

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



Fourteenth meeting of the Conference of the Parties
The Hague (Netherlands), 3-15 June 2007

Interpretation and implementation of the Convention

Review of Resolutions and Decisions

Review of Resolutions

GENERAL REVIEW

1. This document has been prepared by the Secretariat, which has continued its review of Resolutions and informed the Standing Committee, at its 54th meeting (Geneva, October 2006), of its intention to prepare proposals for consideration at the present meeting regarding the consolidation and correction of Resolutions [see document SC54 Doc. 16 (Rev. 1)].
2. At the same time, the Secretariat invited comments on any additional consolidations or corrections that might be needed. In response, it received a substantial submission from the IWMC World Conservation Trust, to which it is grateful.

Recommendations

3. The amendments that the Secretariat proposes to make to the existing Resolutions are indicated in the Annex 2. (It should be noted that other amendments to the Resolutions referred to in the Annex may be proposed in other documents presented at the present meeting.)
4. In addition, the Secretariat has noted that there are a large number of minor editorial corrections that should be made to existing Resolutions. In order not to take the time of the Conference on such matters, it proposes that the Conference delegate responsibility to the Standing Committee to decide on the acceptability of the changes that are to be proposed by the Secretariat or whether they should be referred to the Conference of the Parties. The following draft decision is presented for adoption:

Directed to the Standing Committee

- 14.XX The Standing Committee should review any proposals from the Secretariat to correct non-substantive errors or minor editorial faults in current Resolutions and decide whether they should be referred to the Conference of the Parties. In cases where the Committee agrees with the proposals and considers that they need not be referred to the Conference, it may instruct the Secretariat to republish the Resolutions with the necessary corrections.

PROPOSED AMENDMENTS TO AND CONSOLIDATIONS OF RESOLUTIONS

Conf. 1.3
Deletion of species from Appendix II or III in certain circumstances

Proposal 1: Transfer of paragraph a) to Resolution Conf. 9.24 (Rev. CoP13) on Criteria for amendment of Appendices I and II, and clarification of the text in that Resolution in order to eliminate an apparent conflict, as follows:

Existing text of Conf. 1.3	Conf. 9.24 (Rev. CoP13), under second RESOLVES	
	Existing text of para. d)	Proposed new text to replace para. d) (subsequent paras. to be re-lettered)
a) no species can be included in more than one Appendix;	d) species should be included in more than one Appendix at the same time, and higher taxa should be included in the Appendices, only if the species or higher taxa concerned satisfy the relevant criteria listed in Annex 3;	d) no single species may be included in more than one Appendix at the same time;
		e) however subspecies, populations or other subcategories of a species may be included in different Appendices at the same time in accordance the relevant criteria in Annex 3;
		f) higher taxa should be included in the Appendices only if they satisfy the relevant criteria in Annex 3;

Proposal 2: Deletion of paragraph b); the reference to Appendix II is redundant in view of paragraph a) [to be transferred to Resolution Conf. 9.24 (Rev. CoP13)]; the reference to Appendix III should be transferred to Resolution Conf. 9.25 (Rev.) on Inclusion of species in Appendix III, as follows:

Existing text of Conf. 1.3	Proposed new text to be included in Conf. 9.25 (Rev.)
<p>b) where a species is added to Appendix I the Secretariat is authorized, where appropriate, to delete that species from Appendix II and after reference to the interested Party from Appendix III. If a species is added to Appendix II, that the Secretariat is similarly authorized after reference to the interested Party to delete it from Appendix III.</p> <p>For the purpose of this Resolution the term 'species' is subject to the qualifications set out in paragraph 4 of the interpretation of Appendix I and paragraph 4 of the interpretation of Appendix II.</p>	<p>RESOLVES that when any species already included in Appendix III is subsequently included in Appendix I or II, it shall be deleted from Appendix III.</p>

NB: If these proposals are adopted, appropriate text will be included in Resolution Conf. 9.24 (Rev. CoP14) and Resolution Conf. 9.25 (Rev. CoP14) to indicate the parts of Conf. 1.3 that are thereby repealed.

Conf. 1.5 (Rev. CoP12)
Interpretation and implementation of certain provisions of the Convention

Proposal: Consolidation of the operative part into Resolution Conf. 9.25 (Rev.) on Inclusion of species in Appendix III, as indicated below:

Text of Conf. 1.5 (Rev. CoP12)	Proposed amendments to Conf. 9.25 (Rev.)	
RECOMMENDS that, if a country makes a reservation on any species listed in Appendix I or II, that country should not propose that this species be listed in Appendix III.	Inclusion as the first para. of the operative part.	<u>RECOMMENDS that, if a Party has made a reservation with regard to any species included in Appendix I or II, it not request that this species be included in Appendix III;</u>
	Inclusion as new para. b) under REPEALS and following paras. to be re-lettered.	<u>b) Resolution Conf. 1.5 (Rev. CoP12) – Interpretation and implementation of certain provisions of the Convention;</u>

Conf. 8.4
National laws for implementation of the Convention

Proposal: Deletion of the reference to reporting at the ninth meeting of the Conference of the Parties, in paragraph c), so that the text under DIRECTS reads as follows:

<p>DIRECTS the Secretariat, within available resources:</p> <p>a) to identify those Parties whose domestic measures do not provide them with the authority to:</p> <p style="margin-left: 20px;">i) designate at least one Management Authority and one Scientific Authority;</p> <p style="margin-left: 20px;">ii) prohibit trade in specimens in violation of the Convention;</p> <p style="margin-left: 20px;">iii) penalize such trade; or</p> <p style="margin-left: 20px;">iv) confiscate specimens illegally traded or possessed;</p> <p>b) to seek from each Party so identified information indicating the procedures, action and time frames that are needed in order to establish the measures necessary to properly enforce the provisions of the Convention; and</p> <p>c) to report its findings, recommendations or progress to the Standing Committee and at the ninth meeting of the Conference of the Parties;</p>

Conf. 9.5 (Rev. CoP13)
Trade with States not party to the Convention

Proposal: Inclusion of 'enforcement authorities' in the penultimate paragraph as follows:

Existing text with proposed amendments	Clean version with amendments incorporated
INSTRUCTS the Secretariat to include in its Directory details of the designated competent authorities, and scientific institutions and <u>enforcement authorities</u> of non-party States that were communicated by these States less than two years previously; and	INSTRUCTS the Secretariat to include in its Directory details of the designated competent authorities, scientific institutions and enforcement authorities of non-party States that were communicated by these States less than two years previously; and

Conf. 9.10 (Rev. CoP13)
Disposal of illegally traded, confiscated and accumulated specimens

Proposal: Correction of two apparent errors, in the section 'Regarding the disposal of illegally traded, confiscated and accumulated dead specimens of Appendix-I species', as shown below; the first, in paragraph f) is because of a non-adapted repetition of the last part of paragraph i); the second, in paragraph g) is because of a non-adapted repetition of paragraph j).

Existing text with proposed amendments

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| f) Parties make legislative provision to require the guilty importer and/or the carrier to meet the costs of confiscation, custody and storage or destruction of the specimens, or including returning specimens to the country of origin or re-export (as appropriate), where the Scientific Authority of the confiscating State deems it in the interest of the specimens to do so, and the country of origin or re-export so wishes; and |
| g) where such legislation does not exist and the country of origin or re-export wishes the live specimens to be returned, financial assistance be sought to facilitate the return; |

Conf. 9.24 (Rev. CoP13)
Criteria for amendment of Appendices I and II

Proposal 1: Transfer to this Resolution of the first operative paragraph from Resolution Conf. 10.17 (Rev.) on Animal hybrids. This would form a new paragraph in Resolution Conf. 9.24 (Rev. CoP13), under the second RESOLVES, following paragraph d); subsequent paragraphs to be re-lettered.

Existing text of Resolution Conf. 10.17 (Rev.) under DECIDES that, para. a)

hybrids may be specifically included in the Appendices but only if they form distinct and stable populations in the wild;

Proposal 2: Correction of an error in Annex 6 (Format for proposals to amend the Appendices), section A, second indent, second sub-indent, where 'Annex 2a' should read 'Annex 2b', and standardization of the reference to a criterion, as follows:

Existing text with proposed amendments

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| – for other reasons (such as those referred to in Annex 2 ba , paragraph <u>ba</u> , <u>paragraph</u> B and/or Annex 3 to this Resolution). |
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Conf. 10.4
Cooperation and synergy with the Convention on Biological Diversity

Proposal: Deletion of the paragraph under INVITES, as this refers to things to be done at meetings that have since taken place.

Text to be deleted

INVITES the Conference of the Parties to the Convention on Biological Diversity, at its fourth meeting, to consider further modalities for enhancing cooperation and synergy between the two Conventions, to be considered at the 11th meeting of the Conference of the Parties to CITES;

Conf. 10.8 (Rev. CoP12)
Conservation of and trade in bears

Proposal: Amendment of the introductory text under URGES to update or delete the reference to action to be taken at the 13th meeting of the Conference of the Parties, since this has passed. An updated text could be as follows:

Existing text with proposed amendments	Clean version with amendments incorporated
URGES all Parties, particularly bear range and consumer countries, to <u>continue to take immediate action in order to demonstrably reduce the illegal trade in bear parts and derivatives by the 13th meeting of the Conference of the Parties, by:</u>	URGES all Parties, particularly bear range and consumer countries, to continue to take action to reduce the illegal trade in bear parts and derivatives by:

Conf. 10.10 (Rev. CoP12)
Trade in elephant specimens

In the section under 'Regarding monitoring of illegal hunting of and trade in elephant specimens', paragraph d) indicates that the technical advisory group (TAG) will provide technical oversight to MIKE and ETIS. This is reflected in Annex 2 in relation to MIKE but not in Annex 1 in relation to ETIS.

Proposal: Amendment of Annexes 1 and 2 as indicated below.

Proposed amendments to Annex 1
<p>4. Data collection and compilation</p> <p>ETIS will be managed and coordinated by TRAFFIC <u>in consultation with the MIKE and ETIS Technical Advisory Group (TAG).</u></p> <p>All Parties should provide information on seizures and confiscations of ivory or other elephant specimens on the prescribed form to the Secretariat within 90 days of their occurrence. In addition, law enforcement agencies in States not-party are also requested to provide such information.</p> <p>TRAFFIC will assist the relevant Parties with the collection of data, ensure data quality and consistency, and provide training in data collection and information management techniques to designated officials around the world as appropriate.</p> <p>5. Data analysis and interpretation</p> <p>The analysis and interpretation of data will be coordinated by TRAFFIC in association with the CITES Secretariat and institutions involved with monitoring the illegal hunting of elephants (see Annex 2) <u>and in consultation with TAG.</u> The Secretariat will establish a technical advisory group to support the development and implementation of ETIS.</p>
Proposed amendment to Annex 2
<p>2. Scope and methodology</p> <p>The monitoring system will include elephant range States in both Africa and Asia and trade entrepots.</p> <p>It will be based on a standardized methodology for the reporting of illegal hunting by CITES Management Authorities in range States and for monitoring in specific sites or areas. Relevant databases and standard reporting protocols will be established by the CITES Secretariat in consultation with the range States and the MIKE <u>and ETIS</u> Technical Advisory Group (TAG).</p>

**Conf. 10.16 (Rev.)
Specimens of animal species bred in captivity**

and

**Conf. 12.10 (Rev. CoP13)
Guidelines for a procedure to register and monitor operations
that breed Appendix-I animal species for commercial purposes**

The Secretariat has previously stated its belief that the fourth paragraph of the preamble of Conf. 10.16 (Rev.) is in contradiction with paragraph b) under DETERMINES of Conf. 12.10 (Rev. CoP13).

Conf. 10.16 (Rev.)	NOTING that, in accordance with Article VII, paragraph 5, the import of specimens of Appendix-I species bred in captivity not for commercial purposes that are covered by a certificate of captive breeding does not require the issuance of an import permit and may therefore be authorized whether or not the purpose is commercial;
Conf. 12.10 (Rev. CoP13)	for Appendix-I species, Article VII, paragraph 5, shall be interpreted as referring to a specimen of an animal bred for non-commercial purposes where each donation, exchange or loan is not for profit and is conducted between two operations involved in a cooperative conservation programme that provides for the participation and/or support of one or more range States for the species concerned;

Action required: If the Conference of the Parties is in agreement with the Secretariat, the guidance of the Conference is required regarding how it wishes to correct the contradiction.

**Conf. 11.1 (Rev. CoP13)
Establishment of committees**

Proposal 1: The amendments below are proposed for clarification. In the first paragraph, if the reference to alternates is added in the first sentence, the rest of the paragraph is redundant.

Existing text of section 'Regarding regional representation in the Standing Committee', subsection B, with proposed amendments	Clean version with amendments incorporated
<p>a) The terms of office of the regional members <u>and their alternates</u> shall commence at the close of the regular meeting at which they are elected and shall expire at the close of the second regular meeting thereafter; The Resolution does not refer to alternate members but it may be assumed that the same rule applies. It is followed in the paragraphs below:</p> <p>ab) Ffor regions with one member and one alternate member, the selection <u>should occur at every second meeting</u> may be conducted as it has been so far, taking into account however the recommendation made in paragraph A a) i); and</p> <p>bc) Ffor regions with more than one member and one alternate member, to guarantee some continuity, not all members and alternate members should be changed at the same meeting;</p>	<p>a) The terms of office of the regional members and their alternates shall commence at the close of the regular meeting at which they are elected and shall expire at the close of the second regular meeting thereafter;</p> <p>b) For regions with one member and one alternate member, the selection should occur at every second meeting; and</p> <p>c) For regions with more than one member and one alternate member, to guarantee some continuity, not all members and alternate members should be changed at the same meeting;</p>

Proposal 2: As the text regarding representation in the Animals and Plants Committees is now in the same Resolution as that regarding the Standing Committee, the Resolution can be simplified by the following amendment.

Section 'Regarding regional representation in the Animals and Plants Committees', subsection B, paragraph a), to be replaced	Proposed alternative text
<p>a) If the same procedure as that for the Standing Committee is applied, the present members and alternate members should be replaced as follows:</p> <ul style="list-style-type: none"> i) for regions with one member and one alternate member, the selection should be conducted as it has been for the Standing Committee, taking into account however that a rotation in the selection is recommended; and ii) for regions with two members and two alternate members, to guarantee some continuity, the two members should not be changed at the same meeting; 	<p>a) The procedure should be the same as that described above for the Standing Committee.</p>

Proposal 3: Resolution Conf. 13.1 on Financing and budgeting of the Secretariat and of meetings of the Conference of the Parties indicates that there shall be no more than two regular meetings of the Standing Committee and no more than two meetings of the Animals and Plants Committees between meetings of the Conference, and that the Trust Fund should not be used to cover the travel costs of the representatives of developed countries. If the new Resolution at CoP14 on the same subject says the same thing, there is a need to correct Resolution Conf. 11.1 (Rev. CoP13), as indicated below:

Existing text showing proposed amendments	Clean version with amendments incorporated
Annex 1, paragraph c) under DETERMINES	
<p>c) the following principles for the payment of travel expenses to members of the Standing Committee:</p>	no change
<p>i) the Secretariat shall make provisions in its budget for the payment, if requested, of reasonable and justifiable travel expenses of one person representing each regional member, to attend <u>each regular meeting of the one Standing Committee meeting per calendar year (excluding those associated with a meeting of the Conference of the Parties) other than for representatives of developed countries;</u></p>	<p>i) the Secretariat shall make provisions in its budget for the payment, if requested, of reasonable and justifiable travel expenses of one person representing each regional member, to attend each regular meeting of the Standing Committee (excluding those associated with a meeting of the Conference of the Parties) other than for representatives of developed countries;</p>

Existing text showing proposed amendments	Clean version with amendments incorporated
Annex 2, under the second DETERMINES	
<p>DETERMINES further the following principles for the payment of travel expenses to regional members of the Plants or Animals Committee:</p> <p>a) the Secretariat shall make provisions in its budget for the payment, if requested, of reasonable and justifiable travel expenses of regional members, to attend no more than two meetings of the Committee concerned between meetings of the Conference of the Parties, <u>other than for representatives of developed countries</u>;</p>	<p>DETERMINES further the following principles for the payment of travel expenses to regional members of the Plants or Animals Committee:</p> <p>a) the Secretariat shall make provisions in its budget for the payment, if requested, of reasonable and justifiable travel expenses of regional members, to attend no more than two meetings of the Committee concerned between meetings of the Conference of the Parties, other than for representatives of developed countries;</p>

**Conf. 11.3 (Rev. CoP13)
Compliance and enforcement**

Proposal 1: Deletion of the section 'Regarding names used for parts and derivatives on permits and certificates' and transfer of the substance to Resolution Conf. 12.3 (Rev. CoP13) on Permits and certificates, to associate it with existing relevant text, as follows:

Text of Conf. 11.3 Rev. CoP13, under 'Regarding names used for parts and derivatives on permits and certificates'; to be deleted	Conf. 12.3 (Rev. CoP13), section I, 'Regarding standardization of CITES permits and certificates'	
	Existing text	Proposed new text
<p>RECOMMENDS that:</p> <p>a) when issuing permits and certificates, Parties use a standardized nomenclature for the names of parts and derivatives, established by the Secretariat; and</p> <p>b) the Secretariat establish a draft nomenclature and submit it to the Parties, who will have 60 days in which to present their observations; that the Secretariat then establish the definitive nomenclature; and that the same procedure be applied to modify the nomenclature;</p>	<p>RECOMMENDS that:</p> <p>h) in cases where codes are used on permits and certificates to indicate the type of specimen, these conform to the codes provided in the Secretariat's most recent <i>Guidelines for the preparation and submission of CITES annual reports</i> and that the units of measurement used also conform to these Guidelines;</p>	<p>RECOMMENDS that:</p> <p>h) the terms and codes used on permits and certificates to indicate the type of specimen being traded conform to those provided in the Secretariat's most recent <i>Guidelines for the preparation and submission of CITES annual reports</i> and that the units of measurement used also conform to these Guidelines;</p>

Proposal 2: In the section 'Regarding additional actions to promote enforcement' delete paragraph a) under "URGES ICPO-Interpol" as the appointment referred to has already been made.

Existing text	Proposed new text
URGES ICPO-Interpol to: a) appoint a dedicated officer specializing in wildlife crime within the ICPO-Interpol General Secretariat in Lyon, France; and b) support the attendance of a representative from the Interpol Wildlife Crime Working Group at meetings of the Conference of the Parties to CITES;	URGES ICPO-Interpol to support the attendance of a representative of the Interpol Wildlife Crime Working Group at meetings of the Conference of the Parties to CITES;

**Conf. 11.10 (Rev. CoP12)
Trade in stony corals**

Proposal: In the first preambular paragraph, change of 'Coenothecalia' to 'Helioporacea' to follow the change in nomenclature agreed at CoP12.

**Conf. 11.11 (Rev. CoP13)
Regulation of trade in plants**

Proposal: In the section "Regarding the definition of 'artificially propagated'", amendment of the text as follows, to be specific:

Existing text with proposed amendment
DETERMINES that the term 'artificially propagated' shall be interpreted to refer to plant specimens: a) grown under controlled conditions; and b) grown from seeds, cuttings, divisions, callus tissues or other plant tissues, spores or other propagules that either are exempt <u>from the provisions of the Convention</u> or have been derived from cultivated parental stock;

**Conf. 11.17 (Rev. CoP13)
National reports**

Proposal: Update the first paragraph under URGES as follows:

Existing text with proposed amendment	Clean version with amendments incorporated
URGES all Parties to submit their annual reports required under the provisions of Article VIII, paragraph 7 (a), in accordance with the <u>most recent version of the Guidelines for the preparation and submission of CITES annual reports</u> distributed by the Secretariat with Notification to the Parties No. 2002/022 dated 9 April 2002, and as may be amended by the Secretariat from time to time with the concurrence of the Standing Committee;	URGES all Parties to submit their annual reports required under the provisions of Article VIII, paragraph 7 (a), in accordance with the most recent version of the <i>Guidelines for the preparation and submission of CITES annual reports</i> distributed by the Secretariat and as may be amended with the concurrence of the Standing Committee;

Conf. 12.7 (Rev. CoP13)
Conservation of and trade in sturgeons and paddlefish

Proposal: Deletion of paragraph i) of Annex 1. At CoP13 this paragraph was expanded and included in the main body of the Resolution, as paragraph b) under RECOMMENDS, and should have been deleted from the Annex.

Text to be deleted
i) Each importing, exporting and re-exporting Party should establish, where consistent with national law, a registration system for processing and repackaging plants in its territory and provide to the Secretariat the list of these facilities and their official registration codes. The list should be updated as needed.

**Conf. 10.10 (Rev. CoP12), Conf. 10.14 (Rev. CoP13), Conf. 10.15 (Rev. CoP12),
Conf. 13.1 Annex 1 and Conf. 13.5**

Proposal: At the suggestion of the Export Quota Working Group, it is proposed to clarify the reference to 'the calendar year' in all Resolutions where this term is used by adding '1 January to 31 December', since there are calendars for which this is not the case.