

# The Evolution of CITES

9<sup>th</sup> edition - 2011

Willem Wijnstekers

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# The Evolution of CITES

A reference to the  
Convention on International Trade in Endangered Species  
of Wild Fauna and Flora

9<sup>th</sup> edition - 2011

by

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# Contents

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<b>Front Page</b> .....	<b>2</b>
<b>Author's and publisher's details</b> .....	<b>3</b>
<b>ISBN number, publishing details and important notes</b> .....	<b>4</b>
<b>Contents</b> .....	<b>1</b>
<b>Preface</b> .....	<b>23</b>
<b>Chapter 1 - Introduction</b> .....	<b>31</b>
<b>Chapter 2- Strategic Vision 2008 - 2013</b> .....	<b>35</b>
<b>History</b> .....	<b>35</b>
<b>General introduction</b> .....	<b>37</b>
<b>Purpose</b> .....	<b>38</b>
<b>Structure</b> .....	<b>39</b>
<b>CITES vision statement</b> .....	<b>39</b>
<b>The Strategic Goals</b> .....	<b>40</b>
Goal 1 – Ensure compliance with and implementation and enforcement of the Convention .....	40
Goal 2 – Secure the necessary financial resources and means for the operation and implementation of the Convention.....	42
Goal 3 - Contribute to significantly reducing the rate of biodiversity loss by ensuring that CITES and other multilateral instruments and processes are coherent and mutually supportive .....	43
<b>Diagram of the Strategic Vision 2008 – 2013</b> .....	<b>46</b>
<b>Chapter 3 - CITES in ten paragraphs</b> .....	<b>47</b>
<b>Chapter 4 - CITES Structure</b> .....	<b>49</b>
<b>Chapter 5 - Definitions in Article I</b> .....	<b>51</b>
<b>Species, subspecies and populations</b> .....	<b>51</b>
Article I, paragraph (a).....	51
Rare island fauna and flora .....	51
Nomenclature .....	51
Split-listing .....	52
Species and subspecies refer to the biological concept.....	52
Geographically separate population .....	52
Scientific names of subspecies to be included in permits and certificates.....	52
Subspecies in the Appendices? .....	53
<b>Specimen, readily recognizable</b> .....	<b>53</b>
Article I, paragraph (b).....	53
Coral.....	54
Products of ranching operations.....	55
Worked ivory.....	56
Appendix-II plants and Appendix-III animals and plants.....	56
Summary of what specimens are covered by the Convention .....	56
<b>Trade</b> .....	<b>58</b>
Article I, paragraph (c) .....	58

---

## Contents

---

<b>Re-export .....</b>	<b>59</b>
Article I, paragraph (d) .....	59
<b>Introduction from the sea .....</b>	<b>59</b>
Article I, paragraph (e).....	59
Marine environment not under the jurisdiction of any state .....	60
<b>Authorities .....</b>	<b>63</b>
Article I, paragraphs (f) and (g) .....	63
<b>Party .....</b>	<b>63</b>
Article I, paragraph (h).....	63
<b>Chapter 6 - Listing Criteria for Appendices I and II .....</b>	<b>65</b>
<b>Fundamental principles with regard to the species to be included in Appendices I and II: ..</b>	<b>65</b>
Article II, paragraph 1 .....	65
Article II, paragraph 2 .....	65
<b>The inclusion, transfer and deletion of species in Appendices I and II .....</b>	<b>65</b>
<b>Trade and biological criteria remain the basis for listing species in the Appendices .....</b>	<b>66</b>
<b>Look-alike species and Resolution Conf. 9.24 (Rev. CoP15) .....</b>	<b>66</b>
Look-alike listing of lynx species .....	67
<b>Consultation of range States and intergovernmental bodies.....</b>	<b>67</b>
<b>The precautionary principle in Resolution Conf. 9.24 (Rev. CoP15) .....</b>	<b>68</b>
<b>The criteria for listing – Resolution Conf. 9.24 (Rev. CoP15).....</b>	<b>69</b>
<b>Annex 1: Biological criteria for Appendix I.....</b>	<b>71</b>
<b>Annex 2 a: Criteria for the inclusion of species in Appendix II in accordance with Article II, paragraph 2 (a), of the Convention .....</b>	<b>72</b>
<b>Annex 2 b: Criteria for the inclusion of species in Appendix II in accordance with Article II, paragraph 2 (b), of the Convention .....</b>	<b>74</b>
<b>Annex 3: Special cases.....</b>	<b>74</b>
Split-listing .....	74
Higher taxa.....	74
<b>Annex 4: Precautionary measures .....</b>	<b>75</b>
<b>Annex 5: Definitions, explanations and guidelines .....</b>	<b>77</b>
Species .....	77
Affected by trade .....	77
Area of distribution .....	78
Decline .....	78
Fluctuations .....	80
Fragmentation .....	80
Generation length .....	80
Inferred or projected.....	80
Near future .....	81
<b>Population issues .....</b>	<b>81</b>
Population.....	81
Wild population.....	81
Subpopulation.....	81
Population size .....	81
Small wild population.....	81
Very small wild subpopulation.....	82

---

## Preface

---

Possibly extinct.....	82
Recruitment .....	82
Threatened with extinction .....	82
Vulnerability.....	82
<i>Intrinsic factors</i> .....	83
<i>Extrinsic factors</i> .....	83
<b>Annex 6: Format for proposals to amend the Appendices .....</b>	<b>83</b>
<b>The listing of hybrids in the Appendices.....</b>	<b>91</b>
Plants .....	91
Animals .....	92
<b>Annotations in the Appendices.....</b>	<b>92</b>
Annotations for plants.....	95
Review of annotations for Cactaceae and Orchidaceae: herbarium specimens.....	96
Review of annotations for Cactaceae and Orchidaceae: evaluation of trade in finished products .....	96
Orchids: annotation for species included in Appendix II .....	97
Medicinal plant annotations.....	97
Annotations for tree species.....	98
<b>Chapter 7 - The Development of the Listing Criteria.....</b>	<b>101</b>
<b>The Bern criteria .....</b>	<b>101</b>
Appendix-I criteria with regard to the biological status .....	101
Appendix-I criteria with regard to the trade status .....	102
Appendix-II criteria with regard to the biological status .....	102
Appendix-II criteria with regard to the trade status .....	102
Annotations of Appendix II listings with reason for inclusion .....	103
<b>Review of the Appendices .....</b>	<b>103</b>
Review of animal species.....	104
Review of Felidae .....	104
Review of plant species .....	105
<b>Ten-year review of the Appendices.....</b>	<b>105</b>
Periodic Review of the Appendices.....	106
Protocol for the assessment of taxa for consideration in the Periodic Review of the Appendices ...	109
<b>Reverse listing .....</b>	<b>110</b>
<b>Exceptions from the Bern criteria .....</b>	<b>110</b>
<b>Quota systems (also see Chapter 36) .....</b>	<b>110</b>
<b>Revision of the Bern criteria .....</b>	<b>111</b>
<b>Review of Resolution Conf. 9.24 .....</b>	<b>112</b>
Selection of taxa.....	112
The review process.....	112
Terms of reference for the review .....	114
<b>Chapter 8 - Listing Criteria for Appendix III .....</b>	<b>115</b>
Article II, paragraph 3 .....	115
<b>Chapter 9 - The history of the Appendix III listing criteria.....</b>	<b>119</b>
<b>Chapter 10 - Trade in specimens of Appendix-I species .....</b>	<b>123</b>
Article III, paragraph 1 .....	123
<b>Export of Appendix-I specimens .....</b>	<b>123</b>
Article III, paragraph 2 .....	123
Article III.2, paragraph (a).....	123

---

## Contents

---

Article III.2, paragraph (b).....	124
Article III.2, paragraph (c).....	124
Article III.2, paragraph (d).....	124
<b>Import of Appendix-I specimens.....</b>	<b>126</b>
Article III, paragraph 3.....	126
Article III.3, paragraph (a).....	126
When is the purpose of importing an endangered animal or plant detrimental to the survival of its species? .....	126
The housing of live Appendix I specimens .....	127
Article III.3, paragraph (b).....	127
Wild specimens of Appendix I species cannot be imported for primarily commercial purposes.....	128
Article III.3, paragraph (c).....	128
Definition of ‘primarily commercial purposes’ .....	129
General principles .....	129
Examples.....	130
<b>Re-export of Appendix-I specimens .....</b>	<b>132</b>
Article III, paragraph 4: .....	132
Article III.4, paragraph (a).....	132
Article III.4 paragraph (b).....	133
Article III.4, paragraph (c).....	133
<b>Introduction from the sea of Appendix-I specimens .....</b>	<b>133</b>
Article III, paragraph 5 .....	133
Article III.5, paragraph (a).....	134
Article III.5, paragraph (b) .....	134
Article III.5, paragraph (c).....	134
<b>Chapter 11 – Trade in specimens of Appendix-II species .....</b>	<b>135</b>
Article IV, paragraph 1 .....	135
<b>Export of Appendix-II specimens .....</b>	<b>135</b>
Article IV, paragraph 2.....	135
Article IV, paragraph 3 .....	135
Impact of climate change .....	136
<b>Significant trade review .....</b>	<b>137</b>
Conduct of the Review of Significant Trade .....	139
Selection of species to be reviewed.....	139
Consultation with the range States concerning implementation of Article IV .....	140
Compilation of information and preliminary categorization .....	140
Review of information and confirming of categorization by the Animals or Plants Committee .....	141
Formulation of recommendations and their transmission to the range States.....	141
Measures to be taken regarding the implementation of recommendations .....	142
Support to the range States.....	143
Monitoring, reporting and reintroduction of species into the review process .....	143
Coordination of field studies .....	143
Terms of reference for an Evaluation of the Review of Significant Trade .....	144
Review of Significant Trade in <i>Cistanche deserticola</i> , <i>Dioscorea deltoidea</i> , <i>Nardostachys grandiflora</i> , <i>Picrorhiza kurrooa</i> , <i>Pterocarpus santalinus</i> , <i>Rauvolfia serpentina</i> and <i>Taxus wallichiana</i> .....	146
<b>Import of Appendix-II species.....</b>	<b>147</b>
Article IV, paragraph 4 .....	147
<b>Re-export of Appendix-II specimens .....</b>	<b>147</b>
Article IV.5.....	147
Article IV.5, paragraph (a).....	148
Article IV.5, paragraph (b).....	148

---

## Preface

---

<b>Introduction from the sea of Appendix-II specimens .....</b>	<b>149</b>
Article IV, paragraph 6 .....	149
Article IV, paragraph 7 .....	149
<b>Invasive alien species .....</b>	<b>150</b>
<b>Chapter 12 - Trade in specimens of Appendix-III species .....</b>	<b>153</b>
Article V, paragraph 1 .....	153
<b>Export of Appendix-III specimens .....</b>	<b>153</b>
Article V, paragraph 2 .....	153
Article V.2, paragraph a) .....	153
Article V.2, paragraph (b) .....	153
<b>Import of Appendix-III specimens .....</b>	<b>154</b>
Article V, paragraph 3 .....	154
<b>Re-export of Appendix-III specimens .....</b>	<b>155</b>
Article V, paragraph 4 .....	155
<b>Introduction from the sea of Appendix-III specimens .....</b>	<b>155</b>
<b>Chapter 13 - Permits and Certificates .....</b>	<b>157</b>
Article VI, paragraphs 1 to 6.....	157
<b>Introduction .....</b>	<b>157</b>
<b>Current provisions, recommendations and decisions .....</b>	<b>158</b>
I. Standardization of CITES permits and certificates .....	160
II. Export permits and re-export certificates .....	165
III. Import permits .....	168
IV. Pre-Convention certificates .....	169
V. Certificates of origin .....	169
VI. Travelling-exhibition certificates.....	169
VII. Phytosanitary certificates .....	171
VIII. Permits and certificates for species subject to quotas .....	172
IX. Permits and certificates for crocodylian specimens .....	172
X. Permits and certificates for coral specimens.....	173
XI. Permits and certificates for timber species included in Appendices II and III with the annotation ‘Logs, sawn wood and veneer sheets’ .....	175
XII. The use of simplified procedures to issue permits and certificates .....	176
XIII. Retrospective issue of permits and certificates.....	177
XIV. Acceptance and clearance of documents and security measures.....	178
XV. Documents for sample collections covered by ATA carnets .....	180
Invalid, deficient documents and documents containing special requirements .....	182
Annex 1 - Information that should be included in CITES permits and certificates.....	183
<b>CITES Permit and Certificate form.....</b>	<b>184</b>
<b>Travelling Exhibition Certificate .....</b>	<b>187</b>
<b>Travelling Exhibition Certificate – Continuation sheet .....</b>	<b>189</b>
<b>Types of biological samples and their use .....</b>	<b>191</b>
<b>Electronic permitting.....</b>	<b>192</b>
<b>Chapter 14 - The Marking of Specimens.....</b>	<b>195</b>
Article VI, paragraph 7 .....	195
<b>General recommendations for marking .....</b>	<b>195</b>
<b>The use of microchips .....</b>	<b>197</b>

---

## Contents

---

<b>Captive-bred Appendix-I specimens.....</b>	<b>198</b>
<b>Ranched specimens.....</b>	<b>199</b>
<b>Quota species .....</b>	<b>199</b>
<b>Universal tagging system for the identification of crocodilian skins .....</b>	<b>200</b>
Codes for the identification of crocodilian species.....	202
Management and tracking system for tags used in the crocodilian skin trade .....	203
<b>The marking of ivory .....</b>	<b>203</b>
<b>Leopard skins.....</b>	<b>204</b>
<b>Specimens in travelling live animal exhibitions .....</b>	<b>205</b>
<b>Personally owned live animals .....</b>	<b>205</b>
<b>CITES guidelines for a universal labelling system for the trade in and identification of caviar .....</b>	<b>205</b>
Codes for identification of Acipenseriformes species, hybrids and mixed species.....	208
<b><i>Chapter 15 - Exemptions and Other Special Trade Provisions .....</i></b>	<b><i>211</i></b>
<b>Transit and transshipment .....</b>	<b>211</b>
Article VII, paragraph 1 .....	211
<b>Pre-Convention specimens .....</b>	<b>213</b>
Article VII, paragraph 2 .....	213
<b>Personal effects and household goods.....</b>	<b>217</b>
Article VII, paragraph 3 .....	217
Definition of “personal or household effect” .....	221
Definition of “tourist souvenir” .....	222
Limits for rainsticks, crocodilian specimens, queen conches, sea horses and giant clams without permits.....	223
Guidelines for amending the list of personal and household effects of Appendix-II species with quantitative limits .....	225
<b>Frequent trans-border movements of personally owned live animals.....</b>	<b>226</b>
<b>Scientists and scientific institutions .....</b>	<b>229</b>
Article VII, paragraph 6 .....	229
<b>Travelling exhibitions .....</b>	<b>232</b>
Article VII, paragraph 7.....	232
The use of ATA carnets.....	234
The work since CoP 12 further resulted in a new section XV of Resolution Conf. 12.3 (Rev. CoP15) in which it is recommended for:.....	235
Sample collections covered by ATA carnets .....	235
<b><i>Chapter 16 - Enforcement and Compliance.....</i></b>	<b><i>237</i></b>
<b>Measures to be taken by the Parties to enforce the Convention .....</b>	<b>237</b>
Article VIII, paragraph 1 .....	237
Article VIII.1, paragraph (a) .....	238
<b>Communication and reporting on cases of non-compliance.....</b>	<b>238</b>
Article XIII - International measures .....	238
<b>Current recommendations .....</b>	<b>239</b>
Compliance, control and cooperation.....	242
Application of Article XIII .....	244
Enforcement activities of the Secretariat.....	244

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## Preface

---

Communication of information and coordination .....	245
E-commerce of specimens of CITES-listed species .....	246
Additional actions to promote enforcement .....	248
<b>Guidelines on compliance with the Convention .....</b>	<b>249</b>
Objective and scope .....	249
General principles .....	250
The various bodies and their compliance-related tasks .....	251
Handling of specific compliance matters .....	252
<i>Identification of potential compliance matters</i> .....	252
<i>B. Consideration of compliance matters</i> .....	252
<i>C. Measures to achieve compliance</i> .....	253
<i>D. Monitoring and implementation of measures to achieve compliance</i> .....	254
Reporting and reviews .....	255
<b>Implementation legislation .....</b>	<b>256</b>
<b>Infraction reports .....</b>	<b>258</b>
<b>Illegal trade database .....</b>	<b>258</b>
<b>International Consortium on Combating Wildlife Crime (ICWC) .....</b>	<b>260</b>
<b>Chapter 17 - The Disposal of Confiscated Specimens .....</b>	<b>261</b>
Article VIII.1, paragraph (b) .....	261
Article VIII, paragraph 2 .....	261
Article VIII, paragraph 4 .....	261
<b>Returning illegally traded specimens to the country of export or re-export .....</b>	<b>262</b>
<b>The disposal of confiscated specimens .....</b>	<b>263</b>
Export or re-export of confiscated specimens .....	263
Disposal of confiscated and accumulated dead specimens .....	264
Costs associated with confiscated specimens .....	264
Publicity .....	265
<b>How to decide on the disposal of confiscated live animals and plants .....</b>	<b>265</b>
<b>CITES guidelines for the disposal of confiscated live animals .....</b>	<b>267</b>
Statement of principle .....	267
Statement of need .....	267
Management options .....	268
OPTION 1 – CAPTIVITY .....	269
OPTION 2 – RETURN TO THE WILD .....	272
OPTION 3 – EUTHANASIA .....	275
DECISION TREE ANALYSIS .....	276
Decision tree for “Captive” options .....	282
Decision tree for “Return to the wild” options .....	283
<b>CITES guidelines for the disposal of confiscated live plants .....</b>	<b>284</b>
Statement of need .....	284
Management options .....	285
OPTION 1 – MAINTENANCE IN CULTIVATION .....	286
OPTION 2 – RETURN TO THE WILD .....	288
OPTION 3 – DESTRUCTION .....	290
DECISION TREE ANALYSIS .....	290
Decision tree for “Maintain in cultivation” options .....	296
Decision tree for “Return to the wild” options .....	297
<b>Guidelines to develop an action plan on seized and/or confiscated live specimens .....</b>	<b>298</b>
<b>Chapter 18 - Records and Reports .....</b>	<b>299</b>

---

## Contents

---

Article VIII, paragraph 6 .....	299
Article VIII, paragraph 7 .....	299
Article VIII, paragraph 8 .....	299
<b>Biennial reports and format .....</b>	<b>300</b>
<b>Special reporting requirements .....</b>	<b>301</b>
<b>Annual reports on trade .....</b>	<b>301</b>
Failure to submit annual reports .....	304
Provisions in other Resolutions of relevance to reporting.....	305
Yearbook of International Wildlife Trade.....	305
<b>Guidelines for the preparation and submission of CITES annual reports.....</b>	<b>305</b>
1. Introduction .....	305
2. General principles.....	306
3. Specific instructions.....	307
4. Recommended format.....	313
5. Terminology .....	314
ISO country codes in alphabetical order of country names .....	321
ISO country codes in alphabetical order of codes .....	326
Purpose codes.....	331
Source codes .....	331
6. Submission of annual reports .....	332
<b>Difficulties in reporting .....</b>	<b>332</b>
<b>Facilitating annual reporting on trade in artificially propagated plants .....</b>	<b>333</b>
<b><i>Chapter 19 - Management and Scientific Authorities .....</i></b>	<b><i>335</i></b>
Article IX .....	335
<b>Management Authorities .....</b>	<b>335</b>
<b>Scientific Authorities .....</b>	<b>336</b>
<b><i>Chapter 20 - Trade with States not Party to the Convention .....</i></b>	<b><i>339</i></b>
Article X.....	339
<b>Introduction .....</b>	<b>339</b>
<b>Recommendations .....</b>	<b>339</b>
Elephant specimens and non-Parties.....	341
Ranching and trade with non-Parties.....	342
<b><i>Chapter 21 - The Conference of the Parties.....</i></b>	<b><i>343</i></b>
<b>Meetings of the Conference of the Parties .....</b>	<b>343</b>
Article XI, paragraphs 1 and 2 .....	343
Regular meetings .....	343
Extraordinary meetings .....	344
<b>Tasks of the Conference of the Parties .....</b>	<b>345</b>
Article XI, paragraph 3 .....	345
Article XI.3, paragraph (a) .....	345
Article XI.3, paragraph (b) .....	345
Article XI.3, paragraph (c) .....	345
Article XI.3, paragraph (d) .....	346
Article XI.3, paragraph (e) .....	346
<b>Regional sessions at meetings of the Conference of the Parties.....</b>	<b>346</b>
<b>Dialogue meetings .....</b>	<b>347</b>

---

## Preface

---

<b>Rules of procedure of CITES dialogue meetings</b> .....	<b>348</b>
Representation.....	348
Meetings .....	349
Chairman.....	349
Vice-Chairmen .....	350
Decisions .....	350
Communications .....	350
Final provisions .....	350
<b>Resolutions, recommendations and decisions</b> .....	<b>350</b>
Proposals.....	351
Adoption .....	352
Entry into effect .....	353
<b>The time and venue of CoPs</b> .....	<b>353</b>
Article XI, paragraph 4 .....	353
<b>Rules of Procedure for meetings of the Conference of the Parties</b> .....	<b>354</b>
Article XI, paragraph 5 .....	354
<b>Observers</b> .....	<b>354</b>
Article XI, paragraphs 6 and 7 .....	354
<b>Chapter 22 - Financing of the Convention and the Secretariat</b> .....	<b>357</b>
<b>Article XI.3</b> .....	<b>357</b>
Article XI.3, paragraph (a) .....	357
<b>The history of the Secretariat's budget</b> .....	<b>357</b>
<b>The currently applicable financial and budgetary provisions</b> .....	<b>362</b>
<b>Trust Fund for the Convention on International Trade in Endangered Species of Wild Fauna and Flora</b> .....	<b>366</b>
SCALE OF CONTRIBUTIONS FOR THE BIENNIUM 2012-2013 (in US dollars) .....	366
<b>Terms of Reference for the Administration of the Trust Fund for the Convention on International Trade in Endangered Species of Wild Fauna and Flora</b> .....	<b>370</b>
<b>Terms of Reference for the Finance and Budget Subcommittee of the CITES Standing Committee</b> .....	<b>372</b>
1. Composition of the Subcommittee .....	372
2. Meetings and mode of operation of the Subcommittee .....	372
3. Responsibilities of members of the Subcommittee .....	373
4. Responsibilities of the Subcommittee .....	373
<b>Financing of the conservation of species of wild fauna and flora</b> .....	<b>374</b>
<b>Approval of Externally Funded Projects</b> .....	<b>376</b>
<b>Chapter 23 - Economic Incentives and Trade Policy</b> .....	<b>379</b>
<b>Introduction</b> .....	<b>379</b>
<b>Wildlife Trade Policy Reviews</b> .....	<b>381</b>
<b>Chapter 24 - Livelihoods</b> .....	<b>383</b>
<b>Chapter 25 - Committees</b> .....	<b>389</b>
<b>Introduction</b> .....	<b>389</b>
<b>The history of the Standing Committee</b> .....	<b>389</b>

---

## Contents

---

<b>The establishment of committees.....</b>	<b>391</b>
<b>Regional sessions at meetings of the Conference of the Parties.....</b>	<b>392</b>
<b>Frequency and venues of meetings.....</b>	<b>392</b>
<b>The Standing Committee .....</b>	<b>393</b>
Regional representation in the Standing Committee .....	393
Standing Committee procedures .....	394
Establishment of the Standing Committee of the Conference of the Parties.....	394
Terms of reference for the Standing Committee .....	395
The membership of the Standing Committee .....	396
Current membership of the Standing Committee .....	397
Standing Committee Procedures .....	398
Travel expenses of members of the Standing Committee .....	398
Duties of the regional representatives in the Standing Committee.....	399
Template for reports of regional representatives to the Standing Committee .....	400
<b>The Clearing House of the Standing Committee .....</b>	<b>400</b>
Glossary of terms .....	401
Clearing-house .....	401
Administrative issues.....	401
Operational and technical issues .....	401
Policy issues .....	401
Scientific issues .....	402
Referral procedure .....	402
<b>The Animals Committee and the Plants Committee .....</b>	<b>403</b>
Terms of Reference of the Animals Committee .....	403
and the Plants Committee.....	403
Membership of the Animals Committee and the Plants Committee .....	406
Current members of the Animals Committee .....	408
Current members of the Plants Committee .....	411
Duties of members of the Animals Committee and Plants Committee and their alternates.....	413
Travel expenses of regional members of the Animals Committee and Plants Committee .....	414
Manual for regional representatives on the Animals and Plants Committees.....	415
Production costs of publications prepared by the Animals and Plants Committees .....	415
Potential conflicts of interest of Animals and Plants Committee members.....	415
<b>The Identification Manual Committee of the Conference of the Parties (until 2000).....</b>	<b>416</b>
<b>The Nomenclature Committee of the Conference of the Parties (until 2004).....</b>	<b>418</b>
<b>Chapter 26 - The Secretariat.....</b>	<b>419</b>
Article XII, paragraph 1 .....	419
<b>Agreement between the CITES Standing Committee and the Executive Director of UNEP. 420</b>	
Negotiation history .....	420
Current Agreement .....	423
Basic principles.....	423
Personnel management .....	424
Financial management .....	425
Management review .....	426
Periodic review.....	427
<b>The functions of the Secretariat.....</b>	<b>427</b>
Article XII, paragraph 2 .....	427
<b>Chapter 27 - Effects of the Convention on National Legislation .....</b>	<b>431</b>
Stricter domestic measures .....	431

---

## Preface

---

Article XIV, paragraph 1 .....	431
<b>Chapter 28 - Relationship with other Conventions, Treaties, Agreements and Organizations.....</b>	<b>435</b>
Article XIV, paragraph 2 .....	435
<b>The International Whaling Commission .....</b>	<b>435</b>
Adhesion to the International Convention for the Regulation of Whaling .....	438
Trade in specimens of cetaceans .....	438
Trade in specimens of certain species and stocks of whales protected by the IWC from commercial whaling .....	438
Illegal trade in whale meat .....	439
Cooperation in monitoring illegal trade in whale parts and derivatives .....	439
<b>The Convention on Biological Diversity (CBD).....</b>	<b>440</b>
<b>The Convention on the Conservation of Migratory Species of Wild Animals, CMS .....</b>	<b>442</b>
<b>The Commission for the Conservation of Antarctic Marine Living Resources .....</b>	<b>443</b>
International trade in toothfish .....	445
Illicit trade in toothfish products .....	445
Adhesion to the Convention for the Conservation of Antarctic Marine Living Resources .....	445
<b>The Food and Agriculture Organization of the United Nations (FAO).....</b>	<b>446</b>
<b>ICPO – Interpol .....</b>	<b>447</b>
<b>World Customs Organization .....</b>	<b>447</b>
<b>The International Tropical Timber Organization (ITTO) .....</b>	<b>447</b>
<b>The Biodiversity Indicators Partnership, BIP .....</b>	<b>449</b>
<b>Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) .....</b>	<b>449</b>
<b>The Lusaka Agreement Task Force .....</b>	<b>449</b>
<b>U.S. Fish And Wildlife Service Office Of Law Enforcement/Clark R. Bavin National Fish &amp; Wildlife Forensic Laboratory.....</b>	<b>450</b>
<b>TRAFFIC International .....</b>	<b>451</b>
<b>Chapter 29 - Regional Trade Agreements .....</b>	<b>453</b>
Article XIV, paragraph 3 .....	453
<b>Chapter 30 - Special Treatment of Marine Species .....</b>	<b>455</b>
Article XIV, paragraphs 4 and 5 .....	455
<b>Law of the Sea .....</b>	<b>457</b>
Article XIV, paragraph 6 .....	457
<b>Chapter 31 - Procedures for Amending the Appendices.....</b>	<b>459</b>
<b>Amendments to Appendices I and II .....</b>	<b>459</b>
Article XV, paragraph 1 .....	459
Article XV.1, paragraph (a) .....	459
<b>Proposals.....</b>	<b>459</b>
Format .....	459
The text of the proposed amendment .....	460
Proposals for timber species.....	460
Deadlines for proposals .....	460
The role of the Secretariat; consultation and recommendations .....	461

---

## Contents

---

Mandate for consultations .....	462
Other relevant recommendations with regard to consultations by the Secretariat .....	462
Different mandates for making recommendations .....	462
<b>Adoption .....</b>	<b>464</b>
Article XV.1, paragraph (b) .....	464
<b>Entry into force .....</b>	<b>465</b>
Article XV.1, paragraph (c) .....	465
<b>Withdrawal of proposals .....</b>	<b>465</b>
<b>Postal procedures .....</b>	<b>466</b>
Article XV, paragraph 2 (a) to (l) .....	466
Proposals .....	466
Consultation for marine species .....	466
Consultation for other than marine species .....	467
Deadline for comments by the Parties .....	467
Communication of replies and Secretariat recommendations .....	467
Entry into force of the amendment, unless there is an objection before the deadline .....	467
An objection triggers a postal vote .....	467
Deadline for voting and referral to the next CoP in case less than half of the Parties expresses themselves .....	468
Majority required for adoption .....	468
Entry into force of the amendment .....	468
Summary of the postal procedure .....	468
<b>Reservations .....</b>	<b>469</b>
Article XV.3 .....	469
<b>Amendments to Appendix III .....</b>	<b>471</b>
Article XVI .....	471
Proposals .....	471
Entry into effect; entry of reservations .....	472
Withdrawal of Appendix III listings .....	472
Requirement to submit applicable legislation on Appendix III species .....	472
<b>Chapter 32 - Amendments to the Convention .....</b>	<b>475</b>
<b>Only at an extraordinary meeting of the Conference of the Parties .....</b>	<b>475</b>
Article XVII, paragraphs 1 and 2 .....	475
<b>Entry into force .....</b>	<b>476</b>
Article XVII, paragraph 3 .....	476
<b>Chapter 33 - Final Articles of the Convention .....</b>	<b>479</b>
<b>Resolution of disputes .....</b>	<b>479</b>
Article XVIII .....	479
<b>Signature of the Convention .....</b>	<b>479</b>
Article XIX .....	479
<b>Ratification, acceptance and approval of the Convention .....</b>	<b>480</b>
Article XX .....	480
<b>Accession to the Convention .....</b>	<b>480</b>
Article XXI .....	480
<b>Amendment to Article XXI of the Convention .....</b>	<b>480</b>
Ratifications and entry into effect of the amendment .....	480
The text of the amendment .....	481

---

## Preface

---

<b>Entry into force of the Convention</b> .....	<b>482</b>
Article XXII .....	482
<b>The entry of reservations</b> .....	<b>483</b>
Article XXIII .....	483
<b>Denunciation of the Convention</b> .....	<b>484</b>
Article XXIV .....	484
<b>Depositary</b> .....	<b>484</b>
Article XXV .....	484
<b>Chapter 34 – Ports of exit and entry and the transport of live specimens</b> .....	<b>485</b>
<b>Designation of ports of exit and entry</b> .....	<b>485</b>
Article VIII, paragraph 3 .....	485
<b>Transport of live specimens</b> .....	<b>486</b>
Article VIII, paragraph 3 .....	486
<b>History of recommendations</b> .....	<b>486</b>
<b>Current recommendations</b> .....	<b>489</b>
<b>Chapter 35 - Captive breeding</b> .....	<b>493</b>
Article VII, paragraphs 4 and 5 .....	493
<b>Definitions related to captive breeding</b> .....	<b>495</b>
<b>Terminology related to captive breeding</b> .....	<b>495</b>
Bred in captivity .....	495
Trade in specimens of Appendix-I species bred in captivity .....	497
<b>Registration of operations that breed Appendix-I animal species for commercial purposes</b> .....	<b>498</b>
Introduction .....	498
Current provisions .....	499
Bred in captivity for commercial purposes, interpretation.....	500
Registration by the Secretariat .....	500
Information to be provided to the Secretariat by the Management Authority on operations to be registered.....	502
Procedure to be followed by the Secretariat before registering new operations .....	503
Annex 3 Sample application form .....	505
<b>Relationship between the origin of founder breeding stock, commercial breeding and <i>in situ</i>     conservation</b> .....	<b>508</b>
<b>Clearing House report</b> .....	<b>510</b>
Benefits of <i>from situ</i> production.....	510
Risks of <i>from situ</i> production .....	511
Economic aspects of <i>from situ</i> production.....	511
<b>Chapter 36 - Quota Systems</b> .....	<b>513</b>
<b>Introduction</b> .....	<b>513</b>
<b>The interpretation and application of quotas for species included in Appendix I</b> .....	<b>514</b>
<b>National export quotas for Appendix II species</b> .....	<b>514</b>
<b>Guidelines for management of nationally established export quotas</b> .....	<b>517</b>
Introduction .....	517
Establishment of national export quotas .....	518
Communication of nationally established export quotas .....	519

---

## Contents

---

Quotas not fully utilized in a particular year .....	519
<b>Trade in hunting trophies of species listed in Appendix I .....</b>	<b>520</b>
<b>Trade in leopard trophies and skins for personal use.....</b>	<b>521</b>
<b>Cheetah, live specimens and hunting trophies .....</b>	<b>523</b>
<b>Markhor .....</b>	<b>524</b>
<b>Black rhinoceros .....</b>	<b>525</b>
<b>The history of the quota system .....</b>	<b>527</b>
<b>Chapter 37 - Ranching.....</b>	<b>535</b>
Introduction .....	535
<b>Current recommendations and provisions .....</b>	<b>536</b>
Definitions.....	537
Proposals to transfer populations from Appendix I to Appendix II for ranching .....	537
Changes to the ranching Programme described in the proposal to transfer a species from Appendix I to Appendix II.....	539
Trade in ranched specimens of species transferred from Appendix I to Appendix II .....	540
Monitoring and reporting in relation to species transferred from Appendix I to Appendix II for ranching .....	540
Ranching and other production systems.....	541
<b>Marine turtle ranching .....</b>	<b>542</b>
Guidelines for evaluating marine turtle ranching proposals.....	543
<b>Guidelines for evaluating marine turtle ranching proposals submitted pursuant to Resolution Conf. 11.16 (Rev. CoP15) .....</b>	<b>544</b>
1. Resource management.....	544
A. Biological information .....	544
B. National management.....	545
C. Regional management.....	545
2. Trade controls .....	546
3. The ranching operation .....	547
4. Summary statement describing benefit to the population .....	548
5. Reporting .....	548
<b>Vicuña .....</b>	<b>549</b>
Current annotations .....	549
<b>Chapter 38 - Sustainable Use of Biodiversity .....</b>	<b>553</b>
<b>Recognition of the benefits of trade in wildlife .....</b>	<b>553</b>
<b>Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity .....</b>	<b>554</b>
Summary.....	555
Practical Principles .....	556
<b>Recommendations of the Animals and Plants Committees concerning the Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity .....</b>	<b>557</b>
<b>Chapter 39 - Plant Trade .....</b>	<b>559</b>
<b>Introduction .....</b>	<b>559</b>
<b>Plant species included in the Appendices.....</b>	<b>560</b>
Higher taxon listings.....	560
<b>Plant parts and derivatives.....</b>	<b>561</b>

---

## Preface

---

<b>Plant species subject to significant levels of trade</b> .....	<b>564</b>
<b>Artificial propagation</b> .....	<b>565</b>
Article VII, paragraph 5 .....	565
Definition of artificially propagated; background .....	565
Current provisions .....	566
Definition of 'artificially propagated' .....	566
Grafted plants .....	568
Hybrids .....	568
Cultivars .....	569
Flasked seedlings of Appendix-I orchids .....	569
Timber from monospecific plantations .....	569
<b>The use of phytosanitary certificates</b> .....	<b>570</b>
<b>Facilitating annual reporting on trade in artificially propagated plants</b> .....	<b>570</b>
<b>Guidelines for the registration of nurseries exporting artificially propagated specimens of Appendix-I species</b> .....	<b>572</b>
Role of the commercial nursery .....	574
Role of the Management Authority .....	575
Role of the Secretariat .....	576
Source codes .....	576
<b>Enforcement of the Convention for plants</b> .....	<b>577</b>
<b>Education about plant conservation</b> .....	<b>578</b>
<b>Plant nomenclature</b> .....	<b>579</b>
<b>Identification of plant specimens</b> .....	<b>579</b>
<b>Trade in salvaged plant specimens</b> .....	<b>579</b>
<b>Timber species and CITES</b> .....	<b>580</b>
International organizations .....	582
Parts and derivatives .....	583
Amendment proposals for timber species .....	585
Definition of 'artificially propagated' .....	585
Improvement of public understanding of the role of the Convention in the conservation of timber species .....	585
Timber species of concern .....	585
Establishment of export quotas for timber species .....	586
<b>Physical inspection of timber shipments</b> .....	<b>586</b>
<b>Working Group on the Bigleaf Mahogany and Other Neotropical Timber Species</b> .....	<b>586</b>
Terms of reference .....	587
Membership .....	588
<b>Timber and annual reports</b> .....	<b>589</b>
<b>Agarwood</b> .....	<b>590</b>
<b>Cedrela and Dalbergia action plan</b> .....	<b>592</b>
<b>Harpagophytum (devil's claw)</b> .....	<b>594</b>
<b><i>Aniba rosaeodora</i></b> .....	<b>595</b>
<b><i>Bulnesia sarmientoi</i></b> .....	<b>595</b>
<b>Plant species from Madagascar</b> .....	<b>596</b>

---

## Contents

---

<b>Chapter 40 - Nomenclature .....</b>	<b>597</b>
<b>Current standard nomenclature and recommendations .....</b>	<b>597</b>
<b>List of standard references adopted by the Conference of the Parties.....</b>	<b>601</b>
<b>FAUNA.....</b>	<b>601</b>
Mammalia .....	601
Aves .....	602
Reptilia .....	603
Amphibia.....	608
Elasmobranchii, Actinopterygii and Sarcopterygii .....	609
Arachnida .....	609
Insecta .....	610
Hirudinoidea .....	610
<b>FLORA.....</b>	<b>610</b>
<b>Chapter 41 - The African Elephant.....</b>	<b>613</b>
<b>A chronological summary of decisions of the Conference of the Parties in relation to the African elephant .....</b>	<b>613</b>
<b>Current provisions .....</b>	<b>616</b>
<b>Trade in elephant specimens.....</b>	<b>616</b>
Definitions.....	616
Marking.....	617
Control of internal ivory trade .....	617
Compliance with control of internal trade .....	618
Regarding monitoring of illegal hunting of and trade in elephant specimens .....	618
Assistance to elephant range States .....	619
Quotas for and trade in raw ivory .....	619
Resources required for implementation of this Resolution .....	621
<b>Monitoring of illegal trade in ivory and other elephant specimens .....</b>	<b>621</b>
1. Introduction .....	621
2. Scope .....	621
3. Methods.....	621
4. Data collection and compilation .....	622
5. Data analysis and interpretation.....	622
6. Reporting .....	622
7. Intersessional remedial action .....	622
8. Funding .....	622
<b>Monitoring of illegal hunting in elephant range States .....</b>	<b>622</b>
1. Introduction .....	622
2. Scope and methodology .....	623
3. Data collection, compilation and reporting.....	623
4. Reporting .....	624
5. Funding .....	624
<b>Internal ivory trade .....</b>	<b>625</b>
Action Plan for the control of trade in elephant ivory.....	626
Control of internal ivory trade .....	627
Compliance with control of internal trade .....	628
<b>Consideration of proposals for the transfer of African elephant populations from Appendix I to Appendix II .....</b>	<b>629</b>
Background .....	629
Panel of Experts .....	631

---

## Preface

---

<b>A future decision-making mechanism for a process of trade in ivory under the auspices of the Conference of the Parties .....</b>	<b>634</b>
<b>The annotation in the Appendices .....</b>	<b>634</b>
<b>The African elephant Fund .....</b>	<b>637</b>
<b>The ivory trade control procedures manual .....</b>	<b>639</b>
Introduction .....	640
Establishing Export Quotas .....	641
Enforcement Procedures .....	642
Trade Monitoring .....	645
<b>Chapter 42 - Rhinos and Rhino Horn .....</b>	<b>647</b>
<b>Background .....</b>	<b>647</b>
<b>Current recommendations .....</b>	<b>650</b>
Transfer of the South African white rhino to Appendix II .....	653
Appropriate and acceptable destinations .....	653
Miscellaneous Decisions on rhinoceroses .....	653
<b>Chapter 43 - Asian Big Cats.....</b>	<b>655</b>
<b>Background .....</b>	<b>655</b>
<b>The Tiger Enforcement Task Force (TETF) .....</b>	<b>659</b>
<b>Current recommendations .....</b>	<b>661</b>
Preliminary report form to be used for reporting incidents of wildlife crime, illegal trade, poaching of endangered species or significant intelligence .....	666
Guidance for reporting and intelligence analysis .....	667
Guidance for specialized wildlife law enforcement units .....	669
<b>Global Tiger Initiative .....</b>	<b>675</b>
<b>The St. Petersburg Declaration on Tiger Conservation .....</b>	<b>675</b>
<b>Chapter 44 - Bears.....</b>	<b>679</b>
<b>History.....</b>	<b>679</b>
<b>Current recommendations .....</b>	<b>681</b>
<b>Chapter 45 - Bushmeat.....</b>	<b>683</b>
<b>Chapter 46 - Great Apes .....</b>	<b>687</b>
<b>Chapter 47 - The Tibetan Antelope .....</b>	<b>691</b>
<b>Chapter 48 - The Musk Deer .....</b>	<b>695</b>
<b>Chapter 49 - The Saiga antelope.....</b>	<b>701</b>
<b>Chapter 50 - The Houbara bustard.....</b>	<b>707</b>
<b>Chapter 51 - Grey Parrots .....</b>	<b>709</b>
<b>Chapter 52 - Snakes.....</b>	<b>711</b>
<b>Chapter 53 - Turtles and Tortoises .....</b>	<b>715</b>
The Hawksbill turtle .....	715
Freshwater Turtles and Tortoises.....	717

---

## Contents

---

<b>The Pancake tortoise.....</b>	<b>723</b>
<b>Chapter 54 - Sharks and Stingrays.....</b>	<b>725</b>
<b>Sharks .....</b>	<b>725</b>
History .....	725
CoP 15 .....	733
Current recommendations .....	734
South American freshwater stingrays .....	736
<b>Chapter 55 - The Humphead Wrasse .....</b>	<b>739</b>
<b>Chapter 56 - Sturgeons and paddlefish.....</b>	<b>743</b>
<b>History.....</b>	<b>743</b>
<b>Current provisions .....</b>	<b>746</b>
<b>CITES guidelines for a universal labeling system for the trade in and identification of caviar .....</b>	<b>751</b>
<b>Codes for identification of Acipenseriformes species, hybrids and mixed species .....</b>	<b>753</b>
<b>Chapter 57 - Sea cucumbers .....</b>	<b>755</b>
<b>Chapter 58 - Traditional Medicines .....</b>	<b>759</b>
<b>Chapter 59 - Corals.....</b>	<b>762</b>
<b>Coral taxa where identification at the genus level is acceptable .....</b>	<b>762</b>
Permits and certificates for coral rock .....	763
Permits and certificates for black coral.....	764
Definitions of coral sand, fragments, coral rock, live rock, substrate, dead and live coral .....	766
Fossils or not? .....	766
<b>Chapter 60 - Capacity Building .....</b>	<b>771</b>
Brochure on the registration of scientific institutions .....	771
Scientific basis for national export quotas .....	771
The CITES virtual college.....	772
Capacity-building tools in the six UN languages .....	772
Activities in the Oceania region .....	773
Activities in the Africa region.....	773
Non-detriment findings .....	773
<b>Annex 1 – Rules of Procedure of the Conference of the Parties .....</b>	<b>777</b>
<b>Part I Participants: delegates, observers, Secretariat.....</b>	<b>777</b>
Rule 1 Delegates.....	777
Rule 2 Observers .....	777
Rule 3 Credentials .....	778
Rule 4 Secretariat .....	779
<b>Part II Arrangement of the meeting .....</b>	<b>779</b>
Rule 5 Plenary sessions, committees and working groups .....	779
Rule 6 Rules of Procedure of committees and working groups .....	779
Rule 7 Quorum .....	779
Rule 8 Working languages .....	780
Rule 9 Other languages .....	780
Rule 10 Summary records.....	780
Rule 11 Seating.....	780
Rule 12 Publicity of debates .....	781
Rule 13 Media .....	781

---

## Preface

---

<b>Part III Officers</b> .....	<b>781</b>
Rule 14 Chairmen and Vice-Chairmen .....	781
Rule 15 Bureau .....	782
<b>Part IV Rules of order and debate</b> .....	<b>782</b>
Rule 16 Powers of Presiding Officer .....	782
Rule 17 Right to speak .....	783
Rule 18 Procedural motions .....	784
Rule 19 Motions to open and reopen debates in plenary sessions.....	785
<b>Part V Submission of proposals and procedures for making decisions</b> .....	<b>786</b>
Rule 20 Submission of draft resolutions and other documents (except proposals to amend Appendices I and II) .....	786
Rule 21 Procedure for deciding on draft resolutions and other documents (except proposals to amend Appendices I and II) .....	786
Rule 22 Submission of proposals for amendment of Appendices I and II .....	787
Rule 23 Procedure for deciding on proposals for amendment of Appendices I and II.....	787
<b>Part VI Voting</b> .....	<b>788</b>
Rule 24 Right to vote .....	788
Rule 25 Methods of voting .....	788
Rule 26 Majority .....	789
Rule 27 Elections .....	789
<b>Part VII Informative documents and exhibitions</b> .....	<b>790</b>
Rule 28 Submission of informative documents and exhibitions .....	790
<b>Part VIII Complaints</b> .....	<b>790</b>
Rule 29 Complaints.....	790
<b>Part IX Amendment of the Rules of Procedure</b> .....	<b>791</b>
Rule 30 Amendment.....	791
<b><i>Annex 2 – Rules of Procedure of the Standing Committee</i></b> .....	<b>793</b>
Representation and attendance .....	793
Credentials .....	794
Officers.....	795
Meetings .....	796
Communication procedure .....	799
Final provisions.....	799
<b><i>Annex 3 –Venues, Dates and Participation in Meetings of the Conference of the Parties</i></b> .....	<b>801</b>
<b><i>Annex 4 – The Development of the Trust Fund since 1980</i></b> .....	<b>803</b>
<b><i>Annex 5 -The Text of the Convention</i></b> .....	<b>805</b>
Preamble.....	805
Article I - Definitions .....	805
Article II - Fundamental principles .....	806
Article III - Regulation of trade in specimens of species included in Appendix I.....	807
Article IV - Regulation of trade in specimens of species included in Appendix II .....	808
Article V - Regulation of trade in specimens of species included in Appendix III .....	809

---

## Contents

---

Article VI - Permits and certificates .....	810
Article VII - Exemptions and other special provisions relating to trade .....	810
Article VIII - Measures to be taken by the Parties .....	811
Article IX - Management and Scientific Authorities .....	813
Article X - Trade with States not party to the Convention .....	813
Article XI - Conference of the Parties .....	813
Article XII - The Secretariat .....	814
Article XIII - International measures.....	815
Article XIV - Effect on domestic legislation and international conventions .....	815
Article XV - Amendments to Appendices I and II.....	816
Article XVI - Appendix III and amendments thereto.....	818
Article XVII - Amendment of the Convention.....	818
Article XVIII - Resolution of disputes .....	819
Article XIX - Signature .....	819
Article XX - Ratification, acceptance, approval .....	819
Article XXI - Accession .....	819
Article XXII - Entry into force .....	819
Article XXIII - Reservations .....	819
Article XXIV - Denunciation .....	820
Article XXV - Depositary .....	820
<b>Appendices I, II and III to the Convention .....</b>	<b>821</b>
Interpretation .....	821
Clams and mussels .....	867
Snails and conches .....	869
Footnotes in the Appendices .....	881
<b>Index of Valid Resolutions .....</b>	<b>887</b>
<b>Index of Valid Decisions .....</b>	<b>891</b>
<b>Subject Index .....</b>	<b>895</b>
A .....	895
B .....	898
C.....	900
D .....	904
E.....	905
F.....	908
H .....	910
I.....	911
J .....	915

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## Preface

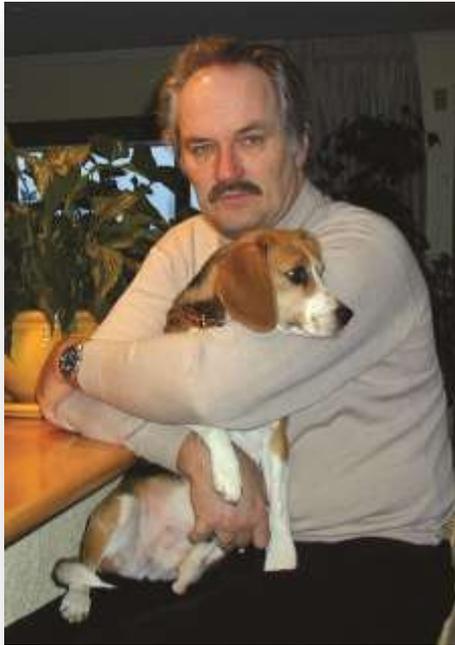
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<b>K.....</b>	<b>915</b>
<b>L.....</b>	<b>915</b>
<b>M.....</b>	<b>916</b>
<b>N.....</b>	<b>918</b>
<b>O.....</b>	<b>919</b>
<b>P.....</b>	<b>920</b>
<b>Q.....</b>	<b>923</b>
<b>S.....</b>	<b>927</b>
<b>T.....</b>	<b>931</b>
<b>U.....</b>	<b>933</b>
<b>V.....</b>	<b>934</b>
<b>W.....</b>	<b>935</b>
<b>Y.....</b>	<b>936</b>
<b>Z.....</b>	<b>937</b>



## Preface

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Dear reader,

I started to publish the *Evolution of CITES* back in 1988 with the help of my great friends **Brian and Gloria Davies**. That was 23 years ago and, obviously, technology has changed dramatically since. The first electronic version of the *Evolution of CITES* came out in 2005, a year after CoP 13. Unfortunately, the software I used produced an executable file, which in many cases prevented downloading to office, library and university computers. It further did not work on the Mac operating system. Also, many people asked for a printed version, but there was no money for that.

So, this time, I used the widespread .pdf file format for the electronic version and, together with the **CIC – International Council for Game and Wildlife Conservation**, which kindly

offered to co-sponsor and publish this book, we also found the money to satisfy the supporters of a paper version. We were further able to raise the funding for a translation into French and Spanish. This of course greatly enhances the global accessibility of the book for many non-native English-speakers and hopefully contributes to a better implementation of CITES worldwide.

I should like to warmly thank the other co-sponsors of the book: **the Ministry of Ecology, Sustainable Development, Transport and Housing of France, the CITES Management Authority of Switzerland, the Ministry of the Environment of Finland, the CITES Secretariat, the China Arts and Crafts Association, Environment Canada, the Directorate of Nature Management of Norway, the German Delegation of CIC, the Swiss Delegation of CIC and the U.S. Fish and Wildlife Service.**

You will have seen that I produced an extensive Table of Contents. At the end of the book, you will also find a detailed *Subject Index*, preceded by an *Index of Valid Resolutions* and an *Index of Valid Decisions*. In the electronic version all page numbers in the text, the Table of Contents and Indexes are hyperlinks, so in combination with the navigation options in most readers, clicking your way through the book is fast and easy. Although there are over 1.500 entries in the Subject Index, there will always be words or

## Preface

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expressions you will not find there. Also, words like Secretariat or Standing Committee are mentioned 1.353 and 534 times respectively, so instead of automatically generating a non-hyperlinked index in Word 2010, I bookmarked the most important texts for each subject by hand, which took a lot of time, but is much more useful. If you use the electronic version, you can of course easily search a missing subject and go through all the pages where a particular subject appears. So, I hope that - in both the electronic and the paper version - readers will be able to find their way easily and quickly. On a PC or Mac, the navigation possibilities in Acrobat Reader are excellent and even better in Adobe Digital Editions. Everything also works great on my iPad, not in Apple's own iBooks application, but rather in ReaddleDocs and GoodReader, available from Apple's App Store for a couple of dollars. Both apps use the Table of Contents to navigate and have the possibility to create additional bookmarks. I recommend you do that for the indexes at the end of the book to obtain fast access to Resolutions, Decisions and the Subject Index. I tried to convert the book to the .epub, .mobi and other formats used by e-book readers such as the Barnes and Noble Nook, Amazon's Kindle and the Sony Reader, but that did not give acceptable results. If software becomes available that can handle the conversion of a more complex book like this, I will of course make these versions available as well.

The articles of the Convention are printed in **bold** and on this background.

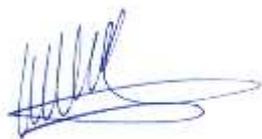
The texts of valid Resolutions are printed on this background.

Some of their Annexes, in case they are very lengthy, are just printed like this because it would make things a little bit too colorful.

The texts of valid Decisions are printed on this background.

My comments are like this paragraph and thus identifiable as such, which should avoid misunderstandings. Where I refer to Resolutions and Decisions that are no longer valid, their number and text are printed in grey.

As CITES Secretary-General, I had no time to update the *Evolution of CITES* with the results of the 14th meeting of the Conference of the Parties that was held in The Hague in the first half of June 2007. Now that I retired shortly after CoP 15 of March 2010 in Doha, I did have the time to overhaul the book completely and to add more than 300 pages to it. The result is before you, on your screen or as a paper brick. I really hope this new version of the Evolution of CITES will help you with your daily task to implement and enforce the Convention, or will give you a good idea of what CITES is all about.



Willem Wijnstekers

Messery, France, May 2011

## Preface

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The Convention on International Trade in Endangered Species of Wild Fauna and Flora, commonly known as CITES or the Washington Convention, is often cited as one of the world's most successful multilateral environmental agreements. Its success can be attributed to many factors, including the quality of the original text adopted in Washington DC on 3 March 1973, which is focused and pragmatic, as well as the way in which Parties have enabled the Convention to evolve

to meet new challenges over the past 35 years through the creative use of resolutions and decisions taken during the course of 15 meetings of the Conference of the Parties.

There is a rich history associated with the adoption of many of these resolutions and decisions, and gaining an understanding of this history can help with today's implementation of the Convention, as well as contribute to its further evolution.

Most recently at the 15th meeting of the Conference of the Parties, held in Doha, Qatar in March 2010, there was discussion of 70 agenda items plus 42 proposals to amend the CITES Appendices. The drama surrounding proposed species listings always attracts a lot of public attention, but away from the spotlight there were many debates and decisions taken that impact on the daily work of the Convention, keeping CITES relevant, and further enhancing its implementation effectiveness.

Specialist knowledge in the workings of the Convention, both internationally and nationally, has been a critical part of the success of CITES, and it is the practitioners serving in management, scientific and enforcement authorities at national level across 175 countries, which provide the backbone of the Convention, and ensure its successful implementation. Further, the many officials who serve in partner agencies, such as the Food and Agriculture Organization of the United Nations, Interpol, the United Nations Environment Programme, and the World Customs Organization, help ensure the Convention is made operational.

The CITES Secretariat itself is widely recognized for its broad depth of specialist knowledge on the Convention, and it also serves to advance the interrelationship with other conventions, processes and entities in support of the implementation of the Convention, both within and outside of the United Nations system, including with various intergovernmental bodies and major groups like the private sector, academia and non-governmental organizations.

One cannot work on CITES issues for very long before hearing references to *The Evolution of CITES*. Its author, Willem Wijnstekers, has kept a watchful eye on the Convention for the past 32 years from many different vantage points, including as Secretary-General for over a decade, steadfastly recording the progression of CITES decisions. He has cap-

## Preface

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tured in great detail the development of the Convention over this time, and also offers his own personal interpretation of the Convention, as well as various resolutions, decisions and major events.

*The Evolution of CITES* provides its readers with an annotated catalogue of CITES decision-making since the Convention entered into force in 1975. It is the most comprehensive publication available on the detailed workings of CITES and provides a valuable guide to those who are actively involved in its daily implementation, as well as the many others who have a deep interest in the critical role played by CITES in the conservation and sustainable use of biodiversity.

May this book enrich your knowledge of a remarkable treaty, and help you in your daily work.

John Scanlon  
Secretary-General of CITES

## Preface

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The International Council for Game and Wildlife Conservation (CIC), the global authority on sustainable hunting, is most grateful to Willem Wijnstekers, for agreeing at the 15th Conference of Parties of the CITES Convention in Doha, Qatar in March 2010 to engage with the CIC in a joint project: The publication of the 9th, updated edition of the "Evolution of CITES" handbook of the Convention. Soon, this book will be used by each Management and Scientific Authority of the Convention Parties, by customs officers worldwide and people wishing to transport hunting trophies and other parts of wild animals across borders with the objective to conserve endangered species and to fight illegal, non sustainable depletion of wildlife.

The CIC is proud of having been instrumental in making this book a reality. It is a humble contribution of the CIC towards nature and wildlife conservation, but is also makes clear the position of the CIC wishing to render undivided assistance to the implementation of the CITES Convention. The project was successful in attracting financial resources to publish the book in several languages (planned is: English, French and Spanish) and to post it on several websites. May we thank the CIC Publications Officer Aliz Ertler and the Assistant to the Director General Marietta Czine for their invaluable support in coordinating all the necessary work leading to the publication.



Bernard Lozé  
CIC President



Tamás Marghescu  
CIC Director General



## Preface

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### Esko Jaakkola, the CITES Man from Finland



**CITES** (the **Convention on International Trade in Endangered Species of Wild Fauna and Flora**, also known as the **Washington Convention**) was drafted as a result of a resolution adopted in 1963 at a meeting of members of the International Union for Conservation of Nature (IUCN). The text of the convention was agreed upon in 1973, and the CITES Convention entered into force on July 1, 1975. Finland ratifies the Convention already in 1976 and it is since then that Esko Jaakkola has been serving as the CITES management authority of Finland first as representative of the Ministry of Agriculture and Forestry and then as a representative of the Ministry of the Environment (founded in 1983).

38 years at the service of nature conservation! It must be a gratifying feeling to stop, turn around and look back in time. How many days, months and years are added up when counting the time of dealing with countless CITES documents representing real and sometimes most exciting situations of wildlife trade. Endless negotiations at CITES COPs, developing friendships with colleagues all over the world. The Ministry of the Environment of Finland has carefully planned and confidentially prepared this note in this book in order to express on behalf of all present and past colleagues its deepest gratitude to the amiable person, highly appreciated biologist, policy maker and diplomat Esko Jaakkola for his extraordinary service to Finland and the nature of the World. Thank you Esko!



## Chapter 1 - Introduction

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In 1960, the 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 become aware of such export regulations. In addition, countries adapt their regulations permanently and it would have been impossible to keep track of export restrictions in something like 190 countries and adapt import regulations accordingly.

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. In my opinion, this really forms a psychological barrier for industries involved in the exploitation of consumer products derived from e.g. fish and timber. Most consumers will not understand that a species in Appendix II is not endangered when its products are covered by an international convention regulating world trade in ‘endangered’ species. To remove this obstacle, I once suggested using a working title for the convention that was much more neutral, such as CITES, the Wildlife Trade Convention.

A look at the numbers of species (including subspecies and populations) in the different Appendices clearly demonstrates my point.

 CITES	Appendix I	Appendix II	Appendix III
<b>Mammals</b>	307	319	53
<b>Birds</b>	164	1.275	35
<b>Reptiles</b>	86	535	55
<b>Amphibians</b>	16	98	-
<b>Fish</b>	15	71	-
<b>Invertebrates</b>	66	2.101	17
<b>FAUNA</b>	<b>654</b>	<b>4.399</b>	<b>160</b>
<b>PLANTS</b>	<b>298</b>	<b>28.679</b>	<b>10</b>
<b>TOTAL</b>	<b>952</b>	<b>33.078</b>	<b>170</b>

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.

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## Chapter 1 - Introduction

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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 was signed in Washington. It entered into force after the tenth ratification, on 1 July 1975. In a number of countries it got known as the Washington Convention, but it is now generally referred to as CITES. In France, a CITES document is even referred to as "un CITES".

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 demand and 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 also 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.

When you compare the 1973 text of the Convention with what CITES does today, you will see that it has proven very flexible and that the Parties have been able to adapt its instruments to the ever changing circumstances and new challenges of regulating international wildlife trade. This, however, does not make understanding all the different rules, or even finding them, any easier. I therefore hope this book will guide you through the maze.



# Chapter 2- Strategic Vision 2008 - 2013

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## History

In 2000, the 11th meeting of the Conference of the Parties adopted a Strategic Vision through 2005 and an Action Plan to implement it.

At COP 13, with Decision 13.1 the Conference of the Parties decided:

- a) to extend until the end of 2007 the time validity of the Strategic Vision and its Action Plan, which were adopted with Decision 11.1 at its 11th meeting (Gigiri, 2000);
- b) to establish a Strategic Plan Working Group as a subcommittee of the Standing Committee, with representation from all regions and of the Animals and Plants Committees, with the task to develop, with the cooperation of the Secretariat, a proposal for a Strategic Vision and Action Plan through 2013, in particular in order to contribute to the achievement of the World Summit on Sustainable Development (WSSD) targets of significantly reducing the rate of biodiversity loss by 2010;
- c) to invite input from relevant intergovernmental organizations to the work of the Strategic Plan Working Group with respect to possible synergies;
- d) to urge all Parties and to instruct the Secretariat and the permanent Committees to evaluate their efforts in relation to the implementation of the existing Strategic Vision and Action Plan and to submit the outcome thereof to the Strategic Plan Working Group through their representatives on that working group;
- e) that the Strategic Plan Working Group shall submit its proposal to the Standing Committee for approval at its annual meeting prior to the deadline for the submission of proposals for consideration at the 14th meeting of the Conference of the Parties, which is to be held in 2007; and
- f) that the Standing Committee shall submit the proposal for a Strategic Vision and Action Plan through 2013 for adoption at the 14th meeting of the Conference of the Parties.

## Chapter 2 – Strategic Vision 2008 - 2013

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The resulting strategic vision, adopted by CoP 14, focuses on the following three goals:

**Goal 1: Ensure compliance with and implementation and enforcement of the Convention.**

**Goal 2: Secure the necessary financial resources and means for the operation and implementation of the Convention.**

**Goal 3: Contribute to significantly reducing the rate of biodiversity loss by ensuring that CITES and other multilateral instruments and processes are coherent and mutually supportive.**

Within the framework provided by each of these goals, the Strategic Vision identifies a number of objectives to be achieved.

With Decision 14.1 the Standing Committee was instructed to develop corresponding indicators of progress which were to be reviewed by the Conference of the Parties.

At its 58th meeting, the Standing Committee adopted these indicators. The Committee instructed its Working Group on Special Reporting Requirements to follow up on how the reporting required in these indicators would be undertaken without unduly increasing the reporting burden for the Parties.

**Decision 14.37 (Rev. CoP15)** instructs the Standing Committee, with the assistance of its Working Group on Special Reporting Requirements and the Secretariat, to: by its 61st meeting (SC61), follow up on how the reporting required in the indicators for the CITES Strategic Vision: 2008-2013 would be undertaken and, by SC62, begin applying the indicators.

I have included the indicators in the Annex of **Resolution Conf. 14.2** below.

### CITES Strategic Vision: 2008 - 2013

RECALLING Decision 11.1, adopted at the 11th meeting of the Conference of the Parties (Gigiri, 2000), through which the Conference adopted the *Strategic Vision through 2005* and the *Action Plan*;

RECALLING Decision 13.1, adopted at the 13th meeting of the Conference of the Parties (Bangkok, 2004) through which the Conference extended to 2007 the period of validity of the *Strategic Vision through 2005* and established a Strategic Plan Working Group as a subcommittee of the Standing Committee to prepare a new strategic vision for the period 2008 to 2013;

RECOGNIZING, with gratitude, the work of the Strategic Plan Working Group;

CONSCIOUS of the need to improve the implementation of the Convention globally;

## Chapter II – Strategic Vision 2008 -2013

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CONVINCED that CITES should consider the broader international community relating to the environment and trade;

REAFFIRMING the commitment of the Conference of the Parties, expressed in Decision 13.1, to contribute to the World Summit on Sustainable Development target of significantly reducing the rate of biodiversity loss by 2010;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

ADOPTS the *CITES Strategic Vision: 2008-2013*, annexed to this Resolution;

RECOMMENDS that Parties take the necessary action at the national level to help ensure that the Goals specified in the *CITES Strategic Vision: 2008-2013* are achieved;

REQUESTS the Secretariat to ensure that its programme of work for the period 2008 to 2013 supports the implementation of the *CITES Strategic Vision: 2008-2013* in the Annex;

INVITES intergovernmental environmental fora, the secretariats of multilateral environmental agreements, other intergovernmental bodies and other organizations with an interest in the objectives of CITES to review their policies and their current and planned programmes and activities, with the aim of supporting achievement of the Goals specified in the *CITES Strategic Vision: 2008-2013*; and

INSTRUCTS the Standing Committee to review the progress in implementation of the *CITES Strategic Vision: 2008-2013*, and in achievement of the Objectives, at each of its ordinary meetings during the term of the Vision, and to report at the 15th and 16th meetings of the Conference of the Parties.

Annex

### CITES Strategic Vision: 2008-2013

#### General introduction

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) was concluded on 3 March 1973. It entered into force after ratification by 10 States, on 1 July 1975.

Since then, the number of countries that have ratified, approved, accepted or acceded to the Convention has continued to increase. With 172 (at the time of writing of this book 175) Parties, CITES is widely regarded as one of the most important international conservation instruments. During this period, the Conference of the Parties has shown itself to be capable of adapting to changing circumstances and, through the adoption of Resolutions and Decisions, has demonstrated an ability to construct practical solutions to increasingly complex wildlife trade and conservation problems.

## Chapter 2 – Strategic Vision 2008 - 2013

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At its ninth meeting (Fort Lauderdale, 1994), the Conference of the Parties commissioned a review of the Convention's effectiveness. The principal purposes of the review were to evaluate the extent to which the Convention had achieved its objectives and the progress made since CITES came into being and, most importantly, to identify deficiencies and requirements necessary to strengthen the Convention and help plan for the future. At its 10th meeting (Harare, 1997), the Conference agreed to an Action Plan for implementing certain findings and recommendations of the review. A central finding was the need for a strategic plan and, at its 11th meeting (Gigiri, 2000), the Conference of the Parties adopted the *Strategic Vision through 2005*, and an *Action Plan*.

At its 13th meeting (Bangkok, 2004), the Conference of the Parties adopted Decision 13.1, which extended the validity of the Strategic Vision and Action Plan until the end of 2007. It also established a procedure for developing a new Strategic Vision through 2013, particularly to contribute to the achievement of the World Summit on Sustainable Development (WSSD) target of significantly reducing the rate of biodiversity loss by 2010. The present document is the result of this process.

With this new Strategic Vision, the Conference of the Parties to CITES outlines the Convention's direction in the new millennium and takes into account, within the context of its mandate issues such as:

- contributing to the UN Millennium Development Goals relevant to CITES;
- contributing to the WSSD target of significantly reducing the rate of biodiversity loss by 2010;
- contributing to the conservation of wildlife as an integral part of the global ecosystem on which all life depends;
- cultural, social and economic factors at play in producer and consumer countries;
- promoting transparency and wider involvement of civil society in the development of conservation policies and practices; and
- ensuring that a coherent and internationally agreed approach based on scientific evidence is taken to address any species of wild fauna and flora subject to unsustainable international trade.

### **Purpose**

The twofold purpose of the Strategic Vision is:

- to improve the working of the Convention, so that international trade in wild fauna and flora is conducted at sustainable levels; and

– to ensure that CITES policy developments are mutually supportive of international environmental priorities and take into account new international initiatives, consistent with the terms of the Convention.

### Structure

In order to achieve this purpose, three broad goals, of equal priority, have been identified as the key components of the Strategic Vision:

- **Goal 1: Ensure compliance with and implementation and enforcement of the Convention.**
- **Goal 2: Secure the necessary financial resources and means for the operation and implementation of the Convention.**
- **Goal 3: Contribute to significantly reducing the rate of biodiversity loss by ensuring that CITES and other multilateral instruments and processes are coherent and mutually supportive.**

The goals aim at consolidating the existing strengths of CITES, ensuring the implementation of the mandate of the Convention, and further improving the relationship with relevant multilateral environmental agreements and related conventions, agreements and associations.

Within the framework provided by each of these goals, this Strategic Vision identifies a number of objectives to be achieved. Corresponding indicators of progress are to be developed by the Standing Committee and reviewed by the Conference of the Parties.

This document provides a framework for the future development of the existing body of Resolutions and Decisions. While it should provide guidance on how the goals and objectives are to be achieved, the Conference of the Parties, the Committees or the Secretariat as appropriate will take required action. The document also serves the Parties as a tool for the prioritization of activities, and decisions on how best to fund them, in light of the need for the rational application of costs and the efficient and transparent use of resources.

It should be noted that all references to 'trade' in the Strategic Vision refer to trade as defined in Article I of the Convention.

### CITES vision statement

**Conserve biodiversity and contribute to its sustainable use by ensuring that no species of wild fauna or flora becomes or remains subject to unsustainable exploitation through international trade, thereby contributing to the significant reduction of the rate of biodiversity loss.**

### The Strategic Goals

#### Goal 1 – Ensure compliance with and implementation and enforcement of the Convention

##### *Introduction*

The effectiveness of the Convention depends upon its full implementation by all Parties, whether they are consumers or producers of wild animals and plants. Full implementation relies, in turn, upon each Party's:

- commitment to the Convention and its principles;
- scientific expertise and analyses;
- capacity building; and
- enforcement.

##### *Commitment to the Convention and its principles*

The proper functioning of the Convention depends to a great extent on the commitment of Parties to comply with and implement the Convention and its principles.

Parties cooperate in managing shared wildlife resources.

##### **Objective 1.1**

**Parties comply with their obligations under the Convention through appropriate policies, legislation and procedures.**

##### *Indicators:*

- 1.1.1 *The number of Parties that are in category 1 under the national legislation project.*
- 1.1.2 *The number of Parties that have designated Management Authorities and Scientific Authorities.*
- 1.1.3 *The number of Parties subject to CITES recommendations on trade.*

##### **Objective 1.2**

**Parties have in place administrative procedures that are transparent, practical, coherent and user-friendly, and reduce unnecessary administrative burdens.**

##### *Indicator:*

- 1.2.2 *The number of Parties making use of the simplified procedures provided for in Resolution Conf. 12.3 (Rev. CoP15).*

### **Objective 1.3**

**Implementation of the Convention at the national level is consistent with decisions adopted by the Conference of the Parties.**

*Indicator:*

- 1.3.1 *The number of Parties that have implemented relevant Resolutions and Decisions of the Conference of the Parties.*

### **Objective 1.4**

**The Appendices correctly reflect the conservation needs of species.**

*Indicators:*

- 1.4.1 *The number and proportion of species that have been found to meet the criteria contained in Resolution Conf. 9.24 or its successors. This includes both the periodic review and amendment proposals.*
- 1.4.2 *The number of unlisted species subject to significant levels of international trade, for which the trade and biological information is evaluated via a transparent mechanism including IUCN Red List and other data to identify species that would benefit from inclusion in the Appendices and the number of such species subsequently included in the Appendices.*

### **Objective 1.5**

**Best available scientific information is the basis for non-detriment findings.**

*Indicators:*

- 1.5.1 *The number of surveys undertaken by exporting countries of:*
  - a) *the population status as well as the trends and impact of trade upon Appendix-II species; and*
  - b) *the status of and trend in Appendix I species and the impact of any recovery plans.*
- 1.5.2 *The number of Parties that have adopted standard procedures for making non-detriment findings.*
- 1.5.3 *The number and proportion of annual export quotas based on population surveys.*
- 1.5.4 *The number of Appendix-II species for which trade is determined to be non-detrimental to the survival of the species as a result of implementing recommendations from the Review of Significant Trade.*

### **Objective 1.6**

**Parties cooperate in managing shared wildlife resources.**

*Indicators:*

- 1.6.1 *The number of bilateral and multilateral cooperative agreements that specifically provide for co-management of shared species by range states.*
- 1.6.2 *The number of cooperative management plans including recovery plans in place for shared populations of CITES listed species.*

- 1.6.3 *The number of workshops and other capacity-building activities that bring range states together to address the conservation and management needs of shared species.*

### **Objective 1.7**

**Parties are enforcing the Convention to reduce illegal wildlife trade.**

*Indicators:*

- 1.7.1 *The number of Parties that have, or are covered by:*
  - *regional enforcement action plans,*
  - *regional enforcement networks,*
  - *national enforcement action plans, and*
  - *national inter-agency enforcement coordination networks.*
- 1.7.2 *The number of Parties with designated national CITES enforcement focal points.*
- 1.7.3 *The number of Parties that have criminal law and procedures in place for investigating and penalizing CITES offences.*
- 1.7.4 *The number of Parties making use of risk assessment in order to better target their CITES enforcement effort.*

### **Objective 1.8**

**Parties and the Secretariat have adequate capacity-building programmes in place.**

*Indicators:*

- 1.8.1 *The number of Parties with national and regional training programmes and information resources in place to implement CITES including the making of non-detriment findings, issuance of permits and enforcement.*

**Decision 14.11** provides that Parties should urge regional environmental organizations to take a more active role in regional cooperation and coordination of CITES to build capacity in their region.

- 1.8.2 *The number of training and capacity-building programmes conducted or assisted by the Secretariat.*
- 1.8.3 *The proportion of Parties having received capacity building support from the Secretariat on request.*

## **Goal 2 – Secure the necessary financial resources and means for the operation and implementation of the Convention**

### **Objective 2.1**

**Financial resources are sufficient to ensure operation of the Convention.**

*Indicators:*

- 2.1.1 *The number of Parties meeting their obligations with regard to their assessed contributions to the Trust Fund.*

– 2.1.2 *The percentage of the work programme agreed by the Conference of the Parties that is fully funded.*

### **Objective 2.2**

**Sufficient resources are secured at the national/international levels to ensure compliance with and implementation and enforcement of the Convention.**

*Indicators:*

– 2.2.1 *The number of Parties with dedicated staff and funding for Management Authorities, Scientific Authorities and wildlife trade enforcement agencies.*

– 2.2.2 *The number of Parties that have undertaken one or more of the following activities in the past two years:*

- *increased the budget for activities*
- *hiring more staff*
- *development of implementation tools*
- *improvement of national networks*
- *purchase of technical equipment for monitoring and enforcement*
- *computerization.*

### **Objective 2.3**

**Sufficient resources are secured at the national/international levels to implement capacity-building programmes.**

**Decision 14.10** request Parties to provide, in accordance with national legislation, financial assistance to academic institutions offering Master's degree courses on CITES and CITES-related subjects in order to support the continuation of these courses.

*Indicator:*

– 2.3.1 *The number of capacity building activities mandated by Resolutions and Decisions that are fully funded.*

Note from the author: The Secretariat has MO U's with two academic institutions: the University of Kent and the International University of Andalucía. The texts can be found on the Secretariat's website:

<http://cites.org/common/disc/sec/CITES-Kent.pdf> and <http://cites.org/common/disc/sec/CITES-ANDALUCIA.pdf>

**Goal 3 - Contribute to significantly reducing the rate of biodiversity loss by ensuring that CITES and other multilateral instruments and processes are coherent and mutually supportive**

**Decision 15.10** instructs the Standing Committee to review the adopted post-2010 biodiversity targets and, if necessary, make adjustments to the CITES Strategic Vision: 2008-2013 as appropriate.

### **Objective 3.1**

**Cooperation between CITES and international financial mechanisms and other related institutions is enhanced in order to support CITES-related conservation and sustainable development projects, without diminishing funding for currently prioritized activities.**

#### *Indicators:*

- 3.1.1 The number of Parties funded by international financial mechanisms and other related institutions to develop activities that include CITES-related conservation and sustainable development elements.*
- 3.1.2 The number of international projects funded by international financial mechanisms and other related institutions that include CITES-related conservation and sustainable development elements.*
- 3.1.3 The number of countries and institutions that have provided additional funding for conservation and sustainable development projects in order to further the objectives of the Convention.*

### **Objective 3.2**

**Awareness of the role and purpose of CITES is increased globally.**

#### *Indicators:*

- 3.2.1 The number of Parties that have been involved in CITES awareness raising campaigns to bring about better accessibility to and understanding by the wider public of the Convention requirements.*
- 3.2.2 The number of Parties that have undertaken market surveys indicating the public's understanding of the role and purpose of CITES.*
- 3.2.3 The number of visits on the Secretariat's website.*
- 3.2.4 The number of Parties with web pages on CITES and its requirements.*

### **Objective 3.3**

**Cooperation with relevant international environmental, trade and development organizations is enhanced.**

#### *Indicators:*

- 3.3.1 The number of biodiversity conservation goals, objectives and principles of CITES and those of relevant multilateral environmental, trade and development agreements and conventions that are identified and implemented in an integrated manner.*
- 3.3.2 The number of additional biodiversity conservation, trade and development goals, scientific and technical programmes that integrate CITES requirements agreed between environmental and trade agreements and programmes and international financial mechanisms.*
- 3.3.3 The number of intergovernmental and non-governmental organizations participating in and/or funding CITES workshops and other training and capacity-building activities.*

### **Objective 3.4**

**The contribution of CITES to the relevant Millennium Development Goals and sustainable development goals set at WSSD is strengthened by ensuring that international trade in wild fauna and flora is conducted at sustainable levels.**

#### *Indicator:*

*- 3.4.1 Improving conservation status of CITES-listed species as shown by tools such as the IUCN Red List Index. Existing indicators 1.4.1, 1.4.2, 1.5.4, 1.6.1, 1.6.2, 2.2.2, 3.3.1, 3.3.2, 3.5.1 and 3.5.2 are relevant to this Indicator.*

### **Objective 3.5**

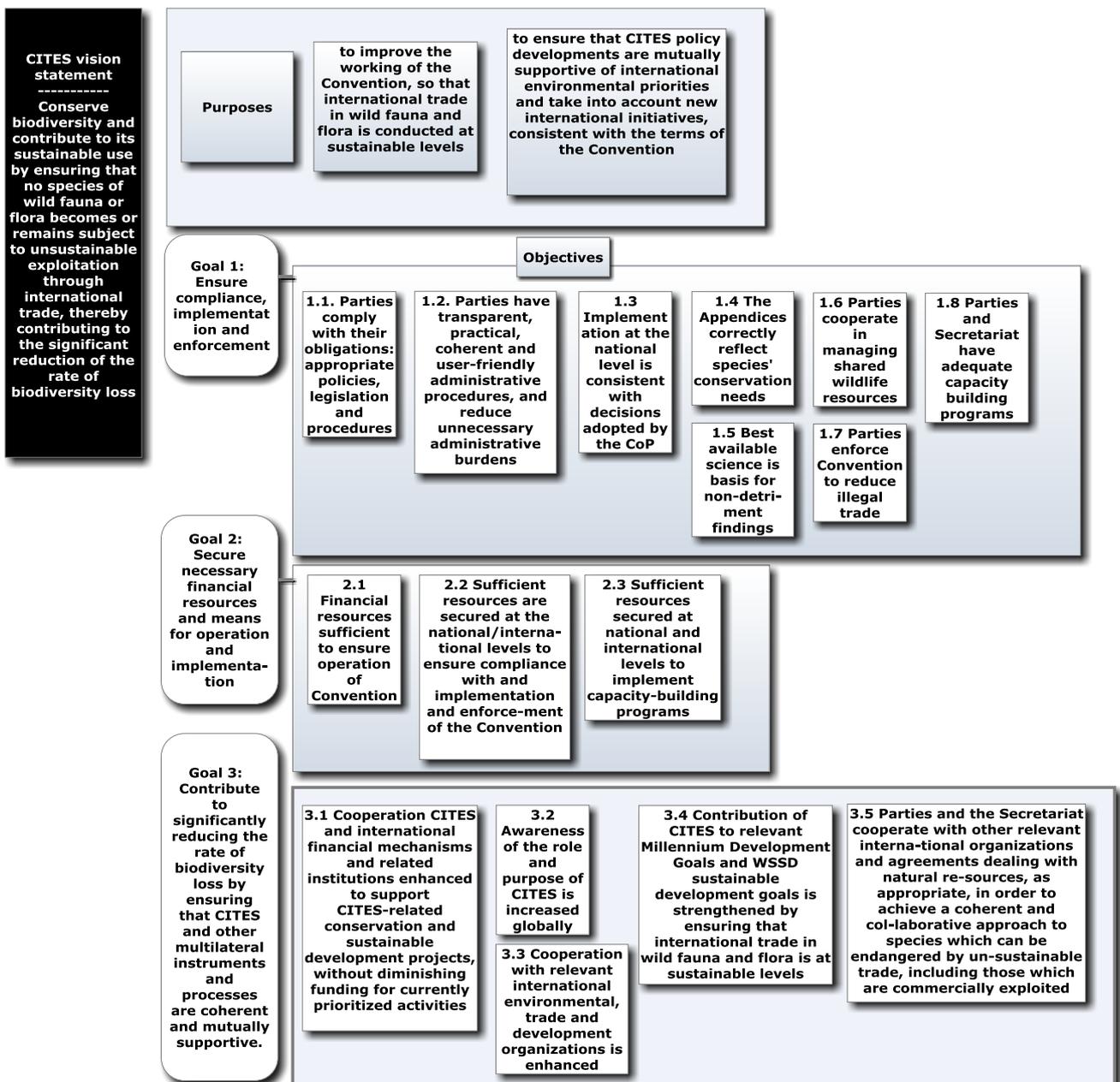
**Parties and the Secretariat cooperate with other relevant international organizations and agreements dealing with natural resources, as appropriate, in order to achieve a coherent and collaborative approach to species which can be endangered by unsustainable trade, including those which are commercially exploited.**

#### *Indicators:*

- 3.5.1 The number of cooperative actions taken to prevent species becoming threatened by unsustainable trade.*
- 3.5.2 The number of times other relevant international organizations and agreements dealing with natural resources are consulted on issues relevant to species subject to unsustainable trade.*

Diagram of the Strategic Vision 2008 – 2013

The texts in the diagram have been shortened. The full texts and the indicators for the achievement of the objectives under each of the three goals can be found in the text of the Strategic Vision on the preceding pages of this Chapter.



### Chapter 3 - CITES in ten paragraphs

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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 only 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, will be detrimental to the survival of a species, 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.

## Chapter 3 – CITES in ten paragraphs

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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 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. The required biennial reports from Parties are intended to provide information on the implementation of the Convention through legislation, enforcement action, etc.

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

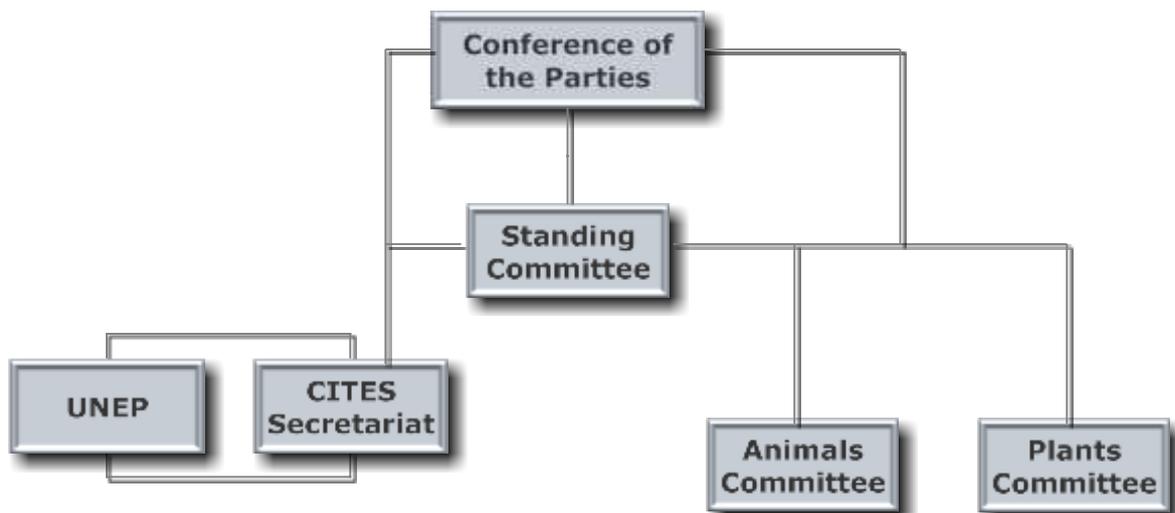
The Convention provides for a Secretariat and a Conference of the Parties, which play a major role in the functioning of the Convention. The Conference of the Parties established a number of permanent committees, which play an important role in between its three-yearly meetings: The Standing Committee, 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 4 - CITES Structure

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The decision-making body is the Conference of the Parties, which is established in Article XI of the Convention. See **Chapter 21**, page 343.

The CITES Secretariat is administered by the United Nations Environment Program as laid down in Article XII.1 of the Convention. See **Chapter 22**, page 357.

The Secretariat is located in Geneva, Switzerland.

In between meetings of the Conference of the Parties, the Standing Committee oversees the implementation of the Convention. This is laid down in **Resolution Conf. 11.1 (Rev. CoP15)**.

For scientific issues the Conference of the Parties established an Animals Committee and a Plants Committee, also with **Resolution Conf. 11.1 (Rev. CoP15)**.

Details about these Committees and their membership can be found in **Chapter 25**, page 389.



## Chapter 5 - Definitions in Article I

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The text of the Convention itself contains very few definitions; most have either been established or refined through Resolutions. This, by the way, is not only true for definitions. Since its conception, the text of the Convention has been interpreted and 'extended' through Resolutions and Decisions of the Conference of the Parties in many areas. After 35 years of existence, these 'facelifts' of the original text have held the Convention young and up to date, with better tools and adapted to the developments in wildlife trade as they took place over the years.

### 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:

#### Rare island fauna and flora

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.

#### Nomenclature

A longstanding Nomenclature Committee was abolished in 2007 and its tasks transferred to the Animals and Plants Committees with Resolution Conf. 11.1 (Rev. CoP14). Annex 2 of **Resolution CoP 11.1 (Rev. CoP15)** provides that these Committees shall deal with nomenclatural issues, see **Chapter 40**, page 597.

### Split-listing

**Annex 3 to Resolution Conf. 9.24 (Rev. CoP15)** provides, amongst other things with regard to split-listing that 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 regional 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.

### Species and subspecies refer to the biological concept

**Annex 5 to Resolution Conf. 9.24 (Rev. CoP15)** recalls that in Article I of the Convention, the term 'species' is defined as "any species, subspecies or geographically separate population thereof". It indicates that 'species' and 'subspecies' refer to the biological concept of a species, and do not require any further definition and that the two terms also cover varieties.

### Geographically separate population

**Annex 5 to Resolution Conf. 9.24 (Rev. CoP15)** provides that 'geographically separate population' refers to parts of a species or a subspecies within particular geographical boundaries. This can also refer to populations or subpopulations, or, for the sake of convenience in certain cases, to 'stocks' as the term is understood in fisheries management. It remarks that, until now, the Conference of the Parties has interpreted 'geographically separate populations' as populations delimited by geopolitical boundaries, whereas they have rarely used the other option of geographical boundaries.

### Scientific names of subspecies to be included in permits and certificates

**Letter e) of Annex 1 to Resolution Conf. 12.3 (Rev. CoP15)** provides that permits and certificates should include 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.

### Subspecies in the Appendices?

**Resolution Conf. 12.11 (Rev. CoP15)**, 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 (from **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 (from **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.

### 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 5 – Definitions in Article I

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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 (from **Resolution Conf. 5.9**).

This is an important recommendation, which allows enforcement authorities to intervene, for example, when being confronted with products labelled as containing rhino horn powder, but which actually contain baking soda.

**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 (from **Resolution Conf. 4.8**).

Resolution Conf. 4.8 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.

That recommendation fortunately no longer exists and one can imagine the confusion that would be caused by 175 different lists of parts and derivatives that are controlled by the different Parties.

### **Coral**

Also see **Chapter 59**.

**Resolution Conf. 9.6 (Rev.)** recognizes that the species or genera of coral from which *coral sand and coral fragments* [as defined in the Annex of Resolution Conf. 11.10 (Rev. CoP15)] are derived cannot be readily determined and are therefore not covered by the provisions of the Convention.

The definitions concerned are 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.

## Chapter 5 – Definitions in Article 1

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

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

The following specimens – as defined in **Resolution Conf. 11.10 (Rev. CoP15)** are covered by the Convention:



*Coral rock (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. ‘*Sub-*

*strate*’ 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.

A footnote clarifies, however, that *rock that does not contain any corals or in which the corals are fossilized is not subject to the provisions of the Convention.*

*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.

Also see **Chapter 59**.

### Products of ranching operations

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

## Chapter 5 – Definitions in Article I

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### Worked ivory

With **Resolution Conf. 10.10 (Rev. CoP15)** the Conference of the Parties agrees 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 (from **Resolutions 3.13 and 6.13**).

### 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. This is now covered in **Resolution Conf. 4.6 (Rev. CoP15)**, page 476.

### Summary of what specimens are covered by the Convention

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.

Particularly at CoP 13, the Conference of the Parties adopted many exemptions with regard to artificially propagated specimens of plant species. Exemptions that exclude live plants of listed species and not just parts and derivatives are, however, contrary to the provisions of Article I(b). But **Resolution Conf. 11.11 (Rev. CoP15)** provides that hybrids are covered by the provisions of the Convention unless they are excluded from CITES controls by a specific annotation in Appendix II or III. In the case of cultivars the Resolution even foresees exclusion from CITES controls through an annotation in Appendix I. The definition of '*species*' in **Resolution Conf. 9.24 (Rev. CoP15)** explicitly includes '*vari-*

## Chapter 5 – Definitions in Article 1

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eties' but also provides that hybrids may only be specifically included in the Appendices if they form distinct and stable populations in the wild.

One can only guess how well border inspection authorities are able to manage to deal with the exemptions below in practice.

The annotations concern:

- **Artificially propagated specimens of the following hybrids and/or cultivars:**
  - *Hatiora x graeseri*
  - *Schlumbergera x buckleyi*
  - *Schlumbergera russelliana x Schlumbergera truncata*
  - *Schlumbergera orssichiana x Schlumbergera truncata*
  - *Schlumbergera opuntioides x Schlumbergera truncata*
  - *Schlumbergera truncata* (cultivars)
  - Cactaceae spp. colour mutants grafted on the following grafting stocks: *Harrisia 'Jusbertii'*, *Hylocereus trigonus* or *Hylocereus undatus*
  - *Opuntia microdasys* (cultivars).
- Artificially propagated specimens of cultivars of *Euphorbia trigona*, artificially propagated specimens of crested, fan-shaped or colour mutants of *Euphorbia lactea*, when grafted on artificially propagated root stock of *Euphorbia neriifolia*, and artificially propagated specimens of cultivars of *Euphorbia 'Mili'* when they are traded in shipments of 100 or more plants and readily recognizable as artificially propagated specimens.
- Artificially propagated hybrids of the following genera are not subject to the provisions of the Convention, if conditions, as indicated under a) and b), are met: *Cymbidium*, *Dendrobium*, *Phalaenopsis* and *Vanda*:
  - a) Specimens are readily recognizable as artificially propagated and do not show any signs of having been collected in the wild such as mechanical damage or strong dehydration resulting from collection, irregular growth and heterogeneous size and shape within a taxon and shipment, algae or other epiphyllous organisms adhering to leaves, or damage by insects or other pests; and
  - b)
    - i) when shipped in non-flowering state, the specimens must be traded in shipments consisting of individual containers (such as cartons, boxes, crates or individual shelves of CC-containers) each containing 20 or more plants of the same hybrid; the plants within each container must exhibit a high degree of uniformity and healthiness; and the shipment must be accompanied by documentation, such as an invoice, which clearly states the number of plants of each hybrid; or
    - ii) when shipped in flowering state, with at least one fully open flower per specimen, no minimum number of specimens per shipment is required but specimens must be professionally processed for commercial retail sale, e.g. labelled with

## Chapter 5 – Definitions in Article I

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printed labels or packaged with printed packages indicating the name of the hybrid and the country of final processing.

This should be clearly visible and allow easy verification. Plants not clearly qualifying for the exemption must be accompanied by appropriate CITES documents.

- Artificially propagated specimens of cultivars of *Cyclamen persicum* except specimens traded as dormant tubers.
- Artificially propagated hybrids and cultivars of *Taxus cuspidata*, live, in pots or other small containers, each consignment being accompanied by a label or document stating the name of the taxon or taxa and the text 'artificially propagated'.

The Conference of the Parties recognized the difficulties caused by the above exemptions for border inspections:

**Decision 14.131 (Rev. CoP15)** therefore instructs the Plants Committee to:

- a) analyze trade data and conservation status of succulent Euphorbia species (except those species currently included in Appendix I);
- b) prepare a revised list of succulent Euphorbia species that meet the criteria of Resolution Conf. 9.24 (Rev. CoP15) for inclusion in Appendix II;
- c) prepare proposals for consideration at the 16th meeting of the Conference of the Parties that provide for the deletion of Euphorbia species from Appendix II that do not meet the criteria of Resolution Conf. 9.24 (Rev. CoP15), are frequently traded and can be clearly identified by non-specialists; and
- d) determine the need for identification material for species retained in Appendix II.

**Decision 14.133** provides that countries of export and import should make recommendations and prepare identification material on further exemptions for artificially propagated hybrids of Orchidaceae spp. included in Appendix II, taking into consideration the capacities of countries to implement and control such exemptions effectively. The results shall be sent to the Plants Committee, which shall evaluate them and adopt the appropriate measures.

**Decision 14.134 (Rev. CoP15)** instructs the Plants Committee to monitor and assess possible conservation problems arising from the implementation of the annotation to Orchidaceae spp. included in Appendix II and shall report on the issue at the 16th meeting of the Conference of the Parties.

## Trade

### Article I, paragraph (c)

'Trade' means export, re-export, import and introduction from the sea.

## Chapter 5 – Definitions in Article 1

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This definition clearly limits the scope of CITES to trade *between* States and excludes trade *within* a country from its provisions. This does not mean, however, that the Conference of the Parties cannot take decisions that affect internal trade, particularly where that is the source of illegal international trade. Where Appendix I specimens for example are freely available on markets in range states, or where importing countries have taken inadequate measures to eliminate legal commercial demand for Appendix I specimens, the Conference of the Parties should be able to take corrective measures. It has in fact done so on several occasions (e.g. in relation to caviar, ivory and tigers).

### Re-export

#### Article I, paragraph (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 and therefore - among other things - requires a non-detriment finding.

### Introduction from the sea

#### Article I, paragraph (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 a lot of discussion about whether landing specimens in a port or rather to bring them on board of a vessel is an introduction from the sea. I have always been convinced of the first scenario. "Transportation into a state" is clearly something different from "entering the territory of a state" and I therefore believe that a specimen is introduced from the sea upon landing. That is obviously also the only feasible way to apply controls. It is difficult to imagine how CITES-controls can be implemented otherwise. If bringing a specimen on board of a vessel is introduction from the sea, then what should happen when that specimen is being transferred from one vessel to another with a different flag and on the high seas before being landed? This, as we have seen, would require a CITES export permit.

The issue of port state versus flag state as the place of introduction has been addressed by a workshop on introduction from the sea since 2005, but this process has not yet led to an answer to the above question, which has gained importance since the listing of commercially important fish species is on the CITES agenda.

**Decision 14.48 (Rev. CoP15)** therefore instructs the Standing Committee to:

## Chapter 5 – Definitions in Article I

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a) extend operation of the Working Group on Introduction from the Sea, established at SC57, with the understanding that it shall continue to work primarily through electronic means, to consider a definition for ‘transportation into a State’, clarification of the term ‘State of introduction’ and the process for issuing a certificate of introduction from the sea as well as other issues identified for further consideration in the final report of the CITES Workshop on Introduction from the Sea Issues (Geneva, 30 November – 2 December 2005) and the final report of the meeting of the working group held in Geneva from 14 to 16 September 2009;

b) include in the working group representatives of CITES authorities and fishery authorities from each of the six CITES regions and request the participation of and input from the United Nations Division for Ocean Affairs and the Law of the Sea, the Food and Agriculture Organization of the United Nations, regional fishery bodies, the fishing industry, and intergovernmental organizations and non-governmental organizations with CITES and fishery expertise; and

c) ask the working group to prepare a discussion paper and draft revised resolution for consideration by the Standing Committee at its 62nd meeting and for consideration at the 16th meeting of the Conference of the Parties.

**Decision 15.50** instructs the Secretariat to, contingent on the availability of external funding, convene two meetings of the working group before the 62nd meeting of the Standing Committee.

### Marine environment not under the jurisdiction of any state

A further question in relation to ‘introduction from the sea’ is: what is the marine environment (not) under the jurisdiction of any State?

**Resolution Conf. 11.4 (Rev. CoP12)** (from **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.

**Resolution Conf. 14.6 (Rev. CoP15)** does not provide much more clarity in agreeing that ‘the marine environment not under the jurisdiction of any State’ means those marine areas beyond the areas subject to the sovereignty or sovereign rights of a State consistent with international law, as reflected in the United Nations Convention on the Law of the Sea.

Obviously, the role of CITES decreases when introduction from the sea applies to specimens introduced from outside 200 miles EEZ's and increases when it applies to specimens introduced from outside a country's territorial waters.

Decision 13.18 directed the Standing Committee:

## Chapter 5 – Definitions in Article 1

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a) contingent on the availability of external funding obtained in accordance with Decision 13.19, convene a workshop on introduction from the sea to consider implementation and technical issues, taking into account the two Expert Consultations of the Food and Agriculture Organization of the United Nations (FAO) on implementation and legal issues, and documents and discussions that occurred at the 11th and 13th meetings of the Conference of the Parties on these issues;

b) invite the following participants to the workshop: three representatives from each CITES region to represent a Management Authority, a Scientific Authority, and a fisheries expert; two representatives from FAO; a representative from WCO; and two representatives of NGOs or IGOs with CITES and fisheries expertise;

c) through its clearing-house mechanism, decide on the appropriate way to handle the logistics, agenda and reporting for the workshop and set timelines for the work to be done;

d) ask the Secretariat to provide the report and recommendations from the workshop to the Parties through a notification and to FAO for consideration and comment; and

e) consider the comments received on the workshop report from the Parties and FAO, and ask the Secretariat to prepare a discussion paper and draft resolution for consideration by the Standing Committee before submitting the draft resolution for consideration at the 14th meeting of the Conference of the Parties.

Decision 13.19 directed the Secretariat:

a) as a matter of high priority, assist in obtaining funds from interested Parties, intergovernmental and non-governmental organizations, and other funding sources to support a workshop on introduction from the sea under the terms of reference set out in Decision 13.18;

b) assist the Standing Committee in preparing for the workshop; and

c) welcome the consultations convened by FAO and approach the FAO Secretariat concerning further collaboration on introduction from the sea.

**At its 53rd meeting, the Standing Committee requested its Chairman to chair the workshop.**

**This process led to the adoption in 2007 with Resolution Conf. 14.6 of the agreement that ‘the marine environment not under the jurisdiction of any State’ means those marine areas beyond the areas subject to the sovereignty or sovereign rights of a State consistent with international law, as reflected in the United Nations Convention on the Law of the Sea.**

**In 2010, the fifth to the eighth preambular clauses were added to the Resolution as well as the recommendation in the second operative paragraph.**

## Chapter 5 – Definitions in Article I

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**Resolution Conf. 14.6 (Rev. CoP15)** thus reads:

TAKING INTO ACCOUNT the CITES Workshop on Introduction from the Sea Issues (Geneva, 30 November – 2 December 2005) held pursuant to [Decision 13.18](#) of the Conference of the Parties and the meeting of the Standing Committee Working Group on Introduction from the Sea (Geneva, 14-16 September 2009) held pursuant to [Decision 14.48](#) of the Conference of the Parties;

RECALLING that ‘introduction from the sea’ is defined in Article I, paragraph e), of the Convention as "transportation into a State of specimens of any species which were taken in the marine environment not under the jurisdiction of any State";

RECALLING ALSO that Article XIV, paragraph 6, of the Convention provides that “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”;

RECALLING FURTHER that Article III, paragraph 5, and Article IV, paragraphs 6 and 7, of the Convention, provide a framework to regulate the introduction from the sea of specimens of species included in Appendices I and II, respectively;

NOTING that ‘State of introduction’ is not defined in the Convention and that Article III, paragraph 5, Article IV, paragraph 6, and Article XIV, paragraph 5, place certain obligations on the State of introduction;

DESIRING that both flag States and port States cooperate in a manner that supports and complies with the provisions of the Convention related to introduction from the sea;

DESIRING ALSO that States consult and cooperate with relevant Regional Fisheries Management Organizations when issuing certificates of introduction from the sea;

NOTING the progress made through the Food and Agriculture Organization of the United Nations on measures to promote responsible fisheries, in particular, the adoption of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing;

RECOGNIZING the need for a common understanding of the provisions of the Convention relating to introduction from the sea in order to facilitate the standard implementation of trade controls for specimens introduced from the sea and improve the accuracy of CITES trade data;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

AGREES that ‘the marine environment not under the jurisdiction of any State’ means those marine areas beyond the areas subject to the sovereignty or sovereign rights of a State consistent with international law, as reflected in the United Nations Convention on the Law of the Sea; and

RECOMMENDS that Parties respond in a timely manner to a request for information necessary for issuing a certificate of introduction from the sea or verifying the authenticity and validity of such a certificate.

## Chapter 5 – Definitions in Article 1

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Article XIV.4 provides that a party to the Convention, which is also a party to another treaty, convention or international agreement which was in force at the time of the coming into force of CITES 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 CITES 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 that other treaty, convention or international agreement.

The only relevant Convention that was in force at the time of the entry into force of CITES, is the International Convention on the Regulation of Whaling and thus specimens of whales caught in compliance with that Convention do not require a certificate for introduction from the sea when landed by vessels in their country of registration. As Article XIV.4 refers to 'trade' in general, the subsequent export of such specimens to another country would not require an export permit either, which raises the question of what the basis for controls by the importing country would be.

Also see the provisions of **Article IV**, page 149, with regard to the introduction from the sea of specimens of Appendix II species. **Article IV.7** provides for the issue of an annual certificate for the total number of specimens to be introduced during that year, a provision that clearly facilitates implementation.

### Authorities

#### 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.**

See **Chapter 19**, page 335.

### Party

#### 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)**. Also see the comments in relation to that Article in **Chapter 33**, page 479.



## Chapter 6 - Listing Criteria for Appendices I and II

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### Fundamental principles with regard to the species to be included in Appendices I and II:

#### Article II, paragraph 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;

#### Article II, paragraph 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

This clearly is a matter of critical importance to the effectiveness and practical functioning of the Convention. Species should be listed in the Appendix that best contributes to their conservation, which makes it necessary to not only regularly review listed species as well as non-listed candidates, but also to ensure that the criteria for listing meet the highest scientific standards.

**Resolution Conf. 9.24 (Rev. CoP15)** contains a comprehensive set of criteria for amendment of Appendices I and II and repeals the twelve earlier Resolutions dealing with the

## Chapter 6 – Listing Criteria for Appendices I and II

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inclusion and deletion of species. For an overview of the history of the listing criteria see **Chapter 7**, page 101.

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 laid 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.

This resulted in the adoption of a revision of Resolution Conf. 9.24 by CoP 13. It recalled 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. CoP15)** 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. CoP15)

**Resolution Conf. 9.24 (Rev. CoP15)** 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 indeed not provided for in the text of the Convention as **Article II.2 (b)** 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. CoP15)** continues this.

**Article II.2 (b)** should have referred to ‘certain species referred to in paragraph 1 and in subparagraph (a) of this paragraph’.

### Look-alike listing of lynx species

**Decision 13.93 (Rev. CoP15)** provides that the Animals Committee shall, immediately following the 13th meeting of the Conference of the Parties, include the Felidae in its Review of the Appendices. This review shall initially focus on the listing of the Lynx species complex, which includes species that are listed because of similarity of appearance, such as *Lynx rufus*. In addition to evaluating the listings of these species against the criteria for inclusion of species in Appendices I and II contained in Resolution Conf. 9.24 (Rev. CoP15), the Animals Committee shall assess the management and enforcement measures available to achieve effective control of trade in these species so as to resolve the continued need for look-alike listings. This assessment should also include a review of trade information to determine whether these species are actually confused in trade or whether the look-alike problem is merely hypothetical. The Animals Committee shall provide a report at the 16th meeting of the Conference of the Parties on the progress of the review of all Felidae and particularly on their review of Lynx spp. and look-alike issues.

### Consultation of range States and intergovernmental bodies

**Resolution Conf. 9.24 (Rev. CoP15)** recognizes that the range States of a species subject to an amendment proposal should be consulted by the proponent, or on its behalf by the Secretariat, in accordance with the relevant Resolutions of the Conference of the Parties (i.e. Resolution Conf. 8.21 below) and that all Parties shall be consulted by the Secretariat in accordance with Article XV, paragraph 1 (a), of the Convention.

It recognizes further that the Secretariat, in accordance with the same Article, shall consult intergovernmental bodies having a function in relation to marine species and considers that the Secretariat should also consult other intergovernmental bodies having a function in relation to any species subject to a proposal for amendment.

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:

## Chapter 6 – Listing Criteria for Appendices I and II

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- a) where the proposing Party intends to consult the range States, it should:
  - i) advise the Management Authorities of the range States within which the species occurs of its intention to submit a proposal;
  - ii) consult with the Management and Scientific Authorities of these States on the substance of the proposal; and
  - iii) include the opinions of these Authorities in section 10 of the proposal submitted in accordance with Resolution Conf. 9.24 (Rev. CoP15) 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 should submit the proposal at least 330 days in advance of the next scheduled meeting of the Conference of the Parties;
  - ii) the Secretariat should circulate the proposal as soon as possible to all Parties; and
  - iii) interested Parties should 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. 9.24 (Rev. CoP15), separating them into two categories, reflecting the opinions of range States and non-range States.

The Resolution recommends that for *any* submission of a proposal to amend Appendix I or II of the Convention, one of the consultation procedures be applied. In my view this means that proposals concerning a geographically separate population of a species should also be subject to consultation of other range states. This, however, is not always being followed.

### **The precautionary principle in Resolution Conf. 9.24 (Rev. CoP15)**

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. It is also laid down in Principle 15 of the June 1992 Rio Declaration on Environment and Development.

### **The criteria for listing – Resolution Conf. 9.24 (Rev. CoP15)**

The Conference of the Parties recognizes that to qualify for inclusion in Appendix I a species must meet biological and trade criteria and that for a proper implementation it is necessary to adopt appropriate criteria, considering both biological and trade factors.

It recalls that paragraph 2 (b) of Article II provides only for the inclusion in Appendix II of species which must be subject to regulation in order that trade in specimens of certain species included in Appendix II in accordance with Article II, paragraph 2 (a), may be brought under effective control, but considers that this provision should also apply where there is a need to bring under effective control trade in specimens of species included in Appendix I.

It recognizes that the range States of a species subject to an amendment proposal should be consulted by the proponent, or on its behalf by the Secretariat, in accordance with the relevant Resolutions of the Conference of the Parties, and that all Parties shall be consulted by the Secretariat in accordance with Article XV, paragraph 1 (a), of the Convention.

It recognizes further that the Secretariat, in accordance with the same Article, shall consult intergovernmental bodies having a function in relation to marine species and considers that the Secretariat should also consult other intergovernmental bodies having a function in relation to any species subject to a proposal for amendment.

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

It emphasizes the importance of Resolution Conf. 3.4 regarding the need to provide to developing countries technical assistance in matters relating to the Convention, and specifically in the application of the criteria for amendment of Appendices I and II.

It notes the objective to ensure that decisions to amend the Convention's Appendices are founded on sound and relevant scientific information, take into account socio-economic factors, and meet agreed biological and trade criteria for such amendments.

It recognizes the importance of the application of Rio Principle 15, the Precautionary Approach, in cases of uncertainty.

The Conference of the Parties adopts six Annexes as an integral part of this Resolution, see below.

It resolves that, when considering proposals to amend Appendix I or II, the Parties shall, by virtue of the precautionary approach and in case of uncertainty either as regards the status of a species or the impact of trade on the conservation of a species, act in the best interest of the conservation of the species concerned and adopt measures that are proportionate to the anticipated risks to the species.

## Chapter 6 – Listing Criteria for Appendices I and II

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It resolves that, when considering proposals to amend Appendices I and II, the following applies:

- a) species that are or may be affected by trade should be included in Appendix I in accordance with Article II, paragraph 1, if they meet at least one of the biological criteria listed in Annex 1;
- b) species should be included in Appendix II under the provisions of Article II, paragraph 2 (a), if they satisfy the criteria listed in Annex 2 a;
- c) species should be included in Appendix II under the provisions of Article II, paragraph 2 (b), if they satisfy the criteria listed in Annex 2 b;
- d) no single species may be included in more than one Appendix at the same time;
- e) however subspecies, populations or other subcategories of a species may be included in different Appendices at the same time in accordance with the relevant criteria in Annex 3;
- f) higher taxa should be included in the Appendices only if they satisfy the relevant criteria in Annex 3;
- g) hybrids may be specifically included in the Appendices but only if they form distinct and stable populations in the wild;
- h) 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 a negligible probability of trade taking place in specimens of wild origin;
- i) species included in Appendix I for which sufficient data are available to demonstrate that they do 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;
- j) species included in Appendix II in accordance with Article II, paragraph 2 (a), that do not meet the criteria listed in Annex 2 a, 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
- k) the views, if any, of intergovernmental bodies with competence for the management of the species concerned should be taken into account.

It resolves that proposals to amend Appendices I and II should be based on the best information available and, when appropriate, presented in the format in Annex 6.

## Chapter 6 – Listing Criteria for Appendices I and II

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It urges Parties that are considering the submission of a proposal to amend the Appendices, in cases where there is any doubt regarding the nomenclature to follow, to consult the nomenclature specialist of the Animals Committee or the Plants Committee as early as possible in advance of submitting the proposal.

It encourages proponents that submit proposals to transfer species to Appendix I, or to establish zero export quotas for species under review in accordance with the provisions of the Review of Significant Trade, to take account of the applicable findings of that review.

It resolves that annotations to proposals to amend Appendix I or Appendix II should be made in accordance with the applicable Resolutions of the Conference of the Parties, be specific and accurate as to affected parts and derivatives and should, to the extent possible, be harmonized with existing annotations.

It encourages Parties, when sufficient relevant biological data are available, to include a quantitative evaluation in the supporting statement of the amendment proposal.

It resolves that, 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.

It 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 programs, 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. CoP15)**:

### **Annex 1: Biological criteria for Appendix I**

The following criteria must be read in conjunction with the definitions, explanations and guidelines listed in Annex 5, including the footnote with respect to application of the definition of 'decline' for commercially exploited aquatic species.

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 subpopulation being very small; or

## Chapter 6 – Listing Criteria for Appendices I and II

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- iii) a majority of individuals being concentrated geographically during one or more life-history phases; or
- iv) large short-term fluctuations in population size; or
- v) a high vulnerability to either intrinsic or extrinsic factors.

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 subpopulations; or
- iii) a high vulnerability to either intrinsic or extrinsic factors; or
- iv) an observed, inferred or projected decrease in any one of the following:
  - the area of distribution; or
  - the area of habitat; or
  - the number of subpopulations; or
  - the number of individuals; or
  - the quality of habitat; or
  - the recruitment.

C. A marked decline in the population size 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 of habitat; or
  - a decrease in quality of habitat; or
  - levels or patterns of exploitation; or
  - a high vulnerability to either intrinsic or extrinsic factors; or
  - a decreasing recruitment.

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

The following criteria must be read in conjunction with the definitions, explanations and guidelines listed in Annex 5, including the footnote with respect to application of the definition of 'decline' for commercially exploited aquatic species.

A species should be included in Appendix II when, on the basis of available trade data and information on the status and trends of the wild population(s), at least one of the following criteria is met:

- A. It is known, or can be inferred or projected, that the regulation of trade in the species is necessary to avoid it becoming eligible for inclusion in Appendix I in the near future; or

## Chapter 6 – Listing Criteria for Appendices I and II

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B. It is known, or can be inferred or projected, that regulation of trade in the species is required to ensure that the harvest of specimens from the wild is not reducing the wild population to a level at which its survival might be threatened by continued harvesting or other influences.

**Decision 15.28** instructs the Secretariat to:

- a) prepare a report that will summarize its experience in applying criterion Annex 2 a B and the introductory text to Annex 2 a of Resolution Conf. 9.24 (Rev. CoP15) to some or all of the commercially exploited aquatic species that were proposed for inclusion on Appendix II at the 13th, 14th and 15th meetings of the Conference of the Parties, highlighting any technical difficulties or ambiguous issues encountered, including, where appropriate, illustrations of these matters by comparison with application of the criteria to other species;
- b) request IUCN/TRAFFIC and the Food and Agriculture Organization of the United Nations to each prepare a report, subject to the availability of external funding, with the same requirements as the report referred to in paragraph a) above; and
- c) submit its report and any received under paragraph b) above for consideration at the 25th meeting of the Animals Committee.

**Decision 15.29** instructs the Animals Committee to:

- a) on receipt of any or all of the reports referred to in Decision 15.28, and having sought the participation of representative(s) of the Plants Committee, IUCN, TRAFFIC, the Food and Agriculture Organization of the United Nations and other appropriate experts, develop guidance on the application of criterion B and the introductory text of Annex 2 a of Resolution Conf. 9.24 (Rev. CoP15) to commercially exploited aquatic species proposed for inclusion on Appendix II;
- b) recommend the best way to incorporate the guidance for use when applying Resolution Conf. 9.24 (Rev. CoP15) to commercially exploited aquatic species, without affecting the application of Resolution Conf. 9.24 (Rev. CoP15) to other taxa; and
- c) submit its conclusions and recommendations at the 62nd meeting of the Standing Committee.

**Decision 15.30** instructs the Standing Committee to:

- a) consider the report and recommendations submitted by the Animals Committee under Decision 15.29 together with comments or other input that the Food and Agriculture Organization of the United Nations may wish to submit; and
- b) submit the Animals Committee's recommendations, together with its comments, at the 16th meeting of the Conference of the Parties.

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

Species may be included in Appendix II in accordance with Article II, paragraph 2 (b), if either one of the following criteria is met:

- A. The specimens of the species in the form in which they are traded resemble specimens of a species included in Appendix II under the provisions of Article II, paragraph 2 (a), or in Appendix I, such that enforcement officers who encounter specimens of CITES-listed species, are unlikely to be able to distinguish between them; or
- B. There are compelling reasons other than those given in criterion A above to ensure that effective control of trade in currently listed species is achieved.

### **Annex 3: 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 regional 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 made in accordance with the provisions of the relevant Resolutions on the use of annotations in the Appendices.

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 should consider:

- i) the ease with which it can be propagated artificially;
- ii) the extent to which it is currently available in cultivation from artificially propagated specimens; and
- iii) any practical problems in identifying the species, particularly in the form in which it may be traded.

### Annex 4: Precautionary measures

When considering proposals to amend Appendix I or II, the Parties shall, by virtue of the precautionary approach and in case of uncertainty either as regards the status of a species or the impact of trade on the conservation of a species, act in the best interest of the conservation of the species concerned and adopt measures that are proportionate to the anticipated risks to the species.

#### A.

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 transferred to Appendix II if they do not satisfy the relevant criteria in Annex 1 and only when one of the following precautionary safeguards is met:
  - 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 or other special measure 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) a ranching proposal is submitted consistent with the applicable Resolutions of the Conference of the Parties and is approved.

## Chapter 6 – Listing Criteria for Appendices I and II

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**Decision 15.51** instructs the Animals Committee to:

- a) evaluate the merit of reinstating the ability to transfer suitably qualified populations that continue to meet the criteria in Resolution Conf. 9.24 (Rev. CoP15) Annex 1 from Appendix I to Appendix II pursuant to Resolution Conf. 11.16 (Rev. CoP15) or Resolution Conf. 9.20 (Rev. CoP15); and
- b) if merit is found, draft a revision of the terms of paragraph A. 2 in Annex 4 of Resolution Conf. 9.24 (Rev. CoP15) to eliminate the requirement that down-listing proposals pursuant to Resolution Conf. 11.16 (Rev. CoP15) or Resolution Conf. 9.20 (Rev. CoP15) must also meet the criteria in Annex 1 of Resolution Conf. 9.24 (Rev. CoP15).

3. No proposal for transfer of a species from Appendix I to Appendix 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.

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.

5. No species should be deleted from Appendix II if, within the last two intervals between meetings of the Conference of the Parties, it has been subject to a recommendation under the provisions of the Review of Significant Trade to improve its conservation status.

**B.**

The following review procedures shall apply when a species is transferred to Appendix II pursuant to paragraph A. 2. c) 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 Depository 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 Depository Government to prepare a proposal for appropriate remedial action.

C.

With regard to quotas established pursuant to paragraph A. 2. c) above.

1. If a Party wishes to renew, amend or delete such a quota, it shall submit an appropriate proposal for consideration at the next meeting of the Conference of the Parties.
2. When a quota has been established for a limited period of time, after that period the quota will become zero until a new quota has been established.

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 'possibly extinct'.

### **Annex 5: Definitions, explanations and guidelines**

Note: Where numerical guidelines are cited in this Annex, they are presented only as examples, since it is impossible to give numerical values that are applicable to all taxa because of differences in their biology.

#### **Species**

In Article I of the Convention, the term 'species' is defined as "any species, subspecies or geographically separate population thereof".

'Species' and 'subspecies' refer to the biological concept of a species, and do not require any further definition.

The two terms also cover varieties.

'Geographically separate population' refers to parts of a species or a subspecies within particular geographical boundaries. This can also refer to populations or subpopulations, or, for the sake of convenience in certain cases, to 'stocks' as the term is understood in fisheries management.

Until now, the Conference of the Parties has interpreted 'geographically separate populations' as populations delimited by geopolitical boundaries, whereas they have rarely used the other option of geographical boundaries.

#### **Affected by trade**

A species "is or may be affected by trade" if:

- i) it is known to be in trade (using the definition of 'trade' in Article I of the Convention), and that trade has or may have a detrimental impact on the status of the species; or

ii) it is suspected to be in trade, or there is demonstrable potential international demand for the species, that may be detrimental to its survival in the wild.

### Area of distribution

The 'area of distribution' of a species 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 and introductions outside its natural range (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 an area of distribution, account should be taken of discontinuities or disjunctions in the spatial distribution of species. This encompasses the concept of area of occupancy. 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 for migratory taxa, etc.). The determination that a species has a restricted area of distribution is taxon-specific and should take into account considerations such as habitat specificity, population density and endemism.

### Decline

A 'decline' is a reduction in the abundance, or area of distribution, or area of habitat of a species. The assessment of decline by reference to area of habitat may be more appropriate where there are intrinsic difficulties in measuring the number of individuals.

Decline can be expressed in two different ways: (i) the overall long-term extent of decline; or (ii) the recent rate of decline. The long-term extent of decline is the total estimated or inferred percentage reduction from a baseline level of abundance or area of distribution.

The recent rate of decline is the percentage change in abundance or area of distribution over a recent time period. The data used to estimate or infer a baseline for extent of decline should extend as far back into the past as possible.

The judgment that a decline is marked is taxon-specific and can be justified by a number of considerations for example, the population dynamics of a related taxonomic group. A general guideline for a marked historical extent of decline is a percentage decline to 5%-30% of the baseline, depending on the biology and productivity of the species. Productivity is the maximum percentage growth rate of a population. It is a complex function of reproductive biology, fecundity, individual growth rates, natural mortality, age at maturity and longevity. More-productive species tend to have high fecundity, rapid individual growth rates and high turnover of generations.

The extremes of 5% and 30% will be applicable to only a relatively small number of species, but some species may even fall outside of these extremes. However, both these figures are presented only as examples, since it is impossible to give numerical values

## Chapter 6 – Listing Criteria for Appendices I and II

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that are applicable to all taxa because of differences in their biology (see footnote with respect to application of decline to commercially exploited aquatic species).

A general guideline for a marked recent rate of decline is a percentage decline of 50% or more in the last 10 years or three generations, whichever is the longer. If the population is small, a percentage decline of 20% or more in the last 5 years or 2 generations (whichever is the longer) may be more appropriate. However, these figures are presented only as examples, since it is impossible to give numerical values that are applicable to all taxa because of differences in their biology.

The historical extent of decline and the recent rate of decline should be considered in conjunction with one another. In general, the higher the historical extent of decline, and the lower the productivity of the species, the more important a given recent rate of decline is.

In estimating or inferring the historical extent of decline or the recent rate of decline, all relevant data should be taken into account. A decline need not necessarily be ongoing. If data are available only for a short period and the extent or rate of decline based on these data are cause for concern, the guidelines above (extrapolated as necessary or relevant) should still apply. However, natural fluctuations should not normally count as part of a decline, but an observed decline should not necessarily be considered part of a natural fluctuation unless there is evidence for this. A decline that is the result of legal activities carried out pursuant to a scientifically based harvesting Programme that reduces the population to a planned level, not detrimental to the survival of the species, would not normally be covered by the term 'decline'.

Annex 5 contains a footnote about the application of decline for commercially exploited aquatic marine species, which provides that in marine and large freshwater bodies, a narrower range of 5-20% is deemed to be more appropriate in most cases, with a range of 5-10% being applicable for species with high productivity, 10-15% for species with medium productivity and 15-20% for species with low productivity. Nevertheless some species may fall outside this range. Low productivity is correlated with low mortality rate and high productivity with high mortality. One possible guideline for indexing productivity is the natural mortality rate, with the range 0.2-0.5 per year indicating medium productivity. In general, historical extent of decline should be the primary criterion for consideration of listing in Appendix I. However, in circumstances where information to estimate extent-of-decline is limited, rate-of-decline over a recent period could itself still provide some information on extent-of-decline. For listing in Appendix II, the historical extent of decline and the recent rate of decline should be considered in conjunction with one another. The higher the historical extent of decline, and the lower the productivity of the species, the more important a given recent rate of decline is. A general guideline for a marked recent rate of decline is the rate of decline that would drive a population down within approximately a 10-year period from the current population level to the historical extent of decline guideline (i.e. 5-20% of baseline for exploited fish species). There should rarely be a need for concern for populations that have exhibited an historical extent of decline of less than 50%, unless the recent rate of decline has been extremely high. Even if a population is not declining appreciably, it could be considered for listing in Appendix II if it is near the extent-of-decline guidelines recommended above

## Chapter 6 – Listing Criteria for Appendices I and II

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for consideration for Appendix-I-listing. A range of between 5% and 10% above the relevant extent-of-decline might be considered as a definition of 'near', taking due account of the productivity of the species. A recent rate-of-decline is important only if it is still occurring, or may resume, and is projected to lead to the species reaching the applicable point for that species in the Appendix-I extent-of-decline guidelines within approximately a 10-year period. Otherwise the overall extent-of-decline is what is important. When sufficient data are available, the recent rate-of-decline should be calculated over approximately a 10-year period. If fewer data are available, annual rates over a shorter period could be used. If there is evidence of a change in the trend, greater weight should be given to the more recent consistent trend. In most cases, listing would only be considered if the decline were projected to continue. In considering the percentages indicated above, account needs to be taken of taxon- and case-specific biological and other factors that are likely to affect extinction risk. Depending on the biology, patterns of exploitation and area of distribution of the taxon, vulnerability factors (as listed in this Annex) may increase this risk, whereas mitigating factors (e.g. large absolute numbers or refugia) may reduce it.

### Fluctuations

Fluctuations in population size or area of distribution are considered large when the population size or area in question varies widely, rapidly or frequently. The judgment that there are large short-term fluctuations in the number of individuals is taxon-specific. For instance, it depends on the generation length of the taxon.

### Fragmentation

'Fragmentation' refers to the case where most individuals within a taxon are found in small and relatively isolated subpopulations, which increases the probability that these small subpopulations will become extinct and the opportunities for re-establishment are limited.

### Generation length

'Generation length' is the average age of parents of the current cohort (i.e. newborn individuals in the population). Generation length therefore reflects the turnover rate of breeding individuals in a population. Generation length is greater than the age at first breeding and less than the age of the oldest breeding individual, except in taxa that breed only once. Where generation length varies under threat, the more natural (i.e. pre-disturbance) generation length should be used.

### Inferred or projected

This refers to estimations using indirect or direct methods. Inferences may be made on the basis either of direct measurements or from indirect evidence. Projection involves extrapolation to infer likely future values.

### **Near future**

This refers to a time period in which it can be projected or inferred that a species would satisfy one (or more) of the criteria in Annex I unless it is included in Appendix II. This will be taxon- and case-specific but should be greater than 5 years and less than 10 years.

### **Population issues**

#### **Population**

'Population' refers to the total number of individuals of the species (as 'species' is defined in Article I of the Convention and in this Annex).

#### **Wild population**

'Wild population' refers to the total number of free-living individuals of the species within its area of distribution, as defined in this Annex.

#### **Subpopulation**

'Subpopulations' are defined as geographically or otherwise distinct groups in the population between which there is limited genetic exchange.

#### **Population size**

When providing details on the size of a population or subpopulation, it should be made clear whether the information presented relates to an estimate of the total number of individuals or to the effective population size (i.e. individuals capable of reproduction, excluding individuals that are environmentally and behaviorally or otherwise reproductively suppressed in the wild) or to another appropriate measure, index or component of the population.

In the case of species biologically dependent on other species for all or part of their life cycles, biologically appropriate values for the host or co-dependent species should be chosen.

#### **Small wild population**

The judgment that a wild population is small is taxon-specific and can be justified by a number of considerations. For example, the population of a related taxonomic group. For some low-productivity species 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 but the number could be higher for higher productivity species. However, this figure is presented only as an example, since it is im-

## Chapter 6 – Listing Criteria for Appendices I and II

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

### **Very small wild subpopulation**

The judgment that a wild subpopulation is very small is taxon-specific. For some species 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 wild 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.

### **Possibly extinct**

A species is 'possibly 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.

### **Recruitment**

'Recruitment' is the total number of individuals added to any particular demographic class of a population by either sexual or asexual reproduction.

### **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, and/or residency/migratory patterns. This makes it impossible to give numerical threshold values for population size or area of distribution that are applicable to all taxa.

### **Vulnerability**

'Vulnerability' can be defined as the susceptibility to intrinsic or external effects which increase the risk of extinction (even when mitigating factors are taken into account). There are a number of taxon- or case-specific biological and other factors that may affect the extinction risk associated with a given percentage decline, small population size or restricted area of distribution. These can be, but are not limited to, aspects of any of the following:

### ***Intrinsic factors***

- Life history (e.g. low fecundity, slow growth rate of the individual, high age at first maturity, long generation time)
- Low absolute numbers or biomass or restricted area of distribution
- Population structure (age/size structure, sex ratio)
- Behavioral factors (e.g. social structure, migration, aggregating behavior)
- Density (for sessile or semi-sessile species)
- Specialized niche requirements (e.g. diet, habitat)
- Species associations such as symbiosis and other forms of co-dependency
- Reduced genetic diversity
- Depensation (prone to continuing decline even in the absence of exploitation)
- Endemism
- Seed dispersal mechanism
- Specialized pollinators

### ***Extrinsic factors***

- Selectivity of removals (that may compromise recruitment)
- Threats from alien invasive species (hybridization, disease transmission, depredation, etc.)
- Habitat degradation (contamination, soil erosion, alteration by alien invasive species, etc.)
- Habitat loss/destruction
- Habitat fragmentation
- Harsh environmental conditions
- Threats from disease
- Rapid environmental change (e.g. climate regime shifts)
- Stochastic events.

## **Annex 6: 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 allow it 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, although for some species the amount of scientific information will be limited. Analogy with related taxonomic groups or species that are ecologically similar may be used to guide judgments. Where research has been undertaken specifically to obtain information for the proposal, it should be presented in sufficient detail to be assessed by the Parties.

Parties are reminded that proposals should normally be limited to 12 pages (exclusive of references cited). If the proposal is longer than 12 pages, the proponent should provide translations into the working languages of the Convention. Furthermore, this means that it may not be possible to address all elements of the proposal format.

### A. Proposal

The proponent should indicate one of the following specific amendments to the Appendices and any relevant annotations or qualifications. The proponent should justify the basis on which the species meets the relevant criteria.

**– Inclusion in Appendix I or transfer from Appendix II to Appendix I.**

Specify which of the criteria in Annex 1 of the Resolution are satisfied.

**– Inclusion in Appendix II in accordance with Article II 2 (a).**

Specify which of the criteria in Annex 2 a of the Resolution are satisfied.

**– Inclusion in Appendix II accordance with Article II 2 (b) for reasons of look-alike problems (criterion A of Annex 2 b).**

In this case, the names of the similar species already included in the Appendices should be given in section C11, 'Additional remarks'.

**– Inclusion in Appendix II accordance with Article II 2 (b) for other reasons (such as those referred to in Annex 2 b, criterion B and/or 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.**

Specify which of the criteria in Annex 2 of this Resolution are satisfied; specify why the criteria in Annex 1 of this Resolution are no longer satisfied; specify which of the measures in Annex 4 of this Resolution are satisfied or implemented.

**– Deletion from Appendix II.**

Specify why the criteria in Annex 2 of this Resolution are not satisfied.

**– Other action.**

Provide explanation, e.g. amendment of a quota.

### **Annotations**

If a specific annotation to the listing in the Appendices is proposed, the proponent should: – ensure that the proposed annotation is in compliance with the applicable Resolution; – indicate the practical intent of the annotation; – harmonize new annotations with existing annotations; and – be specific and accurate as to affected parts and derivatives.

### **B. Proponent**

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

### **C. Supporting statement**

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**

#### **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**

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.

#### **1.6 Common names (including, where appropriate, trade names)**

#### **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. Overview**

Provide a brief overview of key elements of the proposal. Parties should cite key sections of the supporting statement.

### **3. Species characteristics**

The information required in this section is a summary of surveys, literature searches, and relevant studies. The references used must be listed in section 12 of the proposal. It

## Chapter 6 – Listing Criteria for Appendices I and II

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is understood that the quality of the information available will vary a lot, but these instructions indicate the type of information that is required. If the proposal relates to a geographically separate population or subspecies, it should consider, where relevant, the biological species in its entirety to provide the appropriate context.

### **3.1 Distribution**

Specify the currently known 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.

### **3.2 Habitat**

Specify the types of habitats occupied by the species and, when relevant, the degree of habitat specificity and the extent of each habitat type over the range of the species.

### **3.3 Biological characteristics**

Provide a summary of general biological and life history characteristics of the species (e.g. reproduction, recruitment, survival rate, migration, sex ratio, regeneration or reproductive strategies).

### **3.4 Morphological characteristics**

Provide a general description of the morphological diagnostic characteristics of the species, including colour, and information on morphological features by which the species can be differentiated from taxonomically closely related species.

### **3.5 Role of the species in its ecosystem**

If available, provide information about the role of this species in its ecosystem, and other relevant ecological information, as well as the potential impact of this proposal on that role.

## **4. Status and trends**

This section includes qualitative and quantitative information that allows past and present trends to be evaluated pursuant to the criteria. The sources used must be referenced in section 12 of the proposal. It is understood that the quality of the information available will vary. The instructions below indicate the type of information that should be provided if possible. If the proposal relates to a geographically separate population or subspecies, it should consider, when relevant, the biological species in its entirety to provide the appropriate context. If available, the proposal should include any relevant quantitative analyses, stock assessments, etc. The proposal should note whether conclusions are based on observations, inferences or projections.

## Chapter 6 – Listing Criteria for Appendices I and II

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### 4.1 Habitat trends

Give information on the nature, rate and extent of habitat change (e.g. loss, degradation or modification), noting when applicable the degree of fragmentation and discernible changes in the quality of habitat. Where appropriate, the relationship between habitat and population trends should be described.

### 4.2 Population size

Give an estimate of the current total population or number of individuals differentiated by relevant age classes where possible, or other indices of population abundance, based on the most recently available data. Provide information on the source of the data used. Where appropriate provide the number of subpopulations, and their estimated sizes. Population size may be estimated by reference to population density, having due regard to habitat type and other methodological considerations.

### 4.3 Population structure

Provide basic information on the current structure of the population and any past or current changes over time in that structure (e.g. social structure, population demographics, proportion of mature individuals or sex ratio).

### 4.4 Population trends

Basic, quantitative and qualitative information, when available, should be provided on current and past trends in the species' abundance (provide sources). The period over which these trends, if any, have 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.

### 4.5 Geographic trends

Provide information, when available on current and past trends in the species' distribution, indicating the period over which these trends, if any, have been measured. If relevant give data on the degree and periodicity of fluctuations in the area of distribution.

## 5. Threats

Specify the nature, intensity and if possible relative importance of human-induced threats (e.g. habitat loss and/or degradation; over-exploitation; effects of competition/predation/disease by introduced species, hybridization, toxins and pollutants; etc.).

## Chapter 6 – Listing Criteria for Appendices I and II

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### 6. Utilization and trade

#### 6.1 National utilization

Specify the types and extent of all known uses of the species, indicating trends if possible. Provide details of harvest methods. Indicate the extent to which utilization is from captive-bred, artificially propagated, or wild specimens.

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

#### 6.2 Legal 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.

#### 6.3 Parts and derivatives in trade

To the extent possible, list parts and derivatives, including types of products in trade, Customs tariff codes specific to those parts and derivatives, and major importing and exporting countries that trade in those parts and derivatives.

#### 6.4 Illegal trade

To the extent possible, quantify the level of illegal trade, nationally and internationally, and describe its nature. Assess the relative importance of this trade in relation to legal offtake for national use or legal international trade. Provide information on how the proposed amendment is expected to affect the nature of the trade.

#### 6.5 Actual or potential trade impacts

Discuss the importance of current and/or future exploitation for international trade relative to overall use (domestic included) as a threat to the species in question.

### 7. Legal instruments

#### 7.1 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 con-

## Chapter 6 – Listing Criteria for Appendices I and II

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trolled). Provide an assessment of the effectiveness of this legislation in ensuring the conservation and/or management of the species.

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.

### **7.2 International**

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 conservation and/or management of the species.

Provide similar information on 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.

## **8. Species management**

### **8.1 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 procedures for the establishment and implementation of quotas, and mechanisms for ensuring that wildlife management advice is taken into account.

Where applicable, provide details of any mechanisms used to ensure a return from utilization of the species in question to conservation and/or management programmes (e.g. pricing schemes, community ownership plans, export tariffs, etc.).

### **8.2 Population monitoring**

Provide details of programmes in place to monitor the status of wild populations and the sustainability of offtake from the wild.

### **8.3 Control measures**

#### **8.3.1 International**

Provide information on 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.

## Chapter 6 – Listing Criteria for Appendices I and II

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### 8.3.2 Domestic

Provide information on 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.

### 8.4 Captive breeding and artificial propagation

Where applicable, provide details of commercial captive-breeding or artificial propagation operations, including plantations, for the species in question within the country in question, including the size of captive stocks 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. Discuss any management implications of captive-breeding or artificial propagation programmes. Also provide information on the extent of captive-breeding or artificial propagation outside the country or countries of origin to the extent possible.

### 8.5 Habitat conservation

Provide information, where available, regarding the number, size and type of protected areas relevant to the habitat of the species, and on habitat conservation programmes outside protected areas.

### 8.6 Safeguards

In the case of proposals to transfer species from Appendix I to Appendix II or deletion from Appendix II, or proposals involving substantive annotations, provide information on any relevant safeguards.

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

## 9. Information on similar species

Give the names of species of which specimens in trade look very similar. Provide details on how they may be distinguished, including, in particular, details on those commodities or parts and derivatives most common in trade, and explain whether or not it is reasonable to expect an informed non-expert to be able to make a firm identification. Provide details on how to resolve potential difficulties in distinguishing specimens of the species proposed for listing from those of similar species, in particular those specimens most common in trade.

## 10. Consultations

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 Sec-

## Chapter 6 – Listing Criteria for Appendices I and II

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retariat. 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 proposals to transfer Appendix-II species that are subject to the Review of Significant Trade to Appendix I, the proponent should consult the affected range State(s) and, as appropriate, the Animals Committee or Plants Committee. The proponent should state the reasons to justify why the amendment proposal was made. 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.

### 11. Additional remarks

### 12. References

## The listing of hybrids in the Appendices

The issue was first addressed with Resolution Conf. 2.13.

### Plants

The current recommendations for plants are contained in **Resolution Conf. 11.11 (Rev. CoP15)** as follows:

The Resolution determines that:

- 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; and
- b) regarding artificially propagated hybrids:
  - i) plant species or other taxa included in Appendix I shall be annotated (in accordance with Article XV) if the provisions relevant to the most restrictive Appendix are to apply;

## Chapter 6 – Listing Criteria for Appendices I and II

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ii) if a plant species or other taxon included 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 included in Appendix II.

### Animals

**Resolution Conf. 10.17 (Rev. CoP14)**, expresses concern, as did **Resolution Conf. 2.13**, 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) 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;

b) 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);

c) 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

d) 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;

It 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.

### 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 vicuña, rhinos, the African elephant. In the case of plants, annotations have been extensively used to facilitate trade in artificially propagated specimens, in particular hybrids and cultivars. The need of paperwork for such specimens is not believed to contribute to plant conservation, but in my view the Convention text clearly excludes that live specimens are exempted from the provisions of the Convention.

## Chapter 6 – Listing Criteria for Appendices I and II

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**Resolution Conf. 9.24 (Rev. CoP15)** resolves that annotations to proposals to amend Appendix I or Appendix II should be made in accordance with the applicable Resolutions of the Conference of the Parties, be specific and accurate as to affected parts and derivatives and should, to the extent possible, be harmonized with existing annotations.

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.

This led to the adoption of a Resolution at CoP 11, which was amended at CoP's 13, 14 and 15.

**Resolution Conf. 11.21 (Rev. CoP15)** is the result:

The Conference of the Parties 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.

It expresses awareness of the fact that certain types of annotations are an integral part of a species listing, and that any proposal to introduce, amend or delete such an annotation must follow the provisions of Resolution Conf. 9.24 (Rev. CoP15).

It recalls that the Conference of the Parties had agreed at its second and fourth meetings that listings of plant species in Appendix II without an annotation should be interpreted as including all readily recognizable parts and derivatives, and that this view has not been changed by any subsequent decision of the Conference of the Parties.

It is conscious that 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;

The Conference of the Parties agrees that:

- a) the following are reference annotations and are for information purposes only:
  - i) annotations to indicate that one or more geographically separate populations, subspecies or species of the annotated taxon are in another Appendix;
  - ii) the annotations 'possibly extinct'; and
  - iii) annotations relating to nomenclature;

## Chapter 6 – Listing Criteria for Appendices I and II

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b) the following are substantive annotations, and are integral parts of species listings:

i) annotations that specify the inclusion or exclusion of designated geographically separate populations, subspecies, species, groups of species, or higher taxa, which may include export quotas; and

ii) annotations that specify the types of specimens or export quotas;

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;

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. CoP15) 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. CoP15) Annex 4.

It also agrees:

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;

that a proposal to include a plant species in Appendix II, or to transfer a plant species from Appendix I to Appendix II, shall be interpreted to include all readily recognizable parts and derivatives if the proposal does not include an annotation specifying the types of specimens to be included; and

that, for plant species included in Appendix II, the absence of an annotation relating to that species shall indicate that all readily recognizable parts and derivatives are included;

The Conference of the Parties recommends that:

a) Parties submitting proposals that contain substantive annotations ensure that the text is clear and unambiguous;

b) two main principles be followed as standard guidance when drafting future annotations for medicinal plants:

## Chapter 6 – Listing Criteria for Appendices I and II

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i) controls should concentrate on those commodities that first appear in international trade as exports from range States; these may range from crude to processed material; and

ii) controls should include only those commodities that dominate the trade and the demand for the wild resource;

c) 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;

d) as a general rule, Parties avoid making proposals to adopt annotations that include live animals or trophies; and

e) annotations that specify the types of specimens included in the Appendices 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 Conference of the Parties 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

agrees that, for species transferred from Appendix I to II with an annotation specifying that only certain types of specimen are subject to the provisions relating to species in Appendix II, specimens that are not specifically included in the annotation shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.

### Annotations for plants

**Decision 15.31** instructs the Plants Committee to:

a) prepare clarification (i.e. a glossary or an illustrated brochure to be made available to enforcement authorities) and guidance on the meaning of “packaged and ready for retail trade” and other terms used in the Annotations, and

b) report at the 16th meeting of the Conference of the Parties (CoP16) and, if necessary, prepare additional amendment proposals for CoP16.

### Review of annotations for Cactaceae and Orchidaceae: herbarium specimens

**Decision 15.32** instructs the Secretariat to:

- a) encourage Parties via a Notification to contact their national scientific institutions, and to inform them about the implications and benefits under Article VII, paragraph 6, and Resolution Conf. 11.15 (Rev. CoP12);
- b) encourage Parties via a Notification to apply Article VII, paragraph 6, by registering scientific institutions as appropriate [as stated in Resolution Conf. 11.15 (Rev. CoP12)]; and
- c) in compliance with Decision 12.79, support the preparation of an information brochure.

**Decision 15.33** provides that the Parties shall:

- a) Contact their national scientific institutions, and to inform them about the implications and benefits under Article VII, paragraph 6, and Resolution Conf. 11.15 (Rev. CoP12); and
- b) Apply Article VII, paragraph 6, by registering scientific institutions in accord with Resolution Conf. 11.15 (Rev. CoP12).

### Review of annotations for Cactaceae and Orchidaceae: evaluation of trade in finished products

**Decision 15.34** instructs the Plants Committee to:

- a) continue to review the trade in *Aloe* spp., Cactaceae spp., *Cyclamen* spp., *Galanthus* spp., *Gonystylus* spp., Orchidaceae spp. and *Prunus africana* to determine whether additional finished products should be exempted by amending the relevant annotations for these species. This review should initially focus on trade in finished products of Orchidaceae spp. Recommendations on whether to exempt additional finished products from CITES controls should be based on the same considerations reflected in document PC18 Doc. 11.3 (e.g. whether finished products are exported from range States and are a significant portion of the trade). In conducting this work, the Plants Committee should consider whether a clear definition of ‘finished products’ should be developed; and
- b) as appropriate, prepare proposals to amend Appendix II, based on the outcome of this review, and provide them to the Depositary Government for submission at the 16th meeting of the Conference of the Parties.

## Chapter 6 – Listing Criteria for Appendices I and II

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**Decision 15.89** instructs the Plants Committee to assess trade in epiphytic cacti, considering the information of document CoP15 Doc. 55 and focusing especially on the genera *Disocactus*, *Epiphyllum*, *Hatiora*, *Lepismium*, *Pseudorhipsalis*, *Rhipsalis* and *Schlumbergera*. The Plants Committee shall consult with range States and if appropriate, encourage and support range States to submit proposals to exempt certain taxa of epiphytic cacti from Appendix II for consideration of the 16th meeting of the Conference of the Parties. If there are many range States for a certain taxon, rendering it difficult to allocate responsibilities, or if range States do not take action, the Plants Committee shall prepare such proposals.

### Orchids: annotation for species included in Appendix II

Decisions 13.98 and 13.99 requested Parties to monitor the implementation of the annotation for orchids and to report to the Plants Committee, which in its turn was to report to CoP 14.

**Decision 14.133** provides that countries of export and import should make recommendations and prepare identification material on further exemptions for artificially propagated hybrids of *Orchidaceae* spp. included in Appendix II, taking into consideration the capacities of countries to implement and control such exemptions effectively. The results shall be sent to the Plants Committee, which shall evaluate them and adopt the appropriate measures.

**Decision 14.134 (Rev. CoP15)** instructs the Plants Committee to monitor and assess possible conservation problems arising from the implementation of the annotation to *Orchidaceae* spp. included in Appendix II and shall report on the issue at the 16th meeting of the Conference of the Parties.

### Medicinal plant annotations

**Decision 11.118 (Rev. CoP12)** charged 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.

This led to the adoption of the following decisions at CoP 13:

13.50 The Plants Committee shall prepare amendments to annotations for medicinal plants included in Appendix II that adequately reflect the current commodities in international trade and their relative impact on the wild populations in range States.

13.51 The amended annotations shall focus on those commodities that first appear in international trade as exports from range States and on those that dominate the trade and the demand for the wild resource.

## Chapter 6 – Listing Criteria for Appendices I and II

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13.52 The Plants Committee shall draft proposals to amend the Appendices in this respect for the Depositary Government to present for consideration at the 14th meeting of the Conference of the Parties.

13.53 Subject to the availability of external funding, the Secretariat shall prepare a glossary with definitions and training materials that illustrate the content of the amended annotations, the terms used and their practical application during enforcement and controls.

The result is the following text in **Resolution Conf. 11.21 (Rev. CoP15)**:

b) two main principles be followed as standard guidance when drafting future annotations for medicinal plants:

i) controls should concentrate on those commodities that first appear in international trade as exports from range States; these may range from crude to processed material; and

ii) controls should include only those commodities that dominate the trade and the demand for the wild resource.

### Annotations for tree species

**Decision 14.148 (Rev. CoP15)** provides that:

a) Based on the results of the trade study, the Plants Committee shall review the annotations for tree species listed in Appendices II and III and, if appropriate, draft amendments to the annotations and prepare clear definitions for the terms used in those annotations in order to facilitate their use and understanding by CITES authorities, enforcement officers, exporters and importers.

b) The amended annotations shall focus on articles that initially appear in international trade as exports from range States and those which dominate the trade in and demand for the wild resource.

c) The Plants Committee shall draft, if necessary, proposals to amend Resolution Conf. 10.13 (Rev. CoP15) and/or to amend the Appendices accordingly so that the Depositary Government may submit them on its behalf for consideration at the 16th meeting of the Conference of the Parties.

**Decision 14.149** instructs the Secretariat, subject to the availability of external funding, to prepare a glossary with definitions and training materials to illustrate the content of the amended annotations, the terms used and their practical implementation when applying the law and controls.

**Decision 15.35** instructs the Secretariat to commission a trade study, subject to available funding, to be conducted by an external consultant in cooperation with the International

## Chapter 6 – Listing Criteria for Appendices I and II

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Tropical Timber Organization, to review the trade in timber species listed in Appendices II and III to determine the types of specimens that initially appear in international trade or are exported from range States and regarding those which dominate the trade in and demand for the wild resource. Once the specimens that meet these criteria have been determined, the study should also determine which six-digit universal HS codes and associated definitions are applicable to these specimens. The Secretariat shall provide the results of this study to the Plants Committee.



## Chapter 7 - The Development of the Listing Criteria

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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.

## Chapter 7 – The Development of the Listing Criteria

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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

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## Chapter 7 – The Development of the Listing Criteria

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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.

### **Annotations of Appendix II listings with reason for inclusion**

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 protec-

## Chapter 7 – The Development of the Listing Criteria

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tion 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.

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 Felidae

**Decision 13.93 (Rev. CoP15)** provides that the Animals Committee shall, immediately following the 13th meeting of the Conference of the Parties, include the Felidae in its Review of the Appendices. This review shall initially focus on the listing of the Lynx species complex, which includes species that are listed because of similarity of appearance, such as *Lynx rufus*. In addition to evaluating the listings of these species against the criteria for inclusion of species in Appendices I and II contained in Resolution Conf. 9.24 (Rev. CoP15), the Animals Committee shall assess the management and enforcement measures available to achieve effective control of trade in these species so as to resolve the continued need for look-alike listings. This assessment should also include a review of trade information to determine whether these species are actually confused in trade or whether the look-alike problem is merely hypothetical. The Animals Committee shall provide a report at the 16th meeting of the Conference of the Parties on the progress of the review of all Felidae and particularly on their review of Lynx spp. and look-alike issues.

## Chapter 7 – The Development of the Listing Criteria

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Proposals from the United States to delete *Lynx rufus* from Appendix II were rejected at CoP 14 and 15.

### 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 then 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 (from 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.

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.

## Chapter 7 – The Development of the Listing Criteria

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Decision 12.96 directed the Standing Committee to 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.

This resulted in **Resolution Conf. 14.8** concerning the

### Periodic Review of the Appendices

The Conference of the Parties agrees to the following:

a) The Animals Committee and the Plants Committee should share their experience, especially during joined meetings, regarding the undertaking of periodic reviews of taxa included in the Appendices (including financing of reviews, processes, format and outputs).

b) The Animals and Plants Committees shall establish a schedule for the Periodic Review of the Appendices and identify a list of taxa they propose to review during the next two intersessional periods between meetings of the Conference of the Parties (CoP). The list should be established at their first meeting after the meeting of the Conference of the Parties that initiates the review period.

c) The Animals and Plants Committees are strongly encouraged to follow the following guidelines:

i) the Animals and Plants Committees, in consultation with the UNEP World Conservation Monitoring Centre, shall select a practical taxonomic entity or entities and specimens traded for analysis;

ii) the following taxa should not be considered for review:

A. species that were the subject of listing proposals at the previous two meetings of the Conference of the Parties (whether or not the proposals were adopted);

B. species listed under the new criteria [Resolution Conf. 9.24 (Rev. CoP15)] in the last 10 years;

C. species subject to ongoing reviews, such as the Review of Significant Trade [Resolution Conf. 12.8 (Rev. CoP13)] or periodic reviews conducted within the last 10 years; or

D. species subject to other reviews targeted by valid Decisions and Resolutions of the Conference of the Parties;

iii) the selected taxonomic entity or entities shall be assessed using the process outlined in the Annex to the present Resolution; and

## Chapter 7 – The Development of the Listing Criteria

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iv) outputs 3 and 4 resulting from the assessment conducted in accordance with the Annex shall contain the following information in a summary table that includes:

A. a summary of trade data since the initial inclusion of that taxon in the Appendices;

B. current conservation status, including the IUCN category of the species; and

C. current listing in the CITES Appendices, date of first listing, number of trade records, commercial trade, and remarks.

d) From this summary table, and list generated in Output 2 from the assessment, the Animals and Plants Committees will identify the list of taxa to be reviewed.

e) The Secretariat shall send a copy of the proposed list of taxa to be reviewed to all Parties, and request range States of the taxa to comment within 90 days on the need to review the taxa and express their interest in undertaking the reviews. The responses shall be relayed by the Secretariat to the Animals or Plants Committee.

f) Taking these comments into account, the Animals and Plants Committees will inform the Standing Committee about the finalized selection of taxa to be reviewed.

g) The Chairmen of the Animals and Plants Committees shall keep the Standing Committee informed about the conduct of periodic reviews of taxa included in the Appendices. A list of species previously reviewed, including dates of the review and links to the appropriate documents, shall be maintained by the Secretariat.

h) The Animals and Plants Committees shall conduct or organize the reviews, seeking information, participation and support from the range States. The regional representatives of the Animals, Plants and Standing Committees shall seek assistance from range States within their region to support the taxon reviews.

i) Each review (in the format of a proposal used to amend the Appendices) is to be submitted as a working document to the Animals or Plants Committee for review. The Secretariat shall notify the relevant range States of these working documents.

j) In cases where a review indicates, and the technical committee concerned agrees, that it would be appropriate to transfer a taxon from one Appendix to another, or to delete a taxon from the Appendices, the Animals or Plants Committee shall, in consultation with the range States, prepare (or arrange the preparation of) a proposal to amend the Appendices.

k) The Secretariat, on behalf of the Standing Committee and the Animals or Plants Committee, shall provide copies of the proposal to the range States and request that one or more should submit the proposal for consideration at the following meeting of the Conference of the Parties.

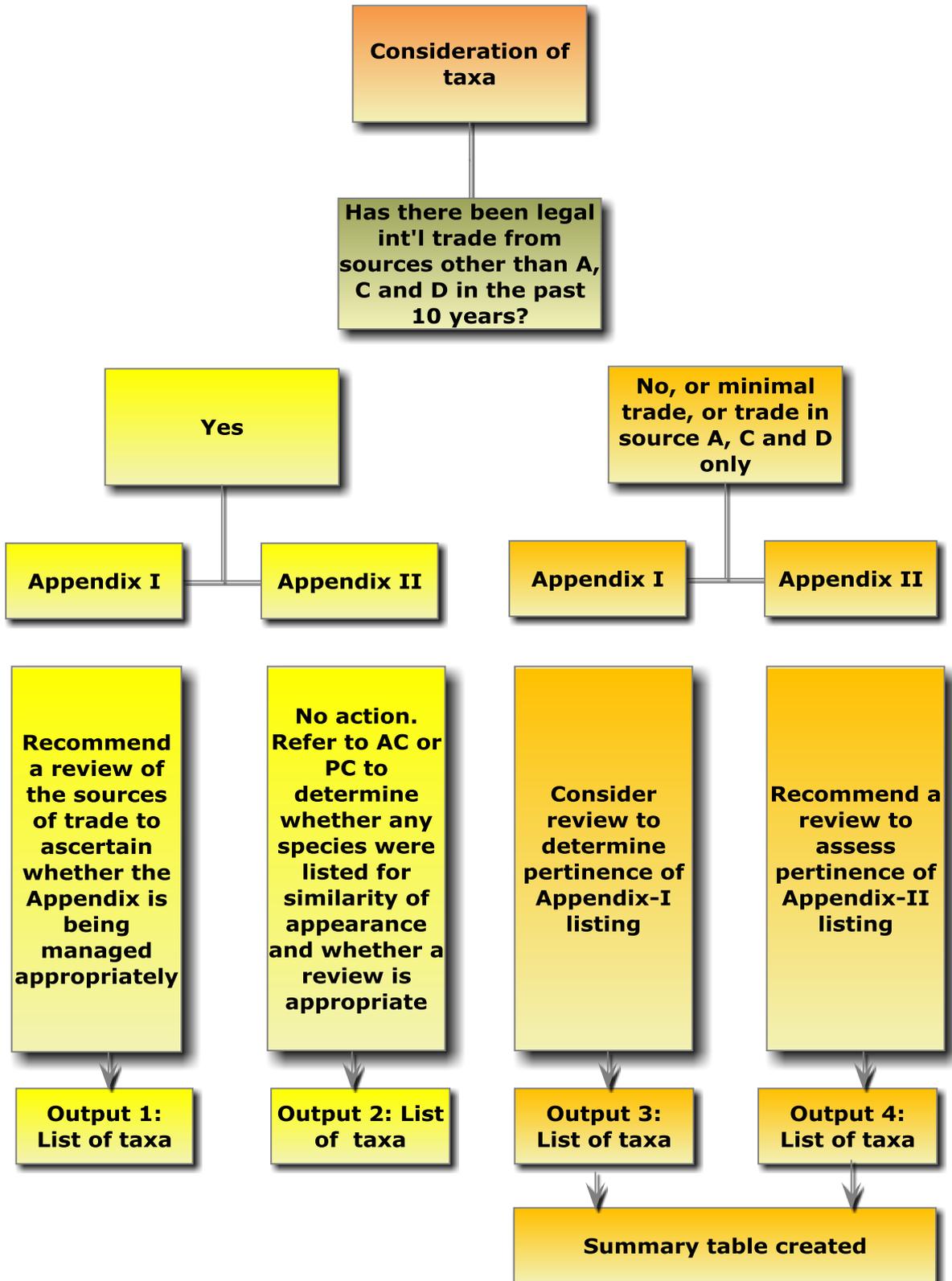
## Chapter 7 – The Development of the Listing Criteria

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l) If no range State is willing to submit the proposal, the Secretariat shall request the Depositary Government to submit it [as specified in Resolution Conf. 11.1 (Rev. CoP15)] and to include the comments of the range States in the supporting statement.

m) Proposals resulting from the periodic review of the Appendices must be submitted for decision to the Conference of the Parties.

Protocol for the assessment of taxa for consideration in the Periodic Review of the Appendices



### 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 (also see Chapter 36)

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.

## Chapter 7 – The Development of the Listing Criteria

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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 36** on Quota systems. The subject is now covered by **Resolution Conf. 9.24 (Rev. CoP15)**.

### 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; and
- 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:

- 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.

## Chapter 7 – The Development of the Listing Criteria

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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.

### Review of Resolution Conf. 9.24

At the 12th meeting of the Conference of the Parties, the review of the criteria contained in Resolution Conf. 9.24 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.

## Chapter 7 – The Development of the Listing Criteria

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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.
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

## Chapter 7 – The Development of the Listing Criteria

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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

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.

This resulted in the adoption of Resolution Conf. 9.24 (Rev. CoP13) in 2004, which was then reviewed and amended at every subsequent meeting of the Conference of the Parties. The current version is addressed in **Chapter 6**.

## Chapter 8 - Listing Criteria for Appendix III

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### Article II, paragraph 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 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. CoP15)** 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.

It 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.

It recognizes 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.

This is in fact at odds with the idea of an Appendix III listing that the country listing the species issues export permits and all other range states issue certificates of origin to indicate to the importing country that no export permit is required. When not all populations are covered by an Appendix-III listing, there will be no documents for many specimens in trade, making their origin unclear. This obviously undermines the purpose of the listing.

It notes that Resolution Conf. 1.5 recommended that all readily recognizable parts and derivatives of species included in Appendix III be covered, that Resolution Conf. 5.22 recommended criteria for the inclusion of species in Appendix III that Resolution Conf. 7.15 encouraged Parties to declare inclusion of species in Appendix III or withdrawals therefrom at meetings of the Conference of the Parties and that Resolution Conf. 8.23 recommended inter alia that, before submitting a species for inclusion in Appendix III,

## Chapter 8 – Listing Criteria for Appendix III

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Parties request the advice of the Animals Committee or the Plants Committee regarding the trade status and biological status of that species.

The Conference of the Parties states that, at the moment, Appendix III contains species that occur rarely or not at all in international trade and for which the Convention is therefore not effective.

The effectiveness of the Convention is not at stake here. What was meant is that the Convention cannot do much for a species if it is not in trade.

It 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 believes that this unsatisfactory implementation arises because the Parties are not fully convinced of the effectiveness of Appendix III.

Many Parties indeed consider(ed) the implementation of Appendix III as a disproportionate burden because of the listing of species without appropriate criteria. Parties also entered reservations on Appendix-III listings because some of the listing countries used CITES to prevent the export of raw materials, but not of products.

It recognizes that Resolution Conf. 1.5, paragraph 5, was deficient in not addressing the need for adequate implementation of domestic legislation.

It recalls the wish of the Conference of the Parties, expressed at its eighth meeting, to reduce the number of its Resolutions.

It 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.

The Conference of the Parties recommends that, if a Party has made a reservation with regard to any species included in Appendix I or II, it not request that this species be included in Appendix III.

It 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;

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, trade or possession and provisions for confiscation;

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

## Chapter 8 – Listing Criteria for Appendix III

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iv) for species that are traded for their timber, consideration is given to including only that geographically separate population or populations 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;

As I indicated under the corresponding preambular clause of this recommendation, this is contrary to the envisaged functioning of Appendix III controls.

b) determine that, notwithstanding these regulations and measures, there are indications that the cooperation of the Parties is needed to control illegal trade;

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 considering the inclusion of the species in Appendix III and seek their opinion on the potential effects of such inclusion;

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; and

e) ensure that its request to include a species in Appendix III specifies which readily recognizable parts and derivatives are to be included unless it intends to include all readily recognizable parts and derivatives.

It 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.

It should be noted that Appendix III listings often happen immediately after a meeting of the Conference of the Parties because of a rejected Appendix I or II listing proposal.

It directs the Secretariat:

a) 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;

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; and

c) if a Party requests the inclusion of a species in Appendix III and requests that the listing be limited to a particular population, to consult with that Party to ensure that the

## Chapter 8 – Listing Criteria for Appendix III

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listing will achieve the level of control and cooperation with other range States intended by the Party.

Again, this limitation to a particular population defeats the purpose of Appendix III.

It agrees that the inclusion of a species in Appendix III without an annotation shall indicate that all readily recognizable parts and derivatives are included in the Appendix.

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

It urges Parties having included species in Appendix III 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.

It resolves that, when any species already included in Appendix III is subsequently included in Appendix I or II, it shall be deleted from Appendix III.

## Chapter 9 - The history of the Appendix III listing criteria

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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.

Resolution Conf. 1.5 (Rev. CoP12) also provided 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.

Resolution Conf. 1.5 (Rev. CoP12) was repealed at CoP14 and the following text included in

**Resolution Conf. 9.25 (Rev. CoP15)**, which recommends that, if a Party has made a reservation with regard to any species included in Appendix I or II, it not request that this species be included in Appendix III.

In 1985, at the fifth meeting of the Conference of the Parties, reference was made to 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.

## Chapter 9 – The History of the Appendix III Listing Criteria

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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;
- 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.

## Chapter 9 – The History of the Listing Criteria for Appendix III

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This resulted in the adoption of Resolution Conf. 9.25, which consolidated all earlier Resolutions on the inclusion of species in Appendix III. The text of **Resolution Conf. 9.25 (Rev. CoP15)** can be found in **Chapter 8**, on page 115.



## Chapter 10 - Trade in specimens of Appendix-I species

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### Article III, paragraph 1

**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.

Decision 13.20 directed the Standing Committee to - through UNEP/WCMC - conduct a review of trade in specimens of Appendix I species for the last five years and to - if necessary - draft recommendations for consideration at CoP14.

### Export of Appendix-I specimens

#### Article III, paragraph 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:**

#### Article III.2, paragraph (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 non-detriment finding requires sufficient knowledge of the conservation status of the species and that a positive advice should not be given in the absence thereof.

## Chapter 10 – Trade in Specimens of Appendix I Species

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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 19**, page 335.

### Article III.2, paragraph (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) , also see **Chapter 19**; page 335. It is the authority for granting permits and certificates 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.

### Article III.2, paragraph (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 34** on the Transport of Live specimens; page 485.

### Article III.2, paragraph (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

## Chapter 10 – Trade in Specimens of Appendix I Species

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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 will 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 for example, **Resolution Conf. 10.14 (Rev. CoP14)** 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. CoP14)** contains the same provision for markhor hunting trophies.

### Import of Appendix-I specimens

#### Article III, paragraph 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:

#### Article III.3, paragraph (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.

### **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:

- 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.

## Chapter 10 – Trade in Specimens of Appendix I Species

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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.

### The housing of live Appendix I specimens

#### Article III.3, paragraph (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.

## Chapter 10 – Trade in Specimens of Appendix I Species

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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 (Decision 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. This provision is now included in **Resolution Conf. 4.6 (Rev.CoP15)**.

It directs the Secretariat to put the following proposal on the agenda of the next extraordinary meeting: c) paragraphs 3 (b) and 5 (b) of Article III should include “either a Management Authority or a Scientific Authority of the State” etc.

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).

**Wild specimens of Appendix I species cannot be imported for primarily commercial purposes.**

### Article III.3, paragraph (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.**

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## Chapter 10 – Trade in Specimens of Appendix I Species

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**5.10 (Rev. CoP15)** 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.

The exemptions discussed in **Chapter 15**, page 211, also play an important role in the determination of the possible use of Appendix I specimens.

### Definition of ‘primarily commercial purposes’

**Resolution Conf. 5.10 (Rev. CoP15)** attempts to define ‘primarily commercial purposes’. The Resolution acknowledges, however, 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.

It recommends that for the purposes of Article III, paragraphs 3 (c) and 5 (c), of the Convention, the following general principles and the examples in the Annex attached to the present Resolution be used by the Parties in assessing whether the import of a specimen of an Appendix-I species would result in its use for primarily commercial purposes:

#### General principles

1. Trade in Appendix-I species must be subject to particularly strict regulation and authorized only in exceptional circumstances.
2. An activity can generally be described as ‘commercial’ if its purpose is to obtain economic benefit (whether in cash or otherwise), and is directed toward resale, exchange, provision of a service or any 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 import of specimens of Appendix-I species 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. Article III, paragraphs 3 (c) and 5 (c), of the Convention concern the intended use of the specimen of an Appendix-I species in the country of import, 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 a commercial transaction underlies many of the transfers of specimens of Appendix-I species 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.

### Examples

The following examples recognize categories of transactions in which the non-commercial aspects may or may not be predominant, depending upon the facts of each situation. The discussions that follow each example provide further guidance in, and criteria for, assessing the actual degree of commerciality on a case-by-case basis. The list is not intended to be exhaustive of situations where an import of specimens of Appendix-I species could be found to be not for primarily commercial purposes:

a) *Purely private use:*

Article VII, paragraph 3, of the Convention contains special rules for specimens "that are personal or household effects". The exception mentioned does not apply when specimens of Appendix-I species are acquired by the new owner outside of his or her country of usual residence and are imported into that country. It can, however, be deduced from this provision that specimens imported for purely private use should not be considered to be for primarily commercial purposes.

b) *Scientific purposes:*

Article VII, paragraph 6, of the Convention uses the term "non-commercial loan, donation or exchange between scientists or 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 import is clearly predominant, the importer is a scientist or a scientific institution registered or otherwise acknowledged by the Management Authority of the country of import, and the resale or commercial exchange of the specimens, or their exhibit for economic benefit is not the primary intended use.

c) *Education or training:*

Specimens of Appendix-I species may also be imported by government agencies or non-profit institutions 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.

d) *Biomedical industry:*

Close scrutiny must be applied to imports of specimens of Appendix-I species in connection with the biomedical industry, with an initial presumption that such imports are 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. As a result, imports of this type will most often not be acceptable. However, where the importer makes a clear

## Chapter 10 – Trade in Specimens of Appendix I Species

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showing to the Management Authority of the country of import that the sale of products is only incidental to public health research and not for the primary purpose of economic benefit, then such imports could fall within group b) above.

### e) *Captive-breeding programmes:*

Imports of specimens of Appendix-I species for captive-breeding purposes are a special case. *Any import of such specimens for captive-breeding purposes should be in accordance with Resolution Conf. 10.16 (Rev.) and must be aimed as a priority at the long-term protection of the affected species, as required in Resolution Conf. 10.16 (Rev.).*

The sentence in italics originally referred to Resolution Conf. 2.12, which was repealed with the adoption of Resolution Conf. 10.16 at CoP10 (Harare, 1997). The latter Resolution was revised at CoP11 (Gigiri, 2000). **Resolution Conf. 10.16 (Rev.)**, however, says nothing regarding the conditions for import of specimens for captive-breeding purposes and nothing about long-term protection of species. The Secretariat therefore proposed to delete the sentence concerned, which was rejected by the Conference of the Parties.

Some captive-breeding operations sell surplus specimens to underwrite the cost of the captive-breeding programme. Imports 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 imports under such circumstances are inappropriate. As for imports of captive-bred specimens for captive-breeding programmes for commercial purposes, Article VII, paragraphs 4 and 5, eliminate the need to address the 'primarily commercial purposes' requirement in Article III, paragraph 3 (c). In connection with captive-breeding purposes, it should be noted that, as a general rule, imports 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 that might result should be used to support the continuation of the programme aimed at the recovery of the Appendix-I species.

### f) Imports via professional dealers:

A problem occurs 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, paragraph 3 (c), of the Convention. The fact that the dealer states an intention to eventually sell the imported specimen 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, imports 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 import and sale of a particular specimen of an Appendix-I species has already been concluded between the professional dealer and the purchasing institution

## Chapter 10 – Trade in Specimens of Appendix I Species

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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.

If a proposed import 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 import to be acceptable. For example, where the primary purpose for import is scientific study or zoological exhibition, the remaining conditions under Article III, paragraph 3 or 5, as applicable, must still be met. Thus, it is possible for an import 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, paragraph 1, the import of specimens of Appendix-I species 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.

### Re-export of Appendix-I specimens

#### Article III, paragraph 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:**

#### Article III.4, paragraph (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 before it can issue a re-export certificate.

## Chapter 10 – Trade in Specimens of Appendix I Species

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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 being legalized.

### **Article III.4 paragraph (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**

### **Article III.4, paragraph (c)**

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

The difference between the corresponding wording of Article III.2(d) and the 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 will lead to abuse.

## **Introduction from the sea of Appendix-I specimens**

### **Article III, paragraph 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:**

### **Article III.5, paragraph (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) on page 123 and III.3 (a) on page 126.

### **Article III.5, paragraph (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) on page 127.

### **Article III.5, paragraph (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) on page 128.

## Chapter 11 – Trade in specimens of Appendix-II species

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### Article IV, paragraph 1

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, paragraph 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.

#### Article IV, paragraph 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 through-

## Chapter 11 – Trade in Specimens of Appendix II Species

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out 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.

In addition to the non-detriment finding under paragraph 2(a), 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.

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 fulfill 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.

### Impact of climate change

Of relevance to the implementation of Article IV.3, but also to non-detriment findings for CITES listed species in general, is the effect of climate change on conservation. The Conference of the Parties therefore adopted the following decisions in 2010:

**Decision 15.15** instructs the Animals and Plants Committees, given the implications of *climate change* for science-based decision-making, to identify the scientific aspects of the provisions of the Convention and of Resolutions of the Conference of the Parties that are actually or likely to be affected by climate change, report their findings, and make recommendations for further action in relation to the Convention and to Resolutions of the Conference of the Parties as appropriate, at the 62nd meeting of the Standing Committee.

**Decision 15.16** instructs the Secretariat to request from the secretariats of other multi-lateral environmental agreements information on their activities that may be linked to climate change and CITES, and report to the Animals and Plants Committees and the Standing Committee.

**Decision 15.17** instructs the Standing Committee to consider the reports of the Animals and Plants Committees and the Secretariat and report at the 16th meeting of the Conference of the Parties.

### Significant trade review

Resolution Conf. 2.6 (Rev.) was 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. The following of its recommendations are now contained in:

**Resolution Conf. 11.18:**

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.

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
- 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 work-

## Chapter 11 – Trade in Specimens of Appendix II Species

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shops 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 replaced by Resolution Conf. 12.8. The latter was amended at the 13th meeting of the Conference of the Parties and now is **Resolution Conf. 12.8 (Rev. CoP13)**.

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.

Decision 9.33 directed 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. This provision was incorporated in **Resolution Conf. 12.8 (Rev. CoP 13)**.

**Resolution Conf. 12.8 (Rev. CoP13)** 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 programs, are not being undertaken, and that information on the biological status of many species is frequently not available.

The Resolution reads as follows:

RECALLING that Article IV, paragraph 2 (a), of the Convention requires, as a condition for granting an export permit, that a Scientific Authority of the State of export has advised that the export will not be detrimental to the survival of the species concerned;

RECALLING that Article IV, paragraph 3, requires a Scientific Authority of each Party to monitor exports of Appendix-II species and to advise the Management Authority of suitable measures to be taken to limit such exports in order to maintain such species throughout their range at a level consistent with their role in the ecosystem;

RECALLING also that Article IV, paragraph 6 (a), requires, as a condition for granting a certificate of introduction from the sea, that a Scientific Authority of the State of intro-

## Chapter 11 – Trade in Specimens of Appendix II species

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duction from the sea has advised that the introduction will not be detrimental to the survival of the species concerned;

CONCERNED 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;

RECALLING that the proper implementation of Article IV is essential for the conservation and sustainable use of Appendix-II species;

NOTING the important benefits of the review of trade in specimens of Appendix-II species by the Animals and Plants Committees as set out in Resolution Conf. 8.9 (Rev.), adopted by the Conference of the Parties at its eighth meeting (Kyoto, 1992) and amended at its 11th meeting (Gigiri, 2000), referred to as the Review of the Significant Trade, and the need to clarify further and simplify the procedure to be followed;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

### Conduct of the Review of Significant Trade

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 the UNEP World Conservation Monitoring Centre 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 exports for Appendix-II species over the five most recent years;

*'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.*

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 Committee 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 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

## Chapter 11 – Trade in Specimens of Appendix II Species

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 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 paragraph 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

## Chapter 11 – Trade in Specimens of Appendix II species

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been in place for longer than two years and, if appropriate, take measures to address the situation;

### **Support to the range States**

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; and

DIRECTS the Secretariat to assist with identification and communication of funding needs in the range States and with identification of potential sources of such funding;

### **Monitoring, reporting and reintroduction of species into the review process**

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

- a) to report at 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; and

### **Coordination of field studies**

DIRECTS the Secretariat, where appropriate, in consultation with the Chairman of the Animals or Plants Committee, to contract IUCN or other appropriate experts to coordinate, in collaboration with UNEP-WCMC, the conduct of the field studies required for Appendix-II species identified as being subject to significant levels of trade, and to raise the funds necessary for such studies; and

## Chapter 11 – Trade in Specimens of Appendix II Species

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### Terms of reference for an Evaluation of the Review of Significant Trade

Decision 12.75 provided that the Animals and Plants Committees should 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.

This resulted in **Decision 13.67 (Rev. CoP14)**, with which the Conference of the Parties adopted Terms of reference for an evaluation of the Review of Significant Trade:

#### Objectives

1. The objectives of the evaluation of the Review of Significant Trade are to:
  - a) evaluate the contribution of the Review of Significant Trade to the implementation of Article IV, paragraphs 2 (a), 3 and 6 (a);
  - b) assess the impact over time of the actions taken in the context of the Review of Significant Trade on the trade and conservation status of species selected for review and subject to recommendations, taking into consideration the possible effects of these measures on other CITES-listed species;
  - c) formulate recommendations in view of the results and findings of the evaluation and the impact assessment; and
  - d) prepare a document on the evaluation of the Review of Significant Trade and the resulting conclusions and recommendations for consideration at the first appropriate meeting of the Conference of the Parties.

#### Process

2. The evaluation will commence immediately after the 14th meeting of the Conference of the Parties, contingent on the availability of sufficient funds to ensure its completion.
3. The Animals and Plants Committees will oversee the evaluation, which will be administered by the Secretariat. Consultants may be engaged to assist it in this regard.
4. A working group composed of members of the Animals and Plants Committees, Parties, the Secretariat and invited experts will be responsible for advising on the evaluation process, reviewing the findings of associated research and developing recommendations for wider consideration by the Parties.
5. The Secretariat will regularly report on the progress of the evaluation at meetings of the Animals and Plants Committees.
6. A final report, which may include proposed amendments to existing Resolutions or Decisions, or other recommendations, and which will incorporate the comments of the Animals and Plants Committees and of range States addressed in the report, will be submitted by the Chairmen of the Animals and Plants Committees for consideration at a

## Chapter 11 – Trade in Specimens of Appendix II species

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future meeting of the Conference of the Parties. The Chairman of the Animals or Plants Committee may submit an interim report to the Standing Committee when appropriate and considered useful.

### Content of the evaluation

7. The evaluation of the Review of Significant Trade should include the following activities:

a) assess:

i) the process used to select species for review (including the reliance on numerical data), and the species selected as a result;

ii) the process and means used to compile and review information concerning the implementation of Article IV, paragraphs 2 (a), 3 and 6 (a), for the selected species (including communications with the range States), and the subsequent use of this information by the Animals and Plants Committees for the categorization of species and the issuance of recommendations;

iii) the types and frequency of recommendations made;

iv) the nature and rate of responses to recommendations, and problems identified;

v) the use of the recommendations by range States as guidance for managing target species and other CITES-listed species with similar characteristics;

vi) the nature and scale of the support provided to range States for implementing the recommendations, including field projects, financial aid and assistance in building local capacities;

vii) the ongoing process to monitor and review the implementation of recommendations, having regard to differing points of view as to where this responsibility should lie; and

viii) the impacts of the process on other aspects of CITES implementation, including how problems identified in the course of the review but not directly related to the implementation of Article IV, paragraphs 2 (a), 3 and 6 (a), were addressed;

b) conduct case studies of a representative range of species and countries subject to recommendations to assess subsequent short- and long-term changes, and whether these could be attributed to the process, in:

i) conservation status of the target taxa in the range States;

ii) trade volumes and patterns of the target taxa, considering trade involving the range States subject to recommendations, other range States and non-range States;

- iii) production or management strategies for the target taxa;
- iv) market developments of conservation relevance (such as shifts in supply or demand);
- v) costs and benefits associated with the management of and trade in the target taxa (such as the effects of trade suspensions and export quotas, shift in trade to non-CITES species or increased illegal trade);
- vi) protection status of the target taxa within range States, and regulatory measures outside range States;
- vii) trade patterns, conservation status and management for other CITES-listed species that might be suitable 'substitutes' for the target taxa; and
- viii) changes in conservation policies in range States; and

c) analyze the information to assess the effectiveness, costs and benefits of the Review of Significant Trade as implemented so far, by reference to the cost of the process and the time it takes, and identify means to improve the contribution it makes to the objectives of the Convention by reducing the threats to wild species.

The phrase 'effectiveness, costs and benefits' is intended to address issues such as whether or not the funds spent on the process give value for money comparable to that for other CITES activities, and whether the time-scale envisaged in the process is too long for species that are in rapid decline.

### **Review of Significant Trade in *Cistanche deserticola*, *Dioscorea deltoidea*, *Nardostachys grandiflora*, *Picrorhiza kurrooa*, *Pterocarpus santalinus*, *Rauvolfia serpentina* and *Taxus wallichiana***

**Decision 15.36** provides that the range States of *Cistanche deserticola*, *Dioscorea deltoidea*, *Nardostachys grandiflora*, *Picrorhiza kurrooa*, *Pterocarpus santalinus*, *Rauvolfia serpentina* and *Taxus wallichiana*, the regional representatives for Asia on the Plants Committee and the Secretariat should ensure the implementation of regionally coordinated actions to improve the management of the seven species and ensure that the trade therein is legal, sustainable and traceable. These measures could include, inter alia, the organization of regional capacity-building workshops, the improvement of methodologies to make non-detriment findings and to determine legal acquisition, the harmonization of management and compliance measures, and the development of incentives to prevent illegal trade.

## Chapter 11 – Trade in Specimens of Appendix II species

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**Decision 15.37** instructs the Secretariat to:

a) subject to the availability of external funding and in collaboration with the range States, the regional representatives for Asia on the Plants Committee, the World Health Organization, traditional medicine associations and TRAFFIC, organize one or several regional capacity-building workshops, on the basis, inter alia, of the recommendations in document PC17 Inf. 10; and

b) inform the Plants Committee on progress made at its 20th meeting.

### Import of Appendix-II species

#### Article IV, paragraph 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:**

## Chapter 11 – Trade in Specimens of Appendix II Species

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### Article IV.5, paragraph (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 14**) considerably enhances the possibilities for Management Authorities to follow specimens and corresponding documents at all production and trade stages.

### Article IV.5, paragraph (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 **Chapter 34** on the Transport of Live Specimens; page 485.

### Introduction from the sea of Appendix-II specimens

#### Article IV, paragraph 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.

**(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) on page 123.

**(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 **Chapter 34** on the Transport of Live Specimens; page 485.

#### Article IV, paragraph 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. Also see the note on Article XIV.4 in **Chapter 28** under IWC; page 435.

### Invasive alien species

The North-American bullfrog is a known example of an invasive species in Europe and South-Korea.



This is not an issue covered by the Convention and was first addressed by the 10th meeting of the Conference of the Parties, which adopted the following decisions:

Decision 10.54 provided 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 co-operation and collaboration between the two Conventions on the issue of introductions of alien (invasive) species.

With Decisions 10.75 and 10.85 the Conference of the Parties decided that formal liaison should be established by the Animals and Plants Committees 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 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 provided that co-operation should be established by the Animals and Plants Committees 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 11 – Trade in Specimens of Appendix II species

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The developments since were laid down in **Resolution Conf. 13.10 (Rev. CoP14)**, which considers that alien species can pose significant threats to biodiversity, and that species of fauna and flora in commercial trade are likely to be introduced to new habitat as a result of international trade.

The Conference of the Parties recommends that the Parties:

- a) consider the problems of invasive species when developing national legislation and regulations that deal with the trade in live animals or plants;
- b) 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 whether there are domestic measures regulating such imports; and
- c) consider the opportunities for synergy between CITES and the Convention on Biological Diversity (CBD) and explore appropriate cooperation and collaboration between the two Conventions on the issue of introductions of alien species that are potentially invasive.



## Chapter 12 - Trade in specimens of Appendix-III species

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### Article V, paragraph 1

**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.

### Export of Appendix-III specimens

#### Article V, paragraph 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:**

#### Article V.2, paragraph 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) on page 124.

#### Article V.2, paragraph (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.**

An important difference with the export requirements for specimens of species in Appendices I and II is that for Appendix III there is no need for a non-detriment finding. It goes without saying, however, that it would be prudent for exporting countries, particularly for those having listed the species in Appendix III, to ensure that the species concerned are not exported at unsustainable levels.

### **Import of Appendix-III specimens**

#### **Article V, paragraph 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 border 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. I have already indicated several times that this system cannot work properly when only the population of an individual country is listed and other range states are not required to issue certificates of origin.

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. 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.

**Resolution Conf. 12.3 (Rev. CoP15)** now covers the issue and 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

## Chapter 12 – Trade in Specimens of Appendix III species

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from a State not a Party to the Convention, and that Parties not accept certificates of origin unless they are issued by such authorities;

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 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.

### Re-export of Appendix-III specimens

#### Article V, paragraph 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 border controls.

The import into a Party, however, necessitates documentation from the re-exporting country.

Unlike paragraph 3 for certificates of origin, paragraph 4, strangely 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.

Although the wording of paragraph 4 above 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. The use of the same re-export certificate for all CITES specimens is less confusing and more practical.

### Introduction from the sea of Appendix-III specimens

Article II, paragraph 3, limits the inclusion of species in Appendix III to those that are being subject to regulation within its jurisdiction. There is consequently no provision for introduction from the sea, which means the transportation into a State of specimens taken outside the jurisdiction of any State. This of course does not mean that marine species cannot be listed in Appendix III, but their regulation under CITES will be limited to trade in specimens caught within the jurisdiction of a Party.



## Chapter 13 - Permits and Certificates

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The image shows a sample CITES permit form. It includes a header with the CITES logo and the text 'CITES PERMIT OR RE-EXPORT CERTIFICATE'. The form is divided into several sections: 'SPECIES', 'ORIGIN', 'DESTINATION', and 'MANAGEMENT AUTHORITY'. It contains various fields for entering specific information, such as the scientific name of the species, the date of issue, and the name of the authority granting the permit. There are also checkboxes and boxes for indicating the type of permit and the status of the specimen.

### Article VI, paragraphs 1 to 6

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.

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.

### 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 de-

## Chapter 13 – Permits and Certificates

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cided that further experience was necessary before considering the standardization of export permits. (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).

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. Subsequent meetings of the Conference of the Parties made further amendments.

### Current provisions, recommendations and decisions

The current Resolution is **Resolution Conf. 12.3 (Rev. CoP15)**, which 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 (from Resolution Conf. 7.3).

It recognizes the need for Parties to be particularly vigilant regarding the issuance of permits and certificates for very valuable specimens and specimens of species included in Appendix I.

## Chapter 13 – Permits and Certificates

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It recognizes that permits and certificates may be issued in paper, electronic or both formats, but that there is no obligation on Parties to use electronic formats.

It also recognizes that Parties issuing permits or certificates in electronic formats will need to issue them also in paper format unless specific agreement has been reached with other affected Parties.

It considers the need to improve the standardization of permits and certificates with international norms and standards (from *Resolution Conf. 7.5*).

It notes that the CITES electronic permitting toolkit (see the section on that issue later in this Chapter) provides guidance to Parties on common internationally recognized information exchange formats, protocols and standards, and electronic signatures and that it will require updates and revisions to reflect the on-going development of international standards.

It recognizes the need to adopt the principles outlined in the CITES electronic permitting toolkit to facilitate the exchange of information among national Management Authorities.

It recognizes 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.

It is conscious that the data carried on permits and certificates must supply maximum information, as much for export as for import, to allow verification of the conformity between the specimens and the document (from *Resolution Conf. 7.5*).

It recognizes that the Convention provides no guidance about the acceptability of an export permit whose period of validity expires after the specimens have been exported but before the permit has been presented for import purposes.

It considers that no provision exists to establish the maximum time validity of import permits, and that it is necessary to establish a time validity appropriate to guarantee compliance with the provisions of Article III, paragraph 3, of the Convention.

It recalls that 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.

It also recalls that Parties are obliged, under Article VIII, paragraph 1 (b), of the Convention, to provide for the confiscation or return to the State of export of specimens traded in violation of the Convention.

It notes that the efforts of importing countries to fulfil their obligations under Article VIII, paragraph 1 (b), may be seriously obstructed by the retrospective issuance of permits or certificates for specimens having left the exporting or re-exporting country without such documents, and that declarations about the validity of documents that do not meet the requirements of the Convention are likely to have a similar effect.

It considers that the retrospective issuance of permits and certificates has an increasingly negative impact on the possibilities for properly enforcing the Convention and leads to the creation of loopholes for illegal trade.

## Chapter 13 – Permits and Certificates

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It also considers that Article VII, paragraph 7, of the Convention provides that under certain circumstances “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 the specimens are in either of the categories specified in paragraph 2 or 5 of this Article”. It expresses its desire that this exemption not be used to avoid the necessary measures for the control of international trade in specimens listed in the Appendices to the Convention.

The Conference of the Parties recognizes that the trade in many biological samples, because of their special nature or because of the special purpose of such trade, requires expedited processing of permits and certificates to allow for the timely movement of shipments and recalls that, in accordance with Article VIII, paragraph 3, Parties are required to ensure that specimens shall pass through any formalities required for trade with a minimum of delay.

It further recognizes that Article VII includes special provisions reducing the level of control on trade in specimens that were acquired before the provisions of the Convention applied to them and specimens that were bred in captivity or artificially propagated.

It notes the need to develop simplified procedures that are compatible with the obligations of Parties to the Convention on Biological Diversity.

The operative paragraphs of **Resolution Conf.12.3 (Rev. CoP15)** are as follows:

The Conference of the Parties to the Convention

### I. Standardization of CITES permits and certificates

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, see page 182;

b) Permits and certificates may be issued in paper format or electronic format provided all Parties involved have agreed with the electronic format;

c) every form, whether issued in an electronic or paper format, should be issued 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 the working languages;

d) every form should indicate which type of document it is (e.g. import or export permit, re-export or pre-Convention certificate, etc.);

e) if a permit or certificate form, whether issued in an electronic or paper format includes a place for the signature of the applicant, the absence of the handwritten signa-

## Chapter 13 – Permits and Certificates

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ture or in case of electronic forms any electronic equivalent should render the permit or certificate invalid; and

f) 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:

i) the number of the permit or certificate and its date of issue; and

ii) the signature, handwritten, and the stamp or seal, preferably embossed, or their electronic equivalent, of the authority issuing the document; and

RECOMMENDS 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;

b) Parties adapt the contents and, to the extent practicable, the format of their permits and certificates to the standard form attached to the present Resolution as Annex 2, see page 184;

c) Parties using or developing electronic permits and certificates, adopt the standards recommended in the CITES electronic permitting toolkit;

d) the Secretariat, subject to availability of external funding, organize the printing of permit and certificate forms on security paper for Parties that request it;

e) to avoid abusive or fraudulent use, the Parties not use forms for their internal-trade certificates that are identical to CITES forms;

f) 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;

## Chapter 13 – Permits and Certificates

g) Parties state, on each of their permits and certificates, the purpose of the transaction using the following codes:

Code	Description
T	Commercial
Z	Zoo
G	Botanical garden
Q	Circus or travelling exhibition
S	Scientific
H	Hunting trophy
P	Personal
M	Medical (including biomedical research)
E	Educational
N	Reintroduction or introduction into the wild
B	Breeding in captivity or artificial propagation
L	Law enforcement / judicial / forensic

**Decision 14.54 (Rev. CoP15)** provides that the Standing Committee shall re-establish an intersessional joint working group to review the use of purpose-of-transaction codes by Parties, with the following terms of reference:

a) the working group shall be composed of Parties from as many of the six CITES regions as possible, and appropriate intergovernmental and non-governmental organizations, with expertise in the issuance of CITES documents and use of purpose-of-transaction codes for evaluation within the permit issuance process and trade data analysis;

b) the working group shall, communicating through electronic media, focus on clearly defining purpose-of-transaction codes to encourage their consistent use, and consider the possible elimination of current codes or the inclusion of new ones;

c) in evaluating the use and definition of purpose-of-transaction codes, the working group should take into account any difficulties of implementation by Parties and the potential resource implications of inclusion of any new codes or deletion of current purpose-of-transaction codes; and

d) the working group should submit a report and any recommendations for amendments to Resolution Conf. 12.3 (Rev. CoP15), or to any revision thereof, at the 62nd meeting of the Standing Committee, which shall report, with its recommendations, at the 16th meeting of the Conference of the Parties.

This is a typical example of redundant red tape. The purpose of a transaction is only relevant for imports of Appendix I specimens from the country of origin and live Appendix I specimens from a re-exporting country. The use of purpose codes on export permits and

## Chapter 13 – Permits and Certificates

re-export certificates only causes confusion because the purposes of the (re-)exporter and the importer will be different. The export of Appendix I specimens can for example be for primarily commercial purposes but the import may not. For Appendix II and III specimens the purpose of any transaction, including import, is completely irrelevant for CITES purposes. The fact that exporting countries may want to know what their animals and plants are being used for in importing countries is not facilitated by the use of purpose codes because – in the absence of import permits for Appendices II and III specimens - they will not have access to information about the purpose of import.

The fact that some countries, which require import permits for all CITES specimens, refuse (re-)export documents because they contain a different purpose code than the purpose import indicated by the importer is part of the reason for yet another working group.

h) The term 'hunting trophy', as used in this Resolution, means a whole animal, or a readily recognizable part or derivative of an animal, specified on any accompanying CITES permit or certificate, that:

i) is raw, processed or manufactured;

ii) was legally obtained by the hunter through hunting for the hunter's personal use; and

iii) is being imported, exported or re-exported by or on behalf of the hunter, as part of the transfer from its country of origin, ultimately to the hunter's State of usual residence.

i) the following codes be used to indicate the source of the specimens:

Code	Source
W	Specimens taken from the wild.
R	Ranched specimens: specimens of animals reared in a controlled environment, taken as eggs or juveniles from the wild, where they would otherwise have had a very low probability of surviving to adulthood.
D	Appendix-I animals bred in captivity for commercial purposes in operations included in the Secretariat's Register, in accordance with Resolution Conf. 12.10 (Rev. CoP15), 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 (Rev. CoP15), 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.
F	Animals born in captivity (F1 or subsequent generations) that do not fulfil

## Chapter 13 – Permits and Certificates

	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;

j) the terms and codes used on permits and certificates to indicate the type of specimen being traded conform to those provided in the Secretariat's most recent Guidelines for the preparation and submission of CITES annual reports and that the units of measurement used also conform to these Guidelines;

k) all Parties consider the development and use of electronic permits and certificates;

l) all Parties, when using paper permits and certificates, consider the use of security paper;

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

n) 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;

o) 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 (Rev. CoP15)];

p) 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;

q) when the means of transport used requires a bill of lading or an air way-bill, the number of such document be stated on the permit or certificate;

r) 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;

s) when a 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; and

t) 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;

### II. Export permits and re-export certificates

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; and

b) the country of last re-export, the number of the re-export certificate of that country and its date of issue;

or if the case arises:

c) justification for the omission of any of the aforementioned information;

RECOMMENDS that:

a) exporters be encouraged to apply for permits shortly before the time of intended export;

This recommendation is particularly useful where a country has an export quota and exporters apply for permits without even having acquired the specimens or found a buyer. But also in other cases the speculative application for permits should be prevented in order to avoid reporting on trade that never took place.

b) Management Authorities require accurate information about the number or quantity of specimens to be exported under each permit and, as far as possible, avoid the issuance of permits where the numbers or quantities do not accurately reflect what will actually be exported;

c) in cases where a replacement is requested for a permit that has not been used, the replacement be issued only if the original has been returned to the issuing authority, unless the original is reported as lost. In the latter case, the issuing Management Authority should notify the Management Authority of the country of destination that the original permit has been cancelled and replaced;

d) if an exporter claims to have used a permit to export a smaller number or quantity of specimens than the amount authorized on the export permit, and requests another permit to export the remainder, the Management Authority obtain proof of the number or quantity already exported before issuing any new permit (such as a copy of the validated export permit or confirmation from the Management Authority of the country of destination of the number or quantity of specimens that were imported using the original permit);

## Chapter 13 – Permits and Certificates

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e) exported specimens and re-exported specimens not appear on the same document, unless it is clearly indicated which specimens are being exported and which re-exported;

f) 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;

g) 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;

Article VI.2 only concerns export permits and limits their time validity of six months to the export as such. The above paragraph extends this provision to re-export certificates and by recommending that the import should also take place before the export permit or re-export certificate expires. The latter is in my view not useful and unnecessarily limit's the period of time during which an exporter can ship his goods.

Paragraph g) does not refer to Article V, paragraph 4. It therefore does not recommend a time limit for the validity of certificates granted for the re-export of processed specimens of Appendix III species.

For the re-export of caviar, see **Chapter 56, Resolution Conf. 12.7 (Rev. CoP14)** provides that:

h) no re-export of caviar take place more than 18 months after the date of issuance of the relevant original export permit. For that purpose re-export certificates should not be valid beyond that 18-month period.

i) Parties supply to UNEP-WCMC directly or to the Secretariat copies of all export permits and re-export certificates issued to authorize trade in caviar, no longer than one month after they have been issued, for inclusion in the UNEP-WCMC caviar trade database; and

j) Parties consult the UNEP-WCMC caviar trade database prior to the issuance of re-export certificates;

h) 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, except in the case referred to in section XI relating to timber species;

i) 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;

## Chapter 13 – Permits and Certificates

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j) 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;

This implies that an importing country should reject an export permit or re-export certificate which can only be issued if the specimens were legally acquired. To recommend that importing countries second-guess such documents without recommending consultation with the issuing authority is in my opinion inappropriate. It is further not much of an assurance for importers, who should be able to count on the decisions of CITES Management Authorities in (re-)exporting countries and the validity of the documents they issue (unless such documents have been tampered with of course).

k) Parties verify the origin of Appendix-I specimens to avoid issuing export permits when the use is for primarily commercial purposes and the specimens did not originate in a CITES-registered breeding operation; and

This recommendation could have been formulated better. “Use for primarily commercial purposes” should only concern the purpose of import. The limitation to the issuance of export permits for specimens from registered breeding operations is inappropriate because it ignores the export from registered nurseries and pre-Convention specimens.

l) as far as possible, inspections of documents and shipments be conducted at the time of export. This should be regarded as essential for shipments of live animals;

AGREES that, in the case of plant specimens that cease to qualify for an exemption from the provisions of CITES under which they were exported from their country of origin, the country of origin is deemed to be the first country in which the specimens cease to qualify for the exemption; and

This is difficult to understand. Hybrids and cultivars exported under annotations exempting them from CITES controls when they are packed in a certain way, or meet other conditions, see page 563, are often re-exported in a way that does not meet the criteria for the exemption. For those plants to then retroactively become subject to CITES controls, also in the country of origin, is inappropriate.

This is also the case for plants grown from imported material that is not covered by the Convention. In the absence of CITES documentation, the country of origin of a particular plant will often be unknown. Even when that country is known, it is quite meaningless for it to become the country where the exemption ceases to exist.

The exemption should logically cease to exist at the moment the criteria for it cease to exist. This was therefore much better addressed in a repealed provision of Resolution Conf. 11.11 which determined that specimens that cease to qualify for an exemption from the provisions of CITES, under which they were legally exported and imported, are deemed to originate in the country in which they cease to qualify for the exemption. But it is also difficult to explain that plants grown from seeds that are not subject to CITES controls become CITES-specimens as soon as the seed has germinated.

## Chapter 13 – Permits and Certificates

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AGREES further that Parties may in such instances, and if considered useful, add the following text in block 5 of re-export certificates: 'Legally imported under an exemption from the provisions of CITES' and additionally it may be stated to which exemption this refers;

A re-export permit must provide details of the earlier export permit. In the absence thereof the certificate should be rejected by the importing country. To only agree that Parties may, if they consider it useful, include the above text in box 5 is inappropriate. They *must* say something to explain the absence of an export permit. In the case of re-export of a plant grown from imported and exempted seed, the explanation should indicate that rather than the suggested text.

### III. Import permits

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; and

The import permit **must** of course carry the suggested information. In the absence thereof an exporting country might not issue an export permit, or a re-exporting country might not issue a re-export certificate for live specimens. The purpose code on the import permit should make it clear that the purpose is not primarily commercial.

It is worth recommending that an Appendix I import permit specifies that the intended use of the specimen(s) concerned cannot be changed without prior agreement from the issuing authority.

RECOMMENDS that:

a) the provisions of Article III, paragraphs 2 and 4, 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 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 be considered as void and of no legal value whatsoever;

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, in accordance with the recommendation in paragraph II g), 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.

## Chapter 13 – Permits and Certificates

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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.

### IV. Pre-Convention certificates

AGREES that a pre-Convention certificate should also specify:

a) that the specimen covered by the certificate is pre-Convention; and

This is normally clear from the source code.

b) the date of acquisition of the specimen as defined in Resolution Conf. 13.6 adopted at the 13th meeting of the Conference of the Parties;

See page 215 for the text of **Resolution Conf. 13.6**.

### V. Certificates of origin

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;

The recommendation with regard to non-Party States is strangely enough only made in this section of the Resolution and not in those regarding other documents. This is, however, adequately covered in Article X of the Convention, see **Chapter 20**; page 339.

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 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;

### VI. Travelling-exhibition certificates

RECOMMENDS 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

## Chapter 13 – Permits and Certificates

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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

See page 495.

iii) artificially propagated as defined in Resolution Conf. 11.11 (Rev. CoP15);

See page 566.

b) travelling-exhibition certificates should be based on the model included in Annex 3 of the present Resolution.

See pages 187 to 189.

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;

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/die, 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 to 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;

## Chapter 13 – Permits and Certificates

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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 paper certificate 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;

### VII. Phytosanitary certificates

RECOMMENDS that:

a) any Party having considered the practices governing the issue of its phytosanitary certificates for export of artificially propagated 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 (Rev. CoP15)], see page 566, 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 their electronic equivalent, or other specific indication stating that the specimens are artificially propagated as defined by CITES;

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; and

c) phytosanitary certificates be used exclusively for the purpose of export from the country of artificial propagation of the specimens concerned; and

INSTRUCTS the Secretariat to notify the Parties when any Party confirms that it issues phytosanitary certificates for export of artificially propagated plants of Appendix-II species;

### VIII. Permits and certificates for species subject to quotas

#### 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;

Paragraph 15 of the Guidelines for the management of nationally established export quotas in **Resolution Conf. 14.7 (Rev. CoP15)**, see page 516, indicates that this information can be provided at any time, but, as far as possible, should be communicated at least 30 days before the start of the period to which the export quota relates. Paragraph 16 provides that if a Party establishes an annual export quota for a period other than a calendar year, it should indicate the period to which the quota applies when communicating it to the Secretariat.

b) each export permit issued for specimens of a species subject to an annual export quota, whether established nationally or by the Conference of the Parties, indicate the total quota that has been established for the year and include a certification that the quota is being complied with. For this purpose Parties should specify the total number or quantity of specimens already exported in the current year (including those covered by the permit in question) and the export quota for the species and specimens that are subject to the quota; and

c) Parties send to the Secretariat copies of permits, electronic and paper, issued for species subject to quotas if so requested by the Conference of the Parties, the Standing Committee or the Secretariat;

### IX. Permits and certificates for crocodylian specimens

#### RECOMMENDS that:

a) when trade in tagged crocodylian skins is authorized, the same information as is on the tags be given on the permit or certificate;

b) in the case of crocodylian 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;

c) in the event of mismatches of information within a permit or certificate for crocodylian 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 the present Resolution and Resolution Conf. 11.12 (Rev. CoP15), see page 200, and that, if this is the case, every effort be made to avoid penalizing those involved in the transaction;

## Chapter 13 – Permits and Certificates

d) for small crocodylian leather products, Parties consider measures to alleviate the administrative burdens associated with this trade through simplified procedures to issue permits and certificates as provided in Part XII of this Resolution; and

e) for small crocodylian leather products, Parties that require import permits as a stricter domestic measure should review these requirements in order to determine whether they are effective in achieving the objectives of the Convention to ensure that trade in wild fauna and flora species is not detrimental to their survival;

### X. Permits and certificates for coral specimens

RECOMMENDS that:

a) on permits and certificates issued to authorize trade in specimens of hard corals of the genera included in the most recent CITES list of Coral taxa where identification to genus level is acceptable, where the species cannot be readily determined, the specimens may be recorded at the genus level. This list is maintained by the Secretariat and may be amended with the concurrence of the Animals Committee;

At the time of entry into force of this Resolution (23 June 2010), the following, most recent list, had been published in Notification to the Parties No. 2010/014:

Taxa	Number of species in the genus
<i>Acanthastrea</i>	10
<i>Acropora</i>	127
<i>Agaricia</i>	7
<i>Alveopora</i>	12
<i>Anacrapora</i>	5
<i>Astreopora</i>	11
<i>Balanophyllia</i>	56
<i>Barabattoia</i>	3
<i>Caulastrea</i>	4
<i>Coscinaraea</i>	9
<i>Ctenactis</i>	3
<i>Cyphastrea</i>	7
<i>Dendrophyllia</i>	21
<i>Distichopora</i>	23
<i>Echinophyllia</i>	8
<i>Echinopora</i>	9
<i>Euphyllia</i> (dead)	9
<i>Favia</i>	18
<i>Favites</i>	9
<i>Fungia</i>	25

Taxa	Number of species in the genus
<i>Goniastrea</i>	8
<i>Goniopora</i>	20
<i>Leptastrea</i>	6
<i>Leptoseris</i>	14
<i>Lobophyllia</i>	7
<i>Madracis</i>	15
<i>Millepora</i>	17
<i>Montastrea</i>	9
<i>Montipora</i>	56
<i>Mussismillia</i>	3
<i>Mycetophyllia</i>	5
<i>Oculina</i>	9
<i>Oxypora</i>	3
<i>Pavona</i>	17
<i>Pectinia</i>	5
<i>Physogyra</i> (dead)	2
<i>Platygyra</i>	9
<i>Plerogyra</i> (dead)	4
<i>Pocillopora</i>	7

## Chapter 13 – Permits and Certificates

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b) on permits and certificates for trade in specimens that are readily recognizable as coral rock [as defined in Resolution Conf. 11.10 (Rev. CoP15) Annex], where the genus cannot be readily determined, the scientific name for the specimens should be 'Scleractinia';

c) any Party wishing to authorize export of coral rock 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;

d) 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; 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;

e) on permits and certificates for trade in worked specimens of black coral, where the species cannot be readily determined, the specimens may be recorded at the genus level and, where the genus cannot be readily determined, the scientific name for the given specimens should be 'Antipatharia'; and

f) raw black coral and live black coral should continue to be identified in trade to species level;

**Decision 15.66** instructs the Secretariat to, subject to the availability of external funds, commission the development of guidance on the identification of worked specimens of black coral (Antipatharia) in trade at species, genus and higher taxonomic level.

**Decision 15.64** instructs the Animals Committee to:

a) identify existing coral reference materials that could be adopted as standard nomenclatural references for CITES-listed corals; and

b) update its list of coral taxa for which identification to genus level is acceptable, but which should be identified to species level where feasible, and provide the updated list to the Secretariat for dissemination.

**Decision 15.65** instructs the Secretariat to, upon receiving the updated list from the Animals Committee, transmit this information to the Parties through a Notification to the Parties, and by publishing the list on the CITES website.

### **XI. Permits and certificates for timber species included in Appendices II and III with the annotation ‘Logs, sawn wood and veneer sheets’**

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);
- 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;
- 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 or their electronic equivalent;
- 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; 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; and

RECOMMENDS further 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 the present 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 paragraph a) above 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;

## Chapter 13 – Permits and Certificates

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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:

"import into [name of country] permitted in accordance with Resolution Conf. 12.3 (Rev. CoP15) (section XI) on [date]";

and

h) a copy of the permit or certificate as amended in accordance with 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;

### XII. The use of simplified procedures to issue permits and certificates

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 the present Resolution, see page **Error! Bookmark not defined.**, 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;

## Chapter 13 – Permits and Certificates

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

iii) authorize the registered persons or bodies to enter specific information on 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, or its electronic equivalent, of the person who completed the document;

c) concerning trade in biological samples of the type and size specified in Annex 4 of the present 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 the present 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;

### **XIII. Retrospective issue of permits and certificates**

RECOMMENDS that:

a) a Management Authority of an exporting or re-exporting country:

i) not issue CITES permits and certificates retrospectively;

## Chapter 13 – Permits and Certificates

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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 (re-)exporter or the importer or, in the case of specimens imported or (re-)exported as personal or household effects (for the purposes of the present Resolution this includes live pets travelling with their owner), the Management Authority, in consultation with the relevant enforcement authority, is satisfied that there is evidence that a genuine error has been made, and that there was no attempt to deceive; 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;

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) above, are specified in the conditions on the permit or certificate and a copy sent to the Secretariat and also these be listed in the biennial report to the Secretariat;

e) in cases where retrospective permits are issued for personal or household effects as referred to in subparagraph c) i) above, Parties make provision for penalties and restrictions on subsequent sales within the following six months to be imposed where appropriate to ensure that the power to grant exemptions from the general prohibition on the issue of retrospective permits is not abused; and

f) the above discretion to issue permits and certificates retrospectively not be afforded to benefit repeat offenders;

### **XIV. Acceptance and clearance of documents and security measures**

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## Chapter 13 – Permits and Certificates

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RECOMMENDS that:

a) the Parties refuse to accept permits and certificates if they have been altered (by rubbing out, deleting, scratching out, etc.), modified or crossed out, unless the alteration, modification or crossing-out has been authenticated by the stamp and signature, or its electronic equivalent, of the authority issuing the document;

b) whenever irregularities are suspected, Parties exchange issued and/or accepted permits or certificates to verify their authenticity;

c) when a security stamp is affixed to a paper permit or certificate, Parties refuse the document if the security stamp is not cancelled by a signature and a stamp or seal;

d) 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 the present Resolution or that contain information that brings into question the validity of the permit or certificate;

e) 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:

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;

iii) certain manufactured products contain pre-Convention specimens that cannot be identified to the species level; or

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.;

f) Export permits and re-export certificates be endorsed, with quantity, signature and stamp, by an inspecting official, such as Customs, in the export endorsement block of the document. If the export document has not been endorsed at the time of export, the Management Authority of the importing country should liaise with the exporting country's Management Authority, considering any extenuating circumstances or documents, to determine the acceptability of the document;

g) when a Party refuses to accept a permit or certificate, it will keep the original or electronic copy or, if this is not compliant with its national laws, it will cancel the paper document indelibly, preferably by perforation, particularly the security stamp, or register the electronic document as cancelled;

## Chapter 13 – Permits and Certificates

h) 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;

i) 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;

j) Parties ensure that, when the original of a paper 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, and in the case of an electronic permit or certificate, notification is sent to the issuing Management Authority and the electronic permit is registered as unused; and

k) Parties carefully check the e-mails and telefaxes they receive confirming the validity of permits, in order to ensure that the information that appears on them, including the numbers, corresponds to that in the CITES Directory;

RECOMMENDS further that Management Authorities authorize the import of vicuña cloth only if the reverse side of the cloth bears 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 or if it is cloth containing pre-Convention wool of vicuña; and

URGES the Parties to check with the Secretariat:

a) when they have serious doubts about the validity of permits accompanying suspect shipments; and

b) before they accept imports of live specimens of Appendix-I species declared as bred in captivity or artificially propagated; and

### **XV. Documents for sample collections covered by ATA carnets**

RECOMMENDS that:

a) for the purpose of the procedure described below, the term ‘sample collection’ refer to collections of legally acquired dead specimens, parts and derivatives of species included in Appendix II or III and of Appendix-I species bred in captivity or artificially propagated for commercial purposes, which are deemed to be Appendix-II specimens, which are not entitled to be sold or otherwise transferred, and that will cross borders for presentation purposes before returning to the country from which such movement was first authorized; and

b) such sample collections be considered as ‘in transit’ and may be traded under the special provisions stipulated in Article VII, paragraph 1, as explained in Resolution Conf. 9.7 (Rev. CoP15), see page 211, on the following conditions:

## Chapter 13 – Permits and Certificates

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i) sample collections shall be covered by ATA carnets and be accompanied by a standard CITES permit, on which it shall be indicated that the document is a permit or certificate either for 'export', 're-export' or 'other', as appropriate, and, in addition, it shall be clearly specified that the document is issued for a 'sample collection';

ii) it shall be specified in block 5, or an equivalent place, that "This document covers a sample collection and is invalid unless accompanied by a valid ATA carnet. The specimen(s) covered by this certificate may not be sold or otherwise transferred whilst outside the territory of the State that issued this document." The number of the accompanying ATA carnet should be recorded and, if necessary, this may be entered by the Customs or other CITES enforcement official responsible for the endorsement of the CITES document;

iii) the name and address (including the country) of the importer and the exporter or re-exporter shall be identical, and in block 5, or an equivalent place, the names of the countries to be visited shall be indicated;

iv) the date of expiry of such a document shall not be later than that of the ATA carnet accompanying it and the period of validity shall not be more than six months from the date on which it was granted;

v) at each border crossing, Parties shall verify the presence of the CITES permit or certificate but allow it to remain with the collection, and ensure that the ATA carnet is properly endorsed with an authorized stamp and signature by a Customs official; and

vi) Parties shall check the CITES permit or certificate and sample collection closely at the time of first export or re-export and on its return, to ensure that the collection was not subject to any change;

AGREES that:

a) such a permit or certificate shall not be transferable and when, during a stay in a State, it is lost, stolen or accidentally destroyed, only the Management Authority that issued it may issue a duplicate or a new document to replace the original. In the case of a duplicate, it will bear the same number, if possible, and the same date of validity as the original document, and contain the statement "This document is a true copy of the original". In the case of a new document, it will state that it replaces the original bearing the number xx;

b) if specimens in the collection are stolen, destroyed or lost, the issuing Management Authority of the document shall be immediately informed as well as the Management Authority of the country in which that occurred; and

c) the usual CITES procedures for export, re-export and import of sample collections shall be followed by those Parties that do not recognize or allow the use of ATA carnets.

### Invalid, deficient documents and documents containing special requirements

**Resolution Conf. 4.22** on proof of foreign law recommends that:

b) Parties informing the Secretariat of the invalidity, deficiency or special requirements of permits and certificates do so in a signed statement containing the name, address, telephone and fax numbers, and email address of the government agency and official responsible for granting the relevant permits and certificates.

### **Annex 1 - 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.) or, in the case of marking with microchip transponders, the microchip codes, the name of the transponder manufacturer, and, where possible, the location of the microchip in the specimen
- h) The Appendix in which the species or subspecies or population is listed. NB: This does not change even if the specimen concerned is deemed to be included in a different Appendix. For example, although specimens of Appendix-I species bred in captivity for commercial purposes are deemed to be specimens of species included in Appendix II, the species remains listed in Appendix I, and this should be specified on the permit or certificate.
- 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 for paper permits and certificates or its electronic equivalent for electronic permits and certificates
- m) The embossed seal or ink stamp of the Management Authority or its electronic equivalent
- n) A statement that the permit, if it covers live animals, is only valid if the transport conditions comply with the *IATA Live Animals Regulations* or, if it covers plants, with the *IATA Perishable Cargo 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 practicing 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

#### ***To be included in certificates of origin only***

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



## Chapter 13 – 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 zoo, G for botanical garden, Q for circus or travelling exhibition, S for scientific, H for hunting trophy, P for personal, M for medical, E for education, N for reintroduction or introduction into the wild, B for breeding in captivity or artificial propagation and 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 Ratched specimens: specimens of animals reared in a controlled environment, taken as eggs or juveniles from the wild, where they would otherwise have had a very low probability of surviving to adulthood.

D Appendix-I animals bred in captivity for commercial purposes in operations included in the Secretariat's Register, in accordance with Resolution Conf. 12.10 (Rev. CoP15), 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 (Rev. CoP15), 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

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 (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 CITES annual reports.

11a. Indicate the total number of specimens exported in the current calendar year (1 January to 31 December) (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, except in the case of plant specimens that cease to qualify for an exemption from the provisions of CITES. In such instances, the country of origin is deemed to be the country in which the specimens ceased to qualify for the exemption. 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. 13.6 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.**





## Chapter 13 – Permits and Certificates

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### Instructions and explanations

(These correspond to the block numbers on 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/s with its/their 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/s 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/s 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 Ratched specimens: specimens of animals reared in a controlled environment, taken as eggs or juveniles from the wild, where they would otherwise have had a very low probability of surviving to adulthood.  
A Plants that are artificially propagated in accordance with Resolution Conf. 11.11 (Rev. CoP15), 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  
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.)  
U Source unknown (must be justified)  
O Pre-Convention specimens (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.**

## Chapter 13 – Permits and Certificates

	<b>CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA</b>	<b>TRAVELLING-EXHIBITION CERTIFICATE CONTINUATION SHEET</b>	
		Page _____ of _____	
1. Original certificate no.	4. Name, address, national seal/stamp and country of Management Authority		
8. Security stamp no.			
17. This certificate is issued by:			
_____	_____	_____	
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
_____	_____	_____	_____

### Travelling Exhibition Certificate – Continuation sheet



Annex 4

**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 <sup>3</sup> pieces of tissues in a fixative	histology and electron microscopy to detect signs of disease; taxonomic research; biomedical research
tissues, fresh (excluding ova, sperm and embryos)	5 mm <sup>3</sup> 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)

## Chapter 13 – Permits and Certificates

Type of sample	Typical size of sample	Use of sample
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

### Electronic permitting

Decision 14.55 instructed the Standing Committee to extend the mandate of the Working Group on Information Technologies and Electronic Systems in order for it to perform the following tasks:

- a) analyze the information collected with the questionnaires in order to define the commonalities among Parties and the extent to which these systems are interoperable;
- b) evaluate and analyze the information provided by the Secretariat on the experience of other bodies and conventions or agreements [UNEP World Conservation Monitoring Centre (UNEP-WCMC), Convention on the Conservation of Antarctic Marine Living Resources, World Customs Organization] on the use of electronic systems and permits;
- c) collaborate with the Secretariat in drafting guidelines on the use of common information exchange formats, protocols and standards and electronic signatures;
- d) promote the development and use of electronic permitting systems among Parties;
- e) further explore the availability of a few Parties to participate in case studies; and
- f) report to the Standing Committee at its 58th meeting on the results of its work.

Decision 14.56 provided that, subject to the availability of financial and human resources, the Secretariat, in cooperation with the Working Group on the Use of Information Technologies and Electronic Systems, shall prepare a CD-ROM and Web-based toolkit on electronic permitting systems for consideration at the 57th meeting of the Standing Committee to assist Parties with the implementation of electronic permitting systems. The toolkit shall include:

- a) advice on the use of common information exchange formats, protocols and standards for use with electronic permitting systems;
- b) advice on the use of electronic signatures and other electronic security measures;

## Chapter 13 – Permits and Certificates

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- c) advice on the development and implementation of interoperable information exchange pilot projects on electronic permitting systems;
- d) a list of Parties willing to assist less developed countries in developing electronic permitting systems;
- e) a list of Parties currently using electronic permitting systems; and
- f) information on new developments in the use of electronic documents by relevant organizations.

Decision 14.57 instructed the Secretariat to collaborate with UNEP-WCMC in the further development and dissemination of Internet-based software tools.

This process led to the CITES electronic permitting toolkit referred to in **Resolution Conf. 12.3 (Rev. CoP15)** and which can be found on the CITES website:

<http://cites.org/eng/prog/e/e-permitting-toolkit.shtml>

**Decision 15.54** encourages Parties to use the CITES Electronic Permitting Toolkit found on the CITES website to develop or update national electronic permitting systems.

**Decision 15.55** instructs the Standing Committee to extend the mandate of its Working Group on Information Technologies and Electronic Systems in order for it to perform the following tasks:

- a) gather information from Parties and relevant organizations and initiatives on new developments related to electronic permitting systems, and submit such information to the Secretariat for possible inclusion in the toolkit;
- b) collaborate with the Secretariat in updating the toolkit with new information related to the use of common information exchange formats, protocols and standards and electronic signatures;
- c) promote the development and use of electronic permitting systems among Parties;
- d) examine how electronic permitting can contribute to ensuring legal electronic commerce in specimens of CITES-listed species;
- e) invite relevant organizations with knowledge about electronic permitting systems to join the Working Group; and
- f) report to the Standing Committee at its regular meetings on the results of its work.

**Decision 15.56** directs the Secretariat to, in collaboration with the Working Group on Information Technologies and Electronic Systems, to, subject to external funding:

## Chapter 13 – Permits and Certificates

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a) update the CITES electronic toolkit according to new electronic permitting standards and norms;

b) work with relevant international organizations and initiatives related to electronic permitting systems to raise awareness of CITES business procedures and permitting requirements; and

c) organize capacity-building workshops to assist Parties in using the CITES electronic permitting toolkit to develop, implement or update electronic permitting systems.

## Chapter 14 - The Marking of Specimens

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### Article VI, paragraph 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.

More and more species - and even specimens - are becoming subject to different rules. This makes the marking of specimens an increasingly necessary identification and enforcement tool and 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, leopard skins, crocodile skins, and caviar and of specimens in travelling exhibitions.

### General recommendations for marking

**Resolution Conf. 7.12 (Rev. CoP15)** lays down marking requirements for trade in specimens of taxa with populations in both Appendix I and Appendix II.

It recognizes that Article VII, paragraph 4, of the Convention specifically provides for regulated international trade in specimens of species included in Appendix I that have been bred in captivity for commercial purposes.

## Chapter 15 – The Marking of Specimens

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It further recognizes that the Conference of the Parties has established the right of a Party to permit commercial trade in specimens derived from an approved ranching operation (Resolution Conf. 11.16 (Rev. CoP15)).

It states that, in order to facilitate the application of differential regulatory controls, any system of marking specimens derived from ranching or captive breeding must be practical and readily implementable by all Parties.

The Conference of the Parties notes that, at previous meetings, the Conference of the Parties has addressed separately the issues of regulating trade derived from ranching and captive breeding operations.

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.

At CoP 12, 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 was paragraph f) of

**Resolution Conf. 12.10 (Rev. CoP13)**, which 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



Microchip and reader

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.

The use of coded-microchip implants for marking live animals in trade is currently dealt with in **Resolution Conf. 8.13 (Rev.)**, which recognizes the increasingly wide use of coded-microchip implants for the individual identification of animals and the potential of this method of marking for the regulation of trade in live animals of species included in the Appendices to the Convention.

The Conference of the Parties believes that any such method employed to identify live animals should be standardized in its application and that there is no reason to limit the use of coded-microchip implants to only live animals of species included in Appendix I or high-value species.

It notes that Management Authorities may permit the movement of travelling exhibitions or circuses without permits or certificates pursuant to Article VII, paragraph 7, of the Convention.

It considers that the International Organization for Standardization (ISO) has adopted the standards ISO 11784 and ISO 11785 and that the IUCN/SSC Conservation Breeding Specialist Group has already undertaken an extensive review of the application of coded-microchip implants, and that effective implementation of Article VI, paragraph 7, will result in increasingly wider use of coded-microchip implants for the identification of animals.

It 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;

## Chapter 15 – The Marking of Specimens

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b) Parties take into account the findings of the IUCN/SSC Conservation Breeding Specialist Group regarding frequency, size and sterility of transponders;

c) microchip transponders be implanted where consistent with the well-being of the specimens concerned; and

d) the location of implanted transponders in each animal be standardized according to the advice from the IUCN/SSC Conservation Breeding Specialist Group; and

It directs:

a) the Secretariat 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;

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

c) the Animals Committee 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 g) of Annex 1 to **Resolution Conf. 12.3 (Rev. CoP13)** provides that permits and certificates shall, when specimens are marked with microchip transponders, contain the microchip codes, the name of the transponder manufacturer, and, where possible, the location of the microchip in the specimen.

### Captive-bred Appendix-I specimens

**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. 12.10 (Rev. CoP15)**, in paragraph f), merely resolves, however, 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 these become available.

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 behavioral proper-

## Chapter 15 – The Marking of Specimens

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ties 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, the subject of which has meanwhile become that of **Resolution Conf. 12.10 (Rev. CoP15)**.

### Ranched specimens

**Resolution Conf. 11.16 (Rev. CoP15)** on ranching, recommends in paragraph c) that 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:



- 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 types 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.

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

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.

## Chapter 15 – The Marking of Specimens

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A universal tagging system for crocodilian skins was first adopted with Resolution Conf. 9.22.

The above Resolutions have been replaced with **Resolution Conf. 11.12 (Rev. CoP15)**.

### **Universal tagging system for the identification of crocodilian skins**

**Resolution Conf. 11.12 (Rev. CoP15)** reads as follows:

THE CONFERENCE OF THE PARTIES

AWARE that all living crocodilian species are listed in Appendix I or II, but CONCERNED that several crocodilian species may be subject to some levels of illegal trade;

RECOGNIZING that certain populations of crocodilians may be transferred from Appendix I to Appendix II subject to specified annual export quotas and that these export quotas are to ensure that the annual take from these populations is not detrimental to their survival;

RECOGNIZING that illegal trade threatens the survival of certain populations of crocodilians and has undermined the efforts of producer countries to manage their crocodilian resources on a sustainable basis;

RECALLING that Article VI, paragraph 7, of the Convention provides that specimens of species listed in the Appendices may be marked to assist in identifying them;

CONSIDERING that the tagging of all crocodilian skins in international trade has been and still is a fundamental step towards the effective regulation of international trade in crocodilians and that Resolutions Conf. 6.17 and Conf. 9.22 to this effect were adopted by the Conference of the Parties at its sixth and ninth meetings (Ottawa, 1987; Fort Lauderdale, 1994);

NOTING the existence of a register of manufacturers able to produce tags for the marking of crocodilian skins, established and maintained by the Secretariat;

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, flanks and chalecos be individually tagged 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 page 202); and, where appropriate, the year of skin production or harvest, in accordance with the provisions of Resolution Conf. 11.16 (Rev. CoP15), adopted by the Conference of the Parties at its 11th meeting (Gigiri, 2000) and amended at its 14th and 15th meetings (The Hague, 2007; Doha 2010), see page 536; and further, that such tags have as a minimum the following characteristics: a tamper-resistant, self-locking mechanism, heat resistance, inertia to chemical and mechanical processing, and

## Chapter 15 – The Marking of Specimens

alphanumeric information, which may include bar-coding, applied by permanent stamping;

d) that the year of skin production or harvest and serial number be separated with a hyphen (-) where the information on tags appears in the sequence: country of origin, year of skin production or harvest, 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, backstrips, and other parts be exported in transparent, sealed containers clearly marked with a non-reusable tag or label 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 intact unless the pieces originally imported have been further processed and cut into smaller pieces;

i) that, where the original tags have been lost, damaged, or removed from raw, tanned, and/or finished skins, flanks and chalecos, the country of re-export should tag such skins, flanks or chalecos 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 skin production and/or harvest will not be required; and further, that the same information as is on these tags should be given on the re-export certificate together with details of the original permit under which the skins, flanks and chalecos were imported;

j) that Parties accept export permits, re-export certificates or other Convention documents for trade in crocodilian skins and parts thereof only if they contain the information referred to in paragraph 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;

k) 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, see page 203,; and

l) that Management Authorities ensure that tags not affixed to skins, flanks and chalecos in the year specified on the tag are destroyed;

DIRECTS the Secretariat to report deficiencies of the system or specific instances of concern to the Animals Committee and the relevant Parties, as appropriate.

Codes for the identification of crocodilian 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 johnsoni</i>	JOH
<i>Crocodylus mindorensis</i>	MIN
<i>Crocodylus moreletii</i>	MOR
<i>Crocodylus niloticus</i>	NIL
<i>Crocodylus novaeguineae</i>	NOV
<i>Crocodylus palustris</i>	PAL
<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

### Management and tracking system for tags used in the crocodilian 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 crocodilian skins, flanks and chalecos 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; and
  - 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 (Rev. CoP15), see page 340, or to bodies approved by these agencies.
3. Upon request by a Management Authority, the Secretariat should purchase and distribute tags for crocodilian skins, and should require advance payment, except if external funding becomes available for Parties requiring assistance.
4. When issuing export permits or re-export certificates for crocodilian 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.
5. 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 crocodilian skins, flanks or chalecos immediately after issuance or receipt as appropriate.
6. Parties that require or intend to require the use of tags or labels for containers should send to the Secretariat at least one sample tag or label for reference.

### The marking of ivory



Resolution Conf. 9.16 consolidated all earlier Resolutions on trade in African elephant ivory. It was replaced and extended with what currently is:

**Resolution Conf. 10.10 (Rev. CoP14).** With regard to the marking of ivory, it recommends (from Resolutions Conf. 3.12, Conf. 5.12 and Conf. 6.15) that:

## Chapter 15 – The Marking of Specimens

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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 color.

In relation to ivory quotas, **Resolution Conf. 10.10 (Rev. CoP15)** recommends (from *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’s 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. CoP14)** 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. CoP15)* (from *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 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. CoP14)**, is as follows:

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.



### Specimens in travelling live animal exhibitions

Section VI of **Resolution Conf. 12.3 (Rev. CoP15)** recommends in paragraph j) that 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.

### Personally owned live animals



**Resolution Conf. 10.20** recommends in paragraph j) that Parties require that any live animal that is a personal or household 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 ques-

tion.

The control of movements of personally owned live animals is dealt with on page 226.

### 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 labeling 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

## Chapter 15 – The Marking of Specimens

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b) monitor, in collaboration with the Animals Committee, implementation of the universal labeling system for caviar, and report deficiencies in the system at the 12th meeting of the Conference of the Parties.

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

**Resolution Conf. 12.7 (Rev. CoP14)** recalls that Article VI, paragraph 7, of the Convention provides that specimens of species listed in the Appendices may be marked to assist in identifying them and considers that the labelling of all caviar in trade would be a fundamental step towards the effective regulation of trade in specimens of sturgeons and paddlefish.

It notes that, in order to assist the Parties in identifying legal caviar in trade, marking should be standardized and that particular specifications for the design of labels are fundamental, should be generally applied and should also take into account marking systems currently in place and anticipated technological advances in marking systems.

It recommends:

m) Parties implement the universal labelling system for caviar outlined in Annexes 1 and 2 and importing Parties not accept shipments of caviar unless they comply with these provisions.

### ***Annex 1 - CITES guidelines for a universal labelling system for the trade in and identification of caviar***

a) The uniform labelling system applies to all caviar, from wild and aquaculture origin 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 unfertilized eggs (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.

– **Non-reusable label:** any label or mark that cannot be removed undamaged or transferred to another container, which may seal the container. If the non-reusable label does not seal the primary container, caviar should be packaged in a manner that permits visual evidence of any opening of the container.

## Chapter 15 – The Marking of Specimens

---

– **Pressed caviar:** caviar composed of unfertilized eggs (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 (e.g. W, C, F), as defined in the relevant CITES Resolutions. Note that, among other situations, for caviar produced from a female born in captivity and where at least one parent originated in the wild, the “F” code should be used.

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.

## Chapter 15 – The Marking of Specimens

---

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.

i) 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

#### 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

## Chapter 15 – The Marking of Specimens

---

Species	Code
<i>Pseudoscaphirhynchus fedtschenkoi</i>	FED
<i>Pseudoscaphirhynchus hermanni</i>	HER
<i>Pseudoscaphirhynchus kaufmanni</i>	KAU
<i>Scaphirhynchus albus</i>	ALB
<i>Scaphirhynchus platorynchus</i>	PLA
<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 15 - Exemptions and Other Special Trade Provisions

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**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

**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.**

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 (rev. CoP15)**, the Conference of the Parties combines and adds to the recommendations of these earlier Resolutions.

It recognizes that there is potential for the abuse of the transit provision by the keeping of specimens in the territory of a Party while seeking a buyer in another country.

It notes that the verification of the existence of valid export permits or re-export certificates for control of specimens in transit or being transshipped is an important way to discover illegal trade in specimens of species included in the CITES Appendices.

## Chapter 15 – Exemptions and Other Special Trade Provisions

---

It states that shipments not covered by the exemptions specified in Article VII of the Convention and travelling on an ATA carnet still require appropriate CITES documentation.

The Conference of the Parties recommends that:

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:

i) 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; and

ii) cross-border movements of sample collections of specimens that comply with the provisions of section XV of Resolution Conf. 12.3 (Rev. CoP15), and are accompanied by an ATA carnet;

b) Parties inspect, to the extent possible under their national legislation, specimens in transit or being transhipped, to verify the presence of a valid CITES permit or certificate as required under the Convention or to obtain satisfactory proof of its existence;

c) to be considered as valid, any such permit or certificate must clearly show the ultimate destination of the shipment, which, in the case of a sample collection, must be the country of issuance;

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;

e) Parties adopt legislation allowing them to seize and confiscate specimens in transit or being transhipped without a valid permit or certificate or proof of the existence thereof;

f) when an illegal shipment in transit or being transhipped is discovered by a Party that cannot 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; and

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.

The Conference of the Parties confirms that each Party must apply the Convention over the whole of its territory, as the Convention does not make any provision for the exclusion of areas or zones under special regimes, such as duty free shops, free ports or non-Customs zones.

## Chapter 15 – Exemptions and Other Special Trade Provisions

---

It urges all Management Authorities to communicate with the Customs and other competent CITES enforcement officials to ensure that all CITES shipments travelling on ATA or TIR carnets comply with the applicable provisions of CITES.

### Pre-Convention specimens

#### Article VII, paragraph 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.**

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 only recognize pre-Convention certificates where the date of acquisition is prior to the entry into force of the Convention as such, or when the species was listed. Other Parties apply 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.

With *Resolution Conf. 5.11*, the Conference of the Parties partly repaired this and recognized the crucial role of importing Parties in implementing Article VII.2 and the possibility for importing Parties to apply stricter domestic measures under Article XIV.1 to specimens covered by pre-Convention certificates.

## Chapter 15 – Exemptions and Other Special Trade Provisions

---

Resolution Conf. 5.11 recommended that:

a) for the purposes of Article VII, paragraph 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;

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;

**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 made no sense for stocks that were acquired before the listing of the species concerned, but after both the exporting and importing country became parties to the Convention. It is further unclear why the decision was limited to exporting countries and was not directed to re-exporting countries as well.

c) the certificate referred to in Article VII, paragraph 2, only be issued by a Management Authority of a re-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

- 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

## Chapter 15 – Exemptions and Other Special Trade Provisions

---

- was treated as a State not a Party to the Convention with respect to trade in the species concerned under Article XXIII, paragraph 3, of the Convention;

d) 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) 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) a specimen be not qualified for the Article VII, paragraph 2, exemption if neither of the dates referred to in e) can be determined;

g) Parties not accept pre-Convention certificates which have not been issued in compliance with this Resolution; and

h) 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.

The Resolution called 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 2004, the Conference of the Parties repealed Resolution Conf. 5.11 with **Resolution Conf. 13.6**, which greatly simplifies the determination of whether a specimen was acquired before the Convention applied to it or not.

The fact that **Resolution Conf. 13.6** recommends that the date from which the provisions of the Convention apply to a specimen be the date on which the species concerned was first included in the Appendices does not solve all problems however. Like for paragraph h) of Resolution Conf. 5.11, I see an inconsistency with the basic idea behind the exemption of Article VII.2 in so far as it is recommended to treat specimens, acquired during an Appendix II or III listing, as Appendix-I specimens after the uplisting of the species involved. A specimen that was acquired when the species concerned was listed in Appendix II or III, but which has meanwhile been transferred to Appendix I should in my view be treated as an Appendix-II or III specimen. There are numerous Parties, which are of the same view and which give the specimens concerned a “pre-Appendix I treatment” on the basis of Article VII, paragraph 2.

This view is in a way supported by the last paragraph of the Resolution, which calls on Parties to take any necessary measures in order to prevent excessive acquisition of specimens of a species between the date on which the Conference of the Parties approves

## Chapter 15 – Exemptions and Other Special Trade Provisions

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the inclusion of that species in Appendix I and the date on which the inclusion takes effect.

The intention of this provision is to prevent that the three months period before the listing takes effect is used to stockpile specimens for trade thereafter. In view of the other recommendations of the Resolution - which imply that the current status of a species in the Appendices should apply - an amendment to the text should have limited its scope to species that are listed in Appendix I without first having been listed in Appendix II or III.

The appeal to the Parties was, by the way, copied from Resolution Conf. 7.8, which, in 1989, because of the transfer of the African elephant from Appendix II to Appendix I, 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. It was then clearly also believed that the “Appendix II ivory” could be traded after the transfer to Appendix I.

And what to do with specimens that were legally acquired when the species concerned was in Appendix I and now is in Appendix II? Those can be traded under Appendix II provisions.

**Resolution Conf. 13.6** notes that the implementation of the exemption has given rise to a series of difficulties, both of a technical and of a more fundamental nature.

It notes further that Resolution Conf. 5.11 has been found to solve only partly the problems related to the implementation of Article VII, paragraph 2.

It recognizes the crucial role of importing Parties in implementing Article VII, paragraph 2, and the right of Parties, under Article XIV, paragraph 1, of the Convention to apply stricter domestic measures to the import of specimens covered by pre-Convention certificates (from Resolution Conf. 5.11).

The Conference of the Parties recommends that, for the purposes of Article VII, paragraph 2:

- a) the date from which the provisions of the Convention apply to a specimen be the date on which the species concerned was first included in the Appendices; and
- b) the date on which a specimen is acquired be considered as the date the specimen was known to be either:
  - i) removed from the wild; or
  - ii) born in captivity or artificially propagated in a controlled environment; or
  - iii) if such date is unknown or cannot be proved, any subsequent and provable date on which it was first possessed by a person.

It further recommends that:

a) Parties include on all pre-Convention certificates issued either the precise date of acquisition of the specimens concerned or a certification that the specimens were acquired before a specific date, in accordance with paragraph b) above, and advise the holder of such a certificate to check with potential importers or with the Management Authority of the intended country of destination whether the latter will accept the certificate for import; and

b) Parties accept pre-Convention certificates only if they have been issued in compliance with this Resolution.

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

See comment on page 216.

### Personal effects and household goods

#### Article VII, paragraph 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.

## Chapter 15 – Exemptions and Other Special Trade Provisions

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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.
- 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.

## Chapter 15 – Exemptions and Other Special Trade Provisions

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- 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.

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 (which implied no controls on Appendix II personal effects and the concentration of efforts on Appendix I species) was not adopted, but the Conference recognized with Resolution Conf. 6.8 that the implementation of Article VII.3 had, particularly with regard to Appendix-II specimens, given rise to serious enforcement difficulties and that the enforcement of the Convention with regard to personal and household effects was 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, it agreed, only be possible by amending Article VII.3 of the Convention.

Resolution Conf. 10.6 dealt with the control of trade in tourist souvenir specimens and was incorporated in Resolution Conf. 13.7, now Rev. CoP14.

The 12th meeting of the Conference of the Parties adopted a further Resolution, Resolution Conf. 12.9, which duplicated several recommendations contained in other Resolutions (i.e. 9.7, 10.6, 11.11 and 12.7). An important step forward, however, was the adoption of a definition of 'personal and household effects', which is now contained in **Resolution Conf. 13.7 (Rev. CoP14)**, the latest comprehensive Resolution on the issue.

**Resolution Conf. 13.7 (Rev. CoP14)** considers that the Convention does not define the term 'personal or household effects'.

## Chapter 15 – Exemptions and Other Special Trade Provisions

---

It considers that the exemption in Article VII, paragraph 3, of the Convention does not apply to specimens of Appendix-I species that are souvenirs being imported by a person returning to his State of usual residence and the exemption does not apply to specimens of Appendix-II species that are souvenirs being imported by a person returning to his State of usual residence if the specimens were taken from the wild in a State requiring the granting of export permits before the export of such specimens. It recognizes, however, that export permits are frequently not required by exporting countries.

It notes that for Parties other than the exporting and importing Parties such specimens of Appendix-II species are, under Article VII, exempt from CITES provisions.

This is also the case for specimens of Appendix I species.

The Conference of the Parties recognizes that Parties currently implement Article VII, paragraph 3, in varying ways and that there should be uniform application of the exemption for personal or household effects.

It recalls Resolution Conf. 11.11 (now Rev. CoP14) which recommends a limit on the number of rainsticks per person to be considered as personal effects and Resolution Conf. 12.7 (Rev. CoP14) which recommends a limit on the quantity of caviar per person to be considered as personal effects.

The reference to **Resolution Conf. 11.11 (Rev. CoP14)** is wrong as, since CoP 13, that Resolution no longer contains the recommendation that Parties consider the harmonization of their national legislation related to personal exemptions for rainsticks of *Cactaceae* spp. granted under the personal effects exemption under Article VII, paragraph 3, and consider limiting this exemption to no more than three rain sticks of the species concerned per person.

It recalls 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 recognizes that parts and derivatives of species listed in 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 further 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 and 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.

## Chapter 15 – Exemptions and Other Special Trade Provisions

---

The Conference of the Parties recognizes 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 and 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.

It acknowledges that Article XIV, paragraph 1, of the Convention allows both importing and exporting Parties to take stricter domestic measures and considers that effective implementation of these provisions will be strengthened by a clarification of the measures taken by Parties in accordance with Article XIV, paragraph 1.

This paragraph is at odds with other parts of the Resolution: In the preamble, the Conference of the Parties recognizes that Parties currently implement Article VII, paragraph 3, in varying ways and that there should be uniform application of the exemption for personal or household effects. In the last paragraph of the Resolution, the Conference of the Parties therefore encourages Parties to harmonize their national legislation with regard to the Resolution.

### Definition of “personal or household effect”



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, carried or included in personal baggage; or
  - ii) part of a household move.

The reference to re-export only concerns specimens of Appendix I species as Articles IV and V do not apply to Appendix II and III personal and household effects acquired outside the country of origin.

#### Note:

**Resolution Conf. 10.20** extends this definition by providing 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.

### Definition of “tourist souvenir”



The Conference of the Parties also decides that, for the purposes of this Resolution, the term ‘tourist souvenir specimen’ shall apply only to personal and household effects acquired outside the owner’s State of usual residence and not be applied to live specimens.

It agrees that Parties shall:

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;

See page 226.

b) not require export permits or re-export certificates, for personal or household effects which are dead specimens, parts or derivatives of Appendix-II species except:

i) where they have been advised through a Notification from the Secretariat or on the CITES website that the other Party involved in the trade requires such documents; or

This is incorrect for several reasons: First of all, the re-export of Appendix II personal and household effects is completely exempted, as are personal and household effects acquired in another country than the country of origin. The text should therefore not have included re-export certificates. A second problem is that the agreement of the Conference of the Parties, that they no export permits should be required, is addressed to all parties, where it should have been limited to exporting countries. Only where an exporting country requires an export permit the exemption does not apply. Reference to “the other Party involved in the trade” implies that importing countries can, as a stricter domestic measure, require export permits for specimens to which Article IV of the Convention does not apply and thus force exporting countries to issue such permits. This is certainly inappropriate.

## Chapter 15 – Exemptions and Other Special Trade Provisions

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### Limits for rainsticks, crocodilian specimens, queen conches, sea horses and giant clams without permits

ii) for the following, where the quantity exceeds the specified limits:



– caviar of sturgeon species (*Acipenseriformes* spp.) – up to a maximum of 125 grams per person whereby the container has to be labelled in accordance with Resolution Conf. 12.7 (Rev. CoP14), see page 746;

The reduction of the maximum weight from 250 to 125 grams was decided at CoP 14.



– rainsticks of *Cactaceae* spp. – up to three specimens per person;



- specimens of crocodilian species – up to four specimens per person;



– queen conch (*Strombus gigas*) shells – up to three specimens per person;



– seahorses (*Hippocampus* spp.) – up to four specimens per person;

## Chapter 15 – Exemptions and Other Special Trade Provisions



– giant clam (*Tridacnidae* spp.) shells – up to three specimens, each of which may be one intact shell or two matching halves, not exceeding 3 kg 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 specimens of wild fauna and flora; and

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 travelling 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;

The Conference of the Parties recommends that the Parties follow the Guidelines contained in the Annex to this Resolution, if they wish to amend the list contained in paragraph b) ii) above;

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; and

b) importing countries experiencing problems with imports of tourist souvenir specimens notify the relevant exporting countries and the CITES Secretariat accordingly;

The Standing Committee is directed to consider ways of assisting any Party which informs the Committee of difficulties in the application of this Resolution.

The Conference of the Parties finally encourages Parties to harmonize their national legislation with regard to this Resolution.

The development to exclude different quantities of specimens for an increasing number of species does of course not add to the simplification of CITES requirements, not for private individuals nor for customs authorities. [Decision 13.71](#) directed the Standing

## Chapter 15 – Exemptions and Other Special Trade Provisions

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Committee to develop a process for further exemptions from permitting requirements subject to quantitative limits.

This resulted in the following **Annex to Resolution Conf. 13.7 (Rev. CoP14)**:

### **Guidelines for amending the list of personal and household effects of Appendix-II species with quantitative limits**

1. Any proposal for adding to, deleting from or otherwise amending the list of personal and household effects of Appendix-II species with quantitative limits, including the quantitative limit set, should be initiated by a Party.

In fact anybody can initiate a proposal, but it has to be submitted to the Conference of the Parties by a Party.

2. The proposal should contain supporting information and a justification, including an indication of whether the proposal is being made primarily for enforcement or conservation purposes.

3. Parties should make every effort not to lengthen unnecessarily the list of personal and household effects with quantitative limits.

4. In support of such proposals submitted to the Parties to the Conference of the Parties for discussion and decision, it is recommended that the following information be contained in any such proposal:

a) an assessment of the impact of the proposal, drawn from consultations with range States, producer countries and consumer countries; and

b) an assessment of the enforceability of the proposal.

In addition to the revised Resolution, the Conference of the Parties adopted **Decision 14.64 (Rev. CoP15)** which instructs the Standing Committee to extend the operation of its Working Group on Personal and Household Effects until the 16th meeting of the Conference of the Parties (CoP16) and oversee the Group's work in fulfilling the following terms of reference:

a) clarify the relationship between 'tourist souvenirs', 'hunting trophies' and 'personal and household effects';

b) clarify the interpretation of Article VII, paragraph 3 (b), of the Convention;

c) assess whether there are specific species or types of personal or household effects which, in view of conservation concerns, would require different treatment under Resolution Conf. 13.7 (Rev. CoP14);

d) collate information about how each Party has implemented Resolution Conf. 13.7 (Rev. CoP14), particularly with regard to requirements for export permits, and assess whether this indicates the need to amend the Resolution; and

e) report at each regular meeting of the Standing Committee until CoP16 and at CoP16.



### Frequent trans-border movements of personally owned live animals

In many cases, live animals such as pets and birds of prey used for falconry, meet the criteria of **Resolution Conf. 13.7 (Rev. CoP14)**, particularly where they have been acquired in the owner's country of usual residence. On the basis of Article VII, paragraph 3 they are exempt from the provisions of the Convention. Many Parties, however, wish to control the movement of live animals

across their borders and the exemption is hardly applied to them. The frequent trans-border movement of falconers with one or more birds in particular leads, however, 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, which can also be used for pets. It reads as follows:

RECALLING 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;

RECOGNIZING 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;

NOTING that Resolution Conf. 8.13 (Rev.), adopted at the eighth meeting of the Conference of the Parties (Kyoto, 1992) and revised at the 11th meeting (Gigiri, 2000), 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;

AWARE that live animals of species listed in the Appendices to the Convention are often involved in frequent movement across international borders for a variety of legitimate purposes, including but not limited to companion or competition animals, and animals moved as household effects or for falconry;

NOTING that the repeated granting of permits and certificates under Article III, IV, V or VII of the Convention for live animals that undergo frequent movement across interna-

## Chapter 15 – Exemptions and Other Special Trade Provisions

---

tional borders poses problems of a technical and administrative nature, and that such movement needs to be monitored closely to prevent illegal activities;

The reference to Article V is wrong as Article VII, paragraph 3 completely exempts personal and household effects of Appendix III species.

DESIRING that exemptions provided by the Convention not be used to avoid the necessary measures for the control of international trade in live animals of species listed in the Appendices;

RECOGNIZING that Article XIV, paragraph 1 (a), of the Convention states that the provisions of the Convention shall in no way affect the right of Parties to adopt stricter domestic measures regarding the conditions of trade, taking, possession or transport of specimens of species included in Appendix I, II or III, or the complete prohibition thereof;

This is yet another occasion where a Resolution, attempting to establish a harmonized approach, more or less suggests the use of stricter domestic measures.

It 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) although 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, it should do so 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;

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 (Rev. CoP15) is not used, the following language:

*“The specimen covered by this certificate, which permits multiple cross-border 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 ani-*

## Chapter 15 – Exemptions and Other Special Trade Provisions

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*mal, 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 household 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;

It should be noted that this paragraph applies to any live animal that is a personal or household effect, of course limited to CITES-listed species, but not to animals for which a certificate of ownership is issued. The reason is not only to facilitate controls in the country of destination and the text should therefore have referred to all border controls.

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 Article 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;

## Chapter 15 – Exemptions and Other Special Trade Provisions

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The reference to Article V is here again inappropriate because Article VII.3 exempts Appendix III species completely.

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 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

The question is whether this should apply to the progeny referred to in letter k).

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

#### Article VII, paragraph 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.**

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.

With **Resolution Conf. 11.15 (Rev. CoP12)** the Conference of the Parties encourages Parties to register their scientific institutions to facilitate scientific exchange of specimens needed to conduct taxonomic and species-conservation research.

It urges Parties 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;

## Chapter 15 – Exemptions and Other Special Trade Provisions

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It recommends that:

a) Parties take every opportunity within the scope of the Convention to encourage scientific research on wild fauna and flora, where this may be of use in conserving species that are threatened with extinction or that may become so;

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;

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 whether further collecting of some rare species may be justifiable, or whether the need already can be met by borrowing specimens from other museums;

d) Parties urge their museums and herbaria to undertake such inventories and make such information available; and

e) Parties implement the exemption for scientific exchange in Article VII, paragraph 6, as follows:

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;

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 same standards for registration, as indicated by competent authorities of the non-party governments;

## Chapter 15 – Exemptions and Other Special Trade Provisions

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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 accessions 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. acquisition 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 in 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

## Chapter 15 – Exemptions and Other Special Trade Provisions

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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;

**Decision 12.79** directs the Secretariat to develop a brochure that will illustrate the importance of registering scientific institutions.

This brochure is not yet available.

**Decision 15.33** provides that the Parties shall:

- a) Contact their national scientific institutions and inform them about the implications and benefits under Article VII, paragraph 6, and Resolution Conf. 11.15 (Rev. CoP12); and
- b) Apply Article VII, paragraph 6, by registering scientific institutions in accord with Resolution Conf. 11.15 (Rev. CoP12).
- c) In compliance with Decision 12.79, support the preparation of an information brochure.

### Travelling exhibitions



#### Article VII, paragraph 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.

## Chapter 15 – Exemptions and Other Special Trade Provisions

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In Resolution Conf. 8.16, the Conference of the Parties noted that the application of the measures of Article VII.7 posed problems of a technical nature and was a source of fraud. It expressed 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.

The Resolution was repealed.

**Resolution Conf. 12.3 (Rev. CoP15)** on Permits and Certificates now contains recommendations concerning traveling exhibitions. It also contains the model of an agreed special certificate, see page 187.

In Section VI, regarding travelling-exhibition certificates, the Conference of the Parties recommends 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 (Rev. CoP15);

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;

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/die, 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 to 16 of the model form for each specimen;

## Chapter 15 – Exemptions and Other Special Trade Provisions

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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 paper certificate 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.

### The use of ATA carnets



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 did not mention this idea at all. It merely recognized 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 stated 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

## Chapter 15 – Exemptions and Other Special Trade Provisions

CITES documentation. It mentioned that many shipments of specimens of CITES species travelling on an ATA or TIR carnet without appropriate CITES documentation had been refused entry into either the importing country or the country of (re-)export upon return.

The Resolution recommended 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 directed 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.



This resulted in an addition to the interpretation of 'transit or transshipment' in **Resolution Conf. 9.7 (Rev. CoP13)**, which also urges, like **Resolution Conf. 10.5** did, all Management Authorities to communicate with the Customs and other competent CITES enforcement officials to ensure that all CITES shipments travelling on ATA or TIR carnets comply with the applicable provisions of CITES.

The work since CoP 12 further resulted in a new section XV of **Resolution Conf. 12.3 (Rev. CoP15)** in which it is recommended for:

### Sample collections covered by ATA carnets



that: a) for the purpose of the procedure described below, the term 'sample collection' refer to collections of legally acquired dead specimens, parts and derivatives of species included in Appendix II or III and of Appendix-I species bred in captivity or artificially propagated for commercial purposes, which are deemed to be Appendix-II specimens, which are not entitled to be sold or otherwise transferred, and that will cross borders for presentation purposes before returning to the

country from which such movement was first authorized; and

b) such sample collections be considered as 'in transit' and may be traded under the special provisions stipulated in Article VII, paragraph 1, as explained in **Resolution Conf. 9.7 (Rev. CoP15)**, on the following conditions:

## Chapter 15 – Exemptions and Other Special Trade Provisions

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- i) sample collections shall be covered by ATA carnets and be accompanied by a standard CITES permit, on which it shall be indicated that the document is a permit or certificate either for 'export', 're-export' or 'other', as appropriate, and, in addition, it shall be clearly specified that the document is issued for a 'sample collection';
- ii) it shall be specified in block 5, or an equivalent place, that "This document covers a sample collection and is invalid unless accompanied by a valid ATA carnet. The specimen(s) covered by this certificate may not be sold or otherwise transferred whilst outside the territory of the State that issued this document." The number of the accompanying ATA carnet should be recorded and, if necessary, this may be entered by the Customs or other CITES enforcement official responsible for the endorsement of the CITES document;
- iii) the name and address (including the country) of the importer and the exporter or re-exporter shall be identical, and in block 5, or an equivalent place, the names of the countries to be visited shall be indicated;
- iv) the date of expiry of such a document shall not be later than that of the ATA carnet accompanying it and the period of validity shall not be more than six months from the date on which it was granted;
- v) at each border crossing, Parties shall verify the presence of the CITES permit or certificate but allow it to remain with the collection, and ensure that the ATA carnet is properly endorsed with an authorized stamp and signature by a Customs official; and
- vi) Parties shall check the CITES permit or certificate and sample collection closely at the time of first export or re-export and on its return, to ensure that the collection was not subject to any change.

## Chapter 16 - Enforcement and Compliance

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### Measures to be taken by the Parties to enforce the Convention



Parties to the Convention are obliged to implement the Convention and to have an administrative and legal system in place that ensures that every provision of the Convention is effectively enforced. Where that is the case, a Party complies with the Convention.

To fully comply with the Convention and to also implement the many Resolutions, decisions and recommendations of the Conference of the Parties, its committees and the Secretariat is, however, difficult, particularly for developing countries.

Article VIII concerns the measures to be taken by the Parties, whereas Article XIII lays down a procedure for dealing with non-compliance by Parties. These issues are closely related and are therefore discussed

together in this Chapter.

Paragraphs 1(b), 2, 4 and 5 of Article VIII concern the confiscation of illegal specimens and their possible return to the state of export. This is dealt with in **Chapter 17**.

Paragraph 3 deals with the designation of ports of exit and entry and the shipment of live specimens. These issues are discussed in **Chapter 34**.

#### **Article VIII, paragraph 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:**

### Article VIII.1, paragraph (a)

**to penalize trade in, or possession of, such specimens, or both;**

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.

One of the major problems in relation to the enforcement of the Convention is the fact that in many Parties penalties are insufficiently high and not much of a deterrent for illegal traders.

### Communication and reporting on cases of non-compliance

The above provisions of Article VIII must be read together with Article XIII, which 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:

#### Article XIII - International measures

**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.**

The last sentence of paragraph 2 is strange. 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*. It would in my opinion have made more sense if this would 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*.”

**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.**

## Chapter 16 – Compliance and Enforcement Measures

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In spite of the fact that Article XIII provides it with limited powers, past action by the Secretariat has demonstrated that it fulfills 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 meetings of the Standing Committee and, as referred to in paragraph 3, meetings of the Conference of the Parties.

Resolution Conf. 11.3 consolidated earlier Resolutions on the subject: **parts of** Resolution Conf. 2.6, Resolutions Conf. 3.9, Conf. 6.3, Conf. 6.4, Conf. 7.5 and Conf. 9.8. It was itself revised at CoP 13 and 14. At CoP 14, the Conference of the Parties also adopted the following decisions:

Decision 14.33 charged the Secretariat to:

- a) convene a meeting of the CITES Enforcement Expert Group to:
  - i) assess progress in implementing the recommendations made by the Group at its meeting in Shepherdstown in 2004; and
  - ii) assess available information relating to any national action plans recommended in Resolution Conf. 11.3 (Rev. CoP14);
- b) seek external funds to enable a meeting of the Group;
- c) notify Parties and publish the outcomes of the meeting, including any recommendations, on the CITES website, seeking additional comments; and
- d) report on this matter at the 58th meeting of the Standing Committee.

Decision 14.34 instructed the Standing Committee to review the Secretariat's report at its 58th meeting and, if appropriate, adopt any recommendations directing the Secretariat to prepare a discussion document or proposed amendments to Resolution Conf. 11.3 (Rev. CoP14) for consideration at the 15th meeting of the Conference of the Parties.

This procedure led to the revision of Resolution Conf. 11.3 (Rev. CoP14) at CoP15.

### Current recommendations

These are contained in **Resolution Conf. 11.3 (Rev. CoP15)**, which reads as follows:

RECOGNIZING the concerns expressed by various Parties that trade in plants and animals listed in Appendices II and III of the Convention may be detrimental to the survival of some species;

AWARE that, in the past, several cases of violation of the Convention have occurred because of inadequate or insufficient implementation by Management Authorities in both exporting and importing countries regarding surveillance, issuance of documentation and control of compliance with the provisions regulating trade in live and dead animal and plants, and their parts and derivatives;

## Chapter 16 – Compliance and Enforcement Measures

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CONSIDERING that it is of utmost moral, biological, ecological and economic interest for all Parties to the Convention that such violations not re-occur and that the mechanisms established for the Convention to this end are fully implemented, so as to ensure their normal and efficient functioning to control trade in, and afford effective protection to, endangered animal and plant species;

AWARE that there is considerable variability among Parties in their capacity to implement and enforce the provisions of the Convention;

RECOGNIZING that the developing countries, because of their special socio-economic, political, cultural and geographic circumstances have major difficulties in meeting appropriate control requirements, even though this does not exempt them from observing the highest possible degree of effectiveness;

RECOGNIZING the extreme difficulties that all producer countries are facing in implementing their own CITES controls, and that such difficulties exacerbate enforcement problems in other Parties, while there are still consumer countries that continue allowing illegal imports as a result of a lack of adequate CITES control;

RECOGNIZING that illegal exports from producing countries of specimens of species included in the Appendices cause serious damage to the valuable resources of wildlife, and reduce the effectiveness of their management programmes;

ATTENTIVE to the fact that the reservations made by importing countries allow loopholes through which specimens illegally acquired in the countries of origin can find legal markets without any control whatsoever;

OBSERVING 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 (Rev. CoP14), weakening in that way the conservation policies of producing countries that wish to protect their wildlife resources;

RECOGNIZING that illegal trafficking in wild fauna and flora continues to be a major concern;

RECOGNIZING the rapid growth in e-commerce of specimens of CITES-listed species;

NOTING the conclusions and recommendations of the meeting on e-commerce of specimens of CITES-listed species in Vancouver (Canada) in February 2009;

CONSIDERING that the countries that 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;

CONSIDERING 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;

CONVINCED that enforcement of the Convention must be a constant concern of the Parties at the highest level if they are to succeed in fulfilling the objectives of the Convention;

CONVINCED of the need to strengthen enforcement of the Convention to address serious problems caused by the illegal trafficking of wild fauna and flora, and that the avail-

## Chapter 16 – Compliance and Enforcement Measures

able resources for enforcement are negligible when compared to the profits gained from such trafficking;

RECALLING that Article VIII, paragraph 1, of the Convention provides that the Parties shall take appropriate measures to enforce the provisions of the Convention and to prohibit trade in specimens in violation thereof, and that these shall include measures to provide for the confiscation or return to the States of export of specimens illegally traded;

RECOGNIZING that the Preamble of the Convention states that international cooperation is essential for the protection of certain species of wild fauna and flora against over-exploitation through international trade;

AFFIRMING the obligation of Parties to collaborate closely in the application of the Convention, through expeditious exchange of information on cases and situations related to wildlife trade suspected to be fraudulent, so as to enable other Parties concerned to apply legal sanctions;

WELCOMING the adoption of a resolution on law enforcement cooperation at the Asian regional meeting in Israel in March 1994;

WELCOMING the Beijing Statement on the Control of Wildlife Trade in the Asian Region, made at a workshop on the subject in Beijing in October 1995, which stated that efforts would be made to create a mechanism for cooperation in law enforcement in the Asian region;

WELCOMING recognition by the United Nations Commission on Crime Prevention and Criminal Justice that illicit international trafficking in forest products, including timber, wildlife and other forest biological resources is often perpetrated by individuals and groups, including organized criminal groups that may operate transnationally and that may also be engaged in other illicit activities; and that the UN Convention against Transnational Organized Crime and the UN Convention against Corruption provide additional legal frameworks for international cooperation to combat wildlife crime;

RECOGNIZING the contribution to enhancing enforcement of CITES made by the Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora;



Daisy

RECOGNIZING that the use of dogs in combination with other tools will increase the chance of detections and seizures; that detector dogs can detect items that cannot be detected by other tools; and that a dog-handler team is highly effective in searching people and cargo or luggage in a short time;

AWARE of the need for improved cooperation and coordination among CITES authorities and wildlife-law enforcement agencies at the national, regional and international levels;

NOTING the conclusions and recommendations of the CITES Enforcement Expert Group at its meeting in Shepherdstown (United States of America) in February 2004;

## Chapter 16 – Compliance and Enforcement Measures

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CONSIDERING that Article XIII does not specify a time-limit for a Party to respond to a request for information from the Secretariat, and that such a deadline is necessary in order that the absence of response not be interpreted as a refusal to respond;

CONSIDERING that the use of certain terms to designate the parts and derivatives of wildlife may give rise to certain offences;

RECOGNIZING the important role the Secretariat can play in the enforcement process, and the means provided by Article XIII of the Convention;

CONSCIOUS of the Secretariat's role in promoting enforcement of the Convention, as provided by Article XIII, and of the measures that the Secretariat has taken with the International Criminal Police Organization (ICPO-Interpol) and the World Customs Organization to facilitate the exchange of information between enforcement bodies and for training purposes;

AWARE that, with the limited funding available, Parties and the Secretariat should make the maximum use of existing inter-governmental enforcement mechanisms and resources, for example mechanisms provided for under the UN Office on Drugs and Crime;

AGREEING on the need for additional measures to reduce further the illegal trade in species covered by the Convention;

ACKNOWLEDGING that, owing to such high levels of trade in wildlife, it is incumbent upon consumer nations together with producer countries to ensure that trade is legal and sustainable and that enforcement measures adopted and implemented by Parties support conservation in producer countries;

RECOGNIZING that illegal trade in specimens of species included in the Appendices of the Convention can cause serious damage to wildlife resources, reduce the effectiveness of wildlife management programmes, undermine and threaten legal and sustainable trade particularly in the developing economies of many producing countries;

### THE CONFERENCE OF THE PARTIES TO THE CONVENTION

#### Compliance, control and cooperation

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; and

RECOMMENDS that:

all Parties:

- i) recognize the seriousness of illegal trade in wild fauna and flora and identify it as a matter of high priority for their national law enforcement agencies;
- ii) if appropriate, consider formulating national and regional action plans, incorporating timetables, targets and provisions for funding, designed to enhance enforcement of

## Chapter 16 – Compliance and Enforcement Measures

CITES, achieve compliance with its provisions, and support wildlife-law enforcement agencies;

iii) provide officials who have wildlife-law enforcement responsibilities with equivalent training, status and authority to those of their counterparts in Customs and the police;

iv) 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 included in the Appendices;

v) 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

vi) inform each other of all circumstances and facts likely to be relevant to illegal traffic and also of control measures, with the aim of eradicating such traffic;

b) Parties should advocate sanctions for infringements that are appropriate to their nature and gravity;

c) Parties that are not yet signatories to, or have not yet ratified, the UN Convention against Transnational Organized Crime and the UN Convention against Corruption consider doing so;

d) 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;

e) if an importing country has reason to believe that specimens of an Appendix-II or -III species are 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; and



f) Parties 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 (from Decision 9.15);

### Application of Article XIII

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 by particular Parties are brought to the attention of the Secretariat, the Secretariat work together with the Parties 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, see page 244;

### Enforcement activities of the Secretariat

URGES the Parties, intergovernmental and non-governmental organizations to provide additional financial support for the enforcement of the Convention, by providing funds for the enforcement assistance work of the Secretariat;

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;

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, the UN Office on Drugs and Crime and ICPO-Interpol;

### Communication of information and coordination

RECOMMENDS that:

- a) Management Authorities coordinate with governmental agencies responsible for enforcement of CITES, including Customs and the police, and, where appropriate, sectoral non-governmental organizations, by arranging training activities and joint meetings, and facilitating the exchange of information;
- b) Parties establish inter-agency committees at the national level, bringing together Management Authorities and governmental agencies responsible for the enforcement of CITES, including Customs and the police;
- c) Parties, as a matter of urgency, inform the Secretariat of contact details of their relevant national law-enforcement agencies responsible for investigating illegal trafficking in wild fauna and flora;
- d) Parties, when informed by the Secretariat of the fraudulent use of documents issued by them, carry out an inquiry to identify the instigators of the crime, calling on ICPO-Interpol where necessary;
- e) when presented with a false document, Parties do everything in their power to determine where the specimens are and where the false document originated and inform the Secretariat and other Parties involved where appropriate;
- f) Parties work together within their regions to develop appropriate mechanisms for cooperation and coordination between wildlife-law enforcement agencies at the regional level;
- g) the Secretariat, in consultation with the Standing Committee, establish *ad hoc* CITES enforcement task forces as needed focusing initially on species included in Appendix I;

An example of an *ad hoc* enforcement task force is the Tiger Enforcement Task Force (TETF), see page 657.

- h) Parties that have not already done so consider nominating officials from relevant national enforcement and prosecuting agencies to participate in the Interpol Wildlife Crime Working Group;
- i) Parties with existing detector-dog programmes share knowledge and experience with those Parties that may be interested in developing and implementing such programmes;
- j) Parties provide to the Secretariat detailed information on significant cases of illegal trade; and
- k) Parties inform the Secretariat, when possible, about convicted illegal traders and persistent offenders; and

DIRECTS the Secretariat to communicate such information quickly to the Parties.

### E-commerce of specimens of CITES-listed species



Decision 14.35 provided that the Secretariat should:

a) request, through a Notification issued after the 14th meeting of the Conference of the Parties, information from Management Authorities regarding:

i) the scale and nature of wildlife trade arranged via the Internet that apparently involves their country;

ii) perceived problems relating to such trade, including illicit trade;

iii) the effectiveness of any measures that Parties have taken to address the trade in wildlife via the Internet, including the

use of codes of conduct; and

iv) any changes in trade routes and methods of shipment that have been observed as a result of increased use of the Internet to promote trade in wildlife;

b) using the services of a suitably-qualified consultant, review the information submitted by Parties and prepare a background document for consideration at a workshop;

c) seek external funding to convene a workshop on wildlife trade via the Internet, to which the following should be invited to participate: CITES Management Authority and enforcement officials from Parties with emerging or existing wildlife trade arranged via the Internet; experts on Internet trade; owners of relevant websites and Internet service providers; ICPO-Interpol and the World Customs Organization; and representatives of other intergovernmental and non-governmental organizations;

d) publish the outcomes of the workshop, including any recommendations, on the CITES website, seeking additional comments; and

e) report on this matter at the 58th meeting of the Standing Committee.

Decision 14.36 charged the Standing Committee with reviewing the Secretariat's report at its 58th meeting and determine whether additional measures are necessary including, if appropriate, directing the Secretariat to prepare a discussion document and draft resolution for consideration at the 15th meeting of the Conference of the Parties.

This procedure led to the following new section in **Resolution Conf. 11.3 (Rev. CoP15)**:

**RECOMMENDS** that Parties:

a) evaluate or develop their domestic measures to ensure that they are sufficient to address the challenges of controlling legal wildlife trade, investigating illegal wildlife trade and punishing the perpetrators, giving high priority to the offer for sale of specimens of species listed in Appendix I;

## Chapter 16 – Compliance and Enforcement Measures

b) establish, at the national level, a unit dedicated to investigating wildlife crime linked to the Internet or incorporate wildlife trade issues into existing units that investigate or monitor computer or cyber-crime; and

c) establish at the national level a mechanism to coordinate the monitoring of Internet-related wildlife trade and to provide for the timely sharing between designated contact points in CITES Management and Enforcement Authorities of information that results from these activities;

RECOMMENDS further that Parties and Interpol:

a) submit information to the Secretariat on methodologies used by other agencies that may assist in the evaluation of mechanisms to regulate legal commerce of CITES-listed species via the Internet;

b) ensure that sufficient resources are directed to the investigation and targeting of illegal Internet-related trade in specimens of CITES-listed species;

c) use the data acquired during monitoring activities to establish strategies regarding enforcement, capacity building and public awareness; and

d) consider ways in which funding may be provided for the establishment of a full-time position, dedicated to e-commerce aspects of wildlife crime, within the General Secretariat of Interpol. The responsibilities of such a position should include ensuring that all information or intelligence regarding e-commerce is consistently collected and disseminated to the relevant Enforcement Authorities designated by Parties; and

**Decision 15.57** urges Parties to:

a) submit information to the CITES Secretariat on best practices and on websites adhering to codes of conduct for posting on the CITES website;

b) publish results of scientific research on correlations between use of the Internet and the rate of wildlife crime, and share these results with the CITES Secretariat;

c) assess the extent of and trends in commerce of CITES-listed species via the Internet and submit such information to the Secretariat for analysis; and

d) submit information to the CITES Secretariat for analysis on any changes in trade routes and methods of shipment that have been observed as a result of increased use of the Internet to promote trade in wildlife.



**Decision 15.58** instructs the Secretariat to:

a) develop an Internet portal on the CITES website to compile, publish and disseminate information submitted by Parties and stakeholders related to e-commerce of CITES-listed species; and

b) write to Interpol encouraging it to establish a secure interactive website or electron-

## Chapter 16 – Compliance and Enforcement Measures

ic forum containing information and intelligence regarding Internet-related wildlife crime, capable of being updated in a 'real-time' manner by authorized contributors.

### Additional actions to promote enforcement

With **Resolution Conf. 11.3 (Rev. CoP15)** the Conference of the Parties

RECOMMENDS further that the Parties:

a) take the necessary measures to develop a comprehensive strategy for border controls, audits and investigations, by:

i) taking into account the different procedures for Customs clearance of goods and Customs procedures such as transit, temporary admission, warehouse storage, etc.;

ii) 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;

iii) 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;



iv) conducting physical examinations of goods, based on a policy of risk assessment and targeting;

v) using wildlife detector dogs;

vi) increasing the quality of controls at the time of export and re-export; and

vii) providing the necessary resources in order to achieve these objectives;

b) promote incentives to secure the support and co-operation of local and rural communities in managing

wildlife resources and thereby combating illegal trade;

c) where appropriate, evaluate and utilize for enforcement purposes, information from non-governmental sources while maintaining standards of confidentiality;

d) consider the formation, at national level, of specialized wildlife-law enforcement units or teams;

e) explore innovative means of increasing and improving national enforcement capacity;

f) carry out focused national and regional capacity-building activities with particular focus on fostering inter-agency cooperation and improving knowledge of legislation; species identification; risk analysis and investigation of criminal actions; and

g) whenever appropriate and possible, liaise closely with CITES Management Authorities and law enforcement agencies in consumer, source and transit countries to help detect, deter and prevent illicit trade in wildlife through the exchange of intelligence, technical advice and support;

## Chapter 16 – Compliance and Enforcement Measures

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URGES the Parties, intergovernmental and non-governmental organizations to provide, as a matter of urgency, funds and expertise to enable enforcement-related training or the provision of training materials, focusing on developing countries and countries with economies in transition, preferably on a regional or subregional basis, and provide funds to ensure that wildlife-law enforcement personnel in such countries are adequately trained and equipped;

ENCOURAGES Parties to give priority to the enforcement of CITES and prosecution of violations of the Convention;

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;

URGES ICPO-Interpol to support the attendance of a representative from the Interpol Wildlife Crime Working Group at meetings of the Conference of the Parties to CITES; and

INSTRUCTS the Secretariat to:

a) cooperate with the World Customs Organization, ICPO-Interpol and competent national authorities to:

i) prepare and distribute appropriate training material; and

ii) facilitate the exchange of technical information between the authorities in charge of border controls; and

b) submit a report on enforcement matters at each Standing Committee meeting and each regular meeting of the Conference of the Parties.

### Guidelines on compliance with the Convention

The Standing Committee, at its 45th meeting (2001), instructed the Secretariat to prepare an analysis of the range of legal, technical and administrative actions that might be taken in response to non-compliance with the Convention, Resolutions and Decisions, taking into account the need to ensure that such actions do not have a negative conservation impact.

At its 50th meeting (2004), the Standing Committee established an open-ended intersessional working group on compliance. The Secretariat was instructed to keep the Parties informed about the progress of the working group by posting the results of its work on the CITES website.

This process resulted in 2007 in **Resolution Conf. 14.3**, which contains a **Guide to CITES compliance procedures** of which the Conference of the Parties took note and recommended that the Guide be referred to, when dealing with compliance matters.

The Guide reads as follows:

#### Objective and scope

1. The objective of this Guide is to inform Parties and others of CITES procedures concerning promoting, facilitating and achieving compliance with obligations under the

## Chapter 16 – Compliance and Enforcement Measures

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Convention and, in particular, assisting Parties in meeting their obligations regarding such compliance.

Specifically, the Guide describes existing procedures in order to facilitate consistent and effective handling of compliance matters relating to obligations under the Convention, taking into account relevant Resolutions and Decisions, in both specific and general compliance matters.

This Guide is non-legally binding.

2. This Guide addresses compliance matters relating to the obligations under the Convention, taking into account relevant Resolutions and Decisions. Particular attention should be paid to the following:

- a) designating Management Authority(ies) and Scientific Authority(ies) (Article IX);
- b) permitting trade in CITES-listed specimens only to the extent consistent with the procedures laid down in the Convention (Articles III, IV, V, VI, VII and XV);
- c) taking appropriate domestic measures to enforce the provisions of the Convention and prohibit trade in violation thereof (Article VIII, paragraph 1);
- d) maintaining records of trade and submitting periodic reports (Article VIII, paragraphs 7 and 8); and
- e) responding as soon as possible to communications of the Secretariat related to information that a species included in Appendix I or II is being adversely affected by trade in specimens of that species or that the provisions of the Convention are not being effectively implemented (Article XIII),

3. The procedures described in this Guide are without prejudice to any rights and obligations and to any dispute settlement procedure under the Convention.

### General principles

4. A supportive and non-adversarial approach is taken towards compliance matters, with the aim of ensuring long-term compliance.

5. Compliance matters are handled as quickly as possible. Such matters are considered and ensuing compliance measures are applied in a fair, consistent and transparent manner.

6. Generally, findings, reports and communications in compliance matters are not treated confidentially.

However, communications between the Secretariat and individual Parties on specific compliance matters are generally confidential.

7. Decisions on whether to close or keep open debates in compliance matters are taken according to the Rules of Procedure of the body considering the matter and generally reasons are given.

8. The Secretariat communicates compliance-related decisions to the relevant authorities.

### The various bodies and their compliance-related tasks

9. Compliance matters are handled by the following CITES bodies. Their main compliance-related tasks are listed below.

10. The Conference of the Parties:

- a) provides general policy guidance on compliance issues;
- b) directs and oversees the handling of compliance matters particularly through the identification of key obligations and procedures;
- c) reviews as needed decisions of the Standing Committee related to specific compliance matters; and
- d) may delegate certain authority to the Standing Committee or other CITES bodies in accordance with the Convention.

11. When the Conference of the Parties decides to carry out itself the tasks delegated to the Standing Committee, it follows the same procedures as those described below for the Standing Committee.

12. The Standing Committee, acting in accordance with instructions from and authority delegated by the Conference of the Parties, handles general and specific compliance matters, including:

- a) monitoring and assessing overall compliance with obligations under the Convention;
- b) advising and assisting Parties in complying with obligations under the Convention;
- c) verifying information; and
- d) taking compliance measures as described below.

13. The Animals and Plants Committees, acting in accordance with instructions from and authority delegated by the Conference of the Parties, advise and assist the Standing Committee and the Conference of the Parties with regard to compliance matters, *inter alia*, by undertaking necessary reviews, consultations, assessments and reporting. These Committees are entrusted with specific tasks in the handling of matters related to the Review of Significant Trade.

14. The Secretariat:

- a) assists and supports the Animals and Plants Committees, the Standing Committee and the Conference of the Parties in carrying out their functions concerning compliance matters as described in this Guide and, where applicable, according to the procedures set out in relevant Resolutions and Decisions;
- b) receives, assesses and communicates to the Parties information on compliance matters;
- c) advises and assists Parties in complying with obligations under the Convention;
- d) makes recommendations for achieving compliance; and

e) monitors the implementation of compliance-related decisions.

### **Handling of specific compliance matters**

#### ***Identification of potential compliance matters***

15. Annual and biennial reports, legislative texts as well as other special reports and responses to information requests, for example within the Review of Significant Trade or the National Legislation Project, provide the primary, but not exclusive, means of monitoring compliance with obligations under the Convention.

16. The Secretariat provides a Party concerned with information it receives about that Party's compliance, and communicates with the Party regarding this matter.

17. In response, the Party informs the Secretariat as soon as possible, see the recommendation for a time limit in Resolution Conf. 11.3 (Rev.CoP15), of any relevant facts in so far as its laws permit and, where appropriate, proposes 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. See the comment on this provision of Article XIII on page 238.

18. Any Party concerned over matters related to trade in specimens of CITES-listed species by another Party may bring the matter up directly with that Party and/or call upon the Secretariat for assistance.

19. Parties themselves are encouraged to give the Secretariat early warning of any compliance matter, including the inability to provide information by a certain deadline, and indicate the reasons and any need for assistance.

20. Where compliance matters are identified, the Parties concerned are given every opportunity to correct them within reasonable time limits, if necessary with the assistance of the Secretariat.

#### ***B. Consideration of compliance matters***

21. If the Party fails to take sufficient remedial action within a reasonable time limit, the compliance matter is brought to the attention of the Standing Committee by the Secretariat, in direct contact with the Party concerned.

22. If a compliance matter is otherwise brought to the attention of the Standing Committee in accordance with the Rules of Procedure, the Standing Committee:

a) refers the matter to the Secretariat for action according to the procedure in paragraphs 16-20 above; or

b) rejects it as trivial or ill-founded; or

c) in exceptional circumstances, after consultation with the Party concerned, follows the procedures as described below.

23. When compliance matters are brought to the attention of the Standing Committee, it is generally done in writing and includes details as to which specific obligations are

## Chapter 16 – Compliance and Enforcement Measures

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concerned and an assessment of the reasons why the Party concerned may be unable to meet those obligations.

24. When a compliance matter is brought to the attention of the Standing Committee, the Secretariat immediately informs the Party or Parties concerned.

25. The Standing Committee rejects compliance matters which it considers are trivial or ill-founded.

Where the Standing Committee has decided that the submission is not trivial or ill-founded, the Party concerned is given the opportunity to provide comments within a reasonable time limit.

26. The Standing Committee decides whether to gather or request further information on a compliance matter whenever such information may be found and whether to seek an invitation from the Party concerned to undertake the gathering and verification of information in the territory of that Party or wherever such information may be found.

27. The Party concerned has the right to participate in discussions with respect to its own compliance, in accordance with the Rules of Procedure of the relevant body.

28. If a Party cannot access the financial resources needed to participate in CITES meetings where its own compliance is being considered, it is able to request assistance from the Secretariat or the Standing Committee in identifying such resources.

### ***C. Measures to achieve compliance***

29. If a compliance matter has not been resolved, the Standing Committee decides to take one or more of the following measures:

- a) provide advice, information and appropriate facilitation of assistance and other capacity-building support to the Party concerned;
- b) request special reporting from the Party concerned;
- c) issue a written caution, requesting a response and offering assistance;
- d) recommend specific capacity-building actions to be undertaken by the Party concerned;
- e) provide in-country assistance, technical assessment and a verification mission, upon the invitation of the Party concerned;
- f) send a public notification of a compliance matter through the Secretariat to all Parties advising that compliance matters have been brought to the attention of a Party and that, up to that time, there has been no satisfactory response or action;
- g) issue a warning to the Party concerned that it is in non-compliance, e.g. in relation to national reporting and/or the National Legislation Project; and
- h) request a compliance action plan to be submitted to the Standing Committee by the Party concerned identifying appropriate steps, a timetable for when those steps should be completed and means to assess satisfactory completion.

## Chapter 16 – Compliance and Enforcement Measures

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30. In certain cases, the Standing Committee decides to recommend the suspension of commercial or all trade in specimens of one or more CITES-listed species, consistent with the Convention. Such a recommendation may be made in cases where a Party's compliance matter is unresolved and persistent and the Party is showing no intention to achieve compliance or a State not a Party is not issuing the documentation referred to in Article X of the Convention. Such a recommendation is always specifically and explicitly based on the Convention and on any applicable Resolutions and Decisions of the Conference of the Parties.

### NOTE:

These currently include:

- **Resolution Conf. 11.17 (Rev. CoP14)** (National reports);
- **Resolution Conf. 8.4 (Rev. CoP15)** (National laws for implementation of the Convention);
- **Resolution Conf. 12.8 (Rev. CoP13)** (Review of Significant trade in specimens of Appendix-II species);
- **Convention Article XIII and Resolution Conf. 11.3 (Rev. CoP15)** (Compliance and enforcement); and
- **Resolution Conf. 11.1 (Rev. CoP15)** (Establishment of committees).

31. The list of measures above is not necessarily an exhaustive list of measures applied to date.

32. When the Standing Committee decides upon one or more of the measures mentioned above, it takes into account:

- a) the capacity of the Party concerned, especially developing countries, and in particular the least developed and small island developing States and Parties with economies in transition;
- b) such factors as the cause, type, degree and frequency of the compliance matters;
- c) the appropriateness of the measures so that they are commensurate with the gravity of the compliance matter; and
- d) the possible impact on conservation and sustainable use with a view to avoiding negative results.

These considerations are clearly set out in the Standing Committee's recommendations.

### ***D. Monitoring and implementation of measures to achieve compliance***

33. The Standing Committee, with the assistance of the Secretariat, monitors the actions taken by the Party concerned to implement measures taken. In this regard, the Standing Committee may, *inter alia*:

## Chapter 16 – Compliance and Enforcement Measures

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- a) request the Party concerned to submit progress reports in accordance with a schedule; and
- b) arrange, upon the invitation of the Party concerned, for an in-country technical assessment and for a verification mission.

In the light of progress, the Standing Committee decides whether to adjust the measures it has taken, or to take other measures.

34. Existing recommendations to suspend trade are generally reviewed at each Standing Committee meeting. They are also monitored intersessionally by the Secretariat. A recommendation to suspend trade is withdrawn as soon as the compliance matter has been resolved or sufficient progress has been made. The Secretariat notifies Parties of any such withdrawal as soon as possible.

35. The general guidelines in paragraphs 33 and 34 above are in some cases supplemented by more precise provisions regarding specific categories of compliance matters, e.g. in the case of significant trade in specimens of Appendix-II species, as laid out in the Resolutions and Decisions related thereto.

### **Reporting and reviews**

36. The Standing Committee reports to the Conference of the Parties on compliance matters. The Secretariat reports to the Standing Committee and the Conference of the Parties on compliance matters.

37. The Conference of the Parties may review this document periodically and revise it where appropriate.

### Implementation legislation



**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 programs 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.

It recognizes that the CITES National Legislation Project was established in 1992 and has provided legislative analyses and assistance to Parties since that time.

**Resolution Conf. 8.4 (Rev. CoP15)** on national laws for implementation of the Convention, acknowledges the adoption of Resolution Conf. 14.2 on the CITES Strategic Vision: 2008-2013, particularly Objective 1.1 that Parties comply with their obligations under the Convention through appropriate policies, legislation and procedures.

It recalls Resolution Conf. 11.3 (Rev. CoP15), which expresses the Parties' conviction that enforcement of the Convention must be of constant concern to the Parties if the objectives of the Convention are to be fulfilled.

It notes that substantial progress has been achieved, but that approximately half of the Parties have not yet taken the appropriate measures to enforce the provisions of the Convention.

The Conference of the Parties 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

## Chapter 16 – Compliance and Enforcement Measures

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- 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 envisaged in order to adopt, as a matter of the highest priority, the measures necessary for effective implementation of the Convention; and
- c) to report its findings, recommendations or progress to the Standing Committee and at each meeting of the Conference of the Parties.

It urges all Parties that have not adopted appropriate measures for effective implementation of the Convention to do so and inform the Secretariat when such measures have been adopted.

It instructs the Standing Committee to determine which Parties have not adopted appropriate measures for effective implementation of the Convention and to consider appropriate compliance measures, which may include recommendations to suspend trade, in accordance with Resolution Conf. 14.3, see page 254;

It 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 non-governmental organizations and other sources to provide financial and/or technical assistance for the development and effective implementation of such measures.

**Decision 15.38** provides that Parties should submit to the Secretariat, in one of the working languages of the Convention, appropriate measures which have been adopted for effective implementation of the Convention.

**Decision 15.39** provides that any Party which has not adopted appropriate measures for effective implementation of the Convention should submit to the Secretariat a justification for not having done so.

**Decision 15.40** instructs the Standing Committee to review at its 61st and 62nd meetings the progress of Parties in adopting appropriate measures for the effective implementation of the Convention.

**Decision 15.41** instructs the Secretariat to:

- a) compile and analyze the information submitted by Parties on measures adopted before the 16th meeting of the Conference of the Parties (CoP16) to fulfil the requirements laid down in the text of the Convention and Resolution Conf. 8.4 (Rev. CoP15);
- b) provide, to the extent resources are available, legal advice and assistance to Parties on the development of appropriate measures for effective implementation of the Convention, including legislative guidance for and training of CITES authorities, legal drafters, policy makers, the judiciary, parliamentarians and other relevant government officials responsible for the formulation and adoption of CITES-related legislation;

## Chapter 16 – Compliance and Enforcement Measures

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- c) cooperate, in the provision of legislative assistance, with the legal programmes of United Nations bodies and intergovernmental organizations such as UNEP, the Food and Agriculture Organization, the World Bank and the Organization of American States;
- d) report at the 61st and 62nd meetings of the Standing Committee on Parties' progress in adopting adequate measures and, if necessary, recommend the adoption of appropriate compliance measures, including suspension of trade;
- e) identify for the Standing Committee any countries that require attention as a priority under the National Legislation Project; and
- f) report at CoP16 on the progress made with regard to the implementation of Resolution Conf. 8.4 (Rev. CoP15) and Decisions 15.38, 15.39, 15.40 and 15.41.

**Decision 15.20** instructs the Secretariat to:

- a) in cooperation with international financial institutions and potential donors, investigate possible ways to establish the means to secure funding to support the provision of technical assistance to CITES Parties in relation to regulating wildlife trade (including population studies as a basis for management programmes); and
- b) report its findings and recommendations at the 16th meeting of the Conference of the Parties.

### Infraction reports

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.

The 10th meeting further adopted Decision 10.122, which provided 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. This decision was taken because, until the ninth meeting of the Conference of the Parties, 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 the Decision was repealed and never repeated. In the meantime, however, the Secretariat provides reports on trends in non-compliance rather than a list of infractions.

### Illegal trade database

Decision 14.31 instructed the Secretariat to convene, subject to external funding, a meeting of the CITES Enforcement Expert Group to identify measures to improve the

## Chapter 16 – Compliance and Enforcement Measures

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gathering of data on illicit trade from and by relevant international, regional and national law enforcement organizations, CITES Management Authorities and the CITES Secretariat, and to discuss ways in which such data could be analysed to provide a clearer understanding of illicit trade in specimens of CITES-listed species. The Secretariat shall report to the Standing Committee on the outcome of the meeting and any recommendations made by the Group.

Decision 14.32 instructed the Standing Committee to consider the report of the Secretariat and also consider:

- a) endorsing any relevant recommendation that could be implemented prior to the 15th meeting of the Conference of the Parties; and
- b) requesting the Secretariat to prepare a report for consideration at the 15th meeting of the Conference of the Parties.

This resulted in **Decision 15.42**, which instructs the Secretariat to establish an illegal trade database working group to:

- a) design and implement a database to be used by the Parties and the Secretariat for the gathering and analysis of data related to illegal trade in specimens of CITES-listed species;
- b) seek external funding to enable the group to conduct its activities, assisted by a relevant consultant if appropriate; and
- c) report to the Standing Committee at its 61st and 62nd meetings on the progress of the working group.

**Decision 15.43** instructs the Standing Committee to consider the reports of the Secretariat and also consider:

- a) endorsing any relevant recommendation or measure that could be implemented prior to the 16th meeting of the Conference of the Parties (CoP16); or
- b) requesting the Secretariat to prepare a report for consideration at CoP16.

### International Consortium on Combating Wildlife Crime (ICCWC)



On 23 November 2010, the cooperation between the above organizations in the combat against wildlife crime was given a formal basis through the signing of a letter of understanding ([http://cites.org/eng/news/press/2010/ICCWC\\_memo.pdf](http://cites.org/eng/news/press/2010/ICCWC_memo.pdf)).

Tip: Be an insider and pronounce ICCWC as eye-quick.

## Chapter 17 - The Disposal of Confiscated Specimens

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Paragraphs 1(b), 2, 4 and 5 of Article VIII deal with measures the Parties have to take with regard to the confiscation and disposal of illegally traded specimens; an issue on which the Conference of the Parties over the years adopted a series of Resolutions. The issue is now comprehensively covered in **Resolutions Conf. 9.9, 9.10 (Rev. CoP15)** and **Conf. 10.7 (Rev. CoP15)**.

### **Article VIII.1, paragraph (b)**

**to provide for the confiscation or return to the State of export of such specimens.**

Return to a State of re-export is not mentioned here or in Article VIII.4.(b), but we will see that **Resolutions Conf. 9.9** and **Conf. 9.10 (Rev. CoP15)** nevertheless contain recommendations in that regard.

### **Article VIII, paragraph 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.**

### **Article VIII, paragraph 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 de-**

cision 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.

### Returning illegally traded specimens to the country of export or re-export

This issue is covered in a consolidated way in **Resolution Conf. 9.9** on the confiscation of specimens exported or re-exported in violation of the Convention.

I earlier noted that Article VIII, paragraphs 1(b) and 4(b) only mention return to the State of export and not that of re-export.

**Resolution Conf. 9.9** 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.

The Conference of the Parties expresses its awareness 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.

It 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.

### The disposal of confiscated specimens

This is the subject of **Resolution Conf. 9.10 (Rev. CoP15)** on the disposal of illegally traded, confiscated and accumulated specimens. This Resolution consolidates all seven earlier Resolutions on the issue.

It 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".

It recalls that Article VIII of the Convention requires Parties to take appropriate measures to enforce the provisions of the Convention and to prohibit trade in specimens in violation thereof, including measures to provide for the confiscation or return to the State of export of illegally traded specimens.

It recognizes 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 center or other appropriate place.

It notes, however, 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.

It 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;

It expresses its awareness of the fact that, according to Resolution Conf. 10.7 (Rev. CoP15), the successful recovery of the costs of confiscation and disposal from the guilty party may be a disincentive for illegal trade.

It is further aware that some Parties do not allow the sale of confiscated specimens because of the message this transmits to the public and that Parties may decide not to allow the sale of confiscated specimens, in order to exclude illegally traded specimens from entering commercial trade.

The Conference of the Parties recommends that:

### Export or re-export of confiscated 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;

## Chapter 17 – The Disposal of Confiscated Specimens

b) when applying Article III, paragraph 4 (a), and Article IV, paragraph 5 (a), of the Convention to specimens that were imported not in accordance with the provisions of the Convention and 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;

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; and

d) permits and certificates granted in accordance with paragraph b) or c) above clearly indicate that the specimens are confiscated specimens;

### Disposal of confiscated and accumulated dead specimens



e) Parties dispose of confiscated and accumulated dead specimens of Appendix-I species, including parts and derivatives, only for bona fide scientific, educational, enforcement or identification purposes, and save in storage or destroy specimens

whose disposal for these purposes is not practicable;

f) as a general rule, confiscated dead specimens, including parts and derivatives, of Appendix-II and Appendix-III species be disposed of in the best manner possible to achieve the purposes of the Convention, and steps be taken to ensure that the person responsible for the offence does not receive financial or other gain from the disposal;

### Costs associated with confiscated specimens

g) Parties make legislative provision to require the guilty importer or the carrier, or both, to meet the costs of confiscation, custody, storage, destruction or other disposal, including 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 last re-export so wishes; and

h) where such legislation does not exist and the country of origin or last re-export wishes a confiscated live specimen to be returned, that country shall seek financial assistance to facilitate the return; and

### Publicity

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 centres.

The Conference of the Parties confirms that Parties have the right to allow, or should they choose to do so, not to allow the sale of confiscated dead specimens, including parts and derivatives, of Appendix-II and -III species.

### 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 (Rev. CoP15)**, which covers all live specimens, i.e. both animals and plants.

**Resolution Conf. 10.7 (Rev. CoP15)** recalls that according to Article VIII, paragraph 4 (b), of the Convention, confiscated live specimens 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 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.

It recalls Resolution Conf. 9.10 (Rev. CoP15) on the Disposal of confiscated and accumulated specimens, which recommends to the Parties not having done so yet, to adopt legislation in order to charge to the guilty importer and/or carrier the costs of returning confiscated live specimens to the country of origin or re-export.

It notes that shipments of Appendix-II or -III live specimens 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.

The housing of large numbers of, in particular, live animals is a major problem in many countries, particularly for more common species.

## Chapter 17 – The Disposal of Confiscated Specimens

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The return to the country of origin is problematic for the many reasons explained in the guidelines in the annexes to the Resolution and of which a lack of information about the site of capture or collection is an important one.

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 considers that specimens once in trade no longer form part of the reproducing wild population of the species concerned;

The Conference of the Parties 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 and 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.

It recalls that IUCN has developed Guidelines for the Disposal of Confiscated Animals and Guidelines for Re-introductions.

The Conference of the Parties expresses its conviction that the ultimate objective of the Convention is the continued existence of wild populations in their natural habitat and recommends that:

- a) a Management Authority before making a decision on the disposal of confiscated live specimens of species in the Appendices consult with and obtain the advice of its own Scientific Authority and, if possible, of that of the State of export of the confiscated specimens, 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 specimens of species that are either in Appendix I or, if in Appendix II or III, involve commercial quantities;
- 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; and
- e) 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;

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 specimens consistent with the guidelines set out in Annex 3.

### 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 species; 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 priorities 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.

## Chapter 17 – The Disposal of Confiscated Specimens

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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 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 reinforce-

## Chapter 17 – The Disposal of Confiscated Specimens

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ment 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.

It should be noted that under CITES provisions the country of origin and the country of export can only be the same.

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.
- 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 pro-

## Chapter 17 – The Disposal of Confiscated Specimens

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hibition on trade (e.g. CITES Appendix II) and there is no risk of stimulating further illegal or irregular trade.

The reference to a prohibition on trade with Appendix II as an example is of course a mistake.

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.

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.

BirdLife 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

## Chapter 17 – The Disposal of Confiscated Specimens

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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.

## Chapter 17 – The Disposal of Confiscated Specimens

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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 potential 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. 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

## Chapter 17 – The Disposal of Confiscated Specimens

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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. 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.

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*

## Chapter 17 – The Disposal of Confiscated Specimens

*trogodytes*) 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.

No: Quarantine; re-assess question 2 after quarantine.

## Chapter 17 – The Disposal of Confiscated Specimens

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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.

## Chapter 17 – The Disposal of Confiscated Specimens

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### **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

## Chapter 17 – The Disposal of Confiscated Specimens

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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 cannot 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

## Chapter 17 – The Disposal of Confiscated Specimens

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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 cannot 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 require-

## Chapter 17 – The Disposal of Confiscated Specimens

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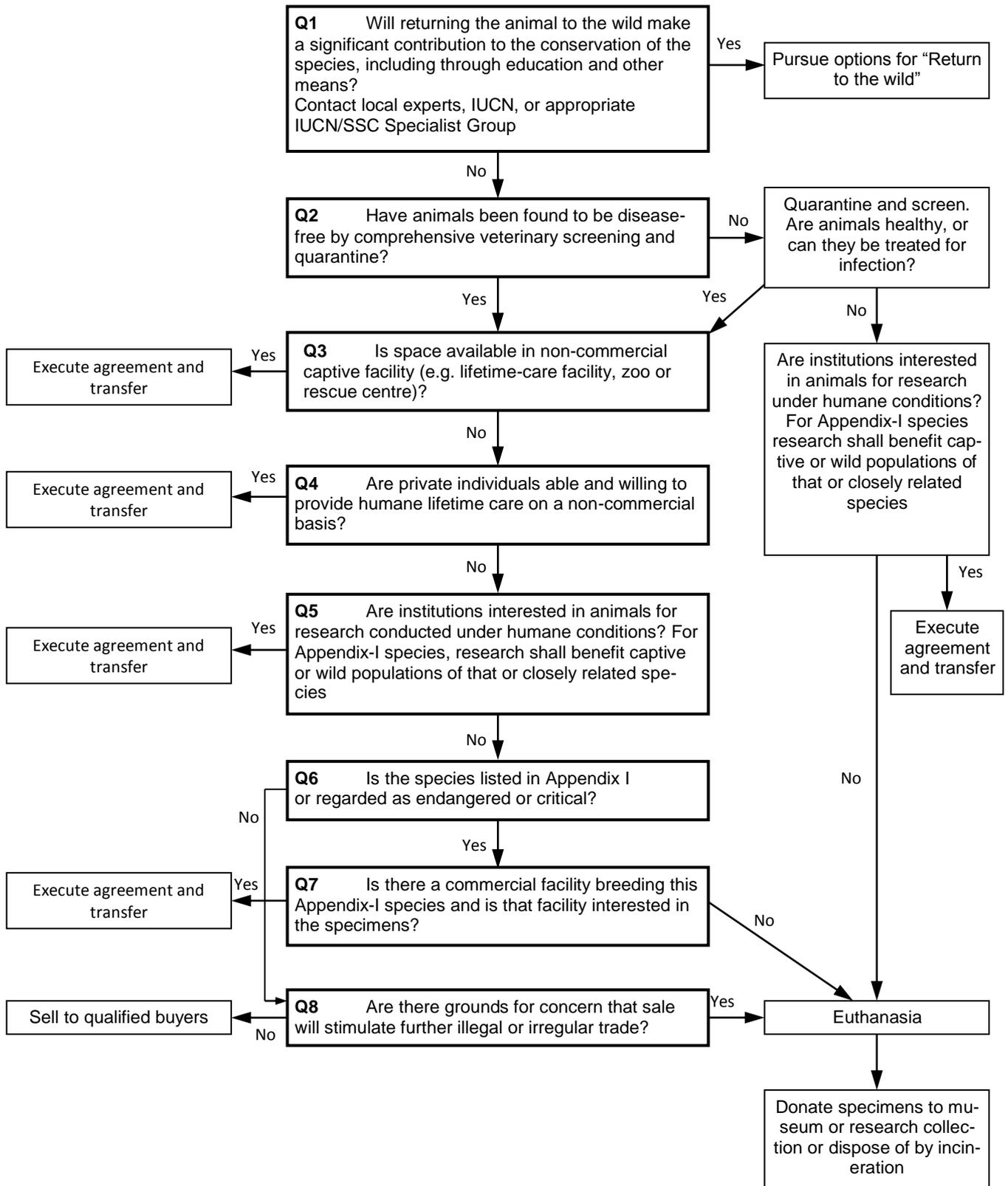
ments will fail to be met. In such cases, other options for disposal of the animals must be considered.

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.

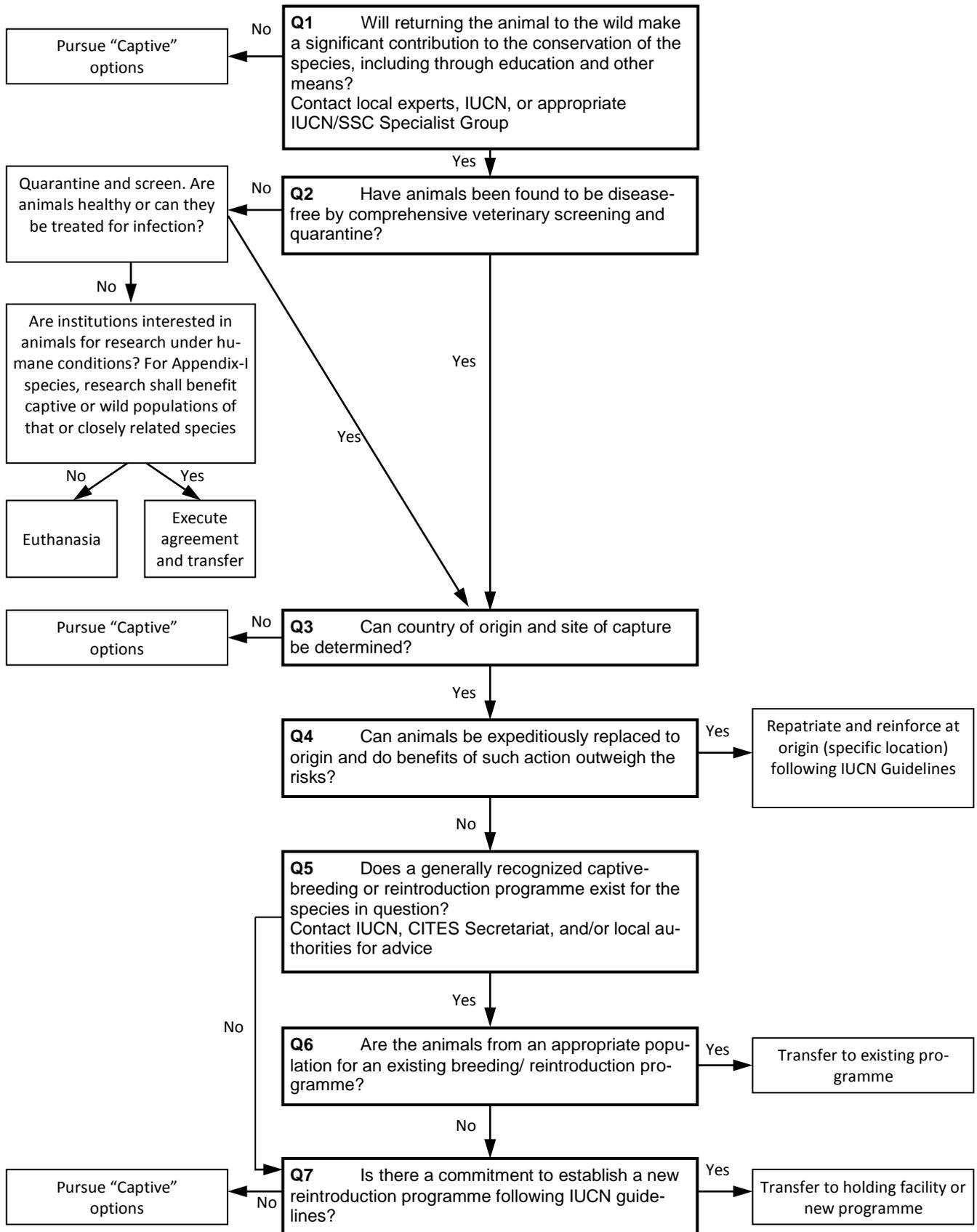
No: Pursue “Captive” options.

Decision tree for “Captive” options



## Chapter 17 – The Disposal of Confiscated Specimens

### Decision tree for “Return to the wild” options



### 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:

It should again be noted that under CITES provisions the country of origin and the country of export can only be the same.

- 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 guide-

## Chapter 17 – The Disposal of Confiscated Specimens

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lines are intended to assist CITES Management Authorities in making this assessment, they are designed to be of general applicability to all confiscated live plants.

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, replanting 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.

It needs to be noted once more that the country of origin and the country of export cannot be different under CITES provisions.

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 from 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.

## Chapter 17 – The Disposal of Confiscated Specimens

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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.

### **“Maintain 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 poten-

## Chapter 17 – The Disposal of Confiscated Specimens

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tial 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

## Chapter 17 – The Disposal of Confiscated Specimens

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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

## Chapter 17 – The Disposal of Confiscated Specimens

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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 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

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## Chapter 17 – The Disposal of Confiscated Specimens

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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.

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 17 – The Disposal of Confiscated Specimens

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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

## Chapter 17 – The Disposal of Confiscated Specimens

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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.

## Chapter 17 – The Disposal of Confiscated Specimens

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### 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 cannot be eliminated or diseases that cannot 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

## Chapter 17 – The Disposal of Confiscated Specimens

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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;
- 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.

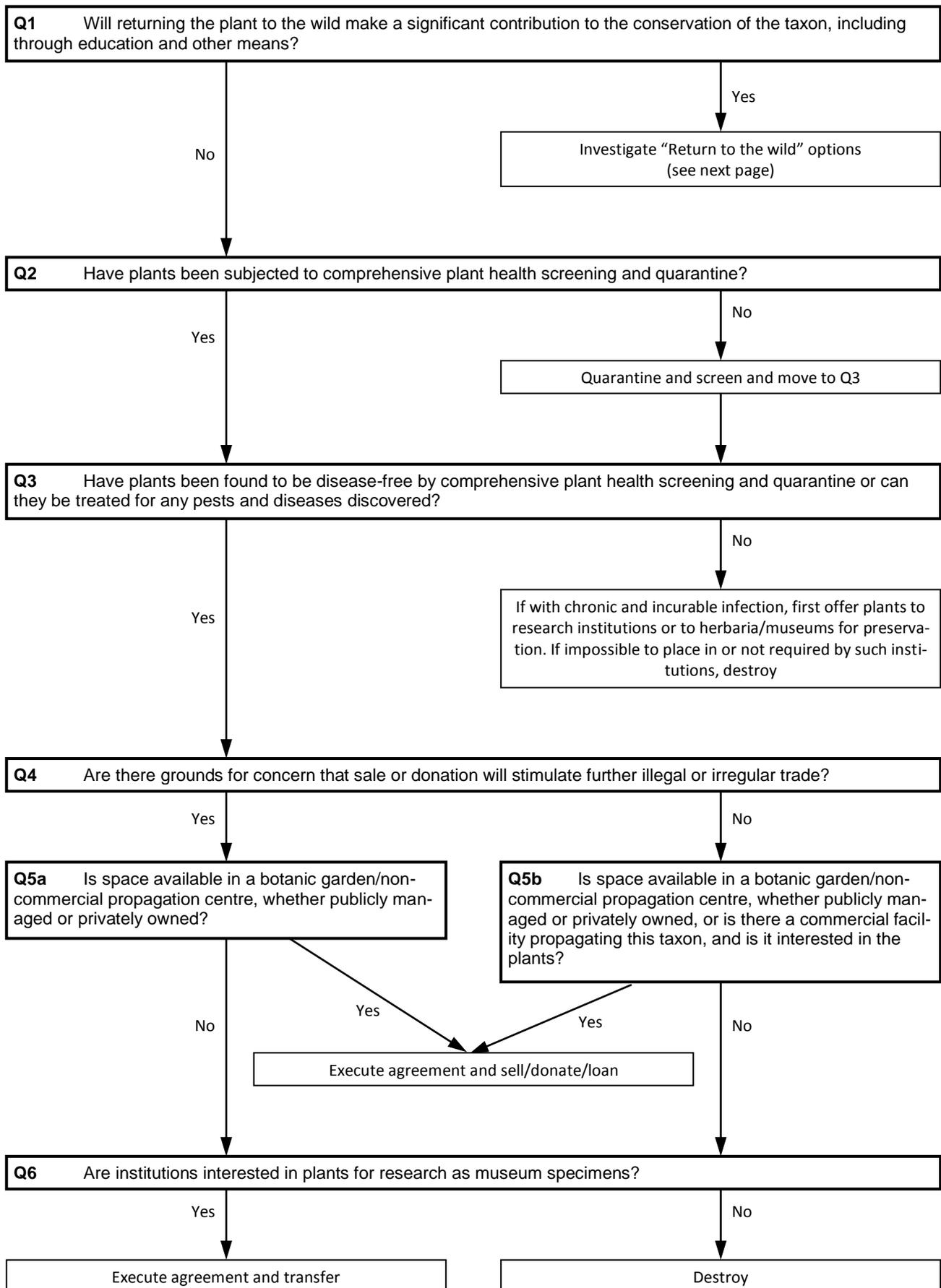
It should be emphasized that, if a particular taxon is confiscated with some frequency, consideration should be given as to whether to establish a reintroduction, reinforcement or introduction programme. Plants should not be held by the confiscating authority indefinitely while such programmes are planned, 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.

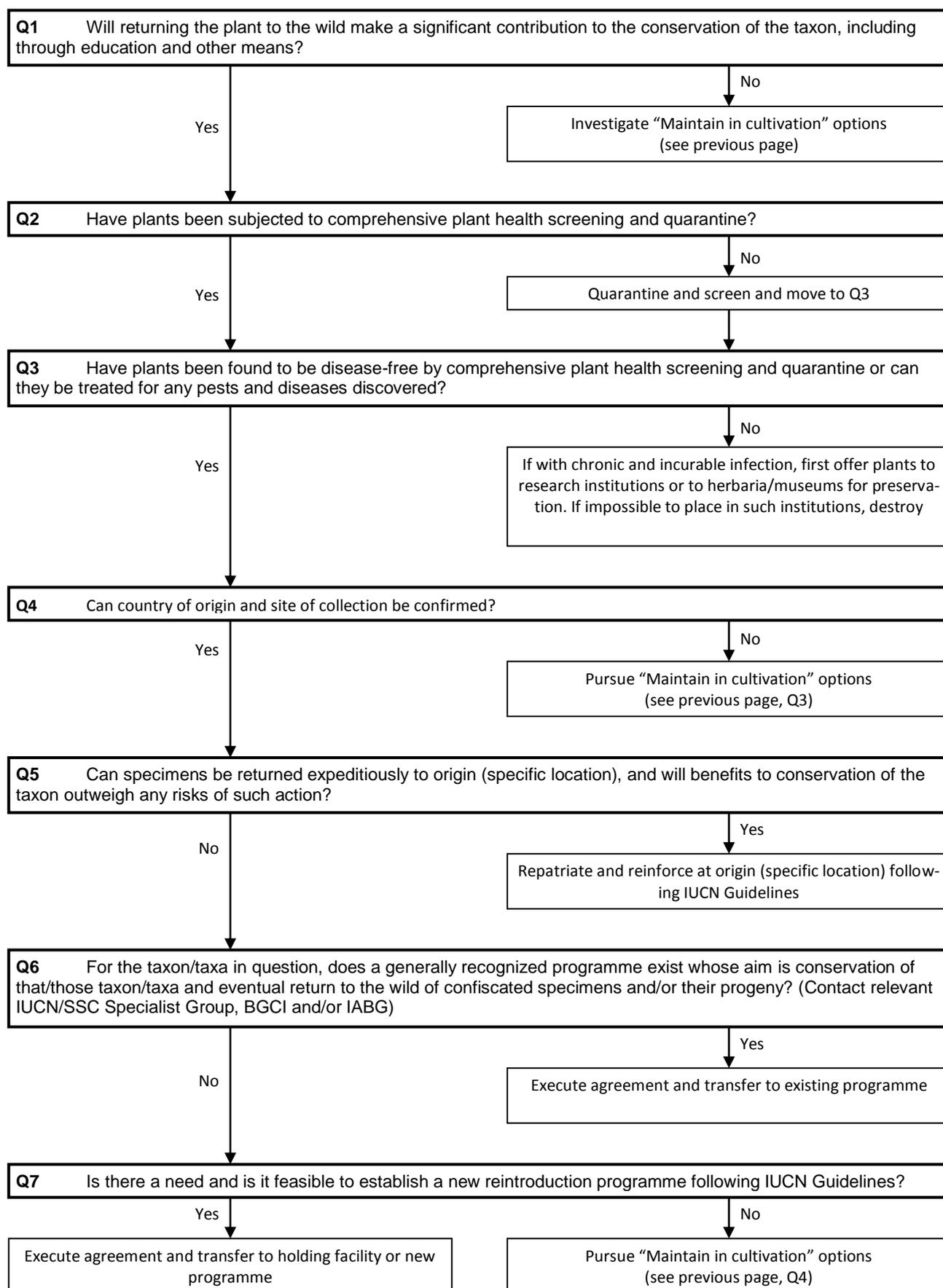
## Chapter 17 – The Disposal of Confiscated Specimens

### Decision tree for “Maintain in cultivation” options



## Chapter 17 – The Disposal of Confiscated Specimens

### Decision tree for “Return to the wild” options



### Guidelines to develop an action plan on seized and/or confiscated live specimens

These are contained in Annex 3 to **Resolution Conf. 10.7 (Rev. CoP15)**, which provides that:

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
10. ensure that the Party begins evaluating options for disposal of seized live specimens immediately after seizure.

## Chapter 18 - Records and Reports

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### Article VIII, paragraph 6

Each Party shall maintain records of trade in specimens of species included in Appendices I, II and III which shall cover:

the names and addresses of exporters and importers; and

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.

### Article VIII, paragraph 7

Each Party shall prepare periodic reports on its implementation of the present Convention and shall transmit to the Secretariat:

an annual report containing a summary of the information specified in paragraph 6 (b) of this Article; and

a biennial report on legislative, regulatory and administrative measures taken to enforce the provisions of the present Convention.

### Article VIII, paragraph 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 and format

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.

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 implementation 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.

In Resolution Conf. 5.4 the Conference of the Parties noted that the biennial submission of a legal and administrative report was mandatory.

Decision 13.90 directed the Secretariat to identify ways to reduce the reporting burden on Parties.

**Resolution Conf.11.17 (Rev.CoP15)** on National reports considers the obligation of Parties to submit periodic reports under the provisions of Article VIII, paragraph 7, of the Convention.

It recognizes the importance of the annual reports and biennial 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.

It acknowledges the necessity for the annual reports and biennial reports of the Parties to be as complete as possible and to be comparable.

It urges all Parties to submit their biennial reports by 31 October following the year for which they are due and in accordance with the *Biennial report format* distributed by the Secretariat, as may be amended by the Secretariat from time to time with the concurrence of the Standing Committee. A printable version of the format is available from the CITES website in .pdf and .doc format.

At the time of writing of this book, an electronic version was in the making, which will greatly facilitate submission.

The Resolution also urges all Parties to submit biennial reports covering the same two-year periods beginning with the period from 1 January 2003 to 31 December 2004.

## Chapter 18 – Records and Reports

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It further urges Parties with multiple Management Authorities to submit a coordinated annual and biennial report to the extent possible.

### Special reporting requirements

**Decision 14.37 (Rev. CoP15)** instructs the Standing Committee, with the assistance of its Working Group on Special Reporting Requirements and the Secretariat, to:

- a) continue its review of the recommendations to Parties to provide special reports under the Convention, assess whether they have been or might be effectively incorporated into the annual and biennial reports, and consider how the biennial report format might be revised to facilitate such incorporation;
- b) revise the standard biennial report format to gather information from Parties on incentive measures for implementation of the Convention, conservation measures for Appendix-I listed species and case studies on user fees;
- c) by its 61st meeting (SC61), follow up on how the reporting required in the indicators for the CITES Strategic Vision: 2008-2013 would be undertaken and, by SC62, begin applying the indicators; and
- d) report at the 16th meeting of the Conference of the Parties on its conclusions and recommendations.

**Decision 14.38 (Rev. CoP15)** instructs the Secretariat to:

- a) continue to collaborate with the secretariats of other conventions, UNEP and other bodies in order to facilitate the harmonization of knowledge management and reporting;
- b) identify additional ways to reduce the reporting burden on Parties, inter alia, in the context of Party-led initiatives, its ongoing review of the Resolutions and Decisions of the Conference of the Parties, its support to the Standing Committee on electronic permitting and its work with partners to compile and analyze CITES-related reports; and
- c) report at the 16th meeting of the Conference of the Parties on the results of this work.

### Annual reports on trade

The importance of annual reports cannot be stressed enough. 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.

## Chapter 18 – Records and Reports

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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 it was replaced by Resolution Conf. 11.17 in 2000. The latter was revised in 2002, 2004 and 2007 and is now referred to as **Resolution Conf. 11.17 (Rev. CoP14)**, which deals with National Reports more generally.

**Resolution Conf. 11.17 (Rev. CoP14)** 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 and other monitoring work of the Secretariat and that of the UNEP World Conservation Monitoring Centre undertaken under contract to the Secretariat.

The Conference of the Parties considers the obligation of Parties to submit periodic reports under the provisions of Article VIII, paragraph 7, of the Convention and recognizes the importance of the annual reports and biennial 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.

It acknowledges the necessity for the annual reports and biennial reports of the Parties 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 appreciates the valuable assistance in meeting this responsibility provided by the UNEP World Conservation Monitoring Centre under contract to the Secretariat.

It notes that the use of computers can help to ensure that trade statistics and information on Convention implementation are dealt with more effectively.

The Conference of the Parties expresses concern that many Parties have not followed the recommendations of the Conference of the Parties and of the Secretariat that the annual reports be submitted by 31 October following the year for which they are due and following the guidelines for the preparation of such reports and that many Parties have not regularly submitted biennial reports.

It urges all Parties to submit their annual reports required under the provisions of Article VIII, paragraph 7 (a), in accordance with the most recent version of the Guidelines for the preparation and submission of CITES annual reports distributed by the Secretariat and as may be amended with the concurrence of the Standing Committee.

## Chapter 18 – Records and Reports

---

It urges all Parties to submit their biennial reports required under the provisions of Article VIII, paragraph 7 (b), by 31 October following the year for which they are due and in accordance with the Biennial report format distributed by the Secretariat, as may be amended by the Secretariat from time to time with the concurrence of the Standing Committee.

It also urges all Parties to submit biennial reports covering the same two-year periods beginning with the period from 1 January 2003 to 31 December 2004.

It further urges Parties with multiple Management Authorities to submit a coordinated annual and biennial report to the extent possible.

It acknowledges that the Conference of the Parties may request that Parties provide special reports not required by the Convention, if additional information is needed that cannot be sought via the annual or biennial report.

It 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 are in direct and irreconcilable conflict with the provisions of the regional trade agreement.

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.

The Conference of the Parties also recommends that, when compiling their annual reports in accordance with Article VIII, paragraph 7, of the Convention and this Resolution, Parties pay particular attention to the reporting of trade in specimens of species subject to annual export quotas. For these species, the report should indicate the level of the quota and the amount actually exported. In cases where trade is authorized in the reporting year in specimens obtained under a quota for the previous year, this should be reflected in the annual report.

It urges every Party to consider whether the preparation of its statistical and implementation reports could be computerized and the submission of such reports made in electronic format.

Resolution Conf. 5.6 already 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.

## Chapter 18 – Records and Reports

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It further urges Parties experiencing problems with the regular preparation and submission of annual or biennial 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 as well as managing other information under the Convention consult with each other, and with the Secretariat, in order to ensure optimal harmonization and compatibility of systems (from *Resolution Conf. 3.10*).

### Failure to submit annual reports

Decision 12.87 instructed the Standing Committee to undertake a review of the reporting requirements under the Convention with a view to identifying and analyzing the causes of non-compliance with those requirements and proposing ways to turn reporting requirements into useful management tools for Parties.

With **Resolution Conf.11.17 (Rev.CoP14)** 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 (Rev. CoP14)*; 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 or biennial reports provided the Party submits to the Secretariat a written request, containing adequate justification, before that deadline.

It instructs the Standing Committee to determine, on the basis of reports presented by the Secretariat, which Parties have failed, for three consecutive years and without having provided adequate justification, to provide the annual reports required under Article VIII, paragraph 7 (a), of the Convention within the deadline (or any extended deadline) provided in the present Resolution.

It recommends that Parties not authorize trade in specimens of CITES-listed species with any Party that the Standing Committee has determined has failed, for three consecutive years and without having provided adequate justification, to provide the annual reports required under Article VIII, paragraph 7 (a), of the Convention within the deadline (or any extended deadline) provided in the present Resolution.

The number of Parties with which a suspension of trade would have been decided under the above recommendation was sometimes so great that the Standing Committee delayed its determination of the failure to report for three consecutive years to its next meeting, giving Parties another year to catch up with their reporting.

### Provisions in other Resolutions of relevance to reporting

**Resolution Conf. 4.6 (Rev.CoP15)** on the submission of documents to the Conference of the Parties, provides in paragraph d), that, when drafting resolutions and decisions which require the gathering of information, a Party consider whether such information could be sought via the annual or biennial report, or if a special report is needed, and generally ensure that the reporting burden is kept to a minimum.

**Resolution Conf. 4.25 (Rev. CoP14)** on reservations recommends that any Party having entered a reservation with regard to any species included in Appendix I treat that species as if it were included in Appendix II for all purposes, including documentation and control.

**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.

### Yearbook of International Wildlife Trade

Resolution Conf. 3.10 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 above request is no longer repeated in Resolution **Conf. 11.17 (Rev. CoP 14)**.

### Guidelines for the preparation and submission of CITES annual reports

The guidelines are contained in Notification 2010/013 of June 2010 and are also provided here:

#### 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.

## Chapter 18 – Records and Reports

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The present guidelines for the submission of annual reports were prepared by the Secretariat in accordance with Resolution Conf. 11.17 (Rev. CoP13, now Rev. CoP14)) and were approved by the Standing Committee. They were corrected by the Secretariat following the 15th meeting of the Conference of the Parties (Doha, 2010) to incorporate the results of decisions made at that meeting, take account of changes in standard nomenclature and update the ISO codes for countries and territories.

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.

*Note from the author: the 'any other information' referred to here should be included in the biennial report and in the format recommended for that report.*

### 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]. 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.

## Chapter 18 – Records and Reports

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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, Elasmobranchii, Actinopterygii, Sarcopterygii, Holothuroidea, Arachnida, Insecta, Hirudinoidea, Bivalvia, Gastropoda, Anthozoa, Hydrozoa, 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 i) 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.*

## Chapter 18 – Records and Reports

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### 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 cannot be identified, in which case the name of the genus must be indicated (see separate relevant Notifications, e.g. regarding trade in stony corals).

### Regarding plants

Parties should:

- i) 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;
- ii) distinguish in their annual reports between plant specimens of wild and of artificially propagated origin;
- iii) consult their national timber organizations to identify any anomalies in their annual reports and to discuss remedies if such anomalies exist; and
- iv) 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.

### Regarding raw ivory

Parties should 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;

**Regarding black corals**, Parties should make every effort to report trade at the species level but, if this is not practical, they should adopt the following guidance:

- a) for trade in worked specimens of black coral where the species cannot be readily determined, the specimens may be recorded at the genus level and where the genus cannot be readily determined, the trade may be recorded at the level of Order 'Antipatharia';

## Chapter 18 – Records and Reports

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b) trade in raw black coral and live black coral should continue to be identified in trade to species level; and

**Regarding stony corals**, Parties should make every effort to report trade at the species level or, if this is not practical, at the generic level at least. However, Parties should note that:

i) for shipments where ‘base rock’ and ‘substrate’ made of coral, but not including pieces of coral collected alive and exported dead, cannot be identified to the level of genus, the trade may be recorded at the level of order [see **Resolution Conf. 11.10 (Rev. CoP15)**]; and

ii) 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 (Rev. CoP15)].

**Note:** 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. CoP15)] are not considered readily recognizable and are therefore not covered by the provisions of the Convention.

The common name of the species may be recorded in addition to the scientific name, but it is not required.

**Note:** Notification to the Parties 2010/014 also addresses trade in stony corals and provides a list of coral taxa where identification to genus level is acceptable, see page 173:

At its 18th meeting (San José, April 2002), the Animals Committee adopted a list of coral genera that could be identified to the species level and of those that could be identified to the genus level only. These lists were accepted by the Conference of the Parties at its 12th meeting (Santiago, 2002) and disseminated by the Secretariat through Notification to the Parties No. 2003/020 of 4 April 2003.

At its 15th meeting (CoP15, Doha, 2010), the Conference of the Parties instructed the Secretariat to re-issue Notification to the Parties No. 2003/020 of 4 April 2003 without the list of stony coral taxa identifiable to species level contained in Annex 1.

The Secretariat therefore provides in the Annex to the present Notification a list of stony coral genera for which identification to genus level only is acceptable for the purpose of implementing Resolutions Conf. 11.17 (Rev. CoP14) and Resolution Conf. 12.3 (Rev. CoP15). Nevertheless, these taxa should be identified to species level where feasible.

## Chapter 18 – Records and Reports

In addition, at CoP15, the Conference further instructed the Animals Committee to update the attached list. The Secretariat will disseminate any updated list that it receives from the Animals Committee.

**Coral taxa where identification to genus level is acceptable, but which should be identified to species level where feasible**

Taxa	Number of species in the genus
<i>Acanthastrea</i>	10
<i>Acropora</i>	127
<i>Agaricia</i>	7
<i>Alveopora</i>	12
<i>Anacrapora</i>	5
<i>Astreopora</i>	11
<i>Balanophyllia</i>	56
<i>Barabattoia</i>	3
<i>Caulastrea</i>	4
<i>Coscinaraea</i>	9
<i>Ctenactis</i>	3
<i>Cyphastrea</i>	7
<i>Dendrophyllia</i>	21
<i>Distichopora</i>	23
<i>Echinophyllia</i>	8
<i>Echinopora</i>	9
<i>Euphyllia</i> (dead)	9
<i>Favia</i>	18
<i>Favites</i>	9
<i>Fungia</i>	25
<i>Goniastrea</i>	8
<i>Goniopora</i>	20
<i>Leptastrea</i>	6
<i>Leptoseris</i>	14
<i>Lobophyllia</i>	7
<i>Madracis</i>	15
<i>Millepora</i>	17
<i>Montastrea</i>	9
<i>Montipora</i>	56
<i>Mussismillia</i>	3
<i>Mycetophyllia</i>	5
<i>Oculina</i>	9
<i>Oxypora</i>	3
<i>Pavona</i>	17
<i>Pectinia</i>	5
<i>Physogyra</i> (dead)	2
<i>Platygyra</i>	9
<i>Plerogyra</i> (dead)	4
<i>Pocillopora</i>	7

### 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), 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 unit of quantity used is neither the preferred unit nor the alternative unit, the annual report should contain the conversion factor to one of these units.

If the data cannot 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) Quotas

For species subject to quotas, include a table listing the species and specimens, the level of the quota and the total number or quantity of specimens for which export was authorized or, preferably, the total number or quantity actually exported. This should be

## Chapter 18 – Records and Reports

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done for the national quotas as well as for those determined by the Conference of the Parties.

### **f) 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.

### **g) 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.

### **h) 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.

### **i) 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.

## Chapter 18 – Records and Reports

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### j) 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

## Chapter 18 – Records and Reports

### 5. Terminology

#### a) Description of specimens and units of quantity

Description	Code	Preferred unit	Alternative unit	Explanation
baleen	BAL	kg	No.	whalebone
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 <sup>3</sup>	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)

## Chapter 18 – Records and Reports

Description	Code	Preferred unit	Alternative unit	Explanation
cloth	CLO	m <sup>2</sup>	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

## Chapter 18 – Records and Reports

Description	Code	Preferred unit	Alternative unit	Explanation
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)
foot	FOO	no.		feet – e.g. of elephant, rhinoceros, hippopotamus, lion, crocodile, etc.
frog legs	LEG	kg		frog legs
fruit	FRU	kg		fruit
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

## Chapter 18 – Records and Reports

Description	Code	Preferred unit	Alternative unit	Explanation
logs	LOG	m <sup>3</sup>		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. lignum vitae, <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
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 <sup>2</sup>		plates of fur skins – includes rugs if made of several skins
plywood	PLY	m <sup>2</sup>	m <sup>3</sup>	material consisting of three or more sheets of wood glued and pressed one on the other and generally disposed so that the grains of successive layers are at an angle
powder	POW	kg		powder
root	ROO	no.	kg	roots, bulbs, corms or tubers

## Chapter 18 – Records and Reports

Description	Code	Preferred unit	Alternative unit	Explanation
sawn wood	SAW	m <sup>3</sup>		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
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.

## Chapter 18 – Records and Reports

Description	Code	Preferred unit	Alternative unit	Explanation
timber	TIM	m <sup>3</sup>	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 <sup>3</sup> m <sup>2</sup>	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)

## Chapter 18 – Records and Reports

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### Key to units (equivalent non metric measurements may be used)

g	= grams
kg	= kilograms
l	= litres
cm <sup>3</sup>	= cubic centimetres
ml	= millilitres
m	= metres
m <sup>2</sup>	= square metres
m <sup>3</sup>	= cubic metres
no.	= number of specimens

### Names of countries and territories

The countries and entities listed below are designated in accordance with the *English country names and code elements* 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.

## Chapter 18 – Records and Reports

### ISO country codes in alphabetical order of country names

Code	Name
AF	Afghanistan
AX	Åland Islands
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, Plurinational State of
BQ	Bonaire, Saint Eustatius and Saba

Code	Name
BA	Bosnia and Herzegovina
BW	Botswana
BV	Bouvet Island
BR	Brazil
IO	British Indian Ocean Territory
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

## Chapter 18 – Records and Reports

Code	Name
CW	Curaçao
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
EC	Ecuador
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

Code	Name
GM	Gambia
GE	Georgia
DE	Germany
GH	Ghana
GI	Gibraltar
GR	Greece
GL	Greenland
GD	Grenada
GP	Guadeloupe
GU	Guam
GT	Guatemala
GG	Guernsey
GN	Guinea
GW	Guinea-Bissau
GY	Guyana
HT	Haiti
HM	Heard Island and McDonald Islands
VA	Holy See
HN	Honduras
HK	Hong Kong
HU	Hungary
IS	Iceland
IN	India
ID	Indonesia
IR	Iran, Islamic Republic of
IQ	Iraq
IE	Ireland
IM	Isle of Man
IL	Israel
IT	Italy

\* A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Islas Malvinas).

## Chapter 18 – Records and Reports

Code	Name
JM	Jamaica
JP	Japan
JE	Jersey
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	Macao
MG	Madagascar
MW	Malawi
MY	Malaysia
MV	Maldives
ML	Mali
MT	Malta
MH	Marshall Islands
MQ	Martinique
MR	Mauritania
MU	Mauritius
YT	Mayotte

Code	Name
MX	Mexico
FM	Micronesia, Federated States of
MC	Monaco
MN	Mongolia
ME	Montenegro
MS	Montserrat
MA	Morocco
MZ	Mozambique
MM	Myanmar
NA	Namibia
NR	Nauru
NP	Nepal
NL	Netherlands
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
PA	Panama
PW	Papua New Guinea
PY	Paraguay
PE	Peru

## Chapter 18 – Records and Reports

Code	Name
PH	Philippines
PN	Pitcairn
PL	Poland
PT	Portugal
PR	Puerto Rico
QA	Qatar
KR	Republic of Korea
MD	Republic of Moldova
RE	Réunion
RO	Romania
RU	Russian Federation
RW	Rwanda
BL	Saint Barthelemy
SH	Saint Helena, Ascension and Trista da Cunha
KN	Saint Kitts and Nevis
LC	Saint Lucia
MF	Saint Martin
PM	Saint Pierre and Miquelon
VC	Saint Vincent and the Grenadines
WS	Samoa
SM	San Marino
ST	Sao Tome and Principe
SA	Saudi Arabia
SN	Senegal
RS	Serbia
SC	Seychelles
SL	Sierra Leone
SG	Singapore
SX	Sint Maarten

Code	Name
SK	Slovakia
SI	Slovenia
SB	Solomon Islands
SO	Somalia
ZA	South Africa
GS	South Georgia and the South Sandwich Islands*
ES	Spain
LK	Sri Lanka
SD	Sudan
SR	Suriname
SJ	Svalbard and Jan Mayen
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
TL	Timor-Leste
TG	Togo
TK	Tokelau
TO	Tonga
TT	Trinidad and Tobago
TN	Tunisia

\* A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Islas Malvinas).

## Chapter 18 – Records and Reports

Code	Name
TR	Turkey
TM	Turkmenistan
TC	Turks and Caicos Islands
TV	Tuvalu
UG	Uganda
UA	Ukraine
AE	United Arab Emirates
GB	United Kingdom of Great Britain and Northern Ireland
TZ	United Republic of Tanzania
US	United States of America
UM	United States Minor Outlying Islands

Code	Name
UY	Uruguay
UZ	Uzbekistan
VU	Vanuatu
VE	Venezuela, Bolivarian Republic of
VN	Viet Nam
VG	Virgin Islands, British
VI	Virgin Islands, United States
WF	Wallis and Futuna Islands
EH	Western Sahara
YE	Yemen
ZM	Zambia
ZW	Zimbabwe

## Chapter 18 – Records and Reports

### ISO country codes in alphabetical order of codes

Code	Name
AD	Andorra
AE	United Arab Emirates
AF	Afghanistan
AG	Antigua and Barbuda
AI	Anguilla
AL	Albania
AM	Armenia
AO	Angola
AQ	Antarctica
AR	Argentina
AS	American Samoa
AT	Austria
AU	Australia
AW	Aruba
AX	Åland Islands
AZ	Azerbaijan
BA	Bosnia and Herzegovina
BB	Barbados
BD	Bangladesh
BE	Belgium
BF	Burkina Faso
BG	Bulgaria
BH	Bahrain
BI	Burundi
BJ	Benin
BL	Saint Barthelemy
BM	Bermuda
BN	Brunei Darussalam

BO	Bolivia, Plurinational State of
BQ	Bonaire, Saint Eustatius and Saba
BR	Brazil
BS	Bahamas
BT	Bhutan
BV	Bouvet Island
BW	Botswana
BY	Belarus
BZ	Belize
CA	Canada
CC	Cocos (Keeling) Islands
CD	Democratic Republic of the Congo
CF	Central African Republic
CG	Congo
CH	Switzerland
CI	Côte d'Ivoire
CK	Cook Islands
CL	Chile
CM	Cameroon
CN	China
CO	Colombia
CR	Costa Rica
CU	Cuba
CV	Cape Verde
CW	Curaçao
CX	Christmas Island

## Chapter 18 – Records and Reports

CY	Cyprus
CZ	Czech Republic
DE	Germany
DJ	Djibouti
DK	Denmark
DM	Dominica
DO	Dominican Republic
DZ	Algeria
EC	Ecuador
EE	Estonia
EG	Egypt
EH	Western Sahara
ER	Eritrea
ES	Spain
ET	Ethiopia
FI	Finland
FJ	Fiji
FK	Falkland Islands (Malvinas)*
FM	Micronesia, Federated States of
FO	Faroe Islands
FR	France
GA	Gabon
GB	United Kingdom of Great Britain and Northern Ireland
GD	Grenada
GE	Georgia
GF	French Guiana

GG	Guernsey
GH	Ghana
GI	Gibraltar
GL	Greenland
GM	Gambia
GN	Guinea
GP	Guadeloupe
GQ	Equatorial Guinea
GR	Greece
GS	South Georgia and the South Sandwich Islands <sup>†</sup>
GT	Guatemala
GU	Guam
GW	Guinea-Bissau
GY	Guyana
HK	Hong Kong
HM	Heard Island and McDonald Islands
HN	Honduras
HR	Croatia
HT	Haiti
HU	Hungary
ID	Indonesia
IE	Ireland
IL	Israel
IM	Isle of Man
IN	India
IO	British Indian Ocean Territory

\* A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Islas Malvinas).

† A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Islas Malvinas).

## Chapter 18 – Records and Reports

IQ	Iraq
IR	Iran, Islamic Republic of
IS	Iceland
IT	Italy
JE	Jersey
JM	Jamaica
JO	Jordan
JP	Japan
KE	Kenya
KG	Kyrgyzstan
KH	Cambodia
KI	Kiribati
KM	Comoros
KN	Saint Kitts and Nevis
KP	Democratic People's Republic of Korea
KR	Republic of Korea
KW	Kuwait
KY	Cayman Islands
KZ	Kazakhstan
LA	Lao People's Democratic Republic
LB	Lebanon
LC	Saint Lucia
LI	Liechtenstein
LK	Sri Lanka
LR	Liberia
LS	Lesotho
LT	Lithuania
LU	Luxembourg
LV	Latvia
LY	Libyan Arab Jamahiriya

MA	Morocco
MC	Monaco
MD	Republic of Moldova
ME	Montenegro
MF	Saint Martin
MG	Madagascar
MH	Marshall Islands
MK	The former Yugoslav Republic of Macedonia
ML	Mali
MM	Myanmar
MN	Mongolia
MO	Macao
MP	Northern Mariana Islands
MQ	Martinique
MR	Mauritania
MS	Montserrat
MT	Malta
MU	Mauritius
MV	Maldives
MW	Malawi
MX	Mexico
MY	Malaysia
MZ	Mozambique
NA	Namibia
NC	New Caledonia
NE	Niger
NF	Norfolk Island
NG	Nigeria
NI	Nicaragua
NL	Netherlands

## Chapter 18 – Records and Reports

NO	Norway
NP	Nepal
NR	Nauru
NU	Niue
NZ	New Zealand
OM	Oman
PA	Panama
PE	Peru
PF	French Polynesia
PH	Philippines
PK	Pakistan
PL	Poland
PM	Saint Pierre and Miquelon
PN	Pitcairn
PR	Puerto Rico
PT	Portugal
PW	Palau
PW	Papua New Guinea
PY	Paraguay
QA	Qatar
RE	Réunion
RO	Romania
RS	Serbia
RU	Russian Federation
RW	Rwanda
SA	Saudi Arabia
SB	Solomon Islands
SC	Seychelles
SD	Sudan
SE	Sweden
SG	Singapore

SH	Saint Helena, Ascension and Trista da Cunha
SI	Slovenia
SJ	Svalbard and Jan Mayen
SK	Slovakia
SL	Sierra Leone
SM	San Marino
SN	Senegal
SO	Somalia
SR	Suriname
ST	Sao Tome and Principe
SV	El Salvador
SX	Sint Maarten
SY	Syrian Arab Republic
SZ	Swaziland
TC	Turks and Caicos Islands
TD	Chad
TF	French Southern Territories
TG	Togo
TH	Thailand
TJ	Tajikistan
TK	Tokelau
TL	Timor-Leste
TM	Turkmenistan
TN	Tunisia
TO	Tonga
TR	Turkey
TT	Trinidad and Tobago
TV	Tuvalu

## Chapter 18 – Records and Reports

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TW	Taiwan, Province of China
TZ	United Republic of Tanzania
UA	Ukraine
UG	Uganda
UM	United States Minor Outlying Islands
US	United States of America
UY	Uruguay
UZ	Uzbekistan
VA	Holy See
VC	Saint Vincent and the Grenadines

VE	Venezuela, Bolivarian Republic of
VG	Virgin Islands, British
VI	Virgin Islands, United States
VN	Viet Nam
VU	Vanuatu
WF	Wallis and Futuna Islands
WS	Samoa
YE	Yemen
YT	Mayotte
ZA	South Africa
ZM	Zambia
ZW	Zimbabwe

## Chapter 18 – Records and Reports

### c) Purpose of trade

#### Purpose codes

Code	Description
T	Commercial
Z	Zoo
G	Botanical garden
Q	Circus or travelling exhibition
S	Scientific
H	Hunting trophy
P	Personal
M	Medical (including biomedical research)
E	Educational
N	Reintroduction or introduction into the wild
B	Breeding in captivity or artificial propagation
L	Law enforcement / judicial / forensic

### d) Source of specimens

#### Source codes

Code	Description
W	Specimens taken from the wild
R	Ranched specimens: specimens of animals reared in a controlled environment, taken as eggs or juveniles from the wild, where they would otherwise have had a very low probability of surviving to adulthood
D	Appendix-I animals bred in captivity for commercial purposes in operations included in the Secretariat's Register, in accordance with Resolution Conf. 12.10 (Rev. CoP15), 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 (Rev. CoP15), 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
F	Animals born in captivity (F1 or subsequent generations) that do not fulfil the

## Chapter 18 – Records and Reports

Code	Description
	definition of 'bred in captivity' in Resolution Conf. 10.16 (Rev.), as well as parts and derivatives thereof
<b>U</b>	Source unknown ( <b>must be justified</b> )
<b>I</b>	Confiscated or seized specimens (may be used with another code)
<b>O</b>	Pre-Convention specimens

### 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 (Rev. CoP14)**, the Secretariat may approve a valid request from a Party for a reasonable extension of time to the 31 October deadline provided that the Party submits to the Secretariat a written request, containing adequate justification before that deadline.

b) Annual reports should be sent either to the offices of the Secretariat in Switzerland or to the UNEP World Conservation Monitoring Centre (UNEP-WCMC), which maintains the computer database of annual report statistics on behalf of the Secretariat.

However, if the annual report is sent directly to UNEP-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.

The Guidelines contain a number of sample reports, which can be found on pages 18 to 21 of the file on the CITES website: <http://www.cites.org/eng/notif/2011/E019A.pdf>

### 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 strongly 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 doc-

## Chapter 18 – Records and Reports

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uments 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.

A party 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.

### **Facilitating annual reporting on trade in artificially propagated plants**

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

## Chapter 18 – Records and Reports

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authorities must provide CITES Management Authorities with information on trade in artificially propagated Appendix II or III specimens on the basis of plant health (phyto-sanitary) 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.

**Decision 14.39 (Rev. CoP15)** instructs the Secretariat to, subject to available funding, in consultation with the UNEP World Conservation Monitoring Centre:

- a) conduct a survey of reporting practices of Parties relating to trade in artificially propagated plants of taxa included in Appendix II, e.g. regarding the degree of completeness and detail;
- b) identify cases where the compilation of trade data pertaining to artificially propagated plants of taxa included in Appendix II has contributed to a significant extent to the detection of illegal trade or to any other analysis related to the conservation of wild flora;
- c) taking into consideration the results of paragraphs a) and b) above, analyze the Convention text and Resolutions in order to identify binding and non-binding elements of reporting, with special emphasis on artificially propagated plants of taxa included in Appendix II. The Secretariat shall list options for streamlining such reporting; and
- d) report on its findings to the Plants Committee prior to its 20th meeting.

**Decision 14.40 (Rev. CoP15)** instructs the Plants Committee to, after considering the report of the Secretariat:

- a) determine whether there are any taxa of Appendix-II plants artificially propagated for which detailed reporting is less valuable; and
- b) report its findings to the Standing Committee at its 62nd meeting.

**Decision 14.41 (Rev. CoP15)** instructs the Standing Committee to:

- a) taking into consideration the findings of the Plants Committee, determine whether it is possible to streamline the reporting of trade in artificially propagated Appendix-II plants; and
- b) report on its findings at the 16th meeting of the Conference of the Parties and submit draft wording to amend Resolutions concerned, where appropriate.

## Chapter 19 - Management and Scientific Authorities

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### Article IX

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 implementation of the

## Chapter 19 – Management and Scientific Authorities

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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. This – and a lot more interesting information – can now be found on the Secretariat's website.

**Resolution Conf. 12.3 (Rev. CoP15)** recommends in Section I, paragraph p):

That 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 (from [Resolution Conf. 8.5](#)).

### Scientific Authorities

**Resolution Conf. 10.3** recalls [Resolution Conf. 8.6 \(Rev.\)](#) and acknowledges that each Party is required, in accordance with Article IX of the Convention, to designate one or more Scientific Authorities.

It 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. 2.11 \(Rev.\)](#), [Conf. 8.21](#), [Conf. 9.10 \(Rev. CoP15\)](#), [Conf. 9.19 \(Rev. CoP15\)](#), [Conf. 9.21 \(Rev. CoP13\)](#), [Conf. 10.7 \(Rev. CoP15\)](#), [Conf. 11.11 \(Rev. CoP15\)](#), [Conf. 11.15 \(Rev. CoP12\)](#), and [Conf. 12.10 \(Rev. CoP15\)](#).

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 (Pruhonice, 1996).

The Resolution recalls that [Resolution Conf. 8.4 \(Rev. CoP15\)](#) 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 \(Rev. CoP15\)](#) 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.

## Chapter 19 – Management and Scientific Authorities

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It reminds Parties of Article XIV, paragraph 1, which permits any Party to adopt stricter domestic measures.

The Conference of the Parties 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; 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;
- 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;
- d) Parties enlist the assistance of Scientific Authorities of other Parties, as appropriate;
- e) neighbouring Parties consider sharing their resources by supporting common scientific institutions to provide the scientific findings required under the Convention;
- f) the Parties consult with the Secretariat when there is reason for concern as to whether the proper Scientific Authority findings are being made;
- 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;
- 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;

This paragraph should also refer to the Scientific Authority of the country of introduction from the sea.

## Chapter 19 – Management and Scientific Authorities

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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;

See page 126.

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;

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;

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. CoP12), and other standards or any stricter national requirements;

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;

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; 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;

The Conference of the Parties encourages the Parties, the Secretariat and interested non-governmental organizations to develop and support workshops/seminars designed specifically to improve the implementation of CITES by Scientific Authorities.

## Chapter 20 - Trade with States not Party to the Convention

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### Article X

**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. Back 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*). Of course at the time there were only 30 CITES Parties, which made the issue a lot more important than it is today with – at the time of writing – 175 Parties. All major wildlife trading countries are Parties to the Convention.

The Conference of the Parties then also 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*).

The 2000 Strategic Vision included the goal to secure at least 20 more Parties by 2005. This target was achieved with the Republic of Cape Verde becoming the 169th Party in November 2005.

### Recommendations

In 1994, the Conference of the Parties combined the recommendations of two earlier Resolutions (*Resolutions Conf. 3.8 and Conf. 8.8*). Since then further amendments took place.

## Chapter 20 – Trade with States not Party to the Convention

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Current **Resolution Conf. 9.5 (rev. CoP 15)** recalls the provisions of Article X of the Convention, permitting acceptance of comparable documentation issued by the competent authorities of States not party to the Convention and considers the need to provide guidance to Parties for the uniform implementation of Article X of the Convention.

It considers further 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.

It considers that Article IV, paragraph 2, of the Convention requires a Scientific Authority of the State of export to have advised that an export will not be detrimental to the survival of the species concerned before an export permit may be issued.

The Conference of the Parties states that trade from and through States not party to the Convention risks jeopardizing the effectiveness of the Convention and that illegal trade, in particular in Appendix-I species, appears to avoid States that are party to the Convention and seeks trade routes to, from and through States not party to the Convention.

It recalls Resolution Conf. 9.7 (Rev. CoP15), 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 recognizes the possibility for Parties to impose more restrictive domestic controls on trade under Article XIV.

The Conference of the Parties expresses its conviction of the need to counteract illegal trade by tightening the conditions applying to trade with States not party to the Convention and recommends that:

a) 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;
- ii) sufficient identification of the species concerned for the purposes of the Convention;
- 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;
- 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;
- 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; 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;

## Chapter 20 – Trade with States not Party to the Convention

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b) Parties accept documentation from States not party to the Convention only if the details of the competent authorities and scientific institutions of such States that are included in the online CITES Directory were communicated less than two years previously, unless the Secretariat confirms that it has more recent information;

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;

d) particular attention be given to the inspection of specimens in transit exported or re-exported from, or destined for States not party to the Convention and to the inspection of documentation for such specimens;

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;

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; and

The limitation to Appendix I species is at odds with the agreement in **Resolution Conf. 12.10 (Rev. CoP15)**, applying to all Appendices, that comparable documentation granted in accordance with the Convention with regard to captive bred specimens by States that are not Parties to the Convention shall not be accepted without prior consultation with the Secretariat.

g) Parties communicate to the Secretariat any inconsistencies in trade involving States not party to the Convention;

The Conference of the Parties instructs the Secretariat to seek, every two years, information on, and to include in its Directory, details of the designated competent authorities, scientific institutions and enforcement authorities of non-party States that were communicated by these States, together with the date on which the details were received.

### Elephant specimens and non-Parties

**Resolution Conf. 10.10 (Rev. CoP15)** 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

## Chapter 20 – Trade with States not Party to the Convention

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interpreted by Resolutions of the Conference of the Parties) (reworded from 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 (from Resolution Conf. 9.16).

### Ranching and trade with non-Parties

Resolution Conf. 10.18 (from Resolution Conf. 5.16) recognized that if adequate protection was to be provided for both ranched and other populations, trade with non-Party countries must be discouraged and referred to the possibility of imposing more restrictive domestic controls upon trade in specimens of listed populations under Article XIV. On that basis it recommended 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 these recommendations was always 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 concerned 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 (Rev. CoP15)**, which has now replaced Resolution Conf. 10.18.

## Chapter 21 - The Conference of the Parties

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### Meetings of the Conference of the Parties

#### Article XI, paragraphs 1 and 2

**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.

**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.**

#### Regular meetings

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, 2000, 2002, 2004, 2007 and 2010.

## Chapter 21 – The Conference of the Parties



Meetings of the Conference of the Parties are commonly referred to as CoP, CoP 15 for example. In this book I mostly use the full title and sometimes the more popular abbreviation.

For Resolutions and Decisions in force since CoP 15, see the **Index of Valid Resolutions** and the **Index of Valid Decisions** at the end of this book.

The 16<sup>th</sup> meeting of the Conference of the Parties will take place in 2013 and for the second time in Thailand.

For venues, dates and figures on participation in the first fifteen meetings of the Conference of the Parties see **Annex 3**, page 801.

The 12th meeting of the Conference of the Parties decided that, for budgetary reasons, meetings of the Conference of the Parties shall take place only every three years.

With **Resolution Conf. 13.1** it was agreed that all meetings of the Conference of the Parties and all regular meetings of the Standing Committee should be held in Geneva unless a candidate host country pays the difference in costs between its proposed venue and Geneva. This provision is now contained in **Resolution Conf. 15.1**.

### Extraordinary meetings

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.

These are listed in **Resolution Conf. 4.6 (Rev. CoP15)**, which directs the Secretariat to put the following proposals on the agenda of the next extraordinary meeting of the Con-

## Chapter 21 – The Conference of the Parties

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ference 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.

### Tasks of the Conference of the Parties

#### Article XI, paragraph 3

**At meetings, whether regular or extraordinary, the Parties shall review the implementation of the present Convention and may:**

#### Article XI.3, paragraph (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 at the first extraordinary meeting of the Conference of the Parties on 22 June 1979 and are known as the Bonn amendment or the financial amendment.

#### Article XI.3, paragraph (b)

**consider and adopt amendments to Appendices I and II in accordance with Article XV;**

#### Article XI.3, paragraph (c)

**review the progress made towards the restoration and conservation of the species included in Appendices I, II and III;**

Other than in the context of amendments to the Appendices, there has not really 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 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.

### **Article XI.3, paragraph (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).

### **Article XI.3, paragraph (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. From CoP1, however, recommendations of the Conference of the Parties have been laid down in Resolutions and – from a later date – Decisions. Also see page 350.

## **Regional sessions at meetings of the Conference of the Parties**

With **Resolution Conf. 11.1 (Rev. CoP13)** the Conference of the Parties establishes the character and tasks of regional sessions during meetings of the Conference of the Parties (from *Decision 10.3*):

It agrees 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 Chair of each regional session should be the representative of a regional member of the Standing Committee; and
- c) each region has specific tasks to fulfil, as follows:

## Chapter 21 – The Conference of the Parties

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i) selection, if appropriate, of members and alternate members of the Standing Committee, which are Parties;

ii) selection of the members and alternate members of the Animals and Plants Committees. In accordance with Annex 2 of this Resolution (i.e. Conf. 11.1 (Rev. CoP13), 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 with regard to 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. 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 subparagraphs i) and ii) 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.

In the section on the duties of regional representatives, the Resolution resolves:

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.

### Dialogue meetings

In 2007, the Conference of the Parties adopted Rules of Procedure of CITES dialogue meetings, which had been held without proper rules since 1996 to examine proposals to amend the Appendices in relation to the Hawksbill turtle and since 2001 in relation to proposals in relation to the African elephant.

**Resolution Conf. 14.5** on Dialogue meetings notes that dialogue meetings provide the opportunity for the representatives of States to express their concerns, to share information, to exchange views frankly and freely, without the pressures that exist on delegations during meetings of the Conference of the Parties, and to seek ways forward.

It considers that the results of a dialogue meeting may include, amongst other things, agreement on a position regarding a proposal for amendment of the CITES Appendices submitted to the Conference of the Parties.

It recognizes that terms of reference and rules of procedure are an essential requirement to standardize the organization and conduct of such meetings.

## Chapter 21 – The Conference of the Parties

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The Conference of the Parties therefore decides to establish dialogue meetings as a formal series of CITES meetings and agrees that dialogue meetings are consultative meetings between range States of a certain species or group of species, with the aim of seeking consensus in relation to a proposal submitted for amendment of the CITES Appendices when there are strong divisions between those States;

It further agrees that:

a) a dialogue meeting may be called for either by the Conference of the Parties or by the Standing Committee;

b) if, following the discussion of, amongst other things, a proposal to amend the Appendices, the Conference of the Parties believes that there is a need for an exchange of views between range States of the species, it may instruct the Secretariat that, if it receives a further amendment proposal relating to the same species, it should organize a dialogue meeting of the range States. In this case, the Conference of the Parties should preferably allocate funds for such a meeting. Otherwise, the holding of such a meeting will be subject to the availability of external funding;

c) if a Party intends to submit, amongst other things, a proposal to amend the Appendices and, as a result of seeking the comments of the other range States, becomes aware that there is a need for an exchange of views between them, it may ask the Standing Committee to instruct the Secretariat to organize a dialogue meeting, subject to the availability of external funding; and

d) when the Conference of the Parties or the Standing Committee calls a CITES dialogue meeting for a species, they should consider whether it is necessary for the range States of related species to be invited as observers; and

The Conference of the Parties adopts the rules of procedure for CITES dialogue meetings in the Annex to the Resolution:

### Annex

## Rules of procedure of CITES dialogue meetings

### Representation

1. Each Party that is a range State of an extant population of the species (or group of species) to be discussed shall be entitled to be represented at a dialogue meeting by a representative and an alternate representative, who shall be government officials designated to attend by the Management Authority of the Party that they represent.

2. Other Parties and organizations (including donors) may be represented by observers only if their attendance is approved by a consensus of the representatives of the range States.

## Chapter 21 – The Conference of the Parties

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3. The CITES Secretariat shall participate in dialogue meetings in order to advise the Parties and to serve as Secretary and organizer of the meeting.

4. The Secretariat shall be responsible for inviting the range States to send representatives to a dialogue meeting.

5. Following the recommendations of the range States, the Secretariat may invite inter-governmental organizations and other technical experts to attend a meeting as resource persons.

### Meetings

6. CITES dialogue meetings are convened and organized by the CITES Secretariat on behalf of the Parties. At least two-thirds of the representatives of the range States of the species shall constitute a quorum.

7. When the Conference of the Parties or the Standing Committee has instructed the Secretariat to organize a dialogue meeting, it shall seek a host country for the meeting from among the range States and, if there is more than one offer, select a host country in consultation with the Chairman of the Standing Committee and, where applicable, the relevant regional representatives in the Committee. The host country is usually expected to cover the cost of rental of the meeting rooms and refreshments for the participants and to work with the Secretariat in the organization of the meeting.

8. If funds have not been allocated in the Trust Fund budget, the Secretariat shall seek sufficient funds to cover the attendance of at least one representative of each Party range State of the species concerned coming from developing countries or countries with economies in transition.

9. Dialogue meetings should, as far as possible, take place well in advance of meetings of the Conference of the Parties so that the outcomes may be used by the Parties when considering their positions in preparation for such meetings. However, sometimes, for reasons of financial constraints, it is necessary to hold a dialogue meeting immediately before a meeting of the Conference of the Parties. In such cases, the Host Country of the meeting of the Conference is not expected to serve as the host for the dialogue meeting.

10. The provisional agenda for each dialogue meeting should be prepared at least 60 days in advance by the Chairman of the Standing Committee with the assistance of the Secretariat, following consultation with the range States of the species concerned. The Secretariat is responsible for distributing the provisional agenda to all range States at least 45 days before the meeting.

### Chairman

11. The Chairman of the Standing Committee shall serve as the Chairman of each CITES dialogue meeting. If he/she is unable to serve, he/she should appoint the Vice-Chairman

## Chapter 21 – The Conference of the Parties

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or Alternate Vice-Chairman of the Standing Committee to serve in his/her place or identify a Chairman who is acceptable to the range States.

### Vice-Chairmen

12. Two Vice-Chairmen for each meeting shall be elected from among the participants.

### Decisions

13. All decisions of dialogue meetings shall be made by the representatives of the range States. In the absence of a representative, the alternate representative shall for all purposes serve in his/her place.

14. Decisions shall as far as possible be made by consensus. Where this is not possible, this should be indicated in the final communiqué of the meeting, which may indicate majority and minority views.

### Communications

15. No record shall be kept of the discussions that take place at dialogue meetings and they shall be considered as confidential. Consequently, participants shall not communicate with the media or with organizations that are not participating, or have not participated, in a dialogue meeting concerning the statements made by other participants.

16. A communiqué from each meeting shall be drafted by the Secretary in consultation with the Chairman and Vice-Chairmen, and shall be presented to the representatives of the range States for agreement. Such communiqué, if agreed, shall serve as the official record of the outcome of the meeting, and shall be made available in the three working languages of the Convention. Communiqués shall be formally presented at the following meeting of the Conference of the Parties.

### Final provisions

17. In matters not covered by the present Rules, the Rules of Procedure of the Standing Committee that are currently in effect shall apply as far as practicable.

## Resolutions, recommendations and decisions

Until the ninth meeting of the Conference of the Parties, recommendations were only laid down in the form of Resolutions, but certain decisions could – with difficulty - 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](#).

## Chapter 21 – The Conference of the Parties

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The subject is now included in **Resolution Conf. 4.6 (Rev. CoP15)**, which directs the Secretariat:

a) 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;

b) to update the Decisions after each meeting of the Conference of the Parties, to contain all the recommendations (or other forms of decision) that are not recorded in Resolutions and that remain in effect. The Decisions 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 Decisions soon after each meeting of the Conference; and

c) when revising the list of current Decisions for the purpose of suggesting amendments, deletions or continuity, the Secretariat shall provide justification of any proposed changes to a Decision at each meeting of the Conference of the Parties;

This paragraph was added at CoP15.

DECIDES 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 or permanent committees must contain or be accompanied by a budget for the work involved and an indication of the source of funding; and

DECIDES further that the recommendations contained in Resolutions and Decisions adopted by the Conference of the Parties shall enter into effect 90 days after the meeting at which they are adopted, unless otherwise specified in the recommendation concerned.

**Decision 14.19** directs the Standing Committee to review any proposals from the Secretariat to correct non-substantive errors or minor editorial faults in current Resolutions and decide whether they should be referred to the Conference of the Parties. In cases where the Committee agrees with the proposals and considers that they need not be referred to the Conference, it may instruct the Secretariat to republish the Resolutions with the necessary corrections.

### Proposals

**Resolution Conf. 4.6 (Rev. CoP15)** contains important decisions about the content of proposals and the deadlines for their submission:

The Conference of the Parties agrees that 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

## Chapter 21 – The Conference of the Parties

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draft resolutions and other documents submitted for consideration at meetings of the Conference of the Parties.

It recommends that:

a) the text of any draft resolution or other document to be submitted for consideration at a meeting of the Conference of the Parties be communicated to the Secretariat at least 150 days before the meeting;

b) the Secretariat be authorized to accept draft resolutions and documents (other than proposals for amendment of Appendices I and II) after the 150-day deadline only in exceptional circumstances, when it is established, to the satisfaction of the Secretariat, that the draft resolutions or documents could not have been communicated before the deadline;

c) when drafting a resolution that is intended to treat a subject comprehensively, or to make significant changes in the way in which a subject is dealt with, a Party 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;

d) when drafting resolutions and decisions which require the gathering of information, a Party consider whether such information could be sought via the annual or biennial report, or if a special report is needed, and generally ensure that the reporting burden is kept to a minimum;

e) unless practical considerations dictate otherwise, draft resolutions not include:

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;

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; and

g) when a draft resolution is adopted that merely adds points to the recommendations (or other decisions) in existing Resolutions, or makes minor amendment thereto, the existing Resolutions be replaced by revised versions with the agreed changes.

### 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.

## Chapter 21 – The Conference of the Parties

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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 from the sixth meeting of the Conference of the Parties onwards 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 effect

**Resolution Conf. 4.6 (Rev. CoP15)** provides that the recommendations contained in Resolutions and Decisions adopted by the Conference of the Parties shall enter into effect 90 days after the meeting at which they are adopted, unless otherwise specified in the recommendation concerned.

As Resolutions and Decisions are non-binding “soft law”, their implementation by the individual Parties is subject to their decision to transpose them into national law or not.

### The time and venue of CoPs

#### Article XI, paragraph 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 had to rotate in all the 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 as well as media and public interest for the meeting and for wildlife conservation. At the fifth and subsequent 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 Gigiri (Nairobi, Kenya), in March 2000.

### Rules of Procedure for meetings of the Conference of the Parties

#### Article XI, paragraph 5

At any meeting, the Parties may determine and adopt rules of procedure for the meeting.

These Rules of Procedure are in **Annex 1**, page 777 .

### Observers

#### Article XI, paragraphs 6 and 7

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 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** increased the contribution to CHF 600. With **Resolution Conf. 12.1**, when the budget was again in US dollars, changed the amount changed into US\$ 600, which was maintained with **Resolutions Conf. 13.1, 14.1 and Resolution Conf. 15.1**.

## Chapter 21 – The Conference of the Parties

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**Resolution Conf. 13.8** contains all other decisions that have been in force since the eleventh meeting of the Conference of the Parties on the participation of observers in meetings of the Conference of the Parties:

**With Resolution Conf. 13.8**, the Conference of the Parties recalls Decisions 11.14, 11.70, 11.71, 11.73, and 11.124 to 11.128 and decides that 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;

It instructs the Secretariat to apply Rule 3, paragraph 5, of the Rules of the Procedure for meetings of the Conference of the Parties 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 six-week 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;

It recommends that:

- a) in selecting venues for meetings of the Conference of the Parties, the Parties make every effort to ensure that these have space for observers on the floors of the halls for the plenary sessions, Committee I and Committee II; and
- b) the Secretariat and the host country of each meeting of the Conference of the Parties 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;

It instructs the Presiding Officers at plenary sessions and sessions of Committee I and Committee II:

- a) to make every effort to allow observers time in the sessions to make interventions; they may give them a time limit for speaking if necessary and encourage them not to be redundant in speaking on a particular issue; and
- b) when possible, to invite knowledgeable observers to participate in working groups of Committee I and Committee II; and

## Chapter 21 – The Conference of the Parties

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It instructs the Secretariat:

a) to 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 are distributed to the participants in the meeting; and

b) not to provide sponsorship through the Sponsored Delegates Project to any representative of a Party at a meeting of the Conference of the Parties who is also an observer for a non-governmental organization.

## Chapter 22 - Financing of the Convention and the Secretariat

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### Article XI.3

At meetings, whether regular or extraordinary, the Parties shall review the implementation of the present Convention and may:

### Article XI.3, paragraph (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 at the first extraordinary meeting of the Conference of the Parties on 22 June 1979 and are known as the Bonn amendment or the financial amendment.

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 2/3rd of the 51 countries that were Parties at the time of its adoption. By the end of October 2010, it had been accepted by 141 out of the then 175 Parties. For details please visit the CITES website.

### The history of the Secretariat's budget

On 1 March 1978 the Executive Director of UNEP wrote to the Parties stressing the catalytic role of the Fund of UNEP, but 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,

## Chapter 22 – Financing of the Convention and the Secretariat

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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 provide 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

## Chapter 22 – Financing of the Convention and the Secretariat

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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 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 programs 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.

## Chapter 22 – Financing of the Convention and the Secretariat

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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.

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.

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 represented an 8.66% increase vis-à-vis that of the biennium 1996-1997, 5% was to be covered by adjusting the contributions by the Parties, and the Secretariat was allowed to draw the remaining 3.66% from the balance in the CITES Trust Fund at the end of each year.

## Chapter 22 – Financing of the Convention and the Secretariat

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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 was 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 would be drawn from the available balance in the CITES Trust Fund, and one of these posts could 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 might 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 programs 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 represented 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 was not reduced below CHF 1 million at the commencement of any year.

With Resolution Conf. 12.1, Party contributions for the triennium were increased by 6% and Secretariat was requested to maintain an operating cash reserve of USD 700,000 to ensure financial liquidity and was 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. This level was maintained with Resolution Conf. 13.1.

Resolution Conf. 13.1 increased the contributions from the Parties by 3%, implying a budget decrease of about 7% for the triennium 2006-2008 as compared to 2003-2005.

Resolution Conf. 14.1 instructed the Secretariat to develop a costed programme of work based on the Strategic Vision adopted at CoP14, taking into account available staffing resources and financial means and to submit it for consideration of the Standing Committee at its 57th meeting. It was further decided that the costed programme of work for the triennium 2009-2011 should be covered by contributions from the Parties for the amount of USD 4,904,991 for 2009, USD 5,426,937 for 2010 and USD 5,150,247 for

## Chapter 22 – Financing of the Convention and the Secretariat

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2011. This represented an annual increase of the budget with 6%. The Secretariat was instructed to, where activities that were to be externally-funded were concerned, proactively seek funds, preferably non-earmarked, for the implementation of those with priority A and to subsequently seek funds for those with priority B.

### The currently applicable financial and budgetary provisions

These are contained in **Resolution Conf. 15.1** on financing and the costed programme of work for the Secretariat for the biennium 2012-2013:

#### THE CONFERENCE OF THE PARTIES

RECALLING that the financial amendment to the Convention, adopted in Bonn in 1979, entered into force on 13 April 1987;

RECALLING Resolution Conf. 14.1 adopted at the 14th meeting of the Conference of the Parties (The Hague, 2007);

HAVING NOTED the 2007-2008 actual expenditures incurred by the Secretariat [document CoP15 Doc. 6.2 (Rev. 1)];

HAVING NOTED the revised costed programme of work for 2009 presented by the Secretariat [document CoP15 Doc. 6.3 (Rev. 1)];

HAVING NOTED the projected costed programme of work for 2010-2011 presented by the Secretariat [document CoP15 Doc. 6.4 (Rev. 1)];

HAVING REVIEWED the proposed costed programme of work for the biennium 2012-2013, submitted by the Secretariat [document CoP15 Doc. 6.5 (Rev. 1)];

RECOGNIZING the continuing need for administrative and financial arrangements between the Parties and the Executive Director of UNEP;

NOTING the increase in the number of Parties as well as species listed in the Appendices to the Convention; the need for greater assistance to the Parties to achieve more effective implementation; the necessity to provide adequately for implementation of all Decisions and Resolutions of the Conference of the Parties as well as the Strategic Vision: 2008-2013, and the resulting increasing expenditure incurred by the Secretariat;

#### THE CONFERENCE OF THE PARTIES TO THE CONVENTION

ACCEPTS the report of expenditures for the biennium 2007-2008 and APPROVES the costed programme of work for the years 2009-2011;

DECIDES that the implementation of the costed programme of work for the biennium 2012-2013 shall be covered by a drawdown from the Trust Fund reserve in the amount of USD 450,000 per year and by contributions from the Parties for the amount of USD

## Chapter 22 – Financing of the Convention and the Secretariat

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5,225,466 for 2012 and USD 5,723,142 for 2013, and ADOPTS the scale of contributions for 2012-2013 as contained in Annex 1;

This represents a 7.8% increase of the budget as compared to the biennium 2010-2011 and an average increase for the biennium of 3.5% of the contributions of the Parties.

NOTES with concern, that in the future, it will not be prudent to drawdown further from the Trust Fund Reserve and acknowledges the implications for the level of contributions needed from Parties or other sources to maintain the programme of work of the Secretariat at the level of the biennium 2012-2013;

INSTRUCTS the Standing Committee, in close cooperation with the Secretariat, to explore options to mitigate the potential impact on the core budget for the triennium 2014-2016,

REQUESTS the Secretariat to maintain an operating cash reserve not less than 15 % of the average annual budget to ensure financial liquidity and AUTHORIZES the Secretariat to draw additional funds from the CITES Trust Fund balance at the end of each year, provided that it is not reduced below the operating cash reserve not less than 15 % of the average annual budget at the commencement of each year;

INSTRUCTS the Secretariat, where activities that are to be externally-funded are concerned, to seek funds, preferably non-earmarked, for the implementation of activities identified in the costed programme of work;

APPROVES the Terms of Reference for the Administration of the Trust Fund, in Annex 2, for the financial period beginning on 1 January 2012 and ending on 31 December 2013;

INSTRUCTS the Standing Committee to review the Terms of Reference for the Administration of the Trust Fund for any necessary updates;

AGREES that:

a) 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) 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) 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 Conference of the Parties if notice of such proposal has been communicated by the Secretariat to all Parties at least 150 days before the meeting; and

## Chapter 22 – Financing of the Convention and the Secretariat

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d) Parties should pay their contributions to the Trust Fund in accordance with the agreed scale and, whenever possible, should make special contributions to the Trust Fund above their assessed contributions;

REQUESTS all Parties to pay their contributions as far as possible during the year prior to the one to which they relate or, otherwise, promptly by the beginning of the calendar year (1 January to 31 December) to which the contributions apply;

NOTES with concern that a number of Parties have not paid their contributions to the core budget (CITES Trust Fund) for 2009 and prior years which were due on 1 January of each year, thus affecting adversely the implementation of the Convention;

URGES all Parties with arrears, that have accepted the amendment of the Convention adopted on 22 June 1979, to cooperate with the Secretariat in arranging for the payment of their outstanding contributions without delay;

**Decision 15.1** urges Parties that are in arrears in the payment of their financial contributions to the Convention:

- a) to clear all outstanding arrears without delay; and
- b) if unable to clear all outstanding arrears, to enter into arrangements with the Secretariat to mutually agree on a "schedule of payments".

**Decision 15.2** mandates the Standing Committee to monitor the payments of contributions from Parties in arrears and to assist the Secretariat in ensuring that future contributions are paid by the due date.

**Decision 15.3** instructs the Secretariat to continue to monitor Parties that are in arrears of the payment of their financial contributions to the Convention by:

- a) sending reminders twice yearly, with copies to the permanent missions in Geneva;
- b) visiting the permanent missions in Geneva of the Parties in arrears for three or more years; and
- c) seeking assistance from regional representatives to the Standing Committee in following up with Parties concerned.

**Decision 15.4** instructs the Secretariat to consider the reasons for which Parties are in arrears with regard to their contributions and assist the Parties concerned on an individual basis to facilitate the payment of outstanding contributions.

The above decisions are based on earlier recommendations from the Standing Committee and activities that the Secretariat has been carrying out successfully for years.

## Chapter 22 – Financing of the Convention and the Secretariat

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URGES all Parties that have not yet done so 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;

INVITES States not Parties to the Convention, other governmental, inter-governmental and non-governmental organizations, and other sources to contribute to the CITES Trust Fund;

DECIDES 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 URGES such organizations to make a greater contribution if possible at least to meet their effective costs of participation;

AGREES that:

a) all meetings of the Conference of the Parties and all regular meetings of the Standing Committee, the Animals Committee and the Plants Committee should be held in Switzerland unless a candidate host country pays the difference in costs between its proposed venue and Switzerland; and

b) no more than two regular meetings each of the Standing Committee, and the Animals and Plants Committees should be convened between regular meetings of the Conference of the Parties;

DECIDES that the CITES Trust Fund should not be used to cover travel costs and per diem of committee members and other representatives of developed countries;

INSTRUCTS the Finance and Budget Subcommittee of the Standing Committee to report at meetings of the Standing Committee and of the Conference of the Parties on recommendations on all financial and budgetary documents and proposals developed by its members;

INSTRUCTS the Secretariat:

a) to make provisions for all the costs the Secretariat incurs, including staff costs, when seeking funds for the implementation of externally-funded projects;

b) in consultation with proponent Parties, when necessary, to advise the Conference of the Parties on proposals with budgetary implications, including staff costs; and

c) in consultation with the Chairs of the Animals and Plants Committees, to assign scientific consultants and define terms of reference for specific science-based projects. Such a process should be implemented in a fashion that would not have a negative impact on the budget but rather effectively utilize the scientific excellence of the Parties which is available to the Secretariat via the Chairs of the technical committees;

## Chapter 22 – Financing of the Convention and the Secretariat

DECIDES that:

a) 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 change in the costed programme of work of the Secretariat deriving from a new resolution or decision shall be made only if the source of the necessary additional funds has been decided or if that programme is reprioritized at the time such a resolution or decision is adopted by the Conference of the Parties.

Annex 1

### Trust Fund for the Convention on International Trade in Endangered Species of Wild Fauna and Flora

#### SCALE OF CONTRIBUTIONS FOR THE BIENNIUM 2012-2013 (in US dollars)

Party	UN Scale	CITES Adjusted Scale	2012-2013	Annual contributions
Afghanistan	0.0040	0.0040	439	220
Albania	0.0100	0.0100	1,097	549
Algeria	0.1280	0.1283	14,042	7,021
Antigua and Barbuda	0.0020	0.0020	219	110
Argentina	0.2870	0.2876	31,485	15,743
Armenia	0.0050	0.0050	549	275
Australia	1.9330	1.9368	212,058	106,029
Austria	0.8510	0.8527	93,358	46,679
Azerbaijan	0.0150	0.0150	1,646	823
Bahamas	0.0180	0.0180	1,975	988
Bangladesh	0.0100	0.0100	1,097	549
Barbados	0.0080	0.0080	878	439
Belarus	0.0420	0.0421	4,608	2,304
Belgium	1.0750	1.0771	117,932	58,966
Belize	0.0010	0.0010	110	55
Benin	0.0030	0.0030	329	165
Bhutan	0.0010	0.0010	110	55
Bolivia (Plurinational State of)	0.0070	0.0070	768	384
Bosnia and Herzegovina	0.0140	0.0140	1,536	768
Botswana	0.0180	0.0180	1,975	988
Brazil	1.6110	1.6142	176,733	88,367
Brunei Darussalam	0.0280	0.0281	3,072	1,536
Bulgaria	0.0380	0.0381	4,169	2,085

## Chapter 22 – Financing of the Convention and the Secretariat

Burkina Faso	0.0030	0.0030	329	165
Burundi	0.0010	0.0010	110	55
Cambodia	0.0030	0.0030	329	165
Cameroon	0.0110	0.0110	1,207	604
Canada	3.2070	3.2134	351,821	175,911
Cape Verde	0.0010	0.0010	110	55
Central African Republic	0.0010	0.0010	110	55
Chad	0.0020	0.0020	219	110
Chile	0.2360	0.2365	25,890	12,945
China	3.1890	3.1953	349,846	174,923
Colombia	0.1440	0.1443	15,797	7,899
Comoros	0.0010	0.0010	110	55
Congo	0.0030	0.0030	329	165
Costa Rica	0.0340	0.0341	3,730	1,865
Côte d'Ivoire	0.0100	0.0100	1,097	549
Croatia	0.0970	0.0972	10,641	5,321
Cuba	0.0710	0.0711	7,789	3,895
Cyprus	0.0460	0.0461	5,046	2,523
Czech Republic	0.3490	0.3497	38,287	19,144
Democratic Republic of the Congo	0.0030	0.0030	329	165
Denmark	0.7360	0.7375	80,742	40,371
Djibouti	0.0010	0.0010	110	55
Dominica	0.0010	0.0010	110	55
Dominican Republic	0.0420	0.0421	4,608	2,304
Ecuador	0.0400	0.0401	4,388	2,194
Egypt	0.0940	0.0942	10,312	5,156
El Salvador	0.0190	0.0190	2,084	1,042
Equatorial Guinea	0.0080	0.0080	878	439
Eritrea	0.0010	0.0010	110	55
Estonia	0.0400	0.0401	4,388	2,194
Ethiopia	0.0080	0.0080	878	439
Fiji	0.0040	0.0040	439	220
Finland	0.5660	0.5671	62,093	31,047
France	6.1230	6.1352	671,718	335,859
Gabon	0.0140	0.0140	1,536	768
Gambia	0.0010	0.0010	110	55
Georgia	0.0060	0.0060	658	329
Germany	8.0180	8.0340	879,607	439,804
Ghana	0.0060	0.0060	658	329
Greece	0.6910	0.6924	75,806	37,903
Grenada	0.0010	0.0010	110	55
Guatemala	0.0280	0.0281	3,072	1,536
Guinea	0.0020	0.0020	219	110

## Chapter 22 – Financing of the Convention and the Secretariat

Guinea-Bissau	0.0010	0.0010	110	55
Guyana	0.0010	0.0010	110	55
Honduras	0.0080	0.0080	878	439
Hungary	0.2910	0.2916	31,924	15,962
Iceland	0.0420	0.0421	4,608	2,304
India	0.5340	0.5351	58,582	29,291
Indonesia	0.2380	0.2385	26,110	13,055
Iran (Islamic Republic of)	0.2330	0.2335	25,561	12,781
Ireland	0.4980	0.4990	54,633	27,317
Israel	0.3840	0.3848	42,126	21,063
Italy	4.9990	5.0090	548,411	274,206
Jamaica	0.0140	0.0140	1,536	768
Japan	12.5300	12.5549	1,374,592	687,296
Jordan	0.0140	0.0140	1,536	768
Kazakhstan	0.0760	0.0762	8,338	4,169
Kenya	0.0120	0.0120	1,316	658
Kuwait	0.2630	0.2635	28,852	14,426
Kyrgyzstan	0.0010	0.0010	110	55
Lao People's Democratic Republic	0.0010	0.0010	110	55
Latvia	0.0380	0.0381	4,169	2,085
Lesotho	0.0010	0.0010	110	55
Liberia	0.0010	0.0010	110	55
Libyan Arab Jamahiriya	0.1290	0.1293	14,152	7,076
Liechtenstein	0.0090	0.0090	987	494
Lithuania	0.0650	0.0651	7,131	3,566
Luxembourg	0.0900	0.0902	9,873	4,937
Madagascar	0.0030	0.0030	329	165
Malawi	0.0010	0.0010	110	55
Malaysia	0.2530	0.2535	27,755	13,878
Mali	0.0030	0.0030	329	165
Malta	0.0170	0.0170	1,865	933
Mauritania	0.0010	0.0010	110	55
Mauritius	0.0110	0.0110	1,207	604
Mexico	2.3560	2.3607	258,463	129,232
Monaco	0.0030	0.0030	329	165
Mongolia	0.0020	0.0020	219	110
Montenegro	0.0040	0.0040	439	220
Morocco	0.0580	0.0581	6,363	3,182
Mozambique	0.0030	0.0030	329	165
Myanmar	0.0060	0.0060	658	329
Namibia	0.0080	0.0080	878	439
Nepal	0.0060	0.0060	658	329
Netherlands	1.8550	1.8587	203,501	101,751

## Chapter 22 – Financing of the Convention and the Secretariat

New Zealand	0.2730	0.2735	29,949	14,975
Nicaragua	0.0030	0.0030	329	165
Niger	0.0020	0.0020	219	110
Nigeria	0.0780	0.0782	8,557	4,279
Norway	0.8710	0.8727	95,552	47,776
Oman	0.0860	0.0862	9,435	4,718
Pakistan	0.0820	0.0822	8,996	4,498
Palau	0.0010	0.0010	110	55
Panama	0.0220	0.0220	2,413	1,207
Papua New Guinea	0.0020	0.0020	219	110
Paraguay	0.0070	0.0070	768	384
Peru	0.0900	0.0902	9,873	4,937
Philippines	0.0900	0.0902	9,873	4,937
Poland	0.8280	0.8296	90,835	45,418
Portugal	0.5110	0.5120	56,059	28,030
Qatar	0.1350	0.1353	14,810	7,405
Republic of Korea	2.2600	2.2645	247,931	123,966
Republic of Moldova	0.0020	0.0020	219	110
Romania	0.1770	0.1774	19,418	9,709
Russian Federation	1.6020	1.6052	175,746	87,873
Rwanda	0.0010	0.0010	110	55
Saint Kitts and Nevis	0.0010	0.0010	110	55
Saint Lucia	0.0010	0.0010	110	55
Saint Vincent and the Grenadines	0.0010	0.0010	110	55
Samoa	0.0010	0.0010	110	55
San Marino	0.0030	0.0030	329	165
Sao Tome and Principe	0.0010	0.0010	110	55
Saudi Arabia	0.8300	0.8317	91,054	45,527
Senegal	0.0060	0.0060	658	329
Serbia	0.0370	0.0371	4,059	2,030
Seychelles	0.0020	0.0020	219	110
Sierra Leone	0.0010	0.0010	110	55
Singapore	0.3350	0.3357	36,751	18,376
Slovakia	0.1420	0.1423	15,578	7,789
Slovenia	0.1030	0.1032	11,300	5,650
Solomon Islands	0.0010	0.0010	110	55
Somalia	0.0010	0.0010	110	55
South Africa	0.3850	0.3858	42,236	21,118
Spain	3.1770	3.1833	348,530	174,265
Sri Lanka	0.0190	0.0190	2,084	1,042
Sudan	0.0100	0.0100	1,097	549
Suriname	0.0030	0.0030	329	165
Swaziland	0.0030	0.0030	329	165

## Chapter 22 – Financing of the Convention and the Secretariat

Sweden	1.0640	1.0661	116,725	58,363
Switzerland	1.1300	1.1322	123,966	61,983
Syrian Arab Republic	0.0250	0.0250	2,743	1,372
Thailand	0.2090	0.2094	22,928	11,464
The former Yugoslav Republic of Macedonia	0.0070	0.0070	768	384
Togo	0.0010	0.0010	110	55
Trinidad and Tobago	0.0440	0.0441	4,827	2,414
Tunisia	0.0300	0.0301	3,291	1,646
Turkey	0.6170	0.6182	67,687	33,844
Uganda	0.0060	0.0060	658	329
Ukraine	0.0870	0.0872	9,544	4,772
United Arab Emirates	0.3910	0.3918	42,894	21,447
United Kingdom of Great Britain and Northern Ireland	6.6040	6.6171	724,486	362,243
United Republic of Tanzania	0.0080	0.0080	878	439
United States of America	22.0000	22.0000	2,408,694	1,204,347
Uruguay	0.0270	0.0271	2,962	1,481
Uzbekistan	0.0100	0.0100	1,097	549
Vanuatu	0.0010	0.0010	110	55
Venezuela (Bolivarian Republic of)	0.3140	0.3146	34,447	17,224
Viet Nam	0.0330	0.0331	3,620	1,810
Yemen	0.0100	0.0100	1,097	549
Zambia	0.0040	0.0040	439	220
Zimbabwe	0.0030	0.0030	329	165
<b>Total</b>	<b>99.8450</b>	<b>100.0000</b>	<b>10,948,616</b>	<b>5,474,308</b>

Also see the information on the development of the Trust Fund since 1980 in **Annex 4**, page 803.

### Annex 2

## Terms of Reference for the Administration of the Trust Fund for the Convention on International Trade in Endangered Species of Wild Fauna and Flora

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 two calendar years, which begins on 1 January 2012 and ends on 31 December 2013, to provide financial support for the aims of the Convention.

## Chapter 22 – Financing of the Convention and the Secretariat

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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 appropriations of the Trust Fund shall be financed from:

a) the contributions made by the Parties by reference to the table attached in Annex 1 including contributions from any new Parties which are to be added to the table;

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 2012.

4. The estimates for each of the calendar years covered by a financial period shall be specified in a costed programme of work 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.

5. The proposed costed programme of work covering the income and expenditure for each of the calendar years constituting the financial period to which it relates, prepared in US dollars, including all the necessary information, shall be dispatched by the Secretariat to all Parties at least 150 days before the date fixed for the opening of the next regular meeting of the Conference of the Parties.

6. The costed programme of work shall be adopted by a three-quarters majority of the Parties present and voting at the regular meeting.

7. 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.

8. The Secretary-General of the Convention is authorized, to the extent consistent with the Financial Regulations and Rules of the United Nations, to transfer resources within activity lines of the costed programme of work up to a maximum of 10 % over and above the annual amount foreseen in the costed programme of work under any activity line, provided that such action does not negatively affect any core and high-priority activities. When any such transfers are made, these shall be reported to the Standing Committee at its following meeting. Any budget adjustments over and above the 10 % flexibility mentioned above may be made only after they have been agreed by the Standing Committee. However, the total costed programme of work approved by the Parties for that financial period shall not be exceeded unless this is specifically sanctioned in writing by the Standing Committee.

## Chapter 22 – Financing of the Convention and the Secretariat

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The maximum of the transfer of resources by the Secretary-General was reduced from 20 to 10% at CoP 15.

9. Commitments against the resources of the Trust Fund may be made only if they are covered by the necessary income of the Convention.

10. All contributions shall be paid in any convertible currency. The amount of any payment, however, shall be 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.

11. 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.

12. 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 paragraph.

13. 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.

14. These Terms of Reference shall be effective for the financial period of 1 January 2012 to 31 December 2013, subject to amendments at the 16th meeting of the Conference of the Parties.

### **Terms of Reference for the Finance and Budget Subcommittee of the CITES Standing Committee**

At its 15th meeting, the Conference of the Parties adopted the following terms of reference for this Subcommittee, which was created by the Standing Committee after CoP 14:

#### **1. Composition of the Subcommittee**

a) The Finance and Budget Subcommittee shall be composed of two country representatives from Africa and one from each of the other CITES regions, nominated by the region, plus the Depositary Government; and

b) the Subcommittee shall elect a Chairman from among its members.

#### **2. Meetings and mode of operation of the Subcommittee**

## Chapter 22 – Financing of the Convention and the Secretariat

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a) The Subcommittee shall meet in closed session (i.e. attended only by members of the Subcommittee, Party observers, and the Secretariat) prior to each meeting of the Standing Committee; and

b) the members of the Subcommittee shall communicate by electronic means between meetings of the Standing Committee. For this purpose, the Secretariat shall establish a forum on its website for communications among the members and for the sharing of documents, which may be read by non-members, who would communicate their views to their regional representative on the Subcommittee.

### **3. Responsibilities of members of the Subcommittee**

Members of the Subcommittee shall seek and represent the views of their region in carrying out their duties, and shall report back to their regions.

### **4. Responsibilities of the Subcommittee**

To fulfil the mandate of Resolution Conf. 15.1, the Subcommittee shall:

a) broadly, consider all aspects of the financing and budgeting of the Convention and develop recommendations to the Standing Committee. The Subcommittee should focus on keeping the Convention fiscally solvent while providing for essential support services for the efficient and effective functioning of the Convention;

b) Evaluate the costed programme of work of the Secretariat and other documents with budgetary implications relative to:

i) the duties and responsibilities of the Secretariat mandated in the text of the Convention; and

ii) ensuring that the activities undertaken by the Secretariat under the approved budget are consistent with Resolutions and Decisions of the Conference of the Parties;

c) based on an evaluation of the costed programme of work and other documents with budgetary implications:

i) identify those activities that represent core functions of the Secretariat that should be funded through the Trust Fund; and

ii) assign priority rankings to all other activities of the Secretariat to determine which items should be further funded through the Trust Fund or through external funding, with the purpose of guiding the Secretariat in its external funding efforts;

d) consider administrative procedures and other aspects of the financing and budgeting of the Convention, and make recommendations for improving the efficiency with which funds are expended;

## Chapter 22 – Financing of the Convention and the Secretariat

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e) consider potential mechanisms for funding the Convention and placing the CITES Trust Fund on a sustainable footing; and

f) using the information developed through the processes described in paragraphs a)-e):

i) work with the Secretariat to prepare all financial and budgetary documents for consideration by the Standing Committee;

ii) further develop the report format to ensure that the financial reports are easily understood and transparent, and that they enable informed decisions to be taken in relation to the financial performance of the Convention;

iii) make recommendations to the Standing Committee on all financial and budgetary documents and proposals developed through this process; and

iv) otherwise assist the Standing Committee in providing oversight of financial and budgetary matters, including the preparation of documents for meetings of the Conference of the Parties.

5. The Secretariat shall issue to the Subcommittee members a quarterly report, to be sent electronically, which identifies and explains any projected expenditure that exceeds the approved budget by more than 20 % for staff costs or non-staff costs relating to each activity, together with the proposed approach for managing any such projected over-expenditure.

### 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) analyze 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.

## Chapter 22 – Financing of the Convention and the Secretariat

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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.

Decision 11.8 provided 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 charged 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 provided that the Parties and observers were 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 programs, private sector partnerships, international donor aid, and other innovative approaches as may be relevant.

Decision 12.26 instructed 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 should look at relevant trust funds, government budgetary allocations, user fees, taxes and fines, subsidies and compensation programs, 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 was to present its analysis at the 13th meeting of the Conference of the Parties.

The Secretariat presented its analysis in document CoP13 Doc. 14 with the following conclusions, which were noted by the meeting of the Conference of the Parties without further action:

*“The Secretariat notes that there is a lack of CITES-relevant information on the wide array of financial mechanisms and instruments. The extent to which these mechanisms have proved, or could prove, useful in strengthening CITES implementation at the national level remains unclear. There is a limited availability of financial mechanisms and instruments that directly targets CITES implementation, though some mechanisms and instruments support the conservation of CITES-listed species. There is also no clear or complete understanding of the comprehensive financial needs for effective implementation of the Convention and for efforts to improve implementation of CITES.*”

*The Secretariat believes it is important to continue exploring the range of private and public sector mechanisms that could provide CITES-specific benefits, and to explore the feasibility of a designated financial mechanism for implementation of the Convention. This would necessarily be an international mechanism, given the global mandate of the Convention and the global benefits of its effective implementation. Such a global mechanism would allow for a systematic and programmatic approach to prioritization and allocation of resources for effective implementation.*

*As the financing mechanism of three other biodiversity MEAs, GEF should be taken into consideration as a possible arrangement. The operational principles of GEF state that it “will provide new, and additional, grant and concessional funding to meet the agreed incremental costs of measures to achieve agreed global environmental benefits”. The incremental costs incurred by CITES Parties in achieving the global environmental benefits associated with the conservation of globally significant endangered species fit exactly with the logic of GEF funding. An alternative, separate financial mechanism for CITES, would entail considerable duplication of management costs, lost opportunity for the strategic integration of the key biodiversity MEAs, and the real possibility that funding from one mechanism would undermine the efforts of the other mechanism.*

*In pursuing the case for GEF funding, the Secretariat believes it is important to continue its collaboration with CBD and other related MEAs, and to consider ways of integrating the decisions and measures of the various conventions. This is important not only in securing global funding but also in strengthening the efficiency and effectiveness of such funding in achieving global environmental benefits. Similarly, cooperative arrangements with international trading regimes such as WTO should be explored for the purpose of enhancing effectiveness.”*

### **Approval of Externally Funded Projects**

Resolution Conf. 2.3 requested the Secretariat to prepare suitable proposals for the external funding of specific programs 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.

In 1991, the Standing Committee 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.

## Chapter 22 – Financing of the Convention and the Secretariat

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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. This procedure was contained in *Resolution Conf. 12.2*, which was repealed at CoP 15 and replaced by:

**Decision 15.20**, which instructs the Secretariat to:

a) in cooperation with international financial institutions and potential donors, investigate possible ways to establish the means to secure funding to support the provision of technical assistance to CITES Parties in relation to regulating wildlife trade (including population studies as a basis for management programs); and

b) report its findings and recommendations at the 16th meeting of the Conference of the Parties.



## Chapter 23 - Economic Incentives and Trade Policy

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### Introduction

The 12th meeting of the Conference of the Parties discussed an innovative document from the Secretariat on these issues. As a result, it adopted Decision 12.22, which provided 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 analyzing the economic impacts of wildlife trade policies in terms of socio-economic and

## Chapter 23 – Economic Incentives and Trade Policy

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conservation benefits and costs, economic value, levels of legal and 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.

Decisions 13.74 and 13.75 concerned the possibility for Parties to have their national policy for the use of and trade in wildlife reviewed in the context of the results of the outcome of the workshop on trade policy and economic incentives that was held in Geneva in 2003.

Decisions 13.76 instructed the Secretariat to invite all Parties and relevant organizations to provide information, experiences and, where possible, outcomes on their use of economic incentives and report at the 53rd meeting of the Standing Committee for consideration on the manner in which this might be taken up for further action on capacity building and possible regional cooperation.

Decision 13.77 instructed the Secretariat, subject to the availability of funding, to continue its cooperation on incentive measures with the CBD Secretariat and other biodiversity-related conventions (e.g. Ramsar and CMS), as well as with the private sector and relevant governmental, intergovernmental and non-governmental organizations. This cooperation shall focus, inter alia, on the exchange of experiences in the design and use of economic incentives for sustainable management of wild fauna and flora, compilation of case-studies, best practices and lessons learnt, as well as the development of targeted recommendations, operational guidelines and associated instruments for the sustainable use of wild flora and fauna.

Decision 14.42 encouraged Parties that develop incentive measures for the effective implementation of the Convention to include relevant details in their biennial reports.

Decision 14.43 encouraged Parties to consider the adoption of standard operating procedures to complete the formalities required for trade in CITES-listed species in an efficient manner. Management Authorities were encouraged to liaise with national ministries and agencies responsible for regulation and promotion of exports and imports in their countries to benefit from the expertise and support they offer in this area.

Decision 14.44 provided that the Parties should consider practical ways to enhance stakeholder engagement in the implementation of the Convention (e.g. promoting good practices and codes of conduct that facilitate the work of CITES authorities, help to reduce time-frames for the completion of CITES procedures and enhance the role of the private sector in intelligence gathering to identify and prosecute illegal traders).

Decision 14.45 provided that, using inter alia information provided by Parties in their biennial reports, the Secretariat should conduct a survey of the fees for CITES permits and cost of CITES-related administrative services, and provide basic guidance to Parties on how cost-recovery programmes can be designed and used for internalizing the cost of implementing the Convention in this regard.

Decision 14.46 instructed the Secretariat, subject to external funding, to continue its co-operation with the BioTrade Initiative of the United Nations Conference on Trade and Development under a signed Memorandum of Understanding to ensure the conservation of wild species subject to international trade and promote private sector compliance with CITES requirements and national legislation.

Decision 14.47 instructed the Secretariat to report on the progress made with regard to the implementation of Decisions 14.45 and 14.46 at the 15th meeting of the Conference of the Parties.

### Wildlife Trade Policy Reviews

As a result of the above process, the Conference of the Parties adopted **Resolution Conf. 15.2**, which reads as follows:

RECALLING the third paragraph of the preamble to the Convention, which stipulates that peoples and States are and should be the best protectors of their own wild fauna and flora;

REAFFIRMING the goals and objectives of the *CITES Strategic Vision: 2008-2013* adopted at the 14th meeting of the Conference of the Parties, particularly Objective 1.1 that Parties comply with their obligations under the Convention through appropriate policies, legislation and procedures;

RECOGNIZING the importance of effective governance systems in the implementation of the Convention, national policies and legislation related to CITES and management plans for CITES-listed species;

RECALLING the recommendations of the Regional Workshop for Arabic-Speaking Countries on Wildlife Trade Policy Reviews held in Kuwait from 8 to 11 March 2009;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

INVITES exporting and importing countries to carry out, on a voluntary basis, reviews of wildlife policy on the use of and trade in specimens of CITES-listed species, taking into account environmental, social and economic issues and relevant policy instruments, in order to facilitate a better understanding of the effects of wildlife trade policies on the international wildlife trade;

ALSO INVITES Parties to carry out, on a voluntary basis, regional or subregional wildlife trade policy reviews, in accordance with the realities of participating countries;

## Chapter 23 – Economic Incentives and Trade Policy

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URGES Parties which decide to carry out wildlife trade policy reviews to take into account the lessons learned and tools developed under the CITES Policy Review Project (2006-2008);

REQUESTS Parties that undertake wildlife trade policy reviews on a voluntary basis to share relevant details of their reviews and lessons learned with other Parties;

INSTRUCTS the Secretariat to facilitate the review of wildlife trade policies, through raising the necessary funds and providing necessary technical cooperation, compile information provided voluntarily by the Parties regarding their wildlife trade policy reviews and make this information available to other Parties;

ENCOURAGES Parties to take into account the needs of indigenous people and other local communities when adopting trade policies concerning wild fauna and flora;

URGES Parties to promote mutual understanding and support across the science-policy interface and ensure that biological and social scientists and policymakers work in a cross-disciplinary manner;

INVITES replication of the Regional Workshop for Arabic-Speaking Countries on Wildlife Trade Policy Reviews in other regions; and

ALSO INVITES bilateral, multilateral and other interested donors and partners to support and related institution-building activities.

**Decision 15.8** instructs the Secretariat to report at the 62nd meeting of the Standing Committee and at the 16th meeting of the Conference of the Parties on the progress made with regard to the implementation of Resolution Conf. 15.2 on Wildlife trade policy reviews.

## Chapter 24 - Livelihoods

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**Resolution Conf. 8.3 (Rev. CoP13)** on the recognition of the benefits of trade in wildlife, notes that the majority of species of wild fauna and flora that CITES seeks to protect and enhance occur in the developing countries of the world and recognizes that the sustainable use of wild fauna and flora, whether consumptive or non-consumptive, provides an economically competitive land-use option.

The Conference of the Parties expresses its awareness that, unless conservation programmes take into account the needs of local people and provide incentives for sustainable use of wild fauna and flora, conversion to alternative forms of land use may occur.

It recognizes also that the returns from legal use may provide funds and incentives to support the management of wild fauna and flora to contain the illegal trade.

It acknowledges that the aesthetic, scientific, cultural, recreational and other largely nonconsumptive uses of wild fauna and flora are also of enormous importance.

In the operative part of the Resolution, the Conference of the Parties recognizes:

- 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; and
- that implementation of CITES-listing decisions should take into account potential impacts on the livelihoods of the poor.

This last paragraph was added at CoP 13.

## Chapter 24 – Livelihoods

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In 2006, the South African National Biodiversity Institute hosted a workshop on CITES and Livelihoods to identify practical measures that would contribute to the implementation of this new provision of Resolution Conf. 8.3 (Rev. CoP13). The workshop agreed on 14 recommendations that were presented at CoP14 and served as the basis for the adoption of Decisions 14.3 and 14.4.

Decision 14.3 directed the Standing Committee to, subject to the availability of external funding, and requesting the assistance of organizations including the IUCN Species Survival Commission, initiate and supervise a process to develop, by the 15th meeting of the Conference of the Parties:

a) tools for voluntary use by the Parties for the rapid assessment at the national level of the positive and negative impacts of implementing CITES listing decisions on the livelihoods of the poor, in conformity with Resolution Conf. 8.3 (Rev. CoP13); and

b) draft voluntary guidelines for Parties to address these impacts, particularly in developing countries. The guidelines should, where possible, assist Parties to develop local, national and regional initiatives that take account of the impacts of implementing CITES listing decisions on the livelihoods of the poor. This process may benefit from taking account of the deliberations and recommendations of the CITES and Livelihoods Workshop (5-7 September 2006) and should draw on the technical contributions of Parties, the Secretariat, non-governmental organizations and other national and international agencies, such as IUCN – The World Conservation Union.

For further clarification, the process shall not include consideration of the criteria for amendment of the Appendices or the requirement to make non-detriment findings.

Decision 14.4 directed the Secretariat to seek external funds to enable the Standing Committee to initiate and develop the process described in Decision 14.3.

On the basis of the above, in 2008, the Standing Committee established a Working Group on CITES and Livelihoods, which worked in consultation with the UNEP World Conservation Monitoring Centre.

A draft Resolution was submitted to CoP15, which was rejected.

**Decision 15.5** therefore instructs the Standing Committee to continue the operation of its Working Group on CITES and Livelihoods so that it can:

a) revise the draft resolution contained in Annex 1 to document CoP15 Doc. 14 and make specific recommendations at the 16th meeting of the Conference of the Parties;

This is the text of the draft Resolution concerned:

RECALLING Resolution Conf. 8.3 (Rev CoP13), adopted at the 13th meeting of the Conference of the Parties (Bangkok, 2004) where the Conference recognized that implementation of CITES-listing decisions should take into account potential impacts on the livelihoods of the poor;

## Chapter 24 – Livelihoods

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RECALLING ALSO Decision 14.3 requesting the Standing Committee to develop draft voluntary guidelines for Parties to address these impacts, particularly in developing countries;

RECOGNIZING that CITES-listing decisions are neither the sole cause nor the sole solution to the livelihood problems of the poor, but that the effective implementation of such decisions can form part of a strategy to provide sustainable livelihoods for the poor and accelerate achievement of the Millennium Development Goals;

RECOGNIZING that the proper implementation of CITES listings may enhance livelihoods by delivering long-term species conservation;

RECOGNIZING ALSO that implementation of some listings (particularly Appendix I listings) may impact livelihoods of the poor by restricting access to income, employment and other resources such as food, materials and medicines, but that it need not always do so if appropriate implementation strategies are adopted;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

AGREES that the following principles be considered when Parties address livelihood issues:

### ***Regarding empowerment of the poor***

ENCOURAGES all Parties to work with key stakeholder groups to design, implement and monitor effective strategies for the implementation of CITES listings recognizing that:

- a) Solutions are likely to be case and situation specific;
- b) Although amendments to the CITES Appendices must, unless indicated otherwise in an annotation, come into effect 90 days after their adoption by the Conference of the Parties, developing appropriate solutions to mitigate negative impacts on the livelihoods of the poor may require time to incorporate significant policy changes;
- c) Developing guidelines may be an ongoing process as more knowledge is gained about specific impacts and successful as well as failed experiences; and
- d) Monitoring and evaluation of strategies will be an important aspect of the development of appropriate implementation strategies and policies;

AGREES THAT:

- a) Empowerment of the poor should be encouraged through measures that include, as appropriate:

## Chapter 24 – Livelihoods

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- i) Promoting transparency in the development and implementation of policies regarding poverty and the use of natural resources;
  - ii) Developing harvesters associations;
  - iii) Developing trade associations with clear obligations for benefit sharing; and
  - iv) Recognizing of resource tenure for indigenous and tribal communities and the poor;
- b) Support for the implementation of CITES listings should be enhanced by public awareness and education, including education of poor people, to ensure that:
- i) The positive aspects of CITES and CITES-related legislation are understood;
  - ii) The need to take measures to conserve listed species, and the benefits, particularly to poor people, that can accrue from doing so, are appreciated; and
  - iii) Poor communities support policies and activities designed to reduce or eliminate illegal trade in specimens of CITES-listed species; and
- c) As implementation of some listings may have short-term negative impacts on the poor, mitigation strategies may include:
- i) Developing interim aid packages to provide assistance to the collectors and harvesters most severely affected by the implementation of the CITES-listing decisions; and
  - ii) Waiver of permit fees during the first six months of a listing so that local harvesters and producers can internalize the transaction costs generated by the implementation of the CITES-listing decisions;

### ***Regarding compensatory mechanisms for the shift from in situ to from situ production***

AGREES THAT:

- a) Implementation of some CITES-listings may encourage *from situ* production, which may lead to delocalization of profits. Mechanisms may be required to:
  - i) Develop market-based incentives to encourage benefit sharing;
  - ii) Remove barriers to the development of *in situ* production systems;

## Chapter 24 – Livelihoods

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b) Consumer countries may work with producer countries to develop effective strategies to support positive impacts and minimize negative impacts of the implementation of CITES listings. These could include:

i) Working with *from situ* producers and trade associations;

ii) Developing supportive strategies through bilateral conservation and development projects; and

c) Mitigation strategies may explore the use of alternative production systems such as ranching, artificial propagation or captive breeding.

### ***Regarding mitigation strategies for human-wildlife conflict***

RECOMMENDS THAT mitigation strategies provide alternatives or compensation schemes (e.g. payment for ecosystem services, employment in eco-tourism or as game wardens; provision of tourist or local hunting and collection permits; development of alternative products);

### ***Regarding enabling policies***

INVITES Parties to initiate or strengthen collaborative partnerships between development and conservation agencies to enhance aid effectiveness for wildlife conservation and eliminate duplication of efforts (e.g. CITES authorities making cross-sectoral links to seek assistance in mainstreaming wildlife trade policies into poverty reduction strategies and wider development plans).

ENCOURAGES international financial institutions and cooperation agencies to assist Parties in the development of multilateral and bilateral measures, supportive policies and institutions at the regional, national and local levels to address negative impacts of the implementation of CITES listings on the livelihoods of the poor.

### **Decision 15.5 continued:**

b) finalize the toolkit for the rapid assessment at the national level of the positive and negative impacts of implementing CITES listing decisions on the livelihoods of the poor, in conformity with Resolution Conf. 8.3 (Rev. CoP13);

c) finalize the voluntary guidelines for Parties to address the negative impacts, in order to assist Parties in developing local, national and regional initiatives that take account of the impacts of implementing CITES listing decisions on the livelihoods of the poor; and

d) prepare a final version of the tools and guidelines for review and endorsement by the Standing Committee at its 62nd meeting.

## Chapter 24 – Livelihoods

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The Working Group shall continue to work electronically through a forum available on the CITES website. If funding is available, consideration may be given to holding one or more meetings, if possible in regions more likely to be affected by the outcome.

The process shall not include consideration of the criteria for amendment of the Appendices or the requirement to make non-detriment findings.

**Decision 15.6** instructs the Standing Committee to present a report at the 16th meeting of the Conference of the Parties on the progress made with regard to the implementation of Decision 15.5.

**Decision 15.7** instructs the Secretariat, on completion of the draft guidelines and toolkit by the Working Group, to make the draft documents available on its website for comments by Parties, stakeholders and interested organizations, and shall invite such comments via a Notification to the Parties. The comments shall be made available to the Working Group for consideration in the development of revised draft documents to be submitted for approval at the 61st meeting of the Standing Committee.

## Chapter 25 - Committees

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### 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.

### 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

## Chapter 25 – Committees

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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. In the case of a tie vote, the Depositary Government representative member was given the right to vote to break the tie.

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 (intersessional committees).

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.

In **1989**, Resolution Conf. 7.1 introduced alternate regional members.

Resolution Conf. 6.1 re-established the Standing Committee. That Resolution was repealed with Resolution Conf. 9.1 in **1994**.

With Resolution Conf. 9.1, 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

## Chapter 25 – Committees

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- the importance of ensuring that representation of regions in the Convention clearly reflects the participation of the Parties covered by each region.

In **1997**, that Resolution was amended and became Resolution Conf. 9.1 (Rev.), which was replaced by Resolution Conf. 11.1 in **2000**.

Resolution Conf. 11.1 was amended at the 12th, 13th, 14<sup>th</sup> meetings of the Conference of the Parties and lastly at CoP 15 in **2010**.

### The establishment of committees

The Conference of the Parties agrees **with Resolution Conf. 11.1 (Rev. CoP15)** 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 further resolves that:

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;

b) there shall be an Animals Committee and a Plants 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;

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 life span 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 Standing Committee shall adopt its own Rules of Procedure;

These Rules of Procedure can be found in **Annex 2**, page 793.

f) the Animals and Plants Committees shall adopt their own Rules of Procedure, which shall, however, be in accordance with the Rules of Procedure of the Standing Committee as far as is practicable;

g) regional representatives shall be elected by the Conference of the Parties as members of the Standing Committee;

h) to the extent possible, the Secretariat shall make provision for the payment, if requested, of reasonable and justifiable travel expenses of members, including attendance

## Chapter 25 – Committees

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at the relevant committee meetings, and other expenses of the Chairs of the Standing Committee, the Animals Committee and the Plants Committee, for representatives from developing countries, countries with economies in transition and small island developing states;

Decision 14.5 provided that Parties and regions should utilize or develop long-term sustainable funding mechanisms to support their representatives.

With **Resolution Conf. 15.1** it was decided that the CITES Trust Fund should not be used to cover travel costs and per diem of committee members and other representatives of developed countries.

i) all committees established by the Conference of the Parties shall be listed in annexes to this Resolution;

j) the Secretariat shall, upon request by a committee chair, provide secretarial services when such services can be met within the approved budget of the Secretariat;

k) when back-to-back meetings of the Animals and Plants Committees include a joint session, the duration of the separate committee meetings should be four days, but that when not back-to-back, the length of each meeting should be five days; and

Back-to-back meetings were excluded by the Budget Working Group, followed by the Conference of the Parties in 2007, when it deleted the provision about Animals and Plants Committees meeting back-to-back from Resolution Conf. 14.1.

l) the Secretariat shall ensure that any vacancies in the Animals and Plants Committees are brought immediately to the attention of the Standing Committee, in order to fill the vacancies as soon as possible.

### Regional sessions at meetings of the Conference of the Parties

The Parties traditionally have regional sessions in each of the two weeks of a meeting of the Conference of the Parties.

Their functioning is also dealt with in **Resolution Conf. 11.1 (Rev. CoP15)**, but in this book in **Chapter 21** on page 346.

### Frequency and venues of meetings

With Resolution Conf. 13.1, it was agreed that:

a) all meetings of the Conference of the Parties and all regular meetings of the Standing Committee should be held in Geneva unless a candidate host country pays the difference in costs between its proposed venue and Geneva;

## Chapter 25 – Committees

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b) all meetings of the Animals and Plants Committees should be held back-to-back and in the same place, and every other meeting should be convened in Geneva unless a candidate host country pays the difference in costs between its proposed venue and Geneva; and

c) no more than two regular meetings of the Standing Committee and no more than two meetings each of the Animals and Plants Committees should be convened between meetings of the Conference of the Parties.

At CoP14, the Budget Working Group decided against back-to-back meetings of the Animals and Plants Committees in view of the extra costs involved, as a result of which the Conference of the Parties did not include paragraph b) above in Resolution Conf. 14.1.

**Resolution Conf. 15.1**, like Conf. 14.1, contains the following amended provisions:

a) all meetings of the Conference of the Parties and all regular meetings of the Standing Committee, the Animals Committee and the Plants Committee should be held in Switzerland unless a candidate host country pays the difference in costs between its proposed venue and Switzerland; and

b) no more than two regular meetings each of the Standing Committee, and the Animals and Plants Committees should be convened between regular meetings of the Conference of the Parties.

## The Standing Committee

### Regional representation in the Standing Committee

**Resolution Conf. 11.1 Rev. CoP13**) recommends (from Decision 10.3) regarding regional representation in the Standing Committee that the following guidelines be implemented:

a) Selection of regional members and alternate regional members

i) In the selection of regional members and alternate regional members, the following considerations should be taken into account:

A. for regions with one member and one alternate member, a rotation in the selection is recommended; and

B. for regions with more than one member and one alternate member, the selection should try to achieve a balanced representation (geopolitical, cultural, and ecological);

ii) 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

## Chapter 25 – Committees

of the Parties. These candidatures should be communicated to all the Parties of the region through the Secretariat;

iii) 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; and

iv) 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 above-mentioned procedure, through successive votes during a single process; and

b) Timing of replacement of members and alternate members

i) The terms of office of the regional members and their alternates 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;

ii) For regions with one member and one alternate member, the selection should occur at every second meeting; and

iii) 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;

### Standing Committee procedures

**Resolution Conf. 11.1 (Rev. CoP13), in its Annex 1, determines procedures for the Standing Committee to adhere to.** These form the basis for the Rules of Procedure of the Standing Committee (see **Annex 4**, page 793), which also apply to the other permanent committees.

### Annex 1

#### Establishment of the Standing Committee of the Conference of the Parties

CONSIDERING 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;

CONSIDERING 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;

CONSIDERING that skewed representation on the Standing Committee could cause unfair assessment in deciding issues of great concern to producer States;

## Chapter 25 – Committees

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CONSIDERING the importance of ensuring that representation of regions in the Convention clearly reflects the participation of the Parties covered by each region;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RESOLVES to re-establish the Standing Committee of the Conference of the Parties, with the following

### **Terms of reference for 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;
- 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;

DETERMINES:

a) the following principles for

### **The membership 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, Central and South America and the Caribbean, Europe, North America and Oceania, according to the following criteria:

1. one representative for regions with up to 15 Parties;
2. two representatives for regions with 16 to 30 Parties;
3. three representatives for regions with 31 to 45 Parties; or
4. four representatives for regions with more than 45 Parties;

B. the Depositary Government; and

C. the previous host Party and the next host Party;

ii) each Party elected as an alternate member for a member described in subparagraph 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.

## Chapter 25 – Committees

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### Current membership of the Standing Committee

Representative	Alternate
<b>AFRICA</b>	
Democratic Republic of the Congo	Mali
Egypt	Niger
Uganda	Ethiopia
Botswana	Namibia
<b>ASIA</b>	
Islamic Republic of Iran	Pakistan
Japan	Jordan
Kuwait	Saudi Arabia
<b>CENTRAL AND SOUTH AMERICA AND THE CARIBBEAN</b>	
Colombia	Peru
Costa Rica	Guatemala
Dominica	Bahamas
<b>EUROPE</b>	
Bulgaria	Italy
Norway (Chair)	Belgium
Ukraine	Russian Federation
United Kingdom	Czech Republic
<b>NORTH AMERICA</b>	
United States of America	Mexico
<b>OCEANIA</b>	
Australia	Fiji
<b>DEPOSITARY GOVERNMENT</b>	
Switzerland	

## Chapter 25 – Committees

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<b>PREVIOUS HOST COUNTRY</b>
Qatar
<b>NEXT HOST COUNTRY</b>
Thailand

### Standing Committee Procedures

b) 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 Chair, Vice-Chair 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) the Chairs of the technical committees shall be invited on a regular basis to the meetings of the Standing Committee;
- v) 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;

This wording gives the impression that only one observer can participate. That was apparently not the intention and many non-Standing Committee member countries are represented by several observers.

- vi) the Chair 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
- vii) the Secretariat shall inform all Parties of the time and venue of Standing Committee meetings; and

### Travel expenses of members of the Standing Committee

c) the following principles for the payment of travel expenses to members of the Standing Committee:

## Chapter 25 – Committees

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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 each regular meeting of the Standing Committee (excluding those associated with a meeting of the Conference of the Parties) other than for representatives of developed countries;

This is in line with the provision in **Resolution Conf. 15.1** with which it is decided that the CITES Trust Fund should not be used to cover travel costs and per diem of committee members and other representatives of developed countries.

ii) members should make every effort to pay their own travel expenses;

iii) the Chair 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.

### **Duties of the regional representatives in the Standing Committee**

RESOLVES that the duties of the regional representatives in the Standing Committee are as follows:

a) regional representatives should maintain a fluid and permanent communication with the Parties of their region and the Secretariat;

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; and

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.

### **Template for reports of regional representatives to the Standing Committee**

At its 59th meeting, in 2010, the Standing Committee agreed that the reports of regional representatives, which are to be presented at each regular meeting of the Standing Committee, should be based on the following template.

#### **Introduction**

A statement about the number of Parties in the region; new Parties; representatives in the Standing Committee.

#### **Overview of major developments**

The regional representatives' comments on the most important policy-related developments – if any – of which the Standing Committee should be aware in Management Authorities, Scientific Authorities and law-enforcement authorities of the region.

#### **Activities of the regional representatives**

Since regional representatives are supposed to maintain a permanent communication with the Parties of the region, and to discuss matters to be considered by the Standing Committee, they should summarize their activities in this regard. Participation of the representatives in CITES meetings and other relevant international meetings can be included.

#### **Regional cooperation**

Cooperative activities within the region should be reported, such as regional meetings, efforts to improve control of cross-border trade, and efforts to deal with excessive or illegal trade in specific species.

#### **Meetings and workshops**

A list can be provided of the main CITES-related meetings and workshops held within the region, whether national or international in nature.

#### **Problems faced by the regional representatives**

If regional representatives face particular problems in fulfilling their duties, it would be useful to describe these and also to propose solutions.

### **The Clearing House of the Standing Committee**

In view of growing concern that the Animals and Plants Committees were asked to deal with legal and technical, rather than scientific issues, the Standing Committee established, in March 2004, a clearing house to refer technical implementation issues to the appropriate CITES body.

The clearing house comprises two officials nominated by Parties and appointed by the Standing Committee to advise on the handling of technical implementation issues referred to the latter.

The Standing Committee also established a referral procedure describing how issues are submitted to the clearing house, the course of actions the clearing house follows when examining these issues, and the various possible outcomes. In short, the clearing house needs to analyze and categorize the problem as being of an administrative, operational or technical, policy, or scientific nature, and submit to the Standing Committee a recommendation on the body that should deal with the issue and the desired outcome. The definition of the different categories as well as the detail of the referral procedure are provided below.

### **Glossary of terms**

#### **General definition**

#### **Clearing-house**

Two officials nominated by Parties and appointed by the Standing Committee to advise on the handling of technical implementation issues referred to the latter. These persons do not hold formal meetings and all business is handled by email or by telephone. They refer their recommendations to the Chairman of the Standing Committee for a final decision, in consultation with the Committee members if appropriate.

#### **Category definitions**

#### **Administrative issues**

Issues for which a process or body is already in place, but which require oversight and support to bring to fruition. The action required will involve coordinating, organizing, liaising, supervising and facilitating actions to ensure progress. The desired outcome would usually be to improve the effectiveness of a particular procedure or process.

#### **Operational and technical issues**

Issues that require consideration from a day-to-day management perspective and involve comparing, analyzing, considering, applying and piloting possible procedures to ensure practicality. The desired outcome would usually be a tool or procedure.

#### **Policy issues**

Issues that require resolution in the form of a universal definition or ruling that involves integrating, defining, clarifying or drafting texts to ensure clarity and consistency of the policy in question. The desired outcome would usually be a reference document.

### Scientific issues

Issues that require scientific input to ensure that the fundamental principles of the Convention are achieved in the most effective way. This will involve researching, reporting and advising on particular cases to ensure that decisions are scientifically-based. The desired outcome would usually be a report.

### Referral procedure

1. An issue is referred to the Standing Committee by the Conference of the Parties, one of the permanent committees, a Party or the Secretariat.

2. The Chairman of the Standing Committee refers the issue to the clearing house.

3. The clearing-house prepares the following for the Chairman of the Standing Committee:

a) a brief description (preferably less than one page) defining the problem by outlining:

i) the issues to be addressed;

ii) an analysis of the issue;

iii) the States, organizations or persons to be consulted or involved; and

iv) the desired outcome (e.g. a definition, a database or a register);

b) i) a recommendation as to which CITES body should consider the issue in accordance with the implementation category definitions or other guidelines provided by the Chairman of the Standing Committee; or

ii) a recommendation to take no action, if given the possibility by the Chairman of the Standing Committee. The clearing-house may reach this conclusion if it determines that the issue is trivial or that attempts to remedy it would have unacceptable consequences or are too costly; and

c) In general, a referral that would be categorized as:

i) administrative issues to be referred to the Secretariat;

ii) scientific issues to be referred to the Animals Committee, the Plants Committee and/or the Nomenclature Committee; or

*Note from the author: The Nomenclature Committee was abolished in 2007 and its tasks transferred to the Animals and Plants Committees.*

## Chapter 25 – Committees

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iii) policy and operational and technical issues to be referred to the Chairman of the Standing Committee in the first instance, although the issue might ultimately require a working group or a decision of the Conference of the Parties to progress the issue.

4. The Chairman of the Standing Committee should consider the recommendations for referral to one of the CITES bodies. If the Chairman of the Standing Committee is in doubt regarding the referral, he should refer the issue back to the clearing-house for a more thorough analysis and a later submission to the next meeting of the Standing Committee for a final decision.

5. Issues referred by this process to a CITES body should be dealt with according to its practices and rules of procedure. For example, an ad hoc working group may be formed or the Secretariat may be requested to engage a consultant to address the issue.

### The Animals Committee and the Plants Committee

Resolution Conf. 6.1 (Annex 2) established the Animals Committee in 1987. It was re-established in 1994 with Annex 2 to Resolution Conf. 9.1(Rev.).

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, repeated in 1994 with Resolution Conf. 9.1, which was revised in 1997 and replaced by Resolution Conf. 11.1 in 2000. The Animals and Plants Committees were again re-established with Annex 2 to Resolution Conf. 11.1. This is now **Resolution Conf. 11.1 (Rev. CoP15)**.

Decision 14.8 charged the Animals and Plants Committees to carry out internal monitoring through the regional reports and the reports of the chairmen of the scientific committees to the Conference of the Parties.

### Terms of Reference of the Animals Committee and the Plants Committee

**Annex 2 of Resolution Conf. 11.1 (Rev. CoP15)** lays down these terms of reference, as follows:

REALIZING the many problems faced by the Conference of the Parties and individual Parties concerning the lack of biological data and expert knowledge of animal and plant trade and management;

RECOGNIZING 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;

RECOGNIZING 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

## Chapter 25 – Committees

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species to withstand such levels of trade is insufficient to satisfy the requirements of Article IV, paragraph 3, of the Convention;

RECOGNIZING that the bulk of the world's biodiversity occurs in Africa, Asia, and Central and South America, and also that the majority of animal and plant species listed in the Appendices of the Convention are from these regions;

AWARE 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;

RECOGNIZING that the nomenclature used in the Appendices to the Convention will be most useful to the Parties if standardized;

RECALLING that Recommendation Conf. S.S. 1.7, adopted at the special working session of the Conference of the Parties (Geneva, 1977), recognized the need for the standardization of the nomenclature used in the Appendices;

NOTING that such biological nomenclature is not static;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RESOLVES to re-establish the Animals and Plants Committees of the Conference of the Parties, with the following terms of reference:

within the policy agreed to by the Conference of the Parties, the Animals and Plants Committees shall:

a) provide scientific 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) deal with nomenclatural issues by carrying on the following tasks:

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, after following the procedure described below, 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:

## Chapter 25 – Committees

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- A. species names of animals and plants listed at the species level in the Appendices;
  - 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, provide advice to Parties concerning nomenclature issues related to proposals to amend the Appendices;
  - vi) 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;
  - vii) ensure that changes in nomenclature recommended by a Party do not alter the scope of protection of the taxon concerned; and
  - viii) make recommendations on nomenclature to the Conference of the Parties, other committees, working groups and the Secretariat;
- 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;
  - 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;
  - 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 judgment as to whether the level of trade is detrimental;

## Chapter 25 – Committees

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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 scientific matters related to animals or plants, for consideration by the Conference of the Parties, with a budget for the work involved and an indication of the source of funding;

k) perform any other functions that may be entrusted to them by the Conference of the Parties or the Standing Committee; and

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;

AGREES that in giving instructions to the Animals and Plants Committees, the Conference of the Parties should pay due attention to whether the nature of the work is within their mandate and whether the committees have the time and personnel to undertake such work.

### Membership of the Animals Committee and the Plants Committee

Annex 2 of **Resolution Conf. 11.1 (Rev. CoP15)** determines the composition of the committees as follows:

a) the membership of the Animals and Plants Committees shall consist of:

## Chapter 25 – Committees

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- i) a person chosen by each of the major geographic regions consisting of North America and Oceania;
  - ii) two persons chosen by each of the major geographic regions consisting of Africa, Asia, Central and South America and the Caribbean, and Europe; and
  - iii) a specialist on zoological nomenclature (Animals Committee) and a specialist on botanical nomenclature (Plants Committee) appointed by the Conference of the Parties who would be ex-officio and non-voting;
- 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 Committees shall be reviewed at every regular meeting of the Conference of the Parties. The terms of office of the 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 Committees as an observer;
- e) a chair and a vice-chair shall be elected by the Committee. The Chair should be replaced in his/her role of regional member by his/her alternate. In the absence at a meeting of the alternate in question, the Chair shall serve also as regional member for his/her region on an ad hoc basis; and
- Decision 14.6 charged the Standing Committee in cooperation with the scientific committees and the Secretariat to develop a costed proposal to assess the costs, advantages and disadvantages of the provision of a chairman independent of regional duties and responsibilities, selected by the Conference of the Parties on a regional rotational basis. As a result, funding was included for Animals and Plants Committee chairs in the Costed Program of Work of the Secretariat, subject to voluntary contributions.
- f) the Chair may invite any person or representative of any other country or organization to participate in meetings of the Committee as an observer.

## Chapter 25 – Committees

### Current members of the Animals Committee

Representative	Alternate
<b>Africa</b>	
<p>M. Khaled Zahzah            Direction Générale des Forêts            Ministère de l'Agriculture et des            Ressources Hydrauliques            30, rue Alain Savary            1002 TUNIS            Tunisia</p>	<p>Mr Mustafa Ahmed Mahmoud            Faculty of veterinary medicine            Department of wildlife and zoo            medicine            The Suez Canal University            Ismailia            Egypt</p>
<p>Mr Samuel Kasiki            Deputy Director Biodiversity Research            and Monitoring            Kenya Wildlife Service            P.O. Box 40241            NAIROBI            Kenya</p>	<p>Mr Moses Maurihungirire            Director: Resource Management            Ministry of Fisheries            Private Bag 133275            Windhoek, 9400            Namibia</p>
<b>Asia</b>	
<p>Dr Mohammad Pourkazemi            International Sturgeon Research            Institute            P.O. Box 41635-3464            RASHT            Iran (Islamic Republic of)</p>	<p>Dr Nobuo Ishii            College of Arts and Sciences            Tokyo Woman's Christian Universi-            ty            Zempukuji 2-6-1, Suginami-ku            TOKYO 167-8585            Japan</p>
<p>Mr Suharsono            Pusat Penelitian Oseanografi Lipi            Jl. Pasir Putih I Ancol Timur,            Jakarta Utara            JAKARTA 11048            Indonesia</p>	<p>Dr Choo-Hoo Giam            78 Jalan Haji Alias            SINGAPORE 268559            Singapore</p>
<b>Central and South America and the Caribbean</b>	
<p>Sr. Marcel Enzo Calvar Agrelo            Departamento de Fauna            Dirección General de Recursos Natu-            rales Renovables            Ministerio de Ganadería, Agricultura y            Pesca            Cerrito 318, Piso 1o.            C.P. 11000 - MONTEVIDEO            Uruguay</p>	<p>Sra Nereyda Margarita Estrada Andino            Departamento de Areas Protegidas y            Vida Silvestre (DAPVS)            AFE-COHDEFOR            Tegucicalpa            Honduras</p>

## Chapter 25 – Committees

Representative	Alternate
<p>Sr. José Alberto Álvarez Lemus Ministerio de Ciencia, Tecnología y Medio Ambiente Centro de Inspección y Control Ambiental Calle 28 No. 502 entre 5ta. y 7ma. Miramar, Playa CIUDAD DE LA HABANA Cuba</p>	<p>Mr Paul Edward Ouboter National Zoological collection University of Suriname Leysweg P.O.B. 9212 PARMARIBO Suriname</p>
<b>Europe</b>	
<p>Mr Vincent Fleming Head International Policy (&amp; UK CITES Scientific Authority Fauna) Joint Nature Conservation Committee Monkstone House City Road PETERBOROUGH PE1 1JY United Kingdom</p>	<p>Mr Mathias Loertscher Head CITES MA Switzerland Federal Veterinary Office Schwarzenburgstrasse 155 3003 BERN Switzerland</p>
<p>Sr. Carlos Ibero Solana ATECMA Isla de la Toja, 2, Esc. Izda., 3ªA E-28400 VILLALBA (MADRID) Spain</p>	<p>Mr Radu Suciu Sturgeon Research Group Danube Delta National Institute - Tulcea 165 Babadag Str. TULCEA 820112 Romania</p>
<b>North America</b>	
<p>Ms Carolina Caceres Manager, Species Assessment Canadian Wildlife Service Environment Canada 351 St. Joseph Blvd GATINEAU, QUEBEC, K1A 0H3 Canada</p>	<p>Ms Rosemarie Gnam U.S. Fish &amp; Wildlife Service International Affairs Division of Scientific Authority 4401 N. Fairfax Drive, Room 110 Arlington VA 22203 United States of America</p>

## Chapter 25 – Committees

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Representative	Alternate
<b>Oceania</b>	
Mr Hugh Robertson Research & Development Group Department of Conservation Conservation House 18-32 Manners Street P.O. Box 10-420 WELLINGTON New Zealand	Mr Rod Hay Research and Development Group Department of Conservation P.O. Box 13049 CHRISTCHURCH New Zealand
<b>Nomenclature Specialist</b>	
Ms Ute Grimm Federal Agency for Nature Conservation CITES Scientific Authority Konstantinstr. 110 53179 BONN Germany	

For up-to-date contact details, please visit the CITES website:

<http://cites.org/eng/com/AC/member.php>

### Current members of the Plants Committee

Representative	Alternate
<b>Africa</b>	
<p>Ms Beatrice Khayota National Museums of Kenya Centre for Biodiversity P.O. Box 40658 NAIROBI 00100 Kenya</p>	<p>M. Koffi Akpagana Laboratoire de botanique et écolo- gie végétale Faculté des Sciences B.P. 1515 LOME Togo</p>
<p>Mr David L.N. Hafashimana Senior Forest Officer (Ecologist/Conservationist) National Forestry Resources Re- search Institute P.O. Box 1752 KAMPALA Uganda</p>	<p>Mr Quentin Luke National Museums of Kenya P.O. Box 24133 NAIROBI - 00502 Kenya</p>
<b>Asia</b>	
<p>Mr Tukirin Partomihardjo Research Center for Biology Indonesian Institute of Science Jalan Raya Jakarta – Bogor Km. 46 Cibinong Science Center Complex Cibinong, BOGOR 16911 Indonesia</p>	<p>Mr Mohd Yunus Zakaria Forestry Department Peninsular Malaysia Jalan Sultan Salahuddin KUALA LUMPUR 50660 Malaysia</p>
<p>Ms Zhihua Zhou Chief, Division of Convention Af- fairs The Endangered Species Import and Export Management Office of the P. R. China State Forestry Administration 18 Hepingli Dongjie BEIJING 100714 China</p>	<p>Ms Shereefa Al-Salem Living Resources Department CITES Management Authority Environment Public Authority P.O. Box: 24395 SAFAT 13104 Kuwait</p>

## Chapter 25 – Committees

Representative	Alternate
<b>Central and South America and the Caribbean</b>	
<p>Sra. Mariana de Jesús Mites Cadenas Panamericana Sur Km 17 Santa Catalina E 142 Casilla 17-02-5369 QUITO Ecuador</p>	<p>Sra. Adriana Rivera Brusatin Bióloga MSc Instituto Alexander von Humboldt Calle 28A No. 15 - 09 BOGOTA Colombia</p>
<p>Sra. Dora Ingrid Rivera Urbanización La Victoria, Casa 9E San Francisco Apartado Postal 1916-3000 HEREDIA Costa Rica</p>	<p>Mr Kenneth Richardson Department of Agriculture PO Box N 3028 NASSAU Bahamas</p>
<b>Europe</b>	
<p>Sra. Margarita África Clemente Muñoz, Full Professor Dpto. de Ciencias y Recursos Agrícolas y Forestales Unidad de Botánica Agrícola y Forestal Campus de Rabanales, Ctra Madrid, km 396 Edificio Celestino Mutis (C-4) Universidad de Córdoba E-14071 CORDOBA Spain</p>	<p>Mr David Kikodze Botanical Garden and Institute of Botany 1, Botanikuri street TBILISI, 0105 Georgia</p>
<p>Mr Maurizio Sajevo Dipartimento di Scienze Botaniche Via Archirafi 38 I-90133 Palermo Italy</p>	<p>Mr Paulo J.L. Carmo Autoridad Científica CITES Instituto da Conservação da Natureza e da Biodiversidade Rua de Santa Marta, 55 P-1169-230 LISBOA Portugal</p>
<b>North America</b>	
<p>Mr Hesiquio Benítez Dias Director de Enlace y Asuntos Internacionales, Comisión Nacional para el Conocimiento y Uso de la Biodiversidad Av. Liga Periférico Insurgentes Sur 4903, Col. Parques del Pedregal, Tlalpan, MEXICO CITY 14010 Mexico</p>	<p>Ms Adrienne Sinclair CITES Scientific Authority Canadian Wildlife Service Environment Canada 4th floor, P.V.M. 351 St. Joseph Blvd GATINEAU, QUEBEC K1A 0H3 Canada</p>

## Chapter 25 – Committees

Representative	Alternate
<b>Oceania</b>	
Mr Greg Leach Department of Natural Resources, Environment and the Arts P.O. Box 496 PALMERSTON, NT 0831 Australia	Mr Marika Vuli Tuiwawa Curator, Herbarium University of South Pacific PO Box 2131 Government Buildings SUVA Fiji
<b>Nomenclature Specialist</b>	
Mr Noel McGough Conventions and Policy Section The Herbarium Royal Botanic Gardens, Kew RICHMOND Surrey TW9 3AE United Kingdom	

For up-to-date contact details, please visit the CITES website:

<http://cites.org/eng/com/PC/member.php>

### **Duties of members of the Animals Committee and Plants Committee and their alternates**

At the 12th meeting of the Conference of the Parties, the provisions from Decisions 11.90 and 11.110 on the duties of members of the committees were included in Resolution Conf. 11.1 (Rev.CoP12).

**Resolution Conf. 11.1 (Rev. CoP15)** resolves that the duties of members elected by the regions of the Animals and Plants Committees and their alternates are as follows:

- 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 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

## Chapter 25 – Committees

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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.

The Conference of the Parties further resolves that the zoological and botanical nomenclature specialists of the Animals and Plants Committees shall coordinate, monitor and analyze the input needed from specialists in fulfilling the responsibilities assigned by the Parties.

### **Travel expenses of regional members of the Animals Committee and Plants Committee**

**Resolution Conf. 11.1 (Rev. CoP13)**, 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 members, to attend no more than two meetings of the Committee concerned between meetings of the Conference of the Parties, other than for representatives of developed countries;

This is in line with the provision in Resolution Conf. 15.1 with which it is decided that the CITES Trust Fund should not be used to cover travel costs and per diem of committee members and other representatives of developed countries

b) the Secretariat shall also make provision for the participation of the Committees' Chairs at meetings of the Standing Committee and at other meetings that the Chairs are instructed to attend by the Conference of the Parties;

c) members should make every effort to pay their own travel expenses; and

d) travel arrangements for sponsored 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.

### **Manual for regional representatives on the Animals and Plants Committees**

Decision 13.13 instructed the Plants and Animals Committees to form a joint e-mail working group comprising two representatives of each Committee and an appointed chairman to develop a manual for regional representatives in 2005 that explains the roles and duties of the representatives, provides practical advice on how to accomplish the mandate, is applicable under different cultural conditions, and contains information for the Management and Scientific Authorities of Parties to explain the role and duties of regional representatives, and the relevant obligations by Parties towards regional representatives. External funding is to be sought for printing of the manual.

In 2006, a joint meeting of the Animals and Plants Committees agreed the text of a manual, which led to:

**Decision 14.9** instructing the Secretariat, regarding the manual for regional representatives, contained in the Annex to document PC16/AC22 WG2 Doc. 1, to:

- a) seek funding for its translation, publication in the three working languages of the Convention and distribution; and
- b) when it has been tested by members of the scientific committees and updated accordingly, and funds are available, organize the publication and distribution of printed and electronic versions of the manual as capacity-building materials for regional representatives of the scientific committees.

### **Production costs of publications prepared by the Animals and Plants Committees**

In Annex 2 to **Resolution Conf. 11.1 (Rev. CoP13)**, 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.

### **Potential conflicts of interest of Animals and Plants Committee members**

**Decision 15.9** instructs the Standing Committee, considering that members of the Animals and Plants Committees serve in a personal capacity, to review the need for the Rules of Procedure of those Committees to deal with potential conflicts of interest of its members relating to their activities in the Committees, and shall report on this matter at the 16th meeting of the Conference of the Parties.

### **The Identification Manual Committee of the Conference of the Parties (until 2000)**

Article XII.2, paragraph (c) 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, paragraph (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.

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.

## Chapter 25 – Committees

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The Identification Manual Committee was abolished in 2000 with:

**Resolution Conf. 11.19**, which notes that the Identification Manual Committee was first established in 1977, and was one of the first committees serving the Parties to the Convention.

The Conference of the Parties is grateful to all persons who have served this Committee, for the work they have done to develop the Identification Manual.

It notes that between the sixth (Ottawa, 1987) and the 10th (Harare, 1997) meetings of the Conference of the Parties the Committee was without Chairman and membership.

It notes further that following the 10th meeting of the Conference of the Parties (Harare, 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 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;

The printed Identification Manual has become an electronic CITES Wiki Identification Manual, which, according to the CITES website, is a collection of data sheets designed to help identify various species of fauna and flora with drawings (black and white), photographs, maps and concise descriptions. It is a useful tool for CITES Management and Scientific Authorities, Customs officials, and all others involved in implementing and enforcing CITES.

## Chapter 25 – Committees

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The manual is accessible through the CITES website:

<http://citeswiki.unep-wcmc.org/IdentificationManual/tabid/56/language/en-US/Default.aspx>

Users, who wish to add identification content, or modify existing content, must first register, see:

<http://citeswiki.unep-wcmc.org/IdentificationManual/tabid/56/ctl/Register/language/en-US/Default.aspx?returnurl=%2fIdentificationManual%2ftabid%2f56%2flanguage%2fen-US%2fDefault.aspx>

Once registered, the user can apply to be a Content Editor by sending a request by e-mail to the Identification Manual Administrator (mentioned on the page in the first hyperlink), with a brief indication of their areas of interest and expertise. Only information on identification characteristics can be added to, or modified. All additions/changes are subject to review before appearing in the Manual, and additions/changes will be attributed to the submitter. The Secretariat reserves the right to reject applications for content editing, and to reject additions and changes.

g) inform each meeting of the Standing, Animals and Plants Committees on the progress made; and

h) report at 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.

It appeals to Parties and organizations to provide funds to ensure the production of the Identification Manual; and requests the Parties to promote the use of the Identification Manual.

### **The Nomenclature Committee of the Conference of the Parties (until 2004)**

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 did Annex 5 to Resolution Conf. 9.1(Rev.). The tasks of the Nomenclature Committee were transferred to the Animals and Plants Committees in 2004.

**Resolution CoP 11.1 (Rev. CoP15)** provides that the Animals and Plants Committees shall deal with nomenclatural issues, see page 404.

## Chapter 26 - The Secretariat

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### Article XII, paragraph 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.**

Article XII.1 must be read together with Article XI.3. (a).

The use of the words 'upon the entry into force' was in my view intended to provide for an operative Secretariat from the date of entry into force of the Convention onwards, a kind of temporary arrangement, which the Conference of the Parties under Article XI.3 (a) can change.

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 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

## Chapter 26 – The Secretariat

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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.

### **Agreement between the CITES Standing Committee and the Executive Director of UNEP.**

#### **Negotiation history**

At its eighth meeting, in 1992, the Conference of the Parties adopted the text of an Agreement between the CITES Standing Committee and the Executive Director of UNEP, to clarify the relationship between CITES and UNEP. The agreement was signed in June 1992.

A revised version of the agreement was adopted by the Conference at its 10th meeting, in 1997. This was signed in June 1997. It sets out the responsibilities of UNEP and the Standing Committee, particularly with regard to management of CITES Secretariat personnel issues and the management of the CITES Trust Fund.

At the 46th meeting of the Standing Committee, in 2002, the Chairman and other members of the Committee expressed concern that UNEP was not complying with the Mem-

## Chapter 26 – The Secretariat

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orandum of Agreement. The Committee agreed that the Chairman should raise this issue with the Executive Director of UNEP.

At the 47th meeting of the Standing Committee, also in 2002, the Chairman reported that, following his review of the Agreement, he recommended that it be revised to stress the need for the Executive Director to consult with the Committee before taking any action within his mandate and to reflect the responsibilities of the Secretary-General more accurately. He had prepared a draft of a new agreement. The Chairman of the Committee was requested to hold discussions with the Executive Director of UNEP on the draft concerned.

At the 49th, 50th and 51st meetings of the Standing Committee, in April 2003, March 2004 and October 2004, the Chairman reported that the meeting he had requested with the Executive Director of UNEP had not taken place and that he had received no response from UNEP to the draft.

For the Standing Committee's 53rd meeting, in June 2005, UNEP provided its own draft memorandum of agreement for consideration by the Standing Committee. During the discussion, participants stressed the need for UNEP to consult with the Standing Committee before taking actions that affect CITES, and in particular the Secretariat and the budget. With the agreement of the representative of UNEP, the Standing Committee adopted a number of amendments and agreed in principle to the resulting text of the agreement. It left some time, until 15 August 2005, for comments by Parties. None were received and the Committee adopted the text.

At the 54<sup>th</sup> meeting of the Standing Committee, in October 2006, the Chairman The Chairman reported on the activities that he had undertaken to progress towards the signature of a Memorandum of Agreement with the Executive Director of UNEP. The representative of UNEP stated that the new Executive Director was committed to addressing this issue in the context of the United Nations' reform objectives and the review of effectiveness and synergies currently being undertaken by the UN Joint Inspection Unit. But he asked for more time while this review was going on. The Committee agreed that the Chairman should write to the Executive Director to agree to the request to allow more time and to ask that the Committee be kept informed of progress through the Secretary-General.

At the 57<sup>th</sup> meeting, in July 2008, it was recalled that the Committee had negotiated a new Memorandum of Agreement with UNEP two years previously in good faith, that it had been signed by the Chairman of the Standing Committee, but that it appeared that the Executive Director was unwilling to sign. It was noted that he seemed to communicate with the Standing Committee only by proxy.

At the 58<sup>th</sup> meeting, in July 2009, , the representative of UNEP informed the Standing Committee that the review of the agreement with the Executive Director of UNEP needed to take place in the context of UNEP's broader administrative reform, and explained the accountability framework and system for delegation of authority that would

## Chapter 26 – The Secretariat

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be tested on a number of multilateral environmental agreements in 2009. The plan was to apply this also to CITES before the end of 2009.

The representative of UNEP further stated that the accountability framework was needed in order to hold the executive heads of the multilateral agreements accountable to UNEP for performance of their duties.

He said that the Executive Director (ED) wished to discuss the agreement between UNEP and the Standing Committee at its 59th meeting (SC59), in March 2010. Before that meeting, the ED would discuss this issue with the Chair of the Standing Committee.

The ED would therefore not sign the revised agreement in the meantime, but it was understood that the Memorandum of 1997 remained in force.

Members of the Committee noted that UNEP's accountability framework and delegation of authority was an internal matter, quite separate from the agreement between the Executive Director and the Standing Committee, which should not take second place.

At the 59<sup>th</sup> meeting, the one preceding CoP 15, in March 2010, the The Executive Director of UNEP stated that he had agreed to report to the Committee on the relationship between UNEP and CITES.

He explained that the UNEP management team was developing a procedure for the delegation of authority for all Multilateral Environmental Agreement (MEA) secretariats to enable them to work without having to always refer back to UNEP headquarters. It would supersede any prior arrangements between UNEP and CITES.

He reported that a draft delegation of authority between the Executive Director of UNEP and the Secretary-General of CITES had been developed with the objective of ensuring high-level secretariat services and to clarify the Secretary-General's authority, responsibility and accountability. The draft delegation of authority had been sent to the Chair of the Standing Committee in February 2010 for review.

The Executive Director proposed that a working group, that could include two or three members of the Standing Committee, meet in June 2010, to consider the way forward for CITES and UNEP.

Members of the Standing Committee expressed support for the formation of the working group and the proposed accountability framework.

However, several Parties expressed serious concern that neither they nor other Parties had seen the draft accountability framework. One member pointed out that CITES was not a part of UNEP.

They disagreed with the view that it was not necessary to have a separate agreement between the Executive Director and the Standing Committee and stressed that such an

## Chapter 26 – The Secretariat

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agreement could not be replaced by the delegation of authority, which was an internal arrangement between the Executive Director and one of his staff members.

It was felt that this subject, as well as the present long-standing agreement between the Committee and the Executive Director, might benefit from discussion by the working group. Some Committee members believed that the membership of the proposed working group should cover all CITES regions. Switzerland, as the Depository Government, were eager to work with UNEP's Executive Director but noted that CITES had a long history and therefore a different architecture compared to more recent MEA's.

To date, no working group meeting has been convened.

### Current Agreement

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.

## Chapter 26 – The Secretariat

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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.

## Chapter 26 – The Secretariat

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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 performance 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 projects 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.

## The functions of the Secretariat

### Article XII, paragraph 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 programs 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;**

This concerns, but it not limited to, the annual and biennial reports of Parties under Article VIII.

- (e) to invite the attention of the Parties to any matter pertaining to the aims of the present Convention;**

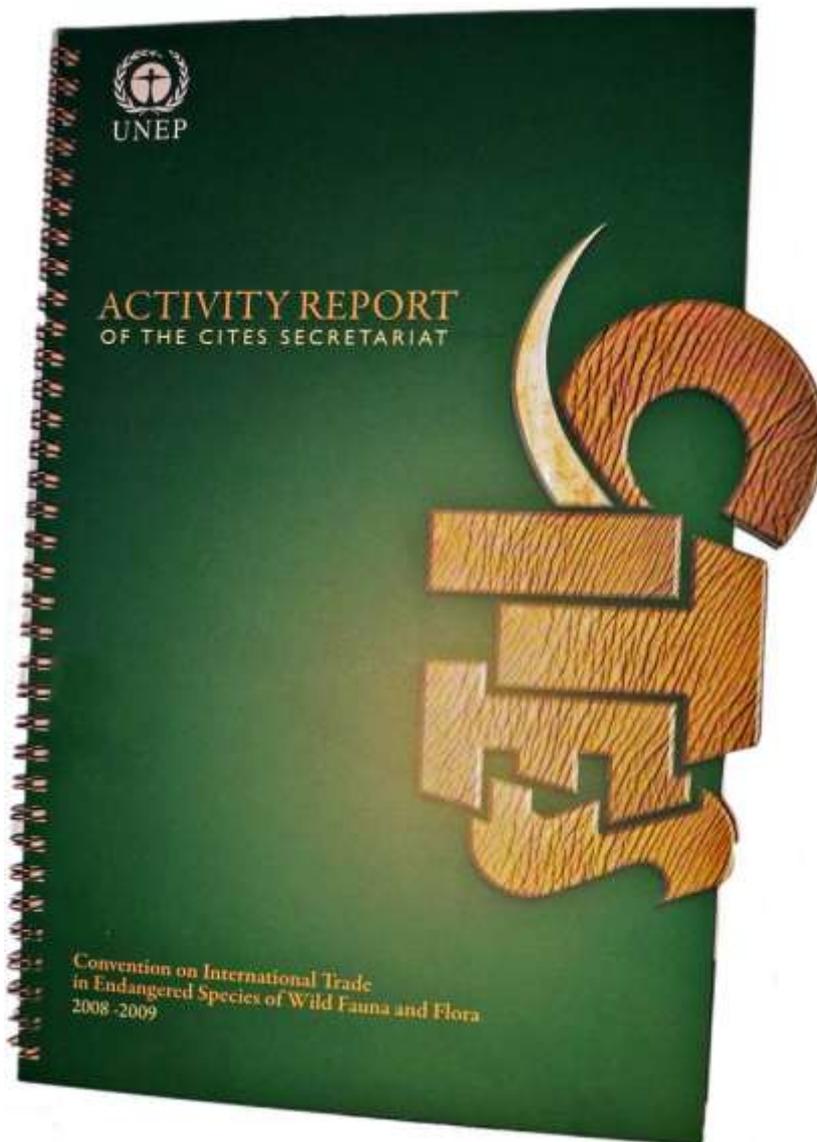
## Chapter 26 – The Secretariat

**(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. CoP15)** directs the Secretariat to publish changed Appendix-I, -II and -III together after each meeting of the Conference of the Parties (from **Resolution Conf. 7.15**), or at other times when warranted.

The Identification Manual is an ongoing project of the Secretariat, which has developed into an electronic CITES Wiki Identification Manual, see page 417.

**(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 publishes annual reports, submits reports on specific activities to meetings of the Standing Committee and to meetings of the Conference of the Parties. The Secretariat, assisted by UNEP/WCMC, further prepares reports (analyses) on the annual reports on trade submitted by the Parties in compliance with Article VIII (7).

## Chapter 26 – The Secretariat

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**(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 on International measures contains a further important function of the Secretariat, namely with regard to non-implementation of the Convention. The provisions concerned are discussed in **Chapter 16**, page 237.



## Chapter 27 - Effects of the Convention on National Legislation

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### Stricter domestic measures

#### Article XIV, paragraph 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**



Taking possession of specimens of CITES-listed species is not an activity that is covered by the provisions of the Convention. Measures of Parties regarding their possession are therefore, like the measures referred to in paragraph (b), of specimens, not to be considered as measures that are stricter than the Convention.

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. Many of these are implicitly directed at importing countries, although not all. See Resolutions Conf. 2.10 (Rev.), 4.22, 6.7, 10.3, 10.13 (Rev. CoP15), 10.19 (Rev. CoP14), 10.20, 10.23, 11.3, 11.16 (Rev. CoP15), 11.18, 12.3 (Rev. CoP15), 13.6, 13.7 (Rev. CoP14) and Decision 15.86 for valid recommendations. Repealed Resolutions Conf. 3.12, 5.11, 7.8 and 8.5 also contained references to stricter domestic or national measures

**(b) domestic measures restricting or prohibiting trade, taking possession, or transport of species not included in Appendices I, II or III.**

## Chapter 27 Effects of the Convention on National Legislation

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This paragraph contains a minor error as it should have referred to” the transport of *specimens of species*”

**Decision 14.28 (Rev. CoP15)** states that Parties with stricter domestic measures and reservations should review them, as and when appropriate, in order to determine whether they are effective and necessary in order to achieve the objectives of the Convention to ensure that trade in wild fauna and flora species is not detrimental to their survival.

**Decision 14.29 (Rev. CoP15)** provides that the Standing Committee shall continue the Working Group on Multilateral Measures, established at its 57th meeting, which, operating by electronic means, should:

- a) review and, if necessary, revise any consultancy report produced under Decision 14.30 (Rev. CoP15);
- b) organize, with the help of the Secretariat, a meeting with representation from all CITES regions to discuss the above report; and
- c) based on the report of the meeting mentioned above, consider the need to draft for consideration at the 16th meeting of the Conference of the Parties any revised or new resolutions.

**Decision 14.30 (Rev. CoP15)** instructs the Secretariat to, if external funds are made available for the purpose:

- a) hire a consultant to prepare a report on ways to assess whether:
  - i) the Resolutions of the Conference of the Parties are implemented by all Parties as consistently as possible and whether there is a need to clarify, revise or repeal them; and
  - ii) the scope for multilateral CITES processes that reduce the need by Parties for recourse to stricter domestic measures and reservations should be further developed; and
- b) assist the Standing Committee in organizing the meeting mentioned in Decision 14.29 (Rev. CoP15).

**Resolution Conf. 6.7** deals with the interpretation of Article XIV, paragraph 1.

The Conference of the Parties expresses its awareness that international cooperation is fundamental to achieving the objectives of the Convention. It 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. It believes that any difficulties that arise with respect to the adoption of stricter domestic measures can be resolved by mutual consultation and cooperation.

## Chapter 27 – Effects of the Convention on National Legislation

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It 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 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.

The limitation of these recommendations to ‘non-indigenous’ species is not very helpful. In the case of species with a large area of distribution, for example, there are countries on the edge of that area that have protected populations and trade prohibitions. In other parts of the range, the species may be abundant and commercially exploited. For countries in the latter situation, it is then useful to have a complete picture of what market restrictions there are abroad.

**Resolution Conf. 12.3 (Rev. CoP15)**, under section I, paragraph r), 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 contains one of the three variations used in Resolutions on the issue: stricter *domestic* measures, stricter *national* measures and here stricter *internal* measures.

The same recommendation was 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** on Proof of Foreign Law 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 infor-

## Chapter 27 Effects of the Convention on National Legislation

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mation which may be of assistance in understanding such measures, citations to such laws, regulations, decrees, and other documents, and the name, address, telephone and fax numbers, and email address 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 statement containing the name, address, telephone and fax numbers, and email address 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 (Rev. CoP15)** 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.

## Chapter 28 - Relationship with other Conventions, Treaties, Agreements and Organizations

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### Article XIV, paragraph 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 International Whaling Commission



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.

## Chapter 28 – Relationship with other Conventions, Treaties, Agreements and Organizations

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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.

At the 12th meeting of the Conference of the Parties, a number of paragraphs - previously contained in Decisions - were added to the Resolution.

The result is **Resolution Conf. 11.4 (Rev. CoP12)**, which recalls the determination of the Contracting States that international cooperation is essential for the protection of certain species of wild fauna and flora against over-exploitation through international trade.

It 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 International Whaling Commission (IWC) and at meetings of the Scientific Committee of the IWC.

## Chapter 28 – Relationship with other Conventions, Treaties, Agreements and Organizations

It notes further that the IWC has requested and obtained observer status at meetings of the Conference of the Parties.

It recognizes that Article III, paragraph 5, and Article IV, paragraph 6, of the Convention prohibit the transportation into a party State of specimens (including any readily recognizable parts or derivative thereof) of any species listed in Appendix I or II to the Convention that were taken in the marine environment not under the jurisdiction of any States without prior grant of a certificate from a Management Authority of the State of introduction.

It 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.

It desires that the maximum protection possible under this Convention be afforded to the cetaceans listed in the Appendices.

The Conference of the Parties considers that the International Whaling Commission has asked for the support of the Parties in protecting certain stocks and species of whales.

It is mindful of the need for special attention to the conservation of whales and other cetaceans.

It recalls that commercial utilization has caused the rapid depletion of many species and stocks of large whales once they become the focus of exploitation and has resulted in a threat to the survival of a number of these species and stocks.

It observes that any commercial utilization of species and stocks protected by the IWC jeopardizes their continued existence, and that trade in specimens of these species and stocks must be subject to particularly strict regulation in order not to endanger further their survival.

It recognizes that although these species and stocks of whales are protected from commercial whaling by nationals of IWC member nations, they are commercially harvested by nationals of non-IWC member nations and that such harvesting circumvents and diminishes the effectiveness of the protective regime of the IWC and threatens to prevent the recovery of those protected species and stocks.

It notes that some unknown level of exploitation of whales may be occurring outside the control of the IWC.

It recalls also that the great whales have not generally recovered from the depletion brought about by commercial exploitation, even though many other species of exploited wildlife have recovered from equal or greater degrees of depletion.

## **Chapter 28 – Relationship with other Conventions, Treaties, Agreements and Organizations**

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It notes that the IWC has taken increasingly vigorous action to provide for the effective conservation and management of whales which are of interest to all nations of the world by establishing limits on the number of whales that may be taken by nationals of its member nations.

It notes that the IWC has established regulations that protect certain species and stocks from all commercial whaling by nationals of its member nations in order to provide them with protection and the opportunity to recover from over-exploitation.

It welcomes the Resolution passed by the IWC at its Special Meeting in December 1978 requesting that the Conference of the Parties to the Convention, at its second meeting, take all possible measures to support the IWC ban on commercial whaling for certain species and stocks of whales.

The Conference of the Parties expresses 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 recognizes that the IWC is the major source of information on whale stocks around the world, that the meat and other products of such protected species of whales are subject to international trade which cannot be controlled effectively by the IWC alone and that the need for the IWC and CITES to cooperate and exchange information on international trade in whale products.

It affirms its concern that any illegal international trade in Appendix-I whale specimens undermines the effectiveness of both the IWC and CITES.

The Conference of the Parties recommends:

### **Adhesion 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;

### **Trade in specimens of cetaceans**

that Parties pay particular attention to the documentation requirements for specimens of cetaceans under Articles IV and XIV of CITES;

### **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

## Chapter 28 – Relationship with other Conventions, Treaties, Agreements and Organizations

specimen of a species or stock protected from commercial whaling by the International Convention for the Regulation of Whaling; and

requests that the Secretariat communicate to the Parties a list of such species and stocks and revised versions of this list as necessary;

### Illegal trade in whale meat



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;

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;

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; and

directs the Secretariat to share with the IWC any information it collects regarding illegal trade in whale meat; and

### Cooperation in monitoring illegal trade in whale parts and derivatives

encourages all countries concerned 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;

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

## Chapter 28 – Relationship with other Conventions, Treaties, Agreements and Organizations

c) taken incidentally to other fishing operations, and if any specimens from these whales will be entered into commerce;

invites all countries concerned 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; and

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.

**Decision 14.81** instructs the Animals Committee that no periodic review of any great whale during IWC moratorium, including the fin whale, should occur while the moratorium by the International Whaling Commission is in place.

### The Convention on Biological Diversity (CBD)



A Convention that was concluded more recently and that is of direct relevance to the aims of CITES, is the Convention on Biological Diversity.

With **Resolution Conf. 10.4 (Rev. CoP14)** on Co-operation and Synergy with the Convention on Biological Diversity, the Conference of the Parties welcomes decision III/21 of the Conference of the Parties to the Convention on Biological Diversity, which endorsed the Memorandum of Understanding between the CITES Secretariat and the Secretariat of the Convention on Biological Diversity.

It expresses appreciation for the cooperation and cordial relationship that has been developed between the two Secretariats.

It further expresses awareness of the fact that 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”.

## Chapter 28 – Relationship with other Conventions, Treaties, Agreements and Organizations

It recalls that the Conference of the Parties to the Convention on Biological Diversity has 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 fulfill the eligibility criteria and guidance provided by the Conference of the Parties to the Convention on Biological Diversity to the Global Environment Facility”.

It recalls also Chapter 38 of Agenda 21 and welcoming decision 19/9c of the Governing Council of UNEP which “recognizes the importance of the Program’s role in promoting and supporting cooperation and coordination 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 Conference of the Parties 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 and recognizes that UNEP should undertake such tasks in full cooperation with the Conference of the Parties.

It calls upon the CITES Secretariat and the Secretariat of the Convention on Biological Diversity to coordinate their Programme activities particularly through the UNEP coordination meetings and suggests that Parties, as appropriate to their national circumstances and to encourage synergy, take measures to achieve coordination and reduce duplication of activities between their national authorities for each Convention.

It also calls upon Parties to explore opportunities for obtaining funding through the Global Environment Facility for relevant projects, including multilateral projects, which fulfill 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.

It 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). Decisions 13.2 to 13.5 contained directives for the Standing Committee and the Secretariat to explore the so-called Vilm-report when looking at the issue of synergies between CITES and CBD.

## Chapter 28 – Relationship with other Conventions, Treaties, Agreements and Organizations

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The MoU with CBD can be found on the Secretariat website:

<http://cites.org/common/disc/sec/CITES-CBD.pdf>

and an amendment on:

<http://cites.org/common/disc/sec/CITES-CBD-amend.pdf>

**Resolution Conf. 13.2 (Rev. CoP14)**, together with Decisions 13.6 and 13.7, link the CBD's Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity to CITES implementation.

Decision 13.8 provided that the Plants Committee should link its activities and collaborate with the CBD Global Strategy for Plant Conservation.

**Decision 15.19** extends this by instructing the Plants Committee to collaborate with the Global Strategy for Plant Conservation (*GSPC*) of the Convention on Biological Diversity (CBD, and with any processes established to develop the Strategy beyond 2010, provided it is related to CITES, as well as on other issues related to flora species included in the CITES Appendices.

The Secretariat is directed to communicate the contributions of CITES in the context of its Memorandum of Understanding with the CBD Secretariat.

**Resolution Conf. 13.4** calls upon the Secretariat to collaborate with the Secretariat of the Convention on Biological Diversity in relation to the conservation of great apes, in particular developing measures relating to in situ conservation and to make recommendations relevant to CITES to the Standing Committee for consideration.

## The Convention on the Conservation of Migratory Species of Wild Animals, CMS



**Resolution Conf. 13.3** confirms Decisions 12.5 and 12.6 on the cooperation and synergy with CMS.

It expresses appreciation of the cooperation and cordial relationship that have developed between the Secretariats of CITES and CMS and 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; and

## Chapter 28 – Relationship with other Conventions, Treaties, Agreements and Organizations

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) the saiga antelope (*Saiga tatarica*), the snow leopard (*Uncia uncia*) and the west and central African populations of the African elephant (*Loxodonta africana*);

ii) marine turtles of the Atlantic coast of Africa, the Indian Ocean, Southeast Asia and the Pacific Ocean;

iii) the whale shark (*Rhincodon typus*) of south and Southeast Asia, as well as the great white shark (*Carcharodon carcharias*); and

iv) sturgeons (*Acipenseriformes*); and

Each of the above taxonomic groups has its chapter in this book: the saiga antelope is dealt with in **Chapter 49**, the marine turtles in **Chapter 53**, sharks in **Chapter 54** and sturgeons in **Chapter 56**.

The MoU with CMS is on the Secretariat's website:

<http://cites.org/common/disc/sec/CITES-CMS.pdf>

and a new Annex on:

[http://cites.org/common/disc/sec/CMS\\_annex.pdf](http://cites.org/common/disc/sec/CMS_annex.pdf)

The Conference of the Parties directs the Secretariat, in keeping with the spirit of the above-mentioned Memorandum of Understanding, 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

**CCAMLR**

The cooperation with CCAMLR in relation to toothfish is the subject of **Resolution Conf. 12.4**, which reads as follows:

THE CONFERENCE OF THE PARTIES

RECOGNIZING 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;

CONSCIOUS of 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;

## Chapter 28 – Relationship with other Conventions, Treaties, Agreements and Organizations

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RECALLING that Article XV, paragraph 2 (b), of the Convention, provides that the Secretariat, as regards marine species, shall consult with intergovernmental organizations having a function in relation to those species;

RECOGNIZING 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;

KEEPING IN MIND that 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 toothfish and Antarctic toothfish (*Dissostichus* spp.) in order that that trade does not affect the sustainable development of fishing nor the responsible use of Antarctic marine living resources;

TAKING NOTE 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;

CONCERNED that illicit, unregulated and unreported fishing activities threaten to harm the populations of several fish species, including those of the Patagonian toothfish and Antarctic toothfish, and urging all countries to cooperate with international efforts to eradicate illicit, unregulated and unreported fishing;

TAKING NOTE that CCAMLR has established regulations on commercial exploitation of all Antarctic marine living resources, especially the Patagonian toothfish and Antarctic toothfish, for all member States in order to prevent fishing from reaching levels of over-exploitation;

FURTHER NOTING that CCAMLR, at its 21st meeting, urged CITES Parties to require a document under the CCAMLR Catch Documentation Scheme for all toothfish imports as well as agreeing that further cooperation with CITES would be welcome;

ALSO RECOGNIZING the need for CCAMLR and CITES to cooperate closely, both for the exchange of information concerning international trade in products of the Patagonian toothfish and Antarctic toothfish, 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;

## Chapter 28 – Relationship with other Conventions, Treaties, Agreements and Organizations

URGING 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;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

### International trade in toothfish



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;

### Illicit trade in toothfish products

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 toothfish and Antarctic toothfish, especially their geographic origin, and to cooperate with the Secretariat of CCAMLR in gathering information in this regard;

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; and

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; and

### Adhesion to the Convention for the Conservation of Antarctic Marine Living Resources

RECOMMENDS to the Parties that capture toothfish or that trade in toothfish 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.

At CoP13, the Parties rejected a proposal from Australia to amend the Resolution with a view to extend the reporting system on trade in toothfish (non-CITES listed species) that

## Chapter 28 – Relationship with other Conventions, Treaties, Agreements and Organizations

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was introduced through Decisions of CoP12. The decisions concerned were also repealed.

### The Food and Agriculture Organization of the United Nations (FAO)



Decision 12.7 (Rev. CoP13) concerned the cooperation with the Food and Agriculture Organization of the United Nations (FAO).

It provided that, on the basis of the recognition by the Conference of the Parties 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 (MoU) between CITES and FAO, to establish a framework for cooperation.

The following terms of reference were to 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 centered 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.

Decision 14.16 charged the Secretariat to initiate discussions with the Food and Agriculture Organization of the United Nations (FAO) on how cooperation between the two organizations related to forestry and non-timber forest products might be enhanced.

Decision 14.17 instructed the Secretariat to report at the 15th meeting of the Conference of the Parties on those discussions and on the progress made in implementing the Memorandum of Understanding between FAO and the CITES Secretariat.

The Memorandum of Understanding can be found on the CITES website:

<http://cites.org/eng/disc/sec/FAO-CITES-e.pdf>

## Chapter 28 – Relationship with other Conventions, Treaties, Agreements and Organizations

**Decision 15.18** instructs the Standing Committee to analyze the current Memorandum of Understanding (MoU) between CITES and FAO, determine the cooperative scheme between CITES and FAO on forestry issues, and ensure that future cooperation between FAO and CITES is carried out under the framework of the MoU.

### ICPO – Interpol



The Secretariat works very closely with ICPO – Interpol on enforcement matters as the many Resolutions and Decisions on the issue show. The MoU concerned can be found here:

<http://cites.org/common/disc/sec/CITES-Interpol.pdf>

### World Customs Organization



Customs officers being the frontline CITES implementers, it is not surprising that the Secretariat has a long-standing collaboration with WCO. As in the case of Interpol, all enforcement-related Resolutions and Decisions mention WCO as a partner. The MoU concerned is on <http://cites.org/eng/disc/sec/CITES-WCO.pdf>

### The International Tropical Timber Organization (ITTO)



In 2007, the Conference of the Parties adopted **Resolution Conf. 14.4** on cooperation between CITES and ITTO regarding trade in tropical timber.

The Resolution reads as follows:

RECOGNIZING that CITES aims to ensure the protection of certain species of wild fauna and flora against over-exploitation through international trade.

ALSO RECOGNIZING that CITES can play a positive role in promoting the conservation of timber species through trade in accordance with the requirements of Articles III, IV and V of the Convention;

FURTHER RECOGNIZING that the objectives of the International Tropical Timber Agreement (ITTA), 1994, include providing an effective forum for consultation, international cooperation and policy development with regard to all relevant aspects of the world timber economy and promoting trade in tropical timber from sustainable sources;

## Chapter 28 – Relationship with other Conventions, Treaties, Agreements and Organizations

NOTING the important role that the International Tropical Timber Organization (ITTO) has played and continues to play with respect to international trade in tropical timber species;

WELCOMING the increase in cooperation between CITES and ITTO and especially the support provided by ITTO for meetings of the Bigleaf Mahogany (*Swietenia macrophylla*) Working Group, the International Experts Workshop on Non-detriment Findings for Bigleaf Mahogany, the Expert Meeting on the Effective Implementation of the Uplisting of Ramin (*Gonystylus* spp.) to Appendix II of CITES, as well as the assistance provided by ITTO to its members to enhance their capacity to implement CITES listings of tropical timber species;

WELCOMING the ITTO project to support capacity building in range States for the implementation of CITES timber listings for *Gonystylus* spp., *Pericopsis elata* and *Swietenia macrophylla* as an important tool for increased cooperation between CITES and ITTO;

ALSO WELCOMING the successful conclusion to the negotiation of a successor agreement to the International Tropical Timber Agreement, 1994;

### THE CONFERENCE OF THE PARTIES TO THE CONVENTION

URGES Parties that are also party to ITTA, 1994, or its successor agreement, and that intend to submit proposals for listing of tropical timber species, to consult ITTO as part of the consultation process recommended in Resolution Conf. 10.13 (Rev. CoP15) on Implementation of the Convention for timber species;

RECOMMENDS that CITES Parties that are also party to ITTA, 1994, or its successor agreement, bring to the attention of the International Tropical Timber Council any concerns regarding the effects of international trade on tropical timber species;

WELCOMES the work of ITTO in promoting transparent markets, trade in tropical timber from sustainably managed tropical forests and, in that context, promoting forest law enforcement;

ENCOURAGES Parties to support and facilitate the work of ITTO and CITES to build increased capacity and improve implementation of CITES timber listings;

URGES Parties to support and contribute to work, guided by the CITES Plants Committee, to develop appropriate listing proposals based on the best available science to ensure the conservation of timber species and help ensure that trade does not threaten their survival;

DIRECTS the CITES Secretariat to cooperate closely with the Secretariat of ITTO on matters related to tropical timber species threatened by international trade and sustainable management of tropical timber producing forests; and

## Chapter 28 – Relationship with other Conventions, Treaties, Agreements and Organizations

ENCOURAGES all Parties, CITES, ITTO and other relevant intergovernmental organizations to promote improved forest law enforcement.

### The Biodiversity Indicators Partnership, BIP



**Decision 15.11** instructs the Secretariat to continue to provide its services as a key indicator partner in the *Biodiversity Indicators Partnership*, consulting the Animals, Plants and Standing Committees where necessary, and shall report on its work in this regard at the 16th meeting of the Conference of the Parties.

### Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES)



**Decision 15.12** instructs the Chairs of the Animals and Plants Committees and the Secretariat, without taking a position about the necessity for, or nature of, such a Platform, to, subject to external funding, participate in discussions concerning a possible IPBES, to provide all necessary input into the process of IPBES and to ensure that the role of CITES receives due recognition. The Chairs of the Animals and Plants Committees and the Secretariat shall report to the Standing Committee to seek additional guidance.

**Decision 15.13** instructs the Secretariat to work with the United Nations Environment Programme to identify possible sources of external funding to support the participation called for in Decision 15.12.

**Decision 15.14** instructs the Standing Committee to report at the 16th meeting of the Conference of the Parties concerning the IPBES.

### The Lusaka Agreement Task Force



The Lusaka Agreement did not get the expected number of Parties in the African region, but works from time to time successfully on illicit wildlife trade cases. The Secretariat has an MoU with the Task Force, which can be found here:

<http://cites.org/common/disc/sec/CITES-Lusaka.pdf>

## Chapter 28 – Relationship with other Conventions, Treaties, Agreements and Organizations

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### U.S. Fish And Wildlife Service Office Of Law Enforcement/Clark R. Bavin National Fish & Wildlife Forensic Laboratory

The National Fish and Wildlife Forensics Laboratory is located in Ashland, Oregon, United States. Founded in 1988 and run by the United States Fish and Wildlife Service, the forensics laboratory is the only such laboratory in the world devoted to wildlife law enforcement.



An MoU with the CITES Secretariat (<http://www.cites.org/common/disc/sec/CITES-USFWS.pdf> ) makes the forensics laboratory an official crime lab for CITES.

I have known Clark, the late Chief of the U.S. Fish and Wildlife Service's Office of Law Enforcement, personally during my time at the European Commission and I remember him as a very dedicated protector of nature. I also remember vividly, how we discussed my draft of what became Resolution Conf. 5.11 on the difficult subject of pre-Convention specimens in Buenos Aires in 1985. To be honest, I did not like the way in which he wanted to change my paragraph h) into the opposite of what I had in mind. I wanted Appendix-II specimens to be always treated in accordance with the rules applying to them at the time of acquisition rather than the rules applying after an uplisting to Appendix I, which was his idea. He won, see page 215. CITES and wildlife were better off with Clark around. He died far too early, in 1990 at the age of 53.

The Laboratory received the 2010 Clark R. Bavin Award from the Animal Welfare Institute. This is from their website:



**“United States Office of Law Enforcement agents and U.S. Department of Justice attorneys responsible for the successful completion of Operation Central** -- Operation Central was involved in an international investigation of the illegal trafficking in the parts and products of sea turtles and other skins from Mexico to the United States and of sea turtle shells and products into the United States from China. The Mexican investigation focused on suppliers, manufacturers, wholesalers, retailers, and the smugglers involved in the illegal transaction of 800 skins of sea turtles, caimans, pythons, and other protected species, 150 boots, and other products. In September 2007, suspects were arrested in the United States with coordinated enforcement activities in Mexico. Operation Central revealed the smuggling of more than \$1 million worth of sea turtle parts and products into the United States from the two countries and many of those involved have served jail

## Chapter 28 – Relationship with other Conventions, Treaties, Agreements and Organizations

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time with ongoing prosecutions of others. Operation Central stands as the largest probe ever of the unlawful commercial exploitation of sea turtles and was the product of extraordinary efforts by a team of skilled individuals.”

### TRAFFIC International



One of the closest partners of CITES is the TRAFFIC network created by IUCN and WWF. The current Memorandum of Understanding can be found on the Secretariat’s website:

<http://cites.org/common/disc/sec/CITES-TRAFFIC.pdf>



## Chapter 29 - Regional Trade Agreements

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### Article XIV, paragraph 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. 6.5 (Rev.) nevertheless 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 ninth 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 leg-

## Chapter 29 - Regional Trade Agreements

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islation 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, these recommendations 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.

In spite of the clear provisions of Article XIV.3,

**Resolution Conf. 11.17 (Rev. CoP14)** 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.

This is certainly the case of the European Union with its common implementation of CITES controls.

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 33**, page 479.

## Chapter 30 - Special Treatment of Marine Species

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### Article XIV, paragraphs 4 and 5

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.



As Article XIV.4 specifically refers to any other treaty, convention or international agreement which was in force at the time of the coming into force of CITES, 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, see **Chapter 28**. 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 (IWC).

## Chapter 30 – Special Treatment of Marine Species

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At its ninth, 10th, 11th, 12th and 13th 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.



The 1966 Convention for the conservation of the resources of tuna and tuna-like fishes of the Atlantic Ocean, which entered into force in 1969, is another convention preceding CITES, which would make CITES trade in Atlantic tuna fall under the above provisions. It establishes an International Commission on the Conservation of Atlantic Tuna (ICCAT).

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.

In information document 45 for CoP15, the Secretariat concluded that:

“One of the concerns about the application of Article XIV, paragraphs 4 and 5, seems to stem from the language which states that Parties “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”. It is correct that application of this Article would mean that the trade provisions of Article IV would not apply, namely the permit or certificate, non-detriment and legal acquisition requirements. However, a Party would apparently still be required to implement other relevant provisions of the Convention such as those on reporting (where applicable) and enforcement which are found in Article VIII.”

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 9.26*) 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.

This is now covered by **Resolution Conf. 4.6 (Rev. CoP15)**, which directs the Secretariat to put the following proposal on the agenda of the next extraordinary meeting of the Conference of the Parties, whenever this may be convened, as amendments to the Convention:

b) paragraph 5 of Article XIV should read: “Notwithstanding the provisions of Article IV, any export of a specimen” etc.

## Law of the Sea



### Article XIV, paragraph 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, paragraph (e), see page 59.



## Chapter 31 - Procedures for Amending the Appendices

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### 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. CoP15)**.

#### Article XV, paragraph 1

The following provisions shall apply in relation to amendments to Appendices I and II at meetings of the conference of the Parties:

#### Article XV.1, paragraph (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

### Format

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 scien-

## Chapter 31 – Procedures for Amending the Appendices

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tific, 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. CoP15)**, page 83.

### The text of the proposed amendment

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. CoP15)**:

The Conference of the Parties agrees 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 draft resolutions and other documents submitted for consideration at meetings of the Conference of the Parties.

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.

### Proposals for timber species

**Resolution Conf. 10.13 (Rev. CoP15)** contains the following recommendations with regard to proposals for timber species:

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 or veneer sheets, the proponent also propose the relevant amendment to Resolution Conf. 12.3 (Rev. CoP15) 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, by recommending that for any submission of a proposal to amend Appendix I or II of the Convention, one of the following two procedures be applied:

a) where the proposing Party intends to consult the range States, it should:

## Chapter 31 – Procedures for Amending the Appendices

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- i) advise the Management Authorities of the range States within which the species occurs of its intention to submit a proposal;
  - ii) consult with the Management and Scientific Authorities of these States on the substance of the proposal; and
  - iii) include the opinions of these Authorities in section 10 of the proposal submitted in accordance with Resolution Conf. 9.24 (Rev. CoP15) 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 should submit the proposal at least 330 days in advance of the next scheduled meeting of the Conference of the Parties;
  - ii) the Secretariat should circulate the proposal as soon as possible to all Parties; and
  - iii) interested Parties should 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. 9.24 (Rev. CoP15), separating them into two categories, reflecting the opinions of range States and non-range States.

The Resolution recommends that for **any** submission of a proposal to amend Appendix I or II of the Convention, one of the consultation procedures be applied. In my view this means that proposals concerning a geographically separate population of a species should also be subject to consultation of other range states. This, however, is not always being followed.

Proposals for the transfer of a population from Appendix I to Appendix II under **Resolution Conf. 11.16 (Rev. CoP15)** on ranching must be submitted to the Secretariat at least 330 days before a meeting of the Conference of the Parties.

### The role of the Secretariat; consultation and recommendations

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 amendments *between* meetings is somewhat awkward and confusing. It would have been better to clearly spell them out in paragraph 1(a).

### Mandate for consultations

The ‘interested bodies’ to be consulted in accordance with Article XV, paragraph 1.(a) are according to XV.2, paragraphs (b) and (c) limited to intergovernmental bodies having a function in relation to marine species. This was of course somewhat shortsighted. The Secretariat therefore also consults other organizations on proposals relating to species in which they have an interest and rightly so.

### Other relevant recommendations with regard to consultations by the Secretariat

**Resolution Conf. 12.11 (Rev. CoP15)** on Nomenclature recommends in paragraph e) that upon receiving proposals to amend the Appendices to the Convention, the Secretariat seek, where appropriate, the advice of the Animals and Plants Committees on the correct names to use for the species or other taxa in question (from [Resolution Conf. 4.23](#)).

**Resolution Conf. 11.16 (Rev. CoP15)** on Ranching provides that, in consultation with the Animals Committee, the Secretariat shall seek appropriate scientific and technical advice to verify that the criteria specified in its paragraph d) under RECOMMENDS have been met and to review the information and assurances in the proposal that are specified in its paragraph b). 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. It further provides that 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.

### Different mandates for making recommendations

Another issue resulting from the mixing up of provisions in Article XV is what the role of the Secretariat is where its own examination of proposals and making recommendations for their adoption or rejection are concerned.

Traditionally the Secretariat gathers information on amendment proposals, assesses comments from the Parties and interested bodies, circulates these and submits its own findings and recommendations to the Parties. That is, however, not entirely within the mandate given to it by Article XV, where amendments **at** CoP meetings are concerned. Article XV.1, paragraph (a) does not refer to Secretariat findings and recommendations at all; it just provides that the Secretariat has to communicate the result of the consultation of Parties and interested bodies to all Parties no later than 30 days before the meeting. The fact that paragraph (a) refers to the *consultation* procedure in paragraphs 2(a) and (b) cannot be read to include a mandate for the Secretariat to formulate own findings and recommendations. Article XII, paragraph 2, which lists the functions of the Secretariat, do not contain such a mandate either.

The situation is quite different for amendment proposals submitted for adoption **between** meetings of the Conference of the Parties. Article XV, paragraph 2, contains a much more complicated process for the consideration and adoption of such proposals and also extends, in paragraphs (b) and (c), the role of the Secretariat to communicating its own findings and recommendations to the Parties.

I must admit that I never realized that there was this difference until now. Interestingly, the Conference of the Parties never realized it either, because in **Resolution Conf. 5.20**, it notes that Article XV, paragraph 2 (b) and (c), of the Convention requires the Secretariat to make recommendations to the Parties regarding amendments proposed for Appendices I and II. It thus does not seem to limit this task to proposals made between meetings of the Conference of the Parties, unless it considered that obvious. It might have, because it establishes guidelines to be followed by the Secretariat when making recommendations in accordance with Article XV, paragraph 2 (b) and (c), of the Convention, without referring to paragraph 1(a). It did not, however.

**Resolution Conf. 5.20** was quite critical of the Secretariat's fact finding for its recommendations at the time and could in fact have been used to prevent the Secretariat from making recommendations on amendment proposals to meetings of the Conference of the Parties. In its background document, Doc. 5.41, the proponent clearly expressed concern with the way the Secretariat made recommendations until then. It did not provide references to its sources of information and the Parties were therefore unable to verify that information. Mention was made of the need to maintain the credibility of the Secretariat and that it should concentrate on the text of the Convention. Even stronger were the remarks that the Secretariat should at no time or for whatever purpose be perceived as being biased and that, to avoid bias and guesswork it was necessary to establish guidelines and requirements to be followed by the Secretariat when making recommendations.

I would say that, in view of this criticism, the Resolution was a missed opportunity for some; it could have stifled the Secretariat, but it fortunately omitted to do so.

The Secretariat's recommendations are therefore of utmost importance for the decision-taking process at a CoP meeting. It carefully restricts its assessments to holding proposals against the light provided by the text of the Convention and of Resolutions and Decisions of the Conference of the Parties, of which **Resolution Conf. 9.24 (Rev. CoP15)** is among the most important, and does take scientific and technical information provided by Parties and relevant organizations into careful consideration. This does not mean of course that all interested Parties will agree to or like the Secretariat's recommendations on given proposals. In CITES, there rarely are species listing proposals that are unanimously supported and it depends on individual positions whether or not one supports the Secretariat's recommendations.

It should also be pointed out that, since 1985, the number of NGO's and intergovernmental organizations submitting recommendations for the adoption or rejection of

## Chapter 31 – Procedures for Amending the Appendices

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amendment proposals has been increasing exponentially, thus giving the Parties a wide array of information to base their decisions on.

So, back to **Resolution Conf. 5.20**, which recognizes problems encountered by the Secretariat in always obtaining sufficient data on which to base its recommendations and that data and information may be obtained from a wide variety of publications and sources.

It establishes the following guidelines to be followed by the Secretariat when making recommendations in accordance with Article XV, paragraph 2 (b) and (c), of the Convention:

- 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 that the source is indicated. If the information is classified as confidential, this 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 proposal or to any draft resolutions that have been tabled and await consideration by the Parties;
- f) additional biological or trade data may be requested from the proposing or range States, or from any other source to confirm or dispute other available data; and
- g) as far as possible, the Secretariat's 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.

It urges the Secretariat to continue to endeavor to provide recommendations with the main objective of furthering the principles and effective implementation of the Convention.

### Adoption

#### Article XV.1, paragraph (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**

## Chapter 31 – Procedures for Amending the Appendices

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**affirmative or negative vote. Parties abstaining from voting shall not be counted among the two-thirds required for adopting an amendment.**

This provision implies that amendments could be adopted by 2 votes to 1 and 172 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, paragraph (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).

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.

### Withdrawal of proposals

Proposing amendments is properly addressed, but not their withdrawal.

At the third meeting of the Conference of the Parties, in 1981, 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.

## Chapter 31 – Procedures for Amending the Appendices

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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. This is laid down in Rule 22.2 of the Rules of Procedure of the Conference of the Parties, see **Annex 1**, page 787.

At the fourth meeting of the Conference of the Parties, it was 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 used to take place every two and more recently only every three years makes it necessary to provide for the possibility to adopt urgently required amendments between two subsequent meetings.

Therefore the following procedure is contained in Article XV.

#### **Article XV, paragraph 2 (a) to (l)**

**The following provisions shall apply in relation to amendments to Appendices I and II between meetings of the conference of the Parties:**

#### **Proposals**

**(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.**

#### **Consultation for marine species**

**(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.**

We have seen that Article XV.1, paragraph (a) makes this also applicable to proposals submitted for consideration at a meeting of the Conference of the Parties.

The requirement to ensure coordination with conservation measures enforced by other bodies has led the Conference of the Parties to reject proposals for downlisting and to

## Chapter 31 – Procedures for Amending the Appendices

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maintain the Appendix I listing for cetaceans subject to zero quotas under the IWC regime.

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.

### Consultation for other than marine species

**(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.**

In relation to Article XV, paragraph 1 (a), I already commented that the consultation of other interested bodies is not foreseen for other than marine species, but that the Secretariat does in fact consult bodies that are interested in other species.

### Deadline for comments by the Parties

**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.**

### Communication of replies and Secretariat recommendations

**(e) The Secretariat shall communicate the replies received together with its own recommendations to the Parties as soon as possible.**

### Entry into force of the amendment, unless there is an objection before the deadline

**(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.**

### An objection triggers a postal vote

**(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.**

## Chapter 31 – Procedures for Amending the Appendices

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### Deadline for voting and referral to the next CoP in case less than half of the Parties expresses themselves

(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.

### Majority required for adoption

(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.

### Entry into force of the amendment

(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.

### Summary of the postal procedure

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. CoP15)**.
- 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:

## Chapter 31 – Procedures for Amending the Appendices

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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), 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. In the case of Appendices I and II, reservations can 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.

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,

## Chapter 31 – Procedures for Amending the Appendices

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however, 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 recommended:

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 only be with regard to the inclusion of a new species in Appendix I or a reservation entered by a Party under Article XXIII with respect to Appendix-I listings at the time of its accession.

**Resolution Conf. 4.25 (Rev. CoP14)** now deals with the issue.

It recommends that any Party having entered a reservation with regard to any species included in Appendix I treat that species as if it were included in Appendix II for all purposes, including documentation and control.

It agrees that, if a species is deleted from one Appendix of the Convention and simultaneously included in another, the deletion shall render invalid any reservation that was in effect in relation to the species and, consequently, any Party that wishes to maintain a reservation in relation to the species must enter a new reservation in accordance with Article XV, paragraph 3, or Article XVI, paragraph 2.

It calls on the Parties having entered reservations to nevertheless maintain and communicate statistical records on trade in the species concerned, as part of their annual reports, so that international trade in specimens of these species may be properly monitored.

The transfer of a species from one Appendix of the Convention to another must be viewed as a deletion from one Appendix and its simultaneous inclusion in the other and that, if a species is deleted from the Appendices, any reservation entered in relation to that species ceases to be valid.

This paragraph was added at CoP14.

It instructs the Secretariat to remind affected Parties explicitly of the reservations that will be rendered invalid, in time for the Parties to renew their reservations if they so desire.

## Chapter 31 – Procedures for Amending the Appendices

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**Resolution Conf. 11.3 (Rev. CoP15)** on compliance and enforcement mentions that reservations made by importing countries allow loopholes through which specimens illegally acquired in the countries of origin can find legal markets without any control whatsoever (from 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 (Rev. CoP14), 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 neighboring countries, and to strictly verify the documents originating from such countries with the respective Management Authorities.

**Annex 4 to Resolution Conf. 9.24 (Rev. CoP15)** 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

##### Proposals

**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).**

**Resolution Conf. 4.6 (Rev. CoP15)** directs the Secretariat to put on the agenda of the next extra-ordinary meeting of the Conference of the Parties, that the provisions of Article XVI, regarding the listing of Appendix-III parts and derivatives, should be brought in line with Convention procedures for Appendices I and II (Article XV), i.e. to provide that all parts and derivatives are covered except those specifically excluded.

### Entry into effect; entry of reservations

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.

### Withdrawal of Appendix III listings

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.

### Requirement to submit applicable legislation on Appendix III species

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.

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 (from **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 (from **Resolution Conf. 1.5**).

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:

## Chapter 31 – Procedures for Amending the Appendices

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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 32 - Amendments to the Convention

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### Only at an extraordinary meeting of the Conference of the Parties

#### Article XVII, paragraphs 1 and 2

**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 regular 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

## Chapter 33 – Final Articles of the Convention

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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 working languages (English, French and Spanish), to all Parties 90 days before the extraordinary meeting (paragraph 2). Also see page 460.

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.

**Resolution Conf. 4.6 (Rev. CoP15)** directs the Secretariat to put the following proposals 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, paragraph 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.**

## Chapter 33 – Final Articles of the Convention

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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 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.

Several Parties held the view that an amendment 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 acknowledges that Article XVII, paragraph 3, of the Convention could be legally defended in both its narrow and wide interpretations. It considers the difficulties which might result from a wide interpretation of Article XVII, paragraph 3, of the Convention.

It therefore adopts 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.

## Chapter 33 – Final Articles of the Convention

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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. If that approach had been followed, the Gaborone amendment would have entered into force a long time ago.

## Chapter 33 - Final Articles of the Convention

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### Resolution of disputes

#### Article XVIII

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 a resolution of the Conference of the Parties.

### Signature of the Convention

#### Article XIX

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

States having signed the Convention in accordance with Article XIX, can join the Convention through *ratification, acceptance or approval of the Convention*.

#### Article XX

**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.

### Ratifications and entry into effect of the amendment

By the end of April 2009, 47 States that were party to the Convention on 30 April 1983 had accepted it. The amendment will only enter into effect for Parties that have deposited an instrument of acceptance once it is accepted by 54 (i.e. two-thirds) of the 80 States that were party to the Convention on 30 April 1983.

For any other State that is a Party at the time of entry into force of the amendment, it will come into effect 60 days after that Party has deposited its instrument of acceptance of the amendment. States that become party after the amendment has entered into force will accede to the Convention as amended.

The number of Parties on 30 April 1983 is according to the current chronological list of Parties 78 instead of 80, but 80 is indeed the right number for the calculation of the necessary majority for the entry into effect of the Gaborone amendment. This can be explained as follows:

## Chapter 33 – Final Articles of the Convention

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On 30 April 1983, the Democratic Republic of Germany was a Party, but it was deleted from the list after it ceased to exist on 3 October 1990.

In its capacity as continuator (and not of successor) of the Union of Soviet Socialist Republics, the Russian Federation must be considered as a State party to the Convention on 30 April 1983.

The United Arab Emirates was party to CITES at the time of adoption of the Gaborone amendment and is a Party today. Although it was not a Party between 27 January 1988 and 9 May 1990, following discussions with the Depositary Government, it has been counted among the States to be taken into account.

Belize became a Party after depositing a declaration of succession with the Depositary Government and must be considered as having been a Party from 21 September 1981 (the date of its independence). It is therefore counted among the States to be taken into account in determining the date of entry into force of the Gaborone amendment.

### **The text of the amendment**

#### **[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 fulfill 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.**

So far, the only regional economic integration organization that meets the requirement of paragraph 1 is the European Union.

## Chapter 33 – Final Articles of the Convention

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Decision 12.1 urged 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 as such 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

**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

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, acceptance, 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 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 was among other things aimed at reducing that possibility. The issue is now covered by:

**Resolution Conf. 9.6 (Rev.)** which 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.

## Chapter 33 – Final Articles of the Convention

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Resolution Conf. 1.5 (Rev. CoP12) recommended 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. This provision is now included in **Resolution Conf. 9.25 (Rev. CoP15)**.

Also see **Chapter 31**.

A list of current reservations is maintained on the CITES website:

[http://cites.org/eng/app/reserve\\_index.shtml](http://cites.org/eng/app/reserve_index.shtml)

## Denunciation of the Convention

### Article XXIV

**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.

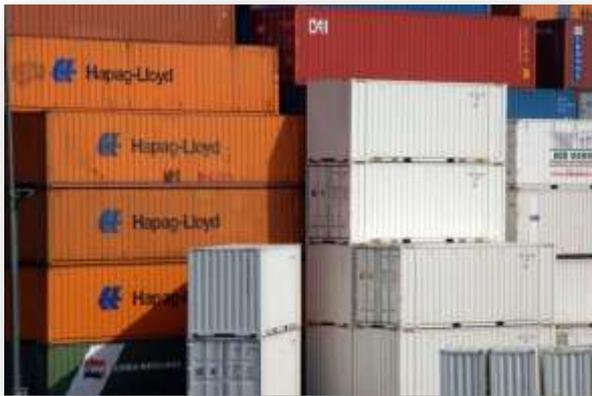
**2. The depositary government shall inform all signatory and acceding States and the Secretariat of signatures, deposit of instruments of ratification, acceptance, approval or accession, entry into force of the present Convention, amendments thereto, entry and withdrawal of reservations and notifications 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 34 – Ports of exit and entry and the transport of live specimens

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### Designation of ports of exit and entry

#### Article VIII, paragraph 3

Rather awkwardly in the middle of Article VIII dealing with the confiscation and disposal of illegally traded specimens, paragraph 3, deals with both the designation of ports of exit and entry and the transport of live specimens:

**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 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 of success for 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 best way of checking shipments is of course when all specimens are clearly visible and therefore legislation should provide for inspections at the final destination of shipments in addition to border controls.



### Transport of live specimens

Articles III, IV, V and VII.7 of the Convention all contain provisions on the shipment of live specimens.

#### Article VIII, paragraph 3

provides more generally that:

**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 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.

### 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.**

These guidelines can be downloaded from the CITES website.

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.

## Chapter 34 – Transport of Live Specimens

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Resolution Conf. 10.21 urged 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 and decided 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 and stated that the 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.”

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 extended this mandate and directed 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 12th meeting of the Conference of the Parties adopted Decision 12.85, which directed the Animals Committee to, in collaboration with interested non-governmental organizations and the Secretariat,

## Chapter 34 – Transport of Live Specimens

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- 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 was 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 program 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.

Decision 13.88 repeats Decision 12.85 and Decision 13.89 directs the Animals Committee to review Resolution Conf. 10.21.

Decision 14.58 provided that, with regard to transport of live animals by means other than air, Parties should consider the Guidelines for the Transport of Animals by Sea of the World Organization for Animal Health (OIE) and the OIE Guidelines for the Transport of Animals by Land published in the Terrestrial Animal Health Code in instances when the Live Animals Regulations of the International Air Transport Association are inappropriate, and to avoid potential problems with new, duplicate or overlapping regulations (national, regional or international).

Decision 14.59 instructed the Animals Committee, in consultation with the Secretariat, to:

- a) participate in the regular meetings of the OIE Terrestrial Animal Health Standards Commission and in the ongoing reviews of the OIE Guidelines for the Transport of Animals by Sea, the OIE Guidelines for the Transport of Animals by Land and, if appropriate, the OIE Guidelines for the Transport of Animals by Air;

## Chapter 34 – Transport of Live Specimens

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- b) collaborate with OIE in the development of its Web portal with information on national regulations and other guidelines applicable to modes of transport for live animals other than by air, and verify its pertinence to the CITES Parties;
- c) examine new or additional references for transport of live animals;
- d) review at its 24th meeting the following documents from the Secretariat:
  - i) an analysis of the Parties' legislative provisions on the transport of live animals by road, rail and ship contained in materials gathered under the CITES National Legislation Project; and
  - ii) draft legislative guidance for the transport of live specimens; and
- e) report on the implementation of this decision at the 15th meeting of the Conference of the Parties including, where appropriate, proposals to amend the Resolution on Transport of live specimens.

### Current recommendations

**Resolution Conf. 10.21 (Rev. CoP14)** 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.

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.

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.

## Chapter 34 – Transport of Live Specimens

**Resolution Conf. 10.21 (Rev. CoP14)** recommends that:

a) suitable measures be taken by the Parties to promote the full and effective use by Management Authorities of the Live Animals Regulations (for animals) and the Perishable Cargo Regulations (for plants) for the preparation and transport of live specimens and that they be brought to the attention of exporters, importers, transport companies, carriers, freight forwarders, inspection authorities and international organizations and conferences competent to regulate conditions of carriage by air, land and sea or inland waterways (from 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 (from Resolution Conf. 3.16);



c) the regular communication of the CITES Secretariat and the Standing Committee with IATA's Live Animals and Perishables Board and with the board of directors of the Animals Transportation Association (AATA) be continued and that a relationship with the International Animal Health Organization (OIE) and the International Plants Protection Convention (IPPC) be developed (partly from Resolution Conf. 7.13);

d) for as long as the CITES Secretariat and the Standing Committee agree, the Live Animals Regulations (for animals) and the Perishable Cargo Regulations (for plants) be deemed to meet CITES air transport requirements (from Resolutions Conf. 4.20 and Conf. 7.13);

e) where appropriate, the Live Animals Regulations (for animals) and the Perishable Cargo Regulations (for plants) be used as a reference to indicate suitable conditions for carriage by means other than air;

f) the Live Animals Regulations and the sections of the Perishable Cargo Regulations related to the transport of live plant specimens be incorporated into Parties' domestic legislation or policies (partly from Resolution Conf. 5.18);

g) applicants for export permits or re-export or travelling exhibition certificates be notified that, as a condition of issuance, they are required to prepare and ship live specimens in accordance with the Live Animals Regulations and the Perishable Cargo Regulations; (partly from Resolution Conf. 7.13);

h) in compliance with national laws and policies, shipments of live specimens be examined and necessary action taken to ensure the well-being of the specimens by CITES-designated persons or transport company personnel during extended holding periods at transfer points (partly from Resolution Conf. 7.13);

i) in compliance with national laws and policies where Parties to the Convention have designated ports of entry and exit, holding facilities for live animals and plants be provided; and (partly from Resolution Conf. 7.13);

## Chapter 34 – Transport of Live Specimens

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j) in compliance with national laws and policies, Parties ensure that animal- and plant-holding facilities are open for inspection of shipments, with the concurrence of the transport company, by CITES-designated enforcement personnel or designated observers; and that any documented information be made available to the appropriate authorities and transport companies; (partly from Resolution Conf. 7.13).

The Conference of the Parties directs the Animals and Plants Committees, in consultation with the Secretariat:

- a) to participate in meetings of the Live Animals and Perishables Board of IATA in order to amplify or update the Live Animals Regulations and the Perishable Cargo Regulations;
- b) to examine new or additional references for transport of live specimens for incorporation into the present Resolution, if appropriate;
- c) to examine developments related to the transport of live plant specimens for incorporation into the present Resolution, if appropriate; and
- d) to examine regularly high mortality shipments of live specimens and make recommendations to relevant Parties, exporters, importers and transport companies on how to avoid this in the future.

The Conference of the Parties encourages the Secretariat, Parties and relevant organizations to assist in the distribution and increase public awareness of the Live Animals Regulations and the Perishable Cargo Regulations.

It 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 specimens, 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 specimens subject to international trade.

It notes that in order to improve implementation of the Live Animals Regulations and the Perishable Cargo Regulations by the Parties, there is a need for greatly increased awareness of the Regulations through more effective methods of training of personnel of transport companies, exporters and enforcement agencies.

**Decision 15.59** instructs the Animals and Plants Committees, in consultation with the Secretariat, to:

- a) proceed with replacing the CITES Guidelines for transport and preparation for shipment of wild animals and plants (1981) with new guidelines for non-air transport of live animals and plants for consideration at the 16th meeting of the Conference of the Parties (CoP16);

## Chapter 34 – Transport of Live Specimens

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- b) consult and liaise with relevant transport experts and other stakeholders, inter alia, to gather information related to non-air transport;
- c) review and propose revisions to Resolution Conf. 10.21 (Rev. CoP14) and Resolution Conf. 12.3 (Rev. CoP15) for consideration at CoP16; and
- d) report on the implementation of this decision at CoP16.

**Decision 15.60** directs the Secretariat to:

- a) explore ways to establish enhanced cooperation between CITES and various organizations that deal with transport (OIE/World Animal Health Organization, International Maritime Organization, etc.) through, inter alia, a Memorandum of Understanding, or the creation of a liaison group; and
- b) incorporate the transport-related guidance found in paragraphs 77-89 of document AC24 Doc. 15.2 into the CITES National Legislation Project.

## Chapter 35 - Captive breeding

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### Article VII, paragraphs 4 and 5

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.

Paragraph 4 leads to the conclusion that Appendix I specimens bred in captivity or artificially propagated for commercial purposes are to be treated as Appendix-II specimens, and would therefore require an export permit or re-export certificate under Article IV. These documents are, however, replaced by the certificate referred to in Article VII.5.

This interpretation was contradicted 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 is the wording of Article VII(7)(b), which provides that a Management Authority can allow the movement without permits and certificates of specimens in travelling exhibitions when they fall under Article VII.5. This provision clearly

## Chapter 35 – Captive Breeding

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indicates that the authors of the Convention meant that all captive bred and artificially propagated specimens could be traded with certificates instead of permits.

Already in 1994 the Secretariat was directed with Decision 22 to prepare, in consultation with the Animals Committee, a draft Resolution that would resolve problems regarding the exemptions under Article VII, paragraphs 4 and 5. It took, however, until 2010 to resolve the issue.

The final word on this issue appeared to be contained in Resolution Conf. 10.16 (Rev.) which recognizes 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
- 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.

The latter paragraph is both superfluous and incorrect. It creates the wrong impression that commercially bred specimens of Appendix I species cannot be imported for commercial purposes after just having recognized that commercially bred specimens of Appendix I species are deemed to be specimens of Appendix II species, which of course means that they can be imported for commercial purposes. It is this provision of paragraph 4 that allows commercial imports, not the fact that no import permit is required. It would by the way be illogical to breed animals commercially in the absence of a commercial market in other countries.

Resolution Conf. 12.10 (Rev. CoP13), however, squarely contradicted this by providing that for Appendix-I species, Article VII, paragraph 5, 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.

The latter Resolution was drastically changed in 2010 and **Resolution Conf. 12.10 (Rev. CoP15)** now literally repeats the note in **Resolution Conf. 10.16 (Rev.)** about Article VII.5 thus bringing the interpretation problems in relation to Article VII.4 and 5 to an end. The only remaining misunderstanding is that Article VII.5 is considered to deal with captive breeding and artificial propagation for non-commercial purposes, whereas it clearly refers to *any* animal or plant and to certificates generally replacing the documents required under Article III, IV and V.

### Definitions related to captive breeding

Decision 22 of 1994 directed the Secretariat among 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.)** 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

a) “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;

b) “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;

c) the “breeding stock” of an operation means the ensemble of the animals in the operation that are used for reproduction; and

d) “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

a) 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

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:

## Chapter 35 – Captive Breeding

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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

This part of the definition should avoid that eggs and young animals that were taken from the wild but 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 37** on Ranching.

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 (Rev. CoP15); or

3. exceptionally, for use as breeding stock; and

C)

1. has produced offspring of second generation (F2) or subsequent generation (F3, F4, etc.) in a controlled environment; or

2. is managed in a manner that has been demonstrated to be capable of reliably producing second-generation offspring in a controlled environment;

Paragraph ii, C, 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.

## Chapter 35 – Captive Breeding

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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.

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.

### Trade in specimens of Appendix-I species bred in captivity

**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 recognized 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 endeavor 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.

The recommendation was repealed at CoP 12 in 2002. Its relevance for conservation today would be doubtful and it would be inappropriate with regard to *in situ* conservation, livelihoods, ownership of resources, etc.

**Resolution Conf. 9.24 (Rev. CoP15)** resolves in paragraph e) 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 a negligible probability of trade taking place in specimens of wild origin.

With Decision 13.68, the Conference of the Parties established Terms of Reference for the Animals and Plants Committees to establish an intersessional joint working group with the task to clearly define key elements of different production systems for specimens of CITES-listed species of animals and plants, to draw up a list of such systems and to determine which source codes to use. It further had to consider the definition of 'ranching'.

Also see page 541 in **Chapter 36** on ranching.

### **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.).

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 of operations 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. That Annex 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.

Both Resolutions were replaced by Resolution Conf. 12.10.

## Chapter 35 – Captive Breeding

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Decision 12.78 directed the Animals Committee to study and evaluate the process and to report to CoP 13. It had to describe and analyze the specific problems that limited the wider use of the registration procedure, to provide recommendations to resolve those problems and to study and evaluate how commercial captive breeding of Appendix-I species and the registration process contributed to conservation.

The Secretariat, in its comments on the report of the Animals Committee to CoP 13, stated that it doubted the utility of registration and that the procedure in Resolution Conf. 12.10 was unnecessarily complicated and over-bureaucratic. It regretted that the Animals Committee had not been able to propose fundamental changes to the process.

The result was Resolution Conf. 12.10 (Rev. CoP13), which was again amended at CoP14 and CoP15.

### Current provisions

With **Resolution Conf. 12.10 (Rev. CoP15)** the Conference of the Parties recalls Resolutions Conf. 8.15 and Conf. 11.14.

It recognizes that Article VII, paragraph 4, of the Convention provides that specimens of Appendix-I animal species bred in captivity for commercial purposes shall be deemed to be specimens of species included in Appendix II.

It also recognizes that the provisions of Article III of the Convention remain the basis for permitting trade in specimens of Appendix-I species of animals that do not qualify for the exemptions of paragraphs 4 and 5 of Article VII.

This is wrong as it does not take other Article VII exemptions into account.

The Conference of the Parties notes that import of wild-caught specimens of Appendix-I species for purposes of establishing a commercial captive-breeding operation is precluded by Article III, paragraph 3 (c), as explained further in Resolution Conf. 5.10 (Rev. CoP15).

It 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.

It notes that, 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.

This is confusing after first having recognized that Appendix-I animal species bred in captivity for commercial purposes shall be deemed to be specimens of species included in Appendix II. Also see page 494.

## Chapter 35 – Captive Breeding

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### **Bred in captivity for commercial purposes, interpretation**

The Conference of the Parties determines that the term 'bred in captivity for commercial purposes', as used in Article VII, paragraph 4, shall be interpreted as referring to any specimen of an animal bred to obtain economic benefit, whether in cash or otherwise, where the purpose is directed toward sale, exchange or provision of a service or any other form of economic use or benefit;

### **Registration by the Secretariat**

It agrees 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 in captivity for commercial purposes.

It agrees to the procedure in the Resolution to register a captive-breeding operation for each Appendix-I listed animal species bred for commercial purposes.

It agrees also 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.).

The Conference of the Parties resolves that:

- 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;
- 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 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

## Chapter 35 – Captive Breeding

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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 an operation or in the type(s) of products being produced for export;

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 to the Standing Committee that this operation be deleted from the Register. At its following meeting, the Standing Committee shall, considering the concerns raised by the objecting Party and any comments from the Registering Party and the Secretariat, determine whether the operation should be deleted from the register. If so 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.

The Conference of the Parties urges that:

a) Parties, 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;

Generally speaking this is of course a sensible recommendation. It is, however, confusing in a Resolution dealing with the registration of commercial operations that breed Appendix I specimens. In the preamble of the Resolution it is noted that import of wild-caught specimens of Appendix-I species for purposes of establishing a commercial captive-breeding operation is precluded by Article III, paragraph 3 (c), as explained further in **Resolution Conf. 5.10 (Rev. CoP15)**. Where wild-collected Appendix I animals are concerned, the recommendation only applies to non-commercial breeding operations. It of course also applies to all captive breeding operations that import captive bred exotic species.

b) Management Authorities work closely with captive-breeding operations to prepare the information required in Annex 1 of this Resolution, or establish a support group with members representing breeders and government in order to facilitate the procedure; and

## Chapter 35 – Captive Breeding

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c) Parties provide incentives to their captive-breeding operations to register, such as faster processing of permit applications, issuance of a formal certificate of approval as an internationally registered breeding operation, or possibly reduced export permit fees.

The Conference of the Parties encourages:

- a) Parties to provide simple application forms and clear instructions to operations that wish to be registered (a sample application form is provided in Annex 3); and
- b) importing countries to facilitate import of Appendix-I species from registered captive-breeding operations.

It agrees further that:

- a) Parties shall restrict imports for primarily commercial purposes, as defined in Resolution Conf. 5.10 (Rev. CoP15), of captive-bred specimens of Appendix-I species to those produced by operations included in the Secretariat's Register and shall reject any document granted under Article VII, paragraph 4, 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

Documents are not granted under Article VII.4 but under VII.5.

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. Appendix-I species proposed for registration.
4. Numbers and ages (if known or appropriate) of males and females that comprise the parental breeding stock.
5. Evidence that the parental stock has been obtained in accordance with relevant national measures and the provisions of the Convention (e.g. dated capture permits or receipts, CITES documents, etc.).
6. Current stock (numbers, by sex and age, held in addition to the parental breeding stock above).
7. Information on the percentage mortalities, if possible reported by age and sex.
8. Documentation showing either:
  - a) that the operation has bred at least two generations of the species and a description of the method used; or

## Chapter 35 – Captive Breeding

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b) if the operation has only bred one generation of the species that the husbandry methods used are the same as, or similar to, those that have resulted in second-generation offspring in other operations.

9. Past, current and expected annual production of offspring and, where possible, information on:

a) the number of females producing offspring each year; and

b) unusual fluctuations in the annual production of offspring (including an explanation of the probable cause).

10. 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.

11. Type of product exported (e.g. live specimens, skins, hides, other body parts, etc.).

12. 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.

13. 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 exported by the operation, or being exported.

14. 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, tanks, ponds, egg incubation capacity, food production or supply, availability of veterinary services and record-keeping.

15. Description of the strategies used or activities conducted by the breeding operation to contribute to the conservation of wild population(s) of the species.

16. 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;

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; and

c) publish with the Notifications to the Parties proposing new captive-breeding operations to be added to the Register, details of the specific marking method (and the identifying codes or prefixes, where possible) used by the captive-breeding operation.

## Chapter 35 – Captive Breeding

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2. Any Party wishing to do so must object to the registration of an operation within a period of 90 days from the date of notification by the Secretariat. Objections may be made if they are directly related to the application or species under consideration, and if they are fully documented and include the supporting evidence that has given rise to concerns.

3. If any Party objects to the registration, the Secretariat shall refer the documentation to the Animals Committee to review the objection. The Animals Committee shall comment on the objection within 60 days. The Secretariat shall forward the comments made by the Animals Committee to the Parties concerned and allow a further 30 days for resolution of the identified problem(s).

4. If the objection is not withdrawn or the identified problem(s) not resolved within the 30-day period, the application shall be submitted to the Standing Committee at its following regular meeting.

a) If the Committee considers the objection trivial or ill-founded, it shall reject it and the application shall be accepted.

b) If the Committee considers the objection justified, it shall review the response of the applying Party and decide whether or not to accept the application.

5. When satisfied that an application meets all requirements in Annex 1, the Secretariat shall publish the name and other particulars of the operation in its Register.

## Chapter 35 – Captive Breeding

### Annex 3 Sample application form

#### 1. CONTACT DETAILS

Indicate the name and address of the owner and manager of the captive-breeding operation.

Name of owner:		
Name of manager (if different from owner):		
Name of captive-breeding operation:		
Street and number:		
City:	Postcode:	State / province:
Country:		
Tel.:	Fax:	Email:
Website:		

#### 2. DATE OF ESTABLISHMENT: .....

#### 3. SPECIES BRED

Indicate the Appendix-I species proposed for registration.

Scientific name	Common name (if applicable)

#### 4. PARENTAL BREEDING STOCK

Indicate the numbers and ages (if known or appropriate) of males and females that comprise the parental breeding stock.

Species	Name of specimen (if applicable)	Identification number of specimen (band, tag, microchip, etc.)	Sex	Age (if known or appropriate)
Total number(s):				

#### 5. PROOF OF LEGAL ACQUISITION

Provide evidence that the parental stock has been obtained in accordance with relevant national measures and the provisions of the Convention (e.g. dated capture permits or receipts, CITES documents, etc.).

*(Attach copies of supporting documents to the application form)*

## Chapter 35 – Captive Breeding

### 6. OTHER STOCK

Indicate the current stock (numbers, by sex and age, held in addition to the parental breeding stock above).

Species (only list those proposed for registration)	Name of specimen (if applicable)	Identification number of specimen (band, tag, microchip. etc.)	Sex	Age
<b>Total number(s):</b>				

### 7. MORTALITY RATE

Provide information on the mortality rate, if possible reported by age and sex.

Year	Mortality rate (%)	Age or age group	Sex

### 8. REPRODUCTION

Provide documentation showing either:

a) that the operation has bred at least two generations of the species and a description of the method used; <b>or</b>	
b) if the operation has only bred one generation of the species that the husbandry methods used are the same as, or similar to, those that have resulted in second-generation offspring in other operations.	

*(Attach supporting documentation to the application form as necessary)*

### 9. ANNUAL PRODUCTION

Indicate the past, current and expected annual production of offspring and, where possible, information on:

the number of females producing offspring each year; and  
 unusual fluctuations in the annual production of offspring (including an explanation of the probable cause).

## Chapter 35 – Captive Breeding

Year	Number of offspring (including expected annual production)	Number of females producing offspring	Explanation for unusual fluctuations

### 10. NEED FOR ADDITIONAL SPECIMENS

Provide 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 in-breeding.

### 11. TYPE OF PRODUCT EXPORTED

Indicate the type of product exported (e.g. live specimens, skins, hides, other body parts, etc.).

### 12. MARKING METHODS

Describe in detail 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.

Specimens	Marking methods
<b>Breeding stock</b>	
<b>Offspring</b>	
<b>Exported specimen (one line per type of specimen)</b>	

### 13. INSPECTION AND MONITORING PROCEDURES

Describe 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 exported by the operation, or being exported.

### 14. FACILITIES

Describe the facilities to house the current and expected captive stock, including security measures to prevent escapes and/or thefts. Provide detailed information on the number and size of breeding and rearing enclosures, tanks, ponds, egg incubation capacity, food production or supply, availability of veterinary services and record-keeping.

<b>Facilities to house the current and expected captive stock</b>	
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## Chapter 35 – Captive Breeding

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Security measures	
Number and size of breeding and rearing enclosures, tanks or ponds	
Egg incubation capacity (if applicable)	
Food production or supply	
Availability of veterinary services	
Record-keeping	

### 15. CONSERVATION

Describe the strategies used or activities conducted by the breeding operation to contribute to the conservation of wild population(s) of the species.

### 16. ANIMAL TREATMENT

Describe how the operation is carried out at all stages to ensure that animals are treated in a humane (non-cruel) manner.

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## 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 programs 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 *from 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.

Decision 11.102 (Rev. CoP12) followed up by again instructing the Animals Committee to examine the complex issues related to the origin of founder breeding stock and the relationship between *from 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 *from 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.

## Chapter 35 – Captive Breeding

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Decision 12.11, paragraph I), directed the Plants Committee to analyze the relationship between in situ conservation and from situ production of plants.

Decision 12.22 directed the Secretariat to 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, and to produce a report analyzing the economic impacts of wildlife trade policies in terms of socio-economic and conservation benefits and costs, economic value, levels of legal and illegal trade, improvement of the livelihood of local communities, and the role of the private sector involved in wildlife trade.

The above resulted in **Resolution Conf. 13.9** encouraging cooperation between Parties with from situ breeding operations and those with in situ conservation programs.

The Conference of the Parties recalls Resolution Conf. 8.3 (Rev. CoP13), adopted by the Conference of the Parties at its eighth meeting (Kyoto, 1992) and revised at its 13th meeting (Bangkok, 2004), which recognizes that the sustainable use of wild fauna and flora, whether consumptive or non-consumptive, provides an economically competitive land-use option, and that the returns from legal use may provide funds and incentives to support the management of wild fauna and flora to contain the illegal trade.

It recognizes that Article VII, paragraph 4, of the Convention provides that 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.

It recalls Decision VII/19 adopted at the seventh meeting of the Conference of the Parties to the Convention on Biological Diversity on access and benefit sharing, as they related to genetic resources.

The Conference of the Parties expresses awareness that from situ captive-breeding operations of Appendix-I species may have a positive impact on in situ conservation and urges:

- a) Parties to encourage from situ operations that breed Appendix-I animal species or that artificially propagate Appendix-I plant species to seek cooperative measures that would support in situ conservation based on resources generated by those captive-breeding operations; and
- b) Parties to encourage from situ operations that breed or artificially propagate Appendix-I species within the range State, to support in situ conservation programs; such support could consist of, inter alia, technical support, contribution of funds, exchange of specimens for reintroduction into the wild, capacity building and training, technology transfer, investment, infrastructure and other measures.

## Chapter 35 – Captive Breeding

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Decision 13.78 directed the Standing Committee to decide on the appropriate way to continue consideration of the issue.

At its 53rd meeting, the Standing Committee instructed its clearing house to submit recommendations to the 54th meeting and directed the Secretariat to issue a Notification to the Parties requesting information on how Parties were implementing Resolution Conf. 13.9.

The Clearing House recommended that the Standing Committee seek the approval of the Conference of the Parties for a study on the issue. Terms of reference for such a study were presented and discussed. The Committee agreed to the proposal in principle and requested the Clearing House to amend the Terms of Reference in the light of the discussions that took place.

### Clearing House report

The Clearing House report was submitted to CoP 15. This is a summary of it:

#### Benefits of *from situ* production

The Clearing House finds that with regard to the benefits of *from situ* production, consideration of the balance of benefits and risks associated with *from situ* production is crucial to any outcome on this issue. The most frequently cited benefit, and the one used to justify lighter procedures in CITES for specimens derived from such production, is that it relieves pressure on wild populations.

Another benefit it found to be sometimes cited is the possibility that *from situ* production can provide a source of founder stock for re-introduction of the species to suitable habitat from which it had been lost. Such production can also be a source of breeding stock to re-vitalize depleted populations with a reduced gene pool. However, in order for this to hold true, the gene pool of the relevant *from situ* population must be sufficient for restocking or re-introduction purposes, as in the case of official zoo breeding programmes that manage populations cooperatively. *From situ* production that is not specifically managed for re-introduction or re-stocking purposes (including most commercial breeding and sale of surplus by hobbyists) would not normally provide an adequate gene pool.

Furthermore, it found that properly managed *from situ* facilities that are re-stocked in a regulated and sustainable fashion can add value to the wild harvest and thus enhance the economic incentives to conserve the habitat, especially where it would be difficult to meet demand entirely from wild specimens. Butterfly ranching in Papua New Guinea is an example; there is a demand for these specimens in *from situ* butterfly exhibits all over the world. The butterfly ranches serve to conserve and even improve the habitat (because these butterflies represent financial value), and thus are beneficial for the survival of these species. Crocodile ranching often achieves the same goal although, since it is practiced across a range of species and countries, the benefits are variable by species

## Chapter 35 – Captive Breeding

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and country. In other words, sustainable use of *in situ* populations may contribute to *in situ* conservation.

It goes on to say that the benefits for *in situ* conservation of observations and research carried out on *from situ* specimens should also be noted. Such specimens can provide a wealth of information on the behaviour, genetics, husbandry and veterinary requirements of such species, much of which can be applied to *in situ* populations. In addition, the continued development of breeding and propagation skills makes it ever easier to breed or propagate vulnerable taxa where this was difficult in the past.

It states that last, but by no means least, the advantage of the potential for transfer of some benefit back to range States for *in situ* conservation work. At present, this is largely a potential rather than an actual benefit in most cases.

### **Risks of *from situ* production**

The Clearing House notes that the existence or purported existence of breeding facilities can facilitate the laundering of specimens taken illegally from the wild. For highly desirable species with high market value, the existence of a legitimate source of *from situ* specimens can act as an incentive for illegal trade (through laundering of wild-caught specimens) unless the scale of *from situ* production is such that it can meet demand.

It further remarks that another frequently cited risk is that bulk *from situ* production can 'undercut' sustainable harvest from the wild and thus remove the main incentive for communities to conserve the species in its habitat.

A third risk it found is that specimens held in breeding or propagation facilities may escape and become invasive or at least become a source of genetic pollution.

### **Economic aspects of *from situ* production**

The Clearing House notes that in previous discussions these were the most contentious aspects and they draw in many of the considerations discussed above. Although the stated intention of this document is to remain neutral on ABS issues *per se*, there are a number of economic or quasi-economic factors that could impact on the achievement of CITES objectives and these need to be addressed.

The most pressing questions the Clearing House identified were the following:

- What magnitude of profit is being generated by *from situ* production? Clearly, in some cases it is substantial. But, taken across the board, it is unclear whether there really is a large untapped resource that could be harnessed for *in situ* conservation purposes.
- In so far as the production is not profitable, to what extent is it balanced out by some of the nonfinancial benefits? Non-financial benefits would include the provision of stock for re-introductions, transfer of veterinary and behavioural knowledge, etc.

## Chapter 35 – Captive Breeding

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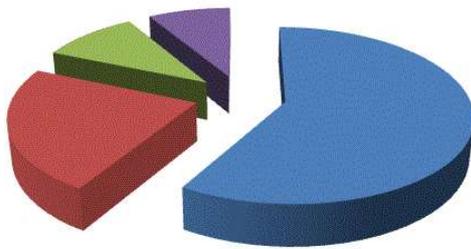
- Why is it that so many large-scale *from situ* production systems (with the possible exception of those for crocodylians) are not located in the relevant range States but instead are found in industrialized countries? In this regard, the Conference of the Parties at its 13th meeting (Bangkok, 2004) took the decision to extend slightly the definition of 'artificially propagated' to facilitate trade in *from situ* produced, long-lived species in range States.

- To what extent are range States, which might have a claim to any transfer of benefits, seeking to ensure that benefits from *from situ* operations within their territory are being harnessed for *in situ* work?

The Clearing House recommended that the Conference of the Parties approve the undertaking of an independent study on this issue, which was not agreed. The Secretariat believed that, although such a study would undoubtedly produce interesting results, the Conference of the Parties had really not clarified what its aim was with respect to the consideration of this issue. It therefore recommended that the Conference first determine its purpose in continuing discussion of the subject. When that would be clear, it would be easier to decide on appropriate steps.

## Chapter 36 - Quota Systems

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### 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 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
- Black rhinoceros 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.

**Resolution Conf. 6.7**, calls 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.

**Resolution Conf. 8.3 (Rev. CoP13)** recognizes the benefits of the use of wildlife, see the Chapter on the Sustainable Use of Biodiversity.

### The interpretation and application of quotas for species included in Appendix I

This is dealt with in **Resolution Conf. 9.21 (Rev. CoP13)**, which recognizes the supreme importance of cooperative 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.

It states 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.

The Conference of the Parties expresses its awareness, 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.

It agrees that:

a) a Party wishing the Conference of the Parties to establish a quota for a species included in Appendix I, or to amend an existing quota, should submit to the Secretariat its proposal, with supporting information including details of the scientific basis for the proposed quota, 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.

### National export quotas for Appendix II species

Decision 12.17 provided that:

a) The Standing Committee should 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 should consult extensively with the Animals and Plants Committees to fulfill the following Terms of Reference.

## Chapter 36 – Quota Systems

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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;

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 directed the Secretariat to seek funding for a meeting of the Export Quota Working Group.

**Decision 12.90** provides that the Parties should seek funding in order to:

a) assist the Secretariat in implementing its capacity-building program 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 program 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 program. This consultation may include:

a) solicitation of input from the Committees regarding materials used in the capacity-building program 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 program for voluntary national export quotas for Appendix II species, the Secretariat may invite Parties to provide new information regarding the scientific basis

## Chapter 36 – Quota Systems

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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 program 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.

Decision 12.72 (Rev. CoP13) directed the Standing Committee to consider the issue of improving the management of annual export quotas, and report at the 14th meeting of the Conference of the Parties and Decision 13.66 directed the Standing Committee to instruct its Export Quota Working Group to develop guidelines for Parties to establish, implement, monitor and report national export quotas for CITES-listed taxa.

This resulted in **Resolution Conf. 14.7 (Rev. CoP15)** on Management of nationally established export quotas, which reads as follows:

CONVINCED that nationally established export quotas for Appendix-II species are important tools to assist in regulating and monitoring wildlife trade to ensure that the use of natural resources remains sustainable;

NOTING that, for many Parties, export quotas are used as an essential management tool in the conservation of species of wild fauna and flora;

RECOGNIZING however that the use and implementation of export quotas are not described in detail either in the text of the Convention or in any text adopted by the Conference of the Parties, but that it is desirable that all Parties have a common understanding of the way in which such quotas should be managed at the national and international levels;

CONSIDERING that exporting and importing countries share a responsibility to ensure that export quotas are respected;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that Parties follow the Guidelines for management of nationally established export quotas that are annexed to this Resolution.

### **Guidelines for management of nationally established export quotas**

#### **Introduction**

1. This document specifies a number of general principles regarding the establishment and management of annual export quotas at the national level in the context of CITES. It is understood that there may be exceptions and reasons for departing from these general principles in certain cases. In particular, it should be noted that certain exceptions may be found in Resolutions of the Conference of the Parties, which take precedence over these guidelines.

2. In the context of CITES, an annual export quota is a limit on the number or quantity of specimens of a particular species that may be exported from the country concerned within a 12-month period. An annual export quota is not a target and there is no need for a quota to be fully used. It is recognized that there are some cases in which it is likely that the export of specimens removed from the wild will occur after the year in which the removal took place, as happens with hunting trophies.

3. An export quota system is a management tool, used to ensure that exports of specimens of a certain species are maintained at a level that has no detrimental effect on the population of the species. The setting of an export quota advised by a Scientific Authority effectively meets the requirement of CITES to make a non-detriment finding for species included in Appendix I or II and, for species in Appendix II, to ensure that the species is maintained throughout its range at a level consistent with its role in the ecosystems in which it occurs.

4. A well-implemented export quota system can be an advantage for any Party to CITES that authorizes exports. It eliminates the need for a non-detriment finding for each individual shipment of CITES specimens, provides a basis for monitoring the trade and may facilitate the issuance of export permits. In the case of species whose populations span international borders, the establishment of export quotas can be coordinated at a regional level, which is of particular relevance in the case of migratory species.

5. It must be recognized, however, that there are also other management tools that may be better suited to the biological, administrative or other management context. In some cases, the use of quotas could have an undesirable effect, particularly if they are not adjusted as necessary to take into account changing biological, legal or administrative needs. For example, where a quota has been set for a particular year but the species is impacted by climatic factors, such as a drought, there could still be pressure to fill the quota.

6. The fundamental principle to follow is that decision-making regarding the level of sustainable exports must be scientifically based, and harvests managed in the most appro-

## Chapter 36 – Quota Systems

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appropriate manner. This requires that implementation, including administrative, legislative and enforcement measures, take account of the regulatory and biological context.

7. In contexts where the establishment of an export quota would be the most effective management tool, it is important that the use of that tool is not made less attractive to exporting countries by the imposition of unnecessary administrative layers. For this reason, the guidelines in this document have been prepared with the thought in mind that they need to be practical and uncomplicated, and not to add to the existing administrative burdens.

### **Establishment of national export quotas**

8. Where export quotas have not already been agreed at the international level (e.g. by the Conference of the Parties), Parties are encouraged to establish national export quotas for CITES-listed species whenever this is relevant to the management and conservation of the species concerned.

9. As far as possible the period covered by an export quota should be the calendar year (i.e. 1 January to 31 December).

10. When export quotas are established, they should be set as a result of a non-detriment finding by a Scientific Authority, in accordance with Article III, paragraph 2 (a), or Article IV, paragraph 2 (a), of the Convention, and should ensure that the species is maintained throughout its range at a level consistent with its role in the ecosystems in which it occurs, in accordance with Article IV, paragraph 3. Export quotas for wild-taken specimens should be set at a level that takes account of the number or quantity of specimens that are taken from the wild legally or illegally. A non-detriment finding should be made whenever an export quota is established for the first time or revised, and reviewed annually.

11. Export quotas are usually established for specimens of wild source. However, separate quotas may be established for specimens of different sources (e.g. wild-taken, ranches, captive-bred, and artificially propagated). An export quota applies to wild-taken specimens unless indicated otherwise. A non-detriment finding that supports the export of specimens of any specific source (e.g. ranching) should not be relied upon to authorize the export of specimens of other sources.

12. Export quotas are usually established for a specific number or quantity of animals or plants. However, they may be established for certain types of parts or derivatives (e.g. elephant tusks, caviar, skins, bark, sawn wood, bulbs).

13. To indicate the species for which quotas have been set, Parties should use the names indicated in the standard nomenclatures adopted by the Conference of the Parties. The approved names can be found in the most recent edition of the Checklist of CITES species, which is updated after each meeting of the Conference of the Parties.

## Chapter 36 – Quota Systems

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14. Terms used to define or clarify a quota (such as those indicating the type or source, when appropriate, of specimens to which the quota applies) should be used in accordance with agreed definitions contained in Resolutions of the Conference of the Parties or follow the guidance provided in the most recent edition of the Guidelines for the preparation and submission of CITES annual reports.

### **Communication of nationally established export quotas**

15. In accordance with Resolution Conf. 12.3 (Rev. CoP15), Parties should inform the CITES Secretariat of their nationally established export quotas and of revisions of such quotas. Such information can be provided at any time but, as far as possible, should be communicated at least 30 days before the start of the period to which the export quota relates.

16. If a Party establishes an annual export quota for a period other than a calendar year, it should indicate the period to which the quota applies when communicating it to the Secretariat.

17. When the Secretariat is informed about export quotas or revisions, it should publish them on the CITES website as soon as possible after they are received, with an indication of the date of publication. The publication should normally take place within 30 days of receipt.

18. When the Secretariat receives information about a quota for publication and it appears that there are technical problems, or it has questions about technical or administrative aspects of the quota needing clarification (for example, the standard nomenclature is not followed, there is an incoherence between the quota and available information on the species, past quotas have been regularly exceeded, etc.), it should discuss these with the Party concerned before placing the quota on the CITES website. In such cases the Secretariat and the Parties concerned should try to resolve the issue as quickly as possible. Once it is resolved, the Secretariat should promptly publish the quota on its website. If the case is not resolved, the Secretariat shall publish the quota with an annotation to indicate its concerns and the issue will be taken up through one of the existing CITES procedures.

19. If any Party is concerned that a published quota may be too high, it should consult the appropriate Management Authority of the Party that established the quota regarding its concerns, in accordance with Resolution Conf. 11.18 on Trade in Appendix-II and -III species.

### **Quotas not fully utilized in a particular year**

20. The level of an export quota reflects the number or quantity of specimens of a species that may be exported in any particular year (the specimens having been removed from the wild, bred in captivity, artificially propagated, etc., in that year). It sometimes happens, however, that, although specimens are obtained for export, it is not possible to ship them in the year in which they were obtained.

21. A Party may decide exceptionally to authorize export in one year of specimens that were obtained in a previous year and under the quota for that previous year. In such cases, the quota for the current year should not be increased in order to include the specimens obtained in the previous year. Rather the number or quantity of such specimens that will be exported should be deducted from the quota of the previous year.

Monitoring and trade reporting

22. Every Party that has established an export quota is responsible for monitoring its use and must ensure that it is not exceeded. For that purpose, it should maintain data on the number or quantity of specimens actually exported, to be used as a reference when reviewing applications to authorize further exports.

23. The data from national annual reports of Parties are stored in the CITES trade database that is maintained by the UNEP World Conservation Monitoring Centre under contract to the CITES Secretariat. This database provides the basis for monitoring the trade and the implementation of the export quotas at the international level.

### 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.

### 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, Resolution Conf. 4.13 recognized that the killing of specimens of leopard may be sanctioned by countries of export in defense 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 defense 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.

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. CoP14)**, which recalls Resolution Conf. 8.10 (Rev.).

It also recalls that, with the exception of the rare cases of exemptions granted under Article VII of the Convention, commercial trade in Appendix-I species is prohibited. It further recalls that the leopard (*Panthera pardus*) is listed in Appendix I.

## Chapter 36 – Quota Systems

The Conference of the Parties recognizes that in some sub-Saharan countries the population of the leopard is not endangered, that the killing of leopards may be sanctioned by countries of export in defense of life and property and to enhance the survival of the species and that these countries of export may authorize trade in such dead specimens in accordance with Resolution Conf. 2.11 (Rev.), adopted by the Conference of the Parties at its second meeting (San José, 1979) and amended at its ninth meeting, and may grant export permits in accordance with paragraph 2 of Article III of the Convention.

It recalls that paragraph 3 (c) of Article III provides that an import permit shall be granted only when a Management Authority of the State of import is satisfied that the specimen is not to be used for primarily commercial purposes, and that paragraph 2 (a) of Article III provides that an export permit shall be granted only when a Scientific Authority of the State of export has advised that the export will not be detrimental to the survival of the species.

It recognizes the importance of monitoring the utilization of quotas granted by this Resolution and expresses concern that Parties have not always submitted special reports on numbers of skins exported annually, in accordance with recommendation e) of Resolution Conf. 8.10 (Rev.) and similar recommendations of former Resolutions on the same subject, in time for the Secretariat to prepare reports for the Conference of the Parties.

It also recognizes the desire of the Parties that the commercial market for leopard skins should not be reopened.

The Conference of the Parties recommends that:

in reviewing applications for permits to import whole skins or nearly whole skins of leopard (including hunting trophies), in accordance with paragraph 3 (a) of Article III, 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 taken from any one calendar year (1 January to 31 December) than the number shown under 'Quota' opposite the name of the State:

<i>State</i>	<i>Quota</i>
Botswana	130
Central African Republic	40
Ethiopia	500
Kenya	80
Malawi	50
Mozambique	120
Namibia	250
South Africa	150
Uganda	28
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, the Management Authority of

## Chapter 36 – Quota Systems

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;
- 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 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 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 (Rev. CoP13), adopted by the Conference of the Parties at its ninth meeting and amended at the its 13th meeting (Bangkok, 2004).

### 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:**

<b>Botswana</b>	<b>5</b>
<b>Namibia</b>	<b>150</b>
<b>Zimbabwe</b>	<b>50</b>

**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.

**Resolution Conf. 10.15 (Rev. CoP14)** is a copy of that for the leopard, 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).

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.

**Resolution Conf. 10.15 (Rev. CoP14)** recalls that, with the exception of the rare cases of exemptions granted under Article VII of the Convention, commercial trade in Appendix-I species is prohibited and that the markhor *Capra falconeri* was included in Appendix II at the plenipotentiary conference held in Washington D.C. (1973) and transferred to Appendix I at the eighth meeting of the Conference of the Parties (Kyoto, 1992).

It recognizes also that the markhor is threatened by illegal hunting, fragmentation and loss of its habitat and competition with domestic livestock and further that conservation of the species 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 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.

The Conference of the Parties recalls that countries of export may authorize trade in such dead specimens in accordance with Resolution Conf. 2.11 (Rev.), adopted by the Conference of the Parties at its second meeting (San José, 1979) and amended at its ninth meeting (Fort Lauderdale, 1994), and may grant export permits in accordance with paragraph 2 of Article III of the Convention.

It further recalls that paragraph 3 (c) of Article III provides that an import permit shall be granted only when a Management Authority of the State of import is satisfied that the specimen is not to be used for primarily commercial purposes, and that paragraph 2 (a) of Article III provides that an export permit shall be granted only when a Scientific Au-

## Chapter 36 – Quota Systems

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thority of the State of export has advised that the export will not be detrimental to the survival of the species.

It recognizes that, 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 (1 January to 31 December) and recommends that:

a) in reviewing applications for permits to import markhor hunting trophies, in accordance with paragraph 3 (a) of Article III, 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, the Management Authority of the State of import be satisfied that the said trophies are not to be used for primarily commercial purposes if:

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

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 applies, 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 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

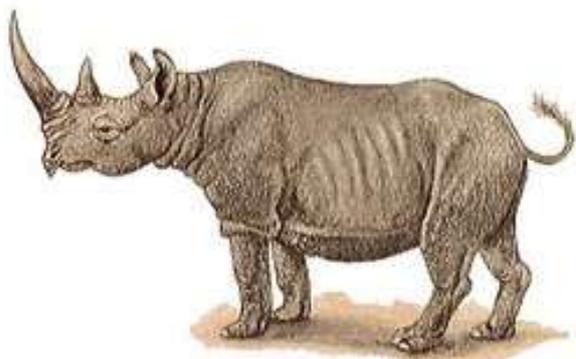
e) the system adopted in this Resolution be continued, with any increase in the quota or any new quota (i.e. for another State not previously having one) requiring the consent of the Conference of the Parties, in accordance with Resolution Conf. 9.21 (Rev. CoP13) adopted at the ninth meeting of the Conference of the Parties (Fort Lauderdale, 1994) and amended at its 13th meeting (Bangkok, 2004).

### **Black rhinoceros**

## Chapter 36 – Quota Systems

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Also see **Chapter 42**; page 647.



The 13th meeting of the Conference of the Parties adopted Resolution Conf. 13.5 on the establishment of export quotas for black rhinoceros hunting trophies. The Resolution followed earlier models and established an annual export quota of five hunting trophies of adult male black rhinoceros from South Africa and five from Namibia.

**Resolution Conf. 13.5 (Rev. CoP14)** recalls that the black rhinoceros (*Diceros bicornis*) was included in Appendix I in 1977 and recognizes that the black rhinoceros is threatened in parts of its range by illegal hunting, and fragmentation and loss of its habitat. It also recognizes that the species is recovering and effectively managed in other parts of its range.

It recalls that, in accordance with Resolution Conf. 9.14 (Rev. CoP15) range States of rhinoceros species should develop and implement conservation and management plans for the species concerned, utilizing all available expertise and resources.

The Conference of the Parties recognizes that effective conservation, management and monitoring plans and programs are in place in a number of range States of the black rhinoceros and that some populations are recovering and can sustain limited offtakes through trophy hunting. It also recognizes that the financial benefits derived from trophy hunting of a limited number of specimens will benefit the conservation of the species directly and provide additional incentives for conservation and habitat protection, when such hunting is done within the framework of national conservation and management plans and programs.

It recognizes further that some range States have made significant advances in the conservation and management of this species and the restoration of their national populations but require additional incentives and means to finance such conservation and management.

The Conference of the Parties recalls that countries of export may authorize trade in hunting trophies in accordance with Resolution Conf. 2.11 (Rev.) and may grant export permits in accordance with Article III, paragraph 2, of the Convention.

It recalls also that Article III, paragraph 3 (c), of the Convention provides that an import permit shall be granted only when a Management Authority of the State of import is satisfied that the specimen is not to be used for primarily commercial purposes, and that Article III, paragraph 2 (a), provides that an export permit shall be granted only when a Scientific Authority of the State of export has advised that the export will not be detrimental to the survival of the species.

## Chapter 36 – Quota Systems

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It recalls furthermore that with Resolution Conf. 9.21 (Rev. CoP13) the Conference of the Parties agreed that the establishment of an export quota by the Conference of the Parties for a species included in Appendix I satisfies the requirements of Article III, paragraphs 2 (a) and 3 (a), of the Convention that the export and the purpose of the import will not be detrimental to the survival of the species provided that the quota is not exceeded and that 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.

The Conference of the Parties approves the establishment of an annual export quota of five hunting trophies of adult male black rhinoceros from South Africa and five from Namibia.

It agrees that hunting trophies of the black rhinoceros are defined as the horns or any other durable part of the body, mounted or loose and that all parts to be exported should be individually marked with reference to the country of origin, species, quota number and year of export.

It recommends that:

a) in reviewing applications for permits to import black rhinoceros hunting trophies, in accordance with Article III, paragraph 3 (a), of the Convention, and Resolution Conf. 9.21 (Rev. CoP13), paragraph b), the Scientific Authority of the State of import approve permits if it is satisfied that the trophies being considered are from a range State to which an export quota has been granted as part of a national black rhinoceros conservation and management plan or Programme and will be traded in accordance with the provisions of the present Resolution;

b) in reviewing applications for permits to import black rhinoceros hunting trophies, in accordance with Article III, paragraph 3 (c), of the Convention, the Management Authority of the State of import be satisfied that such trophies are not to be used for primarily commercial purposes if:

i) the trophies were 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 (1 January to 31 December); and

c) amendments to export quotas or the establishment of additional export quotas for this species be done in accordance with Resolution Conf. 9.21 (Rev. CoP13).

### 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. CoP15)**, 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

## Chapter 36 – Quota Systems

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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 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 the opinion that the effect of the proposal would be to circumvent the Bern criteria. The wording of the Resolution 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

## Chapter 36 – Quota Systems

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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 fulfill 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.

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.

## Chapter 36 – Quota Systems

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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;
- c) the Party concerned has a scientifically based and well-documented management program 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 (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

## Chapter 36 – Quota Systems

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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.

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 program to the Secretariat in accordance with the procedures in Article XV;

c) where crocodilians 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);

## Chapter 36 – Quota Systems

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- 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 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. CoP15)** addresses the criteria for all transfers of species from Appendix I to Appendix II, so that there is no longer a need for a specific Resolution dealing with transfers to Appendix II under a quota system.

## Chapter 36 – Quota Systems

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Section VIII of **Resolution Conf. 12.3 (Rev. CoP15)** 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;

Paragraph 15 of the Guidelines for the management of nationally established export quotas in **Resolution Conf. 14.7 (Rev. CoP15)** indicates that this information can be provided at any time, but, as far as possible, should be communicated at least 30 days before the start of the period to which the export quota relates. Paragraph 16 provides that if a Party establishes an annual export quota for a period other than a calendar year, it should indicate the period to which the quota applies when communicating it to the Secretariat.

b) each export permit issued for specimens of a species subject to an annual export quota, whether established nationally or by the Conference of the Parties, indicate the total quota that has been established for the year and include a certification that the quota is being complied with. For this purpose Parties should specify the total number or quantity of specimens already exported in the current year (including those covered by the permit in question) and the export quota for the species and specimens that are subject to the quota; and

c) Parties send to the Secretariat copies of permits, electronic and paper, issued for species subject to quotas if so requested by the Conference of the Parties, the Standing Committee or the Secretariat (reworded from **Resolution Conf. 8.5**).



## Chapter 37 - Ranching

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### Introduction

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.

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*, was such that commercial trade in any specimens of Appendix-I species taken from the wild was excluded. The definition concerned restricted the meaning of the term 'captive bred' to offspring produced in a controlled environment of parents that mated in a controlled environment and required 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 exemptions of Article VII.4 and 5. It was one of the aims of *Resolution Conf. 2.12* 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.

## Chapter 37 – Ranching

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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.). These recommendations were, in 2000, replaced and subsequently amended.

### Current recommendations and provisions

These are contained in **Resolution Conf. 11.16 (Rev. CoP15)** on trade in ranched specimens of species transferred from Appendix I to Appendix II, which simplifies issues such as the marking requirements.

The Resolution recalls Resolution Conf. 5.16 (Rev.) and Resolution Conf. 10.18 adopted at its 10th meeting.

It notes that the terms of Resolution Conf. 10.16 (Rev) 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 successful programs 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.

It recalls Resolution Conf. 9.6 (Rev), which recommends that Parties consider all products of ranching operations to be readily recognizable.

It recognizes that marking of parts and derivatives in trade from ranched animals is necessary to achieve adequate control.

It recognizes that, if each Party establishes a different marking system for parts and derivatives of ranched animals of the same species, confusion will result and enforcement will be difficult.

The Conference of the Parties believes that any proposal to transfer to Appendix II, for ranching, a species for which such a proposal has previously been approved should be consistent with the approved proposal in its intent and in the terms and conditions it specifies.

## Chapter 37 – Ranching

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It recognizes that, in accordance with Article XIV of the Convention, Parties may adopt more restrictive domestic controls on trade in specimens of populations included in the Appendices.

It considers the necessity of transferring populations back to Appendix I if it is established that ranching operations utilizing them no longer meet the criteria.

It expresses its awareness 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.

It recognizes that as a management system, ranching for some species has proven to be a 'safe' and robust form of sustainable utilization relative to wild harvests of adults.

It is conscious 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 programs designed to achieve this aim.

### Definitions

The Conference of the Parties decides that:

a) the term 'ranching' means the rearing in a controlled environment of animals taken as eggs or juveniles from the wild, where they would otherwise have had a very low probability of surviving to adulthood; and

b) the term 'uniform marking system' means 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.

### Proposals to transfer populations from Appendix I to Appendix II for ranching

The Conference of the Parties recommends that:

## Chapter 37 – Ranching

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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;

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:

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);

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;

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:

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 types 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:

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;
  - 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;
- 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 d) above under RECOMMENDS have been met and to review the information and assurances in the proposal that are specified in paragraph b) 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; and
- 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.

### **Changes to the ranching Programme described in the proposal to transfer a species from Appendix I to Appendix II**

The Conference of the Parties recommends that:

- a) 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 programs for taking wild animals without notifying the Secretariat;
- b) 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

## Chapter 37 – Ranching

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c) 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**

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.

### **Monitoring and reporting in relation to species transferred from Appendix I to Appendix II for ranching**

The Conference of the Parties recommends that:

a) annual reports on all relevant aspects of each approved ranching operation be submitted to the Secretariat by the Party concerned, including the following:

i) the status of the wild population concerned established by monitoring at an appropriate frequency and with sufficient precision to allow recognition of changes in population size and structure owing to ranching;

ii) the number of specimens (eggs, young or adults) taken annually from the wild and the percentage of this offtake used to supply ranching operations; and

iii) details of the annual production levels, and product types and quantity produced for export;

b) the following information should be maintained by the Party and made available to the Secretariat upon request:

i) an estimate of the percentage of the annual wild production of eggs, neonates or other life stages taken for the ranching operation;

ii) the number of animals released and their survival rates estimated on the basis of surveys and tagging programs, if any;

iii) the mortality rate in captivity and causes of such mortality;

iv) conservation programs and scientific experiments carried out in relation to the ranching operation or the wild population concerned; and

## Chapter 37 – Ranching

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- v) an estimation of the percentage of the distribution area of the species where the ranching is operating;
- c) 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; and
- d) 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 Depository Government to prepare a proposal to transfer the population concerned back to Appendix I.

### Ranching and other production systems

With Decision 13.68, the Conference of the Parties established Terms of Reference for the Animals and Plants Committees to establish an intersessional joint working group with the task to clearly define key elements of different production systems for specimens of CITES-listed species of animals and plants, to draw up a list of such systems and to determine which source codes to use. It further had to consider the definition of 'ranching'.

Decision 14.52 instructed the Animals and Plants Committees to:

- a) review the CITES trade data maintained by the UNEP World Conservation Monitoring Centre to determine the species for which source code R has been used for trade, and the countries where this has occurred;
- b) survey countries applying source code R to species other than crocodylians transferred from Appendix I to Appendix II subject to ranching, and obtain information on the management Programme for the species to which this source code is applied;
- c) review the literature on wildlife management for current information on management systems that would resemble ranching (i.e. primarily focused on the harvest of specimens representing early life stages for rearing in captivity) and identify common elements in these programs;
- d) based on this review, propose a definition of ranching and the use of source code R for CITES purposes; and
- e) report at the 15th meeting of the Conference of the Parties on the implementation of this decision.

Decision 14.53 instructed the Secretariat to, in consultation with the Animals Committee, examine Resolution Conf. 11.16 (Rev. CoP14) (Ranching and trade in ranches specimens of species transferred from Appendix I to Appendix II) with a view to proposing revisions to the Resolution to make its structure more logical, clarify certain recommen-

## Chapter 37 – Ranching

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dations, edit text and reduce overlap between sections for consideration at the 15th meeting of the Conference of the Parties.

**Decision 15.51** instructs the Animals Committee to:

a) evaluate the merit of reinstating the ability to transfer suitably qualified populations that continue to meet the criteria in Resolution Conf. 9.24 (Rev. CoP15) Annex 1 from Appendix I to Appendix II pursuant to Resolution Conf. 11.16 (Rev. CoP15) or Resolution Conf. 9.20 (Rev. CoP15); and

b) if merit is found, draft a revision of the terms of paragraph A. 2 in Annex 4 of Resolution Conf. 9.24 (Rev. CoP15) to eliminate the requirement that downlisting proposals pursuant to Resolution Conf. 11.16 (Rev. CoP15) or Resolution Conf. 9.20 (Rev. CoP15) must also meet the criteria in Annex 1 of Resolution Conf. 9.24 (Rev. CoP15).



### 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 establishment 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.

## Chapter 37 – Ranching

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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, in 1989, Committee I decided to defer consideration of the issue to the eighth meeting. At the eighth meeting of the Conference of the Parties, in 1992, 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.

The above resulted, in 1994, in a Resolution, which was amended in 1997. The Secretariat adapted the references to other Resolutions, most recently at CoP15.

**Resolution Conf. 9.20 (Rev. CoP15)** reads as follows:

### Guidelines for evaluating marine turtle ranching proposals.

RECOGNIZING 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;

RECOGNIZING also that other factors such as habitat loss, pollution and incidental catch are seriously impacting sea turtle populations;

RECALLING that Resolution Conf. 11.16 (Rev. CoP15) adopted by the Conference of the Parties at its 11th meeting (Gigiri, 2000) and amended at its 14th and 15th meetings (The Hague, 2007; Doha, 2010), 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”;

NOTING 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;

RECOGNIZING that the demand for marine turtle products in some States stimulates illegal trade both nationally and internationally;

NOTING that the cooperation of range States greatly enhances the conservation of marine turtle populations;

UNDERSTANDING that, because of the behavior of marine turtles of returning to specific beaches to nest, range States have a special responsibility to protect marine-turtle nesting habitat and nesting females during the breeding season;

## Chapter 37 – Ranching

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RECOGNIZING that sustainable use may have potential benefits for the conservation of marine turtles and their habitats;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

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. 11.16 (Rev. CoP15);
- b) any Party seeking to transfer a marine turtle population from Appendix I to Appendix II pursuant to Resolution Conf. 11.16 (Rev. CoP15) 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. 11.16 (Rev. CoP15) 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 requirements of Resolution Conf. 11.16 (Rev. CoP15) may result in the application of paragraph c) of that Resolution under the last RECOMMENDS.

Annex

### **Guidelines for evaluating marine turtle ranching proposals submitted pursuant to Resolution Conf. 11.16 (Rev. CoP15)**

#### **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.

## Chapter 37 – Ranching

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a) Activities undertaken by the proponent to develop cooperative 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

## Chapter 37 – Ranching

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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.

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 e) ii) under the first RECOMMENDS of Resolution Conf. 11.16 (Rev. CoP15), 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;

## Chapter 37 – Ranching

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- ii) stocking rates, including the number or weight of turtles per 1,000 liters of sea water 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 cooperative 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.



ties 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 the raw material, i.e.

wool sheared from live vicuñas of the populations included in Appendix II.

Resolution Conf. 11.6 (Rev. CoP13) dealt with trade in vicuña cloth. It contained an annual reporting obligation for the exporting countries to the Secretariat, which in its turn had to submit a report at each meeting of the Conference of the Parties. This reporting obligation was abolished at CoP13.

The paragraph recommending that 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 was transferred to:

section XIV of **Resolution Conf. 12.3 (Rev. CoP15)**:

The Conference of the Parties recommends further that Management Authorities authorize the import of vicuña cloth only if the reverse side of the cloth bears 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 or if it is cloth containing pre-Convention wool of vicuña.

### Current annotations

#### **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 handi-craft 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-

## Chapter 37 – Ranching

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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.

### **Population of Bolivia (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-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.

### **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.

### **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.





## Chapter 38 - Sustainable Use of Biodiversity

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Palm oil instead of native species?

### Recognition of the benefits of trade in wildlife

This recognition is laid down in **Resolution Conf. 8.3 (Rev. CoP13)**, which notes that the majority of species of wild fauna and flora that CITES seeks to protect and enhance occur in the developing countries of the world.

It recognizes that the sustainable use of wild fauna and flora, whether consumptive or non-consumptive, provides an economically competitive land-use option;

The Conference of the Parties expresses awareness that, unless conservation programs take into account the needs of local people and provide incentives for sustainable use of wild fauna and flora, conversion to alternative forms of land use may occur.

It recognizes that over-utilization is detrimental to the conservation of wild fauna and flora.

It recognizes further that legal trade in a species should not lead to increases in illegal trade anywhere in its range.

It recognizes also that the returns from legal use may provide funds and incentives to support the management of wild fauna and flora to contain the illegal trade.

It acknowledges that the aesthetic, scientific, cultural, recreational and other largely nonconsumptive uses of wild fauna and flora are also of enormous importance.

It recognizes that there are many species for which trade would be detrimental to their survival.

The Conference of the Parties recognizes:

- 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; and

**Resolution Conf. 10.13 (Rev. CoP15)** on the Implementation of the Convention for timber species contains an identical recognition.

Resolution Conf. 8.20 on the Development of New Criteria for Amendment of the Appendices also recognized that trade in wildlife products can be beneficial to the conservation of wild fauna and flora.

- that implementation of CITES-listing decisions should take into account potential impacts on the livelihoods of the poor.

This second part was added at CoP 13.

### **Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity**

With **Resolution Conf. 13.2 (rev. CoP14)**, the Conference of the Parties establishes the link between CITES and the adoption at the seventh meeting of the Conference of the Parties to the Convention on Biological Diversity, in 2004, of the Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity.

**Resolution Conf. 13.2 (rev. CoP14)** reads as follows:

The Conference of the Parties to the Convention

WELCOMING the adoption at the seventh meeting of the Conference of the Parties to the Convention on Biological Diversity (CBD COP7), in Decision VII.12, of the Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity, a summary of which is contained in Annex 1;

NOTING that these Principles and Guidelines can be utilized in the implementation by CITES Parties of Article IV and other relevant provisions of the Convention;

RECOGNIZING that CBD and its Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) will be working on case studies to test these Sustainable Use Principles and Guidelines;

RECOGNIZING further that CBD defines, in its Article 2, the term 'sustainable use' as "the use of components of biological diversity in a way and at a rate that does not lead to the long-term decline of biological diversity, thereby maintaining the potential to meet the needs and aspirations of present and future generations";

## Chapter 38 – Sustainable Use of Biodiversity

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NOTING further that the vast majority of CITES Parties are Parties to CBD at the time of the 14th meeting of the Conference of the Parties;

WELCOMING further Target 4.3 of the Strategic Plan: future evaluation of progress of CBD (Decision VII.30, Annex 2, Goal 4), which states that "No species of wild flora or fauna is endangered by international trade", and therefore is fully consistent with the CITES Strategic Plan;

RECALLING Resolution Conf. 10.4 (Rev. CoP14) and the Memorandum of Cooperation between CITES and CBD;

URGES the Parties to:

a) make use of the Principles and Guidelines for the Sustainable Use of Biodiversity, also taking into account scientific, trade and enforcement considerations determined by national circumstances, as well as the recommendations of the Animals and Plants Committees (see Annex 2) when adopting non-detriment-making processes and making CITES non-detriment findings;

b) share experiences on sustainable use at the national level, particularly between CITES Management and Scientific Authorities, and their CBD Focal Points; and

c) endeavor to ensure that their CITES Management and Scientific Authorities participate, through their national CBD Focal Points, in the work of CBD and its Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) on these Principles and Guidelines; and

URGES the Parties that are also Parties to the CBD, to take effective measures at policy and institutional level to ensure synergy between their implementation of CITES and CBD at the national level.

### Annex 1

#### Sustainable Use of Biodiversity - Addis Ababa Principles and Guidelines

##### Summary

The Addis Ababa Principles and Guidelines for the Sustainable use of Biodiversity consist of 14 interdependent practical principles, operational guidelines and a few instruments for their implementation that govern the uses of components of biodiversity to ensure the sustainability of such uses. The principles provide a framework to assist Governments, resource managers, indigenous and local communities, the private sector and other stakeholders on how to ensure that their use of the components of biodiversity will not lead to the long-term decline of biological diversity. The principles are intended to be of general relevance, although not all principles will apply equally to all situations, nor will they apply with equal rigor. Their application will vary according to the biodiver-

## Chapter 38 – Sustainable Use of Biodiversity

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sity being used, the conditions under which they are being used, and the institutional and cultural context in which the use is taking place.

Sustainability of use of biodiversity components will be enhanced if the following practical principles and related operational guidelines are applied:

### Practical Principles

#### Practical principle 1

Supportive policies, laws, and institutions are in place at all levels of governance and there are effective linkages between these levels.

#### Practical principle 2

Recognizing the need for a governing framework consistent with international / national laws, local users of biodiversity components should be sufficiently empowered and supported by rights to be responsible and accountable for use of the resources concerned.

#### Practical principle 3

International, national policies, laws and regulations that distort markets which contribute to habitat degradation or otherwise generate perverse incentives that undermine conservation and sustainable use of biodiversity, should be identified and removed or mitigated.

#### Practical principle 4

Adaptive management should be practiced, based on:

- a) Science and traditional and local knowledge;
- b) Iterative, timely and transparent feedback derived from monitoring the use, environmental, socio-economic impacts, and the status of the resource being used; and
- c) Adjusting management based on timely feedback from the monitoring procedures.

#### Practical principle 5

Sustainable use management goals and practices should avoid or minimize adverse impacts on ecosystem services, structure and functions as well as other components of ecosystems.

#### Practical principle 6

Interdisciplinary research into all aspects of the use and conservation of biological diversity should be promoted and supported.

#### Practical principle 7

The spatial and temporal scale of management should be compatible with the ecological and socio-economic scales of the use and its impact.

### **Practical principle 8**

There should be arrangements for international cooperation where multinational decision-making and coordination are needed.

### **Practical principle 9**

An interdisciplinary, participatory approach should be applied at the appropriate levels of management and governance related to the use.

### **Practical principle 10**

International, national policies should take into account:

- a) Current and potential values derived from the use of biological diversity;
- b) Intrinsic and other non-economic values of biological diversity; and
- c) Market forces affecting the values and use.

### **Practical principle 11**

Users of biodiversity components should seek to minimize waste and adverse environmental impact and optimize benefits from uses.

### **Practical principle 12**

The needs of indigenous and local communities who live with and are affected by the use and conservation of biological diversity, along with their contributions to its conservation and sustainable use, should be reflected in the equitable distribution of the benefits from the use of those resources.

### **Practical principle 13**

The costs of management and conservation of biological diversity should be internalized within the area of management and reflected in the distribution of the benefits from the use.

### **Practical principle 14**

Education and public awareness programs on conservation and sustainable use should be implemented and more effective methods of communications should be developed between and among stakeholders and managers.

**Annex 2**

## **Recommendations of the Animals and Plants Committees concerning the Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity**

1. Whereas CBD provides general guidance to Parties on how to address a broad range of biodiversity issues through national implementation, CITES is regulatory in nature, species-specific, and focuses on international trade in wildlife.

## Chapter 38 – Sustainable Use of Biodiversity

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2. Although CITES does not have a definition of sustainable use, the case studies show that the elements of the Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity that are generally relevant to CITES are either already implicit in the language of CITES or are promoted by CITES. This for instance, refers to practical Principles 1, 2, 4, 7, 9 and 12, elements of which are incorporated in the Checklist to assist in making non-detriment findings for Appendix-II exports.
3. From the case studies presented at the joint session of the 16th meeting of the Plants Committee and 22nd meeting of the Animals Committee (Lima, July 2006), it is evident that the Addis Ababa Principles and Guidelines are not always immediately applicable to the decision-making process under CITES, particularly with respect to making non-detriment findings (NDF).
4. It is recognized that the Addis Ababa Principles and Guidelines are, on a case-by-case basis, relevant to the work of CITES (in addition to the Principles referred to in paragraph 3, e.g. Principles 5, 6, 8, 11), and may be considered for possible development of further taxa-specific NDF guidelines.
5. The Animals and Plants Committees propose the amendment of Resolution Conf. 10.4 (Rev. CoP14) to acknowledge the use of the Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity as a voluntary additional tool that can be used in making NDFs.
6. Additionally, questions were raised concerning the work still required by the scientific committees on this matter, and the possible complications of using socio-economic aspects of the Addis Ababa Principles and Guidelines in the making of non-detrimental findings.
7. It was further noted that the Addis Ababa Principles and Guidelines could support the existing IUCN guidance for the making of non-detrimental findings, and would be valuable for the development of taxa-specific guidelines in this regard, for instance for tree species.
8. Finally it was recognized that the Addis Ababa Principles and Guidelines, which had been developed over many years and received broad international support, were of global importance but that not all principles were of relevance to CITES.

## Chapter 39 - Plant Trade

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### Introduction

Although the Convention's Appendices contain more plant than animal species, implementation of the Convention with regard to trade in plants has always been 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 consider proposals to list certain commercial timber species in Appendix II arouse 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. This is not made any easier by the increasing number of complicated annotations exempting certain plant shipments from CITES controls. The consideration of timber listings adds yet another dimension to this problem.

The large scale artificial propagation of many plant species - often listed in Appendix II for look-alike reasons - has made numerous exemptions from CITES controls necessary. These are addressed in the section about artificial propagation of this Chapter.

A much heard opinion from people involved in the import and export of plants for commercial or other reasons, is that CITES was written for animals and not for plants. I don't agree and the Convention has shown to be able to deal with complex issues that have arisen since 1973, whether they concern animals or plants. As we will see, already back in 1985, the Conference of the Parties recommended that nurseries be registered and their CITES paperwork simplified. In 1992 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.”

### 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. CoP15)**, see **Chapter 6**.

### Higher taxon listings

With regard to higher taxon listings, **Resolution Conf. 9.24 (Rev. CoP15)** 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, the latter species should be included under the name of the higher taxon, with an appropriate annotation.

Higher taxon listings of plants are also subject to the following recommendations (from **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 fulfill their obligations for plants under CITES improved.

**Decision 15.63** instructs the Animals and Plants Committees to conduct an analysis to identify taxa listed in the Appendices that can be included under the name of a higher taxon without altering the scope of the listing, to be consistent with the section on “Higher taxa in Annex 3 of Resolution Conf. 9.24 (Rev. CoP15), and, where appropriate, prepare proposals for submission to the Conference of the Parties by the Depositary Government.

### Plant parts and derivatives

The text of the Convention’s 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 all readily recognizable parts and derivatives are 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 fact that it is at odds with 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 specifical-

## Chapter 39 – Plant trade

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ly 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 opinion 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 flaked 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 ninth 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 flaked 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.

## Chapter 39 – Plant Trade

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Any proposal may contain additional parts and derivatives to be exempted, but not live and dead specimens. See, however, below.

**Resolution Conf. 11.11 (Rev. CoP15)**, in the section regarding flaked seedlings, recommends that flaked 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).

The annotation applies to the orchid species listed in Appendix I and exempts seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers.

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 and an increasing number of annotations contain exclusions related to plants and their parts and derivatives.

These annotations concern:

- Artificially propagated specimens of hybrids and/or cultivars of
  - *Hatiora x graeseri*
  - *Schlumbergera x buckleyi*
  - *Schlumbergera russelliana x Schlumbergera truncata*
  - *Schlumbergera orssichiana x Schlumbergera truncata*
  - *Schlumbergera opuntioides x Schlumbergera truncata*
  - *Schlumbergera truncata* (cultivars)
  - Cactaceae spp. colour mutants lacking chlorophyll, grafted on the following grafting stocks: *Harrisia 'Jusbertii'*, *Hylocereus trigonus* or *Hylocereus undatus*
  - *Opuntia microdasys* (cultivars).
  
- Artificially propagated specimens of cultivars of *Euphorbia trigona*, artificially propagated specimens of crested, fan-shaped or colour mutants of *Euphorbia lactea*, when grafted on artificially propagated root stock of *Euphorbia nerifolia*, and artificially propagated specimens of cultivars of *Euphorbia 'Mili'* when they are traded in shipments of 100 or more plants and readily recognizable as artificially propagated specimens.
  
- Artificially propagated specimens of hybrids of the genera *Cymbidium*, *Dendrobium*, *Phalaenopsis* and *Vanda* when:
  - 1) the specimens are traded in shipments consisting of individual containers (i.e. cartons, boxes or crates) each containing 20 or more plants of the same hybrid;
  - 2) the plants within each container can be readily recognized as artificially propagated specimens by exhibiting a high degree of uniformity and healthiness; and
  - 3) the shipments are accompanied by documentation, such as an invoice, which clearly states the number of plants of each hybrid.

## Chapter 39 – Plant trade

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Artificially propagated specimens of the following hybrids:

- *Cymbidium*: Interspecific hybrids within the genus and intergeneric hybrids
- *Dendrobium*: Interspecific hybrids within the genus known in horticulture as "*nobile*-types" and "*phalaenopsis*-types"
- *Phalaenopsis*: Interspecific hybrids within the genus and intergeneric hybrids
- *Vanda*: Interspecific hybrids within the genus and intergeneric hybrids when:
  - 1) they are traded in flowering state, i.e. with at least one open flower per specimen, with reflexed petals;
  - 2) they are professionally processed for commercial retail sale, e.g. labeled with printed labels and packaged with printed packages;
  - 3) they can be readily recognized as artificially propagated specimens by exhibiting a high degree of cleanliness, undamaged inflorescences, intact root systems and a general absence of damage or injury that could be attributable to plants originating in the wild;
  - 4) the 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 inflorescences, roots, leaves or other parts resulting from collection; and
  - 5) the labels or packages indicate the trade name of the specimen, the country of artificial propagation or, in the case of international trade during the production process, the country where the specimen was labeled and packaged; and the labels or packages show a photograph of the flower, or demonstrate by other means the appropriate use of labels and packages in an easily verifiable way.

Plants not clearly qualifying for the exemption must be accompanied by appropriate CITES documents.

- Artificially propagated specimens of cultivars of *Cyclamen persicum* except specimens traded as dormant tubers.

- Whole artificially propagated plants in pots or other small containers, each consignment being accompanied by a label or document stating the name of the taxon or taxa and the text 'artificially propagated' of *Taxus chinensis*, *Taxus cuspidata*, *Taxus fuana* and *Taxus sumatrana*, as well as of infraspecific taxa of these species.

### 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 several tasks for the Animals Committee and the Plants Committee concerning this issue.

The significant trade process is currently laid down in **Resolution Conf. 12.8 (Rev. CoP13)**.

## Chapter 39 – Plant Trade

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The text of this Resolution is contained in the section on the significant trade review in **Chapter 11**.



### Artificial propagation

As for captive bred animals, **Article VII** contains special provisions for the trade in artificially propagated plants:

#### Article VII, paragraph 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.**

### Definition of artificially propagated; background

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:

- 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.

As I already mentioned in the introduction of this Chapter, in 1992, 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. In view thereof the Conference of the Parties repealed the above recommendations of Resolution Conf. 2.12 with Resolution Conf. 8.17.

### Current provisions

**Resolution Conf. 11.11 (Rev. CoP15)**, as Resolution Conf. 9.18(Rev.) before it, consolidates earlier recommendations on the regulation of trade in plants and revises the definition of ‘artificially propagated’.

**Resolution Conf. 11.11 (Rev. CoP15)** reads as follows:

### Definition of ‘artificially propagated’

The Conference of the Parties ADOPTS the following definitions for terms used in this Resolution:

a) ‘under controlled conditions’ means in a non-natural environment that is intensively manipulated by human intervention for the purpose of plant production. General characteristics of controlled conditions may include but are not limited to tillage, fertilization, weed and pest control, irrigation, or nursery operations such as potting, bedding or protection from weather;

b) ‘cultivated parental stock’ means the ensemble of plants grown under controlled conditions that are used for reproduction, and which must have been, to the satisfaction of the designated CITES 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) maintained in sufficient quantities for propagation so as to minimize or eliminate the need for augmentation from the wild, with such augmentation occurring only as an exception and limited to the amount necessary to maintain the vigor and productivity of the cultivated parental stock; and

c) ‘cultivar’ means, following the definition of the 8th edition of the International Code of Nomenclature for Cultivated Plants, an assemblage of plants that (a) has been selected for a particular character or combination of characters, (b) is distinct, uniform, and stable in these characters, and (c) when propagated by appropriate means, retains those characters (but see Article 9.1 Note 1);

Article 9.1 Note 1 of the International Code of Nomenclature for Cultivated Plants states that no new taxon of cultivated plants (including a cultivar) can be regarded as such until its category name and circumscription have been formally published.

DETERMINES that the term ‘artificially propagated’ shall be interpreted to refer to plant specimens:

a) grown under controlled conditions; and

## Chapter 39 – Plant Trade

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b) grown from seeds, cuttings, divisions, callus tissues or other plant tissues, spores or other propagules that either are exempt from the provisions of the Convention or have been derived from cultivated parental stock;

DETERMINES that plants grown from cuttings or divisions are considered to be artificially propagated only if the traded specimens do not contain any material collected from the wild; and

RECOMMENDS that an exception may be granted and specimens deemed to be artificially propagated if grown from wild-collected seeds or spores only if, for the taxon involved:

a) i) the establishment of a cultivated parental stock presents significant difficulties in practice because specimens take a long time to reach reproductive age, as for many tree species;

ii) the seeds or spores are collected from the wild and grown under controlled conditions within a range State, which must also be the country of origin of the seeds or spores;

iii) the relevant Management Authority of that range State has determined that the collection of seeds or spores was legal and consistent with relevant national laws for the protection and conservation of the species; and

iv) the relevant Scientific Authority of that range State has determined that:

A. collection of the seeds or spores was not detrimental to the survival of the species in the wild; and

B. allowing trade in such specimens has a positive effect on the conservation of wild populations;

b) at a minimum, to comply with subparagraphs a) iv) A. and B. above:

i) collection of seeds or spores for this purpose is limited in such a manner such as to allow regeneration of the wild population;

ii) a portion of the plants produced under such circumstances is used to establish plantations to serve as cultivated parental stock in the future and become an additional source of seeds or spores and thus reduce or eliminate the need to collect seeds or spores from the wild; and

iii) a portion of the plants produced under such circumstances is used for replanting in the wild, to enhance recovery of existing populations or to re-establish populations that have been extirpated; and

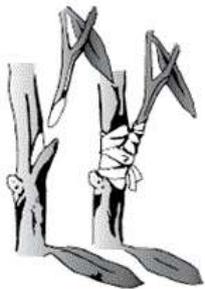
## Chapter 39 – Plant trade

These requirements make the activities concerned comparable to those of ranching of animal species, but in the case of plants it is apparently not necessary to transfer a species from Appendix I to Appendix II before commercial trade in products can take place. This is of course wrong. As also noted elsewhere, any recommendation that, under certain circumstances, specimens grown from wild-collected material of Appendix-I species can be considered as artificially propagated is at odds with the provision of the Convention that wild-collected specimens of Appendix-I species cannot be imported for primarily commercial purposes.

Decision 13.72 instructed the Plants Committee to monitor the effects of implementing the revised definition of 'artificially propagated' contained in Resolution Conf. 11.11 (Rev. CoP13), pertaining to the production of specimens of Appendix-I species grown from wild-collected seeds and spores, and report their findings at the 14th meeting of the Conference of the Parties. This report shall particularly note any adverse effects on the conservation of Appendix-I species that have been subject to this revised definition.

c) in the case of operations propagating Appendix-I species for commercial purposes under such conditions they are registered with the CITES Secretariat in accordance with Resolution Conf. 9.19 (Rev. CoP15) on Guidelines for the registration of nurseries exporting artificially propagated specimens of Appendix-I species;

### Grafted plants



The Conference of the Parties RECOMMENDS that:

a) grafted plants be recognized as artificially propagated only when both the root-stock and the graft have been taken from specimens that have been artificially propagated in accordance with the definition above; and

b) grafted specimens consisting of taxa from different Appendices be treated as specimens of the taxon included in the more restrictive Appendix;

### Hybrids

The Conference of the Parties DETERMINES that:



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; and

## Chapter 39 – Plant Trade

b) regarding artificially propagated hybrids:

i) plant species or other taxa included 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 included 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 included in Appendix II;

### Cultivars

The Conference of the Parties DETERMINES that cultivars shall be subject to the provisions of the Convention unless excluded by a specific annotation in Appendix I, II or III;



### Flasked seedlings of Appendix-I orchids

The Conference of the Parties RECOMMENDS that flasked seedlings of orchid species included in Appendix I obtained in vitro, in solid or liquid media, and transported in sterile containers, be interpreted as being exempt from CITES control only if they have been artificially propagated in accordance with the definition provided above, taking into account the provisions of Article VII, paragraph 4, and Article I.

### Timber from monospecific plantations



**Resolution Conf. 10.13 (Rev. CoP15)** 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 (Rev. CoP15).

### The use of phytosanitary certificates

Section VII of **Resolution Conf. 12.3 (Rev. CoP15)** recommends (from **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 artificially propagated 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 (Rev. CoP15)**], 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 their electronic equivalent, or other specific indication stating that the specimens are artificially propagated as defined by CITES;
- 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; and
- c) phytosanitary certificates be used exclusively for the purpose of export from the country of artificial propagation of the specimens concerned; and

instructs the Secretariat to notify the Parties when any Party confirms that it issues phytosanitary certificates for export of artificially propagated plants of Appendix-II species.

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 (from **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 phytosanitary certificate.

### Facilitating annual reporting on trade in artificially propagated plants

Trade in artificially propagated Appendix-II plants may take place on the basis of phytosanitary 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

## Chapter 39 – Plant Trade

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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.

**Decision 14.39 (Rev. CoP15)** instructs the Secretariat to, subject to available funding, in consultation with the UNEP World Conservation Monitoring Centre:

- a) conduct a survey of reporting practices of Parties relating to trade in artificially propagated plants of taxa included in Appendix II, e.g. regarding the degree of completeness and detail;
- b) identify cases where the compilation of trade data pertaining to artificially propagated plants of taxa included in Appendix II has contributed to a significant extent to the detection of illegal trade or to any other analysis related to the conservation of wild flora;
- c) taking into consideration the results of paragraphs a) and b) above, analyze the Convention text and Resolutions in order to identify binding and non-binding elements of reporting, with special emphasis on artificially propagated plants of taxa included in Appendix II. The Secretariat shall list options for streamlining such reporting; and
- d) report on its findings to the Plants Committee prior to its 20th meeting.

**Decision 14.40 (Rev. CoP15)** instructs the Plants Committee to, after considering the report of the Secretariat:

- a) determine whether there are any taxa of Appendix-II plants artificially propagated for which detailed reporting is less valuable; and
- b) report its findings to the Standing Committee at its 62nd meeting.

Decision 14.41 (Rev. CoP15) instructs the Standing Committee to:

- a) taking into consideration the findings of the Plants Committee, determine whether it is possible to streamline the reporting of trade in artificially propagated Appendix-II plants; and
- b) report on its findings at the 16th meeting of the Conference of the Parties and submit draft wording to amend Resolutions concerned, where appropriate.

### **Guidelines for the registration of nurseries exporting artificially propagated specimens of Appendix-I species**

These guidelines are contained in **Resolution Conf. 9.19 (Rev. CoP15)**, 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 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 was amended at CoP13 and CoP15 and now is:

**Resolution Conf. 9.19 (Rev. CoP15)**, 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.

## Chapter 39 – Plant Trade

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It recognizes 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 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).

It recognizes that the artificial propagation 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.

It also recognizes 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 notes that Resolution Conf. 5.15 provided an initiative for plant-nursery registration but that no Party has ever informed the CITES Secretariat that it has implemented such registration.

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.

It 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.

It 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.

The Conference of the Parties resolves that:

a) the responsibility for the registration of nurseries that artificially propagate specimens of Appendix-I plant species for export purposes 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:

## Chapter 39 – Plant trade

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i) they are packed and labeled 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

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

Subparagraph ii) should refer to CITES export *document* rather than export *permit* as trade can take place on the basis of certificates of artificial propagation.

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 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

directs the Secretariat to review any application for registration, and to compile and update a Register of commercial nurseries that artificially propagate specimens of Appendix-I plant species for export purposes, on the basis of information received from the Parties, and to communicate this Register to the Parties.

### Annex 1

#### Role of the commercial nursery

The Conference of the Parties resolves that the owner or manager of any commercial nursery seeking inclusion in the Secretariat's Register shall be responsible for providing the following information to the Management Authority of the country in which it is located:

1. name and address of the owner and manager 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, unless the nursery is propagating specimens from wild-collected seeds or spores from the national population of the species, in accordance with the conditions specified in Resolution Conf. 11.11 (Rev. CoP15), regarding the definition of 'artificially propagated'; and

7. quantities of specimens expected to be exported in the near future.

### Annex 2

#### Role of the Management Authority

The Conference of the Parties resolves that each Management Authority shall perform the following functions:

- a) communicate to the Secretariat requests 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) except in the case referred to in subparagraph iv) below, a description of the inspection procedures used by the Management Authority to confirm the identity and the legal origin of the parental stock;
  - iv) if the nursery uses wild-collected seeds or spores from the national population of the species, certification that the conditions specified in Resolution Conf. 11.11 (Rev. CoP15), section “Regarding the definition of ‘artificially propagated’”, in paragraphs a) and b) under RECOMMENDS, have been met; and
  - v) 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 communicate the results of these reviews to the Secretariat; and
- 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. 12.3 (Rev. CoP15). 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 (REV. COP15) VALID ONLY FOR THE FOLLOWING TAXA.

### Annex 3

#### Role of the Secretariat

The Conference of the Parties 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 purposes;
- 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
- f) receive and review information from Parties or other sources regarding failure of a registered nursery to comply 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.

#### Source codes

With Decision 13.68, the Conference of the Parties established Terms of Reference for the Animals and Plants Committees to establish an intersessional joint working group with the task to clearly define key elements of different production systems for specimens of CITES-listed species of animals and plants, to draw up a list of such systems and to determine which source codes to use. It further had to consider the definition of 'ranching'.

**Decision 15.52** instructs the Secretariat to:

- a) contingent on the availability of external funds, contract an appropriate expert to prepare a guide to advise the Parties on the appropriate use of source codes;
- b) provide a draft of this guide to the Animals and Plants Committees for review and comment; and
- c) prepare and distribute the final product, incorporating the feedback of the Animals and Plants Committees, to inform the Parties on the appropriate use of source codes.

**Decision 15.53** instructs the Animals and Plants Committees to review and provide feedback to the Secretariat on the draft guide to advise the Parties on the appropriate use of source codes.

### 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 continue 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.

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 programs 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.

**Resolution Conf. 11.11 (Rev. CoP15)** (from 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;

## Chapter 39 – Plant trade

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- b) enforcing agencies obtain access to materials and expertise enabling identification of plant specimens in trade, including whether the specimens are 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;
- d) enforcing agencies maintain close liaison with the Management and Scientific Authorities for the purpose of setting and implementing enforcement priorities; and
- e) material in trade is carefully checked in order to improve enforcement and in particular that plants declared to have been artificially propagated are checked both on import and on export (from Decision 9.22).

### 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, now (Rev. CoP15)**, 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 non-governmental 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 potential conservation benefits that may be derived from artificial propagation and, where appropriate, encourage artificial propagation as an alternative to the removal of specimens from the wild.

### Plant nomenclature

This was most recently addressed with **Resolution Conf. 12.11 (Rev. CoP15)** 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. Also see **Chapter 40** on Nomenclature.

### Identification of plant specimens

**Resolution Conf. 11.11 (Rev. CoP15)** 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 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 labeled, 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 (Rev. CoP15)** recommends (from Resolution Conf. 5.14) that:

a) whenever possible, Parties ensure programs 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;

## Chapter 39 – Plant trade

b) Parties establish salvaged specimens in cultivation where concerted attempts have failed to ensure that such programs do not put at risk wild populations of species included in the CITES Appendices; and

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.



**Bigleaf mahogany**

### 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. The ninth meeting of the Conference of the Parties therefore 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;

## Chapter 39 – Plant Trade

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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, which was revised quite importantly at COP 13 and amended again at CoP 14 and 15.

**Resolution Conf. 10.13 (Rev. CoP15)** on the Implementation of the Convention for timber species reads as follows:

The Conference of the Parties

RECOGNIZING that amendment proposals should contain the maximum amount of biological and trade information on the taxon concerned;

AWARE that such information is frequently available from international organizations that have expertise related to timber trade or forest management;

RECOGNIZING that parts and derivatives mentioned in the Interpretation of Appendices I, II and III should be clearly defined;

EMPHASIZING the need for Parties to report adequately on their annual trade in timber and to use agreed units of measurement;

AWARE that unambiguous identification of timber, by its nature, can be a complex procedure, requiring particular expertise;

RECOGNIZING 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;

NOTING 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;

NOTING further that the objective of the Convention is to ensure the conservation of wild fauna and flora for this and future generations through the protection of certain species against over-exploitation through international trade;

NOTING also that the Convention can play a positive role in promoting the conservation of animals and plants, including timber species, through trade in accordance with the requirements of Articles III, IV and V of the Convention and through improving trade monitoring for evaluation of biological status and effective enforcement;

## Chapter 39 – Plant trade

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RECOGNIZING that commercial trade may be beneficial to the conservation of species and ecosystems when carried out at levels that are not detrimental to the survival of the species in question;

RECOGNIZING also that Parties have the right to take stricter domestic measures concerning any species included in the Appendices;

AWARE that such measures can have effects unrelated to the conservation of listed species and could be taken for purposes not directly related to the purpose for which the species concerned were included in the CITES Appendices;

NOTING also that there are misconceptions that inclusion of a species in Appendix II or III represents a ban on trade in that species;

RECOGNIZING that such misconceptions can have negative impacts including the prohibition of or restriction on the use of CITES-listed timber species by architects, engineers, commercial businesses and others, and reduced use of such items by consumers;

ACKNOWLEDGING that education is an important tool in the effective implementation of the Convention;

NOTING 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;

NOTING that some timber species may be under threat because of detrimental levels of use and international trade;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that:

### **International organizations**

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 h) of the second RESOLVES of Resolution Conf. 9.24 (Rev. CoP15), the Secretariat should seek the views of ITTO, FAO and IUCN and present these to the Conference of the Parties;

## Chapter 39 – Plant Trade

Acronym	International organization	Data <i>B = Biological data T = Trade data</i>	
ATO	African Timber Organization	T	
ATTO	Asian-Pacific Timber Trade Organization	T	
CIFOR	Center for International Forestry Research	B	
FAO	Food and Agricultural Organization of the United Nations; Forestry Department	B	T
IBFRA	International Boreal Forest Research Association	B	
ITTO	International Tropical Timber Organization	B	T
IUFRO	International Union for Forest Research Organizations	B	
IUCN	International Union for Conservation of Nature	B	
IWPA	The International Wood Products Association	T	
SPT-TCA	Pro-tempore Secretariat of the Treaty for Amazonian Cooperation	B	
TRAFFIC	Trade Records Analysis of Flora and Fauna In Commerce	B	T
UCBD	Union pour le Commerce des Bois Durs dans l'U.E. (European Hardwood Federation)	T	
UNEP-WCMC	UNEP World Conservation Monitoring Centre	B	
WWF	World Wide Fund for Nature	B	

### Parts and derivatives

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 (HS code 44.031);

ii) Sawn wood

Wood simply sawn lengthwise or produced by a profile-chipping process. Sawn wood normally exceeds 6 mm in thickness (HS code 44.061, HS code 44.071);

## Chapter 39 – Plant trade

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### 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 44.081); and

### iv) Plywood

Consisting of three or more sheets of wood glued and pressed one on the other and generally disposed so that the grains of successive layers are at an angle (HS code 44.12.131, HS code 44.12.141, and HS code 44.12.221); and

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.

44.12.13 Plywood consisting solely of sheets of wood, each ply not exceeding 6 mm in thickness, and with at least one outer ply of tropical wood specified in Subheading Note 1.

44.12.14 Plywood consisting solely of sheets of wood, each ply not exceeding 6 mm in thickness, and with at least one outer ply of non-coniferous wood.

44.12.22 Other (meaning one ply, or more, that is greater than 6 mm in thickness), with at least one outer ply of non-coniferous wood, and with at least one ply of tropical wood specified in Subheading Note 1.

Subheading Note 1: For the purposes of subheadings 44.03.41 to 44.03.49, 44.07.24 to 44.07.29, 44.08.31 to 44.08.39, and 44.12.13 to 44.12.99, the expression 'tropical wood' means one of the following types of wood:

Abura, Acajou d'Afrique, Afrormosia, Ako, Alan, Andiroba, Aningré, Avodiré, Azobé, Balau, Balsa, Bossé clair, Bossé foncé, Cativo, Cedro, Dabema, Dark Red Meranti, Dibétou, Doussié, Framiré, Freijo, Fromager, Fuma, Geronggang, Ilomba, Imbuia, Ipé, Iroko, Jaboty, Jelutong, Jequitiba, Jongkong, Kapur, Kempas, Keruing, Kosipo, Kotibé, Koto, Light Red Meranti, Limba, Louro, Maçaranduba, Mahogany, Makoré, Mandioqueira, Mansonia, Mengkulang, Meranti Bakau, Merawan, Merbau, Merpauh, Mersawa, Moabi, Niangon, Nyatoh, Obeche, Okoumé, Onzabili, Orey, Ovengkol, Ozigo, Padauk, Paldao, Palissandre de Guatemala, Palissandre de Para, Palissandre de Rio, Palissandre de Rose, Pau Amarelo, Pau Marfim, Pulai, Punah, Quaruba, Ramin, Sapelli, Saqui-Saqui, Sepetir, Sipo, Sucupira, Suren, Teak, Tauari, Tiama, Tola, Virola, White Lauan, White Meranti, White Seraya, Yellow Meranti.

## Chapter 39 – Plant Trade

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d) for the purpose of annotations in the Appendices for parts and derivatives of species traded as timber, definitions to be used should, to the extent possible, be based on the tariff classifications of the Harmonized System of the World Customs Organization;

### **Amendment proposals for timber species**

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 or veneer sheets, the proponent also propose the relevant amendment to Resolution Conf. 12.3 (Rev. CoP15) 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;

### **Definition of 'artificially propagated'**

g) timber or other parts or derivatives of trees grown in monospecific plantations be considered as being artificially propagated in accordance with the definition contained in Resolution Conf. 11.11 (Rev. CoP15);

### **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**

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; and

### Establishment of export quotas for timber species

k) whilst fully respecting the requirements of paragraphs 2 (a) and 3 of Article IV of the Convention, Parties exporting timber specimens from species listed in Appendix II consider establishing voluntary annual national export quotas for such exports.

### Physical inspection of timber shipments

**Decision 14.61 (Rev. CoP15)** instructs the Standing Committee, with the support of the Secretariat, and in consultation with Parties and relevant intergovernmental organizations, to consider the outcome of the working group on physical inspection of timber shipments at its 61st meeting, to identify best practices and capacity-building measures that may be implemented with technical and/or financial support from donors, and report at the 16th meeting of the Conference of the Parties.

### Working Group on the Bigleaf Mahogany and Other Neotropical Timber Species

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:

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) analyze 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 analyze the results of the action specified in paragraphs i) to v) above; and

## Chapter 39 – Plant Trade

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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 fulfillment 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.

CoP13 decided that the Bigleaf Mahogany Working Group should continue its work under the Plants Committee and for the latter to report at CoP14 on progress made (Decisions 13.55 to 13.57). Decision 13.58 contained important recommendations to range states and Decision 13.59 concerned the need to exchange information and experience and to identify financial resources.

**Decision 15.91** provides that the name of the Bigleaf Mahogany Working Group shall be changed to "Working Group on the Bigleaf Mahogany and Other Neotropical Timber Species". Its terms of reference and membership are as follows:

### **Terms of reference**

a) The group shall work under the auspices of the Plants Committee;

b) The group shall act as a hub to circulate and exchange experiences on the sustainable use and management of these species;

c) The group shall contribute to the strengthening of capacities in range States;

## Chapter 39 – Plant trade

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- d) The group shall facilitate a complete and effective implementation of the Review of Significant Trade in the bigleaf mahogany in the range States concerned by this process;
- e) The group shall draft up reports on progress made in the management and conservation of and trade in the bigleaf mahogany, as well as on lessons learnt, for submission at the 19th and 20th meetings of the Plants Committee, which shall agree on how to submit them at the 16th meeting of the Conference of the Parties (CoP16);
- f) The group shall include, as one of its activities, an analysis of the information received from range States and from Parties on species included in Decision 14.146 (Rev. CoP15) and the present Annex;
- g) The group shall facilitate and promote the exchange knowledge and experiences gained as a result of the inclusion of *Cedrela odorata*, *Dalbergia retusa*, *Dalbergia granadillo* and *Dalbergia stevensonii* in Appendix III; and
- h) The chair of the working group shall produce written reports for the Plants Committee on the tasks specified in the paragraphs above for consideration at its 19th and 20th meetings, and shall submit them to the Secretariat 60 days before those meetings are held.

### Membership

- a) All range States;
- b) The main importers of mahogany: the Dominican Republic, the United States of America and the European Union (Spain and the United Kingdom of Great Britain and Northern Ireland);
- c) The two regional representatives of Central and South America and the Caribbean on the Plants Committee;
- d) Intergovernmental organizations: the European Union, the International Union for Conservation of Nature (IUCN), the International Tropical Timber Organization (ITTO), the Amazon Cooperation Treaty Organization (ACTO) and the Comisión Centroamericana de Ambiente y Desarrollo (CCAD, Central American Commission on the Environment and Development);
- e) Additionally, the Plants Committee shall select:
  - i) Two experts from two scientific institutions with relevant experience in forestry and management of neotropical timber species;
  - ii) Two experts from non-governmental organizations with experience in the forest management of these species in the region; and

## Chapter 39 – Plant Trade

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iii) Three representatives from organizations of exporters from the three main exporting Parties; and

f) The chairmanship and vice-chairmanship of the working group shall be undertaken by people from the range States who will be selected by the Plants Committee on the basis of their curricula vitae within a period of one month after the entry into force of the Decision. Should there be no candidate or should they resign from their functions during the intersessional period between CoP15 and CoP16, the regional representatives of Central and South America and the Caribbean shall act as interim chair or vice-chair of the group, as relevant.

**Decision 15.92** instructs the Plants Committee to explore mechanisms to support the implementation of Decision 14.146 (Rev. CoP15) and the related Annex, within the framework of cooperation between CITES and the International Tropical Timber Organization, and shall report on progress at the 16th meeting of the Conference of the Parties (CoP16).

**Decision 15.93** provides that:

a) The CITES Secretariat, within the framework of its cooperation with the International Tropical Timber Organization and other entities, shall seek funding from interested Parties, intergovernmental organizations, exporters, importers and other interested donors to support the implementation of Decision 14.146 (Rev. CoP15) and, if necessary, to ensure that the Working Group on the Bigleaf Mahogany and Other Neotropical Timber Species may work effectively.

b) The CITES Secretariat shall continue its joint work with the ITTO Secretariat and shall report on progress at the 16th meeting of the Conference of the Parties.

### Timber and annual reports

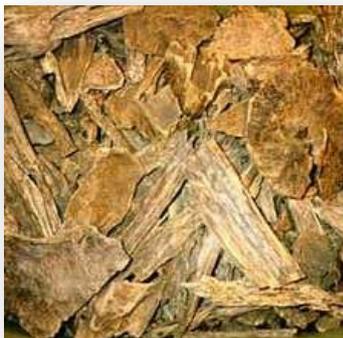
In 1997, the following recommendation to Management Authorities was included in Resolution Conf. 9.4 (Rev.), now

**Resolution Conf. 11.17 (Rev. CoP14):**

a) to consult their national timber organizations to identify any anomalies in their annual reports and to discuss remedies if such anomalies exist; 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.

### Agarwood



CoP 13 adopted a series of decisions on aspects of trade in agarwood-producing taxa:

13.61 The DNA work currently being undertaken by the National Herbarium of the Netherlands under contract to the Secretariat should continue and should be aimed at investigating the options for the development of identification tools based on molecular analysis.

13.62 As the trade is in the readily-identifiable product of agarwood, studies should include all known agarwood-producing taxa, not only the CITES-listed species *Aquilaria malaccensis*, and the possible inclusion of all agarwood-producing taxa in Appendix II needs to be discussed.

13.63 Further field research should be conducted on trade dynamics, including in the major importing and re-exporting States and territories of Southeast Asia, East Asia and the Middle East

13.64 The Secretariat should invite IUCN to re-evaluate the threatened status of all agarwood-producing taxa according to the IUCN criteria (Version 3.1).

13.65 The Secretariat shall:

a) assist in obtaining funding from interested Parties, intergovernmental and non-governmental organizations, exporters, importers and other stakeholders to support a capacity-building workshop on trade in agarwood prior to the 14th meeting of the Conference of the Parties;

b) contingent on availability of external funding, cooperate with exporting and importing countries, as well as significant re-exporting countries and relevant experts, to convene a capacity-building workshop aimed at improving enforcement and implementation of the listing of *Aquilaria malaccensis* and other agarwood-producing species;

c) in addition to basic enforcement and implementation issues, include in the workshop a discussion of registration and labelling systems, types of agarwood products in trade and the potential for establishing personal effects exemptions for each, and the usefulness of such approaches for effective implementation; and

d) present at the workshop any new information from the Plants Committee on identification of agarwood products in trade, as well as information that would assist in determining sustainable harvest levels and making non-detriment findings.

## Chapter 39 – Plant Trade

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Decision 14.139 provided that draft standardized units of reporting should be considered at the 15th meeting of the Conference of the Parties.

**Decision 14.137** provides that Parties involved in trade in agarwood should, in consultation with the Secretariat, identify funds and produce identification materials for all forms of traded products under CITES control.

**Decision 14.138 (Rev. CoP15)** provides that Parties concerned should identify and agree on which agarwood products and quantities should be exempted from CITES controls. Once agreed, Parties concerned should agree which range State will prepare and submit a proposal for amendment of the current annotation for agarwood-producing species to be considered at the 16th meeting of the Conference of the Parties.

**Decision 14.140** provides that Parties involved in agarwood trade shall prepare a glossary with definitions that illustrate the content of the amended annotations, the terms used and their practical application during enforcement and border controls. The Secretariat should facilitate the preparation and production of these materials, and strategies for incorporating them in training material.

**Decision 14.141** provides that Parties and the CITES Secretariat will work with intergovernmental and non-governmental organizations to seek ways to share information through the establishment of networks, organization of regional workshops, capacity-building programs, exchange of experiences and identification of financial resources.

**Decision 14.144 (Rev. CoP15)** instructs the Secretariat to assist in obtaining funding from Parties, intergovernmental and non-governmental organizations, exporters, importers and other stakeholders to support a workshop aimed at strengthening the capacity of Parties to implement agarwood-related Decisions before the 16th meeting of the Conference of the Parties.

**Decision 15.94** instructs the Plants Committee to consider current definitions of artificially propagated plants and how they apply to trees in mixed species plantations and report at the 16th meeting of the Conference of the Parties.

**Decision 15.95** instructs the Secretariat, subject to external funding, to, in cooperation with the agarwood range States and the Plants Committee, organize a workshop to discuss management of wild and plantation-source agarwood.

## Cedrela and Dalbergia action plan



Cedrela



Dalbergia

With **Decision 14.146 (Rev. CoP15)**, the Conference of the Parties adopted an Action Plan to complete knowledge on the status of conservation of, trade in and sustainable use of *Cedrela odorata*, *Dalbergia retusa*, *Dalbergia granadillo* and *Dalbergia stevensonii*:

1. The range States of *Cedrela odorata*, *Dalbergia retusa*, *Dalbergia granadillo* and *Dalbergia stevensonii* shall:

- a) complete and update the available information on the species mentioned in this Decision;
- b) assess the populations of the species mentioned in this Decision, taking into account inter alia the distribution, cover, density, size structure, regeneration dynamics and changes in land use in keeping with available budgets in the range States;
- c) report the existence, extent and type of forest plantations of the species mentioned in this Decision;
- d) compile the information related to export of the species mentioned in this Decision, including volumes and products, indicating the percentage from plantations;
- e) report to the Secretariat progress in the compilation of the information outlined in paragraphs a), b), c) and d) above, 60 days before the 19th and 20th meetings of the Plants Committee (PC19 and PC20), so that the Secretariat may present a report to the Committee and the Committee may adopt the necessary measures;
- f) consider the inclusion of their populations of *Cedrela odorata*, *Dalbergia retusa*, *Dalbergia granadillo* and *Dalbergia stevensonii* in Appendix III, with the adequate annotation, and ensure the implementation and enforcement of CITES with regard to those species in that Appendix;
- g) consider the production of identification material for those species and similar species, collaborating with relevant expert organizations; and

## Chapter 39 – Plant Trade

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h) consider providing technical and financial support to the Secretariats of CITES and the International Tropical Timber Organization (ITTO), in the framework of Resolution Conf. 14.4 on Cooperation between CITES and ITTO regarding trade in tropical timber.

2. Parties, with regard to *Cedrela odorata*, *Dalbergia retusa*, *Dalbergia granadillo* and *Dalbergia stevensonii*, shall:

a) compile the information on the import and re-export of the species mentioned in this Decision, including origin (wild or cultivated), volumes and products, indicating the country of origin and final destination;

b) report the existence, extent and type of forest plantations of the species mentioned in this Decision, including exported volumes and products;

c) report to the Secretariat on the compilation of the information outlined in paragraphs a) and b) above, 60 days before PC19 and PC20, so that the Secretariat may present a report to the Committee and the Committee may adopt the necessary measures; and

d) continue, support and strengthen the cooperation between CITES and ITTO in the framework of Resolution Conf. 14.4.

3. The Plants Committee shall:

a) establish the relevant methodology and necessary formats for the presentation of the information requested for the implementation of this Decision;

b) request the Working Group on the Bigleaf Mahogany and Other Neotropical Timber Species to incorporate, as a part of its activities and in the context of the present Decision, an analysis of information received on the species concerned, and to facilitate communication and the exchange of information between range States, including knowledge and experience gained as a result of the Appendix-III listing of *Cedrela odorata*;

c) receive, analyze and follow up the Action Plan at its 19th and 20th meetings; and

d) propose the relevant recommendations, such as an Appendix-II listing, for *Cedrela odorata*, *Dalbergia retusa*, *Dalbergia granadillo* and *Dalbergia stevensonii* prior to the 16th meeting of the Conference of the Parties.

4. The Secretariat shall:

a) seek external funding from interested parties, intergovernmental and non-governmental organizations, exporters, importers and other entities directly interested in supporting this Decision;

b) inform Parties of the management of funds that have been raised, of technical assistance and of how they may accede to these resources;

c) request technical and financial support from ITTO in the framework of Resolution Conf. 14.4 on Cooperation between CITES and ITTO regarding trade in tropical timber; and

d) promote and assist capacity building in the range States through workshops, trainings and other activities considered relevant in the period between the 15th and 16th meetings of the Conference of the Parties.



### 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;

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 12<sup>th</sup> 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 programs mentioned in the reports submitted in fulfillment 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 provided that Range States and importing States should negotiate with the devil's claw industry to obtain support for management programs 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

## Chapter 39 – Plant Trade

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 provided 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.



### *Aniba rosaeodora*

**Decision 15.90** provides that trading range States and importing Parties working with the Plants Committee, should:

- a) identify the best methods or potential methods for the identification of essential oil and, if required, wood;
- b) produce identification material and guidance;
- c) identify appropriate annotations to complement the proposed identification methods;
- d) explore whether additional species need to be listed to support effective identification and regulation of wood and oil;
- e) explore mechanisms for making non-detriment findings for this species; and
- f) report on their work at the 16th meeting of the Conference of the Parties (CoP16) and, if necessary, prepare additional amendment proposals for CoP16.



### *Bulnesia sarmientoi*

**Decision 15.96** provides that trading range States and importing Parties, working with the Plants Committee, should:

- a) identify the best methods for the identification of essential oil and wood;
- b) produce identification materials and guidance;
- c) develop appropriate annotations for identification methods;
- d) explore whether additional species need to be listed for identification and regulation of wood and oil; and

e) report on progress at the 16th meeting of the Conference of the Parties and, if necessary, prepare additional proposals for that meeting.

### Plant species from Madagascar



**Decision 15.97** provides that the Plants Committee and Madagascar shall:

a) review and gather further information on the succulent taxa proposed for listing at the 15th meeting of the Conference of the Parties but not adopted;

b) review and gather further information on species (including tree species) which would benefit from CITES listing;

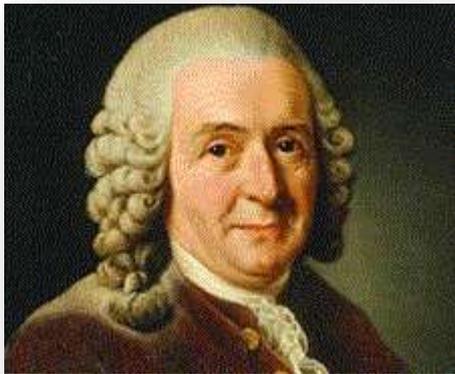
c) identify mechanisms to help build capacity to carry out non-detriment findings for currently listed species; and

d) report on their work at the 16th meeting of the Conference of the Parties and, if necessary, prepare proposals to amend the Appendices for submission at that meeting.

**Decision 15.98** provides that the Secretariat will work with the Plants Committee to seek any additional funds required to carry out this work.

## Chapter 40 - Nomenclature

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Carl von Linné

### Current standard nomenclature and recommendations

With Resolution Conf. 9.26, the Conference of the Parties noted that biological nomenclature is dynamic. It repeated this with Resolutions Conf. 10.22 and 11.22 and

**Resolution Conf. 12.11 (Rev. CoP15)** 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. 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 is 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. 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 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 acknowledges the desirability of harmonizing, to the extent possible, the species nomenclature used by the biodiversity-related multilateral environmental agreements and noting the endorsement of this objective by the chairs of the scientific advisory bodies of biodiversity-related conventions.

## Chapter 40 – Nomenclature

The operative part of **Resolution Conf. 12.11 (Rev. CoP15)** reads as follows:

The Conference of the Parties to the Convention

AGREES that species of fungi are covered by the Convention;

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;
- 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;
- c) where there are domesticated forms of listed taxa, the Animals and Plants Committees recommend names for the wild and domestic forms;
- d) when submitting a proposal to amend the Appendices to the Convention, the proponent identify the reference used to describe the entity being proposed;
- e) upon receiving proposals to amend the Appendices to the Convention, the Secretariat seek, where appropriate, the advice of the Animals and Plants Committees on the correct names to use for the species or other taxa in question;
- f) whenever a change in the name of a taxon included in the Appendices is proposed, the Secretariat, in consultation with the Animals or Plants Committee, determine whether this change would alter the scope of protection for fauna or flora under the Convention. In the case where the scope of a taxon is redefined, the Animals or Plants Committee shall evaluate whether acceptance of the taxonomic change would cause additional species to be included in the Appendices or listed species to be deleted from the Appendices and, if that is the case, the Depositary Government should be requested to submit a proposal to amend the Appendices in accordance with the recommendation of the Animals or Plants Committee, so that the original intent of the listing is retained. Such proposals should be submitted for consideration at the next regular meeting of the Conference of the Parties, at which the recommendations of the Animals and Plants Committees will be considered;
- g) 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 Animals or Plants Committee should determine the most appropriate taxonomic authority, until a formal recommendation to the Conference of the Parties is made. The Animals or Plants Committee shall include this interim decision in its report to the Conference of

## Chapter 40 – Nomenclature

the Parties, for adoption. The Secretariat shall notify the Parties about the interim decision;

h) the Secretariat be provided with 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;

i) final recommendations to update current or adopt new standard nomenclatural references should be made available 150 days prior to every meeting of the Conference of the Parties; and

j) when the Animals or Plants Committee recommends a change in the name of a taxon to be used in the Appendices, it also provide an evaluation of the implications for the implementation of the Convention;

RECOMMENDS the following procedure for updating current standard nomenclatural references and adoption of new ones:

a) the process for updating current standard nomenclatural references and adoption of new ones shall be initiated directly by the Animals or Plants Committee on their own initiative or by the submission of a proposal to the Committees by:

i) one or more Parties; or

ii) the Secretariat, on its own initiative or in response to information it has received from the Parties; and

b) proposed changes shall be based on recognized taxonomic publications. In the case where a proposed amendment to the nomenclatural status of a taxon is still under discussion, the new taxonomy should not be adopted;

RESOLVES that the Secretariat, in consultation with the Animals or Plants Committee, may make orthographical changes in the lists of species included in the Appendices to the Convention, without consulting the Conference of the Parties, and shall inform the Parties of those changes;

DIRECTS the Secretariat, in close cooperation with the nomenclature specialists of the Animals and Plants Committees, and in the implementation of its memoranda of understanding or cooperation, or programmes of work with other biodiversity-related multilateral environmental agreements, to consider ways of harmonizing the taxonomy and nomenclature of species included in their respective provisions;

ADOPTS the taxonomic and nomenclatural references listed in the Annex to this Resolution as the official standard references for species included in the Appendices;

RECOGNIZES the *Checklist of CITES species*, compiled by the UNEP World Conservation Monitoring Centre, 2005, and its updates, as an official digest of scientific names contained in the standard references, that fully reflects the taxonomy and nomenclature contained in the original species proposals, the recommendations of the Animals or

## Chapter 40 – Nomenclature

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Plants Committee and all accepted names included in the standard references that have been adopted by the Conference of the Parties for species included in the Appendices;

AGREES 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 amendment proposal;

URGES Parties to assign to their Scientific Authorities the principal responsibility for:

- a) interpretation of the listings;
- b) consultation with the Animals or Plants Committee as appropriate;
- 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 cooperating in the development and maintenance of the checklists;

REQUESTS the Secretariat to make each standard reference for Orchidaceae available to the Parties immediately after its completion;

DIRECTS the Secretariat, in close cooperation with the nomenclature specialists of the Animals and Plants Committees, to promote harmonization of the taxonomy and nomenclature used by biodiversity-related multilateral environmental agreements.

**Decision 15.61** provides that a 'tool-kit' to facilitate the Parties in putting information into their own databases could be developed, subject to funding. This tool could include data outputs and summaries of nomenclature changes in a variety of electronic formats to suit different types of databases thus assisting Parties to include the changes into their own databases.

**Decision 15.62** provides that:

- a) Subject to funding, the Animals Committee shall undertake a review of recent proposed changes to the taxonomy and nomenclature of CITES-listed mammals, reptiles and amphibians of Madagascar, with a view to producing checklists to be considered by the Animals Committee in preparation for the 16th meeting of the Conference of the Parties.
- b) If nomenclature changes are identified affecting Appendix-III listings, the nomenclature specialist of the Animals Committee should advise the Secretariat whether these changes also result in changes in distribution affecting the countries issuing certificates of origin.

**Decision 15.63** instructs the Animals and Plants Committees to conduct an analysis to identify taxa listed in the Appendices that can be included under the name of a higher taxon without altering the scope of the listing, to be consistent with the section on

## Chapter 40 – Nomenclature

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“Higher taxa” in Annex 3 of Resolution Conf. 9.24 (Rev. CoP15), and, where appropriate, prepare proposals for submission to the Conference of the Parties by the Depository Government.

**Decision 15.64** instructs the Animals Committee to **a) identify existing coral reference materials that could be adopted as standard nomenclatural references for CITES-listed corals.**

**Decision 15.67** encourages the Parties to consider the usefulness of incorporating taxonomic serial numbers in their domestic data systems and provide comments to the Secretariat.

**Decision 15.68** instructs the Standing Committee to, at its 61st meeting (SC61), establish a working group, in consultation with the nomenclature experts of the Animals and Plants Committees and the UNEP World Conservation Monitoring Centre, to:

- a) investigate the usefulness and feasibility of incorporating taxonomic serial numbers as an element of CITES data sets;
- b) report its findings at SC62; and
- c) if necessary, prepare a draft resolution for submission and consideration at the 16th meeting Conference of the Parties.

**Decision 15.69** directs the Secretariat to, subject to external funding, compile information voluntarily provided by the Parties regarding the usefulness of incorporating taxonomic serial numbers in their domestic data and make this information available to other Parties.

### Annex

#### List of standard references adopted by the Conference of the Parties

##### FAUNA

##### Mammalia

WILSON, D. E. & REEDER, D. M. (ed.) (2005): *Mammal Species of the World. A Taxonomic and Geographic Reference*. Third edition, Vol. 1-2, xxxv + 2142 pp. Baltimore (John Hopkins University Press). [For all mammals – with the exception of the recognition of the following names for wild forms of species (in preference to names for domestic forms): *Bos gaurus*, *Bos mutus*, *Bubalus arnee*, *Equus africanus*, *Equus przewalskii*, *Ovis orientalis ophion*; and with the exception of the species mentioned below]

## Chapter 40 – Nomenclature

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BEASLEY, I., ROBERTSON, K. M. & ARNOLD, P. W. (2005): Description of a new dolphin, the Australian Snubfin Dolphin, *Orcaella heinsohni* sp. n. (Cetacea, Delphinidae). -- *Marine Mammal Science*, 21(3): 365-400. [For *Orcaella heinsohni*]

CABALLERO, S., TRUJILLO, F., VIANNA, J. A., BARRIOS-GARRIDO, H., MONTIEL, M. G., BELTRÁN-PEDREROS, S. MARMONTEL, M., SANTOS, M. C., ROSSI-SANTOS, M. R., SANTOS, F. R. & BAKER, C. S. (2007). Taxonomic status of the genus *Sotalia*: species level ranking for "tucuxi" (*Sotalia fluviatilis*) and "costero" (*Sotalia guianensis*) dolphins. *Marine Mammal Science* 23: 358-386 [for *Sotalia fluviatilis* and *Sotalia guianensis*]

MERKER, S. & GROVES, C. P. (2006): *Tarsius lariang*: A new primate species from Western Central Sulawesi. – *International Journal of Primatology*, 27(2): 465-485. [For *Tarsius lariang*]

RICE, D. W., 1998: *Marine Mammals of the World: Systematics and Distribution*, Society of Marine Mammalogy Special Publication Number 4, The Society for Marine Mammalogy, Lawrence, Kansas [for *Physeter macrocephalus* and *Platanista gangetica*]

WADA, S., OISHI, M. & YAMADA, T. K. (2003): A newly discovered species of living baleen whales. – *Nature*, 426: 278-281. [For *Balaenoptera omurai*]

WILSON, D. E. & REEDER, D. M. (1993): *Mammal Species of the World: a Taxonomic and Geographic Reference*. Second edition. xviii + 1207 pp., Washington (Smithsonian Institution Press). [for *Loxodonta africana*, *Puma concolor*, *Lama guanicoe* and *Ovis vignei*]

### Aves

MORONY, J. J., BOCK, W. J. & FARRAND, J., Jr. (1975): *Reference List of the Birds of the World*. American Museum of Natural History. 207 pp. [for order- and family-level names for birds]

DICKINSON, E. C. (ed.) (2003): *The Howard and Moore Complete Checklist of the Birds of the World*. Revised and enlarged 3rd Edition. 1039 pp. London (Christopher Helm). [for all bird species – except for the taxa mentioned below]

DICKINSON, E. C. (2005): *Corrigenda 4 (02.06.2005) to Howard & Moore Edition 3 (2003)* [for all bird species – except for the taxa mentioned below]

ARNDT, T. (2008): Anmerkungen zu einigen *Pyrrhura*-Formen mit der Beschreibung einer neuen Art und zweier neuer Unterarten. – *Papageien*, 8: 278-286. [for *Pyrrhura parvifrons*]

COLLAR, N. J. (1997) Family Psittacidae (Parrots). In DEL HOYO, J., ELLIOT, A. AND SARGATAL, J. (eds.), *Handbook of the Birds of the World, 4 (Sandgrouse to Cuckoos)*: 280-477. Barcelona (Lynx Edicions). [for *Psittacula intermedia* and *Trichoglossus haematodus*]

COLLAR, N. J. (2006): A partial revision of the Asian babblers (Timaliidae). – *Forktail*, 22: 85-112. [for *Garrulax taewanus*]

CORTÉS-DIAGO, A., ORTEGA, L. A., MAZARIEGOS-HURTADO, L. & WELLER, A.-A. (2007): A new species of *Eriocnemis* (Trochilidae) from southwest Colombia. -- *Ornitologia Neotropical*, 18: 161-170. [for *Eriocnemis isabellae*]

## Chapter 40 – Nomenclature

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DA SILVA, J. M. C., COELHO, G. & GONZAGA, P. (2002): Discovered on the brink of extinction: a new species of pygmy owl (Strigidae: Glaucidium) from Atlantic forest of north-eastern Brazil. – *Ararajuba*, 10(2): 123-130. [for *Glaucidium mooreorum*]

GABAN-LIMA, R., RAPOSO, M. A. & HOFLING, E. (2002): Description of a new species of *Pionopsitta* (Aves: Psittacidae) endemic to Brazil. – *Auk*, 119: 815-819. [for *Pionopsitta aurantiocephala*]

INDRAWAN, M. & SOMADIKARTA, S. (2004): A new hawk-owl from the Togian Islands, Gulf of Tomini, central Sulawesi, Indonesia. – *Bulletin of the British Ornithologists' Club*, 124: 160-171. [for *Ninox burhani*]

NEMESIO, A. & RASMUSSEN, C. (2009): The rediscovery of Buffon's "Guarouba" or "Periche jaune": two senior synonyms of *Aratinga pinto* SILVEIRA, LIMA & HÖFLING, 2005 (Aves: Psittaciformes). – *Zootaxa*, 2013: 1-16. [for *Aratinga maculata*]

PARRY, S. J., CLARK, W. S. & PRAKASH, V. (2002) On the taxonomic status of the Indian Spotted Eagle *Aquila hastata*. – *Ibis*, 144: 665-675. [for *Aquila hastata*]

ROSELAAR, C. S. & MICHELS, J. P. (2004): Nomenclatural chaos untangled, resulting in the naming of the formally undescribed *Cacatua* species from the Tanimbar Islands, Indonesia (Psittaciformes: Cacatuidae). – *Zoologische Verhandelingen*, 350: 183-196. [for *Cacatua goffiniana*]

WARAKAGODA, D. H. & RASMUSSEN, P. C. (2004): A new species of scops-owl from Sri Lanka. – *Bulletin of the British Ornithologists' Club*, 124(2): 85-105. [for *Otus thilohoffmanni*]

WHITTAKER, A. (2002): A new species of forest-falcon (Falconidae: *Micrastur*) from southeastern Amazonia and the Atlantic rainforests of Brazil. – *Wilson Bulletin*, 114: 421-445. [for *Micrastur mintoni*]

### Reptilia

ANDREONE, F., MATTIOLI, F., JESU, R. & RANDRIANIRINA, J. E. (2001): Two new chameleons of the genus *Calumma* from north-east Madagascar, with observations on hemipenial morphology in the *Calumma furcifer* group (Reptilia, Squamata, Chamaeleonidae) – *Herpetological Journal*, 11: 53-68. [for *Calumma vatosoa* and *Calumma vencesi*]

APLIN, K. P., FITCH, A. J. & KING, D. J. (2006): A new species of *Varanus* Merrem (Squamata: Varanidae) from the Pilbara region of Western Australia, with observations on sexual dimorphism in closely related species. – *Zootaxa*, 1313: 1-38. [for *Varanus bushi*]

AVILA PIRES, T. C. S. (1995): Lizards of Brazilian Amazonia (Reptilia: Squamata) – *Zoologische Verhandelingen*, 299: 706 pp. [for *Tupinambis*]

BÖHME, W. (1997): Eine neue Chamäleon-Art aus der *Calumma gastrotaenia* – Verwandtschaft Ost-Madagaskars – *Herpetofauna* (Weinstadt), 19 (107): 5-10. [for *Calumma glawi*]

BÖHME, W. (2003): Checklist of the living monitor lizards of the world (family Varanidae) – *Zoologische Verhandelingen*. Leiden, 341: 1-43. [for Varanidae]

## Chapter 40 – Nomenclature

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- BÖHME, W. & ZIEGLER, T. (2005): A new monitor lizard from Halmahera, Moluccas, Indonesia (Reptilia: Squamata: Varanidae). – *Salamandra*, 41(1/2): 51-59. [for *Varanus zugorum*]
- BRANCH, W. R. (2007): A new species of tortoise of the genus *Homopus* (Chelonia: Testudinidae) from southern Namibia. – *African Journal of Herpetology*, 56(1): 1-21. [for *Homopus solus*]
- BRANCH, W. R., TOLLEY, K. A. & TILBURY, C. R. (2006): A new Dwarf Chameleon (Sauria: *Bradypodion* Fitzinger, 1843) from the Cape Fold Mountains, South Africa. – *African Journal Herpetology*, 55(2): 123-141. [for *Bradypodion atromontanum*]
- BROADLEY, D. G. (1999): The southern African python, *Python natalensis* A. Smith 1840, is a valid species. – *African Herp News* 29: 31-32. [for *Python natalensis*]
- BROADLEY, D. G. (2006): *CITES Standard reference for the species of Cordylus (Cordylidae, Reptilia)* prepared at the request of the CITES Nomenclature Committee [for *Cordylus*]
- BURTON, F. J. (2004): Revision to Species *Cyclura nubila lewisi*, the Grand Cayman Blue Iguana – *Caribbean Journal of Science*, 40(2): 198-203. [For *Cyclura lewisi*]
- CEI, J. M. (1993): *Reptiles del noroeste, nordeste y este de la Argentina – herpetofauna de las selvas subtropicales, Puna y Pampa* – Monografie XIV, Museo Regionale di Scienze Naturali. [for *Tupinambis*]
- COLLI, G. R., PÉRES, A. K. & DA CUNHA, H. J. (1998): A new species of *Tupinambis* (Squamata: Teiidae) from central Brazil, with an analysis of morphological and genetic variation in the genus – *Herpetologica* 54: 477-492. [for *Tupinambis cerradensis*]
- DIRKSEN, L. (2002): *Anakondas*. NTV Wissenschaft. [for *Eunectes beniensis*]
- DOMÍNGUEZ, M., MORENO, L. V. & HEDGES, S. B. (2006): A new snake of the genus *Tropidophis* (Tropidophiidae) from the Guanahacabibes Peninsula of Western Cuba. – *Amphibia-Reptilia*, 27 (3): 427-432. [for *Tropidophis xanthogaster*]
- EIDENMÜLLER, B. & WICKER, R. (2004): Eine weitere neue Waranart aus dem *Varanus prasinus*-Komplex von der Insel Misol, Indonesien. – *Sauria*, 27(1): 3-8. [for *Varanus reisingeri*]
- FITZGERALD, L. A., COOK, J. A. & LUZ AQUINO, A. (1999): Molecular Phylogenetics and Conservation of *Tupinambis* (Sauria: Teiidae). – *Copeia*, 4: 894-905. [for *Tupinambis duseni*]
- FRITZ, U. & HAVAŠ, P. (2007): Checklist of Chelonians of the World. – *Vertebrate Zoology*, 57(2): 149-368. Dresden. ISSN 1864-5755 [without its appendix; for Testudines for species and family names – with the exception of the retention of the following names *Mauremys iversoni*, *Mauremys pritchardi*, *Ocacia glyphistoma*, *Ocacia philippeni*, *Sacalia pseudocellata*]
- GLAW, F., KOSUCH, J., HENKEL, W. F., SOUND, P. AND BÖHME, W. (2006): Genetic and morphological variation of the leaf-tailed gecko *Uroplatus fimbriatus* from Madagascar,

## Chapter 40 – Nomenclature

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with description of a new giant species. – *Salamandra*, 42: 129-144. [for *Uroplatus giganteus*]

GLAW, F. & M. VENCES (2007): *A field guide to the amphibians and reptiles of Madagascar*, third edition. Vences & Glaw Verlag, 496 pp. [for *Calumma ambreense*]

HALLMANN, G., KRÜGER, J. & TRAUTMANN, G. (2008). Faszinierende Taggeckos. Die Gattung *Phelsuma*. 2. überarbeitete und erweiterte Auflage, 253 pp., Münster (Natur und Tier – Verlag). ISBN 978-3-86659-059-5. [for *Phelsuma* spp., however, with the retention of *Phelsuma ocellata*]

HARVEY, M. B., BARKER, D. B., AMMERMAN, L. K. & CHIPPINDALE, P. T. (2000): Systematics of pythons of the *Morelia amethystina* complex (Serpentes: Boidae) with the description of three new species – *Herpetological Monographs*, 14: 139-185. [for *Morelia clastolepis*, *Morelia nauta* and *Morelia tracyae*, and elevation to species level of *Morelia kinghorni*]

HEDGES, B. S., ESTRADA, A. R. & DIAZ, L. M. (1999): New snake (*Tropidophis*) from western Cuba – *Copeia* 1999(2): 376-381. [for *Tropidophis celiae*]

HEDGES, B. S. & GARRIDO, O. (1999): A new snake of the genus *Tropidophis* (Tropidophiidae) from central Cuba – *Journal of Herpetology*, 33: 436-441. [for *Tropidophis spiritus*]

HEDGES, B. S., GARRIDO, O. & DIAZ, L. M. (2001): A new banded snake of the genus *Tropidophis* (Tropidophiidae) from north-central Cuba – *Journal of Herpetology*, 35: 615-617. [for *Tropidophis morenoi*]

HEDGES, B. S. & GARRIDO, O. (2002): A new snake of the genus *Tropidophis* (Tropidophiidae) from Eastern Cuba – *Journal of Herpetology*, 36:157-161. [for *Tropidophis hendersoni*]

HOLLINGSWORTH, B. D. (2004): The Evolution of Iguanas: An Overview of Relationships and a Checklist of Species. pp. 19-44. In: Alberts, A. C., Carter, R. L., Hayes, W. K. & Martins, E. P. (Eds), *Iguanas: Biology and Conservation*. Berkeley (University of California Press). [for Iguanidae except for the recognition of *Brachylophus bulabula*, *Phrynosoma blainvillii*, *P. cerroense* and *P. wigginsi* as valid species]

JACOBS, H. J. (2003): A further new emerald tree monitor lizard of the *Varanus prasinus* species group from Waigeo, West Irian (Squamata: Sauria: Varanidae) – *Salamandra*, 39(2): 65-74. [for *Varanus boehmei*]

JESU, R., MATTIOLI, F. & SCHIMENTI, G. (1999): On the discovery of a new large chameleon inhabiting the limestone outcrops of western Madagascar: *Furcifer nicosiai* sp. nov. (Reptilia, Chamaeleonidae) – *Doriana* 7(311): 1-14. [for *Furcifer nicosiai*]

KEOGH, J. S., BARKER, D. G. & SHINE, R. 2001. Heavily exploited but poorly known: systematics and biogeography of commercially harvested pythons (*Python curtus* group) in Southeast Asia – *Biological Journal of the Linnean Society*, 73: 113-129. [for *Python breitensteini* and *Python brongersmai*]

KEOGH, J. S., EDWARDS, D. L., FISHER, R. N. & HARLOW, P. S. (2008): Molecular and morphological analysis of the critically endangered Fijian iguanas reveals cryptic diversity

## Chapter 40 – Nomenclature

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and a complex biogeographic history. – *Phil. Trans. R. Soc. B*, 363(1508): 3413-3426. [for *Brachylophus bulabula*]

KLAVER, C. J. J. & BÖHME, W. (1997): *Chamaeleonidae – Das Tierreich*, 112, 85 pp. [for *Bradypodion*, *Brookesia*, *Calumma*, *Chamaeleo* and *Furcifer* – except for the *Bradypodion* species changed to *Kinyongia* and *Nadzikambia*, and except for the recognition of *Calumma andringitraense*, *C. guillaumeti*, *C. hilleniusi* and *C. marojezense* as valid species]

KOCH, A., AULIYA, M., SCHMITZ, A., KUCH, U. & BÖHME, W. (2007): Morphological Studies on the Systematics of South East Asian Water Monitors (*Varanus salvator* Complex): Nominotypic Populations and Taxonomic Overview. – *Mertensiella*, 16: 109. [for *Varanus cumingi*, *Varanus marmoratus*, *Varanus nuchalis*, *Varanus togianus*]

LUTZMANN, N. & LUTZMANN, H. (2004): Das grammatikalische Geschlecht der Gattung *Calumma* (Chamaeleonidae) und die nötigen Anpassungen einiger Art- und Unterartbezeichnungen. – *Reptilia* (Münster) 9(4): 4-5 (Addendum in issue 5: 13). [for *Calumma cucullatum*, *Calumma nasutum*]

MANZANI, P. R. & ABE, A. S. (1997): A new species of *Tupinambis* Daudin, 1802 (Squamata, Teiidae) from central Brazil – *Boletim do Museu Nacional Nov. Ser. Zool.*, 382: 1-10. [for *Tupinambis quadrilineatus*]

MANZANI, P. R. & ABE, A. S. (2002): A new species of *Tupinambis* Daudin, 1803 from southeastern Brazil – *Arquivos do Museu Nacional, Rio de Janeiro*, 60(4): 295-302. [for *Tupinambis palustris*]

MARIAUX, J., LUTZMANN, N. & STIPALA, J. (2008): The two-horned chamaeleons of East Africa. – *Zoological Journal Linnean Society*, 152: 367-391. [for *Kinyongia vosseleri*, *Kinyongia boehmei*]

MASSARY, J.-C. DE & HOOGLMOED, M. (2001): The valid name for *Crocodilurus lacertinus auctorum* (nec Daudin, 1802) (Squamata: Teiidae) – *Journal of Herpetology*, 35: 353-357. [for *Crocodilurus amazonicus*]

McDIARMID, R. W., CAMPBELL, J. A. & TOURÉ, T. A. (1999): *Snake Species of the World. A Taxonomic and Geographic Reference*. Volume 1, Washington, DC. (The Herpetologists' League). [for *Loxocemidae*, *Pythonidae*, *Boidae*, *Bolyeriidae*, *Tropidophiidae* and *Viperidae* – except for the retention of the genera *Acrantophis*, *Sanzinia*, *Calabaria* and *Lichanura* and the recognition of *Epicrates maurus* and *Tropidophis xanthogaster* as valid species]

MONTANUCCI, R.R. (2004): Geographic variation in *Phrynosoma coronatum* (Lacertilia, Phrynosomatidae): further evidence for a peninsular archipelago. – *Herpetologica*, 60: 117. [for *Phrynosoma blainvillii*, *Phrynosoma cerroense*, *Phrynosoma wigginsi*]

NECAS, P., MODRY, D. & SLAPETA, J. R. (2003): *Chamaeleo* (*Triceros*) *narraioca* n. sp. (Reptilia Chamaeleonidae), a new chamaeleon species from a relict montane forest of Mount Kulal, northern Kenya. – *Tropical Zool.*, 16:1-12. [for *Chamaeleo narraioca*]

## Chapter 40 – Nomenclature

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## Chapter 40 – Nomenclature

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## Chapter 40 – Nomenclature

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## Chapter 41 - The African Elephant

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### 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 in-

creasing 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

## Chapter 41 – The African Elephant

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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 the African elephant as agreed at the IUCN meeting of the African elephant and Rhino specialist group held in 1981.

The Conference directed the then 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 programs, 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.

The quota system did not stop the illegal trade at all and in **1989**, at the seventh meeting of the Conference of the Parties, the African elephant was transferred to Appendix I and **Resolution Conf. 7.8** urged all Parties 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.

In **1994**, all earlier recommendations were - with a view to reduce the number of applicable resolutions - consolidated in **Resolution Conf. 9.16**.

## Chapter 41 – The African Elephant

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That Resolution was, in **1997**, replaced with Resolution Conf. 10.10, which was revised several times and became **Resolution Conf. 10.10 (Rev. CoP15)** in 2010.

With Resolutions Conf. 6.14 and Conf. 6.16 the first recommendations were made about the registration and licensing of commercial exporters and importers, ivory workers, outlets, etcetera. This issue is now covered by **Resolution Conf. 10.10 (Rev. CoP15)**.

The following recommendations are no longer contained in **Resolution Conf.10.10 (Rev. CoP15)**:

Resolution Conf. 3.12 and Conf. 9.16 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 relation 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. Resolution Conf. 9.8 (Rev.) on Enforcement now contains these provisions but without limiting them to illegal trade.

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.

## Chapter 41 – The African Elephant

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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.

### Current provisions

All of the above resulted in **Resolution Conf. 10.10 (Rev. CoP15)** on

### Trade in elephant specimens

It notes that the Asian elephant, *Elephas maximus*, has been included in Appendix I since 1973 and 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 that some populations were transferred back to Appendix II, under a set of conditions, at the 10th meeting (Harare, 1997) and at the 11th meeting (Gigiri, 2000).

It recognizes that elephant range States are the best protectors of their elephants but that the majority of them lack adequate enforcement capacity to ensure the security of their elephant populations.

It expresses awareness of the fact that monitoring systems should encompass capacity-building in range States, to provide information to facilitate elephant management, and to prioritize and guide enforcement initiatives and protection efforts.

The Parties also expressed their conviction that the enhancement of elephant security in Africa and Asia would be facilitated by cooperation, data-sharing and mutual assistance between and among the range States.

### Definitions

The Conference of the Parties agrees that:

- a) the term 'raw ivory' shall include all whole elephant tusks, polished or unpolished and in any form whatsoever, and all elephant ivory in cut pieces, polished or unpolished and however changed from its original form, except for 'worked ivory' (from Resolutions Conf. 3.12 and 6.15); and
- b) 'worked ivory' shall be considered readily recognizable and that this term shall cover all items made of ivory for jewelry, 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 ivory' (from Resolutions Conf. 3.12 and 6.16);

Resolution Conf. 6.16 also recommended 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.

## Chapter 41 – The African Elephant

Until the CoP 11, the above definitions specifically referred to African elephant ivory.



### Marking

The Conference of the Parties 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, indelible ink, or other form of permanent marking, 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 (from Resolutions Conf. 3.12 and 6.15);

### Control of internal ivory trade

The Conference of the Parties 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:

- a) register or license all importers, manufacturers, wholesalers and retailers dealing in raw, semi-worked or worked ivory products;
- b) establish a nationwide 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
- 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;

urges the Secretariat, where possible, to assist Parties in improving these legislative, regulatory and enforcement measures; and

## Chapter 41 – The African Elephant

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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.

### 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;

### Regarding monitoring of illegal hunting of and trade in elephant specimens

The Conference of the Parties agrees 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;
- iii) establishing an information base to support the making of decisions on appropriate management, protection and enforcement needs; and

## Chapter 41 – The African Elephant

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- iv) building capacity in range States;
- b) these monitoring systems 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*;
- 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;

### Assistance to elephant range States

The Conference of the Parties agrees 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 (from *Resolution Conf. 6.12*).

### Quotas for and trade in raw ivory

It is of course needless to say that the recommendations in this section do not apply to the current listings of elephant populations. The approval of export quotas for raw ivory is a lot more complicated than it would appear from the following recommendations. It might therefore have been better to delete them from the Resolution, maybe with the exception of the one in letter k), which is, however, not implemented by any country under the current circumstances.

The Conference of the Parties 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 (from *Resolution Conf. 5.12*);
- b) each export quota be communicated to the CITES Secretariat in writing by 31 December for the next calendar year (1 January to 31 December) (from *Resolution Conf. 5.12*, where the deadline was 1 December);
- c) Parties ensure that significant amounts of confiscated ivory are notified separately to the Secretariat and are not incorporated in quota submissions (from *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;

## Chapter 41 – The African Elephant

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This paragraph 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 (from 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 (from 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's Manual (from 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 (from 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) (from Resolution Conf. 5.12);

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 (from Resolution Conf. 5.12);

k) all Parties maintain an inventory of the stock of raw ivory held within their territory, and inform the Secretariat of the level of this stock each year before 31 January, indicating the source of the ivory;

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.

and

l) Parties assist the Secretariat to ensure that the duties set out in this Resolution are carried out (from Resolution Conf. 5.12);

and

### Resources required for implementation of this Resolution

The Conference of the Parties 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 (from Resolution Conf. 5.12);

Annex 1 to Resolution Conf. 10.10 (Rev. CoP15) concerns the

### 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 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.

## Chapter 41 – The African Elephant

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A data collection form has been designed and circulated to all Parties by the CITES Secretariat.

### 4. Data collection and compilation

The MIKE and ETIS Technical Advisory Group (TAG) supports the development and implementation of ETIS. ETIS will be managed and coordinated by TRAFFIC in consultation with the TAG.

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.

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) and in consultation with TAG.

### 6. Reporting

TRAFFIC will produce a comprehensive report for 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.

*Note from the author: It is not clear from this statement who is responsible for its implementation. The fact that the Conference of the Parties charges a non-governmental organization to carry out important tasks, which demand a lot of financial and human resources, without providing its funding is no guarantee for ETIS to be fully operational.*

**Annex 2 to Resolution Conf. 10.10 (Rev. CoP15)** concerns the

## Monitoring of illegal hunting in elephant range States

### 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 establish-

## Chapter 41 – The African Elephant

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ment 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.

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.

### **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 and ETIS Technical Advisory Group (TAG).

### **3. Data collection, compilation and reporting**

Data collection will cover the following topics:

- elephant population data/trends;
- incidence and patterns of illegal hunting; and
- 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;

## Chapter 41 – The African Elephant

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- 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.

**Decision 14.78 (Rev. CoP15)** instructs the Secretariat, in preparation for the 61st and 62nd meetings of the Standing Committee, pending the necessary external funding, to:

- a) produce an updated analysis of MIKE data, pending the availability of adequate new MIKE data;
- b) invite TRAFFIC to submit an updated analysis of ETIS data and UNEP-WCMC to provide an overview of the latest elephant trade data;
- c) invite the IUCN/SSC African and Asian Elephant Specialist Groups to submit any new and relevant information on the conservation status of elephants, and on pertinent conservation actions and management strategies; and
- d) invite the African elephant range States to provide information on progress made in the implementation of the African elephant action plan.

On the basis of the information specified above, the Secretariat shall recommend actions for consideration by the Standing Committee.

### 4. Reporting

The CITES Secretariat will provide an updated report on information collected, as part of this monitoring programme, at each meeting of the Conference of the Parties.

### 5. Funding

Substantial funding will be required for the above activities.

*Note from the author: This statement does not even contain the vague decision in Annex 1 of the Resolution about a funding mechanism to keep ETIS operational. It is therefore likely— unless important sums of external funding are found well before the current donor money for MIKE runs out – that MIKE will not be able to continue to be operational. The Secretariat’s Costed Program of Work for 2012 and 2013 does not contain a provision that MIKE will be funded from the core budget.*

**Decision 15.74** instructs the Standing Committee to, in consultation with African and Asian elephant range States and the Secretariat, evaluate the need to revise Resolution

## Chapter 41 – The African Elephant

Conf. 10.10 (Rev. CoP15) and present a summary of the consultations and its proposals in this regard at the 16th meeting of the Conference of the Parties.

### Internal ivory trade

Prior to the provisions with regard to internal ivory trade controls in **Resolution Conf.**



**10.10 (Rev. CoP15)**, the 12th meeting of the Conference of the Parties adopted the following decisions on the subject:

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.

## Chapter 41 – The African Elephant

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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 program 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.

**Decision 13.26 (Rev. CoP15)** establishes an

### **Action Plan for the control of trade in elephant ivory**

1. All elephant range States (except any Party for which an annotation in the Appendices authorizes trade in worked ivory) and other Parties and non-Parties with an ivory carving industry or internal trade in ivory that is unregulated, should urgently:

a) prohibit the unregulated domestic sale of ivory (raw, semi-worked or worked). Legislation should include a provision which places the onus of proof of lawful possession upon any person found in possession of ivory in circumstances from which it can reasonably be inferred that such possession was for the purpose of unauthorized transfer, sale, offer for sale, exchange or export or any person transporting ivory for such purposes. Where regulated domestic trade is permitted, it should comply with the provisions of Resolution Conf. 10.10 (Rev. CoP 15) (*Trade in elephant specimens*);

b) issue instructions to all law enforcement and border control agencies to enforce existing or new legislation rigorously; and

c) engage in public awareness campaigns publicizing existing or new prohibitions on ivory sales.

2. All elephant range States are recommended to cooperate with relevant research projects studying the identification of ivory, especially by supplying relevant samples for DNA and other forensic science profiling.

## Chapter 41 – The African Elephant

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3. The Secretariat should seek the assistance of governments, international organizations and non-governmental organizations in supporting the work to eradicate illegal exports of ivory from the African continent and the unregulated domestic markets that contribute to illicit trade. The Secretariat shall also, if requested, work with the relevant countries in Africa and Asia to provide technical assistance for the implementation of this action plan. It shall provide similar assistance to any other Parties that have an ivory carving industry or internal trade in ivory. The Secretariat shall also continue its work, in conjunction with national, regional and international law enforcement organizations and networks (such as the ASEAN Wildlife Enforcement Network, ICPO-Interpol, Lusaka Agreement Task Force and the World Customs Organization) to assist in combating illicit trade in ivory.

4. From 1 January 2008, the Secretariat shall undertake work to assess progress made with the implementation of the action plan. Where appropriate, this shall include *in situ* verification missions. Priority should be given to assessment of States that are identified during research by the Secretariat and through other appropriate sources of information to have active and unregulated internal markets for ivory or to be significantly affected by illicit trade in ivory. Particular priority should be given to Cameroon, the Democratic Republic of the Congo, Nigeria, Thailand and any other country identified through ETIS as being significantly affected by illicit trade.

5. In cases where relevant Parties or non-Parties are found not to implement this action plan, or where significant quantities of ivory are found to be illegally sold, the Secretariat shall, following consultation with the Standing Committee, issue a Notification to the Parties advising that the Conference of the Parties recommends that Parties not authorize commercial trade in specimens of CITES-listed species with the State in question.

6. The Secretariat shall report upon the implementation of the action plan at each regular meeting of the Standing Committee.

### Control of internal ivory trade

As we have seen earlier in this Chapter, **Resolution Conf. 10.10 (Rev. CoP15)** 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:

a) register or license all importers, manufacturers, wholesalers and retailers dealing in raw, semi-worked or worked ivory products;

b) establish a nationwide 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

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:

## Chapter 41 – The African Elephant

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i) compulsory trade controls over raw ivory; and

ii) a comprehensive and demonstrably effective reporting and enforcement system for worked ivory;

urges the Secretariat, where possible, to assist Parties in improving these 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.

### Compliance with control of internal trade

**Resolution Conf. 10.10 (Rev. CoP15)** 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.

### Consideration of proposals for the transfer of African elephant populations from Appendix I to Appendix II

#### Background

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 might not meet the criteria provided for in Resolution Conf. 1.1 were transferred to Appendix I.

The subject is dealt with in **Resolution Conf. 10.9**, see page 631. The following decision, however, 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 fulfillment 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;

“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;

## Chapter 41 – The African Elephant

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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;

In view of paragraph g) the Standing Committee agreed at its 40<sup>th</sup> meeting that in the event of non-compliance with the conditions of Decision 10.1, Part A, or if it was satisfied that illegal hunting of elephants or illegal trade in elephant products had escalated as a result of the resumption of illegal trade in raw ivory, it would:

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

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

iii) 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.

### 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.

## Chapter 41 – The African Elephant

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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 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.

### Panel of Experts

Resolution Conf. 7.9 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.

Resolution Conf. 7.9 was, in 1997, replaced by:

**Resolution Conf. 10.9**, which 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;

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## Chapter 41 – The African Elephant

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- ii) the conservation and management of these populations, and threats to their status; and
  - iii) the adequacy of controls on trade in ivory and other parts and derivatives;
- b) the Panel of Experts shall include expertise in 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 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;

## Chapter 41 – The African Elephant

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- 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
  - 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 offtake 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

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.

### **A future decision-making mechanism for a process of trade in ivory under the auspices of the Conference of the Parties**

**Decision 14.77** instructs the Standing Committee, assisted by the Secretariat, to propose for approval at the latest at the 16th meeting of the Conference of the Parties a decision-making mechanism for a process of trade in ivory under the auspices of the Conference of the Parties.

### **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 tons (Botswana), 13.8 tons (Namibia) and 20 tons (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.

## Chapter 41 – The African Elephant

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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.

CoP 13 allowed trade in individually marked and certified ekipas incorporated in finished jewelry for non-commercial purposes for Namibia.

**The Annotation in Appendix II agreed at CoP 14 reads as follows:**

**Populations of Botswana, Namibia, South Africa and Zimbabwe (listed in Appendix II):**

**For the exclusive purpose of allowing:**

- a) trade in hunting trophies for non-commercial purposes;**
- b) trade in live animals to appropriate and acceptable destinations, as defined in Resolution Conf. 11.20, for Botswana and Zimbabwe and for *in situ* conservation programmes for Namibia and South Africa;**
- c) trade in hides;**
- d) trade in hair;**
- e) trade in leather goods for commercial or non-commercial purposes for Botswana, Namibia and South Africa and for non-commercial purposes for Zimbabwe;**
- f) trade in individually marked and certified ekipas incorporated in finished jewelry for non-commercial purposes for Namibia and ivory carvings for non-commercial purposes for Zimbabwe;**
- g) trade in registered raw ivory (for Botswana, Namibia, South Africa and Zimbabwe, whole tusks and pieces) subject to the following:**
  - i) only registered government-owned stocks, originating in the State (excluding seized ivory and ivory of unknown origin);**
  - 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. CoP14) concerning domestic manufacturing and trade;**
  - iii) not before the Secretariat has verified the prospective importing countries and the registered government-owned stocks;**

## Chapter 41 – The African Elephant

iv) raw ivory pursuant to the conditional sale of registered government-owned ivory stocks agreed at CoP12, which are 20,000 kg (Botswana), 10,000 kg (Namibia) and 30,000 kg (South Africa);

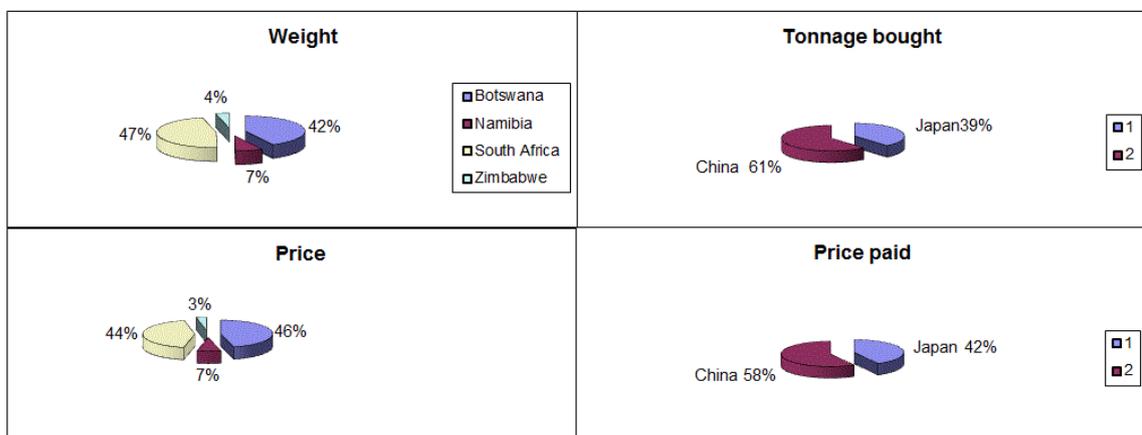
v) in addition to the quantities agreed at CoP12, government-owned ivory from Botswana, Namibia, South Africa and Zimbabwe registered by 31 January 2007 and verified by the Secretariat may be traded and despatched, with the ivory in paragraph g) iv) above,

in a single sale per destination under strict supervision of the Secretariat;



The auctions of the ivory concerned took place in November 2008 and the imports into China and Japan in the spring of 2009. The total income for the four exporting countries was over 15 million dollars.

	Botswana	Namibia	South Africa	Zimbabwe	Total	Japanese	Chinese
Weight	43,153	7,503	47,346	3,764	101,767	39,434	62,333
Price	7,093,551	1,147,369	6,702,695	487,162	15,430,777	6,545,374	8,990,622
Average	164	153	142	142	152	166	144



vi) the proceeds of the trade are used exclusively for elephant conservation and community conservation and development programmes within or adjacent to the elephant range; and

## Chapter 41 – The African Elephant

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**vii) the additional quantities specified in paragraph g) v) above shall be traded only after the Standing Committee has agreed that the above conditions have been met; and**

**h) no further proposals to allow trade in elephant ivory from populations already in Appendix II shall be submitted to the Conference of the Parties for the period from CoP14 and ending nine years from the date of the single sale of ivory that is to take place in accordance with provisions in paragraphs g) i), g) ii), g) iii), g) vi) and g) vii). In addition such further proposals shall be dealt with in accordance with Decisions 14.77 and 14.78.**

The fact that the ‘moratorium’ on further proposals to allow trade is limited to populations that are already in Appendix II was clearly agreed during CoP14 with all range states. This therefore allowed Tanzania and Zambia to submit proposals to CoP15, although it must be said that any range state has of course the right under the provisions of the Convention to make proposals, a right that cannot be limited by a Resolution. Sadly though, a single range state repeatedly accused the Secretariat – in the press and during CoP 15 - of being responsible for the “incorrect” wording of paragraph h) and maintained that it was “the spirit of the agreement” that the agreed “moratorium” applied to all populations. The proceedings of CoP14 are crystal clear however. It is therefore very unfortunate that officials of this Party, driven by the opinion of anti-ivory trade NGO’s, tried to cover up their own mistake by blaming the Secretariat for misrepresenting the outcome of the debate in The Hague. The proposal from the Party concerned to extend the “moratorium” was defeated by CoP15...

**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.**

### **The African elephant Fund**

Decision 10.2 (Rev. CoP11) laid down conditions for the disposal of ivory stocks and generating resources for conservation in African elephant range States. This Decision was taken as a gesture to African elephant range states that did not have populations that could be transferred back to Appendix II. It, however, never worked and not a single range state sold its stockpile to a donor.

## Chapter 41 – The African Elephant

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The Decision provided that:

- 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 channeling such assets from ivory into improving conservation and community-based conservation and development programs;
  - 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.
  
- 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 programs; 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.

## Chapter 41 – The African Elephant

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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 and 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 International and institutions such as the IUCN/SSC African Elephant Specialist Group and the Lusaka Agreement.

In 2010, CoP15 decided to repeal this Decision and to create an African Elephant Fund.

**Decision 14.79 (Rev. CoP15)** provides that the Secretariat shall establish an African Elephant Fund that will be applied to the implementation of the African elephant action plan.

The Secretariat shall establish a steering committee consisting of representatives of the range States and donors to govern the African Elephant Fund and to support and advise African elephant range States on the implementation of the Action Plan.

The Steering Committee shall decide on the organization of the administration of the fund.

**Decision 14.76** calls upon Parties, trading countries, the ivory carving industry, intergovernmental organizations, non-governmental organizations and other donors to contribute significantly to the African Elephant Fund for the implementation of the African elephant action plan and the Programme for Monitoring the Illegal Killing of Elephants (MIKE) to ensure their establishment and maintenance.

### 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. CoP15)**.

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.

## Chapter 41 – The African Elephant

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### 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 Method

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.

## Chapter 41 – The African Elephant

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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.

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.

## Chapter 41 – The African Elephant

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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.

## Chapter 41 – The African Elephant

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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

## Chapter 41 – The African Elephant

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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 cross-checking as an enforcement aid.

## Chapter 41 – The African Elephant

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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.

## Chapter 42 - Rhinos and Rhino Horn

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### Background

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 entrepots for illegal shipments of rhinoceros horn and thus have been stimulating the disastrous wave of

## Chapter 42 – Rhinos and Rhino Horn

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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;
- 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, which was amended at its 11th, 13th, 14th and 15th meetings.

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

## Chapter 42 – Rhinos and Rhino Horn

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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 at the 11th meeting of the Conference of the Parties.

The Resolution was further amended at the 13th meeting of the Conference of the Parties. The request to range states and other Parties to submit a report to each meeting of the Conference of the Parties was withdrawn and Decisions 13.23 to 13.25 encouraged inter alia range states of African and Asian rhinoceros species to support the IUCN /SSC specialist groups concerned and provide for a report to CoP14 with recommendations on reporting on rhino conservation and trade.

Decision 14.88 provided that Range States of African and Asian rhinoceroses and Parties that have stocks of rhinoceros horns and derivatives thereof should declare the status of their stocks of rhinoceros horns and derivatives before the 15th meeting of the Conference of the Parties in accordance with a format to be circulated by the Secretariat.

Decision 14.89 instructed the Secretariat to:

a) develop, in collaboration with the African and Asian Rhino Specialist Groups of the IUCN Species Survival Commission and TRAFFIC a format for the declarations referred to in Decision 14.88 and distribute it through a Notification to the Parties;

b) invite TRAFFIC to review information on the accumulation of rhinoceros horn stocks in range States and the routes by which horns enter and flow to illegal markets, with priority countries for such review being those in which either there has been a recent significant increase in poaching levels, where discrepancies might exist in reported horn stockpiles, where volumes of horn stockpiles are unknown or where insufficient cross-border collaboration to combat illegal rhinoceros horn trade has been reported; and

c) request IUCN– The World Conservation Union and TRAFFIC **Error! Bookmark not defined.**to include an analysis of the information provided by the Parties on stocks of rhinoceros horns and derivatives thereof, and of the review referred to in paragraph b) above in their reporting to the Secretariat pursuant to Resolution Conf. 9.14 (Rev. CoP14) and for consideration at the 15th meeting of the Conference of the Parties.

Decision 14.90 instructed the Secretariat to:

a) examine the implementation of Resolution Conf. 9.14 (Rev. CoP14) in the range States where illegal poaching of rhinoceroses appears to have increased and to pose a significant threat to populations of rhinoceroses, particularly in the Democratic Republic of the Congo, Nepal and Zimbabwe;

b) collaborate with the World Heritage Convention in addressing rhinoceros poaching and illegal trade issues in World Heritage sites in the Democratic Republic of the Congo, inter alia to support greater coordination with neighboring countries, facilitate the collection and distribution of intelligence information and provide capacity building for wildlife law enforcement personnel;

c) encourage relevant range States to link rhinoceros conservation actions where possible with the CITES site-based Programme for Monitoring the Illegal Killing of Elephants; and

d) report on the implementation of these Decisions at the 57th and 58th meetings of the Standing Committee and at the 15th meeting of the Conference of the Parties.

### Current recommendations

**Resolution Conf. 9.14 (Rev. CoP15)** reads as follows:

CONCERNED that some rhinoceros populations have continued to decline drastically and that four of the five species are threatened with extinction;

RECALLING that the Conference of the Parties included all species of rhinoceroses in Appendix I of the Convention in 1977, and that the South African and Swaziland populations of *Ceratotherium simum simum* were transferred to Appendix II with an annotation in 1994 and 2004 respectively;

RECALLING further Resolution Conf. 3.11 and Resolution Conf. 6.10 and Decision 10.45, all relating to the conservation of and trade in rhinoceroses;

COMMENDING the successful management and protection of rhinoceroses in some African and Asian range States, often under difficult circumstances;

COMMENDING further 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;

CONCLUDING that the above measures have not arrested the decline of all rhinoceros populations;

RECOGNIZING 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;

CONSCIOUS that stocks of rhinoceros horn continue to accumulate in some countries and that the call for their destruction, as recommended in Resolution Conf. 6.10, has not been implemented, and is no longer considered appropriate by a number of Parties;

RECOGNIZING that some international measures may have unintended consequences, for example, on trade;

RECOGNIZING that there is a diversity of opinion as to the most effective approaches to the conservation of rhinoceroses;

## Chapter 42 – Rhinos and Rhino Horn

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CONCERNED that threats to rhinoceros populations and demand for rhinoceros parts and derivatives 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 TO THE CONVENTION  
URGES:

- a) all Parties that have stocks of rhinoceros horn to identify, mark, register and secure 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 and other appropriate bodies, 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, the early detection of potential offenders and the application of appropriate penalties to act as effective deterrents;
- e) that law enforcement cooperation between and among range and implicated States be increased through the existing international, regional and national law enforcement mechanisms and, where necessary, through the creation of such mechanisms in order to curtail illegal trade in rhinoceros horn; where an implicated State in this Resolution is a State or citizen(s) of a State significantly implicated or involved in legal and/or illegal trade in parts and derivatives; and
- f) the implicated 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 and to report on progress for inclusion into the joint IUCN/TRAFFIC reports;

DIRECTS the Standing Committee to continue to pursue actions aimed at ending illegal trade in rhinoceros parts and derivatives, ensuring that:

- a) all such actions are accompanied by evaluations of their effectiveness and appropriate recommendations; and
- b) the policies that guide interventions are responsive and adaptive to the outcome of the evaluations;

RECOMMENDS that those range States without a budgeted conservation and management plan for rhinoceroses should develop and implement one as expeditiously as possible, utilizing all available relevant expertise and resources;

## Chapter 42 – Rhinos and Rhino Horn

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RECOMMENDS further that those range States with an existing, budgeted plan for rhinoceroses should endeavor to implement the plan as expeditiously as possible, and should undertake a review of the effectiveness of enforcement and trade control measures therein;

RECOMMENDS that the IUCN/SSC African and Asian Rhino Specialist Groups and TRAFFIC submit at least six months before each meeting of the Conference of the Parties a written report to the Secretariat on:

a) the national and continental conservation status of African and Asian rhinoceros species, trade in specimens of rhinoceros, stocks of specimens of rhinoceros and stock management, incidents of illegal killing of rhinoceroses, enforcement issues, and conservation actions and management strategies with an evaluation of their effectiveness; and

b) measures by implicated States to end the illegal use and consumption of rhinoceros parts and derivatives;

DIRECTS the Secretariat to:

a) distribute the report of the IUCN/SSC African and Asian Rhino Specialist Groups and TRAFFIC to range and implicated States for any comments;

b) on the basis of the report and the comments received from the range and implicated States, formulate recommendations and draft decisions for consideration by the Conference of the Parties as appropriate; and

c) encourage the Parties to financially support the IUCN African and Asian Rhino Specialist Groups and TRAFFIC in the compilation of information from the range States and the reporting thereof to the Secretariat;

URGES range States of African and Asian rhinoceroses, implicated States, other Parties and other stakeholders to provide financial support to and cooperate with the IUCN/SSC African and Asian Rhino Specialist Groups and TRAFFIC in collecting information for their reporting to the Secretariat on trade in and conservation of rhinoceroses;

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 rhinoceroses and end the illegal trade in rhinoceros horn, and to enable IUCN and TRAFFIC to undertake effectively their reporting to the Secretariat before each meeting of the Conference of the Parties;

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.

### Transfer of the South African white rhino to Appendix II

Also 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.

### Appropriate and acceptable destinations

With **Resolution Conf. 11.20**, 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.

### Miscellaneous Decisions on rhinoceroses

**Decision 15.71** instructs the Secretariat to:

- a) examine the implementation of Resolution Conf. 9.14 (Rev. CoP15) in those range States where illegal killing of rhinoceros poses a significant threat to populations of rhinoceros, particularly Zimbabwe and South Africa;
- b) examine progress with regards to curtailing illegal trade in rhinoceros parts and derivatives by implicated States, particularly Viet Nam; and
- c) report on the implementation of Resolution Conf. 9.14 (Rev CoP15) at the 61st, 62nd and 63rd meetings of the Standing Committee.

**Decision 15.72** instructs the Secretariat to:

- a) facilitate, as a matter of urgency, and with others partners as appropriate, bilateral exchanges between key rhinoceros range States and rhinoceros horn consumer States, to improve wildlife enforcement cooperation efforts;
- b) report at the 61st and 62nd meetings of the Standing Committee (SC61 and SC62) on these efforts;
- c) seek funds to convene a joint CITES Ivory and Rhinoceros Enforcement Task Force. Besides the Secretariat, members should include the ASEAN Wildlife Enforcement Network Programme Coordination Unit, INTERPOL, the Lusaka Agreement Task Force, the United Nations Office on Drugs and Crime, the World Customs Organization and those Parties in Africa and Asia that are currently most affected by the smuggling of ivory and rhinoceros specimens. Priority should be given to including the following Parties: Cameroon, China,

## Chapter 42 – Rhinos and Rhino Horn

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Ethiopia, Kenya, the Lao People's Democratic Republic, Mozambique, Nepal, the Philippines, South Africa, Thailand, the United Arab Emirates, the United Republic of Tanzania, Viet Nam and Zimbabwe. The Task Force should undertake an exchange of intelligence regarding smuggling of ivory and rhinoceros specimens and develop strategies for combating illegal trade; and

d) report on the work of the Task Force at SC61. Error! Bookmark not defined.

**Decision 15.73** instructs the Standing Committee to consider, at its 61st and 62nd meetings, the reports of the Secretariat requested under Decision 15.72 and determine what further actions, if any, are necessary.

## Chapter 43 - Asian Big Cats

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### Background

Resolution Conf. 9.13 (Rev.) on the conservation of and trade in tigers was revised in 1997 and replaced in 2000 with Resolution Conf. 11.5, which was in its turn replaced by Resolution Conf. 12.5 in 2002. For the text of what is meanwhile **Resolution Conf. 12.5 (Rev. CoP15)**, see below.

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

## Chapter 43 – Asian Big Cats

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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 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 program, 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;

## Chapter 43 – Asian Big Cats

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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

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 neighboring 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 11.146

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.

## Chapter 43 – Asian Big Cats

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### 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.

In addition to Resolution Conf. 12.5, 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.

The 14th meeting of the Conference of the Parties adopted the following decisions on the issue of Asian big cat species:

Decision 14.65 that Asian big cat range States shall strengthen their efforts to implement Resolution Conf. 12.5 and, for tiger range States, report on progress at the 57th meeting of the Standing Committee, and subsequent meetings of the Standing Committee, and at the 15th meeting of the Conference of the Parties (CoP15), with a review for CoP15 identifying gaps and additional measures needed.

Decision 14.67 provided that Asian big cat range States shall improve international cooperation in conservation and trade control through continual dialogue, and when convened, tiger range States are invited to participate in the tiger trade enforcement workshop and the conservation strategy workshop.

Decision 14.70 instructed, contingent upon availability of external funding, the Secretariat to: convene a tiger trade enforcement meeting within 12 months of the end of CoP14; and cooperate in the development of a conservation strategy workshop, to be facilitated by IUCN – The World Conservation Union and the Global Tiger Forum (building on recent scientific work, including the 2006 Tiger Conservation Landscape Assessment) and other relevant organizations.

Decision 14.71 instructed the Secretariat in consultation with Parties that have or seek to have specialized wildlife crime units, to provide technical assistance and assist with the identification of additional opportunities for technical and financial support.

### **The Tiger Enforcement Task Force (TETF)**

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 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.

## Chapter 43 – Asian Big Cats

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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.

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.

The TEFT is referred to in **Resolution Conf. 12.5** and I understand the taskforce still exists and can be convened on an *ad hoc* basis. It might therefore have been better to maintain Decision 11.145.

The 13th meeting of the Conference of the Parties, with Decision 13.22, directed the Secretariat to seek external funding to convene a meeting of the Tiger Enforcement Task Force.

## Chapter 43 – Asian Big Cats

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Decision 14.72 instructed the Tiger Enforcement Task Force to, in conjunction with the CITES Enforcement Expert Group and in consultation with tiger range States, establish a mechanism to regularly monitor and evaluate the scale and nature of illegal trade in Asian big cats.

### Current recommendations

The 15<sup>th</sup> meeting of the Conference of the Parties adopted a complete revision of Resolution Conf. 12.5.

The text of **Resolution Conf. 12.5 (Rev. CoP15)** reads as follows:

THE CONFERENCE OF THE PARTIES

RECALLING Resolution Conf. 11.5 relating to Conservation of and trade in tigers;

NOTING 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 habitat loss caused by disturbance, fragmentation and destruction;

AWARE that all tigers and other Asian big cat species are included in Appendix I, and that commercial international trade in Asian big cat species and their parts and derivatives has been prohibited by the Convention since 1975 (with the exception of the Asiatic lion and the Amur tiger *Panthera tigris altaica*, which were included in 1977 and 1987, respectively);

CONSCIOUS that three subspecies of tiger, *Panthera tigris*, have become extinct within the last 50 years and NOTING 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;

CONCERNED 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;

CONCERNED further that, despite some improvements, trade in skins from the tiger and other Asian big cat species continues to fuel poaching that could lead to extinction in the wild;

NOTING 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;

## Chapter 43 – Asian Big Cats

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COMMENDING 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;

CONSCIOUS that the driving forces behind the illegal killing of tigers and other Asian big cats and the illegal trade in specimens thereof 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;

RECOGNIZING 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;

ACKNOWLEDGING 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;

ACKNOWLEDGING the progress made through the CITES Tiger Enforcement Task Force, and the results of the second CITES Enforcement Experts Group meeting in 2009, and 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;

ACKNOWLEDGING further 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;

CONCERNED that the failure to provide regular detailed reports on progress in implementing measures aimed at conserving tigers and other Appendix-I Asian big cats has prevented adequate assessment of the effectiveness of the measures taken;

RECOGNIZING also 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

#### 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 labeled 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.);

The language of this recommendation gives the impression that **Resolution Conf. 9.6 (Rev.)** recommends voluntary prohibitions of internal sale of parts and derivatives. This is not the case; With that Resolution the Conference of the Parties agrees that the term 'readily recognizable part or derivative' 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. The use of that definition is recommended because legislation will then also cover international trade in fake tiger products.

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, and develop or improve implementation of regional enforcement networks;

d) all range States and other relevant Parties to implement systems for the recording of information relating to illegal trade in Asian big cats and to share this information as appropriate to ensure coordinated investigations and enforcement;

e) all range States shall seek to ensure enforcement units and personnel receive relevant and effective support in anti-poaching operations; the gathering and use of intelligence; targeting offenders; wildlife crime investigative techniques; collecting evidence; inter-agency liaison and cooperation; and preparing cases for prosecution; and in doing so may wish to consider the guidance provided at Annexes 1, 2 and 3, taking into account individual national circumstances;

f) Parties to contribute financial and technical assistance to enable range States to comply with the implementation of this Resolution and enhance capacity building, improvement of conservation measures and sustainable livelihoods, so as to contribute towards the conservation of Asian big cats;

## Chapter 43 – Asian Big Cats

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g) those Parties and non-Parties in whose territory tigers and other Asian big cat species, captive breeding 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;

h) 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;

i) range and non-range States of the tiger and other Asian big cat species to support and participate in international conservation programs, such as the Global Tiger Forum, the Snow Leopard Network, the CITES Tiger Enforcement Task Force and the Global Tiger Initiative; and

j) 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;

INSTRUCTS the Secretariat to report to the Standing Committee and the Conference of the Parties on the status of Asian big cats in the wild, their conservation, and trade controls in place in Parties, using information provided by the range States on measures taken to comply with this Resolution and related relevant Decisions and any relevant additional information provided by relevant countries;

RECOMMENDS that:

a) 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;

b) 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 groups, on the ecological and cultural significance and the significance for ecotourism of Asian big cats, their prey and habitats;

c) all range and consumer States take measures to increase awareness of wildlife crime and illicit wildlife trade among their enforcement, prosecution and judicial authorities;

d) 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;

## Chapter 43 – Asian Big Cats

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e) 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

f) 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;

### REQUESTS:

a) Parties to submit information in relation to the scale and nature of the trade in Asian big cats to the database to be developed as agreed in Decision 15.42;

b) 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

c) 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;

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 and implement 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 programs 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;

CALLS UPON all governments and intergovernmental organizations, international aid agencies, and non-governmental organizations to provide, as a matter of urgency, funds

## Chapter 43 – Asian Big Cats

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 Resolution contains the following Annexes:

### Annex 1

#### **Preliminary report form to be used for reporting incidents of wildlife crime, illegal trade, poaching of endangered species or significant intelligence**

1. Date:
2. Place:
3. Species:
4. Type of event:
5. Suspect(s):
6. Evidence:
7. *Modus operandi*:
8. Actions:
9. Other relevant information:
10. Person reporting:
11. Date form submitted:

The following guidance should be used to assist in the completion of the form and as a memory aid for staff at the scene of the incident.

<p><b>1. Date:</b> indicate, as appropriate:</p> <ul style="list-style-type: none"> <li>– date of discovery</li> <li>– date of incident</li> <li>– date information received</li> </ul>	<p><b>2. Place:</b> indicate, as appropriate:</p> <ul style="list-style-type: none"> <li>– full address (if known)</li> <li>– nearest town or landmark</li> <li>– map reference</li> <li>– GPS coordinates</li> <li>– type of place, e.g. forest, commercial building, private dwelling, railway station, airport etc.</li> </ul>
<p><b>3. Species:</b> indicate, as appropriate:</p> <ul style="list-style-type: none"> <li>– common name</li> <li>– quantity</li> <li>– age</li> <li>– sex (if known)</li> <li>– live or dead</li> <li>– type of specimen, e.g. skin, trophy head, medicinal product, leather articles etc.</li> </ul>	<p><b>4. Type of event:</b> indicate, as appropriate:</p> <ul style="list-style-type: none"> <li>– poaching</li> <li>– taking</li> <li>– death</li> <li>– seizure</li> <li>– trade</li> <li>– intelligence</li> </ul>

## Chapter 43 – Asian Big Cats

<p><b>5. Suspect:</b> indicate:</p> <ul style="list-style-type: none"><li>– full name</li><li>– age, including date and place of birth (if known)</li><li>– address</li><li>– nationality (ID and passport No. if known)</li><li>– occupation</li><li>– description</li><li>– whether previous offender</li></ul>	<p><b>6. Evidence:</b> provide brief details of initial results, e.g.:</p> <ul style="list-style-type: none"><li>– witnesses</li><li>– documents</li><li>– carcasses (whether any parts removed, e.g. horn or tusk) and plants</li><li>– scene of crime results (weapons, nets, lights, traps, poison, footprints, tire tracks, photographs)</li></ul>
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### Annex 2

#### Guidance for reporting and intelligence analysis

The Preliminary Report Form should, where necessary, be adapted to suit local requirements. Field staff should receive guidance on the categories of case for which it should be completed and to whom it should be submitted. It should be stressed to field staff that accurate and timely reporting is essential and, importantly, welcome. Every effort should be made to dispel any cultural or traditional influences that may encourage the concealment of crime or poaching. Prompt and detailed reporting and recording must be given a positive image within the organization. Staff must be reassured that there will be no recrimination for the reporting of incidents.

The person or persons tasked with collating the report forms should, ideally, maintain a database of the information and be responsible for responding to input, or communicating the information to those tasked with coordinating responses. It is at this stage that consideration can also be given to creating ECOMESSAGES to pass information between agencies or at regional and international levels or waiting until further investigation is complete.

The CITES Tiger Enforcement Task Force identified that the gathering of information and intelligence is not, in itself, sufficient. Once gathered, intelligence must be analysed. Although computer software packages are available to assist the analytical process, much can be achieved by simple study of the data.

Analyses can be used for both operational and strategic purposes. They enable not only decision-making with regard to deployment, or re-deployment, of resources, risk assessment and targeting, but can also identify the additional human or technical resources needed for effective response to crimes, legislative weaknesses, weak border points, and can assist in the design of awareness campaigns. Analyses should be viewed as a strong management tool to identify priorities and assess performance.

The intelligence gained from such analyses must then be used effectively and not just stored. Consideration will require to be given to how the information is disseminated. The preparation of alerts or bulletins for distribution has been shown to be very effective and demonstrates clearly that input is valued and acted upon. Intelligence can also be disseminated through formal and informal email networks or made available through secure websites. Potential recipients of analyses might include such as CITES Management Authorities, all national enforcement agencies, the CITES Secretariat, ICPO-Interpol and the World Customs Organization. Ensuring as wide a distribution as possible and

## Chapter 43 – Asian Big Cats

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relevant should help promote feedback, inter-agency cooperation and the submission of more intelligence.

Careful consideration should be given to what information can be made public and what ought to remain confidential. The level of confidentiality may also require to be defined and dissemination adjusted accordingly.

The Task Force recommended that the following fields or subjects should be examined when studying data that have been collected:

### **Patterns**

To identify geographical, time of day, day of week, seasonal similarities, etc.

### **Suspects**

To identify repeat offenders and common descriptions

### **Suspect profiling**

To identify likely offenders

### **Networks**

To identify poachers, traders, dealers, smugglers, financiers, buyers, defense lawyers (especially those incompatible with the accused's resources), etc. that may be operating together or whose activities are linked

### ***Modus operandi***

To identify common or linked methods of committing crime and engaging in illegal trade, etc.

### **Trends**

To identify increased or decreased attention to particular species by criminals, locations, methods of crime and smuggling, etc.

### **Evidence**

To identify common or linked physical and documentary findings, such as repeated use of same caliber weapons, poison, forged documents, etc.

### **Target species**

To identify the most vulnerable, illegally hunted, smuggled and traded species

### **Forensic science results**

To identify links between crime or illicit trade cases that can be demonstrated through such methods as ballistic, fingerprint or hand-writing comparisons, etc.

### **Target criminals**

To identify offenders who are most active and those committing most serious offences, and to deploy resources, surveillance and intelligence gathering against them

### **Motives**

To identify what is prompting offenders to engage in illegal hunting and trading

### **Routes**

To identify access and exit routes used by poachers and routes used by smugglers to transport specimens. Also to identify methods of transport.

### **Markets**

To identify places and countries where illegal specimens are sold in either transit locations or final destinations, including profiles of likely buyers

### **Prices**

To identify value of specimens at different points in the supply chain, i.e. financial gain by poacher, smuggler, traders and price paid by final customer, etc.

### **Financing**

To identify persons or companies that may be funding poaching or illegal trade or to identify whether profits from wildlife crime are funding other activities

### **Links with other crimes**

To identify any links with other crimes or illegal trades, such as narcotics, weapons, illegal immigrants, etc.

## **Annex 3**

### **Guidance for specialized wildlife law enforcement units**

The role of specialized units in addressing issues relating to wildlife crime and illicit trade in CITES-listed species has been identified by the Conference of the Parties on a number of occasions. The CITES Tiger Missions Technical Team found specialized units to be very successful, wherever it encountered them. Resolution Conf. 11.3 (Rev. CoP15) encourages Parties to consider the establishment of such units.

The following are regarded as important elements to be considered by any country planning the establishment, or further development, of one or several specialized units to tackle wildlife crime and illegal trade. They are not listed in order of importance. Some elements will be of greater significance than others, depending upon the country circumstances.

The structure and composition of specialized units will also be dictated by whether they are created at national, provincial or local level or a combination of these.

#### **Government support/political will**

This element is absolutely essential. To be truly effective, the unit must have the backing of central and state/provincial governments as well as all other enforcement agencies.

#### **Authority**

Another absolutely essential element. The unit must be properly empowered to carry out its duties. Inclusion of multi-agency personnel will usually ensure that the unit has staff that is legally authorized to conduct effective operations. Alternatively, although it should not be necessary ordinarily, legislative measures should be enacted to empower the unit. This element is also closely linked with *Parity*.

## Chapter 43 – Asian Big Cats

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It is also important that the unit leader should be authorized, to as acceptable a degree as possible, to act on his or her own initiative to direct operations without having to constantly refer matters to a higher authority.

It may be very desirable for the unit to be empowered to include in its tasks anti-corruption work related to wildlife crime. If that is the case, it is essential that the unit, or some of its personnel, should be empowered under relevant legislation or policies to investigate/arrest government officials.

### **Good management**

Clear, appropriate and experienced leadership is needed, particularly in the unit at operational level but this also applies to strategic management. Careful consideration should be given to which agency is given responsibility for overall management and strategic direction of the unit; a committee of relevant agencies may be preferable.

### **Clearly structured**

There should be no doubt as to the lines of command and responsibilities of the unit and its staff.

### **Tasks**

The duties of the unit should be clearly defined and understood by its staff and all agencies with which it will interact. These might include intelligence gathering and dissemination, investigation, coordination and prosecution, as appropriate.

An appropriate degree of flexibility should, however, be incorporated so that the unit leader can respond quickly to developing situations and allocate resources in an effective manner. A degree of mobility will also require to be taken into account so that staff can go where they are needed.

### **Targeted**

Linked to *Tasks*, it is essential that the unit's work be properly focused so that resources are utilized in a meaningful, efficient and effective manner. It is also important, to achieve support from the public and other agencies, that the unit concentrates on priority and serious crime issues and does not become involved in 'technical' violations of national law or CITES.

### **Dedicated**

This refers not only to the commitment expected of unit personnel but also to the manner in which the unit must be allowed to concentrate solely upon its tasks. It should not be allowed to be diverted to other duties.

### **Full time**

Depending upon local circumstances, a 'core' number of unit personnel should be deployed on a full-time basis. Additional staff can be used to supplement and support activities as and when necessary.

### **Parity**

The unit and its personnel should enjoy equal status with other official enforcement agencies, such as the police and Customs.

### **Volunteers**

All unit personnel should be volunteers. However, selection procedures should be carefully designed to identify the most suitably qualified and appropriate staff, whilst remembering that appropriate training can compensate for any lack of previous experience. The unit must not be regarded as somewhere to which poorly performing staff can be consigned. Whilst staff should be encouraged to serve voluntarily in the unit, this should not be taken to mean their service will be unpaid.

### **Multi-agency**

It is important that the unit should include personnel from each of the national agencies that regularly engage in wildlife law enforcement, such as Forest and Wildlife Departments, the police and Customs. It should also, have ready access to the resources of those agencies that participate on an irregular basis. The involvement of personnel from a variety of agencies can also be an effective measure against corrupt practices.

### **Properly funded**

The unit must have a budget commensurate with its activities and its leader should not be too constrained in its use. A degree of flexibility should be incorporated to allow for an appropriate response to operational requirements. The use of external funding from supporting donors should be permitted, where necessary, as long as control remains with the proper national authorities and potential donors are not allowed to dictate the unit's activities.

### **Size**

Whilst this will be dictated by country circumstances, having the right people with the right support will probably be more important than the numbers of staff in the unit. Quality should be the focus, rather than quantity.

### **Technical support**

The unit should be properly equipped to enable it to carry out its duties. Equipment of a general and routine nature might include, for example, uniforms, vehicles, communications, firearms, surveillance gear, computers and associated software. Provision should be made for ready access to more specialized support, such as forensic science services, scenes of crime examination officers, and species identification experts.

### **Training**

All unit personnel should be adequately trained in relevant specialized fields and this should be an ongoing process. Training should be regarded as a priority investment activity for the unit's staff. After gaining suitable experience, unit personnel should be utilized for the training of others.

### **Strategies**

The unit should be provided with sufficient time and resources to consider and identify strategic issues, aside from its operational commitments, or should be supported by an infrastructure that will consider these issues.

### **Long term**

Unless there are very good reasons to suggest otherwise, the unit should be regarded as a long-term or permanent structure within the country's enforcement institutional and

policy framework. This will provide for continuity, the acquisition of specialized experience and demonstrate to other enforcement agencies and the public governmental commitment to combating wildlife crime.

### **Recognition**

Steps should be taken to ensure that the purpose and tasks of the unit are publicized among all enforcement agencies and the general public. The latter aspect can have a deterrent effect for offenders and also encourage the public to supply information.

### **Local support**

Every effort should be made to facilitate and encourage support to the unit from local communities, both in a formal and informal fashion. The unit should be encouraged to liaise with local community leaders and enlist their assistance in convincing citizens of the worth of its aims.

### **Incentives**

This issue is linked with *Parity* and consideration may have to be given to achieving parity of salary among unit staff, regardless of the agency in which they would usually be employed. Bonus or 'top-up' salary payments are worthy of consideration to recognize the specialized duties that will be undertaken, as are allowances for field operations, etc. These should also take account of the hazardous duties that the unit may engage in. Salaries commensurate with the work undertaken ought to also encourage resistance to corruption. Adequate insurance for staff should be regarded as essential.

### **Discipline**

The unit should be expected to maintain the highest standards of discipline. If a multi-agency approach is employed, the personal and professional conduct standards that are the most stringent should be adopted as the 'norm'. Any deviance from the standards should result in a rigorous response, with expulsion of the offender from the unit being encouraged in serious cases.

### **Secondments**

Aside from the 'core' members of the unit, the concept of short- and mid-term secondments from as wide a variety of enforcement agencies as possible should be encouraged to promote inter-agency cooperation, supplement numbers in the unit and spread knowledge and experience. Secondments to the unit can provide excellent training opportunities for personnel from various agencies and also provide useful insights for unit members to the work of others.

### **Informant network**

The unit should be encouraged to develop a network of informants as a priority task and this can be facilitated by means of reward schemes and confidential information 'hot-lines' to allow the supply of information.

### **Cooperation and coordination**

The unit should, ideally, act as a central repository of intelligence regarding wildlife crime and illicit trade. Every effort should be made to avoid duplication of effort among enforcement agencies and eliminate opportunities for informants to supply, and be rewarded for, the same intelligence to a variety of agencies.

## Chapter 43 – Asian Big Cats

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If the unit itself does not investigate cases from beginning to prosecution, it should have a role to maintain an overview of serious cases of wildlife crime and provide assistance and guidance whenever appropriate.

The unit should be responsible for liaison on wildlife matters with appropriate regional and international law enforcement agencies and other relevant organizations, such as ICPO-Interpol, the World Customs Organization and the CITES Secretariat. This should include the preparation and submission of ECOMESSAGES at the international level.

Any information received by the unit that relates to activities outside its remit, e.g. narcotics, trafficking in firearms, illegal immigration, etc., should be passed to the relevant agency as soon as possible and without hesitation. Such action should encourage reciprocal approaches.

### **Prosecution**

Where a prosecutor is not included in the unit, every effort should be made to establish the closest working relationship possible with prosecution authorities. Raising of awareness in such authorities should be given priority and their support to the unit should be established. The unit may well be able to provide training for prosecutors. Case reporting and evidential requirement standards should be established. Prosecutors can also assist in identifying priorities and targets for the unit.

### **Judiciary**

Whilst the relationship between the unit and a country's judiciary should be maintained at an appropriate distance, it is very important that the unit raises awareness among the judiciary of wildlife crime and promotes their participation in appropriate sentencing and deterrent responses. The unit should also seek information and feedback from the judiciary on relevant decisions and issues that have arisen in civil and criminal cases and any problems with evidence or the manner in which investigations have been conducted.

### **NGO assistance**

Taking into account the comments above with regard to funding, the unit should be encouraged to establish close but appropriate links with national and international non-governmental organizations (NGOs). Their importance as sources of information and expert advice and assistance must be recognized. It is essential, however, that their role should be restricted to support of the unit and that NGOs should not be allowed to engage in any operational activity without the agreement of the unit and prosecution authorities.

NGOs ought not to be allowed to undertake activities that rest more properly with government agencies, i.e. covert operations or the maintenance of databases on crime and criminals.

NGOs should be encouraged to discuss with the unit any research or trade surveys that might involve a covert element; if for no other reason than this will prevent NGOs accidentally intruding into the unit's own 'undercover' activities.

**Decision 14.66 (Rev. CoP15)** provides that all Parties, especially those evaluating their domestic tiger trade control policies, shall take into consideration the view of the Parties as expressed in Resolution Conf. 12.5 (Rev. CoP15).

## Chapter 43 – Asian Big Cats

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**Decision 14.68** strongly encourages Parties to develop or improve implementation of regional enforcement networks.

**Decision 14.69** provides that Parties with intensive operations breeding tigers on a commercial scale shall implement measures to restrict the captive population to a level supportive only to conserving wild tigers; tigers should not be bred for trade in their parts and derivatives.

**Decision 15.46** provides that all Parties, but particularly tiger range States, should submit, by 30 June 2010, information relating to incidents of poaching of and illegal trade in tigers that have occurred within their territory since the beginning of 2007. Information should be submitted using the Ecomessage format distributed in Notification to the Parties No. 2009/028 of 22 July 2009. Ecomessage forms for each incident should be submitted to the CITES Secretariat or to the General Secretariat of ICPO-INTERPOL via INTERPOL National Central Bureaus.

**Decision 15.47** directs the Secretariat to collaborate with ICPO-INTERPOL to undertake an analysis of the information received from Parties. Two reports, one for public consumption and the other solely for the law enforcement community, should be prepared. The public document will be posted on the CITES website, whilst the other will be circulated in a restricted fashion to relevant enforcement agencies. The Secretariat shall report on this matter at the 61st meeting of the Standing Committee and make any relevant recommendations as a result of the analysis.

**Decision 15.48** directs the Secretariat to seek funds to convene, as soon as possible, a seminar involving senior-level Customs and police officers from tiger range States, to brief them on the threatened status of this species, particularly the impact wildlife crime has upon it.

The officials shall also be briefed by the Secretariat regarding the Global Tiger Summit, planned under the Global Tiger Initiative, so that the law enforcement community throughout tiger range States is prepared to engage in efforts to safeguard this species and respond to measures adopted at the Summit.

The Secretariat shall collaborate with ICPO-INTERPOL, the United Nations Office on Drugs and Crime and the World Customs Organization in preparing the seminar. The Secretariat shall report on the outcomes of the seminar at the 61st meeting of the Standing Committee.

**Decision 15.49** directs the Standing Committee to consider, at its 61st meeting, the report of the Secretariat and determine what actions are necessary as a result of the analysis and the seminar. This could include instructing the Secretariat to convene the CITES Tiger Enforcement Task Force or CITES Enforcement Expert Group to consider further action.

**Decision 15.70** instructs the Standing Committee to review and update the form and guidance contained in Annexes 1 to 3 in Resolution Conf. 12.5 (Rev. CoP15) and report on this matter at the 16th meeting of the Conference of the Parties.

### Global Tiger Initiative



The GTI is an alliance of governments, international agencies, civil society, and the private sector united to save wild tigers from extinction. Its website contains the latest information on tiger conservation, such as the **Global Tiger Recovery Program** (<http://www.globaltigerinitiative.org/wp-content/uploads/2010/11/Global-Tiger-Recovery-Program-Nov-4.pdf>).

### The St. Petersburg Declaration on Tiger Conservation

A Global Tiger Summit was co-hosted from 21 to 24 November 2010 in St. Petersburg by the President of the Russian Federation and the World Bank, at the conclusion of which the following Declaration was made:

We, the Heads of the Governments of the People's Republic of Bangladesh, the Kingdom of Bhutan, the Kingdom of Cambodia, the People's Republic of China, the Republic of India, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Republic of the Union of Myanmar, Nepal, the Russian Federation, the Kingdom of Thailand, and the Socialist Republic of Vietnam, being custodians of the last remaining tigers in the wild, having gathered at an unprecedented Global Tiger Summit in St. Petersburg, Russian Federation, from 21 – 24 November 2010, with the common goal of tiger conservation;

RECOGNIZE that Asia's most iconic animal faces imminent extinction in the wild. In the past century, tiger numbers have plummeted from 100,000 to below 3,500, and continue to fall. Tiger numbers and habitat have declined by 40 percent in the last decade alone, lost largely to habitat loss, poaching, the illegal wildlife trade, and human-tiger conflict. Three subspecies have already disappeared, and none of the other six are secure;

ACKNOWLEDGE that the tiger is one of the important indicators of healthy ecosystems and a failure to reverse these trends will result in not only the loss of tigers but also a loss of biological diversity throughout the entire Asiatic region, together with the tangible and intangible benefits provided by these magnificent predators and the ecosystems they inhabit;

NOTE that whilst the conservation of the tiger is primarily a national responsibility and that increased cooperation and coordination of efforts among the tiger range countries is essential, the reversal of this crisis is additionally dependent upon financial and tech-

## Chapter 43 – Asian Big Cats

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nical support from the international community, bearing in mind that most Tiger Range Countries are developing countries. The crisis facing the tiger has yet to receive the international attention it deserves and saving this species is a common responsibility;

UNDERSTAND the role of international agreements on the conservation of biological diversity and protection of rare and endangered species, including the tiger, such as the Convention on Biological Diversity, the Convention on International Trade in Endangered Species of Flora and Fauna (CITES), and the Convention on the Conservation of Migratory Species of Wild Animals (CMS);

ACKNOWLEDGE the work to date of the Global Tiger Forum and encourage its revitalization and more active role;

RECALL and endorse The Manifesto on Combating Wildlife Crime in Asia, adopted in Pattaya, Thailand, in April 2009; the Recommendations of the Global Tiger Workshop in Kathmandu, Nepal, October 2009; the Hua Hin Declaration on Tiger Conservation at the First Asian Ministerial Conference on Tiger Conservation (1st AMC) in Hua Hin, Thailand, January 2010; and the Work Plan of the Pre Tiger Summit in Bali, Indonesia, July 2010;

WELCOME the adoption of National Tiger Recovery Programs (NTRPs) and the Global Tiger Recovery Program (GTRP); and

ACKNOWLEDGE and appreciate the presence and support of other governments, international organizations, non-governmental organizations, and other supporters of tigers.

Because it is our obligation to future generations, and because we must act now, we hereby declare the following:

### **1. Strive to double the number of wild tigers across their range by 2022 by:**

a. doing everything possible to effectively manage, preserve, protect, and enhance habitats, including:

- a. Mainstreaming biodiversity conservation in planning and development processes in tiger habitat;

- b. Making critical tiger breeding habitats inviolate areas within the larger tiger conservation landscapes where no economic or commercial infrastructure development or other adverse activities are permitted; and maintaining the landscapes and creating corridors around and between them where all permitted development activities are tiger- and biodiversity-compatible;

- c. Improving protection by using systematic patrolling to safeguard tigers, their prey, and habitats; and

- d. Working collaboratively on trans-boundary issues, such as the uninhibited movement of tigers and the management of tiger conservation landscapes.

### **2. Working collaboratively to eradicate poaching, smuggling, and illegal trade of tigers, their parts, and derivatives through:**

- a. Strengthened national legislation, institutions, and law enforcement to combat crime directed against tigers;
- b. Strengthened regional law enforcement activities through bilateral and multilateral arrangements such as Association of South East Asian Nations Wildlife Enforcement Network (ASEAN-WEN), South Asia Wildlife Enforcement Network (SA-WEN), and the Protocol between the Government of the People’s Republic of China and the Government of the Russian Federation on Tiger Protection;
- c. Strengthened international collaboration, coordination, and communication;
- d. Specialized expertise, where relevant, from international organizations including the CITES Secretariat, INTERPOL, the UN Office on Drugs and Crime, the World Bank, and the World Customs Organization, (recognizing that some of these agencies may, themselves, require additional resources); and
- e. Long-term national and global programs to create awareness of the value of wild tigers and their ecosystems and thus eliminate the illicit demand for tigers and their parts.

**3. Engaging with indigenous and local communities** to gain their participation in biodiversity conservation, minimize negative impacts on tigers, their prey, and habitats, and reduce the incidence of human-tiger conflict by providing sustainable and alternative livelihood options through financial support, technical guidance, and other measures.

### **4. Increasing the effectiveness of tiger and habitat management, basing it on:**

- a. The application of modern and innovative science, standards, and technologies;
- b. Regular monitoring of tigers, their prey, and habitat;
- c. Adaptive management practices; and
- d. Building capacity of institutions involved in science and training and creating a platform for interactive knowledge exchange at all levels.

**5. Exploring and mobilizing domestic funding**, including new financing mechanisms based on forest carbon financing including REDD+, payment for ecosystem services (PES), ecotourism, and private sector, donor, and non-governmental organization partnerships.

**6. Appealing for the commitment of international financial institutions**, such as World Bank, Global Environment Facility, Asian Development Bank, bilateral and other donors and foundations, CITES Secretariat, non-governmental organizations, and other conser-

## Chapter 43 – Asian Big Cats

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vation partners to provide or mobilize financial and technical support to tiger conservation.

**7. Looking forward to the establishment of a multi-donor trust fund or other flexible arrangements to support tiger conservation.**

**8. Requesting financial institutions and other partners, including the Global Tiger Initiative, to assist** in identifying and establishing a mechanism to coordinate and monitor the use of the multi-donor trust fund allocated for tiger conservation and the implementation of the GTRP, including its Global Support Programs for capacity building and knowledge sharing, combating wildlife crime, demand reduction, and the GTRP progress report. In the interim, we request the Global Tiger Initiative to fulfill this role.

**9. Agreeing to convene high-level meetings on a regular basis** to review the progress of NTRPs and the GTRP and to help ensure continued high levels of political commitment to tiger recovery.

**10. Building tiger conservation awareness by celebrating Global Tiger Day annually on 29 July.**

**11. Welcome and sincerely appreciate the pledges made during the Tiger Summit**, we also appreciate the continued support of the Global Environment Facility, Save the Tiger Fund, Smithsonian Institution, US Fish and Wildlife Service, Wildlife Conservation Society, and WWF, and other partners in the Global Tiger Initiative, and welcome the participation of new ones.

By the adoption of this, the St. Petersburg Declaration, the tiger range countries of the world call upon the international community to join us in turning the tide and setting the tiger on the road to recovery.

## Chapter 44 - Bears

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### History

Resolution Conf. 10.8 referred in its preamble to the fact that all populations of bear species were included either in Appendix I or Appendix II of the Convention and that bears were native to Asia, Europe, North America and South America. Therefore, the issue of bear conservation was considered to be a global one. It was noted that the continued illegal trade in parts and derivatives of bear species undermined the effectiveness of the Convention and that if CITES Parties and States not-party did 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 recognized that long-term solutions for the protection and conserva-

tion of bears required the adoption of substantive and measurable actions.

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 labeled 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.

## Chapter 44 – Bears

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### Decision 11.44

Parties are encouraged to share forensic technology to assist Parties lacking sufficient capabilities for the identification of bear parts and derivatives, and for examination of products labeled as containing parts and derivatives of bear.

### 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 labeled 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 labeled 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.

## Chapter 44 - Bears

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CoP13 did not adopt specific decisions with regard to bears in view of the policy to address issues in a wider context. It did adopt Decision 13.21: The Secretariat shall, in consultation with the Standing Committee, examine all species-specific Resolutions concerning Appendix-I species with a view to preparing a consolidated resolution concerning the enforcement of trade controls for all Appendix-I species for consideration at the 14th meeting of the Conference of the Parties.

This led to a revision of Resolution Conf. 10.8 at CoP 14.

### Current recommendations

#### **Resolution Conf. 10.8 (Rev. CoP14):**

The Conference of the Parties urges all Parties, particularly bear range and consuming countries, to continue to take action to reduce the illegal trade in bear parts and derivatives by:

- 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 programs on enforcement of wildlife laws for field personnel, with a specific focus on bear parts and derivatives, and exchanging field techniques and intelligence;
- 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 examination of products labeled as containing parts and derivatives of bears;

The Conference of the Parties 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.

## Chapter 44 – Bears

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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 programs 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 Conference of the Parties 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.

## Chapter 45 - Bushmeat

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Although the bushmeat issue is mainly a domestic one, there is an important level of illicit international trade and this is where CITES controls can make the difference.

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 maintained the Bushmeat Working Group until the 13th meeting of the Conference of the Parties and Decision 12.20 directed the Secretariat to continue to facilitate and overview the work of the Bushmeat Working Group and to report on its activities at the 13th meeting of the Conference of the Parties.

**Resolution Conf. 13.11** is the result of the above Decisions and reads as follows:

THE CONFERENCE OF THE PARTIES

RECALLING Decision 11.166, adopted by the Conference of the Parties at its 11th meeting (Gigiri, 2000), relating to the establishment of the CITES Bushmeat Working Group;

RECOGNIZING that poaching and illicit trade in bushmeat constitute the greatest threat to the survival of wildlife species, for example the gorilla, chimpanzees, elephants and crocodiles, in Africa in general, but especially in Central Africa, and also in all other countries in the world;

## Chapter 45 – Bushmeat

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CONSIDERING that illicit trade in bushmeat increases poverty and the food deficit among rural communities using bushmeat as their main source of animal protein;

RECOGNIZING also the political will of the States in the sub-region to work for the sustainable management of forest resources as expressed in sub-regional initiatives, including the Yaoundé Declaration;

CONSIDERING also the recognition by the States of the sub-region of the bushmeat crisis as a major threat to the preservation of biodiversity;

CONSIDERING also the potential negative consequences of the development of the timber industry and the exploitation of natural resources;

NOTING the resolution of the European Parliament regarding the non-sustainable exploitation of wildlife and the illicit trade in bushmeat as a major threat to the survival of wildlife species, including apes, and also as a threat to the food security of the rural communities living in forested areas and depending on bushmeat in their diet;

NOTING that the trade in bushmeat involves many species included in the Appendices of the Convention but also species the trade in which is not regulated by CITES;

CONCERNED that unregulated trade in and consumption of bushmeat may bring risks to human health;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

ADVISES all relevant Parties to:

- a) prohibit the offtake of Appendix-I species for consumption as food and to encourage sustainable levels of offtake for species in Appendix II and III of the Convention;
- b) improve the domestic management of CITES-listed species harvested, traded and consumed as bushmeat through a review and, if needed, strengthening of relevant informative, legislative, in situ conservation, monitoring, enforcement and social or economic incentive measures;
- c) define clearly the administrative responsibilities of the government agencies that may be involved in, or can contribute to, the domestic regulation of trade in bushmeat and the import, export, re-export and transit or transshipment of bushmeat;
- d) clarify or establish property rights regarding CITES-listed species harvested, traded and consumed as bushmeat and to involve local communities in the monitoring of harvest, trade and consumption;

## Chapter 45 – Bushmeat

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e) review and, if needed, revise logging and other natural resource concessions to ensure that they contribute to the legal, non-detrimental harvesting of, trade in and consumption of bushmeat;

f) encourage the adoption of codes of conduct by the timber, fishing and other natural resource extraction industries, that discourage illegal or unsustainable harvesting, consumption and trade in bushmeat; and

g) identify alternative sources of protein and take other measures to reduce the demand for bushmeat and particularly the consumption of specimens of Appendix-I species;

### ADVISES:

a) all Parties and non-Parties to raise the awareness of staff in government agencies responsible for the regulation and inspection of food for human consumption, especially those engaged in CITES border controls and ensure that any cross-border trade in food derived from CITES-listed species is accompanied by the necessary import or export permit or re-export certificate; and

b) all relevant 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 bushmeat;

### ADVISES that:

a) all relevant Parties carry out appropriate education campaigns directed at both urban and rural communities to raise awareness of the conservation concerns associated with the trade in bushmeat, especially the consumption and trade in specimens of Appendix-I species, and of the risks to human health associated with unregulated trade in food derived from wild animals;

b) all relevant Parties take measures to increase awareness among enforcement, prosecution and judicial authorities of the illicit trade in specimens of CITES-listed species for human food consumption;

c) the Parties provide to the Secretariat detailed information on significant cases of illicit international trade in bushmeat and inform each other of all circumstances and facts likely to be relevant regarding such trade, with the aim of eradicating it; and

d) relevant Parties make use of information gathered in the MIKE (Monitoring of Illegal Killing of Elephants) system, which may assist in providing data regarding the use of elephant meat in the bushmeat trade and contribute to a better understanding of the dynamics of poaching and the trade in bushmeat;

## Chapter 45 – Bushmeat

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### REQUESTS:

a) countries and organizations with relevant expertise to support range and consumer States in the preparation or distribution of practical identification techniques to help determine whether bushmeat is derived from CITES-listed species; and

b) that, since biological and distribution data are essential for sustainable trade in bushmeat, donors assist in funding and providing expertise to develop computer databases and mapping and other necessary conservation management techniques; and

CALLS UPON relevant international organizations and the secretariats and Parties to international treaties to recognize the important role they can play in providing assistance, especially to range States, in regulating the trade in bushmeat and tackling the associated issues of poverty, habitat degradation, human population growth and utilization of natural resources, including the Convention on Biological Diversity, the Convention on the Conservation of Migratory Species of Wild Animals, the Food and Agriculture Organization of the United Nations, the International Tropical Timber Organization, the United Nations Conference on Trade and Development, the United Nations Development Programme, the United Nations Environment Programme, including its Great Apes Survival Project and the United Nations Population Fund.

Decisions 13.101 to 13.103 concerned further work of the Central Africa Bushmeat Working Group and the collaboration between CITES and CBD and FAO on the issue.

**Decision 14.73** encourages the Central Africa Bushmeat Working Group to collaborate with the Convention on Biological Diversity and the Food and Agriculture Organization of the United Nations in its work and is invited to draw to the attention of the Standing Committee and/or the Conference of the Parties to any matters relating to the implementation of Resolution Conf. 13.11.

**Decision 14.74 (Rev. CoP15)** encourages the Central Africa Bushmeat Working Group to continue its work, also by collaborating with the Convention on Biological Diversity Liaison Group on non-timber forest resources, and to report to the Standing Committee on progress made in implementing national action plans relating to the trade in bushmeat and other initiatives it takes regarding this subject. A report on the subject of bushmeat should be submitted at the 16th meeting of the Conference of the Parties.

## Chapter 46 - Great Apes

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**Resolution Conf. 13.4** addresses the issue of the conservation of and trade in great apes and the need for cooperation between CITES and UNEP's Great Apes Survival Project (GRASP), which is also referred to in **Resolution Conf. 13.11** on bushmeat.

**Resolution Conf. 13.4** reads as follows:

THE CONFERENCE OF THE

PARTIES

CONSCIOUS of the special importance of great apes, not only from a cultural and scientific point of view and as part of our natural heritage, but also as mankind's closest living relatives;

CONCERNED that wild populations of great apes [all subspecies of the gorilla (*Gorilla gorilla*), chimpanzees (*Pan spp.*) and the orang-utan (*Pongo pygmaeus*)] in Africa and Asia are threatened by the combined effects of trade in live animals, poaching for bushmeat, disease and habitat loss caused by disturbance, fragmentation and destruction;

CONCERNED that almost all great ape populations continue to decline drastically;

AWARE that chimpanzees are now reported to be extinct in at least four of the 25 countries they once inhabited, that the Sumatran orang-utan (*Pongo pygmaeus abelii*) and three populations of gorilla are classified by IUCN as 'Critically Endangered' and that the other species and subspecies of great apes are classified as 'Endangered';

RECALLING that all great ape species are included in Appendix I of the Convention;

CONCERNED that illegal trade at international and national levels has been stimulated by opening up of forest habitats, increasing demand for ape meat, especially from urban

## Chapter 46 – Great Apes

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populations both in range and non-range States and continuing global demand for live specimens, particularly juveniles;

COMMENDING efforts already made in a number of range and non-range States to tackle poaching and illegal trade, including repatriation of seized live specimens to the country of origin;

RECOGNIZING the need for international support to assist the 23 range States in protecting great ape populations, their habitats and related biodiversity resources;

RECOGNIZING also the need for technical guidance to assist all Parties in preventing illegal trade in live specimens and parts and derivatives of great apes, including the confiscation and subsequent treatment of live animals;

NOTING that the World Summit on Sustainable Development Great Ape Survival Project (WSSD GRASP) Partnership led by UNEP and UNESCO draws on the scientific expertise of the IUCN Species Survival Commission, and brings together range and non-range States, international conventions (including CITES and the Convention on Biological Diversity), and a range of global and national non-governmental organizations;

NOTING further that GRASP convened an Inter-Governmental Preparatory Meeting at UNESCO headquarters in Paris, France, from 26 to 28 November 2003, to set the agenda for an inter-ministerial meeting to be held in Africa in early 2005;

AWARE of work to prepare and adopt National Great Ape Survival Plans (NGASPs) and their role in building capacity in range States;

NOTING the work undertaken by the CITES Bushmeat Working Group and other initiatives;

NOTING that the Ministerial Declaration made at the Ministerial Conference on Africa Forest Law Enforcement and Governance (AFLEG) at Yaoundé, Cameroon, on 16 October 2003, included inter alia an expression of intention to establish and strengthen laws and regulations for hunting and bushmeat trade in and around forest industry concessions and across borders, and to work through sub-regional as well as regional task forces on forest law enforcement and governance;

URGES all Parties to:

a) adopt and implement comprehensive legislation to protect great apes, which includes:

i) a prohibition of all international trade for primarily commercial purposes, including sale, display, purchase, offer to purchase and acquisition for commercial purposes of wild-caught specimens of great apes; and

## Chapter 46 – Great Apes

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- ii) deterrent penalties aimed at eliminating illegal trade in great apes and parts and derivatives thereof;
- b) strengthen enforcement controls, including anti-poaching measures in great ape habitats and anti-smuggling measures at international borders;
- c) limit the international use of great apes to nationally approved zoological institutions, educational centers, rescue centers and captive-breeding centers in accordance with CITES; and
- d) promote the protection of great ape habitats, including cross-border cooperation between neighboring range States for the management of contiguous habitat, and to take appropriate action to restore such habitats where they have become fragmented or diminished in quality;

DIRECTS the Secretariat to:

- a) work closely with Parties, and as a member of the GRASP partnership, to develop and implement measures, including legislative and enforcement measures and regional and sub-regional initiatives, to halt or reduce and ultimately eliminate illegal trade in great apes;
- b) assist range States in the implementation of NGASPS where these include measures aimed at eliminating illegal trade; and
- c) report to the Standing Committee on the implementation of this Resolution at each of its regular meetings;

DIRECTS the Standing Committee to:

- a) review the implementation of this Resolution at each of its regular meetings on the basis of the Secretariat's reports;
- b) consider other measures such as technical missions, organized in cooperation with GRASP and other appropriate partnerships, followed by political missions if necessary; and
- c) report at each meeting of the Conference of the Parties on the implementation of this Resolution, with any recommendations for further action;

URGES the Secretariat, the Standing Committee and the Animals Committee to work closely with GRASP, and to explore and implement other measures through which the Convention can contribute to the conservation of great apes and to the promotion of public awareness of the threat posed to great ape populations by illegal trade;

URGES all range States, other Parties and relevant organizations to join the GRASP partnership;

## Chapter 46 – Great Apes

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CALLS UPON all Parties to other relevant multilateral agreements, such as the Convention on Biological Diversity and the Convention on Migratory Species of Wild Animals, to cooperate with GRASP and other appropriate partnerships in developing a common strategy to conserve great ape populations;

CALLS UPON all governments, intergovernmental organizations, international aid agencies and non-governmental organizations, as a matter of urgency, to assist the range States in any way possible in supporting the conservation of great apes including:

- a) the provision of funding;
- b) assistance with enforcement, training, capacity building and education;
- c) population monitoring, and the gathering and exchange of scientific, technical and legal information and expertise;
- d) habitat management and restoration;
- e) mitigation of conflict between humans and apes; and
- f) the development of projects which deliver tangible benefits to local communities such as alternative sources of protein;

and to stop illegal trade in specimens of these species in order to ensure the long-term survival of all populations in the wild, particularly by working through GRASP and other appropriate partnerships and through measures taken to implement this Resolution; and

CALLS UPON the Secretariat to collaborate with the Secretariat of the Convention on Biological Diversity in relation to the conservation of great apes, in particular developing measures relating to *in situ* conservation and to make recommendations relevant to CITES to the Standing Committee for consideration.

**Decision 15.44** directs the Secretariat to seek external funding to undertake, in conjunction with GRASP, ICPO-INTERPOL and the World Customs Organization, technical missions to a limited number of gorilla range States. The Secretariat shall report to the Standing Committee on the outcome of the missions.

**Decision 15.45** directs the Standing Committee to consider the report of the Secretariat and also consider:

- a) endorsing any relevant recommendation or measure that could be implemented prior to the 16th meeting of the Conference of the Parties (CoP16); and
- b) requesting the Secretariat to prepare a report for consideration at CoP16.

## Chapter 47 - The Tibetan Antelope

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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.

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 and 13th meeting of the Conference of the Parties and therefore is now:

**Resolution Conf. 11.8 (Rev. CoP13)**, which reads as follows:

RECALLING 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 the Tibetan antelope (*Pantholops hodgsonii*) was discussed by government representatives from China, France, India, Italy, Nepal, the United Kingdom of Great Britain and Northern Ireland and the United States of America, as well as representatives of the CITES Secretariat and non-governmental organizations;

AWARE that the Tibetan antelope is included in Appendix I, and that all commercial international trade in its parts and derivatives has been regulated by the Convention since 1979;

## Chapter 47 – The Tibetan Antelope

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NOTING that 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;

CONSCIOUS that 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;

RECOGNIZING that strengthened technical cooperation between range and non-range States, and financial support, would contribute to more effective conservation of the Tibetan antelope;

COMMENDING the initiatives by Parties to facilitate cooperation in conservation of the Tibetan antelope and to address illegal hunting of the Tibetan antelope, including:

- a) China, which has made a serious effort to stop poaching and smuggling of the Tibetan antelope and has also established nature reserves for the species; and
- b) France, India, Italy, the United Kingdom and the United States, 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 CONFERENCE OF THE PARTIES TO THE CONVENTION

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 reduce demonstrably 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;

## Chapter 47 – The Tibetan Antelope

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### 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; and

b) the Standing Committee to undertake a regular review of the enforcement measures taken by the Parties in eliminating the illicit trade in Tibetan antelope products on the basis of the Secretariat's report, and to report the results at each meeting of the Conference of the Parties; and

### URGES:

a) the processing countries of the products of the 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 the 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.



## Chapter 48 - The Musk Deer

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Musk deer are native to Asia but natural musk and products containing musk are used and traded worldwide and, therefore, 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:

AWARE that all musk deer species are included either in Appendix I or Appendix II of the Convention;

RECOGNIZING that 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;

NOTING that the status and trends of musk deer populations and the domestic demand for musk in range countries are inadequately documented;

FURTHER NOTING that continued illegal trade in raw musk derived from wild musk deer undermines the effectiveness of the Convention;

## Chapter 48 – The Musk Deer

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AWARE that, 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;

RECOGNIZING that long-term solutions for the protection of musk deer require the adoption of substantive and measurable actions designed to ensure sustainable use;

RECOGNIZING that strengthening technical cooperation between range and consumer States and financial support would contribute to more effective musk deer conservation;

### THE CONFERENCE OF THE PARTIES TO THE CONVENTION

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 labeling 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;

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 nongovernmental 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:

## Chapter 48 – The Musk deer

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### 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.

The Secretariat reported to the 12<sup>th</sup> meeting of the Conference of the Parties in relation to Decision 11.57, that the only Party that regularly established export quotas for raw musk was the Russian Federation. It had not reduced its export quota for such specimens, but the trade from the Russian Federation was the subject of a Review of Significant Trade by the Animals Committee.

With regard to Decision 11.83, the Secretariat wrote in January 2001 to the countries concerned, seeking relevant information. China (including a separate report from Hong Kong SAR), Germany, Japan, Mongolia and the Russian Federation responded. China provided very detailed information regarding musk deer populations, the use of musk deer, and legislative provisions to protect the species and control trade. China was actively engaged in the captive breeding of musk deer and the non-fatal extraction of musk. It appeared, however, that the amount of musk obtained from such work remained small. This was confirmed by a TRAFFIC East Asia report that had examined musk deer farming in China. The use of synthetic musk had apparently increased significantly. Hong Kong SAR acknowledged that it had been an important destination for musk, especially from the Russian Federation. Although some was used domestically for medicine, most was re-exported; France, Japan, and the Republic of Korea being the main importing countries. Germany acknowledged that it had previously been an important trading country of musk. However, since 1999 the European Union had prohibited commercial imports of musk from musk deer and Germany enforced that prohibition. The Secretari-

## Chapter 48 – The Musk Deer

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at presumed that this also applied in France, although it noted that Hong Kong SAR was still re-exporting musk grains to France in the year 2000. Japan's response indicated that it had no information to report. Mongolia reported that the hunting of musk deer had been prohibited since 1953. A small captive breeding operation had been established. Mongolia did not identify which species was involved. Hunting of musk deer in the Russian Federation was allowed under license and the country had established export quotas for musk. The Russian Federation acknowledged that, owing, to the small size of musk pods, smuggling could be very difficult to detect but its Inspection Tiger brigades had made some seizures in the Russian Far East. The Russian Federation sold confiscated musk, to help recoup enforcement costs, and then included such quantities, where relevant, in its export quotas.

At its 46th meeting, the Standing Committee noted the report by the Secretariat in which it supplied the above information (document SC46 Doc. 15). The Standing Committee took no further decision regarding the subject and made no recommendations relating to it.

On the basis of [Decision 11.92](#), the Animals Committee initiated the Review of Significant Trade in *Moschus* spp. at its 16th meeting in 2000. It formulated recommendations concerning the implementation of Article IV of the Convention for trade in musk deer, raw musk and products containing musk in two range States, China (for *Moschus berezovskii*, *M. chrysogaster*, *M. fuscus* and *M. moschiferus*) and the Russian Federation (for *M. moschiferus*). In both range States the implementation of the recommendations was ongoing or under evaluation. In his report to the 12th meeting of the Conference of the Parties, the Chairman of the Animals Committee recommended to take no further action other than the completion of the Committee's Review of Significant Trade concerning *Moschus* spp., and to repeal [Decision 11.92](#).

On the implementation of [Decision 11.149](#), the Secretariat reported to COP 12, that no budget had been established to fund the activities concerned. However, with financial support from the United States of America, the Secretariat had commissioned a small study of musk availability in Chinese markets. Information available to the Secretariat suggests that the poaching of musk deer remains a problem in many of the species' areas of natural habitat. This is aggravated by the fact that much of the poaching appears to target animals indiscriminately and not just the males that have musk pods. Consequently, several deer may be killed or taken before one pod is obtained. As with many other species subject to poaching, the habitat is often in areas where local human populations suffer from significant socio-economic problems and enforcement alone is unlikely to halt poaching. The Secretariat further reported that, whilst increasing use of synthetic musk would relieve pressure on wild populations, many of the products traded as containing musk did not make clear whether the ingredient is from a wild or synthetic source. There also seemed to be reasonable grounds to suspect that some products claiming to contain musk may not contain any at all; just as is the case in some medicinal products claiming to have tiger bone as an ingredient. Not only did this cause difficulty for enforcement but it also made obtaining accurate figures for domestic and international trade very difficult. This is why it is so relevant for Parties to implement the recommendation in **Resolution Conf. 11.7** (Conservation of and trade in musk deer) to

## Chapter 48 – The Musk deer

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pursue the development of a labelling system and share forensic methods to detect musk in products. The Secretariat was aware of at least two laboratories that had engaged in work on the latter subject. The Secretariat also reported to have learned of some medicinal products, labelled as containing musk, which had been seized by Parties whose domestic legislation authorized them to regard such labelled products as ‘readily recognizable’. However, subsequently, some almost identical products had then been noted bearing the phrase ‘artificial musk’. The Secretariat recommended that those Parties that authorized the export of products containing musk should provide it with details of the packaging or labelling used for legal products, so that it could distribute such information via Notifications to the Parties, as it had done for examples of labels used by caviar exporters.

The Secretariat believed that many products containing musk must already be subject to regulatory provisions, such as food and drug regulations, in many countries and that Management Authorities should liaise with appropriate agencies in order to identify already existing domestic controls, which might be used to help distinguish between legally and illegally manufactured products. The Secretariat also believed that improving enforcement in key border areas required to be done not just for musk deer but for several other species, especially Appendix-I animals and plants. It noted that it had to be acknowledged, however, that many of the borders in question were very lengthy, sometimes ill-defined and often porous. Many such areas had a traditional tolerance of frequent crossings by indigenous people for trading purposes without strict passport and visa controls. These factors all made life easier for smugglers. The Secretariat believed, however, that this was a field where the use of trained dogs to detect musk and musk products in cargo and passenger baggage, especially given the pungent smell of raw musk, could prove very effective, if deployed at relevant border points. It is aware that one such dog has proved very successful during inspections in the Republic of Korea.

The Secretariat identified the illicit trade in musk deer as yet another subject where the Secretariat would welcome receiving much more information from the Parties regarding seizures and enforcement actions. Without such information, it was very hard for the Secretariat to disseminate targeting advice or formulate enforcement strategies.

The Secretariat finally had to report that a lack of funds and resources had prevented it from engaging in any significant work relating to the conservation of and trade in musk deer, although it acknowledged that this was a subject that deserved attention. It was aware that some non-governmental organizations, particularly TRAFFIC, had conducted some research into the trade and it may be possible to draw upon such work in developing strategies.

The Secretariat recommended that Decision 11.92 be repealed in the light of the above and the ongoing implementation of the Review of Significant Trade concerning *Moschus* spp, which was agreed by the Conference of the Parties.



## Chapter 49 - The Saiga antelope

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The 13th meeting of the Conference of the Parties adopted a series of important decisions on the conservation of this species.

Decisions 13.27 to 13.35 contained detailed directives for action by all Parties, range states, the Standing Committee and the Secretariat.

13.27 Important consumer and trading countries of saiga parts and derivatives [as identified by the Secretariat pursuant to Decision 13.35, paragraph g)] should report to the Secretariat, for transmission to each meeting of the Standing Committee between its 53rd meeting and the 14th meeting of the Conference of the Parties, and in their

biennial reports on:

- a) stockpiles in their country; and
- b) steps they are taking to control any legal and illegal trade in parts and derivatives of the saiga antelope.

13.28 Donor Parties, aid agencies, businesses using and producing saiga products, inter-governmental organizations and non-governmental organizations are urged to assist all range States and consumer countries in any way possible with the conservation of this species, including:

- a) the provision of funding;
  - b) the provision of assistance with enforcement, anti-poaching and anti-smuggling;
  - c) the provision of capacity building;
  - d) the provision of equipment, particularly for undertaking anti-poaching and anti-smuggling activities;
  - e) the provision of assistance with education and public awareness;
  - f) the provision of assistance with population monitoring;
  - g) analysis and monitoring of stockpiles in key consumer countries;
  - h) gathering and exchange of scientific, technical and legal information and expertise;
- and

## Chapter 49 – The Saiga Antelope

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i) supporting missions of the Secretariat, as specified in Decision 13.35, paragraph c).

13.29 All relevant range States (Kazakhstan, Mongolia, Russian Federation, Turkmenistan, Uzbekistan) are urged to complete their internal consultations and processes, making the necessary arrangements with the Secretariat of the Convention on Migratory Species (CMS), to sign as soon as practicable the 'Memorandum of Understanding concerning Conservation, Restoration and Sustainable Use of the Saiga Antelope (*Saiga tatarica tatarica*)' drafted at the workshop in Elista, Kalmykia, in May 2002, and to implement the Saiga Action Plan in order to restore the habitat and populations of the saiga antelope, and enhance transboundary and international cooperation through inter alia a regional conservation and management strategy.

13.30 Mongolia is urged to participate in the implementation of those elements of the Saiga Action Plan that are of relevance to the conservation of its saiga population.

13.31 All saiga range States should address the problems they have in implementing CITES and ensure the conservation and management of *Saiga tatarica* in close cooperation with the Secretariat, other countries, other competent authorities, intergovernmental organizations, and non-governmental organizations.

13.32 Recognizing that there is uncertainty as to the occurrence of *Saiga tatarica* in China, China is encouraged to investigate and report on the status of the wild population of *Saiga tatarica* and its habitats in China, and undertake any necessary conservation activities.

13.33 All range States should report on the activities outlined above, through the Secretariat, to the Standing Committee at each of its meetings between its 53rd meeting and the 14th meeting of the Conference of the Parties.

13.34 The Standing Committee shall discuss the conservation of and trade in *Saiga tatarica* at its meetings between its 53rd meeting and the 14th meeting of the Conference of the Parties and recommend appropriate action.

13.35 The Secretariat shall:

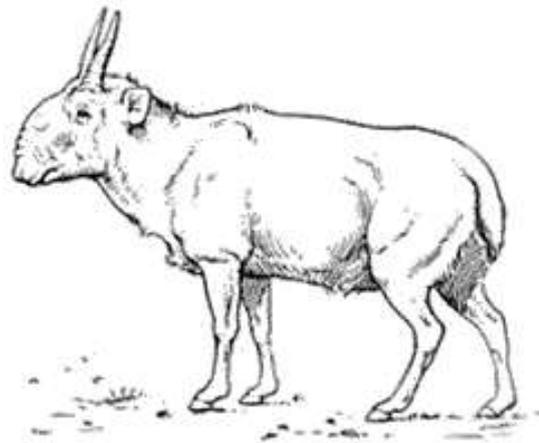
- a) assist the Parties with the implementation of the CITES-relevant aspects of the Saiga Action Plan of the Memorandum of Understanding Concerning Conservation, Restoration and Sustainable Use of the Saiga Antelope;
- b) facilitate technical and other assistance, as required, and work with all range and consumer countries as appropriate on trade-related aspects of the conservation of saiga, with particular focus on China, Kazakhstan and the Russian Federation;
- c) undertake missions to range and consumer Parties to verify, among other things, species conservation and management efforts, enforcement actions, stockpiles of saiga specimens, implementation of the Saiga Action Plan and compliance with recommendations of the Standing Committee;
- d) include the issue of saiga trade and conservation in an enforcement workshop in the Asian region to be held before the 14th meeting of the Conference of the Parties;

## Chapter 49 – The Saiga antelope

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- e) cooperate with the Secretariat of the Convention on Migratory Species (CMS) on issues pertaining to saiga including, but not limited to, the implementation of the Saiga Action Plan and the Memorandum of Understanding between the two conventions;
- f) if requested, assist the range States in meeting the reporting requirements referred to in Decision 13.33;
- g) identify important consumer and trading countries of saiga parts and derivatives, and encourage them to take the actions required under Decision 13.27; and
- h) report on progress in implementation of the Decisions regarding *Saiga tatarica* to the Standing Committee at each of its meetings between its 53rd meeting and the 14th meeting of the Conference of the Parties, as well as at the latter meeting.

**Resolution Conf. 13.3** further links this work to that undertaken in the context of the Convention on Migratory Species (CMS) by providing that the Standing Committee should ensure that CITES initiatives in respect of the saiga antelope (*Saiga tatarica*) complement, reinforce and, as far as possible, benefit from the regional collaboration already being undertaken or envisaged in the framework of CMS.



**Decision 14.91** provides that all range States of *Saiga tatarica* (Kazakhstan, Mongolia, the Russian Federation, Turkmenistan, Uzbekistan) and China as a former range State should fully implement the measures directed to them that are contained in the Medium-Term International Work Programme for the saiga antelope (2007-2011), developed in support of the Memorandum of Understanding (MoU) concerning 'Conservation, Restoration and Sustainable Use of the Saiga Antelope (*Saiga tatarica tatarica*)' and its Saiga Action Plan.

**Decision 14.93 (Rev. CoP15)** provides that all range States of *Saiga tatarica* should provide information on the measures and activities they undertook to implement the Medium-Term International Work Programme for the saiga antelope (2007-2011) in their biennial reports for the period 2009-2010.

The reporting period could have been adjusted at CoP 15.

**Decision 14.94 (Rev. CoP15)** encourages important consumer and trading States of saiga parts and derivatives to collaborate in managing and controlling trade in saiga antelope, and should take into consideration the recommendations formulated in Trade in saiga antelope horns and other parts: an overview of recent global trade trends and conservation aspects with a focus on market demand in Southeast Asia (Annex 6 to document CoP14 Doc. 56), particularly those relating to:

- a) the development of coherent policies and procedures for the disposal of confiscated saiga parts and derivatives;

## Chapter 49 – The Saiga Antelope

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b) the registration and marking of saiga parts and derivatives that are kept in government or private ownership, regular monitoring of such stockpiles, and the adoption of a labeling system for products containing saiga specimens; and

c) the reduction of the overall consumption of saiga parts and derivatives in close cooperation with medicine manufacturers and communities using traditional Asian medicine, e.g. by restricting the varieties of patent medicines that are allowed to contain saiga horn, researching and promoting appropriate substitutes for the saiga horn, and confining the prescription of medicines containing saiga horn to the most essential treatments.

**Decision 14.95 (Rev. CoP15)** provides that important consumer and trading States of saiga parts and derivatives should provide information on their implementation of Decision 14.95 (Rev. CoP15) in their biennial reports for the period 2009-2010.

As in the case of **Decision 14.93**, the reporting period could have been adjusted at CoP 15.

**Decision 14.96** urges donor Parties, aid agencies, businesses using and producing saiga products, and intergovernmental and non-governmental organizations to assist all range States and consumer countries in any way possible with the conservation of the saiga antelope, particularly by focusing funding, resources and expertise on the measures specified in the Medium-Term International Work Programme for the saiga antelope (2007-2011), developed in support of the Memorandum of Understanding concerning 'Conservation, Restoration and Sustainable Use of the Saiga Antelope (*Saiga tatarica tatarica*)' and its Saiga Action Plan.

**Decision 14.97 (Rev. CoP15)** instructs the Secretariat to:

a) cooperate with the Secretariat of the Convention on the Conservation of Migratory Species of Wild Animals on issues pertaining to the saiga antelope, including:

i) the implementation of the Medium-Term International Work Programme for the Saiga antelope (2007-2011);

ii) the organization of the second meeting of the signatories to the Memorandum of Understanding concerning 'Conservation, Restoration and Sustainable Use of the Saiga Antelope (*Saiga tatarica tatarica*)', scheduled to take place in 2010;

iii) facilitating collaboration between the range States of the saiga antelope and major consumer Parties; and

iv) securing support for implementing the Medium-Term International Work Programme inter alia by exploring possibilities to establish an enabling mechanism to use funds from the traditional Asian medicine industry for in situ conservation of the saiga antelope; and

## Chapter 49 – The Saiga antelope

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b) report on the implementation of Decisions 14.91 and 14.93 (Rev. CoP15) to 14.97 (Rev. CoP15) , including a written summary of the information contained in biennial reports from relevant Parties, for consideration at the 16th meeting of the Conference of the Parties, and recommend appropriate actions.



## Chapter 50 - The Houbara bustard

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Resolution Conf. 10.11 addressed the situation of the Houbara bustard (*Chlamydotis undulata*), a species included in Appendix I. It noted with concern the critical conservation status of this species over large spans of its range in Asia and North Africa and expressed concern that international trade in the Houbara bustard still took place as well as uncontrolled hunting of the species in its breeding and nesting areas.



The Resolution acknowledged 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 was 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 urged 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 called 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 encouraged 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.



## Chapter 51 - Grey Parrots

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**Decision 14.82** provides that the range States of *Psittacus erithacus* should participate in the development and implementation of regional management plans for the conservation of and trade in *P. erithacus erithacus* and *P. erithacus timneh*.

**Decision 14.83** instructs the Secretariat, subject to external funding, to develop regional management plans for the conservation of and trade in *P. erithacus erithacus* and *P. erithacus timneh*, in collaboration with the range States, relevant experts, non-governmental organizations and other stakeholders. Issues to be addressed in these plans should

include:

- a) development of biologically sustainable national export quotas in cooperation with neighboring range States;
- b) development of standards for making non-detriment findings;
- c) providing details of the control measures in place or to be implemented to verify the origin of the specimens;
- d) cooperation on studies on the population status and demography of the species and the status of its habitat;
- e) cooperation on long-term monitoring efforts;
- f) actions to implement law enforcement programs to combat poaching and illegal trade (both national and international) and report on the results of the programs in terms of enforcement efforts, seizures and prosecutions;
- g) agreements on reliable methodologies for assessing population status and population monitoring;
- h) investigations of the possibility of establishing *in situ* captive-breeding facilities for the species;

## Chapter 51 – Grey Parrots

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i) encouragement of the participation of all range States, enforcement authorities, importing countries, experts, the NGO community and the private sector in implementing these plans; and

j) considering expanding the management plans to include other psittacine species in the region.

**Decision 14.84** instructs the Secretariat to seek funding for and organize workshops in West and Central Africa to assist range States in the development and implementation of regional management plans for the conservation of and trade in *P. erithacus* and *P. erithacus timneh*.

**Decision 14.85** provides that the Secretariat should identify cases where there has been a history of exports in excess of quotas and, as long as necessary, verify export permits issued to ensure that quotas are not exceeded.



## Chapter 52 - Snakes

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At the 15<sup>th</sup> meeting of the Conference of the Parties, the United States and China paper on snake trade and conservation management, which led to the adoption of four decisions on the issue.

The overview provided reads as follows:

Snakes are globally distributed and their trade and consumption are a global issue as well.

While they occur throughout the Asian region, East, South, and Southeast Asia contain a rich diversity of terrestrial snakes. Records maintained by the TIGR (The Institute for Genomic Research) Reptile Database ( [www.reptile-database.org](http://www.reptile-database.org) ) show that this area may contain 30% of the world's described snake species. Many wild snakes are harvested and traded internationally, and are used locally as food or for the production of traditional medicine, leather, and other products. Snakes have been used for food and medicine for centuries, and ancient Chinese texts list snake among the recognized traditional medicinal ingredients (Zhou and Jiang 2004, and Dharmananda 1997). Liver, gallbladder, and venom are among the therapeutic body parts and products, and some species are used to relieve pain and stimulate blood circulation. Snake is also prescribed for rheumatism, neuralgia, polio, hemiplegia, and hepatic fibrosis or cirrhosis of the liver (Ibid and Chang *et al.* 2005).

Asia's snakes have also been harvested in large numbers for the skin trade since the early part of the 20<sup>th</sup> century, starting with Javan species around 1910. By the mid-1920s a regular supply chain had opened with snakes from the Sunda Islands (Indonesia) and India, and expanded to what are now Sri Lanka, Thailand, the Philippines, and other regions (Parker 1933, as cited in Jenkins and Broad 1997). Today the international trade in snake skins is a large industry, primarily for the production of consumer goods. The impact of harvest on wild populations has been reviewed to varying degrees (Jenkins and



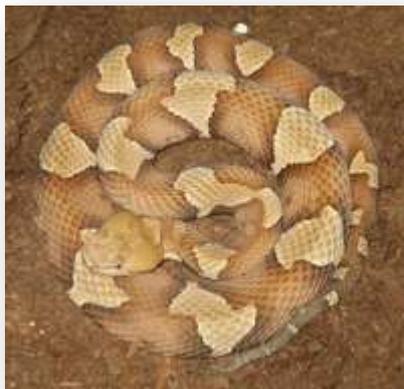
## Chapter 52 –Snakes

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Broad 1997, Groombridge and Luxmore 1991, Erdelen, ed. 1998, Shine *et al.* 1995), but a comprehensive examination has not been undertaken.

The trade in Asian snake species is one of the largest under-regulated trades in terrestrial wildlife globally. While a legal regional trade occurs in both CITES-listed and unlisted species (although the majority of the trade appears to be in unlisted species), the illegal trade does not discriminate between listed and unlisted species. Estimates of international and domestic trade volumes vary widely, possibly because the majority of affected species are not CITES-listed and the trade is not reported to or recorded by the authorities.

TRAFFIC (Nguyen and Nguyen 2008) reported on commercial snake farming in Viet Nam. The authors indicated that 70-100 tons of snake were produced annually (2005 to 2006), primarily including Appendix-II spectacled cobra (*Naja naja*), but also some king cobra (*Ophiophagus hannah*) specimens. Another 2008 report indicated that snake production at one commune in Viet Nam in 2006 was 250 tons, up from 60 tons in 2000 (Nguyen *et al.*, 2007). TRAFFIC found that the snakes produced on these farms are sold to local traders for domestic resale or illegal export to China. The snakes from these facilities are also utilized domestically for the production of snake wine, meat, medicinal gel, and poison (a manufactured venom derivative): TRAFFIC notes that meat and poison are also exported to China, although a review of CITES annual report data show no such meat and minimal derivative exports. These claims need to be investigated and a thorough examination is necessary to clarify the trade situation.



**Agkistrodon acutus**

Guo *et al.* (1996) reported several hundred snake farms in China producing 427,000 specimens of three commonly traded species (*Agkistrodon acutus*, *Bungarus multicinctus*, and *Zaocys dhumnades*). Zhao (1998) reported that approximately 100 Chinese farms produced their first *A. acutus* hatchlings in the late 1970s, and that wild populations are “much reduced” due to habitat destruction and harvest. Recent published information on the snake trade and population declines in China (Zhou and Zhigang 2004 and 2005) have reportedly resulted in increased species protection efforts by the government (Zhou, personal communication).

It is not clear what level of wild harvest supports snake farming. Some facilities may operate as closed cycle operations with little or no input of wild-caught specimens. Alternatively, some facilities may serve to raise wild-caught juvenile snakes to a marketable size. Nevertheless, some authors are questioning the conservation value of snake farming in Asia (Shi 2002 and WCS 2009).

Wildlife managers not only face strong consumer demand for snakes, but demand may be increasing. In China’s Anhui Province, annual consumption of snakes from 1997 to

## Chapter 49 – The Saiga antelope

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2000 increased from 15,170 to 91,592 kg (Gu 2000, as cited in Zhou and Jiang 2004), more than a 600% rise in 3 years.

However, the authorities in China have taken action for the protection of the species; from 2003, China generally suspended the utilization of wild-caught snakes for restaurants, and started an annual quota control system for snakes for human consumption, gradually employing a product labeling system for almost all snake products. All stocks of the regulated species will also be managed under the official registration system with a program employing the use of container seals.

Da Nóbrega Alves *et al.* (2008) noted “the urgent need to increase our knowledge concerning the harvesting and trading of reptiles in traditional medicine and to assess the impacts caused by this commercial exploitation.” The lack of data on actual threats to wild populations is a recurrent theme in the conservation literature (Ibid and Schlaepfer, *et al.* 2005). Schlaepfer *et al.* (2005) noted that available trade data are not adequate, but highlighted that the “volumes of animals taken from the wild...is large enough to potentially extirpate populations or species.”

In some cases the negative effects of collection are evident. Stuart *et al.* (2000) noted that the 1999-2000 harvest of over 8,500 water snakes (Homalopsinae) per day in Cambodia’s Tonle Sap, as a feed source for local crocodile farms, represented the world’s “greatest exploitation of any single snake assemblage.” A significant population decline



Mamushi snake

resulted (Brooks *et al.* 2007 and Stuart *et al.* 2000). Sasaki *et al.* (2009) reported on Japan’s endemic mamushi snake (*Gloydius blomhoffi*), heavily hunted for food and medicinal purposes. The authors found that heavy hunting pressure encourages rapid deleterious evolutionary changes, affecting the ability of the species to recover from human harvest.

While the global recession has the short-term potential to lower the volume of wildlife trade, population growth and economic expansion of the region are likely to result in increases in demand. Knowledge of the population status of snakes in Asia is poor. Many species may not be impacted by harvest, but there are reports of population declines for others. While the growth in consumer demand for snakes may compare to that affecting freshwater turtles in the 1990s and 2000s, the conservation impacts of the snake trade and the effects of farming on wild populations are poorly understood.

On the basis of the above, the Conference of the Parties adopted the following decisions:

**Decision 15.75** instructs the Secretariat to, subject to available funds, convene a technical workshop to consider the conservation priorities and management and enforce-

## Chapter 52 –Snakes

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ment needs related to the trade of snakes in Asia, with a particular focus on the markets and commercial trade in East, South, and Southeast Asia.

a) The Secretariat shall invite the members of the Animals and Standing Committees, 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 of the conclusion of the 15th meeting of the Conference of the Parties.

b) The Secretariat shall contract with appropriate technical experts to prepare documents on Asian snake conservation, trade management, enforcement, and biology for the workshop and shall invite workshop participants to submit the same.

c) The findings and recommendations of this workshop should be reported by the Secretariat to the Animals and Standing Committees.

**Decision 15.76** instructs the Animals Committee to consider the results of this workshop and provide their recommendations to the Standing Committee for its consideration.

**Decision 15.77** instructs the Standing Committee to consider the recommendations by the Animals Committee and make its own recommendations at the 16th meeting of the Conference of the Parties.

**Decision 15.78** encourages Parties and non-Parties, inter-governmental organizations, non-governmental organizations, commercial traders, and donors to provide funding to the Secretariat for this technical workshop.

## Chapter 53 - Turtles and Tortoises

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### **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 provided 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.

## Chapter 53 – Turtles and Tortoises

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Decision 12.45 encouraged 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 directed 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.

CoP 13 adopted directives for States and territories in the wider Caribbean region on the further development of a collaborative regional conservation strategy, Decision 13.38.

Decision 13.39 called for funding and Decisions 13.40 and 13.41 directed the Secretariat to arrange at least one meeting and to report to CoP14.

Decision 14.86 instructed the Secretariat to:

a) provide support to, and collaborate with, the Inter-American Convention for the Protection and Conservation of Sea Turtles and the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean region (Cartagena Convention) and its Protocol Concerning Specially Protected Areas and Wildlife (SPAW Protocol), in raising funds to conduct, before the 15th meeting of the Conference of the Parties, a meeting about hawksbill turtles for the wider Caribbean region with the purpose of promoting collaboration, planning and information sharing within the region, and to cooperate with other organizations and multilateral agreements that have a mandate concerning the conservation, management and sustainable use of this species in the wider Caribbean region;

b) request the above mentioned organizations to include issues related to illegal trade in hawksbill turtles in the regional meeting's agenda;

c) request these organizations to enable the participation of the CITES Secretariat in the regional meeting as an observer, as well as the participation of CITES Parties of the wider Caribbean region; and

d) request these organizations to provide the report including the results of the regional meeting, as well as, if available, information about the progress made regarding the implementation of the national management plans of the Parties of the wider Caribbean region and to submit this report at the 15th meeting of the Conference of the Parties.

Decision 14.87 encouraged Parties, intergovernmental organizations, international aid agencies and non-governmental organizations to provide funds to enable the development of the regional meeting and Parties in the region are encouraged to participate in it.

**Decision 15.84** instructs the Secretariat to collaborate with the Inter-American Convention for the Protection and Conservation of Sea Turtles (IAC), the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean region (Cartagena Convention) and its Protocol Concerning Specially Protected Areas and Wildlife (SPAW Protocol), and range States in the wider Caribbean and the Western Atlantic region to:

a) finalize the report of the regional workshop, allowing for feedback from participants and their national turtle management agencies, as well as range States of the region; and

b) explore opportunities for cooperation, including development of joint proposals to donors, considering the final report of the regional workshop on hawksbill turtles.

### Freshwater Turtles and Tortoises



**Common snapping turtle**

tles 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.

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 tur-

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

## Chapter 53 – Turtles and Tortoises

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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.

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.

The 12th meeting of the Conference of the Parties 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:

## Chapter 53 – Turtles and Tortoises

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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.

Against this background, the Conference of the Parties adopted

**Resolution Conf. 11.9 (Rev. CoP13)**, which reads as follows:

AWARE that the global international trade in tortoises and freshwater turtles involves millions of specimens each year;

RECOGNIZING that nearly all Asian tortoise and freshwater turtle species are found in trade, and that a number of species are already included in Appendix I or II;

OBSERVING that the collection of tortoises and freshwater turtles is carried out through an extensive informal network of trappers, hunters and middlemen, and that collection efforts and trade volumes are considerable, especially in Asia;

CONSIDERING that, in addition, wild populations of tortoises and freshwater turtles are generally 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;

NOTING that there are two significant types of trade in tortoises and freshwater turtles: a high-volume trade in tortoises and freshwater turtles and parts thereof for consumption both as food and in traditional medicine; and a species-focused trade for pets;

AWARE that certain species of tortoises and freshwater turtles are bred in high numbers in and outside range States, inter alia to supply the demand for food and medicines, and that the conservation risks and benefits of large-scale commercial breeding of tortoises and freshwater turtles are not well known;

NOTING that the shipment of live tortoises and freshwater turtles is often not conducted in accordance with the provisions of Articles III, IV and V of the Convention, and in particular that transport of live tortoises and freshwater turtles by air is often not conducted in accordance with IATA regulations;

ACKNOWLEDGING that unregulated or unsustainable trade in tortoises and freshwater turtles poses a significant threat to wild populations, and that international cooperation is needed to address these threats urgently;

RECALLING that a technical workshop on Conservation of and trade in tortoises and freshwater turtles, held in Kunming, China, 25-28 March 2002, provided recommendations concerning conservation management, CITES implementation, enforcement and trade controls, and capacity-building needs, as well as suggestions for amending Resolution Conf. 11.9, adopted by the Conference of the Parties at its 11th meeting (Gigiri, 2000), which were reported by the Secretariat to the Animals Committee;

## Chapter 53 – Turtles and Tortoises

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### THE CONFERENCE OF THE PARTIES TO THE CONVENTION

#### 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 tortoise and freshwater turtles, to enhance cooperation amongst 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;
- c) all Parties, especially range States of Asian tortoises and freshwater turtles, to assess current efforts to manage native tortoise and freshwater turtle populations, and to improve those efforts as necessary, e.g. by establishing quotas that take into consideration the particular biology of tortoises and freshwater turtles;
- d) all Parties to develop and implement research programs 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;
- 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;
- f) all Parties, especially in the Asian region, to increase public awareness of the threats posed to tortoises and freshwater turtles from unsustainable harvest and unregulated trade, to encourage non-governmental organizations to develop, produce and distribute posters and other educational and informative materials on this subject, and to facilitate, where necessary, the compilation, dissemination and translation into local languages of information on tortoises and freshwater turtles for their use by enforcement officers, drawing on existing identification and enforcement guides, and focusing on identification, local names, distribution and illustrations;
- 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;
- 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 the technical workshop on Conservation of and trade in tortoises and freshwater turtles held in Kunming, China, 25-28 March 2002;

## Chapter 53 – Turtles and Tortoises

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i) all Parties, particularly those in the Asian region, to develop plans of action, in compliance with Resolution Conf. 10.7 (Rev. CoP15)<sup>1</sup>, that can be executed without delay in the event that live specimens of tortoises and freshwater turtles are confiscated;

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;

k) all Parties to ensure that all shipments of live tortoises and freshwater turtles are transported in compliance with relevant IATA guidelines;

The following recommendation was taken out of 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.

l) all Parties to facilitate the development of partnerships between interested non-governmental organizations or other bodies to develop and operate rescue centers for seized or confiscated tortoises and freshwater turtles, in cooperation with range States and relevant government agencies; and

m) range States of tortoises and freshwater turtles that authorize trade in these species to include in their periodic reporting under Article VIII, paragraph 7 (b), information on progress in implementing this Resolution; and

DIRECTS the Secretariat 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, for 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.

Decisions 13.36 and 13.37 contained directives for the Secretariat to summarize information on the implementation of **Resolution Conf. 11.9 (Rev. CoP13)**, for collaboration with the World Customs Organization, to make the Kunming workshop proceedings available through its website and to report on its activities at CoP14.

Decision 14.126 provided that Parties should liaise with the World Customs Organization to promote the establishment and use of specific headings within the standard tariff classifications of the Harmonized System for tortoises and freshwater turtles and for products thereof.

## Chapter 53 – Turtles and Tortoises

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Decision 14.127 instructed the Secretariat to submit a written summary of the information on the implementation of Resolution Conf. 11.9 (Rev. CoP13) that is contained in biennial reports from Parties for consideration at the 15th meeting of the Conference of the Parties (CoP15).

Decision 14.128 instructed the Secretariat to, subject to external funding, contract the Tortoise and Freshwater Turtle Specialist Group of the IUCN Species Survival Commission to undertake a study which would assist in the implementation of Resolution Conf. 11.9 (Rev. CoP13).

Decision 14.129 instructed the Animals Committee to review the study and make recommendations at CoP15.

**Decision 15.79** instructs the Animals Committee to, at its 25th meeting, review the final study from the IUCN Species Survival Commission, Tortoise and Freshwater Turtle Specialist Group (IUCN-TFTSG) mentioned in Decision 14.128 and make recommendations to the Standing Committee and/or at the 16th meeting of the Conference of the Parties as appropriate.

**Decision 15.80** instructs the Standing Committee, taking into account the recommendations of the Animals Committee, to review the pertinent sections, conclusions, and recommendations of the final study mentioned in Decision 14.128 and make its own recommendations at the 16th meeting of the Conference of the Parties.

**Decision 15.81** provides that the Parties, particularly those engaged in the trade of tortoises and freshwater and terrestrial turtles, are encouraged to review their implementation of Resolution Conf. 11.9 (Rev. CoP13), taking into account the conclusions and recommendations of the IUCN Species Survival Commission, Tortoise and Freshwater Turtle Specialist Group (IUCN-TFTSG) mentioned in Decision 14.128, in order to determine what national actions may be necessary to strengthen their implementation and enforcement of CITES and their trade management and conservation of these species.

**Decision 15.82** provides that the Parties, particularly those engaged in the trade of tortoises and freshwater and terrestrial turtles, are encouraged, as a matter of priority, to develop national tariff Customs codes, based on the World Customs Organization harmonized system of tariff codes, for monitoring the trade in tortoises and freshwater and terrestrial turtles and for products thereof.

**Decision 15.83** encourages the Parties, in fulfillment of paragraph m) of Resolution Conf. 11.9 (Rev. CoP13), to consider the conclusions and recommendations contained in the final study mentioned in Decision 14.128 in preparation of their biennial (or other periodical) reports.

### The Pancake tortoise



The 12th meeting of the Conference of the Parties adopted Decision 12.43, which directed the Animals Committee, particularly its working group on tortoises and freshwater turtles, to, 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;
- 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 Chairman of the Animals Committee reported at CoP 13 that it had recommended that the issue of genetic identification of separate wild populations and farmed individuals of *Malacochersus tornieri* be studied in order to address concerns about control of breeding stocks in breeding operations; that proposals to undertake such a study be invited from suitable institutions; and that the institution chosen should liaise with relevant Management and Scientific Authorities to find reliable sources of genetic material. In addition, it recommended that a desk-based study of the natural history of the species be undertaken, and that countries that have indicated that they are also range States for this species (i.e. Uganda, Mozambique and Zambia) provide detailed evidence that this is the case.

The Committee identified four priority actions:

- an investigation of genetic variability among wild populations and farm stock;
- verification of occurrence in States that are not currently accounted as range States;
- inspection of farms with regard to captive management conditions; and
- completion of the desk-based review of the species.

The Secretariat agreed to work with the AC and Management and Scientific Authorities of all known and unconfirmed range States, as well as with experts and technical specialists, to implement these actions as soon as possible within the available resources.



## Chapter 54 - Sharks and Stingrays

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### Sharks



Great white shark

### History

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 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.

## Chapter 54 – Sharks and Stingrays

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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 programs 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:
  - 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;

## Chapter 54 – Sharks and Stingrays

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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 program 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:**

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

## Chapter 54 – Sharks and Stingrays

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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.



Basking shark

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 currently applicable text of the Resolution is given at the end of this section on sharks.

## Chapter 54 – Sharks and Stingrays

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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.



Whale shark

The 13th meeting of the Conference of the Parties decided to list the Great white shark in Appendix II.

The Parties also adopted Decision 13.42: Parties:

a) should request, through their delegations to the

26th meeting of the Committee on Fisheries (COFI) of the Food and Agriculture Organization of the United Nations (FAO) that FAO consider convening a workshop or consultation on the conservation and management of sharks, in time for output to be considered at the 14th meeting of the Conference of the Parties, *inter alia* to:

## Chapter 54 – Sharks and Stingrays

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- i) consider and review progress with the implementation of the IPOA-Sharks; and
  - ii) assess the effectiveness and efficiency of current conservation and management measures for sharks and identify any improvements needed;
- b) are encouraged to improve their data collection and reporting to FAO of catches and landings of and trade in sharks, at the species level where possible, recognizing that *inter alia* this may be a first step towards the development and implementation of Shark Assessment Reports and National Plans of Action or other relevant national instruments;
- c) that require assistance to build capacity to manage their shark fisheries are encouraged to seek such assistance from FAO or other appropriate organizations; and
- d) should take note of the species-specific recommendations in document CoP13 Doc. 35 Annex 2 with a view to ensuring that international trade is not detrimental to the status of these species.

Decision 13.43 directed the Animals Committee, taking account of the work of the Food and Agriculture Organization of the United Nations (FAO) on the conservation and management of sharks and on CITES implementation issues relating to listed marine species, to:

- a) review implementation issues related to sharks listed in the CITES Appendices with a view *inter alia* to sharing experiences that may have arisen and solutions that may have been found;
- b) identify specific cases where trade is having an adverse impact on sharks, in particular those key shark species threatened in this way;
- c) prepare a report on trade-related measures adopted and implemented by Parties that are aimed at improving the conservation status of sharks; and
- d) report on the above at the 14th meeting of the Conference of Parties.

**CoP14 encouraged Parties** with Decision 14.101 to, when considering or developing proposals to include shark species in the CITES Appendices, consider factors affecting implementation and effectiveness, including those identified in Resolution Conf. 9.24 (Rev. CoP14) Annex 6; in particular:

- a) non-detriment findings for commercially-traded marine species, including situations involving target and bycatch fisheries, and for shared stocks, migratory species and introductions from the sea;
- b) monitoring and enforcement practicalities, given that sharks are generally traded in parts (meat, fins, cartilage, etc.); and
- c) the likely effectiveness of listing, particularly when bycatch fisheries or non-fishery anthropogenic issues are involved.

## Chapter 54 – Sharks and Stingrays

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Decision 14.102 encouraged Parties to continue developing manuals and guides for the identification of sharks and shark products in international trade and to make these available to other Parties and the Food and Agriculture Organization of the United Nations (FAO) through the CITES Secretariat before the 15th meeting of the Conference of Parties to CITES.

Decision 14.103 instructed the Secretariat to distribute a Notification to the Parties on implementation of listings for shark species. It shall focus specifically on obtaining from Parties' Scientific and Fishery Authorities case studies on the development of non-detriment findings for shark species, and shall collate and summarize these for provision to the international expert workshop on non-detriment findings to be held in Mexico.

Decision 14.104 encouraged Parties to:

- a) use their commodity codes, where they exist, for traded fish products in order to differentiate between fresh/chilled, frozen and dried, processed and unprocessed, shark meat, oil, skin, cartilage and fin products, imports, exports and re-exports, for both CITES-listed and non-listed species; and
- b) report progress at the 23rd and 24th meetings of the Animals Committee on implementation of Resolution Conf. 12.6, under RECOMMENDS.

Decision 14.105 encouraged Parties to use the existing species-specific FAO catch data recording fields for the reporting of shark catches and discards, and to work within FAO to amend these, if required, so as to achieve a more accurate picture of shark mortality through fishing.

Decision 14.106 instructed the Secretariat to distribute a Notification to the Parties requesting them to provide details of their commodity codes for fish products (e.g. fresh/chilled, frozen and dried, processed and unprocessed, meat, oil, skin, cartilage and fins), imports, exports and re-exports, for both CITES-listed and non-listed species, collate the responses and report at the 23rd meeting of the Animals Committee.

Decision 14.107 instructed the Animals Committee to continue activities specified under Resolution Conf. 12.6, including refinement of the list of shark species of concern, in collaboration with FAO, taking account of those referenced in Annex 3 to document CoP14 Doc. 59.1, and shall report on these activities at the 15th meeting of the Conference of the Parties.

Decision 14.108 encouraged Parties landing and exporting products from shark species of concern identified by the Animals Committee to:

- a) improve liaison between their CITES and fisheries authorities;
- b) ensure that levels of international trade are not detrimental to the status of these species; and

## Chapter 54 – Sharks and Stingrays

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c) report at the 24th and 25th meetings of the Animals Committee on the fisheries, environmental and international trade management measures adopted, levels of landings and exports, and the status of these stocks and fisheries.

Decision 14.111 encouraged Scientific Authorities, when making non-detriment findings for CITES-listed shark species, to seek advice from relevant scientific, research and management bodies.

Decision 14.112 encouraged Parties, through their delegations to the FAO Committee on Fisheries, to call on FAO to facilitate greater support for countries whose capacity to assess and manage their shark fisheries is limited, and to provide the resources necessary for FAO to undertake this work.

Decision 14.113 instructed the Secretariat, in consultation with the Steering Committee of the international expert workshop on non-detriment findings to be held in Mexico, to seek to ensure that this workshop considers the development of non-detriment findings for sharks, including transboundary, migratory, straddling and high seas stocks.

Decision 14.114 instructed the Secretariat to liaise with FAO and regional fishery bodies to explore the organization of and seek external funding for a capacity-building workshop on the conservation and management of sharks. This workshop should:

a) consider the outputs of the Mexican international expert workshop on non-detriment findings;

b) use *Galeorhinus galeus* as a case study for stock assessment and management measures for internationally-traded transboundary migratory coastal shark stocks, and develop recommendations for improving the monitoring, regulation and management of international trade in this and other shark species;

c) consider tools and approaches for the development of assessments and non-detriment findings for shark species and for the monitoring and regulation of international trade in these species;

d) consider tools and approaches to determine whether specimens are of legal origin; and

e) develop recommendations for consideration at the 23rd or 24th meeting of the Animals Committee.

Decision 14.115 strongly encouraged shark fishing and trading entities, particularly the major fishing or trading entities, to identify opportunities to:

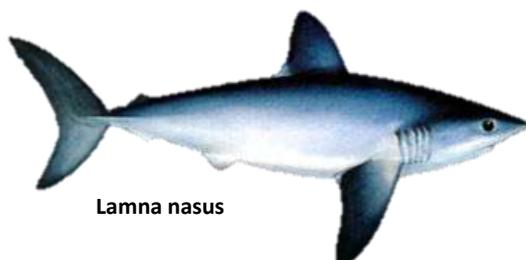
a) improve, in cooperation with FAO and relevant fishery management bodies, the monitoring and reporting of catch, bycatch, discards, market and international trade data, at the species level where possible;

- b) establish systems to provide verification of catch information;
- c) report on their progress at the 23rd and 24th meetings of the Animals Committee; and
- d) implement the FAO IPOA-Sharks as a matter of priority, where they have not done so.

Decision 14.116 strongly encouraged Parties that are members of a regional fishery management organization to request through FAO and regional fishing management organizations where appropriate that these organizations develop and implement regional shark plans and associated measures to assist in species identification and monitoring, as called for in the IPOA-Sharks, by mid-2009 in order to report at the 15th meeting of the Conference of Parties.

Decision 14.117 directed the Animals Committee, in consultation with FAO, to examine and report on linkages between the international trade in shark fins and meat and IUU shark fishing activities, including where possible:

- a) the main species of sharks taken by IUU fishing; and
- b) the relative importance of fins compared to meat in international trade arising from IUU fishing.



Lamna nasus

### CoP 15

The 15<sup>th</sup> meeting of the Conference of the Parties adapted Resolution Conf. 12.6 and rejected proposals to list the following shark species in Appendix II: *Sphyma lewini*, *S. mokarran*, *S. zygaena*, *Carcharhinus longimanus*, *Lamna nasus* and *Squalus acanthias*. During discussions in Committee

I, the proposals for *Carcharhinus plumbeus* and *C. obscurus* were withdrawn.

### A side step

CoP 15 also rejected a proposal to list Atlantic Bluefin tuna in Appendix I. This proposal attracted a lot of public and media attention, but could not be agreed because of the enormous economic interests. One of the most heard arguments against the proposal was that developing countries, which were dependent on exports, would lose the fishery in the absence of local markets,



## Chapter 54 – Sharks and Stingrays

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whereas the European Union had a large internal market which was not affected by a CITES listing.

### Current recommendations

**Resolution Conf. 12.6 (Rev. CoP15)** on conservation and management of sharks (Class Chondrichthyes) now reads as follows:

THE CONFERENCE OF THE PARTIES

RECOGNIZING that sharks are particularly vulnerable to overexploitation owing to their late maturity, longevity and low fecundity;

RECOGNIZING that there is a significant international trade in sharks and their products;

RECOGNIZING that unregulated and unreported trade is contributing to unsustainable fishing of a number of shark species;

RECOGNIZING 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;

NOTING that IUCN's Red List of Threatened Species (2009.2) lists 181 shark taxa;

RECOGNIZING that the International Plan of Action on the Conservation and Management of Sharks (IPOA-sharks) was prepared by the Food and Agriculture Organization of the United Nations (FAO) in 1999 and that all States whose vessels conduct directed fisheries or regularly take sharks in non-directed fisheries are encouraged by FAO's Committee on Fisheries (COFI) to adopt a National Plan of Action for the Conservation and Management of Shark Stocks (NPOA-Sharks);

NOTING the contents of: Report of the technical workshop on the status, limitations and opportunities for improving the monitoring of shark fisheries and trade. Rome, 3-6 November 2008. FAO Fisheries and Aquaculture Report No. 897 (an advanced copy of which was circulated as document AC24 Inf. 6) and FAO (2009) Responsible fish trade. FAO Technical Guidelines for Responsible Fisheries. No. 11. Rome, FAO;

NOTING that, through the adoption of Resolution Conf. 9.17 and Decisions 10.48, 10.73, 10.74, 10.93, 10.126, 11.94 11.151, 12.47-12.49, 13.42, 13.43 and 14.101-14.117, Parties to CITES have previously recognized the conservation threat that international trade poses to sharks;

WELCOMING the report adopted at the 18th meeting of the Animals Committee that noted that CITES should continue to contribute to international efforts to address shark conservation and trade concerns;

## Chapter 54 – Sharks and Stingrays

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NOTING that States were encouraged by FAO to have prepared NPOAs for sharks by the COFI 24th session held in 2001;

NOTING that there is a significant lack of progress with the development and implementation of NPOAs;

CONCERNED 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;

CONCERNED that the continued significant trade in sharks and their products is not sustainable;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

INSTRUCTS the CITES Secretariat to inform FAO of the concerns of the CITES Parties regarding the significant lack of progress in implementing the IPOA-Sharks, and to urge FAO to take steps to encourage actively relevant States to develop NPOA-Sharks;

DIRECTS the Animals Committee to examine information provided by range States on trade and other available relevant data and information, and report their analyses at the 16th meeting of the Conference of the Parties;

ENCOURAGES Parties to obtain information on implementation of NPOA-Sharks or regional plans, and to report directly on progress to the CITES Secretariat and at future meetings of the Animals Committee;

URGES FAO's COFI and Regional Fisheries Management Organizations (RFMOs) to strengthen their efforts 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 assist in building financial and technical capacity in developing countries for shark and ray activities under CITES, and for the implementation of the IPOA-Sharks;

URGES Parties that are shark fishing States but that have not yet implemented an NPOA-Sharks, to develop their own NPOAs at the earliest opportunity and take steps to improve research and data collection on both fisheries and trade as a first step towards their Shark Plans, particularly the necessity to improve the collection of catch and trade data at the lowest taxonomic level possible (ideally by species);

FURTHER URGES Parties to discuss CITES activities within the appropriate RFMOs of which they are members;

## Chapter 54 – Sharks and Stingrays

ENCOURAGES Parties to improve data collection, management and conservation measures for shark species, implementing, enhancing and enforcing these actions through domestic, bilateral, RFMOs or other international measures;

DIRECTS the Animals Committee to make species-specific recommendations at meetings of the Conference of the Parties if necessary on improving the conservation status of sharks;

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 and between shark fin products that are dried, wet, processed and unprocessed fins. Wherever possible, these data should be species-specific;

INSTRUCTS the Secretariat to monitor discussions within the World Customs Organization regarding the development of a Customs data model, and the inclusion therein of a data field to report trade in sharks at species level, and to issue Notifications to the Parties concerning any significant developments;

ENCOURAGES Parties, in close cooperation with FAO and RFMOs, to undertake or facilitate continued research to improve understanding of the nature of illegal, unreported and unregulated (IUU) fishing concerning sharks, identify the linkages between international trade in shark fins and meat, and IUU fishing;

ENCOURAGES Parties, intergovernmental and non-governmental bodies to undertake studies of trade in shark meat, including prices in major fish markets in order to better identify the shark products that are driving IUU fishing; and

DIRECTS the Animals Committee to report progress on shark and ray activities at the meetings of the Conference of the Parties.

### South American freshwater stingrays

Decision 14.109 directed the Secretariat to liaise with, as a minimum, the key range States of the family Potamotrygonidae (South American freshwater stingrays), relevant Regional Fishery Bodies, FAO and the ornamental fish industry to facilitate the organization of and seek external funding for a regional workshop that will report at the 23rd or 24th meeting of the Animals Committee. This workshop will:



## Chapter 54 – Sharks and Stingrays

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- a) review the distribution and status of the wild populations of this taxon, the role of captive breeding and international trade records;
- b) advise on the development of methods for ensuring the sustainable utilization of and international trade in these species;
- c) in consultation with all relevant range States, jointly examine crossborder trade that may be facilitating illegal trade; and
- d) develop a cooperative strategy for monitoring and regulating international trade within South America and to other States, taking into consideration the contribution of captive breeding to in situ conservation.

Decision 14.110 directed the Animals Committee to consider the outputs of the South American freshwater stingray workshop and, in consultation with workshop participants, shall make any necessary species-specific recommendations to range States and to the Conference of the Parties at its 15th meeting on improving the conservation status and regulation of international trade in these taxa.

**Decision 15.85** encourages Range States of species in the family Potamotrygonidae to:

- a) note the findings and conclusions of the freshwater stingrays workshop (document AC24 Doc. 14.2), and increase their efforts to improve data collection on the scale and impact of the threats facing stingray species and populations from collection for ornamental trade, commercial fisheries for food and habitat damage.
- b) consider implementing or reinforcing national regulations regarding the management and reporting of capture and international trade of freshwater stingrays for all purposes, including commercial fisheries for food and ornamental trade, and standardizing these measures across the region, for example through existing South American intergovernmental bodies.
- c) consider the listing of endemic and threatened species of freshwater stingrays (Potamotrygonidae) in CITES Appendix III as needing the cooperation of other Parties in the control of trade.



## Chapter 55 - The Humphead Wrasse

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After a proposal failed in 2002, the humphead wrasse was included in Appendix II at CoP 13 in 2004.

At CoP 15, Indonesia presented a document demonstrating that additional management measures were needed to combat illegal, unregulated and unreported fishing.

The introduction concerned reads as follows:

Illegal, Unregulated and Unreported (IUU) fishing threatens not only the Humphead Wrasse (hereafter also referred to as HHW), but also marine ecosystems (for example from cyanide use to catch fish) as well as the livelihoods of coastal communities. As a multilateral treaty aimed at ensuring that international trade does not threaten the survival of wild animals and plants, CITES has the potential to become a valuable tool among broader efforts to curb IUU HHW fishing. CITES can, and should, complement more traditional fisheries management approaches and, taken together, its Appendix II could move HHW fisheries towards being a sustainable industry. Already, Malaysia and Indonesia, the major exporters of Humphead Wrasse, have expended considerable effort in developing scientifically based export quotas for HHW which demonstrate a Non-Detriment Finding (NDF). Species identification training and workshops on the Humphead Wrasse have been carried out in Indonesia, and in Guangdong and Hong Kong, China. In addition, a number of workshops, both national and international, have been held since 2004, and field studies conducted to collect data relevant to NDF. Meetings have been held to discuss implementation of HHW policies. The major importer of HHW, Hong Kong, is committed to controlling imports, re-exports and possession within the territory, thus enabling a more secure system of trade. Collaborations and/or funding involving IUCN, the CITES Secretariat, FAO, and TRAFFIC have variously assisted in the above work. The outcomes of these efforts are being considerably undermined by IUU of the HHW in international trade between the major traders of the species. Major issues undermining the CITES Appendix II listing in relation to IUU. IUU by foreign vessels and illegal movements by sea out of Malaysia, Indonesia and the Philippines and into

## Chapter 55 – The Humphead Wrasse

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Hong Kong. International movements by sea of Humphead Wrasse that are IUU have been reported coming out of major exporting countries Malaysia and Indonesia, and also out of the Philippines, and appear to be a significant part of the trade. This is the most pressing IUU issue with the Humphead Wrasse. The CITES Management Authority of Hong Kong, the major importer of this species globally, faces major challenges with inbound sea shipments due to the concealment of HHW within boats, HHW being mixed with other fish during transportation, the large volume of marine traffic in Hong Kong waters and the multiple times and places that live fish are landed by vessels around the city; these conditions make imports by sea extremely challenging to monitor. Moreover, import by sea to mainland China, the other major importer is undocumented. Several high profile cases of poaching by foreign vessels in the Philippines documented IUU of Humphead Wrasse. In order to bring the international trade by sea under tighter control, Indonesia has introduced an air-only rule for exporting the species from Indonesia. If this rule were adopted by all exporting countries trading the species internationally, the IUU by sea could be considerably tightened. International trade by air is commonly practiced by many countries trading the HHW and is a feasible and practical mode of transport for the species. By permitting air-only international movements, enforcement of the Appendix II listing for the Humphead Wrasse could be greatly improved. Major discrepancies in international trade records of Humphead Wrasse have been detected, indicating that, despite ongoing efforts to ensure that trade is documented, improvements are needed to improve enforcement capability. There are three particular areas that need attention. China is a major consuming region for Humphead Wrasse and fish have been seen on sale in shops; there are no records reported to CITES of imports into mainland China. Therefore, there appears to be no authorization for importation of Humphead Wrasse. Singapore is a re-exporter of Humphead Wrasses which have their origins mainly in Indonesia and Malaysia waters, possibly elsewhere. This species does not come from Singapore waters because the species is depleted in Singapore waters. Therefore any records of Humphead Wrasse exported from Singapore should appear as re-exports and indicate the source country. Hong Kong's import records for 2005 and 2006 show significant Humphead Wrasse volumes coming from Singapore as 'exports' rather than 're-exports', i.e. with no indication of the country of origin. Officials of the Wildlife Regulatory Branch, Agri-Food and Veterinary Authority of Singapore indicate that they did not issue any re-export permits for Humphead Wrasse to Hong Kong in 2005 and 2006, and none were reported to CITES. Humphead wrasse are being included in mixed fish shipments being traded internationally by air, as detected on multiple occasions by customs officials at Hong Kong airport. Inspections of live fish consignments need to be checked more vigorously at ports of export, and customs officials could benefit by training in species identification. The handling of live confiscated fish is a major challenge for importing Management Authorities who have not had to handle this issue in the past and do not have existing facilities that are appropriate. When illegal consignments of Humphead Wrasse are detected or suspected there is a need to store seized live fish either temporarily, while the case is investigated, or in the long-term if live fish are confiscated permanently. This is a major challenge for importing Parties. There is little support for returning fish to source countries and release is not considered to be advisable. While enquiries are actively being made internationally to locate aquaria to house the fish, there is still no solution to this challenge.

## Chapter 55 – The Humphead Wrasse

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On the basis of the above, the Conference of the Parties adopted the following decisions.

**Decision 15.86** urges all Parties to:

- a) consider adopting appropriate stricter domestic measures under the remit of the legislation of the Party, including limiting the international trade in humphead wrasse to be conducted by air only, to strengthen the control and enforcement of the Appendix-II listing for the species;
- b) improve monitoring of trade in humphead wrasse, especially through inspections of boxes of mixed live reef fish by exporting, re-exporting and importing countries;
- c) exchange law enforcement information of relevance to humphead wrasse with other relevant Parties, and regularly compile and forward to the Secretariat for distribution a comprehensive summary of Convention violations for the species;
- d) increase awareness of the CITES listing for humphead wrasse, including by improving identification capacity among law enforcement officers through the use of training and educational materials;
- e) facilitate discussion on practicable and acceptable options for action to be taken in case of illegally imported/confiscated live fish; and
- f) provide information to the Secretariat on actions taken to implement this Decision, in order to inform the work of the Humphead Wrasse Working Group to be established by the Standing Committee pursuant to Decision 15.87.

**Decision 15.87** instructs the Standing Committee to, contingent on the availability of external funding, establish a Humphead Wrasse Working Group, which is to:

- a) review the actions taken by relevant Parties to implement this decision;
- b) develop and recommend to the Standing Committee further options for improving control and enforcement in relation to the international trade in humphead wrasse, and ensuring the effectiveness of the Appendix-II listing of the species; and
- c) report back and recommend appropriate follow-up actions at the 16th meeting of the Conference of the Parties to support this initiative.

**Decision 15.88** requests the Secretariat:

- a) to assist Parties in the capacity-building activities outlined in paragraph d) of Decision 15.86; and

## Chapter 55 – The Humphead Wrasse

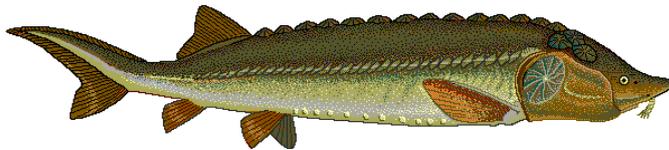
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b) where necessary, to provide assistance or advice to Parties to address the handling of confiscated live humphead wrasse.

## Chapter 56 - Sturgeons and paddlefish

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### History



Beluga sturgeon

At its tenth meeting, the Conference of the Parties listed sturgeons in Appendix II, a listing which came into effect on 1 April 1998. It also adopted Resolution Conf. 10.12, which was replaced by what has meanwhile become **Resolution Conf. 12.7 (Rev. CoP14)**, see below under Current provisions, page 746.

At every meeting following CoP 10, the Conference of the Parties adopted a series of Decisions:

#### 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.

## Chapter 56 – Sturgeons and Paddlefish

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### Decision 11.96

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 labeling system outlined in Annexes 1 and 2 of Resolution Conf. 12.7 on conservation of and trade in sturgeons and paddlefish.

This decision was later incorporated in **Resolution Conf. 12.7 (Rev. CoP15)**.

### 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.

### CoP13 adopted Decisions 13.44 to 13.47:

13.44 In consultation with the CITES Secretariat and relevant experts, interested Parties should undertake an assessment of the technical and legal feasibility to establish a database concerning trade in sturgeon specimens subject to annual quotas as outlined in Resolution Conf. 12.7 (Rev. CoP13). This database would be updated regularly and could include, pending needs identified under the assessment, information on species, specimens, volumes exported as well as the status of export quotas, the country, date of is-

## Chapter 56 – Sturgeons and Paddlefish

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suance and number of export permits and re-export certificates that are sent to the CITES Secretariat by relevant Parties.

13.45 Pending the results of the assessment referred to in Decision 13.44, and subject to the availability of funds, the interested Parties may submit a proposal for a pilot project on the provision of a database, for consideration by the Standing Committee at its 54th meeting.

13.46 In accordance with the Standing Committee's decision regarding the proposal referred to in Decision 13.45, the Parties concerned should report on the outcome of this pilot project and its recommendations at the 14th meeting of the Conference of the Parties.

13.47 Subject to the availability of funds and the Standing Committee's support for a proposed pilot project, as referred to in Decision 13.46, all relevant information and documentation shall be forwarded on a regular basis to the relevant Party in charge, as approved by the Standing Committee at its 54th meeting.

Decision 14.118 requested Caspian Sea sturgeon range States to participate actively in the two-year Technical Cooperation Programme of the Food and Agriculture Organization of the United Nations and other opportunities available through the relevant regional agencies, and communicate their progress to the Secretariat.

Decision 14.119 requested Range States which share stocks to take into consideration the recommendation that total export quotas for 2008 (from 1 March 2008 to 28 February 2009) shall not be higher than those agreed to in 2007 for each species and shall be set on the basis of scientific data.

Decision 14.120 urged Parties, commercial stakeholders and all interested organizations to assist in providing funding and resources to complete the tasks assigned to the Animals Committee as outlined in Resolution Conf. 12.7 (Rev. CoP14).

Decision 14.121 instructed the Secretariat to issue a Notification to the Parties before September 2007, as a follow-up to Notification to the Parties No. 2005/053, which:

a) reminds Parties to send copies of caviar export permits and re-export certificates in accordance with Resolution Conf. 12.7 (Rev. CoP14);

b) encourages Parties to do this in a timely manner, i.e. no longer than one month after a permit or a certificate has been issued in accordance with Resolution Conf. 12.7 (Rev. CoP14);

c) provides a description of the caviar-trade database maintained by the UNEP World Conservation Monitoring Centre; and

## Chapter 56 – Sturgeons and Paddlefish

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d) underlines the role that such a database could play in assisting in the effective monitoring of export quotas and in helping to reduce certain types of fraud, such as the excess of re-exports from an export permit.

Decision 14.122 instructed the Secretariat to issue a Notification to the Parties to remind Parties, when preparing their annual report, to separate trade in caviar and meat from trade in live specimens by using the agreed codes and the preferred units as instructed in the Guidelines for the preparation and submission of CITES annual reports in the Annex to Notification to the Parties No. 2006/030 on Annual reports, as follows:

a) for caviar: “CAV” as code and “kg” (kilograms) as unit;

b) for meat: “MEA” as code and “kg” as unit;

c) for live fertilized eggs: “EGL” as code and either “no.” (number of specimens) as the preferred unit or “kg” as the alternative unit; and

d) for live fish (fingerlings, juveniles and adults): “LIV” as code and “no.” as unit.

Decision 14.123 instructed the Secretariat to issue a Notification to the Parties to remind Parties of the recommendation that total export quotas for 2008 (from 1 March 2008 to 28 February 2009) shall not be higher than those agreed to in 2007 for each species.

Decision 14.124 instructed the Secretariat to communicate to the Parties the outcome of the workshop on Identification of Acipenseriformes Species in Trade that was organized by the Sturgeon Specialist Group of the IUCN Species Survival Commission with the assistance of the German Government and the Secretariat.

Decision 14.125 instructed the Secretariat to assist in seeking external funding and resources from Parties and all relevant stakeholders in order to complete the task assigned to the Animals Committee as outlined in Resolution Conf. 12.7 (Rev. CoP14).

### Current provisions

With **Resolution Conf. 12.7 (Rev. CoP14)** the Conference of the Parties expresses its awareness that sturgeons and paddlefish of the Order 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.

It recalls the concepts endorsed and the progress made toward conservation of Acipenseriformes in the Caspian Sea under the ‘Paris Agreement’ approved at the 45th meeting of the Standing Committee (Paris, June 2001).

It 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.

## Chapter 56 – Sturgeons and Paddlefish

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It considers that Eurasian range States of Acipenseriformes species are in need of funds and technical assistance in order to develop regional management and monitoring programs for conservation, habitat protection, and the combating of illegal fishing and trade.

It recalls that Article VI, paragraph 7, of the Convention provides that specimens of species listed in the Appendices may be marked to assist in identifying them and considers that the labeling of all caviar in trade would be a fundamental step towards the effective regulation of trade in specimens of sturgeons and paddlefish.

It notes that, in order to assist the Parties in identifying legal caviar in trade, marking should be standardized and that particular specifications for the design of labels are fundamental, should be generally applied and should also take into account marking systems currently in place and anticipated technological advances in marking systems.

It is conscious that there is a need for improvement of monitoring of caviar re-exports in relation to the original export and the level of exports in relation to annual export quotas.

The Conference of the Parties welcomes the establishment of the caviar trade database by the UNEP World Conservation Monitoring Centre (UNEP-WCMC).

It recognizes that Parties take into account domestic markets and illegal trade when issuing export permits, re-export certificates or when setting export quotas.

It further recognizes that the setting of export quotas for sturgeon specimens from shared stocks requires transparency.

The Conference of the Parties urges the range States of species in the Order Acipenseriformes to:

a) encourage scientific research and ensure adequate monitoring of the status of stocks to promote the sustainability of sturgeon and paddlefish fisheries through appropriate management programs;

The term 'stock' is regarded, for the purposes of this Resolution, to be synonymous with 'population'

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 programs for these species;

## Chapter 56 – Sturgeons and Paddlefish

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d) promote regional agreements between range States of sturgeon and paddlefish species aiming at proper management and sustainable utilization of these species; and

e) in the case of range States of sturgeons in the Eurasian region, take into account the recommendations in document CoP12 Doc. 42.1 when developing regional conservation strategies and action plans;

It recommends, with regard to regulating trade in sturgeon products, that:

a) range States license legal exporters of specimens of sturgeon and paddlefish species and maintain a register of such persons or companies and provide a copy of this register to the Secretariat. The register should be updated when changes occur and communicated to the Secretariat without delay. The Secretariat should distribute this information via a Notification to the Parties and include it in its register on the CITES website;

b) each importing, exporting and re-exporting Party establish, where consistent with national law, a registration system for caviar processing plants, including aquaculture operations, 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 when changes occur and communicated to the Secretariat without delay. The Secretariat should distribute this information via a Notification to the Parties and include it in its register on the CITES website;

c) 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-labeling and re-exports;

d) 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;

e) 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;

f) 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 125 grams of caviar per person;

A reduction of the maximum weight from 250 to 125 grams was decided at CoP 14.

g) all caviar harvested in 2007 from shared stocks subject to agreed export quotas must be exported before the end of 2007. From 2008 onwards, all caviar from shared stocks subject to export quotas should be exported before the end of the quota year (1 March – last day of February) in which it was harvested and processed. For this purpose the ex-

## Chapter 56 – Sturgeons and Paddlefish

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port permits for such caviar should be valid until the last day of the quota year at the latest. Parties should not import caviar harvested or processed in the preceding quota year;

h) no re-export of caviar take place more than 18 months after the date of issuance of the relevant original export permit. For that purpose re-export certificates should not be valid beyond that 18-month period;

i) Parties supply to UNEP-WCMC directly or to the Secretariat copies of all export permits and re-export certificates issued to authorize trade in caviar, no longer than one month after they have been issued, for inclusion in the UNEP-WCMC caviar trade database;

j) Parties consult the UNEP-WCMC caviar trade database prior to the issuance of re-export certificates;

k) the Secretariat shall submit a written progress report at each meeting of the Standing Committee on the operation of the UNEP-WCMC caviar trade database;

l) where available, Parties use the full eight-digit Customs code for caviar, instead of the less precise six-digit code which also includes roe from other fish species; and

m) Parties implement the universal labeling system for caviar outlined in Annexes 1 and 2 and importing Parties not accept shipments of caviar unless they comply with these provisions.

The Conference of the Parties recommends further, with regard to catch and export quotas, that:

At CoP13 it was agreed that this recommendation would not apply to those range States where there is no commercial caviar harvest or export from shared stocks. It was also agreed, however, that the Secretariat or any Party would bring to the attention of the Standing Committee or Conference of the Parties any significant changes in the harvest or export of sturgeon products from such stocks.

a) Parties not accept the import of caviar and meat of Acipenseriformes species from stocks shared between different range States unless export quotas have been set in accordance with the following procedure:

NB 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.

i) range States have established export quotas for caviar and meat of Acipenseriformes species for that quota year, which from 2008 onwards starts on 1 March and ends on the last day of February of the following year;

## Chapter 56 – Sturgeons and Paddlefish

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ii) the export quotas referred to in subparagraph i) have been derived from catch quotas that are based on an appropriate regional conservation strategy and monitoring regime for the species concerned and are not detrimental to the survival of the species in the wild;

iii) the catch and export quotas referred to in subparagraphs i) and ii) should be agreed amongst all States that provide habitat for the same stock of an Acipenseriformes species. However, where a stock is shared by more than two States, and if one of these States refuses to participate or does not participate in the shared-stock quota agreement meeting convened in accordance with the agreed decision of all these States, the total and country-specific quotas for the shared stock may be agreed by the remaining range States. This situation must be substantiated in writing by both sides to the Secretariat for information to the Parties. The State not having participated may only export caviar and meat from its allocated quotas after it has notified the Secretariat that it accepts them and the Secretariat has informed the Parties. If more than one range State refuses to participate or does not participate in the process mentioned above, the total and country specific quotas for the shared stock cannot be established. In case of a stock shared by only two range States, the quotas must be agreed by consensus. If consensus cannot be reached, they may call upon a mediator, including the CITES Secretariat, to facilitate the process. They shall have a zero quota until such time as they have reached consensus;

iv) range States have provided to the Secretariat by 31 December of the previous year, the export quota referred to in subparagraph i) as well as the scientific data used to establish the catch and export quotas under subparagraphs ii) and iii);

v) if the quotas have not been communicated to the Secretariat by the deadline indicated in subparagraph iv) above, the relevant range States have a zero quota until such time as they communicate their quotas in writing to the Secretariat and the Secretariat in turn informs the Parties. The Secretariat should be informed by the range States of any delay and shall in turn inform the Parties; and

vi) the Secretariat shall communicate the agreed quotas to the Parties within one month of receipt of the information from the range States;

b) the Secretariat make all the information mentioned in subparagraph iv) available to Parties upon request; and

c) if a range State of a shared stock of a species of Acipenseriformes decides to reduce its quotas 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 Conference of the Parties directs the Secretariat to provide at each meeting of the Animals Committee a written report, including references to relevant documents, on its activities related to the conservation of and trade in sturgeons and paddlefish.

## Chapter 56 – Sturgeons and Paddlefish

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It directs the Animals Committee, in collaboration with the Secretariat, interested Parties, international organizations and relevant experts, to monitor progress on the relevant provisions of this Resolution and to carry out on a three-year cycle starting in 2008, and using information from preceding years, an evaluation of the assessment and the monitoring methodologies used for stocks of Acipenseriformes species subject to the provisions under RECOMMENDS further, paragraph a), above.

The Conference of the Parties urges range States to cooperate with the Animals Committee and the Secretariat with a view to implementing the provisions under RECOMMENDS further, paragraph a), and the paragraph DIRECTS the Animals Committee above;

It directs the Animals Committee to provide to the Standing Committee its recommendations on actions to be taken based upon the above-mentioned monitoring of progress and three-year cycle evaluation.

It calls upon range States, importing countries and other experts and appropriate organizations, such as the IUCN/SSC Sturgeon Specialist Group, in consultation with the Secretariat and the Animals Committee, to continue 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 and the development and application of methods for differentiating wild from aquaculture origin caviar in cases where DNA-based methods are not useful.

It directs the Secretariat:

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 nongovernmental organizations and industry.

### Annex 1

#### **CITES guidelines for a universal labeling system for the trade in and identification of caviar**

a) The uniform labeling system applies to all caviar, from wild and aquaculture origin, 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:

## Chapter 56 – Sturgeons and Paddlefish

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- Caviar: processed unfertilized eggs (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.
- Non-reusable label: any label or mark that cannot be removed undamaged or transferred to another container, which may seal the container. If the non-reusable label does not seal the primary container, caviar should be packaged in a manner that permits visual evidence of any opening of the container.
- Pressed caviar: caviar composed of unfertilized eggs (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 (e.g. W, C, F), as defined in the relevant CITES Resolutions. Note that, among other situations, for caviar produced from a female born in captivity and where at least one parent originated in the wild, the “F” code should be used.

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

## Chapter 56 – Sturgeons and Paddlefish

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.

i) 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

#### Codes for identification of Acipenseriformes species, hybrids and mixed species

Species	Code
Acipenser baerii	BAE
Acipenser baerii baicalensis	BAI
Acipenser brevirostrum	BVI
Acipenser dabryanus	DAB
Acipenser fulvescens	FUL
Acipenser gueldenstaedtii	GUE
Acipenser medirostris	MED
Acipenser mikadoi	MIK
Acipenser naccarii	NAC
Acipenser nudiventris	NUD
Acipenser oxyrinchus	OXY
Acipenser oxyrinchus desotoi	DES
Acipenser persicus	PER
Acipenser ruthenus	RUT
Acipenser schrenckii	SCH
Acipenser sinensis	SIN
Acipenser stellatus	STE

## Chapter 56 – Sturgeons and Paddlefish

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Species	Code
Acipenser sturio	STU
Acipenser transmontanus	TRA
Huso dauricus	DAU
Huso huso	HUS
Polyodon spathula	SPA
Psephurus gladius	GLA
Pseudoscaphirhynchus fedtschenkoi	FED
Pseudoscaphirhynchus hermanni	HER
Pseudoscaphirhynchus kaufmanni	KAU
Scaphirhynchus albus	ALB
Scaphirhynchus platyrhynchus	PLA
Scaphirhynchus suttkusi	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 57 - Sea cucumbers

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The 12th meeting of the Conference of the Parties adopted the following Decisions with regard to future work on the conservation of these species, which are – apart from *Isostichopus fuscus*, which was listed in Appendix III by Ecuador - not listed in the Appendices to the Convention:

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

## Chapter 57 – Sea Cucumbers

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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.

CoP 13, with Decisions 13.48 and 13.49, charged the Animals Committee to draft a discussion paper on the biological and trade status of Holothuriidae and Stichopodidae for consideration at CoP14.

At CoP 14, Decision 14.98 instructed the Secretariat to bring to the attention of the Food and Agriculture Organization of the United Nations (FAO), and prior to the FAO Workshop on Sustainable Use and Management of Sea Cucumber Fisheries, the discussion paper on Biological and trade status of sea cucumbers in the families Holothuriidae and Stichopodidae in Annex 1 to document CoP14 Doc. 62, and the following recommendations by the Animals Committee to range States of these taxa and Parties that are engaged in trade in them:

a) develop and implement national adaptive management plans for species of high conservation concern, such as those identified as of 'high concern' and 'concern in certain countries of its range' in Annex 3 of the discussion paper on Biological and trade status of sea cucumbers in the families Holothuriidae and Stichopodidae, including minimum harvest size and total allowable catch, and apply where appropriate a precautionary approach, such as restrictive fisheries measures;

b) develop regional management strategies to manage the resource;

c) develop a standardized approach for the collection and reporting of fisheries and trade data, including species collected, locations, habitat, weight, size and number of individuals;

d) encourage greater communications and cooperation between fisheries and CITES authorities at the national level for the management of and trade in specimens of these species;

e) increase significantly basic biological and ecological research and stock assessments, particularly for species of high conservation concern, such as those identified as of 'high concern' and 'concern in certain countries of its range' in the discussion paper referred to in paragraph a) above;

f) conduct socio-economic evaluations of the sea cucumber fisheries, especially in developing countries, to identify clearly their importance and role in the livelihoods of coastal fishing communities;

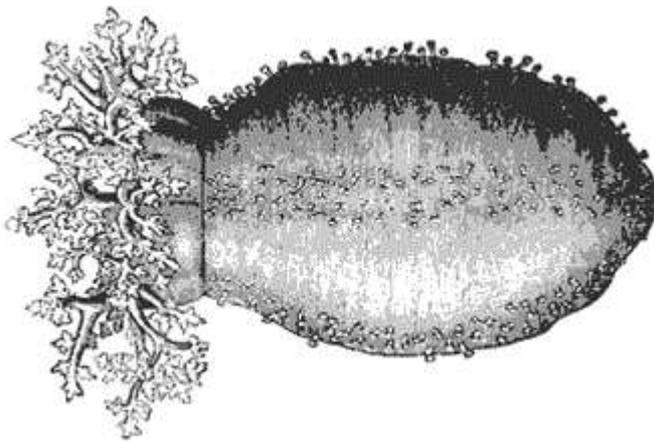
g) enhance the enforcement capacity to reduce illegal fishing, transshipment and landings, as well as the capacity to implement the current Appendix-III listing;

## Chapter 57 – Sea Cucumbers

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- h) explore the potential of mariculture in promoting the sustainable use of the resource, with experience from China, and identify best practices;
- i) consider the merits of inclusion of their species of conservation concern in Appendix III, where appropriate;
- j) support the development of harmonized codes for reporting international trade in sea cucumber products; and
- k) develop and distribute identification guides that clearly distinguish sea cucumbers subject to international trade.

Decision 14.99, in the context of the Memorandum of Understanding between CITES and FAO, instructed the Secretariat to promote cooperation with FAO concerning the conservation of and trade in sea cucumbers in the families Holothuriidae and Stichopodidae, inter alia by bringing the outcomes of the FAO Workshop on Sustainable Use and Management of Sea Cucumber Fisheries to the attention of the Parties and supporting relevant capacity-building activities.



**Decision 14.100 (Rev. CoP15)** instructs the Animals Committee to evaluate the outcomes of the FAO Workshop on Sustainable Use and Management of Sea Cucumber Fisheries, conducted in 2007, and recommend appropriate follow-up actions at the 16th meeting of the Conference of the Parties to support this initiative.



## Chapter 58 - Traditional Medicines

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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 program 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.

**Resolution Conf. 10.19 (Rev. CoP14)** 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

## Chapter 58 – Traditional Medicines

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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.

The Conference of the Parties is aware 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.

It 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.

The Conference of the Parties recalls Resolution Conf. 9.19 (Rev. CoP15), which acknowledges that pressure on wild populations may be relieved by captive breeding and artificial propagation.

It 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 and the tiger.

It notes that the total volume of traditional medicines traded as personal effects under Article VII, paragraph 3, of the Convention may have a negative impact on the conservation of certain species.

It is convinced of the importance of comprehensive national legislation and its effective enforcement for the implementation of the Convention in all party States.

It recalls that Resolutions Conf. 9.14 (Rev. CoP15), Conf. 10.8 (Rev. CoP14), Conf. 11.7 and Conf. 12.5 (Rev. CoP15) refer to various measures to be taken in relation to the conservation of and trade in specific taxa commonly encountered as ingredients in traditional medicines.

The Conference of the Parties recommends that the Parties:

a) work closely with groups of traditional-medicine practitioners and consumers in developing public education and awareness programs towards the elimination of illegal

## Chapter 58 – Traditional Medicines

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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) facilitate, encourage and investigate the further use in traditional medicines of alternative ingredients to specimens of threatened wild species, such as synthetic compounds and derivatives of less threatened 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 Parties to ensure that traditional medicines intended for domestic use are clearly marked as such and effectively prevented from being exported and to ensure that Article VII, paragraph 3, of the Convention is implemented fully and consistently in relation to traditional medicines, to ensure that traditional medicines containing Appendix-I ingredients are not exported by tourists and visitors unless accompanied by appropriate documentation.

It acknowledges that in order to effectively protect listed species that are commonly encountered as ingredients in traditional medicines, it may be necessary for Parties to apply stricter domestic measures in relation to personal and household effects.

It finally 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

This was an awkward decision. The above recommendation was a very valid one and it is also made in **Resolution Conf. 11.8 (Rev. CoP13)** with regard to shahtoosh and in **Resolution Conf. 12.5 (Rev. CoP15)** with regard to (claimed) parts and derivatives of Asian big cats.

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.

## Chapter 59 - Corals

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### Coral taxa where identification at the genus level is acceptable

Section X of **Resolution Conf. 12.3 (Rev. CoP15)** on Permits and certificates for coral specimens recommends that:

a) on permits and certificates issued to authorize trade in specimens of hard corals of the genera included in the most recent *CITES list of Coral taxa where identification to genus level* is acceptable, where the species cannot be readily determined, the specimens may be recorded at the genus level. This list is maintained by the Secretariat and may be amended with the concurrence of the Animals Committee;

At the time of entry into force of this Resolution (23 June 2010), the following, most recent list, had been published in Notification to the Parties No. 2010/014:

Taxa	Number of species in the genus
<i>Acanthastrea</i>	10
<i>Acropora</i>	127
<i>Agaricia</i>	7
<i>Alveopora</i>	12
<i>Anacrapora</i>	5
<i>Astreopora</i>	11
<i>Balanophyllia</i>	56
<i>Barabattoia</i>	3
<i>Caulastrea</i>	4
<i>Coscinaraea</i>	9
<i>Ctenactis</i>	3
<i>Cyphastrea</i>	7
<i>Dendrophyllia</i>	21
<i>Distichopora</i>	23
<i>Echinophyllia</i>	8
<i>Echinopora</i>	9
<i>Euphyllia</i> (dead)	9
<i>Favia</i>	18
<i>Favites</i>	9
<i>Fungia</i>	25
<i>Goniastrea</i>	8
<i>Goniopora</i>	20
<i>Leptastrea</i>	6

## Chapter 59 – Corals

Taxa	Number of species in the genus
<i>Leptoseris</i>	14
<i>Lobophyllia</i>	7
<i>Madracis</i>	15
<i>Millepora</i>	17
<i>Montastrea</i>	9
<i>Montipora</i>	56
<i>Mussismillia</i>	3
<i>Mycetophyllia</i>	5
<i>Oculina</i>	9
<i>Oxypora</i>	3
<i>Pavona</i>	17
<i>Pectinia</i>	5
<i>Physogyra</i> (dead)	2
<i>Platygyra</i>	9
<i>Plerogyra</i> (dead)	4
<i>Pocillopora</i>	7

**Decision 15.64** instructs the Animals Committee to:

- a) identify existing coral reference materials that could be adopted as standard nomenclatural references for CITES-listed corals; and
- b) update its list of coral taxa for which identification to genus level is acceptable, but which should be identified to species level where feasible, and provide the updated list to the Secretariat for dissemination.

**Decision 15.65** instructs the Secretariat to, upon receiving the updated list from the Animals Committee, transmit this information to the Parties through a Notification to the Parties, and by publishing the list on the CITES website.

### Permits and certificates for coral rock

Section X of **Resolution Conf. 12.3 (Rev. CoP15)** on Permits and certificates for coral specimens further recommends that:

- b) on permits and certificates for trade in specimens that are readily recognizable as coral rock [as defined in Resolution Conf. 11.10 (Rev. CoP15) Annex], where the genus cannot be readily determined, the scientific name for the specimens should be 'Scleractinia';
- c) any Party wishing to authorize export of coral rock 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;

d) 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; 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;

### Permits and certificates for black coral

Section X of **Resolution Conf. 12.3 (Rev. CoP15)** on Permits and certificates for coral specimens further recommends that:

e) on permits and certificates for trade in worked specimens of black coral, where the species cannot be readily determined, the specimens may be recorded at the genus level and, where the genus cannot be readily determined, the scientific name for the given specimens should be 'Antipatharia'; and

**Decision 15.66** instructs the Secretariat to, subject to the availability of external funds, commission the development of guidance on the identification of worked specimens of black coral (*Antipatharia*) in trade at species, genus and higher taxonomic level.

f) raw black coral and live black coral should continue to be identified in trade to species level;

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

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. CoP15)] are not considered readily recognizable and are therefore not covered by the provisions of the Convention.

With **Resolution Conf. 11.10 (Rev. CoP15)** on trade in hard corals, the Conference of the Parties expresses its awareness that stony corals (in the orders Helioporacea, Milleporina, Scleractinia, Stolonifera, and Stylasterina) are in international trade as intact specimens for aquaria and as curios.

It recognizes that coral rock, fragments, sand and other coral products are also traded.

It notes the unique nature of corals, namely that their skeletons are persistent, that they may become mineralized in time and that they are the foundation of reefs, and that, following erosion, fragments of coral may form part of mineral and sedimentary deposits.

## Chapter 59 – Corals

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It also notes that coral rock may act as an important substrate for the attachment of live corals and that the removal of rock may have a detrimental impact on reef ecosystems.

The Conference of the Parties is aware, however, that coral rock cannot be readily identified other than to the order Scleractinia and that accordingly non-detriment findings under Article IV, paragraph 2 (a), of the Convention cannot be readily applied.

It notes that Article IV, paragraph 3, requires the monitoring of exports of specimens of each species in Appendix II, in order to assess whether the species is being maintained at a level consistent with its role in the ecosystem.

It further notes that assessments under Article IV, paragraph 3, of the impacts of harvesting corals on the ecosystems from which they are derived cannot be adequately made by monitoring exports alone.

The above paragraph was added at CoP 12.

It accepts that coral fragments and coral sand cannot be readily recognized and recognizes also that it is frequently difficult to identify live or dead corals to the species level owing to the lack of a standard nomenclature and the lack of comprehensive and accessible identification guides for the non-specialist.

It recognizes that stony corals that are fossilized are not subject to the provisions of the Convention.

It notes that it has been difficult to apply and enforce the provisions of the Convention to trade in corals.

In view of the above, the Conference of the Parties adopts the working definitions of coral sand, coral fragments, coral rock, live coral and dead coral provided in the Annex to the Resolution.

It 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:

The above paragraph was added at CoP 12.

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.

## Chapter 59 – Corals

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### Definitions of coral sand, fragments, coral rock, live rock, substrate, dead and live coral

The working definitions of coral sand, coral fragments, coral rock, live coral and dead coral in **Resolution Conf. 11.10 (Rev. CoP15)** are 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 measured in any direction, which is not identifiable to the level of genus.

The words “measured in any direction” replaced “in diameter” at CoP15.

*Coral rock (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.

A footnote precises that *rock that does not contain any corals or in which the corals are fossilized is not subject to the provisions of the Convention.*

*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.

### Fossils or not?

In spite of repeated attempts, it has to date not been possible to agree on the definition of ‘fossil’ or fossilized’ in the context of CITES implementation.

## Chapter 59 – Corals

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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.

The Animals Committee established an inter-sessional working group which considered various approaches to defining and distinguishing fossilized corals in trade suggested by Parties and NGOs. These approaches typically, but not exclusively, focused on an approach to consider fossils as being dead, permanently buried and which may, or may not, be mineralogically altered / lithified.

No consensus could be reached that satisfied the range of interests represented on the group. Moreover, the group considered that none of the suggested approaches offered a solution that would provide unambiguous guidance to CITES authorities. In the absence of consensus, the working group looked to alternative approaches to providing the Convention with a pragmatic approach to determining what constituted a fossil coral, based on the definitions contained in Resolution Conf. 11.10 (Rev. CoP12) and the annotations in the CITES Appendices. Ultimately, the group considered that an amendment to the annotation which exempts fossil corals from the provisions of the Convention offered the best approach to achieving a workable conclusion.

The amendment concerned would retain live rock under the purview of the Convention and exempt all other coral rock including all coral substrate from its provisions.

The reasoning behind this proposal was that specimens of coral rock in trade that had no impact on coral reefs (namely coral rock taken from land) or had minimal impact (coral substrate), would be exempt from CITES controls, but that live rock, the removal of which may potentially have the greatest impact on coral reefs, would continue to fall under the provisions of the Convention. It was considered that this approach would enable all those involved in the trade and its regulation to be clear about which specimens in trade were, or were not, exempt from CITES controls.

However, the group noted that inevitably cultured live rock, namely live rock derived from coral deposits on land and moved to the seabed to enable their colonisation by non-CITES invertebrates, would be subject to CITES control. The group noted that such cultured live rock could be marked to identify it in trade and that the export of such material could readily be permitted by CITES authorities without affecting the role that coral rock has in the ecosystem. Artificial live rock, made of moulded cement and then placed on the seabed, would clearly not be covered by the Convention even though it may contain ground up coral fragments and is readily distinguished from genuine live rock by enforcement officials. Finally, the group considered the implications of this approach for the movement of geological specimens containing coral for either scientific study or for the fossil trade.

The group felt that such specimens would generally fall under the categories of coral rock exempted as fossils.

As a result of the above, the Animals Committee requested the Depositary Government to make the following proposal to CoP 13:

## Chapter 59 – Corals

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*Fossils, namely all categories of coral rock, except live rock (meaning pieces of coral rock to which are attached live specimens of invertebrate species and coralline algae not included in the Appendices and which are transported moist, but not in water, in crates) are not subject to the provisions of the Convention.”*

The definition would exclude substrate from the provisions of the Convention. The Animals Committee’s working group felt that the risk of traders attempting to transport live rock as coral substrate in order to evade CITES controls were low and would be prohibitively expensive and uneconomic.

Questions arose about live rock transported dry rather than moist, which would have the effect of treating it as fossilized. Also the use of plastic bags in cardboard boxes and styrofoam containers to transport live rock, rather than in crates, would have that effect. Also the lack of a consistent enforcement protocol determining whether live rock was moist, dry or submerged in water was considered a problem.

The proposal was withdrawn because of acknowledgement that it would be difficult for some Parties to accept, owing to different understandings of the definition of fossil coral. Instead, the Conference of the Parties adopted the following decisions:

13.95 The Parties that are involved in the trade in stony corals should, by the end of 2005, determine how they will interpret the annotation exempting fossil corals from the provisions of the Convention and provide this interpretation to the Secretariat for distribution to the Parties.

13.96 The Animals Committee shall proceed with an analysis of the Parties' interpretation of the annotation on fossil corals and other tasks necessary to undertake a review of Resolution Conf. 11.10 (Rev. CoP12) and report to the Secretariat by the end of 2006.

13.97 The Secretariat shall communicate the report of the Animals Committee regarding the interpretation of the annotation exempting fossil corals to the Parties via a notification before the 14th meeting of the Conference of the Parties.

The above Decisions were implemented and repealed. The Animals Committee decided not to propose amendment to Resolution Conf. 11.10 (Rev. CoP12) as no consensus on the interpretation exempting fossil corals was likely and further attempts were unlikely to be productive. The Secretariat communicated the report of the Animals Committee to the Parties with Notification No. 2005/063.

An important number of Parties uses the definition proposed by Switzerland on behalf of the Animals Committee, many of them without the words “in crates” in view of the use of other containers for live rock, see above. It is important to repeat that the definition concerned was not adopted by the Conference of the Parties and that under Resolution Conf. 11.10 (Rev. CoP12) substrate is subject to CITES controls.





## Chapter 60 - Capacity Building

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The Conference of the Parties adopted the following recommendations in relation to this important activity:

### Brochure on the registration of scientific institutions

**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.*

### Scientific basis for national export quotas

**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:

## Chapter 60 – Capacity Building

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- 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.

**Decision 14.10** requests Parties to provide, in accordance with national legislation, financial assistance to academic institutions offering Master's degree courses on CITES and CITES-related subjects in order to support the continuation of these courses.

**Decision 14.11** provides that Parties should urge regional environmental organizations to take a more active role in regional cooperation and coordination of CITES to build capacity in their region.

### The CITES virtual college

**Decision 14.12** instructs the Secretariat to seek external funding to establish and operate a CITES Virtual College, in collaboration with academic institutions and training organizations, to provide Internet-based training on the Convention that will be available to all Parties.

### Capacity-building tools in the six UN languages

**Decision 14.13** instructs the Secretariat to, subject to external funding, produce its capacity-building tools in the six official languages of the United Nations.

## Chapter 60 – Capacity Building

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### Activities in the Oceania region

**Decision 15.21** instructs the Secretariat to:

- a) seek funding to convene a capacity-building workshop and regional meeting for the Oceania region before the 62nd meeting of the Standing Committee, in order to improve regional implementation of the Convention; and
- b) subject to availability of funds, invite the Parties of the region, non-party States, regional intergovernmental organizations and observers as may be appropriate.

### Activities in the Africa region

**Decision 15.22** instructs the Secretariat to:

- a) seek funding to convene a capacity-building workshop and regional meeting for the Africa region before the 62nd meeting of the Standing Committee, in order to improve regional implementation of the Convention; and
- b) subject to availability of funds, invite the Parties of the region, non-party States, regional intergovernmental organizations and observers as may be appropriate.

### Non-detriment findings

**Decision 15.23** encourages Parties:

- a) to consider the outputs of the International Expert Workshop on Non-Detriment Findings (Cancun, November 2008) to enhance CITES Scientific Authorities' capacities, particularly those related to the methodologies, tools, information, expertise and other resources needed to formulate non-detriment findings;
- b) taking into account Resolution Conf. 10.3, to prioritize activities such as workshops on capacity building to better understand what non-detriment findings are and how to enhance the ways to formulate them; and
- c) to report their findings regarding paragraphs a) and b) above at the 25th and 26th meetings of the Animals Committee and 19th and 20th meetings of the Plants Committee.

**Decision 15.24** instructs the Animals and Plants Committees to:

- a) review feedback received from Parties on the outputs from the international expert workshop on non-detriment findings and advise on a path forward on how best to use the outputs to assist Scientific Authorities in the making of non-detriment findings;
- b) prepare a discussion paper for consideration at the 16th meeting of the Conference of the Parties (CoP16) with options on how to use the workshop outputs, including, if con-

## Chapter 60 – Capacity Building

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sidered appropriate, a draft resolution on the establishment of non-legally binding guidelines for the making of, non-detriment findings; and

c) review the non-detriment finding training materials used by the CITES Secretariat when conducting regional capacity-building workshops and provide advice for their improvement; and

d) taking account of the results of the International Expert Workshop on Non-detriment Findings (Cancun, November 2008) and the responses to Notification to the Parties No. 2009/023 of 8 June 2009:

i) establish the mechanism for reporting from the Parties on their findings in an open and intersessional process;

ii) prepare draft guidance on the making on non-detriment findings at their 25th and 19th, and 26th and 20th meetings respectively;

iii) submit this draft guidance to the Secretariat to be conveyed to Parties for comment in a Notification to the Parties; and

iv) review comments received from Parties and prepare revised draft guidance as a tool for making non-detriment findings for submission and consideration at CoP16.

**Decision 15.25** instructs the Secretariat to:

a) include non-detriment findings as a principal component of its regional capacity-building workshops; and

b) use the external funds offered from interested Parties, intergovernmental and non-governmental organizations, and other funding sources, to translate the guidelines into Arabic, Chinese and Russian and to support activities for capacity building on non-detriment findings in regional workshops.

**Decision 15.26** invites Parties to conduct workshops with the participation of appropriate experts on the use of timber species and *Prunus africana*, medicinal plants and agarwood-producing species non-detriment finding guidance in range States concerned with the cooperation of the importing Parties.

**Decision 15.27** instructs the Secretariat to:

a) include practical elements for making non-detriment findings for the plant groups referred to in Decision 1.26 in its capacity-building workshops, in order to generate feedback from Scientific Authorities to refine the guidelines on making non-detriment findings included in document CoP15 Doc. 16.3;

b) use the external funds offered from interested Parties, intergovernmental and non-governmental organizations, and other funding sources to translate the guidelines into

## Chapter 60 – Capacity Building

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Arabic, Chinese and Russian and to support capacity-building workshops regionally on the use of timber species and *Prunus africana*, medicinal plants and agarwood-producing species non-detriment finding guidance in the range States concerned; and

c) maintain the information up to date and accessible to Parties.



## Annex 1 – Rules of Procedure of the Conference of the Parties

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### Part I Participants: delegates, observers, Secretariat

#### Rule 1 Delegates

1. A State party to the Convention (hereafter referred to as "a Party") 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.
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

With **Resolution Conf. 13.8** it is decided that 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.

- 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

## Annex 1 – Rules of Procedure of the Conference of the Parties

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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. However, the right of observers to participate may be withdrawn if so agreed by one-third of the Representatives present and voting.

### 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, together with a translation into English, French or Spanish if they are not in one of these languages.
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 six weeks prior to the opening of the meeting.

**Resolution Conf. 13.8** instructs the Secretariat to apply this Rule 3 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 six-week 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.

### Rule 4 Secretariat

The Secretariat of the Convention shall service and act as secretariat for the meeting.

## 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.

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.

## **Annex 1 – Rules of Procedure of the Conference of the Parties**

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### **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 three working languages, except for informative documents submitted in accordance with Rule 28 which are not submitted for discussion and therefore shall be distributed in the language in which they are provided.

### **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.

### **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.

**Resolution Conf. 13.8** recommends that a) in selecting venues for meetings of the Conference of the Parties, the Parties make every effort to ensure that these have space for observers on the floors of the halls for the plenary sessions, Committee I and Committee II; and b) the Secretariat and the host country of each meeting of the Conference of the Parties 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.

### **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, an Alternate 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 1 – Rules of Procedure of the Conference of the Parties**

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Committee. Candidates for these offices shall be nominated by the Standing Committee after appropriate consultations with, *inter alia*, if applicable, the host country. 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 Alternate Chairman shall deputize for him/her as Presiding Officer. If the Chairman and Alternate Chairman are both unavailable, the Bureau shall nominate one of the Vice-Chairmen of the Conference to serve 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, the Alternate Chairman and the Vice-Chairmen of the Conference, the Chairmen of Committees I and II and of the Credentials Committee, the Chairman and the other members of 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.
3. If the Chairman of the Conference is absent or is unable to discharge his/her duties, the Alternate Chairman shall deputize for him/her. If the Chairman and Alternate Chairman are both unavailable, the Bureau shall nominate one of the Vice-Chairmen to preside.

## **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;

## Annex 1 – Rules of Procedure of the Conference of the Parties

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- 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
- 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, inter-governmental 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.

**Resolution Conf. 13.8** instructs the Presiding Officers at plenary sessions and sessions of Committee I and Committee II: a) to make every effort to allow observers time in the sessions to make interventions; they may give them a time limit for speaking if necessary and encourage them not to be redundant in speaking on a particular issue; and b) when possible, to invite knowledgeable observers to participate in working groups of Committee I and Committee II.

## Annex 1 – Rules of Procedure of the Conference of the Parties

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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.
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

## Annex 1 – Rules of Procedure of the Conference of the Parties

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*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 one-third of the Representatives present and voting support the motion. While speaking on a motion to 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 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 (except proposals to amend Appendices I and II)**

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.
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

## **Annex 1 – Rules of Procedure of the Conference of the Parties**

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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 Parties in the working languages.

2. The Representative of the Party that has submitted a proposal for amendment of Appendices I and II may, at any time, 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.

### **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

## **Annex 1 – Rules of Procedure of the Conference of the Parties**

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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 through an electronic system or 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 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.

## **Annex 1 – Rules of Procedure of the Conference of the Parties**

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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 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;
- b) any observer representing any other organization; and

**Resolution Conf. 13.8** instructs the Secretariat to 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 are distributed to the participants in the meeting. Also see paragraph 3 below however.

c) the Secretariat.

2. No approval is required for the distribution of such documents. However, they shall clearly identify who is 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. Documents submitted by Parties and by the Secretariat relating to specific items on the agenda of the meeting shall be numbered by the Secretariat and included in its list of official documents.

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 4, or by any participant who has been subject to abuse by another.

## **Annex 1 – Rules of Procedure of the Conference of the Parties**

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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 4, 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.



## Annex 2 – Rules of Procedure of the Standing Committee

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### **Representation and attendance**

#### **Rule 1**

Each member of the 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 State not a Party to the Convention may be represented at meetings by ob-

## Annex 4 – The Development of the Trust Fund since 1980

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servers who shall have the right to participate in meetings of the Committee but not to vote.

### Rule 6

1. The Chairman may invite any person to attend a meeting of the Committee as an observer and may invite any body or agency to be represented at a meeting of the Committee by observers provided that any such person, body or agency is technically qualified in protection, conservation or management of wild fauna and flora. Such 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. a) Any body or agency wishing to participate in a meeting of the Committee in accordance with paragraph 1 shall submit a request to the Secretariat at least 30 days before the meeting, or in the case of an emergency meeting at least seven days prior to that meeting.

b) Any such request from a body or agency shall be accompanied by:

i) relevant information with regard to its technical qualifications;

ii) the name/s of the observer/s who have been authorized to represent it at the meeting; and

iii) proof of the approval of the State in which the national non-governmental body or agency is located or, in which the international non-governmental body or agency is headquartered.]

c) The Secretariat shall forward each request received and relevant information to the Chairman and the members of the Committee for approval.

## 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 credentials 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 State or an intergovernmental organization in a meeting, shall have been granted credentials by or on behalf of a proper authority enabling him or her to represent the State or organization.

## Annex 1 – Rules of Procedure of the Conference of the Parties

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### Rule 9

The credentials required under Rules 7 and 8 shall be presented to the Secretariat of the Convention, together with a translation into one of the working languages if they are not in one of those languages.

### Rule 10

The Secretariat shall review the credentials and report to the Committee at the earliest opportunity, and shall provide a list of the credentials received in accordance with Rules 7 and 8, and draw attention to any potential problems.

### Rule 11

On the basis of the report of the Secretariat, the Committee shall decide whether to accept the credentials presented and whether any of them requires 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 12

Pending a decision on their credentials, representatives of members and observers referred to in Rule 8 may participate provisionally in the meeting. The right to participate in the meeting shall not extend to persons whose credentials the Standing Committee has decided are unacceptable.

## Officers

### Rule 13

Following 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.

## **Annex 4 – The Development of the Trust Fund since 1980**

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### **Rule 14**

The Chairman shall preside at meetings of the Committee, approve the provisional agenda prepared by the Secretariat and maintain liaison with other CITES 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 15**

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 16**

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.

## **Meetings**

### **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, and should not be longer than 12 pages.

## **Annex 1 – Rules of Procedure of the Conference of the Parties**

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### **Rule 21**

1. At least 45 days before each meeting of the Standing Committee, the Secretariat shall:
  - a) place on its website, in the language in which they have been received, all documents submitted by any Party, or submitted by an observer at the request of the Chairman; and
  - b) distribute printed documents for the meeting to the members and alternate members of the Committee.
2. When the Secretariat believes that a Party may be directly affected by any discussion of a document to be considered by the Committee, it shall alert the Party concerned and inform it where the document may be viewed on the CITES website. It shall provide printed documents to all Parties that request them.

### **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 admitted 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 delega-

## **Annex 4 – The Development of the Trust Fund since 1980**

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tion 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 Depository Government.

### **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 Committee shall be prepared by the Secretary for endorsement by the Committee before the closure of the meeting. However the executive summary of the last day of each meeting shall be sent by email to the members for endorsement after the 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; 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.

## Annex 1 – Rules of Procedure of the Conference of the Parties

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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

1. The working languages of the meetings of the Committee shall be English, French and Spanish and no working document may be discussed at a meeting unless it has been made available in accordance with Rules 19 and 20 in these languages.
2. Documents arising out of the discussion of the foregoing may be discussed provided that copies have been circulated no later than during the session preceding the session at which they are to be discussed.

## 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.

### 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 currently in effect for meetings of the Conference of the Parties shall apply *mutatis mutandis*.

## **Annex 4 – The Development of the Trust Fund since 1980**

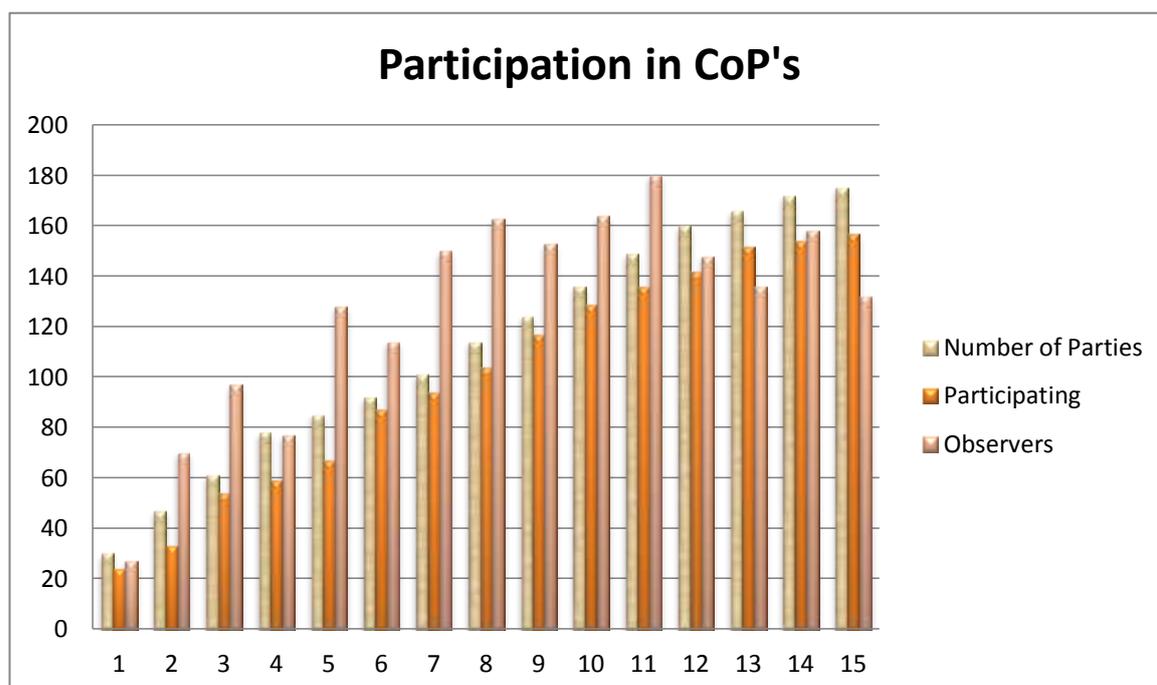
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### **Rule 34**

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.

## Annex 3 –Venues, Dates and Participation in Meetings of the Conference of the Parties

CoP	Venue	Year	Number of Parties	Participating	Observers
1	Bern	1976	30	24	27
2	San José	1979	47	33	70
3	New Delhi	1981	61	54	97
4	Gaborone	1983	78	59	77
5	Buenos Aires	1985	85	67	128
6	Ottawa	1987	92	87	114
7	Lausanne	1989	101	94	150
8	Kyoto	1992	114	104	163
9	Fort Lauderdale	1994	124	117	153
10	Harare	1997	136	129	164
11	Gigiri	2000	149	136	180
12	Santiago de Chile	2002	160	142	148
13	Bangkok	2004	166	152	136
14	The Hague	2007	172	154	158
15	Doha	2010	175	157	132





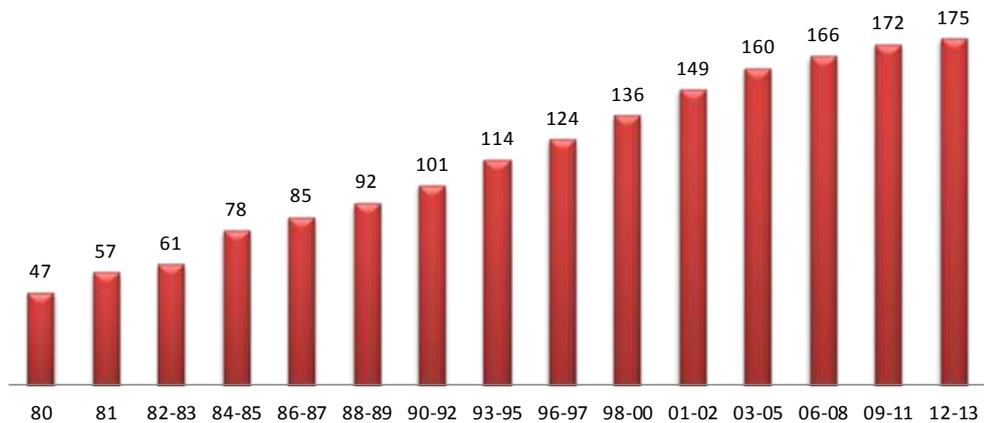
## Annex 4 – The Development of the Trust Fund since 1980

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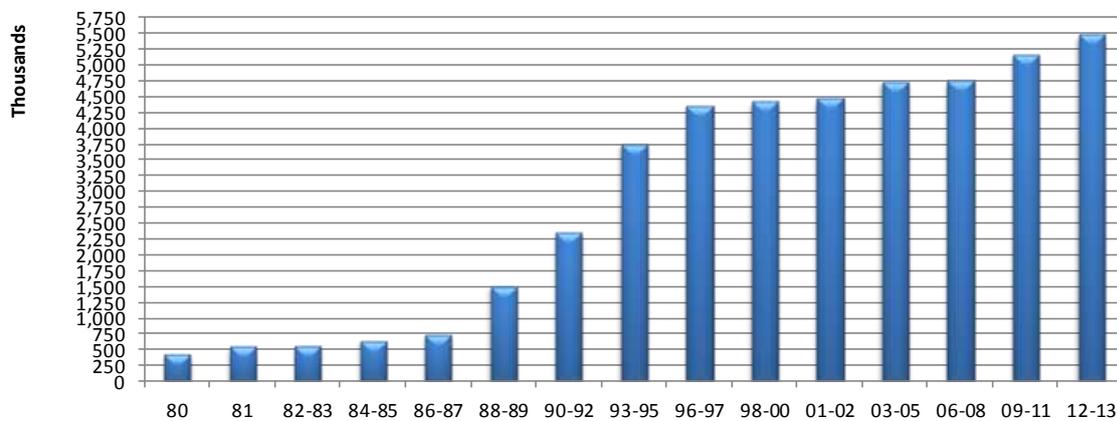
Financial period	No of Parties	Annual contributions	Average per Party
80	47	431,700	9,185
81	57	553,100	9,704
82-83	61	567,300	9,300
84-85	78	645,475	8,275
86-87	85	734,528	8,642
88-89	92	1,500,009	16,304
90-92	101	2,339,377	23,162
93-95	114	3,746,674	32,866
96-97	124	4,352,332	35,099
98-00	136	4,409,699	32,424
01-02	149	4,461,000	29,940
03-05	160	4,727,000	29,544
06-08	166	4,744,714	28,583
09-11	172	5,160,733	30,004
12-13	175	5,474,308	31,282

## Annex 4 – The Development of the Trust Fund since 1980

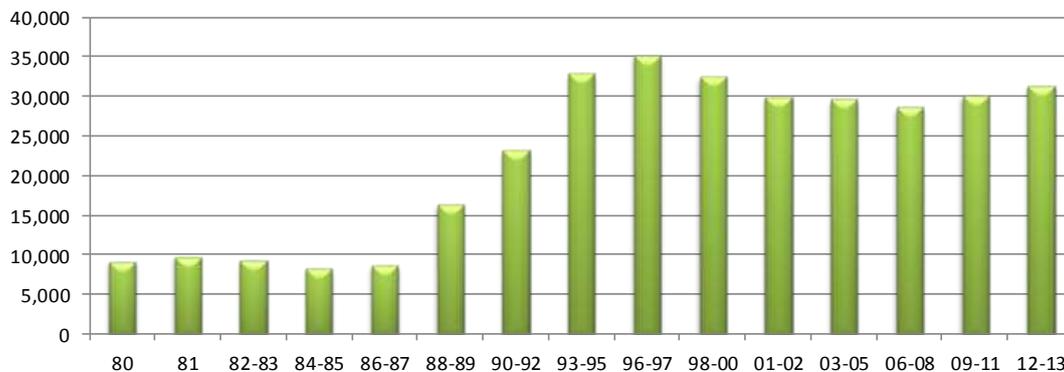
### Number of Parties



### Annual contributions in US\$



### Average per Party



It should be noted that the highest contribution for 2012-2013 is just over 1.2 million US dollars, or 22% of the budget, and that the lowest contribution is US\$ 55 for the least developed countries.

# Annex 5 -The Text of the Convention

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## 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



### Preamble

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;

## Annex 5 - The Text of the Convention

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(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;

(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:

(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.

## Annex 5 - The Text of the Convention

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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:

## Annex 5 - The text of the Convention

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(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

(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

## Annex 5 - The Text of the Convention

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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.
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

## Annex 5 - The text of the Convention

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(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 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.

## Annex 5 - The Text of the Convention

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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:

(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.
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

## Annex 5 - The Text of the Convention

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(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.

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;

## Annex 5 - The text of the Convention

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(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.

## Annex 5 - The Text of the Convention

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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.
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 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.
  - (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:

## Annex 5 - The text of the Convention

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(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.

(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.

## **Annex 5 - The Text of the Convention**

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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.

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 amend-

## **Annex 5 - The text of the Convention**

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ment 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 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.

### **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:

## Annex 5 - The Text of the Convention

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- (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.

# Appendices I, II and III to the Convention

Valid from 24 June 2010

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## Interpretation

Species included in these Appendices are referred to:  
by the name of the species; or  
as being all of the species included in a higher taxon or designated part thereof.

The abbreviation "spp." is used to denote all species of a higher taxon.

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.

The following abbreviations are used for plant taxa below the level of species:  
"ssp." is used to denote subspecies; and  
"var(s)." is used to denote variety (varieties).

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 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.

When a species is included in one of the Appendices, all parts and derivatives of the species are also included in the same Appendix unless the species is annotated to indicate that only specific parts and derivatives are included. The symbol # followed by a number placed against the name of a species or higher taxon included in Appendix II or III refers to a footnote that indicates the parts or derivatives of plants that are designated as 'specimens' subject to the provisions of the Convention in accordance with Article I, paragraph (b), subparagraph (iii).



## Appendices I, II and III

### FAUNA - Animals

#### Mammals

I	II	III
<b>ARTIODACTYLA</b>		
<b>Antilocapridae: Pronghorn</b>		
<i>Antilocapra americana</i> (Only the population of Mexico; no other population is included in the Appendices)		
<b>Bovidae: Antelopes, cattle, duikers, gazelles, goats, sheep, etc.</b>		
<i>Addax nasomaculatus</i>		
	<i>Ammotragus lervia</i>	
		<i>Antilope cervicapra</i> (Nepal)
	<i>Bison bison athabascae</i>	
<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)		
<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)		
<i>Bos sauveli</i>		
		<i>Bubalus arnee</i> (Nepal) (Excludes the domesticated form, which is referenced as <i>Bubalus bubalis</i> )
<i>Bubalus depressicornis</i>		
<i>Bubalus mindorensis</i>		
<i>Bubalus quarlesi</i>		
	<i>Budorcas taxicolor</i>	
<i>Capra falconeri</i>		

## Appendices I, II and III

I	II	III
<i>Capricornis milneedwardsii</i>		
<i>Capricornis rubidus</i>		
<i>Capricornis sumatraensis</i>		
<i>Capricornis thar</i>		
	<i>Cephalophus brookei</i>	
	<i>Cephalophus dorsalis</i>	
<i>Cephalophus jentinki</i>		
	<i>Cephalophus ogilbyi</i>	
	<i>Cephalophus silvicultor</i>	
	<i>Cephalophus zebra</i>	
	<i>Damaliscus pygargus pygargus</i>	
<i>Gazella cuvieri</i>		
		<i>Gazella dorcas</i> (Algeria, Tunisia)
<i>Gazella leptoceros</i>		
<i>Hippotragus niger variani</i>		
	<i>Kobus leche</i>	
<i>Naemorhedus baileyi</i>		
<i>Naemorhedus caudatus</i>		
<i>Naemorhedus goral</i>		
<i>Naemorhedus griseus</i>		
<i>Nanger dama</i>		
<i>Oryx dammah</i>		
<i>Oryx leucoryx</i>		
	<i>Ovis ammon</i> (Except the subspecies included in Appendix I)	
<i>Ovis ammon hodgsonii</i>		
<i>Ovis ammon nigrimontana</i>		
	<i>Ovis canadensis</i> (Only the population of Mexico; no other population is included in the Appendices)	
<i>Ovis orientalis ophion</i>		
	<i>Ovis vignei</i> (Except the subspecies included in Appendix I)	

## Appendices I, II and III

I	II	III
<i>Ovis vignei vignei</i>		
<i>Pantholops hodgsonii</i>		
	<i>Philantomba monticola</i>	
<i>Pseudoryx nghetinhensis</i>		
<i>Rupicapra pyrenaica ornata</i>		
	<i>Saiga borealis</i>	
	<i>Saiga tatarica</i>	
		<i>Tetracerus quadricornis</i> (Nepal)
<b>Camelidae:</b> Guanaco, vicuna		
	<i>Lama guanicoe</i>	
<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); Chile (population of the Primera Región); Peru (the whole population); and the Plurinational State of Bolivia (the whole population); which are included in Appendix II]	<i>Vicugna vicugna</i> [Only the populations of Argentina, <a href="#">footnote 1</a> , (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); Chile, <a href="#">footnote 2</a> , (population of the Primera Región); Peru, <a href="#">footnote 3</a> , (the whole population); and the Plurinational State of Bolivia, <a href="#">footnote 4</a> , (the whole population); all other populations are included in Appendix I]	
<b>Cervidae:</b> Deer, guemals, muntjacs, pudus		
<i>Axis calamianensis</i>		
<i>Axis kuhlii</i>		
<i>Axis porcinus annamiticus</i>		
<i>Blastocerus dichotomus</i>		
	<i>Cervus elaphus bactrianus</i>	
		<i>Cervus elaphus barbarus</i> (Algeria, Tunisia)
<i>Cervus elaphus hanglu</i>		
<i>Dama dama mesopotamica</i>		
<i>Hippocamelus spp.</i>		

## Appendices I, II and III

I	II	III
		<i>Mazama temama cerasina</i> (Guatemala)
<i>Muntiacus crinifrons</i>		
<i>Muntiacus vuquangensis</i>		
		<i>Odocoileus virginianus mayensis</i> (Guatemala)
<i>Ozotoceros bezoarticus</i>		
	<i>Pudu mephistophiles</i>	
<i>Pudu puda</i>		
<i>Rucervus duvaucelii</i>		
<i>Rucervus eldii</i>		
<b>Hippopotamidae Hippopotamuses</b>		
	<i>Hexaprotodon liberiensis</i>	
	<i>Hippopotamus amphibius</i>	
<b>Moschidae: Musk deer</b>		
<i>Moschus spp.</i> (Only the populations of Afghanistan, Bhutan, India, Myanmar, Nepal and Pakistan; all other populations are included in Appendix II)	<i>Moschus spp.</i> (Except the populations of Afghanistan, Bhutan, India, Myanmar, Nepal and Pakistan, which are included in Appendix I)	
<b>Suidae: Babirusa, pygmy hog</b>		
<i>Babyrousa babyrussa</i>		
<i>Babyrousa bolabatuensis</i>		
<i>Babyrousa celebensis</i>		
<i>Babyrousa togeanensis</i>		
<i>Sus salvanius</i>		
<b>Tayassuidae Peccaries</b>		
	<i>Tayassuidae spp.</i> (Except the species included in Appendix I and the populations of Pecari tajacu of Mexico and the United States of America, which are not included in the Appendices)	
<i>Catagonus wagneri</i>		
<b>CARNIVORA</b>		
<b>Ailuridae Red panda</b>		

## Appendices I, II and III

I	II	III
<i>Ailurus fulgens</i>		
Canidae Bush dog, foxes, wolves		
		<i>Canis aureus</i> (India)
<i>Canis lupus</i> (Only the populations of Bhutan, India, Nepal and Pakistan; all other populations are included in Appendix II. Excludes the domesticated form and the dingo which are referenced as <i>Canis lupus familiaris</i> and <i>Canis lupus dingo</i> .)	<i>Canis lupus</i> (Except the populations of Bhutan, India, Nepal and Pakistan, which are included in Appendix I. Excludes the domesticated form and the dingo which are referenced as <i>Canis lupus familiaris</i> and <i>Canis lupus dingo</i> .)	
	<i>Cerdocyon thous</i>	
	<i>Chrysocyon brachyurus</i>	
	<i>Cuon alpinus</i>	
	<i>Lycalopex culpaeus</i>	
	<i>Lycalopex fulvipes</i>	
	<i>Lycalopex griseus</i>	
	<i>Lycalopex gymnocercus</i>	
<i>Speothos venaticus</i>		
		<i>Vulpes bengalensis</i> (India)
	<i>Vulpes cana</i>	
		<i>Vulpes vulpes griffithi</i> (India)
		<i>Vulpes vulpes montana</i> (India)
		<i>Vulpes vulpes pusilla</i> (India)
	<i>Vulpes zerda</i>	
Eupleridae: Fossa, falanouc, Malagasy civet		
	<i>Cryptoprocta ferox</i>	
	<i>Eupleres goudotii</i>	
	<i>Fossa fossana</i>	
<b>Felidae:</b> Cats		

## Appendices I, II and III

I	II	III
	<b>Felidae spp.</b> (Except the species included in Appendix I. Specimens of the domesticated form are not subject to the provisions of the Convention)	
<b>Acinonyx jubatus</b> (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)		
<b>Caracal caracal</b> (Only the population of Asia; all other populations are included in Appendix II)		
<b>Catopuma temminckii</b>		
<b>Felis nigripes</b>		
<b>Leopardus geoffroyi</b>		
<b>Leopardus jacobitus</b>		
<b>Leopardus pardalis</b>		
<b>Leopardus tigrinus</b>		
<b>Leopardus wiedii</b>		
<b>Lynx pardinus</b>		
<b>Neofelis nebulosa</b>		
<b>Panthera leo persica</b>		
<b>Panthera onca</b>		
<b>Panthera pardus</b>		
<b>Panthera tigris</b>		
<b>Pardofelis marmorata</b>		
<b>Prionailurus bengalensis bengalensis</b> (Only the populations of Bangladesh, India and Thailand; all other populations are included in Appendix II)		
<b>Prionailurus planiceps</b>		
<b>Prionailurus rubiginosus</b> (Only the population of India; all other populations are included in Appendix II)		

## Appendices I, II and III

I	II	III
<i>Puma concolor coryi</i>		
<i>Puma concolor costaricensis</i>		
<i>Puma concolor cougar</i>		
<i>Puma yagouaroundi</i> (Only the populations of Central and North America; all other populations are included in Appendix II)		
<i>Uncia uncia</i>		
<b>Herpestidae: Mongooses</b>		
		<i>Herpestes edwardsi</i> (India)
		<i>Herpestes fuscus</i> (India)
		<i>Herpestes javanicus auropunctatus</i> (India)
		<i>Herpestes smithii</i> (India)
		<i>Herpestes urva</i> (India)
		<i>Herpestes vitticollis</i> (India)
<b>Hyaenidae: Aardwolf</b>		
		<i>Proteles cristata</i> (Botswana)
<b>Mephitidae: Hog-nosed skunk</b>		
	<i>Conepatus humboldtii</i>	
<b>Mustelidae: Badgers, martens, weasels, etc.</b>		
<b>Lutrinae: Otters</b>		
	<b>Lutrinae spp.</b> (Except the species included in Appendix I)	
<i>Aonyx capensis microdon</i> (Only the populations of Cameroon and Nigeria; all other populations are included in Appendix II)		
<i>Enhydra lutris nereis</i>		
<i>Lontra felina</i>		
<i>Lontra longicaudis</i>		
<i>Lontra provocax</i>		
<i>Lutra lutra</i>		

## Appendices I, II and III

I	II	III
<i>Lutra nippon</i>		
<i>Pteronura brasiliensis</i>		
<b>Mustelinae:</b> Grisons, honey badger, martens, tayra, weasels		
		<i>Eira barbara</i> (Honduras)
		<i>Galictis vittata</i> (Costa Rica)
		<i>Martes flavigula</i> (India)
		<i>Martes foina intermedia</i> (India)
		<i>Martes gwatkinsii</i> (India)
		<i>Mellivora capensis</i> (Botswana)
		<i>Mustela altaica</i> (India)
		<i>Mustela erminea ferganae</i> (India)
		<i>Mustela kathiah</i> (India)
<i>Mustela nigripes</i>		
		<i>Mustela sibirica</i> (India)
<b>Odobenidae:</b> Walrus		
		<i>Odobenus rosmarus</i> (Canada)
<b>Otariidae:</b> Fur seals, sealions		
	<b>Arctocephalus spp.</b> (Except the species included in Appendix I)	
<i>Arctocephalus townsendi</i>		
<b>Phocidae:</b> Seals		
	<i>Mirounga leonina</i>	
<b>Monachus spp.</b>		
<b>Procyonidae:</b> Coatis, kinkajou, olingos		
		<i>Bassaricyon gabbii</i> (Costa Rica)
		<i>Bassariscus sumichrasti</i> (Costa Rica)

## Appendices I, II and III

I	II	III
		<i>Nasua narica</i> (Honduras)
		<i>Nasua nasua solitaria</i> (Uruguay)
		<i>Potos flavus</i> (Honduras)
<b>Ursidae:</b> Bears, giant panda		
	<b>Ursidae spp.</b> (Except the species included in Appendix I)	
<i>Ailuropoda melanoleuca</i>		
<i>Helarctos malayanus</i>		
<i>Melursus ursinus</i>		
<i>Tremarctos ornatus</i>		
<i>Ursus arctos</i> (Only the populations of Bhutan, China, Mexico and Mongolia; all other populations are included in Appendix II)		
<i>Ursus arctos isabellinus</i>		
<i>Ursus thibetanus</i>		
<b>Viverridae:</b> Binturong, civets, linsangs, otter-civet, palm civets		
		<i>Arctictis binturong</i> (India)
		<i>Civettictis civetta</i> (Botswana)
	<i>Cynogale bennettii</i>	
	<i>Hemigalus derbyanus</i>	
		<i>Paguma larvata</i> (India)
		<i>Paradoxurus hermaphroditus</i> (India)
		<i>Paradoxurus jerdoni</i> (India)
	<i>Prionodon linsang</i>	
<i>Prionodon pardicolor</i>		
		<i>Viverra civettina</i> (India)
		<i>Viverra zibetha</i> (India)
		<i>Viverricula indica</i> (India)

## Appendices I, II and III

I	II	III
<b>CETACEA: Dolphins, porpoises, whales</b>		
	<b>CETACEA spp.</b> (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)	
<b>Balaenidae: Bowhead whale, right whales</b>		
<i>Balaena mysticetus</i>		
<b>Eubalaena spp.</b>		
<b>Balaenopteridae: Humpback whale, rorquals</b>		
<i>Balaenoptera acutorostrata</i> (Except the population of West Greenland, which is included in Appendix II)		
<i>Balaenoptera bonaerensis</i>		
<i>Balaenoptera borealis</i>		
<i>Balaenoptera edeni</i>		
<i>Balaenoptera musculus</i>		
<i>Balaenoptera omurai</i>		
<i>Balaenoptera physalus</i>		
<i>Megaptera novaeangliae</i>		
<b>Delphinidae: Dolphins</b>		
<i>Orcaella brevirostris</i>		
<i>Orcaella heinsohni</i>		
<b>Sotalia spp.</b>		
<b>Sousa spp.</b>		
<b>Eschrichtiidae: Grey whale</b>		
<i>Eschrichtius robustus</i>		
<b>Iniidae: River dolphins</b>		
<i>Lipotes vexillifer</i>		
<b>Neobalaenidae: Pygmy right whale</b>		
<i>Caperea marginata</i>		
<b>Phocoenidae: Porpoises</b>		

## Appendices I, II and III

I	II	III
<i>Neophocaena phocaenoides</i>		
<i>Phocoena sinus</i>		
<b>Physeteridae: Sperm whales</b>		
<i>Physeter macrocephalus</i>		
<b>Platanistidae: River dolphins</b>		
<i>Platanista spp.</i>		
<b>Ziphiidae: Beaked whales, bottle-nosed whales</b>		
<i>Berardius spp.</i>		
<i>Hyperoodon spp.</i>		
<b>CHIROPTERA</b>		
<b>Phyllostomidae: Broad-nosed bat</b>		
		<i>Platyrrhinus lineatus</i> (Uruguay)
<b>Pteropodidae: Fruit bats, flying foxes</b>		
	<b>Acerodon spp.</b> (Except the species included in Appendix I)	
<i>Acerodon jubatus</i>		
	<b>Pteropus spp.</b> (Except the species included in Appendix I)	
<i>Pteropus insularis</i>		
<i>Pteropus loochoensis</i>		
<i>Pteropus mariannus</i>		
<i>Pteropus molossinus</i>		
<i>Pteropus pelewensis</i>		
<i>Pteropus pilosus</i>		
<i>Pteropus samoensis</i>		
<i>Pteropus tonganus</i>		
<i>Pteropus ualanus</i>		
<i>Pteropus yapensis</i>		
<b>CINGULATA</b>		
<b>Dasypodidae: Armadillos</b>		
		<i>Cabassous centralis</i> (Costa Rica)
		<i>Cabassous tatouay</i> (Uruguay)

## Appendices I, II and III

I	II	III
	<i>Chaetophractus nationi</i> (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)	
<i>Priodontes maximus</i>		
<b>DASYUROMORPHIA</b>		
<b>Dasyuridae:</b> Dunnarts		
<i>Sminthopsis longicaudata</i>		
<i>Sminthopsis psammophila</i>		
<b>Thylacinidae:</b> Tasmanian wolf, thylacine		
<i>Thylacinus cynocephalus</i> (possibly extinct)		
<b>DIPROTODONTIA</b>		
<b>Macropodidae:</b> Kangaroos, wallabies		
	<i>Dendrolagus inustus</i>	
	<i>Dendrolagus ursinus</i>	
<i>Lagorchestes hirsutus</i>		
<i>Lagostrophus fasciatus</i>		
<i>Onychogalea fraenata</i>		
<i>Onychogalea lunata</i>		
<b>Phalangeridae:</b> Cuscuses		
	<i>Phalanger intercastellanus</i>	
	<i>Phalanger mimicus</i>	
	<i>Phalanger orientalis</i>	
	<i>Spilocuscus kraemeri</i>	
	<i>Spilocuscus maculatus</i>	
	<i>Spilocuscus papuensis</i>	
<b>Potoroidae:</b> Rat-kangaroos		
<b>Bettongia spp.</b>		
<i>Caloprymnus campestris</i> (possibly extinct)		
<b>Vombatidae:</b> Northern hairy-nosed wombat		

## Appendices I, II and III

I	II	III
<i>Lasiorhinus krefftii</i>		
<b>LAGOMORPHA</b>		
<b>Leporidae:</b> Hispid hare, volcano rabbit		
<i>Caprolagus hispidus</i>		
<i>Romerolagus diazi</i>		
<b>MONOTREMATA</b>		
<b>Tachyglossidae:</b> Echidnas, spiny anteaters		
	<b>Zaglossus spp.</b>	
<b>PERAMELEMORPHIA</b>		
<b>Chaeropodidae:</b> Pig-footed bandicoots		
<i>Chaeropus ecaudatus</i> (possibly extinct)		
<b>Peramelidae:</b> Bandicoots, echymiperas		
<i>Perameles bougainville</i>		
<b>Thylacomyidae:</b> Bilbies		
<i>Macrotis lagotis</i>		
<i>Macrotis leucura</i>		
<b>PERISSODACTYLA</b>		
<b>Equidae:</b> Horses, wild asses, zebras		
<b>Equus africanus</b> (Excludes the domesticated form, which is referenced as <i>Equus asinus</i> , and is not subject to the provisions of the Convention)		
<i>Equus grevyi</i>		
	<b>Equus hemionus</b> (Except the subspecies included in Appendix I)	
<i>Equus hemionus hemionus</i>		
<i>Equus hemionus khur</i>		
	<b>Equus kiang</b>	
<i>Equus przewalskii</i>		
	<b>Equus zebra hartmannae</b>	
<i>Equus zebra zebra</i>		
<b>Rhinocerotidae:</b> Rhinoceroses		
<b>Rhinocerotidae spp.</b> (Except the subspecies included in Appendix II)		

## Appendices I, II and III

I	II	III
	<b><i>Ceratotherium simum simum</i></b> (Only the populations of South Africa and Swaziland; 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)	
<b>Tapiridae: Tapirs</b>		
<b>Tapiridae spp.</b> (Except the species included in Appendix II)		
	<b><i>Tapirus terrestris</i></b>	
<b>PHOLIDOTA</b>		
<b>Manidae: Pangolins</b>		
	<b>Manis spp.</b> (A zero annual export quota has been established for <i>Manis crassicaudata</i> , <i>M. culionensis</i> , <i>M. javanica</i> and <i>M. pentadactyla</i> for specimens removed from the wild and traded for primarily commercial purposes)	
<b>PILOSA</b>		
<b>Bradypodidae: Three-toed sloth</b>		
	<b><i>Bradypus variegatus</i></b>	
<b>Megalonychidae: Two-toed sloth</b>		
		<b><i>Choloepus hoffmanni</i></b> (Costa Rica)
<b>Myrmecophagidae: American anteaters</b>		
	<b><i>Myrmecophaga tridactyla</i></b>	
		<b><i>Tamandua mexicana</i></b> (Guatemala)
<b>PRIMATES: Apes, monkeys</b>		

## Appendices I, II and III

I	II	III
	<b>PRIMATES spp.</b> (Except the species included in Appendix I)	
<b>Atelidae:</b> Howler and prehensile-tailed monkeys		
<i>Alouatta coibensis</i>		
<i>Alouatta palliata</i>		
<i>Alouatta pigra</i>		
<i>Ateles geoffroyi frontatus</i>		
<i>Ateles geoffroyi panamensis</i>		
<i>Brachyteles arachnoides</i>		
<i>Brachyteles hypoxanthus</i>		
<i>Oreonax flavicauda</i>		
<b>Cebidae:</b> New World monkeys		
<i>Callimico goeldii</i>		
<i>Callithrix aurita</i>		
<i>Callithrix flaviceps</i>		
<i>Leontopithecus spp.</i>		
<i>Saguinus bicolor</i>		
<i>Saguinus geoffroyi</i>		
<i>Saguinus leucopus</i>		
<i>Saguinus martinsi</i>		
<i>Saguinus oedipus</i>		
<i>Saimiri oerstedii</i>		
<b>Cercopithecidae:</b> Old World monkeys		
<i>Cercocebus galeritus</i>		
<i>Cercopithecus diana</i>		
<i>Cercopithecus roloway</i>		
<i>Macaca silenus</i>		
<i>Mandrillus leucophaeus</i>		
<i>Mandrillus sphinx</i>		
<i>Nasalis larvatus</i>		
<i>Ptilocolobus kirkii</i>		
<i>Ptilocolobus rufomitratu</i>		
<i>Presbytis potenziani</i>		
<i>Pygathrix spp.</i>		
<i>Rhinopithecus spp.</i>		

## Appendices I, II and III

I	II	III
<i>Semnopithecus ajax</i>		
<i>Semnopithecus dussumieri</i>		
<i>Semnopithecus entellus</i>		
<i>Semnopithecus hector</i>		
<i>Semnopithecus hypoleucos</i>		
<i>Semnopithecus priam</i>		
<i>Semnopithecus schistaceus</i>		
<i>Simias concolor</i>		
<i>Trachypithecus geei</i>		
<i>Trachypithecus pileatus</i>		
<i>Trachypithecus shortridgei</i>		
<b>Cheirogaleidae: Dwarf lemurs</b>		
<b>Cheirogaleidae spp.</b>		
<b>Daubentoniidae: Aye-aye</b>		
<i>Daubentonia madagascariensis</i>		
<b>Hominidae: Chimpanzees, gorilla, orang-utan</b>		
<i>Gorilla beringei</i>		
<i>Gorilla gorilla</i>		
<b>Pan spp.</b>		
<i>Pongo abelii</i>		
<i>Pongo pygmaeus</i>		
<b>Hylobatidae: Gibbons</b>		
<b>Hylobatidae spp.</b>		
<b>Indriidae: Avahi, indris, sifakas, woolly lemurs</b>		
<b>Indriidae spp.</b>		
<b>Lemuridae: Large lemurs</b>		
<b>Lemuridae spp.</b>		
<b>Lepilemuridae: Sportive lemurs</b>		
<b>Lepilemuridae spp.</b>		
<b>Lorisiidae: Lorises</b>		
<b>Nycticebus spp.</b>		
<b>Pitheciidae: Sakis and uakaris</b>		
<b>Cacajao spp.</b>		
<i>Chiropotes albinasus</i>		
<b>PROBOSCIDEA</b>		

## Appendices I, II and III

I	II	III
<b>Elephantidae: Elephants</b>		
<i>Elephas maximus</i>		
<i>Loxodonta africana</i> (Except the populations of Botswana, Namibia, South Africa and Zimbabwe, which are included in Appendix II)	<i>Loxodonta africana</i> , <i>foot-note 5</i> , (Only the populations of Botswana, Namibia, South Africa and Zimbabwe; all other populations are included in Appendix I)	
<b>RODENTIA</b>		
<b>Chinchillidae: Chinchillas</b>		
<b>Chinchilla spp.</b> (Specimens of the domesticated form are not subject to the provisions of the Convention)		
<b>Cuniculidae: Paca</b>		
		<i>Cuniculus paca</i> (Honduras)
<b>Dasyproctidae: Agouti</b>		
		<i>Dasyprocta punctata</i> (Honduras)
<b>Erethizontidae: New World porcupines</b>		
		<i>Sphiggurus mexicanus</i> (Honduras)
		<i>Sphiggurus spinosus</i> (Uruguay)
<b>Muridae: Mice, rats</b>		
<i>Leporillus conditor</i>		
<i>Pseudomys fieldi praeconis</i>		
<i>Xeromys myoides</i>		
<i>Zyomys pedunculatus</i>		
<b>Sciuridae: Ground squirrels, tree squirrels</b>		
<i>Cynomys mexicanus</i>		
		<i>Marmota caudata</i> (India)
		<i>Marmota himalayana</i> (India)
	<b>Ratufa spp.</b>	
		<i>Sciurus deppei</i> (Costa Rica)

## Appendices I, II and III

I	II	III
<b>SCANDENTIA: Tree shrews</b>		
	SCANDENTIA spp.	
<b>SIRENIA</b>		
<b>Dugongidae: Dugong</b>		
<i>Dugong dugon</i>		
<b>Trichechidae: Manatees</b>		
<i>Trichechus inunguis</i>		
<i>Trichechus manatus</i>		
	<i>Trichechus senegalensis</i>	
<b>CLASS AVES</b>		

### Birds

I	II	III
<b>ANSERIFORMES</b>		
<b>Anatidae: Ducks, geese, swans, etc.</b>		
<i>Anas aucklandica</i>		
	<i>Anas bernieri</i>	
<i>Anas chlorotis</i>		
	<i>Anas formosa</i>	
<i>Anas laysanensis</i>		
<i>Anas nesiotis</i>		
<i>Asarcornis scutulata</i>		
<i>Branta canadensis leucopareia</i>		
	<i>Branta ruficollis</i>	
<i>Branta sandvicensis</i>		
		<i>Cairina moschata</i> (Honduras)
	<i>Coscoroba coscoroba</i>	
	<i>Cygnus melancoryphus</i>	
	<i>Dendrocygna arborea</i>	
		<i>Dendrocygna autumnalis</i> (Honduras)

## Appendices I, II and III

I	II	III
		<i>Dendrocygna bicolor</i> (Honduras)
	<i>Oxyura leucocephala</i>	
<i>Rhodonessa caryophyllacea</i> (possibly extinct)		
	<i>Sarkidiornis melanotos</i>	
<b>APODIFORMES</b>		
<b>Trochilidae:</b> Hummingbirds		
	<b>Trochilidae spp.</b> (Except the species included in Appendix I)	
<i>Glaucis dohrnii</i>		
<b>CHARADRIIFORMES</b>		
<b>Burhinidae:</b> Thick-knee		
		<i>Burhinus bistriatus</i> (Guatemala)
<b>Laridae:</b> Gull		
<i>Larus relictus</i>		
<b>Scolopacidae:</b> Curlews, greenshanks		
<i>Numenius borealis</i>		
<i>Numenius tenuirostris</i>		
<i>Tringa guttifer</i>		
<b>CICONIIFORMES</b>		
<b>Balaenicipitidae:</b> Shoebill, whale-headed stork		
	<i>Balaeniceps rex</i>	
<b>Ciconiidae:</b> Storks		
<i>Ciconia boyciana</i>		
	<i>Ciconia nigra</i>	
<i>Jabiru mycteria</i>		
<i>Mycteria cinerea</i>		
<b>Phoenicopteridae:</b> Flamingos		
	<b>Phoenicopteridae spp.</b>	
<b>Threskiornithidae:</b> Ibises, spoonbills		

## Appendices I, II and III

I	II	III
	<i>Eudocimus ruber</i>	
	<i>Geronticus calvus</i>	
<i>Geronticus eremita</i>		
<i>Nipponia nippon</i>		
	<i>Platalea leucorodia</i>	
<b>COLUMBIFORMES</b>		
<b>Columbidae: Doves, pigeons</b>		
<i>Caloenas nicobarica</i>		
<i>Ducula mindorensis</i>		
	<i>Gallicolumba luzonica</i>	
	<b>Goura spp.</b>	
		<i>Nesoenas mayeri</i> (Mauritius)
<b>CORACIIFORMES</b>		
<b>Bucerotidae: Hornbills</b>		
	<b>Aceros spp.</b> (Except the species included in Appendix I)	
<i>Aceros nipalensis</i>		
	<b>Anorrhinus spp.</b>	
	<b>Anthracoceros spp.</b>	
	<b>Berenicornis spp.</b>	
	<b>Buceros spp.</b> (Except the species included in Appendix I)	
<i>Buceros bicornis</i>		
	<b>Penelopides spp.</b>	
<i>Rhinoplax vigil</i>		
	<b>Rhyticeros spp.</b> (Except the species included in Appendix I)	
<i>Rhyticeros subruficollis</i>		
<b>CUCULIFORMES</b>		
<b>Musophagidae: Turacos</b>		

## Appendices I, II and III

I	II	III
	<b>Tauraco spp.</b>	
<b>FALCONIFORMES: Eagles, falcons, hawks, vultures</b>		
	<b>FALCONIFORMES spp.</b> (Except the species included in Appendices I and III and the species of the family Cathartidae)	
<b>Accipitridae: Hawks, eagles</b>		
<i>Aquila adalberti</i>		
<i>Aquila heliaca</i>		
<i>Chondrohierax uncinatus wilsonii</i>		
<i>Haliaeetus albicilla</i>		
<i>Harpia harpyja</i>		
<i>Pithecophaga jefferyi</i>		
<b>Cathartidae: New World vultures</b>		
<i>Gymnogyps californianus</i>		
		<i>Sarcoramphus papa</i> (Honduras)
<i>Vultur gryphus</i>		
<b>Falconidae Falcons</b>		
<i>Falco araeus</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>		
<b>GALLIFORMES</b>		
<b>Cracidae: Chachalacas, curassows, guans</b>		
		<i>Crax alberti</i> (Colombia)
<i>Crax blumenbachii</i>		

## Appendices I, II and III

I	II	III
		<i>Crax daubentoni</i> (Colombia)
		<i>Crax globulosa</i> (Colombia)
		<i>Crax rubra</i> (Colombia, Costa Rica, Guatemala, Honduras)
Mitu mitu		
<i>Oreophasis derbianus</i>		
		<i>Ortalis vetula</i> (Guatemala, Honduras)
		<i>Pauxi pauxi</i> (Colombia)
<i>Penelope albipennis</i>		
		<i>Penelope purpurascens</i> (Honduras)
		Penelopina nigra (Guatemala)
<i>Pipile jacutinga</i>		
<i>Pipile pipile</i>		
<b>Megapodiidae:</b> Megapodes, scrubfowl		
<i>Macrocephalon maleo</i>		
<b>Phasianidae:</b> Grouse, guineafowl, partridges, pheasants, tragopans		
	<i>Argusianus argus</i>	
<i>Catreus wallichii</i>		
<i>Colinus virginianus ridgwayi</i>		
<i>Crossoptilon crossoptilon</i>		
<i>Crossoptilon mantchuricum</i>		
	<i>Gallus sonneratii</i>	
	<i>Ithaginis cruentus</i>	
<i>Lophophorus impejanus</i>		
<i>Lophophorus lhuysii</i>		
<i>Lophophorus sclateri</i>		
<i>Lophura edwardsi</i>		
<i>Lophura imperialis</i>		

## Appendices I, II and III

I	II	III
<i>Lophura swinhoii</i>		
		<i>Meleagris ocellata</i> (Guatemala)
	<i>Pavo muticus</i>	
	<i>Polyplectron bicalcaratum</i>	
	<i>Polyplectron germaini</i>	
	<i>Polyplectron malacense</i>	
<i>Polyplectron napoleonis</i>		
	<i>Polyplectron schleiermacheri</i>	
<i>Rheinardia ocellata</i>		
<i>Syrmaticus ellioti</i>		
<i>Syrmaticus humiae</i>		
<i>Syrmaticus mikado</i>		
<i>Tetraogallus caspius</i>		
<i>Tetraogallus tibetanus</i>		
<i>Tragopan blythii</i>		
<i>Tragopan caboti</i>		
<i>Tragopan melanocephalus</i>		
		<i>Tragopan satyra</i> (Nepal)
<i>Tympanuchus cupido attwateri</i>		
<b>GRUIFORMES</b>		
<b>Gruidae: Cranes</b>		
	<b>Gruidae spp.</b> (Except the species included in Appendix I)	
<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>		

## Appendices I, II and III

I	II	III
<i>Grus nigricollis</i>		
<i>Grus vipio</i>		
<b>Otididae: Bustards</b>		
	<b>Otididae spp.</b> (Except the species included in Appendix I)	
<i>Ardeotis nigriceps</i>		
<i>Chlamydotis macqueenii</i>		
<i>Chlamydotis undulata</i>		
<i>Houbaropsis bengalensis</i>		
<b>Rallidae: Rail</b>		
<i>Gallirallus sylvestris</i>		
<b>Rhynochetidae: Kagu</b>		
<i>Rhynochetos jubatus</i>		
<b>PASSERIFORMES</b>		
<b>Atrichornithidae: Scrub-bird</b>		
<i>Atrichornis clamosus</i>		
<b>Cotingidae: Cotingas</b>		
		<i>Cephalopterus ornatus</i> (Colombia)
		<i>Cephalopterus penduliger</i> (Colombia)
<i>Cotinga maculata</i>		
	Rupicola spp.	
<i>Xipholena atropurpurea</i>		
<b>Emberizidae: Cardinals, tanagers</b>		
	<i>Gubernatrix cristata</i>	
	<i>Paroaria capitata</i>	
	<i>Paroaria coronata</i>	
	<i>Tangara fastuosa</i>	
<b>Estrildidae: Mannikins, waxbills</b>		
	<i>Amandava formosa</i>	
	<i>Lonchura oryzivora</i>	

## Appendices I, II and III

I	II	III
	<i>Poephila cincta cincta</i>	
<b>Fringillidae: Finches</b>		
<i>Carduelis cucullata</i>		
	<i>Carduelis yarrellii</i>	
<b>Hirundinidae: Martin</b>		
<i>Pseudochelidon sirintarae</i>		
<b>Icteridae: Blackbird</b>		
<i>Xanthopsar flavus</i>		
<b>Meliphagidae: Honeyeater</b>		
<i>Lichenostomus melanops cassidix</i>		
<b>Muscicapidae: Old World flycatchers</b>		
		<i>Acrocephalus roderi- canus</i> (Mauritius)
	<i>Cyornis ruckii</i>	
<i>Dasyornis broadbenti litoralis</i> (possibly extinct)		
<i>Dasyornis longirostris</i>		
	<i>Garrulax canorus</i>	
	<i>Garrulax taewanus</i>	
	<i>Leiothrix argenteauris</i>	
	<i>Leiothrix lutea</i>	
	<i>Liocichla omeiensis</i>	
<i>Picathartes gymnocephalus</i>		
<i>Picathartes oreas</i>		
		<i>Terpsiphone bourbon- nensis</i> (Mauritius)
<b>Paradisaeidae: Birds of paradise</b>		
	Paradisaeidae spp.	
<b>Pittidae: Pittas</b>		
	<i>Pitta guajana</i>	
<i>Pitta gurneyi</i>		
<i>Pitta kochi</i>		

## Appendices I, II and III

I	II	III
	<i>Pitta nympha</i>	
<b>Pycnonotidae: Bulbul</b>		
	<i>Pycnonotus zeylanicus</i>	
<b>Sturnidae: Mynahs (Starlings)</b>		
	<i>Gracula religiosa</i>	
<i>Leucopsar rothschildi</i>		
<b>Zosteropidae: White-eye</b>		
<i>Zosterops albogularis</i>		
<b>PELECANIFORMES</b>		
<b>Fregatidae: Frigatebird</b>		
<i>Fregata andrewsi</i>		
<b>Pelecanidae: Pelican</b>		
<i>Pelecanus crispus</i>		
<b>Sulidae Booby</b>		
<i>Papasula abbotti</i>		
<b>PICIFORMES</b>		
<b>Capitonidae: Barbet</b>		
		<i>Semnornis ramphastinus</i> (Colombia)
<b>Picidae: Woodpeckers</b>		
<i>Campephilus imperialis</i>		
<i>Dryocopus javensis richardsi</i>		
<b>Ramphastidae: Toucans</b>		
		<i>Bailloniuss bailloni</i> (Argentina)
	<i>Pteroglossus aracari</i>	
		<i>Pteroglossus castanotis</i> (Argentina)
	<i>Pteroglossus viridis</i>	
		<i>Ramphastos dicolorus</i> (Argentina)
	<i>Ramphastos sulfuratus</i>	
	<i>Ramphastos toco</i>	

## Appendices I, II and III

I	II	III
	<i>Ramphastos tucanus</i>	
	<i>Ramphastos vitellinus</i>	
		<i>Selenidera maculirostris</i> (Argentina)
<b>PODICIPEDIFORMES</b>		
Podicipedidae: Grebe		
<i>Podilymbus gigas</i>		
<b>PROCELLARIIFORMES</b>		
Diomedidae: Albatross		
<i>Phoebastria albatrus</i>		
<b>PSITTACIFORMES</b>		
	<b>PSITTACIFORMES spp.</b> (Except the species included in Appendix I and Agapornis roseicollis, Melopsittacus undulatus, Nymphicus hollandicus and Psittacula krameri, which are not included in the Appendices)	
Cacatuidae: Cockatoos		
<i>Cacatua goffiniana</i>		
<i>Cacatua haematuropygia</i>		
<i>Cacatua moluccensis</i>		
<i>Cacatua sulphurea</i>		
<i>Probosciger aterrimus</i>		
Loriidae: Lories, lorikeets		
<i>Eos histrio</i>		
<i>Vini ultramarina</i>		
Psittacidae: Amazons, macaws, parakeets, parrots		
<i>Amazona arausiaca</i>		
<i>Amazona auropalliata</i>		
<i>Amazona barbadensis</i>		
<i>Amazona brasiliensis</i>		

## Appendices I, II and III

I	II	III
<i>Amazona finschi</i>		
<i>Amazona guildingii</i>		
<i>Amazona imperialis</i>		
<i>Amazona leucocephala</i>		
<i>Amazona oratrix</i>		
<i>Amazona pretrei</i>		
<i>Amazona rhodocorytha</i>		
<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 ambiguus</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>Cyanopsitta spixii</i>		
<i>Cyanoramphus cookii</i>		
<i>Cyanoramphus forbesi</i>		
<i>Cyanoramphus novaezelandiae</i>		
<i>Cyanoramphus saisseti</i>		
<i>Cyclopsitta diophthalma coxeni</i>		
<i>Eunymphicus cornutus</i>		
<i>Guarouba guarouba</i>		
<i>Neophema chrysogaster</i>		
<i>Ognorhynchus icterotis</i>		
<i>Pezoporus occidentalis</i> (possibly extinct)		
<i>Pezoporus wallicus</i>		

## Appendices I, II and III

I	II	III
<i>Pionopsitta pileata</i>		
<i>Primolius couloni</i>		
<i>Primolius maracana</i>		
<i>Psephotus chrysopterygius</i>		
<i>Psephotus dissimilis</i>		
<i>Psephotus pulcherrimus</i> (possibly extinct)		
<i>Psittacula echo</i>		
<i>Pyrrhura cruentata</i>		
<i>Rhynchopsitta spp.</i>		
<i>Strigops habroptilus</i>		
<b>RHEIFORMES</b>		
<b>Rheidae: Rheas</b>		
<i>Pterocnemia pennata</i> (Except <i>Pterocnemia pennata pennata</i> which is included in Appendix II)		
	<i>Pterocnemia pennata pennata</i>	
	<i>Rhea americana</i>	
<b>SPHENISCIFORMES</b>		
<b>Spheniscidae: Penguins</b>		
	<i>Spheniscus demersus</i>	
<i>Spheniscus humboldti</i>		
<b>STRIGIFORMES: Owls</b>		
	<b>STRIGIFORMES spp.</b> (Except the species included in Appendix I)	
<b>Strigidae: Owls</b>		
<i>Heteroglaux blewitti</i>		
<i>Mimizuku gurneyi</i>		
<i>Ninox natalis</i>		
<i>Ninox novaeseelandiae undulata</i>		
<b>Tytonidae: Barn owls</b>		

## Appendices I, II and III

I	II	III
<i>Tyto soumagnei</i>		
<b>STRUTHIONIFORMES</b>		
<b>Struthionidae: Ostrich</b>		
<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)		
<b>TINAMIFORMES</b>		
<b>Tinamidae: Tinamous</b>		
<i>Tinamus solitarius</i>		
<b>TROGONIFORMES</b>		
<b>Trogonidae: Quetzals</b>		
<i>Pharomachrus mocinno</i>		
<b>CLASS REPTILIA</b>		

### Reptiles

I	II	III
<b>CROCODYLIA: Alligators, caimans, crocodiles</b>		
	<b>CROCODYLIA spp.</b> (Except the species included in Appendix I)	
<b>Alligatoridae: Alligators, caimans</b>		
<i>Alligator sinensis</i>		
<i>Caiman crocodilus apaporiensis</i>		
<i>Caiman latirostris</i> (Except the population of Argentina, which is included in Appendix II)		

## Appendices I, II and III

I	II	III
<p><b><i>Melanosuchus niger</i></b> (Except the population of Brazil, which is included in Appendix II, and 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>		
<b>Crocodylidae: Crocodiles</b>		
<p><b><i>Crocodylus acutus</i></b> (Except the population of Cuba, which is included in Appendix II)</p>		
<p><b><i>Crocodylus cataphractus</i></b></p>		
<p><b><i>Crocodylus intermedius</i></b></p>		
<p><b><i>Crocodylus mindorensis</i></b></p>		
<p><b><i>Crocodylus moreletii</i></b> [except the populations of Belize and Mexico which are included in Appendix II with a zero quota for wild specimens traded for commercial purposes]</p>		
<p><b><i>Crocodylus niloticus</i></b> [Except the populations of Botswana, Egypt (subject to a zero quota for wild specimens traded for commercial purposes), Ethiopia, Kenya, Madagascar, Malawi, Mozambique, Namibia, South Africa, Uganda, the United Republic of Tanzania (subject to an annual export quota of no more than 1,600 wild specimens including hunting trophies, in addition to ranches specimens), Zambia and Zimbabwe, which are included in Appendix II]</p>		
<p><b><i>Crocodylus palustris</i></b></p>		

## Appendices I, II and III

I	II	III
<i>Crocodylus porosus</i> (Except the populations of Australia, Indonesia and Papua New Guinea, which are included in Appendix II)		
<i>Crocodylus rhombifer</i>		
<i>Crocodylus siamensis</i>		
<i>Osteolaemus tetraspis</i>		
<i>Tomistoma schlegelii</i>		
<b>Gavialidae: Gavial</b>		
<i>Gavialis gangeticus</i>		
<b>RHYNCHOCEPHALIA</b>		
<b>Sphenodontidae: Tuatara</b>		
<i>Sphenodon</i> spp.		
<b>SAURIA</b>		
<b>Agamidae: Agamas, mastigures</b>		
	<b>Uromastyx</b> spp.	
<b>Chamaeleonidae: Chameleons</b>		
	<b>Bradypodion</b> spp.	
	<b>Brookesia</b> spp. (Except the species included in Appendix I)	
<i>Brookesia perarmata</i>		
	<b>Calumma</b> spp.	
	<b>Chamaeleo</b> spp.	
	<b>Furcifer</b> spp.	
	<b>Kinyongia</b> spp.	
	<b>Nadzikambia</b> spp.	
<b>Cordylidae: Spiny-tailed lizards</b>		
	<b>Cordylus</b> spp.	
<b>Gekkonidae: Geckos</b>		
	<i>Cyrtodactylus serpensinsula</i>	
		<b>Hoplodactylus</b> spp. (New Zealand)

## Appendices I, II and III

I	II	III
		<b>Naultinus spp.</b> (New Zealand)
	<b>Phelsuma spp.</b>	
	<b>Uroplatus spp.</b>	
<b>Helodermatidae:</b> Beaded lizard, gila monster		
	<b>Heloderma spp.</b> (Except the subspecies included in Appendix I)	
<b><i>Heloderma horridum charles-bogerti</i></b>		
<b>Iguanidae:</b> Iguanas		
	<b><i>Amblyrhynchus cristatus</i></b>	
<b>Brachylophus spp.</b>		
	<b>Conolophus spp.</b>	
	<b><i>Ctenosaura bakeri</i></b>	
	<b><i>Ctenosaura oedirhina</i></b>	
	<b><i>Ctenosaura melanosterna</i></b>	
	<b><i>Ctenosaura palearis</i></b>	
<b>Cyclura spp.</b>		
	Iguana spp.	
	<b><i>Phrynosoma blainvillii</i></b>	
	<b><i>Phrynosoma cerroense</i></b>	
	<b><i>Phrynosoma coronatum</i></b>	
	<b><i>Phrynosoma wigginsi</i></b>	
<b><i>Sauromalus varius</i></b>		
<b>Lacertidae:</b> Lizards		
<b><i>Gallotia simonyi</i></b>		
	<b><i>Podarcis lilfordi</i></b>	
	<b><i>Podarcis pityusensis</i></b>	
<b>Scincidae:</b> Skinks		
	<b><i>Corucia zebrata</i></b>	
<b>Teiidae:</b> Caiman lizards, tegu lizards		
	<b><i>Crocodylurus amazonicus</i></b>	

## Appendices I, II and III

I	II	III
	<b>Dracaena spp.</b>	
	<b>Tupinambis spp.</b>	
<b>Varanidae: Monitor lizards</b>		
	<b>Varanus spp.</b> (Except the species included in Appendix I)	
<i>Varanus bengalensis</i>		
<i>Varanus flavescens</i>		
<i>Varanus griseus</i>		
<i>Varanus komodoensis</i>		
<i>Varanus nebulosus</i>		
<b>Xenosauridae: Chinese crocodile lizard</b>		
	<b>Shinisaurus crocodilurus</b>	
<b>SERPENTES: Snakes</b>		
<b>Boidae: Boas</b>		
	<b>Boidae spp.</b> (Except the species included in Appendix I)	
<i>Acrantophis</i> spp.		
<i>Boa constrictor occidentalis</i>		
<i>Epicrates inornatus</i>		
<i>Epicrates monensis</i>		
<i>Epicrates subflavus</i>		
<i>Sanzinia madagascariensis</i>		
<b>Bolyeriidae: Round Island boas</b>		
	<b>Bolyeriidae spp.</b> (Except the species included in Appendix I)	
<i>Bolyeria multocarinata</i>		
<i>Casarea dussumieri</i>		
<b>Colubridae: Typical snakes, water snakes, whipsnakes</b>		
		<i>Atretium schistosum</i> (India)

## Appendices I, II and III

I	II	III
		<i>Cerberus rynchops</i> (India)
	<i>Clelia clelia</i>	
	<i>Cyclagras gigas</i>	
	<i>Elachistodon westermanni</i>	
	<i>Ptyas mucosus</i>	
		<i>Xenochrophis piscator</i> (India)
<b>Elapidae:</b> Cobras, coral snakes		
	<i>Hoplocephalus bungaroides</i>	
		<i>Micrurus diastema</i> (Honduras)
		<i>Micrurus nigrocinctus</i> (Honduras)
	<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>	
<b>Loxocemidae:</b> Mexican dwarf boa		
	Loxocemidae spp.	
<b>Pythonidae:</b> Pythons		
	Pythonidae spp. (Except the subspecies included in Appendix I)	

## Appendices I, II and III

I	II	III
<i>Python molurus molurus</i>		
<b>Tropidophiidae: Wood boas</b>		
	<b>Tropidophiidae spp.</b>	
<b>Viperidae: Vipers</b>		
		<i>Crotalus durissus</i> (Honduras)
		<i>Daboia russelii</i> (India)
<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>	
<b>TESTUDINES</b>		
<b>Carettochelyidae: Pig-nosed turtles</b>		
	<i>Carettochelys insculpta</i>	
<b>Chelidae: Austro-American side-necked turtles</b>		
	<i>Chelodina mccordi</i>	
<i>Pseudemydura umbrina</i>		
<b>Cheloniidae: Marine turtles</b>		
<b>Cheloniidae spp.</b>		
<b>Chelydridae: Snapping turtles</b>		
		<i>Macrochelys temminckii</i> (United States of America)
<b>Dermatemydidae: Central American river turtle</b>		
	<i>Dermatemys mawii</i>	
<b>Dermochelyidae: Leatherback turtle</b>		
<i>Dermochelys coriacea</i>		
<b>Emydidae: Box turtles, freshwater turtles</b>		
	<i>Glyptemys insculpta</i>	
<i>Glyptemys muhlenbergii</i>		

## Appendices I, II and III

I	II	III
		<b>Graptemys spp.</b> (United States of America)
	<b>Terrapene spp.</b> (Except the species included in Appendix I)	
<i>Terrapene coahuila</i>		
<b>Geoemydidae:</b> Box turtles, freshwater turtles		
<i>Batagur affinis</i>		
<i>Batagur baska</i>		
	<b>Batagur spp.</b> (Except the species included in Appendix I)	
	<b>Cuora spp.</b>	
<i>Geoclemys hamiltonii</i>		
		<i>Geoemyda spengleri</i> (China)
	<i>Heosemys annandalii</i>	
	<i>Heosemys depressa</i>	
	<i>Heosemys grandis</i>	
	<i>Heosemys spinosa</i>	
	<i>Leucocephalon yuwonoi</i>	
	<i>Malayemys macrocephala</i>	
	<i>Malayemys subtrijuga</i>	
	<i>Mauremys annamensis</i>	
		<i>Mauremys iversoni</i> (China)
		<i>Mauremys megalocephala</i> (China)
	<i>Mauremys mutica</i>	
		<i>Mauremys nigricans</i> (China)
		<i>Mauremys pritchardi</i> (China)
		<i>Mauremys reevesii</i> (China)

## Appendices I, II and III

I	II	III
		<i>Mauremys sinensis</i> (China)
<i>Melanochelys tricarinata</i>		
<i>Morenia ocellata</i>		
	<i>Notochelys platynota</i>	
		<i>Ocadia glyphistoma</i> (China)
		<i>Ocadia philippeni</i> (China)
	<i>Orlitia borneensis</i>	
	<b>Pangshura spp.</b> (Except the species included in Appendix I)	
<i>Pangshura tecta</i>		
		<b>Sacalia bealei</b> (China)
		<i>Sacalia pseudocellata</i> (China)
		<i>Sacalia quadriocellata</i> (China)
	<i>Siebenrockiella crassicollis</i>	
	<i>Siebenrockiella leytensis</i>	
<b>Platysternidae: Big-headed turtle</b>		
	<i>Platysternon megacephalum</i>	
<b>Podocnemididae: Afro-American side-necked turtles</b>		
	<i>Erymnochelys madagascariensis</i>	
	<i>Peltocephalus dumerilianus</i>	
	<b>Podocnemis spp.</b>	
<b>Testudinidae: Tortoises</b>		

## Appendices I, II and III

I	II	III
	<b>Testudinidae spp.</b> (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)	
<i>Astrochelys radiata</i>		
<i>Astrochelys yniphora</i>		
<i>Chelonoidis nigra</i>		
<i>Gopherus flavomarginatus</i>		
<i>Psammobates geometricus</i>		
<i>Pyxis arachnoides</i>		
<i>Pyxis planicauda</i>		
<i>Testudo kleinmanni</i>		
<b>Trionychidae: Softshell turtles, terrapins</b>		
	<i>Amyda cartilaginea</i>	
<i>Apalone spinifera atra</i>		
<i>Aspideretes gangeticus</i>		
<i>Aspideretes hurum</i>		
<i>Aspideretes nigricans</i>		
	<b>Chitra spp.</b>	
	<i>Lissemys punctata</i>	
	<i>Lissemys scutata</i>	
		<i>Palea steindachneri</i> (China)
	<b>Pelochelys spp.</b>	
		<i>Pelodiscus axenaria</i> (China)
		<i>Pelodiscus maackii</i> (China)
		<i>Pelodiscus parviformis</i> (China)

## Appendices I, II and III

I	II	III
		<i>Rafetus swinhoei</i> (China)
<b>CLASS AMPHIBIA</b>		

### Amphibians

I	II	III
<b>ANURA</b>		
<b>Bufonidae: Toads</b>		
<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.		
<b>Calyptocephalellidae: Helmeted water toads</b>		
		<i>Calyptocephalella gayi</i> (Chile, effective 27/4/2011)
<b>Dendrobatidae: Poison frogs</b>		
	<i>Allobates femoralis</i>	
	<i>Cryptophyllobates azureiventris</i>	
	<i>Allobates zaparo</i>	
	<i>Dendrobates</i> spp.	
	<i>Epipedobates</i> spp.	
	<i>Phyllobates</i> spp.	
<b>Hylidae: Tree frogs</b>		
	<i>Agalychnis</i> spp.	
<b>Mantellidae: Mantellas</b>		
	<i>Mantella</i> spp.	
<b>Microhylidae: Red rain frog, tomato frog</b>		

## Appendices I, II and III

I	II	III
<i>Dyscophus antongilii</i>		
	<i>Scaphiophryne gottlebei</i>	
<b>Rheobatrachidae:</b> Gastric-brooding frogs		
	<b>Rheobatrachus spp.</b>	
<b>Ranidae:</b> Frogs		
	<i>Euphlyctis hexadactylus</i>	
	<i>Hoplobatrachus tigerinus</i>	
<b>CAUDATA</b>		
<b>Ambystomatidae:</b> Axolotls		
	<i>Ambystoma dumerilii</i>	
	<i>Ambystoma mexicanum</i>	
<b>Cryptobranchidae:</b> Giant salamanders		
<b>Andrias spp.</b>		
<b>Salamandridae:</b> Newts and salamanders		
<i>Neurergus kaiseri</i>		
<b>CLASS ELASMOBRANCHII</b>		
<b>LAMNIFORMES</b>		
<b>Cetorhinidae:</b> Basking shark		
	<i>Cetorhinus maximus</i>	
<b>Lamnidae:</b> Great white shark		
	<i>Carcharodon carcharias</i>	
<b>ORECTOLOBIFORMES</b>		
<b>Rhincodontidae:</b> Whale shark		
	<i>Rhincodon typus</i>	
<b>RAJIFORMES</b>		
<b>Pristidae:</b> Sawfishes		
<b>Pristidae spp.</b> (Except the species included in Appendix II)		

## Appendices I, II and III

I	II	III
	<i>Pristis microdon</i> (For the exclusive purpose of allowing international trade in live animals to appropriate and acceptable aquaria for primarily conservation purposes)	
<b>CLASS ACTINOPTERYGII</b>		

### Fishes

I	II	III
<b>ACIPENSERIFORMES: Paddlefishes, sturgeons</b>		
	<b>ACIPENSERIFORMES spp.</b> (Except the species included in Appendix I)	
<b>Acipenseridae: Sturgeons</b>		
<b>Acipenser brevirostrum</b>		
<b>Acipenser sturio</b>		
<b>ANGUILLIFORMES</b>		
<b>Anguillidae: Freshwater eels</b>		
	<i>Anguilla anguilla</i>	
<b>CYPRINIFORMES</b>		
<b>Catostomidae: Cui-ui</b>		
<b>Chasmistes cujus</b>		
<b>Cyprinidae: Blind carps, plaeesok</b>		
	<i>Caecobarbus geertsi</i>	
<b>Probarbus jullieni</b>		
<b>OSTEOGLOSSIFORMES</b>		
<b>Osteoglossidae: Arapaima, bonytongue</b>		
	<i>Arapaima gigas</i>	
<b>Scleropages formosus</b>		
<b>PERCIFORMES</b>		
<b>Labridae: Wrasses</b>		
	<i>Cheilinus undulatus</i>	

## Appendices I, II and III

I	II	III
<i>Sciaenidae Totoaba</i>		
<i>Totoaba macdonaldi</i>		
<b>SILURIFORMES</b>		
Pangasiidae: Pangasid catfish		
<i>Pangasianodon gigas</i>		
<b>SYNGNATHIFORMES</b>		
Syngnathidae: Pipefishes, seahorses		
	Hippocampus spp.	
<b>CLASS SARCOPTERYGII</b>		

### Lungfishes

I	II	III
<b>CERATODONTIFORMES</b>		
Ceratodontidae: Australian lungfish		
	<i>Neoceratodus forsteri</i>	
<b>COELACANTHIFORMES</b>		
Latimeriidae: Coelacanths		
Latimeria spp.		
<b>PHYLUM ECHINODERMATA</b>		
<b>CLASS HOLOTHUROIDEA</b>		

### Sea cucumbers

I	II	III
<b>ASPIDOCHIROTIDA</b>		
Stichopodidae: Sea cucumbers		
		<i>Isostichopus fuscus</i> (Ecuador)
<b>PHYLUM ARTHROPODA</b>		
<b>CLASS ARACHNIDA</b>		

### Scorpions and spiders

I	II	III

## Appendices I, II and III

I	II	III
<b>ARANEAE</b>		
<b>Theraphosidae:</b> Red-kneed tarantulas, tarantulas		
	<i>Aphonopelma albiceps</i>	
	<i>Aphonopelma pallidum</i>	
	Brachypelma spp.	
<b>SCORPIONES</b>		
<b>Scorpionidae:</b> Scorpions		
	<i>Pandinus dictator</i>	
	<i>Pandinus gambiensis</i>	
	<i>Pandinus imperator</i>	
<b>CLASS INSECTA</b>		

### Insects

I	II	III
<b>COLEOPTERA</b>		
<b>Lucanidae:</b> Cape stag beetles		
		<b>Colophon spp.</b> (South Africa)
<b>Scarabaeidae:</b> Scarab beetles		
	<i>Dynastes satanas</i>	
<b>LEPIDOPTERA</b>		
<b>Nymphalidae:</b> Brush-footed butterflies		
		<i>Agrias amydon boliviana</i> (Plurinational State of Bolivia)
		<i>Morpho godartii lachaumei</i> (Plurinational State of Bolivia)
		<i>Prepona praeneste buckleyana</i> (Plurinational State of Bolivia)
<b>Papilionidae:</b> Birdwing butterflies, swallowtail butterflies		
	<i>Atrophaneura jophon</i>	

## Appendices I, II and III

I	II	III
	<i>Atrophaneura pandiyana</i>	
	<b>Bhutanitis spp.</b>	
	<b>Ornithoptera spp.</b> (Except the species included in Appendix I)	
	<i>Ornithoptera alexandrae</i>	
	<i>Papilio chikae</i>	
	<i>Papilio homerus</i>	
	<i>Papilio hospiton</i>	
	<i>Parnassius apollo</i>	
	<b>Teinopalpus spp.</b>	
	<b>Trogonoptera spp.</b>	
	<b>Troides spp.</b>	
<b>PHYLUM ANNELIDA</b> <b>CLASS HIRUDINOIDEA</b>		

### Leeches

I	II	III
<b>ARHYNCHOBDELLIDA</b>		
<b>Hirudinidae: Medicinal leeches</b>		
	<i>Hirudo medicinalis</i>	
	<i>Hirudo verbana</i>	
<b>PHYLUM MOLLUSCA</b> <b>CLASS BIVALVIA</b>		

### Clams and mussels

I	II	III
<b>MYTILOIDA</b>		
<b>Mytilidae: Marine mussels</b>		
	<i>Lithophaga lithophaga</i>	
<b>UNIONOIDA</b>		
<b>Unionidae: Freshwater mussels, pearly mussels</b>		

## Appendices I, II and III

I	II	III
<i>Conradilla caelata</i>		
	<i>Cyprogenia aberti</i>	
<i>Dromus dromas</i>		
<i>Epioblasma curtisi</i>		
<i>Epioblasma florentina</i>		
<i>Epioblasma sampsonii</i>		
<i>Epioblasma sulcata perobliqua</i>		
<i>Epioblasma torulosa gubernaculum</i>		
	<i>Epioblasma torulosa rangiana</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>Pleurobema clava</i>	
<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 tecomatensis</i>		
<i>Villosa trabalis</i>		
<b>VENEROIDA</b>		

## Appendices I, II and III

I	II	III
<b>Tridacnidae:</b> Giant clams		
	<i>Tridacnidae</i> spp.	
<b>CLASS GASTROPODA</b>		

### Snails and conches

I	II	III
<b>MESOGASTROPODA</b>		
<b>Strombidae:</b> Queen conch		
	<i>Strombus gigas</i>	
<b>STYLOMMATOPHORA</b>		
<b>Achatinellidae:</b> Agate snails, oahu tree snails		
<i>Achatinella</i> spp.		
<b>Camaenidae:</b> Green tree snail		
	<i>Papustyla pulcherrima</i>	
<b>PHYLUM CNIDARIA</b> <b>CLASS ANTHOZOA</b>		

### Corals and sea anemones

I	II	III
<b>ANTIPATHARIA</b> Black corals		
	<b>ANTIPATHARIA</b> spp.	
<b>GORGONACEAE</b>		
<b>Coralliidae</b>		
		<i>Corallium elatius</i> (China) <i>Corallium japonicum</i> (China) <i>Corallium konjoi</i> (China) <i>Corallium secundum</i> (China)
<b>HELIOPORACEA</b>		
<b>Helioporidae:</b> Blue corals		

## Appendices I, II and III

I	II	III
	<b>Helioporidae spp.</b> (Includes only the species <i>Heliopora coerulea</i> . Fossils are not subject to the provisions of the Convention)	
<b>SCLERACTINIA Stony corals</b>		
	<b>SCLERACTINIA spp.</b> (Fossils are not subject to the provisions of the Convention)	
<b>STOLONIFERA</b>		
<b>Tubiporidae:</b> Organ-pipe corals		
	<b>Tubiporidae spp.</b> (Fossils are not subject to the provisions of the Convention)	
<b>CLASS HYDROZOA</b>		

### Sea ferns, fire corals and stinging medusae

I	II	III
<b>MILLEPORINA</b>		
<b>Milleporidae:</b> Fire corals		
	<b>Milleporidae spp.</b> (Fossils are not subject to the provisions of the Convention)	
<b>STYLASTERINA</b>		
<b>Stylasteridae:</b> Lace corals		
	<b>Stylasteridae spp.</b> (Fossils are not subject to the provisions of the Convention)	

### FLORA - Plants

I	II	III
<b>AGAVACEAE:</b> Agaves		
<i>Agave parviflora</i>		
	<i>Agave victoriae-reginae</i> #4	
	<i>Nolina interrata</i>	

## Appendices I, II and III

I	II	III
<b>AMARYLLIDACEAE:</b> Snowdrops, sternbergias		
	<b>Galanthus spp. #4</b>	
	<b>Sternbergia spp. #4</b>	
<b>ANACARDIACEAE:</b> Cashews		
	<b><i>Operculicarya hyphaenoides</i></b>	
	<b><i>Operculicarya pachypus</i></b>	
<b>APOCYNACEAE:</b> Elephant trunks, hoodias		
	<b>Hoodia spp. #9</b>	
	<b>Pachypodium spp. #4</b> (Except the species included in Appendix I)	
<b><i>Pachypodium ambongense</i></b>		
<b><i>Pachypodium baronii</i></b>		
<b><i>Pachypodium decaryi</i></b>		
	<b><i>Rauvolfia serpentina</i> #2</b>	
<b>ARALIACEAE:</b> Ginseng		
	<b><i>Panax ginseng</i> #3</b> (Only the population of the Russian Federation; no other population is included in the Appendices)	
	<b><i>Panax quinquefolius</i> #3</b>	
<b>ARAUCARIACEAE:</b> Monkey-puzzle tree		
<b><i>Araucaria araucana</i></b>		
<b>BERBERIDACEAE:</b> May-apple		
	<b><i>Podophyllum hexandrum</i> #2</b>	
<b>BROMELIACEAE:</b> Air plants, bromelias		
	<b><i>Tillandsia harrisii</i> #4</b>	
	<b><i>Tillandsia kammii</i> #4</b>	
	<b><i>Tillandsia kautskyi</i> #4</b>	
	<b><i>Tillandsia mauryana</i> #4</b>	
	<b><i>Tillandsia sprengeliana</i> #4</b>	
	<b><i>Tillandsia suerei</i> #4</b>	
	<b><i>Tillandsia xerographica</i> #4</b>	
<b>CACTACEAE:</b> Cacti		
	<b>CACTACEAE spp. 6 #4</b> (Ex-	

## Appendices I, II and III

I	II	III
	cept the species included in Appendix I and except Pereskia spp., Pereskiopsis spp. and Quiabentia spp.)	
<i>Ariocarpus</i> spp.		
<i>Astrophytum asterias</i>		
<i>Aztekium ritteri</i>		
<i>Coryphantha werdermannii</i>		
<i>Discocactus</i> spp.		
<i>Echinocereus ferreirianus</i> <i>ssp. 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>Pelecyphora</i> spp.		
<i>Sclerocactus brevihamatus</i> <i>ssp. 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>		

## Appendices I, II and III

I	II	III
<i>Sclerocactus wrightiae</i>		
<i>Strombocactus spp.</i>		
<i>Turbincarpus spp.</i>		
<i>Uebelmannia spp.</i>		
<b>CARYOCARACEAE: Ajo</b>		
	<i>Caryocar costaricense</i> #4	
<b>COMPOSITAE: (Asteraceae) Kuth</b>		
<i>Saussurea costus</i>		
<b>CRASSULACEAE: Dudleyas</b>		
	<i>Dudleya stolonifera</i>	
	<i>Dudleya traskiae</i>	
<b>CUPRESSACEAE: Alerce, cypresses</b>		
<i>Fitzroya cupressoides</i>		
<i>Pilgerodendron uviferum</i>		
<b>CUCURBITACEAE: Melons, gourds, cucurbits</b>		
	<i>Zygosicyos pubescens</i>	
	<i>Zygosicyos tripartitus</i>	
<b>CYATHEACEAE: Tree-ferns</b>		
	<i>Cyathea spp.</i> #4	
<b>CYCADACEAE: Cycads</b>		
	<b>CYCADACEAE spp. #4</b> (Except the species included in Appendix I)	
<i>Cycas beddomei</i>		
<b>DICKSONIACEAE: Tree-ferns</b>		
	<i>Cibotium barometz</i> #4	
	<i>Dicksonia spp.</i> #4 (Only the populations of the Americas; no other population is included in the Appendices)	
<b>DIDIEREACEAE: Alluaudias, didiereas</b>		
	<b>DIDIEREACEAE spp. #4</b>	
<b>DIOSCOREACEAE: Elephant's foot, kniss</b>		
	<i>Dioscorea deltoidea</i> #4	
<b>DROSERACEAE: Venus' flytrap</b>		
	<i>Dionaea muscipula</i> #4	
<b>EUPHORBIACEAE: Spurges</b>		

## Appendices I, II and III

I	II	III
	<p><b>Euphorbia spp. #4</b>            (Succulent species only except <i>Euphorbia misera</i> and the species included in Appendix I. Artificially propagated specimens of cultivars of <i>Euphorbia trigona</i>, artificially propagated specimens of crested, fan-shaped or colour mutants of <i>Euphorbia lactea</i>, when grafted on artificially propagated root stock of <i>Euphorbia nerifolia</i>, and artificially propagated specimens of cultivars of <i>Euphorbia 'Mili'</i> when they are traded in shipments of 100 or more plants and readily recognizable as artificially propagated specimens, are not subject to the provisions of the Convention)</p>	
<i>Euphorbia ambovombensis</i>		
<i>Euphorbia capsaintemariensis</i>		
<i>Euphorbia cremersii</i> (Includes the forma <i>viridifolia</i> and the var. <i>rakotozafyi</i> )		
<i>Euphorbia cylindrifolia</i> (Includes the ssp. <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 parvicyathophora</i>		
<i>Euphorbia quartziticola</i>		
<i>Euphorbia tulearensis</i>		
<b>FOUQUIERIACEAE: Ocotillos</b>		
	<i>Fouquieria columnaris</i> #4	
<i>Fouquieria fasciculata</i>		
<i>Fouquieria purpusii</i>		

## Appendices I, II and III

I	II	III
<b>GNETACEAE: Gnetums</b>		
		<b><i>Gnetum montanum</i> #1</b> (Nepal)
<b>JUGLANDACEAE: Gavilan</b>		
	<b><i>Oreomunnea pterocarpa</i> #4</b>	
<b>LAURACEAE: Laurels</b>		
	<b><i>Aniba rosaeodora</i> #12</b>	
<b>LEGUMINOSAE: (Fabaceae) Afrormosia, cristobal, rosewood, sandalwood</b>		
	<b><i>Caesalpinia echinata</i> #10</b>	
<b><i>Dalbergia nigra</i></b>		
		<b><i>Dalbergia retusa</i> #5</b> [population of Guatemala (Guatemala)] <b><i>Dalbergia stevensonii</i> #5</b> [population of Guatemala (Guatemala)] <b><i>Dipteryx panamensis</i></b> (Costa Rica, Nicaragua)
	<b><i>Pericopsis elata</i> #5</b>	
	<b><i>Platymiscium pleiostachyum</i> #4</b>	
	<b><i>Pterocarpus santalinus</i> #7</b>	
<b>LILIACEAE: Aloes</b>		
	<b>Aloe spp. #4</b> (Except the species included in Appendix I. Also excludes Aloe vera, also referenced as Aloe barbadensis which is not included in the Appendices)	
<b><i>Aloe albida</i></b>		
<b><i>Aloe albiflora</i></b>		
<b><i>Aloe alfredii</i></b>		
<b><i>Aloe bakeri</i></b>		
<b><i>Aloe bellatula</i></b>		
<b><i>Aloe calcairophila</i></b>		
<b><i>Aloe compressa</i></b> (Includes the vars. paucituberculata, rugosquamosa and schistophila)		
<b><i>Aloe delphinensis</i></b>		

## Appendices I, II and III

I	II	III
<i>Aloe descoingsii</i>		
<i>Aloe fragilis</i>		
<i>Aloe haworthioides</i> (Includes the var. aurantiaca)		
<i>Aloe helenae</i>		
<i>Aloe laeta</i> (Includes the var. maniaensis)		
<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>		
<b>MAGNOLIACEAE: Magnolia</b>		
		Magnolia liliifera var. obovata #1 (Nepal)
<b>MELIACEAE: Mahoganies, Spanish cedar</b>		
		<b><i>Cedrela fissilis</i></b> #5 (Plurinational State of Bolivia)
		<b><i>Cedrela lilloi</i></b> #5 (Plurinational State of Bolivia)
		<b><i>Cedrela odorata</i></b> #5 (Plurinational State of Bolivia; Brazil, effective 27/4/2011; in addition, the following countries have listed their national populations: Colombia, Guatemala and Peru)
	<b><i>Swietenia humilis</i></b> #4	
	<b><i>Swietenia macrophylla</i></b> #6 (Populations of the Neotropics)	
	<b><i>Swietenia mahagoni</i></b> #5	
<b>NEPENTHACEAE: Pitcher-plants (Old World)</b>		

## Appendices I, II and III

I	II	III
	<b>Nepenthes spp. #4</b> (Except the species included in Appendix I)	
<i>Nepenthes khasiana</i>		
<i>Nepenthes rajah</i>		
<b>ORCHIDACEAE: Orchids</b>		
	<b>ORCHIDACEAE spp. 7 #4</b> (Except the species included in Appendix I)	
For all of the following Appendix-I species, seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers are not subject to the provisions of the Convention only if the specimens meet the definition of 'artificially propagated' agreed by the Conference of the Parties:		
<i>Aerangis ellisii</i>		
<i>Dendrobium cruentum</i>		
<i>Laelia jongheana</i>		
<i>Laelia lobata</i>		
<i>Paphiopedilum</i> spp.		
<i>Peristeria elata</i>		
<i>Phragmipedium</i> spp.		
<i>Renanthera imschootiana</i>		
<b>OROBANCHACEAE: Broomrape</b>		
	<i>Cistanche deserticola</i> #4	
<b>PALMAE: (Arecaceae) Palms</b>		
	<i>Beccariophoenix madagascariensis</i> #4	
<i>Chrysalidocarpus decipiens</i>		
	<i>Lemurophoenix halleuxii</i>	
		<i>Lodoicea maldivica</i> #13 (Seychelles)
	<i>Marojejya darianii</i>	
	<i>Neodypsis decaryi</i> #4	
	<i>Ravenea louvelii</i>	
	<i>Ravenea rivularis</i>	
	<i>Satranala decussilvae</i>	
	<i>Voanioala gerardii</i>	
<b>PAPAVERACEAE: Poppy</b>		
		<i>Meconopsis regia</i> #1

## Appendices I, II and III

I	II	III
		(Nepal)
<b>PASSIFLORACEAE:</b> Passion-flowers		
	<i>Adenia olaboensis</i>	
<b>PINACEAE:</b> Firs and pines		
<i>Abies guatemalensis</i>		
		<i>Pinus koraiensis</i> #5 (Russian Federation)
<b>PODOCARPACEAE:</b> Podocarps		
		<i>Podocarpus neriifolius</i> #1 (Nepal)
<i>Podocarpus parlatorei</i>		
<b>PORTULACACEAE:</b> Lewisias, portulacas, purslanes		
	<i>Anacampseros</i> spp #4	
	<i>Avonia</i> spp. #4	
	<i>Lewisia serrata</i> #4	
<b>PRIMULACEAE:</b> Cyclamens		
	<i>Cyclamen</i> spp. 8 #4	
<b>RANUNCULACEAE:</b> Golden seals, yellow adonis, yellow root		
	<i>Adonis vernalis</i> #2	
	<i>Hydrastis canadensis</i> #8	
<b>ROSACEAE:</b> African cherry, stinkwood		
	<i>Prunus africana</i> #4	
<b>RUBIACEAE:</b> Ayugue		
<i>Balmea stormiae</i>		
<b>SARRACENIACEAE:</b> Pitcher-plants (New World)		
	<i>Sarracenia</i> spp. #4 (Except the species included in Appendix I)	
<i>Sarracenia oreophila</i>		
<i>Sarracenia rubra</i> <i>ssp. alabamensis</i>		
<i>Sarracenia rubra</i> <i>ssp. jonesii</i>		
<b>SCROPHULARIACEAE:</b> Kutki		
	<i>Picrorhiza kurroa</i> #2 (Excludes <i>Picrorhiza scrophulariiflora</i> )	
<b>STANGERIACEAE:</b> Stangerias		

## Appendices I, II and III

I	II	III
	<b>Bowenia spp. #4</b>	
<b><i>Stangeria eriopus</i></b>		
<b>TAXACEAE: Himalayan yew</b>		
	<b><i>Taxus chinensis</i></b> and infra-specific taxa of this species #2	
	<b><i>Taxus cuspidata</i></b> and infra-specific taxa of this species 9 #2	
	<b><i>Taxus fuana</i></b> and infraspecific taxa of this species #2	
	<b><i>Taxus sumatrana</i></b> and infra-specific taxa of this species #2	
	<b><i>Taxus wallichiana</i></b> #2	
<b>THYMELAEACEAE: (Aquilariaceae) Agarwood, ramin</b>		
	<b><i>Aquilaria spp.</i></b> #4	
	<b><i>Gonystylus spp.</i></b> #4	
	<b><i>Gyrinops spp.</i></b> #4	
<b>TROCHODENDRACEAE: (Tetracentraceae) Tetracentron</b>		
		<b><i>Tetracentron sinense</i></b> #1 (Nepal)
<b>VALERIANACEAE: Himalayan spikenard</b>		
	<b><i>Nardostachys grandiflora</i></b> #2	
<b>VITACEAE: Grapes</b>		
	<b><i>Cyphostemma elephantopus</i></b>	
	<b><i>Cyphostemma montagnacii</i></b>	
<b>WELWITSCHIAEAE: Welwitschia</b>		
	<b><i>Welwitschia mirabilis</i></b> #4	
<b>ZAMIACEAE: Cycads</b>		
	<b>ZAMIACEAE spp. #4</b> (Except the species included in Appendix I)	
<b><i>Ceratozamia spp.</i></b>		
<b><i>Chigua spp.</i></b>		
<b><i>Encephalartos spp.</i></b>		
<b><i>Microcycas calocoma</i></b>		

## Appendices I, II and III

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I	II	III
ZINGIBERACEAE: Ginger lily		
	<i>Hedychium philippinense</i> #4	
ZYGOPHYLLACEAE: Lignum-vitae		
	<i>Bulnesia sarmientoi</i> #11	
	<i>Guaiaacum</i> spp. #2	

### Footnotes in the Appendices

**1. 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.

**2. 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.

**3. 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.

**4. Population of the Plurinational State of Bolivia (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-BOLIVIA'. Other products must bear a label including the logotype and the designation 'VICUÑA-BOLIVIA-ARTESANÍA'.

## Appendices I, II and III

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All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.

### **5. Populations of Botswana, Namibia, South Africa and Zimbabwe (listed in Appendix II):**

For the exclusive purpose of allowing:

- a) trade in hunting trophies for non-commercial purposes;
- b) trade in live animals to appropriate and acceptable destinations, as defined in Resolution Conf. 11.20, for Botswana and Zimbabwe and for in situ conservation programmes for Namibia and South Africa;
- c) trade in hides;
- d) trade in hair;
- e) trade in leather goods for commercial or non-commercial purposes for Botswana, Namibia and South Africa and for non-commercial purposes for Zimbabwe;
- f) trade in individually marked and certified ekipas incorporated in finished jewellery for non-commercial purposes for Namibia and ivory carvings for non-commercial purposes for Zimbabwe;
- g) trade in registered raw ivory (for Botswana, Namibia, South Africa and Zimbabwe, whole tusks and pieces) subject to the following:
  - i) only registered government-owned stocks, originating in the State (excluding seized ivory and ivory of unknown origin);
  - 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. CoP14) concerning domestic manufacturing and trade;
  - iii) not before the Secretariat has verified the prospective importing countries and the registered government-owned stocks;
  - iv) raw ivory pursuant to the conditional sale of registered government-owned ivory stocks agreed at CoP12, which are 20,000 kg (Botswana), 10,000 kg (Namibia) and 30,000 kg (South Africa);
  - v) in addition to the quantities agreed at CoP12, government-owned ivory from Botswana, Namibia, South Africa and Zimbabwe registered by 31 January 2007 and verified by the Secretariat may be traded and despatched, with the ivory in paragraph g) iv) above, in a single sale per destination under strict supervision of the Secretariat;
  - vi) the proceeds of the trade are used exclusively for elephant conservation and community conservation and development programmes within or adjacent to the elephant range; and

## Appendices I, II and III

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vii) the additional quantities specified in paragraph g) v) above shall be traded only after the Standing Committee has agreed that the above conditions have been met; and

h) no further proposals to allow trade in elephant ivory from populations already in Appendix II shall be submitted to the Conference of the Parties for the period from CoP14 and ending nine years from the date of the single sale of ivory that is to take place in accordance with provisions in paragraphs g) i), g) ii), g) iii), g) vi) and g) vii). In addition such further proposals shall be dealt with in accordance with Decisions 14.77 and 14.78 (Rev. CoP15).

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.

**6. 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)
- Cactaceae spp. colour mutants, grafted on the following grafting stocks: *Harrisia 'Jusbertii'*, *Hylocereus trigonus* or *Hylocereus undatus*
- *Opuntia microdasys* (cultivars).

**7. Artificially propagated hybrids of the following genera are not subject to the provisions of the Convention, if conditions, as indicated under a) and b), are met: *Cymbidium*, *Dendrobium*, *Phalaenopsis* and *Vanda*:**

a) Specimens are readily recognizable as artificially propagated and do not show any signs of having been collected in the wild such as mechanical damage or strong dehydration resulting from collection, irregular growth and heterogeneous size and shape within a taxon and shipment, algae or other epiphyllous organisms adhering to leaves, or damage by insects or other pests; and

b) i) when shipped in non-flowering state, the specimens must be traded in shipments consisting of individual containers (such as cartons, boxes, crates or individual shelves of CC-containers) each containing 20 or more plants of the same hybrid; the plants within each container must exhibit a high degree of uniformity and healthiness; and the shipment must be accompanied by documentation, such as an invoice, which clearly states the number of plants of each hybrid; or

ii) when shipped in flowering state, with at least one fully open flower per specimen, no minimum number of specimens per shipment is required but specimens must be professionally processed for commercial retail sale, e.g. labelled with printed labels or packaged with printed packages indicating the name of the hybrid and the country of final processing. This should be clearly visible and allow easy verification.

## Appendices I, II and III

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Plants not clearly qualifying for the exemption must be accompanied by appropriate CITES documents.

**8. 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.**

**9. Artificially propagated hybrids and cultivars of *Taxus cuspidata*, live, in pots or other small containers, each consignment being accompanied by a label or document stating the name of the taxon or taxa and the text 'artificially propagated', are not subject to the provisions of the Convention.**

**#1** 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;
- c) cut flowers of artificially propagated plants; and
- d) fruits, and parts and derivatives thereof, of artificially propagated plants of the genus *Vanilla*.

**#2** All parts and derivatives except:

- a) seeds and pollen; and
- b) finished products packaged and ready for retail trade.

**#3** Whole and sliced roots and parts of roots.

**#4** All parts and derivatives, except:

- a) seeds (including seedpods of Orchidaceae), spores and pollen (including pollinia). The exemption does not apply to seeds from Cactaceae spp. exported from Mexico, and to seeds from *Beccariophoenix madagascariensis* and *Neodypsis decaryi* exported from Madagascar;
- 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 of the genus *Vanilla* (Orchidaceae) and of the family Cactaceae;
- e) stems, flowers, and parts and derivatives thereof, of naturalized or artificially propagated

## Appendices I, II and III

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plants of the genera *Opuntia* subgenus *Opuntia* and *Selenicereus* (Cactaceae); and  
f) finished products of *Euphorbia antisyphilitica* packaged and ready for retail trade.

**#5** Logs, sawn wood and veneer sheets.

**#6** Logs, sawn wood, veneer sheets and plywood.

**#7** Logs, wood-chips, powder and extracts.

**#8** Underground parts (i.e. roots, rhizomes): whole, parts and powdered.

**#9** All parts and derivatives except those bearing a label:

“Produced from *Hoodia* spp. material obtained through controlled harvesting and production in collaboration with the CITES Management Authorities of Botswana/Namibia/South Africa under agreement no. BW/NA/ZA xxxxxx”.

**#10** Logs, sawn wood, veneer sheets, including unfinished wood articles used for the fabrication of bows for stringed musical instruments.

**#11** Logs, sawn wood, veneer sheets, plywood, powder and extracts.

**#12** Logs, sawn wood, veneer sheets, plywood and essential oil (excluding finished products packaged and ready for retail trade).

**#13** The kernel (also known as 'endosperm', 'pulp' or 'copra') and any derivative thereof.



## Index of Valid Resolutions

---

Resolution	Title	Page
<b>CoP 15 – Doha, Qatar, 13-25 March 2010</b>		
Conf. 15.1	Financing and the costed programme of work for the Secretariat for the biennium 2012-2013	362
Conf. 15.2	Wildlife trade policy reviews	381
<b>CoP 14 – The Hague, Netherlands, 3-15 June 2007</b>		
Conf. 14.2	CITES Strategic Vision: 2008-2013	36
Conf. 14.3	CITES compliance procedures	249
Conf. 14.4	Cooperation between CITES and ITTO regarding trade in tropical timber	447
Conf. 14.5	Dialogue meetings	347
Conf. 14.6 (Rev. CoP15)	Introduction from the sea	62
Conf. 14.7 (Rev. CoP15)	Management of nationally established export quotas	516
Conf. 14.8	Periodic Review of the Appendices	106
<b>CoP 13, Bangkok, Thailand, 2-14 October 2004</b>		
Conf. 13.2 (Rev. CoP14)	Sustainable use of biodiversity: Addis Ababa Principles and Guidelines	554
Conf. 13.3	Cooperation and synergy with the Convention on the Conservation of Migratory Species of Wild Animals (CMS)	442
Conf. 13.4	Conservation of and trade in great apes	687
Conf. 13.5 (Rev. CoP14)	Establishment of export quotas for black rhinoceros hunting trophies	526
Conf. 13.6	Implementation of Article VII, paragraph 2, concerning 'pre-Convention' specimens	215
Conf. 13.7 (Rev. CoP14)	Control of trade in personal and household effects	219
Conf. 13.8	Participation of observers at meetings of the Conference of the Parties	355
Conf. 13.9	Encouraging cooperation between Parties with from situ breeding operations and those with in situ conservation programmes	509
Conf. 13.10 (Rev. CoP14)	Trade in alien invasive species	151
Conf. 13.11	Bushmeat	683
<b>CoP 12, Santiago, Chile, 3-15 November 2002</b>		
Conf. 12.3 (Rev. CoP15)	Permits and certificates	158
Conf. 12.4	Cooperation between CITES and the Commission for the Conservation of Antarctic Marine Living Resources regarding trade in toothfish	443
Conf. 12.5 (Rev. CoP15)	Conservation of and trade in tigers and other Appendix-I Asian big cat species	661

## Index of Valid Resolutions

Resolution	Title	Page
Conf. 12.6 (Rev. CoP15)	Conservation and management of sharks (Class Chondrichthyes)	734
Conf. 12.7 (Rev. CoP14)	Conservation of and trade in sturgeons and paddlefish	746, 206
Conf. 12.8 (Rev. CoP13)	Review of Significant Trade in specimens of Appendix-II species	138
Conf. 12.10 (Rev. CoP15)	Registration of operations that breed Appendix-I animal species in captivity for commercial purposes	499
Conf. 12.11 (Rev. CoP15)	Standard nomenclature	598
<b>CoP 11 – Gigiri, Kenya, 10-20 April 2000</b>		
Conf. 11.1 (Rev. CoP15)	Establishment of committees	392
Conf. 11.3 (Rev. CoP15)	Compliance and enforcement	239
Conf. 11.4 (Rev. CoP12)	Conservation of cetaceans, trade in cetacean specimens and the relationship with the International Whaling Commission	436
Conf. 11.7	Conservation of and trade in musk deer	695
Conf. 11.8 (Rev. CoP13)	Conservation of and control of trade in the Tibetan antelope	691
Conf. 11.9 (Rev. CoP13)	Conservation of and trade in tortoises and freshwater turtles	719
Conf. 11.10 (Rev. CoP15)	Trade in stony corals	54, 764
Conf. 11.11 (Rev. CoP15)	Regulation of trade in plants	566, 91, 560, 577, 578, 579
Conf. 11.12 (Rev. CoP15)	Universal tagging system for the identification of crocodilian skins	200
Conf. 11.15 (Rev. CoP12)	Non-commercial loan, donation or exchange of museum and herbarium specimens	229
Conf. 11.16 (Rev. CoP15)	Ranching and trade in ranched specimens of species transferred from Appendix I to Appendix II	536, 199
Conf. 11.17 (Rev. CoP14)	National reports	302, 589
Conf. 11.18	Trade in Appendix-II and -III species	137
Conf. 11.19	Identification Manual	417
Conf. 11.20	Definition of the term 'appropriate and acceptable destinations'	653
Conf. 11.21 (Rev. CoP15)	Use of annotations in Appendices I and II	93, 98
<b>CoP 10 – Harare, Zimbabwe, 9-20 June 1997</b>		
Conf. 10.3	Designation and role of the Scientific Authorities	336
Conf. 10.4 (Rev. CoP14)	Cooperation and synergy with the Convention on Biological Diversity	440
Conf. 10.7 (Rev. CoP15)	Disposal of confiscated live specimens of species included in the Appendices	265, 298
Conf. 10.8 (Rev. CoP14)	Conservation of and trade in bears	681
Conf. 10.9	Consideration of proposals for the transfer of African elephant populations from Appendix I to Appendix II	631

## Index of Valid Resolutions

Resolution	Title	Page
Conf. 10.10 (Rev. CoP15)	Trade in elephant specimens	616, 627
Conf. 10.13 (Rev. CoP15)	Implementation of the Convention for timber species	581
<a href="#">Conf. 10.14</a> <a href="#">(Rev. CoP14)</a>	Quotas for leopard hunting trophies and skins for personal use	521
Conf. 10.15 (Rev. CoP14)	Establishment of quotas for markhor hunting trophies	524
Conf. 10.16 (Rev.)	Specimens of animal species bred in captivity	495
Conf. 10.17 (Rev. CoP14)	Animal hybrids	92
Conf. 10.19 (Rev. CoP14)	Traditional medicines	759
Conf. 10.20	Frequent cross-border movements of personally owned live animals	226
Conf. 10.21 (Rev. CoP14)	Transport of live specimens	489
<b>CoP 9 – Fort Lauderdale, United States of America, 7-18 November 1994</b>		
Conf. 9.5 (Rev. CoP15)	Trade with States not party to the Convention	340
Conf. 9.6 (Rev.)	Trade in readily recognizable parts and derivatives	54
Conf. 9.7 (Rev. CoP15)	Transit and transshipment	211, 235
Conf. 9.9	Confiscation of specimens exported or re-exported in violation of the Convention	262
Conf. 9.10 (Rev. CoP15)	Disposal of confiscated and accumulated specimens	263
Conf. 9.14 (Rev. CoP15)	Conservation of and trade in African and Asian rhinoceroses	650
Conf. 9.19 (Rev. CoP15)	Registration of nurseries that artificially propagate specimens of Appendix-I plant species for export purposes	572, 760
Conf. 9.20 (Rev.)	Guidelines for evaluating marine turtle ranching proposals submitted pursuant to Resolution Conf. 11.16 (Rev. CoP15)	543
Conf. 9.21 (Rev. CoP13)	The interpretation and application of quotas for species included in Appendix I	514
Conf. 9.24 (Rev. CoP15)	Criteria for amendment of Appendices I and II	52, 71
Conf. 9.25 (Rev. CoP15)	Inclusion of species in Appendix III	115
<b>CoP 8 – Kyoto, Japan, 2-13 March 1992</b>		
Conf. 8.3 (Rev. CoP13)	Recognition of the benefits of trade in wildlife	553, 383
Conf. 8.4 (Rev. CoP15)	National laws for implementation of the Convention	256
Conf. 8.13 (Rev.)	Use of coded-microchip implants for marking live animals in trade	197
Conf. 8.21	Consultation with range States on proposals to amend Appendices I and II	67, 460

## Index of Valid Resolutions

Resolution	Title	Page
<b>CoP 7 – Lausanne, Switzerland, 9-20 October 1989</b>		
-----		
<b>CoP 6 – Ottawa, Canada, 12-24 July 1987</b>		
Conf. 6.7	Interpretation of Article XIV, paragraph 1, of the Convention	432
<b>CoP 5 – Buenos Aires, Argentina, 22 April – 3 May 1985</b>		
Conf. 5.10 (Rev. CoP15)	Definition of 'primarily commercial purposes'	129
Conf. 5.20	Guidelines for the Secretariat when making recommendations in accordance with Article XV	463
<b>CoP 4 – Gaborone, Botswana, 19-30 April 1983</b>		
Conf. 4.6 (Rev. CoP15)	Submission of draft resolutions and other documents for meetings of the Conference of the Parties	351, 344,351, 353, 305
Conf. 4.22	Proof of foreign law	433
Conf. 4.25 (Rev. CoP14)	Reservations	470
Conf. 4.27	Interpretation of Article XVII, paragraph 3, of the Convention	477
<b>CoP 3 – New Delhi, India, 25 February – 8 March 1981</b>		
Conf. 3.4	Technical cooperation	256
<b>CoP 2 – San Jose, Costa Rica, 19-30 March 1979</b>		
Conf. 2.11 (Rev.)	Trade in hunting trophies of species listed in Appendix I	520
<b>CoP 1 – Bern, Switzerland, 2-6 November 1976</b>		
-----		

## Index of Valid Decisions

Decision no.	Subject	Page
12.79	Non-commercial loan, donation or exchange of museum and herbarium specimens	232
12.90	Capacity-building programme for science-based establishment and implementation of voluntary national export quotas for Appendix-II species	771, 515
12.91		
12.92		
12.93		
13.26 (Rev. CoP15)	Elephant conservation	626
13.67 (Rev. CoP14)	Review of Significant Trade	144
13.93 (Rev. CoP15)	Review of the Appendices	67, 104
14.9	Manual for regional representatives of the scientific committees	415
14.10	Support to Master's programmes	772
14.11	Regional cooperation and coordination	
14.12	Virtual college	
14.13		
14.19	Review of Resolutions	351
14.28 (Rev. CoP15)	Cooperation between Parties and promotion of multi-lateral measures	432
14.29 (Rev. CoP15)		432
14.30 (Rev. CoP15)		432
14.37 (Rev. CoP15)	National reports	301
14.38 (Rev. CoP15)		301
14.39 (Rev. CoP15)		334
14.40 (Rev. CoP15)		334, 571
14.41 (Rev. CoP15)	Reporting on trade in artificially propagated plants	334, 571
14.48 (Rev. CoP15)	Introduction from the sea	59
14.54 (Rev. CoP15)	Purpose codes on CITES permits and certificates	162
14.61 (Rev. CoP15)	Physical inspection of timber shipments	586
14.64 (Rev. CoP15)	Personal and household effects	225
14.66	Conservation of and trade in tigers and other Appendix-I Asian big cat species	673
14.68		
14.69		
14.73		686
14.74 (Rev. CoP15)		686
14.76	Elephant conservation	639
14.77		634
14.78 (Rev. CoP15)		624
14.79 (Rev. CoP15)		639
14.81		Great whales
14.82	Grey parrot	709
14.83		709
14.84		710

## Index of Valid Decisions

Decision no.	Subject	Page	
14.85		710	
14.91		703	
14.93 (Rev. CoP15)	Saiga antelope	703	
14.94 (Rev. CoP15)		703	
14.95 (Rev. CoP15)		704	
14.96		704	
14.97 (Rev. CoP15)		704	
14.100 (Rev. CoP15)		Sea cucumbers	757
14.131 (Rev. CoP15)		Euphorbia spp.	58
14.133	Orchids: annotation for species included in Appendix II	58, 97	
14.134 (Rev. CoP15)		58, 97	
14.137	Agarwood-producing taxa	591	
14.138 (Rev. CoP15)		591	
14.140		591	
14.141		591	
14.144 (Rev. CoP15)		591	
14.146 (Rev. CoP15)		Cedrela odorata, Dalbergia retusa, Dalbergia granadillo and Dalbergia stevensonii	592
14.148 (Rev. CoP15)	Tree species: annotations for species included in Appendices II and III	98	
14.149		98	
15.1	Non-payment of contributions	364	
15.2		364	
15.3		364	
15.4		364	
15.5		384, 387	
15.6	CITES and livelihoods	388	
15.7		388	
15.8	National wildlife trade policy reviews	382	
15.9	Rules of Procedure of the Animals and Plants Committees	415	
15.10	Post-2010 biodiversity targets	43	
15.11	Biodiversity Indicators Partnership	449	
15.12	Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES)	449	
15.13		449	
15.14		449	
15.15	Climate change	136	
15.16		136	
15.17		136	
15.18	Food and Agriculture Organization of the United Nations (FAO)	447	
15.19	Global Strategy for Plant Conservation of the Convention on Biological Diversity	442	
15.20	Funding for projects related to species conservation and management	258, 377	
15.21	Capacity building	773	

## Index of Valid Decisions

Decision no.	Subject	Page
15.22		773
15.23		773
15.24	Non-detriment findings	773
15.25		774
15.26	Non-detriment findings for timber, medicinal plants and agarwood	774
15.27		774
15.28	Criteria for the inclusion of species in Appendices I and II	73
15.29		73
15.30		73
15.31	Annotations to the Appendices for plants	95
15.32	Review of annotations for Cactaceae and Orchidaceae: herbarium Specimens	96
15.33		96
15.34	Review of annotations for Cactaceae and Orchidaceae: evaluation of trade in finished products	96
15.35	Tree species: annotations for species included in Appendices II and III	98
15.36	Review of Significant Trade in <i>Cistanche deserticola</i> , <i>Dioscorea deltoidea</i> , <i>Nardostachys grandiflora</i> , <i>Picrorhiza kurrooa</i> , <i>Pterocarpus santalinus</i> , <i>Rauvolfia serpentina</i> and <i>Taxus wallichiana</i>	146
15.37		147
15.38	National laws for implementation of the Convention	257
15.39		257
15.40		257
15.41		257
15.42	Gathering and analysis of data on illegal trade	259
15.43		259
15.44	Illegal trade in great apes	690
15.45		690
15.46	Asian big cats	674
15.47		674
15.48		674
15.49		674
15.50	Introduction from the sea	60
15.51	Ranching and trade in ranched specimens of species transferred from Appendix I to Appendix II	76, 542
15.52	Production systems for specimens of CITES-listed species	577
15.53		577
15.54	Electronic permitting	193
15.55		193
15.56		193
15.57		247
15.58	E-commerce of specimens of CITES-listed species	247
15.59	Transport of live specimens	491
15.60		492
15.61	Standard nomenclature	600

## Index of Valid Decisions

Decision no.	Subject	Page
15.62		600
15.63		561, 600
15.64	Identification of CITES-listed corals in trade	174, 764
15.65		174, 763
15.66	Identification of worked specimens of black coral ( <i>Antipatharia</i> ) and parts thereof in trade	174, 764
15.67	Use of taxonomic serial numbers	601
15.68		601
15.69		601
15.70	Conservation of and trade in tigers and other Appendix-I Asian big cat species	674
15.71	Conservation of and trade in African and Asian rhinoceroses	653
15.72		653
15.73		654
15.74	Trade in elephant specimens	624
15.75	Snake trade and conservation management	713
15.76		714
15.77		714
15.78		714
15.79	Tortoises and freshwater turtles	722
15.80		722
15.81		722
15.82		722
15.83		722
15.84	Hawksbill turtle	717
15.85	Sharks and stingrays	737
15.86	Humphead wrasse	741
15.87		741
15.88		741
15.89	Assessment of trade in epiphytic cacti and review of listing of Cactaceae spp. in Appendix II	97
15.90	Aniba rosaeodora	595
15.91	Working Group on the Bigleaf Mahogany and Other Neotropical Timber Species	587
15.92		589
15.93		589
15.94	Agarwood-producing taxa	591
15.95		591
15.96	Bulnesia sarmientoi	595
15.97	Madagascar	596
15.98		596

## Subject Index

## Subject Index



### A

	Page number
AATA	490
acceptance and clearance of documents and security measures	178
acceptance of the Convention	483
access and benefit sharing	509
access to benefits derived from from situ commercial captive breeding	508
accession to the Convention	483
accumulated dead specimens of Appendix-I species	264
Action Plan for Cedrela and Dalbergia species	592
Action Plan for the control of trade in elephant ivory	626
action plan on compliance	253
action plan on seized and/or confiscated live specimens, guidelines for development	298
actual trade in annual reports	307
ad hoc CITES enforcement task forces	245
Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity	555
administration of the Trust Fund, terms of reference	370
administrative issues, definition	401
adoption of amendment proposals	464
affected by trade, definition	77
African elephant	613
African elephant Fund	637
African elephant, dialogue meetings	347
African Timber Organization	583
agarwood	590
agenda for regionals sessions during a CoP	346
Agreement between the CITES Standing Committee and the Executive Director of UNEP	420
Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing	62
alleged infraction	244, 336
alterations in documents	179
alternate members Standing Committee	397
alternate members of Animals and Plants Committees	407

## Subject Index

alternatives for bear parts	682
alternatives for big cat parts	665
Amazon Cooperation Treaty Organization (ACTO)	588
amending the Appendices, procedures	459
amendment of the Convention, financial	345
amendment proposals through the postal procedure	466
amendment proposals, adoption	464
amendment proposals, consultation	460
amendment proposals, deadlines	460
amendment proposals, role of the Secretariat	461
amendment proposals, withdrawal	465
amendment to Article XXI of the Convention	480
amendment, proposed text	460
amendments to Appendices I and II at meetings of the conference of the Parties	459
amendments to Appendices I and II between meetings of the conference of the Parties	466
amendments to Appendix III	471
amendments to the Convention	475
amendments to the list of personal and household effects of Appendix-II species with quantitative limits	225
American Zoo and Aquarium Association	508
Amur tiger	661
analysis of data related to illegal trade	258
Aniba rosaeodora	403
Animals and Plants Committees, Terms of Reference	403
Animals Committee, establishment	403
Animals Committee, membership	406
Animals Transportation Association (AATA)	490
animals, personally owned	226
annotation of agarwood	591
annotation of orchid species included in Appendix II	97
annotation of orchid species in Appendix I	563
annotation, African elephant	634
annotation, cheetah quotas	523
annotation, higher taxon	74
annotations	71
annotations excluding live plants	56
annotations exempting plants	57
annotations for medicinal plants	97
Annotations for tree species, review	98
Annotations in the Appendices	92
annotations, glossary with definitions and training materials	98
annotations, review for Cactaceae and Orchidaceae herbarium specimens	96

## Subject Index

annotations, vicuna	<b>548</b>
annual export quotas and annual reports	<b>303</b>
annual export quotas and permits	<b>172</b>
annual report column headings	<b>307</b>
annual report on trade	<b>299</b>
annual reporting on Article VII exemptions	<b>333</b>
annual reporting on trade in artificially propagated plants, facilitation	<b>333</b>
annual reports, a potential compliance matter	<b>252</b>
annual reports and certificates of ownership of live animals	<b>229</b>
annual reports for black corals	<b>308</b>
annual reports for plants	<b>308</b>
annual reports for raw ivory	<b>308</b>
annual reports for stony corals	<b>309</b>
annual reports for timber	<b>308</b>
annual reports in taxonomic order of the Appendices	<b>307</b>
annual reports on actual trade	<b>307</b>
annual reports on trade	<b>301</b>
annual reports, correlation	<b>333</b>
annual reports, deadline for submission	<b>303</b>
annual reports, failure to submit	<b>304</b>
annual reports, format	<b>313</b>
annual reports, guidelines for preparation	<b>305</b>
annual reports, submission	<b>332</b>
annual reports, terminology	<b>314</b>
Antarctic marine living resources	<b>443</b>
anti-poaching teams, tigers	<b>664</b>
Appendices, publication	<b>428</b>
Appendices, review of nomenclature	<b>405</b>
Appendices, definition	<b>65</b>
Appendix III listing, entry into effect	<b>472</b>
Appendix III listing, withdrawal	<b>472</b>
Appendix III, amendments	<b>471</b>
Appendix III, listing criteria	<b>115</b>
Appendix III, possibility of abuse	<b>119</b>
Appendix III, reservations	<b>472</b>
application form, registration of commercial breeding operation	<b>505</b>
appropriate and acceptable destinations, definition	<b>653</b>
appropriations of the Trust Fund	<b>371</b>
approval of Externally Funded Projects	<b>376</b>
approval of the Convention	<b>480</b>
approved address for live Appendix I specimens	<b>127</b>
approved tag manufacturers	<b>203</b>
aquaria	<b>127, 267, 269</b>

## Subject Index

arbitration, disputes	479
area of distribution, definition	78
area of habitat	72
area of occupancy	78
arrears in financial contributions	364
Article XIV.5 to be corrected	456
Article XXI, amendment	480
artificially propagated hybrids of Orchidaceae spp. included in Appendix II, identification material	97
artificially propagated plants, annual reporting	333
artificially propagated timber	569
artificially propagated, definition	566
ASEAN Wildlife Enforcement Network	627
Asian big cats	627
Asian elephant	655
Asian-Pacific Timber Trade Organization	616
Asiatic lion	661
assessing overall compliance	251
assistance to elephant range States	618
assistance with compliance	253
associate expert	256
ATA carnet	234, 180, 212
Atlantic Bluefin tuna	733
ATO	583
ATTO	583
audited accounts	372
authenticity and validity of CITES permits and certificates	248

## B

back-to-back meetings of the Animals and Plants Committees	392
baleen	314
band, identification -	196
bark	314
Basking shark	728
bears	679
beneficial commercial trade	383
benefits of from situ production	510
benefits of trade in wildlife	383
Bern criteria	101
Bern criteria, exceptions	110
BGCI	285
biennial report format	299

## Subject Index

biennial report on legislative, regulatory and administrative measures	<b>299</b>
biennial reports, deadline for submission	<b>300</b>
biennial reports, reporting period	<b>300</b>
Bigleaf Mahogany ( <i>Swietenia macrophylla</i> ) Working Group	<b>448</b>
bill of lading	<b>164</b>
Biodiversity Indicators Partnership (BIP)	<b>449</b>
biological and trade criteria	<b>69</b>
biological and trade criteria required for listing in Appendix I	<b>66</b>
biological criteria for Appendix I	<b>71</b>
biological data, lack of	<b>403</b>
biological samples	<b>177</b>
biological samples, simplified permitting	<b>191</b>
biological samples, types and use	<b>191</b>
biomedical industry	<b>130</b>
BirdLife International	<b>270</b>
black coral and permits	<b>174</b>
black coral and annual reports	<b>308</b>
black rhino hunting trophies, definition	<b>527</b>
blood	<b>318</b>
bodies or agencies technically qualified in protection, conservation or management of wild fauna and flora, observers	<b>354</b>
body	<b>314</b>
bone	<b>345</b>
Bonn amendment	<b>345</b>
border controls	<b>248</b>
botanic gardens	<b>284, 578</b>
Botanic Gardens Conservation International	<b>284, 578</b>
botanical nomenclature	<b>405</b>
breeding in captivity	<b>493</b>
bred in captivity for commercial purposes, interpretation	<b>500</b>
bred in captivity, definition	<b>495</b>
breeding stock, definition	<b>495</b>
brochure to illustrate the importance of registering scientific institutions	<b>232</b>
budget oversight by the Standing Committee	<b>395</b>
budget, history	<b>357</b>
budgetary and workload implications of draft resolutions and decisions	<b>351</b>
bulbs	<b>317</b>
<i>Bulnesia sarmientoi</i>	<b>595</b>
bushmeat	<b>683</b>
Bushmeat Working Group	<b>683, 688</b>

## Subject Index

---

### C

cage space, conservation priorities	267
calipee	314
candidature as member of the Standing Committee	393
capacity building	771
captive breeding	see <b>bred in captivity</b>
carapace	314
Cartagena Convention	717
carving	314
Caspian Sea	746
caviar, on permits	314
caviar lot identification number, definition	206
caviar processing plant, definition	207
caviar processing plants, registration system	748
caviar repackaging plant, definition	207
caviar trade database	749
caviar, definition	206
caviar, marking	205, 747
caviar, pressed -, definition	207
caviar, universal labelling system	205
CBD	440
CCAD	588
CCAMLR	443
Cedrela and Dalbergia action plan	592
Center for International Forestry Research	583
Central Africa Bushmeat Working Group	686
Central American Commission on the Environment and Development	588
certificate of artificial propagation, simplified procedure	176
certificate of origin for Appendix III specimens	154
certificate of ownership of live animals	227
certificate of ownership of live animals and marking	205
certificate of re-export for Appendix III specimens	155
certificate that Appendix III specimens were processed in the re-exporting country	155
certificate, artificial propagation	493, 570
certificate, captive breeding	493
certificate for travelling exhibitions	169
certificates of captive breeding, simplified procedure	176

## Subject Index

certificates of origin	<b>169, 183</b>
chair and vice-chair of Animals and Plants Committees, election	<b>407</b>
Chair for regionals sessions during a CoP	<b>346</b>
Chairman of CITES dialogue meeting	<b>349</b>
Chairs of the Animals and Plants Committees and IPBES	<b>449</b>
Chairs of the technical committees, invitation to Standing Committee	<b>398</b>
chalecos, marking	<b>200</b>
Checklist of CITES species	<b>599</b>
checklists nominated for standard references, deadline for proposals	<b>599</b>
Cheetah, live specimens and hunting trophies	<b>523</b>
chimpanzees	<b>687</b>
chips	<b>314</b>
CIFOR	<b>583</b>
circuses	<b>232</b>
CITES Directory	<b>336</b>
CITES Enforcement Expert Group	<b>341</b>
CITES guidelines for the disposal of confiscated live animals	<b>267</b>
CITES guidelines for the disposal of confiscated live plants	<b>284</b>
CITES Policy Review Project, lessons learned	<b>381</b>
CITES species, checklist	<b>599</b>
CITES vision statement	<b>232</b>
CITES-listing and potential impact on livelihoods	<b>39</b>
clarification of plant annotations, glossary or illustrated brochure	<b>95</b>
claw	<b>314</b>
clearance of documents and security measures	<b>178</b>
clearance of goods	<b>248</b>
Clearing House of the Standing Committee	<b>400</b>
climate change	<b>136</b>
cloth	<b>315</b>
clouded leopard	<b>661</b>
CMS	<b>442</b>
coastal and flag state jurisdiction	<b>457</b>
cobra	<b>712</b>
codes for identification of Acipenseriformes species, hybrids and mixed species	<b>208</b>
codes for the identification of crocodylian species	<b>202</b>
codes of conduct for websites	<b>247</b>
coding system for identifying registered institutions	<b>231</b>
column headings in annual reports	<b>307</b>
Comisión Centroamericana de Ambiente y Desarrollo	<b>588</b>
comments on proposed amendments, deadline	<b>467</b>
commercial breeding of tortoises and freshwater turtles	<b>720</b>
commercial breeding operation, deletion from Register	<b>501</b>
commercial captive breeders	<b>498</b>

## Subject Index

commercial purposes, to be broadly defined	<b>129</b>
commercial trade, beneficial -	<b>383</b>
commercially exploited aquatic marine species, application of decline	<b>79</b>
Committees	<b>389</b>
common external customs control	<b>453</b>
communication about non-implementation of the Convention	<b>238</b>
communication of nationally established export quotas, deadline	<b>519</b>
communications in compliance matters	<b>250</b>
communications in relation to dialogue meetings	<b>350</b>
communiqué from dialogue meetings	<b>350</b>
community-based management of wild resources	<b>524</b>
comparable documentation of non-Party States	<b>339</b>
compliance action plan	<b>253</b>
compliance measures	<b>237, 258</b>
compliance procedures, guide	<b>249</b>
compliance, control and cooperation	<b>242</b>
comprehensive strategy for border controls	<b>248</b>
computer and cyber crime	<b>247</b>
computer database of annual report statistics	<b>332</b>
Conference of the Parties, meetings	<b>343</b>
Conference of the Parties, tasks	<b>345</b>
confidentiality of communications in compliance matters	<b>250</b>
confidentiality of dialogue meetings	<b>350</b>
confiscated animals, breeding	<b>496</b>
confiscated dead specimens	<b>264</b>
confiscated live plants, guidelines for disposal	<b>284</b>
confiscated specimens, sale	<b>263</b>
confiscation and disposal of illegally traded specimens	<b>261</b>
conservation and management plans for rhinoceroses	<b>650</b>
consultation on amendment proposals for marine species	<b>466</b>
consultation for other than marine species	<b>466</b>
consultation of range States and intergovernmental bodies	<b>67</b>
consultation on amendment proposals	<b>459</b>
consultative meetings between range States	<b>347</b>
consumptive use of wildlife	<b>383</b>
control of internal ivory trade	<b>617</b>
controlled environment, definition	<b>495</b>
Convention for the Protection and Development of the Marine Environment of the Wider Caribbean region (Cartagena Convention)	<b>717</b>
Convention on Biological Diversity (CBD)	<b>588</b>
Convention on the Conservation of Migratory Species of Wild Animals, CMS	<b>440</b>
convicted illegal traders	<b>245</b>
coordination and advice by the Standing Committee to other committees	<b>395</b>

## Subject Index

coordination of field studies	<b>395</b>
coordination with conservation measures enforced by other bodies	<b>143</b>
CoP	<b>343</b>
CoP, time and venue	<b>353</b>
coral	<b>762, 315</b>
coral, black	<b>764</b>
coral, dead	<b>769</b>
coral fossils	<b>764</b>
coral fragments (including gravel and rubble), definition	<b>766</b>
coral, identification	<b>762</b>
coral, live	<b>766</b>
coral rock	<b>54, 174, 766</b>
coral, rubble	<b>766</b>
coral sand, definition	<b>54, 766</b>
coral taxa where identification to genus level is acceptable	<b>173</b>
corms	<b>317</b>
correction of non-substantive errors and minor editorial faults in current Resolutions	<b>351</b>
correlation between export and import figures	<b>332</b>
costed programme of work	<b>361, 371</b>
costed programme of work, changes	<b>366</b>
costed programme of work, deadline for submission	<b>371</b>
costed programme of work, majority required for adoption	<b>371</b>
costs of dialogue meetings	<b>349</b>
countries with economies in transition, enforcement	<b>249</b>
countries with economies in transition at dialogue meetings	<b>349</b>
country codes	<b>320</b>
criteria for amendment of Appendices I and II	<b>65</b>
criteria for ranching proposals	<b>537</b>
criteria for the inclusion of species in Appendix II in accordance with Article II, paragraph 2 (a)	<b>72</b>
criteria for the inclusion of species in Appendix II in accordance with Article II, paragraph 2 (b)	<b>74</b>
crocodile skins, re-export tag	<b>201</b>
crocodilian hybrids, labelling of skins	<b>201</b>
crocodilian skin trade, management and tracking system for tags	<b>200</b>
crocodilian skins, universal tagging system	<b>200</b>
cultivar, definition	<b>566</b>
cultivated parental stock, definition	<b>566</b>
customs union	<b>453</b>
customs, return of documents to Management Authority	<b>333</b>
cuttings of plants	<b>567</b>
cyber-crime	<b>247</b>

## Subject Index

---

### D

Dalbergia, action plan	592
database of annual report statistics	332
database on illegal trade	258
date of acquisition	216
deadline for submission of biennial reports	300
deadline for comments on proposed amendments	467
deadline for communication of nationally established export quotas	519
deadline for identification sheets for newly listed species	519
deadline for nomination of standard reference checklists	599
deadline for objections, postal amendment procedure	467
deadline for quota proposals, Appendix I species	514
deadline for ranching proposals	461
deadline for registration of observers of CoP meetings	355
deadline for reservation on Appendix I or II listing	469
deadline for submission of annual reports	302
deadline for submission of candidatures for the Standing Committee	393
deadline for submission of the costed programme of work	371
deadline for travel claims of members of Committees	399
deadlines for amendment proposals	460
deadlines for preparation and distribution of agendas for dialogue	349
deadlines for the submission of proposals	352
debates in compliance matters	250
decisions of dialogue meetings	350
Decisions of the Conference of the Parties, update by the Secretariat	351
decline, definition	78
deleterious inbreeding	496
delisting of species	346
denunciation of the Convention	484
Depositary Government	484
Depositary Government in Standing Committee	398
derivatives	315
designation of ports of exit and entry	485
destruction of confiscated plants	290
detector dogs	241, 245
detrimental impact of trade	77
developing countries and enforcement	240
developing countries at dialogue meetings	349
developing countries, compliance	254
devil's claw	594

## Subject Index

dialogue meetings	<b>347</b>
diplomatic missions	<b>243</b>
Directory of names and addresses of Management Authorities and other information	<b>336</b>
diseases and parasites acquired by the released animals while held in captivity	<b>268</b>
display to the public	<b>238</b>
display to the public for educational purposes	<b>127</b>
disposal of confiscated live plants, guidelines	<b>284</b>
disposal of confiscated specimens	<b>261</b>
dispute settlement procedure	<b>479, 250</b>
disputes, resolution	<b>479</b>
divisions of plants	<b>567</b>
documentation from States not party to the Convention	<b>340</b>
documents and security measures	<b>178</b>
Documents for sample collections covered by ATA carnets	<b>180</b>
documents, return to the Management Authority	<b>333</b>
documents, expired	<b>332</b>
dogs and the detection of illegal trade	<b>241</b>
domestic laws and regulations, Appendix III listings	<b>472</b>
domestic measures deriving from another treaty	<b>435</b>
domestic sale of ivory, unregulated	<b>626</b>
domesticated forms of listed taxa	<b>598</b>
donation or exchange between scientists or scientific institutions	<b>229</b>
downlisting of species	<b>346</b>
draft resolution or other document, deadline for submission	<b>352</b>
drafting of resolutions by the Standing Committee	<b>395</b>
drawdown from the Trust Fund reserve	<b>362</b>
dried plant	<b>315</b>
duplicate of certificate of ownership	<b>229</b>
duplicate of travelling exhibition certificate	<b>171</b>
duties of members of the Animals Committee and Plants Committee and their alternates	<b>171</b>
duties of the regional representatives in the Standing Committee	<b>413</b>
duty free shops	<b>212</b>

## E

ear	<b>315</b>
Ecomessage	<b>667, 674, 693</b>
e-commerce	<b>246</b>

## Subject Index

economic aspects of from situ production	<b>511</b>
ecotourism, Asian big cats	<b>664</b>
editorial faults in current Resolutions	<b>351</b>
education about plant conservation	<b>578</b>
education campaigns, bushmeat	<b>685</b>
education or training, purpose of import	<b>130</b>
effect on other agreements	<b>435</b>
effects of the Convention on national legislation	<b>431</b>
effects of trade on species, adverse -	<b>238</b>
egg	<b>315</b>
egg (live)	<b>315</b>
eggshell	<b>315</b>
ekipas	<b>635</b>
electronic format, reports	<b>303</b>
electronic permitting	<b>192</b>
electronic permitting toolkit	<b>193</b>
elephant, African -	<b>613</b>
elephant range States, assistance	<b>619</b>
Elephant specimens and non-Parties	<b>341</b>
Elephant Trade Information System (ETIS)	<b>618</b>
embossed seal of the Management Authority	<b>183</b>
enforcement activities of the Secretariat	<b>244</b>
Enforcement Expert Group	<b>674</b>
Enforcement measures	<b>237</b>
enforcement networks, regional	<b>674</b>
enforcement of the Convention for plants	<b>577</b>
enforcement officers, secondment	<b>244</b>
enforcement priorities	<b>244</b>
enforcement promotion	<b>248</b>
enforcement units, tigers	<b>664</b>
enforcement-related training	<b>249</b>
English country names and code elements, ISO	<b>320</b>
entry into effect of Appendix III listings	<b>472</b>
entry into effect of Resolutions and Decisions	<b>353</b>
entry into force of amendments to the Appendices	<b>465</b>
entry into force of amendments to the Convention	<b>476</b>
entry into force of amendments, postal procedure	<b>467</b>
entry into force of the Convention	<b>482</b>
errors or minor editorial faults in current Resolutions	<b>351</b>
essential oil, identification	<b>595</b>
establishment of committees	<b>391</b>
Establishment of the Standing Committee	<b>394</b>
estimates of proposed expenditure over the coming calendar	<b>372</b>
ETIS	<b>621</b>

## Subject Index

ETIS, updated analysis of data	<b>624</b>
European Association of Zoos and Aquaria	<b>508</b>
European Hardwood Federation	<b>583</b>
European Parliament, bushmeat resolution	<b>684</b>
euthanasia	<b>275</b>
from situ breeding operations	<b>509</b>
exchange, commercial	<b>129</b>
exchange between scientists or scientific institutions	<b>229</b>
exchange of intelligence	<b>248</b>
exchange of technical information	<b>249</b>
Executive Director of UNEP	<b>371</b>
Executive Director of UNEP and Standing Committee	<b>420</b>
exemptions	<b>211</b>
exhibitions, travelling -	<b>232</b>
expenses of the Chairs of the Standing Committee, the Animals Committee and the Plants Committee	<b>391</b>
Expert Meeting on the Effective Implementation of the Uplisting of Ramin ( <i>Gonystylus</i> spp.)	<b>448</b>
expired documents	<b>332</b>
export certificate from a Management Authority of the State of introduction of certain marine species	<b>455</b>
export endorsement block on permits	<b>179</b>
Export of Appendix-I specimens	<b>123</b>
Export of Appendix-II specimens	<b>135</b>
Export of Appendix-III specimens	<b>153</b>
export or re-export of confiscated specimens	<b>263</b>
export permit for Appendix III specimens	<b>154</b>
export permits	<b>165</b>
export quota as part of a downlisting proposal	<b>75</b>
Export Quota Working Group	<b>514</b>
export quotas and annual reports	<b>303</b>
export quotas for Appendix II species, national -	<b>514</b>
export quotas for black rhinoceros hunting trophies	<b>525</b>
export quotas for coral rock	<b>174</b>
export quotas for timber species	<b>586</b>
export quotas, caviar	<b>746</b>
export quotas, deadline for communication	<b>519</b>
export quotas, grey parrots	<b>709</b>
export quotas, use of calendar year	<b>518</b>
external-funding	<b>376</b>
externally-funded projects to include Secretariat staff costs	<b>365</b>
extract	<b>315</b>
extraordinary meetings of the Conference of the Parties	<b>344, 475</b>

## Subject Index

### F

facilitation of information exchange among range States	143
facilitation of the payment of outstanding contributions	364
failure to submit annual reports	304
falconers	226
false documents	245
FAO	446
feather	315
fibre	315
fin	315
fin whale, no periodic review during IWC moratorium	440
Finance and Budget Subcommittee of the Standing Committee	365
Finance and Budget Subcommittee of the Standing Committee, terms of reference	372
financial amendment	345
financial and budgetary provisions	362
financial liquidity	363
financial provisions, CoP	357
Financial Regulations and Rules of the United Nations	371
Financing of meetings of the Conference of the Parties	357
financing of the conservation of species of wild fauna and flora	374
Financing of the Secretariat	357
fingerlings	315
first-generation offspring (F1), definition	495
flag States	62
flanks, crocodile -, marking	200
flasked seedlings of Appendix-I orchids	569
flower pot	316
fluctuations	72
fluctuations in population size	72
fluctuations in population size or area of distribution, large -	80
Food and Agriculture Organization	446
foot	316
forensic science profiling of ivory	626
forest law enforcement	448
format for annual reports	313
format for proposals to amend the Appendices	83
format of permits and certificates	161
fossils, coral	764
fragmentation	72

## Subject Index

fragmentation, definition	<b>80</b>
fraudulent use of documents	<b>245</b>
free ports	<b>212</b>
frequency and venues of meetings	<b>392</b>
frequent trans-border movements of personally owned live animals	<b>226</b>
freshwater stingrays	<b>736</b>
freshwater turtles and tortoises	<b>717</b>
frog legs	<b>316</b>
functions of the Secretariat	<b>427</b>
fund raising, oversight by the Standing Committee	<b>395</b>
funding of participation in dialogue meetings	<b>349</b>
funding, external	<b>376</b>
fungi	<b>598</b>

## G

Gaborone amendment	<b>480</b>
gall	<b>316</b>
gall bladder	<b>316</b>
gallbladder, snake -	<b>711</b>
garment	<b>316</b>
GEF	<b>376, 441</b>
general policy guidance on compliance issues	<b>251</b>
general procedures governing the operations of the Fund of UNEP	<b>372</b>
generation length, definition	<b>80</b>
genetic resources, access and benefit sharing	<b>509</b>
genitalia	<b>316</b>
geographic regions, membership of th Standing Committee	<b>396</b>
geographically separate population	<b>51</b>
geographically separate population, definition	<b>51, 77</b>
germplasm, transfer	<b>573</b>
giant clam (Tridacnidae spp.) shells, exemption for personal effects	<b>224</b>
Global Environment Facility	<b>376, 441</b>
Global Strategy for Plant Conservation (GSPC)	<b>442</b>
Global System for the Conservation and Utilization of Plant Genetic Resources (FAO)	<b>573</b>
Global Tiger Forum	<b>662, 664</b>
Global Tiger Initiative	<b>675, 664, 674</b>
Global Tiger Summit	<b>674</b>
glossary on plant annotations	<b>95</b>
gorilla	<b>687</b>
governance systems and the implementation of the Convention	<b>381</b>

## Subject Index

Governing Council of UNEP	<b>371</b>
graft rootstock	<b>316</b>
grafted plants	<b>568</b>
GRASP, Great Apes Survival Project	<b>687, 688, 689</b>
Great Ape Survival Plans, National -	<b>688</b>
great whales, no periodic review during IWC moratorium	<b>440</b>
Great white shark	<b>729</b>
Grey parrots	<b>709</b>
GSPC (Global Strategy for Plant Conservation)	<b>442</b>
guidance and advice to the Secretariat by the Standing Committee	<b>395</b>
guidance on the identification of worked specimens of black coral	<b>174</b>
guide on the appropriate use of source codes	<b>577</b>
Guide to CITES compliance procedures	<b>249</b>
guidelines for a universal labeling system for the trade in and identification of caviar	<b>205 ,751</b>
guidelines for amending the list of personal and household effects of Appendix-II species with quantitative limits	<b>225</b>
Guidelines for evaluating marine turtle ranching proposals	<b>543</b>
Guidelines for management of nationally established export quotas	<b>517</b>
guidelines for regional representation in the Standing Committee	<b>393</b>
guidelines for the disposal of confiscated live animals	<b>267</b>
guidelines for the disposal of confiscated live plants	<b>284</b>
guidelines for the periodic review of the Appendices	<b>106</b>
Guidelines for the preparation and submission of CITES annual reports	<b>305</b>
Guidelines for the registration of nurseries exporting artificially propagated specimens of Appendix-I species	<b>572</b>
Guidelines for the Sustainable Use of Biodiversity	<b>554</b>
Guidelines for transport and preparation for shipment of live wild animals and plants	<b>486</b>
Guidelines on compliance with the Convention	<b>249</b>
guidelines to be followed by the Secretariat when making recommendations in accordance with Article XV, paragraph 2 (b) and (c)	<b>464</b>
Guidelines to develop an action plan on seized and/or confiscated live specimens	<b>298</b>

## H

habitat, quality of -	<b>72</b>
hair	<b>316</b>
handling of live animals	<b>248</b>

## Subject Index

hard corals and permits	<b>173</b>
harmonization of the taxonomy and nomenclature used by biodiversity-related multilateral environmental agreements	<b>600</b>
Harmonized System of the World Customs Organization	<b>584</b>
Harpagophytum	<b>594</b>
Hawksbill turtle	<b>715</b>
Hawksbill turtle, dialogue meetings	<b>347</b>
herbaria	<b>230</b>
herbarium specimens	<b>229</b>
higher taxa	<b>74</b>
higher taxon listings of plants	<b>560</b>
histological preparations	<b>318</b>
holding facilities for live animals and plants	<b>318</b>
horn	<b>316</b>
host countries for the CoP	<b>353, 393</b>
host country for dialogue meetings	<b>349</b>
host country of meetings	<b>393</b>
host Party of extra-ordinary CoP to participate in Standing Committee	<b>398</b>
host Party CoP, member of Standing Committee	<b>396</b>
Houbara bustard	<b>707</b>
housing of live specimens of Appendix I species	<b>127</b>
Humphead wrasse	<b>739</b>
hunting trophy, definition	<b>163</b>
hybrids (animal -), listing in the Appendices	<b>92</b>
hybrids (plant -), listing in the Appendices	<b>91</b>



IABG (International Association of Botanic Gardens)	<b>285</b>
IAC (Inter-American Convention for the Protection and Conservation of Sea Turtles)	<b>717</b>
IATA	<b>490</b>
IATA Live Animals Regulations	<b>183</b>
IATA's Live Animals and Perishables Board	<b>490</b>
IBFRA (International Boreal Forest Research Association)	<b>583</b>
ICCAT	<b>456</b>
ICPO-Interpol	<b>260, 447, 245</b>
identification, training of control officers	<b>248</b>
identification difficulties	<b>598</b>
Identification Manual Committee	<b>416</b>
Identification Manual, role of the Secretariat	<b>417</b>

## Subject Index

identification of Acipenseriformes species	<b>208</b>
identification of bear parts and derivatives	<b>681</b>
identification of crocodylian species, codes	<b>202</b>
identification of essential oil	<b>595</b>
identification of ivory, supply of DNA samples	<b>626</b>
identification of live specimens	<b>196</b>
identification of plant specimens in trade	<b>578</b>
identification of species, advice	<b>417</b>
identification of specimens	<b>195, 427</b>
identification techniques for bushmeat	<b>686</b>
illegal hunting of and trade in elephant specimens, monitoring	<b>618</b>
illegal killing of Asian big cat species	<b>662</b>
illegal trade, damage caused	<b>242</b>
Illegal trade database	<b>258</b>
illegal trade database working group	<b>259</b>
illegal trade in ivory and other elephant specimens, monitoring	<b>621</b>
illegal trade in rhinoceros horn	<b>650</b>
illegal trade in whale meat	<b>438</b>
illegally traded CITES specimens, measures to be taken by Parties	<b>237</b>
illicit international trafficking in forest products	<b>241</b>
illicit, unregulated and unreported fishing	<b>444</b>
illustrated brochure on plant annotations	<b>95</b>
implantable transponders	<b>197</b>
implementation legislation requiring import permits for all CITES species	<b>147</b>
Import of Appendix-I specimens	<b>126</b>
Import of Appendix-II species	<b>147</b>
Import of Appendix-III specimens	<b>154</b>
import permit for Appendix I specimens	<b>126</b>
import permit not for re-exported parts and derivatives	<b>125</b>
import permits	<b>168</b>
import permits as a stricter domestic measure, crocodile products	<b>173</b>
import permits for Appendix-II specimens	<b>147</b>
Imports of Appendix-I specimens via professional dealers	<b>131</b>
improving the effectiveness of the Convention	<b>346</b>
in situ conservation and founder stock	<b>508</b>
inbreeding	<b>496</b>
incentives for sustainable use	<b>383, 553</b>
in-country assistance to achieve compliance	<b>253</b>
in-country technical assessments	<b>255</b>
indicators for the CITES Strategic Vision: 2008-2013, reporting	<b>301</b>
indigenous people	<b>382</b>
individuals, number of -	<b>72</b>
inferred or projected, definition	<b>80</b>
information base to support the making of decisions on appropriate man-	<b>618</b>

## Subject Index

agement, protection and enforcement needs related to elephants	
information on seizures and confiscations	<b>265</b>
Information that should be included in CITES permits and certificates	<b>182</b>
infraction reports	<b>258</b>
infringements, level of sanctions	<b>243</b>
ink stamp of the Management Authority on documents	<b>183</b>
inspection of timber shipments, physical -	<b>586</b>
instruments of accession	<b>480</b>
intention to submit a proposal, information of range states	<b>68</b>
inter-agency committees, enforcement	<b>245</b>
inter-agency cooperation, enforcement	<b>248</b>
Inter-American Convention for the Protection and Conservation of Sea Turtles (IAC)	<b>717</b>
intergovernmental bodies having a function in relation to marine species, consultation	<b>462</b>
intergovernmental bodies, consultation	<b>67</b>
Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES)	<b>449</b>
interim activities by the Standing Committee on behalf of the Conference	<b>395</b>
internal ivory trade	<b>617</b>
international agency or body in accordance with Article XI, paragraph 7 (a), requirements for registration	<b>355</b>
International Animal Health Organization (OIE)	<b>490</b>
International Association of Botanic Gardens	<b>579</b>
International Atomic Energy Agency, observers	<b>354</b>
International Commission on the Conservation of Atlantic Tuna (ICCAT)	<b>456</b>
International Convention on the Regulation of Whaling	<b>435</b>
international cooperation to combat wildlife crime	<b>239</b>
International Criminal Police Organization (ICPO) - Interpol	<b>242</b>
International Experts Workshop on Non-detriment Findings for Bigleaf Mahogany	<b>448</b>
international financial institutions	<b>377</b>
International Maritime Organization	<b>492</b>
International Organization for Standardization, transponders	<b>197</b>
International Plants Protection Convention (IPPC)	<b>490</b>
international trade in all wild fauna and flora is under the purview of the Convention	<b>69</b>
International Tropical Timber Agreement (ITTA)	<b>674</b>
International Tropical Timber Council	<b>448</b>
International Tropical Timber Organization	<b>447</b>
International Union for Forest Research Organizations	<b>583</b>
International Whaling Commission, IWC	<b>435</b>
International Wood Products Association	<b>583</b>
International Workshop on Conservation and Control of Trade in Tibetan	<b>691</b>

## Subject Index

Antelope	
Internet	<b>247</b>
INTERPOL Eco messages	<b>674</b>
Interpol Wildlife Crime Working Group	<b>245, 249</b>
intersessional joint working group to review the use of purpose-of-transaction codes	<b>162</b>
intersessional working group on compliance	<b>249</b>
interventions of observers at CoP meetings	<b>783</b>
introduction from the sea of Appendix-I specimens	<b>133</b>
Introduction from the sea of Appendix-II specimens	<b>149</b>
Introduction from the sea of Appendix-III specimens	<b>155</b>
Introduction from the sea, certificates for maximum one year	<b>149</b>
introduction from the sea, definition	<b>59</b>
Invasive alien species	<b>149</b>
inventories of museums and herbaria	<b>230</b>
inventory of frozen whale parts and derivatives possessed in commercial quantities	<b>439</b>
investigation of criminal actions	<b>248</b>
IPBES	<b>449</b>
IPOA-sharks	<b>734</b>
IPPC	<b>490</b>
island fauna and flora, rare	<b>51</b>
ISO country codes	<b>320, 325</b>
ITTA	<b>447</b>
ITTO	<b>447</b>
IUCN Environmental Law Centre	<b>300, 342</b>
IUCN Guidelines for Reintroduction	<b>272, 288</b>
IUCN Guidelines for the Disposal of Confiscated Animals and Guidelines for Re-introductions	<b>266</b>
IUCN/Species Survival Commission's Specialist Groups	<b>285</b>
IUCN/SSC African and Asian Elephant Specialist Groups	<b>624</b>
IUCN/SSC African and Asian Rhino Specialist Groups	<b>652</b>
IUCN/SSC Reintroduction Specialist Group's 1995 Guidelines	<b>294</b>
IUFRO	<b>583</b>
ivory carving industry	<b>617</b>
ivory stockpiles	<b>637</b>
Ivory Trade Control Procedures Manual	<b>620, 204</b>
ivory, domestic sale	<b>626</b>
ivory, forensic science profiling	<b>626</b>
ivory, marking	<b>203, 617</b>
IWC	<b>435</b>
IWPA	<b>583</b>

## Subject Index

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### J

judiciary	673
jurisdiction, coastal and flag state	457

### K

keeping for sale	238
king cobra	712
knowledge management and reporting, harmonization	301
knowledge of animal and plant trade and management, lack of -	403

### L

label, marking of specimens	196
label for CITES Biological Samples	177
label for specimens exempt under Article VII.6	229
labelling system for the trade in and identification of caviar	205
law enforcement agencies at the regional level	245
Law of the Sea	457
law-enforcement agencies, contact details	245
least developed countries, compliance	254
leather product	316
legal acquisition	124, 135, 153, 340
legal advice and assistance to Parties	257
legislative guidance for and training of CITES authorities	257
length of proposals, maximum -	352
leopard, snow and clouded	661
leopard skins	125
leopard skins, marking	204
leopard trophies and skins for personal use	521
liaison group on transport of live specimens	492
liaison on enforcement matters	244
licensing of crocodile skin traders	201

## Subject Index

licensing of legal exporters of specimens of sturgeon and paddlefish	<b>748</b>
life span of working groups	<b>391</b>
list of personal and household effects of Appendix-II species with quantitative limits, guidelines for amendment	<b>225</b>
List of standard references adopted by the Conference of the Parties	<b>601</b>
Live Animals Regulations, transport	<b>490</b>
live animals, handling	<b>248</b>
live animals, personally owned	<b>226</b>
live animals, pets, marking	<b>205</b>
live rock, coral	<b>766</b>
live rhinos to appropriate and acceptable destinations	<b>653</b>
live specimens, marking	<b>196</b>
live specimens, preparation for shipment	<b>486</b>
live specimens, transport	<b>486</b>
livelihoods	<b>383, 554</b>
livelihoods, revision of draft resolution rejected at CoP 15	<b>384</b>
liver, snake -	<b>711</b>
local and rural communities and illegal trade	<b>248</b>
local communities and trade policies	<b>382</b>
local people	<b>383, 553</b>
local people and markhor	<b>524</b>
log, definition	<b>583, 317</b>
look-alike listing of Lynx species	<b>67, 104</b>
look-alike species	<b>66, 74</b>
lost documents	<b>165</b>
lot identification number for caviar, definition	<b>752</b>
Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora	<b>241</b>
Lusaka Agreement Task Force	<b>449, 627</b>
Lynx species, review	<b>104</b>

## M

Madagascar plant species	<b>596</b>
Madagascar, taxonomy of listed animals	<b>600</b>
Management and tracking system for tags used in the crocodilian skin trade	<b>203</b>
Management Authority	<b>335</b>
management of nationally established export quotas, guidelines	<b>517</b>
mandate, and tasks given to Animals and Plants Committees	<b>403</b>
Manual for regional representatives on the Animals and Plants Committees	<b>415</b>
marine environment (not) under the jurisdiction of any State	<b>60</b>

## Subject Index

marine species	<b>455</b>
marine turtle ranching	<b>542</b>
marked decline	<b>72</b>
markhor hunting trophies	<b>524, 125</b>
markhor quota	<b>524</b>
marking	<b>195</b>
marking of animals in travelling exhibitions	<b>171</b>
marking of Appendix I breeding stock and traded specimens	<b>500</b>
marking of black rhino hunting trophies	<b>527</b>
marking of captive bred animals	<b>196</b>
marking of captive bred Appendix I animals	<b>497</b>
marking of caviar	<b>751</b>
marking of ivory	<b>203, 617</b>
marking of leopard skins	<b>523</b>
marking requirements for trade in specimens of taxa with populations in both Appendix I and Appendix II	<b>195</b>
meat	<b>317</b>
medicines, tiger parts	<b>661</b>
meetings between range States	<b>347</b>
meetings of the Conference of the Parties	<b>343</b>
meetings of the Conference of the Parties, regional sessions	<b>346</b>
meetings, restricted number of Committee meetings	<b>393</b>
members of the Animals Committee and Plants Committee and their alternates, duties	<b>413</b>
members of the Animals Committee	<b>407</b>
members of the Plants Committee	<b>411</b>
members of the Standing Committee	<b>397</b>
membership of the Animals and Plants Committees, review	<b>407</b>
membership of the Animals Committee and the Plants Committee	<b>406</b>
membership of the Panel of Experts, African elephant	<b>632</b>
membership of the Standing Committee	<b>396</b>
menagerie	<b>232</b>
methods of shipment linked to Internet trade	<b>247</b>
microchip transponders	<b>196</b>
migratory species and quota systems	<b>517</b>
MIKE	<b>618</b>
MIKE, updated analysis of data	<b>624</b>
minimum list of parts and derivatives	<b>53</b>
mislabeling	<b>242</b>
mistake in Article XIV.5	<b>456</b>
mistakes in the text of the Convention	<b>344</b>
mitigation of the potential impact on the core budget for the triennium 2014-2016	<b>363</b>
mixed species plantations	<b>591</b>

## Subject Index

model for permits and certificates	<b>184</b>
monitoring and assessing overall compliance, Standing Committee	<b>251</b>
monitoring and reporting in relation to ranching	<b>540</b>
monitoring of granted and actually used export permits for Appendix II specimens	<b>135</b>
monitoring of illegal hunting of and trade in elephant specimens	<b>618</b>
monitoring of illegal trade in ivory and other elephant specimens	<b>621</b>
monitoring of Internet-related wildlife trade	<b>246</b>
monitoring of the effectiveness of protection offered by the Convention	<b>71</b>
monitoring programme for trade in coral rock	<b>174</b>
Monitoring the Illegal Killing of Elephants (MIKE)	<b>622</b>
monitoring the implementation of the Convention	<b>300</b>
monospecific plantations	<b>569</b>
mortality in shipments of live specimens	<b>491</b>
MoU between CITES and FAO	<b>447</b>
Multilateral Measures, working group	<b>432</b>
museum specimens, embedded -	<b>229</b>
Musk deer	<b>695</b>

## N

names of the persons empowered to sign permits and certificates to be communicated to the Secretariat	<b>336</b>
national and regional action plans for enforcement and compliance	<b>242</b>
National Biodiversity Institute of South Africa	<b>384</b>
national enforcement agencies, liaison	<b>244</b>
national export quotas for Appendix II species	<b>514</b>
National Great Ape Survival Plans	<b>688</b>
National Legislation Project	<b>256, 252,</b>
National Legislation Project, transport of live specimens	<b>492</b>
national or regional identification manuals	<b>417</b>
National Plan of Action for the Conservation and Management of Shark Stocks	<b>734</b>
natural history museums	<b>230</b>
near future, definition	<b>81</b>
needs of local people	<b>383</b>
next host Party, member of Standing Committee	<b>396</b>
Nile crocodile	<b>528</b>
nomenclatural issues, tasks of Animals and Plants Committees	<b>404</b>
nomenclatural references for animal and plant taxa, standardized -	<b>404</b>
nomenclature	<b>597</b>

## Subject Index

nomenclature changes and scope of listing	<b>405</b>
Nomenclature Committee	<b>418</b>
nomenclature in permits and certificates	<b>164</b>
nomenclature experts in Animals and Plants Committee	<b>407</b>
non- detrimental purposes of import	<b>126</b>
non-commercial loan, donation or exchange between scientists or scientific institutions	<b>229</b>
non-consumptive use	<b>383</b>
non-Customs zones	<b>212</b>
non-detriment finding for quotas	<b>518</b>
non-detriment findings for hybrids	<b>92</b>
non-detriment findings	<b>773</b>
non-Party States	<b>339</b>
non-reusable label for caviar marking, definition	<b>206</b>
non-reusable tags for crocodylian specimens	<b>200</b>
notification of a compliance matter	<b>253</b>
NPOA-Sharks	<b>734</b>
number of individuals, decrease	<b>72</b>
number of representatives per region on the Standing Committee	<b>396</b>
nurseries and confiscated plants	<b>285</b>
nurseries, registration	<b>572</b>

## O

objection to amendment proposal in postal procedure	<b>467</b>
observer fee, CoP meetings	<b>354</b>
observers CoP	<b>354</b>
observers at dialogue meetings	<b>348, 348348</b>
observers Standing Committee, invitation by the Chair	<b>398</b>
observers, deadline for registration	<b>355</b>
observers, invitation by Chair of Animals and Plants Committees	<b>407</b>
offer for sale of specimens of species listed in Appendix I	<b>246</b>
offspring of second generation (F2) or subsequent generation (F3, F4, etc.), definition	<b>495</b>
OIE/World Animal Health Organization	<b>490, 492</b>
oil	<b>317</b>
omission in the text of the Convention, live Appendix-I specimens introduced from the sea	<b>486</b>
open-ended intersessional working group on compliance	<b>249</b>
operating cash reserve, minimum	<b>363</b>
operational and technical issues, definition	<b>401</b>

## Subject Index

operational direction to the Secretariat by the Standing Committee	<b>395</b>
options for disposal of confiscated live animals	<b>268</b>
orang-utan	<b>687</b>
Orchidaceae, standard references	<b>600</b>
Organization of American States	<b>258</b>
orthographical changes in the lists of species	<b>599</b>
over-expenditure of the budget	<b>374</b>

## P

Pancake tortoise	<b>722</b>
Panel of Experts, African elephant	<b>631</b>
participation fee, CoP meetings	<b>354</b>
Parties present and voting, definition	<b>464</b>
parts and derivatives of plants	<b>561</b>
parts and derivatives, bears	<b>681</b>
Party, definition	<b>63</b>
Party, extension of the definition	<b>482</b>
penalization of illegal trade	<b>238, 256</b>
penalization of violations	<b>243</b>
per diem of committee members and other representatives of developed countries	<b>365, 398, 414</b>
percentage decline	<b>78, 79, 82</b>
periodic reports on implementation of the Convention	<b>299</b>
periodic review of Appendix III listings	<b>118</b>
periodic review of biological and trade status of species	<b>403</b>
periodic review of the Appendices, protocol for the assessment of taxa	<b>108</b>
Perishable Cargo Regulations, transport	<b>490</b>
Permanent Court of Arbitration at The Hague	<b>479</b>
permit and certificate numbers	<b>161</b>
permit model	<b>184</b>
permits and certificates for coral specimens	<b>173</b>
permits and certificates for crocodylian specimens	<b>172</b>
Permits and certificates for species subject to quotas	<b>172</b>
Permits and certificates for timber species	<b>175</b>
permits and certificates issued by States not party to the Convention	<b>340</b>
persistent offenders, information of the Secretariat	<b>245</b>
personal effects and household goods	<b>217, 221, 225</b>
personal or household effect, definition	<b>221</b>
personal or household effects, retrospective permitting	<b>178</b>

## Subject Index

personally owned live animals	<b>222, 226</b>
personally owned live animals, marking	<b>228</b>
pet trade	<b>497</b>
pets	<b>226</b>
pets, marking	<b>228</b>
physical examinations of goods	<b>248</b>
physical inspection of timber shipments	<b>586</b>
phytogenetic resources, rights over -	<b>573</b>
phytosanitary certificates	<b>171</b>
plant exhibition, travelling	<b>232</b>
plant health certificates	<b>171</b>
Plant parts and derivatives	<b>171</b>
plant quarantine, agreements	<b>561</b>
plant trade	<b>559</b>
plant trade, annual reporting	<b>308</b>
Plants Committee	<b>403</b>
plate	<b>317</b>
plywood, definition	<b>584</b>
policy guidance on compliance issues	<b>251</b>
policy issues, definition	<b>401</b>
political missions related to great apes	<b>689</b>
population size	<b>81</b>
population studies as a basis for management programmes	<b>258</b>
population, definition	<b>81</b>
populations, listing	<b>51, 70</b>
port States	<b>62</b>
ports of exit and entry	<b>485</b>
possession of illegal specimens	<b>238</b>
possibly extinct, definition	<b>82</b>
postal amendment procedure	<b>466</b>
postal procedure, summary	<b>468</b>
potential conflicts of interest of Animals and Plants Committee members	<b>415</b>
precautionary approach	<b>69</b>
precautionary measures, listing	<b>75</b>
precautionary principle	<b>68</b>
pre-Convention acquisition of personal and household effects	<b>217</b>
pre-Convention acquisition	<b>213</b>
pre-Convention certificates, simplified procedure	<b>176</b>
pre-Convention wool of vicuña	<b>180</b>
preliminary report form to be used for reporting incidents of wildlife crime, illegal trade, poaching of endangered species or significant intelligence	<b>666</b>
preparation and shipment of live specimens	<b>486</b>
pressed caviar, definition	<b>752</b>
pressed caviar, marking	<b>206</b>

## Subject Index

previous host Party, member of Standing Committee	<b>396</b>
primarily commercial purposes	<b>125</b>
primary caviar container, definition	<b>207</b>
priorities for enforcement	<b>244</b>
priorities in developing the standard reference lists of animal and plant names and synonyms	<b>404</b>
private scientific collections	<b>231</b>
procedures for amending the Appendices	<b>459</b>
procedures for consultation of range states and intergovernmental bodies	<b>67</b>
procedures of the Standing Committee	<b>398</b>
proceedings of regionals sessions during a CoP	<b>346</b>
processing plant, caviar, definition	<b>752</b>
producer countries and enforcement	<b>240</b>
production costs of publications prepared by the Animals and Plants Committees	<b>415</b>
productivity of a population	<b>78</b>
progress reports on compliance	<b>255</b>
proof of foreign law	<b>433</b>
propagated specimens of Appendix-I plants from non-Parties	<b>341</b>
property rights and captive breeding	<b>508</b>
proposals for the transfer of African elephant populations from Appendix I to Appendix II	<b>629</b>
proposals for timber species	<b>460</b>
proposals to transfer populations from Appendix I to Appendix II for ranching	<b>537</b>
proposals with budgetary implications	<b>365</b>
proposals, amendment Appendices	<b>459</b>
proposed amendment, text	<b>460</b>
proposed recipient of a living Appendix I specimen	<b>127</b>
prosecuting agencies	<b>245</b>
prosecution of violations of the Convention	<b>249, 673</b>
prosecutors	<b>673</b>
provision of a service	<b>129</b>
provision of technical equipment and support	<b>143</b>
provisional agenda for dialogue meetings, deadlines for preparation and distribution	<b>349</b>
public health, agreements	<b>435</b>
public notification of a compliance matter	<b>253</b>
publication of the Appendices	<b>428</b>
publication of the Appendices together	<b>117</b>
publications prepared by the Animals and Plants Committees, production costs	<b>415</b>
purely private use	<b>130</b>
purpose codes	<b>331</b>

## Subject Index

---

purpose codes on permits and certificates	162
---	-----

### Q

quality of habitat	72
queen conch ( <i>Strombus gigas</i> ) shells, exemption for personal effects	223
quorum for plenary sessions of the CoP	465
quota species and non-Parties	342
quota species, marking	199
quota system, history	527
quota systems	110, 513
quota, markhor	524
quotas for and trade in raw ivory	619
quotas for Appendix I species, deadline for proposals	514
quotas for species included in Appendix I	514

### R

rainsticks of <i>Cactaceae</i> spp., exemption for personal effects	223
ranching	535
ranching and trade with non-Parties	342
ranching of crocodylians	537
ranching of plant species	568
ranching proposals and marking	199
ranching proposals, deadline	461
ranching, definition	537
ranching, marine turtles	542
range States, consultation	67
range States, dialogue meetings	347
ratification, acceptance and approval of the Convention	480
raw ivory and annual reports	308
raw ivory, definition	616
readily recognizable part or derivative	53
readily recognizable part or derivative, tigers	663
readily recognizable parts and derivatives, plants	94
readily recognizable, shatoosh	692
recent lineage, interpretation	92

## Subject Index

recognition of the benefits of trade in wildlife	<b>383</b>
recommendations for achieving compliance	<b>249</b>
recommendations by the Secretariat for the adoption or rejection of amendment proposals	<b>462</b>
record of progress, significant trade review	<b>143</b>
records of trade	<b>299</b>
recovery of the costs of confiscation and disposal of confiscated specimens	<b>266</b>
recruitment, decrease	<b>72</b>
recruitment, definition	<b>82</b>
reduction of reporting burden on Parties	<b>301</b>
reduction of species in Appendix III	<b>120</b>
re-export, definition	<b>59</b>
re-export and specimens that were introduced from the sea	<b>59</b>
re-export certificates, content	<b>165</b>
Re-export of Appendix-I specimens	<b>132</b>
Re-export of Appendix-II specimens	<b>147</b>
Re-export of Appendix-III specimens	<b>155</b>
re-export of caviar	<b>166</b>
re-export of confiscated specimens	<b>263</b>
re-export tag on crocodile skins	<b>201</b>
reference annotations	<b>93</b>
referral procedure, Clearing House	<b>402</b>
refusal of the import of illegal specimens	<b>262</b>
regional action plans for enforcement and compliance	<b>242</b>
regional economic integration organizations	<b>481, 477</b>
regional enforcement networks and illegal trade in tiger parts	<b>674</b>
Regional Fisheries Management Organizations	<b>62</b>
regional identification manuals	<b>735</b>
regional law-enforcement agreements	<b>417</b>
regional meetings between meetings of the Conference of the Parties	<b>399</b>
regional representation in the Standing Committee, guidelines	<b>393</b>
regional representatives in the Standing Committee, duties	<b>399</b>
regional representatives in the Standing Committee, election	<b>391</b>
regional representatives on the Animals and Plants Committees, manual	<b>415</b>
regional representatives, template for reports to the Standing Committee	<b>400</b>
Regional Trade Agreements	<b>453</b>
register of commercial breeding operations, application form	<b>505</b>
register of commercial nurseries	<b>573</b>
register of manufacturers able to produce tags for the marking of crocodilian skins	<b>200</b>
register of species included in the significant trade review process	<b>200</b>
registered institutions, coding system	<b>143</b>
registration of crocodile skin traders	<b>201</b>
registration of nurseries	<b>572</b>

## Subject Index

registration of operations that breed Appendix-I animal species for commercial purposes	<b>498</b>
registration of scientific institutions, standards	<b>231</b>
registration system for caviar processing plants	<b>748</b>
regular meetings of the Conference of the Parties	<b>343</b>
reintroduction, definition	<b>272</b>
relationship between the origin of founder breeding stock, commercial breeding and in situ conservation	<b>508</b>
release of confiscated animals into existing wild populations	<b>268</b>
repackaging plant, caviar, definition	<b>752</b>
repatriation of confiscated animals	<b>272</b>
repatriation of confiscated plants	<b>288</b>
replacement of documents	<b>165</b>
report of alleged infractions	<b>244</b>
report on enforcement matters	<b>249</b>
reporting burden on Parties to be kept to a minimum	<b>305</b>
reporting burden on Parties, reduction	<b>301</b>
reporting in relation to ranching	<b>540</b>
reporting of illegal elephant hunting, standardized methodology	<b>623</b>
reporting of regional members of the Standing Committee at regional sessions during meetings of the Conference of the Parties	<b>347, 399</b>
reporting of the Standing Committee	<b>395</b>
reporting on indicators for the CITES Strategic Vision: 2008-2013	<b>301</b>
reporting practices, survey in relation to artificially propagated plants	<b>334</b>
reporting system on trade in toothfish, abolished by CoP	<b>445</b>
reports from the Secretariat to the CoP	<b>346</b>
reports in electronic format	<b>303</b>
representatives, support by Parties	<b>392</b>
rescue centers for seized or confiscated tortoises and freshwater turtles	<b>721</b>
rescue centre for confiscated live specimens	<b>261</b>
rescue centre, definition	<b>262</b>
research for the development of substitutes	<b>127</b>
research laboratories and confiscated animals	<b>269</b>
research laboratories and confiscated plants	<b>286</b>
reservation, need for renewal after transfer of species	<b>470</b>
reservations	<b>469, 483</b>
reservations and reporting	<b>305</b>
reservations, different for Appendix III	<b>472</b>
reservations, review	<b>432</b>
Resolution Conf. 9.24, review process	<b>112</b>
resolution of disputes	<b>479</b>
Resolutions and Decisions, entry into effect	<b>353</b>
Resolutions, consistent implementation by the Parties	<b>432</b>
Resolutions, recommendations and decisions	<b>350</b>

## Subject Index

resource ownership	<b>508</b>
resource persons at dialogue meetings	<b>349</b>
restoration and conservation of the species included in Appendices I, II and III	<b>345</b>
restricted area of distribution	<b>72</b>
retrospective issue of permits and certificates	<b>177</b>
retrospective permitting for personal or household effects	<b>178</b>
return of unused permits	<b>180</b>
return to State of export of confiscated live specimens	<b>261</b>
return to the wild of confiscated animals	<b>272</b>
reverse listing	<b>109</b>
review of animal species in the Appendices	<b>104</b>
review of annotations for Cactaceae and Orchidaceae evaluation of trade in finished products	<b>96</b>
review of Resolution Conf. 9.24, terms of reference	<b>114</b>
review of Significant Trade, terms of reference for an evaluation	<b>144</b>
review of the Appendices	<b>103</b>
review of the recommendations to Parties to provide special reports	<b>301</b>
review of the use of purpose-of-transaction codes, intersessional joint working group	<b>162</b>
review of trade suspensions	<b>255</b>
revision of the Bern criteria	<b>111</b>
rewards for information on illegal practices	<b>249</b>
rhinoceros	<b>647</b>
rhinoceros horn, stocks	<b>650</b>
rhinoceros populations, decline	<b>650</b>
rhinoceros, black	<b>525</b>
right of observers to participate in CoP meetings	<b>354</b>
risk analysis	<b>248</b>
risk assessment	<b>248</b>
risks of from situ production	<b>511</b>
roe	<b>314</b>
role of species in the ecosystem	<b>135</b>
role of the Secretariat, amendment proposals	<b>461</b>
root	<b>317</b>
root-stock of grafted plants	<b>568</b>
Rules of Procedure, Animals and Plants Committees	<b>391</b>
Rules of Procedure CoP	<b>777</b>
Rules of Procedure CITES dialogue meetings	<b>348</b>
Rules of Procedure, Standing Committee	<b>793</b>
rural communities, bushmeat	<b>684</b>

## Subject Index

### S

safari parks	269
Saiga antelope	701
sale of confiscated specimens	263
sale of ivory, domestic	626
salvaged plant specimens	579
sample application form, registration of commercial breeding operation	505
sample collections	212
sample collection, definition	180
sample collections covered by ATA carnets	235
sanctions for infringements	243
sawn wood, definition	583
scale	318
scale of contributions for the biennium 2012-2013	366
schedule for the Periodic Review of the Appendices	106
schedule of payments of arrears	364
scientific advice and guidance by the Animals and Plants Committees	404
Scientific Authorities, nomenclatural issues	600
Scientific Authorities	336
scientific consultants	365
scientific institutions, reporting	334
scientific purposes of import	130
scientific research in the interest of the survival of the species	126
scientists and scientific institutions	229
sea cucumbers	755
sea turtles, guidelines for ranching	543
seahorses ( <i>Hippocampus</i> spp., exemption for personal effects)	223
seating of observers at CoP meetings	355
secondary container for caviar, definition	752
secondment of enforcement officers	244
secretarial services to committees	392
Secretariat	419
Secretariat findings and recommendations on amendment proposals	462
Secretariat functions	427
Secretariat staff costs to be included in externally funded projects	365
Secretariat, financing	357
Secretariat, quarterly report to Budget and Finance Subcommittee	374
secure funding to support the provision of technical assistance	377
security measures in relation to documents	178
security paper for permits and certificates	161, 164

## Subject Index

security stamp	<b>164, 179</b>
seeds and spores of wild origin for propagation	<b>567</b>
seized and/or confiscated live specimens, guidelines to develop an action plan	<b>298</b>
seizure and confiscation of illegal specimens	<b>261</b>
selection of members and alternate members of the Animals and Plants Committees by regions	<b>347</b>
selection of members and alternate members of the Standing Committee by regions	<b>347</b>
selection of regional members and alternate regional members on the Standing Committee, guidelines	<b>393</b>
shahtoosh	<b>691</b>
sharks	<b>725</b>
shell	<b>318</b>
shipment of live specimens	<b>486</b>
shortfall in budgetary resources	<b>371</b>
side	<b>318</b>
signature of the Convention	<b>479</b>
signatures of persons issuing permits	<b>336</b>
significant trade review	<b>137</b>
significant trade, list of species	<b>405</b>
significant trade, plants	<b>564</b>
simplified permitting for registered persons and bodies	<b>177</b>
simplified procedures to issue permits and certificates	<b>176</b>
single market	<b>453</b>
skeleton	<b>318</b>
skin	<b>318</b>
skin piece	<b>318</b>
small crocodilian leather products	<b>173</b>
small island developing States, compliance	<b>254</b>
small wild population	<b>81</b>
snake farms	<b>712</b>
snakes	<b>711</b>
sniffer dogs	<b>241</b>
snow leopard	<b>661</b>
Snow Leopard Network	<b>662, 664</b>
socio-economic factors to be taken into account when listing species	<b>69</b>
soft law, Resolutions and Decisions	<b>353</b>
sound and relevant scientific information to be foundation for listing decisions	<b>69</b>
source code for caviar	<b>207</b>
source codes	<b>163, 331</b>
South American freshwater stingrays	<b>736</b>
souvenirs	<b>220</b>

## Subject Index

space for observers at CoP meetings	<b>355</b>
SPAW Protocol	<b>717</b>
species of least concern	<b>140</b>
species of possible concern	<b>140</b>
species of urgent concern	<b>140</b>
species, definition	<b>51</b>
species-specific Resolutions, consolidation	<b>690</b>
specimens covered by the Convention, summary	<b>56, 53</b>
specimens of crocodylian species, exemption for personal effects	<b>223</b>
spectacled cobra	<b>712</b>
split-listing	<b>52</b>
Sponsored Delegates Project	<b>356</b>
spores of wild origin for propagation	<b>567</b>
SPT-TCA	<b>583</b>
SSC Conservation Breeding Specialist Group	<b>197</b>
staffing decisions authority of Secretary-General	<b>366</b>
standard form for permits and certificates	<b>161</b>
standard format for annual reports	<b>306</b>
standard nomenclature	<b>597</b>
standard nomenclatures in permits and certificates	<b>164</b>
standard participation charge for observer organizations	<b>365</b>
standard reference lists of animal and plant names and synonyms, priorities for development	<b>404</b>
standard references adopted by the Conference of the Parties	<b>601</b>
Standardization of CITES permits and certificates	<b>160</b>
standardized nomenclatural references for animal and plant taxa	<b>404</b>
standards for registration of scientific institutions	<b>231</b>
Standing Committee	<b>393</b>
Standing Committee and the Executive Director of UNEP , agreement	<b>420</b>
Standing Committee membership	<b>396</b>
Standing Committee procedures	<b>394</b>
Standing Committee, current membership	<b>397</b>
Standing Committee, duties of members	<b>399</b>
Standing Committee, history	<b>389</b>
Standing Committee, Rules of Procedure	<b>793</b>
Standing Committee, terms of reference	<b>395</b>
state of usual residence, personal effects acquired outside -	<b>217</b>
state where removal from the wild occurred and personal effects	<b>217</b>
States not party to the Convention	<b>339</b>
States not Party to the Convention, observers	<b>354</b>
States not Parties to the Convention and captive breeding	<b>341</b>
States not Party to the Convention and elephant specimens	<b>341</b>
States not Party to the Convention and ranching	<b>342</b>
States not party to the Convention, permits and certificates	<b>340</b>

## Subject Index

status of species included in Appendices I and II, review	<b>71</b>
stingrays	<b>736</b>
stocks, fish -	<b>52</b>
stocks of tiger bone	<b>664</b>
stony corals and annual reports	<b>309</b>
stricter domestic measures	<b>435</b>
stricter domestic measures, consultation	<b>433</b>
stricter domestic measures, review	<b>432</b>
stricter domestic measures, timber	<b>434</b>
stuffed body	<b>319</b>
Sturgeons and paddlefish	<b>743</b>
St. Petersburg Declaration on Tiger Conservation	<b>675</b>
subcategories of a species	<b>70</b>
submission of annual reports	<b>332</b>
submission of reports in electronic format	<b>303</b>
subpopulation, definition	<b>81</b>
subpopulation, definition of small and very small -	<b>81</b>
subpopulations, geographically separate	<b>52</b>
subpopulations, decrease of the number of -	<b>72</b>
Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) of CBD	<b>555</b>
subspecies	<b>51, 70, 598</b>
subspecies, listing of	<b>53</b>
substantive annotations	<b>94</b>
substitutes for bear parts	<b>682</b>
substrate, coral	<b>766</b>
succulent Euphorbia species	<b>58</b>
supporting statement for proposals	<b>351</b>
supporting statements of amendment proposals	<b>460</b>
surplus specimens	<b>127, 131</b>
surplus specimens of hobby breeders	<b>510</b>
survey of reporting practices for artificially propagated plants	<b>334</b>
suspension of commercial or all trade in specimens as result of compliance matter	<b>254</b>
suspension of trade	<b>76, 257</b>
sustainable use of seaturtles	<b>543</b>
sustainable use of biodiversity	<b>553</b>
sustainable use of wild fauna and flora	<b>383, 509</b>
sustainable use, CBD definition	<b>554</b>
sustainably managed tropical forests	<b>448</b>
swim bladder	<b>318</b>
synergies between CITES and CBD, Vilm report	<b>441</b>
synergy between their implementation of CITES and CBD at the national level	<b>555</b>

## Subject Index

synergy with CBD	<b>440</b>
------------------	------------

### T

tag, live specimens	<b>196</b>
tag manufacturers	<b>203</b>
TAG, technical advisory group of MIKE and ETIS	<b>622</b>
tags and permits	<b>172</b>
tags used in the crocodylian skin trade, management and tracking system	<b>203</b>
tail	<b>318</b>
tariff classifications of the Harmonized System of the World Customs Organization	<b>584</b>
tasks of regional meetings during a CoP	<b>346</b>
taxonomic authority, definition	<b>598</b>
taxonomic serial numbers	<b>601</b>
technical assessment missions	<b>253</b>
technical cooperation, tiger conservation	<b>662</b>
technical missions to gorilla range States	<b>690</b>
template for reports of regional representatives to the Standing Committee	<b>400</b>
ten-year review of the Appendices	<b>105</b>
terminology to be used in annual reports	<b>314</b>
terms of office of the regional members of the Standing Committee	<b>394</b>
terms of reference for specific science-based projects	<b>365</b>
Terms of Reference for the Administration of the Trust Fund	<b>370</b>
Terms of Reference for the Administration of the Trust Fund, review by Standing Committee	<b>363</b>
Terms of Reference for the Finance and Budget Subcommittee of the CITES Standing Committee	<b>372</b>
Terms of reference for the Standing Committee	<b>395</b>
terms of reference of dialogue meetings	<b>347</b>
Terms of Reference of the Animals Committee and the Plants Committee	<b>403</b>
TETF, Tiger Enforcement Task Force	<b>659</b>
text of the Convention, mistakes	<b>344</b>
text of the proposed amendment	<b>460</b>
threatened with extinction, definition	<b>82</b>
threatened with extinction, criteria	<b>71</b>
Tibetan antelope	<b>691</b>
tie vote in Standing Committee	<b>398</b>
tiger bone substitutes	<b>661</b>
tiger bone stocks, destruction	<b>664</b>
Tiger Enforcement Task Force	<b>659</b>
tiger skins	<b>661</b>
tiger trade control policies, domestic review	<b>673</b>
tigers	<b>655</b>
tigers and other Asian big cat species, captive breeding	<b>664</b>
tigers, captive breeding - commercial	<b>674</b>

## Subject Index

TIGR (The Institute for Genomic Research) Reptile Database	<b>711</b>
timber	<b>319</b>
timber and annual reports	<b>577</b>
timber identification materials	<b>581</b>
timber industry and bushmeat	<b>684</b>
timber shipments, physical inspection	<b>586</b>
timber species and CITES	<b>580</b>
timber species, consultation of international organizations	<b>582</b>
timber species, export quotas	<b>586</b>
timber, artificially propagated	<b>569</b>
time and venue of a CoP	<b>353</b>
time validity of certificates of origin	<b>169</b>
time validity of certificates of ownership issued for live animals as personal or household effects	<b>228</b>
time validity of documents for timber species	<b>175</b>
time validity of export permits and re-export certificates	<b>166</b>
time validity of import permits	<b>168</b>
time validity of travelling exhibition certificates	<b>170</b>
time-limit for response about alleged infraction	<b>244</b>
timetable for compliance	<b>253</b>
timing of replacement of members and alternate members of the Standing Committee	<b>394</b>
TIR carnet	<b>234</b>
tool-kit for changes to nomenclatural databases	
toolkit for electronic permitting	
toolkit for the rapid assessment at the national level of the positive and negative impacts of implementing CITES listing decisions on the livelihoods of the poor	<b>600</b>
tooth	<b>318</b>
toothfish, cooperation with CCAMLR	<b>443</b>
Tortoise and Freshwater Turtle Specialist Group	<b>722</b>
tourist souvenir specimens	<b>224</b>
tourist souvenir, definition	<b>222</b>
trade among the States members of a union agreement	<b>453</b>
trade in ivory, future decision-making mechanism	<b>634</b>
trade in leopard trophies and skins for personal use	<b>521</b>
trade in ranched specimens	<b>540</b>
trade in raw ivory, quotas	<b>619</b>
trade policy and economic incentives	<b>380</b>
trade suspension	<b>76</b>
trade suspension for failure of submitting annual reports	<b>304</b>
trade with States not Party to the Convention	<b>339</b>
trade, definition	<b>58</b>
traditional medicine	<b>759</b>
traditional medicine communities	<b>665</b>
traditional medicine, snakes	<b>711</b>
traditional medicine, tortoises	<b>719</b>
traditional-medicine communities in relation to bears	<b>682</b>
TRAFFIC International	<b>451, 621</b>

## Subject Index

training of conservation staff	143
trans-border movements of personally owned live animals	226
transfer of resources within activity lines of the costed programme of work	371
transit	211
transit from non-Parties	341
transponders	197
transport of live specimens	486
transshipment	211
travel claims of members of the Standing Committee, deadline	399
travel costs and per diem of committee members and other representatives of developed countries	365
Travel expenses of Animals and Plants Committee Chairs	414
travel expenses of committee members	391
travel expenses of members of the Standing Committee	398
travel expenses of regional members of the Animals Committee and Plants Committee	414
travel expenses of the Chair of the Standing Committee	399
travelling exhibition	232
travelling exhibition certificate	169
travelling exhibition certificate	187, 189
travelling live animal exhibitions, marking of specimens	205
travelling live animal exhibitions, reporting	305
travelling zoo	232
Treaty for Amazonian Cooperation	583
troops serving under the flag of the United Nations	243
trophies of Asian big cats	665
trophy	319
trophy, definition	163
tropical timber species, consultation of ITTO on proposals for listing	448
Trust Fund and Standing Committee	395
Trust Fund appropriations	371
Trust Fund reserve, drawdown 2012-2013	362
Trust Fund reserve, minimum	363
Trust Fund, terms of reference	370
tubers	317
Tupinambis worked skins or pieces thereof	179
turtle ranching	542
tusk	319
types of biological samples and their use	191

## U

UCBD	583
UN Convention against Corruption	241
UN Convention against Transnational Organized Crime	241

## Subject Index

UN Office on Drugs and Crime	<b>242, 260</b>
uncommitted appropriations	<b>371</b>
UNCTAD	<b>686</b>
UNDP	<b>686</b>
UNEP	<b>686</b>
UNEP World Conservation Monitoring Centre	<b>428</b>
UNEP-WCMC caviar trade database	<b>749</b>
UNESCO	<b>688</b>
uniform marking system, ranched specimens	<b>199</b>
uniform marking system, definition	<b>199</b>
union or regional trade agreement	<b>453</b>
Union pour le Commerce des Bois Durs dans l'U.E.	<b>583</b>
unique control number on permits	<b>183</b>
unique serial identification number, crocodile skin tags	<b>200</b>
unit dedicated to investigating wildlife crime linked to the Internet	<b>246</b>
United Nations and its specialized agencies, observers	<b>354</b>
United Nations Commission on Crime Prevention and Criminal Justice	<b>241</b>
United Nations Conference on the Law of the Sea	<b>62, 457</b>
United Nations Conference on Trade and Development	<b>686</b>
United Nations Population Fund	<b>686</b>
United Nations scale of assessment	<b>363</b>
United Nations Standard Country or Area Code for Statistical Use	<b>320</b>
United Nations Terminology Bulletin	<b>320</b>
units of measurement in permits, certificates and reports	<b>164, 320</b>
universal labeling system for the trade in and identification of caviar	<b>749, 751</b>
universal tagging system for the identification of crocodilian skins	<b>200</b>
unregulated domestic sale of ivory	<b>626</b>
unused documents	<b>180</b>
update of Decisions after each meeting of the Conference of the Parties	<b>351</b>
U.S. Fish and Wildlife Service, Clark R. Bavin National Fish and Wildlife Forensic Laboratory	<b>450</b>

## V

vacancies in the Animals and Plants Committees	<b>392</b>
varieties, covered by 'species' and 'subspecies'	<b>52</b>
vener sheets	<b>319</b>
vener sheets, definition	<b>584</b>
venom, snake -	<b>711</b>
venue of CoP meeting	<b>353</b>
venues of meetings	<b>392</b>

## Subject Index

verification missions	<b>253</b>
verification of information of information on a compliance matter	<b>253</b>
vernacular names of timber species	<b>581</b>
very small wild subpopulation	<b>82</b>
veterinary quarantine, agreements	<b>435</b>
Vicuña	<b>548</b>
vicuña cloth imports	<b>180</b>
violation of the Convention	<b>239</b>
vivisection	<b>269</b>
voluntary guidelines for Parties to address the negative impacts of Cites listings on livelihoods	
voluntary national export quotas for Appendix II species	<b>172, 515</b>
vulnerability, high -	<b>72</b>
vulnerability, definition	<b>82</b>

## W

warning to Party in case of non-compliance	<b>253</b>
wax	<b>319</b>
WAZA	<b>488</b>
WCO	<b>447, 260, 747</b>
websites adhering to codes of conduct	<b>247</b>
Whale shark	<b>728</b>
whales	<b>435</b>
WHO	<b>760</b>
Wiki Identification Manual	<b>417</b>
wild population, definition	<b>81</b>
wildlife detector dogs	<b>248</b>
withdrawal of amendment proposals	<b>465</b>
withdrawal of Appendix III listings	<b>472</b>
withdrawal of trade suspensions	<b>255</b>
wood, sawn	<b>318</b>
worked ivory, definition	<b>616</b>
worked ivory, readily recognizable	<b>56</b>
worked skins or pieces thereof of Tupinambis species	<b>179</b>
working group on an illegal trade database	<b>259</b>
Working Group on CITES and Livelihoods	<b>384</b>
working group on compliance	<b>249</b>
Working Group on Information Technologies and Electronic Systems, man-	<b>193</b>

## Subject Index

date	
Working Group on Introduction from the Sea	<b>60</b>
Working Group on Multilateral Measures	<b>432</b>
Working Group on Personal and Household Effects, terms of reference	<b>225</b>
working group on physical inspection of timber shipments	<b>586</b>
Working Group on Special Reporting Requirements	<b>36, 301</b>
working group on taxonomic serial numbers	<b>601</b>
Working Group on the Bigleaf Mahogany and Other Neotropical Timber Species	<b>586</b>
Working Group on the Transport of Live Specimens	<b>489</b>
working groups, appointment	<b>391</b>
working groups, direction and coordination by the Standing Committee	<b>395</b>
workshop on CITES and Livelihoods	<b>384</b>
workshop on management of wild and plantation-source agarwood	<b>591</b>
workshop on the snake trade in Asia	<b>713</b>
workshop on trade policy and economic incentives	<b>380</b>
workshop strengthening capacity of Parties to implement agarwood-related Decisions	<b>591</b>
World Animal Health Organization	<b>492</b>
World Association of Zoos and Aquariums	<b>508</b>
World Bank	<b>258, 260, 379</b>
World Customs Organization	<b>242, 244, 249, 447, 260 584, 585, 627, 653, 667, 674, 690, 693, 736, 747</b>
World Health Organization	<b>147, 760</b>
World Summit on Sustainable Development Great Ape Survival Project (WSSD GRASP)	<b>688</b>
World Wide Fund for Nature	<b>583</b>
WTO	<b>376</b>
WWF	<b>583</b>

## Y

Yaoundé Declaration

**684, 688**

## Subject Index

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### Z

zero export quotas	71
zoo	127, 232, 267
zoo. great apes	689
zoological nomenclature	405

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