

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

Seventh Meeting of the Conference of the Parties

Lausanne (Switzerland), 9 to 20 October 1989

Interpretation and Implementation of the Convention

REVIEW OF RESOLUTION CONF. 5.21 ON SPECIAL CRITERIA
FOR THE TRANSFER OF TAXA FROM APPENDIX I TO APPENDIX II

This document has been prepared and is submitted by the Secretariat.

INTRODUCTION

1. When the Conference of the Parties adopted Resolution Conf. 5.21 on "Special Criteria for the Transfer of Taxa from Appendix I to Appendix II" (Annex 1), at the fifth meeting of the Conference of the Parties (Buenos Aires, 1985), it recommended that a comprehensive review of the Resolution be made at the seventh meeting.

Therefore, this issue was included in the Agenda of this meeting and the present document has been prepared.

2. Even if the implementation of Resolution Conf. 5.21 has not been perfect, it is the feeling of the Secretariat that it has been useful for several Parties to initiate a rational utilization of certain species formerly listed in Appendix I and transferred to Appendix II under the special criteria provided by that Resolution.
3. The Secretariat, therefore, recommends that the principles set forth in that Resolution be kept, but that some changes be adopted to take into account problems which have appeared since its adoption.

PROBLEMS

4. The Secretariat has identified the following problems with regard to the implementation of Resolution Conf. 5.21:
 - a) The transfer of a species, or a population of a species from Appendix I to Appendix II under a quota system should be provisional, to give interested Parties time to collect the necessary information on the status of the species concerned. This should not be a permanent system.
 - b) The Technical Committee did not develop recommendations for the marking of the specimens and so on. This Committee no longer exists.

- c) Quotas have been agreed upon by the Conference of the Parties for the interval between two ordinary meetings. Resolution Conf. 5.21 describes the procedures to follow for new quotas or for a change in a quota. It does not make any provisions on the procedures to follow when a Party wants to keep its quota for the next interval between two meetings.
- d) The quotas established under Resolution Conf. 5.21 included only or in part wild-collected specimens. Should this continue under another regime such as ranching?
- e) The quotas established under Resolution Conf. 5.21 were annual export quotas specifying the number of wild, ranched or even captive-bred specimens (animals?) to be exported, without taking into account, or at least not expressly, specimens used by the local industry and exported as tourist souvenirs or as finished articles.

PROPOSALS

- 5. A new resolution should be adopted to replace Resolution Conf. 5.21. It should be drafted in such a way to solve the above-mentioned problems and to direct the adequate bodies to deal with those problems.
- 6. The co-ordinator of the CITES project on the Nile crocodile will include in his report a discussion paper on procedures and criteria for the transfer of the Nile crocodile from Appendix I to Appendix II and a draft resolution. Some of the suggestions made, which are applicable to other species (not only crocodilians) have been used by the Secretariat to prepare the attached draft resolution (Annex 2).
- 7. The problems described under 4. above are approached as follows in the draft resolution:
 - a) To reflect the interim character of the resolution, the transfer of a species from Appendix I to Appendix II subject to quotas should be limited to the time period between three regular meetings of the Conference of the Parties, except in exceptional circumstances agreed by the Conference of the Parties. After that time, the maintenance in Appendix II should be accepted only when the Berne criteria for the addition of species in Appendix II (Resolution Conf. 1.1) or the ranching criteria (Resolutions Conf 3.15, Conf. 5.16 and Conf. 6.22) are met.
 - b) The Animals Committee should be designated to carry out the tasks previously performed by the Technical Committee.
 - c) The new resolution should clearly indicate that a Party which was granted a quota for the time period between two meetings, is not required to submit a proposal for the renewal of its quota if it wants to keep it unchanged.
 - d) The Secretariat has indicated in document Doc. 7.40, paragraph 8, that it believes that some wild collections of crocodile specimens (in addition to eggs) would also be acceptable under a ranching regime. The CITES Nile Crocodile Project Co-ordinator is quite reserved regarding such a wild exploitation. In any case, the Secretariat suggested that the Conference of the Parties should consider this carefully. The best way to deal with this problem is probably to suggest in the draft resolution, that if wild cropping is intended

after the interim period, the maintenance in Appendix II should be sought under Resolution Conf. 1.1 (Berne Criteria) in preference to Resolution Conf. 3.15 (Ranching).

- e) The quotas granted under the new resolution should refer to the number of specimens taken in the wild, with indications of the type of specimens. The export quotas should also be more specific in order to prevent abuses. The marking of specimens other than skins should be considered by the Animals Committee.
8. When the full report from the Co-ordinator of the CITES project on the Nile crocodile is available, the Animals Committee should review it carefully, including the suggestions mentioned under 6. above. If appropriate, the Animals Committee would be in a good position to draft a general resolution on the whole subject which goes beyond the review of Resolution Conf. 5.21.

Conf. 5.21

RESOLUTION OF THE CONFERENCE OF THE PARTIES

Special Criteria for the Transfer of Taxa from
Appendix I to Appendix II

ACCEPTING the Berne criteria for the addition and deletion of species and other taxa (Resolutions Conf. 1.1 and Conf. 1.2 adopted at the first meeting of the Conference of the Parties in Berne, 1976) as the ordinary basis for amendments of the Appendices I and II;

NOTING that the Berne criteria for the addition of species and other taxa to Appendices I and II (Resolution Conf. 1.1) have not been applied to those species which have been listed by the Plenipotentiary Conference (Washington, D.C., 1973), or, in some cases, by the Conference of the Parties at its first (Berne, 1976) or second meeting (San José, 1979);

ACKNOWLEDGING that the Berne criteria for the deletion of species and other taxa from Appendices I and II (Resolution Conf. 1.2) are very difficult to fulfil in the case of some of these species because they require positive scientific evidence of changing biological status showing recovery sufficient to justify deletion;

RECOGNIZING that there are obviously some taxa listed in Appendix I that either never met the Berne criteria for inclusion or have recovered since their inclusion, although this cannot be demonstrated today because their population status was not determined when they were included in the appendix;

NOTING that the establishment of quotas for the management and exploitation of wildlife is a conservation procedure used in many cases at the national level;

RECOGNIZING also that the Parties may wish to re-evaluate the placement of certain taxa in Appendix I;

DESIRING to maintain scientific integrity in the procedure for the amendment of the appendices;

NOTING also that many producer countries were not represented at the meetings in Washington, D.C. (1973) and Berne (1976) and that, therefore, there was a lack of adequate knowledge as to the conservation status of certain taxa at the time of their inclusion in Appendix I;

NOTING further that the Ten Year Review of the Appendices remains uncompleted;

CONCLUDING that a temporary mechanism must be found to allow species incorrectly listed in Appendix I to be transferred to Appendix II;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that in the case where Resolution Conf. 1.1 has not been applied to the inclusion of a species in Appendix I of the Convention and where it is virtually impossible to supply the data required by Resolution Conf. 1.2

within reasonable time or with reasonable effort, but where the populations of such species can withstand a certain level of exploitation for commercial trade, the criteria of Resolution Conf. 1.2 be not applied to the transfer from Appendix I to Appendix II if the countries of origin agree to introduce a quota system which is deemed by the Conference of the Parties to be sufficiently safe so as not to endanger the survival of the species in the wild;

RECOMMENDS further that this approach be taken only when:

- a) there is sufficient basis to establish that the species should be included in Appendix II, rather than Appendix I, under the terms of Resolution Conf. 1.1;
- b) there is assurance from the Parties concerned that the entry into trade of specimens of the species in question will be so controlled as not to lead to a reduction in CITES controls on trade in other species;
- c) it is established that range states seeking to export specimens of the species are capable of fulfilling their obligations under Article IV, paragraphs 2(b) and 3, of the Convention; and
- d) the Parties that are range states for the species must have met, and continue to meet, their annual reporting requirements under Article VIII, paragraph 7, in a timely fashion, and that this include complete data on trade in the species in question;

DIRECTS the Technical Committee to develop recommendations, prior to the sixth meeting of the Conference of the Parties, for marking and other suitable methods of controlling trade in specimens of species subject to quotas, so as to ensure that such trade is effectively regulated, and to develop recommendations for addressing any infractions of the quota system;

RECOMMENDS, pending a comprehensive review of this Resolution at the seventh meeting of the Conference of the Parties, that quotas be established or changed only by the Conference of the Parties, and that any Party seeking approval of a quota or a change in its quota submit information about the status of the species and about its management programme for that species to the Secretariat no later than 150 days before the meeting of the Conference for circulation to all Parties; and

REQUESTS the Secretariat to compile data on trade in specimens of species subject to quotas and to report on such data to each meeting of the Conference of the Parties, for such action as the Conference may deem fit. Where a Party becomes aware of problems in implementing this Resolution, with regard to trade from a particular Party, it may inform the Standing Committee, which in turn may request the Depositary Government to prepare a proposal to transfer that population to Appendix I.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Special Criteria for the Transfer of Taxa from
Appendix I to Appendix II

ACKNOWLEDGING that Resolution Conf. 5.21, adopted at the fifth meeting of the Conference of the Parties (Buenos Aires, 1985) has proved useful and that its principles should be kept as an interim mechanism for the transfer of taxa from Appendix I to Appendix II;

ACCEPTING the Berne criteria for the addition and deletion of species and other taxa (Resolutions Conf. 1.1 and Conf. 1.2 adopted at the first meeting of the Conference of the Parties, Berne, 1976) as the ordinary basis for amendments of the Appendices I and II;

NOTING that the Berne criteria for the addition of species and other taxa to Appendices I and II (Resolution Conf. 1.1) have not been applied to those species which have been listed by the Plenipotentiary Conference (Washington, D.C., 1973), or, in some cases, by the Conference of the Parties at its first (Berne, 1976) or second meeting (San José, 1979);

ACKNOWLEDGING that the Berne criteria for the deletion of species and other taxa from Appendices I and II (Resolution Conf. 1.2) are very difficult to fulfil in the case of some of these species because they require positive scientific evidence of changing biological status showing recovery sufficient to justify deletion;

RECOGNIZING that there are obviously some taxa listed in Appendix I that either never met the Berne criteria for inclusion or have recovered since their inclusion, although this cannot be demonstrated today because their population status was not determined when they were included in the appendix;

NOTING that the establishment of quotas for the management and exploitation of wildlife is a conservation procedure used in many cases at the national level;

RECOGNIZING also that the Parties may wish to re-evaluate the placement of certain taxa in Appendix I;

DESIRING to maintain scientific integrity in the procedure for the amendment of the appendices;

NOTING also that many producer countries were not represented at the meetings in Washington, D.C. (1973) and Berne (1976) and that, therefore, there was a lack of adequate knowledge as to the conservation status of certain taxa at the time of their inclusion in Appendix I;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RESOLVES that Resolution Conf. 5.21, adopted at the fifth meeting of the Conference of the Parties (Buenos Aires, 1985), is hereby repealed;

RECOMMENDS that in the case where Resolution Conf. 1.1 has not been applied to the inclusion of a species in Appendix I of the Convention and where it is virtually impossible to supply the data required by Resolution Conf. 1.2

within reasonable time or with reasonable effort, but where the populations of such species can withstand a certain level of exploitation for commercial trade, the criteria of Resolution Conf. 1.2 be not applied to the transfer from Appendix I to Appendix II if the countries of origin agree to introduce a quota system which is deemed by the Conference of the Parties to be sufficiently safe so as not to endanger the survival of the species in the wild;

RECOMMENDS further that this approach be taken only when:

- a) there is sufficient basis to establish that the species should be included in Appendix II, rather than Appendix I, under the terms of Resolution Conf. 1.1;
- b) there is assurance from the Parties concerned that the entry into trade of specimens of the species in question will be so controlled as not to lead to a reduction in CITES controls on trade in other species;
- c) it is established that range states seeking to export specimens of the species are capable of fulfilling their obligations under Article IV, paragraphs 2(b) and 3, of the Convention; and
- d) the Parties that are range states for the species must have met, and continue to meet, their annual reporting requirements under Article VIII, paragraph 7, in a timely fashion, and that this include complete data on trade in the species in question;

RECOMMENDS also that when a population of a species is transferred from Appendix I to Appendix II under the terms of this Resolution with the introduction of a quota system, the following general rules apply:

- a) such transfer should be for a maximum period of two intervals between regular meetings of the Conference of the Parties, after which the population should be transferred back to Appendix I or retained in Appendix II under the provisions of either Resolution Conf. 1.1 or Conf. 3.15, adopted at the third meeting of the Conference of the Parties (New Delhi, 1981), except under exceptional circumstances and with the agreement of the Conference of the Parties;
- b) quotas should be established or changed only by the Conference of the Parties, and any Party seeking approval of a quota or a change in its quota should submit information about the status of the species and about its management programme for that species to the Secretariat no later than 150 days before the meeting of the Conference of the Parties for circulation to all Parties;
- c) if a Party with a quota agreed at a regular meeting of the Conference of the Parties intends to keep its quota unchanged for the time interval between the next two meetings, this should be agreed by the Conference of the Parties, but no supporting statement is required; and
- d) the export quota should be equivalent to the wild harvest, or the supporting statement should indicate:
 - i) the total annual wild harvest, including the forms;
 - ii) the number and type of wild-collected specimens to be exported (e.g., live animals, skins, other parts, derivatives, etc.);
 - iii) the number and type of ranched specimens; and

iv) the number and type of captive-bred specimens;

DIRECTS the Animals Committee to develop recommendations for marking and other suitable methods of controlling trade in specimens of species subject to quotas, so as to ensure that such trade is effectively regulated, and to develop recommendations for addressing any infractions of the quota system; and

REQUESTS the Secretariat to compile data on trade in specimens of species subject to quotas and to report on such data to each meeting of the Conference of the Parties, for such action as the Conference of the Parties may deem fit. Where a Party becomes aware of problems in implementing this Resolution, with regard to trade from a particular Party, it may inform the Standing Committee, which in turn may request the Depository Government to prepare a proposal to transfer that population to Appendix I.