

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

DEFINITION OF THE TERM "PREPARED"

1. This document has been submitted by Kenya.

Introduction

2. Articles III, IV and V of the Convention recognize that live animals should be "so prepared and shipped as to minimize the risk of injury, damage to health, or cruel treatment".
3. The high levels of morbidity and mortality experienced by wild-caught animals that are traded internationally is of concern on both humane and conservation grounds.
4. Moreover, clearly mortality of live animals in international trade is wasteful, is harmful to efforts to conserve wild populations because additional animals will be removed from the wild to replace those that perished, and undermines the potential for sustainability of the trade.
5. The term "prepared" as used in Article III [paragraphs 2(c) and 4(b)], Article IV [paragraphs 2(c), 5(b) and 6 (b)], and Article V [(paragraph 2 (b))] has not been defined by the Parties. "Prepared" has generally been interpreted to mean the act of packing live animals for shipment and export.
6. However, the treatment of wild animals during capture, and between capture and export, can have a substantial impact on the survival of the specimen.
7. Parties should ensure that, in order to maximize the conservation potential and the sustainability of international trade in specimens of wild species, the treatment of animals during the entire preparation process, beginning with capture and ending with export, will "minimize the risk of injury, damage to health, or cruel treatment".

COMMENTS FROM THE SECRETARIAT

- A. The thrust of the argument in this document is that, when live animals are captured, the capture should be done humanely and that the animals should be treated humanely at all times following the capture and not only when they are being prepared for transport and being transported from one country to another. In the opinion of the Secretariat, this is an entirely correct point of view.
- B. The Secretariat also believes, however, that the treatment of live animals before being prepared for shipment is not a matter that should be dealt with by CITES. This Convention provides the basis for co-operation in controlling international movement of specimens of listed species, including live animals. It is not designed to make provisions relating to the treatment of wild animals within the territory of each State Party other than in connection with this movement. If it were, it would not be silent about the millions of animals and plants that are killed in order to be eaten or for the trade in their parts and derivatives, and whose removal from the wild is likely to be rather more significant for the populations of the species concerned than is the removal of animals for the trade in live specimens.
- C. The Secretariat recalls the proposal from the Gambia submitted at the fourth meeting of the Conference of the Parties, intended to provide an interpretation of the term "prepared and shipped"

to include all handling and manipulation of a specimen from the moment it is removed from the wild. The then existing Technical Committee (later replaced by Committees I and II) found the issue inappropriate to CITES. The proposal from the Gambia was rejected by 30 votes to six.

- D. Taking all the above points into account, the Secretariat believes that, although the aims of this document are laudable, the draft resolution in the Annex does not reflect the intention, the purpose or the scope of the Convention. The Secretariat therefore does not support its adoption.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Definition of the term "prepared"

OBSERVING that under Articles III, IV, and V of the Convention, a Management Authority of the State of export or re-export must be "satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment";

RECOGNIZING that the term "prepared", as used in Article III, paragraphs 2(c) and 4(b), Article IV, paragraphs 2(c), 5(b) and 6(b), and Article V, paragraph 2 (b), of the Convention, has not been defined by the Parties but has generally been interpreted to mean the act of packing the live animals for shipment and export;

NOTING, however, that the treatment of the animals during capture, and between capture and export, can have a substantial impact on the survival of the specimens;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

DECIDES that the term "prepared", as used in Articles III, IV and V, includes all processes from capture to the point of export; and

RECOMMENDS that Parties ensure that the treatment of animals during the entire preparation process, beginning with initial capture and ending with export, will "minimize the risk of injury, damage to health, or cruel treatment".