

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



Fifteenth meeting of the Conference of the Parties
Doha (Qatar), 13-25 March 2010

Committee II

National laws for implementation of the Convention

DRAFT REVISION OF RESOLUTION CONF. 8.4 (REV. COP14)
AND
DRAFT DECISIONS OF THE CONFERENCE OF THE PARTIES

This document has been prepared by a working group established in the sixth session of Committee II, and is based on document CoP15 Doc. 20.

DRAFT REVISION OF RESOLUTION CONF. 8.4 (REV. COP14) ON
NATIONAL LAWS FOR IMPLEMENTATION OF THE CONVENTION

*NB: Text to be deleted is ~~crossed-out~~. Proposed new text is underlined. Text in bold indicates **changes proposed by the Working Group to the Annex of document CoP15 Doc. 20 Annex 1**.*

RECALLING that Article VIII requires all Parties to take appropriate measures to enforce the provisions of the Convention, **and to prohibit trade in specimens in violation thereof, ~~and to ensure that specimens pass through any formalities required for trade with a minimum of delay;~~, including measures to penalize trade in, or possession of, such specimens, and to provide for the confiscation or return to the State of export of such specimens; and**

RECALLING ALSO that Article IX requires that each Party designate at least one Management Authority and one Scientific Authority;

RECALLING FURTHER that Article VIII, paragraph 3, requires each Party, as far as possible, to ensure that specimens pass through any formalities required for trade with a minimum of delay;

RECALLING ALSO that Articles III, IV, V, VI and VII require Parties to regulate trade in specimens of species included in the CITES Appendices by, *inter alia*: making findings related to legal acquisition, non-detriment and living specimens; issuing and accepting permits and certificates; and implementing exemptions and special provisions;

ACKNOWLEDGING the adoption of Resolution Conf. 14.2 on the *CITES Strategic Vision: 2008-2013*, particularly Objective 1.1 that Parties comply with their obligations under the Convention through appropriate policies, legislation and procedures;

RECOGNIZING that the CITES National Legislation Project was established in 1992 and has provided legislative analyses and assistance to Parties **and dependent territories** since that time;

RECALLING Resolution Conf. 11.3 (Rev. CoP14), **adopted by the Conference of the Parties at its 11th meeting (Gigiri, 2000) and amended at its 13th and 14th meetings (Bangkok, 2004; The Hague, 2007)**, which expresses the Parties' conviction that enforcement of the Convention must be of constant concern to the Parties if the objectives of the Convention are to be fulfilled;

~~NOTING that the Environmental Law Centre of IUCN has prepared a report for the Secretariat on guidelines for the development of model legislation for CITES implementation; [delete]~~

~~BELIEVING~~ NOTING that a substantial number of progress has been achieved, but that approximately half of the Parties, and a number of dependent territories, have not yet taken the appropriate measures to enforce the provisions of the Convention;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

DIRECTS the Secretariat, within available resources:

- a) to identify those Parties ~~and dependent territories~~ whose domestic measures national legislation ~~does~~ not provide them with the authority to:
 - i) designate at least one Management Authority and one Scientific Authority;
 - ii) prohibit trade in specimens in violation of the Convention;
 - iii) penalize such trade; or
 - iv) confiscate specimens illegally traded or possessed;
- b) to seek from each Party so identified information indicating the procedures, action and time-frames that are ~~needed envisaged~~ in order to ~~establish~~ adopt, as a matter of the highest priority, the legislative measures necessary to ~~properly enforce~~ for effective implementation of the provisions of the Convention; and
- c) to report its findings, recommendations or progress to the Standing Committee and at each meeting of the Conference of the Parties;

URGES all Parties that have not adopted the appropriate measures legislation to ~~fully~~ for effective implementation of the Convention to do so and inform the Secretariat when such measures have been adopted;

~~**DECIDES that the lack of appropriate legislation for effective implementation of the Convention constitutes a major concern regarding compliance with the Convention, which the Secretariat shall refer to the Standing Committee for a solution in accordance with Resolution Conf. 14.3;**~~

~~**INSTRUCTS the Standing Committee to determine, on the basis of reports presented by the Secretariat, which Parties have not adopted appropriate legislation measures for effective implementation of the Convention and to consider appropriate compliance measures, which may include recommendations to suspend trade, in accordance with Resolution Conf. 14.3;**~~

~~**ALSO INSTRUCTS the Standing Committee, with regard to Parties that have not adopted appropriate legislation for effective implementation of the Convention, to consider appropriate compliance measures, which may include recommendations to suspend commercial trade in specimens of CITES-listed species to and from such Parties;**~~

DIRECTS the Secretariat to seek external funding to enable it to provide technical assistance to Parties in the development of their measures national legislation to implement the Convention; and

INVITES all Parties, governmental, intergovernmental and non-governmental organizations, and other sources to provide financial and technical assistance for the development and effective implementation of such measures national legislation.

DRAFT DECISIONS OF THE CONFERENCE OF THE PARTIES

NB: Proposed amendments to the draft decisions presented in document CoP15 Doc. 20 Annex 2. Text to be deleted is ~~crossed-out~~. Proposed new text is underlined.

National laws for implementation of the Convention

Directed to Parties

- 15.xx Parties ~~and dependent territories~~ should submit to the Secretariat, in one of the working languages of the Convention, appropriate **legislation measures** which ~~has~~ve been adopted for effective implementation of the Convention.
- 15.xx Any Party ~~or dependent territory~~, which has not adopted appropriate **legislation measures** for effective implementation of the Convention, should submit to the Secretariat a justification for not having done so.

Directed to the Standing Committee

- 15.xx The Standing Committee shall review at its 61st and 62nd meetings the **legislative** progress of Parties ~~and dependent territories~~ **in adopting appropriate measures for the effective implementation of the Convention.**

Directed to the Secretariat

- 15.xx The Secretariat shall:
- a) compile and analyze the information submitted by Parties on **legislation measures** adopted before the 16th meeting of the Conference of the Parties (CoP16) to fulfil the requirements laid down in the text of the Convention and Resolution Conf. 8.4 (Rev. CoP14);
 - b) provide, to the extent resources are available, legal advice and assistance to Parties on the development of appropriate **legislation measures** for effective implementation of the Convention, including legislative guidance for and training of CITES authorities, legal drafters, policy makers, the judiciary, parliamentarians and other relevant government officials responsible for the formulation and adoption of CITES-related legislation;
 - c) cooperate, in the provision of legislative assistance, with the legal programmes of United Nations bodies and intergovernmental organizations such as UNEP, the Food and Agriculture Organization, the World Bank and the Organization of American States;
 - d) report at the 61st and 62nd meetings of the Standing Committee on Parties' progress in **enacting adopting** adequate **legislation measures** and, if necessary, recommend the adoption of appropriate compliance measures, including suspension of trade;
 - e) identify for the Standing Committee any countries that require attention as a priority under the National Legislation Project; and
 - f) report at CoP16 on the progress made with regard to the implementation of Resolution Conf. 8.4 (Rev. CoP14) and Decisions 15.xx, 15.xx, 15.xx and 15.xx.