

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

Review of Resolutions and Decisions

Review of Resolutions

RESOLUTIONS TO BE REPEALED

1. This document has been prepared by the Secretariat.

Background

2. The Secretariat has examined this subject in connection with three responsibilities:
 - a) as one of its functions laid down in the Convention. This states, in Article XII, paragraph 2 (h), that the Secretariat is "to make recommendations for the implementation of the aims and provisions of the present Convention". In fact, the Secretariat, in the course of its normal work, becomes aware of a number of problems regarding the interpretation and implementation of the Convention and of Resolutions and Decisions of the Conference of the Parties;
 - b) as part of its work relating to problems in implementation of Resolutions, as required by Decision 11.136; and
 - c) as part of its work relating to Objective 1.11 of the *Strategic Vision through 2005*, adopted by the Conference of the Parties at its 11th meeting (Gigiri, 2000). This objective is, "To review and simplify, where possible, existing measures, procedures, mechanisms and recommendations for the implementation of the Convention". Action point 1.11.2 of the Action Plan for the Strategic Vision requires the Secretariat to "Make recommendations on possible review, modification and consolidation".
3. The Secretariat reported on its work in this area at the 46th meeting of the Standing Committee (Geneva, Switzerland, March 2002) in document SC46 Doc. 10 and was directed to continue such work.
4. The Secretariat has now identified the Resolutions that it believes can be repealed. These are listed in Annex 1 to this document together with an explanation for its reasons in making such a recommendation.
5. After each meeting of the Conference of the Parties, the Secretariat publishes a book of the Resolutions that remain in effect. Sometimes an existing Resolution is rendered out of date by an action taken at a meeting of the Conference of the Parties. For example, there are many cases where an existing Resolution contains a reference to another Resolution, which is repealed, revised or replaced. In these cases, the Secretariat annotates the existing Resolution with a footnote to explain what has changed. However, this means that the text of the Resolution remains inaccurate. The Secretariat believes that it

would be preferable if it had the authority to make corrections to the text of Resolutions in cases such as this, and has prepared a draft decision, which is presented in Annex 2. This is not a typical decision as it would not be time bound. Therefore, if it is adopted, the Secretariat would expect to prepare a draft resolution for consideration at the 13th meeting of the Conference of the Parties containing this and other decisions directed to the Secretariat that have a long-term effect.

Recommendations

6. The Secretariat recommends that the Conference of the Parties:

- a) agree to delete the Resolutions listed in Annex 1; and
- b) adopt the draft decision presented in Annex 2.

RESOLUTIONS AND PARTS OF RESOLUTIONS THAT ARE PROPOSED TO BE REPEALED

Resolution number	Justification
<p><u>Conf. 1.3</u></p> <p>Deletion of species from Appendix II or III in certain circumstances</p>	<p>If it is not evident from the fundamental principles in Article II of the Convention that any species (as defined in Article I) may only be included in one of the Appendices at any time, then it should be obvious from the fact that no species could be subject to the trade provisions relating to more than one Appendix at any one time.</p>
<p><u>Conf. 1.5 (Rev.)</u></p> <p>Interpretation and implementation of certain provisions of the Convention</p>	<p>The first part of paragraph a) says nothing more than is in the text of the Convention. The second part is obvious in light of the comment above regarding Resolution Conf. 1.3.</p> <p>Regarding paragraph b), the Secretariat has already published a corrected version of the text of the Convention. This is therefore defunct.</p> <p>Regarding paragraph c), this no longer seems necessary as communication between Management Authorities is now common practice.</p>
<p><u>Conf. 1.6 (Rev.)</u></p> <p>Rare island fauna and flora and collection of wild animals from the pet trade</p>	<p>This Resolution, adopted in 1976, addresses the matters of rare island fauna and the trade in wild animals as pets.</p> <p>Regarding rare island fauna and flora, it was noted that these are often endemic taxa that may be difficult to distinguish from mainland forms. The conclusion that they are therefore often not suitable for listing in the Appendices may no longer be considered appropriate. The basis for the inclusion of species in the Appendices is adequately addressed in Resolution Conf. 9.24.</p> <p>Regarding the trade in pets, the problem identified in 1976 was that “many species of animals which are popular in the pet trade are becoming rare or even endangered due both to over-exploitation and diminishing habitats and that mortality in trade and captivity is high”. The Secretariat believes that the proposed remedy – to restrict the pet trade to captive bred animals – is too general and not appropriate today. CITES has developed the necessary procedures (Review of Significant Trade) and mechanisms (establishment of export quotas) to address unsustainable levels of exploitation. Issues related to <i>in situ</i> conservation and property of resources should be considered and the text of this Resolution is defunct.</p>
<p><u>Conf. 2.10 (Rev.)</u></p> <p>Interpretation of Article VII</p>	<p>Although certain exemptions in Article VII are difficult to administer and enforce (e.g. personal effects and household goods), the majority have been addressed in specific Resolutions since this recommendation was adopted in 1979. To continue to call unconditionally for the adoption of stricter measures therefore seems inappropriate and unnecessary.</p>

Resolution number	Justification
<u>Conf. 6.5 (Rev.)</u> Implementation of CITES in the European Economic Community	The European Community (no longer the European Economic Community) has the appropriate legislation in place to fully implement the Convention and its Member States have adopted the necessary legislation to enforce the Regulations concerned. All 15 Member States are now Party to the Convention. Consequently, the text of this Resolution is now defunct.
<u>Conf. 8.2 (Rev.)</u> Implementation of the Convention in the European Economic Community (EEC)	The text of this Resolution is now defunct, since all Member States of the European Community (no longer the European Economic Community) are Parties to the Convention and adequate legislation and compliance measures are in place. The recommendation that Parties that have not yet done so accept the Gaborone amendment to the Convention is also contained in Resolution Conf. 11.2 and does not, in itself, justify the retention of Resolution Conf. 8.2 (Rev.)
<u>Conf. 8.22 (Rev.)</u> Additional criteria for the establishment of captive-breeding operations for crocodilians	The provisions relating to captive-breeding and the establishment of captive-breeding operations are adequately dealt with in Resolutions Conf. 8.15, Conf. 10.16 and Conf. 11.14 and there is no necessity for a specific Resolution dealing with crocodilians.
Conf. 10.4 Cooperation and synergy with the Convention on Biological Diversity	The majority of actions called for in this Resolution have been fulfilled and are of a nature more suited to a decision rather than a resolution. Additionally, the issue of synergy (extended also to other multilateral environmental agreements) is addressed in the <i>Strategic Vision Through 2005</i> .
<u>Conf. 10.11</u> Conservation of the houbara bustard	The Resolution refers to hunting, trapping and egg collection, which fall outside the scope of the Convention. There is in fact nothing in the operative part of this Resolution that relates to international trade. There certainly is a problem of illegal international trade in specimens of houbara bustard but it is not dealt with by this Resolution and there seems little justification for retaining it.
<u>Conf. 10.19</u> Traditional medicines paragraphs b) and c)	The Secretariat recommends the repeal of paragraphs b) and c) since all Parties are obliged to have adequate legislation to control trade in specimens of CITES-listed species and to enforce such legislation. The actions called for in fact apply to all trade and not just that in traditional medicines.

DRAFT DECISION OF THE CONFERENCE OF THE PARTIES

Regarding Resolutions of the Conference of the Parties

Directed to the Secretariat

- 12.xx The Secretariat should, when revising its publication of current Resolutions after each meeting of the Conference of the Parties, correct the texts of already existing Resolutions to ensure that all references to other Resolutions are accurate.