

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

Fifth Meeting of the Conference of the Parties

Buenos Aires (Argentina), 22 April to 3 May 1985

Interpretation and Implementation of the Convention

A CITES REGISTER OF TRADERS IN LIVE SPECIMENS OF WILD FAUNA

This issue was the subject of a document prepared by the State of Israel (Doc. 4.44) and presented at the fourth meeting of the Conference of the Parties (Gaborone, 1983).

During its ninth plenary session, the Conference of the Parties decided to refer this issue back to the Technical Committee (see document Plen. 4.9, page 125 of the Proceedings of the fourth meeting).

However, as the Technical Committee did not consider this issue during its first meeting (Brussels, June 1984), it is resubmitted, on the request of the State of Israel, for consideration by the Technical Committee and then by the Conference of the Parties in Buenos Aires.

Annex 1 to this document is document Doc. 4.44 and its revised Annex and Annex 2 is document Doc. 4.44.1 which explains the term "register" as used in document Doc. 4.44.

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

Fourth Meeting of the Conference of the Parties

Gaborone (Botswana), 19 to 30 April 1983

A CITES REGISTER OF TRADERS IN LIVE SPECIMENS OF WILD FAUNA AND FLORA

This document was prepared by the State of Israel.

BACKGROUND

1. The objective is to establish for the Parties an international directory of bona fide traders, institutions and agencies engaged in, or essential to, the international trade in live specimens of endangered species of wild fauna and flora.
2. Achievement of this objective is necessary to make possible the efficient regulation of trade in live specimens by the Management and Scientific Authorities of the Parties in terms of the standards established by the Convention.
3. Personnel employed by the Parties to monitor and control the trade are aware:
 - i) that rarity of certain species markedly has increased their commercial value, and that the record shows that high rewards are sufficient for some persons to risk the penalties imposed under the Parties' national control regulations;
 - ii) that recognition of this problem prompted Resolution Conf. 3.9 on "International Compliance Control", and in part necessitating extensive work to establish an efficient and harmonized international system of Permit Procedures and Forms, as well as the preparation and issue of Guidelines on Preparation and Shipment of Live Specimens;
 - iii) that among the primary reasons for the establishment of the Convention was to prevent the over-exploitation and wastage of specimens of species of wild fauna and flora through international trade, as a matter of urgency;
 - iv) that the natural wildlife resources of many of the Parties, as well as the legitimate interests of reputable traders who adhere to regulations, are vulnerable to unscrupulous traders and dealers who either disregard, or deliberately evade, control regulations;

- v) that the Management and Scientific Authorities and their agents, as well as the Secretariat, IUCN, and its governmental and non-governmental organizations, have spent considerable time and resources in investigating and reporting widespread violations of CITES-based regulations;
- vi) that widely expressed public outrage in many countries over incidents of illicit and negligent trading inspire criticisms of Management Authorities and their agents based upon inadequate appreciation of the constraints and insufficient means and resources available to prevent such incidents.
4. In view of the foregoing, it is necessary co-operatively to help Management and Scientific Authorities in their duties, as well as to protect the interests of legitimate traders with an officially approved Register of Traders in Live Specimens of Wild Fauna and Flora.
5. Within their own jurisdiction, the Parties may wish to recommend the restriction of permits to registered traders only, or the registration of traders may be a compulsory qualification for any person applying for a permit.

It may be possible, permanently or temporarily, for the Parties to revoke the registration of their traders who are shown unlawfully to avoid national regulations, or who persistently fail to meet the required standards laid down in the Convention or who are discovered to have been party to transactions in breach of another Party's regulations.

6. The establishment of the proposed Register would go far to help less economically developed countries, many of which are important wildlife producers.

A former Minister of one such state Party to the Convention is on record as stating that his country was highly vulnerable to the unscrupulous activities of skilled wildlife dealers. Due to lack of expertise as well as financial resources his Government could not act effectively against such trading.

"We are constantly enjoined to protect our wildlife, often by rich countries whose own nationals are exploiting us, and we are almost helpless to control or stop them. We have not the resources to do it. In addition, poverty makes some of our people's services easily bought. We know why we are exhorted to protect our wildlife very well. We do not need such urging; what we need is help from the consumer markets - from buying countries more able than we are to control the traders."

The proposed Register provides the basis for such essential help. It offers a measure of protection to reputable traders, and is a refinement of much potential value to Management and Scientific Authorities in regulating the trade it is the object of the Convention to do.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES*

A CITES Register of Traders in Live Specimens of Wild Fauna

RECALLING Resolution Conf. 3.9 on "International Compliance Control" adopted by the Parties at their third meeting (New Delhi, 1981), together with earlier and concurrent Resolutions, as well as the substantial work of the Secretariat and Specialist Committees aimed to facilitate the regulation of trade in conformity with the terms of Articles III, IV and V of the Convention;

AWARE of the much constrained resources whereunder many, if not most, Management Authorities operate, seriously restricting their practical effectiveness in being able to implement the terms of the Convention;

FURTHER AWARE of the broad rights and wide liberties enjoyed by those engaged in all aspects of international trade in live specimens of endangered species of wild fauna;

AFFIRMING the principle that for every right there is a commensurate responsibility, and that there is urgent need to translate this principle into practice effectively to control the international trade in live specimens of endangered species of wild fauna;

RECOGNIZING that all countries experience substantial, and sometimes costly, difficulties in implementing compliance controls, more particularly in developing countries whose live wild fauna resources are often the most vulnerable to irregular trading;

FURTHER RECOGNIZING that basic to the control of international trade in endangered species it is essential that the traders are identifiable;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) the establishment of a CITES Register of Traders in Live Specimens of Wild Fauna subject to the appendices of the Convention, recording data on all traders engaged in the import, export, re-export or introduction from the sea of live wild specimens of fauna subject to the appendices of the Convention.

The term "traders" shall mean all persons buying, selling, trading or exchanging live specimens in international trade in the course of, and related to, any business or professional endeavour; this term includes, by example, zoos, medical research facilities and entertainment groups, as well as commercial dealers. This term excludes airlines, freight forwarders, and other carriers;

* This revised draft resolution has been prepared by the delegations of Israel and Uruguay on the basis of documents Doc. 4.34 and Doc. 4.44 Annex.

- b) that each Party notify all traders within the jurisdiction of the Parties that the fourth meeting of the Conference of the Parties has decided to institute a Register of Traders, and that they may apply for registration utilizing the standard format provided in the attached annex;
- c) that the Parties transmit to the Secretariat by 31st March 1985 copies of the registration information to enable the Secretariat to prepare and distribute this information, as well as amendments thereto provided by the Parties as an aid to the Management Authorities; and
- d) that each Party submit annually to the Secretariat a revised and consolidated list; and

DIRECTS the Secretariat, on behalf of the Parties, to transmit the contents of this Resolution to non-Party, together with a copy of the standard CITES Traders Registration form, requesting the co-operation of such non-Party states in the provision of data.

REGISTER OF TRADERS IN LIVE SPECIMENS OF FAUNA

Please Complete Entries 1 to 6 in Full.
 Thereafter Tick Box Spaces as Appropriate.
 Where Not Appropriate Leave the Box Spaces Blank

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1. NAME OF INDIVIDUAL, BUSINESS ORGANISATION, OR OTHER ENTITY:
 2. NAME(S) TRADING UNDER IF DIFFERENT FROM ABOVE:
 3. NATIONAL LICENCE, PERMIT, OR REGISTRATION NUMBER:
 4. PRINCIPAL PLACE OF BUSINESS: OTHER LOCATIONS:
 ADDRESS: Street:
 Town:
 Province:
 Country:
 Telephone number:
 Telex number:
 5. NAME(S), ADDRESS(ES), OF PERSON(S) RESPONSIBLE FOR MANAGING OR SUPERVISING THE BUSINESS OR FACILITY:
 6. REMARKS:

 7. KIND OF TRADE IN WHICH ENGAGED:
7.1 FAUNA

MAMMALIA	AVES	AMPHIBIA	INSECTA
REPTILIA	PISCES	MOLLUSCA	ECHINODERMA
EXPORT	IMPORT	RE-EXPORT	INTRODUCTION FROM THE SEA

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A CITES Register of Traders in Live Specimens of Wild Fauna

EXPLANATION OF THE TERM REGISTER IN THE CONTEXT OF DOCUMENT Doc. 4.44

The inclusion of traders on this Register will supply the Parties with information; it does not mean the traders are, or will be, officially approved or accredited. The Register simply registers the fact that the traders exist. The Management Authorities of both importing and exporting Parties can use this information when reviewing permit applications. For example, a zoo's application to import an Appendix I live specimen could raise a question as to whether the consignor deals in this type of specimen. If the Register shows the consignor as a facility for live specimens of that type (e.g. reptiles), then the question is answered. If the consignor is not on the Register, the Management Authority should make further enquiries in order to answer its question.