

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

Eighteenth meeting of the Conference of the Parties
Colombo (Sri Lanka), 23 May – 3 June 2019

Interpretation and implementation matters

Existing Resolutions and Decisions

REVIEW OF RESOLUTIONS

1. This document has been prepared by the Secretariat.
2. The Secretariat has continued its review of Resolutions and informed the Standing Committee, at its 69th meeting (SC69, Geneva, November 2017), of its intention to prepare proposals for consideration at the present meeting regarding the substantive revision of several Resolutions (see document SC69 Doc. 26). These proposals arise in particular from: the normal work of the Secretariat, in the course of which it becomes aware of a variety of problems of interpretation or implementation of the Resolutions; the editorial review, taking place in fulfilment of Decision 14.19; and correspondence from Parties and organizations suggesting the need for corrections.
3. At its 69th meeting, the Standing Committee noted the Secretariat's intention to propose revisions to certain Resolutions, including Resolution Conf. 4.6 (Rev. CoP17) on *Submission of draft resolutions, draft decisions and other documents for meetings of the Conference of the Parties* and Resolution Conf. 14.3 on *CITES compliance procedures*. The Standing Committee further agreed that revisions to Resolution Conf. 11.16 (Rev. CoP15) on *Ranching and trade in ranched specimens of species transferred from Appendix I to Appendix II* and Resolution Conf. 9.20 (Rev.) on *Guidelines for evaluating marine turtle ranching proposals submitted pursuant to Resolution Conf. 11.16 (Rev. CoP15)* were not necessary.
4. The Secretariat has prepared proposals in relation to three Resolutions and these are presented separately in the Annexes to the present document, as follows:
 - Annex 1: Conf. 4.6 (Rev. CoP17) on *Submission of draft resolutions, draft decisions and other documents for meetings of the Conference of the Parties*
 - Annex 2: Conf. 12.8 (Rev. CoP17) on *Review of Significant Trade in specimens of Appendix-II species* (proposed change endorsed by the Standing Committee)
 - Annex 3: Conf. 14.3 on *CITES compliance procedures* (inclusion of Conf. 10.10 endorsed by the Standing Committee)
5. The amendments to Resolution Conf. 4.6 (Rev. CoP17) proposed by the Secretariat aim to standardize the nomenclature of bodies to whom decisions are directed. This would enable easier electronic sorting list, noting that decisions may still be addressed jointly to the Animals and Plants Committees. The proposed amendments also encourage the creation of an overall decision on funding of decisions, in order to avoid repetition in many individual decisions; and to incorporate Decision 14.19 (Rev. CoP17) into the Resolution. The Secretariat has proposed such a general call for funding in a draft decision in document CoP18 Doc. 7.5 on *Access to funding, including GEF funding*. The proposed amendments can be found in Annex 1 to this document.
6. The Secretariat transmits the request of the Standing Committee (see SC70 SR) to propose amendments to paragraph 1 o) of Resolution Conf. 12.8 (Rev. CoP17) to simplify the consultation process without losing

any of the original intent. The proposed amendments to Resolution Conf. 12.8 (Rev. CoP17) can be found in Annex 2 to this document.

7. The Secretariat proposes amendments to Resolution Conf. 14.3 in order to update the list of Resolutions on which a trade suspension could be based. Paragraph 30 of the Annex to Resolution Conf. 14.3 provides for recommendations to suspend trade in certain cases. Such recommendations should always be specifically and explicitly based on the Convention and on any applicable Resolutions and Decisions of the Conference of the Parties. Footnote 1 in paragraph 30 of the Annex to Resolution Conf. 14.3 lists which Resolutions and Decisions are applicable in this context, and this list currently does not include Resolution Con. 10.10 (Rev CoP17) on *Trade in elephant specimens* or Resolution Conf. 17.7 on *Review of trade in animal specimens reported as produced in captivity*. The Secretariat notes that, at its 70th meeting, the Standing Committee agreed to propose to CoP18 to include Resolution Conf. 10.10 (Rev CoP17) on *Trade in elephant specimens* in the footnote to paragraph 30 in the Annex to Resolution Conf. 14.3 on *CITES compliance procedures*. The proposed changes to Resolution Conf. 14.3 can be found in Annex 3 to this document.
8. The Secretariat considers that the proposed amendments will not have any budgetary implications for the Secretariat or any of the permanent committees.

Recommendations

9. The Secretariat invites the Conference of the Parties to consider and adopt the amendments presented in each of the Annexes to the present document. (It should be noted that other amendments to the Resolutions referred to in the Annexes may be proposed in other documents for the present meeting.). If the relevant change to Resolution Conf. 4.6 (Rev. CoP17) is adopted, the Secretariat recommends the consequent deletion of Decision 14.19 (Rev. CoP17).

Proposed amendments to Resolution Conf. 4.6 (Rev. CoP17) on
*Submission of draft resolutions, draft decisions and other documents
for meetings of the Conference of the Parties*

2. RECOMMENDS that:

[...]

new subparagraph after existing subparagraph 2 d):

e) when drafting decisions, a Party clearly identify who should implement the decision and normally direct the decision to the Standing Committee, the Animals Committee, the Plants Committee, the Secretariat or Parties;

new subparagraph after existing subparagraph 2 e):

g) unless practical considerations dictate otherwise, draft decisions not include calls for funding;

new paragraph 5:

5. REQUESTS the Standing Committee to review proposals from the Secretariat to correct non-substantive errors or minor editorial faults in current Resolutions and Decisions, and decide whether they should be referred to the Conference of the Parties if there is lack of agreement. In cases where the Committee agrees with the proposals, it may instruct the Secretariat to republish the Resolutions and Decisions with the necessary corrections;

Proposed amendments to Resolution Conf. 12.8 (Rev. CoP17) on
Review of Significant Trade in specimens of Appendix-II species

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

Stage 4: Measures to be taken regarding the implementation of recommendations

[...]

- o) a recommendation to suspend trade in the affected species with the range State concerned should be withdrawn only when that range State demonstrates to the satisfaction of the Standing Committee through, in consultation with the Secretariat, ~~which shall act, through the Chair, in consultation with~~ and the members of the Animals or Plants Committees, through the relevant Chair, in compliance with Article IV, paragraph 2 (a), 3 or 6 (a); and

Proposed amendments to Resolution Conf. 14.3 on
CITES compliance procedures

Annex Guide to CITES compliance procedures

30. In certain cases, the Standing Committee decides to recommend the suspension of commercial or all trade in specimens of one or more CITES-listed species, consistent with the Convention. Such a recommendation may be made in cases where a Party's compliance matter is unresolved and persistent and the Party is showing no intention to achieve compliance, or a State not a Party is not issuing the documentation referred to in Article X of the Convention. Such a recommendation is always specifically and explicitly based on the Convention and on any applicable Resolutions and Decisions of the Conference of the Parties¹.

¹ *These currently include:*

- *Resolution Conf. 11.17 (Rev. CoP17) (National reports);*
- *Resolution Conf. 8.4 (Rev. CoP15) (National laws for implementation of the Convention);*
- *Resolution Conf. 12.8 (Rev. CoP17) (Review of Significant trade in specimens of Appendix-II species);*
- *Convention Article XIII and Resolution Conf. 11.3 (Rev. CoP17) (Compliance and enforcement); and*
- *Resolution Conf. 11.1 (Rev. CoP17) (Establishment of committees);*
Resolution Conf. 10.10 (Rev. CoP17) (Trade in elephant specimens); and
Resolution Conf. 17.7 (Review of trade in animal specimens reported as produced in captivity).

TENTATIVE BUDGET AND SOURCE OF FUNDING
FOR THE IMPLEMENTATION OF DRAFT RESOLUTIONS OR DECISIONS

According to Resolution Conf. 4.6 (Rev. CoP16) on *Submission of draft resolutions, draft decisions and other documents for meetings of the Conference of the Parties*, the Conference of the Parties decided that any draft resolutions or decisions submitted for consideration at a meeting of the Conference of the Parties that have budgetary and workload implications for the Secretariat or permanent committees must contain or be accompanied by a budget for the work involved and an indication of the source of funding. The Secretariat proposes the following tentative budget and source of funding.

The Secretariat considers that the proposed amendments will not have any budgetary or workload implications for the Secretariat or any of the permanent committees.