

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

Nineteenth meeting of the Conference of the Parties
Panama City (Panama), 14 – 25 November 2022

Interpretation and implementation matters

Existing Resolutions and Decisions

REVIEW OF RESOLUTIONS AND DECISIONS

1. This document has been prepared by the Secretariat.
2. As part of its regular work, the Secretariat has continued its review of Resolutions and informed the Standing Committee, at its 73rd meeting (SC73, online, May 2021), of its intention to prepare proposals for consideration at the present meeting regarding the substantive revision of several Resolutions (see document [SC73 Doc. 16](#)). These proposals arise in particular from: the normal work of the Secretariat, in the course of which it becomes aware of a variety of problems of interpretation or implementation of the Resolutions; the editorial review, taking place in fulfilment of paragraph 5 of Resolution Conf. 4.6 (Rev. CoP18) on *Submission of draft resolutions, draft decisions and other documents for meetings of the Conference of the Parties*; and correspondence from Parties and organizations suggesting the need for corrections.
3. Further, in compliance with Decision 18.84, paragraph c), requesting the Secretariat to: “amend all relevant Resolutions and Decisions to ensure consistent use of the term ‘wildlife crime linked to the internet’ with regard to reference to combating wildlife cybercrime and include as appropriate this terminology on the CITES glossary and the new webpage on *Wildlife crime linked to the internet* on the CITES website”, the Secretariat informed the Standing Committee at SC73 that it intended to propose to the present meeting revisions to Resolution Conf. 11.3 (Rev. CoP18) on *Compliance and enforcement* and Resolution Conf. 17.4 on *Demand reduction strategies to combat illegal trade in CITES-listed species*.
4. At SC73, the Standing Committee noted the Secretariat's intention to propose revisions to certain Resolutions, including Resolution Conf. 4.6 (Rev. CoP18) on *Submission of draft resolutions, draft decisions and other documents for meetings of the Conference of the Parties*, Resolution Conf. 11.3 (Rev. CoP18) on *Compliance and enforcement*, Resolution Conf. 11.17 (Rev. CoP18) on *National reports*, Resolution Conf. 12.3 (Rev. CoP18) on *Permits and certificates*, Resolution Conf. 14.3 (Rev. CoP18) on *CITES compliance procedures*, Resolution Conf. 14.8 (Rev. CoP17) on *Periodic Review of species included in Appendices I and II* and Resolution Conf. 17.4 on *Demand reduction strategies to combat illegal trade in CITES-listed species*. The Committee invited the Secretariat to take note of the comments made by Argentina, Australia, Gabon, Indonesia, and Peru to its proposed revisions when making its proposal to the Conference of the Parties.
5. The Secretariat has prepared proposals in relation to seven Resolutions, limiting the proposed revisions only to those that were supported by Parties at SC73 taking into account the comments made by Argentina, Australia, Gabon, Indonesia, and Peru. These are presented separately in the Annexes to the present document, as follows:

Annex 1: Conf. 4.6 (Rev. CoP18) on *Submission of draft resolutions, draft decisions and other documents for meetings of the Conference of the Parties*

Annex 2: Conf. 11.3 (Rev. CoP18) on *Compliance and enforcement*

- Annex 3: Conf. 11.17 (Rev. CoP18) on *National reports*
- Annex 4: Conf. 12.3 (Rev. CoP18) on *Permits and certificates*
- Annex 5: Conf. 14.3 (Rev. CoP18) on *CITES compliance procedures*
- Annex 6: Conf. 14.8 (Rev. CoP17) on *Periodic Review of species included in Appendices I and II*
- Annex 7: Conf. 17.4 on *Demand reduction strategies to combat illegal trade in CITES-listed species*

6. At SC73, the Secretariat proposed that, whenever an amendment of the Appendices by the Conference of the Parties entails the introduction of a new term (such as transformed wood) in the Appendices, that term should be systematically included in the *Guidelines for the preparation and submission of CITES annual reports* and in the *Guidelines for the preparation and submission of CITES annual illegal trade reports* by the Secretariat. In order to ensure this is done, the Secretariat proposes a revision to paragraph 4 of Resolution Conf. 4.6 (Rev. CoP18) on *Submission of draft resolutions, draft decisions and other documents for meetings of the Conference of the Parties* as shown in Annex 1 to this document. Further, the Secretariat intends to incorporate in the *Guidelines* the terms adopted by the Conference of the Parties immediately after the meeting of the Conference of the Parties and before to the next regular meeting of the Standing Committee. Since Resolution Conf. 11.17 (Rev. CoP18) on *National reports* stipulates that the Standing Committee needs to concur with the amendments to the *Guidelines* proposed by the Secretariat, the Secretariat proposes revisions to paragraphs 1 and 3 of Resolution Conf. 11.17 (Rev. CoP18) as shown in Annex 3. At SC73, the Standing Committee noted the intention of the Secretariat to propose these revisions to the Conference of the Parties.
7. The Secretariat further proposes amendments to Resolution Conf. 11.3 (Rev. CoP18) on *Compliance and enforcement* and to Resolution Conf. 17.4 on *Demand reduction strategies to combat illegal trade in CITES-listed species* in order to ensure consistent use of the term 'wildlife crime linked to the internet'. In paragraphs 12 g) and 13 d) of Resolution Conf. 11.3 (Rev. CoP18), the Secretariat proposes to replace "illegal online trade in wildlife" by "wildlife crime linked to the Internet"; and in Resolution Conf. 17.4, the Secretariat proposes to replace "wildlife trafficking via e-commerce" by "wildlife crime linked to the Internet".
8. The Secretariat proposes amendments to Resolution Conf. 11.17 (Rev. CoP18) on *National reports* in order to simplify the reporting deadlines and to have the same deadline for both reports called for in Article VIII paragraph 7 of the Convention (the annual trade report and the implementation report). The Secretariat proposes to explicitly mention the date of 31 October in order to clarify the deadline. In the same Resolution, paragraph 3 refers to the report format for the annual illegal trade reports, but the recommended format is in fact part of the broader *Guidelines for the preparation and submission of the CITES annual illegal trade report* which are adopted by the Standing Committee periodically upon a proposal from the Secretariat. The Secretariat proposes that reference to the *Guidelines* be included in paragraph 3 of the Resolution to address this inconsistency.
9. In Resolution Conf. 12.3 (Rev. CoP18) on *Permits and certificates* and Resolution Conf. 14.3 (Rev. CoP18) on *CITES compliance procedures*, the Secretariat proposes that the term "biennial report" be replaced by "implementation report" in order to bring the terminology into line with what was adopted by the Standing Committee at its 66th meeting.
10. Finally, since Decision 14.81 has been maintained for 15 years (since 2007), the Secretariat proposes that it be incorporated in Resolution Conf. 14.8 (Rev. CoP17) on *Periodic Review of species included in Appendices I and II*. The Secretariat proposes the verbatim inclusion of Decision 14.81 as a new paragraph 2 in the Resolution. As a reminder, Decision 14.81 directs the Animals Committee not to conduct periodic reviews for any great whale while the moratorium by the International Whaling Commission is in place.
11. At the 74th meeting of the Standing Committee (SC74, Lyon, March 2022), the Secretariat presented a draft *Guidance for the publication of the Appendices* to the Standing Committee. In order to ensure that the Standing Committee will be consulted on any update of this *Guidance*, the Committee agreed to propose to CoP19 an amendment to Resolution Conf. 4.6 (Rev. CoP18) on *Submission of draft resolutions and other documents for meetings of the Conference of the Parties*. The specific wording of that amendment proposed by the Standing Committee has been added to Annex 1 to the present document
12. The Secretariat considers that the proposed amendments will not have any budgetary implications for the Secretariat or any of the permanent committees.

13. The Secretariat draws the attention of the Conference of the Parties to the fact that other amendments to the Resolutions referred to in the Annexes may be proposed in other documents for the present meeting.

Recommendations

14. The Conference of the Parties is invited to adopt the amendments presented in each of the Annexes to the present document.
15. If the relevant change to Resolution Conf. 14.8 (Rev. CoP17) is adopted, the Conference of the Parties is invited to consequently delete Decision 14.81.

PROPOSED AMENDMENTS TO
RESOLUTION CONF. 4.6 (REV. COP18) ON *SUBMISSION OF DRAFT RESOLUTIONS
AND OTHER DOCUMENTS FOR MEETINGS OF THE CONFERENCE OF THE PARTIES*

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4. DIRECTS the Secretariat further:

d) to include in the *Guidelines for the preparation and submission of CITES annual reports* and the *Guidelines for the preparation and submission of CITES annual illegal trade reports* any new term adopted by the Conference of the Parties when it amends the Appendices, along with an associated trade term code and definition, if available,

[...]

g) to take account of the *Guidance for the publication of the Appendices*, as may be amended in consultation with the Standing Committee, when revising the Appendices after a meeting of the Conference of the Parties

PROPOSED AMENDMENTS TO
RESOLUTION CONF. 11.3 (REV. COP18) ON *COMPLIANCE AND ENFORCEMENT*

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12. RECOMMENDS that Parties:

[...]

g) engage online platforms to:

- i) introduce and publish policies to address and prevent the use of such platforms for illegal trade in wildlife including measures to ensure compliance with such policies;
- ii) ensure that such policies are presented as clearly and visibly as possible;
- iii) encourage them to inform their users about ~~illegal online trade in~~ wildlife crime linked to the Internet, by using targeted alerts and other technology to make users aware of relevant laws and website policies;

[...]

13. RECOMMENDS further that Parties and ICPO-INTERPOL:

[...]

- d) consider ways in which funding may be provided for the establishment of a full-time position, dedicated to wildlife crime linked to the Internet, within the General Secretariat of ICPO-INTERPOL. The responsibilities of such a position should include ensuring that all information or intelligence regarding ~~illegal online trade~~ wildlife crime linked to the Internet is consistently collected and disseminated to the relevant Enforcement Authorities designated by Parties;

PROPOSED AMENDMENTS TO
RESOLUTION CONF. 11.17 (REV. COP18) ON NATIONAL REPORTS

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1. URGES all Parties to submit their annual reports required under the provisions of Article VIII, paragraph 7 (a), by 31 October following the year for which they are due and in accordance with the most recent version of the Guidelines for the preparation and submission of CITES annual reports distributed by the Secretariat, ~~as may be amended with the concurrence of~~ approved by the Standing Committee ~~or amended by the Secretariat to include new terms adopted by the Conference of the Parties;~~
2. URGES all Parties to submit their implementation reports required under the provisions of Article VIII, paragraph 7 (b), on 31 October of the ~~one~~ year before each meeting of the Conference of the Parties, ~~beginning with the 17th meeting of the Conference of the Parties and~~ in accordance with the report format distributed by the Secretariat, as may be amended by the Secretariat from time to time with the concurrence of the Standing Committee;
3. URGES all Parties to submit an annual illegal trade report by 31 October each year covering actions in the preceding year and in accordance with the ~~report format~~ most recent version of the *Guidelines for the preparation and submission of the CITES annual illegal trade report* distributed by the Secretariat, ~~as may be amended by the Secretariat from time to time with the concurrence of~~ approved by the Standing Committee ~~or amended by the Secretariat to include new terms adopted by the Conference of the Parties;~~

PROPOSED AMENDMENTS TO
RESOLUTION CONF. 12.3 (REV. COP18) ON *PERMITS AND CERTIFICATES*

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23. RECOMMENDS that:

[...]

d) whenever exceptions are made:

- i) the permit or certificate clearly indicate that it is issued retrospectively; and
- ii) the reasons for the relaxation, which should come within the purview of paragraph c) above, are specified in the conditions on the permit or certificate and a copy sent to the Secretariat and also these be listed in the ~~biennial~~ implementation report to the Secretariat;

PROPOSED AMENDMENTS TO
RESOLUTION CONF. 14.3 (REV. COP18) ON *CITES COMPLIANCE PROCEDURES*

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Annex

Handling of specific compliance matters

A. Identification of potential compliance matters

15. Annual and ~~biennial~~ implementation reports, legislative texts as well as other special reports and responses to information requests, for example within the Review of Significant Trade or the National Legislation Project, provide the primary, but not exclusive, means of monitoring compliance with obligations under the Convention.

PROPOSED AMENDMENTS TO
RESOLUTION CONF. 14.8 (REV. COP17) ON *PERIODIC REVIEW OF SPECIES
INCLUDED IN APPENDICES I AND II*

Added text shown underlined and deleted text shown in ~~strike through~~.

2. ALSO AGREES that no periodic review of any great whale, including the fin whale, should occur while the moratorium by the International Whaling Commission is in place;

PROPOSED AMENDMENTS TO
RESOLUTION CONF. 17.4 ON *DEMAND REDUCTION STRATEGIES*
TO COMBAT ILLEGAL TRADE IN CITES-LISTED SPECIES

Added text shown underlined and deleted text shown in ~~strike through~~.

PREAMBLE

RECOGNIZING that wildlife ~~trafficking via e-commerce~~ crime linked to the Internet is a growing and significant threat that calls for new approaches to reduce demand for illegally traded wildlife;

TENTATIVE BUDGET AND SOURCE OF FUNDING
FOR THE IMPLEMENTATION OF DRAFT RESOLUTIONS OR DECISIONS

According to Resolution Conf. 4.6 (Rev. CoP18) on *Submission of draft resolutions, draft decisions and other documents for meetings of the Conference of the Parties*, the Conference of the Parties decided that any draft resolutions or decisions submitted for consideration at a meeting of the Conference of the Parties that have budgetary and workload implications for the Secretariat or permanent committees must contain or be accompanied by a budget for the work involved and an indication of the source of funding.

The Secretariat considers that the proposed amendments will not have any budgetary implications for the Secretariat or any of the permanent committees.