

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

Eighth Meeting of the Conference of the Parties
Kyoto (Japan), 2 to 13 March 1992

Interpretation and Implementation of the Convention

IMPLEMENTATION OF THE CONVENTION IN THE EUROPEAN ECONOMIC COMMUNITY

This document has been prepared and is submitted by Paraguay, but it is open to the agreement of the countries of the region.

In recent years, wildlife-exporting countries have made a big effort to implement CITES in their countries, taking into account the limited funds available to undertake adequate work on control, education and scientific research to develop the basis for a wise use of such wildlife.

The complexity of the problem of the conserving species of economic significance in the exporting countries has been demonstrated at all levels. It is in these countries that live the hunters who supply the raw material, the people who hunt to get the basic elements they need to survive. In certain areas, this constitutes the principal activity of the inhabitants, and the economy of some of the inner regions of our countries is dependent on trade.

Millions of wild-taken skins leave South America illegally every year and during many years Paraguay was considered as a bridge for the illegal trade in wildlife in our continent. Last year, the Government of Paraguay changed its policy on the use of wildlife, and the implementation of CITES in Paraguay started with a new administration and the establishment of various commissions for the control and development of wildlife population studies. At the same time, a realistic legislation was developed. As in other exporting countries, a genuine interest exists in undertaking further programmes and projects for conservation and rational use of the natural resources. Unfortunately the problem goes beyond the borders of those countries and any control and education will not help if appropriate control measures are not taken in the importing countries.

The poor implementation of controls by certain members of the European Economic Community (EEC) is an example, as demonstrated by the successive reports on infractions to the Convention submitted by the CITES Secretariat at several meetings of the Conference of the Parties.

All the efforts made by wildlife exporting countries will not be efficient if, at the same time, more appropriate control measures are not implemented in the EEC.

Note from the Secretariat

As the attached draft resolution concerns the same subject as that attached to document Doc. 8.18.1 submitted by Uruguay, the Secretariat recommends that the proponents of these draft resolutions join their efforts to submit a single text to the Conference of the Parties.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES*

Implementation of the Convention in the European Economic Community

CONSIDERING that paragraph 3 of Article XIV of the Convention establishes that the provisions of the Convention will in no way affect international conventions or treaties concluded between States, but that it is not the objective of this Article to undermine the principles of the Convention;

CONSIDERING that at the second extraordinary meeting of the Conference of the Parties, convened in Gaborone (Botswana) on 30 April 1983, an amendment to Article XXI of the Convention, which permitted the accession to the Convention of any organization of regional economic integration constituted by sovereign States, like the European Economic Community (EEC), was adopted by the requisite two-thirds majority of Parties present and voting;

CONSIDERING that to date only 27 out of the 54 States that were Parties to the Convention at that time have accepted this amendment, and that of these 27 States 5 are from the Latin-American region;

CONSIDERING that, at the extraordinary meeting of Gaborone, the observer from the EEC stated that "the accession of the EEC to CITES would bring legal security by binding EEC member countries to the Convention", and that the observer from the European Parliament urged the Parties to accept the amendment proposal saying that the European Parliament was committed to the Convention;

TAKING INTO ACCOUNT that in 1993 the EEC will terminate all controls between member countries and that consequently any specimen which then enters one of the countries of the Community will be allowed free circulation within the Community;

CONSIDERING that the EEC is one of the most important regions with respect to trade in CITES species and that a weak implementation of the Convention opens this important market to the trade in CITES specimens of illegal origin;

CONSIDERING the efforts made by some exporting countries in their fight against illegal trade, in spite of difficult economic circumstances;

RECOGNIZING that some EEC countries implement neither the controls established by the Convention nor the Resolutions adopted by the Conference of the Parties;

RECOGNIZING that these countries do not have adequate national legislation which to ensure the correct implementation of the Convention, particularly with regard to the requirements of Article VIII;

CONSIDERING that some EEC countries issue re-export certificates without taking the necessary measures to ascertain the validity of the documents issued by the countries of origin, and that the potential re-exports may just legalize goods of illegal origin;

CONSIDERING that some European countries are members of the EEC but not of CITES;

TAKING INTO ACCOUNT that this situation is serious both in general terms and in particular in the case of live animals and of reptile skins and parts thereof;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that, before accepting a re-export document for live animals, reptile skins or parts thereof issued by a State member of the EEC, Parties check with the Management Authority of the declared country of origin or with the Secretariat the validity of the export document and, in cases where the country of origin has been contacted directly, the Secretariat be notified immediately of the existence of any invalid documents;

*Supported by the countries of the region.

REQUESTS that the CITES Secretariat evaluate the efficiency of controls and their effective implementation with respect to the above-mentioned CITES specimens that either enter into or transit through the EEC, and report to the ninth meeting of the Conference of the Parties in the context of the document on alleged infractions; and

URGES the EEC member countries to accelerate the development of appropriate national legislation and to increase substantially the allotment of resources required to ensure the enforcement of the Convention and to provide to the international community the necessary assurance regarding compliance with the agreements in force.