

# Revised Resolutions of the Conference of the Parties

## NOTE FROM THE SECRETARIAT

The Resolutions revised at the 11th meeting of the Conference of the Parties were prepared after the meeting on the basis of the following documents:

| Resolutions        | Sources   |
|--------------------|---|
| Conf. 8.9 (Rev.)   | Resolution Conf. 8.9, adopted at the eighth meeting (Kyoto, 1992), as amended on the basis of document Doc. 11.41.2 Annex 1   |
| Conf. 8.13 (Rev.)  | Resolution Conf. 8.13, adopted at the eighth meeting (Kyoto, 1992), as amended on the basis of document Com. 11.20 with the amendment indicated in Com.II 11.12, item 50  |
| Conf. 9.6 (Rev.)   | Resolution Conf. 9.6, adopted at the ninth meeting (Fort Lauderdale, 1994), as amended on the basis of document Com. 11.9, paragraph d) under RESOLVES  |
| Conf. 9.14 (Rev.)  | Resolution Conf. 9.14, adopted at the ninth meeting (Fort Lauderdale, 1994), as amended on the basis of document Com. 11.19   |
| Conf. 10.2 (Rev.)  | Resolution Conf. 10.2, adopted at the 10th meeting (Harare, 1997), as amended on the basis of documents Doc. 11.11.4.2, paragraph 8, Doc. 11.51, paragraph A, Com. 11.9, paragraph b) under RESOLVES, and Com. 11.20, final paragraph |
| Conf. 10.10 (Rev.) | Resolution Conf. 10.10, adopted at the 10th meeting (Harare, 1997), as amended on the basis of document Com. 11.36  |
| Conf. 10.12 (Rev.) | Resolution Conf. 10.12, adopted at the 10th meeting (Harare, 1997), as amended on the basis of documents Com. 11.16 and Com.I 11.14, item 41.1, final paragraph   |
| Conf. 10.15 (Rev.) | Resolution Conf. 10.15, adopted at the 10th meeting (Harare, 1997), as amended on the basis of document Doc. 11.28.2 paragraph 10   |
| Conf. 10.16 (Rev.) | Resolution Conf. 10.16, adopted at the 10th meeting (Harare, 1997), as amended on the basis of document Doc. 11.11.1, paragraph 48 c) i)  |
| Conf. 10.17 (Rev.) | Resolution Conf. 10.17, adopted at the 10th meeting (Harare, 1997), as amended on the basis of document Doc. 11.49 Annex  |

# Conf. 8.9 (Rev.) Trade in specimens of Appendix-II species taken from the wild

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

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

RECALLING also that Article IV, paragraph 6 (a), requires, as a condition for granting a certificate of introduction from the sea, that a Scientific Authority of the State of introduction from the sea has advised that the introduction will not be detrimental to the survival of the species concerned;

RECALLING further that Resolution Conf. 2.6 (Rev.), adopted at the second meeting of the Conference of the Parties (San José, 1979) and amended at the ninth meeting (Fort Lauderdale, 1994), provides a mechanism by which any Party deeming any Appendix-II or -III species to be traded in a manner detrimental to the survival of that species may consult directly with the Management Authority of the country involved, with the assistance of the Secretariat if required, and take stricter domestic measures where appropriate<sup>1</sup>;

NOTING that some Parties permitting export of Appendix-II species of wildlife are not effectively implementing Article IV, and that all Parties benefit from management of Appendix-II species that ensures the continued availability of these resources;

RECALLING that Resolution Conf. 9.1 (Rev.)<sup>2</sup>, adopted at the ninth meeting of the Conference of the Parties (Fort Lauderdale, 1994) and amended at the 10th meeting (Harare, 1997), charges the Animals Committee and the Plants Committee to: establish a list of those animal and plant taxa included in Appendix II that are considered as being significantly affected by trade; review and assess all available biological and trade information including comments by the range States on these taxa; formulate recommendations for remedial measures for those species for which trade is believed to have a detrimental effect; and establish priorities for research projects for species for which information is insufficient to determine whether the level of trade is detrimental;

RECALLING that the Conference of the Parties at its ninth meeting (Fort Lauderdale, 1994) established a work programme for the Plants Committee with regard to the review of trade in plant taxa listed in the Appendices, with special reference to those taxa considered as being specifically affected by trade;

CONCERNED that in many cases, population assessments and monitoring programmes necessary in order to maintain the level of export of Appendix-II species below the level that would be detrimental to the survival of the species are not being undertaken;

RECALLING that, by adopting document Doc. 10.56, the Parties recognized that information on the biological status of many plant species is frequently not available and that the data on trade in plants as included in annual reports are frequently incomplete;

## THE CONFERENCE OF THE PARTIES TO THE CONVENTION

DIRECTS the Animals Committee and the Plants Committee:

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<sup>1</sup> *The text regarding stricter measures was eliminated from Resolution Conf. 2.6 (Rev.) by the adoption of consolidated Resolution Conf. 11.3, where this text is now included.*

<sup>2</sup> *Replaced by Resolution Conf. 11.1.*

- a) in cooperation with the Secretariat and experts, to continue to review the biological, trade and other relevant information on Appendix-II species, with a view to identifying problems with the aim of ensuring the implementation of Article IV, paragraphs 2 (a), 3 and 6 (a);
- b) in relation to those species under review for which sufficient information is available on trade and biological status, to determine possible problems with the implementation of the relevant paragraphs of Article IV, and following consultation with the range States, to make specific recommendations. Such recommendations shall be either primary or secondary recommendations;
  - i) primary recommendations include, for example, administrative procedures, specific quotas, zero quotas or temporary restrictions on exports of the species concerned; and
  - ii) secondary recommendations include, for example, field studies or evaluation of threats to populations or other relevant factors, including illegal trade, habitat destruction, internal or other uses, designed to provide the information necessary for a Scientific Authority non-detriment finding;
- c) for those species under review for which sufficient information on trade and biological status of the species under review is not available:
  - i) to recommend taxon-specific status assessments;
  - ii) to recommend country-specific status assessments;
  - iii) to recommend to range States the establishment of cautious quotas as an interim measure; and
  - iv) to make, as appropriate, recommendations as described under paragraph b) above once the assessments referred to in paragraphs c) i) and ii) have been completed; and
- d) to report at each meeting of the Conference of the Parties on the progress of this review, and on the measures adopted and those recommended to implement Article IV for Appendix-II species subject to significant trade;

DETERMINES that these reviews shall be carried out in close consultation with all range States concerned, and in accordance with the Decisions of the Conference of the Parties regarding the implementation of this Resolution;

RECOMMENDS that:

- a) the above-mentioned recommendations of the Animals Committee and the Plants Committee be communicated by the Secretariat to each Party concerned;
- b) for primary recommendations, each Party concerned, within 90 days of receipt, demonstrate to the satisfaction of the Secretariat that it has implemented the recommendations;
- c) for secondary recommendations, each Party concerned, within 12 months of receipt, demonstrate to the satisfaction of the Secretariat that it has implemented or taken action to implement the recommendations;
- d) for recommendations made pursuant to paragraphs c) i) and ii) under 'DIRECTS' above, each range State concerned, in consultation with the Secretariat and the Chairman of the Animals Committee or Plants Committee, as appropriate, complete a status assessment within two years of receipt of the recommendations of the committee concerned;
- e) for recommendations made under the provisions of paragraph c) iii) under 'DIRECTS' above, each Party concerned, within 90 days of receipt of the recommendations of the Animals Committee or the Plants Committee, demonstrate to the satisfaction of the Secretariat that it has implemented the recommendations;
- f) upon failure of a concerned Party to satisfy the Secretariat that it has fulfilled the requirements specified in paragraph b), c), d) or e) of this section, the Secretariat recommend to the Standing Committee that all Parties immediately take strict measures, including as appropriate suspension of trade in the affected species with that Party;
- g) following acceptance of the Secretariat's recommendation by the Standing Committee, the Secretariat notify the Parties accordingly; and
- h) in the case of suspension of trade in accordance with paragraph f) above, trade in the affected species with the Party concerned be reinstated only when that Party demonstrates to the satisfaction of the Standing Committee, through the Secretariat, compliance with the recommendations made by the

Animals Committee or Plants Committee with respect to the implementation of Article IV, paragraph 2 (a), 3 or 6 (a);

DIRECTS the Secretariat for the purpose of monitoring and facilitating the implementation of this Resolution and the relevant paragraphs of Article IV of the Convention, and for allowing the reintroduction of a species into the review process in case of concern;

- a) to report to each meeting of the Animals Committee and the Plants Committee on the implementation by the countries concerned of the recommendations made by the committee; and
- b) to immediately inform the Animals Committee and the Plants Committee about possible concerns regarding trade in species:
  - i) that had been eliminated from the review process at a time when the committee concerned believed that the trade data available indicated that the trade was not detrimental to the survival of the species concerned; or
  - ii) for which the Secretariat was satisfied that the primary or secondary recommendations had been fulfilled by the Parties concerned; and

URGES the Parties and all organizations interested in the utilization and conservation of wildlife to provide the necessary financial support and/or technical assistance to those Parties in need of such assistance to ensure that wild populations of species of fauna and flora subject to significant international trade are maintained at a level that will allow international trade that is not detrimental to their survival.

# Conf. 8.13 (Rev.) Use of coded-microchip implants for marking live animals in trade

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RECOGNIZING the increasingly wide use of coded-microchip implants for the individual identification of animals;

RECOGNIZING also the potential of this method of marking for the regulation of trade in live animals of species included in the Appendices to the Convention;

CONCERNED that any such method employed to identify live animals be standardized in its application;

BELIEVING that there is no reason to limit the use of coded-microchip implants to only live animals of species included in Appendix I or high-value species;

NOTING that Management Authorities may permit the movement of travelling exhibitions or circuses without permits or certificates pursuant to Article VII, paragraph 7, of the Convention;

CONSIDERING that the International Organization for Standardization (ISO) has adopted the standards ISO 11784 and ISO 11785;

MINDFUL that the provisions of Article VI, paragraph 7, allow a Management Authority to determine appropriate methods of marking specimens for the purposes of assisting in identification;

AWARE that the IUCN/SSC Conservation Breeding Specialist Group has already undertaken an extensive review of the application of coded-microchip implants, and that effective implementation of Article VI, paragraph 7, will result in increasingly wider use of coded-microchip implants for the identification of animals;

## THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that:

- a) Parties, where possible and appropriate, without excluding the use of other methods, adopt the use of implantable transponders bearing permanent, non-programmable, unalterable and permanently unique codes for the identification of live animals;
- b) Parties take into account the findings of the IUCN/SSC Conservation Breeding Specialist Group regarding frequency, size and sterility of transponder;
- c) microchip transponders be implanted where consistent with the well-being of the specimens concerned<sup>1</sup>; and
- d) the location of implanted transponders in each animal be standardized according to the advice from the IUCN/SSC Conservation Breeding Specialist Group; and

DIRECTS:

- a) the Secretariat to consult regularly with the ISO Central Secretariat on this subject, and to urge it to resolve current problems with standards ISO 11784 and ISO 11785;
- b) the Management Authority of each Party to make contact with all known manufacturers of microchip-implants and associated equipment on its territory and inform them about the present Resolution, urge them to strive towards the production of compatible equipment that can be applied universally and ask them for information about their products compatible with CITES needs and to advise the Secretariat about the results, for the information of the Parties; and

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<sup>1</sup> See Resolution Conf. 10.2 (Rev.) for information on microchip transponders, to be included in permits.

- c) the Animals Committee to monitor developments in microchip-implant technology and application techniques and to advise the Secretariat about such developments, for the information of the Parties.

# Conf. 9.6 (Rev.) Trade in readily recognizable parts and derivatives

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RECALLING Resolutions Conf. 1.5, paragraph 3<sup>1</sup>, Conf. 1.7<sup>2</sup>, Conf. 2.18<sup>2</sup>, Conf. 4.8, Conf. 4.24<sup>2</sup>, Conf. 5.9, Conf. 5.22, paragraph c), Conf. 6.18<sup>2</sup>, Conf. 6.22, last paragraph, and Conf. 7.11<sup>2</sup>, adopted by the Conference of the Parties at its first, second, fourth, fifth, sixth and seventh meetings (Bern, 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;

NOTING that the trade in parts and derivatives regulated by one Party is therefore not always subject to regulation in others;

ACKNOWLEDGING the right under Articles 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;

CONSIDERING that proper monitoring of and reporting on trade in ranchered specimens are only possible if all importing countries consider all products of the operation to be readily recognizable;

RECOGNIZING that the species or genera of coral from which coral sand and coral fragments (as defined in Annex 1 of Resolution Conf. 11.10) are derived cannot be readily determined;

## 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;

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;

AGREES that coral sand and coral fragments (as defined in Annex 1 of Resolution Conf. 11.10) are not considered readily recognizable and are therefore not covered by the provisions of the Convention; and

REPEALS the Resolutions, or parts thereof, listed hereunder:

- a) Resolution Conf. 4.8 (Gaborone, 1983) – Treatment of Exports of Parts and Derivatives without Permit from a Party to Another which Deems them Readily Recognizable;
- b) Resolution Conf. 5.9 (Buenos Aires, 1985) – Control of Readily Recognizable Parts and Derivatives;
- c) Resolution Conf. 5.22 (Buenos Aires, 1985) – Criteria for the Inclusion of Species in Appendix III – recommendation c); and

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<sup>1</sup> Repealed by Resolution Conf. 9.25.

<sup>2</sup> Repealed by the adoption of document Com. 9.14.



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

CONCERNED that some rhinoceros populations have continued to decline drastically and that four of the five species are threatened with extinction;

RECALLING that the Conference of the Parties included all species of rhinoceros in Appendix I of the Convention in 1977, and that the South African population of *Ceratotherium simum simum* was transferred to Appendix II with an annotation in 1994;

RECALLING further the Conference Resolutions (Resolution Conf. 3.11 and Resolution Conf. 6.10, both of which were repealed by Resolution Conf. 9.14 and Decision 10.45) relating to the conservation of and trade in rhinoceros;

COMMENDING the successful management and protection of rhinoceroses in some African and Asian range States, often under difficult circumstances;

COMMENDING further the measures taken by countries to control and reduce use of rhinoceros horn, especially countries where use is part of a cultural tradition extending back many centuries;

CONCLUDING that the above measures have not arrested the decline of all rhinoceros populations;

RECOGNIZING that the illegal trade in rhinoceros horn is known to be a global law enforcement problem, extending beyond range States and traditional consuming countries, but that emphasis solely on law enforcement has failed to remove the threat to rhinoceroses;

CONSCIOUS that stocks of rhinoceros horn continue to accumulate in some countries and that the call for their destruction, as recommended by Resolution Conf. 6.10, has not been implemented and is no longer considered appropriate by a number of Parties;

RECOGNIZING that some international measures may have unintended consequences, for example, on trade;

RECOGNIZING that there is a diversity of opinion as to the most effective approaches to the conservation of rhinoceroses;

CONCERNED that threats to rhinoceros populations still exist, and that the cost of ensuring adequate security for them is increasing and cannot easily be met by many range States;

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

URGES:

- a) all Parties that have stocks of rhinoceros horn to identify, mark, register and secure all such stocks;
- b) all Parties to adopt and implement comprehensive legislation and enforcement controls, including internal trade restrictions and penalties, aimed at reducing illegal trade in rhinoceros parts and derivatives;
- c) the Secretariat, where possible, to assist those Parties with inadequate legislation, enforcement, or control of stocks, by providing them technical advice and relevant information;
- d) range States to be vigilant in their law enforcement efforts, including the prevention of illegal hunting and the early detection of potential offenders;
- e) that law enforcement cooperation between and among States be increased in order to curtail illegal trade in rhinoceros horn; and

f) the consumer States, as a matter of priority, to work with all user groups and industries to develop and implement strategies for reducing the use and consumption of rhinoceros parts and derivatives;

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

- a) all such actions are accompanied by evaluations of their effectiveness;
- b) appropriate, cost-effective, standardized indicators of success are developed and/or refined to measure changes in levels of illegal hunting and of the status of rhinoceros populations in the range States; and
- c) the policies that guide interventions are responsive and adaptive to the outcome of evaluations;

STRONGLY URGES range States, and all other Parties where applicable, to submit a report, according to an agreed format, to the Secretariat at least six months prior to each meeting of the Conference of the Parties, detailing the following:

- a) the status of captive and wild rhinoceros populations;
- b) a summary of incidents of illegal hunting;
- c) a summary of incidents of illegal trade in rhinoceros parts and derivatives;
- d) the status, type, and frequency of law enforcement activities and monitoring programmes for all major rhinoceros populations;
- e) the status of development and implementation of national legislation and national conservation action plans; and
- f) the status of marking, registration and control of rhinoceros horn stocks;

DIRECTS the Secretariat to develop a standard format for these reports, to evaluate the reports as well as any information it has received related to trade in rhinoceros parts and derivatives, and to submit a written summary of these for consideration at each meeting of the Conference of the Parties;

RECOMMENDS that those range States without a budgeted conservation and management plan for rhinoceros should develop and implement one as expeditiously as possible, utilizing all available relevant expertise and resources;

RECOMMENDS further that those range States with an existing, budgeted plan for rhinoceros should endeavour to implement the plan as expeditiously as possible, and should undertake a review of the adequacy of enforcement and trade control measures therein;

CALLS upon all governments and intergovernmental organizations, international aid agencies and non-governmental organizations to provide funds to implement rhinoceros conservation activities, especially efforts to prevent the illegal killing of rhinoceros and to control and monitor the illegal trade in rhinoceros horn;

CALLS for constructive engagement amongst all Parties to the Convention and synergy between the Convention and the IUCN/SSC Rhino Specialist Groups to achieve the aims of this Resolution; and

REPEALS the Resolutions listed hereunder:

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

RECALLING Resolution Conf. 9.3, adopted by the Conference of the Parties at its ninth meeting (Fort Lauderdale, 1994);

RECALLING the provisions of Article VI of the Convention regarding permits and certificates;

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;

CONSIDERING the need to improve the standardization of export permits and re-export certificates;

CONSCIOUS that the data carried on permits and certificates must supply maximum information, as much for export as for import, to allow verification of the conformity between the specimens and the document;

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;

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;

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;

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;

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;

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;

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

ESTABLISHES the following sections in this Resolution:

- I. Regarding standardization of CITES permits and certificates
- II. Regarding export permits and re-export certificates
- III. Regarding import permits
- IV. Regarding pre-Convention certificates
- V. Regarding certificates of origin
- VI. Regarding phytosanitary certificates
- VII. Regarding the change of destination on export permits and re-export certificates issued for timber species included in Appendices II and III with the annotation #5
- VIII. Regarding retrospective issue of permits and certificates
- IX. Regarding acceptance and clearance of documents and security measures

Annex 1 Information that should be included in CITES permits and certificates

Annex 2 Standard CITES form; instructions and explanations

I. Regarding standardization of CITES permits and certificates

AGREES that:

- a) 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 Annex 1 of the present Resolution;
- b) 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;
- c) 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);
- d) if a permit or certificate form includes a place for the signature of the applicant, the absence of the signature should render the permit or certificate invalid; and
- e) if an annex is attached to a permit or certificate as an integral part of it, this and the number of pages should be clearly indicated on the permit or certificate, and each page of the annex should include the following:
  - i) the number of the permit or certificate and its date of issue; and
  - ii) the signature and the stamp or seal, preferably embossed, of the authority issuing the document; and

RECOMMENDS that:

- a) Parties wishing to modify their permit and certificate forms, to reprint existing documents or to introduce new documents, first ask the Secretariat for advice;
- b) Parties adapt the contents and, to the extent practicable, the format of their export permits and re-export certificates to the standard form attached to the present Resolution as Annex 2;
- c) for tracking and annual reporting purposes, permit and certificate numbers be limited, if possible, to 14 characters in the format:

WWxxYYYYYY/zz

where WW represents the last two digits of the year of issuance; xx represents the two-letter ISO code of the country; YYYYYY represents a six-digit serial number; and zz represents two digits or letters, or a combination of a digit and a letter, that a Party may use for national informational purposes;

- d) Parties state, on each of their permits and certificates, the purpose of the transaction using the following codes:
  - T Commercial
  - Z Zoos
  - G Botanical gardens
  - Q Circuses and travelling exhibitions
  - S Scientific
  - H Hunting trophies
  - P Personal
  - M Biomedical research
  - E Educational
  - N Reintroduction or introduction into the wild
  - B Breeding in captivity or artificial propagation;
- e) the following codes be used to indicate the source of the specimens:
  - 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 derivatives thereof, exported under the provisions of Article VII, paragraph 4, of the Convention
  - A Plants that are artificially propagated in accordance with Resolution Conf. 11.11, paragraph a), as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 5, of the Convention (specimens of species included in Appendix I that have been propagated artificially for non-commercial purposes and specimens of species included in Appendices II and III)
  - C Animals bred in captivity in accordance with Resolution Conf. 10.16 (Rev.), as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 5, of the Convention (specimens of species included in Appendix I that have been bred in captivity for non-commercial purposes and specimens of species included in Appendices II and III)
  - F Animals born in captivity (F1 or subsequent generations) that do not fulfil the definition of 'bred in captivity' in Resolution Conf. 10.16 (Rev.), as well as parts and derivatives thereof
  - U Source unknown (must be justified)
  - I Confiscated or seized specimens;
- f) when a security stamp is affixed to a permit or certificate, the number of the stamp also be recorded on the document;
  - g) for wildlife specimens of exceptional value, in addition to affixing a security stamp, all Parties consider issuing permits and certificates printed on security paper;
  - h) when issuing permits and certificates, the Parties follow the standard nomenclatures adopted by the Conference of the Parties to indicate the names of species (see Resolution Conf. 11.22);
  - i) on permits and certificates for trade in specimens that are readily recognizable as coral rock, where the genus cannot be readily determined, the scientific name for the given specimens should be 'Scleractinia';
  - j) any Party wishing to authorize export of coral rock (as defined in Resolution Conf. 11.10 Annex) identified to ordinate level only should, in view of the inability to make a non-detriment finding for coral rock pursuant to Article IV, paragraph 2 (a), apply the provisions of Article IV, paragraph 3;
  - k) Parties that authorize export of coral rock should:
    - i) establish an annual quota for exports and communicate this quota to the Secretariat for distribution to the Parties; and
    - ii) through their Scientific Authorities, make an assessment (which would be available to the Secretariat on request), based on a monitoring programme, that such export will not affect the role that coral rock has in ecosystems affected by the extraction of such specimens;
  - l) 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";
  - m) Parties that do not already do so affix a security stamp to each export permit and re-export certificate;
  - n) when a security stamp is affixed to a permit or certificate, it be cancelled by a signature and a stamp or seal, preferably embossed;
  - o) Parties that have not yet done so communicate to the Secretariat the names of the persons empowered to sign permits and certificates, as well as three specimens of their signatures, and that all the Parties communicate, within one month of any change thereto, the names of persons who have been added to the list of those already empowered to sign, the names of persons whose signatures are no longer valid and the dates the changes took effect;
  - p) 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;
  - q) each Party inform the other Parties, direct or through the Secretariat, of any stricter internal measures it has taken under Article XIV, paragraph 1 (a), of the Convention, and that, when a

Party is informed of this, it refrain from issuing permits and certificates that run counter to these measures;

- r) when an export permit or a re-export certificate has been cancelled, lost, stolen or destroyed, the issuing Management Authority immediately inform the Management Authority of the country of destination, as well as the Secretariat regarding commercial shipments; and
- s) when a permit or certificate is issued to replace a document that has been cancelled, lost, stolen or destroyed, or that has expired, it indicate the number of the replaced document and the reason for the replacement;

II. Regarding export permits and re-export certificates

AGREES that a re-export certificate should also specify:

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

or if the case arises:

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

RECOMMENDS that:

- a) exported specimens and re-exported specimens not appear on the same document, unless it is clearly indicated which specimens are being exported and which re-exported;
- b) when re-export certificates are issued for specimens whose form has not changed since being imported, the unit of measure used be the same as that used on the permit or certificate accepted when they were imported;
- c) 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;
- d) 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;
- e) after the expiry of the said six-month period, an export permit or re-export certificate be considered as void and of no legal value whatsoever;
- f) however, for the purpose of trade in timber species included in Appendices II and III with the annotation #5, the validity of the export permit or re-export certificate may be extended beyond the normal maximum of six months after the date of issue, on the condition that:
  - i) the shipment has arrived in the port of final destination before the date of expiration indicated on the permit or certificate and is being held in Customs bond (i.e. is not considered as imported);
  - ii) the time extension does not exceed six months from the date of expiration of the permit or certificate and no previous extension has been granted;
  - iii) the appropriate enforcement personnel has included the date of arrival and the new date of expiration in the box relating to special conditions, or an equivalent place, on the export permit or re-export certificate, certifying the modification with an official stamp or seal and signature;
  - iv) the shipment is imported for consumption from the port where it was located when the extension was approved and before the new date of expiration; and
  - v) a copy of the export permit or re-export certificate as amended in accordance with subparagraph iii) above is sent to the country of export or re-export, allowing it to amend its annual report, and to the CITES Secretariat;
- g) no export permit or re-export certificate be issued for a specimen known to have been acquired illegally, even if it has been imported in accordance with the national legislation, unless the specimen has previously been confiscated;

- h) Parties not authorize the import of any specimen if they have reason to believe that it was not legally acquired in the country of origin;
- i) when a country has voluntarily fixed national export quotas for specimens of species included in Appendix I, for non-commercial purposes, and/or in Appendices II and III, it inform the Secretariat of the quotas before issuing export permits and of any changes thereto as soon as they are made and it state on each export permit the total number of specimens already exported in the current year (including those covered by the permit in question) and the quota for the species concerned;
- j) 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;
- k) when trade in tagged crocodylian skins is authorized, the same information as is on the tags be given on the export permit or re-export certificate (or other Convention document); and
- l) in the case of crocodylian species subject to quotas approved by the Conference of the Parties, no permit, certificate or other document for skins be issued before the skins are tagged in accordance with the requirements of the issuing Management Authority and their sizes are recorded;

### III. Regarding import permits

AGREES that an import permit for specimens of species included in Appendix I may carry, among other things, certification that the specimens will not be used for primarily commercial purposes and, in the case of live specimens, that the recipient has suitable facilities to house and care for them; and RECOMMENDS that:

- a) the provisions of Article III, paragraphs 2 and 4, of the Convention be understood to mean that an import permit should be recognized as valid by a Management Authority of a State of export or re-export only if presented within a period of 12 months from the date on which it was granted; and
- b) after the expiry of the said 12-month period of validity, an import permit granted by the State of import in order that it can be presented to a Management Authority of a State of export or re-export in accordance with the provisions of Article III, be considered as void and of no legal value whatsoever;

### IV. Regarding pre-Convention certificates

AGREES that a pre-Convention certificate should also specify:

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

### V. Regarding certificates of origin

RECOMMENDS that:

- a) certificates of origin for export of specimens of species listed in Appendix III only be issued by a Management Authority competent to grant Convention permits or certificates or by the competent authority if trade is from a State not a Party to the Convention, and that Parties not accept certificates of origin unless they are issued by such authorities;
- b) a certificate of origin contain, as a minimum, the following information:
  - i) the full name of the Convention and, if possible, its logo;
  - ii) the complete name and address of the issuing Management Authority, as included in the CITES Directory, its stamp and the signature of an authorized person;
  - iii) a unique control number;
  - iv) the names and addresses of the exporter and importer;
  - v) the country of destination;
  - vi) the scientific name of the species to which the specimens belong;



- vii) a description of the specimens in one of the three working languages of the Convention, using the nomenclature of specimens distributed by the Secretariat;
  - viii) the number or quantity of the specimens and, if appropriate, the unit of measure used;
  - ix) the date of issue;
  - x) the date of expiry; and
  - xi) a statement that the specimens originate in the country that issued the certificate of origin; and
- c) a certificate of origin be recognized as valid only if presented for import within a period of 12 months from the date on which it was granted;

VI. Regarding phytosanitary certificates

RECOMMENDS that:

- a) any Party having considered the practices governing the issue of its phytosanitary certificates for export of Appendix-II specimens, and having determined that such practices provide adequate assurance that the specimens are artificially propagated (as defined in Resolution Conf. 11.11), may consider these documents as certificates of artificial propagation in accordance with Article VII, paragraph 5, of the Convention. Such certificates must include the scientific name of the species and the type and quantity of the specimens and bear a stamp, seal or other specific indication stating that the specimens are artificially propagated as defined by CITES; and
- b) any Party using phytosanitary certificates as certificates of artificial propagation inform the Secretariat and provide copies of the certificates, stamps, seals, etc. that are used;

VII. Regarding the change of destination on export permits and re-export certificates issued for timber species included in Appendices II and III with the annotation #5

RECOMMENDS that an export permit or a re-export certificate that indicates the complete names and addresses of the (re-)exporter and importer, in conformity with Annex 1, paragraph d), to this Resolution, not be accepted for import into a country other than the one for which it was issued, except under the following conditions:

- a) the actual quantity of specimens exported or re-exported is included in the designated box on the export permit or re-export certificate, certified by the stamp or seal and signature of the authority that carried out the inspection at the time of export or re-export;
- b) the exact quantity referred to under a) is imported;
- c) the number of the bill of lading of the shipment is included on the permit or certificate;
- d) the bill of lading of the shipment is presented to the Management Authority together with the original of the export permit or re-export certificate at the time of import;
- e) the import takes place within six months after the issue of the export permit or re-export certificate;
- f) the period of validity of the export permit or re-export certificate has not already been extended;
- g) the Management Authority of the importing country includes on the permit or certificate, in the box relating to special conditions, or an equivalent place, the following text, certified by its stamp or seal and signature:  

"import into [name of country] permitted in accordance with Resolution Conf. 10.2 (Rev.) (section VII) on [date]"; and
- h) a copy of the export permit or re-export certificate as amended in accordance with subparagraph g) above is sent to the country of export or re-export, allowing it to amend its annual report, and to the CITES Secretariat;

VIII. Regarding retrospective issue of permits and certificates

RECOMMENDS that:

- a) a Management Authority of an exporting or re-exporting country:
  - i) not issue CITES documents retrospectively;

- ii) not provide exporters, re-exporters and/or consignees in importing countries with declarations about the legality of exports or re-exports of specimens having left its country without the required CITES documents; and
- iii) not provide exporters, re-exporters and/or consignees in importing countries with declarations about the legality of export or re-export documents which at the time of export, re-export or import did not meet the requirements of the Convention;
- b) a Management Authority of an importing country, or of a country of transit or transshipment, not accept export or re-export documents that were issued retrospectively;
- c) exceptions from the recommendations under a) and b) above not be made with regard to Appendix-I specimens, and be made with regard to Appendix-II and -III specimens only where the Management Authorities of both the exporting (or re-exporting) and the importing countries are, after a prompt and thorough investigation in both countries and in close consultation with each other, satisfied:
  - i) that the irregularities that have occurred are not attributable to the exporter (or re-exporter) or the importer; and
  - ii) that the export (or re-export) and import of the specimens concerned are otherwise in compliance with the Convention and with the relevant legislation of the countries of export (or re-export) and import; and
- d) whenever exceptions are made:
  - i) the export permit or re-export certificate clearly indicate that it is issued retrospectively; and
  - ii) the reasons for the relaxation, which should come within the purview of paragraph c), subparagraphs i) and ii) above, are specified on the permit or certificate and a copy sent to the Secretariat; and

IX. Regarding acceptance and clearance of documents and security measures

RECOMMENDS that:

- a) 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;
- b) whenever irregularities are suspected, the Parties exchange issued and/or accepted permits or certificates to verify their authenticity;
- c) 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;
- d) the Parties refuse to accept any re-export certificate that refers to an export permit that does not exist or that is invalid;
- e) the Parties refuse to accept permits and certificates that do not indicate the name of the species concerned (including subspecies when appropriate), except in the case where:
  - i) the Conference of the Parties has agreed that the use of higher-taxon names is acceptable;
  - ii) the issuing Party can show it is well justified and has communicated the justification to the Secretariat; or
  - iii) certain manufactured products contain pre-Convention specimens that can not be identified to the species level;
- f) in the event of mismatches of information within a permit, re-export certificate, or other Convention document for crocodylian skins, the Management Authority of the importing Party immediately contact its counterpart in the exporting/re-exporting Party to establish whether this was a genuine error arising from the volume of information required by this Resolution and Resolution Conf. 11.12, and that, if this is the case, every effort be made to avoid penalizing those involved in such transactions;
- g) 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;
- h) when a Party refuses to accept a permit or certificate issued for export or re-export, it immediately inform the exporting or re-exporting country;

- i) when a Party is informed that a permit or certificate it has issued for export or re-export has been refused, it take measures to ensure that the specimens in question do not enter into illegal trade; and
- j) Parties ensure that, when the original of an export permit or re-export certificate is not used by the permittee for the trade authorized, it is returned by the permittee to the issuing Management Authority in order to prevent the illegal use of the document; and

REPEALS Resolution Conf. 9.3 (Fort Lauderdale, 1994) – Permits and certificates.

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## Annex 1

## Information that should be included in CITES permits and certificates

- <sup>1</sup> a) The full name and the logo of the Convention
- <sup>1</sup> b) The complete name and address of the Management Authority issuing the permit
- c) A control number
- d) The complete names and addresses of the exporter and importer
- e) The scientific name of the species to which the specimens belong (or the subspecies when it is relevant in order to determine in which Appendix the taxon concerned is included) in accordance with the adopted standard nomenclature
- f) The description of the specimens, in one of the Convention's three working languages, using the nomenclature of specimens distributed by the Secretariat
- g) The numbers of the marks appearing on the specimens if they are marked or if a Resolution of the Conference of the Parties prescribes marking (specimens from ranches, subject to quotas approved by the Conference of the Parties, originating from operations which breed animals included in Appendix I in captivity for commercial purposes, etc.)
- h) The Appendix in which the species or subspecies or population is listed
- i) The source of the specimens
- j) The quantity of specimens and, if appropriate, the unit of measure used
- k) The date of issue and the date of expiry
- l) The name of the signatory and his/her handwritten signature
- m) The embossed seal or ink stamp of the Management Authority
- n) A statement that the permit, if it covers live animals, is only valid if the transport conditions comply with the CITES Guidelines for Transport of Live Animals or, in case of air transport, with the IATA Live Animals Regulations
- o) The registration number of the operation, attributed by the Secretariat, when the permit involves specimens of a species included in Appendix I that originate from an operation practising breeding in captivity or artificial propagation for commercial purposes (Article VII, paragraph 4, of the Convention), and the name of the operation when it is not the exporter
- 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
- q) When specimens are marked with microchip transponders, all microchip codes, together with the trade mark of the transponder manufacturer, and, where possible, the location of the microchip in the specimen.

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<sup>1</sup> *This information should already be printed on the form.*

PERMIT NOT REPRODUCED

## Instructions and explanations

(These correspond to block numbers on the form)

1. Tick the square which corresponds to the type of document issued (export permit, re-export certificate, import permit or other). If the box "other" has been ticked, the type of document must be indicated. The original number is a unique number allocated to each document by the Management Authority.
2. For export permits and re-export certificates, the date of expiry of the document may not be more than six months after the date of issuance (one year for import permits).
3. Complete name and address of the importer.
- 3a. The name of the country must be written in full.
4. Complete name and address of the exporter/re-exporter. The name of the country must be stated. The absence of the signature of the applicant renders the permit or certificate invalid.
5. Special conditions may refer to national legislation or special conditions placed on the shipment by the issuing Management Authority. This block can also be used to justify the omission of certain information.
- 5a. The following codes should be used: T for commercial, Z for zoos, G for botanical gardens, Q for circuses and travelling exhibitions, S for scientific purposes, H for hunting trophies, P for personal, M for biomedical research, E for education, N for reintroduction or introduction into the wild, and B for breeding in captivity or artificial propagation.
- 5b. Indicate the number (including the country's ISO code) of the security stamp affixed in block 13.
6. The name, address and country of the issuing Management Authority should already be printed on the form.
- 7-8. Indicate the scientific name (genus and species, where appropriate subspecies) of the animal or plant as it appears in the Convention Appendices or the reference lists approved by the Conference of the Parties, and the common name of the animal or plant as known in the country issuing the permit.
9. Describe, as precisely as possible, the specimens entering trade (live animals, skins, flanks, wallets, shoes, etc.). If a specimen is marked (tags, identifying marks, rings, etc.), whether or not this is required by a Resolution of the Conference of the Parties (specimens originating in a ranching operation, specimens subject to quotas approved by the Conference of the Parties, specimens of Appendix-I species bred in captivity for commercial purposes, etc.), indicate the number and type of mark. The sex and age of the live animals should be recorded, if possible.
10. Enter the number of the Appendix of the Convention (I, II or III) in which the species is listed.  
Use the following codes to indicate the source:
  - W** Specimens taken from the wild
  - R** 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 derivatives thereof, exported under the provisions of Article VII, paragraph 4, of the Convention
  - A** Plants that are artificially propagated in accordance with Resolution Conf. 11.11, paragraph a), as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 5, of the Convention (specimens of species included in Appendix I that have been propagated artificially for non-commercial purposes and specimens of species included in Appendices II and III)
  - C** Animals bred in captivity in accordance with Resolution Conf. 10.16 (Rev.), as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 5, of the Convention (specimens of species included in Appendix I that have been bred in captivity for non-commercial purposes and specimens of species included in Appendices II and III)
  - F** Animals born in captivity (F1 or subsequent generations) that do not fulfil the definition of 'bred in captivity' in Resolution Conf. 10.16 (Rev.), as well as parts and derivatives thereof
  - U** Source unknown (must be justified)
  - I** Confiscated or seized specimens.
11. Indicate the total number of specimens or, if this is not possible, the quantity, and specify the unit of measurement used (for example the weight in kilograms). Do not use general terms such as "one case" or "one batch".
- 11a. Indicate the total number of specimens exported in the current calendar year (including those covered by the present permit) and the current annual quota for the species concerned (for example 500/1000). This should be done for the national quotas as well as for those determined by the Conference of the Parties.
12. The country of origin is the country in which the specimens were taken from the wild, bred in captivity or artificially propagated. Indicate the number of the export permit of the country and the date of issuance. If all or part of the information is not known, this should be justified in block 5. This block must only be completed in case of re-exports.
- 12a. The country of last re-export is the country from which the specimens were re-exported before entering the country in which the present document is issued. Enter the number of the re-export certificate of the country of last re-export and its date of issuance. If all or part of the information is not known, this should be justified in block 5. This block must only be completed in case of re-export of specimens previously re-exported.
13. To be completed by the official who issues the permit. The name of the official (and his title) must be written in full. The security stamp must be affixed in this block and must be cancelled by the signature of the issuing official and a stamp or seal. The seal, signature and security-stamp number should be clearly legible.
14. To be completed by the official who inspects the shipment at the time of export or re-export. Enter the quantities of specimens actually exported or re-exported. Strike out the unused blocks.
15. Enter the number of the bill of lading or air way-bill if the method of transport used requires the use of such a document.

The document must be written in one of the three working languages of the Convention (English, French and Spanish) or must include a full translation into one of these three languages. Exported and re-exported specimens should not appear on the same document unless it is clearly indicated which specimens are being exported and which re-exported.

**AFTER USE THIS DOCUMENT MUST BE RETURNED TO A MANAGEMENT AUTHORITY OF THE IMPORTING COUNTRY.**

NOTING that the Asian elephant, *Elephas maximus*, has been included in Appendix I since 1973;

NOTING also that the African elephant, *Loxodonta africana*, was transferred from Appendix II to Appendix I at the seventh meeting of the Conference of the Parties (Lausanne, 1989) but some populations were transferred back to Appendix II, under a set of conditions, at the 10th meeting (Harare, 1997) and at the 11th meeting (Gigiri, 2000);

RECOGNIZING that elephant range States are the best protectors of their elephants but that the majority of them lack adequate enforcement capacity to ensure the security of their elephant populations;

AWARE that monitoring systems should encompass capacity-building in range States, to provide information to facilitate elephant management, and to prioritize and guide enforcement initiatives and protection efforts;

CONVINCED that the enhancement of elephant security in Africa and Asia would be facilitated by cooperation, data-sharing and mutual assistance between and among the range States;

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

##### Regarding definitions

AGREES that:

- a) the term 'raw ivory' shall include all whole elephant tusks, polished or unpolished and in any form whatsoever, and all elephant ivory in cut pieces, polished or unpolished and howsoever changed from its original form, except for 'worked ivory'; and
- b) 'worked ivory' shall be considered readily recognizable and that this term shall cover all items made of ivory for jewellery, adornment, art, utility or musical instruments (but not including whole tusks in any form, except where the whole surface has been carved), provided that such items are clearly recognizable as such and in forms requiring no further carving, crafting or manufacture to effect their purpose;

##### Regarding marking

RECOMMENDS that whole tusks of any size, and cut pieces of ivory that are both 20 cm or more in length and one kilogram or more in weight, be marked by means of punch-dies or, where this is not practicable, with indelible ink, using the following formula: country-of-origin two-letter ISO code, the last two digits of the year / the serial number for the year in question / and the weight in kilograms (e.g. KE 00/127/14). This number is to be placed at the 'lip mark', in the case of whole tusks, and highlighted with a flash of colour;

##### Regarding control of internal ivory trade

RECOMMENDS to those Parties in whose jurisdiction there is an ivory carving industry that is not yet structured, organized or controlled and to those Parties designated as ivory importing countries, that comprehensive internal legislative, regulatory and enforcement measures be adopted to:

- a) register or license all importers, manufacturers, wholesalers and retailers dealing in raw, semi-worked or worked ivory products; and
- b) introduce recording and inspection procedures to enable the Management Authority and other appropriate government agencies to monitor the flow of ivory within the State, particularly by means of:
  - i) compulsory trade controls over raw ivory; and
  - ii) a comprehensive and demonstrably effective reporting and enforcement system for worked ivory;

### Regarding monitoring of illegal hunting of and trade in elephant specimens

AGREES that:

- a) The systems known as Monitoring the Illegal Killing of Elephants (MIKE) and the Elephant Trade Information System (ETIS), established under the supervision of the Standing Committee, shall continue and be expanded with the following objectives:
  - i) measuring and recording levels and trends, and changes in levels and trends, of illegal hunting and trade in ivory in elephant range States, and in trade entrepots;
  - ii) assessing whether and to what extent observed trends are related to changes in the listing of elephant populations in the CITES Appendices and/or the resumption of legal international trade in ivory;
  - iii) establishing an information base to support the making of decisions on appropriate management, protection and enforcement needs; and
  - iv) building capacity in range States;
- b) this monitoring system shall be in accordance with the framework outlined in Annex 1 for monitoring of illegal trade in ivory and other elephant specimens and in Annex 2 for monitoring of illegal hunting in elephant range States; and
- c) information on illegal killing of elephants and trade in their products from other credible law enforcement and professional resource management bodies, should also be taken into consideration;

### Regarding assistance to elephant range States

RECOMMENDS that Parties assist range States to improve their capacity to manage and conserve their elephant populations through improved law enforcement, surveys and monitoring of wild populations;

### Regarding quotas for and trade in raw ivory

RECOMMENDS that:

- a) each State that has a population of African elephants and wishes to authorize export of raw ivory establish, as part of its management of the population, an annual export quota for raw ivory expressed as a maximum number of tusks;
- b) each export quota be communicated to the CITES Secretariat in writing by 31 December for the next calendar year;
- c) Parties ensure that significant amounts of confiscated ivory are notified separately to the Secretariat and are not incorporated in quota submissions;
- d) the CITES Secretariat assist in the implementation of the quota system by: reviewing information submitted on each quota, together with any information received about the status of the population in question; discussing any concern with the relevant State; and, if there is no cause for concern, communicating the current quota to the Parties not later than 31 January of each year;
- e) the Secretariat maintain its Ivory Trade Control Procedures Manual and that the Parties follow the procedures for quota submissions documented in this Manual;
- f) if the quota is not submitted by the deadline, the State in question have a zero quota until such time as it communicates its quota in writing to the Secretariat and the Secretariat in turn notifies the Parties;
- g) no export, re-export or import of raw ivory be authorized unless it is marked in accordance with this Resolution or in accordance with the Secretariat Manual;
- h) Parties accept raw ivory from producer States only where the export permit was issued in a year for which a quota for the State in question has been communicated to the Parties in accordance with this Resolution;
- i) Parties may accept raw ivory from a producer non-party State only if a quota for that State has been reviewed by the Secretariat and communicated to the Parties and if the Secretariat has received from the State an annual report on its ivory trade, and if the State meets all the other conditions in this

Resolution and Article X of the Convention (as interpreted by Resolutions of the Conference of the Parties);

- j) in compiling their annual reports, producer party and non-party States that have authorized the export of raw ivory relate such exports to their quota for any given year, providing the Secretariat with as much relevant information as possible, including, as a minimum, the number of whole or substantially whole tusks and their individual weights and identification numbers;
- k) all Parties maintain an inventory of the stock of raw ivory held within their territory, and that they inform the Secretariat of the level of this stock each year before 31 January, indicating the source of the ivory; and
- l) Parties assist the Secretariat to ensure that the duties set out in this Resolution are carried out; and

#### Regarding resources required for implementation of this Resolution

APPEALS to all governments, non-governmental conservation organizations and other appropriate agencies to provide funds for the resources required in the Secretariat and producer States to ensure that the recommendations in this Resolution can be effectively implemented; and

REPEALS Resolution Conf. 9.16 (Fort Lauderdale, 1994) – Trade in African elephant ivory.

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## Annex 1

## Monitoring of illegal trade in ivory and other elephant specimens

### 1. Introduction

In order to monitor and record levels of illegal trade in ivory and other elephant specimens on a global basis, there is a need for a system to collect and compile law enforcement data on seizures and confiscations. The Conference of the Parties recognizes the Bad Ivory Database System (BIDS) established by TRAFFIC for this purpose in 1992.

Through further development and refinement of BIDS, the Elephant Trade Information System (ETIS) was developed to monitor the pattern and scale of illegal trade in ivory and other specimens.

### 2. Scope

ETIS will include the details of law enforcement records for seizures or confiscations of elephant ivory and other elephant specimens which have occurred anywhere in the world since 1989. ETIS will also include subsidiary information on law enforcement effort, legal and illegal elephant product markets and background economic data.

### 3. Methods

Data and information on illegal trade in elephant ivory and other elephant specimens will be collected by TRAFFIC in collaboration with the CITES Secretariat. In this regard, a standardized methodology will be developed for the collection of data, including, *inter alia*:

- source of information
- date of seizure
- type of transaction
- country of seizure
- country of origin
- country of export
- country of destination/import
- type of ivory and quantity
- mode of transport
- *modus operandi*
- profile of offenders/suspects
- status of cases in the courts
- law enforcement effort.

A data collection form has been designed and circulated to all Parties by the CITES Secretariat.



#### 4. Data collection and compilation

ETIS will be managed and coordinated by TRAFFIC.

All Parties should provide information on seizures and confiscations of ivory or other elephant specimens on the prescribed form to the Secretariat within 90 days of their occurrence. In addition, law enforcement agencies in States not-party are also requested to provide such information.

TRAFFIC will assist the relevant Parties with the collection of data, ensure data quality and consistency, and provide training in data collection and information management techniques to designated officials around the world as appropriate.

#### 5. Data analysis and interpretation

The analysis and interpretation of data will be coordinated by TRAFFIC in association with the CITES Secretariat and institutions involved with monitoring the illegal hunting of elephants (see Annex 2).

#### 6. Reporting

TRAFFIC will produce a comprehensive report to each meeting of the Conference of the Parties.

#### 7. Intersessional remedial action

In the event that there is a need for urgent intersessional action, TRAFFIC will report to the Standing Committee via the Secretariat as appropriate.

#### 8. Funding

A funding mechanism will be established to ensure that ETIS is fully operational.

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## Annex 2

## Monitoring of illegal hunting in elephant range States

### 1. Introduction

In order to address the concerns of many elephant range States, it is necessary to establish a system through which the impact of CITES decisions with respect to elephants and trade in elephant specimens can be assessed. Of primary importance is the establishment of a simple system of international reporting of incidents of illegal hunting as a baseline against which levels and trends can be determined and changes in these levels and trends can be detected.

It is recognized that such measurement must consist of two elements. The first of these is the monitoring of parameters relevant to the issue, such as the pattern and scale of illegal killing, the pattern and scale of illegal trade in ivory, the effort and resources being applied to detection and/or prevention and the monetary value of illegally traded ivory, as well as other factors that might affect these parameters, such as civil strife, the flow of illegal arms and ammunition, loss of habitat and drought.

The second element is the establishment of correlations between relevant parameters and the decisions of the Conference of the Parties with regard to elephants.

The overall aim of this system is to provide information needed for range States and other Parties to CITES to make appropriate management and enforcement decisions, and to build institutional capacity within the range States for the long-term management of their elephant populations.

### 2. Scope and methodology

The monitoring system will include elephant range States in both Africa and Asia and trade entrepots.

It will be based on a standardized methodology for the reporting of illegal hunting by CITES Management Authorities in range States and for monitoring in specific sites or areas. Relevant databases and standard reporting protocols will be established by the CITES Secretariat in consultation with the range States and the MIKE Technical Advisory Group (TAG).

Sites will be selected on the basis of representative sampling (since it is neither possible nor practical to cover all range States) and will include a variety of habitat types, geographical regions and protected and non-protected areas. The sites included in the system are selected collaboratively with the range States, the CITES Secretariat and other relevant experts.

For countries wishing to include in the monitoring system sites other than the selected ones, it will be possible and desirable to contribute data voluntarily on additional sites.

### 3. Data collection, compilation and reporting

Data collection will cover the following topics:

- elephant population data/trends
- incidence and patterns of illegal hunting
- measures of the effort and resources employed in detection and prevention of illegal hunting and trade.

Data and information on illegal hunting and illegal trade in ivory will be collected through active communication with range States through the implementation of MIKE and ETIS (see Annex 1).

The CITES Secretariat will request/sub-contract technical support from appropriate experts, with the advice of the TAG, to:

- a) select sites for monitoring as representative samples;
- b) develop a standardized methodology for data collection analysis;
- c) provide training to designated officials in countries with selected sites and to CITES Management Authorities of elephant range States;
- d) collate and process all data and information from all sources identified; and
- e) provide a report to the CITES Secretariat for transmission to the Standing Committee and Parties to CITES.

### 4. Reporting

The CITES Secretariat will provide an updated report on information collected, as part of this monitoring programme, to each meeting of the Conference of the Parties.

### 5. Funding

Substantial funding will be required for the above activities.

AWARE that sturgeons (Acipenseriformes) represent a very valuable renewable biological and economic resource;

RECOGNIZING that in recent years their numbers and status have been affected by such negative factors as regulation of water flow, decrease in natural spawning sites, poaching and illegal trade in sturgeon caviar and other specimens;

AWARE also that some range States are not yet party to CITES and that this fact could adversely affect the conservation of sturgeons;

NOTING that more scientific studies are urgently needed in order to assess the sustainability of sturgeon fisheries management;

CONSIDERING that Eurasian range States of sturgeons are in need of funds in order to develop management programmes for sturgeon conservation;

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

URGES the range States of species in the order Acipenseriformes to:

- a) encourage scientific research particularly in the Eurasian region to promote the sustainability of sturgeon fisheries through management programmes;
- b) curtail the actual illegal fishing and export of sturgeon specimens by improving the enforcement of existing laws regulating fisheries and export in close contact with the CITES Secretariat, ICPO-Interpol and the World Customs Organization;
- c) explore ways of enhancing the participation of representatives of all agencies responsible for sturgeon fisheries in conservation and sustainable-use programmes for these species; and
- d) promote regional agreements between range States of sturgeon species aiming at proper management and sustainable utilization of sturgeons;

RECOMMENDS:

- a) that Parties provide the Secretariat with copies of applicable legislation on CITES, including legislation on sturgeon species, particularly referring to the export of personal effects (property);
- b) that range States inform the Secretariat about legal exporters of sturgeon parts and derivatives;
- c) that importing countries be particularly vigilant in controlling the unloading of sturgeon specimens;
- d) that Parties ensure that all their relevant agencies cooperate in establishing the necessary organization, scientific and control mechanisms needed to implement the provisions of the Convention with respect to the sturgeon, and in any projects designed to conserve sturgeon species;
- e) that Parties consider the harmonization of their national legislation related to personal exemptions for caviar, to allow for the personal effects exemption under Article VII, paragraph 3, and consider limiting this exemption to no more than 250 g per person;
- f) that range States of sturgeon species included in Appendix II in accordance with Article II, paragraph 2 (a), consider the feasibility of establishing annual export quotas for sturgeon specimens and, if they are established, communicate such quotas to the Secretariat;
- g) that Parties monitor the storage, processing and re-packaging of sturgeon specimens in Customs free zones and free ports, and for airline and cruise line catering;
- h) that the Secretariat, in consultation with the Animals Committee, explore the development of a uniform marking system for sturgeon parts and derivatives and aquaculture stocks to assist in subsequent identification of the species while consulting with appropriate experts in fisheries, aquaculture and industry, and particularly in collaboration with range States; and

- i) that the Animals Committee consider the trade in sturgeon specimens in the context of the review of significant trade, pursuant to Resolution Conf. 8.9 (Rev.); and

DIRECTS the Secretariat:

- a) in collaboration with range States and international organizations from both industry and the conservation community, to assist with the development of a strategy including action plans for the conservation of Acipenseriformes; and
- b) for that purpose, to seek financial assistance from Parties, international organizations, United Nations Specialized Agencies, intergovernmental and non-governmental organizations and industry.

RECALLING that, with the exception of the rare cases of exemptions granted under Article VII of the Convention, commercial trade in Appendix-I species is prohibited;

RECALLING that the markhor *Capra falconeri* was included in Appendix II at the plenipotentiary conference held in Washington D.C. (1973) and transferred to Appendix I at the ninth meeting of the Conference of the Parties (Fort Lauderdale, 1994);

RECOGNIZING also that the markhor is threatened by illegal hunting, fragmentation and loss of its habitat and competition with domestic livestock;

RECOGNIZING further that conservation of the species will depend on the capacity of the State to regulate use and on local people having sufficient incentives to maintain the species in preference to their domestic livestock;

RECOGNIZING that Pakistan is actively promoting community-based management of wild resources as a conservation tool and has approved management plans for ibex that ensure the financial benefits derived from trophy hunting of a limited number of specimens go direct to the managing communities and that the communities use an equitable share of such financial benefits to sustain the management programme for the species;

RECALLING that countries of export may authorize trade in such dead specimens in accordance with Resolution Conf. 2.11 (Rev.), adopted at the second meeting of the Conference of the Parties (San José, 1979) and amended at the ninth meeting (Fort Lauderdale, 1994), and may grant export permits in accordance with paragraph 2 of Article III of the Convention;

RECALLING that paragraph 3 (c) of Article III of the Convention provides that an import permit shall be granted only when a Management Authority of the State of import is satisfied that the specimen is not to be used for primarily commercial purposes, and that paragraph 2 (a) of Article III of the Convention provides that an export permit shall be granted only when a Scientific Authority of the State of export has advised that the export will not be detrimental to the survival of the species;

RECOGNIZING that, because of the importance of monitoring the utilization of quotas granted under this Resolution, Pakistan will implement a rigorous programme to monitor community-based management plans, including annual surveys of the wild population;

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

APPROVES an export quota of six hunting trophies of markhor *Capra falconeri* from Pakistan per calendar year;

RECOMMENDS that:

- a) in reviewing applications for permits to import markhor hunting trophies, in accordance with paragraph 3 (a) of Article III of the Convention, the Scientific Authority of the State of import approve permits if it is satisfied that the trophies being considered are from Pakistan and will be traded in accordance with the provisions of this Resolution;
- b) in reviewing applications for permits to import markhor hunting trophies, in accordance with paragraph 3 (c) of Article III of the Convention, the Management Authority of the State of import be satisfied that the said trophies are not to be used for primarily commercial purposes if:
  - i) the trophies are acquired by the owners in the country of export and are being imported as personal items that will not be sold in the country of import; and

- ii) each owner imports no more than one trophy in any calendar year and export is authorized by the legislation of the country of origin;
- c) the Management Authority of the State of import permit the import of markhor hunting trophies in accordance with this Resolution only if each trophy has a self-locking tag attached which indicates the State of export, the number of the specimen in relation to the annual quota and the calendar year to which the quota applies, and if the same information as is on the tag is given on the export document;
- d) in the case of trophies traded according to the terms of this Resolution, the words "has been granted" in paragraph 2 (d) of Article III of the Convention be deemed to have been satisfied upon the written assurance of the Management Authority of the State of import that an import permit will be granted;
- e) Pakistan submit to the Secretariat, by 31 March of each year, or later if prevailing climatic conditions have delayed the completion of surveys, a special report on the status of *Capra falconeri* including its population status and the number of hunting trophies exported during the previous quota year; as optional information, that Pakistan include details of the permit numbers, the identification numbers of the tags attached to the trophies, the countries of destination and the numbers of the import permits; that the Management Authority of Pakistan inform the Secretariat if the report will be submitted after the deadline; and that the Secretariat submit a report to each regular meeting of the Conference of the Parties; and
- f) the system adopted in this Resolution be continued, with any increase in the quota or any new quota (i.e. for another State not previously having one) requiring the consent of the Conference of the Parties, in accordance with Resolution Conf. 9.21 adopted at the ninth meeting of the Conference of the Parties (Fort Lauderdale, 1994); and

DIRECTS the Secretariat to recommend to the Parties to suspend imports of markhor hunting trophies if Pakistan, or any other country subsequently approved for an export quota, has not met the reporting requirement in accordance with recommendation e) of this Resolution, but only after first checking with Pakistan (or any other range State concerned) to ascertain why the special report has not been submitted.

# Conf. 10.16 (Rev.) Specimens of animal species bred in captivity

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RECALLING Resolution Conf. 2.12 (Rev.), adopted by the Conference of the Parties at its second meeting (San José, 1979) and amended at its ninth meeting (Fort Lauderdale, 1994);

CONSIDERING that the Convention provides, in Article VII, paragraphs 4 and 5, for special treatment of animal specimens that are bred in captivity;

NOTING that, in accordance with Article VII, paragraph 4, specimens of Appendix-I species bred in captivity for commercial purposes shall be deemed to be specimens of species included in Appendix II and that therefore they shall be traded in accordance with the provisions of Article IV;

NOTING that, in accordance with Article VII, paragraph 5, the import of specimens of Appendix-I species bred in captivity not for commercial purposes that are covered by a certificate of captive breeding does not require the issuance of an import permit and may therefore be authorized whether or not the purpose is commercial;

RECOGNIZING the need for the Parties to agree on a standard interpretation of the provisions of Article VII, paragraphs 4 and 5;

CONCERNED however that, in spite of the adoption of several Resolutions at various meetings of the Conference of the Parties, much trade in specimens declared as bred in captivity remains contrary to the Convention and to Resolutions of the Conference of the Parties, and may be detrimental to the survival of wild populations of the species concerned;

## THE CONFERENCE OF THE PARTIES TO THE CONVENTION

### Regarding terminology

ADOPTS the following definitions of terms used in this Resolution:

- a) "first-generation offspring (F1)" are specimens produced in a controlled environment from parents at least one of which was conceived in or taken from the wild;
- b) "offspring of second generation (F2) or subsequent generation (F3, F4, etc.)" are specimens produced in a controlled environment from parents that were also produced in a controlled environment;
- c) the "breeding stock" of an operation means the ensemble of the animals in the operation that are used for reproduction; and
- d) "a controlled environment" is an environment that is manipulated for the purpose of producing animals of a particular species, that has boundaries designed to prevent animals, eggs or gametes of the species from entering or leaving the controlled environment, and the general characteristics of which may include but are not limited to: artificial housing; waste removal; health care; protection from predators; and artificially supplied food;

### Regarding the term 'bred in captivity'

DECIDES that:

- a) the definition provided below shall apply to the specimens bred in captivity of species included in Appendix I, II or III, whether or not they were bred for commercial purposes; and
- b) the term 'bred in captivity' shall be interpreted to refer only to specimens, as defined in Article I, paragraph (b), of the Convention, born or otherwise produced in a controlled environment, and shall apply only if:

- i) the parents mated or gametes were otherwise transferred in a controlled environment, if reproduction is sexual, or the parents were in a controlled environment when development of the offspring began, if reproduction is asexual; and
- ii) the breeding stock, to the satisfaction of the competent government authorities of the exporting country:
  - A. was established in accordance with the provisions of CITES and relevant national laws and in a manner not detrimental to the survival of the species in the wild;
  - B. is maintained without the introduction of specimens from the wild, except for the occasional addition of animals, eggs or gametes, in accordance with the provisions of CITES and relevant national laws and in a manner not detrimental to the survival of the species in the wild as advised by the Scientific Authority:
    - 1. to prevent or alleviate deleterious inbreeding, with the magnitude of such addition determined by the need for new genetic material; or
    - 2. to dispose of confiscated animals in accordance with Resolution Conf. 10.7; or
    - 3. exceptionally, for use as breeding stock; and
  - C.
    - 1. has produced offspring of second generation (F2) or subsequent generation (F3, F4, etc.) in a controlled environment; or
    - 2. is managed in a manner that has been demonstrated to be capable of reliably producing second-generation offspring in a controlled environment; and

Regarding the trade in specimens of Appendix-I species bred in captivity

RECOMMENDS that the trade in a specimen bred in captivity be permitted only if it is marked in accordance with the provisions on marking in the Resolutions adopted by the Conference of the Parties and if the type and number of the mark are indicated on the document authorizing the trade; and

REPEALS Resolution Conf. 2.12 (Rev.) (San José, 1979, as amended at Fort Lauderdale, 1994) – Specimens Bred in Captivity or Artificially Propagated.



RECALLING Resolution Conf. 2.13 on the problem of hybrids, adopted at the second meeting of the Conference of the Parties (San José, 1979);

CONCERNED that trade in hybrids of species included in the Appendices should be controlled in order to support the controls on trade in the species included in Appendices I and II;

## THE CONFERENCE OF THE PARTIES TO THE CONVENTION

DECIDES that:

- a) hybrids may be specifically included in the Appendices but only if they form distinct and stable populations in the wild;
- b) hybrid animals that have in their recent lineage one or more specimens of species included in Appendix I or II shall be subject to the provisions of the Convention just as if they were full species, even if the hybrid concerned is not specifically included in the Appendices;
- c) if at least one of the animals in the recent lineage is of a species included in Appendix I, the hybrids shall be treated as specimens of species included in Appendix I (and shall be eligible for the exemptions of Article VII when applicable);
- d) if at least one of the animals in the recent lineage is of a species included in Appendix II, and there are no specimens of an Appendix-I species in such lineage, the hybrids shall be treated as specimens of species included in Appendix II; and
- e) as a guideline, the words "recent lineage", as used in this Resolution, shall generally be interpreted to refer to the previous four generations of the lineage;

RECOMMENDS that, when Parties are considering the making of non-detriment findings, in accordance with Article III, paragraph 2 (a), or Article IV, paragraph 2 (a), for specimens of hybrids that are subject to the provisions of the Convention, they take into account any potential detriment to the survival of the listed species; and

REPEALS Resolution Conf. 2.13 (San José, 1979) – Problem of hybrids.