

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

USE OF ANNOTATIONS IN THE APPENDICES

1. This document has been submitted by Switzerland on behalf of the Standing Committee.
2. Decision 10.70 of the Conference of the Parties, directed to the Standing Committee, states that:

Ways and means of clarifying legal and implementation issues related to the use of annotations in the appendices shall be considered and a report shall be presented at the 11th meeting of the Conference of the Parties.
3. At its 39th meeting, the Standing Committee requested the Depositary Government to lead a working group to deal with this directive.
4. At the 40th meeting of the Standing Committee, the Depositary Government presented a document summarizing the development of the use of annotations in the appendices. The Committee agreed to a proposal from the working group that a draft resolution should be prepared for consideration at the 11th meeting of the Conference of the Parties and that, at the 12th meeting, it might be advisable to combine this new resolution with Resolution Conf. 9.24, which was to be reviewed at that meeting.
5. The working group, comprising representatives of Argentina, Canada, Germany, Namibia, Switzerland, the United States of America and the Secretariat, conducting its work mostly by correspondence, prepared a draft resolution, which was reviewed and amended by the group during the 41st meeting of the Standing Committee and was approved by the Committee without discussion.
6. The purpose of the draft resolution is to make clear that there are two types of annotations: reference annotations (which are for information purposes only); and substantive annotations (which are integral parts of species listings). The introduction, amendment or deletion of annotations of the second type is only possible under the procedures required for the amendment of the appendices. Annotations of the first type may be introduced ad hoc by the Conference of the Parties or the Secretariat as required.

COMMENTS FROM THE SECRETARIAT

- A. This document was prepared by a working group of the Standing Committee, which agreed that it should be forwarded to the Conference of the Parties for consideration. The Secretariat participated in the working group that prepared the document and supports the adoption of the draft resolution in the Annex for the various clarifications it would provide. These are self-explanatory. The Secretariat also agrees that, if the draft resolution is adopted, it should be consolidated with Resolution Conf. 9.24 (Criteria for amendment of Appendices I and II) when the latter is revised.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Use of annotations in the appendices

RECOGNIZING that annotations are increasingly used in the appendices for a number of purposes;

AWARE that certain types of annotations are for reference only, whereas others are substantive and are intended to define the scope of the inclusion of a species;

CONSIDERING that the Parties have developed specific procedures for transfer, reporting and review for certain special cases of amendment of the appendices, such as those relating to ranching, quotas, certain parts and derivatives, and trade regimes;

AWARE also that certain types of annotations are an integral part of a species listing, and that any proposal to introduce, amend or delete such an annotation must follow the provisions of Resolution Conf. 9.24;

CONSCIOUS that criteria for the submission of proposals to amend the appendices that include annotations, and procedures for reviewing the implementation of such annotations, need to be clearly defined to avoid implementation and enforcement problems;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

AGREES that:

- a) annotations to the appendices may be of two types: reference annotations and substantive annotations;
- b) the following are reference annotations and are for information purposes only:
 - i) asterisks (*/**);
 - ii) the annotations "p.e.", for possibly extinct; and
 - iii) annotations relating to nomenclature (= 300- and = 400-series);
- c) the following are substantive annotations, and are integral parts of species listings:
 - i) annotations relating to the inclusion or exclusion of designated geographically separate populations, subspecies, species, groups of species, or higher taxa, which may include export quotas (-100- and + 200-series); and
 - ii) annotations relating to specified types of specimens (such as live animals, live plants, or specified parts or derivatives), which may include export quotas (° 600-series and #-series);
- d) reference annotations may be introduced, amended or deleted by the Conference of the Parties, or by the Secretariat, as required, to facilitate the understanding of the appendices;
- e) substantive annotations relating to species in Appendix I or II may be introduced, amended or deleted only by the Conference of the Parties in accordance with Article XV of the Convention;
- f) substantive annotations relating to geographically separate populations in Appendices I or II must be in compliance with the split-listing provisions contained in Resolution Conf. 9.24 Annex 3; and
- g) substantive annotations used in the context of transferring a species from Appendix I to Appendix II must be in compliance with the precautionary measures contained in Resolution Conf. 9.24 Annex 4;

AGREES that no proposal for transfer of a species from Appendix I to Appendix II subject to an annotation relating to specified types of specimens shall be considered from a Party that has entered a reservation for the species in question, unless that Party has agreed to remove the reservation within 90 days of the adoption of the amendment;

RECOMMENDS that:

- a) Parties submitting proposals that contain substantive annotations ensure that the text is clear and unambiguous;
- b) if a proposed annotation relates to specified types of specimens, the applicable provisions of the Convention for import, export and re-export of each type of specimen should be specified;
- c) Parties avoid making proposals to adopt annotations that include live animals or trophies; and
- d) annotations relating to specified types of specimens should be used sparingly, as their implementation is particularly challenging, especially where there are identification problems or where the purpose of trade has been specified;

DIRECTS:

- a) the Secretariat to report to the Standing Committee, for at least four years following the adoption of a proposal to transfer species from Appendix I to Appendix II subject to a substantive annotation, any credible information it receives indicating a significant increase in the illegal trade in or poaching of such species; and
- b) the Standing Committee to investigate any such reports of illegal trade and to take appropriate action to remedy the situation, which may include calling on the Parties to suspend commercial trade in the affected species, or inviting the Depositary Government to submit a proposal to amend the annotation or to retransfer the species to Appendix I; and

AGREES that, for species transferred from Appendix I to II subject to an annotation relating to specified types of specimen, specimens that are not specifically included in the annotation shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.