

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA



Nineteenth meeting of the Animals Committee
Geneva (Switzerland), 18-21 August 2003

Review of significant trade in specimens of Appendix-II species
(Resolution Conf. 12.8 and Decision 12.75)

INTRODUCTION TO RESOLUTION CONF. 12.8

1. This document has been prepared by the Secretariat.

Introduction

2. At its 12th meeting, the Conference of the Parties (CoP) adopted by consensus Resolution Conf. 12.8 on the Review of Significant Trade in specimens of Appendix-II species (see the Annex to this document). The adoption of this Resolution was the result of an evaluation by the Animals and Plants Committees of the Review of Significant Trade and consequently of Resolution Conf. 8.9 (Rev.) and related Decisions. This examination began at the 16th meeting of the Animals Committee (AC16, Shepherdstown, December 2000) and the 10th meeting of the Plants Committee (PC10, Shepherdstown, December 2000) and was concluded at AC18 (San José, April 2002) and PC12 (Leiden, May 2002) respectively. It was based on the recognition of the growing importance of the Review of Significant Trade. It took into account the need to simplify the process, to consolidate the fragmented instructions guiding its implementation, and above all to enable countries that were subject to the review to have a clearer understanding of the process and of their responsibilities.
3. More detailed information on the rationale behind changes to the process adopted at PC12 is provided in documents AC17 Doc. 7.4, AC17 Inf. 2, AC18 Doc. 7.3, PC12 Doc. 11.1 (Rev.) and CoP12 Doc. 48.1, all of which are available on the CITES website.

What is the Review of Significant Trade?

4. No export permits should be issued for species included in Appendix II of CITES unless the Scientific Authority of the exporting State advises that the trade will not be detrimental to the survival of the species. These requirements are laid down in Article IV of the Convention. Correct implementation of the provisions of Article IV is essential for the effectiveness of CITES. Since 1979 the Parties have been expressing concern that export permits are often granted for Appendix-II species without the benefit of effective 'non-detriment' findings. As a result, a process has evolved to ensure that the Parties can have confidence that the provisions of Article IV are being met and that any trade is sustainable. Today, both the Animals and Plants Committees of CITES have a specific mandate to identify Appendix-II species that are subject to significant levels of trade and to evaluate whether this trade could be detrimental.
5. The mandate for the Committees to implement this process is contained in Resolution Conf. 12.8, based on the now repealed Resolution Conf. 8.9 (Rev.), on the Trade in specimens of Appendix-II species taken from the wild. The Review of Significant Trade is the guiding mechanism for remedial action when there is reason to believe that Appendix-II species are being traded at significant levels without adequate

implementation of Article IV. The review, if implemented correctly, may lead to measures to ensure that export volumes are kept within levels that will not be detrimental to the survival of the species in the wild.

The process

6. The Review of Significant Trade in specimens of Appendix-II species comprises several stages. The Animals and Plants Committees rely on trade data from the CITES database held by UNEP-WCMC, as well as other relevant information available to the committees, to first identify species that are traded at significant levels. This can include species that have been previously reviewed, but where concern remains about the volume of trade. Each committee then uses information from the Secretariat, Parties or other relevant experts to compile a list of species that are of potential concern at their first meeting following each CoP. Range States of the species selected are notified and invited to provide comments regarding possible problems with the implementation of Article IV. If the relevant committee is satisfied that Article IV is correctly implemented, the species is eliminated from the review.
7. In the event that the species is not eliminated from the review, the Secretariat, or a consultant engaged for this purpose, compiles and reviews further information on the biology, trade and management of the species. The Secretariat or the consultant provides conclusions about the effects of international trade on the selected species. The Secretariat consults further with range States after which the Committees review all the available information and put the species into categories for action: 'species of urgent concern' where data indicate that the provisions of Article IV are not being implemented; 'species of possible concern' where it is unclear whether Article IV is being implemented; and 'species of least concern' where trade is evidently not a problem (these are subsequently eliminated from the review). The Animals or Plants Committee then formulates recommendations for the remaining species. For species of urgent concern, recommendations propose specific short- and long-term actions to address problems with implementing the provisions in Article IV. These may include administrative procedures, cautious quotas or temporary export restrictions, application of adaptive management procedures, or the conduct of status assessments or field studies to provide the basis for non-detriment findings. For species of possible concern, recommendations specify the information required to determine whether the species should be re-categorized as either of urgent concern or of least concern, and provide short- and long-term measures appropriate for the regulation of trade. Deadlines for implementation of recommended actions are normally between 90 days and two years, as appropriate to the nature of the actions to be undertaken.
8. The Secretariat, in consultation with the Chairman of the Animals or Plants Committee, determines whether the recommendations have been implemented and reports to the Standing Committee. The Standing Committee then decides on appropriate action and makes recommendations to the State concerned, or to all Parties.
9. In accordance with Resolution Conf. 12.8, the process for selection of species is initiated 90 days after the meeting of the CoP. Thereafter, the period for conducting the review takes two meetings for the Committees to reach the point of categorizing the species as urgent, possible or least concern and making recommendations to improve the management basis for the species. Consequently any action is unlikely be implemented until two years after initiation of the review, allowing for a thorough review and consultation process.
10. The Secretariat reports at each meeting of the AC or PC on the implementation of recommendations by the range States. A register of species included in the review process, and a record of progress with the implementation of recommendations, is maintained by the Secretariat.

Broader benefits of the Review of Significant Trade

11. When viewed in overall terms, the Review of Significant Trade ensures that the Convention can achieve its objectives through a multilateral process involving a high degree of consultation and cooperation with the range States concerned. Although the review can result in punitive measures where there are problems with the implementation of the provisions of Article IV, including as a last resort a suspension of trade in the affected species, the species remains in Appendix II. This allows the range State to remain in control of trade therein. Furthermore, the use of the review generally removes the need for importing countries to apply stricter domestic measures (such as import bans or externally-imposed export quotas for range States) on a unilateral basis. Another positive feature associated with the review is the fact that it can result in assistance given to individual exporting countries to undertake field studies as well as to develop the technical and administrative capacity necessary to implement the requirements of Article IV if these are lacking.

Supporting range States in the implementation of Article IV

12. Some range States may need additional assistance to implement Article IV effectively. In recognition of this, the CoP directs the Secretariat in Resolution Conf. 12.8 “to assist with identification and communication of funding needs in the range States and with identification of potential sources of such funding”. Resolution Conf. 12.8 also contains a request to Parties and organizations interested in the conservation and sustainable use of wildlife to provide financial support or technical assistance to range States in this regard. Such assistance may include, for example, training of conservation staff in the range States; providing information and guidance to those involved in producing and exporting specimens of the species concerned; facilitating information exchange among range States; or providing technical equipment and support.

Future revision of Resolution Conf. 12.8

13. The long-term impacts on the conservation and trade status of the species selected for review have not been formally analysed. Such an analysis might, however, be helpful in assessing and improving the effectiveness of the review. In recognition of this, at its 12th meeting, the CoP adopted Decision 12.75 directing the AC and PC to draft terms of reference for an evaluation of the Review of Significant Trade for discussion at CoP13 (see document AC19 Doc. 8.5). Such a study, if sufficient external funding can be raised to complete the work, may potentially result in recommendations for changes to the process being proposed at CoP14.

Country-based approach to the Review of Significant Trade

14. Following a recommendation agreed at AC17 (Hanoi, July-August 2001) and at PC11 (Langkawi, September 2001), the first country-based Review of Significant Trade was initiated, with Madagascar chosen to be the subject for the pilot review. As this country-based review is a pilot study, provisions for conducting it are not included in Resolution Conf. 12.8, but were instead developed by the Secretariat in consultation with the AC and PC, generally following the same sequence of events as is provided in Resolution Conf. 12.8.
15. Should the pilot country-based approach be demonstrated to be a more efficient mechanism than the standard taxon-based approach to solve problems with the implementation of Article IV of the Convention at the national level, a standardized approach might be developed for the process.

Key to accompany Figure 1.

16. Letters in square brackets refer to the ‘main’ paragraph number of the operative part of Resolution Conf. 12.8.

“Article IV” should be taken to read “Article IV paragraphs 2 (a), 3 and 6 (a) of the Convention” “AC” = Animals Committee, “PC” = Plants Committee, “SC” = Standing Committee, “CoP” = Conference of the Parties, “UNEP-WCMC” = United Nations Environment Programme-World Conservation Monitoring Centre

Figure 1. Flowchart outlining the process for the Review of Significant Trade according to Resolution Conf. 12.8

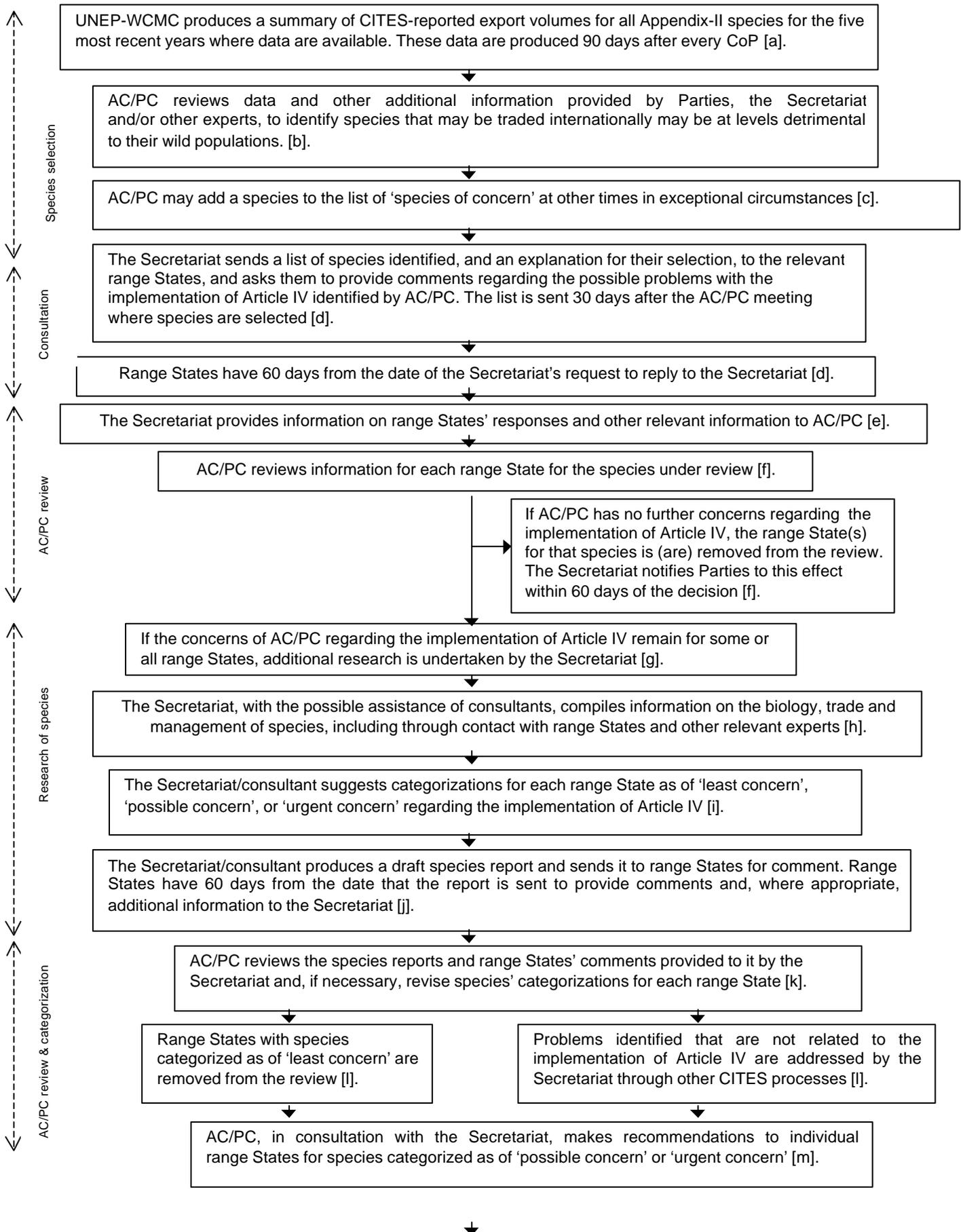


Figure 1a). Continuation of the review for species categorized as of 'possible concern'

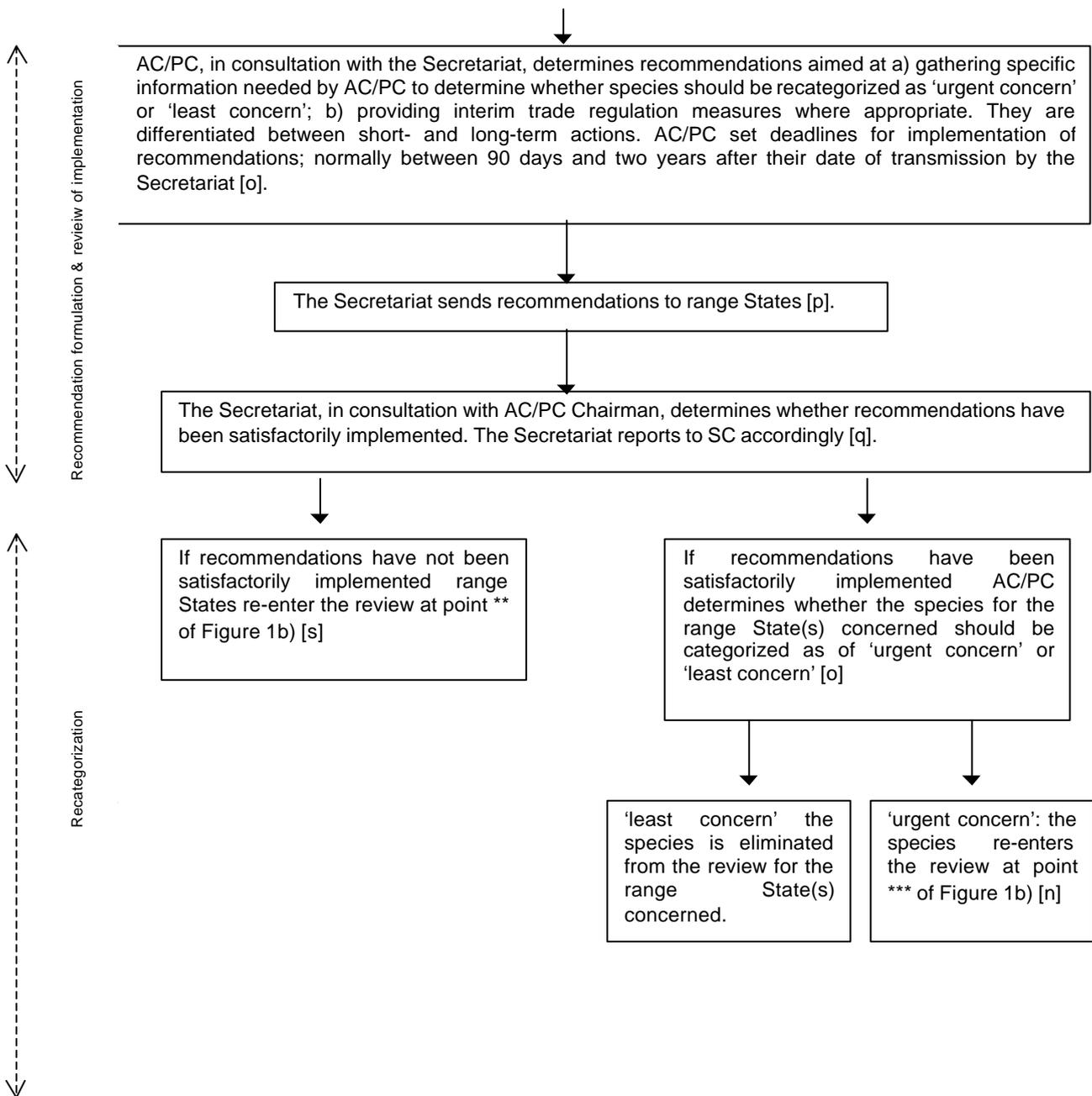
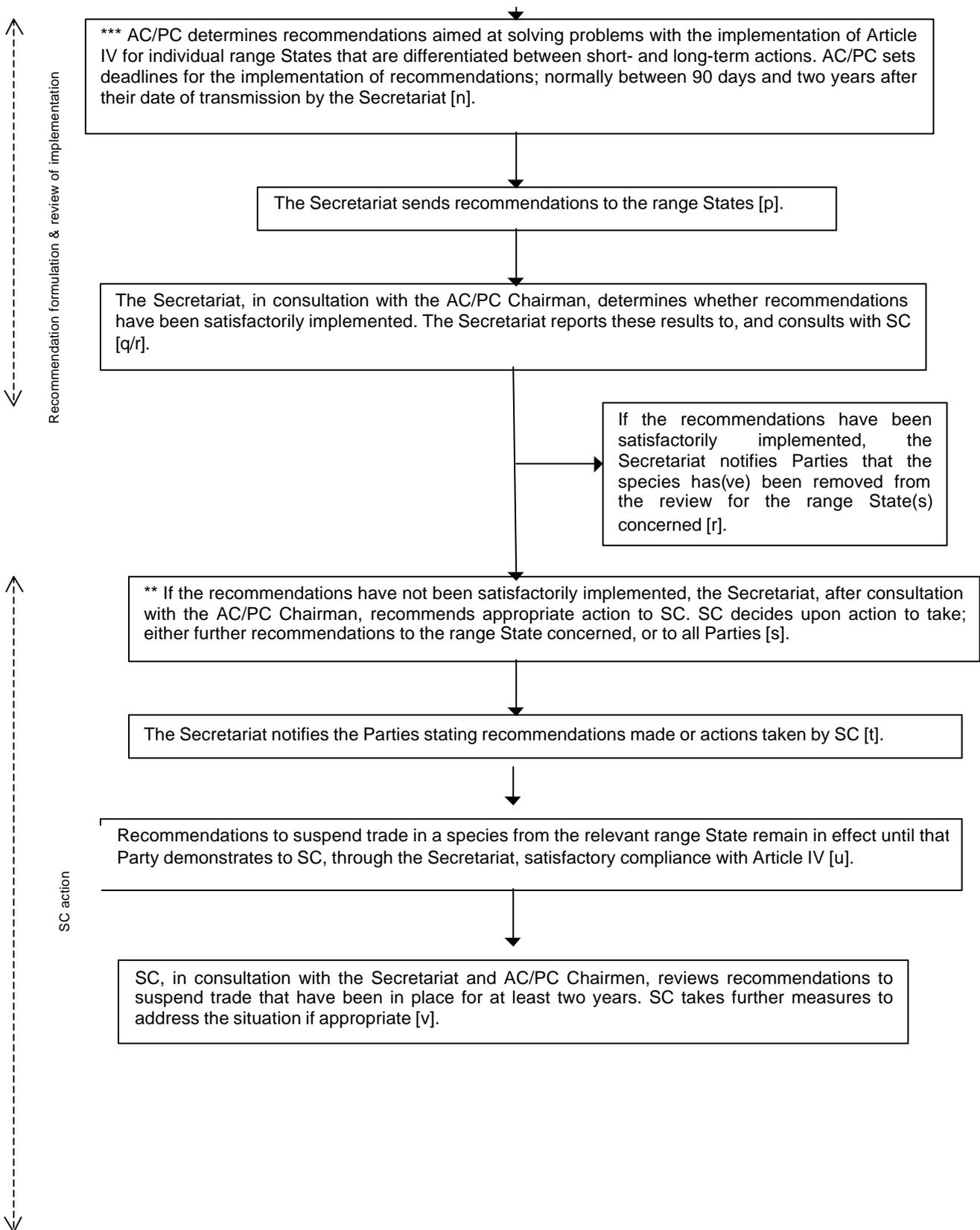


Figure 1b). Continuation of the review for species categorized as ‘urgent concern’



Conf. 12.8

Review of Significant Trade in specimens of Appendix-II species

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 introduction 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 at the eighth meeting of Conference of the Parties (Kyoto, 1992) and amended at the 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

Regarding 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 UNEP-WCMC to produce, within 90 days after each meeting of the Conference of the Parties, a summary from the CITES database of annual report statistics showing the recorded net level of exports¹ for Appendix-II species over the five most recent years;
- b) on the basis of recorded trade levels and information available to the Animals or Plants Committee, the Secretariat, Parties or other relevant experts, species of priority concern shall be selected for review by the Animals or Plants Committee (whether or not such species have been the subject of a previous review);
- c) in exceptional cases where new information indicates an urgent concern, the Animals or Plants Committees may add a species to the list of species of concern at another stage;

¹ '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.

Consultation with the range States concerning implementation of Article IV

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

Compilation of information and preliminary categorization

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

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

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

Formulation of recommendations and their transmission to the range States

- m) the Animals Committee or Plants Committee shall, in consultation with the Secretariat, formulate recommendations for the remaining species. These recommendations shall be directed to the range States concerned;
- n) for species of urgent concern, these recommendations should propose specific actions to address problems related to the implementation of Article IV, paragraph 2 (a), 3 or 6 (a). Such recommendations should differentiate between short-term and long-term actions, and may include, for example:
 - i) the establishment of administrative procedures, cautious export quotas or temporary restrictions on exports of the species concerned;

- ii) the application of adaptive management procedures to ensure that further decisions about the harvesting and management of the species concerned will be based on the monitoring of the impact of previous harvesting and other factors; or
- iii) the conducting of taxon- and country-specific status assessments, field studies or evaluation of threats to populations or other relevant factors to provide the basis for a Scientific Authority's non-detriment finding, as required under the provisions of Article IV, paragraph 2 (a) or 6 (a);

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

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

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

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

Measures to be taken regarding the implementation of recommendations

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

Regarding support to the range States

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; and

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

REPEALS Resolution Conf. 8.9 (Rev.) (Kyoto, 1992, as amended at Gigiri, 2000) – Trade in specimens of Appendix-II species taken from the wild.

Decision related to the Review of Significant Trade for Animals

Evaluation of the Review of Significant Trade

Directed to the Animals and Plants Committees

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