

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



Seventeenth meeting of the Conference of the Parties
Johannesburg (South Africa), 24 September -5 October 2016

Interpretation and implementation matters

Existing Resolutions and Decisions

REVIEW OF RESOLUTIONS AND DECISIONS

1. This document has been prepared by the Secretariat.

Resolutions

2. Decision 14.19 on Review of Resolutions, states that:

The Standing Committee should review any proposals from the Secretariat to correct non-substantive errors or minor editorial faults in current Resolutions and decide whether they should be referred to the Conference of the Parties. In cases where the Committee agrees with the proposals and considers that they need not be referred to the Conference, it may instruct the Secretariat to republish the Resolutions with the necessary corrections.

3. In accordance with this Decision, since the 16th meeting of the Conference of the Parties (CoP16, Bangkok, 2013), minor corrections were made to: Resolution Conf. 9.24 (Rev. CoP16) on *Criteria for amendment of Appendices I and II*; Resolution Conf. 9.7 (Rev. CoP15) on *Transit and transshipment*; and Resolution Conf. 11.3 (Rev. CoP16) on *Compliance and enforcement*. Details can be found in document SC66 Doc. 22.
4. Since these actions were taken, three further issues with the texts of Resolutions of the Conference of the Parties have arisen and the Secretariat takes the opportunity to refer them directly to the Conference of the Parties rather than refer them to the 67th meeting of the Standing Committee, in order to avoid any delay in resolving them.
5. At its 15th meeting (Doha, 2010), the Conference of the Parties amended Resolution Conf. 12.6 on *Conservation and management of sharks*. As recorded in document CoP15 Plen. 6 (Rev. 1), this involved the amendments to that Resolution contained in document CoP15 Inf. 70, which were read into the record. One of these amendments was a change to the title to read as follows: Conservation and Management of Sharks (Class Chondrichthyes) – changes shown underlined. The Secretariat recalls that the intention was to clarify the alignment of the resolution with the *FAO International Plan of Action for the Conservation and Management of Sharks* which states that the word 'shark' is: "taken to include all species of sharks, skates, rays and chimaeras (Class Chondrichthyes)". However, this amendment was not incorporated into the revised resolution as it conflicted with the standard nomenclatural reference in Resolution Conf. 12.11 (Rev. CoP15) – now Resolution Conf. 12.11 (Rev. CoP16) - on *Standard nomenclature* which does not recognize the Class Chondrichthyes. In order to reconcile this situation, the Secretariat proposes adding a footnote to the title of Resolution Conf. 12.6 (Rev. CoP16) on *Conservation and management of sharks* stating:

For the purposes of this resolution, the term "shark" is taken to include all species of sharks, skates, rays and chimaeras, in alignment with the *FAO International Plan of Action for the Conservation and Management of Sharks* (IPOA-Sharks).

The Secretariat requests the Conference of the Parties to adopt the above change to the title of Resolution Conf. 12.6 (Rev. CoP16).

6. During some translation work, a question has arisen over the Spanish common name used in the title of Resolution Conf. 12.4 on *Cooperation between CITES and the Commission for the Conservation of Antarctic Marine Living Resources regarding trade in toothfish*. In order to avoid any confusion, the Secretariat proposes replacing the word “bacalao” as currently used in the title of the Spanish language version of that Resolution, with the word “austromerluza”. This would bring the Spanish common name of the species concerned in the genus *Dissostichus*, into line with that used by the Commission for the Conservation of Antarctic Marine Living Resources.
7. In the course of preparation for the present meeting, an apparent translation error has been revealed in the French version of Resolution Conf. 4.6 (Rev. CoP16) on *Submission of draft resolutions, draft decisions and other documents for meetings of the Conference of the Parties*. In the first operative paragraph, the notion of the term “substantially complete” in English and “sustancialmente completa” is not contained in the French version. The Secretariat proposes that the French version of this Resolution be amended as follows (additional text shown underlined):

CONVIENT que l'expression "le texte de la proposition d'amendement", à l'Article XV, paragraphe 1, de la Convention, inclut le justificatif essentiellement complet devant accompagner cette proposition, et que cette interprétation est étendue aux projets de résolutions, projets de décisions et autres documents soumis pour examen aux sessions de la Conférence des Parties.

The Conference of the Parties is adopt the above change to Resolution Conf. 4.6 (Rev. CoP16).

Decisions

8. In Resolution Conf. 4.6 (Rev. CoP16) the Secretariat is directed:

to update the 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.
9. In implementing this directive, after each meeting of the Conference of the Parties the Secretariat compiles a new list of the Decisions that are in effect.
10. Most of the Decisions in effect after CoP16 relate to subjects featuring on the agenda of the present meeting, for which working documents have been submitted. The continuation, amendment or deletion of the related decisions should be addressed during the discussion of these documents.
11. Decisions that are not the subject of recommendations in other documents are listed in Annex 1 to the present document, together with a brief summary of the activities to implement them since CoP16 and a recommendation from the Secretariat concerning their continuation, amendment or deletion.
12. After the 16th meeting of the Conference of the Parties (CoP16, Bangkok, 2013) there remained a number of Decisions of the Conference of the Parties which were superseded but not deleted remained. [The Secretariat posted these on the CITES website](#). In the documents for the present meeting, the Secretariat has endeavoured to ensure that a proposed conclusion on the future of all existing Decisions be taken by the Conference of the Parties.

Recommendations

13. The Conference of the Parties is requested to adopt the amendments to Resolution Conf. 12.6 (Rev. CoP16), Resolution Conf. 12.4 and Resolution Conf. 4.6 (Rev. CoP16) detailed in paragraphs 5, 6 and 7 of the present document.
14. The Secretariat recommends that Decision 14.19 be maintained.
15. The Secretariat proposes that the [Decisions of the Conference of the Parties to CITES superseded after its 16th meeting \(Bangkok, 2013\), but not deleted](#), be formally deleted at the present meeting.
16. The Secretariat requests the Conference to decide on the appropriate action to take in relation to the Decisions listed in Annex 1 to the present document.

17. It should be noted that, in implementing paragraph b) of the second DIRECTS in Resolution Conf. 4.6 (Rev. CoP16), the Secretariat does not intend to include in the list of Decisions in effect after CoP17, any of the Decisions adopted at previous Conferences of the Parties that are not agreed for continuation, either in an existing or amended form, at the present meeting.

LIST OF DECISIONS TO BE RETAINED OR DELETED
WHICH ARE NOT COVERED IN OTHER CoP17 DOCUMENTS

Credentials Committee

Directed to the Secretariat

16.1 *The Secretariat shall develop, for consideration at the 65th meeting of the Standing Committee, draft guidance to Parties on the submission of credentials for a meeting of the Conference of the Parties taking note of the CoP16 Credentials Committee Chair's recommendations that this guidance should address, inter alia, the following:*

- a) *submission of original credentials only and not copies of credentials;*
- b) *use of stationery with an official letterhead which indicates the relevant country and government office;*
- c) *signature of credentials by the head of State, head of government or minister of foreign affairs;*
- d) *the acceptability of alternative signatories (in a temporary or acting capacity), if their authority to sign is clearly indicated;*
- e) *provision of the name and title of the signatory; and*
- f) *translation into one of the three working languages of the Convention.*

When the draft guidance has been endorsed by the Standing Committee, the Secretariat shall make it available to Parties through the CITES website.

Action undertaken: The draft guidance referred to in Decision 16.1 was submitted to the Standing Committee in document SC65 Doc. 11.2. It was subsequently endorsed by the Standing Committee at its 66th meeting (see document SC66 Doc. 12.5) and has been made available to Parties through the CITES website.

Recommendation of the Secretariat: The Secretariat recommends that Decisions 16.1 be deleted.

Cooperation between Parties and promotion of multilateral measures

Directed to Parties

14.28 (Rev. CoP15) *Parties with stricter domestic measures and reservations should review them, as and when appropriate, in order to determine whether they are effective and necessary in order to achieve the objectives of the Convention to ensure that trade in wild fauna and flora species is not detrimental to their survival.*

Action undertaken: At CoP16, it was decided to maintain this Decision for a third inter-sessional period. As it is an on-going rather than not a short-term activity, it would be preferable to incorporate it into a Resolution, rather than retain it as a Decision.

Recommendation of the Secretariat: The Secretariat recommends that the text of Decision 14.28 (Rev. CoP15) be incorporated into the first operative paragraph of Resolution Conf. 4.22 on *Proof of foreign law* as follows:

RECOMMENDS that:

- a) Parties informing the Secretariat of the existence, adoption or amendment of stricter domestic measures provide the Secretariat with a copy of the laws, regulations, decrees, and other documents establishing such measures, any interpretation and other information which may be of assistance in understanding such measures, citations to such laws, regulations, decrees, and other documents, and the name,

address and telephone/telex number of the government organization and official responsible for implementing such measures; and

- b) Parties informing the Secretariat of the invalidity, deficiency or special requirements of permits and certificates do so in a signed statement containing the name, address, and telephone/telex number of the government agency and official responsible for granting the relevant permits and certificates; and
- c) Parties with stricter domestic measures and reservations should review them, as and when appropriate, in order to determine whether they are effective and necessary in order to achieve the objectives of the Convention to ensure that trade in wild fauna and flora species is not detrimental to their survival; and

Wildlife trade policy reviews

Directed to the Parties

16.26 *As envisaged under Resolution Conf. 15.2 on Wildlife trade policy reviews, Parties that undertake wildlife trade policy reviews on a voluntary basis are requested to provide the Secretariat with relevant details of their reviews and lessons learnt, so that these may be shared with other Parties.*

Directed to the Secretariat

16.27 *The Secretariat shall:*

- a) *compile and make available on the CITES website information provided voluntarily by Parties on wildlife policies or wildlife trade policies they have adopted, and wildlife trade policy reviews they have undertaken;*
- b) *subject to external funding, assist interested Parties in undertaking wildlife trade policy reviews and provide necessary technical cooperation to those Parties;*
- c) *subject to external funding, organize a regional or subregional workshop in another region which builds upon the Regional Workshop for Arabic-Speaking Countries on Wildlife Trade Policy Reviews (Kuwait City, March 2009); and*
- d) *report at the 66th meeting of the Standing Committee and at the 17th meeting of the Conference of the Parties on the work above and other progress made with regard to implementation of Resolution Conf. 15.2.*

Action undertaken: The Secretariat informed the Standing Committee at SC66 that no additional wildlife trade policy reviews had been undertaken and that no funds had been identified to organize regional or sub-regional workshops.

Recommendation of the Secretariat: The Secretariat recommends that Decisions 16.26 and 16.27 be deleted.

Non-detriment findings

Directed to the Secretariat

16.53 *The Secretariat shall:*

- a) *invite Parties to submit their experiences and the results from workshops, projects or publications related to the making of non-detriment findings for inclusion in the CITES website; and*
- b) *ensure this information is available in other formats (e.g. CD-ROM) where appropriate.*

Action undertaken: The proposed actions have a long-term effect, and are ongoing activities of the Secretariat. They complement provisions in Resolution Conf. 16.7 on *Non-detriment findings*.

Recommendation of the Secretariat: The Secretariat recommends that Decision 16.53 be maintained. Its provisions should be incorporated in Resolution Conf. 16.7 when this Resolution is amended.

Physical inspection of timber shipments

Directed to the Secretariat

16.58 *By the 65th meeting of the Standing Committee, the Secretariat shall:*

- a) *obtain information and materials from those Parties that have reported that they have developed tools and procedures for the identification and measurement of CITES-listed tree species, and the physical inspection of timber shipments;*
- b) *publish the information on the CITES website so that it can be accessed by CITES plant inspection and enforcement authorities; and*
- c) *incorporate this information into its capacity-building activities related to timber trade.*

Action undertaken: Funding for this activity, mentioned in document SC66 Doc. 38, had to be diverted to production of the timber trade study required under Decision 15.35. The Secretariat notes that there has been rather little interest from Parties on this matter.

Recommendation of the Secretariat: The Secretariat proposes that this Decision be deleted.

Reporting on the implementation of Resolution Conf. 10.14 (Rev. CoP16) on Quotas for leopard hunting trophies and skins for personal use

Directed to Parties

16.76 *Parties shall, by the 66th meeting of the Standing Committee, submit a report to the Secretariat on the implementation of the system as set out in paragraphs c) to j) of Resolution Conf. 10.14 (Rev. CoP16), including details of any problems with the processing of CITES documents, the management and tracking system in general, and the system in place to replace lost or damaged tags.*

Directed to Secretariat

16.77 *The Secretariat shall, at the 66th meeting of the Standing Committee, and subject to the availability of funds:*

- a) *provide a summary report to the Standing Committee based on the reports supplied by the Parties concerned in the implementation of Resolution Conf. 10.14 (Rev. CoP16); and*
- b) *on the basis of experience gained with the operation of the tagging system set out in paragraphs c) to j) of Resolution Conf. 10.14 (Rev. CoP16), make recommendations, as appropriate, to the Standing Committee regarding the feasibility and appropriateness of extending the system for use with other CITES-listed species.*

Action undertaken: The Secretariat informed the Standing Committee at SC66 that Slovakia, South Africa and the United States of America had responded to Notification to the Parties No. 2015/042 of 30 July 2015. None of these Parties reported any problems with implementation of the system set out in paragraphs c) to j) of Resolution Conf. 10.14 (Rev. CoP16). The Secretariat also reported that South Africa advised that it had a system in place to replace lost or damaged tags. The Standing Committee noted document SC66 Doc. 40 and encouraged all Parties to comply with Resolution Conf. 10.14 (Rev. CoP16) on *Quotas for leopard hunting trophies and skins for personal use*.

Recommendation of the Secretariat: The Secretariat recommends that Decisions 16.76 and 16.77 be deleted.

Great whales

Directed to the Animals Committee

14.81 *No periodic review of any great whale, including the fin whale, should occur while the moratorium by the International Whaling Commission is in place.*

Action undertaken: Since CoP16, the Animals Committee has not selected great whales for its periodic review of the Appendices, which it conducts in compliance with Resolution Conf. 14.8 (Rev. CoP16) on *Periodic Review of species included in Appendices I and II*.

Recommendation of the Secretariat: The Secretariat proposes the deletion of Decision 14.81. If the substance of this Decision should continue to remain in effect, it should be considered in the context of the revision of Resolution Conf. 14.8 (Rev. CoP16) under agenda item 82.1.

Grey parrot (*Psittacus erithacus*)

*Directed to the range States of *Psittacus erithacus**

14.82 *The range States of *Psittacus erithacus* should participate in the development and implementation of regional management plans for the conservation of and trade in *P. erithacus erithacus* and *P. erithacus timneh*.*

Directed to the Secretariat

14.83 *Subject to external funding, the Secretariat shall develop regional management plans for the conservation of and trade in *P. erithacus erithacus* and *P. erithacus timneh*, in collaboration with the range States, relevant experts, non-governmental organizations and other stakeholders. Issues to be addressed in these plans should include:*

- a) development of biologically sustainable national export quotas in cooperation with neighbouring range States;*
- b) development of standards for making non-detriment findings;*
- c) providing details of the control measures in place or to be implemented to verify the origin of the specimens;*
- d) cooperation on studies on the population status and demography of the species and the status of its habitat;*
- e) cooperation on long-term monitoring efforts;*
- f) actions to implement law enforcement programmes to combat poaching and illegal trade (both national and international) and report on the results of the programmes in terms of enforcement efforts, seizures and prosecutions;*
- g) agreements on reliable methodologies for assessing population status and population monitoring;*
- h) investigations of the possibility of establishing in situ captive-breeding facilities for the species;*
- i) encouragement of the participation of all range States, enforcement authorities, importing countries, experts, the NGO community and the private sector in implementing these plans; and*
- j) considering expanding the management plans to include other psittacine species in the region.*

14.84 *The Secretariat shall seek funding for and organize workshops in West and Central Africa to assist range States in the development and implementation of regional management plans for the conservation of and trade in *P. erithacus erithacus* and *P. erithacus timneh*.*

14.85 *The Secretariat should identify cases where there has been a history of exports in excess of quotas and, as long as necessary, verify export permits issued to ensure that quotas are not exceeded.*

Action undertaken: Decisions 14.82, 14.83, 14.84 and 14.85, which were developed in the context of the Review of Significant Trade in *Psittacus erithacus* conducted from 2004 to 2008, have largely been complied with, including a [workshop in Monrovia, Liberia, in September 2013](#).

Recommendation of the Secretariat: The Secretariat proposes the deletion of Decisions 14.82-14.85. If the Conference of the Parties agrees that further actions are needed concerning the management of, or trade in, *Psittacus erithacus*, the Secretariat recommends that adoption of a new set of decisions be considered.

Roti Island snake-necked turtle (*Chelodina mccordi*)

Directed to the Animals Committee

16.125 *The Animals Committee shall include the Roti Island side-necked turtle (*Chelodina mccordi*) as matter of priority in the Periodic Review of the Appendices at its 27th meeting.*

Directed to the Secretariat

16.126 *The Secretariat shall liaise with the range States of the Roti Island side-necked turtle (*Chelodina mccordi*), Indonesia and Timor-Leste, to compile information relevant to the Periodic Review of the Appendices for review at the 28th meeting of the Animals Committee.*

Action undertaken: The species has been included in the periodic review of the Appendices and work is in progress (see document CoP17 Doc. 10.2.1 report of the Chair of the Animals committee).

Recommendation of the Secretariat: The Secretariat recommends that Decisions 16.125 and 16.126 be deleted.