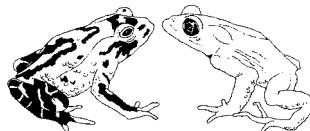


CONVENCIÓN SOBRE EL COMERCIO INTERNACIONAL DE ESPECIES
AMENAZADAS DE FAUNA Y FLORA SILVESTRES



Decimoctava reunión del Comité de Fauna
San José (Costa Rica), 8-12 de abril de 2002

Aplicación de la Resolución Conf. 8.9 (Rev.) (Decisión 11.106)

REVISIÓN DE LA RESOLUCIÓN CONF. 8.9 (REV.) Y DE LAS DECISIONES 11.106-11.108

Este documento fue preparado por la Secretaría.

1. Atendiendo a la información presentada por el consultor de la Secretaría y a las deliberaciones del grupo de trabajo establecido para abordar la cuestión, el Comité de Fauna decidió, en su 17a. reunión, Hanoi, Viet Nam, proceder a revisar la Resolución Conf. 8.9 (Rev.). El Comité reconoció la importancia cada vez mayor del Examen del Comercio Significativo, así como la importancia y urgencia de simplificar el proceso, refundir las disposiciones actualmente fragmentadas que guiaban su puesta en práctica y, sobre todo, para permitir a los países que son objeto de dicho examen tener una idea más clara del proceso y de sus responsabilidades.
2. En la 17a. reunión del Comité de Fauna, la Secretaría presentó un proyecto de revisión de la Resolución Conf. 8.9 (Rev.), como punto de partida para el grupo de trabajo establecido por el Comité. Para aclarar el proceso seguido por la Secretaría, en el Anexo 1 figuran las partes relevantes de los textos de la Resolución Conf. 8.9 (Rev.) y de las Decisiones 11.106, 11.107, 11.108 y 11.117, a fin de ilustrar en qué medida se refieren a las diferentes etapas del proceso de examen, en la secuencia en que se realiza actualmente el proceso. Se han incorporado todos los aspectos sustantivos de la resolución y las decisiones conexas, excepto las Decisiones 11.109 y 11.95, que se refieren al examen de determinados grupos de especies. Las notas en cursiva indican el origen de los párrafos, cuando el orden de los párrafos en la resolución se han cambiado, o cuando se han insertado párrafos de las decisiones. Se han efectuado cambios en el orden de algunos párrafos para que estuviesen en armonía con la secuencia en la aplicación del proceso de examen, resultando en pequeños cambios en la asignación de responsabilidades en materia de aplicación, aunque de momento estos cambios no deberían tomarse en consideración. Se incluyeron referencias al Comité de Flora cuando en las decisiones sólo se hacía referencia al Comité de Fauna.
3. En el Anexo 2 figura una versión refundida y editada del Anexo 1. El nuevo texto propuesto aparece en negritas, las supresiones en tachado y las notas explicatorias en cursiva. Los títulos en negrita y subrayado muestran las distintas fases del proceso. En el Anexo 3 se

presenta el texto enmendado, sin mostrar las enmiendas en negritas o tachado. **Esta versión se presenta como posible punto de partida para las deliberaciones del grupo de trabajo del Comité.**

4. Una vez que haya aprobado el texto final, se solicita al Comité que remita su proyecto de revisión de la resolución a la consideración del Comité de Flora. Si ambos comités consideran necesario tener una resolución común sobre el Examen del Comercio Significativo, la Secretaría ayudará a los grupos de trabajo establecidos por ambos comités y preparará una propuesta para someter el proyecto de revisión de la Resolución Conf. 8.9 (Rev.) a la consideración de la CdP12.
5. En el informe del Comité a la CdP12, se recomendará que se revoque el párrafo i) bajo RECOMIENDA de la Resolución Conf. 10.12 (Rev.), Conservación del esturión, que se refiere al examen de los Acipenseriformes. La Secretaría recomienda asimismo que se revoque la Decisión 11.109, sobre el examen del comercio de especies animales utilizados en las medicinas tradicionales, ya que este elemento se convertirá en una parte normal del examen.
6. Se solicita al Comité que considere además la Resolución Conf. 11.18, Comercio de especies de los Apéndices II y III, en el contexto de la revisión de la Resolución Conf. 8.9 (Rev.). Puede sostenerse que la primera de ellas es redundante o está en conflicto con la Resolución Conf. 8.9 (Rev.) sobre el comercio de especies del Apéndice II, y simplemente reitera lo que las Partes ya hacen con arreglo a los Artículos X, XII y XIV de la Convención, en caso de preocupación acerca del carácter perjudicial del comercio de especies del Apéndice II. En consecuencia, el Comité debería formular una recomendación en la CdP12, con miras a revocar esta resolución o, alternativamente, incorporar sus disposiciones en el proyecto de revisión de la Resolución Conf. 8.9 (Rev.), según proceda.

Compilation of the relevant parts of Resolution Conf. 8.9 (Rev.)
and Decisions 11.106, 11.107, 11.108 and 11.117

Trade in specimens of Appendix-II species taken from the wild

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;

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.), 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;

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 [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)];

Text in square brackets from paragraph a) of Resolution Conf. 8.9 (Rev.) under DIRECTS.

Resolution Conf. 8.9 (Rev.) shall be implemented in accordance with the following procedure:

Previously the first paragraph of Decisions 11.106 and 11.117.

Selection of species to be reviewed

- a) Species for which the average net trade over this period has exceeded a level determined by the Animals Committee and Plants Committee to be 'safe' should be selected and a print-out should be produced showing the levels of export and re-export of these species by country. This will constitute the list of taxa that might be subject to significant levels of trade.

Previously paragraph c) of Decisions 11.106 and 11.117.

- b) UNEP-WCMC shall produce a print-out from the CITES database showing the recorded net levels of trade in all Appendix-II species over the five most recent years;

Previously paragraph a) of Decisions 11.106 and 11.117.

- c) in preparing these data, UNEP-WCMC shall analyse the available trade information, and highlight for the Animals Committee and the Plants Committee any inadequacies and deficiencies in the trade data available, in order to assist the Committee with its review;

Previously paragraph b) of Decisions 11.106 and 11.117.

- d) on the basis of knowledge available in the Animals Committee or the Plants Committee and information from the Secretariat, Parties and other relevant experts, species of immediate concern will be selected because of their recorded trade levels;

Previously paragraph d) of Decisions 11.106 and 11.117.

- e) the Secretariat should, within 30 days after the meeting of the Animals Committee or the Plants Committee at which species are selected, notify range States of the species selected, providing an explanation for this selection and requesting comments and cooperation in providing information on the taxon to assist the review;

Previously paragraph e) of Decisions 11.106 and 11.117.

Role of consultants, categorization and consultation with range States

- f) when necessary, consultants shall be engaged to compile information about the biology and management of the selected species and shall contact the range States and/or relevant experts to obtain information for inclusion in the compilation;

Previously paragraph f) of Decisions 11.106 and 11.117.

- g) the consultants shall summarize their conclusions about the effects of international trade on the selected species and should divide them into three categories:
 - i) Category 1 shall include species for which the available information indicates that the provisions of Article IV of the Convention are not being implemented;
 - ii) Category 2 shall include species for which it is not clear whether or not the provisions of Article IV of the Convention are being implemented; and
 - iii) Category 3 shall include species for which the level of trade is evidently not a problem;

Previously paragraph g) of Decisions 11.106 and 11.117.

- h) Before consideration by the Animals and Plants Committee, the Secretariat shall transmit the review documents prepared by the consultants to relevant range States, seeking comments and, where appropriate, additional information. Range States should be given six weeks to respond.

Previously paragraph h) of Decisions 11.106 and 11.117.

Review of information by Animals and Plants Committees

- i) The Animals Committee should review the information provided by the consultants and the responses received from the Parties concerned and, if appropriate, revise the categories proposed by the consultants.

Previously paragraph i) of Decisions 11.106 and 11.117.

- j) Species in Category 3 should be eliminated from the review process. [The elimination of a species from the review process will be decided on the basis of considerations related to the implementation of Article IV only. Other problems identified in the course of the review process will have to be addressed by other means.]

Previously paragraph j) of Decisions 11.106 and 11.117. The text in square brackets appeared as a footnote to this paragraph in Decisions 11.106 and 11.117.

Consultation with range States concerning implementation of Article IV

- k) With respect to species in Categories 1 and 2, the Secretariat, on behalf of the Animals Committee or the Plants Committee, shall consult the range States to seek comments regarding possible Article IV implementation problems identified by the Committee. Range States should be given six weeks to respond.

Previously paragraph k) of Decisions 11.106 and 11.117.

- I) If a response satisfactory to the Animals Committee or the Plants Committee is received, the species shall be eliminated from the review process¹ with respect to the State concerned.

Previously paragraph II of Decisions 11.106 and 11.117.

Formulation of recommendations

- m) Otherwise, the Animals Committee or the Plants Committee shall, in consultation with the Secretariat, formulate recommendations in accordance with the provisions of Resolution Conf. 8.9 (Rev.), relating to species in Categories 1 and 2. [When formulating recommendations, care shall be taken to specify intentions precisely and not leave the country concerned and the Secretariat to try to interpret what the Animals Committee wanted]. {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.}

Previously paragraph m) of Decisions 11.106 and 11.117. The text in square brackets represents Decision 11.107, which applies to all recommendations made by the Animals Committee pursuant to Resolution Conf. 8.9 (Rev.). No equivalent decision was taken concerning the Plants Committee. The text in { } brackets comes from paragraph b) of Resolution Conf. 8.9 (Rev.) under DIRECTS.

- i) primary recommendations include, for example, administrative procedures, specific cautious quotas and zero quotas as an interim measure or temporary restrictions on exports of the species concerned; and
- ii) secondary recommendations include, for example, taxon and country-specific status assessments, 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;

Previously subparagraphs i) and ii) of Resolution Conf. 8.9 (Rev.) under DIRECTS, paragraph b).

- iii) 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;

Previously paragraph c) of Resolution Conf. 8.9 (Rev.) under DIRECTS.

Communication of recommendations to range States and deadlines for responses

- n) the above-mentioned recommendations of the Animals Committee and the Plants Committee shall be communicated by the Secretariat to each Party concerned and [These recommendations shall be transmitted to the States concerned by the Secretariat]

Previously paragraph a) of Resolution Conf. 8.9 (Rev.) under RECOMMENDS. The nearly identical text in square brackets comes from paragraph n) of Decisions 11.106 and 11.117.

- i) for primary recommendations, each Party concerned, shall within 90 days of receipt, demonstrate to the satisfaction of the Secretariat that it has implemented the recommendations;

Previously paragraph b) of Resolution Conf. 8.9 (Rev.) under RECOMMENDS.

- ii) for secondary recommendations, each Party concerned, shall within either 12 months of receipt, demonstrate to the satisfaction of the Secretariat that it has implemented or taken action to implement the recommendations;

Previously paragraph c) of Resolution Conf. 8.9 (Rev.) under RECOMMENDS.

- iii) for recommendations made under the provisions of paragraph iii) 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;

Previously paragraph e) of Resolution Conf. 8.9 (Rev.) under RECOMMENDS.

- iv) 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;

Previously paragraph d) of Resolution Conf. 8.9 (Rev.) under RECOMMENDS.

Consultation with range States, measures to be taken if response is unsatisfactory, role of Standing Committee

DETERMINES that:

- a) [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];

Text in square brackets from paragraph DETERMINES of Resolution Conf. 8.9 (Rev.).

- b) 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; [...] the Secretariat shall, in consultation with the Animals Committee or the Plants Committee, determine whether the recommendations have been implemented and report to the Standing Committee in accordance with Resolution Conf. 8.9 (Rev.)]

Previously paragraph f) of Resolution Conf. 8.9 (Rev.) under RECOMMENDS. The nearly identical text in square brackets comes from paragraphs n) of Decisions 11.106 and 11.117.

- c) following acceptance of the Secretariat's recommendation by the Standing Committee, the Secretariat notify the Parties accordingly; and

Previously paragraph g) of Resolution Conf. 8.9 (Rev.) under RECOMMENDS.

Reversal of recommendations to suspend trade

- d) 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);

Previously paragraph h) of Resolution Conf. 8.9 (Rev.) under RECOMMENDS.

Monitoring, reporting and reintroduction into the review process

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
- c) 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;

Previously paragraph d) of Resolution Conf. 8.9 (Rev.) under DIRECTS. This element of the Resolution is directed to the Animals and Plants Committees, but the reporting, in practice, has been done by the Secretariat.

- d) Where a State subject to a recommendation of the Animals Committee has agreed to set an export quota considered as cautious by the Secretariat, the case shall be reviewed again by the Committee in due course.

Previously Decision 11.108, directed to the Animals Committee.

Support to range States

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.

Proposed draft resolution on the Review of Significant Trade (new text in bold, deleted text in strikethrough, explanatory notes in small italics). Square brackets indicate that the text is provisional.

Review of significant trade in specimens of Appendix-II species taken from the wild

The proposed new title of the draft Resolution reflects the scope of the Resolution more accurately.

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;~~

The Secretariat believes that this reference to what is now Resolution Conf. 11.18 may not be necessary. See paragraph 6 of the document (page 2).

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;

The Committee may wish to consider adding a specific reference to the sustainable use of Appendix-II species in this paragraph, instead of 'continued availability', also to ensure greater congruence between CITES and the Convention on Biological Diversity.

~~RECALLING that Resolution Conf. 9.1 (Rev.), 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;~~

There seems to be little reason, other than historical, for retaining this paragraph.

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~~ RECOGNIZING 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 deletion of the reference to plants is recommended, as the same problem concerning the status of species and the recording of trade applies to animal species, and the deletion of the first part of the paragraph is recommended to make the paragraph more up to date.

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

DIRECTS the Animals and Plants Committees, 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 and solutions concerning with the aim of ensuring the implementation of Article IV, paragraphs 2 (a), 3 and 6 (a) of the Convention;~~

Amalgamation of the introductory text under DIRECTS of Resolution Conf. 8.9 (Rev.) and paragraph a) of the same Resolution under DIRECTS, simplified, with the addition of the aim of finding solutions.

DETERMINES that the Animals and Plants Committees, in cooperation with the Secretariat and in close consultation with all range States concerned, shall implement the review in accordance with the following procedure: ~~Resolution Conf. 8.9 (Rev.) shall be implemented in accordance with the following procedure:~~

Previously the first paragraph of Decisions 11.106 and 11.117.

Selection of species to be reviewed

Suggested new heading for this stage of the review process.

- a) The Secretariat shall request UNEP-WCMC to, within three months after each meeting of the Conference of the Parties, produce a print-out from the CITES database of annual report statistics showing the recorded net levels of exports over the five most recent years for Appendix-II species;

Adapted from paragraphs a) and c) of Decisions 11.106 and 11.117, adding a suggested time frame for the production of the print-out which is likely to be compatible with the timing of meetings of the Committees after CoPs. The Committee should consider how it would like to receive the data from UNEP-WCMC, but it seems sensible to request the data to be summarized, i.e. net five-year exports per species per country, for specimens taken from the wild only.

- b) UNEP-WCMC shall produce a print out from the CITES database showing the recorded net levels of trade in all Appendix-II species over the five most recent years;

Previously paragraphs a) of Decisions 11.106 and 11.117.

- c) in preparing these data, UNEP-WCMC shall analyse the available trade information, and highlight for the Animals Committee and the Plants Committee any inadequacies and deficiencies in the trade data available, in order to assist the Committee with its review;

Previously paragraph b) of Decisions 11.106 and 11.117. This provision is probably redundant, because, in recent practice, UNEP-WCMC has not analyzed the data as such, and UNEP-WCMC may not be in a position to do so for the large number of species that will likely to be represented in the print-out (e.g. potentially thousands of species, but depending on the safe cut-off level to be determined by the Committees).

- a) ~~Species for which the average net trade over this period has exceeded a level determined by the Animals Committee and Plants Committee to be 'safe' should be selected and a print-out should be produced showing the levels of export and re-export of these species by country. This will constitute the list of taxa that might be subject to significant levels of trade.~~

Previously paragraphs c) of Decisions 11.106 and 11.117. The Secretariat recommends against the use of a 'safe' level, because of the problem of defining such a level, even within the same taxonomic group, and the impression that is created that trade above such a level is necessarily 'unsafe'. The new text presented in paragraph c) below is considered to be preferable, as it captures the importance of using trade data and other information, e.g. information about the status of populations, and the need to focus on species of concern and thus set priorities for the review.

- b) ~~On the basis of recorded trade levels and information available in the Animals or Plants Committee, the Secretariat, Parties or other relevant experts, species of priority concern will be selected for review. On the basis of knowledge available in the Animals or the Plants Committee and information from the Secretariat, Parties and other relevant experts, species of immediate concern will be selected because of their recorded trade levels;~~

Previously paragraphs d) of Decisions 11.106 and 11.117. This provision, in the context in which it now appears, highlights the importance of selecting species of immediate concern.

Consultation with range States concerning implementation of Article IV

Suggested new heading for this stage of the review process.

- c) ~~the Secretariat should, within 30 days after the meeting of the Animals or Plants Committee at which species are selected, notify range States of the species selected, providing an explanation for this selection and requesting comments and cooperation in providing information on the taxon to assist the review; With respect to species in Categories 1 and 2, the Secretariat, on behalf of the Animals or Plants Committee, shall consult the range States to seek comments regarding possible problems of implementing Article IV implementation problems identified by the Committee. Range States should shall be given six weeks to respond; and~~

A combination of paragraphs e) and k) of Decisions 11.106 and 11.117, because paragraphs e) of Decisions 11.106 and 11.117 have resulted in much confusion in the past, especially when countries were subsequently asked to outline their implementation of Article IV for the same species. The proposed amendment may help to address this problem, and reduce the number of times that a country is requested to provide information on its implementation of Article IV.

- d) ~~If a response satisfactory to the Animals or Plants Committee is received is satisfied that Article IV paragraphs 2 (a), 3 and 6 (a), are correctly implemented, the species shall be eliminated from the review process with respect to the State concerned.~~

Based on paragraph l) of Decisions 11.106 and 11.117.

Compilation of information and preliminary categorization

Suggested new heading for this stage of the review process.

- ef) When necessary, consultants shall be engaged by the Secretariat to compile information about the biology and management of the selected species and shall contact the range States and/or relevant experts to obtain information for inclusion in the compilation;

Previously paragraphs f) of Decisions 11.106 and 11.117.

- fg) The consultants shall summarize their conclusions about the effects of international trade on the selected species and problems concerning the implementation of Article IV, and should divide the selected species into three two preliminary categories:

i) ~~Category 1 shall include species for which the available information indicates that the provisions of Article IV of the Convention are not being implemented;~~

ii) ~~[category x] which Category 2~~ shall include species for which the available information indicates that the provisions of Article IV of the Convention are not being implemented or for which it is not clear whether or not the provisions of Article IV of the Convention are being implemented; and

iii) ~~[category y] which Category 3~~ shall include species for which the level of trade is evidently not a problem; and

Previously paragraphs g) of Decisions 11.106 and 11.117. The proposed changes represent a major departure from the status quo, but will help to resolve persisting confusion. It has become apparent that the differences between Categories 1 and 2 are rather slight, and Category 2 has become a type of transitional category from which a species is moved to either Category 1 or 3. The Secretariat believes that one category, which will allow the issuance of substantive and flexible recommendations, would be preferable. The Committee could consider designations for these categories such as 'unknown risk' or 'low risk' but it is advisable to avoid designating categories with numbers or letters only.

- gh) Before consideration by the Animals or Plants Committee, the Secretariat shall transmit the review documents prepared by the consultants to relevant range States, seeking comments and, where appropriate, additional information. Range States ~~should~~ shall be given four six-weeks to respond.

Previously paragraph h) of Decisions 11.106 and 11.117. It is recommended that the time period for a response be changed to avoid any further confusion with the six weeks period for responding to a request for information concerning the implementation of Article IV provided in paragraph d).

Review of information and confirming categorization by the Animals or Plants Committee

Suggested new heading for this stage of the review process.

- hi) The Animals or Plants Committee ~~should~~ shall review the information provided by the consultants and the responses received from the Parties States concerned and, if appropriate, revise the preliminary categories proposed by the consultants; and

Previously paragraphs i) of Decisions 11.106 and 11.117.

- ij) Species in ~~[category y] Category 3~~ shall be eliminated from the review process. The elimination of a species from the review process will be decided on the basis of considerations related to the implementation of Article IV, paragraphs 2 (a), 3 and 6 (a), only. Other problems identified in the course of the review shall be addressed by the Secretariat.

Previously paragraph j) of Decisions 11.106 and 11.117, amended to be consistent with earlier proposed changes. The second sentence is based on a footnote to this paragraph in Decisions 11.106 and 11.117, which seems important enough to include in the paragraph.

Formulation of recommendations and their transmission to range States

Suggested new heading for this stage of the review process.

- ~~l^m) Otherwise, t~~ The Animals Committee or Plants Committee shall, in consultation with the Secretariat, formulate recommendations in accordance with the provisions of Resolution Conf. 8.9 (Rev.), relating to **the remaining species in [category x] Categories 1 and 2**;

Previously paragraphs m) of Decisions 11.106 and 11.117, as amended. Text in strikethrough is redundant.

- ~~m)~~ When formulating recommendations, care shall be taken to specify intentions precisely and not leave the country concerned and the Secretariat to try to interpret what the Animals Committee wanted.

Text in square brackets represents Decision 11.107, which applies to all recommendations made by the Animals Committee pursuant to Resolution Conf. 8.9 (Rev.). The Secretariat believes that it is not necessary that this provision be included in the Resolution.

- ~~m) in relation to those species under review for which~~ These recommendations should be directed to range States and should propose specific actions to address problems related to conservation and the regulation of trade. Such recommendations should differentiate between urgent and longer-term actions, and may include, for example, the establishment of administrative procedures, cautious quotas or other temporary restrictions on exports of the species concerned, the conducting of taxon and country-specific status assessments, field studies or evaluation of threats to populations or other relevant factors to provide the information necessary for a Scientific Authority non-detriment finding. Deadlines for implementation, which must be appropriate to the nature of the action to be undertaken, should be determined by the Animals or Plants Committee, but should normally be no less than 90 days or longer than two years; and

~~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 cautious quotas and zero quotas as an interim measure or temporary restrictions on exports of the species concerned; and~~
- ~~ii) secondary recommendations include, for example, taxon and country specific status assessments, 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;~~

Text in strikethrough from paragraph b) of Resolution Conf. 8.9 (Rev.) under DIRECTS. The new text presents a considerable departure from the status quo, but introduces much-needed flexibility concerning the nature of recommendations that can be made, retains the distinction between urgent and longer-term actions to be taken without forcing the Committees to make an arbitrary distinction between primary or secondary

recommendations, and removes unnecessary terms such as 'primary recommendation' and 'secondary recommendation', and thus also confusion with recommendations made for Category 2 species (as currently defined in Decisions 11.106 and 11.117), which were neither 'primary' nor 'secondary'. Deadlines for implementation are included in a new format, to provide more flexibility than is possible at present.

~~n) In relation to those species under review for which it is not clear whether or not the provisions of Article IV of the Convention are being implemented (i.e. species in Category 2), recommendations should be formulated to range States to undertake specific actions to address problems related to the absence of information and interim actions in the interest of the conservation of the species concerned. Such recommendations may include, for example, the establishment of taxon or country specific status assessments, cautious quotas as an interim measure, and the submission of outstanding information. Deadlines for implementation, which are appropriate to the nature of the action to be undertaken, should be determined by the Animals or Plants Committee, but should normally not be less than 90 days or more than two years.~~

~~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;~~

Previously paragraph c) of Resolution Conf. 8.9 (Rev.) under DIRECTS.

Previously subparagraphs i) and ii) of Resolution Conf. 8.9 (Rev.) under DIRECTS, paragraph c), amended to follow the format of paragraph n) above in the event that the Committee wishes to retain Category 2, and does not include the option to issue primary or secondary recommendations as provided for in sub-paragraph iv) of the original paragraph c). By implication, such recommendations, as outlined in paragraph n) above, should only be made if the Committees decide to re-categorize the species in the light of the outcome of recommendations concerning the absence of sufficient information. Deadlines for implementation are included in a new format, to provide more flexibility than is possible at present. The Secretariat does not support this provision, however, and the entire paragraph is shown in strikethrough.

~~n) the above-mentioned recommendations of the Animals Committee and the Plants Committee shall be communicated by the Secretariat to each Party concerned and These recommendations shall be transmitted to the States concerned by the Secretariat; and~~

The text in strike-out comes from paragraph a) of Resolution Conf. 8.9 (Rev.) under RECOMMENDS. The new text, from paragraph n) of Decisions 11.106 and 11.117, is simpler. The Secretariat generally transmits recommendations to countries as a matter of urgency, but is hesitant to propose a specific time period for such action.

~~i) for primary recommendations, each Party concerned, shall within 90 days of receipt, demonstrate to the satisfaction of the Secretariat that it has implemented the recommendations;~~

Previously paragraph b) of Resolution Conf. 8.9 (Rev.) under RECOMMENDS.

- ii) ~~for secondary recommendations, each Party concerned, shall within either 12 months of receipt, demonstrate to the satisfaction of the Secretariat that it has implemented or taken action to implement the recommendations;~~

Previously paragraph c) of Resolution Conf. 8.9 (Rev.) under RECOMMENDS.

- iii) ~~for recommendations made under the provisions of paragraph 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;~~

Previously paragraph e) of Resolution Conf. 8.9 (Rev.) under RECOMMENDS.

- iv) ~~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;~~

Previously paragraph d) of Resolution Conf. 8.9 (Rev.) under RECOMMENDS.

The new text in paragraph n) makes sub-paragraphs i)-iv) obsolete.

Measures to be taken if responses are unsatisfactory

Suggested new heading for this stage of the review process.

~~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;~~

Text in strikethrough is now incorporated in the first paragraph of the operative part of the proposed draft Resolution.

- o) Upon failure of a concerned Party State to satisfy the Secretariat that it has fulfilled the requirements specified in paragraph m) b), c), d) or e) of this section, the Secretariat **should** recommend to the Standing Committee that all Parties immediately take strict measures, **which may include, including** as appropriate, a suspension of trade in the affected species with that Party State;

{.... the Secretariat shall, in consultation with the Animals/Plants Committee, determine whether the recommendations have been implemented and report to the Standing Committee in accordance with Resolution Conf. 8.9 (Rev.)}

Previously paragraph f) of Resolution Conf. 8.9 (Rev.) under RECOMMENDS. The nearly identical text in { } brackets, now in strikethrough as well, comes from paragraph n) of Decisions 11.106 and 11.117, and contradicts the text from the Resolution. The Secretariat is concerned that this provision limits the options as to what can be recommended to the Standing Committee. Neither strict measures by all Parties nor trade suspensions may be the most appropriate remedy in all instances, but no alternative wording is prososed at this stage.

- p) Following acceptance of the Secretariat's recommendation by the Standing Committee, the Secretariat **shall** notify the Parties accordingly; and

Previously paragraph g) of Resolution Conf. 8.9 (Rev.) under RECOMMENDS.

- q) ~~In the case of suspension of trade in accordance with paragraph p) above, trade in the affected species with the Party State concerned should be authorized reinstated only when that Party demonstrates to the satisfaction of the Standing Committee, through the Secretariat, compliance with the recommendations made by the Animals or Plants Committee with respect to the implementation of Article IV, paragraph 2 (a), 3 or 6 (a);~~

Previously paragraph h) of Resolution Conf. 8.9 (Rev.) under RECOMMENDS, amended to place emphasis on compliance with Article IV.

Monitoring, reporting and reintroduction into the review process

Suggested new heading for this stage of the review process.

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 or Plants Committee on the implementation by the countries concerned of the recommendations made by the Committee; and~~
- b) ~~To report at each meeting of the Conference of the Parties on the progress of this review, on the recommendations made and on the measures adopted and in accordance with this Resolution those recommended to implement Article IV for Appendix-II species subject to significant trade; and~~

Previously paragraph d) of Resolution Conf. 8.9 (Rev.) under DIRECTS. This element of the Resolution is currently directed to the Animals and Plants Committees, but the reporting, in practice, has been done by the Secretariat.

- c) ~~to immediately To inform the Animals or Plants Committee about possible concerns regarding trade in any species in Appendix-II, whether or not it had previously been subject to review in accordance with this Resolution; and:~~
- 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;~~

Previously paragraph b) of Resolution Conf. 8.9 (Rev.) under DIRECTS the Secretariat. The Secretariat recommends the deletion of these provisions in favour of the simpler and more general text in paragraph c), which broadens the possibility for the Secretariat to refer issues of concern regarding trade in Appendix-II species to the Animals or Plants Committees.

- d) ~~where a State subject to a recommendation of the Animals Committee has agreed to set an export quota considered as cautious by the Secretariat, the case shall be reviewed again by the Committee in due course;~~

Previously Decision 11.108. This provision has, in effect, fallen in disuse.

Support to range States

Suggested new heading

URGES the Parties and all organizations interested in the ~~utilization~~ use 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 ~~not subject to maintained at a level that will allow international~~ trade that is ~~not~~ detrimental to their survival.

Review of significant trade in Appendix-II species

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;

NOTING that some Parties permitting export of Appendix-II species 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;

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;

RECOGNIZING that information on the biological status of many species is frequently not available and that the data on trade as included in annual reports are frequently incomplete;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

DIRECTS the Animals and Plants Committees, in cooperation with the Secretariat and experts, to continue to review the biological, trade and other relevant information on Appendix-II species, to identify problems and solutions concerning the implementation of Article IV, paragraphs 2 (a), 3 and 6 (a) of the Convention;

DETERMINES that the Animals and Plants Committees, in cooperation with the Secretariat and in close consultation with all range States concerned, shall implement the review in accordance with the following procedure:

Selection of species to be reviewed

- a) The Secretariat shall request UNEP-WCMC to, within three months after each meeting of the Conference of the Parties, produce a print-out from the CITES database of annual report statistics showing the recorded net levels of exports over the five most recent years for Appendix-II species;
- b) On the basis of recorded trade levels and information available in the Animals or Plants Committee, the Secretariat, Parties or other relevant experts, species of priority concern will be selected for review;

Consultation with range States concerning implementation of Article IV

- c) The Secretariat should, within 30 days after the meeting of the Animals or Plants Committee at which species are selected, notify range States of the species selected, providing an explanation for this selection and requesting comments regarding possible problems of implementing Article IV identified by the Committee. Range States shall be given six weeks to respond; and
- d) If the Animals or Plants Committee is satisfied that Article IV paragraphs 2 (a), 3 and 6 (a), are correctly implemented, the species shall be eliminated from the review with respect to the State concerned.

Compilation of information and preliminary categorization

- e) When necessary, consultants shall be engaged by the Secretariat to compile information about the biology and management of the selected species and shall contact the range States and/or relevant experts to obtain information for inclusion in the compilation;
- f) The consultants shall summarize their conclusions about the effects of international trade on the selected species and problems concerning the implementation of Article IV, and should divide the selected species into two preliminary categories:
 - i) [category x] which shall include species for which the available information indicates that the provisions of Article IV of the Convention are not being implemented or for which it is not clear whether or not the provisions of Article IV of the Convention are being implemented; and
 - ii) [category y] which shall include species for which the level of trade is evidently not a problem; and
- g) Before consideration by the Animals or Plants Committee, the Secretariat shall transmit the review documents prepared by the consultants to relevant range States, seeking comments and, where appropriate, additional information. Range States shall be given four weeks to respond.

Review of information and confirming categorization by the Animals or Plants Committee

- h) The Animals or Plants Committee shall review the information provided by the consultants and the responses received from the States concerned and, if appropriate, revise the preliminary categories proposed by the consultants; and
- i) Species in [category y] shall be eliminated from the review. The elimination of a species from the review will be decided on the basis of considerations related to the implementation of Article IV, paragraphs 2 (a), 3 and 6 (a), only. Other problems identified in the course of the review shall be addressed by the Secretariat.

Formulation of recommendations and their transmission to range States

- l) The Animals Committee or Plants Committee shall, in consultation with the Secretariat, formulate recommendations relating to the remaining species in [category x];

- m) These recommendations should be directed to range States and should propose specific actions to address problems related to conservation and the regulation of trade. Such recommendations should differentiate between urgent and longer-term actions, and may include, for example, the establishment of administrative procedures, cautious quotas or other temporary restrictions on exports of the species concerned, the conducting of taxon and country-specific status assessments, field studies or evaluation of threats to populations or other relevant factors to provide the information necessary for a Scientific Authority non-detriment finding. Deadlines for implementation, which must be appropriate to the nature of the action to be undertaken, should be determined by the Animals or Plants Committee, but should normally be no less than 90 days or longer than two years; and
- n) These recommendations shall be transmitted to the States concerned by the Secretariat; and

Measures to be taken if responses are unsatisfactory

- o) Upon failure of a State to satisfy the Secretariat that it has fulfilled the requirements specified in paragraph m), the Secretariat should recommend to the Standing Committee that all Parties immediately take strict measures, which may include, as appropriate, a suspension of trade in the affected species with that State;
- p) Following acceptance of the Secretariat's recommendation by the Standing Committee, the Secretariat shall notify the Parties accordingly; and
- q) In the case of suspension of trade in accordance with paragraph p) above, trade in the affected species with the State concerned should be authorized only when that Party demonstrates to the satisfaction of the Standing Committee, through the Secretariat, compliance with Article IV, paragraph 2 (a), 3 or 6 (a);

Monitoring, reporting and reintroduction into the review process

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;

- a) To report to each meeting of the Animals or Plants Committee on the implementation by the countries concerned of the recommendations made by the Committee;
- b) To report at each meeting of the Conference of the Parties on the progress of this review, on the recommendations made and on the measures adopted in accordance with this Resolution; and
- c) To inform the Animals or Plants Committee about possible concerns regarding trade in any species in Appendix-II, whether or not it had previously been subject to review in accordance with this Resolution; and:

Support to range States

URGES the Parties and all organizations interested in the use 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 not subject to trade that is detrimental to their survival.