

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

Twelfth meeting of the Conference of the Parties
Santiago (Chile), 3-15 November 2002

Interpretation and implementation of the Convention

Trade control and marking issues

Management of export quotas

IMPROVING THE MANAGEMENT OF ANNUAL EXPORT QUOTAS AND AMENDMENT
OF RESOLUTION CONF. 10.2 (REV.) ANNEX 1 ON PERMITS AND CERTIFICATES

1. This document has been submitted by Germany on behalf of the Member States of the European Community.

General background

2. The introduction of quota systems within the framework of CITES is one of the most effective tools for the regulation of international trade in wild fauna and flora. Even if there are reservations mainly resulting from the lack of scientific data on which to base safe quota levels, it should be pointed out that the proper implementation of quotas can help to support non-detriment findings of Scientific Authorities of countries of origin and especially serves as an important tool for Management Authorities to ensure that trade in endangered species is limited to a sustainable use of natural resources.
3. The Conference of the Parties to CITES has adopted several types of quota systems, e.g. for trade in leopard, cheetah and markhor hunting trophies, in ivory from African elephants or in the context of transferring taxa from Appendix I to Appendix II. In addition, countries of origin have voluntarily fixed nationally established quotas which are submitted to the Secretariat, which notifies the Parties. With regard to this point a resolution that provides general guidance to the Parties on the establishment, implementation and management of a quota system on Appendix-II species should be adopted. In order to avoid explanatory notes when notifying these quotas the basic information about how the quota management system works and what conditions have to be met should be included in that resolution. The conditions for the quota system should be as transparent as possible. Furthermore it should be made clear what will happen if quotas for the current calendar year are not notified or published on the CITES website concerning species where quotas were fixed in preceding years. In addition, procedures are needed concerning specimens obtained in one year but not exported in the same year (old stock).

Proposed solutions

4. It must be stressed here that in general the quota system works. Moreover Parties should be encouraged to use the quota system for managing their wildlife resources. However on several occasions in past years Parties and the Secretariat discovered that quotas were exceeded or importing countries accepted export permits although the permit did not indicate the annual quota and the total number of specimens exported. Obviously many Parties lack the legal instruments to implement the resolutions and accepted export permits not in compliance with paragraph i) under RECOMMENDS of section II of Resolution Conf. 10.2 (Rev.). Inadequate and incomplete implementation makes the quota system unreliable and can create additional loopholes for illegal trade. Therefore importing countries

should establish measures to ensure that they strictly adhere to the quota system, e.g. not to accept incorrect export permits. In addition, in case of re-exports of specimens traded in contravention of Resolution Conf. 10.2 (Rev.), importing countries should refuse to accept re-export certificates. Furthermore regulations are needed to ensure that countries of origin set quotas to make sure that use of species and populations is sustainable and that exports do not exceed quotas fixed, and to ensure that importing countries implement measures to check export quotas.

5. Resolution Conf. 10.2 (Rev.) was chosen because it still contains regulations about the quota system in section II under RECOMMENDS, paragraphs i) and j).
6. No recommendations to suspend trade in case of non-compliance were taken into consideration in this document. The systems in place, e.g. recommendation by the Standing Committee to suspend trade in cases of non implementation of the Convention, seem to be sufficient. Concerns as to whether the Standing Committee has received a mandate from the Conference of the Parties for such action should be dealt with separately and dispelled by amending Resolution Conf. 11.3.
7. According to Article III of the Convention, import permits for specimens of Appendix-I species shall be granted only where the specimen concerned will not be used for primarily commercial purposes. In these cases the information about the purpose of the transaction should be included in the CITES import permit.
8. In order to achieve better implementation of the management of quota systems it is proposed to amend Resolution Conf. 10.2 (Rev.) as outlined in the Annex to this document.

COMMENT FROM THE SECRETARIAT

In large part, the attached draft amendment to Resolution Conf. 10.2 (Rev.) is based on what is said in the Secretariat's Notifications to the Parties with which information on export quotas is distributed. It is not entirely evident that the implementation of the quota system is such that these provisions need to be included in the soft law of CITES. If they do, however, it should be considered that several of the provisions suggested do not relate well to an existing Resolution on 'Permits and certificates' and that it might be useful to consider establishing a resolution specifically on the management of export quotas. In any case, some of the text is unclear and would benefit from simplification, in particular regarding the references to preceding and following years. These considerations aside, however, the Secretariat sees no reason to object in principle to the provisions proposed in the Annex.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Improving the management of annual export quotas and amendment
of Resolution Conf. 10.2 (Rev.) Annex 1 on permits and certificates

Insert in Preamble:

CONVINCED that quota systems are among the most effective tools for the regulation of international trade in wild fauna and flora to ensure the sustainable use of natural resources;

INVITES Parties to establish national export quotas for the management of CITES-listed species;

RECOGNIZING that measures for the management of quotas are not well implemented and that the lack of enforcement creates loopholes for illegal trade;

Insert under "ESTABLISHES the following sections in this Resolution":

X. Regarding export quotas

Insert a new section:

X. Regarding export quotas

AGREES that:

- a) nationally established quotas should only be submitted to the Secretariat after a Scientific Authority of the country concerned has been consulted and a non-detriment finding decision has been made. The Secretariat may refuse to publish a quota when it has inadequate information about the status of the species concerned and its management. This should be notified to the Parties;
- b) Parties should submit voluntarily fixed quotas for one year by the end of November of the preceding year. Additionally, Parties shall submit their nationally established quotas using the standard nomenclature adopted by the Conference of the Parties;
- c) quotas established shall represent the maximum number of specimens that may be authorized for export in the calendar year concerned. Quotas shall refer, unless otherwise specified, to specimens of wild origin;
- d) where, for any species, separate annual export quotas have been established according to the source of the specimens, for example wild specimens ('W') and specimens produced on ranches ('R'), the information specified on each export permit should refer to the export quota in relation to the source, and not to the combined export quota for the species. When the established export quota for a species refers only to one source, for example 'W', Parties should not accept specimens from another source (e.g. 'F') as part of that quota;
- e) export permits should include the quota information for the year in which the permit is issued. Specimens obtained for export in one year should not be authorized for export in the following year unless the Management Authority had informed the Secretariat before 15 January of that following year about the quantities still held in stock and the reason why they have not been exported. The quotas for that following year (and subsequent years) should not be set at a level to include specimens that were obtained for export in preceding years but for which no export permit was issued in the year in which they were obtained;

- f) where a Party intends to authorize exports of specimens that were intended as part of the quota for the preceding year, it should inform the Secretariat before 15 January of the year of proposed export about the quantities still held in stock and the reason why they have not been exported. Only after the Secretariat has agreed to the export of those specimens – followed by a Notification to the Parties – may export permits be granted. Such export permits shall indicate that the quota of a preceding year is concerned. Otherwise Parties should refuse to accept them;
- g) specimens of species for which nationally established export quotas have been fixed may be exported in subsequent years only after export quotas for the calendar year concerned have been submitted to and notified by the Secretariat or published on its website. When a Party fails to inform the Secretariat of a change in quota for a year by the end of November of the year previous year, it will automatically be assigned the quota set for that previous year. Parties that established a quota in the previous year and do not wish to establish one the following year should notify the Secretariat by the end of November of the preceding year;
- h) import countries shall not accept export permits for specimens subject to a national quota that do not comply with the provisions of paragraphs e), f) and g) above;
- i) each export permit issued for a species subject to an export quota should indicate the total number of specimens of the species exported to date (including those covered by the permit) and the annual quota for the species, in the following format:

1250/4000 (2002)

In this example 1,250 specimens of the species concerned have been authorized to be exported to date (including those on the current permit), out of an annual quota of 4,000 in the year 2002. This information should be provided in block 11a of the standard permit form in Annex 2; and

- j) Parties shall not accept export permits where such documents concern specimens subject to voluntarily fixed export quotas or export quotas allocated by the Conference of the Parties to the Convention if they do not mention 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. In addition, Parties shall not accept re-export certificates based on export permits not in accordance with the provisions of paragraph h) above.

Insert under Annex 1 information that should be included in CITES permits and certificates after i) and bring the following structure in line with this amendment:

- j) the purpose of the transaction (in case of an import permit concerning specimens of species listed in Appendix I of the Convention).