

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



Fifteenth meeting of the Conference of the Parties
Doha (Qatar), 13-25 March 2010

Strategic matters

COOPERATION BETWEEN PARTIES AND PROMOTION OF MULTILATERAL MEASURES

1. This document has been prepared by the Secretariat, in consultation with the Standing Committee Working Group on Multilateral Measures.
2. At its 14th meeting (CoP14, The Hague, 2007), after a discussion of document CoP14 Doc. 17, the Conference of the Parties adopted the following Decisions:

Directed to Parties

- 14.28 *Parties with stricter domestic measures and reservations should review them, as and when appropriate, in order to determine whether they are effective in order to achieve the objectives of the Convention to ensure that trade in wild fauna and flora species is not detrimental to their survival.*

Directed to the Standing Committee

- 14.29 *The Standing Committee shall establish at its 57th meeting a working group which, operating by electronic means, should:*
- a) *review and, if necessary, revise any consultancy report produced under Decision 14.30;*
 - b) *organize, with the help of the Secretariat, a meeting with representation from all CITES regions to discuss the above report; and*
 - c) *based on the report of the meeting mentioned above, consider the need to draft for consideration at the 15th meeting of the Conference of the Parties any revised or new resolutions.*

Directed to the Secretariat

- 14.30 *The Secretariat shall, if external funds are made available for the purpose:*
- a) *hire a consultant to prepare a report on ways to assess whether:*
 - i) *the Resolutions of the Conference of the Parties are implemented by all Parties as consistently as possible and whether there is a need to clarify, revise or repeal them; and*
 - ii) *the scope for multilateral CITES processes that reduce the need by Parties for recourse to stricter domestic measures and reservations should be further developed; and*
 - b) *assist the Standing Committee in organizing the meeting mentioned in Decision 14.29.*

These Decisions are addressed below in numerical order, recognizing that Decision 14.30 needs to be implemented before Decision 14.29.

Parties' review of stricter domestic measures and reservations

3. Any review that a Party undertakes of its existing policies or legislation related to CITES often involves the review of stricter domestic measures that are in place. The aim of such a review is usually to determine the effectiveness of those policies and legislation and the possible need for their improvement. Reservations may also be considered.
4. The draft framework for reviewing national wildlife trade policies (see document CoP14 Inf. 17), tested by Madagascar, Nicaragua, Uganda and Viet Nam during a project carried out from 2006 to 2008, recommended the review of not only their own stricter domestic measures but also those of the countries with which they traded.
5. During the development of legislation for adequate implementation of the Convention, Parties often consider the adoption of stricter domestic measures which they believe are necessary for the effective regulation of CITES trade. The identification of stricter domestic measures is one element of legislative analyses conducted under the National Legislation Project.
6. Parties with adequate implementing legislation periodically review their legislation in order to decide whether various legislative provisions, including those providing stricter domestic measures, should be retained, revised or deleted. According to information contained in national biennial reports (see questions B6 - B9 of the standard biennial report format) and regional reports to the Standing Committee, a number of Parties have undertaken or are currently undertaking CITES-related legislative reviews. To date, the European Union (EU) has conducted several reviews of its stricter domestic measures. The most recent review was completed in December 2007, in the context of a comprehensive study of the effectiveness of the EU's wildlife trade legislation. The study can be accessed at:
http://ec.europa.eu/environment/cites/pdf/studies/effectiveness_study.pdf.
7. Question 5 in the standard biennial report format asks Parties to indicate whether they have stricter domestic measures, in accordance with Article XIV of the Convention, regarding the conditions for or the complete prohibition of trade in, taking, possession or transport of CITES-listed species. Notifications to the Parties are issued occasionally to announce existing, revised or new stricter domestic measures. Measures, which are specifically relevant to the handling of personal or household effects, are reflected in a special reference list on the CITES website. As information on stricter domestic measures is fragmented and incomplete, however, there is scope to consolidate it and to make it more comprehensive. This would be in keeping with Resolution Conf. 4.22 on *Proof of foreign law* and would complement the information on reservations entered by Parties, which is provided in a visible and complete manner in the CITES Directory.
8. The Standing Committee Working Group on Trade in Crocodylian Specimens looked at stricter domestic measures as well as relevant Resolutions of the Conference of the Parties when considering, under Decision 14.62, "possible ways and conditions to alleviate the administrative burden related to trade in small crocodylian leather goods and to guarantee the legal origin of the specimens" (see document SC58 doc. 27). It is recommended in document CoP15 Doc. xx on the *Review of the universal tagging system and trade in small crocodylian leather goods* that Part IX of Resolution Conf. 12.3 (Rev. CoP14) be revised to include a new paragraph e) which would read: "for small crocodylian leather products, Parties that require import permits as a stricter domestic measure should review these requirements in order to determine whether they are effective in achieving the objectives of the Convention to ensure that trade in wild fauna and flora species is not detrimental to their survival".
9. Reservations are added and withdrawn from time to time, which indicates that Parties periodically review them. Since CoP14, new reservations were added by Algeria, Argentina, Chile and Guatemala and no existing reservations were withdrawn.

Working Group on Multilateral Measures

10. At its 57th meeting (SC57, Geneva, July 2008), the Standing Committee established a Working Group on Multilateral Measures and agreed that its composition would be determined by postal procedure. This led to an unanticipated delay in the formation of the Working Group, and electronic discussions among its members were only launched in June 2009.

11. The Standing Committee noted that little progress had been made on this issue at its 58th meeting (SC58, Geneva, July 2009). It agreed to obtain nominations from Africa and Asia for membership in the Working Group, but this had not yet occurred at the time of writing (October 2009). In the margins of SC58, another Party from Central and South America and the Caribbean expressed interest in joining the Working Group.
12. At the time of writing, the Working Group comprised representatives of Australia, Brazil, Canada, Costa Rica, Germany, Guatemala, the United States of America and the Secretariat. It was still in the process of selecting a chair and agreeing on a work plan. The three NGOs that had expressed interest in joining the Working Group were Conservation Force, the International Environmental Law Project and Safari Club International Foundation.
13. The unanticipated delay experienced in establishing the Working Group means that it was not possible for it to implement Decisions 14.29 and 14.30 before the document submission deadline for the present meeting. Under the circumstances, it seems sensible that Decision 14.29 be revised to provide for the continued operation of the Working Group. Decisions 14.28 and 14.30 could be retained without any revision.

Assessment report

14. Safari Club International Foundation has provided external funds for the consultancy under Decision 14.30. In September 2009, a concept proposal for undertaking the consultancy was submitted to the Secretariat by the UNEP World Conservation Monitoring Centre. At the time of writing, both organizations were discussing possible modifications to the proposal before it was put to the Working Group for consideration.
15. As indicated in several documents submitted for consideration at the present meeting (i.e. on introduction from the sea, personal and household effects, purpose codes, review of resolutions, etc.), Parties are currently engaged in various efforts to make the interpretation and application of the Convention, and related Resolutions of the Conference of the Parties, more uniform.

Meeting of representatives from CITES regions

16. As the assessment report envisaged under Decision 14.30 is still under development, no action has been taken on the meeting anticipated under Decision 14.29.

Recommendations

17. It is recommended that the Conference of the Parties retain Decisions 14.28 and 14.30 and adopt the draft revised Decision 14.29 contained in the Annex to this document.

PROPOSED RETENTION OF DECISIONS 14.28 AND 14.30 AND REVISIONS TO DECISION 14.29

NB: Text to be deleted is ~~crossed out~~. Proposed new text is underlined.

Directed to Parties

14.28 Parties with stricter domestic measures and reservations should review them, as and when appropriate, in order to determine whether they are effective in order to achieve the objectives of the Convention to ensure that trade in wild fauna and flora species is not detrimental to their survival.

Directed to the Standing Committee

14.29 The Standing Committee shall continue the Working Group on Multilateral Measures, established at its 57th meeting, ~~a working group~~ which, operating by electronic means, should:

- a) review and, if necessary, revise any consultancy report produced under Decision 14.30;
- b) organize, with the help of the Secretariat, a meeting with representation from all CITES regions to discuss the above report; and
- c) based on the report of the meeting mentioned above, consider the need to draft for consideration at the 156th meeting of the Conference of the Parties any revised or new resolutions.

Directed to the Secretariat

14.30 The Secretariat shall, if external funds are made available for the purpose:

- a) hire a consultant to prepare a report on ways to assess whether:
 - i) the Resolutions of the Conference of the Parties are implemented by all Parties as consistently as possible and whether there is a need to clarify, revise or repeal them; and
 - ii) the scope for multilateral CITES processes that reduce the need by Parties for recourse to stricter domestic measures and reservations should be further developed; and
- b) assist the Standing Committee in organizing the meeting mentioned in Decision 14.29.