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

Twelfth meeting of the Conference of the Parties
Santiago (Chile), 3-15 November 2002

Interpretation and implementation of the Convention
Species trade and conservation issues
Implementation of Resolution Conf. 8.9 (Rev.) on trade in specimens
of Appendix-II species taken from the wild

REVISION OF RESOLUTION CONF. 8.9 (REV.)

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

2. The Animals and Plants Committees, at their 16th and 10th meetings respectively, and in collaboration with the Secretariat, initiated an examination of the Review of Significant Trade and consequently of Resolution Conf. 8.9 (Rev.) and related Decisions. This examination was concluded at the 18th and 12th meetings of the two Committees respectively. It was based on the recognition of the growing importance of the Review of Significant Trade, taking into account the need to simplify the process, to consolidate the currently fragmented provisions guiding its implementation, and above all to enable countries that become subject to the review to have a clearer understanding of the process and of their responsibilities.

3. An important weakness in the current Review of Significant Trade is that the provisions guiding its implementation are fragmented and sometimes contradictory or unclear. The process can only be fully understood by referring to Resolution Conf. 8.9 (Rev.) as well as various Decisions, principally Decisions 11.106, 11.107, 11.108 and 11.117. Provisions in Resolution Conf. 10.12 (Rev.) and Decisions 11.109 and 11.95 furthermore refer to the inclusion of specific groups of species in the Review of Significant Trade, thereby contradicting the provisions concerning the selection of species to be reviewed contained in Decisions 11.106 and 11.117. Further detailed information on the rationale behind suggested changes is provided in documents AC17 Doc. 7.4, AC17 Inf. 2, AC18 Doc. 7.3 and PC12 Doc. 11.1 (Rev.), all of which are available on the website of the Secretariat.

4. The Animals and Plants Committees, in collaboration with the Secretariat, have prepared a draft resolution to replace Resolution Conf. 8.9 (Rev.) and related Decisions, incorporating all the provisions that remain relevant, in order to achieve the objectives specified in paragraph 2 above. This draft resolution also contains further guidance and its structure corresponds with the sequence of implementation of the reviews, aspects which are considered to be important improvements to the status quo. The resulting draft is provided in Annex 1, based on a working draft provided by the Animals and Plants Committees, and incorporating further changes and edits requested from the Secretariat by the Animals and Plants Committees. This is in English only. In the preparation of this version, the need for further improvements became apparent and the changes made consequently are shown as well, along with explanatory notes where appropriate. Annex 2 presents a clean version of the draft in Annex 1, for consideration by the Conference of the Parties.

5. The Animals and Plants Committees believe that an evaluation of the effectiveness of the Review of Significant Trade should be conducted, possibly before the 13th meeting of the Conference of the Parties.
Parties, but perhaps more realistically by the 14th meeting of the Conference of the Parties. Both Committees feel that this evaluation should be provided for in the draft resolution or in a draft decision, but they have not provided specific text.

6. The Secretariat, while in favour of such an evaluation, believes that the period between the possible adoption of the draft resolution and the review of the efficiency of its implementation should not be too short. The Secretariat furthermore believes that any decision to conduct an evaluation should be recorded as a Decision of the Conference, because it is time-bound. The Secretariat for these reasons is against the incorporation of this element in the draft resolution. It recommends that the two Committees be instructed to draft terms of reference for such a review to be considered at the 13th meeting of the Conference of the Parties (see Annex 3).
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;

CONCERNED that some States permitting export of Appendix-II species are not effectively implementing Article IV paragraphs 2 (a), 3 and 6 (a) of the Convention and that, in such cases, measures necessary to ensure that the export of an Appendix-II species takes place at a level that will not be detrimental to the survival of that species, such as population assessments and monitoring programmes, are not being undertaken, and that information on the biological status of many species is frequently not available; and that the data on trade as included in annual reports are frequently incomplete;

RECALLING that the proper implementation of Article IV is essential for the conservation and sustainable use of Appendix-II species;

NOTING the important benefits of the review of trade in specimens of Appendix-II species by the Animals and Plants Committees as set out in Resolution Conf. 8.9 (Rev.), adopted at the eighth meeting of Conference of the Parties (Kyoto, 1992) and amended at the 11th meeting (Gigiri, 2000), referred to as the Review of the Significant Trade, and the need to clarify further and simplify the procedure to be followed;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

DIRECTS the Animals and Plants Committees, in cooperation with the Secretariat and experts, and in consultation with range States, to review the biological, trade and other relevant information on Appendix-II species subject to significant levels of trade, to identify problems and solutions concerning the implementation of Article IV, paragraphs 2 (a), 3 and 6 (a) of the Convention in accordance with the following procedure:

The additional text was added to enhance consistency with the scope of the draft resolution, i.e. the Review of Significant Trade.
**Selection of species to be reviewed**

a) the Secretariat shall request UNEP-WCMC to produce, within 90 days after each meeting of the Conference of the Parties, a summary from the CITES database of annual report statistics showing the recorded net level of exports\(^1\) for Appendix-II species over the five most recent years;

b) on the basis of recorded trade levels and information available to the Animals or Plants Committee, the Secretariat, Parties or other relevant experts, species of priority concern shall be selected for review by the Animals or Plants Committee (whether or not such species have been the subject of a previous review);

c) in exceptional cases where new information indicates an urgent concern, the Animals or Plants Committees may add a species to this selection process **the list of species of concern** at another stage;

The new wording is more logical than the original.

**Consultation with the range States concerning implementation of Article IV**

d) the Secretariat shall, within 30 days after the meeting of the Animals or Plants Committee at which species are selected, notify range States of the species selected, providing an explanation for this selection and requesting comments regarding possible problems of implementing Article IV of the **Convention** identified by the Committee. Range States shall be given 60 days to respond;

e) the Secretariat shall report to the Animals or Plants Committee on the response of the range States concerned, including any other pertinent information;

f) when the Animals or Plants Committee, having reviewed the available information, is satisfied that Article IV paragraph 2 (a), 3 or 6 (a) of the **Convention**, is correctly implemented, the species shall be eliminated from the review with respect to the State concerned. In that event, the Secretariat shall notify the Parties accordingly within 60 days;

**Compilation of information and preliminary categorization**

g) in the event that the species is not eliminated from the review in accordance with paragraph f) above, the Secretariat shall proceed with the compilation of information regarding the species and **the preliminary categorization of that species in the range State(s) concerned**;

The amendment is necessary to avoid reference to categorization which is only introduced further down in the text in paragraph i) and to avoid duplication with this paragraph.

h) when necessary, consultants shall be engaged by the Secretariat to compile information about the biology and management of the **remaining** species and shall contact the range States or relevant experts to obtain information for inclusion in the compilation;

The word ‘remaining’ is redundant.

i) the Secretariat or consultants, as appropriate, shall summarize their conclusions about the effects of international trade on the selected species and problems concerning the implementation of Article IV, and shall **provisionally** divide the selected species into three **preliminary categories**:

The amendment is necessary to avoid any confusion that there may be ‘preliminary categories’ as well as ‘categories’. It is the categorization that is preliminary, and not the categories.

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\(^1\) ‘Net level of exports’ means the total gross number of specimens exported from a range State minus the gross number imported, based on the reported export and import data in the annual reports of the Parties.
i) ‘species of urgent concern’ shall include species for which the available information indicates that the provisions of Article IV paragraph 2 (a), 3 or 6 (a) of the Convention are not being implemented;

ii) ‘species of possible concern’ shall include species for which it is not clear whether or not these provisions of Article IV of the Convention are being implemented; and

iii) ‘species of least concern’ shall include species for which the available information appears to indicate that these provisions of Article IV are being met; and

j) before the report of the Secretariat, or consultant, is considered by the Animals or Plants Committee, the Secretariat shall transmit the review documents prepared by the consultants to the relevant range States, seeking comments and, where appropriate, additional information. Range States shall be given 60 days to respond;

Reworded to improve style.

Review of information and confirming of categorization by the Animals or Plants Committee

k) the Animals or Plants Committee shall review the report of information provided by the Secretariat or the consultants and the responses received from the States concerned and, if appropriate, revise the preliminary categorization proposed; and

l) species of least concern shall be eliminated from the review. Problems identified in the course of the review that are not related to the implementation of Article IV, paragraph 2 (a), 3 or 6 (a), shall be addressed by the Secretariat in accordance with other provisions of the Convention and relevant Resolutions;

The text added clarifies how the Secretariat will address other problems.

Formulation of recommendations and their transmission to the range States

m) the Animals Committee or Plants Committee shall, in consultation with the Secretariat, formulate recommendations for the remaining species. These recommendations shall be directed to the range States concerned;

n) for species of urgent concern, these recommendations should propose specific actions to address problems related to the implementation of Article IV, paragraph 2 (a), 3 or 6 (a), conservation and the regulation of trade. Such recommendations should differentiate between short-term and long-term actions, and may include, for example:

   i) the establishment of administrative procedures, cautious export quotas or other temporary restrictions on exports of the species concerned;

   ii) the application of adaptive management procedures to ensure that further decisions about the harvesting and management of the species concerned will be based on the monitoring of the impact of previous harvesting and other factors; or

   iii) the conducting of taxon- and country-specific status assessments, field studies or evaluation of threats to populations or other relevant factors to provide the basis information necessary for a Scientific Authority’s non-detriment finding, as required under the provisions of Article IV, paragraph 2 (a) or 6 (a);

Clarification added concerning non-detriment findings.
Deadlines for implementation of these recommendations should be determined by the Animals or Plants Committee. They must be appropriate to the nature of the action to be undertaken, and should normally be not less than 90 days but not more or longer than two years after the date of transmission to the State concerned;

Reworded to improve style.

o) for species of possible concern, these recommendations should specify the information required to enable the Animals or Plants Committee to determine whether the species should be categorized as either of urgent concern or of least concern. They should also specify — as well as interim measures where appropriate for the regulation of trade. Such recommendations should differentiate between short-term and long-term actions, and may include, for example:

Reworded to improve style.

i) the conducting of taxon and country-specific status assessments, field studies or evaluation of threats to populations or other relevant factors; or

ii) cautious export quotas on exports of for the species concerned as an interim measure;

Deadlines for implementation of these recommendations should be determined by the Animals or Plants Committee. They must be appropriate to the nature of the action to be undertaken, and should normally be not less than 90 days but not more or longer than two years after the date of transmission to the State concerned;

Reworded to improve style.

p) these recommendations shall be transmitted to the range States concerned by the Secretariat;

Measures to be taken regarding the implementation of recommendations

q) the Secretariat shall, in consultation with the Chairman of the Animals or Plants Committee, determine whether the recommendations referred to above have been implemented and report to the Standing Committee accordingly;

r) where the recommendations have been met, the Secretariat shall notify the Parties that the species was be removed from the process;

The Committees suggested that the Secretariat consider editorial options to highlight the two situations: a) when the recommendations have been met and b) when they have not been met, and their consequences. The Secretariat believes that paragraphs q) and r) adequately cover the situation where the recommendations have been implemented, and that paragraph s) is sufficient where the recommendations have not been implemented.

s) when the Secretariat, having consulted with the Chairman of the Animals or Plants Committee, is not satisfied that a range State has implemented the recommendations made by the Animals or Plants Committee in accordance with fulfilled the requirements specified in paragraphs n) or o), it should recommend to the Standing Committee appropriate action, which may include, as a last resort, that all Parties take strict measures immediately, which may include, as appropriate, a suspension of trade in the affected species with that State. On the basis of the report of the Secretariat, the Standing Committee shall decide on appropriate action and make recommendations to the State concerned, or to all Parties;

The Committees suggested that the wording of the second part (in []) of this paragraph also needs to be reviewed once the whole document has been finalized.
t) the Secretariat shall notify the Parties of the outcome and of any recommendations or actions taken by the Standing Committee;

The deleted text is redundant, because the remaining part of the sentence adequately describes what the Secretariat has to notify to the Parties.

u) a recommendation to suspend trade in the affected species with the State concerned should be withdrawn only when that State demonstrates to the satisfaction of the Standing Committee, through the Secretariat, compliance with Article IV, paragraph 2 (a), 3 or 6 (a); and

v) the Standing Committee, in consultation with the Secretariat and the Chairman of the Animals or Plants Committee, shall review recommendations to suspend trade that have been in place for longer than two years and, if appropriate, take measures to formulate additional recommendations to address the situation;

The amendment is necessary because it may be appropriate for the Standing Committee to take actions other than make recommendations.

Support to the range States

URGES the Parties and all organizations interested in the conservation and sustainable use of wildlife to provide the necessary financial support or technical assistance to those States in need of such assistance to ensure that wild populations of species of fauna and flora subject to significant international trade are not subject to trade that is detrimental to their survival. Examples of such measures could include:

a) training of conservation staff in the range States;

b) provision of information and guidance to persons and organizations involved in the production and export of specimens of the species concerned;

The Committees felt that the word ‘stakeholders’ was not very appropriate and that a better one should be found. The Secretariat believes that the Committees had intended to refer to producers and exporters.

c) facilitation of information exchange among range States;

d) provision of technical equipment and support; and

DIRECTS the Secretariat to assist with the identification and communication of funding needs in the range States and sources for such funding;

Monitoring, reporting and reintroduction into the review process

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;

a) to report to each meeting of the Animals or Plants Committee on the implementation by the range States concerned of the recommendations made by the Committee;

b) to report at each meeting of the Conference of the Parties on the progress of this review, on the recommendations made and on the measures adopted in accordance with this Resolution;

The Secretariat notes that an identical provision was deleted from the Resolution at the 11th meeting of the Conference of the Parties. The Secretariat believes that the requirements for informing all Parties of the outcomes of various stages of the process makes it unnecessary to inform all Parties again of the same outcomes at each meeting of the Conference of the Parties.
c) to maintain a register of species that are included in the review process set out in this Resolution and a record of progress with the implementation of recommendations; and

REPEALS Resolution Conf. 8.9 (Rev.) (Kyoto, 1992, as amended at Gigiri, 2000) - Trade in specimens of Appendix-II species taken from the wild.
DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Review of significant trade in specimens of Appendix-II species

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;

CONCERNED that some States permitting export of Appendix-II species are not effectively implementing Article IV paragraphs 2 (a), 3 and 6 (a) of the Convention, and that, in such cases, measures necessary to ensure that the export of an Appendix-II species takes place at a level that will not be detrimental to the survival of that species, such as population assessments and monitoring programmes, are not being undertaken, and that information on the biological status of many species is frequently not available;

RECALLING that the proper implementation of Article IV is essential for the conservation and sustainable use of Appendix-II species;

NOTING the important benefits of the review of trade in specimens of Appendix-II species by the Animals and Plants Committees as set out in Resolution Conf. 8.9 (Rev.), adopted at the eighth meeting of Conference of the Parties (Kyoto, 1992) and amended at the 11th meeting (Girir, 2000), referred to as the Review of the Significant Trade, and the need to clarify further and simplify the procedure to be followed;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

DIRECTS the Animals and Plants Committees, in cooperation with the Secretariat and experts, and in consultation with range States, to review the biological, trade and other relevant information on Appendix-II species subject to significant levels of trade, to identify problems and solutions concerning the implementation of Article IV, paragraphs 2 (a), 3 and 6 (a) of the Convention in accordance with the following procedure:

Selection of species to be reviewed

a) the Secretariat shall request UNEP-WCMC to produce, within 90 days after each meeting of the Conference of the Parties, a summary from the CITES database of annual report statistics showing the recorded net level of exports\(^1\) for Appendix-II species over the five most recent years;

b) on the basis of recorded trade levels and information available to the Animals or Plants Committee, the Secretariat, Parties or other relevant experts, species of priority concern shall be selected for review by the Animals or Plants Committee (whether or not such species have been the subject of a previous review);

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\(^1\) ‘Net level of exports’ means the total gross number of specimens exported from a range State minus the gross number imported, based on the reported export and import data in the annual reports of the Parties.
c) in exceptional cases where new information indicates an urgent concern, the Animals or Plants Committees may add a species to the list of species of concern at another stage;

Consultation with the range States concerning implementation of Article IV

d) the Secretariat shall, within 30 days after the meeting of the Animals or Plants Committee at which species are selected, notify range States of the species selected, providing an explanation for this selection and requesting comments regarding possible problems of implementing Article IV of the Convention identified by the Committee. Range States shall be given 60 days to respond;

e) the Secretariat shall report to the Animals or Plants Committee on the response of the range States concerned, including any other pertinent information;

f) when the Animals or Plants Committee, having reviewed the available information, is satisfied that Article IV paragraph 2 (a), 3 or 6 (a) of the Convention, is correctly implemented, the species shall be eliminated from the review with respect to the State concerned. In that event, the Secretariat shall notify the Parties accordingly within 60 days;

Compilation of information and preliminary categorization

g) in the event that the species is not eliminated from the review in accordance with paragraph f) above, the Secretariat shall proceed with the compilation of information regarding the species;

h) when necessary, consultants shall be engaged by the Secretariat to compile information about the biology and management of the species and shall contact the range States or relevant experts to obtain information for inclusion in the compilation;

i) the Secretariat or consultants, as appropriate, shall summarize their conclusions about the effects of international trade on the selected species and problems concerning the implementation of Article IV, and shall provisionally divide the selected species into three categories:

   i) ‘species of urgent concern’ shall include species for which the available information indicates that the provisions of Article IV paragraph 2 (a), 3 or 6 (a) of the Convention are not being implemented;

   ii) ‘species of possible concern’ shall include species for which it is not clear whether or not these provisions are being implemented; and

   iii) ‘species of least concern’ shall include species for which the available information appears to indicate that these provisions are being met;

j) before the report of the Secretariat, or consultant, is considered by the Animals or Plants Committee, the Secretariat shall transmit it to the relevant range States, seeking comments and, where appropriate, additional information. Range States shall be given 60 days to respond;

Review of information and confirming of categorization by the Animals or Plants Committee

k) the Animals or Plants Committee shall review the report of the Secretariat or the consultants and the responses received from the States concerned and, if appropriate, revise the preliminary categorization proposed;

l) species of least concern shall be eliminated from the review. Problems identified in the course of the review that are not related to the implementation of Article IV, paragraph 2 (a), 3 or 6 (a), shall be addressed by the Secretariat in accordance with other provisions of the Convention and relevant Resolutions;
Formulation of recommendations and their transmission to the range States

m) the Animals Committee or Plants Committee shall, in consultation with the Secretariat, formulate recommendations for the remaining species. These recommendations shall be directed to the range States concerned;

n) for species of urgent concern, these recommendations should propose specific actions to address problems related to the implementation of Article IV, paragraph 2 (a), 3 or 6 (a). Such recommendations should differentiate between short-term and long-term actions, and may include, for example:

i) the establishment of administrative procedures, cautious export quotas or temporary restrictions on exports of the species concerned;

ii) the application of adaptive management procedures to ensure that further decisions about the harvesting and management of the species concerned will be based on the monitoring of the impact of previous harvesting and other factors; or

iii) the conducting of taxon- and country-specific status assessments, field studies or evaluation of threats to populations or other relevant factors to provide the basis for a Scientific Authority’s non-detriment finding, as required under the provisions of Article IV, paragraph 2 (a) or 6 (a);

deadlines for implementation of these recommendations should be determined by the Animals or Plants Committee. They must be appropriate to the nature of the action to be undertaken, and should normally be not less than 90 days but not more than two years after the date of transmission to the State concerned;

o) for species of possible concern, these recommendations should specify the information required to enable the Animals or Plants Committee to determine whether the species should be categorized as either of urgent concern or of least concern. They should also specify interim measures where appropriate for the regulation of trade. Such recommendations should differentiate between short-term and long-term actions, and may include, for example:

i) the conducting of taxon and country-specific status assessments, field studies or evaluation of threats to populations or other relevant factors; or

ii) cautious export quotas for the species concerned as an interim measure;

deadlines for implementation of these recommendations should be determined by the Animals or Plants Committee. They must be appropriate to the nature of the action to be undertaken, and should normally be not less than 90 days but not more than two years after the date of transmission to the State concerned;

p) these recommendations shall be transmitted to the range States concerned by the Secretariat;

Measures to be taken regarding the implementation of recommendations

q) the Secretariat shall, in consultation with the Chairman of the Animals or Plants Committee, determine whether the recommendations referred to above have been implemented and report to the Standing Committee accordingly;

r) where the recommendations have been met, the Secretariat shall notify the Parties that the species was removed from the process;

s) when the Secretariat, having consulted with the Chairman of the Animals or Plants Committee, is not satisfied that a range State has implemented the recommendations made by the Animals or Plants
Committee in accordance with paragraphs n) or o), it should recommend to the Standing Committee appropriate action, which may include, as a last resort, a suspension of trade in the affected species with that State. On the basis of the report of the Secretariat, the Standing Committee shall decide on appropriate action and make recommendations to the State concerned, or to all Parties;

t) the Secretariat shall notify the Parties of any recommendations or actions taken by the Standing Committee;

u) a recommendation to suspend trade in the affected species with the State concerned should be withdrawn only when that State demonstrates to the satisfaction of the Standing Committee, through the Secretariat, compliance with Article IV, paragraph 2 (a), 3 or 6 (a); and

v) the Standing Committee, in consultation with the Secretariat and the Chairman of the Animals or Plants Committee, shall review recommendations to suspend trade that have been in place for longer than two years and, if appropriate, take measures to address the situation;

Support to the range States

URGES the Parties and all organizations interested in the conservation and sustainable use of wildlife to provide the necessary financial support or technical assistance to those States in need of such assistance to ensure that wild populations of species of fauna and flora subject to significant international trade are not subject to trade that is detrimental to their survival. Examples of such measures could include:

a) training of conservation staff in the range States;

b) provision of information and guidance to persons and organizations involved in the production and export of specimens of the species concerned;

c) facilitation of information exchange among range States; and

d) provision of technical equipment and support;

DIRECTS the Secretariat to assist with the identification and communication of funding needs in the range States and sources for such funding; and

Monitoring, reporting and reintroduction into the review process

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;

a) to report to each meeting of the Animals or Plants Committee on the implementation by the range States concerned of the recommendations made by the Committee; and

b) to maintain a register of species that are included in the review process set out in this Resolution and a record of progress with the implementation of recommendations; and

REPEALS Resolution Conf. 8.9 (Rev.) (Kyoto, 1992, as amended at Gigiri, 2000) – Trade in specimens of Appendix-II species taken from the wild.
12.xx The Animals and Plants Committees shall draft terms of reference for an evaluation of the Review of Significant Trade, to be considered at the 13th meeting of the Conference of the Parties.