

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

Forty-sixth meeting of the Standing Committee
Geneva (Switzerland), 12-15 March 2002

Interpretation and implementation of the Convention

LATE OR NON-SUBMISSION OF ANNUAL REPORTS

1. This document has been prepared by the CITES Secretariat. The cut-off date for information included in this report was 28 January 2002. Any information received after that date will be conveyed in the Secretariat's oral report to the Standing Committee at its 46th meeting. For reference, the Secretariat's updated list of Annual Reports of CITES Parties (1977-2000) is attached as an Annex.

Status of annual report submission

2. In connection with Resolution Conf. 11.17 on Annual reports and monitoring of trade, the Secretariat draws to the attention of the Standing Committee that annual reports for the year 2000 were due on 31 October 2001.
3. Decision 11.89 provides that:

The Standing Committee shall, on the basis of reports presented by the Secretariat, determine which Parties have failed, without having provided adequate justification, to provide the annual reports required under Article VIII, paragraph 7 (a) of the Convention for three consecutive years within the deadline established in Resolution Conf. 11.17, or the extended deadline that is provided for in that Resolution.
4. Decision 11.37 provides that Parties should not authorize any trade in specimens of CITES-listed species with any Party that is the subject of such a determination by the Standing Committee.
5. At its 45th meeting, in June 2001, the Standing Committee considered the matter of "Late or non-submission of annual reports" in the context of Resolution Conf. 11.17, Decisions 11.37 and 11.89 adopted by the Conference of the Parties. It was suggested that Decision 11.89 should apply only to the years from 1997 onwards. The Standing Committee agreed it would make no determination at that meeting regarding Parties that had failed to provide annual reports.
6. On 12 December 2001 the Secretariat wrote to the Management Authority of each of the Parties potentially affected by Decision 11.89 to remind them once again that a failure to submit the missing reports or copies of permits, or to provide adequate justification for this failure, means that the affected Party could be subject to a Standing Committee determination in March 2002 that it is one of the States with which Parties should not authorize any trade in specimens of CITES-listed species. Copies of the letters were transmitted to the relevant permanent mission and regional representative to the Standing Committee.
7. In its letter, the Secretariat strongly urged each affected Party to communicate with the Secretariat on this matter. It further urged them to take advantage of the option for Parties to submit copies of permits from which the Secretariat would then have the annual report compiled.

8. The Secretariat notes that two regional representatives to the Standing Committee, Burkina Faso and Saudi Arabia, made interventions on this matter at the 45th meeting of the Standing Committee and indicated that their missing reports would be sent shortly after that meeting. At the time of writing those reports have not been received. Uganda and Vanuatu wrote to the Secretariat before the 45th meeting of the Standing Committee indicating their missing reports would be sent by a certain date but none has yet been received.
9. The Secretariat finds that Comoros' written statement explaining that they did not submit annual reports for the years 1996-1999 because trade in CITES-listed species was not well known before April 2000 does not constitute adequate justification for failing to provide reports for the years 1997-1999. Burundi's written statement explaining that it had no trade during the international economic embargo from 1997 to 1999 constitutes a report for those years. Guinea Bissau's written statement explaining that bombing during the 1998/99 conflict destroyed all records from 1991 to 1999 constitutes adequate justification for not submitting a report for the years 1997-1999.
10. Overall compliance with the annual reporting requirements appears to have improved as a result of the adoption of Decisions 11.37 and 11.89. Nevertheless the Secretariat finds that Afghanistan, Antigua and Barbuda, Bangladesh, Burkina Faso, Cambodia, Comoros, Djibouti, Dominica, Fiji, Liberia, Myanmar, Rwanda, Saint Vincent and the Grenadines, Saudi Arabia, Somalia, Uganda and Vanuatu have failed, without having provided adequate justification, to provide reports for three consecutive years during the period 1997-2000.

Recommendation

11. As required by Decision 11.89 the Standing Committee is requested to determine, on the basis of the reports presented by the Secretariat herewith and at the 46th meeting of the Standing Committee, which Parties have failed, without having provided adequate justification, to provide annual reports for three consecutive years. The Standing Committee has no discretion as to the type of compliance measure (i.e. a recommendation to suspend trade) to be applied in this case since Decision 11.37 of the Conference of the Parties states that Parties should not authorize any trade in specimens of CITES-listed species with any Party subject to such a determination of the Standing Committee.
12. The Standing Committee, however, does have discretion as to when it makes a determination under Decision 11.89.
 - a) If the Standing Committee chooses to make its determination now, then the Secretariat should be instructed to issue a Notification recommending suspension of trade in specimens of CITES-listed species in relation to those Parties listed in paragraph 10 above.
 - b) If the Standing Committee chooses to make its determination on 31 May 2002, then the Secretariat should be instructed to issue a Notification at that time recommending the suspension of trade in specimens of CITES-listed species in relation to those Parties listed in paragraph 10 above, unless those Parties have submitted their annual reports or copies of relevant permits, or provided adequate justification for not doing so.