

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

General compliance and enforcement

IMPLEMENTATION AND ENFORCEMENT OF THE CONVENTION AS IT RELATES
TO THE TRADE IN SPECIES LISTED IN APPENDIX I

1. This document has been submitted by the Standing Committee.*
2. At its 16th meeting (CoP16, Bangkok, 2013), the Conference of the Parties adopted Decision 16.39 on *Enforcement matters* as follows:

Directed to the Standing Committee

16.39 *At its 65th meeting, the Standing Committee shall initiate a process to assess implementation and enforcement of the Convention as it relates to the trade in species listed in Appendix I. The Committee shall report its findings at the 17th meeting of the Conference of the Parties to CITES.*

3. At its 65th meeting (Geneva, 2014), the Committee established a working group chaired by the United States of America to implement this Decision. The working group members had a comprehensive discussion of existing CITES mechanisms that might be useful to address implementation and enforcement of the Convention as it relates to trade in species listed in Appendix I. The working group discussed strengths and weaknesses of existing provisions in the Convention and relevant resolutions, and the potential revision of existing resolutions to address gaps or inadequacies of currently available mechanisms.
4. On the basis of the report of the working group, the Standing Committee agreed on the need for action on three specific matters.
5. Firstly, Article XXIII of the Convention recognizes the authority of Parties to trade under reservation. However, Resolution Conf. 4.25 (Rev. CoP14) on *Reservations* recommends that any Party having entered a reservation with regard to any species included in Appendix I treat that species as if it were included in Appendix II for all purposes, including documentation and control. In the light of this, the Standing Committee agreed to recommend to the Conference of the Parties at CoP17 that Resolution Conf. 12.8 (Rev. CoP13) on *Review of Significant Trade in Specimens of Appendix-II species* be amended to include the following new preambular paragraph as follows:

NOTING that Resolution Conf. 4.25 (Rev. CoP14) recommends that any Party having entered a reservation with regard to any species included in Appendix I treat that species as if it were included in Appendix II for all purposes, including documentation and control.

* *The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat (or the United Nations Environment Programme) concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.*

6. Secondly, the Committee shared the concerns of the working group about the length of time often required for implementation of existing compliance processes. They expressed the need to address compliance concerns under Article XIII, particularly with regard to trade in specimens of Appendix-I species, with more urgency. Consequently, the Committee agreed to submit a draft amendment to Resolution Conf. 11.3 (Rev. CoP16) on *Compliance and enforcement* in the section “Regarding application of Article XIII” to the Conference of the Parties, as follows (added text underlined):
 - c) if major compliance matters concerning particular Parties are brought to the attention of the Secretariat, the Secretariat, in consultation with the Chair of the Standing Committee and as expeditiously as possible, work with the Parties concerned to try to solve the matter and offer advice or technical assistance as required.
7. Thirdly, the Committee was concerned about the implementation of the Convention in relation to trade in specimens of Appendix-I species claimed to have been born in captivity or bred in captivity (source codes R, C, D and F). These concerns were taken up further in the work of the Committee related to the implementation of Decision 16.66 on *Implementation of the Convention relating to captive-bred and ranched specimens* and are reported in document CoP17 Doc. 32.

Recommendation

8. The Standing Committee recommends that the Conference of the Parties adopts the two amendments to existing Resolutions detailed in paragraphs 5 and 6 of the present document. It is not envisaged that these changes will have any significant budgetary or workload implications for the Secretariat or the permanent committees.

COMMENTS FROM THE SECRETARIAT

- A. The Secretariat recommends that the Conference of the Parties adopts the amendments to Resolution Conf. 12.8 (Rev. CoP13) on *Review of Significant Trade in Specimens of Appendix-II species* and Resolution Conf. 11.3 (Rev. CoP16) on *Compliance and enforcement* proposed by the Standing Committee in paragraphs 5 and 6 of the present document.
- B. The Secretariat notes that under agenda item 33 on *Evaluation of the Review of Significant Trade*, the Animals and Plants Committees are proposing a substantial revision of Resolution Conf. 12.8 (Rev. CoP13), and recommends that the Standing Committee proposal in relation to this resolution be discussed under this agenda item.
- C. The Secretariat also recommends that Decision 16.39 be deleted.