

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



Seventy-third meeting of the Standing Committee
Online meeting, 5-7 May 2021

Interpretation and implementation matters

Exemptions and special trade provisions

STOCKS AND STOCKPILES

1. This document has been prepared by the Secretariat.

Background

2. At its 18th meeting (CoP18, Geneva, 2019), the Conference of the Parties adopted Decision 17.170 (Rev. CoP18) on *Stocks and stockpiles* as follows:

17.170 (Rev. CoP18) Directed to the Standing Committee

The Standing Committee shall, with the assistance of the Secretariat, review the existing provisions agreed by the Parties concerning controls on stocks of specimens of CITES-listed species. It shall consider their objectives and implementation, and the resource implications for Parties and the Secretariat, and shall report its conclusions and recommendations at the 19th meeting of the Conference of the Parties.

3. On 28 September 2020, the Standing Committee requested the Secretariat to prepare some background information on existing provisions to support future consideration of Decision 17.170 (Rev. CoP18) by the Committee. The existing provisions are included in paragraph 7 of the present document which is intended to assist the Committee in addressing this Decision.
4. The original Decision 17.170 was adopted on the basis of document [CoP17 Doc. 47](#) which observes *inter alia* that the Parties have devoted increasing attention to the subject of stocks of specimens of CITES-listed species but that, at the same time, the terms 'stock' and 'stockpile' have not been defined. The document also noted that a variety of different processes have evolved for the control of stocks of specimens of CITES-listed species. In some cases, this led to an increase in the reporting burden on Parties and the work of the Secretariat in recording and consolidating the data generated without a clear understanding of the benefits that this may have for the implementation of the Convention.
5. At the 69th meeting of the Standing Committee (Geneva, November 2017), the Committee established an intersessional working group on stocks and stockpiles with the following terms of reference:
 - a) review the existing provisions agreed by the Parties concerning controls on stocks of specimens of CITES-listed species provided in Annex 2 of document SC69 Doc. 43;
 - b) identify CITES conservation and enforcement objectives in the management of both government and privately held stocks and stockpiles of specimens;
 - c) suggest definitions of "stock" and "stockpile";

- d) consult with Parties affected by the measures in Annex 2 of document SC69 Doc. 43, through a Notification to them, to request information concerning the resources they use to implement these Resolutions and Decisions including any significant challenges they face in maintaining these stockpiles and using this information consider resource implications for Parties and the Secretariat;
 - e) consult with Parties, INTERPOL, World Customs Organization, UN Office on Drugs and Crime, World Trade Organization, museums, appropriate representatives of private industry and any other technical experts to identify best practices for robust stockpile management systems, identification of specimens (age and origin), inventory, corruption prevention, and disposal / destruction, with particular sensitivity to cost effectiveness required by developing countries;
 - f) explore the legal implications of a Party selling confiscated specimens;
 - g) consider different approaches to managing stockpiles of legally acquired specimens, and stockpiles of confiscated specimens, as well as the different treatment of stockpiles containing species listed in Appendices I, II and III; and
 - h) on the basis of the discussions at the 69th meeting of the Standing Committee and the results of paragraphs a) to g) above, report conclusions and recommendations to the 70th meeting of the Standing Committee.
6. The intersessional working group produced a report at the 70th meeting of the Committee (SC70, Sochi, October 2018) which can be found in document [SC70 Doc. 41](#). However, the working group was not able to achieve consensus on its recommendations. Committee Members and Parties generally agreed that work on this issue should continue, but with a more defined scope that excluded discussions regarding the management of stockpiles. The Committee consequently agreed to propose an extension to Decision 17.170 at the 18th meeting of the Conference of the Parties (CoP18), which was adopted as Decision 17.170 (Rev. CoP18).

Existing provisions agreed by the Parties concerning controls on stocks of specimens of CITES-listed species

7. Further references to stocks and stockpiles in its Resolutions and Decisions have been adopted by the Conference of the Parties since SC70. The current species-specific Resolutions and Decisions of the Conference of the Parties that include provisions related to this matter (in taxonomic order) are as follows:
- a) Tibetan antelope (*Pantholops hodgsonii*)
 In Resolution Conf. 11.8 (Rev. CoP17) on *Conservation of and control of trade in the Tibetan antelope*, the Conference of the Parties recommends that all Parties and non-Parties in whose territory stocks of Tibetan antelope parts and raw materials exist, adopt a registration system and national measures to prevent such stocks from re-entering into trade.
 - b) Saiga antelope (*Saiga spp.*)
 In Decision 18.270, Saiga range States are encouraged to establish internal market controls for saiga parts, including registration of stockpiles, labelling of parts and products, and registration of manufacturers and traders, and report such information to the Secretariat. Decision 18.271 directs the Secretariat to consult saiga range States and major trading and consumer States concerning their management of stockpiles of saiga specimens; review processes and practices; and provide assistance in ensuring effective stockpile management and monitoring, including the development of inventories and strengthening stockpile security; and report to the Animals Committee and Standing Committee on this matter, as appropriate.
 - c) Vicuna (*Vicugna vicugna*)
 Resolution Conf. 18.8 on *Conservation of vicuña (Vicugna vicugna) and trade in its fibre and products* urges all Parties trading in vicuña fibre to identify and record existing volumes of vicuña fibre in order to ensure appropriate traceability and control of the fibre and prevent illegal specimens to enter legal markets.

d) Asian big cats (Felidae spp.)

In Resolution Conf. 12.5 (Rev. CoP18) on *Conservation of and trade in tigers and other Appendix-I Asian big cat species*, Parties and non-Parties on whose territories there exist stocks of parts and derivatives of tiger and other Asian big cat species (such as tiger bone stocks), but not including pre-Convention specimens, are urged to consolidate and ensure adequate control of such stocks, and where possible destroy them, with the exception of those used for educational and scientific purposes.

e) Rhinoceroses (Rhinocerotidae spp.)

In Resolution Conf. 9.14 (Rev. CoP17) on *Conservation of and trade in African and Asian rhinoceroses* the Conference of the Parties urges all Parties that have stocks of rhinoceros horn to identify, mark, register and secure such stocks, and declare these to the Secretariat each year before 28 February, in a format to be defined by the Secretariat. The Secretariat has consequently established a [template for the submission of such information](#). The Resolution directs the Secretariat, prior to each meeting of the Conference of the Parties, and pending external funding, to commission the African and Asian Rhino Specialist Groups of the Species Survival Commission of the International Union for Conservation of Nature (IUCN/SSC) and TRAFFIC to prepare and submit a report to it including on stocks of specimens of rhinoceros and stock management. The Secretariat is to make an aggregated summary of the rhinoceros horn stock declarations of Parties available to the IUCN/SSC African and Asian Rhino Specialist Groups and TRAFFIC for its analysis and inclusion in its report. The Secretariat is then to make the report available at meetings of the Conference of the Parties and on the basis of it, formulate draft decisions for consideration by the Conference of the Parties, as appropriate.

f) Pangolins (Manis spp.)

Resolution 17.10 on *Conservation of and trade in pangolins*, encourage Parties on whose territories stocks of parts and derivatives of pangolins exist to ensure that adequate control measures are in place to secure these stocks, and to ensure strict application of these measures. Paragraph c) of Decision 18.240 directs the Secretariat to prepare a report for review by the Animals Committee and the Standing Committee, including information on stocks of specimens of pangolins and stockpile management. Funds have been secured to prepare this report and information was requested from Parties in Notification to the Parties [No. 2021/016](#) of 5 February 2021.

g) Elephants (Elephantidae spp.)

- i) In Resolution Conf. 10.10 (Rev. CoP18) on *Trade in elephant specimens*, the Conference of the Parties urges Parties to introduce recording and inspection procedures to enable monitoring of the movement of ivory within the State, particularly by means of compulsory trade controls over raw ivory and comprehensive and demonstrably effective stock inventory, reporting, and enforcement systems for worked ivory.
- ii) Parties are urged to maintain an inventory of government-held stockpiles of ivory and, where possible, of significant privately held stockpiles of ivory within their territory, and inform the Secretariat of the level of this stock each year before 28 February, indicating: the number of pieces and their weight per type of ivory (raw or worked); for relevant pieces, and if marked, their markings in accordance with the provisions of this Resolution; the source of the ivory; and the reasons for any significant changes in the stockpile compared to the preceding year. The Secretariat has established [a template for the submission of such information](#). Under Decision 18.184, the Secretariat is to annually publish updated summary data based on the inventories submitted by Parties, disaggregated to regional but not country level, including the total ivory stockpiles by weight. The first such [summary data](#) was published on the CITES website in 2020.
- iii) Under Decision 18.182, an intersessional working group of the Standing Committee on guidance on ivory stockpiles is reviewing practical guidance for the management of ivory stockpiles, including their disposal; the results are to be considered for approval by the Committee at the present meeting. Once approved, they will then be disseminated to Parties by the Secretariat.
- iii) Decisions 18.184 and 18.185 direct the Standing Committee, at its regular meetings, to consider reports and recommendations from the Secretariat on Parties that have not provided information on the level of government held stockpiles of ivory and significant privately held stockpiles of ivory

within their territory or where stockpiles are not well secured, and determine whether any further actions are necessary. The Standing Committee has not had an opportunity to receive such reports.

h) Pythons (*Boidae* spp.)

Resolution Conf. 17.12 on *Conservation, sustainable use of and trade in snakes* encourages range and consumer State Parties to test and consider the introduction of innovative traceability methods for snake skins. It recommends that, prior to the implementation of a traceability system for python skins, Parties inventory and tag those skins and provide this information to the Secretariat as a baseline. Inventories of the initial stockpiles should contain information on the species concerned, the stage of processing of the skins (crust, dried, etc.) and the corresponding quantities and tag numbers, and also the year of harvest for skins newly entering the stockpiles. The tagging method used should distinguish between skins of the initial stockpiles and skins harvested at later points in time.

i) Sharks and rays (*Elasmobranchii* spp.)

i) In accordance with their national legislation, Parties are encouraged in Decision 18.218 to provide a report to the Secretariat about the assessment of stockpiles of shark parts and derivatives for CITES-listed species stored and obtained before the entry into force of their inclusion in CITES in order to control and monitor their trade, if applicable. The Secretariat was also instructed to issue a Notification to the Parties inviting them to provide a summary of activities concerning the recording of stockpiles of commercial and/or pre-Convention shark parts and derivatives for CITES Appendix-II elasmobranch species and controlling the entry of these stocks into trade. The Secretariat issued Notification to the Parties N° 2020/016 on 28 February 2020 requesting such information. Responses were received from Indonesia, Israel, Italy, New Zealand, Papua New Guinea, Samoa, Solomon Islands and Senegal and can be found in [Annex 2](#) to document AC31 Doc. 25.

ii) In Decision 18.224, the Standing Committee is directed to develop new guidance or identify existing guidance on the control and monitoring of stockpiles of shark parts and derivatives, in particular for specimens caught prior to the inclusion of the species in Appendix II, and the Secretariat is instructed to disseminate this guidance to Parties in Decision 18.220, paragraph c). This task has been directed to an intersessional working group on sharks and rays established by the Standing Committee.

j) Malagasy ebonies (*Diospyros* spp.) and Malagasy palissanders and rosewoods (*Dalbergia* spp.)

Decision 18.94 urges source, transit and destination Parties for specimens of species of the genera *Dalbergia* and *Diospyros* occurring in Madagascar to effectively manage timber stockpiles of specimens of such species and provide written reports describing progress made with implementing these measures at regular meetings of the Standing Committee. In Decision 18.96, Madagascar is directed, subject to available funding, to secure the stockpiles (including undeclared and hidden stocks) of timber of *Dalbergia* and *Diospyros* in the country and submit regular updates on audited inventories thereof for consideration, approval and further guidance from the Standing Committee.

Conclusion

8. The Standing Committee may wish to establish an intersessional working group to progress the implementation of Decision 17.170 (Rev. CoP18). Although SC70 concluded that future work on this matter should have a more defined scope, the terms of reference of the previous Standing Committee intersessional working on this subject may provide inspiration for the terms of reference for any new working group established.
9. The Secretariat makes the following observations in relation to the mandate of the Standing Committee intersessional working group on this subject which worked between CoP17 and CoP18:
 - a) *review the existing provisions agreed by the Parties concerning controls on stocks of specimens of CITES-listed species provided in Annex 2 of document SC69 Doc. 43;*

An updated list of existing provisions is provided in paragraph 7 of the present document.

- b) *identify CITES conservation and enforcement objectives in the management of both government and privately held stocks and stockpiles of specimens;*

Existing provisions in Resolutions and Decisions concerning controls on stocks of specimens of CITES-listed species often seem to be motivated by a desire to prevent illegally acquired specimens from entering or, in the case of stocks of confiscated specimens, re-entering trade. If this is the case, any working group may wish to consider links between these provisions and: the disposal of confiscated specimens (paragraph 2 of Resolution Conf. 17.8 on *Disposal of illegally traded and confiscated specimens of CITES-listed species*), the export of specimens harvested in the past which are subject to export quotas (paragraphs 20 and 21 in the Annex of Resolution Conf. 14.7 (Rev. CoP15) on *Management of nationally established export quotas*) and the due diligence provisions in Resolution Conf. 11.3 (Rev. CoP18) on *Compliance and enforcement*.

- c) *suggest definitions of “stock” and “stockpile”;*

Paragraph 5 c) of [document SC70 Doc. 41](#) addresses this point and could provide a basis for further discussion.

- d) *consult with Parties affected by the measures in Annex 2 of document SC69 Doc. 43, through a Notification to them, to request information concerning the resources they use to implement these Resolutions and Decisions including any significant challenges they face in maintaining these stockpiles and using this information consider resource implications for Parties and the Secretariat;*

[Notification to the Parties No 2018/008](#) of 16 December 2018 requesting information about the degree of success in complying with existing provisions and the challenges and resources required to do so, received only two responses from Parties.

- e) *consult with Parties, INTERPOL, World Customs Organization, UN Office on Drugs and Crime, World Trade Organization, museums, appropriate representatives of private industry and any other technical experts to identify best practices for robust stockpile management systems, identification of specimens (age and origin), inventory, corruption prevention, and disposal / destruction, with particular sensitivity to cost effectiveness required by developing countries;*

This action was undertaken by the previous intersessional working group and is reported in Annex 2 of [document SC70 Doc. 41](#).

- f) *explore the legal implications of a Party selling confiscated specimens;*

Guidance on the sale of confiscated specimens is provided to Parties in Resolution Conf. 17.8 on *Disposal of illegally traded and confiscated specimens of CITES-listed species*, but the legal implications would seem to be a matter of national competence.

- g) *consider different approaches to managing stockpiles of legally acquired specimens, and stockpiles of confiscated specimens, as well as the different treatment of stockpiles containing species listed in Appendices I, II and III; and*

SC70 concluded that future work should exclude discussions regarding the management of stockpiles.

- h) *on the basis of the discussions at the 69th meeting of the Standing Committee and the results of paragraphs a) to g) above, report conclusions and recommendations to the 70th meeting of the Standing Committee*

9. If considered helpful by the Committee, the Secretariat could provide any intersessional working group with information on its knowledge of the implementation of the provisions listed in paragraph 7 of the present document.