

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

Eleventh meeting of the Conference of the Parties
Gigiri (Kenya), 10-20 April 2000

Interpretation and implementation of the Convention

REPORTING OF SEIZURES

1. This document has been submitted by Israel.

COMMENTS FROM THE SECRETARIAT

- A. The Secretariat believes that Resolution Conf. 9.9 already provides for the exchange of information relating to violations of the Convention and seizures of shipments between Management Authorities. It is concerned that the attached draft resolution includes recommendations that may be contrary to natural justice and the national data protection legislation of many Parties.
- B. For example, it may not be appropriate to communicate information regarding arrests and prosecutions to Management Authorities of other States before the guilt of the persons concerned has been established in a court of law. The Secretariat believes that, for exchange of information relating to ongoing investigations, it might be most appropriate to use already existing lines of communication between law enforcement agencies.
- C. Paragraph c) of the attached draft resolution is already covered by paragraph c) under the first RECOMMENDS of Resolution Conf. 9.8 (Rev.) and the Secretariat believes that this would be sufficient to improve the supply of relevant information if more Parties complied.
- D. Consequently, the Secretariat does not support the adoption of the draft resolution in the Annex.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Reporting of seizures

RECALLING that the preamble to the Convention reaffirms that peoples and States are and should be the best protectors of their own wild fauna and flora;

RECALLING also that the preamble to the Convention reaffirms that international co-operation is essential for the protection of certain species of wild fauna and flora against over-exploitation through international trade, and that subsequent substantive provisions of the Convention seek to facilitate such co-operation;

RECALLING also that the provisions and intentions of Resolutions Conf. 3.9, Conf. 6.3, Conf. 6.4, Conf. 7.5, Conf. 9.8, Conf. 9.10, Conf. 10.7, adopted at the third, sixth, seventh, ninth and tenth meetings of the Conference of the Parties (New Delhi, 1981; Ottawa, 1987; Lausanne, 1989; Fort Lauderdale, 1994; and Harare 1997) and especially Resolution Conf. 9.9, paragraph a)ii) (Recommends that, "when specimens are exported or re-exported in violation of the Convention, importing Parties... notify as soon as possible the Management Authority from which the specimens were consigned of the violation and any of enforcement actions taken concerning the specimens");

AWARE that the receipt of timely and accurate information is extremely important to authorities charged with enforcement of the various provisions of the Convention;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that:

- a) any Party intercepting or seizing CITES specimens that are reasonably believed to have been imported in violation of the Convention should provide details of the specimens and their delivery, together with any other information considered useful for investigation or enforcement purposes, to the Management Authority of the country of origin/export, as soon as possible;
- b) any Party arresting or prosecuting a foreign national on charges involving the violation of the Convention should provide details of the accused and the violation to the Management Authority of the country of the defendant's citizenship in a timely manner; and
- c) information transmitted in accordance with paragraphs a) and b) above should be copied to the Enforcement Assistance Unit of the CITES Secretariat.