

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

Significant trade in Appendix-II species

REVISION OF RESOLUTION CONF. 8.9

1. This document has been prepared by the Secretariat on behalf of the Animals and Plants Committees.

Introduction

2. Since the adoption of Resolution Conf. 8.9 at the eighth meeting of the Conference of the Parties (1992, Kyoto), the Animals Committee has been successfully implementing its provisions. A draft of a similar resolution, applicable to plants, has been considered by the Plants Committee for some time. The present document contains a proposal for the revision of Resolution Conf. 8.9, to make it applicable to all species included in Appendix II.
3. Annex 1 to this document contains a draft revision of Resolution Conf. 8.9.
4. Annex 2 to this document contains a draft decision of the Conference of the Parties. In the operative part of the draft resolution, a new DIRECTS has been inserted after RECOMMENDS, to include a clear reference to this Decision of the Conference of the Parties.
5. A reference to Article IV, paragraph 6(a), has been included in the appropriate parts of the preamble and the operative text.

Considerations by the Plants Committee

6. At its 10th meeting (Harare, 1997), the Conference of the Parties approved document Doc. 10.56 on significant trade in Appendix-II plant species. This document outlined a programme of work to develop a draft resolution on trade in wild-collected plants for consideration at the 11th meeting of the Conference of the Parties.
7. At its ninth meeting (Darwin, Australia, June 1999), the Plants Committee discussed a draft resolution on trade in wild-collected plant specimens (document Doc. PC9, item 9.4). The Committee agreed that this resolution should serve the same purpose as Resolution Conf. 8.9, that is to assist the Parties in adequately implementing the provisions of paragraphs 2(a) and 3 of Article IV of the Convention.

General

8. In its discussions on the contents of a draft resolution on trade in wild-collected plants, the Plants Committee took into account the following considerations.
 - a) For many species of plants there is a lack of detailed or recent information on the biology, taxonomy, conservation status and international trade in live specimens or parts and derivatives.
 - b) There is a difficulty in establishing acceptable levels of sustainable trade for a wide range of species.

- c) In many cases there will be a need to review defined groups of species in trade rather than to initiate comprehensive analysis of trade in a single species using all the data included in the WCMC trade database. Those particular groups should be studied through well focused projects which may be taxon-specific or country-specific.
- d) In many range States, a wide range of expertise is available, although not always adequately utilized by the Management and Scientific Authorities. An effective means to improve their use would be to organize in-country workshops as part of the projects referred to in paragraph c) above.
- e) The conduct of projects would also allow a greater use of the knowledge and experience of the IUCN/SSC specialist groups dealing with flora, TRAFFIC and WCMC and other experts on the taxa concerned.

Selection of species

9. When selecting species for review, the Plants Committee will, in principle, follow the same procedures as those currently used for the review of significantly traded animal species. A first step should be to evaluate the available information on the biology, taxonomy, conservation status, levels of artificial propagation and trade in the species of concern. This may include information from experts on the plant groups concerned. If it is clear from this initial review that sufficient information is available, the Plants Committee can initiate the regular review process as currently employed by the Animals Committee, in close consultation with the range States involved.
10. Where trade data and/or biological information are insufficient, the Plants Committee believed it should:
 - a) consider possible indicators of detrimental trade (such indicators may include: problems with enforcement or identification, illegal trade, new species being offered for sale, the opening of new markets or sources); or
 - b) decide on ways to obtain adequate information on the taxa concerned.
11. When trade data and/or biological information are insufficient and the Committee feels that there is a need to obtain more information it has the option to divide the taxa concerned in the following categories. These categories were already explained in more detail in document Doc. 10.56:
 - a) taxa rich in species (whole genus or families), but for which data are poor;
 - b) target taxa (e.g. frequently traded illegally, species used in medicines, etc.); and
 - c) taxa recently added to the appendices.
12. For each of these, projects can be developed to conduct detailed studies either aimed at species (or groups of species) from different families or at whole families or genera. The Plants Committee could also consider developing projects in particular countries in collaboration with the Party concerned.
13. In these projects the following aspects would need to be given special attention:
 - a) the reason for inclusion of the species in the appendices (e.g. look-alikes for which no real trade concern existed);
 - b) whether the species are endemic to a single range State or have a restricted range within two countries;
 - c) whether exports of wild specimens were reported from non-range States;
 - d) whether the species is difficult to propagate although large quantities are reported in trade as being artificially propagated;

- e) whether there are species for which a change in market demand or pattern may stimulate detrimental trade; and
- f) whether there is evidence that even a low volume of trade could adversely affect wild populations or that there has been a recent increase in trade in wild specimens or that the trade data do not correctly reflect the true level of trade in wild specimens.

Considerations by the Animals Committee

14. At its 15th meeting (Antananarivo, Madagascar, July 1999) the Animals Committee evaluated the process of implementing Resolution Conf. 8.9 since its adoption. A number of shortcomings were realized and consequently discussed. These can be summarized as follows:
 - a) There is no procedure for the tracking of a species' progress through the review of significant trade;
 - b) Because of the changing of numbering of Decisions of the Conference of the Parties there is a degree of confusion when comparing documents dealing with significantly traded species;
 - c) The formulation of primary and secondary recommendations by the Animals Committee is unclear;
 - d) The co-ordination of field projects is currently a disjunct process requiring improvement; and
 - e) There is a generic problem relating to under-resourced, under-staffed Scientific Authorities or even an absence thereof, which, although highlighted through the review of significant trade, is beyond the scope of the Committee.
15. A number of these problems have been addressed in the attached draft resolution and draft decision; others will require further discussion in the Animals Committee.
16. The Animals Committee also would like to introduce some text on the possibility of reintroducing a species into the process that has been eliminated in an earlier stage. This text has been introduced under the last DIRECTS of the draft resolution in the Annex. The proposed text requires the Secretariat to monitor the process (which it is already doing), and to regularly report back to the relevant committee. In introducing this regular reporting on the whole process, it would no longer seem to be required to also report to the Conference of the Parties, and consequently this has been deleted.
17. At its 15th meeting, the Animals Committee also agreed to the proposal by the Plants Committee to prepare a draft resolution applicable to all species included in Appendix II.
18. The Animals Committee also discussed the current Decision 10.79 of the Conference of the Parties. It proposed some additional text to further improve implementation of Resolution Conf. 8.9.
19. Proposed amendments to the text of Resolution Conf. 8.9 are included in the Annex **in bold**.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Trade in specimens of Appendix-II species taken from the wild

RECALLING that Article IV, paragraph 2(a), of the Convention requires, as a condition for granting an export permit, that a Scientific Authority of the State of export has advised that the export will not be detrimental to the survival of the species concerned;

RECALLING that Article IV, paragraph 3, requires a Scientific Authority of each Party to monitor exports of Appendix-II species and to advise the Management Authority of **suitable measures to be taken** to limit such exports in order to maintain such species throughout their range at a level consistent with their role in the ecosystem;

RECALLING also that Article IV, paragraph 6(a), requires, as a condition for granting a certificate of introduction from the sea, that a Scientific Authority of the State of introduction from the sea has advised that the introduction will not be detrimental to the survival of the species concerned;

RECALLING **further** that Resolution Conf. 2.6 (Rev.), adopted at the second meeting of the Conference of the Parties (San José, 1979) and amended at the ninth meeting (Fort Lauderdale, 1994), provides a mechanism by which any Party deeming any Appendix-II or -III species to be traded in a manner detrimental to the survival of that species may consult directly with the Management Authority of the country involved, with the assistance of the Secretariat if required, and take stricter domestic measures where appropriate;

NOTING that some Parties permitting export of Appendix-II species of wildlife are not effectively implementing Article IV, and that all Parties benefit from management of Appendix-II species that ensures the continued availability of these resources;

RECALLING **that Resolution Conf. 9.1 (Rev.), adopted at the ninth meeting of the Conference of the Parties (Fort Lauderdale, 1994) and amended at the 10th meeting (Harare, 1997), charges the Animals Committee and the Plants Committee to:** establish a list of those **animal and plant taxa** included in Appendix II that are considered as being significantly affected by trade; review and assess all available biological and trade information **including comments by the range States on these taxa**; formulate recommendations for remedial measures for those species for which trade is believed to have a detrimental effect; **and establish priorities for research projects for species for which information is insufficient to determine whether the level of trade is detrimental;**

RECALLING that the Conference of the Parties at its ninth meeting (Fort Lauderdale, 1994) established a work programme for the Plants Committee with regard to the review of trade in plant taxa listed in the appendices, with special reference to those taxa considered as being specifically affected by trade;

CONCERNED that **in many cases**, population assessments and monitoring programmes necessary in order to maintain **the level of export of Appendix-II species below the level that will be detrimental to the survival of the species are not being undertaken;**

RECALLING that, by adopting document Doc. 10.56, the Parties recognized that information on the biological status of many plant species is frequently not available and that the data on trade in plants as included in annual reports are frequently incomplete;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

DIRECTS the Animals Committee and the Plants Committee:

- a) in co-operation with the Secretariat and experts, to continue to review the biological, trade and other relevant information on Appendix-II species, with a view to identifying problems with the aim of ensuring the implementation of Article IV, **paragraphs 2(a), 3 and 6(a);**

- b) **in relation to those species under review for which sufficient information is available on trade and biological status to determine possible problems with the implementation of the relevant paragraphs of Article IV, and following consultation with the range States, to make specific recommendations. Such recommendations shall be either primary or secondary recommendations;**
- i) primary recommendations include, for example, administrative procedures, specific quotas, zero quotas or temporary restrictions on exports of the species concerned; and
 - ii) secondary recommendations include, for example, field studies or evaluation of threats to populations or other relevant factors, including illegal trade, habitat destruction, internal or other uses, designed to provide the information necessary for a Scientific Authority non-detriment finding;
- c) **for those species under review for which sufficient information on trade and biological status of the species under review is not available:**
- i) **to recommend species specific status assessments;**
 - ii) **to recommend country-specific status assessments;**
 - iii) **to recommend to range States the establishment of cautious quotas as an interim measure; and**
 - iv) **to make, as appropriate, recommendations as described under paragraph b) above once the assessments referred to in paragraph c) i) and ii) have been completed; and**
- d) **to report at each meeting of the Conference of the Parties on the progress of this review, and on the measures adopted and those recommended to implement Article IV for Appendix-II species subject to significant trade;**

DETERMINES that these reviews shall be carried out in close consultation with all range States concerned, and in accordance with the Decisions of the Conference of the Parties regarding the implementation of this Resolution;

RECOMMENDS that:

- a) the above-mentioned recommendations of the **Animals Committee or the Plants Committee** be communicated by the Secretariat to each Party concerned;
- b) for primary recommendations, each Party concerned, within 90 days of receipt, demonstrate to the satisfaction of the Secretariat that it has implemented the recommendations;
- c) for secondary recommendations, each Party concerned, within 12 months of receipt, demonstrate to the satisfaction of the Secretariat that it has implemented or taken action to implement the recommendations;
- d) **for recommendations made pursuant to paragraph c) i) and c) ii) under directs above, each Party concerned, in consultation with the Secretariat and the Chairman of the Animals Committee or Plants Committee, as appropriate, complete a status assessment within two years of receipt of the recommendations of the committee concerned;**
- e) **for recommendations made under the provisions of paragraph c) iii) under directs above, each Party concerned, within 90 days of receipt of the recommendations of the Animals Committee or the Plants Committee, demonstrate to the satisfaction of the Secretariat that it has implemented the recommendations;**
- f) upon failure of a concerned Party to satisfy the Secretariat that it has fulfilled the requirements specified in sub-paragraphs b), c), **d) or e)** of this section, the Secretariat recommend to the Standing Committee that all Parties immediately take strict measures, including as appropriate suspension of trade in the affected species with that Party;

- g) following acceptance of the Secretariat's recommendation by the Standing Committee, the Secretariat notifies the Parties accordingly; and**
- h) in the case of suspension of trade in accordance with paragraph f) above, trade in the affected species with the Party concerned be reinstated only when that Party demonstrates to the satisfaction of the Standing Committee, through the Secretariat, **compliance with the recommendations made by the Standing Committee with respect** to the implementation of Article IV, paragraphs 2(a), 3 or 6(a);**

DIRECTS the Secretariat for the purpose of monitoring and facilitating the implementation of this Resolution and the relevant paragraphs of Article IV of the Convention, and for allowing the reintroduction of a species into the review process in case of concern;

- a) to report to each meeting of the Animals Committee or Plants Committee on the implementation by the countries concerned of the recommendations made by the committee; and**
- b) to immediately inform the Animals Committee and the Plants Committee about possible concerns regarding trade in species:**
 - i) that had been eliminated from the review process at a time when the Committee concerned believed that the trade data available indicated that this trade was not detrimental to the survival of the species concerned; or**
 - ii) for which the Secretariat was satisfied that the primary or secondary recommendations had been fulfilled by the Parties concerned; and**

URGES the Parties and all organizations interested in the utilization and conservation of wildlife to provide the necessary financial support and/or technical assistance to those Parties in need of such assistance to ensure that wild populations of species of fauna and flora subject to significant international trade **are maintained at a level that will allow international trade that is not detrimental to their survival.**

DRAFT DECISION OF THE CONFERENCE OF THE PARTIES

Decision 11.XX directed to the Animals and Plants Committees

Regarding implementation of Resolution Conf. 8.9 (Rev.)

Resolution Conf. 8.9 (Rev.) shall be implemented in accordance with the following provisions:

- a) **WCMC shall produce a print-out from the CITES database showing the recorded net levels of trade in all Appendix-II species over the five most recent years;**
- b) **In preparing these data, WCMC will analyse the available trade information, highlighting for the relevant committee, inadequacies and/or deficiencies in the trade data available, in order to assist the committee with its review;**
- c) **Species for which the average net trade over this period has exceeded a level determined by the relevant committee to be "safe" should be selected and a print-out should be produced showing the levels of export and re-export of these species, by country. This will constitute the list of taxa that might be subject to significant levels of trade;**
- d) **On the basis of knowledge available in the Animals Committee or Plants Committee, and information from other relevant experts species of immediate concern will be selected because of their recorded trade levels;**
- e) **The Secretariat should within 30 days after the meeting of the relevant committee, notify range States of the species selected, providing an explanation for this selection and requesting comments and co-operation in providing information on the taxon to assist the review;**
- f) **When necessary, consultants shall be engaged to compile information about the biology and management of the selected species and shall contact the range States and/or relevant experts to obtain information for inclusion in the compilation;**
- g) **The consultants shall summarize their conclusions about the effects of international trade and should divide the species into three categories:**
 - i) **Category 1 species being those for which the available information indicates that the provisions of Article IV of the Convention are not being implemented;**
 - ii) **Category 2 species being those for which it is not clear whether or not the provisions of Article IV of the Convention are being implemented; and**
 - iii) **Category 3 species being those for which the level of trade is evidently not a problem;**
- h) **Before consideration by the relevant Committee, the Secretariat shall transmit the review documents prepared by the consultants to relevant range States, seeking comments and, where appropriate, additional information. Range States should be given six weeks to respond;**
- i) **The relevant Committee should review the information provided by the consultants and the responses received from the Parties concerned and, if appropriate, revise the categories proposed by the consultants;**
- j) **Species in Category 3 should be eliminated from the review process(*);**
- k) **With respect to species in Categories 1 and 2, the Secretariat, on behalf of the relevant committee, shall consult the range States seeking comments regarding possible Article IV implementation problems identified by the committee. Range States should be given six weeks to respond;**

- l) If a response satisfactory to the **relevant** committee is received, the species shall be eliminated from the **review process(*)** with respect to the State concerned;
- m) Otherwise, the **relevant** committee shall, in consultation with the Secretariat, formulate recommendations in accordance with **the provisions of** Resolution Conf. 8.9 (Rev.), relating to species in Categories **1 and 2**; and
- n) These recommendations shall be transmitted to the States concerned by the Secretariat which shall, in consultation with the **relevant** committee, determine whether the recommendations have been implemented and report to the Standing Committee **in accordance with Resolution Conf. 8.9 (Rev)**.

(*) **The elimination of a species from the review process will be decided on the basis of considerations related to the implementation of Article IV only. Other problems identified in the course of the review process will have to be addressed by other means.**