

***Other Documents from
Committees Established by the
Conference of the Parties***

DRAFT DECISION OF THE CONFERENCE OF THE PARTIES

Decision Directed to the Standing Committee

Small Island Developing States

The following draft decision is submitted by Committee II, in relation to document Doc. 9.17, Strategic Plan of the Secretariat:

The Conference of the Parties directs the Standing Committee to investigate ways of facilitating Small Island Developing States' participation in, and accession to, the Convention, and, assisted by the Secretariat, to report back to the next meeting of the Conference of the Parties on means of implementation of the Convention in Small Island Developing States appropriate to their circumstances.

Such action could involve visits by the Secretariat to discuss issues and particular problems Small Island Developing States face and to promote a greater understanding of CITES processes and requirements. Points to be considered should include the documentation requirements for Parties and non-Parties, and whether any steps could be taken to simplify processes and requirements to accede to CITES, such as the provision of joint authorities.

DRAFT DECISION OF THE CONFERENCE OF THE PARTIES

(prepared by a working group on the basis of document Doc. 9.7 Annex)

Regional Representation on the Standing Committee

At the eighth meeting of the Conference of the Parties (Kyoto, 1992), Malawi, on behalf of the African Region, raised the issue of regional representation on the Standing Committee and was encouraged to prepare a document for submission to the ninth meeting of the Conference of the Parties.

Taking into account a number of important considerations, including:

- i) 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;
- ii) 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;
- iii) the existing imbalance in the regional representation in the Standing Committee, in that four regions include between twenty and forty-one Parties, while two regions include three or four Parties;
- iv) concern that skewed representation on the Standing Committee could cause unfair assessment in deciding issues of great concern to producer States; and
- v) 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 DECIDES:

1. to amend Resolution Conf. 6.1 Annex 1, operative paragraph a) i) A) to read as follows:
 - A) a Party or Parties from each of the six major geographic regions consisting of Africa, Asia, Europe, North America, South and Central America

and the Caribbean, and Oceania, according to the following criteria:

- a) one representative for regions with up to 15 Parties;
 - b) two representatives for regions with 16 to 30 Parties; or
 - c) three representatives for regions with more than 30 Parties;
2. to amend Resolution Conf. 6.1 Annex 1, operative paragraph D), which was established by Resolution Conf. 7.1, to read as follows:
 - D) Parties elected as alternate members for each member described in paragraph A) to attend meetings as regional members only in the absence of the member for which they are the alternate;
 3. to amend Resolution Conf. 6.1 Annex 1, operative paragraph c) i) to read as follows:
 - i) the Secretariat shall make provisions in its budget for the payments, if requested, of reasonable and justifiable travel expenses of one person representing each regional member to attend one Standing Committee meeting per calendar year;
 4. to direct the Standing Committee to consider operational concerns such as method and timing of the replacement of regional members, voting and other relevant issues and report to the next meeting of the Conference of the Parties; and
 5. to direct the Secretariat to prepare a consolidated Resolution taking into account these amendments to Resolution Conf. 6.1 and Resolution Conf. 7.1, as well as the considerations noted above.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

(prepared on the basis of the draft included in document Doc. 9.22 and approved by Committee II)

Confiscation of Specimens Exported or Re-exported in Violation of the Convention

RECALLING that Article VIII, paragraph 1(b), of the Convention states that the Parties shall take appropriate measures to provide for the confiscation or return to the State of export of specimens traded in violation of the Convention;

RECOGNIZING 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;

AWARE that, when specimens are exported or re-exported in violation of the Convention, the only enforcement action taken against the exporter is often the confiscation of such specimens by the importing Party;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) that, for specimens 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) that, 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.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

(approved by Committee I from documents Doc. 9.55 Annex and Com. 9.4 Annex)

Disposal of Confiscated Live Animals of Species Included in the Appendices

RECALLING that according to Article VIII, paragraph 4(b), of the Convention, confiscated animals shall, after consultation with the State of export, be returned to that State at the expense of that State, or to a rescue centre or such other place as the Management Authority deems appropriate and consistent with the purposes of the Convention;

RECALLING 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;

RECALLING Resolution Conf. 3.14, adopted at the third meeting of the Conference of the Parties (New Delhi, 1981), on the Disposal of Confiscated or Accumulated Specimens of Appendix-I Species;

RECALLING Resolution Conf. 4.17, adopted at the fourth meeting of the Conference of the Parties (Gaborone, 1983), on the Re-export of Confiscated Specimens;

RECALLING that Resolution Conf. 4.18, adopted at the fourth meeting of the Conference of the Parties (Gaborone, 1983), asks the Parties not having done so yet, to adopt legislation in order to charge the costs of returning confiscated live specimens to the State of origin or export, to the guilty importer and/or carrier;

RECALLING Resolution Conf. 7.6, adopted at the seventh meeting of the Conference of the Parties (Lausanne, 1989), about the Return of Live Animals of Appendix-II or -III Species;

NOTING that shipments of Appendix-II or -III live animals often include large quantities of specimens for which no adequate housing can be made available, and that in general there are no detailed data about country of origin and site of capture for these specimens;

CONSIDERING that the successful recovery of the costs of confiscation and disposal from the guilty party may be a disincentive for illegal trade;

CONSIDERING that specimens once in trade no longer form part of the reproducing wild population of the species concerned;

CONCERNED 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;

CONSIDERING 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;

RECALLING that IUCN is developing draft Guidelines for the Disposal of Confiscated Animals and Guidelines for Re-introductions;

CONVINCED that the ultimate objective of the Convention is the continued existence of wild populations in their natural habitat;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) that the Management Authorities before making a decision on the disposal of confiscated live animals of species in the appendices consult with and obtain the advice of their own Scientific Authorities and, if possible, of that of the State of export of the confiscated animals, and other relevant experts such as IUCN/SSC Specialist Group;
- b) that Scientific Authorities in preparing their advice take note of the guidelines in Annex 1; and
- c) that the Secretariat be informed about any decision taken on the disposal of confiscated live animals that are either in Appendix I or, if in Appendix II or III, involve commercial quantities;

RECOMMENDS further

- d) that in the case where live animals 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 animals, the shipment be confiscated and the animals disposed of in accordance with the guidelines set out in Annex 1;

URGES Management Authorities, in consultation with Scientific Authorities and other bodies concerned, to develop action plans to deal with seized and confiscated live animals consistent with Annex 2; and

REPEALS the Resolutions, or parts thereof, listed hereunder:

- a) Resolution Conf. 2.15 (San José, 1979) – Exchange of Confiscated Appendix-I specimens;
- b) Resolution Conf. 3.14 (New Delhi, 1981) – Disposal of Confiscated or Accumulated Specimens of Appendix-I Species, paragraphs b), f), g) and h); and
- c) Resolution Conf. 7.6 (Lausanne, 1989) – Return of Live Animals of Appendix-II or -III Species.

Annex 1

CITES Guidelines for the Disposal of Confiscated Live AnimalsStatement 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 species¹; 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.

¹ Although this document refers to species, in the case of species with well-defined subspecies and races, the issues addressed will apply to lower taxonomic units.

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 (IUDZG/CBSG 1993).

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 (BirdLife International in prep.) and primates (Harcourt 1987), 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 on the treaty's appendices be returned to the "State of export...or to a rescue centre or such other place as the Management Authority deems appropriate and consistent with the purpose of the Convention" (Article VIII). However, the treaty does not elaborate on this requirement, and CITES Management Authorities must act according to their own interpretation, not only with respect to repatriation but also as regards what constitutes disposal that is "appropriate and consistent" with the treaty. Although the present guidelines are intended to assist CITES Management Authorities in making this assessment, they are designed to be of general applicability to all confiscated live animals.

The lack of specific guidelines has resulted in confiscated animals' being disposed of in a variety of ways, many inconsistent with conservation objectives. In some cases, release of confiscated animals into existing wild populations has been made after careful evaluation and with due regard for existing guidelines (IUCN 1987). In other cases, such releases have not been well planned. Poorly planned releases of confiscated animals may doom these animals to a slow, painful death. Such releases may also have strong negative conservation value by threatening existing wild populations. Threats to existing populations can take several forms: 1) diseases and parasites acquired by the released animals while held in captivity may spread into existing wild populations; 2) individuals released into existing populations, or in areas near to existing populations, may not be of the same race or subspecies as those in the wild population, resulting in mixing of distinct genetic lineages; 3) animals held in captivity, particularly juveniles and immatures, may acquire an inappropriate behavioural repertoire from individuals of other related species. Release of these animals could result in inter-specific hybridization.

Disposal of confiscated animals is not a simple process. Only on rare occasions will such disposal be straightforward or result in an action with conservation value. Options for disposal of confiscated animals have thus far been influenced by the perception that returning animals to the

wild is the optimal solution in terms of both animal welfare and conservation. A growing body of scientific study of reintroduction of captive animals suggests that such actions may be among the least appropriate options for many reasons. This recognition requires that the options available to confiscating authorities for disposal of the animals be carefully reviewed.

Management Options

In deciding on the disposal of confiscated animals, managers must ensure both the humane treatment of the animals and the conservation and welfare of existing wild populations of the species involved. Options for disposal fall into three principal categories: 1) maintenance of the individuals in captivity; 2) returning the individuals in question to some form of life in the wild; and 3) euthanasia. The last option may often prove the most appropriate -- and most humane.

Within a conservation perspective, by far the most important consideration in reviewing the options for disposal is the conservation status of the species concerned. For confiscated animals of endangered or threatened species, particular effort should be directed towards evaluating whether and how these animals might contribute to a conservation programme for the species. The decision as to which option to employ in the disposal of confiscated animals will depend on various legal, social, economic and biological factors. The "Decision Tree" provided in the present guidelines is intended to facilitate consideration of these options. The tree has been written so that it may be used for both threatened and common species, although it is recognized that the conservation status of the species will be the primary consideration affecting whether or not confiscated animals might be valuable to an active conservation breeding/reintroduction programme, and whether or not local or international agencies will be willing to make an investment in expensive and difficult tasks such as genetic determination of country of origin and site of capture or the establishment of reintroduction, benign introductions, or reinforcement of extant wild populations. International networks of experts, such as the IUCN-Species Survival Commission Specialist Groups, should be able to assist confiscating authorities, and CITES Scientific and Management Authorities, in their deliberations as to the appropriate disposal of confiscated specimens.

OPTION 1 – CAPTIVITY

Confiscated animals are already in captivity; there are numerous options for maintaining them in captivity. Depending on the circumstances, animals can be donated, loaned or sold. Placement may be in zoos or other facilities, or with private individuals. Finally, placement may be either in the country of origin, the country of export (if different), the country of confiscation, or in a country with adequate and/or specialized facilities for the species in question. If animals are maintained in captivity, in preference to either being returned to the wild or destroyed, they must be afforded humane conditions and ensured proper care for their natural lives.

Zoological gardens, aquaria and safari parks are the captive facilities most commonly considered for disposal of animals, but a variety of other captive situations exist. These include the following:

- a) Rescue centres, established specifically to treat injured or confiscated animals, are sponsored by a number of humane organizations in many countries.
- b) Lifetime care facilities devoted to the care of confiscated animals have been built in a few countries.
- 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. behavioral, ecological, physiological, psychological, medical). Attitudes towards vivisection, or even towards the non-invasive use of animals in research laboratories as captive study populations, vary widely from country to country. Whether transfer of confiscated animals to research institutions is appropriate will therefore engender some debate, although transfer to an establishment that conducts research under humane conditions may offer an alternative, and one which may eventually contribute information relevant to the species' conservation. In many cases, the lack of known provenance, and the potential that the animal in question has been exposed to unknown pathogens will make transfer to a research institution an option unlikely to be exercised or desired.
- f) Sale of confiscated specimens to traders, commercial captive breeders, or others involved in commercial activities can provide a means of disposal that helps offset the costs of confiscation. However, sale should only be considered in certain circumstances, such as where the animals in question are not threatened and not subject to a legal prohibition on trade (e.g. CITES Appendix II) and there is no risk of stimulating further illegal or irregular trade. Sale to commercial captive breeders may contribute to reducing the demand for wild-caught individuals. At the same time, however, it may prove to be a poor option due 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 recoup, from sale, the costs of confiscation.

The *disadvantages* of placing animals in a facility other than one involved in an established programme for captive breeding and reintroduction include the following.

- a) Potential to Encourage Undesired Trade. Some (e.g. Harcourt 1987) 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 (in prep.) 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 USA 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 can be sold to a registered commercial Appendix I breeding facility, but these specimens can 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 Reintroduction Guidelines (IUCN/SSC RSG in prep.). 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 below.

- a) **Reintroduction:** an attempt to establish a population in an area that was once part of the range of the species but from which 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 had been eliminated from other areas; the aim of these programmes is to re-establish a population in an area, or region, from which the species has disappeared. An example of this type of reintroduction is the recent reintroduction of the swift fox *Vulpes velox* in Canada.

- b) **Reinforcement of an existing population:** the addition of individuals to an existing population of the same taxon.

Reinforcement can be a powerful conservation tool when natural populations are diminished by a process which, at least in theory, can be reversed. An example of a successful reinforcement project is that involving the golden lion tamarin *Leontopithecus rosalia* in Brazil. Habitat loss, coupled with capture of live animals for pets, resulted in a rapid decline of the golden lion tamarin. When reserves were expanded, and capture for the pet trade curbed, captive golden lion tamarins were then used to supplement depleted wild populations.

Reinforcement has been most commonly pursued when individual animals injured by human activity have been provided with veterinary care and released. Such activities are common in many western countries, and specific programmes exist for species as diverse as hedgehogs, Erinaceinae and birds of prey. However common an activity, reinforcement carries with it the very grave risk that individuals held in captivity, even temporarily, are 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 (e.g. International Academy of Animal Welfare Sciences 1992) have advocated that the survival prospects for released animals must at least approximate those for wild animals of the same sex and age class in order for return to the wild to be seriously considered. While such demographic

data on wild populations are, unfortunately, rarely available, the spirit of this suggestion should be respected; there must be humane treatment of confiscated animals when attempting to return them to the wild.

- b) **Conservation Value and Cost.** In cases where returning confiscated animals to the wild appears to be the most humane option, such action can only be undertaken if it does not threaten existing populations of wild plants and animals or the ecological integrity of the area in which they live. The conservation of the species as a whole, and of other animals already living free, must take precedence over the welfare of individual animals that are already in captivity.

Before animals are used in programmes in which existing populations are reinforced, or new populations are established, it must be determined that returning these individuals to the wild will make a significant contribution to the conservation of the species. Larger populations are less likely to become extinct, hence reinforcing existing very small wild populations may reduce the probability of extinction. In very small populations a lack of males or females may result in reduced population growth or in population decline. Reinforcing a very small population lacking animals of a particular sex may also improve prospects for survival of that population.

It should be noted that where confiscated individuals are used for reintroduction (as defined above) they will form the nucleus of a new population. If such a programme is to be successful, a relatively large number of individuals will be required for success. Hence, small groups of confiscated animals may be inappropriate for reintroduction programmes.

The cost of returning animals to the wild in an appropriate manner can be prohibitive for all but the most endangered species (Stanley Price 1989; Seal *et al.* 1989; IUCN/SSC RSG in prep.). The species for which the conservation benefits clearly outweigh these costs represent a tiny proportion of the species listed in the CITES appendices, although it includes numerous species not regulated under CITES. In the majority of cases, the costs of appropriate, responsible reintroduction will preclude return to the wild. 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 to 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 (Woodford and Rossiter 1993, papers in *J. Zoo and Wildlife Medicine* **24(3)** 1993).

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 can not 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 of any animal into the wild which 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 troglodytes* – Aveling & Mitchell 1982, but see Rijksen & Rijksen-Graatsma 1979) and may serve to promote local conservation values. However, as part of any education or public awareness programme, the costs and difficulties associated with the 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 can not 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 (IUCN/SSC RSG in prep.) and animal welfare guidelines (International Academy of Welfare Sciences 1992).
- 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?

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 confiscated animals 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 the confiscating authority will determine which option is most appropriate based on the particular case and its particular situation.

Question 2: Have animals been tested and 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 can not 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: Is space available in non-commercial captive facility (e.g. lifetime-care facility or zoo).

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:

- 1) 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;
- 2) exclusion from resale of the animals involved; and
- 3) 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 willing to provide lifetime care on a non-commercial basis?

In many countries, there are active specialist societies or clubs of individuals with considerable expertise in the husbandry and breeding of individual species or groups of species. Such societies can assist in finding homes for confiscated animals without involving sale through intermediaries. In this case, individuals receiving confiscated animals must have demonstrated expertise in the husbandry of the species concerned and must be provided with adequate information and advice by the club or society concerned. Transfer to specialist societies or individual members must be made according to terms and conditions agreed with the confiscating authority. Such agreements may be the same or similar to those executed with lifetime-care facilities or zoos.

Answer: Yes: Execute agreement and transfer.

No: Proceed to Question 5.

Question 5: Are institutions interested in animals for research conducted under humane conditions?

Many universities and research laboratories maintain collections of exotic animals for research conducted under humane conditions. If these animals are kept in conditions that ensure their welfare, transfer to such institutions may provide an acceptable alternative to other options, such as sale or euthanasia. As in the preceding instances, such transfer should be subject to terms and conditions agreed with the confiscating authority; in addition to those already suggested, it may be advisable to include terms that stipulate the types of research the authority considers permissible.

Answer: Yes: Execute agreement and transfer.

No: Proceed to Question 6.

Question 6: Is the animal listed in Appendix I or regarded as endangered or critical?

Commercial sale 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 these programmes and such programmes may unintentionally, or intentionally, stimulate trade in wild animals. The conservation potential of this transfer, or breeding loan, must be carefully weighed against even the smallest risk in stimulating trade which would further endanger the wild population of the species.

Answer: Yes: Execute agreement and transfer.

No: Destroy, and dispose of carcass as described above.

Question 8: Are there grounds for concern that sale will stimulate further illegal or irregular trade?

Sale of confiscated animals, where legally permitted, is a difficult option to consider. While the benefits of sale -- income and quick disposal -- are clear, there are many problems that may arise as a result of further commercial transactions in the specimens involved. Equally, it should be noted that there may be circumstances where such problems arise as a result of a non-commercial transaction and that, conversely, sale to commercial captive breeders may contribute to production offsetting capture from the wild.

More often than not, sale should be considered only for species that are neither threatened with extinction nor legally protected from commercial trade (i.e. CITES Appendix-II species). There may be rare cases where a commercial captive-breeding operation may receive individuals for breeding, which may reduce pressure on wild populations subject to trade. In all circumstances, the confiscating authority should be satisfied that: 1) those involved in the illegal or irregular transaction that gave rise to confiscation can not obtain the animals; 2) the sale does not compromise the objective of confiscation; and, finally, 3) the sale will not

increase illegal, irregular or otherwise undesired trade in the species. Previous experience with sale in some countries (e.g. the USA) 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: 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 these individuals 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 "mis-imprinting" can result in behavioural problems compromising the success of any future release and can also pose a threat to wild populations by artificially destroying reproductive isolation that is behaviourally controlled.

Answer: Yes: Proceed to Question 3.

No: Proceed to Question 6.

Question 3: Have animals been found to be free of diseases 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 can not be cured, they must be destroyed to prevent infection of other animals.

Answer: Yes: Proceed to Question 4.

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 4: Does a captive-breeding or reintroduction programme exist for the species in question?

If the species in question is part of a co-ordinated captive-breeding and reintroduction programme (see IUCN/SSC RSG in prep.), the animals should be offered to this programme.

Answer: Yes: Proceed to Question 5.

No: Proceed to Question 6.

Question 5: 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 (e.g. Maguire & Lacy 1990), 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 6.

Question 6: Do funds and suitable habitat exist to initiate a reintroduction programme?

In cases where the animals can not be transferred to existing programmes, return to the wild, following appropriate guidelines, will only be possible under the following circumstances: 1) appropriate habitat exists for such an operation; 2) sufficient funds are available, or can be made available, to support a programme over the many years that reintroduction will require; and 3) either sufficient numbers of animals are available so that reintroduction efforts are potentially viable, or only reinforcement of existing populations is considered. In the majority of cases, at least one, if not all, of these requirements will fail to be met. In such cases, other options for disposal of the animals must be considered.

It should be emphasized that if animals of a particular species or taxon are confiscated with some frequency, consideration should be given to whether to establish a reintroduction or reinforcement programme. Animals should not be held by the confiscating authority indefinitely while such programmes are planned, but should be transferred to a holding facility after consultation with the organization that is establishing the new programme.

Answer: Yes: Transfer to holding facility or new programme.

No: Investigate "Captive" options.

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Guidelines to Develop an Action Plan on Seized and/or Confiscated Live Animals

Each Party should develop a plan of action that can be executed without delay in the event that live animals are seized. This action plan should be developed in accordance with the CITES Guidelines for the Disposal of Confiscated Live Animals in Annex 1. The plan should:

1. Identify means for procuring funds to provide care, quarantine, and transport and other costs incurred for seized and confiscated live animals. 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 animals, 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 animals 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 animals 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 animals to ensure both the immediate and long-term welfare of the animals.
6. Include a list of experts or institutions who 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 animals immediately after seizure.
8. Identify temporary holding facilities that have agreed to provide adequate care for seized live animals 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 care, and that are willing to accept confiscated animals 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.
10. Ensure that the Party begins evaluating options for disposal of seized live animals immediately after seizure.

Com. 9.5 (Rev.)

BUDGET ESTIMATES FOR THE CITES TRUST FUND FOR 1996-1997 IN SWISS FRANCS
(figures provided in USD are only indicative, using the exchange rate of 1USD = 1.38 CHF)

Budget line	Description	1996		1997		Remarks
		CHF	USD	CHF	USD	
1100	Professionals					
1101-1115	11 professional staff posts funded by the Trust Fund; D-1, 2P-5, 5P-4, 3P-3	1,900,000	1,376,812	2,000,000	1,449,275	See Doc.9.10 Annex 4
1199	Sub-total	1,900,000	1,376,812	2,000,000	1,449,275	
1200	Consultants					
1201	Translation of documents	20,000	14,493	30,000	21,739	
1202	Technical assistance	35,000	25,362	35,000	25,362	
1203	Significant trade	30,000	21,739	20,000	14,493	Doc 7.31, Com.I 7.3
1204	Monitoring tags	20,000	14,493	20,000	14,493	Conf. 8.14
1299	Sub-total	105,000	76,087	105,000	76,087	
1300	Administrative support staff					
1301-1309	9 support staff	1,000,000	724,638	1,050,000	760,870	See Annex 5
1320	Temporary assistance/ overtime	50,000	36,232	100,000	72,464	
1321	Salary/travel of COP staff	0	0	410,000	297,101	
1399	Sub-total	1,050,000	760,870	1,560,000	1,130,435	
1600	Travel on official mission					
1601	General CITES missions	120,000	86,957	110,000	79,710	
1602	Training seminars	93,000	67,391	65,000	47,101	
1603	Staff to COP	30,000	21,739	260,000	188,406	
1699	Sub-total	243,000	176,087	435,000	315,217	
1999	Total personnel component	3,298,000	2,389,855	4,100,000	2,971,014	
2100	Sub-contracts					
2101	Nomenclature studies - animals	10,000	7,246	10,000	7,246	
	Nomenclature studies - plants	30,000	21,739	25,000	18,116	
2102	Significant trade - animals	100,000	72,464	100,000	72,464	Conf. 6.1, Conf. 8.9
	Significant trade - plants	25,000	18,116	25,000	18,116	
2103	CITES-implementation legislation	100,000	72,464	110,000	79,710	
2104	Identification Manual - animals	80,000	57,971	80,000	57,971	
	Identification Manual - plants	30,000	21,739	30,000	21,739	
2105	Technical publications	10,000	7,246	15,000	10,870	
2106	Scientific support - WCMC	164,000	118,841	194,000	140,580	Conf. 5.6
2107	Coded microchips	0	0	37,000	26,812	Conf. 8.13
2199	Sub-total	549,000	397,826	626,000	453,623	
3200	Group training					
3201	Enforcement seminars	120,000	81,633	120,000	81,633	

Budget line	Description	1996		1997		Remarks
		CHF	USD	CHF	USD	
3299	Sub-total	120,000	81,633	120,000	81,633	
3300	Meetings					
3301	Standing Committee	80,000	57,971	85,000	61,594	
3302	Plants Committee	50,000	36,232	50,000	36,232	
3303	Animals Committee	50,000	36,232	50,000	36,232	
3304	Panel on African Elephants	30,000	21,739	0	0	
3399	Sub-total	210,000	152,174	185,000	134,058	
4100	Expendable equipment	60,000	40,816	60,000	40,816	
4200	Non-expendable equipment	50,000	36,232	40,000	28,986	
4300	Office premises	70,000	50,725	70,000	50,725	
4999	Component total	180,000	122,449	170,000	115,646	
5100	Operation and maintenance					
5101	Rental and maintenance of computers	20,000	14,493	22,000	15,942	
5102	Maintenance of photocopier	25,000	18,116	27,000	19,565	
5103	Insurance	5,000	3,623	5,000	3,623	
5104	Office installation & improvements	0	0	0	0	
5105	Other operational costs	30,000	21,739	35,000	25,362	
5199	Sub-total	80,000	57,971	89,000	64,492	
5200	Reporting costs					
5201	Printing of ID manuals	0	0	0	0	To be taken from 2104
5202	COP related documents	56,000	40,580	140,000	101,449	
5203	Not related to COP	28,000	20,290	35,000	25,362	
5204	Security stamps	45,000	32,609	(22,500)	(16,304)	
5205	Educational material	20,000	14,493	20,000	14,493	
5299	Sub-total	149,000	107,972	172,500	125,000	
5300	Sundry					
5301	Communications (tlx, tel., etc)	240,000	173,913	250,000	181,159	
5302	Logistics for the COP	0	0	50,000	36,232	
5303	Contingencies	0	0	0	0	
5304	Other (bank charges, etc.)	10,000	7,246	12,000	8,696	
5399	Sub-total	250,000	181,159	312,000	226,087	
5400	Hospitality	10,000	7,246	10,000	7,246	
5999	Component total	489,000	354,348	583,500	422,826	
	TOTAL	4,846,000	3,498,285	5,784,500	4,178,801	
6000	Administrative costs - UNEP (13%)	629,890	454,777	751,985	543,244	
9999	GRAND TOTAL	5,475,980	3,953,062	6,536,485	4,722,045	

Budget Estimates for the CITES Medium-Term Plan for 1996-2000 in Swiss Francs
(figures provided in USD are only indicative, using the exchange rate of 1 USD = 1.38 CHF)

Budget Line	Description	1996		1997		1998		1999		2000	
		CHF	USD	CHF	USD	CHF	USD	CHF	USD	CHF	USD
1100	Professional staff	1,900,000	1,376,812	2,000,000	1,449,275	2,090,000	1,514,493	2,200,000	1,594,203	2,299,000	1,665,942
1200	Consultants	105,000	76,087	105,000	76,087	115,500	83,696	115,500	83,696	127,050	92,065
1300	Support staff	1,050,000	760,870	1,560,000	1,130,435	1,155,000	836,957	1,716,000	1,243,478	1,270,500	920,652
1600	Travel	243,000	176,087	435,000	315,217	267,300	193,696	478,500	346,739	294,030	213,065
2100	Sub-contracts	549,000	397,826	626,000	453,623	603,900	437,609	688,600	498,986	664,290	481,370
3200	Trainings	120,000	88,957	120,000	86,957	132,000	95,652	132,000	95,652	145,200	105,217
3300	Meetings/Committees	210,000	152,174	185,000	134,058	231,000	167,391	203,500	147,464	254,100	184,130
4000	Premises and equipment	180,000	130,435	170,000	123,188	198,000	143,478	187,000	135,507	217,800	157,826
5100	Maintenance costs	80,000	57,971	89,000	64,493	88,000	63,768	97,900	70,942	96,800	70,145
5200	Reporting costs	149,000	107,971	172,500	125,000	163,900	118,768	189,750	137,500	180,290	130,645
5300	Sundry	250,000	181,159	312,000	226,087	275,000	199,275	349,200	248,696	302,500	219,203
5400	Hospitality	10,000	7,246	10,000	7,246	11,000	7,971	11,000	7,971	12,100	8,768
	Total allocations	4,846,000	3,511,594	5,784,500	4,191,667	5,330,600	3,862,754	6,362,950	4,610,833	5,863,660	4,249,029
6000	Administrative costs – UNEP (13%)	629,980	456,507	751,985	544,917	692,978	502,158	827,184	599,408	762,276	552,374
9999	GRAND TOTAL	5,475,980	3,968,101	6,536,485	4,736,583	6,032,578	4,364,912	7,190,134	5,210,242	6,625,936	4,801,403

PROPOSED AMENDMENTS TO RESOLUTIONS OF THE CONFERENCE OF THE PARTIES

(approved by Committee II on the basis of document Doc. 9.22)

1. Amendment to Resolution Conf. 7.4, on the control of transit

Add, after recommendation b), the following paragraph:

- c) that, when an illegal shipment in transit is discovered by a Party that can not seize it, the Party provide to the country of final destination and to the Secretariat all relevant information on the shipment as soon as possible and, if applicable, to other countries through which the shipment will pass in transit.

2. Amendment to Resolution Conf. 8.6, on the role of the Scientific Authority

- i) Add the following paragraph to the preamble:

WHEREAS Article XIV, paragraph 1, permits any Party to adopt stricter domestic measures.

- ii) Insert, after recommendation a), the following paragraph:

b) the Parties not accept any export permit or import permit for specimens of species included in Appendix I and II from a Party that has not designated at least one Scientific Authority and has not informed the Secretariat of this designation.

PROPOSED DECISIONS OF THE CONFERENCE OF THE PARTIES

(approved by Committee II on the basis of documents Doc. 9.22, Doc. 9.39 and Com. 9.7)

THE CONFERENCE OF THE PARTIES TO THE
CONVENTION

1. Regarding the transport of live animals

DECIDES to amend the consolidated Resolution as follows:

a) by adding the following paragraphs in the preamble:

RECOGNIZING the important work of the Working Group on the Transport of Live Specimens in advising the Parties on transport of live specimens and providing technical assistance in conjunction with the Secretariat;

RECOGNIZING the lack of regional representation of the Parties at meetings of the Working Group on the Transport of Live Specimens;

b) by adding the following paragraph at the beginning of the operative part:

DECIDES to give the mandate to the Animals Committee to deal with matters related to the transport of live animals;

c) by replacing "Working Group on the Transport of Live Specimens" by Animals Committee in recommendations l), m) and n);

d) by deleting recommendation k), as well as the checklist in Annex, and by renumbering recommendations l), m) and n) respectively.

DECIDES to amend Resolution Conf. 6.1 Annex 2, on the terms of reference of the Animals Committee, by inserting a new sub-paragraph after sub-paragraph vii) to read:

viii) deal with the transport of live animals;

and by renumbering sub-paragraphs viii), ix) and x) respectively.

2. Regarding circuses and other travelling exhibitions

DIRECTS the Secretariat to explore with the Customs Co-operation Council a way 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.

3. Regarding specimens bred in captivity

DIRECTS the Secretariat to prepare, in consultation with the Animals Committee, a draft Resolution that will resolve problems regarding the exemptions under Article VII, paragraphs 4 and 5, for specimens of species bred in captivity, including:

a) different interpretations by Parties of the term 'for commercial purposes' when referring to the breeding of specimens of Appendix-I species in captivity, in particular regarding the sale of specimens that often results in income which, although perhaps not essential to the breeder's livelihood, may be significant; and

b) different interpretations by Parties of the criteria in Resolution Conf. 2.12 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".

4. Regarding violations of the Convention by diplomats and troops serving under the flag of the United Nations

URGES the Parties to remind their diplomatic missions, their delegates on mission in foreign countries and their troops serving under the flag of the United Nations that they are not exempted from the provisions of the Convention.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

(has been prepared by a working group from document Doc. 9.12 Annex)

Financing and Budgeting of the Secretariat and of Meetings of the Conference of the Parties

RECALLING Resolution Conf. 8.1 adopted at the eighth meeting of the Conference of the Parties (Kyoto, 1992);

HAVING REVIEWED the 1992-1993 actual expenditures submitted by the Secretariat and approved by the Standing Committee at its 29th, 30th and 31st meetings;

HAVING NOTED the revised estimates of expenditure for 1994 and 1995 presented by the Secretariat (Doc. 9.9) as approved by the Standing Committee at its 31st meeting;

HAVING REVIEWED the 1996-1997 budget estimates submitted by the Secretariat (Doc. 9.10);

HAVING REVIEWED also the 1996-2000 medium-term budget estimates (Doc. 9.10 Annex 2);

RECOGNIZING that regular funding by UNEP ceased after 1983 and that the funding of the Secretariat and of meetings of the Conference of the Parties is now solely the responsibility of the Parties;

ACKNOWLEDGING that the financial amendment to the Convention, adopted in Bonn in 1979, entered into force on 13 April 1987;

RECOGNIZING the continuing need for administrative and financial arrangements between the Parties and the Executive Director of UNEP;

NOTING the considerable increase in the number of Parties, as well as organizations attending the meetings of the Conference of the Parties as observers, and the resulting additional expenditure incurred by the Secretariat;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

APPROVES the expenditures for 1992 and 1993 and TAKES NOTE of the estimates of expenditure for 1994 and 1995;

APPROVES the 1996-1997 budget;

TAKES NOTE of the 1996-2000 medium-term budget estimates;

REQUESTS 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 2000, to provide financial support for the aims of the Convention in accordance with the Terms of Reference for the Administration of the Trust Fund for the Convention on International Trade in Endangered Species of Wild Fauna and Flora, attached as the Annex to this Resolution;

APPROVES the Terms of Reference for the Administration of the Trust Fund, attached as an Annex to this Resolution, for the financial period beginning on 1 January 1996 and ending on 31 December 2000;

AGREES

a) that contributions to the Trust Fund shall be based on the United Nations scale of assessment, as amended

from time to time, adjusted to take account of the fact that not all members of the United Nations are Parties to the Convention;

b) that any other basis of assessment of contributions shall not be used without the consent of all Parties present and voting at a meeting of the Conference of the Parties;

c) that any change in the basic scale of contributions which would increase the liability of a Party to contribute, or would impose a new such liability, shall not apply to that Party without its consent, and that any proposal to change the basic scale of contributions from that currently in use shall only be considered by the Conference of the Parties if notice of such proposal has been communicated by the Secretariat to all Parties at least 90 days before the meeting; and

d) that Parties should pay their contributions to the Trust Fund in accordance with the agreed scale as in the Table¹ attached to this Resolution 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, in any case, promptly by the beginning of the calendar year to which the contributions apply;

APPEALS strongly to those Parties which, for legal or other reasons, have so far been unable to contribute to the Trust Fund to do so;

URGES all Parties which have not yet done so to deposit as soon as possible an instrument of acceptance of the amendments of 22 June 1979 and of 30 April 1983;

INVITES States not party to the Convention, other governmental, inter-governmental and non-governmental organizations, and other sources to consider contributing to the Trust Fund;

INVITES all Parties to support, through their representatives in UNEP, UNDP and the World Bank, requests of the Secretariat for additional funding of CITES projects by the Global Environment Facility;

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 CHF 500 (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;

DIRECTS the Secretariat to implement the Procedures for Approval of Externally Funded Projects as developed and approved by the Standing Committee at its 23rd meeting, before accepting any external funds from non-governmental sources; and

APPROVES the Secretariat reports (Doc.9.8 to Doc.9.12).

¹ The Table will be the scale of contributions for the biennium 1996-1997 adopted by the Conference of the Parties.

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 five years (1 January 1996 – 31 December 2000) to provide financial support for the aims of the Convention.
2. Pursuant to the Financial Regulations and Rules of the United Nations, the Executive Director of the United Nations Environment Programme (UNEP), with the approval of the Governing Council of UNEP and the Secretary General of the United Nations, shall continue the Trust Fund for the administration of the Convention.
3. The Trust Fund shall cover two financial periods of two and three calendar years respectively: the first financial period begins on 1 January 1996 and ends on 31 December 1997; the second financial period begins on 1 January 1998 and ends on 31 December 2000.
4. The appropriations of the Trust Fund for the first financial period shall be financed from:
 - a) the contributions made by the Parties by reference to the attached Table¹, including contributions from any new Parties which are to be added to the Table;
 - b) contributions from States not party 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 1996.
5. The budget estimates covering the income and expenditure for each of the calendar years constituting the financial period to which they relate, prepared in Swiss francs, shall be submitted for approval to the regular meeting of the Conference of the Parties to the Convention. Together with the estimates, prepared in Swiss francs, figures may be provided also in US dollars, for ease of reference and would only be indicative.
6. The estimates for each of the calendar years covered by a financial period shall be specified according to objects of expenditure, and shall be accompanied by such information as may be required by, or on behalf of, the contributors, and such further information as the Executive Director of UNEP may deem useful and advisable.
7. In addition to the budget estimates for the financial period described in the preceding paragraphs, the Secretary General of the Convention, in consultation with the Standing Committee and the Executive Director of UNEP, shall prepare a medium-term plan as envisaged in Chapter III of Legislative and Financial Texts Regarding the United Nations Environment Programme and the Environment Fund. The medium-term plan will cover the years 1996-2000, inclusive, and will incorporate the budget for the 1996-1997 financial period.
8. The proposed budget and medium-term plan, including all the necessary information, shall be dispatched by the Secretariat to all Parties at least ninety days before the date fixed for the opening of the regular meeting of the Conference of the Parties.
9. The budget shall be adopted by a 3/4 majority of the Parties present and voting at the regular meeting.
10. In the event that the Executive Director of UNEP expects that there might be a shortfall in resources, over the year as a whole, she shall consult with the Secretary General of the Convention, who shall seek the advice of the Standing Committee as to its priorities for expenditure.
11. Upon the request of the Secretary General of the Convention, after seeking the advice of the Standing Committee, the Executive Director of UNEP should, to the extent consistent with the Financial Regulations and Rules of the United Nations, make transfers from one object of expenditure to another. At the end of any calendar year of a financial period, the Executive Director of UNEP may proceed to transfer any uncommitted balance of appropriations to the following calendar year, provided that the total budget approved by the Parties for that financial period shall not be exceeded unless this is specifically sanctioned in writing by the Standing Committee.
12. Commitments against the resources of the Trust Fund may be made only if they are covered by the necessary income of the Convention.
13. All contributions shall be paid in any convertible currency. The amount of any payment, however, shall be at least equal to the amount payable in Swiss francs 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.
14. 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. She shall also submit, as soon as practicable, the audited accounts for the financial period.
15. 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.
16. 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.
17. These Terms of Reference shall be effective for the financial periods of 1 January 1996 to 31 December 2000 subject to amendments at the tenth meeting of the Conference of the Parties.

¹ *The table (not attached) will be the scale of contributions for the biennium 1996-1997 adopted by the Conference of the Parties.*

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

(approved by Committee I from Document Doc. 9.56 Annex)

Standard Nomenclature

NOTING that biological nomenclature is dynamic;

AWARE 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;

RECOGNIZING that the taxonomy used in the appendices to the Convention will be most useful to the Parties if standardized by nomenclatural references;

AWARE that the Nomenclature Committee has identified names of taxa used in the appendices to the Convention that should be changed to reflect accepted biological use;

RECOGNIZING 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;

NOTING that these changes should be adopted by the Conference of the Parties to the Convention;

RECOGNIZING that, in the case of new proposals for listing in the appendices, a Party should use adopted standard references whenever available;

CONSIDERING 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 CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) that 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) that 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) that where there are domesticated forms of listed taxa the Nomenclature Committee will recommend names for the wild and domestic forms;
- d) that when submitting a proposal to amend the appendices to the Convention the proponent identify the reference used to describe the entity being proposed;
- e) that upon receiving proposals to amend the appendices to the Convention, the Secretariat seek, where appropriate, the advice of the Nomenclature Committee on the correct names to use for the species or other taxa in question;
- f) that the Secretariat may make orthographic changes in the lists of species included in the appendices to the Convention, without consulting the Conference of the Parties;

g) that the Secretariat inform the Parties whenever the name of a taxon to be used in the appendices to the Convention changes, provided that:

- i) the change has been recommended or agreed to by the Nomenclature Committee; and
- ii) the change will not alter the scope of protection for fauna or flora under the Convention; and

h) that, whenever the scope of a taxon is redefined as a result of a taxonomic revision, the Nomenclature Committee advise the Secretariat on the name to be listed in the appendices or on alternative actions, including amendments to the appendices, required to ensure that the original intent of the listing is retained;

ADOPTS the following standard references:

- a) *Mammal Species of the World: A Taxonomic and Geographic Reference*, 2nd edition, (edited by D.E. Wilson and D.M. Reeder, 1993, Smithsonian Institution Press) for mammalian nomenclature;
- b) *A Reference List of the Birds of the World* (J.J. Morony, W.J. Bock and J. Farrand Jr 1975, American Museum of Natural History) for order and family level names for birds;
- c) *Distribution and Taxonomy of Birds of the World* (C.G. Sibley and B.L. Monroe, Jr, 1990, Yale University Press) for the genus and species names of birds listed in the appendices;
- d) *Amphibian Species of the World: A Taxonomic and Geographic Reference* (D.R. Frost, 1985, Allen Press and The Association of Systematics Collections) for amphibian nomenclature and, following its approval by the Nomenclature Committee, *Amphibian Species of the World: Additions and Corrections* (Duellman, W.E., 1993, University of Kansas);
- e) *CITES Cactaceae Checklist* (compiled by D. Hunt, 1992, Royal Botanic Gardens, Kew) and its updates accepted by the Nomenclature Committee, as a guideline when making references to names of species of Cactaceae;
- f) *A World List of Cycads* (D.W. Stevenson, R. Osborne and J. Hendricks, 1990, Memoirs of the New York Botanical Garden 57: 200-206) and its updates accepted by the Nomenclature Committee, as a guideline when making reference to names of species of Cycadaceae, Stangeriaceae and Zamiaceae;
- g) *The Plant-Book*, reprinted edition, (D.J. Mabberley, 1990, Cambridge University Press) for the generic names of all CITES plants;
- h) *A Dictionary of Flowering Plants and Ferns*, 8th edition (Willis, J.C., revised by H.K. Airy Shaw, 1973, Cambridge University Press) for generic synonyms not mentioned in *The Plant-Book*, until they are superseded by standard checklists adopted by the Parties; and
- i) *CITES Orchid Checklist*, Volume I, 1995, (Compiled by Royal Botanic Gardens, Kew) and its updates accepted by the Nomenclature Committee, as a guideline when making reference to the names of species of *Cattleya*, *Cypripedium*, *Laelia*, *Paphiopedilum*, *Phalaenopsis*, *Phragmipedium*, *Pleione* and *Sophranitis*;

DECIDES to consider any *Euphorbia* included in the following publications to be succulent and included in

Appendix II, and to use the names in these publications until a nomenclatural checklist is prepared:

- a) *Lexicon of Succulent Plants/Das Sukkulenterlexikon* (Jacobson, H., 1977, English edition, Blandford Press, Dorset, U.K., 1970 and 1981 German editions, Gustav Fischer Verlag, Jena, Germany); supplemented by:

List of Names of Succulent Plants Other than Cacti Published 1950-1992 (U. Eggli and N. Taylor, editors, 1994, Royal Botanic Gardens, Kew, U.K.); and

- b) for names published from 1993 onwards:

Repertorium Plantarum Succulentarum, Vol 44 (U. Eggli and N. Taylor, compilers, 1993, Royal Botanic Gardens, Kew, U.K.);

URGES Parties to assign to their Scientific Authorities the principal responsibility for:

- a) interpretation of the listings;
- b) consultation with the CITES Nomenclature Committee as appropriate;
- c) identification of nomenclatural issues that may warrant further review by the appropriate CITES Committee and preparation of proposals to amend the appendices if appropriate; and
- d) supporting and co-operating in the development and maintenance of the checklists;

AMENDS Resolution Conf. 6.1 Annex 5, adopted at the sixth meeting of the Conference of the Parties (Ottawa, 1987), as follows:

- a) by replacing paragraph a) i) with the following:

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 of existing nomenclatural references, as appropriate, for all species listed in the appendices to the Convention;

- b) by adding the following new paragraph a) ii):

upon acceptance by the Nomenclature Committee, present the new or updated references (or parts thereof) for a given taxon to the Conference of the Parties for adoption as the standard reference for that taxon;

- c) by adding the following new paragraph a) iii):

ensure that the highest priorities in developing the standard reference lists of plant names and synonyms be:

- A) species names of plants listed at the species level in the appendices;
- B) generic names of plants listed at the genus or family level in the appendices; and
- C) family names of plants listed at the family level in the appendices;

- d) by renumbering present paragraphs a) ii) to v);

- e) by adding the following new paragraph c):

that the Nomenclature Committee shall establish two subcommittees, one to address nomenclatural issues for animals and the other for plant taxa;

- f) by adding the following to the existing paragraph c) and relettering this as paragraph d):

that the Committee shall elect its own Chairman and Vice-Chairman, of which one shall be a zoologist, who shall chair the Animals Subcommittee, and the other shall be a botanist, who shall chair the Plants Subcommittee; and

- g) by replacing the present paragraph d) with the following new paragraph e):

that the Chairman and Vice-Chairman of the Nomenclature Committee co-ordinate and monitor the input needed from specialists in fulfilling the responsibilities assigned by the Parties and report annually on the progress of the respective Subcommittees to the Standing Committee; and

REPEALS the Resolutions, or parts thereof, listed hereunder:

- a) Resolution Conf. 1.6 (Berne, 1976) – paragraph 1;
- b) Resolution Conf. 2.20 (San José, 1979) – The Use of the Subspecies as a Taxonomic Unit in the Appendices;
- c) Resolution Conf. 4.23 (Gaborone, 1983) – Standard Nomenclature;
- d) Resolution Conf. 5.14 (Buenos Aires, 1985) – Improving the Regulation of Trade in Plants – paragraph c);
- e) Resolution Conf. 5.19 (Buenos Aires, 1985) – Nomenclature Committee;
- f) Resolution Conf. 6.20 (Ottawa, 1987) – Standard Nomenclature for Cactus Plants;
- g) Resolution Conf. 8.18 (Kyoto, 1992) – Standard References to the Names of Birds and Plants Listed in the Appendices – paragraphs a) to d); and
- h) Resolution Conf. 8.19 (Kyoto, 1992) – Standard Reference to the Names of Orchidaceae.

DRAFT DECISION OF THE CONFERENCE OF THE PARTIES

Decision Directed to the Standing Committee

The following draft decision is submitted by Committee II, in relation to document Doc. 9.18, "How to Improve the Effectiveness of the Convention". The Standing Committee is directed to make arrangements for a review conducted under the terms of reference that follow:

TERMS OF REFERENCE FOR A STUDY ON HOW TO IMPROVE THE EFFECTIVENESS OF THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES)

1. Background

At its ninth meeting, in Fort Lauderdale, USA, the Conference of the Parties to CITES assigned to its Standing Committee the responsibility to conduct a review of the effectiveness of the provisions and implementation of the Convention, and to report its findings to the next meeting of the Conference of the Parties. Information on the reasons for the review, and a summary of the views expressed by the Parties can be found in the working papers of the ninth meeting of the Conference of the Parties. The Standing Committee intends to conduct the review in several phases. The first phase will commence immediately after selection of a contractor to facilitate the process, in early 1995.

Additional background information about the treaty can be obtained from several sources, including the Secretariat itself. Recent overviews can be found in the Fact Sheets produced by IUCN – The World Conservation Union at the ninth meeting of the Conference of the Parties and in the book *The Evolution of CITES* by Willem Wijnstekers (available from the CITES Secretariat).

2. Aim of the Study

The principal aim is to assess the effectiveness and efficiency of the current provisions of CITES and the way it is implemented to achieve the objective of the Convention: ensuring that wild fauna and flora in their many and beautiful forms are protected for this and the generations to come through the protection of certain species against over-exploitation through international trade (paraphrase of the CITES Preamble).

Subsequently, recommendations will be prepared for consideration by the tenth meeting of the Conference of the Parties or by other CITES bodies as appropriate.

3. Scope of the Study

An independent consultant will be selected to lead a team to undertake the review. The review team must include two members chosen by the Standing Committee for the information gathering portion of the project to ensure efficient access to information about the Convention. The Standing Committee nominees for the review team should be chosen to complement the expertise available from the independent consultant.

Phase 1

The review team will present a detailed study design by March 1995 for an initial survey phase that will provide information about a range of topics, including but not necessarily limited to the following:

- a) the stated and implied objectives of the Convention and their continued relevance to the conservation of wild fauna and flora;
- b) the extent to which the conservation status of a representative selection of species listed in each of the three appendices of CITES has been affected since listing, and the extent to which this can be

attributed to the application of CITES, in both party and non-party States;

- c) the relationship of CITES to other global and relevant regional conservation instruments, especially those purporting to affect the conservation status of wild fauna and flora, and the extent to which the objectives of CITES are helped or hindered by the existence and implementation of the other instruments;
- d) the ease and effectiveness of implementation, including enforcement of CITES under the various legal and administrative regimes in party States; and
- e) the expected and actual roles of the various categories of participants in the implementation of CITES, including but not necessarily limited to:
 - i) party States;
 - ii) non-party States;
 - iii) international conservation organizations;
 - iv) national conservation organizations;
 - v) intergovernmental conservation, development and trade organizations;
 - vi) national and international trade organizations.

The review team should make recommendations to address problems in the implementation of the Convention or information gaps identified during Phase 1 of the study by September 1995.

Subsequent Phase(s)

Optional additional phases of the review may be considered to elaborate on the specific findings and recommendations of Phase 1.

4. Submission and Evaluation of Tenders

Tenders to undertake the review must be received at the CITES Secretariat, 15 chemin des Anémones, Case Postale 456, CH-1219 Châtelaine-Geneva, Switzerland, no later than 31 January 1995.

Tenders should include:

- a) a proposed methodology for the conduct of the review that will ensure adequate consideration of the full range of views present in the community of CITES participants;
- b) a description of the organization, its past experience and record in undertaking similar or relevant tasks and references that may be contacted regarding such projects;
- c) a description of the qualifications and experience of the proposed project team, which should include at a minimum members with qualifications in biology and ecology, wildlife conservation and management including enforcement, economics, and an understanding of various socio-economic situations and legal systems;

- d) a demonstrated ability to communicate in the three working languages of CITES; and
- e) a proposed fee for the conduct of the review, divided into such phases as required by the proposed methodology, including at least the conduct of an initial review, and preparation of final recommendations.

The Standing Committee may decide to limit the award of a contract to one or more phases of any proposed project, and may choose to award different portions of the project to different contractors.

5. Schedule

Tenders to undertake the review must be received at the CITES Secretariat, 15 chemin des Anémones, Case Postale 456, CH-1219 Châtelaine-Geneva, Switzerland, no later than 31 January 1995.

Selection of the successful tenderer, if any, will be carried out by the Standing Committee and the award of the contract made public by the end of March 1995.

The successful contractor(s) must be prepared to submit a preliminary analysis of review information by 30 September 1995.

The Standing Committee will decide by 31 December 1995 whether to extend the project to include further data collection and analysis, and will establish the schedule for such further reports as it may require.

Final recommendations from the review will be presented to the tenth meeting of the Conference of the Parties, after circulation no later than 150 days in advance of that meeting.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

(prepared by a drafting group from document Doc. 9.59 Annex)

Inclusion of Species in Appendix III

RECOGNIZING that Article XVI, paragraph 1, provides a Party with the right to list species in Appendix III;

RECALLING that Article II, paragraph 3, provides for the inclusion of species in Appendix III only if a Party needs the co-operation of other Parties in the control of trade;

NOTING that Resolution Conf. 1.5, adopted at the first meeting of the Conference of the Parties (Berne, 1976), recommends that all readily recognizable parts and derivatives of species included in Appendix III be covered;

NOTING that Resolution Conf. 5.22, adopted at the fifth meeting of the Conference of the Parties (Buenos Aires, 1985), recommends criteria for the inclusion of species in Appendix III;

NOTING that Resolution Conf. 7.15, adopted at the seventh meeting of the Conference of the Parties (Lausanne, 1989), encourages Parties to declare inclusion of species in Appendix III or withdrawals therefrom at meetings of the Conference of the Parties;

NOTING that Resolution Conf. 8.23, adopted at the eighth meeting of the Conference of the Parties (Kyoto, 1992), recommends *inter alia* 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;

AWARE 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;

OBSERVING that many Parties are unwilling to take on the administrative burden of implementing the provisions of the Convention with regard to Appendix III;

BELIEVING that this unsatisfactory implementation arises because the Parties are not fully convinced of the effectiveness of Appendix III;

RECOGNIZING that Resolution Conf. 1.5, paragraph 5, is deficient in not addressing the need for adequate implementation of domestic legislation;

RECALLING the wish of the Conference of the Parties, expressed at its eighth meeting (Kyoto, 1992), to reduce the number of the Resolutions of the Conference;

CONSIDERING 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 TO THE CONVENTION

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; and

- iii) its national enforcement measures are adequate to implement these regulations;
- b) determine that, notwithstanding these regulations and measures, there are indications that the co-operation 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; and
- d) after due consultation, and having satisfied itself that the biological status and trade situation for the species justify the action, submit to the Secretariat the name of the species it wishes to include in Appendix III;

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 should 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;

DIRECTS the Secretariat 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;

DIRECTS the Secretariat, 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;

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;

URGES that Parties having included species in Appendix III periodically review the status of these species and, taking into account these guidelines and any recommendations of the Animals and Plants Committees, consider the necessity to maintain them in that appendix; and

REPEALS the Resolutions, or parts thereof, listed hereunder:

- a) Resolution Conf. 1.5 (Berne, 1976) – Recommendations Concerning the Interpretation and Implementation of Certain Provisions of the Convention – paragraphs 3, 4 and 5;
- b) Resolution Conf. 5.22 (Buenos Aires, 1985) – Criteria for the Inclusion of Species in Appendix III;
- c) Resolution Conf. 7.15 (Lausanne, 1989) – Amendments to Appendix III; and
- d) Resolution Conf. 8.23 (Kyoto, 1992) – Review of Appendix III.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

(drafted by a working group from document Doc. 9.36 Annex)

Universal Tagging System for the Identification of Crocodilian Skins

AWARE that all living species of crocodilian are listed in Appendix I or II of CITES, but concerned that several crocodilian species may be subject to some levels of illegal trade;

RECOGNIZING that illegal trade has in the past threatened the survival of certain populations of crocodilians and has undermined the efforts of producer countries to manage their crocodilian resources on a sustainable basis;

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;

NOTING that in order to assist the Secretariat and the Parties in their efforts efficiently to track crocodilian skins in trade, marking should be standardized and that particular specifications for the design of tags are fundamental and should be generally applied;

CONSIDERING that the tagging of all crocodilian skins in international trade would be a fundamental step towards the effective regulation of international trade in crocodilians and that a Resolution to this effect was adopted at the eighth meeting of the Conference of the Parties (Resolution Conf. 8.14, Kyoto, 1992);

NOTING, however, that strategies for the secure marking of similar species should take into consideration systems currently in place as well as the requirements of legitimate processing industries and that the system established at the eighth meeting of the Conference of the Parties was found to require improvement;

APPROVING the steps already taken by the Secretariat to establish a register of manufacturers able to produce tags for the marking of crocodilian skins;

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

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) the introduction 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 identify all crocodilian skins entering international trade from the countries of origin;
- b) that skins and flanks be individually tagged and that chalecos have attached a tag to each side (flank);
- c) that tails, throats, feet, backstrips, and other parts be exported in transparent, sealed containers clearly marked with a tag together with a description of the content and total weight;
- d) 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; and, where appropriate, the year of production or harvest in accordance with the provisions of Resolutions Conf. 3.15, 7.14 and 8.15 adopted at the third (New Delhi, 1981), seventh (Lausanne, 1989) and eighth (Kyoto, 1992) meetings of the Conference of the Parties; and further, that such tags have as a minimum the following characteristics: a self-locking mechanism, heat

resistance, inertia to chemical and mechanical processing, and alphanumeric information applied by permanent stamping;

- e) that the same information as is on the tags be given on the export permit or re-export certificate (or other Convention document) or on a separate sheet which shall be considered an integral part of the document, carry the same identification number and be validated by the same issuing authority;
- f) that, in the event of mismatches of information within such a permit, re-export certificate, or other Convention document, the Management Authority of the importing Party immediately contact its counterpart in the exporting/re-exporting Party to establish whether this was a genuine error arising from the volume of information required by this Resolution, and that, if this is the case, every effort be made to avoid penalizing those involved in such transactions;
- g) that Parties establish, where legally possible, a system of registration or licensing, or both, for 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 or removed from raw, tanned, and/or finished skins and flanks, the country of re-export shall tag each such skin or flank, prior to re-export, with a "re-export tag" meeting all the requirements of paragraph d) above except that the country of origin and standard species codes will not be required; and further, that the same information as is on these tags be given on the re-export certificate together with details of the original permit under which the skins were imported;
- j) that, where a re-export contains untagged skins that pre-date the implementation of this Resolution, the Management Authority shall record this on the re-export certificate;
- k) 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 paragraphs c), d), i) or j), as appropriate, and if the related skins and parts thereof are tagged according to the provisions of this Resolution; the only exception to this latter requirement will be where a Party has stocks of existing tags that do not bear the information required in d) but has informed the Secretariat of the number and details of such tags, and plans to discontinue their use. In such cases, this should be stated on the export documentation which, after confirmation by the Secretariat, the Management Authority of the importing Party should accept; and
- l) that the Parties and the Secretariat implement a management and tracking system for tags used in trade as outlined in the Annex to this Resolution;

DIRECTS the Secretariat, in consultation with the Animals Committee, to monitor implementation of this Resolution and

Com. 9.12 Annex

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 d) 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 only from these approved sources.
2. Any approved tag manufacturer registered by the Secretariat should first agree, in writing, that it will:
 - a) not duplicate any series of tags produced in accordance with this Resolution;
 - b) sell such tags only to Management Authorities or, in non-party States to designated government agencies, recognized by the Secretariat in accordance with Resolution Conf. 8.8, or to bodies approved by these agencies; and
 - c) report direct and immediately to the Secretariat each order for tags that is fulfilled.
3. When ordering tags from approved sources, Management Authorities should immediately inform the Secretariat of the details of each tag order.
4. Upon request by a Management Authority, the Secretariat should purchase and distribute tags for crocodilian skins, and should recover the full cost, except if external funding becomes available for Parties requiring assistance.
5. The Secretariat should seek additional resources to allow it to computerize the information collected in connection with the Resolution.
6. The Management Authorities of the exporting, re-exporting and importing Parties should provide the Secretariat, when directed by the Standing Committee or agreed to between the range State and the CITES Secretariat, with a copy of each export permit, re-export certificate, or other Convention document for crocodilian skins or flanks immediately after issuance or on receipt, as appropriate.

Com. 9.13 (Rev.)

PROPOSED AMENDMENTS TO RESOLUTION CONF. 8.10 ON EXPORT QUOTAS FOR LEOPARD HUNTING TROPHIES AND SKINS

(approved by Committee II from documents Doc. 9.26 Annex and Com. 9.13)

The following amendments to the text of Resolution Conf. 8.10 on export quotas for leopard hunting trophies and skins are proposed:

1. Insert after the sixth paragraph of the preamble the following paragraphs:

RECOGNIZING the importance of monitoring the utilization of quotas granted by this Resolution:

CONCERNED that Parties have not always submitted special reports on numbers of skins exported annually in accordance with recommendation e) in time for the Secretariat to prepare the report for the Conference of the Parties;

2. Amend the operative paragraph e) to read:

"that each State that exports leopard skins in terms of this Resolution submit to the Secretariat, by 31 March of each year, a special report on the number

of trophies and skins so exported during the previous quota year; as optional information that each State include details of the permit numbers, the identification numbers of the tags attached to the skins, the countries of destination and the numbers of the import permits; and that the Secretariat submit a report to each regular meeting of the Conference of the Parties; and"

3. Addition of the following paragraph at the end:

"DIRECTS the Secretariat to notify the Parties to suspend imports of leopard trophies and skins from a country granted annual export quotas that has not met its reporting requirement in accordance with recommendation e) of this Resolution, only after first checking with the range State that the special report has not been submitted."

Com. 9.14

Interpretation and Implementation of the Convention Review of the Resolutions of the Conference of the Parties

DELETION OF RESOLUTIONS THAT ARE OUT OF DATE

(prepared by a working group from document Doc. 9.19.1 [Rev.])

The Annex to this document provides a list of the Resolutions of the Conference of the Parties, or parts thereof, that are considered no longer to be operative or to

have any practical effect. They should therefore no longer be considered among the Resolutions remaining applicable.

Com. 9.14 Annex

Resolutions Considered No Longer To Be Operative Or To Have Any Practical Effect

(wholly or in part as indicated)

Resolution	Explanation
Conf. 1.5	
para. 3	On parts and derivatives included in Appendix III: This has been superseded by Resolution Conf. 2.18 and amendment of the Interpretation of Appendix III.
para. 6	On trade from non-Parties: This has been superseded by Resolutions Conf. 3.8 and Conf. 8.8.
para. 7	On models of permits and certificates: This has been replaced by Resolution Conf. 8.5, paragraph a) under "AGREES", which is partially in contradiction and therefore overturns the earlier Resolution.
para. 8	On exchange of herbarium specimens: This has been replaced by Resolution Conf. 2.14, paragraph b) iii) under "RECOMMENDS".
para. 9	On exchange of preserved animal specimens: This is defunct. The result of the recommended study is incorporated in Resolution Conf. 2.14.
para. 10	On the presentation of the appendices: This has been implemented by the Secretariat.
para. 12	On lists of Management Authorities and their seals: This is implemented by the Secretariat and no resolution is needed.
para. 13	On the calendar year for annual reports: This is repeated in Resolution Conf. 3.10.
para. 14	On corrections to the Convention text, to be included on the agenda for the first extraordinary meeting of the Conference of the Parties: This has taken place but the points mentioned were not on the agenda.
Conf. 1.6	
para. 1	On retention of the term "Testudinata" in the appendices: This is done and no resolution is necessary.
para. 2	On proposals "not considered" at the first meeting of the Conference of the Parties: This is no longer relevant.
para. 3	On plant species in the appendices: The review that is called for was undertaken. This is therefore defunct.
Conf. 1.7	On the special working session on implementation: This was held in Geneva in 1977.
Conf. 1.8	On reinforcement of the Secretariat: This is defunct.
Conf. 1.9	On ratification or accession by non-Parties: The urging to non-Parties to accede or ratify, and meanwhile to act in the spirit of the Convention, is relevant but, as a Resolution having been transmitted in 1976, no longer has any effect. The request to the Secretariat was implemented. The Resolution is defunct.
Conf. 2.3	On external funding: This topic is now covered by Resolution Conf. 8.1, paragraph a) under "DIRECTS".
Conf. 2.6	On trade in species in Appendices II and III
para. c)	Dealing with the terms of reference of the Technical Expert Committee, it is defunct.
Conf. 2.7	On the relationship with the International Whaling Commission
first para	This reiterates an obligation of the Convention and is redundant.
Conf. 2.10	On problems in implementing the provisions of Article VII
last para.	The Secretariat completed and presented the required study. The paragraph under "REQUESTS" is therefore defunct.
Conf. 2.11	On trade in Appendix-I hunting trophies
para. b)	The statement that the scientific findings referred to in Article III also applies to dead specimens, is self evident from the text of the Convention.

Resolution	Explanation
Conf. 2.18	On parts and derivatives in Appendices II and III: This is contradicted but not repealed by Resolution Conf. 4.24. The current recommendations are now incorporated into the Interpretations of the appendices for plants and have been re-incorporated into the Interpretation of Appendix III for animals (having been unintentionally removed during a revision). The policy statement embodied in the Resolution, although contradicted by subsequent Resolutions on parts and derivatives, remains on the record to explain the intent of the Parties in advancing proposals for the inclusion of plant species in Appendix II at the second and third meetings of the Conference of the Parties and in requesting the inclusion of species in Appendix III.
Conf. 2.20	On subspecies in the appendices
last para.	The section under "REQUESTS", about recommendations to the third meeting of the Conference of the Parties, is defunct.
Conf. 3.3	On the location of the Secretariat and tax relief: This is now out of date.
Conf. 3.6	On standardization of permits and certificates: The requests to the Secretariat are complied with and do not need to be in a resolution. The recommendations have been effectively replaced by Resolution Conf. 8.5.
Conf. 3.7	On use of security stamps and permits
para. a)	It is replaced by paragraphs c) and d) under "RECOMMENDS" of Resolution Conf. 8.5.
last para.	This paragraph under "DIRECTS" is defunct.
Conf. 3.17	On work of the Technical Expert Committee in relation to specimens stressed during transport: The Technical Expert Committee no longer exists and work on matters related to transport has advanced considerably. The Resolution is defunct.
Conf. 3.19	On the index of species mentioned in legislation: The paragraph under "RECOMMENDS" reiterates a requirement of the Convention. The call to the UNEP International Referral System need not be maintained. The request to the Secretariat is now dealt with by the inclusion of the necessary funds in the Secretariat's budget. The Resolution is therefore out of date.
Conf. 3.20	On the Ten-year Review of the appendices: Paragraphs a), b), c) and d) are out of date.
Conf. 3.21	On the reverse listing concept: The "sub-committee" established to examine the concept finished its work. The Resolution is defunct.
Conf. 4.7	On significant trade in Appendix-II fauna: All parts effectively replaced by Resolution Conf. 6.1 (giving responsibilities to the Animals Committee) or Conf. 8.9.
Conf. 4.12	On the control of tourist souvenir specimens
para. c)	The urging to Parties, although in line with the paragraph under "DIRECTS" of Resolution Conf. 6.16, is inconsistent with the paragraph under "URGES" of Resolution Conf. 6.8; moreover, having been adopted ten years ago, it is no longer effective.
Conf. 4.13	On trade in leopard skins: Resolution Conf. 8.10 has replaced all others on this subject.
Conf. 4.14	On trade in worked ivory: This was implemented by the Technical Committee which no longer exists. The Resolution is defunct.
Conf. 4.24	On parts and derivatives of Appendix-II/III plants and Appendix-III animals: This is largely redundant, having been replaced by the Interpretations of the appendices, although the relevant part of the Interpretation of Appendix III for animals was unintentionally removed during a revision; this has been corrected. The policy statements embodied in recommendations a), b), c) and e) of Resolution Conf. 4.24, pertaining to the inclusion of parts and derivatives of plant species included in Appendices II and III, and on the recognition of parts and derivatives of animal species included in Appendix III, remain on the record to explain the intent of the Parties in advancing proposals for the addition of plants to Appendix II at the fourth and subsequent meetings of the Conference of the Parties and in requesting the addition of species to Appendix III. The recommendation to the Secretariat to produce a list of parts and derivatives of plants (also referred to in Resolution Conf. 6.18) should be included in the other decisions of the Conference of the Parties.
Conf. 4.26	On the Ten-year Review of the appendices: See comments on Resolution Conf. 3.20.
Conf. 5.2	On implementation of the Convention in Bolivia: This is defunct. The urging and exhortation to countries and organizations to help Bolivia are no less valid than they were but, having been adopted in 1985, the Resolution has lost its effectiveness.
Conf. 5.3	On significant trade in Appendix-II species: This is effectively replaced by Resolution Conf. 6.1.
Conf. 5.4	On periodic reports
last para.	The request to the Secretariat, to urge non-party States to submit reports, was fulfilled but was fruitless. The request is now defunct.
Conf. 5.13	On trade in leopard skins: Resolution Conf. 8.10 has replaced all others on this subject.
Conf. 5.18	On air transport of live animals: The paragraphs under "RESOLVES", "INSTRUCTS the Secretariat" and "DIRECTS" were implemented.

Resolution	Explanation
Conf. 5.19	On the Nomenclature Committee: It is out of date, except the recommendation that the Parties adopt <i>Amphibian Species of the World</i> as the standard reference to amphibian nomenclature which is maintained.
Conf. 6.4	On implementation of the Convention in Bolivia: The paragraphs under "RECOMMENDS" are defunct.
Conf. 6.5	On CITES implementation in the EEC: This Resolution, except the request to the EEC to establish a Community inspectorate, and the recommendation that the EEC monitor the movement of CITES specimens between Member States, is not valid any more for the following reasons: <ul style="list-style-type: none"> – The congratulations to the Commission of the European Communities are out of date. The recommendation that the independent study be made available is out of date as the study is in the public domain. – The suggestion that other Parties "consider the benefits" of commissioning studies, having been adopted in 1987 has lost its effectiveness. – The urging to Parties to "consider accepting" the Gaborone amendment has been superseded by Resolutions Conf. 8.1 and Conf. 8.2 which urge and recommend that Parties do accept the Gaborone amendment.
Conf. 6.8	On personal and household effects: This urges Parties that do not regulate trade in tourist souvenirs to inform the Secretariat but no information has been received for several years; this part has lost its effect and can be considered defunct. The request to the Standing Committee to make recommendations for the seventh meeting of the Conference of the Parties is also defunct.
Conf. 6.9	On trade in leopard skins: Resolution Conf. 8.10 has replaced all others on this subject.
Conf. 6.13	On funding of activities in the Secretariat to co-ordinate control of the ivory trade: This is defunct.
Conf. 6.14	On raw-ivory traders: The paragraphs under "RECOMMENDS" relate to commercial ivory trade; they are defunct.
Conf. 6.16	On trade in worked ivory: The paragraphs under "RECOMMENDS" and "DIRECTS" address provisions of the Convention relating to trade in worked ivory from African elephants in Appendix II. These are out of date.
Conf. 6.18	On parts and derivatives of plants: The exemptions specified are now incorporated in the Interpretations of the appendices. The policy statement embodied in this Resolution, which established a set of standard exclusions from the list of parts and derivatives covered by the inclusion of plant species in Appendices II and III, remains on the record to explain the intent of the Parties in advancing proposals for the inclusion of plant species in Appendix II at the sixth and subsequent meetings of the Conference of the Parties and in requesting the inclusion of plant species in Appendix III. The list of parts and derivatives to be produced by the Secretariat is dealt with above under Conf. 4.24.
Conf. 6.20	On standard nomenclature for Cactaceae: This was replaced by Resolution Conf. 8.18.
Conf. 6.23	On guidelines for evaluating marine turtle ranching proposals: This was implemented. The Animals Committee has been directed to deal with this issue.
Conf. 7.7	On trade in leopard skins: Resolution Conf. 8.10 has replaced all others on this subject.
Conf. 7.8	On trade in ivory from African elephants
urges	The urging to implement the Convention, is unnecessary because this is an obligation.
para. a)	The recommendation that Parties implement Appendix-I controls before the inclusion in Appendix I takes effect is out of date.
Conf. 7.11	On trade in ranched specimens: This was implemented.
Conf. 7.12	On marking Recommendations b) and c), on use of microchips for identification of live specimens have been superseded by Resolution Conf. 8.13. The further recommendation b) relates to work to be done by the Animals Committee before the eighth meeting of the Conference of the Parties, so is defunct.
Conf. 8.20	On new criteria for amendment of the appendices: From the ninth meeting of the Conference of the Parties this Resolution will be obsolete.

PROPOSED DECISIONS OF THE CONFERENCE OF THE PARTIES REGARDING STEPS TO BE TAKEN BY THE PARTIES AND BY THE SECRETARIAT TO FURTHER IMPLEMENT RESOLUTION CONF. 8.4

(approved by Committee II from documents Doc. 9.24 Annex 2 and Com 9.15)

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

1. RECOMMENDS that the following actions be taken by each Party named in the revised Annex 1 of document Doc. 9.24, whose national legislation is believed generally not to meet the requirements for implementation of CITES.
 - a) The Party concerned should:
 - i) take all necessary measures to develop national legislation for implementation of CITES and to ensure that this legislation will be introduced¹ by the tenth meeting of the Conference of the Parties; and
 - ii) report to the Secretariat any progress made in this regard no later than six months before that meeting.
 - b) If the Party concerned believes that the Secretariat's current analysis of legislation is not accurate, it should, by 15 January 1995, provide to the Secretariat:
 - i) copies of all relevant legislation not referred to in the analysis and, where applicable, a translation of this legislation into one of the three languages of the Convention; and
 - ii) its comments as to how such legislation applies to the implementation of CITES.
 - c) Notwithstanding the new information provided by the Party, paragraph 1. a) should apply until the Party receives different advice from the Secretariat.
2. DECIDES that, with respect to Parties that have not taken positive steps to implement these recommendations, the Conference of the Parties at its tenth meeting shall consider appropriate measures, which may include restrictions on the commercial trade in specimens of CITES-listed species to or from such Parties.
3. RECOMMENDS that the following actions be taken by any Party named in the revised Annex 1 of document Doc. 9.24, whose national legislation is believed not to meet all requirements for CITES implementation.
 - a) The Party concerned should:
 - i) take steps to improve its national legislation for implementation of CITES in the areas of weakness indicated in the analysis; and
 - ii) report to the Secretariat any progress made in this regard no later than six months before the tenth meeting of the Conference of the Parties.
 - b) If the Party concerned believes that the Secretariat's analysis of legislation is not accurate, it should, by 15 January 1995, provide to the Secretariat:
 - i) copies of all relevant legislation not referred to in the analysis and, where applicable, a translation of this legislation into one of the three languages of the Convention; and
 - ii) its comments as to how such legislation applies to the implementation of CITES.
 - c) Notwithstanding the new information provided by the Party, paragraph 3. a) should apply unless the Party is advised by the Secretariat that its legislation is believed to generally meet all requirements for CITES implementation.
4. DECIDES that the Parties should make greater efforts to provide to the Secretariat the biennial reports required under Article VIII, paragraph 7 (b), of the Convention, NOTING in particular the importance of information on changes that have occurred with regard to national legislation for implementation of CITES.
5. DIRECTS the Secretariat to:
 - a) consider any new information on legislation for implementation of CITES received by 15 January 1995 from the Parties indicated in the revised Annex 1 of document Doc. 9.24 and, in consultation with the Parties concerned, the ELC and TRAFFIC USA, to amend the analyses and overall judgement of their legislation accordingly;
 - b) advise the Parties concerned of any amendments to the analyses and overall judgement of their legislation and, as a result, of any changes regarding actions that they should take concerning the recommendations in paragraphs 1. a) and 3. a) of this document;
 - c) provide technical assistance to Parties requesting assistance in the development of their national legislation for CITES implementation, giving priority to those Parties named in the revised Annex 1 of document Doc. 9.24, whose national legislation is believed generally not to meet the requirements for implementation of CITES;
 - d) develop, in 1995, analyses of legislation of the Parties to the Convention not named in the revised Annex 1 of document Doc. 9.24;
 - e) keep current analyses of legislation, using the information from biennial reports required under Article VIII, paragraph 7(b), of the Convention and other relevant information that becomes available;
 - f) report to the tenth meeting of the Conference of the Parties:
 - i) the measures taken by the Parties concerned to implement the recommendations in paragraphs 1 and 3 of this document, and any recommendations for Parties that have not taken positive steps in this regard;
 - ii) the progress concerning technical assistance provided to the Parties in the development of their national legislation for implementation of CITES; and
 - iii) the conclusions of the analyses of legislation begun in 1995 for Parties not named in the revised Annex 1 of document Doc. 9.24; and

¹ This means submitted to the legislature

g) implement as far as possible directives a), c), d) and e), using funds from the budget of the Trust Fund, as follows:

- i) in 1995, from line item 2103, Species in Legislation [document Com. 8.5 (Rev.)]; and
- ii) in 1996 and 1997, from line item 2103, CITES Implementation Legislation (document Com. 9.5).

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

(approved by Committee II from documents Doc. 9.25, Doc. 9.25.1 and Com. 9.16)

Enforcement

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 available resources for enforcement are negligible when compared to the profits gained from such trafficking;

RECOGNIZING that the Preamble of the Convention states that international co-operation is essential for the protection of certain species of wild fauna and flora against over-exploitation through international trade;

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;

RECALLING Resolution Conf. 7.5, adopted at the seventh meeting of the Conference of the Parties (Lausanne, 1989), on Enforcement of the Convention;

WELCOMING the adoption of a new resolution on law enforcement co-operation at the Asian regional meeting in Israel in March 1994;

NOTING the Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora;

CONSCIOUS of the Secretariat's role in promoting enforcement of the Convention, as provided by Article XIII, and of the measures which the Secretariat has taken with 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;

**THE CONFERENCE OF THE PARTIES TO THE
CONVENTION**

AGREES on the need for additional measures to reduce further the illegal trade in species covered by the Convention;

URGES the Parties, inter-governmental and non-governmental organizations to provide additional financial support for the enforcement of the Convention, by providing funds to the Enforcement Project of the Secretariat;

DIRECTS the Secretariat to utilize such funds towards the following priorities:

- the appointment of additional officers to the Secretariat to work on enforcement-related matters;
- assistance in the development and implementation of regional law-enforcement agreements; and
- 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;

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 (WCO) and ICPO-Interpol;

RECOMMENDS that Management Authorities co-ordinate with governmental agencies responsible for enforcement of CITES, including Customs and Police, by arranging training activities and joint meetings, and facilitating the exchange of information through, for example, the establishment of inter-agency committees at a national level;

RECOMMENDS that the Parties provide to the Secretariat detailed information on significant cases of illegal trade; and

RECOMMENDS further that the Parties:

- a) promote incentives to secure the support and co-operation of local and rural communities in managing wild resources and thereby combatting illegal trade;
- b) where appropriate, evaluate and utilize for enforcement purposes, information from non-governmental sources while maintaining standards of confidentiality; and
- c) consider the formation, at national level, of specialized wildlife enforcement units or teams.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

(approved by Committee I from documents Doc. 9.41 Annex 3 and Com. 9.17)

Criteria for Amendment of Appendices I and II

RECALLING that the Conference of the Parties at its eighth meeting, held in Kyoto, Japan, in March 1992, was convinced that the criteria adopted at the first meeting of the Conference of the Parties (Berne, 1976) (Resolutions Conf. 1.1 and Conf. 1.2) did not provide an adequate basis for amending the appendices, and directed the Standing Committee to undertake, with the assistance of the Secretariat, a revision of the criteria for amending the appendices (Resolution Conf. 8.20);

NOTING that this review was carried out in consultation with the Parties and on the basis of initial technical work carried out by IUCN in collaboration with other experts;

NOTING further that all aspects of this review were addressed by a joint meeting of the Plants and Animals Committees in association with the Standing Committee, held in Brussels in September 1993;

CONSIDERING the fundamental principles in paragraphs 1 and 2 of Article II of the Convention, which specify the species to be included in Appendices I and II;

RECOGNIZING that to qualify for inclusion in Appendix I a species must meet biological and trade criteria;

RECALLING that Article II, paragraph 2.(a), provides for the inclusion of species which may become threatened with extinction in Appendix II, in order to avoid utilization incompatible with their survival;

RECOGNIZING that for the proper implementation of this provision it is necessary to adopt appropriate criteria, considering both biological and trade factors;

RECALLING 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;

CONSIDERING, however, 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;

RECOGNIZING that the range States of a species subject to an amendment proposal should be consulted following the procedures recommended by the Conference of the Parties, and that the intergovernmental bodies having a function in relation to that species should be consulted as well;

NOTING the competence of certain intergovernmental organizations in relation to the management of marine species;

RECALLING that the international trade in all wild fauna and flora is under the purview of the Convention;

EMPHASIZING the importance of Resolution Conf. 3.4, adopted at the third meeting of the Conference of the Parties (New Delhi, 1981), regarding the need to provide to developing countries technical assistance in matters relating to the Convention;

RECOGNIZING 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;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

ADOPTS the following Annexes as an integral part of this Resolution:

- Annex 1: Biological criteria for Appendix I;
- Annex 2a: Criteria for the inclusion of species in Appendix II in accordance with Article II, paragraph 2.(a);
- Annex 2b: Criteria for the inclusion of species in Appendix II in accordance with Article II, paragraph 2.(b);
- Annex 3: Special cases;
- Annex 4: Precautionary measures;
- Annex 5: Definitions, notes and guidelines; and
- Annex 6: Format for proposals to amend the appendices;

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;

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

- a) any species that is or may be affected by trade should be included in Appendix I if it meets at least one of the biological criteria listed in Annex 1;
- b) a species "is or may be affected by trade" if:
 - i) it is known to be in trade; or
 - ii) it is probably in trade, but conclusive evidence is lacking; or
 - iii) there is potential international demand for specimens; or
 - iv) it would probably enter trade were it not subject to Appendix-I controls;
- c) any species that meets the criteria for Appendix II listed in Annex 2a should be included in Appendix II in accordance with Article II, paragraph 2.(a);
- d) species should be included in Appendix II under the provisions of Article II, paragraph 2.(b), if they satisfy the criteria listed in Annex 2b;
- e) species should be included in more than one appendix at the same time, and higher taxa should be included in the appendices, only if the species or higher taxa concerned satisfy the relevant criteria listed in Annex 3;
- f) species of which all specimens in trade have been bred in captivity or artificially propagated should not be included in the appendices if there is no probability of trade taking place in specimens of wild origin;
- g) any species included in Appendix I for which sufficient data are available to demonstrate that it does not meet the criteria listed in Annex 1 should be transferred to Appendix II only in accordance with the relevant precautionary measures listed in Annex 4;
- h) any species included in Appendix II in accordance with Article II, paragraph 2.(a), that does not meet the criteria listed in Annex 2a should be deleted only in accordance with the relevant precautionary measures listed in Annex 4; and species included in accordance with

Article II, paragraph 2.(b), because they look like the species subject to the deletion, or for a related reason, should also be deleted only in accordance with the relevant precautionary measures; and

- i) the views, if any, of intergovernmental organizations with competence for the management of the species concerned should be taken into account;

RESOLVES that proposals to amend Appendices I and II should be based on the best information available and presented in the format in Annex 6, unless otherwise justified;

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;

URGES Parties and co-operating organizations to provide financial and technical assistance, when requested, in the preparation of proposals to amend the appendices, the development of management programmes, and the review of the effectiveness of the inclusion of species in the appendices. Parties should be open to using other available international mechanisms and instruments for these purposes in the broader context of biodiversity;

RECOMMENDS that the text and the annexes of this 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; and

DECIDES that the Resolutions listed hereunder shall be repealed:

- a) Resolution Conf. 1.1 (Berne, 1976) – Criteria for the Addition of Species and Other Taxa to Appendices I and II and for the Transfer of Species and Other Taxa from Appendix II to Appendix I;
- b) Resolution Conf. 1.2 (Berne, 1976) – Criteria for the Deletion of Species and Other Taxa from Appendices I and II;
- c) Resolution Conf. 2.17 (San José, 1979) – Format for Proposals to Amend Appendix I or II;
- d) Resolution Conf. 2.19 (San José, 1979) – Criteria for Addition of Extremely Rare Species to Appendix I;
- e) Resolution Conf. 2.20 (San José, 1979) – The Use of the Subspecies as a Taxonomic Unit in the Appendices;
- f) Resolution Conf. 2.21 (San José, 1979) – Species Thought to Be Extinct;
- g) Resolution Conf. 2.22 (San José, 1979) – Trade in Feral Species;
- h) Resolution Conf. 2.23 (San José, 1979) – Special Criteria for the Deletion of Species and Other Taxa Included in Appendix I or II without Application of the Berne Criteria for Addition;
- i) Resolution Conf. 3.20 (New Delhi, 1981) – Ten-year Review of the Appendices;
- j) Resolution Conf. 4.26 (Gaborone, 1983) – Ten-year Review of the Appendices;
- k) Resolution Conf. 7.14 (Lausanne, 1989) – Special Criteria for the Transfer of Taxa from Appendix I to Appendix II; and
- l) Resolution Conf. 8.20 (Kyoto, 1992) – Development of New Criteria for Amendment of the Appendices.

Com. 9.17 (Rev.)Annex 1

Biological Criteria for Appendix I

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

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

A. The wild population is small, and is characterized by **at least one** of the following:

- i) an observed, inferred or projected decline in the number of individuals or the area and quality of habitat; or
- ii) each sub-population being very small; or
- iii) a majority of individuals, during one or more life-history phases, being concentrated in one sub-population; or
- iv) large short-term fluctuations in the number of individuals; or
- v) a high vulnerability due to the species' biology or behaviour (including migration).

B. The wild population has a restricted area of distribution and is characterized by **at least one** of the following:

- i) fragmentation or occurrence at very few locations; or
- ii) large fluctuations in the area of distribution or the number of sub-populations; or
- iii) a high vulnerability due to the species' biology or behaviour (including migration); or

iv) an observed, inferred or projected decrease in any one of the following:

- the area of distribution; or
- the number of sub-populations; or
- the number of individuals; or
- the area, extent or quality of habitat; or
- reproductive potential.

C. A decline in the number of individuals in the wild, which has been **either**:

- i) observed as ongoing or as having occurred in the past (but with a potential to resume); or
- ii) inferred or projected on the basis of any one of the following:
 - a decrease in area or quality of habitat; or
 - levels or patterns of exploitation; or
 - threats from extrinsic factors such as the effects of pathogens, competitors, parasites, predators, hybridization, introduced species and the effects of toxins and pollutants; or
 - decreasing reproductive potential.

D. The status of the species is such that if the species is not included in Appendix I, it is likely to satisfy one or more of the above criteria within a period of five years.

Criteria for the Inclusion of Species in Appendix II in Accordance with Article II, Paragraph 2. (a)

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

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

A. It is known, inferred or projected that unless trade in the species is subject to strict regulation, it will meet at least one of the criteria listed in Annex 1 in the near future; or

B. It is known, inferred or projected that the harvesting of specimens from the wild for international trade has, or may have, a detrimental impact on the species by either:

- i) exceeding, over an extended period, the level that can be continued in perpetuity; or
- ii) reducing it to a population level at which its survival would be threatened by other influences.

Criteria for the Inclusion of Species in Appendix II in Accordance with Article II, Paragraph 2.(b)

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

A. the specimens closely resemble specimens of a species included in Appendix II under the provisions of Article II, paragraph 2.(a), or in Appendix I, such that a non-expert,

with reasonable effort, is unlikely to be able to distinguish between them; or

B. the species is a member of a taxon of which most of the species are included in Appendix II under the provisions of Article II, paragraph 2.(a), or in Appendix I, and the remaining species must be included to bring trade in specimens of the others under effective control.

Special Cases

Split-listing

Listing of a species in more than one appendix should be avoided in general in view of the enforcement problems it creates. When split-listing does occur, this should generally be on the basis of national or continental populations, rather than subspecies. Split-listings that place some populations of a species in the appendices, and the rest outside the appendices, should normally not be permitted. For species outside the jurisdiction of any State, listing in the appendices should use the terms used in other relevant international agreements, if any, to define the population. If no such international agreement exists, then the appendices should

define the population by region or by geographic co-ordinates. 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.

Precautionary Measures

A. When considering proposals to amend the appendices, the Parties shall, in the case of uncertainty, either as regards the status of a species, or as to the impact of trade on the conservation of a species, act in the best interest of the conservation of the species.

B. 1. No species listed in Appendix I shall be removed from the appendices unless it has been first transferred to Appendix II, with monitoring of any impact of trade on the species for at least two intervals between meetings of the Conference of the Parties.

2. Species included in Appendix I should only be considered for transfer to Appendix II if they do not satisfy the relevant criteria in Annex 1. Even if such species do not satisfy the relevant criteria in Annex 1, they should be retained in Appendix I unless they satisfy one of the following criteria:

a) the species is not in demand for international trade, nor is its transfer to Appendix II likely to stimulate trade in, or cause enforcement

problems for, any other species included in Appendix I; or

b) the species is likely to be in demand for trade, but its management is such that the Conference of the Parties is satisfied with:

i) implementation by the range State(s) 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 which is approved by the Conference of the Parties, based on management measures described in the supporting statement of the amendment proposal, provided that effective enforcement controls are in place; or

- d) an integral part of the amendment proposal is an export quota which is approved by the Conference of the Parties for a specified period of time, based on management measures described in the supporting statement of the amendment proposal provided that effective enforcement controls are in place; or
- e) a ranching proposal is submitted consistent with the applicable Resolutions of the Conference of the Parties and is approved.
3. No proposal for transfer of a species from Appendix I to Appendix II with an export quota shall be considered from a Party that has entered a reservation for the species in question, unless that Party agrees to remove the reservation within 90 days of the adoption of the amendment.
4. No species should be deleted from Appendix II if such deletion would be likely to result in it qualifying for inclusion in the appendices in the near future.
- C. The following review procedures shall apply when a species is transferred to Appendix II pursuant to paragraphs B 2.c) and B 2.d) above:
1. Where the Plants Committee, the Animals Committee or a Party becomes aware of problems in compliance with the management measures and export quotas of another Party, the Secretariat shall be informed and, if the Secretariat fails to resolve the

matter satisfactorily, it shall inform the Standing Committee which may, after consultation with the Party concerned, recommend to all Parties that they suspend trade with that Party in specimens of CITES-listed species, and/or request the 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.
- D. If the proponent Party wishes to renew, amend or delete a quota established pursuant to paragraph B 2.d) above, it shall submit an appropriate proposal for consideration at the next meeting of the Conference of the Parties. In anticipation of there being no such proposal submitted, the Depository Government shall submit a proposal for consideration at the next meeting of the Conference of the Parties to impose a zero quota.
- E. Species that are regarded as possibly extinct should not be deleted from Appendix I if they may be affected by trade in the event of their rediscovery; these species should be annotated in the appendices as "p.e." (i.e. possibly extinct).

Com. 9.17 (Rev.) Annex 5

Definitions, Notes and Guidelines

Area of distribution

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

Decline

A decline is a reduction in the number of individuals, or a decrease of the area of distribution, the causes of which are either not known or not adequately controlled. It need not necessarily still be continuing. Natural fluctuations will not normally count as part of a decline, but an observed decline should not be considered part of a natural fluctuation unless there is evidence for this. A decline that is the result of a harvesting programme that reduces the population to a planned level, not detrimental to the survival of the species, is not covered by the term "decline". For some species in trade where data exist to make an estimate, a decrease of 50% or more in total within 5 years or two generations, whichever is the longer, has been found to be an appropriate guideline (not a threshold) of what constitutes a decline. A

guideline (not a threshold) of what constitutes a decline in a small wild population could be 20% or more in total within ten years or three generations, whichever is the longer. However, both these figures are presented only as examples, since it is impossible to give numerical values that are applicable to all taxa. There will be many cases where these numerical guidelines do not apply.

Extended period

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

Fragmentation

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

Generation

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

Large fluctuations

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

Mature individuals

The number of mature individuals is defined as the number of individuals known, estimated or inferred to be capable of reproduction. Where the population is characterized by normal or large fluctuations the minimum number should be used. This measure is intended to count individuals capable of reproduction and should therefore exclude individuals that are environmentally, behaviourally or otherwise reproductively suppressed in the wild. In the case of populations with biased adult or breeding sex ratios it is appropriate to use lower estimates of the number of mature individuals which take this into account. Reproducing units within a clone should be counted as individuals, except where such units are unable to survive alone (e.g. corals). In the case of taxa that naturally lose all or a subset of individuals at some point in their life cycle, the estimate should be made at the appropriate time, when mature individuals are available for breeding.

Population

Population is measured as the total number of individuals of the species (as defined in Article I of the Convention). In the case of species biologically dependent on other species for all or part of their life cycles, biologically appropriate values for the host species should be chosen. For some species in trade where data exist to make an estimate, a figure of less

than 5,000 mature individuals has been found to be an appropriate guideline (not a threshold) of what constitutes a small wild population. However, this figure is presented only as an example, since it is impossible to give numerical values that are applicable to all taxa. There will be many cases where this numerical guideline does not apply.

Possibly extinct

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

Sub-populations

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

Threatened with extinction

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

Annex 6

Format for Proposals to Amend the Appendices

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

A. Proposal

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

___ Inclusion in Appendix I

___ Inclusion in Appendix II

___ in accordance with Article II 2.(a)

___ in accordance with Article II 2.(b)

___ for reasons of look-alike problems (in this case, the name of the similar species already included in the appendices should be given in section C 7. Additional Remarks)

___ for other reasons (such as those referred to in Annex 3 to this Resolution)

___ Transfer from Appendix I to Appendix II in accordance with a precautionary measure specified in Annex 4 to this Resolution

___ Deletion from Appendix II

___ Other action (provide explanation)

B. Proponent

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

C. Supporting Statement

1. Taxonomy

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

1.1, 1.2, 1.3, 1.4 Scientific name

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, 1.6 Scientific synonyms and common names

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

1.7 Code numbers

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

2. Biological Parameters

2.1 Distribution

2.2 Habitat availability

2.3 Population status

2.4 Population trends

2.5 Geographic trends

2.6 Role of the species in its ecosystem

2.7 Threats

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

2.1 Distribution

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

2.2 Habitat availability

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

2.3 Population status

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

2.4 Population trends

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

2.5 Geographic trends

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

2.6 Role of the species in its ecosystem

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

2.7 Threats

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

3. Utilization and Trade

3.1 National utilization

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

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

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

3.2 Legal international trade

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

3.3 Illegal trade

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

3.4 Actual or potential trade impacts

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

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

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

4. Conservation and Management

4.1 Legal status

4.1.1 National

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

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

4.1.2 International

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

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

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

4.2 Species management

4.2.1 Population monitoring

Provide details of programmes in place in the range State(s) to monitor the status of wild populations and the sustainability of offtake from the wild. Such programmes might be under the auspices of government or through non-governmental organizations or scientific institutions. Indicate the extent

to which non-governmental monitoring programmes link to governmental decision-making.

4.2.2 Habitat conservation

Provide details of programmes in place in the range State(s) to protect the habitat of the species in question, both inside and outside protected areas. Provide details about the nature of the protection offered by the programmes in question.

4.2.3 Management measures

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

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

4.3 Control measures

4.3.1 International trade

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

4.3.2 Domestic measures

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

5. Information on Similar Species

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

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

6. Other Comments

Provide details of the consultation undertaken to secure comments on the proposal from the range State(s) of the species, either through direct contact or via the CITES Secretariat. Comments received from each country should be provided. Where comments were sought but not received in sufficient time to enable their inclusion in

the supporting statement, this should be noted, as well as the date of the request.

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

In the case of species that are also managed through other international agreements or intergovernmental bodies, provide details of the consultations undertaken to

obtain the comments of those organizations or bodies, and indicate how those comments have been addressed in the supporting statement. Where comments were sought but not received in sufficient time to enable their inclusion in the supporting statement, this should be noted, as well as the date of the request.

7. Additional Remarks

8. References

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

(prepared by a working group from document Doc. 9.58)

Status of International Trade in Shark Species

NOTING the increase in the international trade in parts and products of sharks, and the document on this issue (Doc. 9.58) submitted by the United States of America;

CONCERNED that some shark species are heavily utilized around the world for their fins, skins and meat;

NOTING that levels of exploitation in some cases are unsustainable and may be detrimental to the long-term survival of certain shark species;

NOTING that, at present, sharks are not specifically managed or conserved by any multilateral or regional agreement for the management of marine fisheries;

NOTING further, the ongoing initiatives to foster international co-operation in the management of fisheries resources;

CONCERNED that the international trade in parts and products of sharks lacks adequate monitoring and control;

RECOGNIZING that the members of the IUCN Species Survival Commission's Shark Specialist Group are currently reviewing the status of sharks and the global trade in their parts and products in the course of developing an Action Plan on shark conservation;

RECOGNIZING that the Conference of the Parties has competence to consider any species subject to international trade;

RECOGNIZING 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), have undertaken efforts to collect elaborate statistical data on catches and landings of diverse marine species, including sharks;

RECOGNIZING further that the collection of species-specific data is 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 CONFERENCE OF THE PARTIES TO THE CONVENTION

URGES 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;

DIRECTS 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 non-governmental 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 tenth meeting of the Conference of the Parties;

REQUESTS the FAO and other international fisheries management organizations to establish programmes to further collect and assemble the necessary biological and trade data on shark species; and further requests that such additional information be provided no later than six months prior to the 11th meeting of the Conference of the Parties;

REQUESTS all nations utilizing and trading specimens of shark species to co-operate with FAO, and other international fisheries management organizations, and to assist developing states in the collection of species-specific data; and

REQUESTS the FAO, and other international fisheries management organizations, to fully inform the CITES Secretariat of progress on collection, elaboration and analyses of data.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

(approved by Committee II from document Doc. 9.51 Annex)

The Interpretation and Application of Quotas for Species Included in Appendix I

RECALLING Resolution Conf. 6.7, adopted at the sixth meeting of the Conference of the Parties (Ottawa, 1987), calling on Parties to consult with range States prior to taking stricter domestic measures pursuant to Article XIV which may interfere with trade in wild animals and plants and Resolution Conf. 8.21, adopted at the eighth meeting of the Conference of the Parties (Kyoto, 1992), requiring consultation between proposing States and range States;

RECALLING Resolution Conf. 8.3, adopted at the eighth meeting of the Conference of the Parties (Kyoto, 1992), recognizing the benefits of the use of wildlife;

RECALLING in particular the Preamble to the Convention which states that peoples and States are and should be the best protectors of their own wild fauna and flora;

RECALLING Resolution Conf. 4.6, adopted at the fourth meeting of the Conference of the Parties (Gaborone, 1983), which recommends that the text of any document submitted for consideration at a meeting of the Conference of the Parties be communicated to the Secretariat at least 150 days before the meeting;

RECOGNIZING the supreme importance of co-operative and mutual action as called for at the United Nations Conference on the Environment and Development in 1992 at Rio de Janeiro and as embodied in the Convention on Biological Diversity;

AWARE that the Parties have set quotas for the export of specimens of the leopard, various crocodilians, and the cheetah;

AWARE that it is the understanding and practice of the majority of Parties that the establishment of quotas by the Parties satisfies the required finding that the export of a specimen will not be detrimental to the survival of the species and that the import of that specimen will not be for purposes detrimental to the survival of the species, provided that the export is within the limits set in the quota;

AWARE however that the failure of some Parties to adhere to this majority understanding has had negative consequences on the conservation of species by range States;

THE CONFERENCE OF THE PARTIES TO THE
CONVENTION

AGREES that a Party desiring a quota for a species included in Appendix I should submit to the Secretariat its proposal, with supporting information, at least 150 days before a meeting of the Conference of the Parties; and

AGREES that, 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 finding by a Scientific Authority that the export will not be detrimental to the survival of the species and that the purpose of the import will not be detrimental to the survival of the species, provided that:

- a) the quota is not exceeded; and
- b) 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.

Interpretation and Implementation of the Convention
Review of the Resolutions of the Conference of the Parties
 CONSOLIDATION OF VALID RESOLUTIONS
 (prepared by a working group from document Doc. 9.19.2)

It is proposed that the draft resolutions and the draft decision of the Conference of the Parties in the attached Annexes be adopted by the Conference of the Parties.

The differences between the draft consolidated resolutions in this document and those in document Doc. 9.19.2 are highlighted in this way.

The ten annexes to this document deal with the following subjects:

- Annex 1 Annual reports and monitoring of trade
- Annex 2 Disposal of illegally traded, confiscated and accumulated specimens
- Annex 3 Trade in African elephant ivory
- Annex 4 Trade in readily recognizable parts and derivatives
- Annex 5 Transport of live specimens

- Annex 6 Permits and certificates
- Annex 7 Trade in plants
- Annex 8 Trade with non-Parties
- Annex 9 Transit and transshipment
- Annex 10 Export permits for specimens of species in Appendix III

In the attached draft consolidated resolutions, the changes to the operative parts of current Resolutions are italicized. On the right of each paragraph in the operative parts is indicated the section of each existing Resolution from which the text has been taken. The symbol † indicates that the paragraph has been amended slightly to improve the grammar, clarity or consistency. The symbol ‡ indicates that the paragraph has been amended in substance for the reasons stated.

Com. 9.20 Annex 1

DRAFT CONSOLIDATED RESOLUTION
Annual Reports and Monitoring of Trade

RECALLING Resolutions Conf. 1.5, paragraph 13, Conf. 2.16, Conf. 3.10, Conf. 5.4, Conf. 5.5, Conf. 5.6, Conf. 5.12, paragraph m), Conf. 5.14, paragraph g), and Conf. 8.7, adopted by the Conference of the Parties at its first, second, third, fifth and eighth meetings (Berne, 1976; San José, 1979; New Delhi, 1981; Buenos Aires, 1985; Kyoto, 1992), relating to annual reports and monitoring of trade;

CONSIDERING the obligation of Parties to submit periodic reports under the provisions of Article VIII, paragraph 7, of the Convention; **(Conf. 5.4)**

RECOGNIZING the importance of the annual reports as the only available means of monitoring the implementation of the Convention and the level of international trade in specimens of species included in the appendices; **(Conf. 5.4, Conf. 5.6)**

ACKNOWLEDGING the necessity for the annual reports of the Parties to be as complete as possible and to be comparable; **(Conf. 2.16)**

CONSIDERING that the provisions of Article XII, paragraph 2(d), of the Convention require the Secretariat to study the periodic reports of Parties; **(Conf. 5.6)**

APPRECIATING the valuable assistance in meeting this responsibility provided by the Wildlife Trade Monitoring Unit of the World Conservation Monitoring Centre under contract to the Secretariat; **(Conf. 5.6)**

NOTING that the use of computers can help to ensure that trade statistics are dealt with more effectively; **(Conf. 5.6)**

CONCERNED 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 of the year following the year for which they are due and following the guidelines for the preparation of such reports; **(Conf. 3.10, Conf. 8.7)**

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

URGES all Parties to submit their annual reports required under the provisions of Article VIII, paragraph 7(a), of the Convention in accordance with the "Guidelines for the Preparation and Submission of CITES Annual Reports" distributed by the Secretariat with Notification to the Parties No. 788 dated 10 March 1994, as may be amended by the Secretariat from time to time with the concurrence of the Standing Committee;

Conf. 5.4 under
URGES ‡

RECOMMENDS that Parties:

- a) make every effort to report trade in *CITES-listed* plants at the species level or, if this is impossible for those taxa included in the appendices by family, at the generic level; however, artificially propagated Appendix-II orchid hybrids may be reported as such; and
- b) distinguish in their *annual reports* between plant specimens of wild and of artificially propagated origin;

Conf. 5.14
para. g)i) †

Conf. 5.14
para. g)ii) †

c) include in their annual reports complete data on imports, exports and re-exports of raw ivory including, as a minimum, the country of origin, the quota year that the export was authorized, the number of whole or substantially whole tusks, and their individual weights and serial numbers;	Conf. 5.12 para. m)
RECOMMENDS that each Party to the Convention, if a member of a regional trade agreement within the meaning of Article XIV, paragraph 3, of the Convention, include in its annual reports information on trade in specimens of species included in Appendices I, II and III with other member States of that regional trade agreement, unless the record-keeping and reporting duties of Article VIII of the Convention are in direct and irreconcilable conflict with the provisions of the regional trade agreement;	Conf. 5.5
URGES every Party to consider whether the preparation of its statistical reports could be computerized, or undertaken under a contract between the Party and the <i>Wildlife Trade Monitoring Unit of the World Conservation Monitoring Centre</i> ;	Conf. 5.6 under second URGES †
RECOMMENDS that Parties studying or developing <i>computer</i> programmes for licensing and reporting trade under the Convention consult with each other, and with the Secretariat, <i>in order to ensure optimal harmonization</i> and compatibility of systems;	Conf. 3.10 para. e) under RECOMMENDS ‡
DECIDES	
a) that 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. 7.5; and	Conf. 8.7 para. a)
b) that the Secretariat may approve a valid request from a Party for a reasonable extension of time to the 31 October deadline for the submission of annual reports provided the Party submits to the Secretariat a written request, containing adequate justification, before that deadline;	Conf. 8.7 para. b)
<i>APPEALS to all Parties, and to non-governmental organizations interested in furthering the objectives of the Convention, to make financial contributions to the Secretariat to support the trade monitoring work of the Secretariat and that of the Wildlife Trade Monitoring Unit undertaken under contract to the Secretariat; and</i>	Conf. 5.6 combination of paras. under first URGES and APPEALS
REPEALS the Resolutions listed hereunder:	
a) Resolution Conf. 1.5 (Berne, 1976) – Recommendations Concerning the Interpretation and Implementation of Certain Provisions of the Convention – paragraph 13; b) Resolution Conf. 2.16 (San José, 1979) – Periodic Reports; c) Resolution Conf. 3.10 (New Delhi, 1981) – Review and Harmonization of Annual Reports; d) Resolution Conf. 5.4 (Buenos Aires, 1985) – Periodic Reports;	e) Resolution Conf. 5.5 (Buenos Aires, 1985) – Annual Reports of Parties which Are Members of a Regional Trade Agreement; f) Resolution Conf. 5.6 (Buenos Aires, 1985) – Trade Monitoring; g) Resolution Conf. 5.12 (Buenos Aires, 1985) - Trade in Ivory from African Elephants - paragraph m); h) Resolution Conf. 5.14 (Buenos Aires, 1985) – Improving the Regulation of Trade in Plants – paragraph g); and i) Resolution Conf. 8.7 (Kyoto, 1992) – Submission of Annual Reports.

Com. 9.20 Annex 2

DRAFT CONSOLIDATED RESOLUTION

Disposal of Illegally Traded, Confiscated and Accumulated Specimens

RECALLING Resolutions Conf. 2.15, Conf. 3.9 [paragraph c)ii)], Conf. 3.14, Conf. 4.17, Conf. 4.18, Conf. 5.14 [paragraph f)] and Conf. 7.6, adopted by the Conference of the Parties at its second, third, fourth, fifth and seventh meetings (San José, 1979; New Delhi, 1981; Gaborone, 1983; Buenos Aires, 1985; Lausanne, 1989) relating to illegally traded, confiscated and accumulated specimens, international compliance control and other aspects of enforcement;

RECOGNIZING 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; **(Conf. 3.14)**

RECALLING that Articles 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"; **(Conf. 4.17)**

WHEREAS 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; **(Conf. 4.18, Conf. 7.6)**

RECOGNIZING that Article VIII, paragraph 4(b), of the Convention requires Parties to return any confiscated living specimen to the State of export, after consultation with and at the expense of that State, or to place it in a rescue centre or other appropriate place; **(Conf. 3.14, Conf. 7.6)**

NOTING, 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; **(Conf. 7.6)**

CONSIDERING 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; **(Conf. 4.18)**

CONSIDERING also that, while confiscated specimens of Appendix-I species should not be returned to commercial utilization in any form, physical destruction of the specimens should only be considered as a last resort after exhaustion of other options; **(Conf. 2.15)**

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that:

Regarding the export or re-export of illegally traded specimens

- a) *except in the circumstances specified in paragraphs b) and c) below*, Parties do not authorize any re-export of specimens for which there is evidence that they were imported in violation of the Convention; Conf. 3.9 para. c)ii) ‡
- b) when applying Article III, paragraph 4(a), and Article IV, paragraph 5(a), of the Convention to specimens imported not in accordance with the provisions of the Convention that are being re-exported by a Management Authority for purposes of implementing the provisions of Article VIII *or of this Resolution*, or for investigatory or *judicial* purposes, the specimens be deemed to have been imported in accordance with the provisions of the Convention; Conf. 4.17 para. a) †
- 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*; Conf. 4.17 para. b) ‡
- d) permits granted *in accordance with paragraph b) or c) above* clearly indicate that the specimens are confiscated specimens; Conf. 4.17 para. c) †

Regarding disposal of confiscated or accumulated specimens of species in Appendix I

- e) Parties transfer confiscated or accumulated dead specimens of Appendix-I species only for bona fide scientific/educational or enforcement/identification purposes, and that Parties save in storage or destroy those excess specimens *whose transfer for these purposes is not practicable*; Conf. 3.14 para. e) †
- f) Parties make arrangements, in accordance with Article VIII, paragraph 4, of the Convention, to return confiscated or accumulated living specimens of Appendix-I species to the country of origin for return to the wild, where it would be practicable and beneficial to the species to do so; Conf. 3.14 para. f) ‡
- g) in any other event, Parties transfer confiscated or accumulated living specimens to a rescue centre or *another* appropriate place, *subject* to agreement with the recipient that the specimens are to be used only for non-commercial scientific or educational purposes which will promote the survival of the species; Conf. 3.14 para. g) †
- h) if living specimens are transferred *in accordance with g) above*, Parties give priority to places with facilities for promoting reproduction of the species; Conf. 3.14 para. h) †

Regarding the disposal of illegally traded specimens of species in Appendix II

- i) as a general rule, confiscated parts and derivatives of Appendix-II species be disposed of in the best manner possible to benefit enforcement and administration of the Convention, and that steps be taken to ensure that the person responsible for the offence does not receive financial or other gain from the disposal; Conf. 4.18 para. a)
- j) in the case of live specimens, Parties having not done so endeavour to make legislative provision to require the guilty importer and/or the carrier to meet the costs of confiscation, custody and returning specimens to the country of origin or *re-export* (as appropriate), where the Scientific Authority of the confiscating State deems it in the interest of the specimens to do so, and the country of origin or export so wishes; Conf. 4.18 para. b) †
- k) where such legislation does not exist and the country of origin or *re-export* wishes the live specimens to be returned, the financial assistance of non-governmental organizations be sought to facilitate the return; Conf. 4.18 para. c) †

Regarding return of live animals of species in Appendices II and III

- l) live animals of species listed in Appendix II or III *that arrive* in an importing country without a proper *export permit or re-export certificate*: Conf. 7.6 para. a) ‡
 - i) be seized and confiscated; *and/or*,
 - ii) if possible and if appropriate, be sent to the Management Authority *of the Party or to the competent authority of the non-Party whence they were consigned or, if they had been re-exported from that country and the authority concerned is not interested, to the relevant authority* of the country of origin;

- m) the Management Authority of an importing country may accept that, in other cases, specimens of species listed in Appendix II or III be returned immediately and directly to the (re-)exporter, at the expense of the transporter and eventually the (re-)exporter, if the importer refuses to acknowledge the shipment; Conf. 7.6 para. b)
- n) the Management Authority of the importing country, however, not adopt the procedure outlined in *m)* when: Conf. 7.6 para. c) †
- i) it considers that the specimens are in such a condition that they can not be returned immediately without detriment to their health; or Conf. 7.6 para. c)i)
- ii) it establishes or suspects that a proper *export permit or re-export certificate* could not have been obtained, for example because the specimens were acquired in contravention of the laws of the State *in which they originated or from which they were (re-)exported*; or Conf. 7.6 para. c)ii) †
- iii) for any other reason it is not convinced that the specimens were legally in the possession of the (re-)exporter; or Conf. 7.6 para. c)iii)
- iv) it is not convinced that the specimens will be returned to the (re-)exporter in the (re-)exporting country, but *believes they* will be redirected to another country; or Conf. 7.6 para. c)iv) †
- v) it suspects that *the absence of a proper export permit or re-export certificate* is caused by the importer or is due to his negligence; Conf. 7.6 para. c)v) †
- o) the Management Authority of the importing country inform, as soon as possible, the *relevant authority* of the (re-)exporting country of any shipment being returned to the (re-)exporter; Conf. 7.6 para. d) ‡

Regarding the disposal of seized or confiscated plants

- p) 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; Conf. 5.14 para. f)i) ‡
- q) exporting countries accept the return of seized *or confiscated* plant specimens *in order to return them* to the wild or, if this is not possible, *to use them*: as stock for artificial propagation so that an acceptable source, which may become commercially self-sustaining, will be established in the country of origin; *or for* conservation education *or* scientific study; or in other ways that further the purposes of the Convention; Conf. 5.14 para. f)ii) ‡
- r) importing countries *establish* adequate procedures *to deal with*, and rescue centres to accommodate, seized *and confiscated* specimens, *and use them* in ways that further the purposes of the Convention, such as artificial propagation, conservation education, and scientific study; their destruction should be only a last resort; Conf. 5.14 para. f)iii) †

In general

- s) 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*; and Conf. 5.14 para. f)vi) ‡

REPEALS the Resolutions listed hereunder:

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| <p>a) Resolution Conf. 2.15 (San José, 1979) – Exchange of Confiscated Appendix-I specimens;</p> <p>b) Resolution Conf. 3.9 (New Delhi, 1981) – International Compliance Control – paragraph c) ii);</p> <p>c) Resolution Conf. 3.14 (New Delhi, 1981) – Disposal of Confiscated or Accumulated Specimens of Appendix-I Species;</p> | <p>d) Resolution Conf. 4.17 (Gaborone, 1983) – Re-export of Confiscated Specimens;</p> <p>e) Resolution Conf. 4.18 (Gaborone, 1983) – Disposal and Return of Illegally Traded Appendix-II Specimens;</p> <p>f) Resolution Conf. 5.14 (Buenos Aires, 1985) – Improving the Regulation of Trade in Plants – paragraph f); and</p> <p>g) Resolution Conf. 7.6 (Lausanne, 1989) – Return of Live Animals of Appendix-II or -III Species.</p> |
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Com. 9.20 Annex 3

DRAFT CONSOLIDATED RESOLUTION

Trade in African Elephant Ivory

RECALLING Resolutions Conf. 3.12, Conf. 4.14, Conf. 5.12, Conf. 6.11, Conf. 6.12, Conf. 6.13, Conf. 6.14, Conf. 6.15, Conf. 6.16 and Conf. 7.8, adopted by the Conference of the Parties at its third, fourth, fifth, sixth and seventh meetings (New Delhi, 1981; Gaborone, 1983; Buenos Aires, 1985; Ottawa, 1987; Lausanne, 1989) relating to the control of trade in African elephant ivory;

NOTING, however, 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);

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that:

- a) any import, export or re-export of African elephant ivory by a Party be authorized only if the Party is satisfied that the ivory was legally acquired in the country of origin; Conf. 3.12 para. a)

b) the term "raw ivory" include all whole African elephant tusks, polished or unpolished and in any form whatsoever, and all African elephant ivory in cut pieces, polished or unpolished and howsoever changed from its original form, except for "worked ivory".	Conf. 3.12 para. b) (first part)
c) "worked ivory" be considered readily recognizable and that this term shall cover all items made of ivory for jewellery, adornment, art, utility or musical instruments (but not including whole tusks in any form, except where the whole surface has been carved), provided that such items are clearly recognizable as such and in forms requiring no further carving, crafting or manufacture to effect their purpose;	Conf. 3.12 para. b) (second part) combined with Conf. 6.16 para. a)
d) in applying the provisions of Article VII, paragraph 3, a practical approach be taken in determining what quantity of items qualifies for the exemption;	Conf. 6.16 para. d)
e) permits or certificates for raw ivory be accepted only if they mention the actual country of origin;	Conf. 3.12 para. c)
f) 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 <i>issuing Management Authority</i> for clarification;	Conf. 3.12 para. d) †
g) <i>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 ISO code of two letters, serial number for the year in question/the last two digits of the year and the weight in kilograms (e.g. KE 127/9414). This number is to be placed at the "lip mark", in the case of whole tusks, and highlighted with a flash of colour;</i>	Conf. 3.12 para. e) amended in accordance with Conf. 6.15 para. b) ‡
h) Parties not accept raw ivory <i>that</i> is not clearly marked;	Conf. 3.12. para. f)
<i>ENCOURAGES States to offer rewards for information on illegal hunting and trafficking in ivory leading to the arrest and conviction of illegal traffickers in ivory;</i>	Conf. 6.12 para. c) †
<i>RECOMMENDS further that Parties notify the Secretariat, when possible, about convicted illegal traders and persistent offenders, and directs the Secretariat to provide such information quickly to the Parties;</i>	Conf. 6.12 para. a)v) †
<i>SUGGESTS to those Parties in whose jurisdiction there is an ivory carving industry that is not yet structured, organized or controlled, that internal measures be adopted to:</i>	} Conf. 6.14 under } SUGGESTS } combined with } Conf. 6.16 under } SUGGESTS ‡
a) register or license merchants dealing in raw or worked ivory, either wholesale or retail;	
b) register or license all people or enterprises that cut or carve ivory; and	
c) introduce recording and inspection procedures to enable the Management Authority to monitor the flow of ivory within the State;	
<i>RECOMMENDS also that Parties:</i>	
a) review their publicity of CITES controls to ensure that members of the public are aware of them and in particular of controls on ivory; and	Conf. 7.8 para. b)
b) assist range States to improve their capacity to manage and conserve their elephant populations through improved law enforcement, surveys and monitoring of wild populations;	Conf. 6.12 para. b)
c) 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;	Conf. 6.12 para. a)ii)
d) use 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;	Conf. 6.11 para. a) first part
<u>In relation to quotas:</u>	
<i>RECOMMENDS</i>	Conf. 5.12 para. a) †
a) that commencing by 1 December 1985, each State with a population of African elephants and wishing to export 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;	
b) that export permits for raw ivory issued by producer Parties that have set quotas as recommended in a) above be regarded as consistent with the conservation of elephant populations and their habitats in the country of origin, as discussed at the combined meeting of the African Elephant and Rhino Specialist Groups of the Species Survival Commission of IUCN held in Hwange (Wankie), Zimbabwe, in August 1981;	Conf. 5.12 para. b) †
c) that each quota be communicated to the CITES Secretariat in writing by 1 December for the next calendar year;	Conf. 5.12 para. c)
d) that Parties ensure that significant amounts of confiscated ivory are notified separately to the Secretariat and are not incorporated in quota submissions;	Conf. 6.12 para. a)iv) †

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| e) that the CITES Secretariat assist in the implementation of the quota system by maintaining a central database, circulating a list of current quotas not later than 1 January of each year, and providing advice on the conservation status of African elephant populations; | Conf. 5.12 para. d) ‡ |
| f) that the Secretariat maintain its Ivory Trade Control Procedures Manual and that the Parties follow the procedures for quota submissions documented in this Manual; | Conf. 5.12 para. d) (part) combined with Conf. 6.12 para a)i) |
| g) that 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; | Conf. 5.12 para. e) |
| h) that there be no export, re-export or import of raw ivory as defined <i>in this Resolution</i> unless it is marked in accordance with this Resolution or in accordance with the Secretariat manual; | Conf. 5.12 para. f) † |
| i) that Parties accept raw ivory from producer States only where the date on the export permit is for a year in which the producer State has a quota in accordance with this Resolution; | Conf. 5.12 para. g) |
| j) that Parties may accept raw ivory from producer non-party States only where the non-party State files an annual report with the CITES Secretariat on its ivory trade, and meets all the other conditions in this Resolution and Article X of the Convention (as interpreted by Resolutions of the Conference of the Parties); | Conf. 5.12 para. h) † |
| k) that, in compiling their annual reports, producer party and producer non-party States that have exported raw ivory relate such exports to their quota for any given year, providing the Secretariat with as much relevant data as possible, including, as a minimum, the number of whole or substantially whole tusks and their individual weights and serial numbers; | Conf. 5.12 para. i) † |
| l) that all party States seek to route raw ivory exports to countries of destination only through party States or non-party States <i>that</i> have adopted ivory trade measures in conformity with this Resolution; | Conf. 5.12 para. k) † |
| m) that all Parties <i>maintain details of the stock of raw ivory held in their States which may be destined for international trade, that they inform the Secretariat of the level of this stock before allowing export, and that, in doing so, they take due care so as to avoid the possibility of illegal stocks appearing as legal stocks;</i> | Conf. 5.12 para. l) combined with Conf. 6.12 para. a)iii) ‡ |
| n) 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; | Conf. 5.12 para. n) |
| o) that Parties assist the Secretariat to ensure that the duties set out in this Resolution are carried out; | Conf. 5.12 para.o) |
| 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; and | Conf. 5.12 under APPEALS |

REPEALS the Resolutions listed hereunder:

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| a) Resolution Conf. 3.12 (New Delhi, 1981) – Trade in African Elephants Ivory; | f) Resolution Conf. 6.13 (Ottawa, 1987) – Improving, Co-ordinating and Financing African Elephant Ivory Trade Controls; |
| b) Resolution Conf. 4.14 (Gaborone, 1983) – Trade in Worked Ivory; | g) Resolution Conf. 6.14 (Ottawa, 1987) – Registration of Raw Ivory Importers and Exporters; |
| c) Resolution Conf. 5.12 (Buenos Aires, 1985) – Trade in Ivory from African Elephants – except paragraph m); | h) Resolution Conf. 6.15 (Ottawa, 1987) – Marking of Raw Ivory Cut Pieces; |
| d) Resolution Conf. 6.11 (Ottawa, 1987) – Trade in African Elephant Ivory; | i) Resolution Conf. 6.16 (Ottawa, 1987) – Trade in Worked Ivory from African Elephants; and |
| e) Resolution Conf. 6.12 (Ottawa, 1987) – Integration of the Management of the African Elephant and Ivory Trade Controls; | j) Resolution Conf. 7.8 (Lausanne, 1989) – Trade in Ivory from African Elephants. |

Com. 9.20 Annex 4

DRAFT CONSOLIDATED RESOLUTION

Trade in Readily Recognizable Parts and Derivatives

RECALLING Resolutions Conf. 1.5, paragraph 3, Conf. 1.7, Conf. 2.18, Conf. 4.8, Conf. 4.24, Conf. 5.9, Conf. 5.22,	paragraph c), Conf. 6.18, Conf. 6.22, last paragraph, and Conf. 7.11, adopted by the Conference of the Parties at its
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first, second, fourth, fifth, sixth and seventh meetings
(Berne, 1976; San José, 1979; Gaborone, 1983; Buenos

Aires, 1985; Ottawa, 1987; Lausanne, 1989), relating to
readily recognizable parts and derivatives;

RECOGNIZING that Article I of the Convention defines a
'specimen' as including readily recognizable parts and
derivatives of animals and plants but does not define the

term 'readily recognizable', which is therefore subject to differing interpretations by the Parties; **(Conf. 4.8, Conf. 5.9)**

NOTING that the trade in parts and derivatives regulated by one Party is therefore not always subject to regulation in others; **(Conf. 4.8)**

ACKNOWLEDGING the right under Article III, IV and V of the Convention of those importing Parties who wish to do so

only to permit import from a State Party on presentation of CITES documentation; **(Conf. 4.8, operative part)**

CONSIDERING that proper monitoring of and reporting on trade in ranched specimens are only possible if all importing countries consider all products of the operation to be readily recognizable; **(Conf. 6.22)**

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

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;*

Conf. 5.9 ‡

RECOMMENDS that:

a) Parties consider all products of ranching operations to be readily recognizable; and

Conf. 6.22 under RECOMMENDS ‡

b) 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; and

Conf. 4.8 para. a) under RECOMMENDS †

REPEALS the Resolutions listed hereunder:

a) Resolution Conf. 4.8 (Gaborone, 1983) – Treatment of Exports of Parts and Derivatives without Permit from a Party to Another which Deems them Readily Recognizable;

d) Resolution Conf. 5.9 (Buenos Aires, 1985) – Control of Readily Recognizable Parts and Derivatives;

e) Resolution Conf. 5.22 (Buenos Aires, 1985) – Criteria for the Inclusion of Species in Appendix III – recommendation c);

f) Resolution Conf. 6.22 (Ottawa, 1987) – Monitoring and Reporting Procedures for Ranching Operations – the paragraph under 'RECOMMENDS'; and

Com. 9.20 Annex 5

DRAFT CONSOLIDATED RESOLUTION

Transport of Live Specimens

RECALLING Resolutions Conf. 3.16, Conf. 3.17, Conf. 4.20, Conf. 5.18, Conf. 7.13 and Conf. 8.12, adopted by the Conference of the Parties at its third, fourth, fifth, seventh and eighth meetings (New Delhi, 1981; Gaborone, 1983; Buenos Aires, 1985; Lausanne, 1989; Kyoto, 1992) relating to the transport of live specimens;

CONSIDERING that the Convention, in Articles III, IV and V, requires Management Authorities to be satisfied, before granting export permits or re-export certificates, that specimens will be so prepared and shipped as to minimize the risk of injury, damage to health, or cruel treatment; **(Conf. 3.16, Conf. 8.12)**

NOTING that the revised version of the Guidelines for Transport and Preparation for Shipment of Live Wild Animals and Plants adopted at the second meeting of the Conference of the Parties (San José, 1979) has been communicated to all Parties; **(Conf. 3.16)**

MINDFUL of the fact that implementation of these Guidelines depends on action to be taken at the national level, and within international organizations and conferences competent to regulate conditions of carriage; **(Conf. 3.16)**

CONSIDERING that air transport is the preferred method for transporting many live wild animals and that there are special requirements necessitated by air transport; **(Conf. 4.20)**

NOTING the extent to which the IATA Live Animals Regulations correspond to the CITES Guidelines and that the IATA Regulations are amended annually and are therefore more quickly responsive to changing needs; **(Conf. 4.20)**

WHEREAS Article XIV, paragraph 1, permits any Party to adopt stricter domestic measures for the regulation of trade in all species, whether or not listed in the appendices; **(Conf. 8.12)**

CONCERNED that the official figures of mortalities due to the trade have not been reduced significantly, despite recurring efforts by the Parties to improve *transport* conditions, and that mortality in transport undermines the concept of sustainable trade; **(Conf. 7.13, Conf. 8.12)**

NOTING that transport of live birds for the pet trade is a problem of particular concern because mortality remains high for many species and that many export permits have been issued for live birds that are not prepared and shipped so as to minimize the risk of injury, damage to health or cruel treatment; **(Conf. 8.12)**

MINDFUL 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; **(Conf. 8.12)**

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

DECIDES to <i>continue</i> the Working Group on Transport of Live Specimens as a permanent working group reporting to the Standing Committee;	Conf. 7.13 para. a) under DECIDES †
RECOMMENDS that	
a) suitable measures be taken by the Parties to promote the full and effective use by <i>Management Authorities of the Guidelines for Transport and Preparation for Shipment of Live Wild Animals and Plants and that they</i> be brought to the attention of carriers, freight forwarders and international organizations and conferences competent to regulate conditions of carriage by air, land and sea or inland waterways;	Conf. 3.16 para. a) †
b) <i>Parties invite</i> the above organizations and institutions to comment on and amplify these guidelines, so as to promote their effectiveness;	Conf. 3.16 para. b) †
c) the <i>regular communication of the CITES Secretariat and the Standing Committee</i> with the Live Animals Board of the International Air Transport Association and the Animal Air Transport Association be continued;	Conf. 7.13 para. a) under RECOMMENDS ‡
d) for as long as the CITES Secretariat and the Standing Committee agree, the IATA Live Animals Regulations be deemed to meet the CITES Guidelines in respect of air transport;	Conf. 7.13 para. i) under RECOMMENDS
e) <i>the IATA Live Animals Regulations be incorporated into the domestic legislation of the Parties;</i>	Conf. 5.18 para. c) under NOTES ‡
f) applicants for export permits or re-export certificates be notified that, as a condition of issuance, they are required to prepare and ship live specimens in accordance with the IATA Live Animals Regulations for transport by air and the CITES Guidelines for Transport of Live Specimens for marine or terrestrial shipments;	Conf. 7.13 para. b) under RECOMMENDS
g) to assist enforcement officers and to facilitate and monitor transport, CITES export permits or re-export certificates be accompanied by a container checklist (<i>in Annex</i>) to be signed immediately prior to shipment, and on arrival of <i>the specimens</i> at the port of destination, by a person designated by the Management Authority, the person so designated being familiar with the IATA Live Animals Regulations or the CITES Guidelines;	Conf. 7.13 para. c) under RECOMMENDS †
h) to the extent possible, <i>shipments of live animals</i> be examined and necessary action taken to determine the well-being of the animals by CITES-designated persons or airline personnel during extended holding periods at transfer points;	Conf. 7.13 para. d) under RECOMMENDS †
i) where Parties to the Convention have designated ports of entry and exit, animal-holding facilities be provided;	Conf. 7.13 para. e) under RECOMMENDS
j) to the extent possible, Parties ensure that animal-holding facilities <i>are</i> 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;	Conf. 7.13 para. g) under RECOMMENDS †
k) Parties not clear for export shipments that either are unaccompanied by a completed shipment checklist or are accompanied by a checklist that contains any "No" answers, unless there is a satisfactory explanation;	Conf. 7.13 para. h) under RECOMMENDS
l) all Parties maintain records of the number of live specimens per shipment and of mortalities in transport of <i>species listed in the appendices, particularly birds, and note obvious causes of mortality</i> , and that they publish these data annually, providing a copy to the Chairman of the Working Group on Transport of Live Specimens;	Conf. 8.12 para. a) combined with Conf. 7.13 para. f) under RECOMMENDS
m) Parties take appropriate measures, including temporary suspension of trade for commercial purposes <i>with specific countries</i> 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 Working Group on Transport of Live Specimens; and	Conf. 8.12 para. b) ‡
n) <i>on the basis of the information referred to in paragraph l), and information from scientists, veterinarians, zoological institutions and other experts, the Working Group on Transport of Live Specimens, in co-operation with the Secretariat, make recommendations to the Parties designed to minimize mortality;</i>	Conf. 8.12 para. c) †
NOTES that in order to improve <i>implementation of the IATA Live Animals Regulations</i> through the Parties there is a need for greatly increased awareness of the Regulations through:	} Conf. 5.18 } paras. a) and b) } under NOTES †
a) more effective methods of <i>training of personnel of airlines and enforcement agencies</i> ; and	
b) improved methods of liaison and information; and	
REPEALS the Resolutions listed hereunder:	
a) Resolution Conf. 3.16 (New Delhi, 1981) – Implementation of the Guidelines on Transport of Live Specimens;	c) Resolution Conf. 5.18 (Buenos Aires, 1985) – Air Transport of Live Wild Animals;
b) Resolution Conf. 4.20 (Gaborone, 1983) – Implementation of the Guidelines for Transport of Live Animals;	d) Resolution Conf. 7.13 (Lausanne, 1989) – Shipment of Live Animals; and
	e) Resolution Conf. 8.12 (Kyoto, 1992) – Trade in Live Birds Experiencing High Mortalities in Transport.

Annex - CHECKLIST

This checklist is to be completed by a CITES-designated person and is to be attached to the CITES document accompanying shipments of live specimens.

Port and Country of Export _____

Port and Country of Import _____

CITES Export/Re-export Permit No. _____ Valid until _____

CITES Import Permit No. _____ Valid until _____

This Section to be completed before export (see Note 1) and on import (see Note 2)

	On Export		On Import		Comments If you can not answer yes or no, please explain If "no", please explain
	Yes	No	Yes	No	
1. Are all CITES documents required for export/import complete?					
2. Are the numbers and species being shipped apparently in accordance with the accompanying CITES documents and IATA Shippers Certification for Live Animals?					
3. Has the shipper/agent made adequate interline advance arrangements, including feeding, where more than one carrier is involved?					
4. Does the design and construction of the container(s) appear to comply with the IATA Live Animals Regulations Container requirements?					
5. Is(are) the container(s) of adequate size to avoid overcrowding of the species and specimens being shipped?					
6. Is (are) the container(s) undamaged?					
7. Is the consignee's name, address and telephone number clearly shown on each container?					
8. Are there "Live Animals" and "This way up" labels on each container indicating the contents and upright position?					
9. Are all specimens apparently alive and uninjured?					

Signature/stamp of designated person at port of export

Signature/stamp of designated person at port of import

Date and Time _____

Note 1 After completion of the form on export of the shipment, a copy of the checklist should be provided to the shipper/agent.

Note 2 After completion of the form on import of the shipment, a copy of the checklist should be returned to the Management Authority of the country of export.

DRAFT CONSOLIDATED RESOLUTION

Permits and Certificates

RECALLING Resolutions Conf. 3.6, Conf. 3.7, Conf. 4.9, Conf. 4.16, Conf. 5.7, Conf. 5.8, Conf. 6.6 and Conf. 8.5, adopted by the Conference of the Parties at its third, fourth, fifth, sixth and eighth meetings (New Delhi, 1981; Gaborone, 1983; Buenos Aires, 1985; Ottawa 1987; Kyoto, 1992);

RECALLING the provisions of Article VI of the Convention regarding permits and certificates; **(Conf. 8.5)**

OBSERVING 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; **(Conf. 8.5)**

CONSIDERING the need to improve the standardization of export permits and re-export certificates; **(Conf. 8.5)**

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; **(Conf. 8.5)**

RECOGNIZING that the Convention is not clear 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; **(Conf. 4.9)**

CONSIDERING 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; **(Conf. 5.7)**

RECALLING 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; **(Conf. 6.6)**

RECALLING 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; **(Conf. 6.6)**

NOTING that the efforts of importing countries to fulfil their obligations under Article VIII, paragraph 1(b), of the Convention may be seriously obstructed by the retrospective issuance of export permits or re-export 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; **(Conf. 6.6)**

CONSIDERING 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; **(Conf. 6.6)**

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

Regarding the standardization of CITES permits and certificates

RECOMMENDS

- | | |
|--|----------------------------------|
| a) that Parties wishing to modify their permit and certificate forms, to reprint existing documents or to introduce new documents, first ask the Secretariat for advice; | Conf. 8.5 under first RECOMMENDS |
| b) that Parties adapt the contents and, to the extent practicable, the format of their export permits and re-export certificates to the standard <i>form</i> attached to the present Resolution; | Conf. 3.6 para. c) † |

AGREES

- | | |
|---|-----------------------------------|
| a) that, to fulfil the requirements of Article VI of the Convention and relevant Resolutions, export and import permits, re-export and pre-Convention certificates, and certificates of captive breeding and artificial propagation should include all the information <i>specified</i> in the Annex of the present Resolution; | Conf. 8.5 para. a) under AGREES † |
| b) that every form should be printed in one or more of the working languages of the Convention (English, Spanish, French) and in the national language if it is not one of the working languages; | Conf. 8.5 para. b) under AGREES |
| c) that every form should indicate which type of document it is (import or export permit, re-export or pre-Convention certificate, certificate of captive breeding or artificial propagation); | Conf. 8.5 para. c) under AGREES |
| d) that a re-export certificate should also specify: | Conf. 8.5 para. d) under AGREES |
| i) the country of origin, the number of the export permit of the country of origin and its date of issue; and | |
| ii) 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: | |
| iii) justification for the omission of any of the afore-mentioned information; | |
| e) 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 | Conf. 8.5 para. e) under AGREES |

- f) that a pre-Convention certificate should also specify: Conf. 8.5 para. f)
under AGREES
- i) that the specimen covered by the certificate is pre-Convention; and
 - ii) the date of acquisition of the specimen as defined in Resolution Conf. 5.11 adopted at the fifth meeting of the Conference of the Parties (Buenos Aires, 1985);
- RECOMMENDS
- a) that the Parties indicate on their permits and certificates the number of specimens concerned and/or the unit of measurement used, in particular the weight (in kilograms), and avoid general descriptions such as "one case" or "one batch"; Conf. 8.5 para. a)
under second
RECOMMENDS
 - b) that the Parties *refuse to accept* permits and certificates if they have been altered (by rubbing out, scratching out, etc.), modified or crossed out, unless the alteration, modification or crossing-out has been authenticated by the stamp and signature of the authority issuing the document; Conf. 8.5 para. b)
under second
RECOMMENDS †
 - c) that the Parties that do not already do so affix a security stamp to each export permit and re-export certificate; Conf. 8.5 para. c)
under second
RECOMMENDS
 - d) that, when a security stamp is affixed to a *permit or certificate*, it be cancelled by a signature and a stamp or seal, preferably embossed; Conf. 8.5 para. d)
under second
RECOMMENDS †
 - e) that, when a security stamp is affixed to a *permit or certificate*, the number of the stamp also be recorded on the document; Conf. 8.5 para. e)
under second
RECOMMENDS †
 - f) that, when a security stamp is affixed to a *permit or certificate*, the Parties refuse the document if the security stamp is not cancelled by a signature and a stamp or seal; Conf. 8.5 para. f)
under second
RECOMMENDS †
 - g) that for wildlife specimens of exceptional *value*, in addition to affixing a *security stamp*, all Parties consider issuing permits and certificates printed on a security paper; Conf. 3.7 para. b) ‡
 - h) that the Parties state, on each of their permits and certificates, the purpose of the transaction using the following codes: Conf. 8.5 para. g)
under second
RECOMMENDS
 - T** Commercial
 - Z** Zoos
 - G** Botanical gardens
 - Q** Circuses and travelling exhibitions
 - S** Scientific
 - H** Hunting trophies
 - P** Personal
 - M** Bio-medical research
 - E** Educational
 - N** Reintroduction or introduction into the wild
 - B** Breeding in captivity or artificial propagation;
 - i) the use of the following codes to indicate the source of the specimens: Conf. 8.5 para. h)
under second
RECOMMENDS †
 - W** Specimens taken from the wild
 - R** Specimens originating from a ranching operation
 - D** Appendix-I animals bred in captivity for commercial purposes and Appendix-I plants artificially propagated for commercial purposes, as well as parts and products thereof, exported under the provisions of Article VII, paragraph 4, of the Convention
 - A** Plants that are artificially propagated in accordance with Resolution Conf. 8.17, *paragraph a)*, as well as parts and products 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. 2.12, as well as parts and products thereof, exported under the provisions of Article VII, paragraph 5, of the Convention (specimens of species included in Appendix I *that have been* bred in captivity for *non-commercial* purposes and specimens of species included in Appendices II and III)
 - F** F1 - generation animals born in captivity, but which do not fulfil the definition of "bred in captivity" in Resolution Conf. 2.12, as well as parts and products thereof
 - U** Source unknown (must be justified)
 - I** Confiscated or seized specimens;
 - j) that, 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; Conf. 8.5 para. i)
under second
RECOMMENDS

- k) that, when a country 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 state on each export permit the total number of specimens already exported *in the current year* (including those covered by the permit in question) and the quota for the species concerned; Conf. 8.5 para. j) under second RECOMMENDS †
- l) that, when a country has export quotas allocated by the Conference of the Parties for specimens of species included in Appendices I and II, it state on each export permit the total number of specimens already exported *in the current year* (including those covered by the permit in question) and the quota for the species concerned; the exporting and importing countries involved in trade in specimens of species for which there are such quotas should send copies of the original export permits, issued or received as appropriate, to the Secretariat to ensure that the quotas are not exceeded; Conf. 8.5 para. k) under second RECOMMENDS †
- m) that the Parties that have not yet done so communicate to the Secretariat the names of the persons empowered to sign permits and certificates, as well as three specimens of *their signatures*, and that all the Parties communicate, within one month of any change thereto, the names of persons who have been added to the list of those already empowered to sign, the names of persons whose signature is no longer valid and the dates the changes took effect; Conf. 8.5 para. l) under second RECOMMENDS ‡
- n) that, when a Party refuses to accept a permit or certificate, it keep the original or, if this is against its national laws, it cancel the document indelibly, preferably by perforation, particularly the security stamp; Conf. 8.5 para. m) under second RECOMMENDS
- o) that exported specimens and re-exported specimens not appear on the same document; Conf. 8.5 para. n) under second RECOMMENDS
- p) that, for data-processing reasons, permit and certificate numbers be limited to eight characters (digits, letters and spaces); Conf. 8.5 para. o) under second RECOMMENDS
- q) 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; Conf. 8.5 para. q) under second RECOMMENDS †
- RECOMMENDS further
- Regarding the time validity of export permits and re-export certificates
- aa) that the provisions of Article III, paragraph 3, Article IV, paragraph 4, and Article V, paragraph 3, of the Convention be understood to mean that an export permit or re-export certificate shall be valid for import purposes only if presented within a period of six months from the date on which it was granted; Conf. 4.9 para. a)
- bb) that *the words "used for export within a period of six months", in Article VI, paragraph 2, of the Convention*, be interpreted to mean that all export activities, including, but not limited to, transport, presentation for import, etc. *shall be concluded* before the expiry of the said six-month period from the date of granting *the permit or certificate*; Conf. 4.9 para. b) †
- cc) that, after the expiry of the said six-month period, an export permit or re-export certificate be considered as void and of no legal value whatsoever; Conf. 4.9 para. c) ‡
- Regarding the time validity of import permits
- dd) that *the provisions of Article III, paragraphs 2 and 4, of the Convention* be understood to mean that an import permit *should* be recognized as valid by a Management Authority of a State of export or re-export only if presented within a period of twelve months from the date on which it was granted; Conf. 5.7 para. a) †
- ee) that, after the expiry of the said twelve-month period *of validity*, an *import permit granted* by the State of import in order that it can be presented to a Management Authority of a State of export or re-export in accordance with the provisions of *Article III*, be considered as void and of no legal value whatsoever; Conf. 5.7 para. b) ‡
- Regarding certificates of origin for specimens of Appendix-III species
- ff) that *certificates of origin for export* of specimens of species listed in Appendix III only be issued by a Management Authority competent to grant Convention permits or certificates 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; Conf. 5.8 †
- Regarding the use of phytosanitary certificates as certificates of artificial propagation
- gg) that any Party having considered the practices governing the issue of its phytosanitary certificates for export of Appendix-II specimens, and having determined that such *practices* provide adequate assurance that the specimens are artificially propagated (*as defined in Resolution Conf. 8.17*), may consider these documents as certificates of artificial propagation *in accordance with Article VII, paragraph 5, of the Convention*. Such certificates must include the scientific name of the species and the type and quantity of the specimens and bear a stamp, seal or other specific indication stating that the specimens are artificially propagated as defined by CITES; Conf. 4.16 under RECOMMENDS ‡

hh) *that 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;* Conf. 4.16 under REQUESTS †

Regarding retrospective issuance of permits and certificates

ii) that a Management Authority of an exporting or re-exporting country: Conf. 6.6 para. a) under RECOMMENDS †

- i) not issue CITES documents retrospectively;
- ii) not provide *exporters, re-exporters* and/or consignees in importing countries with declarations about the legality of exports or re-exports of specimens having left its country without the required CITES documents; and

- iii) not provide *exporters, re-exporters* and/or consignees in importing countries with declarations about the legality of export or re-export documents which at the time of *export, re-export or import* did not meet the requirements of the Convention;

jj) that a Management Authority of an importing country, or of a country of transit or transshipment, not accept export or re-export documents *that were issued retrospectively;* Conf. 6.6 para. b) under RECOMMENDS †

kk) that exceptions from the recommendations under ii) and jj) 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: Conf. 6.6 para. c) under RECOMMENDS †

- i) that the irregularities *that have occurred* are not attributable to the *exporter (or re-exporter) or the importer;* and
- ii) that the *export (or re-export) and import* of the specimens concerned is otherwise in compliance with the Convention and *with the relevant legislation of the countries of export (or re-export) and import,* and

ll) that, whenever exceptions are made: Conf. 6.6 para. d) under RECOMMENDS †

- i) *the export permit or re-export certificate* clearly indicate that it is issued retrospectively; and
- ii) the reasons for the relaxation, *which should come within the purview of paragraph kk) i) and kk) ii) above,* are specified on the permit or certificate and a copy sent to the Secretariat;

Regarding irregular documents

mm)that whenever irregularities are suspected, the Parties exchange issued and/or accepted permits or certificates to verify their authenticity; and Conf. 3.7 para. c), first part

REPEALS the Resolutions listed hereunder:

- a) Resolution Conf. 3.6 (New Delhi, 1981) - Standardization of Permits and Certificates issued by Parties;
- b) Resolution Conf. 3.7 (New Delhi, 1981) - Security Measures;
- c) Resolution Conf. 4.9 (Gaborone, 1983) - Time Validity of Export Permits and Re-export Certificates;
- d) Resolution Conf. 4.16 (Gaborone, 1983) - Artificially Propagated Plants in Appendix II;

- e) Resolution Conf. 5.7 (Buenos Aires, 1985) - Time Validity of Import Permits;
- f) Resolution Conf. 5.8 (Buenos Aires, 1985) - Certificates of Origin for Appendix-III Specimens;
- g) Resolution Conf. 5.22 (Buenos Aires, 1985) - Criteria for the inclusion of species in Appendix III - paragraph d);
- h) Resolution Conf. 6.6 (Ottawa, 1987) - Retrospective Issuance of Permits and Certificates; and
- i) Resolution Conf. 8.5 (Kyoto, 1992) - Standardization of CITES Permits and Certificates.

Annex

Information that Should Be Included in CITES Permits and Certificates

- | | |
|--|--|
| <ul style="list-style-type: none"> * 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 control number d) The complete names and addresses of the exporter and importer e) The scientific name of the species to which the specimen belongs (or the subspecies when it is relevant in order to determine in which appendix the taxon concerned is included) f) The description of the specimens, in one of the Convention's three working languages, using the | <ul style="list-style-type: none"> nomenclature of specimens distributed by the Secretariat g) The numbers of the marks appearing on the specimens if they are marked or if a Resolution of the Conference of the Parties prescribes marking (specimens from ranches, subject to quotas approved by the Conference of the Parties, originating from operations which breed animals included in Appendix I in captivity for commercial purposes, etc.) h) The appendix in which the species or subspecies or population is listed i) The source of the specimen |
|--|--|

- 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 handwritten signature
- m) The embossed seal or ink stamp of the Management Authority
- n) A statement that the permit, if it covers live animals, is only valid if the transport conditions comply with the CITES Guidelines for Transport of Live Animals or, in case of air transport, with the IATA Live Animals Regulations

- o) The registration number of the operation, attributed by the Secretariat, when the permit involves specimens of a species included in Appendix I that originate from an operation practising breeding in captivity for commercial purposes (Article VII, paragraph 4, of the Convention), 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

* THIS INFORMATION SHOULD ALREADY BE PRINTED ON THE FORM

Com. 9.20 Annex 7

DRAFT CONSOLIDATED RESOLUTION

Regulation of Trade in Plants

RECALLING Resolutions Conf. 2.13, Conf. 5.14, Conf. 5.15 and Conf. 8.17, adopted by the Conference of the Parties at its second, fifth and eighth meetings (San José, 1979; Buenos Aires, 1985; Kyoto, 1992), relating to the implementation of CITES for plants;

AWARE that the Convention provides measures for international co-operation for the protection of certain species of wild plants against over-exploitation through international trade; **(Conf. 8.17)**

AWARE that the text of the Convention and several of the Resolutions of the Conference of the Parties 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; **(Conf. 8.17)**

RECALLING the many specific problems the Parties to the Convention have faced and still face in implementing the Convention for plants; **(Conf. 8.17)**

RECOGNIZING that there are unique aspects of the plant trade and plant biology, such as those related to flaked

orchid seedlings, that are not considered analogous to those for animals and that a different approach for plants is sometimes necessary; **(Conf. 8.17)**

RECOGNIZING that the control of the trade in flaked seedlings of orchids is not considered to be relevant to the protection of the natural populations of orchid species; **(Conf. 8.17)**

RECOGNIZING that many of the problems associated with regulating international trade in plants under the Convention involve artificially propagated specimens; **(Conf. 5.15)**

OBSERVING that certain Parties that export large quantities of artificially propagated plants need to find ways of reducing paperwork while maintaining protection for wild plants, and helping exporters of artificially propagated plants to understand and to comply with the requirements of the Convention; **(Conf. 5.15)**

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

a) Regarding the definition of "artificially propagated"

DETERMINES

- i) *that* the term "artificially propagated" shall be interpreted to refer only to plants grown from seeds, cuttings, divisions, callus tissues or other plant tissues, spores or other propagules under controlled conditions;

Conf. 8.17
para. a)i) under
DETERMINES †

that "under controlled conditions" means in a non-natural environment that is intensively manipulated by human intervention for the purpose of producing selected species or hybrids. General characteristics of controlled conditions may include but are not limited to tillage, fertilization, weed control, irrigation, or nursery operations such as potting, bedding, or protection from weather;

- ii) *that* the cultivated parental stock used for artificial propagation must be:

Conf. 8.17
para. a)ii) under
DETERMINES †

A) established and maintained in a manner not detrimental to the survival of the species in the wild; and

B) managed in such a way that long-term maintenance of this cultivated stock is guaranteed; and

- iii) *that* grafted plants be recognized as artificially propagated only when both the root-stock and the graft have been artificially propagated;

Conf. 8.17
para. a)iii) under
DETERMINES †

b) Regarding higher-taxon listings of plants

<p>RECOMMENDS 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;</p>	<p>Conf. 5.14 para. b)i)</p>
<p>RECOMMENDS that Parties contemplating <i>preparing a proposal to transfer an individual plant species from a higher taxon listing in Appendix II to a separate listing in Appendix I</i> consider:</p>	<p>Conf. 5.14 para. b)iii) †</p>
<ul style="list-style-type: none"> i) whether the increased protection possible by a transfer to Appendix I would compensate for the increased risk <i>created by attracting the attention of traders to the species</i>; 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; 	
<p>c) <u>Regarding artificially propagated hybrids</u></p>	
<p>RECOMMENDS that, with regard to artificially propagated hybrids of Appendix-I species, the application of Resolution Conf 2.13, decision c), shall be restricted in such a way that:</p>	
<ul style="list-style-type: none"> i) plant species or other taxa listed in Appendix I shall be annotated (in accordance with Article XV) if compliance with Resolution Conf. 2.13, decision c), is required for artificially propagated hybrids in order that the provisions relevant to the most restrictive appendix apply; 	<p>Conf. 8.17 para. b)i)</p>
<ul style="list-style-type: none"> ii) if a plant species or other taxon listed in Appendix I is annotated, an export permit or re-export certificate is required for trade in specimens of all artificially propagated hybrids derived from it: but 	<p>Conf. 8.17 para. b)ii)</p>
<ul style="list-style-type: none"> iii) artificially propagated hybrids derived from one or more unannotated Appendix-I species or other taxa are regarded as being included in Appendix II and entitled therefore to all exemptions applicable to artificially propagated specimens of species listed in Appendix II; 	<p>Conf. 8.17 para. b)iii)</p>
<p>d) <u>Regarding flasketed seedlings</u></p>	
<p>RECOMMENDS that flasketed 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. 5.9 for this exemption;</p>	<p>Conf. 8.17 para. c)</p>
<p>e) <u>Regarding enforcement for plants</u></p>	
<p>RECOMMENDS that Parties ensure that:</p>	
<ul style="list-style-type: none"> i) 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; 	<p>Conf. 5.14 para. h)ii)</p>
<ul style="list-style-type: none"> ii) enforcing agencies obtain access to materials and expertise enabling identification of plant specimens in trade, including whether the specimen is of wild or artificially propagated origin; 	
<ul style="list-style-type: none"> iii) enforcing agencies utilize annual reports, plant health documents, nursery catalogues and other sources of information to detect possible illegal trade; and 	
<ul style="list-style-type: none"> iv) enforcing agencies maintain close liaison with the Management and Scientific Authorities for the purpose of setting and implementing enforcement priorities; 	
<p>f) <u>Regarding trade in salvaged plant specimens</u></p>	
<p>RECOMMENDS</p>	
<ul style="list-style-type: none"> i) that, whenever possible, Parties ensure programmes of environmental modification do not threaten the survival of plant species <i>included in the CITES appendices</i>, and that protection of Appendix-I species <i>in situ</i> be considered as a national and international obligation; 	<p>Conf. 5.14 para. e)i) †</p>
<ul style="list-style-type: none"> ii) that Parties establish salvaged specimens in cultivation where concerted attempts have failed to ensure that such <i>programmes</i> do not put at risk wild populations of species <i>included in the CITES appendices</i>; and 	<p>Conf. 5.14 para. e)ii) †</p>
<ul style="list-style-type: none"> iii) that international trade in salvaged specimens of Appendix-I plants, and of Appendix-II plants <i>whose entry into trade might be detrimental to the survival of the species in the wild</i>, be permitted where all of the following conditions are met: 	<p>Conf. 5.14 para. e)iii) †</p>
<ul style="list-style-type: none"> A) such trade would clearly enhance the survival of the species, albeit not in the wild; 	
<ul style="list-style-type: none"> B) import is for the purposes of care and propagation of the species; and 	
<ul style="list-style-type: none"> C) import is by a bona fide botanic garden or scientific institution and is not for primarily commercial purposes; 	

g) Regarding education about plant conservation through CITES

RECOMMENDS

- i) that Parties *bring to the attention of* scientific associations, legislative bodies, tourist organizations and non-governmental organizations *the conservation of plant species in the framework of CITES*; Conf. 5.14 para. i)i) †
- ii) that Parties prepare brochures describing their own *processes for the issuance of CITES permits and certificates* and distribute them to plant traders; and Conf. 5.14 para. i)iii) †
- iii) that Parties 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; Conf. 5.14 para. i)iv)

h) Regarding the registration of nurseries

RECOMMENDS

- i) that Parties consider, where appropriate to their circumstances, registering individual traders of artificially propagated *plants of species in* Appendix I, II or III; 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 Conf. 5.15 para. a) †
- ii) *that traders authorized under f) i) may be issued a licence for a specified length of time to export any quantity of artificially propagated plants of specified species in* Appendix II or III, provided that a certified copy of the licence 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. 4.16¹; Conf. 5.15 para. b) †

REQUESTS each Party adopting such a system to inform the Secretariat accordingly and to provide copies of the documents, stamps, seals, etc. used; and Conf. 5.15 under REQUESTS

REPEALS the Resolutions listed hereunder:

- a) Resolution Conf. 5.14 (Buenos Aires, 1985) – Improving the Regulation of Trade in Plants – recommendations a), b), d), e), h), and i);

- b) Resolution Conf. 5.15 (Buenos Aires, 1985) – Improving and simplifying the Regulation of Trade in Artificially Propagated Plants; and
- c) Resolution Conf. 8.17 (Kyoto, 1992) – Improving the Regulation of Trade in Plants.

Com. 9.20 Annex 8

DRAFT CONSOLIDATED RESOLUTION

Trade with States not Party to the Convention

RECALLING Resolutions Conf. 3.8 and Conf. 8.8, adopted by the Conference of the Parties at its third and eighth meetings (New Delhi, 1981; Kyoto, 1992);

RECALLING 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; **(Conf. 8.8)**

CONSIDERING the need to provide guidance to Parties for the uniform implementation of Article X of the Convention; **(Conf. 3.8)**

CONSIDERING 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; **(Conf. 3.8)**

CONSIDERING 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; **(Conf. 8.8)**

CONSCIOUS that the risk of trade from and through States not party to the Convention jeopardizes the effectiveness of the Convention; **(Conf. 8.8)**

AWARE 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; **(Conf. 8.8)**

RECALLING Resolution Conf. 9.XX (see Annex 9) adopted at the ninth meeting of the Conference of the Parties (Fort Lauderdale, 1994) recommending that valid documentation be required for transit shipments; **(Conf. 8.8)**

NOTING that control of transit shipments in particular appears to produce substantial information on illegal trade in CITES specimens; **(Conf. 8.8)**

RECOGNIZING the possibility for Parties to impose more restrictive domestic controls on trade under Article XIV; **(Conf. 8.8)**

CONVINCED of the need to counteract illegal trade by tightening the conditions applying to trade with non-Parties; **(Conf. 8.8)**

¹ or a different number if Resolution Conf. 4.16 is repealed and replaced

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

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|--|---|
| a) that <i>permits and certificates</i> issued by States not party to the Convention <i>not be</i> accepted by Parties unless they contain: | Conf. 3.8 under RECOMMENDS † |
| i) the name, stamp and signature of a competent issuing authority; | Conf. 3.8 para. a) ‡ |
| ii) sufficient identification of the species concerned for the purposes of the Convention; | Conf. 3.8 para. b) |
| 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; | Conf. 3.8 para. c) |
| iv) in the case of export of <i>specimens of a species included in Appendix I or II</i> , certification to the effect that <i>the competent</i> 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 <i>specimens were</i> not obtained in contravention of the laws of the State of export; | combination of Conf. 3.8 para. d) and Conf. 8.8 para. b) under RECOMMENDS ‡ |
| 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 <i>that</i> substantially meets the requirements of Article VI of the Convention; and | Conf. 3.8 para. e) † |
| vi) in the case of export or re-export of live specimens, certification to the effect that <i>they will be transported</i> in a manner <i>that</i> will minimize the risk of injury, damage to health or cruel treatment; | Conf. 3.8 para. f) † |
| b) that Parties accept documentation from States not party to the Convention <i>only</i> if details of the competent authorities and scientific institutions <i>of such States</i> are included in the most recent updated list of the Secretariat or after consultation with the Secretariat; | Conf. 8.8 para. a) under RECOMMENDS † |
| c) that <i>the recommendations above</i> also apply to <i>specimens in transit</i> destined for or coming from States not party to the Convention, including <i>specimens</i> in transit between such States; | Conf. 8.8 para. c) under RECOMMENDS ‡ |
| d) that particular attention be given to the inspection of <i>specimens in transit</i> exported or re-exported from, and/or destined for States not party to the Convention and to the inspection of documentation for such <i>specimens</i> ; | Conf. 8.8 para. d) under RECOMMENDS † |
| e) that 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; | Conf. 8.8 para. e) under RECOMMENDS |
| f) that 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 | Conf. 8.8 para. f) under RECOMMENDS |
| g) that Parties communicate <i>to the Secretariat</i> any inconsistencies in trade involving States not party to the Convention; and | Conf. 8.8 para. g) under RECOMMENDS † |

REPEALS the Resolutions listed hereunder:

- a) Resolution Conf. 3.8 (New Delhi, 1981) – Acceptance of Comparable Documentation Issued by States not Party to the Convention; and

- b) Resolution Conf. 8.8 (Kyoto, 1992) –Trade with States not Party to the Convention.

Com. 9.20 Annex 9

DRAFT CONSOLIDATED RESOLUTION

Transit and Transshipment

RECALLING Resolutions Conf. 4.10, Conf. 7.4 and Conf. 8.8, adopted at the fourth, seventh and eighth meetings of the Conference of the Parties (Gaborone, 1983; Lausanne, 1989; Kyoto, 1992);

RECOGNIZING that Article VII, paragraph 1, of the Convention allows the transit or transshipment of specimens through or in the territory of a Party without the need for regulation by the Party; **(Conf. 4.10)**

RECOGNIZING also that there is potential for the abuse of this provision by the keeping of specimens in the territory of a Party while seeking a buyer in another country; **(Conf. 4.10)**

RECOGNIZING the need for Parties to take measures to fight illegal trade; **(Conf. 7.4)**

NOTING that control of transit shipments for valid export documentation is an important way to discover illegal trade in CITES specimens; **(Conf. 7.4)**

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

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| a) <i>that</i> , for the purpose of Article VII, paragraph 1, of the Convention, the phrase "transit or transshipment of specimens" <i>be interpreted to refer only to specimens</i> that remain in Customs control and are in the process of shipment to a named consignee <i>when</i> any interruption in the movement arises only from the arrangements necessitated by this form of traffic; | Conf. 4.10 para. a)i) combined with para c) † |
| b) that the Parties inspect, to the extent possible under their national legislation, <i>specimens in transit or being transhipped</i> , to <i>verify</i> the presence of valid export documentation as required under the Convention or <i>to obtain</i> satisfactory proof of its existence; | combination of Conf. 4.10 para. a)ii) and Conf. 7.4 para. a) † |
| c) <i>that such</i> valid export documentation clearly show the ultimate destination of the shipment; | Conf. 4.10 para. a)ii) (second part) † |
| d) <i>that any</i> change of ultimate destination be investigated by the country of transit <i>or transshipment</i> to verify that the transaction complies with the purposes of the Convention; | Conf. 4.10 para. a)iii) † |
| e) that Parties adopt legislation allowing them to seize and confiscate <i>specimens in transit or being transhipped</i> without <i>valid export</i> documentation or <i>proof of the existence</i> thereof; | Conf. 7.4 para. b) † |
| f) <i>that the above recommendations be applied also to specimens in transit or being transhipped that are</i> destined for or coming from States not party to the Convention, including <i>specimens</i> in transit between such States; and | Conf. 8.8 para. c) under RECOMMENDS † |
| g) that Parties note that the Convention does not make special provision for airport lounges (including duty free shops), free ports or non-Customs zones, because each Party is deemed to have sovereignty over the whole of its territory, and <i>to apply</i> the Convention accordingly; and | Conf. 4.10 para. b) † |

REPEALS the Resolutions listed hereunder:

- a) Resolution Conf. 4.10 (Gaborone, 1983) - Definition of "In Transit"; and

- b) Resolution Conf. 7.4 (Lausanne, 1989) - Control of Transit.

Com. 9.20 Annex 10

DRAFT DECISION OF THE CONFERENCE OF THE PARTIES

In view of the deletion of para. d) of Conf. 5.22, the Conference of the Parties:

INSTRUCTS the Standing Committee to prepare uniform criteria for granting export permits in

accordance with Article V, paragraph 2, and to prepare a draft resolution for consideration at the tenth meeting of the Conference of the Parties.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

(approved by Committee II from document Doc. 9.50 Annex 2)

Standard to be Applied to Trade in Lawfully Taken Hunting Trophies

RECALLING the Preamble to the Convention, which states that peoples and States are and should be the best protectors of their own wild fauna and flora;

REAFFIRMING the provisions of Articles III, IV and V of the Convention, which specifically require that different findings be made by exporting Parties and importing Parties, and which state that the condition for allowing the export of a specimen is that the State of export finds that there is no detriment to the survival of the species in the wild;

RECALLING Resolution Conf 8.3, adopted at the eighth meeting of the Conference of the Parties (Kyoto, 1992), recognizing the benefits of the use of wildlife;

THE CONFERENCE OF THE PARTIES TO THE
CONVENTION

DECIDES to amend recommendation c) of Resolution Conf. 2.11 to read as follows:

- c) that in order to achieve the envisaged complementary control of trade in Appendix-I species by the importing and 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.

DRAFT DECISION OF THE CONFERENCE OF THE PARTIES

(approved by Committee II)

Deputy Secretary General

The following draft decision is submitted by Committee II, directed to the Standing Committee, the Executive Director of the United Nations Environment Programme and the Secretariat.

The Conference of the Parties wishes to acknowledge with appreciation the devotion and commitment of the senior staff of the CITES Secretariat, and recognizes their importance in the day to day operation of the Secretariat. The need for the greatest possible continuity in the staffing of the Secretariat was emphasized. Taking into account the considerable increase in the number of Parties and the growing complexity of the issues faced by the Parties in implementing the Convention:

THE CONFERENCE OF THE PARTIES TO THE
CONVENTION DECIDES

1. to direct the Standing Committee to pursue with the Executive Director of the United Nations Environment Programme, in accordance with the Agreement between the CITES Standing Committee and the Executive Director of UNEP, the extension of the contract of the current Deputy Secretary General of the CITES Secretariat until the next meeting of the Conference of the Parties;
2. to request the Executive Director of the United Nations Environment Programme to make every effort to facilitate this extension; and
3. to direct the Secretary General of the CITES Secretariat to take all possible action to implement this decision.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

(approved by Committee II from documents Doc. 9.30 and Com. 9.23)

Guidelines for the Registration of Nurseries Exporting Artificially Propagated Specimens of Appendix-I Species

RECOGNIZING 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 included in Appendix II;

RECOGNIZING 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 subsequent generations, and therefore requires a different approach;

RECOGNIZING the rights that each Party holds over its own natural phylogenetic resources;

RECOGNIZING that the transfer of germplasm is regulated under the Global System for the Conservation and Utilization of Plant Genetic Resources (FAO);

RECOGNIZING that the artificial reproduction of specimens of species included in Appendix I could form an economic alternative to traditional agriculture in countries of origin, and could also increase conservation interest in the areas of natural distribution;

RECOGNIZING 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;

NOTING that Resolution Conf. 5.15, adopted at the fifth meeting of the Conference of the Parties (Buenos Aires, 1985), provided an initiative for plant-nursery registration but that no Party has ever informed the CITES Secretariat that it has implemented such registration;

RECALLING 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;

OBSERVING that such facilitation may also be necessary to ensure that the artificial propagation of species included in Appendix I will continue or be initiated;

RECOGNIZING 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 TO THE CONVENTION

RESOLVES that

- a) the responsibility for the registration of nurseries that, for export purposes, artificially propagate specimens of Appendix-I plant species shall rest with the Management Authority of each Party, in consultation with the Scientific Authority of that Party;
- b) any Management Authority that wishes to register any commercial nursery artificially propagating specimens of species included in Appendix I for export purposes shall provide to the Secretariat, for inclusion in the Register, all appropriate information to obtain, and maintain, the registration of each such nursery;
- c) artificially propagated Appendix-I specimens produced in registered nurseries may only be exported when:
 - i) they are packed and labelled in such a way that they are clearly separated from artificially propagated or wild-collected Appendix-II and/or Appendix-III plants in the same consignment; and
 - ii) the CITES export permit clearly states the registration number attributed by the Secretariat and the name of the nursery of origin if it is not the exporter; and
- d) notwithstanding the right of each Party to remove a nursery within its jurisdiction from the Register, any Party that becomes aware of, and can demonstrate, a failure of a registered exporting nursery to comply satisfactorily with the requirements for registration may propose to the Secretariat that this nursery be deleted from the Register, but the Secretariat will only make the deletion after consultation with the Management Authority of the Party in which the nursery is located; and

DIRECTS the Secretariat to review any application for registration, and to compile and update a Register of Commercial Nurseries that, for export purposes, artificially propagate specimens of plant species included in Appendix I, on the basis of information received from the Parties, and to communicate this Register to the Parties.

Annex 1

Role of the Commercial Nursery

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RESOLVES that the owner/manager of any commercial nursery seeking inclusion in the Secretariat's Register shall be responsible for providing to the Management Authority of the country in which it is located the following information:

- 1. name and address of the owner, manager or technical director of the nursery;
- 2. date of establishment;

- 3. description of the facilities and the propagation techniques;
- 4. description of the historical background of the nursery, in particular information on which species or plant groups have been propagated in the past;
- 5. taxa currently in propagation (Appendix I only);
- 6. description of the Appendix-I parental stock of wild origin, including quantities and evidence of legal acquisition; and
- 7. quantities of specimens expected to be exported in the near future.

Role of the Management AuthorityTHE CONFERENCE OF THE PARTIES TO THE
CONVENTION

RESOLVES that each Management Authority shall perform the following functions:

- a) notify to the Secretariat to register a nursery artificially propagating and exporting specimens of Appendix-I species and provide the following:
 - i) information about the scientific names (and full synonymy) of the taxa concerned;
 - ii) a description of the facilities and propagation techniques of the nursery, as provided by the nursery in accordance with Annex 1;
 - iii) a description of the inspection procedures used by the Management Authority to confirm the identity and the legal origin of the parental stock; and
 - iv) evidence of the legal origin of any other specimens of Appendix-I species of wild origin present in the nursery concerned, or adequate assurance that such specimens are controlled under existing national legislation;
- b) ensure that the number of specimens of wild origin in a registered nursery designated as parental stock of species in Appendix I is not depleted by the disposal of specimens other than through natural causes, unless the

Management Authority consents, on the request of the registered nursery, to the transfer of the parental stock (or of part thereof) to another registered exporting nursery;

- c) ensure that the registered exporting nurseries are reviewed on a regular basis by a specialist from the Management or Scientific Authority or other qualified entity appointed by the Management Authority, to certify the size of the parental stock of wild origin and that the nursery holds no other specimens of wild origin of Appendix-I species, and communicate the results of these reviews to the Secretariat;
- d) design a simple procedure for the issuance of export permits to each registered nursery, in accordance with Article VII, paragraph 4, of the Convention, and with Resolution Conf. 8.5. 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. 8.17.
 VALID ONLY FOR THE FOLLOWING TAXA.

Role of the SecretariatTHE CONFERENCE OF THE PARTIES TO THE
CONVENTION

RESOLVES that the Secretariat shall perform the following functions:

- a) receive from Management Authorities and review applications for registration of nurseries that artificially propagate Appendix-I plant specimens for export;
- b) when satisfied that a nursery meets all requirements, publish the name, the registration number and other particulars in its Register within 30 days after receipt of the report;
- c) when not satisfied that a nursery meets all the requirements, provide the relevant Management

Authority with a full explanation and indicate the specific conditions that must be met;

- d) receive and review reports on registered nurseries, provided by the Parties, and present summary conclusions to the Plants Committee;
- e) delete the name of a nursery from its Register when requested to do so, in writing, by the responsible Management Authority; and
- f) receive and review information from Parties or other sources regarding failure of a registered nursery to comply satisfactorily with the requirements for registration and, after consultation with the Management Authority of the Party in which the nursery is located, delete the operation from the Register if appropriate.

Proposed Amendments to Consolidated Resolutions

1. Consolidated Resolution on Permits and Certificates:

- a) amend paragraph o) of the Annex so that it reads **(addition in bold)**:

The registration number of the operation, attributed by the Secretariat, when a permit involves a specimen of a species included in Appendix I, that originates from an operation practising breeding in captivity **or artificial**

propagation for commercial purposes (Article VII, paragraph 4, of the Convention), and the name of the operation when it is not the exporter; and.

2. Consolidated Resolution on Trade in Plants:

- a) insert in paragraph d) iii) C) after the word "institution" the phrase, or a registered nursery; and
- b) delete paragraph f), on Registration of Nurseries.

PROPOSALS FOR AMENDMENT OF THE CONSOLIDATED RESOLUTION
RELATING TO PERMITS AND CERTIFICATES

(approved by Committee II from document Doc. 9.38 Annex 1)

1. Addition at the end of paragraph b) of the first RECOMMENDS of: as Annex.
2. Addition under AGREES of the following paragraphs:
 - that if a permit or certificate form includes a place for the signature of the applicant, the absence of the signature should render the permit or certificate invalid;
 - that 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 permit or certificate number and the date of issuance; and
 - ii) the signature and the stamp or seal, preferably embossed, of the authority issuing the document;.
3. Amendment (addition in italics) of paragraph k) under the second RECOMMENDS to read as follows:

"that, when a country has voluntarily fixed national export quotas for specimens of species included in Appendix I, for non-commercial purposes, and/or in Appendices II and III, *it inform the Secretariat of the quotas before issuing export permits and of any changes thereto as soon as they are made and it state on each export permit the total number of specimens already exported in the current year (including those covered by the permit in question) and the quota for the species concerned;*
4. Addition under the second RECOMMENDS of the following paragraphs:
 - that, 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;
 - that, 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;
 - that, when issuing permits and certificates, the Parties follow the standard nomenclatures adopted by the Conference of the Parties to indicate the names of species;
 - that, 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;
 - that Parties reject any re-export certificate that refers to an export permit that does not exist or that is invalid;
 - that Parties ensure that, when the original of an export permit or re-export 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;
 - that, when a Management Authority knows a specimen to be of illegal origin, it not issue a re-export certificate for the specimen even if it has been imported in accordance with the national legislation, unless the specimen has been previously confiscated;
 - that, when a permit or certificate for export or re-export 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
 - that, 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;.

The standard form attached as Annex 2 (Rev.) to document Doc. 9.38 has also been approved by Committee II.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

(approved by Committee I from documents Doc. 9.42 Annex and Com. 9.25)

Guidelines for Evaluating Marine Turtle Ranching Proposals Submitted Pursuant to Resolution Conf. 3.15

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. 3.15, adopted at the third meeting of the Conference of the Parties (New Delhi, 1981), 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 that 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 co-operation of range States greatly enhances the conservation of marine turtle populations;

UNDERSTANDING that, because of the behaviour 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;

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 enter international trade in products of sea turtle ranches satisfy all the requirements of the Convention and Resolutions Conf. 3.15 (New Dehli, 1981), Conf. 5.16 (Buenos Aires, 1985), and Conf. 6.22 (Ottawa, 1987);
- b) any Party seeking to transfer a marine turtle population from Appendix I to Appendix II pursuant to Resolution Conf. 3.15 should 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.3.15 should ensure that procedures for regular adequate reporting to the Secretariat exist and are implemented. Failure to satisfy this requirement and to demonstrate conservation benefit to the population or compliance with other requirement of Resolution Conf. 3.15 may result in the application of paragraph c) of Resolution Conf. 6.22 adopted at the sixth meeting of the Conference of the Parties (Ottawa, 1987).

Com. 9.25 (Rev.) Annex

Guidelines for Evaluating Marine Turtle Ranching Proposals Submitted Pursuant to Resolution Conf. 3.15

1. Resource Management

A. Biological Information

The proposal should provide information on the biology, management and geographic extent of the population (or populations) 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, changes in status, mortality or habitat should be proposed which would automatically trigger the suspension of harvests, and the initiation of additional conservation measures.

C. Regional Management

Because of the migratory behaviour of marine turtles, that segment of the population occurring within the jurisdiction of any one State can not be considered in isolation. Any management of the population should involve the range States sharing the majority of the population.

A Party submitting a ranching proposal shall take the lead in the development and effective implementation of a regional management protocol designed to enhance the conservation of the population.

- a) Activities undertaken by the proponent to develop co-operative regional management among the range States sharing the majority of the population should be described. Regional management should entail co-operative mechanisms for:
 - i) assessment of the conservation status of the population throughout its range and identification of key recruitment areas (e.g. breeding and nesting sites);
 - ii) regular monitoring of population trends, involving an assessment of sources of annual mortality including an assessment of the impact of the ranching operation;
 - iii) effective protection of important nesting beaches and other essential habitats (e.g. feeding areas);
 - iv) regulating where necessary harvests and domestic sale of marine turtle specimens; and
 - v) effective controls, sufficient to prevent the stimulation of illegal trade in products from wild populations.
- b) The regional management protocol designed to enhance conservation of the marine turtles in the wild should also document existing conservation legislation and trade controls by range States and provide a forum through which more effective or complementary trade controls, enforcement activities and other conservation measures may be developed.

2. Trade Controls

Proponents must take every reasonable measure to ensure that the trade in products from approved ranches does not stimulate an increase in trade from other sources in a manner detrimental to the survival of the population, other populations or other species of marine turtle, or serve as a cause for such trade. Therefore, the proponent Party should ensure that both it and any country to which the products of the ranching operation are destined have adequate legal frameworks and administrative measures for monitoring and reporting, and adequate local and national enforcement capabilities before international trade is authorized. In particular each proponent Party must:

- a) Agree that exports of marine turtle products derived from the population covered by its proposal will be

restricted to those from the ranching operation, in specified amounts (i.e. a quota may be set) that can be met by proposed ranch production. Importing States shall undertake to provide documentation of their domestic laws to regulate the import, re-export, possession, sale, purchase and transport of marine turtles and their parts and derivatives, and the measures taken to control existing stockpiles of such specimens.

- b) Document its domestic laws and enforcement mechanisms (including those in any territories and overseas political units) that regulate the taking of marine turtles from the wild and the possession, sale, purchase, transport, import and export of marine turtles, their parts and derivatives.
- c) Undertake registration of any existing stockpiles of marine turtle parts and derivatives held within its territorial jurisdiction and instigate marking and control systems to ensure that such items are readily distinguishable from similar items deriving from approved ranches.
- d) Describe marking and tracking procedures for all parts and derivatives from approved ranches that will allow the unambiguous identification of ranch products, including methods for marking products and packages, packaging types, transport methods, shipping routes, product documentation, secure storage of products, inventory control up to the point of export and specification of the maximum quantities of products (quotas) to be exported annually.

3. The Ranching Operation

To satisfy recommendation c) ii) of Resolution Conf. 3.15, 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, layout, size and technical specifications;
 - ii) facilities for maintaining stock, food storage, quarantine, slaughter and processing, refrigeration and freezing;
 - iii) seawater source, including circulation, filtration, waste disposal and quality control systems; and
 - iv) staff, including numbers and qualifications of technical and management personnel and numbers of support staff.
- c) Operating procedures, taking account of:
 - i) stock collection, including location of source sites, methods used in collection and removal of specimens, age- and size-classes of specimens (e.g. eggs, hatchlings), collecting seasons, number of specimens to be collected each year and the proportion of natural annual production that the harvest represents, methods of handling and transport to the ranching operation, and injury levels and mortality during collection and transport;
 - ii) stocking rates, including the number or weight of turtles per 1,000 litres of sea water and square metres 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

Summarize the legal and enforcement mechanisms that will prevent detrimental impact of the renewal of legal trade and summarize the benefits resulting or expected to result from the management actions implemented for the population to be harvested for ranches including regional management protocols.

5. Reporting

Proponents that achieve a transfer of their national population of marine turtles from Appendix I to Appendix II subject to this Resolution should include in their annual reports updated information on: population status and trends; any change in the area of beaches that provide suitable nesting habitat; any change in enforcement effort; and amendments to co-operative agreements to preserve and manage the marine turtle resource. Reports should also detail the nature of and progress in developing and implementing effective regional management protocols.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES
(approved by Committee II from documents Doc. 9.57.1 Annex and Com. 9.26)

Illegal Trade in Whale Meat

CONCERNED with 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;

NOTING that some unknown level of whale exploitation may be occurring outside the International Whaling Commission (IWC);

CONCERNED that the international trade in meat and other products of whales is lacking adequate international monitoring or control;

RECOGNIZING that the IWC is the major source of information on whale stocks around the world;

RECOGNIZING further the need for IWC and CITES to co-operate and exchange information on international trade in whale products;

AFFIRMING its concern that any illegal international trade in Appendix-I whale specimens undermines the effectiveness of both IWC and CITES;

THE CONFERENCE OF THE PARTIES TO THE
CONVENTION

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 such meat and to co-operate with the CITES Secretariat in the collection of such information;

ENCOURAGES the IWC to keep CITES Parties fully informed through the CITES Secretariat and Standing Committee between meetings of the Conference of the Parties on all related developments regarding the illegal trade in whale products;

INVITES all related countries to co-operate 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 the issue of illegal trade in whale meat.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

(adopted by the Conference of the Parties from documents Doc. 9.49 Annex and Com. 9.27)

Regional Representation on the Animals and Plants Committees

CONSIDERING that Resolution Conf. 6.1, adopted at the sixth meeting of the Conference of the Parties (Ottawa, 1987), recognizes the importance of a formal system for the appointment of committees of the Conference of the Parties and established procedures to be followed when committees are created;

NOTING that Resolution Conf. 6.1 established the Animals and Plants Committees of the Conference of the Parties with representation by one person from each of the six geographical regions, consisting of Africa, Asia, Europe, North America, South and Central America and the Caribbean, and Oceania;

NOTING that the Conference of the Parties has established a working system of alternates for the elected representatives to the Animals and Plants Committees;

RECOGNIZING that the bulk of the world's biodiversity occurs in Africa, South and Central America and Asia, and also that the majority of animal and plant species listed in the appendices of the Convention are from these regions;

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 20 in Asia, which, in addition, stretches from Israel in the West to Japan in the East;

CONCERNED that the technical representation established by Resolution Conf. 6.1 reflects neither the richness of biodiversity nor the number of Parties in the various regions;

THE CONFERENCE OF THE PARTIES TO THE
CONVENTION

AGREES that the representation for the regions of Africa, Asia and South and Central America and the Caribbean, shall be increased to two persons each for the Animals and Plants Committees;

CONFIRMS that, for each person elected to the Animals and Plants Committees, there should be an elected alternate; and

CONFIRMS that, the two above-mentioned operative paragraphs shall not have any new financial implications to the Trust Fund in addition to those agreed prior to the ninth meeting of the Conference of the Parties.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

(approved by Committee II from documents Doc. 9.35 Annex 2 and Com. 9.28)

Conservation of Rhinoceros in Asia and Africa

DEEPLY CONCERNED that many 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 rhinoceros in Appendix I of the Convention in 1977 and adopted Resolution Conf. 3.11 on the Trade in Rhinoceros Horn (New Delhi, 1981) and Resolution Conf. 6.10 on the Trade in Rhinoceros Products (Ottawa, 1987);

RECALLING further that, at its eighth meeting (Kyoto, 1992), the Conference of the Parties directed the Standing Committee to address rhinoceros conservation problems;

NOTING the detailed consideration given to rhinoceros conservation at the 28th (Lausanne, 1992), 29th (Washington, D. C., 1993), 30th (Brussels, 1993) and 31st (Geneva, 1994) meetings of the Standing Committee, and the recent actions of the Committee;

NOTING also the recommendations of the Animals Committee (Harare, 1992; Brussels, 1993);

RECALLING the resolutions and recommendations of the United Nations Environment Programme Conference between the Rhinoceros Range States, Consumer States and Donors on Financing the Conservation of the Rhinoceros (Nairobi, 1993);

COMMENDING the efforts made by range States to protect their rhinoceros populations against illegal hunting, often under very difficult circumstances;

COMMENDING further the recent 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 all the above measures have not arrested the decline of rhinoceros populations;

RECOGNIZING that the illegal trade in rhinoceros horn is now known to be a global law enforcement problem, extending beyond range States and traditional consuming countries;

AWARE that, given the social, economic and cultural realities in many producer and consumer States, 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 by Resolution Conf. 6.10, has not been implemented and is no longer considered appropriate by a number of Parties;

CONCERNED that the destruction of stocks of rhinoceros horn could in all probability increase the risks to remaining rhino populations;

RECOGNIZING that recent international measures have had a number of unintended consequences, including driving the trade further underground, and have coincided with a rise in price in some consumer countries;

RECOGNIZING further that there is a diversity of opinion as to the most effective approaches to the conservation of rhinoceroses in Asia and Africa;

CONCERNED that the direct threats to rhinoceros populations are not being reduced, and that the cost of ensuring adequate security for them is increasing and can not easily be met by many range States under the present conditions;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

URGES

- a) those Parties that have legal stocks of rhinoceros horn to identify, mark, register and secure all such stocks;
- b) all Parties to implement adequate legislation, including internal trade restrictions, aimed at reducing illegal trade in rhinoceros products;
- c) range States to be vigilant in their law enforcement efforts and to place increased emphasis on the prevention of illegal hunting and on early detection of potential offenders;
- d) that law enforcement co-operation between States be increased in order to curtail trafficking in rhinoceros horn; and
- e) the consumer States to work with traditional-medicine communities and industries to develop strategies for eliminating the use and consumption of rhinoceros parts and derivatives;

DIRECTS the Standing Committee to continue to pursue actions aimed at reducing illegal trade, provided that:

- a) all such activities are accompanied by evaluations of their effectiveness;
- b) standardized indicators of success are developed to measure changes in levels of illegal hunting and of the status of rhinoceros populations in the range States; and
- c) the policies guiding interventions are responsive to the outcome of evaluations and are modified accordingly;

RECOMMENDS that all range States develop recovery plans for their rhinoceros populations that, *inter alia*:

- a) are appropriate for the situation in their countries;
- b) will not adversely affect rhinoceros conservation in other range States;
- c) include provisions for the reinvestment of revenues derived from use of rhinoceros that is consistent with the Convention, in order to offset the high costs of their conservation; and
- d) aim towards a long-term goal of sustaining, on a basis of self-sufficiency, their rhinoceros conservation efforts;

URGES

- a) potential donors to assist with the funding efforts of the range States to implement rhinoceros recovery plans; and
- b) the Global Environment Facility to fund the protection of rhinoceros populations within the context of broadly based projects for the conservation of biological diversity;

DIRECTS the Secretariat to facilitate the implementation of this Resolution and report on progress to the tenth meeting of the Conference of the Parties;

DIRECTS further the Secretariat to review the results of imports of live rhinoceros from South Africa pursuant to the annotated transfer to Appendix II agreed at the ninth meeting of the Conference of the Parties and to report at the tenth meeting;

CALLS for constructive engagement amongst all Parties to the Convention to achieve the aims of this Resolution; and

REPEALS the Resolutions listed hereunder:

- a) Resolution Conf. 3.11 (New Delhi, 1981) - Trade in Rhinoceros Horn; and
- b) Resolution Conf. 6.10 (Ottawa, 1987) - Trade in Rhinoceros Products.

DRAFT DECISIONS OF THE CONFERENCE OF THE PARTIES

Interpretation and Implementation of the Convention in the European Union

THE CONFERENCE OF THE PARTIES TO THE
CONVENTION

DECIDES to amend Resolution Conf. 8.2 by deleting the
first two paragraphs of the operative part; and

DIRECTS the Secretariat 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.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

(approved by Committee II from document Doc. 9.29.3 Annex)

Conservation and Trade of Tigers

AWARE that three subspecies of tiger, *Panthera tigris*, have become extinct within the last 50 years and that the surviving populations of the species have declined sharply within the last five years;

NOTING that wild populations of tigers are threatened by the combined effects of poaching and of habitat loss caused by disturbance, fragmentation and destruction;

AWARE also that the tiger is listed in Appendix I and international commerce in the species is prohibited;

NOTING that, despite the species inclusion in Appendix I, illegal trade in tiger specimens has escalated, and could lead to extinction in the wild;

NOTING further 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 tiger and tiger parts and derivatives;

RECOGNIZING that strengthened technical co-operation between range and non-range States, and financial support, would contribute to more effective tiger protection;

RECOGNIZING also that long-term solutions to the protection and conservation of the tiger and its habitat require the adoption of bold and unprecedented actions;

ACKNOWLEDGING that increased political will, financial resources and expertise in some range and consumer States will significantly improve the control of the illegal killing of tigers, trade in their parts and products, and protection of their habitat;

APPRECIATING the recent positive actions taken by some consumer States to address the illegal trade in tiger parts and products;

COMMENDING the recent initiatives by some range Parties to facilitate co-operation in tiger conservation, including:

- a) India, which, with co-sponsorship from the United Nations Environment Programme (UNEP), convened the first meeting of tiger range States in March 1994 to establish a Global Tiger Forum; and
- b) Thailand, which convened a workshop in October 1994 to map distribution of tigers and the status of their forest habitat in a Geographic Information System, and to initiate regional co-operative action in this regard;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

URGES

- a) those Parties and non-Parties, especially tiger range and consumer States, which currently lack legislation to properly control illegal killing of tigers and/or the trade in tiger and its parts and derivatives, to adopt such measures as a matter of urgency, and that such measures should address Convention requirements and include penalties adequate to deter illegal trade;
- b) the Secretariat, where possible, to assist those Parties seeking to improve their legislation by providing technical advice and relevant information;
- c) all Parties seeking to adopt or improve their legislation controlling the trade in tiger and its parts and derivatives to consider introducing national measures to aid CITES implementation, such as voluntarily prohibiting internal

trade of tiger and its parts and derivatives and prohibiting the sale of illegally traded tiger parts and derivatives;

- d) all Parties to treat any product claiming to contain tiger as a readily recognizable tiger derivative and therefore subject to Appendix-I provisions, as provided for in Resolution Conf. 5.9;
- e) those Parties and non-Parties in whose countries stocks of tiger parts and products exist to consolidate and ensure adequate control of such stocks;
- f) all range States and consumer States which are not a Party to CITES to accede to the Convention at the earliest possible date; and
- g) tiger range and non-range States to support and participate in international tiger conservation programmes including joining the Global Tiger Forum;

RECOMMENDS

- a) that the governments of tiger range States, and, where appropriate, non-range States, establish co-operative bilateral and multilateral arrangements for the management of shared wildlife species and protected habitats with common boundaries in order to achieve more effective control of illegal transborder movement of tiger and its parts and products; and
- b) that all range and consumer States strengthen communication and sharing of information by designating at least one contact person in order to establish a regional network to assist in the control of the illegal trade in tiger parts and products;

REQUESTS countries with the relevant expertise to assist range and consumer States in the establishment of forensic facilities and to provide other technical assistance to aid the detection and accurate identification of tiger parts and derived manufactured products;

REQUESTS further that, given that biological and distribution data are essential for the implementation of the Convention, donor nations assist in funding the infrastructure and expertise in development of computer databases and mapping, as well as any other necessary conservation management and enforcement techniques;

RECOMMENDS that the governments of tiger-consumer States:

- a) work with traditional-medicine communities and industries to develop strategies for eliminating the use and consumption of tiger parts and derivatives;
- b) carry out appropriate education and awareness campaigns, making use of indigenous knowledge and traditional wisdom, directed at appropriate rural and urban communities and other targeted groups in range States, on the ecological importance of the tiger, its prey and its habitat; and
- c) introduce programmes to educate industry and user groups in consumer States in order to eliminate the use of tiger-derived substances and promote the adoption of alternatives;

DIRECTS the Standing Committee to continue its review of tiger trade issues in range and consumer States and to report to the Parties on progress made, with a view towards identifying additional legislative and enforcement measures

that may be necessary to stop the illegal trade in tiger and its parts and derivatives; and

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 tiger and its parts and derivatives and ensure the survival of the tiger in the wild.

PROPOSED AMENDMENTS TO THE CONSOLIDATED RESOLUTION ON TRADE IN PLANTS

(approved by Committee II from document Doc. 9.31 Annex)

1. Delete the phrase "and is not for primarily commercial purposes" from paragraph d) iii) C) so that the newly proposed text reads:
 - import is by a bona fide botanic garden or scientific institution, or a registered nursery;
2. Replace the full text of paragraph e) with the following:
 - e) regarding education about plant conservation through CITES
 - i) that 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;
 - ii) that 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;
 - iii) that 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;
 - iv) that 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
 - v) that the Secretariat distribute information on the beneficial aspects of artificial propagation for the survival of natural populations and, where possible, promote such artificial propagation.

DRAFT DECISION OF THE CONFERENCE OF THE PARTIES

(approved by Committee I from document Doc. 9.52)

Implementation of the Convention for Timber Species

RECOGNIZING the economic importance of timber resources for range States, and considering the Convention's possible contribution to the conservation of tree species;

THE CONFERENCE OF THE PARTIES TO THE
CONVENTION

DECIDES to direct the Standing Committee to establish a temporary working group, chaired by the Chairman of the Plants Committee, who would:

- i) in consultation with the Standing Committee: a) establish limited terms of reference for the working group, which address the technical and practical problems associated with the implementation of tree listings; b) define its

relationship with existing international organizations, which are at present addressing the problem of sustainable use of timber resources; and c) consider other associated matters referred to it by the Plants Committee, the Standing Committee, or the Secretariat;

- ii) ensure that relevant expertise is the key issue when deciding upon participation in the working group;
- iii) ensure range States are present to contribute their expertise;
- iv) ensure that temperate, boreal and tropical forest product issues are likewise addressed; and
- v) report back to the next meeting of the Conference of the Parties.

DRAFT DECISION OF THE CONFERENCE OF THE PARTIES

(approved by Committee I from document Doc. 9.47.3 Annex)

Conservation of Edible-nest Swiftlets of the Genus *Collocalia*

AWARE that swiftlets of the genus *Collocalia* build nests wholly or partially made of saliva and that trade in the nests of some species is of very high commercial value and is providing benefits for local communities;

RECOGNIZING the high priority that all range States place on the conservation and sustainable use of the swiftlets nests;

RECOGNIZING also that nest harvest from many caves in range States appears to be declining and that such declines may be related to various factors such as colonies disturbance and reduced breeding productivity;

NOTING that more scientific studies are urgently needed in order to assess the sustainability of nest harvesting with respect to the wild-breeding swiftlet populations;

CONSIDERING that the Conference of the Parties has competence to consider any species subject to international trade;

THE CONFERENCE OF THE PARTIES TO THE
CONVENTION

URGES those Parties that are range States of the genus *Collocalia* to:

- a) encourage scientific research to promote the sustainability of nest harvesting through standardized management programmes;
- b) explore ways of enhancing participation of the bird-nest industry representatives in swiftlet conservation and sustainable-use programmes; and
- c) review regulations controlling harvest of wild-breeding swiftlet populations in accordance with the results of the scientific research carried out under the paragraph a);

DIRECTS the CITES Secretariat to convene a technical workshop in order to establish conservation priorities and actions for the sustainability of swiftlet-nest harvesting, and to invite the Chairman of the Animals Committee to participate in this workshop to be held within twelve months;

DIRECTS the Animals Committee to provide scientific guidance for the implementation of this Resolution; and

REQUESTS Italy to co-ordinate the interested Parties, intergovernmental and non-governmental organizations to provide funding in order to implement this Resolution, particularly referring to the scientific researches and workshop.

DRAFT DECISION OF THE CONFERENCE OF THE PARTIES
Entry into Force of Resolutions of the Conference of the Parties

THE CONFERENCE OF THE PARTIES TO THE
CONVENTION

DECIDES that the recommendations as contained in Resolutions and Decisions adopted by the Conference of the Parties shall be effective from the date on which they

are sent by Notification to the Parties, unless otherwise specified in the recommendation concerned; and

NOTES that their implementation by the individual Parties is subject to national legal and/or other relevant procedures.