

Interpretation and Implementation of the Convention

REVIEW OF THE RESOLUTIONS OF THE CONFERENCE OF THE PARTIES

1. At its meeting immediately before the eighth meeting of the Conference of the Parties, the Standing Committee agreed to undertake a review of the existing Resolutions of the Conference of the Parties. This was endorsed by the Conference of the Parties. The review was started in 1992 and is still under way.
2. The main purpose of this review is to make the Resolutions easier to understand and to implement, and to make them a more practical tool for the Parties. Two actions are proposed to achieve this.
  - a) The first is to repeal Resolutions or parts of Resolutions that are defunct. The Resolutions and parts concerned have been identified by the Secretariat in document Doc. 9.19.1.
  - b) The second proposed action is the consolidation of Resolutions or parts of Resolutions that deal with the same subject. This consolidation also involves the removal of the parts that are conflicting or duplicative. Nine draft consolidated resolutions have been prepared by the Secretariat, on behalf of the Standing Committee. The Committee instructed the Secretariat to pass these to the Conference of the Parties for approval, and they are presented in document Doc. 9.19.2. It should be emphasized that these draft consolidated resolutions as far as possible use the words from the current Resolutions that they are designed to replace. The exceptions are explained in document Doc. 9.19.2.
3. In carrying out its review, the Standing Committee has considered the need for a clear view of how decisions of the Conference of the Parties would best be recorded in future, to ensure that, after the review process is complete, the Resolutions do not again become more difficult to understand and implement than they need to be. The Committee has taken into account the need to avoid a proliferation of Resolutions on the same subject and the need to ensure that Resolutions, as the 'soft law' of CITES, contain what they need to contain and nothing more.
4. The Standing Committee considered this subject at its 31st meeting (Geneva, 21 to 25 March 1994), and agreed to recommend the following guidelines, which the Conference of the Parties is invited to adopt.

**Proposed guidelines for recording decisions of the Conference of the Parties**

To Management Authorities

When drafting a resolution that is intended to be exhaustive, or to treat a subject comprehensively, or to make significant changes in the way in which a subject is

dealt with, a Party should prepare the draft so that, if adopted, it will replace and repeal all existing Resolutions (or, as appropriate, the relevant paragraphs) on the same subject.

To Management Authorities and Chairmen of Committees I and II

Unless practical considerations dictate otherwise, draft resolutions should not include:

- a) instructions or requests to Committees, Working Groups or the Secretariat, unless they are part of a long-term procedure;
- b) decisions on the presentation of the appendices;
- c) recommendations (or other forms of decision) that will be implemented soon after their adoption and will then be obsolete.

These types of decisions should be included in a new series of decisions of the Conference of the Parties.

To the Secretariat

- a) When the Conference of the Parties adopts any draft resolution that is designed merely to add points to the recommendations (or other decisions) in existing Resolutions, or to make a minor amendment thereto, the Secretariat should replace the existing Resolution by a revised version with the agreed changes.
- b) A document should be compiled, containing all the current decisions that have been made by the Conference of the Parties and recorded in the Proceedings of the meetings of the Conference. As far as possible, the decisions should be sorted according to the body to which they are directed. Where this is not possible, they should be sorted by subject, using the subjects of the Resolutions for guidance. (The Secretariat has compiled such a document for consideration at the ninth meeting of the Conference, and is presented in document Doc. 9.20.)

This document should be updated after each meeting of the Conference of the Parties, to contain all the recommendations (or other forms of decision) that are not recorded in Resolutions and that are still valid. The Secretariat should distribute to the Parties a copy of the updated document soon after each meeting of the Conference.

5. If the Conference of the Parties adopts these guidelines, they will be recorded in the list of 'other decisions of the Conference of the Parties' that will be maintained by the Secretariat. In that case, they will remain in that document until they are revised by the Conference.

**Interpretation and Implementation of the Convention  
Review of the Resolutions of the Conference of the Parties  
DELETION OF RESOLUTIONS THAT ARE OUT OF DATE**

This document has been prepared by the Secretariat and is submitted on behalf of the Standing Committee.

Since being adopted at the first eight meetings of the Conference of the Parties, many Resolutions, or parts thereof, have been implemented or replaced by others, or become out of date for various reasons. Some of them have been formally repealed by new Resolutions but all the others are still in force. They should be formally repealed. As appropriate, the paragraphs that are still valid have been incorporated in the relevant consolidated Resolutions.

Annex 1 to this document provides a list of the Resolutions of the Conference of the Parties that have been repealed, wholly or in part, by other Resolutions. This list is provided for information only.

Annex 2 to this document provides a list of the Resolutions of the Conference of the Parties that are proposed to be repealed, wholly or in part, as they are out of date or have been replaced by other Resolutions without being repealed. The reasons for repealing these Resolutions are also provided in this annex. Where specific parts of a Resolution are listed, only those parts are proposed to be repealed.

Comments of the Parties

A draft of this document was sent to the Parties for comment with Notification to the Parties No. 812 of 20 July 1994. The only comment received was from the Management Authority of the United States of America, which commented that it would be premature to repeal Resolutions Conf. 2.7, Conf. 2.8 and Conf. 3.13, in light of discussions at the June 1994 meeting of the International Whaling Commission. Resolution Conf. 2.7 had been deleted from the Secretariat's list following objections made by the representative of the United States of America at the 29th meeting of the Standing Committee, where the first draft of this document was discussed.

The Secretariat has reviewed the Resolutions concerned and, for the reasons given in Annex 2, does not believe that there is any reason to maintain Resolutions Conf. 2.7, Conf. 2.8 and Conf. 3.13. However, in view of the objections received, the Secretariat proposes that these three Resolutions be considered in conjunction with document Doc. 9.57 on Illegal Trade in Whale Meat.

Decision

The Conference of the Parties is asked to approve Annex 2 to this document, to repeal the Resolutions listed therein, wholly or in part, as indicated. (NB: Annex 2 includes the three Resolutions that are to be discussed separately.)

Doc. 9.19.1 (Rev. 2) Annex 1

Resolutions That Have Been Repealed

(wholly or in part)

<b>Conf. 2.2</b>	<i>repealed by Conf. 6.1</i>	<b>Conf. 4.4</b>	<i>repealed by Conf. 6.1</i>
<b>Conf. 2.4</b>	<i>repealed by Conf. 6.1</i>	<b>Conf. 4.5</b>	<i>repealed by Conf. 6.1</i>
<b>Conf. 2.5</b>	<i>repealed by Conf. 6.1</i>	<b>Conf. 4.11</b>	<i>repealed by Conf. 5.11</i>
<b>Conf. 2.12</b>	<i>recommendation c) repealed by Conf. 8.17</i>	<b>Conf. 4.15</b>	<i>repealed by Conf. 8.15</i>
<b>Conf. 3.1</b>	<i>repealed by Conf. 6.1</i>	<b>Conf. 4.19</b>	<i>repealed by Conf. 6.1</i>
<b>Conf. 3.5</b>	<i>repealed by Conf. 6.1</i>	<b>Conf. 4.21</b>	<i>repealed by Conf. 7.13</i>
<b>Conf. 3.8</b>	<i>paragraphs g) and h) repealed by Conf. 8.8</i>	<b>Conf. 5.1</b>	<i>penultimate paragraph repealed by Conf. 6.1</i>
<b>Conf. 3.10</b>	<i>recommendations c) and d) repealed by Conf. 6.1</i>	<b>Conf. 5.17</b>	<i>repealed by Conf. 6.1</i>
<b>Conf. 3.16</b>	<i>recommendation c) repealed by Conf. 6.1</i>	<b>Conf. 5.21</b>	<i>repealed by Conf. 7.14</i>
<b>Conf. 3.18</b>	<i>repealed by Conf. 6.1</i>	<b>Conf. 6.19</b>	<i>repealed by Conf. 8.17</i>
<b>Conf. 4.1</b>	<i>repealed by Conf. 6.1</i>	<b>Conf. 6.21</b>	<i>repealed by Conf. 8.15</i>
<b>Conf. 4.2</b>	<i>repealed by Conf. 6.1</i>	<b>Conf. 6.24</b>	<i>repealed by Conf. 7.13</i>
		<b>Conf. 7.3</b>	<i>repealed by Conf. 8.5</i>
		<b>Conf. 7.10</b>	<i>repealed by Conf. 8.15</i>

Resolutions Proposed to Be Repealed

(wholly or in part)

Resolution	Explanation
<b>Conf. 1.5</b>	
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.
<b>Conf. 1.6</b>	
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.
para. 4	On island fauna and flora: Having been adopted by the Parties in 1976 with respect to internal measures to be taken, and having no apparent connection with trade, this was in principle outside the scope of CITES and has now lost its currency.
para. 5	On animals traded as pets: Actions are recommended with the objective of limiting the keeping of pets to those species that can be bred in captivity. This has virtually been achieved; most species kept as pets can be bred in captivity. The Resolution does not say that only captive-bred specimens should be traded, although it is often presumed that this was the intention.
<b>Conf. 1.7</b>	On the special working session on implementation: This was held in Geneva in 1977.
<b>Conf. 1.8</b>	On reinforcement of the Secretariat: This is defunct.
<b>Conf. 1.9</b>	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.
<b>Conf. 2.3</b>	On external funding: This topic is now covered by Resolution Conf. 8.1, paragraph a) under "DIRECTS".
<b>Conf. 2.6</b>	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.
last para.	Requesting the Secretariat to co-operate with Interpol, it is no longer necessary if it is understood that the Secretariat is expected to continue its existing relationship and that it does not need an instruction to do so.
<b>Conf. 2.7</b>	On the relationship with the International Whaling Commission: The first paragraph reiterates an obligation of the Convention. The second, having been adopted in 1979, has lost its impact.
<b>Conf. 2.8</b>	On introduction from the sea: This recommends that the Parties implement the Convention with respect to trade in cetaceans. The Parties are already obliged to do this.
<b>Conf. 2.10</b>	On problems in implementing the provisions of Article VII: Several other Resolutions have been adopted. The Secretariat completed and presented the required study. The Resolution is therefore defunct.
<b>Conf. 2.11</b>	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
<b>Conf. 2.18</b>	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).
<b>Conf. 2.20</b>	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.
<b>Conf. 2.23</b>	On special criteria for deletion of species or transfer from Appendix I to Appendix II: This states that Parties may propose certain amendments to the appendices, although they have the right to make any amendment proposal they wish to make. The Resolution serves no useful purpose.
<b>Conf. 3.3</b>	On the location of the Secretariat and tax relief: This is now out of date.
<b>Conf. 3.6</b>	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.
<b>Conf. 3.7</b>	On use of security stamps and permits
para. a)	It is replaced by paragraphs c) and d) under "RECOMMENDS" of Resolution Conf. 8.5.
para. c)	It is outdated because, in practice, many Parties now seek the assistance of the Secretariat in verifying the validity of permits.
last para.	This paragraph under "DIRECTS" is defunct.
<b>Conf. 3.9</b>	On international compliance control: The recommendations, except paragraph c) ii), merely reflect or reiterate the obligations of the Convention.
<b>Conf. 3.13</b>	On trade in whale products: This merely recommends that the Parties pay attention to Articles IV and XIV of the Convention and adhere to the International Convention for the Regulation of Whaling. The first part is an obligation and requires no recommendation, the second, having been recommended in 1981 has lost its impact.
<b>Conf. 3.17</b>	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.
<b>Conf. 3.19</b>	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.
<b>Conf. 3.20</b>	On the Ten-year Review of the appendices: Review of the appendices has been taken over by the Plants and Animals Committees in accordance with Resolution Conf. 6.1, which requires them to undertake periodic reviews and to review Appendix-II species subject to significant levels of trade. The Resolution no longer serves a useful purpose. The regular review of the appendices is also expected to be addressed in the draft resolution on the new criteria.
<b>Conf. 3.21</b>	On the reverse listing concept: The "sub-committee" established to examine the concept finished its work. The Resolution is defunct.
<b>Conf. 4.7</b>	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.
<b>Conf. 4.12</b>	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.
<b>Conf. 4.13</b>	On trade in leopard skins: Resolution Conf. 8.10 has replaced all others on this subject.
<b>Conf. 4.14</b>	On trade in worked ivory: This was implemented by the Technical Committee which no longer exists. The Resolution is defunct.
<b>Conf. 4.26</b>	On the Ten-year Review of the appendices: See comments on Resolution Conf. 3.20.
<b>Conf. 5.2</b>	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.
<b>Conf. 5.3</b>	On significant trade in Appendix-II species: This is effectively replaced by Resolution Conf. 6.1.
<b>Conf. 5.4</b>	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.

<b>Conf. 5.12</b>	On trade in ivory from African elephants: This establishes a quota system for the control of the trade in African elephant ivory; as the African elephant is now in Appendix I, the Resolution is defunct.
<b>Conf. 5.13</b>	On trade in leopard skins: Resolution Conf. 8.10 has replaced all others on this subject.
Resolution	Explanation
<b>Conf. 5.18</b>	On air transport of live animals: The paragraphs under "RESOLVES", "INSTRUCTS the Secretariat" and "DIRECTS" were implemented.
<b>Conf. 5.19</b>	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.
<b>Conf. 6.3</b>	On implementation of CITES: The urging to Parties to strengthen control of shipments from producing countries is less strong than the obligations imposed by the Convention; the urging to verify producer-countries' documents with the issuing Management Authorities is outdated because many Parties now seek the assistance of the Secretariat in verifying the validity of export permits.
<b>Conf. 6.4</b>	On implementation of the Convention in Bolivia: This is defunct.
<b>Conf. 6.5</b>	On CITES implementation in the EEC: This Resolution, except the request to the EEC to establish a Community inspectorate, is not valid any more for the following reasons: <ul style="list-style-type: none"> <li>– 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.</li> <li>– The suggestion that other Parties "consider the benefits" of commissioning studies, having been adopted in 1987 has lost its effectiveness.</li> <li>– 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.</li> <li>– The recommendation that the EEC monitor the movement of CITES specimens between Member States in accordance with mechanisms foreseen in the EEC Regulation on CITES implementation is in effect a recommendation that the EEC implement its own internal legislation; this seems no longer necessary.</li> </ul>
<b>Conf. 6.8</b>	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.
<b>Conf. 6.9</b>	On trade in leopard skins: Resolution Conf. 8.10 has replaced all others on this subject.
<b>Conf. 6.11</b>	On trade in African elephant ivory: This addresses the illegal trade in ivory in Burundi and United Arab Emirates and recommends that a delegation visit those countries. This is defunct.
<b>Conf. 6.12</b>	On management of African elephants and ivory trade controls <p>paras a) i) – iv), d) and last</p> They address the implementation of the ivory quota control system, establishment of an African Elephant Working Group (which may theoretically still exist under the Standing Committee, although its terms of reference are out of date), and a study by the Secretariat of the ivory trade in Africa. These recommendations are all out of date.
<b>Conf. 6.13</b>	On funding of activities in the Secretariat to co-ordinate control of the ivory trade: This is defunct.
<b>Conf. 6.14</b>	On raw-ivory traders: The paragraphs under "RECOMMENDS" relate to commercial ivory trade; they are defunct.
<b>Conf. 6.16</b>	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.
<b>Conf. 6.18</b>	On parts and derivatives of plants: The exemptions specified are now incorporated in the Interpretations of the appendices. The list of parts and derivatives to be produced by the Secretariat will be produced and no resolution is required for this.
<b>Conf. 6.20</b>	On standard nomenclature for Cactaceae: This was replaced by Resolution Conf. 8.18.
<b>Conf. 6.23</b>	On guidelines for evaluating marine turtle ranching proposals: This was implemented. The Animals Committee has been directed to deal with this issue.
<b>Conf. 7.7</b>	On trade in leopard skins: Resolution Conf. 8.10 has replaced all others on this subject.
<b>Conf. 7.8</b>	On trade in ivory from African elephants <p>urges</p> The urging to implement the Convention, is unnecessary because this is an obligation. <p>para. a)</p> The recommendation that Parties implement Appendix-I controls before the inclusion in Appendix I takes effect is out of date.
<b>Conf. 7.11</b>	On trade in ranched specimens: This was implemented.

Resolution	Explanation
<b>Conf. 7.12</b>	<p>On marking</p> <p>Recommendations b) and c), on use of microchips for identification of live specimens have been superseded by Resolution Conf. 8.13.</p> <p>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.</p>
<b>Conf. 8.17</b>	<p>On trade in plants</p> <p>Paragraphs b) and c) under "DETERMINES" are redundant as a result of the adoption of the amendments to the Interpretation of Appendices I and II that entered into force on 16 April 1993.</p>
<b>Conf. 8.20</b>	<p>On new criteria for amendment of the appendices: From the ninth meeting of the Conference of the Parties this Resolution will be obsolete.</p>

**Interpretation and Implementation of the Convention**  
**Review of the Resolutions of the Conference of the Parties**  
 CONSOLIDATION OF VALID RESOLUTIONS

This document has been prepared by the Secretariat and is submitted on behalf of the Standing Committee.

The consolidation of valid Resolutions has involved the putting together, into a single draft resolution, of texts that deal with a single subject and that are currently spread over several existing Resolutions. For this first phase in the process, nine subjects have been chosen. Each of the nine annexes to the present document contains one of the resulting draft consolidated resolutions, preceded by an explanation of how the draft was arrived at.

The general objective in the consolidation has been to use the words from the existing Resolutions as far as possible while eliminating discrepancies and inconsistencies, clarifying the meaning, standardizing the terms used, correcting grammatical errors, updating parts that are out of date and eliminating parts that are defunct. An explanation of the specific changes is given in each annex.

The preambles of the attached draft consolidated resolutions are in general based on the preambles of the existing Resolutions. The emboldened figures in brackets at the end of the preambular paragraphs indicate their origins. However, for the sake of brevity and clarity, the Secretariat has used its discretion in selecting the most important paragraphs to be kept and in editing these. Some of the preambles are nonetheless very long. The Standing Committee decided that they should be presented in this way to the Conference of the Parties so that the Conference may decide whether it is appropriate or desirable to shorten them.

The nine 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

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.

Doc. 9.19.2 Annex 1

Resolutions Relating to Annual Reports and Monitoring of Trade

- a) At present there are eight resolutions dealing with annual reports and the trade monitoring activities of the Secretariat.
- b) A draft resolution to revise and consolidate these has been prepared by the Secretariat with the following considerations.
  - Conf. 1.5, paragraph 13, Conf. 2.16, and Conf. 3.10 contain recommendations relating to the preparation and submission of the annual reports of the Parties. The substance of these recommendations is dealt with in the Secretariat's 'Guidelines for the Preparation of CITES Annual Reports'. Resolution Conf. 5.4 urges the Parties to submit their annual reports in accordance with these Guidelines, as amended from time to time. This renders the previous recommendations redundant.
  - There are, however, additional elements in Resolution Conf. 3.10 that remain current. Paragraph e) under RECOMMENDS deals with computerization and remains relevant but the reference to computer language has been deleted because it is covered by the reference to harmonization. The paragraph under REQUESTS asks the Secretariat to explore the availability of funding for a Yearbook of International Wildlife Trade. The Secretariat looked into this at the time (1981) and found it not to be worthwhile and is currently

- reviewing the possibility again with the World Conservation Monitoring Centre. However, it is not necessary to embody the request to the Secretariat in a resolution.
- In Resolution Conf. 5.4, the request to the Secretariat to ask non-party States to submit annual reports was implemented but was fruitless and is defunct. The statement that the submission of periodic reports is mandatory is simply a repetition of the requirement of the Convention. But there is no point in putting into soft law something that is already in hard law. The statement has therefore been placed in the preamble.
- Conf. 5.5 remains relevant and the operative part has been included in the attached draft resolution.
- Conf. 5.6 also remains relevant. An attempt has been made to amalgamate the first two paragraphs of the operative part, to simplify it, but the reference to locating additional funds has been removed as this was apparently never implemented.
- Conf. 5.14 includes two relevant paragraphs in the operative part that have been incorporated in the draft resolution.
- Conf. 8.7 remains relevant and the operative part has been incorporated in the attached draft resolution.

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. 5.14, 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;*

Conf. 5.4 under  
URGES ‡

RECOMMENDS that Parties:

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

Conf. 5.14  
para. g)i) †

distinguish in their *annual reports* between plant specimens of wild and of artificially propagated origin;

Conf. 5.14  
para. g)ii) †

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 *Wildlife Trade Monitoring Unit of the World Conservation Monitoring Centre*;

Conf. 5.6 under  
second URGES †

RECOMMENDS that Parties studying or developing *computer* programmes for licensing and reporting trade under the Convention consult with each other, and with the Secretariat, *in order to ensure optimal harmonization and compatibility of systems*;

Conf. 3.10  
para. e) under  
RECOMMENDS ‡

DECIDES

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)

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)

*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*

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. 5.14 (Buenos Aires, 1985) – Improving the Regulation of Trade in Plants – paragraph g); and
- h) Resolution Conf. 8.7 (Kyoto, 1992) – Submission of Annual Reports.

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Doc. 9.19.2 Annex 2

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Resolutions Relating to Disposal of Illegally Traded, Confiscated and Accumulated Specimens

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| <ul style="list-style-type: none"> <li>a) At present there are seven Resolutions dealing specifically with confiscated and accumulated specimens: 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.</li> <li>b) A draft resolution to revise and consolidate these has been prepared by the Secretariat and is attached. This has been prepared with the following considerations. <ul style="list-style-type: none"> <li>– Conf. 2.15: this was superseded by Conf. 3.14 and its repeal is proposed;</li> <li>– Conf. 3.9: with the exception of paragraph c)ii), this Resolution merely reflects or reiterates the provisions of the Convention and it is proposed to repeal it; a revised text of paragraph c)ii) is proposed, to be consistent with Conf. 4.17;</li> <li>– Conf. 3.14: although agreed 12 years ago, paragraphs a) to d) have never been implemented and it is therefore proposed to delete them as no longer relevant; in paragraph f) the recommendation to the Secretariat is redundant, and so deleted, because IUCN has meanwhile prepared guidelines on re-introduction; for the rest, only editorial changes have been proposed.</li> <li>– Conf. 4.17: although paragraph b) is clearly referring to specimens being exported as well as to those being re-exported, it does not refer to re-export certificates or to the provisions of the Convention relating to exports, and a text is proposed to correct the omission; for the rest, only consequential and editorial changes are proposed.</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>– Conf. 4.18: only editorial changes have been proposed.</li> <li>– Conf. 5.14 [paragraph f)]: although the title of this paragraph refers only to confiscated specimens, the text deals only with seized specimens and it is proposed to add confiscated specimens; the current text of sub-paragraph ii) is ambiguous and an amendment is proposed to correct this but, as the meaning of the original is unclear, the intent might have been surmised incorrectly; sub-paragraph iv) has never been implemented and its deletion is proposed because the information requested is constantly being acquired by botanical gardens and much of it is published; sub-paragraph v) is redundant, and so deleted, as it is dealt with by the Resolutions on annual reports and the guidelines for their preparation; sub-paragraph vi) applies to plants and animals and it is proposed to place it separately as a general point; for the rest, only consequential and editorial changes are proposed.</li> <li>– Conf. 7.6: paragraph a), by failing to distinguish between export and re-export, suggests that the exporting country is not the country of origin, and a revision has been proposed to correct this and to recognize that trade might be from a non-Party; in paragraph c)v) the reference to the 'improper state' of a permit is inconsistent, and a proposal is made to rectify this; in paragraph d) an amendment is proposed to extend coverage to non-Parties; for the rest, only consequential and editorial changes are proposed.</li> </ul> |
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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 Article III, paragraph 4(a), and Article IV, paragraph 5(a), of the Convention require that as a pre-condition for the issuance of a re-export certificate the Management Authority of the State of re-export be "satisfied that the specimen was imported into that State in accordance with the provisions of the present Convention"; **(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*; and 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; and 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; and 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 *either*:
- to the Management Authority *or the competent authority of the country whence they were consigned*; *or*
  - *if they had been re-exported from that country and its Management Authority or competent authority is not interested, to the Management Authority or competent authority of the country of origin*;
- m) the Management Authority of an importing country may accept that, in other cases, specimens Conf. 7.6

- 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; 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; and Conf. 7.6 para. c)v) †
- o) the Management Authority of the importing country inform, as soon as possible, the Management Authority *or competent 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; and 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; and 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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Doc. 9.19.2 Annex 3

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Resolutions Relating to Trade in African Elephant Ivory

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| <p>a) At present, there are ten resolutions dealing specifically with elephant ivory: 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.</p> <p>b) A draft resolution to revise and consolidate these has been prepared by the Secretariat with the following considerations:</p> <ul style="list-style-type: none"> <li>– Conf. 3.12: paragraphs c), g) and h) are no longer relevant because the African elephant is included in Appendix I, and they have not been included in the draft resolution. Paragraph e) requires an</li> </ul> | <p>amendment in view of Conf. 6.15, and one is proposed. The remaining paragraphs are current.</p> <ul style="list-style-type: none"> <li>– Conf. 4.14: this was implemented by the Technical Committee, which no longer exists.</li> <li>– Conf. 5.12: this establishes a quota system for the control of the trade in African elephant ivory. As the African elephant is now in Appendix I, the Resolution is no longer applicable.</li> <li>– Conf. 6.11: this addresses the illegal trade in ivory in Burundi and the United Arab Emirates and recommends that a delegation visit these countries; it is therefore defunct.</li> </ul> |
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- Conf. 6.12 paragraph a), sub-paragraphs i) to iv), paragraph d) and the paragraph under DIRECTS address the implementation of the ivory quota control system, establishment of an African Elephant Working Group (which may theoretically still exist under the Standing Committee, although its terms of reference are out of date), and a study by the Secretariat of the ivory trade in Africa. These recommendations are all out of date. The others are incorporated in the attached draft resolution, but recommendation c) has been amended to encourage States instead of recommending that they be encouraged.
- Conf. 6.13: as this deals with the fundings of activities in the Secretariat to co-ordinate control of the ivory trade, it is defunct.
- Conf. 6.14: the paragraphs under 'RECOMMENDS' relate to commercial ivory trade and are defunct. The paragraphs under 'SUGGESTS' have been included

- in the attached draft resolution but combined with similar paragraphs from Conf. 6.16.
  - Conf. 6.15: paragraphs a) and c) are redundant; paragraph b) amends Conf. 3.12 and has been taken into account in the attached draft resolution.
  - Conf. 6.16: the paragraphs under 'RECOMMENDS' and 'DIRECTS' address provisions of the Convention relating to trade in worked ivory from the African elephant in Appendix II. These are out of date. The paragraph under 'SUGGESTS' has been combined in the attached draft resolution with a similar paragraph from Conf. 6.14.
  - Conf. 7.8: the urging to Parties to implement the Convention is unnecessary because this is an obligation. Recommendation a) is out of date. Recommendation b) is still relevant and has been incorporated in the attached draft resolution.
- c) In the draft resolution that follows, the preamble is entirely new.

## 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:

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| 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) the term "worked ivory" 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)                                    |
| d) 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) †  |
| e) <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; and</i> | Conf. 3.12 para. e) amended in accordance with Conf. 6.15 para. b) ‡ |
| f) Parties not accept raw ivory <i>that</i> is not clearly marked;   | Conf. 3.12 para. f)  |

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;

Conf. 6.12 para. c) †

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;

Conf. 6.12 para. a)v) †

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:*

- 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;

Conf. 6.14  
under  
SUGGESTS  
combined  
with Conf. 6.16  
under  
SUGGESTS ‡

RECOMMENDS also that Parties:

- 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
- 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; and

Conf. 7.8  
para. b)

Conf. 6.12  
para. b)

REPEALS the Resolutions listed hereunder:

- a) Resolution Conf. 3.12 (New Delhi, 1981) – Trade in African Elephants Ivory;
- b) Resolution Conf. 4.14 (Gaborone, 1983) – Trade in Worked Ivory;
- c) Resolution Conf. 5.12 (Buenos Aires, 1985) – Trade in Ivory from African Elephants;
- d) Resolution Conf. 6.11 (Ottawa, 1987) – Trade in African Elephant Ivory;
- e) Resolution Conf. 6.12 (Ottawa, 1987) – Integration of the Management of the African Elephant and Ivory Trade Controls;

- f) Resolution Conf. 6.13 (Ottawa, 1987) – Improving, Coordinating and Financing African Elephant Ivory Trade Controls;
- g) Resolution Conf. 6.14 (Ottawa, 1987) – Registration of Raw Ivory Importers and Exporters;
- h) Resolution Conf. 6.15 (Ottawa, 1987) – Marking of Raw Ivory Cut Pieces;
- i) Resolution Conf. 6.16 (Ottawa, 1987) – Trade in Worked Ivory from African Elephants; and
- j) Resolution Conf. 7.8 (Lausanne, 1989) – Trade in Ivory from African Elephants.

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Doc. 9.19.2 Annex 4

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Resolutions Relating to Trade in Readily Recognizable Parts and Derivatives

- a) There are 20 resolutions in effect that relate to parts and derivatives.
- b) Of these, ten need not be incorporated in a resolution specifically on trade in such specimens. These are Resolutions:
  - Conf. 2.12, paragraph d), which deals with marking;
  - Conf. 2.15, which deals with exchange of confiscated specimens;
  - Conf. 4.12, which deals with tourist souvenir specimens;
  - Conf. 4.18, which deals with illegally traded specimens;
  - Conf. 5.11, which defines pre-Convention parts and derivatives;
  - Conf. 5.16, which refers to parts and derivatives that are produced by ranching operations;
  - Conf. 7.5, on enforcement, although recommendations a) to d) relate to the recording of the names of parts and derivatives on permits and certificates and would therefore be best placed in a resolution on the use of documents;
  - Conf. 7.9, which deals with the criteria for the transfer of African elephants from Appendix I to Appendix II;
  - Conf. 7.12, which deals with marking; and
  - Conf. 7.14, on special criteria for the transfer of species from Appendix I to Appendix II.

These are all subjects best dealt with separately.

- c) The Resolutions to be dealt with here are: 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.

- d) A draft to revise and consolidate these has been prepared by the Secretariat with the following considerations.
  - Conf. 1.5, paragraph 3, on parts and derivatives included in Appendix III: this was superseded by Conf. 2.18 and amendment of the Interpretation of Appendix III, and is defunct.
  - Conf. 1.7: this is on the special working session on implementation, which was held in Geneva in 1977, so the Resolution is defunct.
  - 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).
  - Conf. 4.8: recommendation a) remains relevant; recommendation b) is defunct, especially in light of the adoption of Resolution Conf. 5.9; the acknowledgement is kept but has been moved to the preamble in the draft resolution, this being considered the most appropriate place.
  - Conf. 4.24: the first part of recommendation a) is redundant because it was effectively replaced by Conf. 5.9, but the statement about what proposals should contain would be most appropriate in a resolution on that subject; recommendations b), c) and e) are 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 list of parts and derivatives of plants to be produced by the Secretariat, referred to in paragraph d) (also referred to in Resolution Conf. 6.18) will be produced and no resolution is required for this.

- Conf. 5.9: this remains relevant and is included in the draft resolution, however, a change is suggested to the opening phrase, to clarify the text, making it evident that the Parties are agreeing on an interpretation of the words 'readily recognizable part or derivative'.
- Conf. 5.22, paragraph c): in this Resolution, only recommendation c) could be relevant but it recommends that parts and derivatives of Appendix-III species be excluded from amendment proposals only in accordance with the procedures of Conf. 4.24. In view of the points made above about Conf. 4.24, this ceases to be relevant.

- Conf. 6.18, on parts and derivatives of plants: the exemptions specified are now incorporated in the Interpretations of the appendices. The list of parts and derivatives to be produced by the Secretariat will be produced and no resolution is required for this. The Resolution is therefore defunct.
  - Conf. 6.22: the paragraph under 'RECOMMENDS' is relevant but refers to compliance with Conf. 5.9 and therefore should be amended. An appropriate amendment is proposed in the draft resolution.
  - Conf. 7.11: the requests in this Resolution have been fulfilled and it is therefore defunct.
- e) It should be noted that one provision of Resolution Conf. 4.24 (referred to above) has been excluded and could be incorporated into a new resolution on criteria for amending the appendices. Specifically, the Conference of the Parties could recommend that:
- each proposal to include a plant species in Appendix II or III indicate the parts and derivatives to be excluded other than those currently regarded as standard exemptions.

## 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 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 that 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
- 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. 6.22 under RECOMMENDS ‡

Conf. 4.8 para. a) under RECOMMENDS †

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 – recommendation 3;
- b) Resolution Conf. 1.7 (Berne, 1976) – Resolution for Special Working Session on Implementation Issues;
- c) Resolution Conf. 2.18 (San José, 1979) – Parts and Derivatives of Animal Species Listed on Appendix III and of Plant Species Listed on Appendix II or III;
- d) 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;

- e) Resolution Conf. 4.24 (Gaborone, 1983) – Parts and Derivatives of Appendix II or III Plants and Appendix III Animals;
- f) Resolution Conf. 5.9 (Buenos Aires, 1985) – Control of Readily Recognizable Parts and Derivatives;
- g) Resolution Conf. 5.22 (Buenos Aires, 1985) – Criteria for the Inclusion of Species in Appendix III – recommendation c);
- h) Resolution Conf. 6.18 (Ottawa, 1987) – Additional Considerations for Plant Parts and Derivatives;

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

j) Resolution Conf. 7.11 (Lausanne, 1989) – Trade in Ranching Specimens Between Parties Non-Parties and Reserving Parties.

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Doc. 9.19.2 Annex 5

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Resolutions Relating to Transport of Live Specimens

- a) At present there are six Resolutions dealing specifically with the transport of live specimens: Conf. 3.16, Conf. 3.17, Conf. 4.20, Conf. 5.18, Conf. 7.13 and Conf. 8.12.
- b) A draft resolution to revise and consolidate these has been prepared by the Secretariat with the following considerations.
- Conf. 3.16: for recommendation a) only an editorial amendment is proposed; the first part of recommendation b) is relevant but the rest has been overridden by recommendation b) of Conf. 7.13 and by the agreement in Conf. 8.5 that permits are only valid if the guidelines for transport are complied with; recommendation c) has already been repealed.
  - Conf. 3.17: this deals with the work of the Technical Expert Committee, which no longer exists, and work on matters related to transport has advanced considerably. The Resolution is defunct and should be repealed.
  - Conf. 4.20: paragraph a) was implemented and is defunct; paragraph b) relates to work to be done before the fifth meeting of the Conference of the Parties and is no longer relevant; paragraph c) is defunct, having been replaced by paragraph a) of Conf. 7.13; paragraph d) has been replaced by paragraph i) of Conf. 7.13.

- Conf. 5.18: the paragraphs under RESOLVES, INSTRUCTS and DIRECTS are defunct; the paragraphs under DRAWS THE ATTENTION were only for information, which is now known to all Parties and the deletion of these paragraphs is proposed; for the paragraphs under NOTES, only small editorial changes are proposed, except to paragraph c) which does not accord with the introductory text, and it is proposed to place it under RECOMMENDS.
- Conf. 7.13: paragraph a) under RECOMMENDS is retained but an amendment is proposed to take into account the three-way exchange; to paragraph c) it is proposed to add a reference to the CITES Guidelines; paragraph a) under DECIDES (to establish the Transport Working Group as a permanent group) is contrary to Conf. 6.1, paragraph d) but, as it was a decision made later, it was presumably intended to be overriding and is maintained in the proposed draft; for the rest, only small editorial changes are proposed;
- Conf. 8.12: paragraph a) is retained; in paragraph b), there is no reason to single out Parties for suspension of trade, and a proposal is made to extend coverage to non-Parties; the intent of paragraph c) is not very clear and an attempt has been made to clarify it and to remove the repetition of substance in paragraph a); the urging has been removed for obvious reasons.

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 continue* 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 Management Authorities of the Guidelines for Transport and Preparation for Shipment of Live Wild Animals and Plants and that they be brought to the attention of carriers, freight forwarders and international organizations and conferences competent to regulate conditions of carriage by air, land and sea or inland waterways;

Conf. 3.16  
para. a) †

b) *Parties invite* 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 *regular communication of the CITES Secretariat and the Standing Committee* 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) *the IATA Live Animals Regulations be incorporated into the domestic legislation of the Parties;*

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 (*in Annex*) to be signed immediately prior to shipment, and on arrival *of the specimens* 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, *shipments of live animals* be examined and necessary action taken to determine the well-being of the animals by CITES-designated persons or airline personnel during extended holding periods at transfer points;

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 *are* open for inspection of shipments, with the concurrence of the transport company, by CITES-designated enforcement personnel or designated observers; and that any documented information be made available to the appropriate authorities and transport companies;

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 species listed in the appendices, particularly birds, and note obvious causes of mortality*, 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 *with specific countries* when appropriate, regarding trade in species of birds that have significant high mortality rates in transport, based on their own data or data supplied by the Working Group on Transport of Live Specimens; and

Conf. 8.12  
para. b) ‡

n) *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;*

Conf. 8.12  
para. c) †

NOTES that in order to improve *implementation of the IATA Live Animals Regulations* through the Parties there is a need for greatly increased awareness of the Regulations through:

a) more effective methods of training *of personnel of airlines and enforcement agencies*; and

} Conf. 5.18  
} paras. a) and b)  
} under NOTES †

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. 4.20 (Gaborone, 1983) – Implementation of the Guidelines for Transport of Live Animals;
- d) Resolution Conf. 5.18 (Buenos Aires, 1985) – Air Transport of Live Wild Animals;
- b) Resolution Conf. 3.17 (New Delhi, 1981) – International Reporting System for Specimens Stressed During Transport;
- e) Resolution Conf. 7.13 (Lausanne, 1989) – Shipment of Live Animals; and
- f) 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)

	<u>On Export</u>		<u>On Import</u>		<b>Comments</b> If you can not answer yes or no, please explain <u>If "no", please explain</u>
	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 \_\_\_\_\_

\_\_\_\_\_  
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.

## Resolutions Relating to Permits and Certificates

- a) At present there are ten Resolutions primarily concerned with permits and certificates: Resolutions Conf. 3.6, Conf. 3.7, Conf. 4.9, Conf. 4.16, Conf. 5.7, Conf. 5.8, Conf. 5.15, Conf. 5.22, paragraph d), Conf. 6.6 and Conf. 8.5.
- b) A draft resolution to revise and consolidate these has been prepared by the Secretariat with the following considerations.
- Conf. 3.6: the requests to the Secretariat have been complied with and do not need to be in a resolution; recommendation c) and the annex are still considered to be current; the other recommendations have effectively been replaced by Resolution Conf. 8.5.
  - Conf. 3.7: paragraph a) has been replaced by paragraphs c) and d) under RECOMMENDS of Resolution Conf. 8.5; paragraph c) is outdated because, in practice, many Parties now seek the assistance of the Secretariat in verifying the validity of permits; the final paragraph is defunct; only paragraph b) is still considered to be current and this is maintained although the example cited has been deleted.
  - Conf. 4.9: this is current and is included in the attached draft consolidated resolution with editorial corrections to improve the clarity; an amendment to paragraph c) is proposed to recognize that a used permit might still be of value as evidence of the legality of a transaction.
  - Conf. 4.16: this Resolution is about the use of phytosanitary certificates; an amendment to the recommendation has been proposed, to make it more consistent with the text of the Convention and with Resolution Conf. 8.17; as Conf. 4.16 was adopted in 1983, the urging to the FAO and the Parties had its effect, if any, long ago and has lost its immediacy, so has been omitted from the draft consolidated resolution; and the direction to the Secretariat has also been omitted and will be included in the record of the other decisions of the Conference of the Parties.
  - Conf. 5.7: this is current and is included in the attached draft resolution with editorial changes to improve the clarity; an amendment to paragraph b) is proposed to recognize that a used permit might still be of value as evidence of the legality of a transaction.
  - Conf. 5.8: the Resolution is current and is included in the attached draft consolidated resolution with editorial changes only.
  - Conf. 5.15: this Resolution, about the use of a special licence for the export of artificially propagated plants, is dealt with in the consolidated draft resolution on improving the regulation of trade in plants.
  - Conf. 5.22, paragraph d): this recommends that export permits for Appendix-III species be issued in accordance with uniform criteria, but no such criteria were proposed and none exist. The paragraph is therefore redundant.
  - Conf. 6.6: the paragraphs under URGES merely ask Parties to implement existing provisions of the Convention, but there is no point in putting into soft law what is already in hard law and it is proposed to delete the paragraphs; in paragraph d) the structure is grammatically incorrect and it is unclear where the reasons for retrospective issuance should be given, so a new structure and clarification are proposed; otherwise Conf. 6.6 is included in the attached draft resolution with only editorial changes.
  - Conf. 8.5: in recommendation l), the reference to the eighth meeting of the Conference of the Parties is out of date and has been deleted; recommendation p) is defunct because it refers to taking the measures specified in Conf. 3.7, which is to be repealed, and because the remaining parts of Conf. 3.7 are included in the attached draft resolution; the request to the Secretariat has been omitted and will be included in the record of recommendations and other decisions of the Conference of the Parties; the paragraphs in Conf. 8.5 under REQUESTS have therefore been deleted; otherwise the Resolution is current and is included in full in the attached draft consolidated resolution.

## 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 sufficient information 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; and 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 *form* 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 *specified* 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 <i>their signatures</i> , 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); and	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 <i>permits and certificates</i> that run counter to these measures;	Conf. 8.5 para. q) under second RECOMMENDS †
RECOMMENDS further	
<u>Regarding the time validity of export permits and re-export certificates</u>	
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; and	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 <i>for trade</i> ;	Conf. 4.9 para. c) ‡
<u>Regarding the time validity of import permits</u>	
dd) that the provisions of Article III, paragraphs 2 and 4, of the Convention be understood to mean that an import permit <i>should</i> 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; and	Conf. 5.7 para. a) †
ee) that, after the expiry of the said twelve-month period of <i>validity</i> , an <i>import permit granted</i> 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 <i>for trade</i> ;	Conf. 5.7 para. b) ‡
<u>Regarding certificates of origin for specimens of Appendix-III species</u>	
ff) that <i>certificates of origin for export</i> 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 <i>Parties not accept</i> certificates of origin unless they are issued by such authorities;	Conf. 5.8 †
<u>Regarding the use of phytosanitary certificates as certificates of artificial propagation</u>	
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 <i>practices</i> provide adequate assurance that the specimens are artificially propagated ( <i>as defined in Resolution Conf. 8.17</i> ), may consider these documents as certificates of artificial propagation <i>in accordance with Article VII, paragraph 5, of the Convention</i> . Such certificates must include the scientific name of the species and the type and quantity of the specimens and bear a stamp, seal or other specific indication stating that the specimens are artificially propagated as defined by CITES; and	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

- |   |  |
|---|--|
| <p>ii) that a Management Authority of an exporting or re-exporting country:</p> <p>i) not issue CITES documents retrospectively;</p> <p>ii) not provide <i>exporters, re-exporters</i> 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</p> <p>iii) not provide <i>exporters, re-exporters</i> and/or consignees in importing countries with declarations about the legality of export or re-export documents which at the time of <i>export, re-export or import</i> did not meet the requirements of the Convention;</p>   | <p>Conf. 6.6<br/>para. a) under<br/>RECOMMENDS †</p> |
| <p>jj) that a Management Authority of an importing country, or of a country of transit or transshipment, not accept export or re-export documents <i>that</i> were issued retrospectively;</p>  | <p>Conf. 6.6<br/>para. b) under<br/>RECOMMENDS †</p> |
| <p>kk) that exceptions from the recommendations under ii) and jj) above <i>not be</i> made with regard to Appendix-I specimens, and be made <i>with regard to</i> Appendix-II and -III specimens <i>only</i> where the Management Authorities of both the exporting (<i>or re-exporting</i>) and the importing countries are, after a prompt and thorough investigation <i>in both countries</i> and in close consultation with each other, satisfied:</p> <p>i) that the irregularities <i>that have occurred</i> are not attributable to the <i>exporter (or re-exporter) or the importer</i>; and</p> <p>ii) that the <i>export (or re-export) and import</i> of the specimens concerned are otherwise in compliance with the Convention and <i>with</i> the relevant legislation of the <i>countries of export (or re-export) and import</i>; and</p> | <p>Conf. 6.6<br/>para. c) under<br/>RECOMMENDS †</p> |
| <p>ll) that, whenever exceptions are made:</p> <p>i) <i>the export permit or re-export certificate</i> clearly indicate that it is issued retrospectively; and</p> <p>ii) the reasons for the relaxation, <i>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</i>; and</p>   | <p>Conf. 6.6<br/>para. d) under<br/>RECOMMENDS †</p> |

REPEALS the Resolutions, or parts thereof, listed hereunder:

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|---|--|
| <p>a) Resolution Conf. 3.6 (New Delhi, 1981) – Standardization of Permits and Certificates Issued by Parties;</p> <p>b) Resolution Conf. 3.7 (New Delhi, 1981) – Security Measures;</p> <p>c) Resolution Conf. 4.9 (Gaborone, 1983) – Time Validity of Export Permits and Re-export Certificates;</p> <p>d) Resolution Conf. 4.16 (Gaborone, 1983) – Artificially Propagated Plants in Appendix II;</p> | <p>e) Resolution Conf. 5.7 (Buenos Aires, 1985) – Time Validity of Import Permits;</p> <p>f) Resolution Conf. 5.8 (Buenos Aires, 1985) – Certificates of Origin for Appendix-III Specimens;</p> <p>g) Resolution Conf. 5.22 (Buenos Aires, 1985) – Criteria for the Inclusion of Species in Appendix III – paragraph d);</p> <p>h) Resolution Conf. 6.6 (Ottawa, 1987) – Retrospective Issuance of Permits and Certificates; and</p> <p>i) Resolution Conf. 8.5 (Kyoto, 1992) – Standardization of CITES Permits and Certificates.</p> |
|---|--|

Annex

Information that Should Be Included in CITES Permits and Certificates

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|--|--|
| <p>* a) The full name and the logo of the Convention</p> <p>* b) The complete name and address of the Management Authority issuing the permit</p> <p>c) A control number</p> <p>d) The complete names and addresses of the exporter and importer</p> <p>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)</p> <p>f) The description of the specimens, in one of the Convention's three working languages, using the nomenclature of specimens distributed by the Secretariat</p> <p>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,</p> | <p>originating from operations which breed animals included in Appendix I in captivity for commercial purposes, etc.)</p> <p>h) The appendix in which the species or subspecies or population is listed</p> <p>i) The source of the specimen</p> <p>j) The quantity of specimens and, if appropriate, the unit of measure used</p> <p>k) The date of issue and the date of expiry</p> <p>l) The name of the signatory and his handwritten signature</p> <p>m) The embossed seal or ink stamp of the Management Authority</p> <p>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</p> |
|--|--|

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

\* THIS INFORMATION SHOULD ALREADY BE PRINTED ON THE FORM

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

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Doc. 9.19.2 Annex 7

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Resolutions Relating to Trade in Plants

a) At present there are 12 Resolutions dealing with various aspects of the implementation of CITES for plants.

b) A draft resolution to revise and consolidate these has been prepared by the Secretariat with the following considerations.

- Conf. 2.13: this deals with the problems of hybrids. However, the issues of plant hybrids have been discussed at several meetings of the Conference of the Parties, and satisfactory solutions have been proposed and adopted (cf. Resolutions Conf. 6.19, Conf. 8.17, paragraph b), and the Interpretation section of Appendices I and II). As a result this Resolution is no longer relevant to plants, and an amendment to it is proposed.
- Conf. 2.14: this deals with guidelines for scientific exchange and will be dealt with in a separate draft consolidated resolution.
- Conf. 2.18: this is dealt with in the draft consolidated resolution on parts and derivatives (see Annex 4).
- Conf. 4.16: this is dealt with in the draft consolidated resolution on permits and certificates (see Annex 6).
- Conf. 4.24: this is dealt with in the draft consolidated resolution on parts and derivatives (see Annex 4).
- Conf. 5.14: this deals with many aspects of the implementation of CITES.

Paragraph a) calls on the Parties to improve the implementation of CITES for plants. Having been adopted in 1985, this has lost its immediate impact; moreover there has been a considerable improvement with the appointment of a Plants Officer at the Secretariat. It is therefore redundant.

Paragraph b) deals with refinement of the list of plants in the appendices. Sub-paragraph iii) is still relevant and is included in this draft; sub-paragraph i) makes recommendations about the maintenance in the appendices of higher taxa that are already listed, but the appendices are always subject to review and the recommendation is not appropriate in a resolution; sub-paragraph ii) makes recommendations that are no longer pertinent because they have been taken care of through other Resolutions or by actions of the Plants Committee; sub-paragraph iv) on reassessment of higher taxon listings is rendered redundant by the terms of reference of the Plants Committee (Conf. 6.1).

Paragraph c) deals with the development of a list of standardized plant names. The work has since been started; relevant parts are included in the draft resolution on nomenclature (see document Doc. 9.56).

Paragraph d) deals with the identification of plant specimens. This subject is permanently on the agenda of the Plants Committee, which also has set up a small sub-committee in order to assist with the production of identification materials. This paragraph

has therefore been overtaken by events, and its repeal is proposed.

Paragraph e) deals with the trade in salvaged plant specimens. Its intention is to stress the need for protection of the sites of the remaining populations of rare species, and it is included in the attached draft.

Paragraph f), on confiscated plants, is dealt with in the draft consolidated resolution on the disposal of illegally traded, confiscated and accumulated specimens (see Annex 2).

Paragraph g) deals with reporting on plant trade and relevant parts are included in the draft consolidated resolution on annual reports and trade monitoring (see Annex 1).

Paragraph h) deals with enforcement. Sub-paragraph i) has never been implemented and its deletion is proposed. Sub-paragraph ii) is still relevant and is included in the attached draft. Sub-paragraph iii) suggests the development of co-operative programmes to resolve enforcement difficulties and identification problems; its deletion is proposed because the activities of the Plants Committee and of the Secretariat's Plants Officer and Enforcement Officer make it redundant.

Paragraph i) deals with education about plant conservation through CITES. Sub-paragraphs i), iii) and iv) are maintained. The Secretariat has never been given the resources to carry out the task mentioned in sub-paragraph ii); its deletion is proposed since most of it is covered by sub-paragraphs iii) and iv).

- Conf. 5.15: paragraph a) recommends that Parties develop their own system of registration of plant traders. Although some Parties may have established registers, no registration has ever been reported to the Secretariat. At the ninth meeting of the Conference of the Parties the Plants Committee will present a proposal for registration of nurseries for Appendix-I species only. The contents of Conf. 5.15 are maintained in the consolidated text but can be deleted if the Plants Committee's Resolution is adopted. If it is not adopted, the Plants Committee may wish to consider some amendments to this paragraph to improve its effectiveness. The direction to the Secretariat has been omitted and will be recorded in the other decisions of the Conference of the Parties.
- Conf. 6.18: this is dealt with in the draft consolidated resolution on parts and derivatives (see Annex 4).
- Conf. 6.20: this is dealt with in the draft resolution on standard nomenclature (document Doc. 9.56).
- Conf. 8.17: the definition of 'artificially propagated' and the corresponding paragraphs of the preamble are maintained in this consolidated resolution with some editorial changes. Paragraph b), on hybrids of Appendix-I species, and paragraph c), on flaked



seedlings of Appendix-I orchids, are redundant as a result of the adoption, by postal vote, of the amendment to the 'Interpretation of Appendices I and II' that entered into force on 16 April 1993.

- Conf. 8.18: standard references to names will be dealt with in a separate draft consolidated resolution on this subject (see document Doc. 9.56).
- Conf. 8.19: this is dealt with in the draft consolidated resolution on standard nomenclature (see document Doc. 9.56).

## DRAFT CONSOLIDATED RESOLUTION

### Improving the 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 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 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 shall 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

RECOMMENDS that Parties contemplating *preparing a proposal* to transfer an individual plant species from a higher-taxon listing in Appendix II to a separate listing in Appendix I consider: Conf. 5.14  
para. b)iii) †

- i) whether the increased protection possible by a transfer to Appendix I would compensate for the increased risk *created by attracting the attention of traders to the species*;
- ii) the ease with which it can be propagated artificially;
- iii) the extent to which it is currently available in cultivation from artificially propagated specimens; and
- iv) any practical problems in identifying the species, particularly in the form in which it may be traded;

### c) Regarding enforcement for plants

RECOMMENDS that Parties ensure that:

- 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; Conf. 5.14  
para. h)ii)

- 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;
- iii) enforcing agencies utilize annual reports, plant health documents, nursery catalogues and other sources of information to detect possible illegal trade; and
- iv) enforcing agencies maintain close liaison with the Management and Scientific Authorities for the purpose of setting and implementing enforcement priorities;

d) Regarding trade in salvaged plant specimens

RECOMMENDS

- i) that, whenever possible, Parties ensure programmes of environmental modification do not threaten the survival of plant species *included in the CITES appendices*, and that protection of Appendix-I species *in situ* be considered as a national and international obligation; Conf. 5.14 para. e)i) †
- ii) that Parties establish salvaged specimens in cultivation where concerted attempts have failed to ensure that such *programmes* do not put at risk wild populations of species *included in the CITES appendices*; and Conf. 5.14 para. e)ii) †
- iii) that international trade in salvaged specimens of Appendix-I plants, and of Appendix-II plants *whose entry into trade might be detrimental to the survival of the species in the wild*, be permitted where all of the following conditions are met: Conf. 5.14 para. e)iii) †
  - A) such trade would clearly enhance the survival of the species, albeit not in the wild;
  - B) import is for the purposes of care and propagation of the species; and
  - C) import is by a bona fide botanic garden or scientific institution and is not for primarily commercial purposes;

e) 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)

f) 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. 4.16\*; and 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; Conf. 5.15 under REQUESTS

DECIDES to amend Resolution Conf. 2.13 by replacing the word 'DECIDES' in the operative part, by the words:

DECIDES that, with respect to animal species<sup>1</sup>; and

REPEALS the Resolutions, or parts thereof, 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.

Doc. 9.19.2 Annex 8

Resolutions Relating to Trade with Non-Parties

<sup>1</sup> OR A DIFFERENT NUMBER IF RESOLUTION CONF. 4.16 IS REPEALED AND REPLACED

- a) At present there are two Resolutions primarily concerned with trade with non-Parties and reserving Parties: Resolution Conf. 3.8 and Resolution Conf. 8.8.
- b) A draft resolution to revise and consolidate these has been prepared by the Secretariat with the following considerations.
- Conf. 3.8: in paragraph a), the second part has been omitted as it was not consistent with paragraph a) of Conf. 8.8. There is an overlap between paragraph d) of Conf. 3.8 and paragraph b) of Conf. 8.8; the latter specifically confines itself to species in Appendices I and II and, as non-Parties are not expected to make non-detriment findings with respect to species in Appendix III, the confinement is correct and perhaps implicit in Conf. 3.8; the paragraphs have therefore been combined accordingly in the draft consolidated resolution. Paragraphs g) and h) have already been repealed by Conf. 8.8. The request to the Secretariat has been omitted from the consolidated draft resolution as the Secretariat already maintains and distributes a directory of the Management and

Scientific Authorities of the Parties and a list of recognized competent authorities of non-Parties, and the request is redundant;

- Conf. 8.8: paragraph c) suggests amendments to Resolutions Conf. 3.8 and Conf. 7.4 and the necessary changes have therefore been taken into account in the draft consolidated resolutions on transit and transshipment (see Annex 9) and on trade with non-Parties (attached); the direction to the Secretariat has been omitted from the consolidated draft resolution and will be included in a list of other decisions of the Conference of the Parties.
- c) It should be noted that there are references to trade with non-Parties in other Resolutions. For example, Conf. 5.16 on Trade in Ranchered Specimens refers to trade in such specimens with non-Parties; and Conf. 2.14, on Guidelines for Non-Commercial Loan, Donation or Exchange of Museum and Herbarium Specimens refers to scientific exchanges involving non-Parties. These references have not been incorporated in the attached draft resolution.

#### 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)**

#### THE CONFERENCE OF THE PARTIES TO THE CONVENTION

##### RECOMMENDS

- |   |   |
|---|---|
| a) that <i>permits and certificates</i> issued by <i>States not party</i> 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 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.

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Doc. 9.19.2 Annex 9

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Resolutions Relating to Transit and Transshipment

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| a) At present there are two Resolutions primarily concerned with transit: Resolution Conf. 4.10 and Resolution Conf. 7.4.  | mistake, a correction is proposed; paragraph c) has been omitted from the draft consolidated resolution because it merely reiterates Article VII, paragraph 1, of the Convention.   |
| b) A draft resolution to revise and consolidate these has been prepared by the Secretariat with the following considerations.  | – Conf. 7.4: both paragraphs refer to transit only and not to transshipment and, as this is considered to be an oversight, a correction is proposed; Conf. 8.8, in paragraph c) under RECOMMENDS, contains an amendment to Conf. 7.4 which has been taken into account. |
| – Conf. 4.10: paragraph a)ii) has in part been overtaken by paragraph a) of Conf. 7.4, but the reference to the destination of the shipment is not covered elsewhere and should be maintained; paragraph a)iii) referred only to transit and not to transshipment and, as this is considered to be a | c) These considerations have required a restructuring of the paragraphs in the Resolutions.   |

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)**

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> in the process of shipment to a named consignee <i>when any interruption in the movement arises only from the arrangements necessitated by this form of traffic</i> ; | Conf. 4.10 para. a)i) † |
|--|-------------------------|

- |   |   |
|---|---|
| b) that the Parties inspect, to the extent possible under their national legislation, <i>specimens in transit or being transhipped</i> , to verify the presence of valid export documentation as required under the Convention or to obtain satisfactory proof of its existence;          | combination of<br>Conf. 4.10<br>para. a)ii) and<br>Conf. 7.4 para. a) ‡ |
| c) that such valid export documentation clearly show the ultimate destination of the shipment;  | Conf. 4.10 para. a)ii)<br>(second part) †                               |
| d) that any change of ultimate destination be investigated by the country of transit or transshipment to verify that the transaction complies with the purposes of the Convention;  | Conf. 4.10<br>para. a)iii) ‡  |
| e) that Parties adopt legislation allowing them to seize and confiscate <i>specimens in transit or being transhipped</i> without valid export documentation or proof of the existence thereof;  | Conf. 7.4<br>para. b) ‡   |
| f) that the above recommendations be applied also to <i>specimens in transit or being transhipped</i> that are 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)<br>under<br>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 to apply the Convention accordingly; and | Conf. 4.10<br>para. b) †  |

REPEALS the Resolutions listed hereunder:

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|---|--|
| a) Resolution Conf. 4.10 (Gaborone, 1983) – Definition of "In Transit"; and | b) Resolution Conf. 7.4 (Lausanne, 1989) – Control of Transit. |
|---|--|