

RESOLUTION CONF. 9.5 (REV. COP14)

TRADE WITH STATES NOT PARTY TO THE CONVENTION

Substantive amendment

1. In Resolution Conf. 9.5 (Rev. CoP14), the Conference of the Parties:

INSTRUCTS the Secretariat to include in its Directory details of the designated competent authorities, scientific institutions and enforcement authorities of non-party States that were communicated by these States less than two years previously.

2. For several years, the Secretariat implemented this instruction strictly. Every two years it wrote to the non-Parties, through the diplomatic channel, to request verification of the designated competent authorities and scientific institutions. It allowed a period for response and then deleted the contact details that were more than two years old.
3. Unfortunately this meant that no contact details at all appeared for a number of countries that had previously provided contact details, as a result of which the Secretariat received many requests from Parties for information on people who could be contacted in non-party States. In order to make this information readily available, the Secretariat now keeps the contact details of non-Parties on its website even if they are more than two years old, but it puts the date of the last update under the contact details. This way all Parties can see how old the information is. Nonetheless it writes to non-Parties every two years to seek verification of the contact details of the designated authorities.
4. The Secretariat believes that the approach it has taken is the most useful one but, since it is not exactly in accordance with the above-mentioned instruction, it proposes that the text be amended as shown in the table in the Annex, in the paragraph under "INSTRUCTS". If this is not agreed, the Secretariat will revert to its previous practice.

Non-substantive amendments

5. The working group of the Standing Committee that is conducting an editorial review of Resolutions in the context of Decision 14.19, to identify non-substantive corrections that should be made, has already discussed this Resolution and has identified amendments that are indicated in the table in the Annex as appropriate, for the reasons indicated.
6. These amendments are being presented here, rather than at the 59th meeting of the Standing Committee, because a substantive amendment is being proposed and it is preferable to consider all of the amendments at a single meeting.

Recommendation

7. The Secretariat recommends that the Conference of the Parties adopt the amendments to Resolution Conf. 9.5 (Rev. CoP14) shown in the table in Annex 3 b).

PROPOSED AMENDMENTS TO RESOLUTION CONF. 9.5 (REV. COP14)

TRADE WITH STATES NOT PARTY TO THE CONVENTION

NB: Words proposed to be deleted are ~~crossed out~~. Words proposed to be inserted are underlined.

Proposed amendments	Explanation
RECALLING Resolutions Conf. 3.8 and Conf. 8.8, adopted by the Conference of the Parties at its third and eighth meetings (New Delhi, 1981; Kyoto, 1992);	
RECALLING the provisions of Article X of the Convention, permitting acceptance of comparable documentation issued by the competent authorities of States not party to the Convention;	
CONSIDERING the need to provide guidance to Parties for the uniform implementation of Article X of the Convention;	
CONSIDERING further the need to keep States not party to the Convention informed of its progressive implementation, to enable them to express their views regarding trade with the Parties, and to promote wider participation in the Convention;	
CONSIDERING that Article IV, paragraph 2, of the Convention requires a Scientific Authority of the State of export to have advised that an export will not be detrimental to the survival of the species concerned before an export permit may be issued;	
CONSCIOUS that the risk of trade from and through States not party to the Convention risks jeopardizing <u>jeopardizes</u> the effectiveness of the Convention;	It is not the risk of trade through non-Parties that jeopardizes the effectiveness of the Convention, but trade through such States that risks jeopardizing it.
AWARE that illegal trade, in particular in Appendix-I species, appears to avoid States that are party to the Convention and seeks trade routes to, from and through States not party to the Convention;	
RECALLING Resolution Conf. 9.7 (Rev. CoP13), adopted by the Conference of the Parties at its ninth meeting (Fort Lauderdale, 1994) and revised at its 13th meeting (Bangkok, 2004), recommending that valid documentation be required for transit shipments;	
NOTING that control of transit shipments in particular appears to produce substantial information on illegal trade in CITES specimens;	
RECOGNIZING the possibility for Parties to impose more restrictive domestic controls on trade under Article XIV;	
CONVINCED of the need to counteract illegal trade by tightening the conditions applying to trade with States not party to the Convention;	
THE CONFERENCE OF THE PARTIES TO THE CONVENTION	

Proposed amendments	Explanation
RECOMMENDS that: a) permits and certificates issued by States not party to the Convention not be accepted by Parties unless they contain:	
i) the name, stamp and signature of a competent issuing authority;	
ii) sufficient identification of the species concerned for the purposes of the Convention;	
iii) certification of the origin of the specimen concerned, including the export permit number from the country of origin, or justification for omitting such certification;	Inclusion of a comma for clarity.
iv) in the case of export of specimens of a species included in Appendix I or II, certification to the effect that the competent scientific institution has advised that the export will not be detrimental to the survival of the species (in case of doubt a copy of such advice should be required) and that the specimens were not obtained in contravention of the laws of the State of export;	
v) in the case of re-export, certification to the effect that the competent authority of the country of origin has issued an export document that substantially meets the requirements of Article VI of the Convention; and	
vi) in the case of export or re-export of live specimens, certification to the effect that they will be transported in a manner that will minimize the risk of injury, damage to health or cruel treatment;	
b) Parties accept documentation from States not party to the Convention only if <u>the details of the competent authorities and scientific institutions of such States that are included in the most recent updated list of the Secretariat online CITES Directory were communicated less than two years previously or after consultation with the Secretariat confirms that it has no more recent information;</u>	The document referred to as the "list of the Secretariat" is the "Directory" referred to in the paragraph starting with "INSTRUCTS" below. If the online Directory on the CITES website is used, it will be the latest version. The reference to information being less than two years old is transferred here from the paragraph under "INSTRUCTS" below. The final change is to clarify the reason for consulting the Secretariat.
c) the recommendations above also apply to specimens in transit destined for or coming from States not party to the Convention, including specimens in transit between such States;	
d) particular attention be given to the inspection of specimens in transit exported or re-exported from, and/or destined for States not party to the Convention and to the inspection of documentation for such specimens;	The "and/" is superfluous.
e) Parties authorize import from and export or re-export to States not party to the Convention of specimens of wild origin of Appendix-I species only in special cases where it benefits the conservation of the species or provides for the welfare of the specimens, and only after consultation with the Secretariat;	
f) Parties allow import from States not party to the Convention of captive-bred and artificially propagated specimens of Appendix-I species only after favourable advice from the Secretariat; and	

Proposed amendments	Explanation
g) Parties communicate to the Secretariat any inconsistencies in trade involving States not party to the Convention;	
INSTRUCTS the Secretariat to include in its Directory details of the designated competent authorities, scientific institutions and enforcement authorities of non-party States that were communicated by these States less than two years previously together with the date on which the details were received ; and	See explanation above in the introduction.
REPEALS the Resolutions listed hereunder: a) Resolution Conf. 3.8 (New Delhi, 1981) – <i>Acceptance of Comparable Documentation Issued by States not Party to the Convention</i> ; and b) Resolution Conf. 8.8 (Kyoto, 1992) – <i>Trade with States not Party to the Convention</i> .	Titles of Resolutions are changed to italic typeface, in line with current editorial practice.