

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



Fourteenth meeting of the Conference of the Parties
The Hague (Netherlands), 3-15 June 2007

Interpretation and implementation of the Convention

Review of Resolutions and Decisions

REVIEW OF DECISIONS

1. This document has been prepared by the Secretariat.
2. In Resolution Conf. 4.6 (Rev. CoP13), the Secretariat is directed:

to update the list of Decisions after each meeting of the Conference of the Parties, to contain all the recommendations (or other forms of decision) that are not recorded in Resolutions and that remain in effect.
3. In implementing this directive, after each meeting of the Conference of the Parties the Secretariat compiles a new list of the Decisions that remain valid. It excludes all Decisions that have been implemented, or that have become redundant or obsolete.
4. The Secretariat has completed its review of the Decisions in effect after the 13th meeting of the Conference of the Parties and has eliminated from the list Decisions that should clearly be deleted.

Recommendations

5. Annex 1 contains a list of Decisions that are still being or to be implemented. It also indicates Decisions that are not obviously out of date and for which the CoP should decide on whether to maintain or delete them. However, it excludes Decisions that are being dealt with in the context of discussions of other documents at the present meeting. The texts of the Decisions listed in Annex 1 are contained in Annex 3, for information. The Secretariat requests the Conference of the Parties to decide on the appropriate action regarding these.
6. Annex 2 indicates one Decision that has a long-term validity and for which, therefore, it would be preferable to include the relevant text in a Resolution. The Secretariat recommends the adoption of the proposed amendment to Resolution Conf. 11.3 (Rev. CoP13).
7. It should be noted that the Secretariat does not intend to include in the list of Decisions after CoP14 any of the Decisions not listed in the Annexes, unless the Conference decides otherwise.

DECISIONS TO REMAIN IN EFFECT AFTER COP14 OR
FOR WHICH A DETERMINATION IS REQUIRED

Decision	Subject	Status
10.2 (<i>Rev. CoP11</i>)	Elephants – Conditions for the disposal of ivory stocks and generating resources for conservation in African elephant range States	Appears to be out of date. CoP to decide on action.
12.79	Non-commercial loan, donation or exchange of museum and herbarium specimens	Not completed.
12.90 – 12.93	Capacity-building programme for science-based establishment and implementation of voluntary national export quotas for Appendix-II species	These activities are covered in the costed work programme and the Secretariat's capacity-building plans. Deletion of decisions proposed.
13.14 – 13.17	Improving regional communication and representation	Done but unclear whether to be continued. Deletion proposed.
13.26	African elephant	Deadlines have passed. CoP to decide on action.
13.53	Medicinal plants	This is part of the regular capacity-building work of the Secretariat. Deletion proposed. (NB: A glossary is included in CoP14 Prop. 27)
13.67	Review of Significant Trade	To be implemented.
13.93	Review of the Appendices	Prolongation requested by AC (see document CoP14 Doc. 8.2). CoP to decide on action.

PROPOSED TRANSFER OF A DECISION TO AN EXISTING RESOLUTION

Text of Decision 9.15	To be included in Resolution Conf. 11.3 (Rev. CoP13):	
	Text	Place
The Parties are urged to remind their diplomatic missions, their delegates on mission in foreign countries and their troops serving under the flag of the United Nations that they are not exempted from the provisions of the Convention.	Parties remind their diplomatic missions, their delegates on mission in foreign countries and their troops serving under the flag of the United Nations that they are not exempted from the provisions of the Convention;	In the section 'Regarding compliance, control and cooperation', as a new paragraph d) under 'RECOMMENDS that:'

DECISIONS REMAINING IN EFFECT AFTER COP14
UNLESS OTHERWISE DECIDED

Elephants – Conditions for the disposal of ivory stocks and generating resources for conservation in African elephant range States

10.2
(Rev.
CoP11)

- a) The African elephant range States recognize:
- i) the threats that stockpiles pose to sustainable legal trade;
 - ii) that stockpiles are a vital economic resource for them;
 - iii) that various funding commitments were made by donor countries and agencies to offset the loss of assets in the interest of unifying these States regarding the inclusion of African elephant populations in Appendix I;
 - iv) the significance of channelling such assets from ivory into improving conservation and community-based conservation and development programmes;
 - v) the failure of donors to fund elephant conservation action plans drawn up by the range States at the urging of donor countries and conservation organizations; and
 - vi) that, at its ninth meeting, the Conference of the Parties directed the Standing Committee to review the issue of stockpiles and to report back at the 10th meeting.
- b) Accordingly, the African elephant range States agree that all revenues from any purchase of stockpiles by donor countries and organizations will be deposited in and managed through conservation trust funds, and that:
- i) such funds shall be managed by Boards of Trustees (such as representatives of Governments, donors, the CITES Secretariat, etc.) set up, as appropriate, in each range State, which would direct the proceeds into enhanced conservation, monitoring, capacity building and local community-based programmes; and
 - ii) these funds must have a positive rather than harmful influence on elephant conservation.
- c) It is understood that this decision provides for a one-off purchase for non-commercial purposes of government stocks declared by African elephant range States to the CITES Secretariat within the 90-day period before the transfer to Appendix II of certain populations of the African elephant takes effect. The ivory stocks declared should be marked in accordance with the ivory marking system approved by the Conference of the Parties in Resolution Conf. 10.10 (Rev. CoP12). In addition, the source of ivory stocks should be given. The stocks of ivory should be consolidated in a pre-determined number of locations. An independent audit of any declared stocks shall be undertaken under the auspices of TRAFFIC International, in cooperation with the CITES Secretariat.
- d) The African elephant range States that have not yet been able to register their ivory stocks and develop adequate controls over ivory stocks require priority assistance from donor countries to establish a level of conservation management conducive to the long-term survival of the African elephant.

- e) The African elephant range States therefore urge that this matter be acted upon urgently since any delays will result in illegal trade and the premature opening of ivory trade in non-proponent range States.
- f) This mechanism only applies to those range States wishing to dispose of ivory stocks and agreeing to and participating in:
 - i) an international system for reporting and monitoring legal and illegal international trade, through an international database in the CITES Secretariat and TRAFFIC International; and
 - ii) an international system for reporting and monitoring illegal trade and illegal hunting within or between elephant range States, through an international database in the CITES Secretariat, with support from TRAFFIC International and institutions such as the IUCN/SSC African Elephant Specialist Group and the Lusaka Agreement.

Non-commercial loan, donation or exchange of museum and herbarium specimens

Directed to the Secretariat

12.79 The Secretariat shall develop a brochure that will illustrate the importance of registering scientific institutions under Article VII, paragraph 6, of the Convention and demonstrate how the registration procedures can be applied in a simplified manner.

Capacity-building programme for science-based establishment and implementation of voluntary national export quotas for Appendix-II species

Directed to Parties

12.90 The Parties should seek funding in order to:

- a) assist the Secretariat in implementing its capacity-building programme dealing with the scientific basis for establishment and implementation of voluntary national export quotas for Appendix-II species; and
- b) support exporting countries in their efforts to gather information needed to set quotas.

Directed to the Secretariat

12.91 The Secretariat is encouraged to continue to develop and refine its capacity-building programme dealing with the scientific basis for development, establishment, and implementation of voluntary national export quotas for Appendix-II species, and shall, as appropriate, consult with the Animals Committee and Plants Committee on this programme. This consultation may include:

- a) solicitation of input from the Committees regarding materials used in the capacity-building programme for voluntary national export quotas for Appendix-II species; and
- b) a request for new information from the Committees on methods used for establishing quotas and for relevant case studies on the establishment of quotas.

- 12.92 To facilitate the development and refinement of its capacity-building programme for voluntary national export quotas for Appendix-II species, the Secretariat may invite Parties to provide new information regarding the scientific basis for establishment and implementation of such quotas, and regarding the most appropriate ways of disseminating relevant information to the Parties in a timely and cost-effective manner.
- 12.93 The Secretariat shall seek funding to:
- a) continue its capacity-building programme for the scientific basis for establishment and implementation of voluntary national export quotas for Appendix-II species; and
 - b) support exporting countries in their efforts to gather information needed to set quotas.

Improving regional communication and representation

Directed to the Secretariat

- 13.14 The Secretariat shall ensure that any vacancies in the Animals, Plants and Nomenclature Committees are brought immediately to the attention of the Standing Committee, in order to fill the vacancies as soon as possible.
- 13.15 The Secretariat shall publish on the CITES website forthcoming deadlines relevant to the work of the Animals, Plants and Nomenclature Committees.
- 13.16 The Secretariat shall explore funding options to ensure that the regional representatives to the Animals and Plants Committees and the Co-Chairmen of the Nomenclature Committee from developing countries and countries with economies in transition can attend the meetings of the Conference of the Parties and fully participate in the committee work.
- 13.17 The Secretariat shall look for funding to support the holding of regional meetings in association with regional seminars or other related meetings organized by the Secretariat. The regional representatives should prepare the agenda and chair the meeting.

African elephant

- 13.26 The Conference of the Parties adopted the *Action plan for the control of trade in African elephant ivory* attached as Annex 2 to these Decisions.

Medicinal plants

Directed to the Secretariat

- 13.53 Subject to the availability of external funding, the Secretariat shall prepare a glossary with definitions and training materials that illustrate the content of the amended annotations, the terms used and their practical application during enforcement and controls.

Review of Significant Trade

13.67 The Conference of the Parties has adopted the *Terms of reference for an evaluation of the Review of Significant Trade* contained in Annex 3 to these Decisions.

Review of the Appendices

Directed to the Animals Committee

13.93 The Animals Committee shall, immediately following the 13th meeting of the Conference of the Parties, include the Felidae in its Review of the Appendices. This review shall initially focus on the listing of the *Lynx* species complex, which includes species that are listed because of similarity of appearance, such as *Lynx rufus*. In addition to evaluating the listings of these species against the criteria for inclusion of species in Appendices I and II contained in Resolution Conf. 9.24 (Rev. CoP13), the Animals Committee shall assess the management and enforcement measures available to achieve effective control of trade in these species so as to resolve the continued need for look-alike listings. This assessment should also include a review of trade information to determine whether these species are actually confused in trade or whether the look-alike problem is merely hypothetical. The Animals Committee shall provide a report at the 14th meeting of the Conference of the Parties on the progress of the review of all Felidae and particularly on their review of *Lynx* spp. and look-alike issues.

Annex to Decision 13.26

ACTION PLAN FOR THE CONTROL OF TRADE IN AFRICAN ELEPHANT IVORY

1. All African elephant range States¹ should urgently:
 - a) prohibit the unregulated domestic sale of ivory (raw, semi-worked or worked). Legislation should include a provision which places the onus of proof of lawful possession upon any person found in possession of ivory in circumstances from which it can reasonably be inferred that such possession was for the purpose of unauthorized transfer, sale, offer for sale, exchange or export or any person transporting ivory for such purposes;
 - b) issue instructions to all law enforcement and border control agencies to enforce existing or new legislation rigorously; and
 - c) engage in public awareness campaigns publicizing existing or new prohibitions on ivory sales.
2. Parties should, by 31 March 2005, report to the Secretariat on progress made. Such reports should include details of seizures, copies of new legislation, copies of administrative instructions or orders to enforcement agencies and details of awareness campaigns. The Secretariat should report on Parties' progress at the 53rd meeting of the Standing Committee.
3. In the interim, the Secretariat should work with the relevant countries in Africa to provide any technical assistance that may be necessary to aid the implementation of this action plan.
4. The Secretariat should also engage in efforts to publicize the present action plan and the subsequent halting of domestic ivory sales in individual African countries through contacting relevant organizations such as airlines and IATA. It should also, via ICPO-Interpol and the World Customs Organization, communicate with the heads of police and Customs authorities in Africa, advising them of this initiative. Furthermore the Secretariat should request all Parties worldwide to publicize the action plan, particularly to discourage persons who are travelling to Africa from purchasing raw, semi-worked or worked² ivory and to encourage border control authorities to be alert to illegal imports of ivory and to make every effort to intercept illicit movements of ivory.
5. All elephant range States are recommended to cooperate with existing research projects studying the identification of ivory, especially by supplying relevant samples for DNA and other forensic science profiling.
6. The Secretariat should seek the assistance of Governments, international organizations and non-governmental organizations in supporting the work to eradicate illegal exports of ivory from the African continent and the unregulated domestic markets that contribute to illicit trade.
7. At the 13th meeting of the Conference of the Parties, the Secretariat should seek the agreement of the Parties that it would, from 1 June 2005, ensure that work is undertaken, including *in situ* verification missions where appropriate, to assess, on a country-by-country basis, progress made with the implementation of the action plan. Priority should be given to those Parties that are identified during research by the Secretariat and through other appropriate sources of information to have active and unregulated internal markets for ivory. Priority should be given to Cameroon, the Democratic Republic of the Congo, Djibouti, Nigeria and any other country identified through ETIS.
8. In cases where Parties or non-Parties are found not to implement the action plan, or where ivory is found to be illegally sold, the Secretariat should issue a Notification to the Parties advising them that the Conference of the Parties recommends that Parties should not engage in commercial trade in specimens of CITES-listed species with the country in question.

¹ Except any Party for which an annotation in the Appendices authorizes trade in worked ivory.

² Except Parties where the export of worked ivory for non-commercial purposes is lawful.

9. The Secretariat should continue to monitor all domestic ivory markets outside Africa to ensure that internal controls are adequate and comply with the relevant provisions of Resolution Conf. 10.10 (Rev. CoP12) on Trade in elephant specimens. Priority should be given to China, Japan and Thailand, with particular attention being paid to any Party that has notified the Secretariat that it wishes to authorize imports of ivory for commercial purposes.
10. The Secretariat should report upon the implementation of the action plan at each meeting of the Standing Committee.

Annex to Decision 13.67

TERMS OF REFERENCE FOR AN EVALUATION OF THE REVIEW OF SIGNIFICANT TRADE

Objectives

1. The objectives of the evaluation of the Review of Significant Trade are to:
 - a) evaluate the contribution of the Review of Significant Trade to the implementation of Article IV, paragraphs 2 (a), 3 and 6 (a);
 - b) assess the impact over time of the actions taken in the context of the Review of Significant Trade on the trade and conservation status of species selected for review and subject to recommendations, taking into consideration the possible effects of these measures on other CITES-listed species;
 - c) formulate recommendations in view of the results and findings of the evaluation and the impact assessment; and
 - d) prepare a document on the evaluation of the Review of Significant Trade and the resulting conclusions and recommendations for consideration at the first appropriate meeting of the Conference of the Parties.

Process

2. The evaluation will commence immediately after the 14th meeting of the Conference of the Parties, contingent on the availability of sufficient funds to ensure its completion.
3. The Animals and Plants Committees will oversee the evaluation, which will be administered by the Secretariat. Consultants may be engaged to assist it in this regard.
4. A working group composed of members of the Animals and Plants Committees, Parties, the Secretariat and invited experts will be responsible for advising on the evaluation process, reviewing the findings of associated research and developing recommendations for wider consideration by the Parties.
5. The Secretariat will regularly report on the progress of the evaluation at meetings of the Animals and Plants Committees.
6. A final report, which may include proposed amendments to existing Resolutions or Decisions, or other recommendations, and which will incorporate the comments of the Animals and Plants Committees and of range States addressed in the report, will be submitted by the Chairmen of the Animals and Plants Committees for consideration at a future meeting of the Conference of the Parties. The Chairman of the Animals or Plants Committee may submit an interim report to the Standing Committee when appropriate and considered useful.

Content of the evaluation

7. The evaluation of the Review of Significant Trade should include the following activities:
 - a) Assess:
 - i) the process used to select species for review (including the reliance on numerical data), and the species selected as a result;
 - ii) the process and means used to compile and review information concerning the implementation of Article IV, paragraphs 2 (a), 3 and 6 (a), for the selected species (including communications with the range States), and the subsequent use of this

- information by the Animals and Plants Committees for the categorization of species and the issuance of recommendations;
- iii) the types and frequency of recommendations made;
 - iv) the nature and rate of responses to recommendations, and problems identified;
 - v) the use of the recommendations by range States as guidance for managing target species and other CITES-listed species with similar characteristics;
 - vi) the nature and scale of the support provided to range States for implementing the recommendations, including field projects, financial aid and assistance in building local capacities;
 - vii) the ongoing process to monitor and review the implementation of recommendations, having regard to differing points of view as to where this responsibility should lie; and
 - viii) the impacts of the process on other aspects of CITES implementation, including how problems identified in the course of the review but not directly related to the implementation of Article IV, paragraphs 2 (a), 3 and 6 (a), were addressed.
- b) Conduct case studies of a representative range of species and countries subject to recommendations to assess subsequent short- and long-term changes, and whether these could be attributed to the process, in:
- i) conservation status of the target taxa in the range States;
 - ii) trade volumes and patterns of the target taxa, considering trade involving the range States subject to recommendations, other range States and non-range States;
 - iii) production or management strategies for the target taxa;
 - iv) market developments of conservation relevance (such as shifts in supply or demand);
 - v) costs and benefits associated with the management of and trade in the target taxa (such as the effects of trade suspensions and export quotas, shift in trade to non-CITES species or increased illegal trade);
 - vi) protection status of the target taxa within range States, and regulatory measures outside range States;
 - vii) trade patterns, conservation status and management for other CITES-listed species that might be suitable 'substitutes' for the target taxa; and
 - viii) changes in conservation policies in range States.
- c) Analyse the information to assess the effectiveness, costs and benefits³ of the Review of Significant Trade as implemented so far, by reference to the cost of the process and the time it takes, and identify means to improve the contribution it makes to the objectives of the Convention by reducing the threats to wild species.

³ *The phrase 'effectiveness, costs and benefits' is intended to address issues such as whether or not the funds spent on the process give value for money comparable to that for other CITES activities, and whether the time-scale envisaged in the process is too long for species that are in rapid decline.*