendix I shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:

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- (a) a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;
 - (b) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora;
 - (c) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and
 - (d) a Management Authority of the State of export is satisfied that an import permit has been granted for the specimen.
3. The import of any specimen of a species included in Appendix I shall require the prior grant and presentation of an import permit and either an export permit or a re-export certificate. An import permit shall only be granted when the following conditions have been met:
- (a) a Scientific Authority of the State of import has advised that the import will be for purposes which are not detrimental to the survival of the species involved;
 - (b) a Scientific Authority of the State of import is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and
 - (c) a Management Authority of the State of import is satisfied that the specimen is not to be used for primarily commercial purposes.
4. The re-export of any specimen of a species included in Appendix I shall require the prior grant and presentation of a re-export certificate. A re-export certificate shall only be granted when the following conditions have been met:
- (a) a Management Authority of the State of re-export is satisfied that the specimen was imported into that State in accordance with the provisions of the present Convention;
 - (b) a Management Authority of the State of re-export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and
 - (c) a Management Authority of the State of re-export is satisfied that an import permit has been granted for any living specimen.
5. The introduction from the sea of any specimen of a species included in Appendix I shall require the prior grant of a certificate from a Management Authority of the State of introduction. A certificate shall only be granted when the following conditions have been met:
- (a) a Scientific Authority of the State of introduction advises that the introduction will not be detrimental to the survival of the species involved;
 - (b) a Management Authority of the State of introduction is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and
 - (c) a Management Authority of the State of introduction is satisfied that the specimen is not to be used for primarily commercial purposes.

Article IV - Regulation of trade in specimens of species included in Appendix II

1. All trade in specimens of species included in Appendix II shall be in accordance with the provisions of this Article.
2. The export of any specimen of a species included in Appendix II shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:
 - (a) a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;
 - (b) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora; and
 - (c) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.
3. A Scientific Authority in each Party shall monitor both the export permits granted by that State for specimens of species included in Appendix II and the actual exports of such specimens. Whenever a Scientific Authority determines that the export of specimens of any such species should be limited in order to maintain that species throughout its range at a level consistent with its role in the ecosystems in which it occurs and well above the level at which that species might become eligible for inclusion in Appendix I, the Scientific Authority shall advise the appropriate Management Authority of suitable measures to be taken to limit the grant of export permits for specimens of that species.
4. The import of any specimen of a species included in Appendix II shall require the prior presentation of either an export permit or a re-export certificate.
5. The re-export of any specimen of a species included in Appendix II shall require the prior grant and presentation of a re-export certificate. A re-export certificate shall only be granted when the following conditions have been met:
 - (a) a Management Authority of the State of re-export is satisfied that the specimen was imported into that State in accordance with the provisions of the present Convention; and
 - (b) a Management Authority of the State of re-export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.
6. The introduction from the sea of any specimen of a species included in Appendix II shall require the prior grant of a certificate from a Management Authority of the State of introduction. A certificate shall only be granted when the following conditions have been met:
 - (a) a Scientific Authority of the State of introduction advises that the introduction will not be detrimental to the survival of the species involved; and

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- (b) a Management Authority of the State of introduction is satisfied that any living specimen will be so handled as to minimize the risk of injury, damage to health or cruel treatment.
7. Certificates referred to in paragraph 6 of this Article may be granted on the advice of a Scientific Authority, in consultation with other national scientific authorities or, when appropriate, international scientific authorities, in respect of periods not exceeding one year for total numbers of specimens to be introduced in such periods.

Article V - Regulation of trade in specimens of species included in Appendix III

1. All trade in specimens of species included in Appendix III shall be in accordance with the provisions of this Article.
2. The export of any specimen of a species included in Appendix III from any State which has included that species in Appendix III shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:
 - (a) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora; and
 - (b) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.
3. The import of any specimen of a species included in Appendix III shall require, except in circumstances to which paragraph 4 of this Article applies, the prior presentation of a certificate of origin and, where the import is from a State which has included that species in Appendix III, an export permit.
4. In the case of re-export, a certificate granted by the Management Authority of the State of re-export that the specimen was processed in that State or is being re-exported shall be accepted by the State of import as evidence that the provisions of the present Convention have been complied with in respect of the specimen concerned.

Article VI - Permits and certificates

1. Permits and certificates granted under the provisions of Articles III, IV, and V shall be in accordance with the provisions of this Article.
2. An export permit shall contain the information specified in the model set forth in Appendix IV, and may only be used for export within a period of six months from the date on which it was granted.
3. Each permit or certificate shall contain the title of the present Convention, the name and any identifying stamp of the Management Authority granting it and a control number assigned by the Management Authority.

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4. Any copies of a permit or certificate issued by a Management Authority shall be clearly marked as copies only and no such copy may be used in place of the original, except to the extent endorsed thereon.
5. A separate permit or certificate shall be required for each consignment of specimens.
6. A Management Authority of the State of import of any specimen shall cancel and retain the export permit or re-export certificate and any corresponding import permit presented in respect of the import of that specimen.
7. Where appropriate and feasible a Management Authority may affix a mark upon any specimen to assist in identifying the specimen. For these purposes “mark” means any indelible imprint, lead seal or other suitable means of identifying a specimen, designed in such a way as to render its imitation by unauthorized persons as difficult as possible.

Article VII - Exemptions and other special provisions relating to trade

1. The provisions of Articles III, IV and V shall not apply to the transit or transshipment of specimens through or in the territory of a Party while the specimens remain in Customs control.
2. Where a Management Authority of the State of export or re-export is satisfied that a specimen was acquired before the provisions of the present Convention applied to that specimen, the provisions of Articles III, IV and V shall not apply to that specimen where the Management Authority issues a certificate to that effect.
3. The provisions of Articles III, IV and V shall not apply to specimens that are personal or household effects. This exemption shall not apply where:
 - (a) in the case of specimens of a species included in Appendix I, they were acquired by the owner outside his State of usual residence, and are being imported into that State; or
 - (b) in the case of specimens of species included in Appendix II:
 - (i) they were acquired by the owner outside his State of usual residence and in a State where removal from the wild occurred;
 - (ii) they are being imported into the owner's State of usual residence; and
 - (iii) the State where removal from the wild occurred requires the prior grant of export permits before any export of such specimens;unless a Management Authority is satisfied that the specimens were acquired before the provisions of the present Convention applied to such specimens.
4. Specimens of an animal species included in Appendix I bred in captivity for commercial purposes, or of a plant species included in Appendix I artificially propagated for commercial purposes, shall be deemed to be specimens of species included in Appendix II.
5. Where a Management Authority of the State of export is satisfied that any specimen of an animal species was bred in captivity or any specimen of a plant species

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was artificially propagated, or is a part of such an animal or plant or was derived therefrom, a certificate by that Management Authority to that effect shall be accepted in lieu of any of the permits or certificates required under the provisions of Article III, IV or V.

6. The provisions of Articles III, IV and V shall not apply to the non-commercial loan, donation or exchange between scientists or scientific institutions registered by a Management Authority of their State, of herbarium specimens, other preserved, dried or embedded museum specimens, and live plant material which carry a label issued or approved by a Management Authority.
7. A Management Authority of any State may waive the requirements of Articles III, IV and V and allow the movement without permits or certificates of specimens which form part of a travelling zoo, circus, menagerie, plant exhibition or other travelling exhibition provided that:
 - (a) the exporter or importer registers full details of such specimens with that Management Authority;
 - (b) the specimens are in either of the categories specified in paragraph 2 or 5 of this Article; and
 - (c) the Management Authority is satisfied that any living specimen will be so transported and cared for as to minimize the risk of injury, damage to health or cruel treatment.

Article VIII - Measures to be taken by the Parties

1. The Parties shall take appropriate measures to enforce the provisions of the present Convention and to prohibit trade in specimens in violation thereof. These shall include measures:
 - (a) to penalize trade in, or possession of, such specimens, or both; and
 - (b) to provide for the confiscation or return to the State of export of such specimens.
2. In addition to the measures taken under paragraph 1 of this Article, a Party may, when it deems it necessary, provide for any method of internal reimbursement for expenses incurred as a result of the confiscation of a specimen traded in violation of the measures taken in the application of the provisions of the present Convention.
3. As far as possible, the Parties shall ensure that specimens shall pass through any formalities required for trade with a minimum of delay. To facilitate such passage, a Party may designate ports of exit and ports of entry at which specimens must be presented for clearance. The Parties shall ensure further that all living specimens, during any period of transit, holding or shipment, are properly cared for so as to minimize the risk of injury, damage to health or cruel treatment.
4. Where a living specimen is confiscated as a result of measures referred to in paragraph 1 of this Article:

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- (a) the specimen shall be entrusted to a Management Authority of the State of confiscation;
 - (b) the Management Authority shall, after consultation with the State of export, return the specimen to that State at the expense of that State, or to a rescue centre or such other place as the Management Authority deems appropriate and consistent with the purposes of the present Convention; and
 - (c) the Management Authority may obtain the advice of a Scientific Authority, or may, whenever it considers it desirable, consult the Secretariat in order to facilitate the decision under sub-paragraph (b) of this paragraph, including the choice of a rescue centre or other place.
5. A rescue centre as referred to in paragraph 4 of this Article means an institution designated by a Management Authority to look after the welfare of living specimens, particularly those that have been confiscated.
 6. Each Party shall maintain records of trade in specimens of species included in Appendices I, II and III which shall cover:
 - (a) the names and addresses of exporters and importers; and
 - (b) the number and type of permits and certificates granted; the States with which such trade occurred; the numbers or quantities and types of specimens, names of species as included in Appendices I, II and III and, where applicable, the size and sex of the specimens in question.
 7. Each Party shall prepare periodic reports on its implementation of the present Convention and shall transmit to the Secretariat:
 - (a) an annual report containing a summary of the information specified in sub-paragraph (b) of paragraph 6 of this Article; and
 - (b) a biennial report on legislative, regulatory and administrative measures taken to enforce the provisions of the present Convention.
 8. The information referred to in paragraph 7 of this Article shall be available to the public where this is not inconsistent with the law of the Party concerned.

Article IX - Management and Scientific Authorities

1. Each Party shall designate for the purposes of the present Convention:
 - (a) one or more Management Authorities competent to grant permits or certificates on behalf of that Party; and
 - (b) one or more Scientific Authorities.
2. A State depositing an instrument of ratification, acceptance, approval or accession shall at that time inform the Depositary Government of the name and address of the Management Authority authorized to communicate with other Parties and with the Secretariat.

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3. Any changes in the designations or authorizations under the provisions of this Article shall be communicated by the Party concerned to the Secretariat for transmission to all other Parties.
4. Any Management Authority referred to in paragraph 2 of this Article shall, if so requested by the Secretariat or the Management Authority of another Party, communicate to it impression of stamps, seals or other devices used to authenticate permits or certificates.

Article X - Trade with States not party to the Convention

Where export or re-export is to, or import is from, a State not a Party to the present Convention, comparable documentation issued by the competent authorities in that State which substantially conforms with the requirements of the present Convention for permits and certificates may be accepted in lieu thereof by any Party.

Article XI - Conference of the Parties

1. The Secretariat shall call a meeting of the Conference of the Parties not later than two years after the entry into force of the present Convention.
2. Thereafter the Secretariat shall convene regular meetings at least once every two years, unless the Conference decides otherwise, and extraordinary meetings at any time on the written request of at least one-third of the Parties.
3. At meetings, whether regular or extraordinary, the Parties shall review the implementation of the present Convention and may:
 - (a) make such provision as may be necessary to enable the Secretariat to carry out its duties, and adopt financial provisions;
 - (b) consider and adopt amendments to Appendices I and II in accordance with Article XV;
 - (c) review the progress made towards the restoration and conservation of the species included in Appendices I, II and III;
 - (d) receive and consider any reports presented by the Secretariat or by any Party; and
 - (e) where appropriate, make recommendations for improving the effectiveness of the present Convention.
4. At each regular meeting, the Parties may determine the time and venue of the next regular meeting to be held in accordance with the provisions of paragraph 2 of this Article.
5. At any meeting, the Parties may determine and adopt rules of procedure for the meeting.
6. The United Nations, its Specialized Agencies and the International Atomic Energy Agency, as well as any State not a Party to the present Convention, may be represented at meetings of the Conference by observers, who shall have the right to participate but not to vote.

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7. Any body or agency technically qualified in protection, conservation or management of wild fauna and flora, in the following categories, which has informed the Secretariat of its desire to be represented at meetings of the Conference by observers, shall be admitted unless at least one-third of the Parties present object:
 - (a) international agencies or bodies, either governmental or non-governmental, and national governmental agencies and bodies; and
 - (b) national non-governmental agencies or bodies which have been approved for this purpose by the State in which they are located.

Once admitted, these observers shall have the right to participate but not to vote.

Article XII - The Secretariat

1. Upon entry into force of the present Convention, a Secretariat shall be provided by the Executive Director of the United Nations Environment Programme. To the extent and in the manner he considers appropriate, he may be assisted by suitable inter-governmental or non-governmental international or national agencies and bodies technically qualified in protection, conservation and management of wild fauna and flora.
2. The functions of the Secretariat shall be:
 - (a) to arrange for and service meetings of the Parties;
 - (b) to perform the functions entrusted to it under the provisions of Articles XV and XVI of the present Convention;
 - (c) to undertake scientific and technical studies in accordance with programmes authorized by the Conference of the Parties as will contribute to the implementation of the present Convention, including studies concerning standards for appropriate preparation and shipment of living specimens and the means of identifying specimens;
 - (d) to study the reports of Parties and to request from Parties such further information with respect thereto as it deems necessary to ensure implementation of the present Convention;
 - (e) to invite the attention of the Parties to any matter pertaining to the aims of the present Convention;
 - (f) to publish periodically and distribute to the Parties current editions of Appendices I, II and III together with any information which will facilitate identification of specimens of species included in those Appendices;
 - (g) to prepare annual reports to the Parties on its work and on the implementation of the present Convention and such other reports as meetings of the Parties may request;
 - (h) to make recommendations for the implementation of the aims and provisions of the present Convention, including the exchange of information of a scientific or technical nature;
 - (i) to perform any other function as may be entrusted to it by the Parties.

Article XIII - International measures

1. When the Secretariat in the light of information received is satisfied that any species included in Appendix I or II is being affected adversely by trade in specimens of that species or that the provisions of the present Convention are not being effectively implemented, it shall communicate such information to the authorized Management Authority of the Party or Parties concerned.
2. When any Party receives a communication as indicated in paragraph 1 of this Article, it shall, as soon as possible, inform the Secretariat of any relevant facts insofar as its laws permit and, where appropriate, propose remedial action. Where the Party considers that an inquiry is desirable, such inquiry may be carried out by one or more persons expressly authorized by the Party.
3. The information provided by the Party or resulting from any inquiry as specified in paragraph 2 of this Article shall be reviewed by the next Conference of the Parties which may make whatever recommendations it deems appropriate.

Article XIV - Effect on domestic legislation and international conventions

1. The provisions of the present Convention shall in no way affect the right of Parties to adopt:
 - (a) stricter domestic measures regarding the conditions for trade, taking, possession or transport of specimens of species included in Appendices I, II and III, or the complete prohibition thereof; or
 - (b) domestic measures restricting or prohibiting trade, taking, possession or transport of species not included in Appendix I, II or III.
2. The provisions of the present Convention shall in no way affect the provisions of any domestic measures or the obligations of Parties deriving from any treaty, convention, or international agreement relating to other aspects of trade, taking, possession or transport of specimens which is in force or subsequently may enter into force for any Party including any measure pertaining to the Customs, public health, veterinary or plant quarantine fields.
3. The provisions of the present Convention shall in no way affect the provisions of, or the obligations deriving from, any treaty, convention or international agreement concluded or which may be concluded between States creating a union or regional trade agreement establishing or maintaining a common external Customs control and removing Customs control between the parties thereto insofar as they relate to trade among the States members of that union or agreement.
4. A State party to the present Convention, which is also a party to any other treaty, convention or international agreement which is in force at the time of the coming into force of the present Convention and under the provisions of which protection is afforded to marine species included in Appendix II, shall be relieved of the obligations imposed on it under the provisions of the present Convention with respect to trade in specimens of species included in Appendix II that are taken by ships registered in that State and in accordance with the provisions of such other treaty, convention or international agreement.

Annex 1–The text of the Convention

5. Notwithstanding the provisions of Articles III, IV and V, any export of a specimen taken in accordance with paragraph 4 of this Article shall only require a certificate from a Management Authority of the State of introduction to the effect that the specimen was taken in accordance with the provisions of the other treaty, convention or international agreement in question.
6. Nothing in the present Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to Resolution 2750 C (XXV) of the General Assembly of the United Nations nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction.

Article XV - Amendments to Appendices I and II

1. The following provisions shall apply in relation to amendments to Appendices I and II at meetings of the Conference of the Parties:
 - (a) Any Party may propose an amendment to Appendix I or II for consideration at the next meeting. The text of the proposed amendment shall be communicated to the Secretariat at least 150 days before the meeting. The Secretariat shall consult the other Parties and interested bodies on the amendment in accordance with the provisions of sub-paragraphs (b) and (c) of paragraph 2 of this Article and shall communicate the response to all Parties not later than 30 days before the meeting.
 - (b) Amendments shall be adopted by a two-thirds majority of Parties present and voting. For these purposes “Parties present and voting” means Parties present and casting an affirmative or negative vote. Parties abstaining from voting shall not be counted among the two-thirds required for adopting an amendment.
 - (c) Amendments adopted at a meeting shall enter into force 90 days after that meeting for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.
2. The following provisions shall apply in relation to amendments to Appendices I and II between meetings of the Conference of the Parties:
 - (a) Any Party may propose an amendment to Appendix I or II for consideration between meetings by the postal procedures set forth in this paragraph.
 - (b) For marine species, the Secretariat shall, upon receiving the text of the proposed amendment, immediately communicate it to the Parties. It shall also consult inter-governmental bodies having a function in relation to those species especially with a view to obtaining scientific data these bodies may be able to provide and to ensuring co-ordination with any conservation measures enforced by such bodies. The Secretariat shall communicate the views expressed and data provided by these bodies and its own findings and recommendations to the Parties as soon as possible.
 - (c) For species other than marine species, the Secretariat shall, upon receiving the text of the proposed amendment, immediately communicate it to the Parties, and, as soon as possible thereafter, its own recommendations.

Annex 1–The text of the Convention

- (d) Any Party may, within 60 days of the date on which the Secretariat communicated its recommendations to the Parties under sub-paragraph (b) or (c) of this paragraph, transmit to the Secretariat any comments on the proposed amendment together with any relevant scientific data and information.
 - (e) The Secretariat shall communicate the replies received together with its own recommendations to the Parties as soon as possible.
 - (f) If no objection to the proposed amendment is received by the Secretariat within 30 days of the date the replies and recommendations were communicated under the provisions of sub-paragraph (e) of this paragraph, the amendment shall enter into force 90 days later for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.
 - (g) If an objection by any Party is received by the Secretariat, the proposed amendment shall be submitted to a postal vote in accordance with the provisions of sub-paragraphs (h), (i) and (j) of this paragraph.
 - (h) The Secretariat shall notify the Parties that notification of objection has been received.
 - (i) Unless the Secretariat receives the votes for, against or in abstention from at least one-half of the Parties within 60 days of the date of notification under sub-paragraph (h) of this paragraph, the proposed amendment shall be referred to the next meeting of the Conference for further consideration.
 - (j) Provided that votes are received from one-half of the Parties, the amendment shall be adopted by a two-thirds majority of Parties casting an affirmative or negative vote.
 - (k) The Secretariat shall notify all Parties of the result of the vote.
 - (l) If the proposed amendment is adopted it shall enter into force 90 days after the date of the notification by the Secretariat of its acceptance for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.
3. During the period of 90 days provided for by sub-paragraph (c) of paragraph 1 or sub-paragraph (l) of paragraph 2 of this Article any Party may by notification in writing to the Depositary Government make a reservation with respect to the amendment.

Until such reservation is withdrawn the Party shall be treated as a State not a Party to the present Convention with respect to trade in the species concerned.

Article XVI - Appendix III and amendments thereto

1. Any Party may at any time submit to the Secretariat a list of species which it identifies as being subject to regulation within its jurisdiction for the purpose mentioned in paragraph 3 of Article II. Appendix III shall include the names of the Parties submitting the species for inclusion therein, the scientific names of the species so submitted, and any parts or derivatives of the animals or plants concerned that are specified in relation to the species for the purposes of sub-paragraph (b) of Article I.

Annex 1–The text of the Convention

2. Each list submitted under the provisions of paragraph 1 of this Article shall be communicated to the Parties by the Secretariat as soon as possible after receiving it. The list shall take effect as part of Appendix III 90 days after the date of such communication. At any time after the communication of such list, any Party may by notification in writing to the Depositary Government enter a reservation with respect to any species or any parts or derivatives, and until such reservation is withdrawn, the State shall be treated as a State not a Party to the present Convention with respect to trade in the species or part or derivative concerned.
3. A Party which has submitted a species for inclusion in Appendix III may withdraw it at any time by notification to the Secretariat which shall communicate the withdrawal to all Parties. The withdrawal shall take effect 30 days after the date of such communication.
4. Any Party submitting a list under the provisions of paragraph 1 of this Article shall submit to the Secretariat a copy of all domestic laws and regulations applicable to the protection of such species, together with any interpretations which the Party may deem appropriate or the Secretariat may request. The Party shall, for as long as the species in question is included in Appendix III, submit any amendments of such laws and regulations or any interpretations as they are adopted.

Article XVII - Amendment of the Convention

1. An extraordinary meeting of the Conference of the Parties shall be convened by the Secretariat on the written request of at least one-third of the Parties to consider and adopt amendments to the present Convention. Such amendments shall be adopted by a two-thirds majority of Parties present and voting. For these purposes “Parties present and voting” means Parties present and casting an affirmative or negative vote. Parties abstaining from voting shall not be counted among the two-thirds required for adopting an amendment.
2. The text of any proposed amendment shall be communicated by the Secretariat to all Parties at least 90 days before the meeting.
3. An amendment shall enter into force for the Parties which have accepted it 60 days after two-thirds of the Parties have deposited an instrument of acceptance of the amendment with the Depositary Government. Thereafter, the amendment shall enter into force for any other Party 60 days after that Party deposits its instrument of acceptance of the amendment.

Article XVIII - Resolution of disputes

1. Any dispute which may arise between two or more Parties with respect to the interpretation or application of the provisions of the present Convention shall be subject to negotiation between the Parties involved in the dispute.
2. If the dispute can not be resolved in accordance with paragraph 1 of this Article, the Parties may, by mutual consent, submit the dispute to arbitration, in particular that of the Permanent Court of Arbitration at The Hague, and the Parties submitting the dispute shall be bound by the arbitral decision.

Article XIX - Signature

The present Convention shall be open for signature at Washington until 30th April 1973 and thereafter at Berne until 31st December 1974.

Article XX - Ratification, acceptance, approval

The present Convention shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of the Swiss Confederation which shall be the Depositary Government.

Article XXI - Accession

The present Convention shall be open indefinitely for accession. Instruments of accession shall be deposited with the Depositary Government.

Article XXII - Entry into force

1. The present Convention shall enter into force 90 days after the date of deposit of the tenth instrument of ratification, acceptance, approval or accession, with the Depositary Government.
2. For each State which ratifies, accepts or approves the present Convention or accedes thereto after the deposit of the tenth instrument of ratification, acceptance, approval or accession, the present Convention shall enter into force 90 days after the deposit by such State of its instrument of ratification, acceptance, approval or accession.

Article XXIII - Reservations

1. The provisions of the present Convention shall not be subject to general reservations. Specific reservations may be entered in accordance with the provisions of this Article and Articles XV and XVI.
2. Any State may, on depositing its instrument of ratification, acceptance, approval or accession, enter a specific reservation with regard to:
 - (a) any species included in Appendix I, II or III; or
 - (b) any parts or derivatives specified in relation to a species included in Appendix III.
3. Until a Party withdraws its reservation entered under the provisions of this Article, it shall be treated as a State not a Party to the present Convention with respect to trade in the particular species or parts or derivatives specified in such reservation.

Article XXIV - Denunciation

Any Party may denounce the present Convention by written notification to the Depositary Government at any time. The denunciation shall take effect twelve months after the Depositary Government has received the notification.

Article XXV - Depositary

1. The original of the present Convention, in the Chinese, English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited with the Depositary Government, which shall transmit certified copies thereof to all States that have signed it or deposited instruments of accession to it.
2. The Depositary Government shall inform all signatory and acceding States and the Secretariat of signatures, deposit of instruments of ratification, acceptance, approval or accession, entry into force of the present Convention, amendments thereto, entry and withdrawal of reservations and notifications of denunciation.
3. As soon as the present Convention enters into force, a certified copy thereof shall be transmitted by the Depositary Government to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

In witness whereof the undersigned Plenipotentiaries, being duly authorized to that effect, have signed the present Convention.

Done at Washington this third day of March, One Thousand Nine Hundred and Seventy-three.

Rules of Procedure for meetings of the Conference of the Parties

PART I

PARTICIPANTS: DELEGATES, OBSERVERS, SECRETARIAT

Rule 1 – Delegates

1. A State party to the Convention (hereafter referred to as "a Party")¹² shall be entitled to be represented at the meeting by a delegation consisting of a Representative and such Alternative Representatives and Advisers as the Party may deem necessary.
2. An Alternative Representative may at any time act in the place of the Representative.

Rule 2 – Observers

1. The United Nations, its specialized agencies, the International Atomic Energy Agency, as well as any State not a Party to the Convention may be represented at the meeting by observers who shall have the right to participate in the plenary sessions and sessions of Committees I and II but not to vote.¹³
2. Any body or agency technically qualified in protection, conservation or management of wild fauna and flora which is either:
 - a) an international agency or body, either governmental or non-governmental, or a national governmental agency or body; or
 - b) a national non-governmental agency or body which has been approved for this purpose by the State in which it is located;

and which has informed the Secretariat of the Convention of its desire to be represented at the meeting by observers, shall be permitted to be so represented in the plenary sessions and sessions of Committees I and II unless one-third of the Representatives present and voting object. Once admitted, these observers shall have the right to participate but not to vote.¹⁴ However, the right of observers to participate may be withdrawn if so agreed by one-third of the Representatives present and voting.

¹² See Convention, Article I, sub-paragraph (h), and Article XXII. A Party is a State that has deposited with the Government of the Swiss Confederation its instrument of ratification, acceptance, approval or accession at least 90 days before the meeting.

¹³ See Convention, Article XI, paragraph 6.

¹⁴ See Convention, Article XI, paragraph 7.

Annex 2–Rules of Procedure for meetings of the Conference of the Parties

Rule 3 – Credentials

1. The Representative or any Alternative Representative of a Party shall have been granted powers by a proper authority, i.e. the Head of State, the Head of Government or the Minister of Foreign Affairs, enabling him/her to represent the Party at the meeting. Any Adviser in the delegation of a Party shall submit credentials provided either by the same authority or by a duly accredited Representative whose credentials expressly authorize him/her to appoint Advisers to the delegation.
2. All credentials shall be submitted to the Secretariat of the Convention, where possible at least one week before the opening session of the meeting.
3. The Credentials Committee referred to in Rule 5, paragraph 2 a), shall examine the credentials and shall report thereon to the meeting. It shall recommend acceptance of credentials only if the signed original has been presented.
4. Pending a decision on their credentials, delegates may participate provisionally in the meeting but not vote. The right to participate in the meeting shall not extend to persons whose credentials the Conference of the Parties has decided are unacceptable.
5. Bodies and agencies desiring to be represented at the meeting by observers shall submit the names of these observers [and, in the case of bodies and agencies referred to in Rule 2, paragraph 2 b), evidence of the approval of the State in which they are located] to the Secretariat of the Convention at least one month prior to the opening of the meeting.

Rule 4 – Secretariat

The Secretariat of the Convention shall service and act as secretariat for the meeting.¹⁵

PART II

ARRANGEMENT OF THE MEETING

Rule 5 – Plenary sessions, committees and working groups

1. The Conference of the Parties conducts its work in plenary sessions and in committee sessions.
2. The Conference of the Parties shall establish the following sessional committees:
 - a) the Credentials Committee, of not more than five Representatives of different Parties, which shall report to the meeting;
 - b) Committee I, which shall be responsible for making recommendations to the Conference on all proposals to amend the appendices of the Convention and on any matter of a primarily biological nature; and
 - c) Committee II, which shall act similarly in relation to all other matters to be decided upon by the Conference.

¹⁵ See Convention, Article XII, paragraph 2 (a).

Annex 2–Rules of Procedure for meetings of the Conference of the Parties

3. The Conference and Committees I and II may establish such working groups as may be necessary to enable them to carry out their functions. They shall define the terms of reference and composition of each working group, the size of which may be limited according to the number of places available in assembly rooms.
4. Each working group shall elect its own officers.

Rule 6 – Rules of Procedure of committees and working groups

Insofar as they are applicable, these Rules shall apply *mutatis mutandis* to the proceedings of committees and working groups.

Rule 7 – Quorum

A quorum for a plenary session of the meeting or for a session of Committee I or II shall consist of one-half of the Parties having delegations at the meeting. No plenary session or session of Committee I or II shall take place in the absence of a quorum.

Rule 8 – Working languages

1. English, French and Spanish shall be the working languages of the meeting.
2. Interventions made in any of the working languages shall be interpreted into the other working languages in plenary session and sessions of Committees I and II. Interpretation shall be provided in sessions of the Credentials Committee and working groups only if resources allow.
3. The official documents of the meeting shall be distributed in the working languages.

Rule 9 – Other languages

1. A participant may speak in a language other than a working language. He/she shall be responsible for providing interpretation into a working language. Interpretation by the Secretariat into the other working languages may be based upon that interpretation.
2. Any document submitted to the Secretariat in any language other than a working language shall be accompanied by a translation into one of the working languages.

Rule 10 – Summary records

1. Summary records of plenary sessions and of sessions of Committees I and II shall be kept by the Secretariat in the working languages of the meeting. These shall be circulated to all Parties as soon as possible after the meeting.
2. The Credentials Committee and working groups shall decide upon the form in which their records shall be prepared.

Annex 2–Rules of Procedure for meetings of the Conference of the Parties

Rule 11 – Seating

1. Delegations shall, as a general rule, be seated in accordance with the alphabetical order of the English language names of the Parties they represent.
2. Seating limitations may require that no more than four delegates of any Party be present at plenary sessions and sessions of Committees I and II.
3. Observers shall be seated in one or more designated areas within the meeting room. They may enter an area designated for delegations only when invited to do so by a delegate.
4. Seating limitations may require that no more than two observers from any State not a Party, or from any body or agency, be present at plenary sessions and sessions of Committees I and II.

Rule 12 – Publicity of debates

1. All plenary sessions of the meeting and sessions of Committees I and II shall be open to the public. However any single session may be closed to the public by a decision of a simple majority of the Representatives present and voting.
2. As a general rule, participation in sessions of the Credentials Committee or any working group shall be limited to the delegates and those observers invited by the Presiding Officer of the session at which the Committee or working group is established. However, the Presiding Officer may leave it to the discretion of the Chairman of a committee or working group to decide on the invitation of observers.

Rule 13 – Media

1. Representatives of the media may attend the meeting after they have been accredited by the Secretariat. Plenary sessions and sessions of Committees I and II are open to the representatives of the media unless such sessions are closed to the public.
2. The representatives of the media shall be seated in a designated area within the meeting room. Photographers and television crews may only enter the areas designated for delegations and for observers when invited to do so by the Chairman of the Conference or the Chairman of Committee I or II, and for as long as they are so authorized. Requests for such authorization shall be addressed to the Secretariat.

PART III

OFFICERS

Rule 14 – Chairmen and Vice-Chairmen

1. The Chairman of the Standing Committee shall act as temporary Chairman of the Conference until the Conference of the Parties elects a Chairman in accordance with Rule 14, paragraph 2.
2. The Conference of the Parties shall elect a Chairman and two Vice-Chairmen of the Conference to preside over plenary sessions of the meeting. It shall also elect a Chairman for each of the Committees I and II and the Credentials

Annex 2–Rules of Procedure for meetings of the Conference of the Parties

Committee. Candidates for these offices shall be nominated by the Standing Committee after appropriate consultations with, *inter alia*, if applicable, the Host Government. The Standing Committee shall satisfy themselves that the candidates are, *prima facie*, capable of impartially expediting the business of the Conference. As Presiding Officers have no vote there is no other qualification required for nomination.

3. The Chairman of the Conference shall preside at all plenary sessions of the meeting.
4. If the Chairman of the Conference is absent or is unable to discharge his/her duties, the Bureau shall nominate one of the Vice-Chairmen of the Conference to deputize for him/her as Presiding Officer.
5. If the Chairman of a Committee is absent or is unable to discharge his/her duties, the Bureau shall nominate one of the Vice-Chairmen of the Conference to deputize for him/her as Presiding Officer.
6. The Presiding Officer shall not vote.

Rule 15 – Bureau

1. The Chairman and the Vice-Chairmen of the Conference, the Chairmen of Committees I and II and of the Credentials Committee, the Standing Committee and the Secretariat shall constitute the Bureau of the Conference with the general duty of ensuring the effective enforcement of the Rules of Procedure and forwarding the business of the meeting, and shall take such steps as are necessary to alter the timetable or structure of the meeting to ensure the effective completion of business including, as a last resort, the limiting of time for debates.
2. The Chairman of the Conference shall preside over the Bureau.

PART IV

RULES OF ORDER AND DEBATE

Rule 16 – Powers of Presiding Officer

1. In addition to exercising the powers conferred upon him/her elsewhere in these Rules, the Presiding Officer shall at plenary sessions of the meeting and at sessions of Committees I and II, the Credentials Committee and working groups:
 - a) declare the session open and closed;
 - b) direct the discussion;
 - c) ensure the observance of these Rules;
 - d) accord the right to speak;
 - e) put questions to a vote and announce decisions;
 - f) rule on points of order;
 - g) subject to these Rules, have complete control of the proceedings and the maintenance of order; and

Annex 2–Rules of Procedure for meetings of the Conference of the Parties

- h) where necessary, determine that Rule 11, paragraph 2 or 4, shall be applied.
2. The Presiding Officer may, in the course of discussion at a plenary session of the meeting or at sessions of Committees I and II, the Credentials Committee and working groups, propose:
 - a) time limits for speakers;
 - b) limitation of the number of times the members of a delegation or the observers from a State not a Party, body or agency may speak on any question;
 - c) the closure of the list of speakers;
 - d) the adjournment or the closure of the debate on the particular subject or question under discussion; and
 - e) the suspension or adjournment of the session.

Rule 17 – Right to speak

1. The right to speak shall extend to Representatives, Alternative Representatives and Advisers whose credentials are under consideration or have been accepted, and to observers who have been admitted to the meeting in accordance with Rule 2, as well as to the Secretariat.
2. The Presiding Officer shall, as a general rule, call upon speakers in the order in which they signify their desire to speak and shall give precedence to the delegates and to the Secretariat. Amongst observers, precedence shall be given to non-Party States, intergovernmental organizations and non-governmental organizations, in this order. However the Presiding Officer may depart from this general rule and call on speakers in the order that he/she judges appropriate to ensure the timely progress of the debate.
3. A delegate or observer shall speak only if called upon by the Presiding Officer, who may call a speaker to order if his/her remarks are not relevant to the subject under discussion.
4. A speaker shall not be interrupted except on a point of order. He/she may, however, with the permission of the Presiding Officer, give way during his/her intervention to allow any other delegate or observer to request elucidation on a particular point.
5. The Chairman of a committee or working group may be accorded precedence for the purpose of explaining the conclusion arrived at by that committee or working group.
6. The Conference and Committees I and II may, on a proposal by the Presiding Officer or by a Representative, limit the time to be allowed to each speaker and the number of times the members of a delegation or the observers either from a State not a Party, or from an agency or body may speak on any question. When the debate is subject to such limits, and a speaker has spoken for his/her allotted time, the Presiding Officer shall call him/her to order without delay.

Annex 2–Rules of Procedure for meetings of the Conference of the Parties

7. During the course of a debate the Presiding Officer may announce the list of speakers and, with the consent of the Conference, or Committee I or II, declare the list closed. He/she may, however, accord the right of reply to any delegate or observer if an intervention delivered after he/she has declared the list closed makes this desirable.

Rule 18 – Procedural motions

1. During the discussion of any matter, a Representative may rise to a point of order. Except in cases where the speaker wishes to propose one of the motions referred to in paragraph 2, the point of order shall be immediately decided by the Presiding Officer. A Representative may appeal against the ruling of the Presiding Officer. The appeal shall be immediately put to a vote and the Presiding Officer's ruling shall stand unless a simple majority of the Representatives present and voting otherwise decides. In such instances, a Representative rising to a point of order may not speak on the substance of the matter under discussion.
2. The motions listed below shall have precedence, in the order shown, over all other proposals or motions before the Conference. In addition to the proposer of the motion, a delegate may speak in favour of the motion and a delegate of each of two Parties may speak against it, after which the motion shall be immediately put to a vote. The Presiding Officer may limit the time to be allowed to the speakers.

regarding the session

- a) suspension of the session;
- b) adjournment of the session;

regarding the debate on a particular issue

- c) adjournment of the debate on the particular subject or question under discussion;
- d) closure of the debate on the particular subject or question under discussion.

Rule 19 – Motions to open and reopen debates in plenary sessions

1. Whenever the Conference, in plenary session, decides upon a recommendation originating from Committee I or II, where the discussion of the recommendation has been conducted with interpretation in the three working languages, there shall be no further discussion on the recommendation and it shall immediately be decided upon.

However, any Representative, if seconded by a Representative of another Party, may present a motion for the opening of debate. Permission to speak on the motion shall be granted only to the Representative presenting it and a seconder, and to a Representative of each of two Parties wishing to speak against, after which the motion shall immediately be put to a vote. A motion to open the debate shall be granted if, on a show of hands, one-third of the Representatives present and voting support the motion. While speaking on a motion to

Annex 2–Rules of Procedure for meetings of the Conference of the Parties

open the debate a Representative may not speak on the substance of the recommendation itself.

2. Once a proposal for amendment of Appendix I or II has been adopted or rejected by the Conference of the Parties, it may not be reconsidered during the meeting.
3. Without prejudice to paragraph 2 of this Rule, whenever the Conference, in plenary session, following a discussion conducted with interpretation in the three working languages, has adopted a decision that is not based on a recommendation originating from Committee I or II, it may be reconsidered during the meeting only under the following circumstances.

Any Representative, if seconded by a Representative of another Party, may present a motion for the reopening of debate. Permission to speak on the motion shall be granted only to the Representative presenting it and the seconder, and to a Representative of each of two Parties wishing to speak against, after which the motion shall immediately be put to a vote. A motion to reopen the debate shall be granted if, on a show of hands, two-thirds of the Representatives present and voting support the motion. While speaking on a motion to reopen the debate a Representative may not speak on the substance of the decision itself.

PART V

SUBMISSION OF PROPOSALS AND PROCEDURES FOR MAKING DECISIONS

Rule 20 – Submission of draft resolutions and other documents

1. As a general rule, draft resolutions and other documents shall have been communicated at least 150 days before the meeting to the Secretariat, which shall circulate them to all Parties in the working languages of the meeting.
2. However, the Secretariat, before the meeting, or the Bureau, during the meeting, may also permit the discussion and consideration of urgent draft resolutions and other documents arising after the 150-day period provided that they have been circulated as above and their consideration will not unduly inhibit the proceedings of the Conference.
3. Draft resolutions and other documents arising out of discussion of the foregoing may be discussed at any plenary session or any session of Committee I or II provided that copies of them have been circulated to all delegations, in the working languages, no later than during the session preceding the session at which they are to be discussed.
4. The Representative of any Party that has submitted a draft resolution or other document may, at any time, withdraw it. Once withdrawn, it may not be re-submitted during the meeting.

Rule 21 – Procedure for deciding on draft resolutions and other documents (except proposals to amend Appendices I and II)

1. The Conference shall as far as possible decide on draft resolutions and other documents by consensus.

Annex 2–Rules of Procedure for meetings of the Conference of the Parties

2. Whenever the Conference does not reach a consensus on the adoption or rejection of a draft resolution or other document, the Presiding Officer shall propose that the decision on the draft resolution or other document be put to a vote.
3. If two or more draft resolutions or other documents relate to the same question, the Conference shall, unless it determines otherwise, decide on them in the order in which they have been submitted. The Conference may, after deciding on a draft resolution or other document, consider whether to decide on the next such draft resolution or document.
4. A Representative may propose that parts of a draft resolution or other document shall be decided upon separately. If any objection is made to the request for such division, the motion for division shall be voted upon. Permission to speak on the motion shall be accorded only to a delegate from each of two Parties wishing to speak in favour of, and a delegate from each of two Parties wishing to speak against, the motion. If the motion for division is carried, those parts of the draft resolution or other document that are subsequently approved shall be decided upon as a whole. If all operative parts of the draft resolution or other document have been rejected, the draft resolution or other document shall be considered to have been rejected as a whole.
5. Any Representative may propose an amendment to a draft resolution or other document. The Presiding Officer may permit the immediate discussion and consideration of amendments to draft resolutions and other documents, even though such amendments have not been circulated previously.
6. When an amendment is moved to a draft resolution or other document, the amendment shall be decided on first. When two or more amendments are moved to a draft resolution or other document, the Conference shall first decide on the amendment furthest removed in substance from the original text and then on the amendment next furthest removed therefrom, and so on until all amendments have been submitted to decision. When, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be submitted to decision. If one or more amendments are adopted, the amended draft resolution or other document shall then be decided upon.

Rule 22 – Submission of proposals for amendment of Appendices I and II

1. Proposals for amendment of Appendices I and II shall have been communicated at least 150 days before the meeting to the Secretariat, which shall circulate them to all Parties¹⁶ in the working languages.
2. The Representative of the Party that has submitted a proposal for amendment of Appendices I and II may, at anytime, withdraw the proposal or amend it to reduce its scope or to make it more precise. Once a proposal has been withdrawn, it may not be re-submitted during the meeting. Once a proposal has been amended to reduce its scope, it may not be re-amended, during the meeting, to increase the scope of the amended proposal.

¹⁶ See Convention, Article XV, paragraph 1 (a).

Annex 2–Rules of Procedure for meetings of the Conference of the Parties

Rule 23 – Procedure for deciding on proposals for amendment of Appendices I and II

1. The Conference shall as far as possible decide on proposals for amendment of Appendices I and II by consensus.
2. Whenever the Conference does not reach a consensus on the adoption or rejection of a proposal for amendment of Appendices I and II, the Presiding Officer shall propose that the decision on the amendment be put to a vote.
3. A Representative may move that parts of a proposal for amendment of Appendices I and II shall be decided on separately. If any objection is made to the request for such division, the motion for division shall be voted upon. Permission to speak on the motion shall be accorded only to a delegate from each of two Parties wishing to speak in favour of, and a delegate from each of two Parties wishing to speak against, the motion. If the motion is carried, those parts of the proposal which are subsequently approved shall be decided upon as a whole. If all parts of the proposal have been rejected, it shall be considered to have been rejected as a whole.
4. If two or more proposals for amendment of Appendices I and II relate to the same taxon and have the same substance, the Conference shall decide on one proposal only. If this proposal is adopted or rejected, the other or others is or are deemed to be adopted or rejected also.
5. Any Representative may propose an amendment to a proposal for amendment of Appendix I or II to reduce its scope or to make it more precise. The Presiding Officer may permit the immediate discussion and consideration of such a proposed amendment even though it has not been circulated previously.
6. If two or more proposals – including proposals amended in accordance with Rule 22, paragraph 2, and proposals made in accordance with Rule 23, paragraph 5 – relate to the same taxon, but are different in substance, the Conference shall first decide on the proposal that will have the least restrictive effect on the trade and then on the proposal with the next least restrictive effect on the trade, and so on until all proposals have been submitted to decision. When however, the adoption of one proposal necessarily implies the rejection of another proposal, the latter proposal shall not be submitted to decision.

PART VI

VOTING

Rule 24 – Right to vote

1. Each Party shall have one vote.
2. The duly accredited Representative of a Party shall exercise the voting rights of that Party.

Rule 25 – Methods of voting

1. The Conference shall normally vote by show of hands, but any Representative may request a roll-call vote. The roll-call vote shall be taken in the seating order of the delegations. The Presiding Officer may himself/herself require a roll-call

Annex 2–Rules of Procedure for meetings of the Conference of the Parties

vote on the advice of the tellers where they are in doubt as to the actual number of votes cast and this is likely to be critical to the outcome.

2. All votes in respect of the election of officers or of prospective host countries shall be by secret ballot when there is more than one candidate and, although it shall not normally be used, any Representative may request a secret ballot for other matters. The Presiding Officer shall ask whether the request is seconded. If it is seconded by 10 Representatives the vote shall be by secret ballot.

Note: **Decision 12.100** requires the Standing Committee to examine the general issue of secret ballots and in particular the question of whether secret ballots should be retained in the Rules of Procedure of the Conference of the Parties and, if so, under what conditions. The Committee should review the way in which the use of secret ballots has been formulated in the Rules of Procedure and establish, to the extent possible, whether and when secret ballots have been used under other biodiversity-related conventions and global, multilateral environmental agreements, and report at the next meeting of the Conference of the Parties.

3. Voting by roll-call or secret ballot shall be expressed by "Yes", "No", or "Abstain". Only affirmative and negative votes shall be counted in calculating the number of votes cast.
4. The Presiding Officer shall be responsible for the counting of the votes and shall announce the result. After all votes, except those concerning the designation of the next host country, the Presiding Officer shall announce the number of affirmative votes, negative votes and abstentions, as well as the majority needed to adopt the decision submitted to votation. He/she may be assisted by tellers appointed by the Secretariat.
5. After the Presiding Officer has announced the beginning of a vote, it shall not be interrupted except by a Representative on a point of order in connection with the actual conduct of the voting. The Presiding Officer may permit Representatives to explain their votes either before or after the voting, and may limit the time to be allowed for such explanations.

Rule 26 – Majority

1. Except where otherwise provided for under the provisions of the Convention, these Rules or the Terms of Reference for the Administration of the Trust Fund, all votes on procedural matters relating to the conduct of the business of the meeting shall be decided by a simple majority of the Representatives present and voting, while all other decisions shall be taken by a two-thirds majority of Representatives present and voting.
2. For the purpose of these Rules of Procedure, "Representatives present and voting" means duly accredited Representatives present and casting an affirmative or negative vote. Representatives abstaining from voting or Representatives

Annex 2–Rules of Procedure for meetings of the Conference of the Parties

who cast a vote of abstention, shall not be counted in calculating the majority required.

Rule 27 – Elections

1. If in an election to fill one place no candidate obtains the absolute majority in the first ballot, a second ballot shall be taken restricted to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, the Presiding Officer shall decide between the candidates by drawing lots.
2. If in the first ballot there is a tie amongst candidates obtaining the second largest number of votes, a special ballot shall be held amongst them for reducing the number of candidates to two.
3. In the case of a tie amongst three or more candidates obtaining the largest number of votes in the first ballot, a special ballot shall be held amongst them for reducing the number of candidates to two. If a tie then results amongst two or more candidates, the Presiding Officer shall reduce the number to two by drawing lots, and a further ballot shall be held in accordance with paragraph 1 of this Rule.
4. This Rule also applies to the designation of the next host country of the Conference of the Parties.

PART VII

INFORMATIVE DOCUMENTS AND EXHIBITIONS

Rule 28 – Submission of informative documents and exhibitions

1. Informative documents on the conservation and utilization of natural resources may be submitted for the attention of the participants to the meeting by:
 - a) any Representative of a Party or any observer representing a State not party to the Convention or an intergovernmental organization; and
 - b) any observer representing any other organization.
2. No approval is required for the distribution of such documents. However, they shall clearly identify the delegation or observer presenting them.
3. Documents from the States and organizations referred to in paragraph 1 of this Rule may, on request, be distributed by the Secretariat. In this case, they shall be provided in sufficient numbers for distribution.
4. Any Representative may complain to the Bureau if an informative document that has been distributed is considered offensive.
5. Apart from an exhibition from the host country, where applicable, to show how it conserves nature and implements the Convention, no exhibition is authorized in the immediate vicinity of meeting rooms. Exhibitions set up in a specific exhibition area, at the cost of the exhibitors, may be subject to the approval of the Bureau, which may withdraw such permission at any time.

PART VIII

COMPLAINTS

Rule 29 – Complaints

1. A complaint may be addressed to the Bureau pursuant to Rule 28, paragraph 5, or by any participant who has been subject to abuse by another.
2. When it receives a complaint, the Bureau shall obtain information necessary to consider the validity of the complaint, bearing in mind that legitimate differences of opinion may exist.
3. In the case of a complaint received pursuant to Rule 28, paragraph 5, it shall consider whether the document concerned abuses or vilifies a Party, or brings the Convention into disrepute.
4. The Bureau shall decide on appropriate action, which may, as a last resort, include either a proposal to the Conference of the Parties to withdraw the right of admission of an organization to the meeting, or a formal complaint to a Party.

PART IX

AMENDMENT OF THE RULES OF PROCEDURE

Rule 30 – Amendment

These Rules are established by the Conference of the Parties and shall remain valid for each meeting of the Conference unless they are amended by decision of the Conference.

Rules of Procedure for meetings of the Standing Committee

(adopted at the 47th meeting, Santiago, November 2002)

Representation and attendance

Rule 1

Each member of the Standing Committee shall be entitled to be represented at meetings of the Committee by a Representative and an Alternate Representative. Each member shall also designate a person with whom communications regarding the work of the Committee should be conducted between meetings of the Committee and an alternate.

Rule 2

If a regional member is not represented at a meeting, its alternate member shall be entitled to represent the region.

Rule 3

The Representative shall exercise the voting right of a member or alternate member. In his/her absence, the Alternate Representative shall act in his/her place. Only members or alternate members representing the six regions shall have the right to vote, except in the case of a tie vote when the Depositary Government shall have the right to vote to break the tie.

Rule 4

Parties not members of the Committee shall be entitled to be represented at meetings of the Committee by observers who shall have the right to participate but not to vote.

Rule 5

The United Nations, its specialized agencies, the International Atomic Energy Agency, as well as any

Annex 3 – Rules of Procedure for meetings of the Standing Committee

State not a Party to the Convention may be represented at the meeting by observers who shall have the right to participate in meetings of the Committee but not to vote.

Rule 6

1. The Chairman may, after consultation with members of the Standing Committee and the Secretariat, invite any person or any body or agency technically qualified in protection, conservation or management of wild fauna and flora to be represented at meetings of the Committee by observers. These observers shall have the right to participate only during the discussion of specific agenda items determined by the Committee, but not to vote. However, the right of any such observer to participate shall be withdrawn if so agreed by the Committee.
2. Any person or body wishing to participate in a meeting of the Committee in accordance with paragraph 1 shall submit a request to the Secretariat at least one month before the meeting, or in the case of an emergency meeting at least seven days prior to that meeting. This request shall be accompanied by relevant information with regard to the technical qualifications of the person or body and proof of the approval of the State in which the body is located. The Secretariat shall forward this request and relevant information to the Chairman and the members of the Committee.

Credentials

Rule 7

The Representative or, in his/her absence, the Alternate Representative of a member shall, before exercising the voting rights of the member at a meeting have been granted powers by or on behalf of a proper authority enabling him or her to represent the member at the meeting.

Rule 8

Any observer representing a Party or an organization in a meeting, shall have been granted powers by or on behalf of a proper authority enabling him or her to represent the Party or organization.

Rule 9

The credentials required under Rules 7 and 8 shall be presented to the Secretariat of the Convention in one of the working languages of the Convention. The Secretariat shall review the credentials and report to the Committee at the earliest opportunity, indicating whether credentials have been presented for each participant and the form of the credentials received, drawing attention to any potential problems.

Annex 3 – Rules of Procedure for meetings of the Standing Committee

Rule 10

On the basis of the report of the Secretariat, the Committee shall decide whether to accept the credentials presented and whether any of them require further review by members of the Committee. In the latter case, a Credentials Committee of not more than three Representatives of members, or their Alternates, shall examine the credentials requiring further review and shall report thereon at the meeting. Credentials in the form of a letter from the Minister for Foreign Affairs or the Minister responsible or the Director of the Management Authority or a *note verbale* from a permanent mission may be accepted. Verifiable copies of credentials may also be accepted. Credentials shall however not be accepted if they have been signed by the person whom they accredit. Credentials may be valid for more than one meeting if this is specified in the text thereof.

Rule 11

Pending a decision on their credentials, representatives of members and observers may participate provisionally in the meeting.

Officers

Rule 12

During each regular meeting of the Conference of the Parties, the regional members of the Committee shall elect its Chairman, Vice-Chairman and Alternate Vice-Chairman from among the regional members.

Rule 13

The Chairman shall preside at meetings of the Committee, approve the provisional agenda prepared by the Secretariat and maintain liaison with other Committees between meetings of the Committee. He/she shall represent the Committee and the Parties as required within the limits of the Committee's mandate, and shall carry out such other functions as may be entrusted to him/her by the Committee.

Rule 14

The Vice-Chairman and the Alternate Vice-Chairman shall assist the Chairman in his/her functions, and shall act on his/her behalf at meetings in the absence of the Chairman.

Rule 15

The Secretariat of the Convention shall service and act as secretary for meetings of the Committee. However, in the event of a closed session, the meeting shall provide for its own rapporteur, if needed.

Annex 3 – Rules of Procedure for meetings of the Standing Committee

Meetings

Rule 16

The Committee shall normally meet at least once every year.

Rule 17

Meetings of the Committee shall be called at the request of the Chairman or of a simple majority of the members.

Rule 18

The time and place of meetings shall be determined by the Chairman.

Rule 19

Notice of meetings shall normally be given by the Secretariat at least 75 days, and in case of emergency meetings at least 14 days, in advance of the meeting.

Rule 20

Documents to be considered at a meeting shall normally be provided to the Secretariat at least 60 days before the meeting where they are to be discussed.

Rule 21

All documents submitted to the Secretariat by a Party, or submitted by an observer at the request of the Chairman, shall be placed on the Secretariat's website as soon as possible after they are received in the original language in which they have been submitted. The Secretariat shall distribute printed documents for any meeting at least 45 days before the proposed date of the meeting where they are to be discussed. The documents shall be provided to all members of the Committee, to all Parties that may be directly affected by any discussion of the documents and to all Parties that have informed the Secretariat of their intention to be represented at the meeting.

Rule 22

A quorum for a meeting shall consist of Representatives or Alternate Representatives of seven regional members or alternate regional members from at least four regions. No decision shall be taken at a meeting in the absence of a quorum.

Rule 23

1. The right to speak shall extend to all participants whose credentials are under consideration or have been accepted, and to observers who have been admit-

Annex 3 – Rules of Procedure for meetings of the Standing Committee

ted to the meeting in accordance with Rule 4, 5 or 6, as well as to the Secretariat.

2. The Chairman shall, as a general rule, call upon speakers in the order in which they signify their desire to speak and shall give precedence to the members of the Committee. Amongst observers, precedence shall be given to representatives of Parties, non-Party States, intergovernmental organizations and non-governmental organizations, in this order. However the Chairman may depart from this general rule and call on speakers in the order that he/she judges appropriate to ensure the timely progress of the debate.
3. Participants shall speak only if called upon by the Chairman, who may call a speaker to order if his/her remarks are not relevant to the subject under discussion.
4. A speaker shall not be interrupted except on a point of order. He/she may, however, with the permission of the Chairman, give way during his/her intervention to allow any other participant to request elucidation on a particular point.
5. The Chairman of a committee or working group may be accorded precedence for the purpose of explaining the conclusion arrived at by that committee or working group.
6. The Committee may, on a proposal by the Chairman or by a Representative, limit the time to be allowed to each speaker and the number of times the members of a delegation or the observers may speak on any question. When the debate is subject to such limits, and a speaker has spoken for his/her allotted time, the Chairman shall call him/her to order without delay.
7. During the course of a debate the Chairman may announce the list of speakers and, with the consent of the Committee, declare the list closed. He/she may, however, accord the right of reply to any participant if an intervention delivered after he/she has declared the list closed makes this desirable.

Rule 24

Decisions of the Committee shall be taken by consensus unless a vote is requested by the Chairman or by Representatives or Alternate Representatives of regional members or alternate regional members from two regions.

Rule 25

In the case of a vote, the decision of the Committee shall be taken by a simple majority of the regional members or alternate regional members voting. In the case of a tie, the motion shall be considered as rejected unless the tie is broken by the vote of the Depositary Government.

Annex 3 – Rules of Procedure for meetings of the Standing Committee

Rule 26

At the request of the Chairman or of any Representative or Alternate Representative the Committee shall decide by a vote whether the discussion of any particular subject shall be held in closed session; any such vote shall be decided by a simple majority. Parties represented at the meeting by observers shall be entitled to be represented at closed sessions.

Rule 27

A concise executive summary of the decisions of the Standing Committee shall be prepared by the Secretary and endorsed by the Standing Committee before the closure of each meeting.

Rule 28

A summary record of each meeting shall be prepared by the Secretary and sent to the Parties represented at the meeting within 40 days. This shall be presented in the order of the agenda and comprise three parts for each agenda item: a short statement indicating the main points of the discussion (without reference to any particular Party); the text indicating the decision that was made, as it appears in the executive summary; and the text of any statement provided by the representative of any Party that was read into the record during the meeting. The Secretary shall take into account the comments received within 20 days of the circulation and shall communicate the final summary record to all Parties after it is approved by the Chairman.

Rule 29

The working languages of the meetings of the Committee shall be English, French and Spanish.

Communication procedure

Rule 30

Any member may submit a proposal to the Chairman for a decision by postal procedure. The Chairman shall send the proposal to the Secretariat for communication to the members, who shall comment within 40 days of the communication of the proposal; any comments received by the Secretariat within this time limit shall also be so communicated to the members.

Rule 31

If no objection from a regional member to a proposal is received by the Secretariat within 25 days of the date when the results of the consultation on the proposal were communicated to the members, the proposal shall be considered as adopted, and notice of the adoption shall be given to all members.

Annex 3 – Rules of Procedure for meetings of the Standing Committee

Rule 32

If any regional member objects to a proposal within the applicable time limit, the proposal shall be put to a vote. The proposal shall be considered as decided by a simple majority of the regional members. If no majority is achieved, the proposal shall be referred to the next meeting of the Committee.

Final provisions

Rule 33

In matters not covered by the present Rules, the Rules of Procedure as adopted by the last regular meeting of the Conference of the Parties shall be applied *mutatis mutandis*.

Rule 34

These Rules shall come into force on adoption by the Committee, and shall remain valid for each of its meetings unless amended by decision of the Committee.

Appendices I, II and III

valid from 13 February 2003

Interpretation

1. Species included in these Appendices are referred to:
 - a) by the name of the species; or
 - b) as being all of the species included in a higher taxon or designated part thereof.
2. The abbreviation "spp." is used to denote all species of a higher taxon.
3. Other references to taxa higher than species are for the purposes of information or classification only. The common names included after the scientific names of families are for reference only. They are intended to indicate the species within the family concerned that are included in the Appendices. In most cases this is not all of the species within the family.
4. The following abbreviations are used for plant taxa below the level of species:
 - a) "ssp." is used to denote subspecies; and
 - b) "var(s)." is used to denote variety (varieties).
5. As none of the species or higher taxa of FLORA included in Appendix I is annotated to the effect that its hybrids shall be treated in accordance with the provisions of Article III of the Convention, this means that artificially propagated hybrids produced from one or more of these species or taxa may be traded with a certificate of artificial propagation, and that seeds and pollen (including pollinia), cut flowers, seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers of these hybrids are not subject to the provisions of the Convention.
6. The names of the countries in parentheses placed against the names of species in Appendix III are those of the Parties submitting these species for inclusion in this Appendix.
7. In accordance with Article I, paragraph (b), sub-paragraph (iii), of the Convention, the symbol (#) followed by a number placed against the name of a species or higher taxon included in Appendix II or III designates parts or derivatives which are specified in relation thereto for the purposes of the Convention as follows:
 - #1 Designates all parts and derivatives, except:

Annex 4–Appendices I, II and III

- a) seeds, spores and pollen (including pollinia);
- b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers; and
- c) cut flowers of artificially propagated plants.

#2 Designates all parts and derivatives, except:

- a) seeds and pollen;
- b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers;
- c) cut flowers of artificially propagated plants; and
- d) chemical derivatives and finished pharmaceutical products.

#3 Designates whole and sliced roots and parts of roots, excluding manufactured parts or derivatives such as powders, pills, extracts, tonics, teas and confectionery.

#4 Designates all parts and derivatives, except:

- a) seeds, except those from Mexican cacti originating in Mexico, and pollen;
- b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers;
- c) cut flowers of artificially propagated plants;
- d) fruits and parts and derivatives thereof of naturalized or artificially propagated plants; and
- e) separate stem joints (pads) and parts and derivatives thereof of naturalized or artificially propagated plants of the genus *Opuntia* subgenus *Opuntia*.

#5 Designates logs, sawn wood and veneer sheets.

#6 Designates logs, sawn wood, veneer sheets and plywood.

#7 Designates logs, wood-chips and unprocessed broken material.

#8 Designates all parts and derivatives, except:

- a) seeds and pollen (including pollinia);
- b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers;
- c) cut flowers of artificially propagated plants; and
- d) fruits and parts and derivatives thereof of artificially propagated plants of the genus *Vanilla*.

Annex 4–Appendices I, II and III

I	II	III
FAUNA (ANIMALS) PHYLUM CHORDATA CLASS MAMMALIA (MAMMALS)		
MONOTREMATA		
Tachyglossidae Echidnas, spiny anteaters		
	<i>Zaglossus</i> spp.	
DASYUROMORPHIA		
Dasyuridae Dunnarts		
<i>Sminthopsis longicaudata</i> <i>Sminthopsis psammophila</i>		
Thylacinidae Tasmanian wolf, thylacine		
<i>Thylacinus cynocephalus</i> (possibly extinct)		
PERAMELEMORPHIA		
Peramelidae Bandicoots		
<i>Chaeropus ecaudatus</i> (possibly extinct) <i>Macrotis lagotis</i> <i>Macrotis leucura</i> <i>Perameles bougainville</i>		
DIPROTODONTIA		
Phalangeridae Cuscuses		
	<i>Phalanger orientalis</i> <i>Spilocuscus maculatus</i>	
Vombatidae Northern hairy-nosed wombat		
<i>Lasiorhinus krefftii</i>		
Macropodidae Kangaroos, wallabies		
<i>Lagorchestes hirsutus</i> <i>Lagostrophus fasciatus</i> <i>Onychogalea fraenata</i> <i>Onychogalea lunata</i>	<i>Dendrolagus inustus</i> <i>Dendrolagus ursinus</i>	
Potoroidae Rat-kangaroos		
<i>Bettongia</i> spp. <i>Caloprymnus campestris</i> (possibly extinct)		
SCANDENTIA		
Tupaïidae Tree shrews		
	Tupaïidae spp.	
CHIROPTERA		
Phyllostomidae Broad-nosed bat		
		<i>Platyrrhinus lineatus</i> (Uruguay)

Annex 4–Appendices I, II and III

I	II	III
Pteropodidae Fruit bats, flying foxes		
<p><i>Acerodon jubatus</i></p> <p><i>Acerodon lucifer</i> (possibly extinct)</p> <p><i>Pteropus insularis</i></p> <p><i>Pteropus mariannus</i></p> <p><i>Pteropus molossinus</i></p> <p><i>Pteropus phaeocephalus</i></p> <p><i>Pteropus pilosus</i></p> <p><i>Pteropus samoensis</i></p> <p><i>Pteropus tonganus</i></p>	<p>Acerodon spp. (Except the species included in Appendix I)</p> <p>Pteropus spp. (Except the species included in Appendix I)</p>	
PRIMATES Apes, monkeys		
	PRIMATES spp. (Except the species included in Appendix I)	
Lemuridae Large lemurs		
Lemuridae spp.		
Megaladapidae Sportive lemurs		
Megaladapidae spp. (possibly extinct)		
Cheirogaleidae Dwarf lemurs		
Cheirogaleidae spp.		
Indridae Avahi, indris, sifakas, woolly lemurs		
Indridae spp.		
Daubentoniidae Aye-aye		
<i>Daubentonia madagascariensis</i>		
Callitrichidae Marmosets, tamarins		
<p><i>Callimico goeldii</i></p> <p><i>Callithrix aurita</i></p> <p><i>Callithrix flaviceps</i></p> <p><i>Leontopithecus</i> spp.</p> <p><i>Saguinus bicolor</i></p> <p><i>Saguinus geoffroyi</i></p> <p><i>Saguinus leucopus</i></p> <p><i>Saguinus oedipus</i></p>		
Cebidae New World monkeys		
<p><i>Alouatta coibensis</i></p> <p><i>Alouatta palliata</i></p> <p><i>Alouatta pigra</i></p> <p><i>Ateles geoffroyi frontatus</i></p> <p><i>Ateles geoffroyi panamensis</i></p> <p><i>Brachyteles arachnoides</i></p>		

Annex 4–Appendices I, II and III

I	II	III
Cacajao spp. Chiropotes albinasus Lagothrix flavicauda Saimiri oerstedii		
Cercopithecidae Old World monkeys		
Cercocebus galeritus galeritus Cercopithecus diana Macaca silenus Mandrillus leucophaeus Mandrillus sphinx Nasalis concolor Nasalis larvatus Presbytis potenziani Procolobus pennantii kirkii Procolobus rufomitratus Pygathrix spp. Semnopithecus entellus Trachypithecus geei Trachypithecus pileatus		
Hylobatidae Gibbons		
Hylobatidae spp.		
Hominidae Chimpanzees, gorilla, orang-utan		
Gorilla gorilla Pan spp. Pongo pygmaeus		
XENARTHRA		
Myrmecophagidae American anteaters		
	Myrmecophaga tridactyla	Tamandua mexicana (Guatemala)
Bradypodidae Three-toed sloth		
	Bradypus variegatus	
Megalonychidae Two-toed sloth		
		Choloepus hoffmanni (Costa Rica)
Dasypodidae Armadillos		
Priodontes maximus	Chaetophractus nationi (A zero annual export quota has been established. All specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly)	Cabassous centralis (Costa Rica) Cabassous tatouay (Uruguay)

Annex 4–Appendices I, II and III

I	II	III
PHOLIDOTA		
Manidae Pangolins		
	<i>Manis</i> spp. (A zero annual export quota has been established for <i>Manis crassicaudata</i> , <i>M. javanica</i> and <i>M. pentadactyla</i> for specimens removed from the wild and traded for primarily commercial purposes)	
LAGOMORPHA		
Leporidae Hispid hare, volcano rabbit		
<i>Caprolagus hispidus</i> <i>Romerolagus diazi</i>		
RODENTIA		
Sciuridae Ground squirrels, tree squirrels		
<i>Cynomys mexicanus</i>	<i>Ratufa</i> spp.	<i>Epixerus ebii</i> (Ghana) <i>Marmota caudata</i> (India) <i>Marmota himalayana</i> (India) <i>Sciurus deppei</i> (Costa Rica)
Anomaluridae African flying squirrels		
		<i>Anomalurus beecrofti</i> (Ghana) <i>Anomalurus derbianus</i> (Ghana) <i>Anomalurus pelii</i> (Ghana) <i>Idiurus macrotis</i> (Ghana)
Muridae Mice, rats		
<i>Leporillus conditor</i> <i>Pseudomys praeconis</i> <i>Xeromys myoides</i> <i>Zyomys pedunculatus</i>		
Hystricidae Crested porcupine		
		<i>Hystrix cristata</i> (Ghana)
Erethizontidae New World porcupines		
		<i>Sphiggurus mexicanus</i> (Honduras) <i>Sphiggurus spinosus</i> (Uruguay)
Agoutidae Paca		
		<i>Agouti paca</i> (Honduras)
Dasyproctidae Agouti		
		<i>Dasyprocta punctata</i> (Honduras)

Annex 4–Appendices I, II and III

I	II	III
Chinchillidae Chinchillas		
Chinchilla spp. (Specimens of the domesticated form are not subject to the provisions of the Convention)		
CETACEA Dolphins, porpoises, whales		
	CETACEA spp. (Except the species included in Appendix I. A zero annual export quota has been established for live specimens from the Black Sea population of <i>Tursiops truncatus</i> removed from the wild and traded for primarily commercial purposes)	
Platanistidae River dolphins		
Lipotes vexillifer Platanista spp.		
Ziphiidae Beaked whales, bottle-nosed whales		
Berardius spp. Hyperoodon spp.		
Physeteridae Sperm whales		
Physeter catodon		
Delphinidae Marine dolphins		
Sotalia spp. Sousa spp.		
Phocoenidae Porpoises		
Neophocaena phocaenoides Phocoena sinus		
Eschrichtiidae Grey whale		
Eschrichtius robustus		
Balaenopteridae Humpback whale, rorquals		
Balaenoptera acutorostrata (Except the population of West Greenland, which is included in Appendix II) Balaenoptera bonaerensis Balaenoptera borealis Balaenoptera edeni Balaenoptera musculus Balaenoptera physalus Megaptera novaeangliae		
Balaenidae Bowhead whale, right whales		
Balaena mysticetus Eubalaena spp.		
Neobalaenidae Pygmy right whale		
Caperea marginata		

Annex 4–Appendices I, II and III

I	II	III
CARNIVORA		
Canidae Bush dog, foxes, wolves		
<p><i>Canis lupus</i> (Only the populations of Bhutan, India, Nepal and Pakistan; all other populations are included in Appendix II)</p> <p><i>Speothos venaticus</i></p>	<p><i>Canis lupus</i> (Except the populations of Bhutan, India, Nepal and Pakistan, which are included in Appendix I)</p> <p><i>Cerdocyon thous</i></p> <p><i>Chrysocyon brachyurus</i></p> <p><i>Cuon alpinus</i></p> <p><i>Pseudalopex culpaeus</i></p> <p><i>Pseudalopex griseus</i></p> <p><i>Pseudalopex gymnocercus</i></p> <p><i>Vulpes cana</i></p> <p><i>Vulpes zerda</i></p>	<p><i>Canis aureus</i> (India)</p> <p><i>Vulpes bengalensis</i> (India)</p> <p><i>Vulpes vulpes griffithi</i> (India)</p> <p><i>Vulpes vulpes montana</i> (India)</p> <p><i>Vulpes vulpes pusilla</i> (India)</p>
Ursidae Bears, pandas		
<p><i>Ailuropoda melanoleuca</i></p> <p><i>Ailurus fulgens</i></p> <p><i>Helarctos malayanus</i></p> <p><i>Melursus ursinus</i></p> <p><i>Tremarctos ornatus</i></p> <p><i>Ursus arctos</i> (Only the populations of Bhutan, China, Mexico and Mongolia; all other populations are included in Appendix II)</p> <p><i>Ursus arctos isabellinus</i></p> <p><i>Ursus thibetanus</i></p>	<p>Ursidae spp. (Except the species included in Appendix I)</p>	
Procyonidae Coatis, kinkajou, olingos		
		<p><i>Bassaricyon gabbii</i> (Costa Rica)</p> <p><i>Bassariscus sumichrasti</i> (Costa Rica)</p> <p><i>Nasua narica</i> (Honduras)</p> <p><i>Nasua nasua solitaria</i> (Uruguay)</p> <p><i>Potos flavus</i> (Honduras)</p>

Annex 4–Appendices I, II and III

I	II	III
Mustelidae Badgers, martens, weasels, etc.		
Lutrinae Otters		
<p><i>Aonyx congicus</i> (Only the populations of Cameroon and Nigeria; all other populations are included in Appendix II)</p> <p><i>Enhydra lutris nereis</i></p> <p><i>Lontra felina</i></p> <p><i>Lontra longicaudis</i></p> <p><i>Lontra provocax</i></p> <p><i>Lutra lutra</i></p> <p><i>Pteronura brasiliensis</i></p>	<p>Lutrinae spp. (Except the species included in Appendix I)</p>	
Mellivorinae Honey badger		
		<i>Mellivora capensis</i> (Botswana, Ghana)
Mephitinae Hog-nosed skunk		
	<i>Conepatus humboldtii</i>	
Mustelinae Grisons, martens, tayra, weasels		
<p><i>Mustela nigripes</i></p>		<p><i>Eira barbara</i> (Honduras)</p> <p><i>Galictis vittata</i> (Costa Rica)</p> <p><i>Martes flavigula</i> (India)</p> <p><i>Martes foina intermedia</i> (India)</p> <p><i>Martes gwatkinsii</i> (India)</p> <p><i>Mustela altaica</i> (India)</p> <p><i>Mustela erminea ferghanae</i> (India)</p> <p><i>Mustela kathiah</i> (India)</p> <p><i>Mustela sibirica</i> (India)</p>
Viverridae Binturong, civets, falanouc, fossa, linsangs, otter-civet, palm civets		
<p><i>Prionodon pardicolor</i></p>	<p><i>Cryptoprocta ferox</i></p> <p><i>Cynogale bennettii</i></p> <p><i>Eupleres goudotii</i></p> <p><i>Fossa fossana</i></p> <p><i>Hemigalus derbyanus</i></p> <p><i>Prionodon linsang</i></p>	<p><i>Arctictis binturong</i> (India)</p> <p><i>Civettictis civetta</i> (Botswana)</p> <p><i>Paguma larvata</i> (India)</p> <p><i>Paradoxurus hermaphroditus</i> (India)</p> <p><i>Paradoxurus jerdoni</i> (India)</p> <p><i>Viverra civettina</i> (India)</p> <p><i>Viverra zibetha</i> (India)</p>

Annex 4–Appendices I, II and III

I	II	III
		<i>Viverricula indica</i> (India)
Herpestidae Mongooses		
		<i>Herpestes brachyurus fuscus</i> (India) <i>Herpestes edwardsii</i> (India) <i>Herpestes javanicus auropunctatus</i> (India) <i>Herpestes smithii</i> (India) <i>Herpestes urva</i> (India) <i>Herpestes vitticollis</i> (India)
Hyaenidae Aardwolf		
		<i>Proteles cristatus</i> (Botswana)
Felidae Cats		
<p><i>Acinonyx jubatus</i> (Annual export quotas for live specimens and hunting trophies are granted as follows: Botswana: 5; Namibia: 150; Zimbabwe: 50. The trade in such specimens is subject to the provisions of Article III of the Convention)</p> <p><i>Caracal caracal</i> (Only the population of Asia; all other populations are included in Appendix II)</p> <p><i>Catopuma temminckii</i></p> <p><i>Felis nigripes</i></p> <p><i>Herpailurus yaguarondi</i> (Only the populations of Central and North America; all other populations are included in Appendix II)</p> <p><i>Leopardus pardalis</i></p> <p><i>Leopardus tigrinus</i></p> <p><i>Leopardus wiedii</i></p> <p><i>Lynx pardinus</i></p> <p><i>Neofelis nebulosa</i></p> <p><i>Oncifelis geoffroyi</i></p> <p><i>Oreailurus jacobita</i></p> <p><i>Panthera leo persica</i></p> <p><i>Panthera onca</i></p> <p><i>Panthera pardus</i></p> <p><i>Panthera tigris</i></p>	<p>Felidae spp. (Except the species included in Appendix I. Specimens of the domesticated form are not subject to the provisions of the Convention)</p>	

Annex 4–Appendices I, II and III

I	II	III
<p><i>Pardofelis marmorata</i> <i>Prionailurus bengalensis</i> <i>bengalensis</i> (Only the populations of Bangladesh, India and Thailand; all other populations are included in Appendix II) <i>Prionailurus planiceps</i> <i>Prionailurus rubiginosus</i> (Only the population of India; all other populations are included in Appendix II) <i>Puma concolor coryi</i> <i>Puma concolor costaricensis</i> <i>Puma concolor cougar</i> <i>Uncia uncia</i></p>		
Otariidae Fur seals, sealions		
	<i>Arctocephalus</i> spp. (Except the species included in Appendix I)	
	<i>Arctocephalus townsendi</i>	
Odobenidae Walrus		
		<i>Odobenus rosmarus</i> (Canada)
Phocidae Seals		
	<i>Mirounga leonina</i>	
	<i>Monachus</i> spp.	
PROBOSCIDEA		
Elephantidae Elephants		
<p><i>Elephas maximus</i> <i>Loxodonta africana</i> (Except the populations of Botswana, Namibia, South Africa and Zimbabwe, which are included in Appendix II)</p>		

Annex 4–Appendices I, II and III

I	II	III
	<i>Loxodonta africana</i> (Only the populations of Botswana ¹⁷ , Namibia ¹ , South Africa ¹ and Zimbabwe ¹⁸ ; all other populations are included in Appendix I)	
SIRENIA		
Dugongidae Dugong		
	<i>Dugong dugon</i>	
Trichechidae Manatees		
	<i>Trichechus inunguis</i> <i>Trichechus manatus</i>	<i>Trichechus senegalensis</i>

¹⁷ Populations of Botswana, Namibia and South Africa (listed in Appendix II):

For the exclusive purpose of allowing: 1) trade in hunting trophies for non-commercial purposes; 2) trade in live animals for in situ conservation programmes; 3) trade in hides; 4) trade in leather goods for non-commercial purposes; 5) trade in registered raw ivory (for Botswana and Namibia, whole tusks and pieces; for South Africa, whole tusks and cut pieces of ivory that are both 20 cm or more in length and one kilogramme or more in weight) subject to the following: i) only registered government-owned stocks, originating in the State (excluding seized ivory and ivory of unknown origin) and, in the case of South Africa, only ivory originating from the Kruger National Park); ii) only to trading partners that have been verified by the Secretariat, in consultation with the Standing Committee, to have sufficient national legislation and domestic trade controls to ensure that the imported ivory will not be re-exported and will be managed in accordance with all requirements of Resolution Conf. 10.10 (Rev. CoP12) concerning domestic manufacturing and trade; iii) not before May 2004, and in any event not before the Secretariat has verified the prospective importing countries, and the MIKE programme has reported to the Secretariat on the baseline information (e.g. elephant population numbers, incidence of illegal killing); iv) a maximum of 20,000 kg (Botswana), 10,000 kg (Namibia) and 30,000 kg (South Africa) of ivory may be traded, and despatched in a single shipment under strict supervision of the Secretariat; v) the proceeds of the trade are used exclusively for elephant conservation and community conservation and development programmes within or adjacent to the elephant range; vi) only after the Standing Committee has agreed that the above conditions have been met. On a proposal from the Secretariat, the Standing Committee can decide to cause this trade to cease partially or completely in the event of non-compliance by exporting or importing countries, or in the case of proven detrimental impacts of the trade on other elephant populations. All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.

¹⁸ Population of Zimbabwe (listed in Appendix II):

For the exclusive purpose of allowing: 1) export of hunting trophies for non-commercial purposes; 2) export of live animals to appropriate and acceptable destinations; 3) export of hides; 4) export of leather goods and ivory carvings for non-commercial purposes. All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly. To ensure that where a) destinations for live animals are to be "appropriate and acceptable" and/or b) the purpose of the import is to be "non-commercial", export permits and re-export certificates may be issued only after the issuing Management Authority has received, from the Management Authority of the State of import, a certification to the effect that: in case a), in analogy to Article III, paragraph 3(b) of the Convention, the holding facility has been reviewed by the competent Scientific Authority, and the proposed recipient has been found to be suitably equipped to house and care for the animals; and/or in case b), in analogy to Article III, paragraph 3(c), the Management Authority is satisfied that the specimens will not be used for primarily commercial purposes.

Annex 4–Appendices I, II and III

I	II	III
PERISSODACTYLA		
Equidae Horses, wild asses, zebras		
<p><i>Equus africanus</i> (Excludes the domesticated form, which is referenced as <i>Equus asinus</i>, and is not subject to the provisions of the Convention)</p> <p><i>Equus grevyi</i></p> <p><i>Equus hemionus hemionus</i></p> <p><i>Equus onager khur</i> <i>Equus przewalskii</i></p> <p><i>Equus zebra zebra</i></p>	<p><i>Equus hemionus</i> (Except the subspecies included in Appendix I)</p> <p><i>Equus kiang</i> <i>Equus onager</i> (Except the subspecies included in Appendix I)</p> <p><i>Equus zebra hartmannae</i></p>	
Tapiridae Tapirs		
<p>Tapiridae spp. (Except the species included in Appendix II)</p>	<p><i>Tapirus terrestris</i></p>	
Rhinocerotidae Rhinoceroses		
<p>Rhinocerotidae spp. (Except the subspecies included in Appendix II)</p>	<p><i>Ceratotherium simum simum</i> (Only the population of South Africa; all other populations are included in Appendix I. For the exclusive purpose of allowing international trade in live animals to appropriate and acceptable destinations and hunting trophies. All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly)</p>	
ARTIODACTYLA		
Tragulidae Mouse-deer		
		<p><i>Hyemoschus aquaticus</i> (Ghana)</p>
Suidae Babirusa, pygmy hog		
<p><i>Babyrusa babyrussa</i></p>		

Annex 4–Appendices I, II and III

I	II	III
<i>Sus salvanius</i>		
Tayassuidae Peccaries		
<i>Catagonus wagneri</i>	Tayassuidae spp. (Except the species included in Appendix I and the populations of <i>Pecari tajacu</i> of Mexico and the United States of America, which are not included in the Appendices)	
Hippopotamidae Hippopotamuses		
	<i>Hexaprotodon liberiensis</i> <i>Hippopotamus amphibius</i>	
Camelidae Guanaco, vicuna		
<i>Vicugna vicugna</i> (Except the populations of: Argentina [the populations of the Provinces of Jujuy and Catamarca and the semi-captive populations of the Provinces of Jujuy, Salta, Catamarca, La Rioja and San Juan]; Bolivia [the whole population]; Chile [population of the Primera Región]; and Peru [the whole population]; which are included in Appendix II)	<i>Lama guanicoe</i> <i>Vicugna vicugna</i> (Only the populations of Argentina ¹⁹ [the populations of the Provinces of Jujuy and Catamarca and the semi-captive populations of the Provinces of Jujuy, Salta, Catamarca, La Rioja and San Juan]; Bolivia ²⁰ [the whole population]; Chile ²¹ [population of the Primera Región]; Peru ²² [the whole population]; all other populations are included in Appendix I)	

¹⁹ Population of Argentina (listed in Appendix II):

For the exclusive purpose of allowing international trade in wool sheared from live vicuñas, in cloth, and in derived manufactured products and other handicraft artefacts. The reverse side of the cloth must bear the logotype adopted by the range States of the species, which are signatories to the *Convenio para la Conservación y Manejo de la Vicuña*, and the selvages the words 'VICUÑA-ARGENTINA'. Other products must bear a label including the logotype and the designation 'VICUÑA-ARGENTINA-ARTESANÍA'. All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.

²⁰ Population of Bolivia (listed in Appendix II):

Annex 4–Appendices I, II and III

I	II	III
Moschidae Musk deer		
<p><i>Moschus</i> spp. (Only the populations of Afghanistan, Bhutan, India, Myanmar, Nepal and Pakistan; all other populations are included in Appendix II)</p>	<p><i>Moschus</i> spp. (Except the populations of Afghanistan, Bhutan, India, Myanmar, Nepal and Pakistan, which are included in Appendix I)</p>	
Cervidae Deer, guemals, muntjacs, pudus		
<p><i>Axis calamianensis</i> <i>Axis kuhlii</i> <i>Axis porcinus annamiticus</i> <i>Blastocerus dichotomus</i> <i>Cervus duvaucelii</i></p> <p><i>Cervus elaphus hanglu</i> <i>Cervus eldii</i> <i>Dama mesopotamica</i> <i>Hippocamelus</i> spp.</p>	<p><i>Cervus elaphus bactrianus</i></p>	<p><i>Cervus elaphus barbarus</i> (Tunisia)</p> <p><i>Mazama americana cerasina</i> (Guatemala)</p>

For the exclusive purpose of allowing international trade in: a) wool and products derived therefrom sheared from live animals of the populations of the Conservation Units of Mauri-Desaguadero, Ulla Ulla and LÍpez-Chichas; and b) products made from wool sheared from live animals of the rest of the population of Bolivia. The reverse side of the cloth must bear the logotype adopted by the range States of the species, which are signatories to the *Convenio para la Conservación y Manejo de la Vicuña*, and the selvages the words 'VICUÑA-BOLIVIA'. Other products must bear a label including the logotype and the designation 'VICUÑA-BOLIVIA-ARTESANÍA'. All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.

²¹ Population of Chile (listed in Appendix II):

For the exclusive purpose of allowing international trade in wool sheared from live vicuñas, and in cloth and items made thereof, including luxury handicrafts and knitted articles. The reverse side of the cloth must bear the logotype adopted by the range States of the species, which are signatories to the *Convenio para la Conservación y Manejo de la Vicuña*, and the selvages the words 'VICUÑA-CHILE'. Other products must bear a label including the logotype and the designation 'VICUÑA-CHILE-ARTESANÍA'. All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.

²² Population of Peru (listed in Appendix II):

For the exclusive purpose of allowing international trade in wool sheared from live vicuñas and in the stock extant at the time of the ninth meeting of the Conference of the Parties (November 1994) of 3249 kg of wool, and in cloth and items made thereof, including luxury handicrafts and knitted articles. The reverse side of the cloth must bear the logotype adopted by the range States of the species, which are signatories to the *Convenio para la Conservación y Manejo de la Vicuña*, and the selvages the words 'VICUÑA-PERÚ'. Other products must bear a label including the logotype and the designation 'VICUÑA-PERÚ-ARTESANÍA'. All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.

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I	II	III
<p><i>Megamuntiacus vuquanghensis</i> <i>Muntiacus crinifrons</i></p> <p><i>Ozotoceros bezoarticus</i></p> <p><i>Pudu puda</i></p>	<p><i>Pudu mephistophiles</i></p>	<p><i>Odocoileus virginianus mayensis</i> (Guatemala)</p>
Antilocapridae Pronghorn		
<p><i>Antilocapra americana</i> (Only the population of Mexico; no other population is included in the Appendices)</p>		
Bovidae Antelopes, cattle, duikers, gazelles, goats, sheep, etc.		
<p><i>Addax nasomaculatus</i></p> <p><i>Bos gaurus</i> (Excludes the domesticated form, which is referenced as <i>Bos frontalis</i>, and is not subject to the provisions of the Convention)</p> <p><i>Bos mutus</i> (Excludes the domesticated form, which is referenced as <i>Bos grunniens</i>, and is not subject to the provisions of the Convention)</p> <p><i>Bos sauveli</i></p> <p><i>Bubalus depressicornis</i> <i>Bubalus mindorensis</i> <i>Bubalus quarlesi</i></p> <p><i>Capra falconeri</i></p> <p><i>Cephalophus jentinki</i></p> <p><i>Gazella dama</i></p>	<p><i>Ammotragus lervia</i></p> <p><i>Bison bison athabascae</i></p> <p><i>Budorcas taxicolor</i></p> <p><i>Cephalophus dorsalis</i></p> <p><i>Cephalophus monticola</i> <i>Cephalophus ogilbyi</i> <i>Cephalophus silvicultor</i> <i>Cephalophus zebra</i></p> <p><i>Damaliscus pygargus pygargus</i></p>	<p><i>Antilope cervicapra</i> (Nepal)</p> <p><i>Bubalus arnee</i> (Nepal) (Excludes the domesticated form, which is referenced as <i>Bubalus bubalis</i>)</p> <p><i>Damaliscus lunatus</i> (Ghana)</p> <p><i>Gazella cuvieri</i> (Tunisia)</p> <p><i>Gazella dorcas</i> (Tunisia)</p>

Annex 4–Appendices I, II and III

I	II	III
<p><i>Hippotragus niger variani</i></p> <p><i>Naemorhedus baileyi</i> <i>Naemorhedus caudatus</i> <i>Naemorhedus goral</i> <i>Naemorhedus sumatraensis</i> <i>Oryx dammah</i> <i>Oryx leucoryx</i></p> <p><i>Ovis ammon hodgsonii</i> <i>Ovis ammon nigrimontana</i></p> <p><i>Ovis orientalis ophion</i></p> <p><i>Ovis vignei vignei</i> <i>Pantholops hodgsonii</i> <i>Pseudoryx nghetinhensis</i> <i>Rupicapra pyrenaica ornata</i></p>	<p><i>Kobus leche</i></p> <p><i>Ovis ammon</i> (Except the subspecies included in Appendix I)</p> <p><i>Ovis canadensis</i> (Only the population of Mexico; no other population is included in the Appendices)</p> <p><i>Ovis vignei</i> (Except the subspecies included in Appendix I)</p> <p><i>Saiga tatarica</i></p>	<p><i>Gazella leptoceros</i> (Tunisia)</p> <p><i>Tetracerus quadricornis</i> (Nepal) <i>Tragelaphus eurycerus</i> (Ghana) <i>Tragelaphus spekii</i> (Ghana)</p>
CLASS AVES (BIRDS)		
STRUTHIONIFORMES		
Struthionidae Ostrich		
<p><i>Struthio camelus</i> (Only the populations of Algeria, Burkina Faso, Cameroon, the Central African Republic, Chad, Mali, Mauritania, Morocco, the Niger, Nigeria, Senegal and the Sudan; all other populations are not included in the Appendices)</p>		
RHEIFORMES		
Rheidae Rheas		
	<p><i>Rhea americana</i></p>	

Annex 4–Appendices I, II and III

I	II	III
<i>Rhea pennata</i> (Except <i>Rhea pennata pennata</i> which is included in Appendix II)	<i>Rhea pennata pennata</i>	
TINAMIFORMES		
Tinamidae Tinamou		
<i>Tinamus solitarius</i>		
SPHENISCIFORMES		
Spheniscidae Penguins		
<i>Spheniscus humboldti</i>	<i>Spheniscus demersus</i>	
PODICIPEDIFORMES		
Podicipedidae Grebe		
<i>Podilymbus gigas</i>		
PROCELLARIIFORMES		
Diomedeidae Albatross		
<i>Diomedea albatrus</i>		
PELECANIFORMES		
Pelecanidae Pelican		
<i>Pelecanus crispus</i>		
Sulidae Booby		
<i>Papasula abbotti</i>		
Fregatidae Frigatebird		
<i>Fregata andrewsi</i>		
CICONIIFORMES		
Ardeidae Egrets, herons		
		<i>Ardea goliath</i> (Ghana) <i>Bubulcus ibis</i> (Ghana) <i>Casmerodius albus</i> (Ghana) <i>Egretta garzetta</i> (Ghana)
Balaenicipitidae Shoebill, whale-headed stork		
	<i>Balaeniceps rex</i>	
Ciconiidae Storks		
<i>Ciconia boyciana</i>	<i>Ciconia nigra</i>	<i>Ephippiorhynchus senegalensis</i> (Ghana)
<i>Jabiru mycteria</i>		<i>Leptoptilos crumeniferus</i> (Ghana)
<i>Mycteria cinerea</i>		
Threskiornithidae Ibises, spoonbills		
<i>Geronticus eremita</i> <i>Nipponia nippon</i>	<i>Eudocimus ruber</i> <i>Geronticus calvus</i>	<i>Bostrychia hagedash</i> (Ghana) <i>Bostrychia rara</i> (Ghana)

Annex 4–Appendices I, II and III

I	II	III
	<i>Platalea leucorodia</i>	<i>Threskiornis aethiopicus</i> (Ghana)
Phoenicopteridae Flamingos		
	Phoenicopteridae spp.	
ANSERIFORMES		
Anatidae Ducks, geese, swans, etc.		
<i>Anas aucklandica</i>	<i>Anas bernieri</i>	<i>Alopochen aegyptiacus</i> (Ghana) <i>Anas acuta</i> (Ghana)
<i>Anas laysanensis</i> <i>Anas oustaleti</i>	<i>Anas formosa</i>	<i>Anas capensis</i> (Ghana) <i>Anas clypeata</i> (Ghana) <i>Anas crecca</i> (Ghana)
<i>Branta canadensis leucopareia</i>	<i>Branta ruficollis</i>	<i>Anas penelope</i> (Ghana) <i>Anas querquedula</i> (Ghana) <i>Aythya nyroca</i> (Ghana)
<i>Branta sandvicensis</i>		<i>Cairina moschata</i> (Honduras)
<i>Cairina scutulata</i>	<i>Coscoroba coscoroba</i> <i>Cygnus melanocorypha</i> <i>Dendrocygna arborea</i>	<i>Dendrocygna autumnalis</i> (Honduras) <i>Dendrocygna bicolor</i> (Ghana, Honduras) <i>Dendrocygna viduata</i> (Ghana) <i>Nettapus auritus</i> (Ghana)
<i>Rhodonessa caryophyllacea</i> (possibly extinct)	<i>Oxyura leucocephala</i>	<i>Plectropterus gambensis</i> (Ghana) <i>Pteronetta hartlaubii</i> (Ghana)
	<i>Sarkidiornis melanotos</i>	
FALCONIFORMES Eagles, falcons, hawks, vultures		
	FALCONIFORMES spp. (Except the species included in Appendices I and III and the species of the family Cathartidae)	

Annex 4–Appendices I, II and III

I	II	III
Cathartidae New World vultures		
<i>Gymnogyps californianus</i>		<i>Sarcoramphus papa</i> (Honduras)
<i>Vultur gryphus</i>		
Accipitridae Hawks, eagles		
<i>Aquila adalberti</i>		
<i>Aquila heliaca</i>		
<i>Chondrohierax uncinatus wilsonii</i>		
<i>Haliaeetus albicilla</i>		
<i>Haliaeetus leucocephalus</i>		
<i>Harpia harpyja</i>		
<i>Pithecophaga jefferyi</i>		
Falconidae Falcons		
<i>Falco araea</i>		
<i>Falco jugger</i>		
<i>Falco newtoni</i> (Only the population of Seychelles)		
<i>Falco pelegrinoides</i>		
<i>Falco peregrinus</i>		
<i>Falco punctatus</i>		
<i>Falco rusticolus</i>		
GALLIFORMES		
Megapodiidae Megapodes, scrubfowl		
<i>Macrocephalon maleo</i>		
Cracidae Chachalacas, curassows, guans		
<i>Crax blumenbachii</i>		<i>Crax alberti</i> (Colombia)
		<i>Crax daubentoni</i> (Colombia)
		<i>Crax globulosa</i> (Colombia)
		<i>Crax rubra</i> (Colombia, Costa Rica, Guatemala, Honduras)
<i>Mitu mitu</i>		
<i>Oreophasis derbianus</i>		
		<i>Ortalis vetula</i> (Guatemala, Honduras)
<i>Penelope albipennis</i>		<i>Pauxi pauxi</i> (Colombia)
		<i>Penelope purpurascens</i> (Honduras)
<i>Pipile jacutinga</i>		<i>Penelopina nigra</i> (Guatemala)
<i>Pipile pipile</i>		

Annex 4–Appendices I, II and III

I	II	III
Phasianidae Grouse, guineafowl, partridges, pheasants, tragopans		
<p><i>Catreus wallichii</i> <i>Colinus virginianus ridgwayi</i> <i>Crossoptilon crossoptilon</i> <i>Crossoptilon harmani</i> <i>Crossoptilon mantchuricum</i></p> <p><i>Lophophorus impejanus</i> <i>Lophophorus lhuysii</i> <i>Lophophorus sclateri</i> <i>Lophura edwardsi</i></p> <p><i>Lophura imperialis</i> <i>Lophura swinhoii</i></p> <p><i>Polyplectron emphanum</i></p> <p><i>Rheinardia ocellata</i></p> <p><i>Syrmaticus ellioti</i> <i>Syrmaticus humiae</i> <i>Syrmaticus mikado</i></p>	<p><i>Argusianus argus</i></p> <p><i>Gallus sonneratii</i> <i>Ithaginis cruentus</i></p> <p><i>Pavo muticus</i> <i>Polyplectron bicalcaratum</i></p> <p><i>Polyplectron germaini</i></p> <p><i>Polyplectron malacense</i> <i>Polyplectron schleiermacheri</i></p>	<p><i>Agelastes meleagrides</i> (Ghana) <i>Agriocharis ocellata</i> (Guatemala) <i>Arborophila charltonii</i> (Malaysia) <i>Arborophila orientalis</i> (Malaysia)</p> <p><i>Caloperdix oculea</i> (Malaysia)</p> <p><i>Lophura erythrophthalma</i> (Malaysia) <i>Lophura ignita</i> (Malaysia)</p> <p><i>Melanoperdix nigra</i> (Malaysia)</p> <p><i>Polyplectron inopinatum</i> (Malaysia)</p> <p><i>Rhizothera longirostris</i> (Malaysia) <i>Rollulus rouloul</i> (Malaysia)</p>

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I	II	III
<i>Tetraogallus caspius</i> <i>Tetraogallus tibetanus</i> <i>Tragopan blythii</i> <i>Tragopan caboti</i> <i>Tragopan melanocephalus</i> <i>Tympanuchus cupido</i> <i>attwateri</i>		<i>Tragopan satyra</i> (Nepal)
GRUIFORMES		
Gruidae Cranes		
<i>Grus americana</i> <i>Grus canadensis nesiototes</i> <i>Grus canadensis pulla</i> <i>Grus japonensis</i> <i>Grus leucogeranus</i> <i>Grus monacha</i> <i>Grus nigricollis</i> <i>Grus vipio</i>	Gruidae spp. (Except the species included in Appendix I)	
Rallidae Rail		
<i>Gallirallus sylvestris</i>		
Rhynochetidae Kagu		
<i>Rhynochetos jubatus</i>		
Otididae Bustards		
<i>Ardeotis nigriceps</i> <i>Chlamydotis undulata</i> <i>Eupodotis bengalensis</i>	Otididae spp. (Except the species included in Appendix I)	
CHARADRIIFORMES		
Burhinidae Thick-knee		
		<i>Burhinus bistriatus</i> (Guatemala)
Scolopacidae Curlews, greenshanks		
<i>Numenius borealis</i> <i>Numenius tenuirostris</i> <i>Tringa guttifer</i>		
Laridae Gull		
<i>Larus relictus</i>		
COLUMBIFORMES		
Columbidae Doves, pigeons		
<i>Caloenas nicobarica</i>		<i>Columba guinea</i> (Ghana) <i>Columba iriditorques</i> (Ghana) <i>Columba livia</i> (Ghana) <i>Columba mayeri</i> (Mauritius)

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I	II	III
<i>Ducula mindorensis</i>	<i>Gallicolumba luzonica</i> <i>Goura</i> spp.	<i>Columba unicincta</i> (Ghana) <i>Oena capensis</i> (Ghana) <i>Streptopelia decipiens</i> (Ghana) <i>Streptopelia roseogrisea</i> (Ghana) <i>Streptopelia semitorquata</i> (Ghana) <i>Streptopelia senegalensis</i> (Ghana) <i>Streptopelia turtur</i> (Ghana) <i>Streptopelia vinacea</i> (Ghana) <i>Treron calva</i> (Ghana) <i>Treron waalia</i> (Ghana) <i>Turtur abyssinicus</i> (Ghana) <i>Turtur afer</i> (Ghana) <i>Turtur brehmeri</i> (Ghana) <i>Turtur tympanistria</i> (Ghana)
PSITTACIFORMES		
	PSITTACIFORMES spp. (Except the species included in Appendix I and Appendix III, and excluding <i>Melopsittacus undulatus</i> and <i>Nymphicus hollandicus</i> , which are not included in the Appendices)	
Psittacidae Amazons, cockatoos, lorries, lorikeets, macaws, parakeets, parrots		
<i>Amazona arausiaca</i> <i>Amazona barbadensis</i> <i>Amazona brasiliensis</i> <i>Amazona guildingii</i> <i>Amazona imperialis</i> <i>Amazona leucocephala</i> <i>Amazona ochrocephala auropalliata</i> <i>Amazona ochrocephala belizensis</i> <i>Amazona ochrocephala caribaea</i> <i>Amazona ochrocephala oratrix</i> <i>Amazona ochrocephala parvipes</i> <i>Amazona ochrocephala tresmariae</i> <i>Amazona pretrei</i> <i>Amazona rhodocorytha</i>		

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I	II	III
<p><i>Amazona tucumana</i> <i>Amazona versicolor</i> <i>Amazona vinacea</i> <i>Amazona viridigenalis</i> <i>Amazona vittata</i> <i>Anodorhynchus</i> spp. <i>Ara ambigua</i> <i>Ara glaucogularis</i> (Often traded under the incorrect designation <i>Ara caninde</i>) <i>Ara macao</i> <i>Ara militaris</i> <i>Ara rubrogenys</i> <i>Cacatua goffini</i> <i>Cacatua haematuropygia</i> <i>Cacatua moluccensis</i> <i>Cyanopsitta spixii</i> <i>Cyanoramphus forbesi</i> <i>Cyanoramphus novaezelandiae</i> <i>Cyclopsitta diophthalma coxeni</i> <i>Eos histrio</i> <i>Eunymphicus cornutus</i> <i>Geopsittacus occidentalis</i> (possibly extinct) <i>Guarouba guarouba</i> <i>Neophema chrysogaster</i> <i>Ognorhynchus icterotis</i> <i>Pezoporus wallicus</i> <i>Pionopsitta pileata</i> <i>Probosciger aterrimus</i> <i>Propyrrhura couloni</i> <i>Propyrrhura maracana</i> <i>Psephotus chrysopterygius</i> <i>Psephotus dissimilis</i> <i>Psephotus pulcherrimus</i> (possibly extinct) <i>Psittacula echo</i></p> <p><i>Pyrrhura cruentata</i> <i>Rhynchopsitta</i> spp. <i>Strigops habroptilus</i> <i>Vini ultramarina</i></p>		<p><i>Psittacula krameri</i> (Ghana)</p>
CUCULIFORMES		
Musophagidae Turacos		
	<p><i>Musophaga porphyreolopa</i></p>	<p><i>Corythaeola cristata</i> (Ghana) <i>Crinifer piscator</i> (Ghana)</p>

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I	II	III
	<i>Tauraco</i> spp.	<i>Musophaga violacea</i> (Ghana)
STRIGIFORMES Owls		
	STRIGIFORMES spp. (Except the species included in Appendix I)	
Tytonidae Barn owl		
<i>Tyto soumagnei</i>		
Strigidae Owls		
<i>Athene blewitti</i> <i>Mimizuku gurneyi</i> <i>Ninox novaeseelandiae undulata</i> <i>Ninox squamipila natalis</i>		
APODIFORMES		
Trochilidae Hummingbirds		
	Trochilidae spp. (Except the species included in Appendix I)	
<i>Glaucis dohrnii</i>		
TROGONIFORMES		
Trogonidae Quetzal		
<i>Pharomachrus mocinno</i>		
CORACIIFORMES		
Bucerotidae Hornbills		
<i>Aceros nipalensis</i> <i>Aceros subruficollis</i>	Aceros spp. (Except the species included in Appendix I)	
<i>Buceros bicornis</i> <i>Buceros vigil</i>	Anorrhinus spp. Anthracoceros spp. Buceros spp. (Except the species included in Appendix I)	
	Penelopides spp.	
PICIFORMES		
Capitonidae Barbet		
		<i>Semnornis ramphastinus</i> (Colombia)
Ramphastidae Toucans		
	<i>Pteroglossus aracari</i> <i>Pteroglossus viridis</i>	<i>Bailloni</i> <i>bailloni</i> (Argentina) <i>Pteroglossus castanotis</i> (Argentina)

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I	II	III
	<p><i>Ramphastos sulfuratus</i> <i>Ramphastos toco</i> <i>Ramphastos tucanus</i> <i>Ramphastos vitellinus</i></p>	<p><i>Ramphastos dicolorus</i> (Argentina)</p> <p><i>Selenidera maculirostris</i> (Argentina)</p>
Picidae Woodpeckers		
<p><i>Campephilus imperialis</i> <i>Dryocopus javensis richardsi</i></p>		
PASSERIFORMES		
Cotingidae Cotingas		
<p><i>Cotinga maculata</i></p> <p><i>Xipholena atropurpurea</i></p>	<p><i>Rupicola</i> spp.</p>	<p><i>Cephalopterus ornatus</i> (Colombia)</p> <p><i>Cephalopterus penduliger</i> (Colombia)</p>
Pittidae Pittas		
<p><i>Pitta gurneyi</i> <i>Pitta kochi</i></p>	<p><i>Pitta guajana</i></p> <p><i>Pitta nympha</i></p>	
Atrichornithidae Scrub-bird		
<p><i>Atrichornis clamosus</i></p>		
Hirundinidae Martin		
<p><i>Pseudochelidon sirintarae</i></p>		
Pycnonotidae Bulbul		
	<p><i>Pycnonotus zeylanicus</i></p>	
Muscicapidae Old World flycatchers		
<p><i>Dasyornis broadbenti litoralis</i> (possibly extinct)</p> <p><i>Dasyornis longirostris</i></p> <p><i>Picathartes gymnocephalus</i> <i>Picathartes oreas</i></p>	<p><i>Cyornis ruckii</i></p> <p><i>Garrulax canorus</i> <i>Leiothrix argentauris</i> <i>Leiothrix lutea</i> <i>Liocichla omeiensis</i></p>	<p><i>Bebrornis rodericanus</i> (Mauritius)</p> <p><i>Terpsiphone bourbonensis</i> (Mauritius)</p>
Zosteropidae White-eye		
<p><i>Zosterops albogularis</i></p>		

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I	II	III
Meliphagidae Honeyeater		
<i>Lichenostomus melanops cassidix</i>		
Emberizidae Cardinals, tanagers		
	<i>Gubernatrix cristata</i> <i>Paroaria capitata</i> <i>Paroaria coronata</i> <i>Tangara fastuosa</i>	
Icteridae Blackbird		
<i>Agelaius flavus</i>		
Fringillidae Finches		
<i>Carduelis cucullata</i>	<i>Carduelis yarrellii</i>	<i>Serinus canicapillus</i> (Ghana) <i>Serinus leucopygius</i> (Ghana) <i>Serinus mozambicus</i> (Ghana)
Estrildidae Mannikins, waxbills		
	<i>Amandava formosa</i>	<i>Amadina fasciata</i> (Ghana) <i>Amandava subflava</i> (Ghana) <i>Estrilda astrild</i> (Ghana) <i>Estrilda caerulescens</i> (Ghana) <i>Estrilda melpoda</i> (Ghana) <i>Estrilda troglodytes</i> (Ghana) <i>Lagonosticta rara</i> (Ghana) <i>Lagonosticta rubricata</i> (Ghana) <i>Lagonosticta rufopicta</i> (Ghana) <i>Lagonosticta senegala</i> (Ghana) <i>Lagonosticta vinacea</i> (Ghana) <i>Lonchura bicolor</i> (Ghana) <i>Lonchura cantans</i> (Ghana) <i>Lonchura cucullata</i> (Ghana) <i>Lonchura fringilloides</i> (Ghana) <i>Mandingoa nitidula</i> (Ghana) <i>Nesocharis capistrata</i> (Ghana) <i>Nigrita bicolor</i> (Ghana) <i>Nigrita canicapilla</i> (Ghana) <i>Nigrita fusconota</i> (Ghana) <i>Nigrita luteifrons</i> (Ghana) <i>Ortygospiza atricollis</i> (Ghana) <i>Parmoptila rubrifrons</i> (Ghana) <i>Pholidornis rushiae</i> (Ghana)
	<i>Padda oryzivora</i>	

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I	II	III
	<i>Poephila cincta cincta</i>	<p><i>Pyrenestes ostrinus</i> (Ghana) <i>Pytilia hypogrammica</i> (Ghana) <i>Pytilia phoenicoptera</i> (Ghana) <i>Spermophaga haematina</i> (Ghana) <i>Uraeginthus bengalus</i> (Ghana)</p>
Ploceidae Weavers, whydahs		
		<p><i>Amblyospiza albifrons</i></p> <p><i>Anaplectes rubriceps</i> (Ghana) <i>Anomalospiza imberbis</i> (Ghana) <i>Bubalornis albirostris</i> (Ghana) <i>Euplectes afer</i> (Ghana) <i>Euplectes ardens</i> (Ghana) <i>Euplectes franciscanus</i> (Ghana) <i>Euplectes hordeaceus</i> (Ghana) <i>Euplectes macrourus</i> (Ghana) <i>Malimbus cassini</i> (Ghana) <i>Malimbus malimbicus</i> (Ghana) <i>Malimbus nitens</i> (Ghana) <i>Malimbus rubricollis</i> (Ghana) <i>Malimbus scutatus</i> (Ghana) <i>Pachyphantes superciliosus</i> (Ghana) <i>Passer griseus</i> (Ghana) <i>Petronia dentata</i> (Ghana) <i>Plocepasser superciliosus</i> (Ghana) <i>Ploceus albinucha</i> (Ghana) <i>Ploceus aurantius</i> (Ghana) <i>Ploceus cucullatus</i> (Ghana) <i>Ploceus heuglini</i> (Ghana) <i>Ploceus luteolus</i> (Ghana) <i>Ploceus melanocephalus</i> (Ghana) <i>Ploceus nigerrimus</i> (Ghana) <i>Ploceus nigricollis</i> (Ghana)</p>

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I	II	III
		<i>Ploceus pelzelni</i> (Ghana) <i>Ploceus preussi</i> (Ghana) <i>Ploceus tricolor</i> (Ghana) <i>Ploceus vitellinus</i> (Ghana) <i>Quelea erythrops</i> (Ghana) <i>Sporopipes frontalis</i> (Ghana) <i>Vidua chalybeata</i> (Ghana) <i>Vidua interjecta</i> (Ghana) <i>Vidua larvaticola</i> (Ghana) <i>Vidua macroura</i> (Ghana) <i>Vidua orientalis</i> (Ghana) <i>Vidua raricola</i> (Ghana) <i>Vidua togoensis</i> (Ghana) <i>Vidua wilsoni</i> (Ghana)
Sturnidae Mynahs (Starlings)		
<i>Leucopsar rothschildi</i>	<i>Gracula religiosa</i>	
Paradisaeidae Birds of paradise		
	Paradisaeidae spp.	
CLASS REPTILIA (REPTILES)		
TESTUDINATA		
Dermatemydidae Central American river turtle		
	<i>Dermatemys mawii</i>	
Platysternidae Big-headed turtle		
	<i>Platysternon megacephalum</i>	
Emydidae Box turtles, freshwater turtles		
<i>Batagur baska</i>	<i>Annamemys annamensis</i>	
	<i>Callagur borneoensis</i>	
	<i>Clemmys insculpta</i>	
<i>Clemmys muhlenbergi</i>	<i>Cuora</i> spp.	
<i>Geoclemys hamiltonii</i>	<i>Heosemys depressa</i>	
	<i>Heosemys grandis</i>	
	<i>Heosemys leytensis</i>	
	<i>Heosemys spinosa</i>	
	<i>Hieremys annandalii</i>	
	<i>Kachuga</i> spp. (Except the species included in Appendix I)	
<i>Kachuga tecta</i>	<i>Leucocephalon yuwonoi</i>	
	<i>Mauremys mutica</i>	
<i>Melanochelys tricarinata</i>		
<i>Morenia ocellata</i>	<i>Orlitia borneensis</i>	

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I	II	III
<i>Terrapene coahuila</i>	<i>Pyxidea mouhotii</i> <i>Siebenrockiella crassicollis</i> <i>Terrapene</i> spp. (Except the species included in Appendix I)	
Testudinidae Tortoises		
<i>Geochelone nigra</i> <i>Geochelone radiata</i> <i>Geochelone yniphora</i> <i>Gopherus flavomarginatus</i> <i>Psammobates geometricus</i> <i>Pyxis planicauda</i> <i>Testudo kleinmanni</i> <i>Testudo weneri</i>	Testudinidae spp. (Except the species included in Appendix I. A zero annual export quota has been established for <i>Geochelone sulcata</i> for specimens removed from the wild and traded for primarily commercial purposes)	
Cheloniidae Marine turtles		
Cheloniidae spp.		
Dermochelyidae Leatherback turtle		
<i>Dermochelys coriacea</i>		
Trionychidae Softshell turtles, terrapins		
<i>Apalone ater</i> <i>Aspideretes gangeticus</i> <i>Aspideretes hurum</i> <i>Aspideretes nigricans</i>	<i>Chitra</i> spp. <i>Lissemys punctata</i> <i>Pelochelys</i> spp.	<i>Trionyx triunguis</i> (Ghana)
Pelomedusidae Afro-American side-necked turtles		
	<i>Erymnochelys madagascariensis</i> <i>Peltocephalus dumeriliana</i> <i>Podocnemis</i> spp.	<i>Pelomedusa subrufa</i> (Ghana) <i>Pelusios adansonii</i> (Ghana) <i>Pelusios castaneus</i> (Ghana) <i>Pelusios gabonensis</i> (Ghana) <i>Pelusios niger</i> (Ghana)
Chelidae Austro-American side-necked turtle		
<i>Pseudemadura umbrina</i>		

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I	II	III
CROCODYLIA Alligators, caimans, crocodiles		
	CROCODYLIA spp. (Except the species included in Appendix I)	
Alligatoridae Alligators, caimans		
<p><i>Alligator sinensis</i></p> <p><i>Caiman crocodilus apaporiensis</i></p> <p><i>Caiman latirostris</i> (Except the population of Argentina, which is included in Appendix II)</p> <p><i>Melanosuchus niger</i> (Except the population of Ecuador, which is included in Appendix II, and is subject to a zero annual export quota until an annual export quota has been approved by the CITES Secretariat and the IUCN/SSC Crocodile Specialist Group)</p>		
Crocodylidae Crocodiles		
<p><i>Crocodylus acutus</i></p> <p><i>Crocodylus cataphractus</i></p> <p><i>Crocodylus intermedius</i></p> <p><i>Crocodylus mindorensis</i></p> <p><i>Crocodylus moreletii</i></p> <p><i>Crocodylus niloticus</i> (Except the populations of Botswana, Ethiopia, Kenya, Madagascar, Malawi, Mozambique, South Africa, Uganda, the United Republic of Tanzania [subject to an annual export quota of no more than 1600 wild specimens including hunting trophies, in addition to ranched specimens], Zambia and Zimbabwe; these populations are included in Appendix II)</p> <p><i>Crocodylus palustris</i></p> <p><i>Crocodylus porosus</i> (Except the populations of Australia, Indonesia and Papua New Guinea, which are included in Appendix II)</p> <p><i>Crocodylus rhombifer</i></p> <p><i>Crocodylus siamensis</i></p> <p><i>Osteolaemus tetraspis</i></p> <p><i>Tomistoma schlegelii</i></p>		

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I	II	III
Gavialidae Gavial		
<i>Gavialis gangeticus</i>		
RHYNCHOCEPHALIA		
Sphenodontidae Tuatara		
<i>Sphenodon</i> spp.		
SAURIA		
Gekkonidae Geckos		
	<i>Cyrtodactylus serpensinsula</i>	<i>Hoplodactylus</i> spp. (New Zealand)
	<i>Phelsuma</i> spp.	<i>Naultinus</i> spp. (New Zealand)
Agamidae Agamas, mastigures		
	<i>Uromastyx</i> spp.	
Chamaeleonidae Chameleons		
<i>Brookesia perarmata</i>	<i>Bradypodion</i> spp. <i>Brookesia</i> spp. (Except the species included in Appendix I) <i>Calumma</i> spp. <i>Chamaeleo</i> spp. <i>Furcifer</i> spp.	
Iguanidae Iguanas		
<i>Brachylophus</i> spp.	<i>Amblyrhynchus cristatus</i>	
<i>Cyclura</i> spp.	<i>Conolophus</i> spp.	
<i>Sauromalus varius</i>	<i>Iguana</i> spp. <i>Phrynosoma coronatum</i>	
Lacertidae Lizards		
<i>Gallotia simonyi</i>	<i>Podarcis lilfordi</i> <i>Podarcis pityusensis</i>	
Cordylidae Spiny-tailed lizards		
	<i>Cordylus</i> spp.	
Teiidae Caiman lizards, tegu lizards		
	<i>Crocodylurus amazonicus</i> <i>Dracaena</i> spp. <i>Tupinambis</i> spp.	
Scincidae Skink		
	<i>Corucia zebrata</i>	
Xenosauridae Chinese crocodile lizard		
	<i>Shinisaurus crocodilurus</i>	
Helodermatidae Beaded lizard, gila monster		
	<i>Heloderma</i> spp.	

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I	II	III
Varanidae Monitor lizards		
<p><i>Varanus bengalensis</i></p> <p><i>Varanus flavescens</i></p> <p><i>Varanus griseus</i></p> <p><i>Varanus komodoensis</i></p> <p><i>Varanus nebulosus</i></p>	<p>Varanus spp. (Except the species included in Appendix I)</p>	
SERPENTES Snakes		
Loxocemidae Mexican dwarf boa		
	<p>Loxocemidae spp.</p>	
Pythonidae Pythons		
<p><i>Python molurus molurus</i></p>	<p>Pythonidae spp. (Except the subspecies included in Appendix I)</p>	
Boidae Boas		
<p><i>Acrantophis spp.</i></p> <p><i>Boa constrictor occidentalis</i></p> <p><i>Epicrates inornatus</i></p> <p><i>Epicrates monensis</i></p> <p><i>Epicrates subflavus</i></p> <p><i>Sanzinia madagascariensis</i></p>	<p>Boidae spp. (Except the species included in Appendix I)</p>	
Bolyeriidae Round Island boas		
<p><i>Bolyeria multocarinata</i></p> <p><i>Casarea dussumieri</i></p>	<p>Bolyeriidae spp. (Except the species included in Appendix I)</p>	
Tropidophiidae Wood boas		
	<p>Tropidophiidae spp.</p>	
Colubridae Typical snakes, water snakes, whipsnakes		
	<p><i>Clelia clelia</i></p> <p><i>Cyclagras gigas</i></p> <p><i>Elachistodon westermanni</i></p> <p><i>Ptyas mucosus</i></p>	<p><i>Atretium schistosum</i> (India)</p> <p><i>Cerberus rhynchops</i> (India)</p> <p><i>Xenochrophis piscator</i> (India)</p>
Elapidae Cobras, coral snakes		
	<p><i>Hoplocephalus bungaroides</i></p>	<p><i>Micrurus diastema</i> (Honduras)</p> <p><i>Micrurus nigrocinctus</i> (Honduras)</p>

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I	II	III
	<i>Naja atra</i> <i>Naja kaouthia</i> <i>Naja mandalayensis</i> <i>Naja naja</i> <i>Naja oxiana</i> <i>Naja philippinensis</i> <i>Naja sagittifera</i> <i>Naja samarensis</i> <i>Naja siamensis</i> <i>Naja sputatrix</i> <i>Naja sumatrana</i> <i>Ophiophagus hannah</i>	
Viperidae Vipers		
<i>Vipera ursinii</i> (Only the population of Europe, except the area which formerly constituted the Union of Soviet Socialist Republics; these latter populations are not included in the Appendices)	<i>Vipera wagneri</i>	<i>Crotalus durissus</i> (Honduras) <i>Daboia russelii</i> (India)
CLASS AMPHIBIA (AMPHIBIANS)		
ANURA		
Bufonidae Toads		
<i>Altiphrynoides</i> spp. <i>Atelopus zeteki</i> <i>Bufo periglenes</i> <i>Bufo superciliaris</i> <i>Nectophrynoides</i> spp. <i>Nimbaphrynoides</i> spp. <i>Spinophrynoides</i> spp.		
Dendrobatidae Poison frogs		
	<i>Dendrobates</i> spp. <i>Epipedobates</i> spp. <i>Minyobates</i> spp. <i>Phyllobates</i> spp.	
Mantellidae Mantellas		
	<i>Mantella</i> spp.	
Microhylidae Red rain frog, tomato frog		
<i>Dyscophus antongilii</i>	<i>Scaphiophryne gottlebei</i>	
Myobatrachidae Gastric-brooding frogs		
	<i>Rheobatrachus</i> spp.	

Annex 4–Appendices I, II and III

I	II	III
Ranidae Frogs	<i>Euphyctis hexadactylus</i> <i>Hoplobatrachus tigerinus</i>	
CAUDATA		
Ambystomidae Axolotls	<i>Ambystoma dumerilii</i> <i>Ambystoma mexicanum</i>	
Cryptobranchidae Giant salamanders		
<i>Andrias</i> spp.		
CLASS ELASMOBRANCHII (SHARKS)		
ORECTOLOBIFORMES		
Rhincodontidae Whale shark	<i>Rhincodon typus</i>	
LAMNIFORMES		
Lamnidae Great white shark		<i>Carcharodon carcharias</i> (Australia)
Cetorhinidae Basking shark	<i>Cetorhinus maximus</i>	
CLASS ACTINOPTERYGII (FISH)		
ACIPENSERIFORMES Paddlefish, sturgeons	ACIPENSERIFORMES spp. (Except the species included in Appendix I)	
Acipenseridae Sturgeons		
<i>Acipenser brevirostrum</i> <i>Acipenser sturio</i>		
OSTEOGLOSSIFORMES		
Osteoglossidae Arapaima, bonytongue	<i>Arapaima gigas</i>	
<i>Scleropages formosus</i>		
CYPRINIFORMES		
Cyprinidae Blind carps, plaeesok	<i>Caecobarbus geertsii</i>	
<i>Probarbus jullieni</i>		
Catostomidae Cui-ui	<i>Chasmistes cujus</i>	
SILURIFORMES		
Pangasiidae Pangasid catfish	<i>Pangasianodon gigas</i>	
SYNGNATHIFORMES		
Syngnathidae Pipefishes, seahorses	<i>Hippocampus</i> spp. (Enters into effect on 15 May 2004)	

Annex 4–Appendices I, II and III

I	II	III
<i>Ornithoptera alexandrae</i> <i>Papilio chikae</i> <i>Papilio homerus</i> <i>Papilio hospiton</i>	<i>Parnassius apollo</i> <i>Teinopalpus</i> spp. <i>Trogonoptera</i> spp. (<i>sensu</i> D’Abrera) <i>Troides</i> spp. (<i>sensu</i> D’Abrera)	
PHYLUM ANNELIDA CLASS HIRUDINOIDEA (LEECHES)		
ARHYNCHOBDELLIDA		
Hirudinidae Medicinal leech		
	<i>Hirudo medicinalis</i>	
PHYLUM MOLLUSCA CLASS BIVALVIA (CLAMS, MUSSELS)		
VENERIDA		
Tridacnidae Giant clams		
	Tridacnidae spp.	
UNIONIDA		
Unionidae Freshwater mussels, pearly mussels		
<i>Conradilla caelata</i> <i>Dromus dromas</i> <i>Epioblasma curtisi</i> <i>Epioblasma florentina</i> <i>Epioblasma sampsoni</i> <i>Epioblasma sulcata</i> <i>perobliqua</i> <i>Epioblasma torulosa</i> <i>gubernaculum</i> <i>Epioblasma torulosa torulosa</i> <i>Epioblasma turgidula</i> <i>Epioblasma walkeri</i> <i>Fusconaia cuneolus</i> <i>Fusconaia edgariana</i> <i>Lampsilis higginsii</i> <i>Lampsilis orbiculata orbiculata</i> <i>Lampsilis satur</i> <i>Lampsilis virescens</i> <i>Plethobasus cicatricosus</i> <i>Plethobasus cooperianus</i>	<i>Cyprogenia aberti</i> <i>Epioblasma torulosa rangiana</i> <i>Pleurobema clava</i>	

Annex 4–Appendices I, II and III

I	II	III
<i>Pleurobema plenum</i> <i>Potamilus capax</i> <i>Quadrula intermedia</i> <i>Quadrula sparsa</i> <i>Toxolasma cylindrella</i> <i>Unio nickliniana</i> <i>Unio tampicoensis</i> <i>tecomatensis</i> <i>Villosa trabalis</i>		
CLASS GASTROPODA (SNAILS AND CONCHES)		
STYLOMMATOPHORA		
Achatinellidae Agate snails, oahu tree snails		
<i>Achatinella</i> spp.		
Camaenidae Green tree snail		
	<i>Papustyla pulcherrima</i>	
MESOGASTROPODA		
Strombidae Queen conch		
	<i>Strombus gigas</i>	
PHYLUM CNIDARIA CLASS ANTHOZOA (CORALS, SEA ANEMONES)		
HELIOPORACEA Blue corals		
	Helioporidae spp. (Includes only the species <i>Heliopora coerulea</i> . Fossils are not subject to the provisions of the Convention)	
STOLONIFERA		
Tubiporidae Organ-pipe corals		
	Tubiporidae spp. (Fossils are not subject to the provisions of the Convention)	
ANTIPATHARIA Black corals		
	ANTIPATHARIA spp.	
SCLERACTINIA Stony corals		
	SCLERACTINIA spp. (Fossils are not subject to the provisions of the Convention)	
CLASS HYDROZOA (SEA FERNS, FIRE CORALS, STINGING MEDUSAE)		
MILLEPORINA		
Milleporidae Fire corals		
	Milleporidae spp. (Fossils are not subject to the provisions of the Convention)	

Annex 4–Appendices I, II and III

I	II	III
STYLASTERINA		
Stylasteridae Lace corals		
	Stylasteridae spp. (Fossils are not subject to the provisions of the Convention)	

Annex 4–Appendices I, II and III

I	II	III
FLORA (PLANTS)		
AGAVACEAE Agaves		
<i>Agave arizonica</i> <i>Agave parviflora</i> <i>Nolina interrata</i>	<i>Agave victoriae-reginae</i> #1	
AMARYLLIDACEAE Snowdrops, sternbergias		
	<i>Galanthus</i> spp. #1 <i>Sternbergia</i> spp. #1	
APOCYNACEAE Elephant trunks		
<i>Pachypodium ambongense</i> <i>Pachypodium baronii</i> <i>Pachypodium decaryi</i>	<i>Pachypodium</i> spp. #1 (Except the species included in Appendix I) <i>Rauvolfia serpentina</i> #2	
ARALIACEAE Ginseng		
	<i>Panax ginseng</i> #3 (Only the population of the Russian Federation; no other population is included in the Appendices) <i>Panax quinquefolius</i> #3	
ARAUCARIACEAE Monkey-puzzle tree		
<i>Araucaria araucana</i>		
BERBERIDACEAE May-apple		
	<i>Podophyllum hexandrum</i> #2	
BROMELIACEAE Air plants, bromelias		
	<i>Tillandsia harrisii</i> #1 <i>Tillandsia kammii</i> #1 <i>Tillandsia kautskyi</i> #1 <i>Tillandsia mauryana</i> #1 <i>Tillandsia sprengeliana</i> #1 <i>Tillandsia sucrei</i> #1 <i>Tillandsia xerographica</i> #1	
CACTACEAE Cacti		
	CACTACEAE spp. ²³ #4 (Except the species included in Appendix I)	

²³ Artificially propagated specimens of the following hybrids and/or cultivars are not subject to the provisions of the Convention:

- *Hatiora x graeseri*
- *Schlumbergera x buckleyi*
- *Schlumbergera russelliana x Schlumbergera truncata*
- *Schlumbergera orssichiana x Schlumbergera truncata*
- *Schlumbergera opuntioides x Schlumbergera truncata*
- *Schlumbergera truncata* (cultivars)

Annex 4–Appendices I, II and III

I	II	III
<i>Ariocarpus</i> spp. <i>Astrophytum asterias</i> <i>Aztekium ritteri</i> <i>Coryphantha werdermannii</i> <i>Discocactus</i> spp. <i>Echinocereus ferreirianus</i> ssp. <i>lindsayi</i> <i>Echinocereus schmollii</i> <i>Escobaria minima</i> <i>Escobaria sneedii</i> <i>Mammillaria pectinifera</i> <i>Mammillaria solisioides</i> <i>Melocactus conoideus</i> <i>Melocactus deinacanthus</i> <i>Melocactus glaucescens</i> <i>Melocactus paucispinus</i> <i>Obregonia denegrii</i> <i>Pachycereus militaris</i> <i>Pediocactus bradyi</i> <i>Pediocactus knowltonii</i> <i>Pediocactus paradinei</i> <i>Pediocactus peeblesianus</i> <i>Pediocactus sileri</i> <i>Pelecocyphora</i> spp. <i>Sclerocactus brevihamatus</i> ssp. <i>tobuschii</i> <i>Sclerocactus erectocentrus</i> <i>Sclerocactus glaucus</i> <i>Sclerocactus mariposensis</i> <i>Sclerocactus mesae-verdae</i> <i>Sclerocactus nyensis</i> <i>Sclerocactus papyracanthus</i> <i>Sclerocactus pubispinus</i> <i>Sclerocactus wrightiae</i> <i>Strombocactus</i> spp. <i>Turbinicarpus</i> spp. <i>Uebelmannia</i> spp.		
CARYOCARACEAE Ajo		
	<i>Caryocar costaricense</i> #1	
COMPOSITAE (Asteraceae) Kuth		
<i>Saussurea costus</i>		
CRASSULACEAE Dudleyas		
	<i>Dudleya stolonifera</i> <i>Dudleya traskiae</i>	

– Cactaceae spp. colour mutants lacking chlorophyll, grafted on the following grafting stocks:
Harrisia 'Jusbertii', *Hylocereus trigonus* or *Hylocereus undatus*
– *Opuntia microdasys* (cultivars).

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I	II	III
CUPRESSACEAE Alerce, cypresses		
<i>Fitzroya cupressoides</i>		
<i>Pilgerodendron uviferum</i>		
CYATHEACEAE Tree-ferns		
	<i>Cyathea</i> spp. #1	
CYCADACEAE Cycads		
<i>Cycas beddomei</i>	CYCADACEAE spp. #1	
DIAPENSIACEAE Oconee-bells		
	<i>Shortia galacifolia</i> #1	
DICKSONIACEAE Tree-ferns		
	<i>Cibotium barometz</i> #1 <i>Dicksonia</i> spp. #1 (Only the populations of the Americas; no other population is included in the Appendices)	
DIDIEREACEAE Alluaudias, didiereas		
	DIDIEREACEAE spp. #1	
DIOSCOREACEAE Elephant's foot, kniss		
	<i>Dioscorea deltoidea</i> #1	
DROSERACEAE Venus' flytrap		
	<i>Dionaea muscipula</i> #1	
EUPHORBIACEAE Spurges		
<i>Euphorbia ambovombensis</i> <i>Euphorbia capsaintemariensis</i> <i>Euphorbia cremersii</i> (Includes the <i>forma viridifolia</i> and the var. <i>rakotozafy</i>) <i>Euphorbia cylindrifolia</i> (Includes the spp. <i>tuberifera</i>) <i>Euphorbia decaryi</i> (Includes the vars. <i>ampanihyensis</i> , <i>robinsonii</i> and <i>spirosticha</i>) <i>Euphorbia francoisii</i> <i>Euphorbia moratii</i> (Includes the vars. <i>antsingiensis</i> , <i>bemarahensis</i> and <i>multiflora</i>) <i>Euphorbia parvicynthophora</i> <i>Euphorbia quartziticola</i> <i>Euphorbia tulearensis</i>	<i>Euphorbia</i> spp. #1 (Except the species included in Appendix I; succulent species only; artificially propagated specimens of cultivars of <i>Euphorbia trigona</i> are not subject to the provisions of the Convention)	

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I	II	III
FOUQUIERIACEAE Ocotillos		
<i>Fouquieria fasciculata</i> <i>Fouquieria purpusii</i>	<i>Fouquieria columnaris</i> #1	
GNETACEAE Gnetums		
		<i>Gnetum montanum</i> #1 (Nepal)
JUGLANDACEAE Gavilan		
	<i>Oreomunnea pterocarpa</i> #1	
LEGUMINOSAE (Fabaceae) Afrormosia, cristobal, rosewood, sandalwood		
<i>Dalbergia nigra</i>	<i>Pericopsis elata</i> #5 <i>Platymiscium pleiostachyum</i> #1 <i>Pterocarpus santalinus</i> #7	<i>Dipteryx panamensis</i> (Costa Rica)
LILIACEAE Aloes		
<i>Aloe albida</i> <i>Aloe albiflora</i> <i>Aloe alfredii</i> <i>Aloe bakeri</i> <i>Aloe bellatula</i> <i>Aloe calcairophila</i> <i>Aloe compressa</i> (Includes the vars. <i>rugosquamosa</i> , <i>schistophila</i> and <i>paucituberculata</i>) <i>Aloe delphinensis</i> <i>Aloe descoingsii</i> <i>Aloe fragilis</i> <i>Aloe haworthioides</i> (Includes the var. <i>aurantiaca</i>) <i>Aloe helenae</i> <i>Aloe laeta</i> (Includes the var. <i>maniaensis</i>) <i>Aloe parallelifolia</i> <i>Aloe parvula</i> <i>Aloe pillansii</i> <i>Aloe polyphylla</i> <i>Aloe rauhii</i> <i>Aloe suzannae</i> <i>Aloe versicolor</i> <i>Aloe vossii</i>	<i>Aloe</i> spp. #1 (Except the species included in Appendix I. Also excludes <i>Aloe vera</i> , also referenced as <i>Aloe barbadensis</i> which is not included in the Appendices)	

Annex 4–Appendices I, II and III

I	II	III
MAGNOLIACEAE Magnolia		
		<i>Magnolia liliifera</i> var. <i>obovata</i> #1 (Nepal)
MELIACEAE Mahoganies, Spanish cedar		
	<i>Swietenia humilis</i> #1 <i>Swietenia macrophylla</i> #6 (Populations of the Neotropics) [Enters into effect on 15 November 2003]	<i>Cedrela odorata</i> #5 [Population of Colombia (Colombia) Population of Peru (Peru)] <i>Swietenia macrophylla</i> #5 (Until 15 November 2003) [Population of Bolivia (Bolivia) Population of Brazil (Brazil) All populations of the species in the Americas (Costa Rica) Population of Colombia (Colombia) Population of Mexico (Mexico) Population of Peru (Peru)]
	<i>Swietenia mahagoni</i> #5	
NEPENTHACEAE Pitcher-plants (Old World)		
<i>Nepenthes khasiana</i> <i>Nepenthes rajah</i>	<i>Nepenthes</i> spp. #1	
ORCHIDACEAE Orchids		
(For all of the following Ap- pendix-I species, seedling or tissue cultures obtained <i>in vi-</i> <i>tro</i> , in solid or liquid media, transported in sterile contain- ers are not subject to the provi- sions of the Convention) <i>Aerangis ellisii</i> <i>Cattleya trianaei</i> <i>Dendrobium cruentum</i> <i>Laelia jongheana</i> <i>Laelia lobata</i>	ORCHIDACEAE spp. ²⁴ #8 (Except the species included in Appendix I)	

²⁴ Artificially propagated specimens of hybrids within the genus *Phalaenopsis* are not subject to the provisions of the Convention when: 1) specimens are traded in shipments consisting of individual containers (i.e. cartons, boxes, or crates) containing 100 or more plants each; 2) all plants within a container are of the same hybrid, with no mixing of different hybrids within a container; 3) plants within a container can be readily recognized as artificially propagated specimens by exhibiting a high degree of uniformity in size and stage of growth, cleanliness, intact root systems, and general absence of damage or injury that could be attributable to plants originating in the wild; 4) plants do not exhibit characteristics of wild origin, such as damage by insects or other animals, fungi or algae adhering to leaves, or mechanical damage to roots, leaves, or other parts resulting from collection; and 5) shipments are accompanied by documentation, such as an invoice, which clearly states the number of plants and is signed by the shipper. Plants not clearly qualifying for the exemption must be accompanied by appropriate CITES documents.

Annex 4–Appendices I, II and III

I	II	III
<i>Paphiopedilum</i> spp. <i>Peristeria elata</i> <i>Phragmipedium</i> spp. <i>Renanthera imschootiana</i> <i>Vanda coerulea</i>		
OROBANCHACEAE Broomrape		
	<i>Cistanche deserticola</i>	
PALMAE (Arecaceae) Palms		
	<i>Beccariophoenix madagascariensis</i> <i>Chrysalidocarpus decipiens</i> #1 <i>Lemurophoenix halleuxii</i> <i>Marojejya darianii</i> <i>Neodypsis decaryi</i> #1 <i>Ravenea louvelii</i> <i>Ravenea rivularis</i> <i>Satranala decussilvae</i> <i>Voanioala gerardii</i>	
PAPAVERACEAE Poppy		
		<i>Meconopsis regia</i> #1 (Nepal)
PINACEAE Guatemala fir		
<i>Abies guatemalensis</i>		
PODOCARPACEAE Podocarps		
<i>Podocarpus parlatorei</i>		<i>Podocarpus neriifolius</i> #1 (Nepal)
PORTULACACEAE Lewisias, portulacas, purslanes		
	<i>Anacampseros</i> spp. #1 <i>Avonia</i> spp. #1 <i>Lewisia serrata</i> #1	
PRIMULACEAE Cyclamens		
	<i>Cyclamen</i> spp. ²⁵ #1	
PROTEACEAE Proteas		
	<i>Orothamnus zeyheri</i> #1 <i>Protea odorata</i> #1	
RANUNCULACEAE Golden seals, yellow adonis, yellow root		
	<i>Adonis vernalis</i> #2 <i>Hydrastis canadensis</i> #3	
ROSACEAE African cherry, stinkwood		
	<i>Prunus africana</i> #1	
RUBIACEAE Ayuque		
<i>Balmea stormiae</i>		

²⁵ Artificially propagated specimens of cultivars of *Cyclamen persicum* are not subject to the provisions of the Convention. However, the exemption does not apply to such specimens traded as dormant tubers.

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I	II	III
SARRACENIACEAE Pitcher-plants (New World)		
<i>Sarracenia rubra</i> <i>ssp. alabamensis</i> <i>Sarracenia rubra ssp. jonesii</i> <i>Sarracenia oreophila</i>	Sarracenia spp. #1 (Except the species included in Appendix I)	
SCROPHULARIACEAE Kutki		
	Picrorhiza kurrooa #3 (Excludes <i>Picrorhiza scrophulariiflora</i>)	
STANGERIACEAE Stangerias		
<i>Stangeria eriopus</i>	Bowenia spp. #1	
TAXACEAE Himalayan yew		
	Taxus wallichiana #2	
TROCHODENDRACEAE (Tetracentraceae) Tetracentron		
		Tetracentron sinense #1 (Nepal)
THYMELAEACEAE (Aquilariaceae) Agarwood, ramin		
	Aquilaria malaccensis #1	Gonystylus spp. #1 (Indonesia)
VALERIANACEAE Himalayan spikenard		
	Nardostachys grandiflora #3	
WELWITSCHIACEAE Welwitschia		
	Welwitschia mirabilis #1	
ZAMIACEAE Cycads		
<i>Ceratozamia</i> spp. <i>Chigua</i> spp. <i>Encephalartos</i> spp. <i>Microcycas calocoma</i>	ZAMIACEAE spp. #1 (Except the species included in Appendix I)	
ZINGIBERACEAE Ginger lily		
	Hedychium philippinense #1	
ZYGOPHYLLACEAE Lignum-vitae		
	Guaiacum spp. #2	

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