

CONVENCIÓN SOBRE EL COMERCIO INTERNACIONAL DE ESPECIES
AMENAZADAS DE FAUNA Y FLORA SILVESTRES



Sexagésimo sexta reunión del Comité Permanente
Ginebra (Suiza), 11-15 de enero de 2016

Cuestiones estratégicas

COOPERACIÓN ENTRE LAS PARTES Y FOMENTO DE MEDIDAS MULTILATERALES:
INFORME DEL GRUPO DE TRABAJO

1. Este documento ha sido preparado por el Grupo de trabajo sobre medidas multilaterales, en colaboración con la Secretaría de la CITES*.
2. El Grupo de trabajo llevó a cabo su labor a través de medios electrónicos.

Antecedentes

3. En su 16ª reunión (CoP16, Bangkok, 2013), la Conferencia de las Partes revisó la Decisión 14.29 (Decisión 14.29 (Rev. CoP16)) dirigida al Comité Permanente:

Dirigida al Comité Permanente

14.29 *El Comité Permanente deberá mantener el Grupo de trabajo sobre medidas multilaterales (Rev. hasta la 17ª reunión de la Conferencia de las Partes. Desempeñando su función por medios CoP16) electrónicos, el grupo de trabajo debería:*

- a) *examinar y, en caso necesario, revisar cualquier informe de consultoría preparado a tenor de la Decisión 14.30 (Rev. CoP15);*
- b) *organizar, con la ayuda de la Secretaría, si se dispone de fondos externos a ese efecto, una reunión con representación de todas las regiones de la CITES para examinar el precitado informe; y*
- c) *sobre la base del informe de la reunión mencionada anteriormente, considerar la necesidad de redactar, para considerarlas en la 17ª reunión de la Conferencia de las Partes, cualesquiera resoluciones revisadas o nuevas.*

Composición del Grupo de trabajo

4. Los miembros del Grupo de trabajo sobre medidas multilaterales son: Alemania, Australia, Brasil, Costa Rica, Estados Unidos de América, Guatemala, Kuwait y Sudáfrica (Presidencia). También integran el Grupo de trabajo representantes de dos organizaciones no gubernamentales, a saber, el Lewis and Clark College/IELP y el Safari Club International.

* *Las denominaciones geográficas empleadas en este documento no implican juicio alguno por parte de la Secretaría CITES (o del Programa de las Naciones Unidas para el Medio Ambiente) sobre la condición jurídica de ninguno de los países, zonas o territorios citados, ni respecto de la delimitación de sus fronteras o límites. La responsabilidad sobre el contenido del documento incumbe exclusivamente a su autor.*

Progresos realizados en la aplicación de las Decisión 14.29 (Rev.CoP16)

5. El informe de consultoría previsto en la Decisión 14.29 a) (Rev. CoP16) fue examinado por los miembros del Grupo de trabajo.
6. Como indicó la Secretaría de la CITES en la 65ª reunión del Comité Permanente (SC65, Ginebra, julio de 2014 – véase el Acta resumida de la SC65), no se dispuso de financiación externa alguna para la reunión de examen prevista por la Decisión 14.29 b) (Rev. CoP16), por lo que el Grupo de trabajo solo operó por medios electrónicos, tal como se indica en el párrafo 2 *supra*.
7. Las siguientes cuestiones importantes emanaron del examen del informe de consultoría y de los debates en el seno del Grupo de trabajo:
 - a) Ya existen varios procesos de la CITES, incluidos los que se realizan por conducto de la Secretaría y los Comités Permanente, de Fauna y de Flora, para revisar Resoluciones existentes y elaborar nuevas, y las Partes pueden proponer revisiones cuando surjan cuestiones vinculadas a la aplicación.
 - b) Deberían incluirse preguntas clave en el formato de presentación de informes bienales para ayudar a aclarar las razones por las cuales no se cumplen las disposiciones de las Resoluciones y determinar cuáles son las dificultades encontradas en términos de aplicación. Las siguientes preguntas para el nuevo informe sobre aplicación, propuestas por el Grupo de trabajo sobre requisitos especiales de presentación de informes del Comité Permanente, permitirán abordar esta cuestión de manera adecuada (véase el documento SC66 Doc. 30.2).

[A continuación figura el texto del informe del Grupo de trabajo del Comité Permanente sobre requisitos especiales de presentación de informes para la SC66]

Indicador 1.3.1 El número de Partes que han presentado informes pertinentes con arreglo a resoluciones y decisiones de la Conferencia de las Partes y/o recomendaciones del Comité Permanente.

1.3.1a	<p>¿Ha respondido su país a todos los requisitos especiales de presentación de informes pertinentes que se encuentran vigentes durante el período abarcado por este informe, incluidos los que figuran en las Resoluciones y las Decisiones de la Conferencia de las Partes, las recomendaciones del Comité Permanente y las Notificaciones expedidas por la Secretaría (véase [enlace a ubicación en el sitio web de la CITES donde se enumeran los requisitos de presentación de informes])?</p> <p>Respuestas recibidas a TODOS los requisitos de presentación de informes relevantes <input type="checkbox"/></p> <p>Respuestas recibidas a ALGUNOS de los requisitos de presentación de informes relevantes <input type="checkbox"/></p> <p>Respuestas recibidas a NINGUNO de los requisitos de presentación de informes relevantes <input type="checkbox"/></p> <p>Ningún requisito especial de presentación de informes aplicable <input type="checkbox"/></p>
1.3.1b	<p>¿Se planteó alguna dificultad durante el período abarcado por este informe a la hora de aplicar las Resoluciones o Decisiones específicas adoptadas por la Conferencia de las Partes?</p> <p>Sí <input type="checkbox"/> No <input type="checkbox"/></p> <p>En caso afirmativo, ¿respecto de cuáles Resoluciones o Decisiones? Para cada una de ellas, ¿qué dificultades encontró o está encontrando?</p>

- c) El grupo de trabajo observó que el fomento de la capacidad sigue siendo un tipo de intervención necesaria para ayudar a las Partes en la aplicación, gestión, cumplimiento y fiscalización. Parecería que si se satisfacen las necesidades de capacidad de las Partes, se podría mejorar la aplicación y el cumplimiento de la Convención.
- d) Es necesario mejorar la transparencia en relación con la adopción de medidas internas más estrictas. Ello se facilitará a través de la aplicación de la Resolución Conf. 4.22 (*Pruebas del derecho extranjero*), Resolución Conf. 6.7 (*Interpretación del párrafo 1 del Artículo XIV de la Convención*)† y

† Algunas Partes han aplicado esta resolución, por ejemplo, la legislación de la UE prescribe un proceso consultivo con los Estados del área de distribución antes de hacer efectiva una suspensión del comercio.

la propuesta de inventario de medidas internas más estrictas mencionadas en el párrafo 5 b) del documento SC62 Doc.15. El Grupo de trabajo determinó dos opciones posibles que el Comité Permanente podrá analizar en el documento SC62 Doc. 15: a) establecer un inventario en línea, al que podrán contribuir las Partes; y b) publicar enlaces web a los sitios web de las Autoridades Administrativas de las Partes donde se podrán detallar sus medidas más estrictas. De manera complementaria a estas opciones, la Secretaría informó a la 16ª CoP de que seguía trabajando sobre el modo de ofrecer perfiles nacionales interactivos en el sitio web de la CITES (p. ej. con información sobre medidas internas más estrictas y otros aspectos relacionados con la aplicación de la CITES) que podrían ser mantenidos por los respectivos países.

- e) La aplicación de la Resolución Conf. 10.16 (Rev.) sobre *Especímenes de especies animales criados en cautividad* sigue siendo un desafío para varias Partes y debería ser objeto de examen. En este sentido, el Grupo de trabajo propuso ofrecer directrices a las Partes en un Anexo a la Resolución Conf. 10.16. Ese Anexo podría incluir ejemplos como parte de las directrices para facilitar la interpretación, de manera similar a las directrices incluidas en la Resolución Conf. 13.7 (Rev. CoP16), Anexo 1.

Recomendaciones

- 8. El Grupo de trabajo recomienda que el Comité Permanente:
 - a) tome nota del presente documento y de las cuestiones importantes que emanan del examen del informe de consultoría y que figuran en el párrafo 7 *supra*;
 - b) observe que el Grupo de trabajo no propone ninguna Resolución revisada o nueva; y
 - c) considere la posibilidad de continuar con la labor del Grupo de trabajo y encomendar a este la elaboración de un Anexo de la Resolución Conf. 10.16 (Rev.) para ofrecer directrices sobre su interpretación.

Multilateral measures to reduce the non-uniform application and implementation of Resolutions in CITES

Prepared by Thomas Althaus, Ph.D, CH-3036 Detligen (consultant) and revised by the CITES Standing Committee Working Group on Multilateral Measures

I. INTRODUCTION

The introductory section to Objectives 1.1-1.8 of the CITES Strategic Vision for 2008-2013 stated that:

The effectiveness of the Convention depends upon its full implementation by all Parties, whether they are consumers or producers of wild animals and plants. Full implementation relies, in turn, upon each Party's:

- commitment to the Convention and its principles;*
- scientific expertise and analyses;*
- capacity building; and*
- enforcement.*

Commitment to the Convention and its principles

The proper functioning of the Convention depends to a great extent on the commitment of Parties to comply with and implement the Convention and its principles.

Objective 1.3 of the CITES Strategic Vision ("*Implementation of the Convention at the national level is consistent with decisions adopted by the Conference of the Parties[‡]*") is associated with the following indicator:

- *The number of Parties that have implemented relevant Resolutions and Decisions of the Conference of the Parties:*

In document CoP14 Doc.17, the CITES Secretariat addressed the issues of cooperation between Parties and promotion of multilateral measures including stricter domestic measures, reservations, international cooperation and multilateral measures. In paragraph 40 of its document CoP14 Doc.17, the Secretariat states that "the consideration and adoption of resolutions is a key multilateral process within the Convention. Indeed some Parties have provided in their legislation for the general incorporation of all Resolutions adopted by the Conference of the Parties, which is encouraged under the National Legislation Project. Such an approach has the effect of making such Resolutions legally binding and, in principle, should ensure that they are implemented in accordance with their provisions".

However, a number of Parties implement only certain Resolutions or portions thereof. When document CoP14 Doc. 17 was prepared, there was, e.g., inconsistent implementation of Resolution Conf. 10.20 (*Frequent cross-border movements of personally owned live animals*) and Resolution Conf. 13.7 (*Control of trade in personal and household effects*). In addition, not all Parties followed Resolution Conf. 12.10 (Rev. CoP13) (*Guidelines for a procedure to register and monitor operations that breed Appendix-I species for commercial purposes*) or Resolution Conf. 13.6 (*Implementation of Article VII, paragraph 2, concerning 'pre-Convention' specimens*).

[‡] See Resolution Conf. 16.3 CITES Strategic Vision: 2008-2020 and former Resolution Conf 14.2 as well as <http://www.cites.org/eng/news/E-SV-indicators.pdf> for the related indicators.

Accordingly, the Secretariat in its document concluded that “it would be useful to learn more about the Resolutions that Parties do not implement in part or in whole and to identify the reasons for that practice”. It added that “such a review could consider any associated implementation problems that are mentioned in Parties’ biennial reports (i.e., any difficulties encountered in implementing specific Resolutions or Decisions adopted by the Conference of the Parties and measures, procedures or mechanisms within the Convention that would benefit from review and/or simplification). The analysis of Parties’ 2003-2004 biennial reports had shown concern being expressed about, *inter alia*, implementation of captive breeding and artificial propagation procedures, the personal effects exemption [i.e. Resolution Conf. 12.7 (Rev. CoP13] and Resolution Conf. 12.10 (Rev. CoP13)”. The Secretariat therefore also concluded “that a more in-depth analysis of this and other information might result in a decision to clarify, revise or repeal (and perhaps replace) one or several particular Resolutions.”

Following Parties’ discussion of the above-mentioned document at CoP14 in 2007, the Parties adopted Decision 14.30, which directed the Secretariat, provided that external funds were made available for the purpose, to hire a consultant to prepare a report on ways to assess whether

- The Resolutions of the Conference of the Parties are implemented by all Parties in a consistent manner.
- Multilateral CITES processes have been further developed that reduce the need by Parties for recourse to stricter domestic measures and reservations.

Progress in the implementation of Decision 14.30 was reported at the 57th meeting of the Standing Committee (SC57, Geneva, July 2008) in document SC57 Doc.19, at the 58th meeting of the Standing Committee (SC58, Geneva, July 2009) in document SC58 Doc.13 and at the 15th meeting of the Conference of the Parties (CoP15, Doha 2010) in document Cop15 Doc. 13. As progress in constituting a working group and identifying a chair as well as external funds for its work had been delayed, it was decided at CoP15 that Decision 14.30 and related Decisions would be continued until CoP16. When implementation progress on the issue was reported to the 61st meeting of the Standing Committee (SC61, Geneva, August 2011) in document SC61 Doc. 17, a chair for the working group and certain external funds had been identified.

Document SC62 Doc.15 was submitted by South Africa as Chair of the Working Group on Multilateral Measures to the 62nd meeting of the Standing Committee, (Geneva, July 2012). Under the heading “Identification of key issues to be addressed by the consultant”, proposed terms of reference for the consultant envisaged under Decision 14.30 (Rev. CoP15) were described. These ToR included a list of the 13 following Resolutions, which had been identified by the Working Group on the basis of document CoP14 Doc. 17, to be assessed in order to determine why Resolutions are implemented inconsistently and the reasons for deviations from the provisions of such resolutions:

- Res. Conf. 4.22 *Proof of foreign law*
- Res. Conf. 6.7 *Interpretation of Article XIV, paragraph 1 of the Convention*
- Res. Conf. 10.16 (Rev.) *Specimens of animal species bred in captivity*
- Res. Conf. 10.19 (Rev. CoP14) *Traditional medicines*
- Res. Conf. 10.20 *Frequent cross-border movements of personally owned live animals*
- Res. Conf. 11.3 (Rev. CoP15) *Compliance and Enforcement*
- Res. Conf. 11.11 (Rev. CoP15) *Regulation of trade in plants*
- Res. Conf. 11.18 *Trade in Appendix-II and -III species[§]*
- Res. Conf 12.3 (Rev. CoP15) *Permit and certificates*
- Res. Conf. 12.10 (Rev. CoP15) *Registration of operations that breed Appendix-I species in captivity for commercial purposes*

[§] This Resolution was repealed and certain provisions integrated into Resolution Conf. 11.3 (Rev. CoP 16) and Resolution Conf. 9.5 (Rev. CoP16).

- Res. Conf. 13.6 *Implementation of Article VII, paragraph 2, concerning 'pre-Convention' specimens*
- Res. Conf. 13.7 (Rev. CoP14) *Control of trade in personal and household effects*
- Res. Conf. 13.10 (Rev. CoP14) *Trade in alien invasive species*

Despite efforts by the chair and members of the Working Group, as well as the Secretariat, no consultant could be identified until CoP16 (March 2013, i.e. 5 years after CoP14) to undertake and submit this assessment. Due to this delay, which resulted in severe time constraints for the assessments to be conducted, the CITES Secretariat and the consultant agreed to simplified Terms of Reference (ToR) for the consultancy (Annex 1). The consultant was requested to concentrate on the following key aspects: Whether the selected Resolutions (listed above) of the Conference of the Parties are implemented by all Parties as consistently as possible and whether there is a need to clarify, revise or repeal them. The consultant also included some comments about the need for transparency with respect to the use of stricter domestic measures.

According to the ToR, the consultant had to base his assessment on the analysis of biennial reports for the periods 2005-2006 and 2007-2008 (performed by UNEP-WCMC under contract with the Secretariat), particularly pages 39-40 and Annex 4 contained in document CoP15 Inf. 43, and on his own analysis of the biennial reports for the period 2009-2010 which Parties had submitted to the CITES Secretariat. The consultant had to identify the Resolutions that Parties had indicated in their 2009-2010 biennial reports and which presented challenges in terms of implementation, in particular through an assessment of the responses submitted by Parties to Questions D8.2 and D8.3.

The report produced by the consultant will be distributed to the members of the Working Group for consideration and review. It was decided at CoP16 that Decision 14.29 (Rev. CoP 15), which provides for the review of the report, would be extended to CoP17. That Decision reads as follows:

Decision 14.29 (Rev.CoP 16):

Directed to the Standing Committee

The Standing Committee shall continue its Working Group on Multilateral Measures until the 17th meeting of the Conference of the Parties. Operating by electronic means, the Working Group should:

- a) review and, if necessary, revise any consultancy report produced under Decision 14.30 (Rev. CoP16);*
- b) organize, with the help of the Secretariat, a meeting with representation from all CITES regions to discuss the above report; and*
- c) based on the report of the meeting mentioned above, consider the need to draft for consideration at the 17th meeting of the Conference of the Parties any revised or new resolutions.*

The Working Group established at SC57 was re-constituted at the 64th meeting of the Standing Committee (Bangkok, March 2013) and will continue with the work as outlined in Decision 14.29 (Rev. CoP 16).

II. ANALYSIS OF THE BIENNIAL REPORTS 2005-2006 / 2007-2008 (SEE DOCUMENT COP15 INF.43)

An analysis of the biennial reports 2005-2006 and 2007-2008 was submitted to the Parties at CoP 15 (see document CoP15 Inf. 43). The questions in the biennial report format (contained in

Notification to the Parties No. 2005/35 of 6 July 2005) that are relevant to the assessment are the following:

- **D8.2:** Were any difficulties encountered in implementing specific Resolutions or Decisions adopted by the conference of the Parties?
- **D8.4:** Have any constraints to implementation of the Convention arisen in your country requiring attention or assistance?
- **D8.6:** Have any measures, procedures or mechanisms been identified within the Convention that would benefit from review and/or simplification?

A summary of the outcome of the analysis contained on pages 39 and 40 as well as in Annex 4 of document CoP15 Inf. 43 can be found in Annex 2 to this paper.

According to the analysis conducted by UNEP-WCMC for the Secretariat, only 63 (i.e. 37%) of the 170 CITES Parties at that time, responded to the questionnaire for the period 2005-2006 and only 44 (25%) of the 175 CITES Parties at that time, responded for the period 2007 - 2008 and only 21 reported that they encountered difficulties in implementing specific Resolutions or Decisions of the Conference of the Parties. The following three Resolutions were identified by more than one Party as problematic to implement:

- Res. Conf. 11.3 *Compliance and Enforcement***
- Res. Conf. 12.3 *Permits and Certificates*
- Res. Conf. 13.7 *Control of trade in personal and household effects*

Also identification problems were mentioned, which may relate to Res. Conf. 11.19 *Identification Manual*.

Parties that provided comments to the question D8.6 sought revision of the following resolutions:

- Res. Conf. 8.13 *Use of coded microchip implants for marking live animals in trade* (marking of live reptiles)
- Res. Conf. 12.3 *Permits and Certificates* (procedures for trade in medical samples and trade in dead parts and derivatives, such as small leather products)
- Res. Conf. 12.10 (Rev. CoP 13) *Guidelines for a procedure to register and monitor operations that breed Appendix-I animal species for commercial purposes* (registration of Appendix I captive breeding operations)
- Res. Conf. 13.7 *Control of trade in personal and household effects*)

It was also suggested that a confidential database of permits used by Parties would be beneficial.

Other Resolutions identified by one Party as problematic were:

- Res. Conf. 10.10 *Trade in Elephant specimens*
- Res. Conf. 12.7 *Conservation of and trade in Sturgeons and Paddlefish*
- Res. Conf. 12.8 *Review of significant trade in specimens of Appendix II species*
- Res. Conf. 13.6 *Implementation of Article VI, paragraph 2, concerning "pre-convention specimens"*

** Annex 4 of document CoP15 Inf. 43 refer also to Res. Conf. 11.1 and 11.3. However, both were not mentioned as 'implementing problems'; rather the problems refer to the 'identification of species' or enforcement/compliance difficulties owing to long borders and insufficient trained staff.

The analysis covered the period between 2005 and 2008 and was made available to the Working Group on Multilateral Measures, the Standing Committee and the Parties to CITES at CoP15 (in 2010). However, already at CoP14 (in 2007) several Resolutions had been revised, with subsequent revisions or amendments made at CoP 15 and CoP16 (see below). It cannot be determined, however, whether the revision of those Resolutions had been helpful in addressing the challenges experienced by the Parties. It will most likely only be possible to obtain such information through the analysis of subsequent biennial reports for the periods 2009 – 2010 and 2011 – 2012. The resolutions revised at CoP14 or at CoP 15 are available via <https://cites.org/eng/cop/index.php>

III. ANALYSIS OF THE BIENNIAL REPORTS FOR THE PERIOD 2009-2010

Parties' responses to Questions D8.2, and D8.3 in their biennial reports for the period 2009-2010 were analysed. In addition, the responses to the questions D8.4 and D8.6 were also taken into consideration. Before submitting the results of his analysis, the consultant would like the reader to be aware that unlike the analysis of the biennial reports for 2005-2006 and 2007-2008, the Secretariat did not contract UNEP-WCMC to conduct an analysis of the biennial reports for 2009-2010 and to make it available to the Working Group on Multilateral Measures, the Standing Committee, the Parties to CITES and the CITES Secretariat at CoP 16 in 2013 (note: the biennial reports for 2009-2010 were not due until 31 October 2011, so it was not possible to do such an analysis for CoP15, but, although this analysis would have been possible for CoP16, the biennial report submission level was so low that the Secretariat decided not to contract UNEP-WCMC to do an analysis, as indicated in the CoP16 document on national reports). The analysis of the biennial reports for 2009-10 is therefore not able to show any improvement in the difficulties some Parties may have had or still have with the implementation of certain Resolutions since 2007 (i.e. since CoP 14), due to the revision of such Resolutions at subsequent CoPs. If such Resolutions have been revised at CoP15 or CoP16, this is not the result of any biennial report review process. The analysis could assist, however, in identifying additional Resolutions which may need to be improved or revised at future CoPs and which were not previously mentioned (e.g. in document CoP14 Doc. 17 submitted by the Secretariat, the analysis of biennial reports for 2005-2006 and 2007-2008 contained in document CoP15 Inf. 43, and/or document CoP16 Doc.25 submitted by the Secretariat).

Through Notification 2012/016 of 28 February 2012, the Parties were reminded that the deadline for submitting their biennial reports for the period 2009-2010 was overdue and were also made aware that a significant number of Parties had still not submitted their biennial report yet. However from the total of 177 Parties thus contacted by the Secretariat and requested to complete the biennial report format contained in Notification No. 2005/035, only 59 Parties (33%) responded. Of these only 21 (approx. 12%) responded to or commented on questions D8.2, D8.4 and D8.6, indicating they had encountered problems and difficulties when trying to implement certain Resolutions during the period 2009-2010.

Tables reflecting all the comments from the 21 Parties that responded to questions D8.2, D8.4 and D8.6 are contained in Annex 2 (under D8.6, there under Annex 4) to this document.

Apart from the fact that some of the comments are not clearly understood (perhaps due to language problems), it is striking that several Parties describe, in this section of the biennial report, general problems with the implementation of CITES or certain CITES aspects in their country (i.e. on a national level or intra-community level) and indicate, in particular in response to question D8.4, where assistance and support is needed, e.g.:

- “The decisions of the scientific committee of the European Union are not communicated to our MA. Further they are not accompanied by justifications or propositions for an improvement of the situation” (Benin).
- “For some Resolutions: No adequate personal and biological trade information” (China).
- “The most important problem is implementation of legislation related to CITES in practice:
 - insufficient number of staff within the Ministry of Culture dealing with this issue on a daily basis
 - insufficient number of staff dealing with CITES in all stakeholders groups

- insufficient control within the country because of the understaffed inspection
- practical problems at border crossings (lack of experience with CITES issues within the custom service due to constant rotations of staff
- lack of special premises for temporary keeping of confiscated specimens at the border)” (Croatia).
- “Difficulties within updating and managing the CITES species” (Italy).
- “Inadequate financial support to assist in capacity building in Kuwait and Arabian countries, not sufficiently trained staff for compliance and enforcement. Assistance required for Capacity Building (CITES enforcement, Confiscated Specimens)” (Kuwait).
- “Constraints such as financial and technical expertise in conducting NDF” (Malaysia).
- Assistance needed: legislation, management, technique (técnica), training (capacitación), enforcement (observancia)” (Paraguay).
- “Lack of financial and technical sources to conduct NDFs and disposal of seized specimen, especially confiscated ivory” (Viet Nam).
- “Needed: training technical support, funding support (Viet Nam).
- “Language barrier” (Viet Nam).
- “Lack of trained manpower” (Liberia).

Some Parties expressed difficulties with the implementation, in particular with identification of specimens, like:

- “Lack of implementation tools and knowledge. Trust fund establishment is urgent” (Liberia).
- “Identification of CITES plants (wild taken/ artificially propagated/ hybrid)” (Malaysia).
- “Sometimes facing difficulties in specimen identification” (Nepal).
- “Assistance needed: Interpretation of 'wildcrafted' cacti products from MX” (Norway).
- “There is also a lack of species identification tools that can be readily used for identification of specimens e.g. timber logs and finished products” (Singapore).

The above mentioned are some cases which do not deal with difficulties in legally implementing the substance of a particular Resolution, but compliance with CITES in general and/or processes central for compliance and enforcement of CITES regulations. In fact the tools, like identification aids, are mostly available, but the proper use and application of these tools seem to pose problems. What is needed here is maybe assistance in training and technical support, i.e. in capacity building and in making use of and putting into effect what some Resolutions offer and/or regulate in a more general way (e.g. Res. Conf. 9.6 *Trade in readily recognizable parts and derivatives*, Res. Conf. 10.3 *Designation and role of the Scientific Authorities*, Res. Conf 11.3 [Rev. CoP15] *Compliance and enforcement*, Res.Conf.11.11 (Rev.CoP15) *Regulation of trade in plants*, Res. Conf. 11.19 *Identification manual*)

Unfortunately, some Parties indicated that they encountered problems in implementing certain Resolutions, but - even though they were asked to do this through the question - failed to provide the details relating to the problems and the exact provision in the Resolution that presents the problem. It is therefore difficult to revise the Resolution in a way that eliminates those problems. It is also worth noting that with regard to some problems mentioned that are, as pointed out above, not in relation to the legal implementation of a Resolution, but to other issues, like enforcement, management, and compliance, it would probably be more advisable for the Secretariat or a Party to contact the relevant Party/-ies and to try to solve the problems on a bilateral basis, rather than initiating a revision process for any Resolution.

A more general comment may be warranted here concerning the low rate of submission of the biennial reports as well the low rate of responses to the questions D8.2, D8.4 and D8.6: As mentioned above, only 59 of 177 Parties (33%) responded. Of these only 21 (approx. 12%) responded to or commented on questions D8.2, D8.4 and D8.6, while 38 had no comments to the three questions. Thus it could seem that from 177 Parties to CITES only 21 – i.e. a very low fraction – encountered problems with the implementation of certain Resolutions and/or parts of certain Resolutions, while the other 156 had no such problems. And one could doubt that the comments of one or the other of the remaining 21 Parties are representative and justifies a revision of the pertaining Resolutions. In fact one could conclude that for the vast majority of the CITES Parties the implementation of the Resolutions in question poses no problems.

However, before jumping to conclusions it may be necessary to gather more specific information. One question that needs to be looked at is: Why do approximately 66% of the CITES Parties not submit their biennial reports? It could be that they reach, with the obligation to submit annual reports to the CITES Secretariat and additional other reporting activities (also on the national level), the limit of their capacity, and, as a consequence, they do not have the resources to submit additional biennial reports and/or consider the submission of biennial reports, besides all the other duties of a CITES MA, a low priority. Further, the reason for the small number of comments to the questions D8.2, D8.4 and D8.6 could be that Parties have, as pointed out above, not specific problems with the implementation of certain Resolutions but more general problems with the implementation of CITES in their country and/or that they do prefer to solve problems they might encounter with certain Resolutions by other channels and means (directly with the Secretariat or at CoPs) than through their biennial reports.

In addition, besides the difficulties in identification, the issue of the Non Detriment Findings was mentioned as presenting challenges: “Difficulties in the assessment of non-detriment finding” (Kuwait) and “Resolution on NDF” (Viet Nam). Both matters have been dealt with at CoP16. It may be hoped that the revision of Resolution Conf. 11.19 (Rev. CoP16) (*Identification manual*), as well as the adoption of Resolution Conf. 16.7 (*Non-detriment findings*) at CoP16 will help to reduce or even eliminate the problems some Parties mentioned in their biennial reports for the period 2009-2010 concerning those two issues.

With respect to the comment by Australia (“it is unclear as to which countries do not honour the personal and household exemptions and for which specimens”), it must be mentioned that a list containing the required information is to be made available on the CITES website, but to date, the provision of information by Parties to the Secretariat has been poor.

While this analysis has produced some interesting points, its outcomes will only be available for consideration at CoP 17 (in 2016). Resolutions, which had been pointed out by some Parties as posing implementation problems for them during the period 2009-2010, were not known to the Working Group on Multilateral Measures, the Standing Committee, the Parties to CITES and the CITES Secretariat at CoP15 or CoP16. These Resolutions may have been revised at either or both of the CoPs mentioned. The ones revised at CoP15 have been mentioned above [by indicating (Rev. CoP15)]. The following section reflects on the Resolutions amended at CoP16 (in March 2013).

IV. NEW OR REVISED RESOLUTIONS ADOPTED AT COP16

At CoP16 in 2013, the CITES Secretariat in document CoP16 Doc.25 prepared proposals for consideration at the meeting regarding the substantive revision of eleven Resolutions (see the list below). As it states in the introductory paragraphs to this document, these proposals were the outcome of the Secretariat’s own review of Resolutions, arising 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 these Resolutions. This list is not the outcome of the process under the supervision of the SC Working Group on Multilateral Measures, but is based rather on

the ongoing and continued review of Resolutions by the Secretariat itself. It is important to note that there are obviously two processes aimed at the identification of Resolutions, whose implementation presents problems to some Parties and which might benefit from a revision. While the nature of both review processes might be different (one focusing on technical issues which seem to warrant clarification or consolidation, the other focusing on substantive implementation challenges of a potentially broader scope), it may be nevertheless advisable, with regard to the effectiveness of these processes, to look at this matter and to decide if indeed both (or additional) more or less parallel processes need to continue or whether it should be formalized to ensure continued review of implementation / interpretation challenges.

In addition, individual Parties, the Standing Committee, the Animals Committee, and the Plants Committee all proposed revisions to various Resolutions at CoP16 (as well as at CoP14 and CoP15). The Conference of Parties adopted revisions to 18 Resolutions at CoP16. This, again, is not primarily the outcome of the analysis of the biennial reports or the implementation problems, which some Parties describe in those reports. Rather, it is on the one hand the result of the normal work of the Standing Committee, the Animals Committee or the Plants Committee and on the other hand, due to the discussion documents presented to CoP16 itself and related debates. So there are, to make things even more complicated, additional processes that may lead to the revision of existent Resolutions and/or the adoption of new ones.

V. SUMMING UP THE REVIEW PROCESS FROM 2005 UNTIL COP16 (2013)

In the interest of those Parties that have reported difficulties with the implementation of certain Resolutions in their biennial reports in the years 2005 - 2010 and in the interest of the work of the SC Working Group on Multilateral Measures, it is important to know which of the Resolutions (reported by the Parties as giving them problems) have indeed been revised at CoP14, CoP15 and CoP16. It is hoped that these revisions have been effective in removing the difficulties encountered by those Parties; have thus contributed to implementation of these Resolutions by all Parties in a consistent manner; and have contributed to a more uniform and widespread implementation of the provisions of CITES.

It should be noted that even if Resolutions that presented Parties with some challenges and were reported in their biennial reports for the period 2005-2010 have been revised (perhaps even twice), this does not mean that the problems the Parties have pointed out are resolved, because, as has been mentioned before, Parties are not very specific and precise in their biennial reports and also because those reports, where a positive effect would be apparent (i.e. for the years after CoP15 in 2010) have not yet been submitted to the Secretariat or have not been analyzed yet.

In this regard the following example may be instructive: Resolution Conf. 13.7 (*Control of trade in personal and household effects*), which has been determined by the consultant in his analysis of the 2005-2008 reports as being a candidate for revision, was indeed revised at CoP14 (in 2007). However, the same Resolution was mentioned also in the 2009-2010 reports and was again revised at CoP16 in 2013. Whether these two revisions, in particular the second one, contributed to reduce or eliminate the problems reported by certain Parties (Australia, New Zealand, Singapore) in their biennial reports for the period 2009-2010, remains to be seen in the biennial reports covering the years after 2013 (CoP16). However the nature of Res. Conf. 13.7 makes it probable that further revisions at future CoPs, with the purpose of including new content, will occur irrespective of any problems Parties may mention in their biennial reports covering earlier time periods. [Especially, the 'Guidelines for interpretation of personal and household effects', included in Res. Conf. 13.7 as Annex 1 appear to be very helpful to solve problems related to the implementation/application of PHE derogations. These guidelines ensure better understanding and achieve uniform application. The idea of such guidance or practical examples may serve also as a 'blueprint' for other resolution, which are difficult to understand and implement, i.e. Res. Conf. 10.16 (Rev).

a) BIENNIAL REPORTS FOR THE PERIODS 2005-2006 AND 2007-2008 (DOCUMENT COP15 INF.43) AND BIENNIAL REPORTS FOR THE PERIOD 2009-2010

If one compares the list of Resolutions, which according to the comments by the Parties in their biennial reports from 2005 until 2010, would benefit from review and / or simplification (based on the analysis contained in document CoP15 Inf. 43 and this document) with the list of Resolutions revised at CoP14, CoP15 and CoP16, the following becomes apparent:

Parties have mentioned three Resolutions in the first two periods (2005-2008), as well as in the third period (2009-2010) namely:

- Res. Conf. 8.13 *Use of coded-microchip implants for marking live animals in trade*
- Res. Conf. 11.3 *Compliance and enforcement*
- Res. Conf. 13.7 *Control of trade in personal and household effects*

Res. Conf. 11.3 (*Compliance and enforcement*) as well as Res. Conf. 13.7 (*Control of trade in personal and household effects*) have been revised at CoP14, CoP15 and CoP16 and at CoP14 and CoP16, respectively, and it will only be clear later whether these amendments have addressed the challenges experienced by the Parties.

Res. Conf. 8.13 (*Use of coded-microchip implants for marking live animals in trade*), however, has not been revised so far and **may therefore be a candidate for a revision at a next CoP. [Note: This Resolution is referenced in the SC66 document for the agenda item on traceability, together with other Resolutions and Decisions on marking, tagging and other aspects of traceability]**

Another 9 Resolutions indicated by the Parties in either one of their biennial reports as posing problems have been revised at CoP14, CoP15 and/or CoP16 and could be classified – for the time being – as resolved (in parentheses are indicated the CoPs, where the revision took place):

- Res. Conf. 10.7 *Disposal of confiscated live specimens of species included in the Appendices (CoP15)* ¹⁾
- Res. Conf. 10.10 *Trade in Elephant specimens (CoP14, CoP 15 and CoP16)*
- Res. Conf. 11.10 *Trade in stony corals (CoP14 and CoP15)*
- Res. Conf. 12.3 *Permits and certificates (CoP14, CoP15 and CoP16)*
- Res. Conf. 12.7 *Conservation of and trade in sturgeons and paddlefish (CoP14 and CoP16)*
- Res. Conf. 12.10 *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes (CoP14 and CoP15)*
- Res. Conf. 13.6 *Implementation of Article VII, paragraph 2, concerning 'pre-Convention' specimens (CoP16)*
- Res. Conf. 9.6* *Trade in readily recognizable parts and derivatives (CoP16)*
- Res. Conf. 11.11* *Regulation of trade in plants (CoP15)*

In addition to Res. Conf. 8.13, mentioned above, the following 4 Resolutions, indicated by the Parties in either one of their biennial reports as presenting implementation problems, have not been revised thus far and **might also be candidates for a revision at a next CoP**. However it might be advisable to first contact those Parties that have reported problems with these Resolutions in their biennial report 2009-2010 and find out, if these problems – if they still exist - cannot be solved on a bilateral basis.

- Res. Conf. 10.16 *Specimens of animal species bred in captivity*
- Res. Conf. 11.12 *Universal tagging system for the identification of crocodilian skins*
- Res. Conf. 12.8 *Review of Significant Trade in specimens of Appendix-II species [the Review of the Significant Trade process has been ongoing for some time and should conclude at SC66 and CoP17 – it involves a thorough revision of Res Conf. 12.8]*

- Res. Conf. 10.3* *Designation and role of the Scientific Authorities*

With regard to the two lists submitted to CoP15 and CoP16 respectively, also referred to in the table above, the following can be noted:

b) LIST CONTAINED IN DOCUMENT COP16 DOC. 25

With the exception of Res. Conf. 12.3, Res. Conf. 12.10 and Res. Conf. 13.6, all the other Resolutions on the list have not been indicated as causing any specific problems by the Parties in their biennial reports from 2005 to 2010. Res. Conf.12.3 and Res. Conf. 12.10 were revised at CoP15 and Res. Conf. 12.3 (again) as well as Res. Conf. 13.6 were revised at CoP16. So these resolutions can therefore be classified as Resolutions that have received attention from Parties.

From the other 8 Resolutions on the list, the following seven were revised at CoP14, CoP15 and/or CoP16: (in parentheses are indicated the CoPs, where the revision took place):

- Res. Conf. 4.6 *Submission of draft resolutions and other documents for meetings of the Conference of the Parties* (CoP15 and CoP16)
- Res. Conf. 9.5 *Trade with States not party to the Convention* (CoP14, CoP15 and CoP16)
- Res. Conf. 9.6 *Trade in readily recognizable parts and derivatives* (CoP16)
- Res. Conf. 9.24 *Criteria for amendment of Appendices I and II* (CoP14, CoP15 and CoP16)
- Res. Conf. 11.1 *Establishment of committees* (CoP14, CoP15 and CoP16)
- Res. Conf. 11.17 *National reports* (CoP14 and CoP16)
- Res. Conf. 13.8 *Participation of observers at meetings of the Conference of the Parties* (CoP16)

Res. Conf. 11.18 *Trade in Appendix-II and -III species* has not been revised and was repealed with certain provisions being included in Res. Conf. 11.3 (Rev. CoP16) and Res. Conf. 9.5 (Rev. CoP16).

c) DOCUMENT SC62 DOC.15

Finally, with regard to the Resolutions contained in Document SC62 Doc.15 (based on Document CoP 14 Doc. 17) and which should, according to the ToR (in Annex 1) for this paper, form part of the assessment to be conducted by the consultant, the following should be noted:

The following resolutions do recommend Parties to apply stricter domestic measures:

- Res. Conf. 10.19 *Traditional medicines* (Rev. CoP14)
- Res. Conf. 11.3 *Compliance and Enforcement* (Rev. CoP16)
- Res. Conf. 11.18 *Trade in Appendix-II and -III species* (now part of Resolution Conf 11.3 (Rev. CoP16) and Resolution Conf. 9.5 (Rev. CoP16)

Other resolutions acknowledge the right of Parties to apply stricter domestic measures.

From the 13 Resolutions contained in this list, only the following 7 had been indicated by some CITES Parties in their biennial reports for the period 2005-2010 as being problematic in terms of their implementation. Six of those have been revised, which means that they could be classified as being resolved for the time being (in parentheses are indicated the CoPs, where the revision took place):

- Res. Conf. 10.16 *Specimens of animal species bred in captivity*
- Res. Conf. 11.3 *Compliance and Enforcement* (CoP14, CoP15 and CoP16)
- Res. Conf. 11.11 *Regulation of trade in plants* (CoP14 and CoP15)
- Res. Conf. 12.3 *Permits and certificates* (CoP14, CoP15 and CoP16)
- Res. Conf. 12.10 *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes* (CoP14 and CoP15)

- Res. Conf. 13.6 *Implementation of Article VI, paragraph 2, concerning “pre-convention specimens (CoP16)*
- Res. Conf. 13.7 *Control of trade in personal and household effects (CoP14 and CoP16)*

Res. Conf. 10.16 on *Specimens of animal species bred in captivity*, which has not been revised so far, might therefore be regarded as a **candidate for revision at a next CoP^{††}**.

Concerning the other 6 Resolutions on that list, 2 of them have been revised (at COP14), which means that they also could be classified as resolved for the time being (in parentheses are indicated the CoPs, where the revision took place):

- Res. Conf. 4.22 *Proof of foreign law*
- Res. Conf. 6.7 *Interpretation of Article XIV, paragraph 1, of the Convention*
- Res. Conf. 10.19 *Traditional medicines (CoP14)*
- Res. Conf. 10.20 *Frequent cross-border movements of personally owned live animals*
- Res. Conf. 11.18 *Trade in Appendix-II and -III species^{‡‡}*
- Res. Conf. 13.10 *Trade in alien invasive species (CoP14)*

With regard to the 4 Resolutions from this list, which have not yet been revised, namely Res. Conf. 4.22, Res. Conf. 6.7, Res. Conf. 10.20; **the need for their revision must be determined** considering the fact that these Resolutions have not been mentioned by Parties in their biennial reports as causing them implementation problems.

VI. DOES THIS REVIEW PROCESS ASSIST PARTIES IN IMPROVING THE IMPLEMENTATION OF THE CITES RESOLUTIONS AND THE PROVISIONS OF CITES IN A CONSISTENT MANNER?

The concept of this review process — initiated by the Working Group on Multilateral Measures of the SC — seems simple and at the same time promising: a) analyze the biennial reports, b) see if and which Parties report having difficulties with the implementation of certain Resolutions and why, and c) consider the revision of the said resolutions in order to help those Parties to reduce or eliminate these difficulties.

At a closer look, however, the concept is not as simple and straight forward. The challenge relating to the chronological order of events, makes this process inefficient. In particular the control / monitoring of success is only possible after a considerable delay. Also the question of the representativeness of the analysis of the biennial reports has been discussed. (Work is underway, however, to improve the submission level for biennial reports and ideas for using them to review implementation problems could be passed to the SCWG on special reporting requirements) If, in fact, only a few Parties report in their reports some problems with the implementation of certain Resolutions, often without identifying their problems in detail, it could be much more efficient to solve these problems on a bilateral basis (e.g. between the Secretariat and the Party/Parties concerned) than to involve the whole CITES community through a CoP. The same holds true for such instances, where the Parties do not make reference to any specific Resolution, which means that whoever analyses the biennial reports has to guess, which Resolution might cause them problems. Indeed, as has been pointed out above, a number of responses to the questions D8.2, D8.4 and D6.6 make no reference to any resolution but address issues of a more general character, like lack of resources (finances, personnel), missing infrastructures (e.g. centers for housing confiscated specimens, in particular live animals), lack of knowledge and need of capacity building and training etc. This again are issues that probably are better addressed on a bilateral or regional basis (e.g. through a training course).

^{††} *From some Decisions adopted at CoP 16, it is apparent that Parties remain concerned about the management, monitoring and enforcement related to such operations.*

^{‡‡} *This Resolution has been repealed and provisions were integrated into Res. Conf. 11.3 (Rev. Cop 16).*

Maybe by including more structured questions in the biennial report form, more detailed information could be obtained, which then could be used to guide decisions to review Resolutions better.

What makes things even more complicated, however, is the fact that there obviously exist several different review processes:

1. One important role is played by the CITES Secretariat, which In the course of its normal work becomes aware of a variety of problems of interpretation or implementation of Resolutions and tries to assist Parties to reduce or eliminate such problems including proposing a review of the Resolution in question at the next CoP. In addition, through correspondence from Parties and organizations the Secretariat receives suggestions for the need for certain corrections in specific Resolutions. Finally, in fulfillment of Decision 14.19, the Secretariat has to submit any non-substantive errors or minor editorial faults in current Resolutions it has been made aware of, to the Standing Committee, which, in cases where it agrees with the proposals, can decide that they need not be referred to the Conference and may instruct the Secretariat to republish the Resolutions with the necessary corrections. As a result, at CoP14, as well as at CoP15 and at CoP16, a great number of Resolutions was submitted to the Parties for review by the Secretariat, independent of any comments Parties included in response to questions D8.2, D8.4 and D6.6 in the biennial reports. A mechanism was established by the Secretariat, through the 'Substantive revision of Resolutions' Forum on the CITES website to facilitate engagements with Parties regarding the intention of the Secretariat to propose amendments to Resolutions.
2. In addition, revisions for Resolutions (or Decisions) as well as proposals for new Resolutions (or Decisions) may be initiated by the Parties, the Standing Committee, the Animals Committee and the Plants Committee and be submitted to the CoP for consideration.
3. And finally such proposals for a revision of any Resolution or Decision or for a new Resolution or Decision may come out of the discussions in Committee I or Committee II at the CoP itself, i.e. Parties may have their difficulties with particular resolutions taken care of directly at the CoP, without going through the Secretariat or – through the biennial reports – through the Working Group on Multilateral Measures or other CITES bodies.

While one, of course, hopes that all these revision processes will help to make the content of the pertaining Resolutions clearer and easier to interpret and to implement and thus assist in the provisions of CITES being implemented in a consistent way, the contrary might also be possible, namely that new elements are added which again might cause some implementation-problems for certain Parties. As long as there is no better feedback mechanism than the analysis of the biennial reports with the inherent delay, quick answers to such questions will not come forward.

In view of this situation, it may be questioned, whether the review process initiated by the Standing Committee and guided by the Working Group on Multilateral Measures serves the purpose. Indeed, the WG process was originally meant to be a one-off of sorts (a "snap-shot" of the situation at a given moment) while the Secretariat's review is more an ongoing one. Nevertheless, a perhaps time-wise slightly more efficient process that bases proposed revisions of Resolutions on difficulties Parties experience with their implementation and mention this in their biennial reports, might indeed assist Parties in improving the implementation of the provisions of CITES in a more consistent manner.

But even assuming that the review processes mentioned above for such CITES Resolutions, whose implementation poses difficulties to certain Parties succeed and these implementation-difficulties would be removed, it remains doubtful if this would indeed contribute to Parties improving the implementation of the CITES Resolutions and the provisions of CITES in a consistent manner. Certainly for a few Parties, having reported difficulties, one may hope that their implementation of a certain Resolution can be improved. But this is just a small contribution to the goal of a truly consistent implementation of the CITES Resolutions and the provisions of CITES in general. The reason for this lies in the fact that the implementation of Resolutions itself differs

between Parties. A few examples are contained in the Reference Lists section on the CITES website: There is, e.g., inconsistent implementation of Resolution Conf. 10.20 (*Frequent cross-border movements of personally owned live animals*) and Resolution Conf. 13.7 (*Control of trade in personal and household effects*). In addition, information gathered from the Notifications to the Parties shows that not all Parties follow Resolution Conf. 12.10 (Rev. CoP13) (*Guidelines for a procedure to register and monitor operations that breed Appendix-I species for commercial purposes*) or Resolution Conf. 13.6 (*Implementation of Article VII, paragraph 2, concerning 'pre-Convention' specimens*). On occasion Parties interpret a Resolution differently than other Parties or wish to apply it in a flexible or lenient manner because of practical considerations in a situation where there is a low risk of conservation harm. One of the reasons that Resolutions may be implemented inconsistently is probably that, while the Convention is considered a legally-binding instrument, Resolutions adopted by the Conference of the Parties are considered as 'soft law' and Parties may not feel obliged to implement all of them fully.

The Working Group on Multilateral Measures has identified the following causes, which could be responsible for an inconsistent application or implementation of Resolutions (see also Annex 1 of this document):

- Lack of knowledge about existing Resolutions and the provisions contained in Resolutions;
- Complex issues and concepts are difficult to understand and interpret, especially in the absence of definitions or interpretation guidelines;
- Difficulties experienced by Parties to implement provisions contained in Resolutions due to limited resources available;
- Different interpretation of provisions or requirements by Parties. Some Parties may interpret a provision in a strict manner, while another may interpret it with greater leniency, resulting in differences in implementation; and
- Conflicting provisions in different Resolutions; or non-alignment between separate Resolutions that address similar matters.

Other reasons may be added, like:

- Feeling no need to apply and interpret certain Resolutions or certain Resolutions fully (e.g. they are not concerned by the substance and/or the content of the Resolution and/or they consider the substance of the Resolution not to be relevant for them).
- Certain Resolutions may be regarded more as information and/or giving directions to take note of, in particular, if they are, according to the national legislation, not legally binding.
- Due to domestic measures or other specific domestic legislative provisions and/or policies, certain Resolutions cannot be applied and implemented to the latter.
- There are resolutions which were not agreed on by consensus or which do recommend to apply stricter domestic measures.

Indeed, as the Secretariat states in paragraph 42 of document CoP14 Doc.17, "It would be useful to learn more about the Resolutions, which Parties do not implement in part or in whole and to identify the reasons for that practice." In the same paragraph, the Secretariat advises that in addition, "such a review could consider any associated implementation problems that are mentioned in Parties' biennial reports (i.e. any difficulties encountered in implementing specific Resolutions or Decisions adopted by the Conference of the Parties and measures, procedures or mechanisms within the Convention that would benefit from review and/or simplification.)"

Also the ToR for the present analysis advise that "the consultant shall refer to the specific challenges identified by Parties in their biennial reports". This indeed has been done, but the information contained in these biennial reports is – as the consultant hopes to have shown – only helpful to a certain limited extent. No wonder – again – that Australia in its biennial report 2009-2010 states that "an easily accessible and up to date resource (such as a web page) listing the stricter domestic measures of parties would also be of use". This information is not completely missing. In fact, as already mentioned, a few examples of inconsistent implementations of

Resolutions are contained in the Reference Lists section on the CITES website (<http://www.cites.org/eng/resources/reference.php>), but there could be much more.

A closer look at the biennial report format in Notification to the Parties No. 2005/35 shows that it does not require the Parties to provide specific information. The Standing Committee Working Group on Special Reporting Requirements has proposed amended questions under 1.3.1b (Objective 1.3) of the report.

Objective 1.3 Implementation of the Convention at the national level is consistent with decisions adopted by the Conference of the Parties.

Indicator 1.3.1: The number of Parties that have implemented relevant reporting under Resolutions and Decisions of the Conference of the Parties and/or Standing Committee recommendations.

1.3.1a	<p>¿Ha respondido su país a todos los requisitos especiales de presentación de informes pertinentes que se encuentran vigentes durante el período abarcado por este informe, incluidos los que figuran en las Resoluciones y las Decisiones de la Conferencia de las Partes, las recomendaciones del Comité Permanente y las Notificaciones expedidas por la Secretaría (véase [enlace a ubicación en el sitio web de la CITES donde se enumeran los requisitos de presentación de informes])?</p> <p style="text-align: right;">Responses provided to ALL relevant reporting requirements <input type="checkbox"/></p> <p style="text-align: right;">Responses provided to SOME of the relevant reporting requirements <input type="checkbox"/></p> <p style="text-align: right;">Responses provided to NONE of the relevant reporting requirements <input type="checkbox"/></p> <p style="text-align: right;">No special reporting requirements applicable <input type="checkbox"/></p>
1.3.1b	<p>¿Se planteó alguna dificultad durante el período abarcado por este informe a la hora de aplicar las Resoluciones o Decisiones específicas adoptadas por la Conferencia de las Partes?</p> <p style="text-align: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If 'Yes', please provide details of which Resolution(s) or Decision(s), and, for each, what difficulties were / are being encountered?</p>

Indeed such information, if provided by the Parties, could help to identify and tackle the following key issues, which are mentioned in the ToR for this study:

- Reasons for deviation from the provisions of the Resolutions; and/or,
- Challenges experienced in terms of implementation

VII IMPROVED TRANSPARENCY OF STRICTER DOMESTIC MEASURES

In terms of improving the transparency of stricter domestic measures, the WG on multilateral measures proposed an option in document CoP16 Doc. 18 (Rev.1): With reference to paragraph 5 b) of document SC62 Doc. 15, the Working Group on Multilateral Measures identified two possible options, namely a) the establishment of an on-line inventory on the CITES website to which Parties could contribute; and (b) the publication of web-links to the websites of Parties' Management Authorities where their stricter measures could be detailed. As a supplement to these options, the Secretariat advised that it was continuing to work on the means to provide interactive national profiles on the CITES website (e.g. containing information on stricter domestic measures and other aspects of CITES implementation) which could be maintained by the respective countries.

The risks one could face with these procedures are the following: Parties have a well-articulated right under Paragraph 1 of Article XIV of the Convention to adopt stricter domestic measures and might be inclined to point out the fact that providing any information on stricter domestic measures, including any deviations from the application and implementation of CITES resolutions, is voluntary in nature. This would imply that if the Secretariat, should in the future initiate a portal or Web-based system for Parties to provide information on their stricter domestic measures, this would be on a voluntary basis (as Parties have already made clear). Even so, expectations should – unfortunately – not be too high: In Resolution Conf. 4.22 (*Proof of foreign law*), it is recommended that Parties inform the Secretariat of the existence, adoption or amendment of stricter domestic measures^{§§}. To date, however, provision of such information has been sporadic and poor.

This is unfortunate, because CITES Resolutions, which provide interpretative guidance on the provisions of the Convention, assist Parties in achieving a common understanding about and consistent implementation of the Convention. While the use of stricter domestic measures, including deviant application and implementation of certain Resolutions, is meant to provide a means of protecting certain species from overexploitation for international trade, such measures may be implemented based on reasons other than the impact of international trade on species conservation (this could include issues relating to national policies, animal welfare, animal rights, animal health and veterinary restriction). The lack of transparency and implementation of stricter domestic measures, if not communicated to affected Parties / States and traders can create confusion and lead to the confiscation of shipments if Management Authorities and other relevant role players are not aware of stricter domestic measures. This is especially true where stricter domestic measures differ substantially from globally-agreed rules, which are found in the Convention itself but equally so in the Resolutions and Decisions of the Conference of the Parties. The right to adopt such measures is – as has been said – recognized in the Convention.

To address concerns relating to transparency, Resolution Conf. 6.7 (Interpretation of Article XIV, paragraph 1, of the Convention) recommends that-

- a) each Party intending to take stricter domestic measures pursuant to Article XIV, paragraph 1, of the Convention regarding trade in specimens of non-indigenous species included in the Appendices make every reasonable effort to notify the range States of the species concerned at as early a stage as possible prior to the adoption of such measures, and consult with those range States that express a wish to confer on the matter; and
- b) each Party that has taken such stricter domestic measures for non-indigenous species prior to the adoption of this Resolution consult, if requested, on the appropriateness of such measures with range States of the species concerned.

Parties should be urged to implement the above-mentioned Resolution to address concerns relating to transparency.

^{§§} The following definition for ‘Stricter domestic measures’ was proposed by the WG on multilateral measures for the purposes of the work to be undertaken by the Consultant:

Stricter domestic measures: Domestic measures (legislation, regulations, decrees, policies, directives, notices, etc.) adopted by a Party regarding conditions or restrictions for international trade, taking, possession or transport of specimens of species included in the Appendices, or the complete prohibition thereof, which extend over and above the requirements of the Convention for that species. (NOTE: This definition is intended to encompass only those stricter domestic measures with strong relevance to the conservation of the species through the mitigation of impacts, resulting from international trade in the species.

Annex 1

Terms of Reference for the consultancy on multilateral measures

The consultant shall prepare a written assessment of 20 pages or more as to whether selected Resolutions of the Conference of the Parties are implemented by all Parties as consistently as possible and whether there is a need to clarify, revise or repeal them.

- a) Existing documents to be reviewed by the consultant include document CoP14 Doc. 17. Based on information contained in document CoP14 Doc. 17, the following Resolutions have been identified by the Standing Committee Working Group on Multilateral Measures for further review and should form part of the assessment to be conducted by the consultant:

Resolutions
Resolution Conf. 4.22 (Proof of foreign law)
Resolution Conf. 6.7 (Interpretation of Article XIV, paragraph 1 of the Convention)
Resolution Conf. 10.16 (Rev.) (Specimens of animal species bred in captivity)
Resolution Conf. 10.19 (Rev. CoP14) (Traditional medicines)
Resolution Conf. 10.20 (Frequent cross-border movements of personally owned live animals)
Resolution Conf. 11.3 (Rev. CoP15) (Compliance and Enforcement)
Resolution Conf. 11.11 (Rev. CoP15) (Regulation of trade in plants)
Resolution Conf. 11.18 (Trade in Appendix-II and -III species)
Resolution Conf 12.3 (Rev. CoP15) (Permit and certificates)
Resolution Conf. 12.10 (Rev. CoP15) (Registration of operations that breed Appendix-I species in captivity for commercial purposes)
Resolution Conf. 13.6 (Implementation of Article VII, paragraph 2, concerning 'pre-Convention' specimens)
Resolution Conf. 13.7 (Rev. CoP14) (Control of trade in personal and household effects)
Resolution Conf. 13.10 (Rev. CoP14) (Trade in alien invasive species)

Additional Resolutions (e.g. those adopted at CoP14, CoP15 and CoP16) shall also be included in the consultant's review, following discussion with the Secretariat. In this connection, Resolution Conf. 14.6 (Rev. CoP16) and Resolution Conf. 14.7 (Rev. CoP15) offer potentially useful examples of Resolutions, which reflect Parties' efforts to enhance uniform interpretation and implementation of the Convention.

- b) The consultant shall review the UNEP-WCMC analysis of biennial reports for 2005-2006 and 2007-2008, particularly pages 39-40 and Annex 4, contained in document CoP15 Inf. 43. The consultant shall also analyse biennial reports for 2009-2010 which Parties have submitted to the Secretariat (available on the CITES website) and identify those Resolutions which Parties have indicated present challenges in terms of implementation (e.g. using Parties' responses to Questions D8.2 and D8.3). The following key issues should be identified where possible:
- i) Reasons for deviation from the provisions of the Resolutions; or,
 - ii) Challenges experienced in terms of implementation
- c) On the basis of work done under a) and b) above, the consultant shall identify Resolutions that have needed clarification, revision or repeal by the Conference of the Parties and shall describe any relevant action taken by the Conference of the Parties at CoP14, CoP15 and CoP16 (e.g. the

additional guidance provided on personal/household effects, introduction from the sea and registration of captive breeding operations through revisions to Resolution Conf. 13.7, Resolution Conf. 14.6 and Resolution Conf. 12.10, respectively, aimed at ensuring their more uniform interpretation and application). With regard to Resolutions which still require clarification, revision or repeal by the Conference of the Parties, the consultant shall identify any related intersessional work directed by CoP16 for completion by CoP17 (2016). The consultant shall also identify any Resolutions needing clarification, revision or repeal, which have not yet been addressed by the Conference of the Parties, and suggest recommendations that might be made by the Working Group to the Standing Committee and thereafter to CoP17.

- d) In undertaking his review, the consultant shall take into account the following challenges identified by the Working Group which relate to the uniform application or implementation of Resolutions:
- i) Lack of knowledge about existing Resolutions and the provisions contained in Resolutions;
 - ii) Complex issues and concepts are difficult to understand and interpret, especially in the absence of definitions or interpretation guidelines;
 - iii) Difficulties experienced by Parties to implement provisions contained in Resolutions due to limited resources available;
 - iv) Different interpretation of provisions or requirements by Parties. Some Parties may interpret a provision in a strict manner, while another may interpret it with greater leniency, resulting in differences in implementation; and
 - v) Conflicting provisions in different Resolutions; or non-alignment between separate Resolutions that address similar matters.

To fulfil this element of the ToR, the consultant shall refer to the specific challenges identified by Parties in their biennial reports (as indicated in paragraph b) above) and to the written reports of relevant Standing Committee or other working groups contained or cited in the discussion documents for CoP14, CoP15 or CoP16 which relate to Resolutions covered by this assessment.

Annex 2

Extract from the Analysis of Parties' biennial reports on implementation of CITES 2005-2006 and 2007-2008 (document CoP15 Inf.43 (pp. 39-40 and Annex 4):

D8.2. Were any difficulties encountered in implementing specific Resolutions or Decisions adopted by the conference of the Parties?

Response rate:

	Year 2005-2006	Year 2007-2008
Number of Parties	63	44
Percentage *	93%	92%

A third of the respondents (21 Parties) reported that they encountered difficulties in implementing specific Resolutions or Decisions of the Conference of the Parties. A summary of the specific responses and the potentially relevant resolutions are provided in Annex 4. A number of resolutions were identified by a several Parties as problematic to implement, including Res. Conf. 13.7 *Control of trade in personal and household effects*, Res. Conf. 12.3 *Permits and Certificates*, Res. Conf. 11.3 *Compliance and Enforcement* and identification problems, which may relate to Res. Conf. 11.19 *Identification Manual*.

D8.4. Have any constraints to implementation of the Convention arisen in your country requiring attention or assistance?

Response rate:

	Year 2005-2006	Year 2007-2008
Number of Parties	64	45
Percentage *	94%	94%

Slightly more than a third of the Parties for 2005-2006 and 2007-2008 (21 and 14 Parties respectively) reported that they faced constraints in the implementation of CITES that required attention or assistance. Parties commented that these constraints included inadequate national legislation, a lack of staff capacity or technical skills (e.g. in species identification), problems in conducting non-detriment findings, a lack of finance to conduct species research, a lack of reporting ability, difficulty in monitoring and tracking stocks of manufactured products and species-related constraints such as elephant ivory trade and timber identification. Training courses were identified as fundamental to address certain issues, such as identification of species. Full responses are provided in Annex 4.

D8.6. Have any measures, procedures or mechanisms been identified within the Convention that would benefit from review and/or simplification?

Response rate:

	Year 2005-2006	Year 2007-2008
Number of Parties	61	42
Percentage *	90%	88%

* It is not quite clear how these percentages have been calculated and what they represent (see the pertaining text in this document)

More than half of the Parties for both reporting periods said that no measures, procedures or mechanisms had been identified that would benefit from review and/or simplification. Parties that provided comments sought revision of the procedures for trade in medical samples and trade in dead parts and derivatives (such as small leather products), registration of Appendix I captive

breeding operations and personal and household effects and tourist souvenirs, derogations for plants and the marking of live reptiles. It was also suggested that a confidential database of permits used by Parties would be beneficial.

Annex 3

Analysis of the biennial reports for the period 2009-2010 (Section concerning difficulties in implementing Resolutions and Decisions)

	Australia	Austria
D8.2: Were any difficulties encountered in implementing specific Resolutions or Decisions adopted by the conference of the Parties:		
Yes	X	
No		X
No information		
D8.3: If Yes which one(s) and what is the main difficulty	<p>Personal and Household effects (Res. Conf. 13.7 (Rev. CoP14). The main difficulty is defining the meaning of the term and ensuring that it is adequately implemented under Australian legislation. Additionally, it is unclear as to which countries do not honour the exemptions and for which specimens. Customs also have difficulties with identification of worked products, particularly when there are some similar species in Appendix I (i.e. crocodiles, snakes). Many of the concerns will be addressed as part of the working group on this issue.</p> <p>An easily accessible and up to date resource (such as a web page) listing the stricter domestic measures of parties would also be of use.</p>	
D8.4: Have any constraints to implementation of the Convention arisen in your country requiring attention or assistance ?		
Yes		
No	X	X
No information		
D8.5: If yes please describe the constraint and the type of attention or assistance that is required.		
D8.6: Have any measures, procedures or mechanisms been identified within the Convention that would benefit from review and/or simplification		
Yes	X	X
No		
No information		
D8.7: If yes give a brief description	Plant annotations (currently being addressed through Plants Committee) i.e. manufactured products ready for retail trade Permitting of small manufactured crocodile/reptilian products i.e. watchstraps Personal and household effects exemptions (currently being addressed by the Working Group)	Marking of live reptiles (photo-documentation, micro-chips or DNA-analysis)
D8.8: Please provide details of any additional measures taken		

	Benin	China
D8.2: Were any difficulties encountered in implementing specific Resolutions or Decisions adopted by the conference of the Parties:		
Yes	X	X
No		
No information		
D8.3: f Yes which one(s) and what is the main difficulty	les décisions de comité scientifique sur la faune de l'union européenne ne sont pas notifiées à l'organe de gestion. Elles ne sont nullement accompagnées ni d'argument justifiant la décision ni les propositions pour une amélioration	Some Resolutions or Decisions; No adequate personal and biological trade information.
D8.4: Have any constraints to implementation of the Convention arisen in your country requiring attention or assistance?		
Yes		
No	X	
No information		X
D8.5: If yes please describe the constraint and the type of attention or assistance that is required.		
D8.6: Have any measures, procedures or mechanisms been identified within the Convention that would benefit from review and/or simplification		
Yes		
No	X	
No information		X
D8.7: If yes give a brief description		
D8.8: Please provide details of any additional measures taken		

	Croatia
D8.2: Were any difficulties encountered in implementing specific Resolutions or Decisions	

adopted by the conference of the Parties:	
Yes	
No	X
No information	
D8.3: If Yes which one(s) and what is the main difficulty	
D8.4: Have any constraints to implementation of the Convention arisen in your country requiring attention or assistance ?	
Yes	X
No	
No information	
D8.5: If yes please describe the constraint and the type of attention or assistance that is required.	<p>The most important problem is implementation of legislation related to CITES in practice:</p> <ul style="list-style-type: none"> • insufficient number of staff within the Ministry of Culture dealing with this issue on a daily basis • insufficient number of staff dealing with CITES in all stakeholders groups • insufficient control within the country because of the understaffed inspection • practical problems at border crossings (lack of experience with CITES issues within the custom service due to constant rotations of staff, lack of special premises for temporary keeping of confiscated specimens at the border) • Croatia has a border with Bosnia and Herzegovina which has not yet established the MA, SA and permit issuing system • lack of awareness in regards to the CITES procedures
D8.6: Have any measures, procedures or mechanisms been identified within the Convention that would benefit from review and/or simplification	
Yes	
No	X
No information	
D8.7: If yes give a brief description	
D8.8: Please provide details of any additional measures taken	

	Denmark	France	Italy
D8.2: Were any difficulties encountered in implementing specific Resolutions or Decisions adopted by			

the conference of the Parties:			
Yes		X	
No	X		
No information			
D8.3: If Yes which one(s) and what is the main difficulty		Délai parfois trop long entre la décision immédiatement applicable et la publication du compte rendu définitif du SRG	Res. Conf. 13.7 on PHE, unclear interpretation of the Resolution, definitions of PHE and tourist souvenirs, ongoing discussion at the European level. - Difficulties within updating and managing the CITES species
D8.4: Have any constraints to implementation of the Convention arisen in your country requiring attention or assistance?			
Yes			
No	X	X	X
No information			
D8.5: If yes please describe the constraint and the type of attention or assistance that is required.			
D8.6: Have any measures, procedures or mechanisms been identified within the Convention that would benefit from review and/or simplification			
Yes	X		
No			X
No information			
D8.7: If yes give a brief description	Exempt small amount of dead stony corals from CITES		
D8.8: Please provide details of any additional measures taken			

	Kuwait	Liberia	Malaysia
D8.2: Were any difficulties encountered in implementing specific Resolutions or Decisions adopted by			

the conference of the Parties:			
Yes	X	X	
No			X
No information			
D8.3: If Yes which one(s) and what is the main difficulty	- An inadequate financial support to assist in Capacity Building in Kuwait and Arabian countries. - Difficulties in the assessment of non-detriment finding. - Compliance and Enforcement, non-sufficient trained staff.	Lack of implementation tools and knowledge.	
D8.4: Have any constraints to implementation of the Convention arisen in your country requiring attention or assistance?			
Yes	X	X	X
No			
No information			
D8.5: If yes please describe the constraint and the type of attention or assistance that is required.	Capacity Building (CITES enforcement, Confiscated Specimens). Establishment of Rescue Centre.	Trust fund establishment is urgent for Liberia. Lack of trained manpower. Conservation Trust is urgent for Liberia	1) Constraints such as financial and technical expertise in conducting NDF. 2) Identification of CITES plants (wild taken/ artificially propagated/ hybrid). 3) Tagging and marking of small plants.
D8.6: Have any measures, procedures or mechanisms been identified within the Convention that would benefit from review and/or simplification			
Yes			
No			X
No information	X		
D8.7: If yes give a brief description			
D8.8: Please provide details of any additional measures taken			

	Nepal	New Zealand	Norway	Paraguay
D8.2: Were any difficulties encountered in implementing specific Resolutions or Decisions adopted by the conference of the				

Parties:				
Yes	X	X		
No			X	
No information				X
D8.3: If Yes which one(s) and what is the main difficulty	Sometimes facing difficulties in specimen identification	Res. Conf. 13.7 (Rev. CoP14) on personal effects (consistent application in NZ given the inconsistencies among Parties)		
D8.4: Have any constraints to implementation of the Convention arisen in your country requiring attention or assistance?				
Yes	X	X	X	X
No				
No information				
D8.5: If yes please describe the constraint and the type of attention or assistance that is required.	Focal points of MA and SA need advance training on specimen identification and computerization	We are trying to figure out how we would apply IFS requirements nationally, but waiting for the IFS WG to conclude their work	Interpretation of 'wildcrafted' cacti products from MX	Legislación, gestión, técnica, capacitación, observancia.
D8.6: Have any measures, procedures or mechanisms been identified within the Convention that would benefit from review and/or simplification				
Yes				
No	X	X	X	
No information				X
D8.7: If yes give a brief description				
D8.8: Please provide details of any additional measures taken				

	Poland	Singapore
D8.2: Were any difficulties encountered in implementing specific Resolutions or Decisions adopted by the conference of the Parties:		
Yes		X

No	X	
No information		
D8.3: If Yes which one(s) and what is the main difficulty		Difficulties encountered when not all Parties implement Resolutions eg. Universal Tagging System, personal/household effects
D8.4: Have any constraints to implementation of the Convention arisen in your country requiring attention or assistance?		
Yes	X	X
No		
No information		
D8.5: If yes please describe the constraint and the type of attention or assistance that is required.	Problem of proving legal origin of captive bred specimens originating from breeding operations across the EU, in the context of documents which should be regarded as sufficient proof of legality. Lack of standardised approach in this area. Issue often reported by the enforcement officers.	Monitoring and tracking of movements and conversions of CITES specimens have been tedious and complex eg. keeping track of the number of different manufactured products (eg. handbags, wallets, watch straps, etc) produced from a certain number of skins and maintaining the stock balance of the skins. There should be an improved system of monitoring the movements of CITES specimens to ensure legality of the specimens entering international trade. The e-permitting working group should consider a system that can track and manage stocks balance. There is also a lack of species identification tools that can be readily used for identification of specimens eg. timber logs and finished products.
D8.6: Have any measures, procedures or mechanisms been identified within the Convention that would benefit from review and/or simplification		
Yes		X
No		
No information		
D8.7: If yes give a brief description		Parties should consider implementing more exemptions for specimens such as waste/by-products eg. faeces and finished products that are ready for retail sale eg. agarwood perfume.
D8.8: Please provide details of any additional measures taken		

	Spain	Venezuela
D8.2: Were any difficulties encountered in implementing specific Resolutions or Decisions adopted by the conference of the Parties:		
Yes	X	
No		X

No information		
D8.3: f Yes which one(s) and what is the main difficulty	<i>Not specified</i>	
D8.4: Have any constraints to implementation of the Convention arisen in your country requiring attention or assistance ?		
Yes	X	X
No		
No information		
D8.5: If yes please describe the constraint and the type of attention or assistance that is required.	Comercio intracomunitario y cría en cautividad de especies incluidas en el Anexo B del Reglamento (CE) nº 338/97. Las autoridades de observancia informan que en el periodo de tiempo del presente informe el número de infracciones penales y administrativas en relación con el convenio CITES no presenta una variación significativa. Por otra parte cabe reseñar que, como en años anteriores, se continúa observando el abuso de los llamados “documentos de cesión”, con frecuencia incompletos, y que en muchos casos se usan para encubrir actividades comerciales de gran importancia que por otro lado, eluden del pago de los tributos correspondientes al simular entregas altruistas entre particulares o incluso entre comerciantes establecidos.	Fortalecer la capacidad en materia de Observancia mediante el desarrollo permanente de cursos y talleres
D8.6: Have any measures, procedures or mechanisms been identified within the Convention that would benefit from review and/or simplification		
Yes		
No		X
No information		
D8.7: If yes give a brief description		
D8.8: Please provide details of any additional measures taken		

	Viet Nam		
D8.2: Were any difficulties encountered in implementing specific Resolutions or Decisions adopted by the conference of the Parties:			
Yes	X		
No			
No information			

D8.3: f Yes which one(s) and what is the main difficulty	Resolution on NDF, Disposal of seized specimen. Lack of financial and technical sources to conduct NDFs and disposal of seized specimen, especially confiscated ivory; language barrier		
D8.4: Have any constraints to implementation of the Convention arisen in your country requiring attention or assistance?			
Yes	X		
No			
No information			
D8.5: If yes please describe the constraint and the type of attention or assistance that is required.	Mechanism to share intelligence information with other countries; required assistance: training technical support, funding support		
D8.6: Have any measures, procedures or mechanisms been identified within the Convention that would benefit from review and/or simplification			
Yes			
No			
No information			
D8.7: If yes give a brief description			
D8.8: Please provide details of any additional measures taken			

As shown in the following table, some Parties have submitted more specific responses to questions D8.2, D8.4 and D8.6, which allow for the identification of potentially relevant resolutions that might need to be revised:

Party	Comment	Potentially relevant resolution/s identified by consultant
Australia	Personal and Household effects: The main difficulty is defining the meaning of the term and ensuring that it is adequately implemented under Australian legislation. Additionally, it is unclear as to which countries do not honour the exemptions and for which specimens. Customs also have difficulties with identification of worked products, Would benefit from review: Plant annotations i.e. manufactured products ready for retail trade, Permitting of small manufactured crocodile/reptilian products i.e. watchstraps, Personal and household effects exemptions	Res. Conf. 13.7 (Rev. CoP14).
Austria	Would benefit from review: Marking of live reptiles (photo-documentation, micro-chips or DNA-analysis	Res.Conf.8.13 (Rev.)

Denmark	Would benefit from review: Exempt small amount of dead stony corals from CITES	Res.Conf.11.10 (Rev.CoP15) Res. Conf. 13.7 (rev. CoP14)
Italy	Resolution on PHE, unclear interpretation of the Resolution, definitions of PHE and tourist souvenirs	Res. Conf. 13.7 (rev. CoP14)
Kuwait	Difficulties in the assessment of non-detriment finding. Assistance required for Establishment of Rescue Centre.	
Malaysia	Identification of CITES plants (wild taken/ artificially propagated/ hybrid). Tagging and marking of small plants.	Perhaps Res.Conf.11.11 (Rev.CoP15)
Nepal	Sometimes facing difficulties in specimen identification. Therefore: Focal points of MA and SA need advance training on specimen identification and computerization	Perhaps Res. Conf. 9.6
New Zealand	Res. Conf. 13.7 (Rev. CoP14) on personal effects (consistent application in NZ given the inconsistencies among Parties) Constraints to implementation: We are trying to figure out how we would apply IFS requirements nationally.	Res. Conf. 13.7 (Rev. CoP14)
Norway	Assistance needed: Interpretation of 'wildcrafted' cacti products from MX	
Poland	Assistance needed: Problem of proving legal origin of captive bred specimens originating from breeding operations across the EU, in the context of documents which should be regarded as sufficient proof of legality. Lack of standardized approach in this area. Issue often reported by the enforcement officers.	Res. Conf. 10.16 (Rev)
Singapore	Difficulties encountered when not all Parties implement Resolutions eg. Universal Tagging System, personal/household effects Would benefit from review: Parties should consider implementing more exemptions for specimens such as waste/by-products e.g. faeces and finished products that are ready for retail sale e.g. agarwood perfume. Monitoring and tracking of movements and conversions of CITES specimens have been tedious and complex e. g. keeping track of the number of different manufactured products (e. g. handbags, wallets, watch straps, etc) produced from a certain number of skins and maintaining the stock balance of the skins. There should be an improved system of monitoring the movements of CITES specimens to ensure legality of the specimens entering international trade. The e-permitting working group should consider a system that can track and manage stocks balance. There is also a lack of species identification tools that can be readily used for identification of specimens eg. timber logs and finished products.	Res. Conf. 13.7 (Rev. CoP14) Res.Conf.11.12 (Rev. CoP15) Perhaps Res. Conf. 11.19
Spain	Comercio intracomunitario y cría en cautividad de especies incluidas en el Anexo B del Reglamento (CE) nº 338/97. Las autoridades de observancia informan que en el periodo de tiempo del presente informe el número de infracciones penales y administrativas en relación con el convenio CITES no presenta una variación significativa. Por otra parte cabe reseñar que, como en años anteriores, se continúa observando el abuso de los llamados "documentos de cesión", con frecuencia incompletos, y que en muchos casos se	

	<p>usan para encubrir actividades comerciales de gran importancia que por otro lado, eluden del pago de los tributos correspondientes al simular entregas altruistas entre particulares o incluso entre comerciantes establecidos.</p> <p><i>(Translated text: Intra-Community trade and captive breeding of Annex B species (concerns only EU legislation and region).</i></p> <p><i>“Spanish enforcement authorities advise that, during the reporting period, the number of penal/administrative infractions did not vary significantly. As in previous years, however, they have seen abuse of ‘certificates of gift/donation’ (where one person gives something to another without payment). Such certificates are often incomplete and are used to cover up commercial activities and to avoid payment of fees related to gift-giving”.</i></p>	
Venezuela	<p>Fortalecer la capacidad en materia de Observancia mediante el desarrollo permanente de cursos y talleres</p> <p><i>(Translated text: “Build enforcement capacity through ongoing development of courses and workshops”)</i></p>	Perhaps related to Res. Conf 11.3
Viet Nam	<p>Resolution on NDF Disposal of seized specimens Assistance needed: Mechanism to share intelligence information with other countries; training technical support, funding support</p>	Res.Conf.10.7 (Rev. CoP15) Perhaps Res. Conf. 10.3, paragraph h]

Annex 4

Detailed responses to question D8.2. *Were any difficulties encountered in implementing specific Resolutions or Decisions adopted by the conference of the Parties?*

Party	Comment	Potentially relevant resolution/s
Belgium	Time delay between inclusion of CITES Appendices and amendment of EC Annexes.	None
China	Some resolutions or decisions: No adequate personal and biological trade information	
Cyprus	Identification of certain species	Res. Conf. 11.1
Ecuador	Insufficient budget, too little technical personnel specialising in CITES that have knowledge of Convention	
France	Personal effects and fossil corals	Res. Conf. 11.1
Germany	Germany has encountered problems referring to the implementation of the requirements laid down in Res. Conf. 12.10 (rev. CoP 13) on 'Guidelines for a procedure to register and monitor operations that breed Appendix-I animal species for commercial purposes'. Within Germany there are several and were either registered or even rejected for registration. Furthermore as an importing country. Germany is very often confronted with animals which originate from commercial operations not included in the register of the CITES Secretariat. Therefore the MA of Germany has been supporting since years any initiative on reviewing and streamlining the current registration guidelines.	Res. Conf. 12.10
Indonesia	Due to long border with "Potential" access for illegal trade prone to smuggling and wildlife laundering due to <ul style="list-style-type: none"> • Lack of monitoring in border checkpoints • Backwardness in remote areas • Lack of funding • Lack of capacity on scientific investigation (facilities, infrastructure) 	Res. Conf. 11.3
Jamaica	Use of coded-microchip for marking live animals in trade and exemption for trade in personal effects	Res. Conf. 8.13 Res. Conf. 13.7
Kuwait	An inadequate financial support to assist in Capacity Building in Kuwait and Arabian countries. Difficulties in implementing decisions related to Agarwood-producing taxa, Difficulty in assessment of NDF Compliance and Enforcement, non-sufficient trained staff	Res. Conf. 11.3
Malta	Resolution Conf. 13.7 on control of trade in personal and household effects.	Res. Conf. 13.7
Mozambique	Resolution 12.3 (Permits and Certificates) and *Decision 10.2 - disposal of ivory stocks and generating resources for conservation	Res. Conf.12.3
New Zealand	Changes to qualifying dates for pre-Convention specimens and for exemptions. Main difficulty is slowness of the legislative procedure to change our personal implementing legislation. This was reported in our biennial report for 2003-4 and the situation persists.	Res. Conf.13.6 Res. Conf.13.7
Portugal	Financial difficulties, human resources	
Republic of Korea	Resolution 13.7 "Control of trade in personal and	Res. Conf. 13.7

	household effects”	
Republic of Moldova	A majority part of Resolutions and Decisions are studied and carried out on the possible level by the MA. However, the other representatives, like Custom, SAs, are not fulfilled the implementation of documents as it supposed to be. This happened because of the light experience in the domain of implementation of Convention, absence of special trainings, no equipment provision, lack of financing for Convention based materials translation, for manual-determinant in Moldovan language, for printing of illustrative materials, placates, bulletins and other activities. There are no conditions both for setting of Center’s for saving of animals and plants, and creation of admissible conditions for keeping of animals and plants forfeited in the frame of Botany and Zoological Garden	
Romania	Res. 12.7- There was no clear timeline for reporting on status of sturgeon population	Res. Conf. 12.7
Saint Lucia	Res Conf. 12.8 (Rev CoP 13): Review of Significant Trade, Saint Lucia, like many Parties of the region recognize that, in order to address the stipulated requirements substantial capacity building and other forms of assistance are required. The Caribbean Regional Fisheries Mechanism is developing a project proposal to address many of these needs in member states, but funding support will be required and an adequate time frame allowed for Parties to work on various aspects such as improved levels of stock assessment, trade controls and user education	ConfConf.12.8
Serbia	Resolution 12.3 (Rev. CoP13) does not provide clear definition on use of purpose codes, i.e code P in export and import permits for Appendix-I specimens	Res. Conf. 12.3
Thailand	Res Conf. 13.7 Control of trade in personal and household effects, Res. Conf. 10.10 Trade in elephant specimens	Res. Conf.13.7 Res. Conf.10.10
United Arab Emirates	The Reservation at CoP13, Prop. 49 (Indonesia) inclusion of Agarwood-producing species <i>Aquilaria</i> spp. and <i>Gyrinops</i> spp in CITES Appendix II. The main difficulty is in the identification of the right species which is usually very difficult	Res. Conf.11.1
United Kingdom	Personal & Household Effects derogation – identifying Annex A from Annex B, crocodile species when in the form of a bag, belt, shoe etc. Timber identification	Res. Conf.13.7
Viet Nam	In order to implement resolutions or decisions adopted by the Conference of the Parties properly need a lot of personels as well as big budget. Staffs in CITES MA are changeable and do not obtain enough training on CITES related issues. The CITES MA of Viet Nam face a lot of difficulties in understanding Resolutions and Decisions properly because of language barrier	