

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

Eighth Meeting of the Conference of the Parties

Kyoto (Japan), 2 to 13 March 1992

Interpretation and Implementation of the Convention

TRADE WITH STATES NOT PARTY TO THE CONVENTION

The attached draft resolution (Annex) has been prepared and is submitted by the Netherlands.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Trade with States not Party to the Convention

RECALLING the provisions of Article X of the Convention, requiring comparable documentation issued by the competent authorities of States not party to the Convention;

RECOGNIZING that Resolution Conf. 3.8, adopted at the third meeting of the Conference of the Parties (New Delhi, 1981), provided detailed requirements for such documentation;

CONSIDERING that the statement referred to in recommendation d) of Resolution Conf. 3.8 often appears to be of doubtful value;

CONSIDERING that Article IV, paragraph 2, of the Convention requires a Scientific Authority of the State of export to have advised that an export will not be detrimental to the survival of the species concerned before an export permit may be issued;

CONSCIOUS that the risk of trade from and through States not party to the Convention jeopardizes the effectiveness of the Convention;

AWARE that illegal trade, in particular in Appendix-I species, appears to avoid States which are Parties to the Convention and seeks trade routes to, from and through States not party to the Convention;

RECALLING Resolutions Conf. 4.10 adopted at the fourth meeting of the Conference of the Parties (Gaborone, 1983) and Conf. 7.4 adopted at the seventh meeting of the Conference of the Parties (Lausanne, 1989), requiring valid documentation for transit shipments;

NOTING that control of transit shipments in particular appears to produce substantial information on illegal trade in CITES specimens;

AWARE that the updated list of competent authorities as requested from the Secretariat in Resolution Conf. 3.8 contains several States without information and several authorities for which information was communicated more than five years ago;

CONVINCED of the need to counteract illegal trade by tightening the conditions applying to trade with non-Parties;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

DIRECTS the Secretariat

- a) to inform States not party to the Convention that they are to communicate to the Secretariat:
 - i) details of the competent authority to issue comparable documentation, within three months, and to confirm this at least once every two years;
 - ii) details of a competent scientific authority capable of advising that an export is not detrimental to the survival of the species concerned, within three months, and to confirm this at least once every two years; and
 - iii) any changes in the competent authority and scientific authority at least one month before such changes take place; and
- b) to compile, and communicate at regular intervals to the Parties, an updated list of competent authorities and scientific authorities containing only those authorities that are communicated by the State concerned less than two years previously; and

RECOMMENDS

- a) that Parties only accept documentation from States not party to the Convention if the competent authority and the scientific authority are included in the most recent updated list of the Secretariat;
- b) that documents issued by a State not party to the Convention be not accepted by Parties unless they contain - in addition to the information specified in the recommendations of Resolution Conf. 3.8 - in the case of export, certification that the scientific authority has advised that the export will not be detrimental to the survival of the species; in case of doubt a copy of such advice should be required;
- c) that Resolution Conf. 3.8 on the Acceptance of Comparable Documentation Issued by States not party to the Convention and Resolution Conf. 7.4 on Control of Transit also be applied to transit shipments destined for or coming from a State not party to the Convention, including shipments in transit between such States;
- d) that particular attention be given to the inspection of transit shipments exported or re-exported from, and/or destined for a State not party to the Convention and to the inspection of documentation for such shipments;
- e) that Parties do not import from and neither export nor re-export to States not party to the Convention specimens of wild origin of Appendix-I species;
- f) that Parties allow import from States not party to the Convention of captive-bred and artificially propagated specimens of Appendix-I species only after approval by the Animals Committee or the Plants Committee (for a speedy decision if needed, the Animals Committee and the Plants Committee may adopt a postal procedure for this purpose);
- g) that Parties communicate any inconsistencies in trade involving States not party to the Convention to the Secretariat; and
- h) that recommendations g) and h) of Resolution Conf. 3.8 be overruled by this Resolution.