

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

Forty-second meeting of the Standing Committee
Lisbon (Portugal), 28 September-1 October 1999

Decisions regarding improvement of the effectiveness of the Convention

CONSOLIDATION OF RESOLUTIONS

1. Decision 10.60 of the Conference of the Parties, directed to the Standing Committee, states as follows:

The work with the Secretariat shall continue to consolidate existing Resolutions and Decisions of the Conference of the Parties, when necessary and appropriate, provided their original text and preamble are maintained to preserve their original intent.

2. The Secretariat has, in accordance with this Decision, prepared drafts of consolidated resolutions dealing with three subjects for review by the Committee and for consideration at the 11th meeting of the Conference of the Parties. These are contained in the annexes to the present document.
3. At the 40th meeting of the Standing Committee, it was noted that the approach to the consolidation of resolutions that is taken in Decision 10.60 is quite different from the approach taken previously. Consequently it was agreed that the Secretariat, in preparing further drafts of consolidated resolutions for consideration by the Standing Committee, should prepare two versions of each: one in which none of the text in the existing resolutions is changed (it has only to be placed in an appropriate order); and one in which the Secretariat presents any changes it considers appropriate, together with the justification. This approach has been taken in preparing the draft consolidated resolutions annexed to this document.
4. The draft consolidated resolutions prepared for review are contained in three annexes, as follows:

Annex 1: Cetaceans

Annex 2: Enforcement

Annex 3: Non-commercial loan, donation or exchange of museum and herbarium specimens.
5. The Standing Committee is invited to approve the forwarding of these for consideration at the 11th meeting of the Conference of the Parties.

RESOLUTIONS RELATING TO CETACEANS

1. A draft consolidated resolution on cetaceans was prepared by the Secretariat on behalf of the Standing Committee for consideration at the 10th meeting of the Conference of the Parties (as document Doc. 10.24 Annex 1). At that meeting, it was agreed that the draft consolidated resolution should be circulated to all Parties for comments and then revised in light of comments received (see document Plen. 10.3). Consequently, it was sent to the Parties with a Notification on 2 October 1998 (Notification to the Parties 1998/48).
2. Comments were received from seven Parties. Four of these (Canada, Japan, Kenya and Norway) expressed the view that the existing resolutions relating to cetaceans should not be consolidated. Three Parties (Australia, New Zealand and the United States of America) expressed support for the principle of consolidating resolutions. All three provided detailed comments on the draft consolidated resolution that had been presented in document Doc. 10.24 Annex 1. Moreover, all three expressed the view that, in most cases, the original texts of the current resolutions should be retained.
3. The Secretariat is obliged to present a draft consolidated resolution on cetaceans at the 11th meeting of the Conference of the Parties. Moreover, in accordance with Decision 10.60, the draft must include the original text and preamble.
4. Therefore the consolidated draft resolution in the form requested appears in Annex 1A. Where there are two columns, the left hand column contains the text of the draft consolidated resolution. The right hand column indicates the source of the text and, where a Party proposes a change or the Secretariat still wishes to propose a change, a comment regarding the proposed change.
5. Annex 2A contains the revised version of the draft consolidated resolution proposed by the Secretariat, taking into account the comments in Annex 1A.

Draft consolidated resolution in accordance with Decision 10.60

CONSERVATION OF CETACEANS AND
TRADE IN SPECIMENS OF CETACEANS

Text from existing Resolutions	Secretariat's comments
RECALLING Resolutions Conf. 2.8, Conf. 2.9, Conf. 3.13 and Conf. 9.12, adopted by the Conference of the Parties at its second, third and ninth meetings (San José, 1979; New Delhi, 1981; Fort Lauderdale, 1994) and Resolution Conf. 2.7, adopted by the Conference of the Parties at its second meeting and amended at its ninth meeting;	New text.
RECALLING Resolutions Conf. 2.7 (Rev.)*, 2.8 and 2.9 adopted at its second meeting (San José, 1979);	From Conf. 3.13. This is redundant.
RECALLING the determination of the Contracting States that international co-operation is essential for the protection of certain species of wild fauna and flora against over-exploitation through international trade;	From Conf. 2.9.
CONSIDERING that, for marine species, Article XV, paragraph 2(b), of the Convention requires the Secretariat to consult inter-governmental bodies having a function in relation to those species;	From Conf. 2.7 (Rev.).
NOTING that, in accordance with the recommendations of the special working session of the Conference of the Parties (Geneva, 1977), the Secretariat has requested and obtained observer status, and adviser status for trade matters, at meetings of the IWC and at meetings of the Scientific Committee of the IWC;	From Conf. 2.7 (Rev.).
NOTING further that the IWC has requested and obtained observer status at meetings of the Conference of the Parties;	From Conf. 2.7 (Rev.).
RECOGNIZING that Articles III, paragraph 5, and IV, paragraph 6, of the Convention prohibit the transportation into a party State of specimens (including any readily recognizable part or derivative thereof) of any species listed in Appendix I or II to the Convention which were taken in the marine environment not under the jurisdiction of any States without prior grant of a certificate from a Management Authority of the State of introduction;	From Conf. 2.8.
RECOGNIZING that the jurisdiction of the Parties with respect to marine resources in their adjacent seas is not uniform in extent, varies in nature and has not yet been agreed internationally;	From Conf. 2.8.
DESIRING that the maximum protection possible under this Convention be afforded to the cetaceans listed in the appendices;	From Conf. 2.8.

Text from existing Resolutions

Secretariat's comments

MINDFUL of the need for special attention to the conservation of whales and other cetaceans;

From Conf. 3.13.

RECALLING that commercial utilization has caused the rapid depletion of many species and stocks of large whales once they become the focus of exploitation and has resulted in a threat to the survival of a number of these species and stocks;

From Conf. 2.9.
Australia suggests that "large" be deleted. The Secretariat believes that this would increase the scope and is not appropriate. The United States believes that the original wording should be retained.

OBSERVING that any commercial utilization of species and stocks protected by the IWC jeopardizes their continued existence, and that trade in specimens of these species and stocks must be subject to particularly strict regulation in order not to endanger further their survival;

From Conf. 2.9.

RECOGNIZING that although these species and stocks of whales are protected from commercial whaling by nationals of IWC member nations, they are commercially harvested by nationals of non-IWC member nations and that such harvesting circumvents and diminishes the effectiveness of the protective regime of the IWC and threatens to prevent the recovery of those protected species and stocks;

From Conf. 2.9.

NOTING that some unknown level of exploitation of whales may be occurring outside the control of the International Whaling Commission (IWC);

From Conf. 9.12.

RECALLING also that the great whales have not generally recovered from the depletion brought about by commercial exploitation, even though many other species of exploited wildlife have recovered from equal or greater degrees of depletion;

From Conf. 2.9.
Australia suggests that "great" be deleted. The Secretariat believes that this would increase the scope, and is not appropriate.

Text from existing Resolutions

Secretariat's comments

NOTING that the International Whaling Commission (IWC) has taken increasingly vigorous action through application of its New Management Procedures to provide for the effective conservation and management of whales which are of interest to all nations of the world by establishing limits on the number of whales that may be taken by nationals of its member nations;

From Conf. 2.9.
In document Doc. 10.24 the Secretariat proposed deletion of the reference to the New Management Procedures, which are not applied and are being replaced. Australia considered the change acceptable. New Zealand wished to add text to welcome development of a revised system. The Secretariat considers this would be unacceptable in the consolidation process, in which new ideas should not be added.

NOTING that IWC has established regulations which protect certain species and stocks from all commercial whaling by nationals of its member nations in order to provide them with protection and the opportunity to recover from over-exploitation;

From Conf. 2.9.
Australia suggests that "which" be amended to "that". The Secretariat agrees.

WELCOMING the Resolution passed by the IWC at its Special Meeting in December 1978 requesting that the second meeting of the Conference of the Parties to the Convention take all possible measures to support the IWC ban on commercial whaling for certain species and stocks of whales;

From Conf. 2.9.
Australia agreed with the Secretariat's proposal to delete "the second meeting of the", since it is the Conference that takes measures. New Zealand felt that this could not be altered as it referred to an IWC Resolution. If reference to the second meeting is retained, a grammatical correction is required.

CONCERNED about continuing international reports of the discovery of whale meat and products appearing for sale in, or en route to importing countries, from no plausible existing source;

From Conf. 9.12.

CONCERNED that the international trade in meat and other products of whales is lacking adequate international monitoring or control;

From Conf. 9.12.

RECOGNIZING that the IWC is the major source of information on whale stocks around the world;

From Conf. 9.12.

RECOGNIZING further that the meat and other products of such protected species of whales are subject to international trade which cannot be controlled effectively by IWC alone;

From Conf. 2.9.

Text from existing Resolutions	Secretariat's comments
RECOGNIZING further the need for the IWC and CITES to co-operate and exchange information on international trade in whale products;	From Conf. 9.12.
AFFIRMING its concern that any illegal international trade in Appendix-I whale specimens undermines the effectiveness of both the IWC and CITES;	From Conf. 9.12.
THE CONFERENCE OF THE PARTIES TO THE CONVENTION	
<u>Regarding adherence to the International Convention for the Regulation of Whaling</u>	
RECOMMENDS that those Parties which do not currently adhere to the International Convention for the Regulation of Whaling be encouraged to do so; and	From Conf. 2.7. Australia agrees with the Secretariat's proposal to amend "which" to "that".
RECOMMENDS that Parties give urgent consideration to Resolution Conf. 2.7 (Rev.)* calling on those Parties which do not currently adhere to the International Convention for the Regulation of Whaling to do so;	From Conf. 3.13. The Secretariat believes that, since the text of Conf. 2.7 is now in this draft resolution, and the earlier resolution would be repealed, there seems no reason to refer to it. New Zealand saw no reason for omitting reference to Conf. 2.7 but the Secretariat has omitted it in the revised draft.
<u>Regarding trade in specimens of cetaceans</u>	
RECOMMENDS that the Parties use their best endeavours to apply their responsibilities under the Convention in relation to cetaceans;	Australia suggests that the paragraphs from Conf. 2.9 be titled "Trade in certain species and stocks of whales protected by the IWC from commercial whaling". With a correction to refer to 'specimens', this suggestion has been taken into account in the revised draft.
RECOMMENDS that Parties pay particular attention to the documentation requirements for specimens of cetaceans under Articles IV and XIV;	From Conf. 2.8. From Conf. 3.13 a).

Text from existing Resolutions	Secretariat's comments
<p>RECOMMENDS that the Parties agree not to issue any import or export permit, or certificate for introduction from the sea, under this Convention for primarily commercial purposes for any specimen of a species or stock protected from commercial whaling by the International Convention for the Regulation of Whaling; and</p>	<p>From Conf. 2.9.</p>
<p>REQUESTS that the Secretariat circulate to the Parties and revise as necessary a list of species or stocks referred to by this resolution;</p>	<p>From Conf. 2.9. In document Doc. 10.24, the Secretariat suggested a rewording to indicate that the species/stocks referred to are those referred to in the preceding paragraph. Australia considered this acceptable. New Zealand believes that the species referred to in Resolution Conf. 2.9 might be broader than this (although it has only two operative paragraphs).</p>
<p><u>Regarding illegal trade in whale meat</u></p>	
<p>WELCOMES the work of the IWC in this respect and URGES CITES Parties to explore the issue of illegal trade in whale meat and the geographic origin of such meat and to co-operate with the CITES Secretariat in the collection of such information;</p>	<p>From Conf. 9.12. To clarify the meaning, in document Doc. 10.24, the Secretariat proposed that "such meat" be replaced by "illegally traded meat" and that "such information" be replaced by "information on this subject". Australia considered this acceptable. New Zealand believes the first of these changes could "make it more difficult to inspect meat which is not known to be illegally traded but turns out to be illegal".</p>
<p>ENCOURAGES the IWC to keep CITES Parties fully informed through the CITES Secretariat and the Standing Committee between meetings of the Conference of the Parties on all related developments regarding the illegal trade in whale products;</p>	<p>From Conf. 9.12.</p>
<p>INVITES all countries concerned to co-operate to prevent illegal trade in whale meat, and to report to the CITES Secretariat on any development regarding this issue;</p>	<p>From Conf. 9.12.</p>
<p>DIRECTS the Secretariat to share with the IWC any information it collects regarding illegal trade in whale meat; and</p>	<p>From Conf. 9.12.</p>
<p>REPEALS the Resolutions listed hereunder:</p>	<p>New text.</p>

Text from existing Resolutions	Secretariat's comments
a) Resolution Conf. 2.7 (Rev.) (San José, 1979, amended in Fort Lauderdale, 1994) – Relationship with the International Whaling Commission;	New text.
b) Resolution Conf. 2.8 (San José, 1979) – Introduction from the Sea;	New text.
c) Resolution Conf. 2.9 (San José, 1979) – Trade in Certain Species and Stocks of Whales Protected by the International Whaling Commission from Commercial Whaling;	New text.
d) Resolution Conf. 3.13 (New Delhi, 1981) – Trade in Whale Products; and	New text.
e) Resolution Conf. 9.12 (Fort Lauderdale, 1994) – Illegal Trade in Whale Meat.	New text.

Draft consolidated resolution proposed by the Secretariat

CONSERVATION OF CETACEANS AND
TRADE IN SPECIMENS OF CETACEANS

RECALLING Resolutions Conf. 2.8, Conf. 2.9, Conf. 3.13 and Conf. 9.12, adopted by the Conference of the Parties at its second, third and ninth meetings (San José, 1979; New Delhi, 1981; Fort Lauderdale, 1994) and Resolution Conf. 2.7, adopted by the Conference of the Parties at its second meeting and amended at its ninth meeting;

RECALLING the determination of the Contracting States that international co-operation is essential for the protection of certain species of wild fauna and flora against over-exploitation through international trade;

CONSIDERING that, for marine species, Article XV, paragraph 2(b), of the Convention requires the Secretariat to consult inter-governmental bodies having a function in relation to those species;

NOTING that, in accordance with the recommendations of the special working session of the Conference of the Parties (Geneva, 1977), the Secretariat has requested and obtained observer status, and adviser status for trade matters, at meetings of the International Whaling Commission (IWC) and at meetings of the Scientific Committee of the IWC;

NOTING further that the IWC has requested and obtained observer status at meetings of the Conference of the Parties;

RECOGNIZING that Articles III, paragraph 5, and IV, paragraph 6, of the Convention prohibit the transportation into a party State of specimens (including any readily recognizable part or derivative thereof) of any species listed in Appendix I or II to the Convention which were taken in the marine environment not under the jurisdiction of any States without prior grant of a certificate from a Management Authority of the State of introduction;

RECOGNIZING that the jurisdiction of the Parties with respect to marine resources in their adjacent seas is not uniform in extent, varies in nature and has not yet been agreed internationally;

DESIRING that the maximum protection possible under this Convention be afforded to the cetaceans listed in the appendices;

MINDFUL of the need for special attention to the conservation of whales and other cetaceans;

RECALLING that commercial utilization has caused the rapid depletion of many species and stocks of large whales once they become the focus of exploitation and has resulted in a threat to the survival of a number of these species and stocks;

OBSERVING that any commercial utilization of species and stocks protected by the IWC jeopardizes their continued existence, and that trade in specimens of these species and stocks must be subject to particularly strict regulation in order not to endanger further their survival;

RECOGNIZING that although these species and stocks of whales are protected from commercial whaling by nationals of IWC member nations, they are commercially harvested by nationals of non-IWC member nations and that such harvesting circumvents and diminishes the effectiveness of the protective regime of the IWC and threatens to prevent the recovery of those protected species and stocks;

NOTING that some unknown level of exploitation of whales may be occurring outside the control of the IWC;

RECALLING also that the great whales have not generally recovered from the depletion brought about by commercial exploitation, even though many other species of exploited wildlife have recovered from equal or greater degrees of depletion;

NOTING that the IWC has taken increasingly vigorous action to provide for the effective conservation and management of whales which are of interest to all nations of the world by establishing limits on the number of whales that may be taken by nationals of its member nations;

NOTING that IWC has established regulations that protect certain species and stocks from all commercial whaling by nationals of its member nations in order to provide them with protection and the opportunity to recover from over-exploitation;

WELCOMING the Resolution passed by the IWC at its Special Meeting in December 1978 requesting that the Conference of the Parties to the Convention, at its second meeting, take all possible measures to support the IWC ban on commercial whaling for certain species and stocks of whales;

CONCERNED about continuing international reports of the discovery of whale meat and products appearing for sale in, or en route to importing countries, from no plausible existing source;

CONCERNED that the international trade in meat and other products of whales is lacking adequate international monitoring or control;

RECOGNIZING that the IWC is the major source of information on whale stocks around the world;

RECOGNIZING further that the meat and other products of such protected species of whales are subject to international trade which cannot be controlled effectively by IWC alone;

RECOGNIZING further the need for the IWC and CITES to co-operate and exchange information on international trade in whale products;

AFFIRMING its concern that any illegal international trade in Appendix-I whale specimens undermines the effectiveness of both the IWC and CITES;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

Regarding adherence to the International Convention for the Regulation of Whaling

RECOMMENDS that those Parties that do not currently adhere to the International Convention for the Regulation of Whaling be encouraged to do so;

Regarding trade in specimens of cetaceans

RECOMMENDS that the Parties use their best endeavours to apply their responsibilities under the Convention in relation to cetaceans; and

RECOMMENDS that Parties pay particular attention to the documentation requirements for specimens of cetaceans under Articles IV and XIV;

Regarding trade in specimens of certain species and stocks of whales protected by the IWC from commercial whaling

RECOMMENDS that the Parties agree not to issue any import or export permit, or certificate for introduction from the sea, under this Convention for primarily commercial purposes for any specimen

of a species or stock protected from commercial whaling by the International Convention for the Regulation of Whaling; and

REQUESTS that the Secretariat communicate to the Parties a list of such species and stocks and revised versions of this list as necessary;

Regarding illegal trade in whale meat

WELCOMES the work of the IWC in this respect and URGES CITES Parties to explore the issue of illegal trade in whale meat and the geographic origin of meat apparently illegally traded and to co-operate with the CITES Secretariat in the collection of information on this subject;

ENCOURAGES the IWC to keep CITES Parties fully informed through the CITES Secretariat and the Standing Committee between meetings of the Conference of the Parties on all related developments regarding the illegal trade in whale products;

INVITES all countries concerned to co-operate to prevent illegal trade in whale meat, and to report to the CITES Secretariat on any development regarding this issue; and

DIRECTS the Secretariat to share with the IWC any information it collects regarding illegal trade in whale meat; and

REPEALS the Resolutions listed hereunder:

- a) Resolution Conf. 2.7 (Rev.) (San José, 1979, amended in Fort Lauderdale, 1994) – Relationship with the International Whaling Commission;
- b) Resolution Conf. 2.8 (San José, 1979) – Introduction from the Sea;
- c) Resolution Conf. 2.9 (San José, 1979) – Trade in Certain Species and Stocks of Whales Protected by the International Whaling Commission from Commercial Whaling;
- d) Resolution Conf. 3.13 (New Delhi, 1981) – Trade in Whale Products; and
- e) Resolution Conf. 9.12 (Fort Lauderdale, 1994) – Illegal Trade in Whale Meat.

RESOLUTIONS RELATING TO ENFORCEMENT AND COMPLIANCE

1. This document deals with the consolidation of the following Resolutions or parts thereof.
 - Resolution Conf. 2.6 (San José, 1979) on Trade in Appendix-II and -III species – paragraph b) and paragraph under REQUESTS;
 - Resolution Conf. 3.9 (New Delhi, 1981) on International compliance control;
 - Resolution Conf. 6.3 (Ottawa, 1987) on Implementation of CITES;
 - Resolution Conf. 6.4 (Rev.) (Ottawa, 1987, as amended at Fort Lauderdale, 1994) on Controls on illegal trade;
 - Resolution Conf. 7.5 (Lausanne, 1989) – Enforcement; and
 - Resolution Conf. 9.8 (Rev.) (Fort Lauderdale, 1994, as amended at Harare, 1997) – Enforcement.
2. In accordance with Decision 10.60, draft consolidated resolutions must include the original text and preamble of the existing Resolutions.
3. A draft consolidated resolution in this form appears in Annex 2A. Where there are two columns, the left hand column contains the text of the draft consolidated resolution. The right hand column indicates the source of the text and, where the Secretariat proposes to make a change, a comment regarding the proposed change.
4. Annex 2B contains the revised version of the draft consolidated resolution proposed by the Secretariat, taking into account the comments in Annex 2A.

Draft consolidated resolution in accordance with Decision 10.60

ENFORCEMENT AND COMPLIANCE

<u>Text from existing Resolutions</u>	<u>Secretariat's comment</u>
RECALLING Resolutions Conf. 2.6, Conf. 3.9, Conf. 6.3 and Conf. 7.5, adopted by the Conference of the Parties at its, second, third, sixth and seventh meetings (San José, 1979; New Delhi, 1981; Ottawa, 1987, Lausanne, 1989) and Resolution Conf. 6.4 (Rev.), adopted at the sixth meeting and amended at the ninth meeting (Fort Lauderdale, 1994) and Resolution Conf. 9.8 (Rev.), adopted at the ninth meeting and amended at the tenth meeting (Harare, 1997);	New text.
RECOGNIZING the concern about the international compliance control, expressed in Resolution Conf. 3.9 (Rev.)* adopted at the third meeting of the Conference of the Parties (New Delhi, 1981);	From Conf. 6.4. As the contents of Conf. 3.9 are now in this resolution, this paragraph is redundant.
RECALLING Resolution Conf. 7.5, adopted at the seventh meeting of the Conference of the Parties (Lausanne, 1989), on Enforcement of the Convention;	From Conf. 9.8 (Rev.). As the contents of Conf. 7.5 are now in this resolution, this is redundant.
RECOGNIZING the concerns expressed by various Parties that trade in plants and animals listed in Appendices II and III of the Convention may be detrimental to the survival of some species;	From Conf. 2.6.
AWARE that, in the past, several cases of violation of the Convention have occurred due to inadequate or insufficient implementation by Management Authorities in both exporting and importing countries regarding surveillance, issuance of documentation and control of compliance with the provisions regulating trade in animal and plant species, and their parts and derivatives;	From Conf. 3.9. “due to” should be “because of”. As the text appears intended to refer to all CITES specimens, “animal and plant species” should be “live and dead animals and plants” (cf. Article I).
CONSIDERING that it is of utmost moral, biological, ecological and economic interest for all Parties to the Convention that such violations not re-occur and that the mechanisms established for the Convention in this respect are fully implemented, so as to insure their normal and efficient functioning to control trade in, and afford effective protection to, endangered animal and plant species;	From Conf. 3.9. “insure” should be “ensure”. “in this respect” should be “to this end”.
NOTING the contents of document Doc. 3.10.5 prepared by the Secretariat on International Compliance Control, and the provisions of Article XIII of the Convention;	From Conf. 3.9.

Text from existing Resolutions	Secretariat's comment
<p>RECOGNIZING that the developing countries, because of their special socio-economic, political, cultural and geographic circumstances have major difficulties in meeting appropriate control requirements, even though this does not exempt them from observing the highest possible degree of effectiveness;</p>	<p>From Conf. 3.9.</p>
<p>RECOGNIZING the extreme difficulties that all producer countries are facing in implementing their own CITES controls, while there are still consumer countries that continue allowing illegal imports due to a lack of an adequate CITES control;</p>	<p>From Conf. 6.3. “due to” should be “as a result of”. “an adequate” should be “adequate”.</p>
<p>RECOGNIZING that illegal exports from producing countries of specimens included in CITES cause serious damage to the valuable resources of wildlife, and reduce the effectiveness of their management programmes;</p>	<p>From Conf. 6.3. “specimens included in CITES” should be “specimens of species included in the appendices”.</p>
<p>TAKING into account documents Doc. 6.19 and Doc. 6.20, submitted by the Secretariat regarding international trade;</p>	<p>From Conf. 6.3. The documents referred to are on alleged infractions and on problems in particular countries, since solved. They are now out of date and this has been omitted from the revised draft resolution.</p>
<p>ATTENTIVE to the fact that the reservations made by importing countries allow loopholes through which specimens illegally acquired in the countries of origin can find legal markets without any control whatsoever;</p>	<p>From Conf. 6.3.</p>
<p>OBSERVING that some importing countries that maintain reservations refuse to take into consideration the recommendations of the Conference of the Parties in Resolution Conf. 4.25 adopted at its fourth meeting (Gaborone, 1983), weakening in that way the conservation policies of producing countries that wish to protect their wildlife resources;</p>	<p>From Conf. 6.3.</p>
<p>CONSIDERING that the countries which import these illegally obtained resources are directly responsible for encouraging illegal trade worldwide, and in this way the natural heritage of producing countries is damaged;</p>	<p>From Conf. 6.3. “which” should be “that”.</p>
<p>CONSIDERING that it is essential for the success of the Convention that all Parties implement and comply effectively with all the regulations established by the Convention;</p>	<p>From Conf. 6.3.</p>
<p>CONVINCED that enforcement of the Convention must be a constant concern of the Parties if they are to succeed in fulfilling the objectives of the Convention;</p>	<p>From Conf. 7.5.</p>

Text from existing Resolutions	Secretariat's comment
<p>CONVINCED of the need to strengthen enforcement of the Convention to address serious problems caused by the illegal trafficking of wild fauna and flora, and that the available resources for enforcement are negligible when compared to the profits gained from such trafficking;</p>	<p>From Conf. 9.8 (Rev.).</p>
<p>RECALLING that Article VIII, paragraph 1, of the Convention provides that the Parties shall take appropriate measures to enforce the provisions of the Convention and to prohibit trade in specimens in violation thereof;</p>	<p>From Conf. 9.8 (Rev.). See commentary on next paragraph.</p>
<p>OBSERVING that, according to its Article VIII, paragraph 1(b), Parties have the responsibility to implement the Convention, including seizure of illegally traded live animals and/or their products;</p>	<p>From Conf. 6.3. This is simply inaccurate. There is no general requirement in subpara. (b) of Article VIII, para. 1 "to implement the Convention". This subparagraph requires only that Parties "provide for the confiscation or return to the States of export" of specimens illegally traded. The Secretariat proposes to solve this problem by deleting this preambular paragraph and making the preceding one more complete.</p>
<p>RECOGNIZING that the Preamble of the Convention states that international co-operation is essential for the protection of certain species of wild fauna and flora against over-exploitation through international trade;</p>	<p>From Conf. 9.8 (Rev.).</p>
<p>INSISTING on the need of close co-operation between the Parties;</p>	<p>From Conf. 7.5. The Secretariat believes that the previous and next paragraphs render this one redundant.</p>
<p>AFFIRMING the obligation of Parties to collaborate closely in the application of the Convention, through expeditious exchange of information on cases and situations related to wildlife trade suspected to be fraudulent, so as to enable other Parties concerned to apply legal sanctions;</p>	<p>From Conf. 3.9.</p>
<p>NOTING the Resolution on "Police Intervention and Co-operation in Connection with the Illegal Traffic in Wildlife and its Products" adopted by the ICPO–Interpol General Assembly at its 45th session in Accra (October 1976);</p>	<p>From Conf. 2.6.</p>
<p>WELCOMING the adoption of a resolution on law enforcement co-operation at the Asian regional meeting in Israel in March 1994;</p>	<p>From Conf. 9.8 (Rev.).</p>

Text from existing Resolutions	Secretariat's comment
NOTING the Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora;	From Conf. 9.8 (Rev.).
CONSCIOUS that the data carried on the permits and certificates must supply maximum information, as much for export as for import, to allow verification of the conformity between the merchandise and the document;	From Conf. 7.5.
CONSIDERING that Article XIII does not specify a time-limit for a Party to respond to a request for information from the Secretariat, and that such a deadline is necessary in order that the absence of response not be interpreted as a refusal to respond;	From Conf. 7.5.
CONSIDERING that the use of certain terms to designate the parts and derivatives of wildlife may give rise to certain offences;	From Conf. 7.5.
RECOGNIZING the important role the Secretariat can play in the enforcement process, and the means provided by Article XIII of the Convention;	From Conf. 7.5.
CONSCIOUS of the Secretariat's role in promoting enforcement of the Convention, as provided by Article XIII, and of the measures which the Secretariat has taken with the International Criminal Police Organization (ICPO-Interpol) and the World Customs Organization to facilitate the exchange of information between enforcement bodies and for training purposes;	From Conf. 9.8 (Rev.). "which" should be "that".
AWARE that, with the limited funding available, Parties and the Secretariat should make the maximum use of existing inter-governmental enforcement mechanisms and resources;	From Conf. 9.8 (Rev.).
THE CONFERENCE OF THE PARTIES TO THE CONVENTION	
<u>Regarding compliance, control and co-operation</u>	New text.
AGREES on the need for additional measures to reduce further the illegal trade in species covered by the Convention;	From Conf. 9.8 (Rev.).
URGES all Parties to strengthen the controls of shipments from the producing countries as soon as possible, and to strictly verify the documents originating from them with the respective Management Authorities;	From Conf. 6.3. See comments below.
URGES all Parties	From Conf. 6.4.
a) to strengthen their controls on illegal trade in wildlife within the territories under their jurisdiction; and	From Conf. 6.4. There is a certain overlap between this and the preceding paragraph. The Secretariat has therefore combined them in the revised draft.

Text from existing Resolutions	Secretariat's comment
b) not to encourage illegal trade and to prohibit illegal imports of wildlife from their neighbouring countries;	From Conf. 6.4. The first part overlaps in principle with the preceding paragraph. To strengthen controls against illegal trade is to discourage it. The second part is incongruous. If there is no prohibition, there is no illegal trade. The ideas in this paragraph too are therefore combined with the previous "URGES".
RECOMMENDS that:	
a) all Parties:	From Conf. 3.9, para. a).
i) ensure strict compliance and control in respect of all mechanisms and provisions of the Convention relating to the regulation of trade in animal and plant species listed in Appendix II, and of all provisions ensuring protection against illegal traffic for the species listed in the appendices;	From Conf. 3.9, para. a).
ii) in case of violation of the above-mentioned provisions, immediately take appropriate measures pursuant to Article VIII, paragraph 1, of the Convention in order to penalize such violation and to take appropriate remedial action; and	From Conf. 3.9, para. a).
iii) inform each other on all circumstances and facts likely to be relevant as regards illegal traffic and also on control measures, with the aim of eradicating such traffic;	From Conf. 3.9, para. a). Idiom requires that "on" be changed to "of".
b) exporting Parties in particular:	From Conf. 3.9, para. b).
i) take all measures at their disposal to comply with each and every technical and administrative requirement laid down by the Convention;	From Conf. 3.9, para. b). In accordance with the previous practice in preparing consolidated resolutions, this is omitted from the revised draft because it does no more than require compliance with the provisions of the Convention, which is already an obligation.
ii) assure that export permits or re-export certificates are issued by a competent authority established by these Parties pursuant to the Convention; and	From Conf. 3.9, para. b). This is an obligation under Article VI and therefore omitted from the revised draft.

Text from existing Resolutions	Secretariat's comment
<p>iii) ensure that export permits or re-export certificates are not issued for specimens of animal or plant species listed in Appendix I, except in the cases provided for under the Convention, especially under Articles III and VII;</p>	<p>From Conf. 3.9, para. b). This does no more than require compliance with Article III, para. 1, and Article VII, which is already an obligation. The paragraph is therefore omitted from the revised draft.</p>
<p>c) importing Parties in particular: not accept under any circumstances or pretext, export or re-export documents issued by any authority, irrespective of its hierarchical level, other than the Management Authority officially designated as competent by the exporting or re-exporting Party and duly notified to the Secretariat; and</p>	<p>From Conf. 3.9, para. c). Although the first part of this merely repeats an obligation, the reference to authorities notified to the Secretariat is an important addition and this is therefore maintained in the revised draft.</p>
<p>d) if an importing country has reason to believe that an Appendix-II or -III species is traded in contravention of the laws of any country involved in the transaction, it:</p>	<p>From Conf. 2.6, para. b).</p>
<p>i) immediately inform the country whose laws were thought to have been violated and, to the extent possible, provide that country with copies of all documentation relating to the transaction; and</p>	<p>From Conf. 2.6, para. b) i).</p>
<p>ii) where possible, apply stricter domestic measures to that transaction as provided for in Article XIV of the Convention;</p>	<p>From Conf. 2.6, para. b) ii).</p>
<p><u>Regarding names used for part and derivatives on permits and certificates</u></p>	<p>New text.</p>
<p>RECOMMENDS that:</p>	
<p>a) in designating the CITES parts and derivatives, Parties use a standardized nomenclature established by the Secretariat;</p>	<p>From Conf. 7.5, para. a). It should be indicated that this refers to the completion of permits and certificates. As this text was adopted 10 years ago, and Parties have managed without the standardized nomenclature in the meantime, its necessity is now in doubt. However, it can not be deleted in the consolidation process.</p>

Text from existing Resolutions	Secretariat's comment
b) when the parts and derivatives are designated in a language other than one of the three working languages of the Convention, the translation into one of these three languages also be given, using the standardized nomenclature established by the Secretariat;	From Conf. 7.5, para. b). The first part is effectively replaced by Conf. 10.2, Annex 1, para. f). The remaining part is covered by the previous paragraph. This text is therefore excluded from the revised draft.
c) 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;	From Conf. 7.5, para. c).
d) as far as possible, the Secretariat distribute index-cards specifying the definition of certain terms;	From Conf. 7.5, para. d). If the "certain terms" are the names of parts and derivatives, they will be included in the nomenclature. If they are not, then the intent of this paragraph is not evident. It has been omitted from the revised draft.
<u>Regarding application of Article XIII</u>	New text.
RECOMMENDS that:	
a) when, in application of Article XIII, the Secretariat requests information on an alleged infraction, Parties reply within a time-limit of one month or, if this is impossible, acknowledge within the month and indicate a date, even an approximate one, by which they consider it will be possible to provide the information requested;	Conf. 7.5, para. e).
b) when, within a one year time-limit, the information requested has not been provided, Parties provide the Secretariat with justification of the reasons for which they have not been able to respond;	Conf. 7.5, para. f).
c) if major problems with implementation of the Convention in particular Parties are brought to the attention of the Secretariat, the Secretariat work together with the Party concerned to try to solve the problem and offer advice or technical assistance as required;	Conf. 7.5, para. g).
d) if it does not appear a solution can be readily achieved, the Secretariat bring the matter to the attention of the Standing Committee, which may pursue the matter in direct contact with the Party concerned with a view to helping to find a solution; and	Conf. 7.5, para. h).

Text from existing Resolutions	Secretariat's comment
e) the Secretariat keep the Parties informed as fully as possible, through Notifications, of such implementation problems and of actions taken to solve them, and include such problems in its report of alleged infractions;	Conf. 7.5, para. I).
<u>Regarding enforcement activities of the Secretariat</u>	New text.
URGES the Parties, inter-governmental and non-governmental organizations to provide additional financial support for the enforcement of the Convention, by providing funds to the Enforcement Project of the Secretariat;	From Conf. 9.8 (Rev.). The "Enforcement Project" of the Secretariat no longer exists as such. Reference to it is therefore out of date and should be replaced by "enforcement assistance work".
URGES the Parties to assist the Secretariat with provision of the necessary funding to carry out these activities;	From Conf. 7.5. This was made redundant by the adoption of the text above from Conf. 9.8 (Rev.).
DIRECTS the Secretariat to utilize such funds towards the following priorities:	From Conf. 9.8 (Rev.).
a) the appointment of additional officers to the Secretariat to work on enforcement-related matters;	From Conf. 9.8 (Rev.).
b) assistance in the development and implementation of regional law-enforcement agreements; and	From Conf. 9.8 (Rev.).
c) training and technical assistance to the Parties;	From Conf. 9.8 (Rev.).
URGES the Parties to offer secondment of enforcement officers to assist the Secretariat in addressing law enforcement issues;	From Conf. 9.8 (Rev.).
DIRECTS the Secretariat to pursue closer international liaison between the Convention's institutions, national enforcement agencies, and existing intergovernmental bodies, particularly the World Customs Organization and ICPO-Interpol;	From Conf. 9.8 (Rev.).
REQUESTS that the Secretariat maintain its co-operation with the ICPO-Interpol for the enforcement of the Convention, and for the detection of illegal traffic in wildlife and wildlife products;	From Conf. 2.6. This was made redundant by the adoption of the text in the previous para. from Conf. 9.8 (Rev.).

<u>Text from existing Resolutions</u>	<u>Secretariat's comment</u>
<u>Regarding communication of information</u>	New text.
RECOMMENDS that:	
a) Management Authorities co-ordinate with governmental agencies responsible for enforcement of CITES, including Customs and Police, by arranging training activities and joint meetings, and facilitating the exchange of information through, for example, the establishment of inter-agency committees at national level;	From Conf. 9.8 (Rev.), first RECOMMENDS, para. a).
b) the Parties provide to the Secretariat detailed information on significant cases of illegal trade; and	From Conf. 9.8 (Rev.), first RECOMMENDS, para. b).
c) the Parties inform the Secretariat, when possible, about convicted illegal traders and persistent offenders, and DIRECTS the Secretariat to communicate such information quickly to the Parties;	From Conf. 9.8 (Rev.), first RECOMMENDS, para. c). The instruction to the Secretariat is incongruous in a subparagraph under RECOMMENDS and should be separated from the other text.
<u>Regarding additional actions to promote enforcement</u>	
RECOMMENDS further that the Parties:	From Conf. 9.8 (Rev.).
a) promote incentives to secure the support and co-operation of local and rural communities in managing wildlife resources and thereby combating illegal trade;	From Conf. 9.8 (Rev.).
b) where appropriate, evaluate and utilize for enforcement purposes, information from non-governmental sources while maintaining standards of confidentiality; and	From Conf. 9.8 (Rev.).
c) consider the formation, at national level, of specialized wildlife enforcement units or teams;	From Conf. 9.8 (Rev.).
ENCOURAGES States to offer rewards for information on illegal hunting and trafficking of specimens of Appendix-I species leading to the arrest and conviction of the offenders; and	From Conf. 9.8 (Rev.).
REPEALS the Resolutions or parts thereof listed hereunder:	This is all new text.
a) Resolution Conf. 2.6 (San José, 1979) – Trade in Appendix-II and –III species – paragraph b) and paragraph under REQUESTS;	
b) Resolution Conf. 3.9 (New Delhi, 1981) – International compliance control;	
c) Resolution Conf. 6.3 (Ottawa, 1987) – Implementation of CITES;	

Text from existing Resolutions

Secretariat's comment

- d) Resolution Conf. 6.4 (Rev.) (Ottawa, 1987, as amended at Fort Lauderdale, 1994) – Controls on illegal trade;
- e) Resolution Conf. 7.5 (Lausanne, 1989) – Enforcement; and
- f) Resolution Conf. 9.8 (Rev.) (Fort Lauderdale, 1994, as amended at Harare, 1997) – Enforcement.

Draft consolidated resolution proposed by the Secretariat

ENFORCEMENT AND COMPLIANCE

RECALLING Resolutions Conf. 2.6, Conf. 3.9, Conf. 6.3 and Conf. 7.5, adopted by the Conference of the Parties at its, second, third, sixth and seventh meetings (San José, 1979; New Delhi, 1981; Ottawa, 1987, Lausanne, 1989) and Resolution Conf. 6.4 (Rev.), adopted at the sixth meeting and amended at the ninth meeting (Fort Lauderdale, 1994) and Resolution Conf. 9.8 (Rev.), adopted at the ninth meeting and amended at the tenth meeting (Harare, 1997);

RECOGNIZING the concerns expressed by various Parties that trade in plants and animals listed in Appendices II and III of the Convention may be detrimental to the survival of some species;

AWARE that, in the past, several cases of violation of the Convention have occurred because of inadequate or insufficient implementation by Management Authorities in both exporting and importing countries regarding surveillance, issuance of documentation and control of compliance with the provisions regulating trade in live and dead animal and plants, and their parts and derivatives;

CONSIDERING that it is of utmost moral, biological, ecological and economic interest for all Parties to the Convention that such violations not re-occur and that the mechanisms established for the Convention to this end are fully implemented, so as to ensure their normal and efficient functioning to control trade in, and afford effective protection to, endangered animal and plant species;

NOTING the contents of document Doc.3.10.5 prepared by the Secretariat on International Compliance Control, and the provisions of Article XIII of the Convention;

RECOGNIZING that the developing countries, because of their special socio-economic, political, cultural and geographic circumstances have major difficulties in meeting appropriate control requirements, even though this does not exempt them from observing the highest possible degree of effectiveness;

RECOGNIZING the extreme difficulties that all producer countries are facing in implementing their own CITES controls, while there are still consumer countries that continue allowing illegal imports as a result of a lack of adequate CITES control;

RECOGNIZING that illegal exports from producing countries of specimens of species included in the appendices cause serious damage to the valuable resources of wildlife, and reduce the effectiveness of their management programmes;

ATTENTIVE to the fact that the reservations made by importing countries allow loopholes through which specimens illegally acquired in the countries of origin can find legal markets without any control whatsoever;

OBSERVING that some importing countries that maintain reservations refuse to take into consideration the recommendations of the Conference of the Parties in Resolution Conf. 4.25 adopted at its fourth meeting (Gaborone, 1983), weakening in that way the conservation policies of producing countries that wish to protect their wildlife resources;

CONSIDERING that the countries that import these illegally obtained resources are directly responsible for encouraging illegal trade worldwide, and in this way the natural heritage of producing countries is damaged;

CONSIDERING that it is essential for the success of the Convention that all Parties implement and comply effectively with all the regulations established by the Convention;

CONVINCED that enforcement of the Convention must be a constant concern of the Parties if they are to succeed in fulfilling the objectives of the Convention;

CONVINCED of the need to strengthen enforcement of the Convention to address serious problems caused by the illegal trafficking of wild fauna and flora, and that the available resources for enforcement are negligible when compared to the profits gained from such trafficking;

RECALLING that Article VIII, paragraph 1, of the Convention provides that the Parties shall take appropriate measures to enforce the provisions of the Convention and to prohibit trade in specimens in violation thereof, and that these shall include measures to provide for the confiscation or return to the States of export of specimens illegally traded;

RECOGNIZING that the Preamble of the Convention states that international co-operation is essential for the protection of certain species of wild fauna and flora against over-exploitation through international trade;

AFFIRMING the obligation of Parties to collaborate closely in the application of the Convention, through expeditious exchange of information on cases and situations related to wildlife trade suspected to be fraudulent, so as to enable other Parties concerned to apply legal sanctions;

NOTING the Resolution on "Police Intervention and Co-operation in Connection with the Illegal Traffic in Wildlife and its Products" adopted by the ICPO–Interpol General Assembly at its 45th session in Accra (October 1976);

WELCOMING the adoption of a resolution on law enforcement co-operation at the Asian regional meeting in Israel in March 1994;

NOTING the Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora;

CONSCIOUS that the data carried on the permits and certificates must supply maximum information, as much for export as for import, to allow verification of the conformity between the merchandise and the document;

CONSIDERING that Article XIII does not specify a time-limit for a Party to respond to a request for information from the Secretariat, and that such a deadline is necessary in order that the absence of response not be interpreted as a refusal to respond;

CONSIDERING that the use of certain terms to designate the parts and derivatives of wildlife may give rise to certain offences;

RECOGNIZING the important role the Secretariat can play in the enforcement process, and the means provided by Article XIII of the Convention;

CONSCIOUS of the Secretariat's role in promoting enforcement of the Convention, as provided by Article XIII, and of the measures that the Secretariat has taken with the International Criminal Police Organization (ICPO-Interpol) and the World Customs Organization to facilitate the exchange of information between enforcement bodies and for training purposes;

AWARE that, with the limited funding available, Parties and the Secretariat should make the maximum use of existing inter-governmental enforcement mechanisms and resources;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

Regarding compliance, control and co-operation

AGREES on the need for additional measures to reduce further the illegal trade in species covered by the Convention;

URGES all Parties to strengthen, as soon as possible, the controls on trade in wildlife in the territories under their jurisdiction, and in particular controls on shipments from producing countries, including neighbouring countries, and to strictly verify the documents originating from such countries with the respective Management Authorities;

RECOMMENDS that:

- a) all Parties:
 - i) ensure strict compliance and control in respect of all mechanisms and provisions of the Convention relating to the regulation of trade in animal and plant species listed in Appendix II, and of all provisions ensuring protection against illegal traffic for the species listed in the appendices;
 - ii) in case of violation of the above-mentioned provisions, immediately take appropriate measures pursuant to Article VIII, paragraph 1, of the Convention in order to penalize such violation and to take appropriate remedial action; and
 - iii) inform each other of all circumstances and facts likely to be relevant as regards illegal traffic and also of control measures, with the aim of eradicating such traffic;
- b) importing Parties in particular: not accept under any circumstances or pretext, export or re-export documents issued by any authority, irrespective of its hierarchical level, other than the Management Authority officially designated as competent by the exporting or re-exporting Party and duly notified to the Secretariat; and
- c) if an importing country has reason to believe that an Appendix-II or -III species is traded in contravention of the laws of any country involved in the transaction, it:
 - i) immediately inform the country whose laws were thought to have been violated and, to the extent possible, provide that country with copies of all documentation relating to the transaction; and
 - ii) where possible, apply stricter domestic measures to that transaction as provided for in Article XIV of the Convention;

Regarding names used for part and derivatives on permits and certificates

RECOMMENDS that:

- a) when issuing permits and certificates, Parties use a standardized nomenclature for the names of parts and derivatives, established by the Secretariat; and
- 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;

Regarding application of Article XIII

RECOMMENDS that:

- a) when, in application of Article XIII, the Secretariat requests information on an alleged infraction, Parties reply within a time-limit of one month or, if this is impossible, acknowledge within the month and indicate a date, even an approximate one, by which they consider it will be possible to provide the information requested;
- b) when, within a one year time-limit, the information requested has not been provided, Parties provide the Secretariat with justification of the reasons for which they have not been able to respond;
- c) if major problems with implementation of the Convention in particular Parties are brought to the attention of the Secretariat, the Secretariat work together with the Party concerned to try to solve the problem and offer advice or technical assistance as required;
- d) if it does not appear a solution can be readily achieved, the Secretariat bring the matter to the attention of the Standing Committee, which may pursue the matter in direct contact with the Party concerned with a view to helping to find a solution; and
- e) the Secretariat keep the Parties informed as fully as possible, through Notifications, of such implementation problems and of actions taken to solve them, and include such problems in its report of alleged infractions;

Regarding enforcement activities of the Secretariat

URGES the Parties, inter-governmental and non-governmental organizations to provide additional financial support for the enforcement of the Convention, by providing funds to the enforcement assistance work of the Secretariat;

DIRECTS the Secretariat to utilize such funds towards the following priorities:

- a) the appointment of additional officers to the Secretariat to work on enforcement-related matters;
- b) assistance in the development and implementation of regional law-enforcement agreements; and
- c) training and technical assistance to the Parties;

URGES the Parties to offer secondment of enforcement officers to assist the Secretariat in addressing law enforcement issues;

DIRECTS the Secretariat to pursue closer international liaison between the Convention's institutions, national enforcement agencies, and existing intergovernmental bodies, particularly the World Customs Organization and ICPO-Interpol;

Regarding communication of information

RECOMMENDS that:

- a) Management Authorities co-ordinate with governmental agencies responsible for enforcement of CITES, including Customs and Police, by arranging training activities and joint meetings, and facilitating the exchange of information through, for example, the establishment of inter-agency committees at national level;
- b) the Parties provide to the Secretariat detailed information on significant cases of illegal trade; and
- c) the Parties inform the Secretariat, when possible, about convicted illegal traders and persistent offenders;

DIRECTS the Secretariat to communicate such information quickly to the Parties;

Regarding additional actions to promote enforcement

RECOMMENDS further that the Parties:

- a) promote incentives to secure the support and co-operation of local and rural communities in managing wildlife resources and thereby combating illegal trade;
- b) where appropriate, evaluate and utilize for enforcement purposes, information from non-governmental sources while maintaining standards of confidentiality; and
- c) consider the formation, at national level, of specialized wildlife enforcement units or teams;

ENCOURAGES States to offer rewards for information on illegal hunting and trafficking of specimens of Appendix-I species leading to the arrest and conviction of the offenders; and

REPEALS the Resolutions or parts thereof listed hereunder:

- a) Resolution Conf. 2.6 (San José, 1979) – Trade in Appendix-II and –III species – paragraph b) and paragraph under REQUESTS;
- b) Resolution Conf. 3.9 (New Delhi, 1981) – International compliance control;
- c) Resolution Conf. 6.3 (Ottawa, 1987) – Implementation of CITES;
- d) Resolution Conf. 6.4 (Rev.) (Ottawa, 1987, as amended at Fort Lauderdale, 1994) – Controls on illegal trade;
- e) Resolution Conf. 7.5 (Lausanne, 1989) – Enforcement; and
- f) Resolution Conf. 9.8 (Rev.) (Fort Lauderdale, 1994, as amended at Harare, 1997) – Enforcement.

RESOLUTIONS RELATING TO
NON-COMMERCIAL LOAN, DONATION OR EXCHANGE OF
MUSEUM AND HERBARIUM SPECIMENS

1. This document deals with the consolidation of the following Resolutions.
 - Resolution Conf. 1.4 (Berne, 1976) – Museum and herbarium inventories; and
 - Resolution Conf. 2.14 (San José, 1979) – Guidelines for non-commercial loan, donation or exchange of museum and herbarium specimens.
2. In accordance with Decision 10.60, draft consolidated resolutions must include the original text and preamble of the existing Resolutions.
3. A draft consolidated resolution in this form appears in Annex 3A. Where the left hand column contains the text of the draft consolidated resolution, the right hand column indicates the source of the text and, where the Secretariat proposes to make a change, a comment regarding the proposed change.
4. Annex 3B contains the revised version of the draft consolidated resolution proposed by the Secretariat, taking into account the comments in Annex 3A.

Draft consolidated resolution in accordance with Decision 10.60

NON-COMMERCIAL LOAN, DONATION OR EXCHANGE OF
MUSEUM AND HERBARIUM SPECIMENS

Text from existing Resolutions	Secretariat's comment
<p>CONSIDERING that Article VII, paragraph 6, of the Convention provides an exemption from requirements of the regulation of trade in specimens of species included in Appendices I, II and III for "non-commercial loan, donation or exchange between scientists or scientific institutions registered by a Management Authority of their State, of herbarium specimens, other preserved, dried or embedded museums specimens, and live plant material which carry a label issued or approved by a Management Authority";</p>	<p>From Conf. 2.14. The words "requirements of the" should be "the provisions relating to".</p>
<p>RECOGNIZING that this exemption applies to legally acquired animal and plant specimens that are under the authority of a registered scientific institution;</p>	<p>From Conf. 2.14. Although the previous paragraph quotes the Convention, the words "scientists or scientific institutions", "scientists" have been omitted in this paragraph. It is thus misleading and anticipates the recommendations in the operative part, which indicate that only institutions should be registered. It also anticipates the recommendation that the exemption should apply only to legally acquired specimens. The simplest way to overcome this (short of deleting the paragraph) is to replace "applies" by "should apply".</p>
<p>CONSIDERING that museum needs for research specimens can have adverse impact on small populations of rare animals and plants;</p>	<p>From Conf. 1.4.</p>
<p>RECALLING the recommendations of the first meeting of the Conference of the Parties (Berne, 1976) and the special working session (Geneva, 1977) on this subject;</p>	<p>From Conf. 2.14.</p>

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that:

Text from existing Resolutions	Secretariat's comment
a) Parties take every opportunity within the scope of the Convention to encourage scientific research on wild fauna and flora that may be of use in conserving species that are threatened with extinction or that may become so;	From Conf. 2.14, para. a). The text suggests that research be encouraged on "wild fauna and flora that may be of use". This is obviously not the intention. There are several possible solutions. The Secretariat has suggested one in the attached revised draft.
b) in order to reduce this potential impact the Parties encourage their natural history museums and herbaria to inventory their holdings of rare and endangered species and make that information widely available to the Parties and the research community. These inventories will allow researchers to efficiently borrow specimens for study;	From Conf. 1.4, para. a). As a result of the displacement of the text, "this ... impact" now needs to be defined.
c) addenda should be added to the inventories as specimens become available. Scientific and Management Authorities of the Parties can use the information in determining whether further collecting of some rare species may be justifiable, or whether the need already can be met by borrowing specimens from other museums. Several museums in the United States of America and the United Kingdom have already instituted computer cataloguing that may meet this need;	From Conf. 1.4, para. b). The final sentence is provided as an example, not a recommendation and should have been in the preamble. It is probably out of date (other countries might have instituted such cataloguing) and has been omitted in the revised draft.
d) Parties urge their museums and herbaria to undertake such inventories and make such information available; and	From Conf. 1.4, para. c).
e) Parties implement the exemption for scientific exchange in Article VII, paragraph 6, of the Convention as follows:	From Conf. 2.14, para. b).
i) registration of scientific institutions should be done in a manner that extends the exemption to all scientific institutions meeting certain standards in each Party as determined to be bona fide upon the advice of a Scientific Authority;	From Conf. 2.14, para. b).
ii) each Management Authority should communicate to the Secretariat as soon as practicable the names and addresses of those scientific institutions so registered, and the Secretariat without delay then communicate this information to all other Parties;	From Conf. 2.14, para. b).

Text from existing Resolutions

Secretariat's comment

- iii) the requirement that the container used to transport the specimens carry a label issued or approved by a Management Authority should be met by authorizing the use of Customs Declaration labels, provided they bear the acronym 'CITES', identification of contents as herbarium specimens, preserved, dried or embedded museum specimens or live plant material for scientific study, the name and address of the sending institution and the codes of the exporting and importing institutions over the signature of a responsible officer of that registered scientific institution; or a label issued by a Management Authority containing the same information and the users of which would be responsible to that body;
- iv) to prevent abuse of this exemption, it should be limited to shipments of legally obtained specimens between registered scientific institutions, and if trade is to or from a non-Party, the Secretariat shall ensure that the institution in the non-Party nation meets the same standards for registration, as indicated by competent authorities of the non-Party governments;
- v) the exemption should be applied to include frozen museum specimens, duplicate herbarium specimens, and all other types of scientific specimens named in Article VII, paragraph 6, including those that are legally collected in one State for shipment to another State as non-commercial loans, donations, or exchanges;
- vi) the standards for registration of scientific institutions should be as follows:
1. collections of animal or plant specimens, and records ancillary to them, permanently housed and professionally curated;
 2. specimens accessible to all qualified users, including those from other institutions;
 3. all accessions properly recorded in a permanent catalogue;
 4. permanent records maintained for loans and transfers to other institutions;
 5. specimens acquired primarily for purposes of research that is to be reported in scientific publications;
 6. specimens prepared and collections arranged in a manner that insures their utility;
- From Conf. 2.14, para. b).
- From Conf. 2.14, para. b).
The word "nation" should be replaced by "State".
- From Conf. 2.14, para. b).
- From Conf. 2.14, para. b).
- "insures" should be "ensures".

Text from existing Resolutions	Secretariat's comment
7. accurate data on specimens labels, permanent catalogues and other records;	For consistency, a passive verb should be included; "maintained" should be inserted after "data". Since "specimens" is used as an adjective, it should be singular.
8. acquisition and possession of specimens according with the laws of the State in which the scientific institution is located; and	For consistency, "according" should be "accord".
9. all specimens of species included in Appendix I permanently and centrally housed under the direct control of the scientific institution, and managed in a manner to preclude the use of such specimens for decoration, trophies or other purposes incompatible with the principles of the Convention;	
vii) scientists who keep private collections should be encouraged to affiliate with registered scientific institutions in order that they may take advantage of the exemption provided in Article VII, paragraph 6;	From Conf. 2.14, para. b).
viii) all nations should take precautions to avoid damage or loss to science of museum and herbarium specimens or of any accompanying data;	From Conf. 2.14, para. b). The word "nations" should be replaced by "States".
ix) implementation of this exemption should be accomplished as soon as possible to ensure that non-commercial exchange of scientific specimens is not interrupted and that it occurs in a way consistent with the terms of the Convention; and	From Conf. 2.14, para. b). A recommendation to implement an exemption "as soon as possible" may have seemed appropriate in 1979 but now appears out of place. Besides the speed of implementation certainly does not "ensure" consistency with the provisions of the Convention. In the revised draft resolution an amendment is proposed to take account of these comments.

Text from existing Resolutions

Secretariat's comment

- x) a five (5) character coding system for identifying registered institutions should be adopted; the first two (2) characters of which would be the two-letter code established by the International Organization for Standardization for the nations as presented in document Doc. 2.19 Annex 3; the last three (3) characters would be a unique number assigned to each institution by a Management Authority, in the case of a Party or by the Secretariat, in the case of a non-Party; and

From Conf. 2.14, para. b). The list of codes in document Doc. 2.19 is now out of date and incorrect. As the correct codes are found (and updated as necessary) in the CITES Directory, the revised draft resolution refers to this source. Also "would" has been changed to "should", since this is a recommendation. The figures reinforcing words are superfluous and have been omitted.

REPEALS the Resolutions listed hereunder:

New text.

- a) Resolution Conf. 1.4 (Berne, 1976) – Museum and herbarium inventories; and
- b) Resolution Conf. 2.14 (San José, 1979) – Guidelines for non-commercial loan, donation or exchange of museum and herbarium specimens.

Draft consolidated resolution proposed by the Secretariat

NON-COMMERCIAL LOAN, DONATION OR EXCHANGE OF
MUSEUM AND HERBARIUM SPECIMENS

CONSIDERING that Article VII, paragraph 6, of the Convention provides an exemption from the provisions relating to regulation of trade in specimens of species included in Appendices I, II and III for "non-commercial loan, donation or exchange between scientists or scientific institutions registered by a Management Authority of their State, of herbarium specimens, other preserved, dried or embedded museums specimens, and live plant material which carry a label issued or approved by a Management Authority";

RECOGNIZING that this exemption should apply to legally acquired animal and plant specimens that are under the authority of a registered scientific institution;

CONSIDERING that museum needs for research specimens can have adverse impact on small populations of rare animals and plants;

RECALLING the recommendations of the first meeting of the Conference of the Parties (Berne, 1976) and the special working session (Geneva, 1977) on this subject;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that:

- a) Parties take every opportunity within the scope of the Convention to encourage scientific research on wild fauna and flora, where this may be of use in conserving species that are threatened with extinction or that may become so;
- b) in order to reduce the potential impact of research the Parties encourage their natural history museums and herbaria to inventory their holdings of rare and endangered species and make that information widely available to the Parties and the research community. These inventories will allow researchers to efficiently borrow specimens for study;
- c) addenda should be added to the inventories as specimens become available. Scientific and Management Authorities of the Parties can use the information in determining whether further collecting of some rare species may be justifiable, or whether the need already can be met by borrowing specimens from other museums;
- d) Parties urge their museums and herbaria to undertake such inventories and make such information available; and
- e) Parties implement the exemption for scientific exchange in Article VII, paragraph 6, of the Convention as follows:
 - i) registration of scientific institutions should be done in a manner that extends the exemption to all scientific institutions meeting certain standards in each Party as determined to be bona fide upon the advice of a Scientific Authority;
 - ii) each Management Authority should communicate to the Secretariat as soon as practicable the names and addresses of those scientific institutions so registered, and the Secretariat without delay then communicate this information to all other Parties;

- iii) the requirement that the container used to transport the specimens carry a label issued or approved by a Management Authority should be met by authorizing the use of Customs Declaration labels, provided they bear the acronym 'CITES', identification of contents as herbarium specimens, preserved, dried or embedded museum specimens or live plant material for scientific study, the name and address of the sending institution and the codes of the exporting and importing institutions over the signature of a responsible officer of that registered scientific institution; or a label issued by a Management Authority containing the same information and the users of which would be responsible to that body;
- iv) to prevent abuse of this exemption, it should be limited to shipments of legally obtained specimens between registered scientific institutions and, if trade is to or from a non-Party, the Secretariat shall ensure that the institution in the non-party State meets the same standards for registration as indicated by competent authorities of the non-party governments;
- v) the exemption should be applied to include frozen museum specimens, duplicate herbarium specimens, and all other types of scientific specimens named in Article VII, paragraph 6, including those that are legally collected in one State for shipment to another State as non-commercial loans, donations, or exchanges;
- vi) the standards for registration of scientific institutions should be as follows:
 - 1. collections of animal or plant specimens, and records ancillary to them, permanently housed and professionally curated;
 - 2. specimens accessible to all qualified users, including those from other institutions;
 - 3. all accessions properly recorded in a permanent catalogue;
 - 4. permanent records maintained for loans and transfers to other institutions;
 - 5. specimens acquired primarily for purposes of research that is to be reported in scientific publications;
 - 6. specimens prepared and collections arranged in a manner that ensures their utility;
 - 7. accurate data maintained on specimen labels, permanent catalogues and other records;
 - 8. acquisition and possession of specimens accord with the laws of the State in which the scientific institution is located; and
 - 9. all specimens of species included in Appendix I permanently and centrally housed under the direct control of the scientific institution, and managed in a manner to preclude the use of such specimens for decoration, trophies or other purposes incompatible with the principles of the Convention;
- vii) scientists who keep private collections should be encouraged to affiliate with registered scientific institutions in order that they may take advantage of the exemption provided in Article VII, paragraph 6;
- viii) all States should take precautions to avoid damage or loss to science of museum and herbarium specimens or of any accompanying data;
- ix) this exemption should be implemented to ensure that non-commercial exchange of scientific specimens is not interrupted and that it occurs in a way consistent with the terms of the Convention; and

- x) a five-character coding system for identifying registered institutions should be adopted; the first two characters should be the two-letter country established by the International Organization for Standardization, as provided in the CITES Directory; the last three characters should be a unique number assigned to each institution by a Management Authority, in the case of a Party or by the Secretariat, in the case of a non-Party; and

REPEALS the Resolutions listed hereunder:

- a) Resolution Conf. 1.4 (Berne, 1976) – Museum and herbarium inventories; and
- b) Resolution Conf. 2.14 (San José, 1979) – Guidelines for non-commercial loan, donation or exchange of museum and herbarium specimens.