



# CITES 2002

## Analysis of Draft Resolutions and other Documents to be Discussed at the 12<sup>th</sup> COP to CITES - Chile, Nov 2002 - Prepared by the Species Survival Network

Table includes only those documents made available by 19 July 2002. Some documents were stamped "Provisional".

DOCUMENT / PROPONENT	CURRENT STATUS	EFFECT OF DRAFT RESOLUTION	SSN POSITION
Doc. 1.1 Rules of Procedure  <b>Secretariat</b>	<ul style="list-style-type: none"> <li>• Rule 2 pertains to Article XI of the Convention which states, "any body or agency technically qualified in protection, conservation or management of wild fauna and flora ... shall be admitted unless at least one-third of the Parties present object ... Once admitted, these observers shall have the right to participate but not to vote"</li> <li>• Rule 12 allows Chairmen of committees or working groups to decide which observers participate in meetings</li> <li>• Rule 17 states that the Presiding Officer should call upon speakers in the order in which they signify their desire to speak, giving precedence to delegates</li> <li>• Rule 20 allows discussion of documents provided they were circulated in the three working languages no later than the day preceding the session</li> <li>• Rule 28 allows any observer documents to be distributed by the Secretariat (via the delegate mailboxes or "pigeon holes")</li> </ul>	<ul style="list-style-type: none"> <li>• Allows that "the right of observers to participate may be withdrawn if so agreed by one-third of the Representatives present and voting" (Rule 2, paragraph 2(b))</li> <li>• Allows the Presiding Officer of a session where a committee or working group is formed to either decide which observers may participate or decide to leave the matter to the discretion of the chairman of the committee or working group (Rule 12, paragraph 2)</li> <li>• Requires the Presiding Officer to give equal precedence to speak to the delegates and to the Secretariat, and allows the Officer to "depart from this general rule and call on speakers in the order that he/she judges appropriate to ensure the timely progress of the debate" (Rule 17, paragraph 2)</li> <li>• Allows discussion of documents made available in the three working languages during the previous session [for example, a document circulated at the end of a morning session could be discussed immediately after lunch] (Rule 20, former paragraph 2, now paragraph 3)</li> <li>• Does not allow observers to have documents distributed by the Secretariat (via the delegate mailboxes or "pigeon holes"); non-governmental organizations can only distribute documents on tables (Rule 28, paragraph 3)</li> </ul>	<p><b>OPPOSE THE FOLLOWING</b></p> <ul style="list-style-type: none"> <li>• Draft revision of Rule 2, paragraph 2(b) conflicts with the Convention text by withdrawing the right of observers to participate once admitted</li> <li>• Draft revision of Rule 12, paragraph 2: a working group or committee chairman should retain the discretion to decide which observers may participate</li> <li>• Draft revision of Rule 17, paragraph 2, may deny Parties the right to speak before everyone else; Presiding Officers call on the Secretariat when necessary under the current rules</li> <li>• Draft revision of Rule 20, paragraph 2/3, significantly reduces the amount of time available for analysis of new documents</li> <li>• Draft revision of Rule 28, paragraph 3, eliminates an important method by which non-governmental organizations distribute documents to delegates</li> </ul>
Doc. 1.2 Rules of Procedure  <b>Chile</b>	<ul style="list-style-type: none"> <li>• Rule 20 allows discussion of documents provided they were circulated in the three working languages no later than the day preceding the session</li> <li>• Rule 25 allows any Representative to request a secret ballot on any matter (except election of officers or prospective host countries) which, if seconded by ten Representatives, would be held</li> </ul>	<ul style="list-style-type: none"> <li>• Draft revision of Rule 20 ensures that documents to be discussed would be circulated in the three working languages 24 hours in advance</li> <li>• Draft revision of Rule 25, paragraph 2, allows any Representative to request a secret ballot but this would have to be seconded by one-third of the Representatives present and voting for a secret ballot to be held</li> </ul>	<p><b>SUPPORT</b></p> <ul style="list-style-type: none"> <li>• Draft revision of Rule 20 ensures that all Parties will have 24 hours to study documents in the three working languages before they are discussed</li> <li>• Draft revision of Rule 25 ensures that secret ballots are not used routinely as they are now; prior to COP9, secret ballots were only possible with the support of a "simple majority" (currently equal to 75 Parties); Chile's proposal represents a reasonable compromise</li> </ul>
Doc. 11 Identification Manual  <b>Secretariat</b>	<ul style="list-style-type: none"> <li>• RC 11.19 abolishes the Identification Manual Committee and transfers its responsibilities to the Secretariat</li> <li>• RC 11.19 exhorts Parties to provide data for the Identification Manual within one year of adoption of a proposal to include a new species in the Appendices</li> <li>• Only 23 Parties have submitted data for fauna since 1979</li> </ul>	<ul style="list-style-type: none"> <li>• Summarizes reports to Standing, Animals and Plants Committees since CoP11; provides current status of Identification Manual</li> <li>• Gives priority to inclusion of Identification Manual on the CITES web site</li> </ul>	<p><b>SUPPORT</b></p> <ul style="list-style-type: none"> <li>• Support addition of Identification Manual to CITES web site</li> <li>• Parties should invite non-governmental organizations to assist in preparation of Identification Manual</li> </ul>
Doc. 12 Revision of the Action Plan of the Convention  <b>Secretariat</b>	<ul style="list-style-type: none"> <li>• A CITES Action Plan was approved at COP11</li> <li>• Decision 11.1 recommends the development of procedures to periodically review and revise the Action Plan and evaluate progress, to be completed between COPs by the Standing Committee</li> <li>• The Standing Committee established a working group to update the Action Plan; proposed changes, in Doc. 12, are to be considered at COP12</li> </ul>	<ul style="list-style-type: none"> <li>• Numerous changes to the Action Plan are proposed</li> <li>• Revises Action Point 1.1.4 which calls on Parties, Secretariat, and Animals Committee to "ensure adequate review and adoption of policies and legislation ... which may be having a significant impact on the conservation status of species or implementation of the Convention"; deletes "harvesting, transporting, handling and housing of live specimens"; and deletes the Animals Committee from the list</li> </ul>	<p><b>CONDITIONAL SUPPORT</b></p> <ul style="list-style-type: none"> <li>• All but one of the proposed changes are helpful and appropriate, and should be supported</li> <li>• Action Point 1.1.4 should not be changed as proposed: CITES requires that live animals be "so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment"; high mortality during "harvesting, transporting, handling and housing"</li> </ul>

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		of bodies to carry out the action	increases impact of trade on wild populations; the Transport Working Group, established by RC 10.21 under the Animals Committee, addresses such issues
<p>Doc. 13.1 Revision of Resolution Conf. 11.1 on establishment of Committees</p> <p><b>Chile</b></p>	<ul style="list-style-type: none"> <li>Number of regional representatives on the Standing Committee differs from that on the Animals and Plants Committees</li> <li>Standing Committee has one representative for regions with 15 Parties, two for regions with 16-30 Parties, three for regions with 31-45 Parties and four for regions with more than 45 Parties</li> <li>Animals and Plants Committees have one representative for North America and Oceania, and two representatives for the other regions</li> </ul>	<ul style="list-style-type: none"> <li>Animals and Plants Committees would have the same regional representation as does the Standing Committee: one representative for regions with 15 Parties, two for regions with 16-30 Parties, three for regions with 31-45 Parties and four for regions with more than 45 Parties</li> </ul>	<p><b>CONDITIONAL SUPPORT</b></p> <ul style="list-style-type: none"> <li>There is no logical reason for different standards to apply to these Committees</li> <li>The increased cost of additional regional representatives needs to be addressed</li> </ul>
<p>Doc. 13.2 Enhancing implementation of the Convention</p> <p><b>United States of America</b></p>	<ul style="list-style-type: none"> <li>There is no CITES Committee dedicated to implementation issues</li> <li>Standing Committee addresses implementation issues (RC 11.1)</li> <li>Animals and Plants Committees provide "advice and guidance ... on all matters relating to international trade in animal and plant species included in the Appendices" (RC 11.1)</li> <li>Secretariat currently advises on implementation, enforcement and compliance</li> <li>Standing Committee has agreed on the need for a mechanism to address implementation issues; draft terms of reference for an Implementation Subcommittee are to be discussed at the 47<sup>th</sup> Standing Committee meeting</li> </ul>	<ul style="list-style-type: none"> <li>Recommends that Parties establish an ongoing forum within the Convention specifically to discuss implementation issues</li> <li>Presents 5 options: a) ensure that implementation issues are effectively discussed within the three existing Committees; b) refer implementation issues to the Secretariat (which could work with consultants or establish working groups to address issues); c) establish an implementation subcommittee under the Animals and Plants Committees, giving half of each Committee's annual budget to its implementation subcommittee; d) establish one implementation subcommittee, to serve under the Animals and Plants Committee, with meeting held jointly once per year, dividing the Committees' combined annual budget (\$180,000) equally amongst the two Committees and one subcommittee; and e) consolidate the Animals and Plants Committees under one Scientific Committee and establish a second Committee to address implementation issues, dividing the Committees' combined annual budget evenly between the Scientific and implementation Committees</li> </ul>	<p><b>CONDITIONAL SUPPORT</b></p> <ul style="list-style-type: none"> <li>Expert committee acting as a review and recommendatory body on implementation, enforcement and compliance issues could help CITES develop enforcement initiatives, fund them, and strengthen the compliance mechanisms of the Convention</li> <li>Option a) (the existing situation) unlikely to result in better implementation</li> <li>Option b) further burdens the Secretariat, may increase expense, and may reduce Party input</li> <li>Option c) improves the existing situation, but deprives the Animals and Plants Committees of half of their annual budget</li> <li>Option d) is preferred; it reduces the budget of the Animals and Plants Committees by only one third; holding joint meetings will further reduce costs</li> <li>Option e) not recommended; consolidation would harmfully dilute the specialized expertise of the Plants and Animals Committees; Animals Committee meetings are already heavily-attended, and regular combined meetings could be unwieldy</li> </ul>
<p>Doc. 13.3 Review of Committee structure</p> <p><b>Secretariat</b></p>	<ul style="list-style-type: none"> <li>RC 11.1 establishes the Standing, Animals, Plants and Nomenclature Committees, and sets out their terms of reference</li> <li>Rules of Procedure to be adopted by the Standing Committee apply to other Committees "as far as is practicable"</li> <li>Members of the Standing Committee are Parties; Members of Animals and Plants Committees are persons chosen by the Regions</li> <li>Standing Committee has one representative for regions with 15 Parties, two for regions with 16-30 Parties, three for regions with 31-45 Parties and four for regions with more than 45 Parties; Animals and Plants Committees have one representative for North America and Oceania, and two representatives for the other regions</li> <li>Standing Committee required to "oversee, on behalf of the Parties, the development and execution of the Secretariat's budget as derived from the Trust Fund and other sources, and also all aspects of fund raising undertaken by the Secretariat in order to carry out specific functions authorized by the Conference of the Parties, and to oversee expenditures of such fund-raising activities"</li> <li>Chairs of Animals and Plants Committees "may invite any person or representative of any other country or organization to participate in meetings of the Committee as an observer"</li> </ul>	<ul style="list-style-type: none"> <li>Replaces the Animals, Plants and Nomenclature Committees with a single Scientific Committee; alternate draft resolution text (Annex 2) also establishes an Implementation Committee</li> <li>Resolves that the Rules of Procedure adopted by the Standing Committee shall apply <i>mutatis mutandis</i> ["with the necessary changes"] to other committees and working groups</li> <li>Determines that Members of both Standing and Scientific Committees [and Implementation Committee, if established] shall be Parties; Regional representation for both Committees to be the same as that currently used for the Standing Committee</li> <li>Removes wording from Standing Committee term of reference giving it oversight over "all aspects of fund-raising undertaken by the Secretariat in order to carry out specific functions authorized by the Conference of the Parties"</li> <li>Adds term of reference requiring Standing Committee to respond to reports from the Secretariat regarding significant cases of non-compliance or illegal trade, and to make appropriate recommendations</li> <li>Determines that admission of observers at meetings of the Scientific Committee [and Implementation Committee, if established] "shall be in accordance with the Rules of Procedure adopted by the Standing Committee"</li> </ul>	<p><b>OPPOSE THE FOLLOWING</b></p> <ul style="list-style-type: none"> <li>Animals and Plants Committees should not be consolidated; consolidation would harmfully dilute the specialized expertise of the Plants and Animals Committees; Animals Committee meetings are already heavily-attended, and regular combined meetings (as opposed to concurrent sessions) could be unwieldy</li> <li>Inappropriate for Rules of Procedure to apply to working groups, which should continue to operate informally</li> <li>Standing Committee should continue to oversee all fund-raising by Secretariat, including sources of funding</li> <li>Resolution should continue to state that Chairs of Committees are able to invite observers to participate in meetings</li> </ul> <p><b>SUPPORT THE FOLLOWING</b></p> <ul style="list-style-type: none"> <li>Establishment of an Implementation Committee [as in alternate draft resolution in Annex 2]</li> <li>Equalization of regional representation among the Committees</li> <li>New term of reference for Standing Committee on non-compliance and illegal trade</li> </ul>

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		<ul style="list-style-type: none"> <li>Resolves (Annex 2) that the Implementation Committee shall provide advice and guidance to the COP, the other committees, working groups and the Secretariat, on legislative, implementation and technical matters</li> </ul>	
<p>Doc. 14 Title of the Convention</p> <p><b>Secretariat</b></p>	<ul style="list-style-type: none"> <li>CITES' title, "Convention on International Trade in Endangered Species of Wild Fauna and Flora," forms an integral part of the Convention text and can only be changed by amendment</li> <li>Article XVII, paragraph 1, states, "an extraordinary meeting of the Conference of the Parties shall be convened by the Secretariat on the written request of at least one-third of the Parties to consider and adopt amendments to the present Convention. Such amendments shall be adopted by a two-thirds majority of Parties present and voting"; paragraph 3 states, "An amendment shall enter into force for the Parties which have accepted it 60 days after two-thirds of the Parties have deposited an instrument of acceptance of the amendment with the Depositary Government"</li> <li>Term "Endangered" in the title is not used elsewhere in the Convention text</li> <li>Parties surveyed during the Study of the Effectiveness of the Convention agreed that amending the text was not desirable</li> </ul>	<ul style="list-style-type: none"> <li>Proposes an extraordinary meeting of the COP to change the title of the Convention to "CITES - The Convention on Trade in Wild Fauna and Flora"</li> <li>Secretariat argues that "the title misrepresents the scope and objectives of the Convention, and is a cause of common misunderstanding of its nature," and that the title "has stood in the way of CITES becoming involved in regulation of trade in economically important species,"; regards the title as "an important psychologically negative element"</li> </ul>	<p><b>OPPOSE</b></p> <ul style="list-style-type: none"> <li>Provides no examples of difficulties caused by Convention title</li> <li>An extraordinary meeting, if called, could be used to propose other amendments to the treaty text; such a meeting could be destabilizing to the operation of the Convention</li> <li>Of the two previously adopted amendments, one took years to ratify and the other remains unratified after nineteen years; if the title of the Convention remains uncertain for years, an amendment could cause more confusion about CITES' purpose, not less</li> <li>Current title is not inappropriate; all CITES listings are designed either to respond to endangerment or to prevent a species from becoming endangered</li> <li>Proposed title is inappropriate; implies that CITES deals primarily with trade, not conservation</li> <li>Problems raised by Secretariat, if real, could better be met by improved education and publicity materials</li> </ul>
<p>Doc. 16.1 Cooperation between CITES and the Commission for Conservation of Antarctic Marine Living Resources (CCAMLR) regarding the trade in toothfish</p> <p><b>Chile</b></p>	<ul style="list-style-type: none"> <li><i>Dissostichus</i> species (toothfish) are not currently listed on the Appendices</li> <li><i>D. eleginoides</i> (Patagonian toothfish) and <i>D. mawsoni</i> (Antarctic toothfish) have been proposed for listing on Appendix I</li> <li><i>Dissostichus</i> fisheries are managed by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)</li> <li>The annotation to the <i>Dissostichus</i> spp. Appendix II listing proposal provides that States party to CITES conducting trade in <i>Dissostichus</i> spp. in compliance with CCAMLR measures, including the Catch Documentation Scheme, shall be regarded as having fulfilled their obligations under CITES</li> <li>CCAMLR has invited countries involved in harvesting and trade in <i>Dissostichus</i> spp. to join CCAMLR or voluntarily implement its conservation measures such as the Catch Document Scheme</li> </ul>	<ul style="list-style-type: none"> <li>Recommends that CITES Parties that capture or trade in products of <i>Dissostichus</i> spp. adhere to CCAMLR if they have not already done so, and cooperate voluntarily with CCAMLR's conservation measures</li> <li>Encourages CCAMLR to pass information regarding <i>Dissostichus</i> trade to CITES and directs the CITES Secretariat to transmit to the CCAMLR Secretariat any information available on illegal trade in Patagonian toothfish</li> <li>Urges CITES Parties to take measures so that vessels flying their flags are not used to undermine the conservation measures adopted by CCAMLR</li> </ul>	<p><b>CONDITIONAL SUPPORT</b> (Doc. 44 and species listing [Proposal no 12.39] strongly preferred; Not an effective alternative to including <i>Dissostichus</i> species in Appendix II and adopting the resolution proposed by Australia in Doc. 44)</p> <ul style="list-style-type: none"> <li>Measures in draft resolution are already available to Parties</li> <li>Parties involved in Illegal, Unregulated and Unreported (IUU) trade in <i>Dissostichus</i> are unlikely to cooperate with CCAMLR; CCAMLR has already tried to obtain voluntary compliance, with little success</li> <li>CITES Appendix II listing for <i>Dissostichus</i>, implemented as per the resolution proposed in Doc 44, would be fully consistent with and supportive of CCAMLR's conservation measures and would improve implementation of those measures</li> <li>Without an Appendix II listing for <i>Dissostichus</i> spp, Secretariat is unlikely to receive information on illegal trade</li> <li>Language on flag vessels in Chilean text would not be legally binding; under Appendix II listing, vessels from CITES Parties could not be used as 'flags of convenience'</li> </ul>
<p>Doc. 16.2.1 CITES and FAO: Synergy and cooperation between CITES and FAO</p> <p><b>Japan</b></p>	<ul style="list-style-type: none"> <li>Article XV, paragraph 2, provides that the Secretariat shall, in respect to proposals to amend the listing on the Appendices of a marine species, "consult inter-governmental bodies having a function in relation to the species, especially with a view to obtaining scientific data these bodies may be able to provide and to ensuring coordination with an conservation measures enforced by such bodies"</li> <li>RC 9.24, on listing criteria, recommends that its text and Annexes be fully reviewed before COP12 with regard to the scientific validity of the criteria, definitions, notes and guidelines and their applicability to different groups of organisms</li> <li>FAO has identified several issues related to CITES listing,</li> </ul>	<ul style="list-style-type: none"> <li>Seeks to increase and enshrine FAO's role in the review of CITES listing criteria (and other issues) with respect to marine species</li> <li>Affirms that FAO and regional fisheries management organizations (RFMOs) are appropriate inter-governmental bodies for fisheries management</li> <li>Declares CITES listing "temporarily" useful to commercially-exploited fish species if (1) no responsible fisheries management organization exists and (2) trade is having a significant negative impact on conservation</li> <li>Recommends that results of FAO Second Technical Consultation, including proposals to amend listing criteria, be</li> </ul>	<p><b>OPPOSE</b></p> <ul style="list-style-type: none"> <li>May be beneficial to list marine species under an RFMO on the Appendices; RFMO's may lack trade control provisions or may need supplementary regulation through CITES; Article XV specifically covers listing of marine species covered by other agreements</li> <li>Restricting listings to when trade is "having a significant negative impact on conservation" contradicts RC 9.24 and violates the treaty text</li> <li>FAO's views on listing criteria or proposals should not take priority over those of other relevant intergovernmental bodies</li> </ul>

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<p>Doc. 16.2.2 FAO collaboration with CITES through a Memorandum of Understanding</p> <p><b>United States of America</b></p>	<p>implementation, and treaty interpretation</p> <ul style="list-style-type: none"> <li>• FAO Subcommittee of Fish Trade has referred a specific recommendation on an MOU between FAO and CITES to the 25<sup>th</sup> Session of the FAO Committee of Fisheries, to be held in February 2003</li> </ul> <ul style="list-style-type: none"> <li>• FAO has identified several issues related to CITES listing, implementation, and treaty interpretation</li> <li>• FAO Subcommittee of Fish Trade has referred a specific recommendation on an MOU between FAO and CITES to the 25<sup>th</sup> Session of the FAO Committee of Fisheries, to be held in February 2003</li> </ul>	<p>incorporated into revisions of Res. 9.24</p> <ul style="list-style-type: none"> <li>• Directs the Secretariat to work with FAO to draft “high level” Memorandum of Understanding (MOU) between FAO and CITES “conceived in FAO establishing framework for cooperation between CITES and the FAO” that would “establish a process, <i>along the lines suggested by FAO</i>, to ensure FAO involvement in scientific evaluation of proposals” (emphasis added)</li> <li>• MOU would “ensure FAO involvement in the scientific evaluation of proposals for listing and down-listing of exploited aquatic species”</li> </ul> <ul style="list-style-type: none"> <li>• Requests Parties to consider a document, from the Eighth session of the FAO Sub-Committee of Fish Trade, recommending a Memorandum of Understanding (MOU) between FAO and CITES</li> <li>• Asks Parties to suggest a course of action and a time-frame for initiating and finalizing an MOU on all CITES-specific issues under review by FAO</li> </ul>	<ul style="list-style-type: none"> <li>• FAO Second Technical Consultation did not reach consensus that substantial amendments to the CITES listing criteria are warranted, or as to the nature of such amendments; no need to delay listing marine species while FAO debates listing criteria</li> <li>• Any MOU between CITES and FAO should be developed with equal input by both organizations, not simply “along lines suggested by FAO”</li> <li>• Reference to “exploited aquatic species” is ambiguous; FAO technical consultations addressed only commercially exploited fish and invertebrate species; involvement of FAO in scientific review of other “aquatic” species may exceed FAO’s mandate and interfere with work of IWC and other bodies</li> <li>• CITES Secretariat noted at Second Technical Consultation that most effective way to ensure effective consideration of FAO issues was to increase communication between FAO and CITES personnel within individual Party governments</li> </ul> <p><b>CONDITIONAL SUPPORT</b></p> <ul style="list-style-type: none"> <li>• SSN supports a broad discussion within CITES of the appropriate relationship between CITES and FAO; efforts to facilitate a more effective CITES-FAO relationship; identifying issues best left to FAO and those more appropriate for CITES</li> <li>• Any specific recommendations from FAO should be evaluated independently by the CITES Parties</li> </ul>
<p>Doc. 16.3 Cooperation and synergy with the Inter-American Convention for the Protection and Conservation of Sea Turtles</p> <p><b>Ecuador</b></p>	<ul style="list-style-type: none"> <li>• Inter-American Convention for the Protection and Conservation of Sea Turtles (IAC) entered into force on 2 May 2001</li> <li>• All sea turtles are listed on Appendix I of CITES</li> <li>• Article XV, paragraph 2(b), states, “For marine species, the Secretariat shall, upon receiving the text of the proposed amendment... consult intergovernmental bodies having a function in relation to those species especially with a view to obtaining scientific data these bodies may be able to provide and to ensuring co-ordination with any conservation measures enforced by such bodies”</li> </ul>	<ul style="list-style-type: none"> <li>• Congratulates the Parties to the IAC on its entry into force</li> <li>• Requests the Secretariat to investigate opportunities for cooperation and coordination between CITES and the IAC</li> <li>• Requests the CITES Secretariat to coordinate its activities with regard to sea turtles and their habitats in the western hemisphere, including future dialogue meetings among Range States, with the Parties and Secretariat of the IAC</li> <li>• Invites the IAC COP to consider ways to improve cooperation and synergy with CITES</li> <li>• Urges Parties to both conventions to promote synergy and to take measures to achieve coordination among the national authorities of each Convention in order to reduce unnecessary duplication of activities</li> </ul>	<p><b>SUPPORT</b></p> <ul style="list-style-type: none"> <li>• IAC is the competent international body for the conservation and management of sea turtles in the western hemisphere</li> <li>• IAC has the support of regional organizations including WIDECAST and OLDEPESCA</li> <li>• International cooperation and coordination of conservation and management strategies among Range States, including regional approaches such as the IAC, are vital for the conservation of sea turtles</li> </ul>
<p>Doc. 16.4.1 CITES and the International Whaling Commission: Cooperation between CITES and the International Whaling Commission</p> <p><b>Mexico</b></p>	<ul style="list-style-type: none"> <li>• CITES prohibits trade in species or stocks protected from whaling by the International Whaling Commission (IWC)</li> <li>• RC 11.4, which consolidates previously adopted resolutions, recommends that the Parties agree not to trade in any species or stock protected from commercial whaling by the International Convention for the Regulation of Whaling</li> <li>• RC 11.4 states the Parties’ desire that the maximum protection possible under CITES be afforded to the cetaceans listed in the Appendices; welcomes the IWC’s request to CITES to “take all possible measures to support the IWC ban on commercial whaling for certain species and stocks of whales”; and expresses concern that international trade in whale products lacks adequate international monitoring or control</li> </ul>	<ul style="list-style-type: none"> <li>• Reiterates that the IWC is the competent international regulatory body charged specifically with the management of whales</li> <li>• Endorses cooperation between CITES and the IWC on matters of international trade and management of whales, and urges CITES Parties to make every effort to ensure that this cooperation continues</li> <li>• Decides that it is premature to transfer any species or stocks of whales from Appendix I to II while the IWC maintains a moratorium on commercial whaling, considering that the IWC is undertaking considerable work to assess the status of whale stocks and finalize a Revised Management Scheme (RMS) to ensure that stocks can be adequately protected</li> </ul>	<p><b>SUPPORT</b></p> <ul style="list-style-type: none"> <li>• Reaffirms that the complementary relationship between the IWC and CITES is crucial for the conservation of whale stocks and reiterates the need to maintain the Appendix I listing of whales</li> <li>• Parties have supported link between CITES and IWC at two previous COPs</li> </ul>
<p>Doc. 17 Sustainable use</p>	<ul style="list-style-type: none"> <li>• CITES takes a precautionary approach in cases of scientific uncertainty—Appendix I applies to species that are <i>or may be</i></li> </ul>	<ul style="list-style-type: none"> <li>• Preamble states that there are difficulties in delisting or downlisting CITES species “even when this has been</li> </ul>	<p><b>OPPOSE</b></p> <ul style="list-style-type: none"> <li>• Preamble and text make it clear that the purpose of</li> </ul>

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<p>and trade in CITES species</p> <p><b>Norway</b></p>	<p>affected by trade; Appendix II applies to species that <i>may become</i> threatened if trade is not subject to strict regulation</p> <ul style="list-style-type: none"> <li>• RC 9.24, on listing criteria, explicitly incorporates the precautionary principle</li> <li>• RC 8.3, though recognizing that commercial trade may be beneficial, recognizes that over-utilization is detrimental to the conservation of wild flora and fauna</li> <li>• RC 10.4, on cooperation and synergy with the Convention on Biological Diversity (CBD) recommends that the Secretariat investigate opportunities whereby CITES can become a partner in implementing appropriate provisions of the CBD</li> <li>• RC 11.1, Annex 2, recognizes that “an effective method of evaluating whether a species is appropriately listed in the CITES Appendices requires a periodic review of its biological and trade status” and directs the Animals and Plants Committees to “undertake a periodic review of animal or plant species included in the CITES Appendices”</li> <li>• Decision 11.116 directs that all timber species currently included in the Appendices be reviewed and the results reported to COP12</li> </ul>	<p>warranted from the CITES criteria or the criteria are no longer applicable”, and that there is a “considerable risk of using trade restrictions as protectionistic (sic) measures under cover of scientific uncertainty”</p> <ul style="list-style-type: none"> <li>• Recommends that CITES cooperate with CBD and FAO to develop “guidelines on the interpretation of the principle of sustainable use” in order to “harmonize” the implementation of CITES with the objective of sustainable use in the CBD and elsewhere</li> <li>• Recommends that the CITES Secretariat, in cooperation with the Committees, develop a proposal to apply CITES listing criteria in a manner that supports the objective of sustainable use, to be adopted at COP13</li> <li>• Recommends that CITES consider automatic reviews of listed species every fifth year, “sunset clauses”, or other ways of “validating the CITES Appendices”</li> </ul>	<p>CITES is to protect species from over-exploitation through international trade, not to promote or facilitate trade</p> <ul style="list-style-type: none"> <li>• Preamble of draft resolution is inconsistent with the precautionary principle (CITES Article II, RC 9.24)</li> <li>• RC 10.4 already addresses cooperation with the CBD</li> <li>• Current process to develop CBD guidelines on sustainable use was criticized by both Parties and observers, at the last CBD COP, as under-inclusive and unbalanced; CITES cannot be “harmonized” with a controversial concept still under development</li> <li>• Listing criteria should advance the conservation objectives of CITES as determined by its Parties, not “the objective of sustainable use” as defined elsewhere, or the objectives of other treaties</li> <li>• Listings can only be changed by a vote of the Parties (Article XV); listings cannot expire under a “sunset clause”</li> </ul> <p>Review processes for listings already exist (e.g. RC 11.1, Annex 2); Parties are already free to propose changes to listings at any time; requiring a review every five years would be cumbersome and unnecessary</p>
<p>Doc. 23.1.1 Appendix I species subject to export quotas : Leopard, report on implementation of Resolution Conf. 10.14 on quotas for leopard hunting trophies and skins for personal use</p> <p><b>Secretariat</b></p>	<ul style="list-style-type: none"> <li>• Leopard, <i>Panthera pardus</i>, is on Appendix I</li> <li>• RC 10.14: sets COP-approved quotas for export of leopard hunting trophies and skins for personal use, and requires that new quotas be approved by the COP; recommends that importing countries be satisfied that imports of no more than two skins per year, acquired in the country of export as personal items that will not be sold in the country of import, are non-commercial if their export is authorized by the legislation of the country of origin; recommends that countries allow the import if each skin is tagged in accordance with RC 10.14; requires each state of export to submit a special report to the Secretariat, by 31 March each year, on the number of trophies and skins exported the previous year; directs the Secretariat to recommend that Parties suspend import of leopard trophies and skins from Parties that do not submit their special reports</li> </ul>	<ul style="list-style-type: none"> <li>• Repeals RC 10.14 or deletes parts (those calling for exporting Parties to submit a special report to the Secretariat each year and the suspension of imports when Parties do not submit the report) on the grounds that none of the Resolution’s provisions deter illegal trade or are necessary to distinguish illegally traded skins from legally traded skins, and there is no evidence that quotas are exceeded</li> </ul>	<p><b>OPPOSE</b></p> <ul style="list-style-type: none"> <li>• Illegal trade in leopard skins exists (e.g. in October 2000 a shop owner in New York City, USA, was charged with selling four African leopard skins); impossible to state how much more illegal trade might exist without all the provisions of RC 10.14</li> <li>• Tanzania exceeded its export quota in 1999 and 2001 as noted in Doc. 23.1.1 (the Secretariat’s explanation that excess leopards were collected in previous years is irrelevant because the COP-approved quota is based on the number exported, not the number collected)</li> <li>• As noted in Doc. 23.1.1, Parties routinely ignore even the minimal annual reporting requirement; imports of leopard trophies and skins from two (Zambia and Malawi) are currently suspended under RC 10.14 because these Parties have not submitted special reports</li> </ul>
<p>Doc. 23.1.2 Appendix I species subject to export quotas: Leopard, amendment to the quota of the United Republic of Tanzania</p> <p><b>United Republic of Tanzania</b></p>	<ul style="list-style-type: none"> <li>• Leopard, <i>Panthera pardus</i>, is on Appendix I</li> <li>• Article III states that, for species on Appendix I, the Management Authority of the State of import shall issue an import permit only after the Scientific Authority of the State of export has advised that the export will not be detrimental to the survival of the species</li> <li>• RC 10.14 sets COP-approved quotas for export of leopard hunting trophies and skins for personal use, recommends that these be accepted by importing Parties as meeting the requirements under Article III, and requires that new quotas be approved by the COP</li> <li>• Tanzania’s annual CITES export quota for leopard has been 250 since COP5 (1985)</li> <li>• RC 9.21 states that whenever the COP has set an export quota for a species listed on Appendix I, this satisfies the requirements of Article III regarding the finding that the export and the import will not be detrimental to the survival of the species, provided that the quota is not exceeded</li> </ul>	<ul style="list-style-type: none"> <li>• Increases Tanzania’s annual CITES export quota for leopard to 500</li> <li>• States that the proposed increase is not based on scientific data but on the potential capacity for the use of leopard by the trophy hunting industry, the ease of hunting leopards in many areas, and the fact that, under RC 10.14, Zimbabwe has a leopard export quota of 500</li> <li>• States that the Wildlife Division grants annual leopard quotas to hunting blocks, the total of which exceeds the CITES quota</li> </ul>	<p><b>OPPOSE</b></p> <ul style="list-style-type: none"> <li>• Tanzania’s current leopard quota, and its proposal to increase the quota, are not scientifically-based; no scientific evidence is provided that the existing quota, or the proposed increase, will not cause a detriment to the survival of the species</li> <li>• Tanzania exceeded its CITES annual export quota of 250 leopards in 1997, 1998, 1999 and 2001 (see table on page 6 of Doc. 23.1.2)</li> </ul>

DOCUMENT / PROPONENT	CURRENT STATUS	EFFECT OF DRAFT RESOLUTION	SSN POSITION
<p>Doc. 29 Verification of the authenticity and veracity of CITES permits and certificates</p> <p><b>Chile</b></p>	<ul style="list-style-type: none"> <li>• Forged CITES permits and stolen security stamps have been the subject of a number of Notifications to the Parties (e.g. 2001/065 on caviar)</li> <li>• Notification 2001/072 notes “an increasing sophistication in recent cases of forgery and fraudulent use of CITES permits and certificates”, some bearing security stamps removed from genuine permits (though new security stamps are difficult to remove)</li> <li>• Only effective method of detecting fraud is direct confirmation of the validity of permits with the issuing Authority; this is often a time-consuming process</li> <li>• Decision 11.26 states, “The Parties should check with the Secretariat when they have doubts about the validity of permits accompanying suspect shipments”</li> </ul>	<ul style="list-style-type: none"> <li>• Recommends that the Parties develop an internet domain for posting updated information on issued CITES permits and certificates; if necessary, access to information on the site should be restricted to Management Authorities by means of passwords or access codes</li> <li>• Directs the Secretariat to evaluate the possibility of establishing a centralized communication network, via the CITES web site, that will allow Parties to verify the authenticity and validity of CITES permits and certificates</li> </ul>	<p><b>CONDITIONAL SUPPORT</b></p> <ul style="list-style-type: none"> <li>• Internet could be a valuable tool for rapid detection of fraud</li> <li>• Difference between the proposed system and the one the Secretariat is asked to evaluate not clear, in particular with respect to budgetary and staffing requirements</li> <li>• Internet security should be considered in development of any authentication system</li> </ul> <p>Parties should consider potential funding mechanisms for establishing either system</p>
<p>Doc. 30 Implementation of CITES in the European Community</p> <p><b>Denmark</b></p>	<ul style="list-style-type: none"> <li>• The Gaborone amendment, which would allow regional economic integration organizations (such as the EU) to accede to Cites, passed in 1983 but has not entered into force</li> <li>• RC 6.5 (Rev.) notes that border controls within the EU have been abolished, and requests the EU to establish a Community inspectorate</li> <li>• RC 8.2 expresses concern about enforcement and implementation of CITES in the EU, and urges EU Parties to complete development of appropriate implementing legislation; calls for ratification of Gaborone Amendment</li> </ul>	<ul style="list-style-type: none"> <li>• States that the concerns raised by RCs 6.5 and 8.2 have been addressed, particularly by 1997 regulations, and that all EU countries are now Parties to CITES</li> <li>• Recommends repeal of RCs 6.5 and 8.2</li> <li>• Urges ratification of Gaborone Amendment before COP13</li> </ul>	<p><b>OPPOSE</b></p> <ul style="list-style-type: none"> <li>• CITES implementation and enforcement problems continue to exist in the EU, and may contravene Article VIII</li> <li>• For example, TRAFFIC (2002) concluded that “enforcement is not given an adequately high priority” in the UK: out of 130,800 items seized, only one case was prosecuted</li> <li>• Loss of national border controls means that movement of CITES specimens among EU member states cannot be monitored</li> <li>• Overseas territories remain an important destination for illegal CITES specimens (e.g. 1,200 radiated tortoises (<i>Geochelone radiata</i>) shipped to La Réunion (France) in June 2002)</li> <li>• RCs 6.5 and 8.2 should not be repealed until existing enforcement and implementation problems are resolved; RC 8.2 could be amended to reflect that all EU member states are now Parties to CITES</li> </ul>
<p>Doc. 31 Trade in bear specimens</p> <p><b>Secretariat</b></p>	<ul style="list-style-type: none"> <li>• RC 10.8 “urges” Parties to confirm, adopt or improve national legislation “to demonstrably reduce the illegal trade in bear parts and derivatives” and to increase CITES enforcement, control export as well as import, encourage new national efforts to target and eliminate illegal markets, focus on wildlife law enforcement training, and engage in bilateral conservation and enforcement agreements</li> <li>• Decision 11.43 requests information from Parties on existing national legislation to control the bear parts trade, including penalties for violations</li> <li>• Decision 11.44 urges Parties to share forensic technology for bear parts identification</li> <li>• Decision 11.45 suggests that Parties consider adopting domestic legislation to implement restrictions on trade in bear parts and derivatives</li> <li>• Decision 11.46 encourages Parties to apply recommendations of the CITES Tiger Missions to matters regarding the trade in bear parts.</li> </ul>	<ul style="list-style-type: none"> <li>• Notes that the Standing Committee supports all Parties having adequate national legislation to implement the Convention for all species, including bears, together with appropriate penalties, as well as consumer information campaigns, and inter-agency cooperation</li> <li>• Recommends repeal of “urges” paragraph of RC 10.8 on the grounds that, to implement the Convention, Parties should be addressing these issue, regardless of the species; the Secretariat does not favor a species-specific approach</li> <li>• Recommends deletion of Decisions 11.43 through 11.46, and 11.80</li> <li>• Recognizes that illegal bear parts trade is still a matter of concern and requests information on seizures</li> <li>• Calls upon relevant Parties to make it clear to producers of bile products derived from bear “farms” that it is illegal for these products to enter international trade</li> </ul>	<p><b>OPPOSE THE FOLLOWING</b></p> <ul style="list-style-type: none"> <li>• “Urges” paragraph of RC 10.8 remains relevant, though only a few Parties have addressed it and the Decisions from COP11</li> <li>• Species-specific resolutions have allowed the Secretariat to undertake important work for a number of species (tigers, sturgeon, elephants); their high public profile helps raise funds for CITES programs that might not be otherwise available</li> </ul> <p><b>SUPPORT THE FOLLOWING</b></p> <ul style="list-style-type: none"> <li>• Agree that Parties must improve their national legislation and enforcement, including training and bilateral conservation efforts, and agree on importance of educating producers and consumers</li> </ul>
<p>Doc. 34.3 Conservation of elephants and trade in elephant specimens: revision of Resolution Conf.</p>	<ul style="list-style-type: none"> <li>• RC 10.10 (Rev.) calls for registry of ivory carvers and dealers, and control of domestic trade in ivory</li> <li>• RC 10.10 (Rev.) sets out objectives for the Monitoring the Illegal Killing of Elephants (MIKE) program and the Elephant Trade Information System (ETIS), including assessing whether observed trends in elephant poaching and ivory trade are related to changes in the listing of elephant populations on the</li> </ul>	<ul style="list-style-type: none"> <li>• Recommends that countries with established ivory manufacturing industries and those known to be major ivory consumers take further steps to regulate their domestic retail trade in ivory and assist in educating tourists about the illegality of importing ivory into their home countries</li> <li>• Urges Secretariat to assist Parties in improving legislative, registry and enforcement measures, and directs Standing</li> </ul>	<p><b>SUPPORT</b></p> <ul style="list-style-type: none"> <li>• The market for ivory tourist souvenirs remains a serious threat to elephants in both Asia and Africa</li> <li>• Though MIKE was established to detect and assess impact of COP10 decisions on elephant poaching, there are insufficient baseline data from before COP10 to make that assessment; MIKE is clearly unable to fulfill its</li> </ul>

DOCUMENT / PROPONENT	CURRENT STATUS	EFFECT OF DRAFT RESOLUTION	SSN POSITION
<p>10.10 (Rev.) on trade in elephant specimens</p> <p><b>India and Kenya</b></p>	<p>Appendices or resumption of legal international trade in ivory</p> <ul style="list-style-type: none"> <li>Information on poaching produced by MIKE, and information on seizures collected in the Elephant Trade Information System (ETIS) are made available at each COP</li> </ul>	<p>Committee to review regularly actions taken by consumer states</p> <ul style="list-style-type: none"> <li>Removes from MIKE the task of assessing whether observed trends in elephant poaching and ivory trade are related to changes in the listing of elephant populations or resumption of legal trade</li> <li>Redefines the purpose of MIKE as “to improve the ability of Range States to monitor their elephant populations, detect changes in levels of illegal killing, and to implement and enforce domestic legislation and CITES”</li> <li>Directs that reports on MIKE and ETIS be made to each Standing Committee meeting (i.e. annually)</li> </ul>	<p>original mandate</p> <ul style="list-style-type: none"> <li>Funding earmarked for assessment of effects of listing changes should be diverted to capacity-building in Range States and ensuring that African elephant managers are able to continue to protect elephants after MIKE funding ends</li> <li>Annual reports on MIKE and ETIS will assist Parties</li> </ul>
<p>Doc. 35 Conservation and trade in rhinoceroses</p> <p><b>Secretariat</b></p>	<ul style="list-style-type: none"> <li>RC 9.14 (Rev.) recommended that rhinoceros Range States and other relevant Parties “submit a report to the Secretariat, according to an agreed format, at least six months prior to each meeting of the Conference of the Parties,” providing details on the status of wild and captive populations, incidents of illegal hunting and trade and law enforcement activities</li> <li>Only two Range States (Namibia, South Africa) responded with information on the above issues within the given deadline (30<sup>th</sup> April 2002).</li> <li>RC 9.14 (Rev.) also directed the Secretariat “to develop a standard format for these reports, to evaluate the reports as well as any information it has received related to trade in rhinoceros parts and derivatives, and to submit a written summary of these for consideration at each meeting of the Conference of the Parties”</li> <li>The Secretariat later expressed its view to the Parties that no further elaboration of a standard report form was required</li> </ul>	<ul style="list-style-type: none"> <li>Recommends the repeal of RC 9.14 (Rev.) on the grounds that: only two Range States carried out the actions requested; absence of reporting mechanisms means that the status of implementation of the operative parts of the Resolution was difficult to evaluate; even if the Resolution were implemented, an improvement in trade controls and rhinoceros conservation would be unlikely; and the provisions of the Resolution could equally be afforded to other species</li> </ul>	<p><b>OPPOSE</b></p> <ul style="list-style-type: none"> <li>Parties adopted RC 9.14 as important for rhinoceros conservation; poor implementation should lead to efforts to improve the situation, not to repeal</li> <li>Secretariat should produce standard format for the reports</li> <li>Rhinoceros conservation should continue to receive special attention as it is one of the clearest examples of illegal trade driving species to the brink of extinction.</li> <li>Species-specific resolutions have allowed the Secretariat to undertake important work for a number of species (tigers, sturgeon, elephants); their high public profile helps raise funds for CITES programs that might not be otherwise available</li> <li>Secretariat does not indicate how it would mandate submission of reports on high-profile endangered species if RC 9.14 is repealed</li> <li>Requiring authorities to gather and analyze data on population and trade keeps profile of the species high on national agenda</li> </ul>
<p>Doc. 37 Conservation and control of trade in Tibetan antelope</p> <p><b>Secretariat</b></p>	<ul style="list-style-type: none"> <li>Tibetan antelope (<i>Panthalops hodgsoni</i>) is listed on Appendix I; its wool is the source of shahtoosh</li> <li>India has not implemented a ban on the manufacture of shahtoosh</li> <li>In the last two years, seizures of raw wool, raw hides and shawls internationally have been high; 3,459 raw hides, 269 kilograms of raw wool and 172 shahtoosh shawls were seized between 2000 and June 2002</li> <li>RC 11.8 recommends that: (a) Parties adopt comprehensive legislation and enforcement controls in order to reduce the illegal trade in Tibetan antelope products by COP12</li> <li>RC 11.8 directs (b) the Secretariat to report to the Standing Committee, at its 45th meeting, on implementation of this Resolution; and (c) the Standing Committee to review this report and to report to COP12</li> <li>RC 11.8 urges (a) the processing countries of the products of Tibetan antelope to continue their efforts to ban the processing of Tibetan antelope wool; and (c) relevant Parties to designate a contact point and to provide contact details to the Secretariat in order to establish a network to assist in the control of illegal trade in Tibetan antelope parts and derivatives</li> </ul>	<ul style="list-style-type: none"> <li>Amends RC 11.8 by: deleting paragraph a) under “recommends”, because all Parties are obliged to enact legislation to implement the Convention, verification of such legislation is already dealt with, specific legislation to control trade in a species listed in Appendix I is superfluous, it is unrealistic to establish deadlines by which a reduction in illegal trade should be achieved and, no data exist against which a reduction could be measured; deleting paragraphs b) and c) under “directs” because they are no longer relevant; adding the words “and, in particular, that the State of Jammu and Kashmir in India halts the processing of such wool and the manufacture of shahtoosh products” to paragraph a) under “urges” after the word “wool”, in order support the Government of India and the High Court of Jammu and Kashmir; deleting paragraph c) under “urges” because such cooperation has already been called for with regard to the general enforcement of the Convention and should not be restricted to species-specific issues</li> <li>The Secretariat states it does not believe that there are any species-specific issues regarding Tibetan antelope that the Conference of the Parties needs to address</li> </ul>	<p><b>OPPOSE</b></p> <ul style="list-style-type: none"> <li>Species-specific resolutions have allowed the Secretariat to undertake important work for a number of species (tigers, sturgeon, elephants); their high public profile helps raise funds for CITES programs that might not be otherwise available</li> <li>Many Resolutions have deadlines; recommends (a) should be amended to require Parties to report, by CoP13, what new action / initiatives they have taken to demonstrably reduce trade</li> <li>Secretariat should be directed to continue to report to future meetings; Parties should agree to take stricter action against Parties that fail to provide information; there should be a method for non-governmental organizations and others to provide independent information</li> <li>India’s opinion on addition of wording to urges (a) should be sought</li> <li>Parties should take action on enforcement, public awareness, and forensic identification</li> <li>A system for registration of stocks of Tibetan Antelope products should be adopted</li> </ul>
<p>Doc. 38 Controlled trade in specimens of abundant</p>	<ul style="list-style-type: none"> <li>CITES prohibits trade in species or stocks protected from whaling by the International Whaling Commission (IWC)</li> <li>RC 11.4, which consolidates previously adopted resolutions, recommends that the Parties agree not to trade in any species</li> </ul>	<ul style="list-style-type: none"> <li>Repeals RC 11.4</li> <li>States that IWC moratorium on commercial whaling is not scientifically supported and implies CITES should follow the advice of the IWC’s Scientific Committee, not the IWC itself</li> </ul>	<p><b>OPPOSE</b></p> <ul style="list-style-type: none"> <li>Repeal of RC 11.4 would destroy cooperation between IWC and CITES (attempts to repeal cetacean Resolutions were rejected at COP10 and COP11)</li> </ul>

DOCUMENT / PROPONENT	CURRENT STATUS	EFFECT OF DRAFT RESOLUTION	SSN POSITION
cetacean stock  <b>Japan</b>	or stock protected from commercial whaling by the International Convention for the Regulation of Whaling <ul style="list-style-type: none"> <li>RC 11.4 states the Parties' desire that the maximum protection possible under CITES be afforded to the cetaceans listed in the Appendices; welcomes the IWC's request to CITES to 'take all possible measures to support the IWC ban on commercial whaling for certain species and stocks of whales'; and expresses concern that international trade in whale products lacks adequate international monitoring or control</li> </ul>	<ul style="list-style-type: none"> <li>Affirms that decisions on whale downlisting proposals should be based on scientific information and CITES criteria, including the precautionary measures of RC 9.24</li> <li>Decides that the trade in whale products originating from downlisted stocks should be limited to IWC Parties that have established DNA register systems</li> <li>States that properly restricted whaling and trade will pose no threat to whale stocks or stimulate illegal hunting and trade</li> <li>States that principles of sustainable use should guide implementation of CITES</li> </ul>	<ul style="list-style-type: none"> <li>Will lead to whaling under inadequate national management – i.e. outside control of IWC and before IWC has lifted its moratorium on whaling</li> <li>Undermines IWC by suggesting CITES should give priority to IWC Scientific Committee rather than decisions of its Parties</li> <li>Decisions on down-listing proposals are based on RC 9.24</li> <li>IWC has not approved national DNA register systems (as opposed to an international registry open to scrutiny)</li> <li>No data to support conclusion that whaling will not harm stocks or stimulate illegal trade; CITES Resolutions should not be used to force unsupported conclusions</li> </ul>
Doc. 40 Conservation of and trade in pancake tortoise <i>Malacochersus tornieri</i>  <b>Kenya</b>	<ul style="list-style-type: none"> <li>Pancake tortoise, <i>Malacochersus tornieri</i>, is listed on Appendix II</li> <li>Species occurs naturally only in Kenya and Tanzania; Kenya permits exports only under special circumstances; Tanzania permits exports from captive (ranching) operations; non-Range States have exported the species in recent years</li> <li>Trade in the species was reviewed under RC 8.9 (the Significant Trade Process) ten years ago; this resulted in a recommendation that Parties not accept imports of this species from Tanzania, later revised to allow Tanzania to export captive-born (ranching) specimens; no measures were taken regarding exports from non-Range States</li> <li>COP11 proposal by Kenya to list the species on Appendix I was withdrawn</li> </ul>	<ul style="list-style-type: none"> <li>Directs Animals Committee to establish a Pancake Tortoise Working Group to develop recommendations for consideration at COP13 on measures to improve conservation and control trade in live specimens; Working Group would determine whether existing captive (ranching) operations conform to certain standards, including that export quotas do not exceed the reproductive capacity of the operation or the species, and that specimens produced for export are marked with implanted transponders</li> </ul>	<b>SUPPORT</b> <ul style="list-style-type: none"> <li>Females do not produce more than two eggs per year in captivity yet there is evidence that the ratio of hatchlings to adult females in most captive (ranching) operations exceeds 2:1; this may indicate that hatchlings are being removed from the wild for export, causing a detriment to wild populations</li> <li>Exports of specimens from non-Range States needs to be addressed</li> <li>Marking of specimens exported from captive (ranching) operations would assist enforcement efforts</li> </ul>
Doc. 41.1 Conservation of sharks: conservation and management of sharks  <b>Australia</b>	<ul style="list-style-type: none"> <li>The FAO adopted the International Plan of Action for the Conservation and Management of Sharks (IPOA-Sharks) in 1999</li> <li>IPOA is intended to improve the worldwide conservation and management of shark species</li> <li>For IPOA to be implemented, States with shark fisheries are requested to implement their own National Plans of Action for Sharks; to date, few States have done so</li> <li>Trade regulation is not within the ambit of IPOA -Sharks</li> <li>IPOA-Sharks is a voluntary instrument</li> <li>Implementation of IPOA-Sharks has been extremely poor</li> <li>Decision 11.94 directs the Chair of the Animals Committee to maintain liaison with the Secretary of the Committee on Fisheries of the FAO to monitor implementation of IPOA-Sharks, and report to COP12 on progress made</li> </ul>	<ul style="list-style-type: none"> <li>Ensures the continuation of the liaison between CITES and the FAO through the CITES Animals Committee</li> <li>Results in a review of progress made in implementation of IPOA-Sharks one year prior to COP13</li> <li>Requires Parties to identify endangered shark species that would benefit from CITES listing, should their conservation status fail to improve</li> <li>Highlights lack of progress in IPOA-Sharks</li> <li>Makes recommendations on the role to be played by CITES in ensuring that the IPOA-Sharks is implemented</li> </ul>	<b>SUPPORT</b> <ul style="list-style-type: none"> <li>Escalating unregulated and unreported trade contributing to increasingly unsustainable fishing for a number of shark species</li> <li>CITES should undertake further work, as the only instrument that can regulate international trade in shark species, to improve the conservation and management of particular shark species and to supplement IPOA-Sharks</li> <li>CITES must not delay this work while waiting for further progress on the IPOA</li> <li>Secretariat should be directed to express concern to the FAO at the lack of progress in implementing IPOA-Sharks</li> <li>Animals Committee should review progress towards IPOA-Sharks</li> <li>Animals Committee should examine information provided by Range States to identify key candidate species for possible listing under CITES</li> <li>CITES Parties that are also members of the FAO should provide information on their progress in implementing a National Plan of Action for Sharks</li> <li>Chair of Animals Committee should continue the activities set out in Decision 11.94</li> <li>Ecuador and Australia should consider combining Docs 41.1 and 41.2, so that the operative provisions of each draft resolution are retained</li> </ul>
Doc. 41.2 Conservation of sharks: conservation of	<ul style="list-style-type: none"> <li>The FAO adopted the International Plan of Action for the Conservation and Management of Sharks (IPOA-Sharks) in 1999</li> <li>IPOA is intended to improve the worldwide conservation and</li> </ul>	<ul style="list-style-type: none"> <li>Highlights lack of progress in implementing the IPOA-Sharks</li> <li>Directs the Secretariat to urge the FAO to encourage greater implementation of the IPOA-Sharks</li> </ul>	<b>SUPPORT</b> <ul style="list-style-type: none"> <li>Ensures continuation of the liaison between CITES and the FAO</li> <li>Provides for useful conservation measures by the</li> </ul>



DOCUMENT / PROPONENT	CURRENT STATUS	EFFECT OF DRAFT RESOLUTION	SSN POSITION
<p>and trade in sharks</p> <p><b>Ecuador</b></p>	<p>management of shark species</p> <ul style="list-style-type: none"> <li>• For IPOA to be implemented, States with shark fisheries are requested to implement their own National Plans of Action for Sharks; to date, few States have done so</li> <li>• Trade regulation is not within the ambit of IPOA -Sharks</li> <li>• IPOA-Sharks is a voluntary instrument</li> <li>• Implementation of IPOA-Sharks has been extremely poor</li> <li>• Decision 11.94 directs the Chair of the Animals Committee to maintain liaison with the Secretary of the Committee on Fisheries of the FAO to monitor implementation of IPOA-Sharks, and report to COP12 on progress made</li> </ul>	<ul style="list-style-type: none"> <li>• Directs the Chair of the Animals Committee to maintain liaison with the FAO in monitoring implementation of the IPOA-Sharks</li> <li>• Recommends that the Animals Committee liaise with the FAO to commission an ongoing report on the biological, fisheries and trade status of highly migratory and straddling shark species listed in the UN Straddling Stocks Agreement, and to highlight ten species at a time for the consideration of each Animals Committee meeting; the Animals Committee is directed to review this report and to make recommendations to COP13 and all subsequent COPs.</li> <li>• Directs the Animals Committee to prioritize any shark species listed in the Appendices at COP12 within the Significant Trade Process</li> <li>• Urges the Parties to implement IPOA-Sharks and to report on their progress to COP13</li> <li>• Urges the Parties, in light of the negative response from the World Customs Organization regarding the standardization of tariffs, to expand their national Customs classifications to identify separate shark products in trade, by species where possible</li> <li>• Urges Regional Fisheries Management Organizations to carry out the research and data-collection identified by the FAO as necessary for the implementation of IPOA -Sharks</li> </ul>	<p>Animals Committee, the Parties and Regional Fisheries Management Organizations</p> <ul style="list-style-type: none"> <li>• In light of the significant volume and uncertain impact of trade, listed shark species should be given priority in the significant trade review process</li> <li>• Identifying shark products in trade by species, when possible, will contribute greatly to the assessment of the impacts of trade on particular species and populations</li> <li>• Ecuador and Australia should consider combining Docs 41.1 and 41.2, so that the operative provisions of each draft resolution are retained</li> </ul>
<p>Doc. 44 Conservation and trade in <i>Dissostichus</i> species</p> <p><b>Australia</b></p>	<ul style="list-style-type: none"> <li>• <i>Dissostichus</i> species (toothfish) are not currently listed on the Appendices</li> <li>• <i>D. elegendoides</i> (Patagonian toothfish) and <i>D. mawsoni</i> (Antarctic toothfish) have been proposed for listing on Appendix I</li> <li>• <i>Dissostichus</i> fisheries are managed by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)</li> <li>• The annotation to the <i>Dissotichus</i> spp. Appendix II listing proposal provides that States party to CITES conducting trade in <i>Dissostichus</i> spp. in compliance with CCAMLR measures, including the Catch Documentation Scheme, shall be regarded as having fulfilled their obligations under CITES</li> <li>• CCAMLR has invited countries involved in harvesting and trade in <i>Dissostichus</i> spp. to join CCAMLR or voluntarily implement its conservation measures such as the Catch Document Scheme</li> </ul>	<ul style="list-style-type: none"> <li>• Sets out implementation arrangements for the listing of <i>Dissostichus</i> spp. in Appendix II</li> <li>• Agrees that CCAMLR is the international organization responsible for the conservation and rational use of Antarctic marine living resources in the CCAMLR Convention Area; that it will continue to manage trade in <i>Dissostichus</i> spp. from within its Convention Area; and that the advice of the CCAMLR Scientific Committee in respect of annual catch limits is a non-detriment finding for <i>Dissostichus</i> spp.</li> <li>• Accepts that a CCAMLR <i>Dissostichus</i> Catch Document (DCD) is an acceptable substitute for a CITES Certificate of Introduction from the Sea or Export Permit</li> <li>• Agrees that a Certificate of Introduction from the Sea will be required for <i>Dissostichus</i> spp. not taken within the Exclusive Economic Zone, territorial sea or the internal waters of a State, or in the archipelagic waters or an archipelagic State</li> <li>• Urges Parties to consult with the CCAMLR Secretariat prior to issuing a Certificate of Introduction from the Sea for <i>D. elegendoides</i></li> <li>• Resolves that Parties should only issue a Certificate for Introduction from the Sea for specimens taken legally, in waters not under jurisdiction of a coastal State or from within the CCAMLR Convention Area, and in a manner "consistent with the long-term conservation and sustainable harvesting" of the species</li> <li>• Recommends that the Animals Committee, in consultation with the CCAMLR Scientific Committee, examines trade in <i>Dissostichus</i> spp. and report to the next COP on additional measures that might be required</li> <li>• Recommends that Parties inform the Secretariat about legal exporters of <i>Dissostichus</i> spp.; directs the Secretariat to establish procedures to exchange information with CCAMLR</li> </ul>	<p><b>SUPPORT</b></p> <ul style="list-style-type: none"> <li>• Illegal, Unregulated and Unreported (IUU) fisheries deliberately seek out non-CCAMLR countries to land, import and export <i>D. elegendoides</i></li> <li>• Approximately 50% of international trade in <i>Dissostichus</i> spp. is from IUU fisheries, significantly undermining the effectiveness of CCAMLR's conservation measures</li> <li>• By applying trade controls, Resolution restricts the opportunity for IUU fisheries to trade toothfish catches through non-CCAMLR Parties</li> <li>• CCAMLR Parties will be largely unaffected by <i>Dissostichus</i> CITES listing, removing the need for unnecessary duplication between CITES and CCAMLR</li> <li>• CCAMLR continues to set annual quotas for <i>Dissostichus</i> fishing within the CCAMLR Convention Area</li> </ul>

DOCUMENT / PROPONENT	CURRENT STATUS	EFFECT OF DRAFT RESOLUTION	SSN POSITION
<p>Doc. 45 Trade in sea cucumbers in the families Holothuridae and Stichopodidae</p> <p><b>United States of America</b></p>	<ul style="list-style-type: none"> <li>No sea cucumbers (Echinodermata: Holothuroidea) are listed on the Appendices</li> <li>Trade in sea cucumbers as a luxury food item (bêche-de mer or trepang), for aquaria and for biomedical research has increased worldwide since the late 1980s; reported by 1995 to have reached a global annual volume of over 13,000 metric tons, valued at about US\$60 million; figure may be an underestimate; some 30 species of sea cucumber are currently collected</li> <li>Sea cucumbers are vulnerable to over-exploitation due to their late maturity, density-dependent reproduction, low survival of larvae, and ease of collection; also threatened by habitat degradation and loss</li> <li>Because sea cucumbers reproduce by broadcasting gametes, populations must be at a certain density for fertilization success; over-collecting can make population recovery difficult, and populations may require 50 years to rebuild; fisheries for <i>Holothuria nobilis</i> and <i>H. scabra</i> have collapsed in a number of locations</li> <li>Hong Kong SAR, Singapore and Chinese Taipei are main international markets; with China, Malaysia, Korea and Japan, these markets account for almost 90% of total imports; Indonesia and Philippines major producers and exporters; illegal trade reported in Australia, Ecuador (Galapagos), Venezuela, USA and Seychelles</li> <li>Currently no legal international measures protect sea cucumbers</li> <li>insufficient knowledge to develop models for rational management of fisheries</li> </ul>	<ul style="list-style-type: none"> <li>Addresses question of whether listing sea cucumbers on Appendix II is appropriate (data suggest they qualify)</li> <li>Notes that CITES needs to address taxonomic and identification difficulties: scarcity of data on which non-detriment findings could be based and difficulties in determining country of origin</li> <li>Argues need to: establish dialogue among Parties, scientists and stakeholders; encourage continued research on sea cucumber taxonomy and biology; and improve collection of data on impacts of trade and population status</li> <li>Notes that research and capacity-building are necessary for proper management of sea cucumbers</li> <li>Recommends that the issue be discussed at COP12 and referred to the Animals Committee for further action</li> </ul>	<p><b>SUPPORT</b></p> <ul style="list-style-type: none"> <li>Extensive unsustainable collection and trade should make sea cucumbers a priority item for CITES</li> <li>Uncontrolled sea cucumber fisheries (e.g. in Galapagos) have engaged in massive over-fishing, illegal trade in other species and habitat degradation</li> <li>Animals Committee should be directed to develop ways of making CITES action effective, in collaboration with Range and trading States, scientists and non-governmental organizations</li> <li>Search for funding to carry out necessary research and capacity-building should be a priority</li> </ul>
<p>Doc. 47 Conservation of <i>Swietenia macrophylla</i>: report of the Mahogany Working Group</p> <p><b>Secretariat</b></p>	<ul style="list-style-type: none"> <li>Bigleaf mahogany (<i>S. macrophylla</i>) is listed on Appendix III by five Range States</li> <li>Decision 11.4 establishes a Mahogany Working Group (MWG) to, <i>inter alia</i>, review the effectiveness of Appendix III listings, analyze legal and illegal trade, review the status of the species, and report its findings to COP12</li> <li>Nicaragua proposes listing <i>S. macrophylla</i> on Appendix II at COP12</li> </ul>	<ul style="list-style-type: none"> <li>Reports conclusions of MWG, including: while some countries have made progress in implementing Appendix III listings, some Range States have experienced difficulties; trade data show inconsistencies in import and export figures and information; illegal trade exists; there are problems with border control measures between Range States and/or importing countries; forest cover has been reduced in parts of the range, and population levels are undetermined in some countries</li> <li>Recommends: Extend mandate of MWG to COP13; Range States should ask UNEP-WCMC to provide annual comparative tabulations of import and export figures; importing countries detecting illegal mahogany shipments should immediately inform country of origin; TRAFFIC should study levels of illegal trade; Range States should seek financial support to prepare population studies necessary to ensure sustainable utilization of mahogany; Secretariat should seek funds to facilitate CITES implementation in Range States for mahogany; Range States to distribute information on their mahogany management practices; specific border control problems between neighboring countries should be resolved</li> </ul>	<p><b>SUPPORT IN PART</b></p> <ul style="list-style-type: none"> <li>Further information and cooperation to address illegal trade in bigleaf mahogany is needed; mandate of the MWG should be extended until COP13</li> <li>Recommendations of the MWG are not sufficient to address the urgent threat to this species posed by continuing unsustainable trade; they are a supplement, not an alternative, to the</li> <li>Appendix II listing proposal for mahogany submitted by Nicaragua</li> <li>Comparative tabulations of trade data, while helpful, will not themselves reduce discrepancies</li> <li>MWG recommendations address illegal trade, but do little to address legal, but unsustainable, trade in this species</li> <li>Sustainability of future trade in this species cannot be ensured in the absence of Appendix II non-detriment findings</li> </ul>
<p>Doc. 49 Nationally established export quotas for Appendix II species: the scientific basis for</p>	<ul style="list-style-type: none"> <li>Most annual export quotas for Appendix-II species are set voluntarily by Parties; their use is increasing</li> <li>No procedures for the use, establishment, implementation and monitoring of voluntary national annual export quotas; RC 10.2 (Rev.) on Permits and Certificates only requires Parties to inform the Secretariat of quotas before issuing export permits and of any quota changes, and to state on the permit the number of</li> </ul>	<ul style="list-style-type: none"> <li>Directs the Animals Committee to establish an Export Quota Working Group to develop guidelines for Parties on establishing, implementing, monitoring and reporting national export quotas for CITES-listed taxa for adoption at COP13</li> <li>Docs. 49 and 50.2 are companion documents and must be read together. Annex 3 of Doc. 50.2 contains draft terms of reference for the proposed Export Quota Working Group</li> </ul>	<p><b>SUPPORT</b></p> <ul style="list-style-type: none"> <li>There is a clear need for procedures for the use, establishment, implementation and monitoring of voluntary national annual export quotas</li> <li>Terms of Reference for the Export Quota Working Group need to include means of addressing quota overages</li> </ul>

DOCUMENT / PROPONENT	CURRENT STATUS	EFFECT OF DRAFT RESOLUTION	SSN POSITION
quota establishment and implementation  <b>United States of America</b>	specimens exported and the quota <ul style="list-style-type: none"> <li>• There is no requirement that the establishment of export quotas be based on non-detriment findings</li> <li>• Export quotas are regularly exceeded; in 1999, 67 quotas were potentially exceeded for fauna and 2 for flora; about half the overages were at least 150% of the reported quota; there is no process for addressing quota overages</li> <li>• Quotas have been circumvented by describing specimens as ranched or captive bred</li> </ul>		
Doc. 50.1 Management of export quotas: improving the management of annual export quotas and amendment of Resolution Conf. 10.2 (Rev.) Annex 1 on permits and certificates  <b>Germany</b>	<ul style="list-style-type: none"> <li>• Most annual export quotas for Appendix-II species are set voluntarily by Parties; their use is increasing</li> <li>• No procedures for the use, establishment, implementation and monitoring of voluntary national annual export quotas; RC 10.2 (Rev.) on Permits and Certificates only requires Parties to inform the Secretariat of quotas before issuing export permits and of any quota changes, and to state on the permit the number of specimens exported and the quota</li> <li>• There is no requirement that the establishment of export quotas be based on non-detriment findings</li> <li>• Export quotas are regularly exceeded; in 1999, 67 quotas were potentially exceeded for fauna and 2 for flora; about half the overages were at least 150% of the reported quota; there is no process for addressing quota overages</li> <li>• Quotas have been circumvented by describing specimens as ranched or captive bred</li> </ul>	<ul style="list-style-type: none"> <li>• Amends RC 10.2 (Rev.) to introduce guidelines regarding export quotas</li> <li>• Guidelines call for: non-detriment findings prior to submission of quotas; deadline for submitting quotas; quotas to refer to wild caught specimens unless otherwise stated; quotas set according to sources (e.g. wild-caught or ranched) to be stated on export permits; Secretariat approval for export in following years of specimens obtained in preceding years; quota to be automatically set at previous year's level if Secretariat is not notified of a change; importing countries not to accept export permits and re-export certificates that do not comply with the guidelines</li> </ul>	<b>CONDITIONAL SUPPORT</b> <ul style="list-style-type: none"> <li>• The draft guidelines are an improvement on the current situation and, if amended in accordance with the concerns mentioned in Doc 49 and Doc. 50.2, could act as an interim measure pending the recommendations of an Export Quota Working Group</li> <li>• Guidelines should be modified as follows:               <ul style="list-style-type: none"> <li>• Paragraph (c): unless specified, quotas should be assumed to include all sources, not just wild caught (to stop circumvention of quotas);</li> <li>• Paragraphs (e) and (f): if a quota has not been used up in one year the remaining specimens should not be allowed to be exported in addition to the annual quota of the next year;</li> <li>• Paragraphs (a) and (g): quotas must always be based on current, scientifically based non-detriment findings and should automatically be set at zero if a Party fails to inform the Secretariat of its new quota by the end of November of the preceding year</li> </ul> </li> </ul>
Doc. 50.2 Management of export quotas: implementation and monitoring of nationally established export quotas for species listed in Appendix II of the Convention  <b>United States of America</b>	<ul style="list-style-type: none"> <li>• Most annual export quotas for Appendix-II species are set voluntarily by Parties; their use is increasing</li> <li>• No procedures for the use, establishment, implementation and monitoring of voluntary national annual export quotas; RC 10.2 (Rev.) on Permits and Certificates only requires Parties to inform the Secretariat of quotas before issuing export permits and of any quota changes, and to state on the permit the number of specimens exported and the quota</li> <li>• There is no requirement that the establishment of export quotas be based on non-detriment findings</li> <li>• Export quotas are regularly exceeded; in 1999, 67 quotas were potentially exceeded for fauna and 2 for flora; about half the overages were at least 150% of the reported quota; there is no process for addressing quota overages</li> <li>• Quotas have been circumvented by describing specimens as ranched or captive bred</li> </ul>	<ul style="list-style-type: none"> <li>• Directs the Animals Committee to establish an Export Quota Working Group to develop guidelines for Parties on establishing, implementing, monitoring and reporting national export quotas for CITES-listed taxa for adoption at COP13</li> <li>• Docs. 49 and 50.2 are companion documents and must be read together. Annex 3 of Doc. 50.2 contains draft terms of reference for the proposed Export Quota Working Group</li> </ul>	<b>SUPPORT</b> <ul style="list-style-type: none"> <li>• There is a clear need for control of nationally established export quotas</li> <li>• The terms of reference for the Export Quota Working Group need to include means of addressing quota overages</li> </ul>
Doc. 52.2 Movements of collections of samples: use of certificates for movements of sample collections, covered by an ATA or TIR carnet and made of parts or derivatives of	<ul style="list-style-type: none"> <li>• RC 10.2 (Rev.) elaborates on the issuance of permits and certificates in accordance with Article VI</li> <li>• Article VII, paragraph 1, allows the transit or transshipment of specimens through or in the territory of a Party, without CITES regulation, while the specimen remains in customs control</li> <li>• RC 10.5 states that "shipments covered by the exemptions specified in Article VII of the Convention and traveling on an ATA or TIR carnet still require appropriate CITES documentation"</li> <li>• ATA (The Admission Temporaire - Temporary Admission) carnet is an international customs document which may be used for the temporary duty free importation of commercial samples for trade fairs or exhibitions</li> </ul>	<ul style="list-style-type: none"> <li>• Revises RC 10.2 (Rev.) to include the provisions of RC 10.5</li> <li>• Revises RC 10.2 (Rev.) to elaborate on the use of specially designed CITES certificates for movement of sample collections that are covered by an ATA or TIR carnet and made of parts and derivatives of species included in Appendices II and III: the certificate would be attached to the ATA or TIR carnet and travel with the sample collection within and between countries, getting stamped in each; the certificate would become invalid after twelve months at which time it would be returned to the issuing authority; samples will be marked in accordance with ATA or TIR regulations; if the sample collection is lost, stolen or</li> </ul>	<b>OPPOSE</b> <ul style="list-style-type: none"> <li>• SSN is not opposed to simplifying movement of sample collections of parts and derivatives of species on Appendix II and III or to consolidating RCs 10.2 and 10.5</li> <li>• However, the proposed revision is inconsistent with the treaty because it would allow export of specimens of species listed on Appendix II or III without the issuance of appropriate CITES documentation required by the treaty (such as CITES export permits and re-export certificates); instead a special "certificate" would be issued by the country of origin; as noted in RC 10.5, "shipments covered by the exemptions specified in Article VII of the Convention and traveling on an ATA or</li> </ul>

DOCUMENT / PROPONENT	CURRENT STATUS	EFFECT OF DRAFT RESOLUTION	SSN POSITION
species included in Appendices II and III  <b>Italy and Switzerland</b>	<ul style="list-style-type: none"> <li>TIR ("Transports Internationaux Routiers") carnet is an international customs document that allows passage of foreign merchandise through a customs territory</li> <li>Issuance of CITES permits and certificates for frequent international movement of samples and collections made from parts or derivatives of species included in Appendix II and III, including those traveling on an ATA or TIR carnet, impose a management burden on CITES authorities</li> </ul>	accidentally destroyed, the holder shall notify the issuing agency, and may apply for a replacement from the issuing agency; the issuing Party would maintain records on such certificates issued	TIR carnet still require appropriate CITES documentation"
Doc. 54.2 Personal effects: personal effects made of crocodylian leather  <b>Venezuela</b>	<ul style="list-style-type: none"> <li>Article VII, paragraph 3, states that the provisions of Articles III, IV and V shall not apply to specimens that are personal or household effects if: (a) in the case of specimens of a species included in Appendix I, they were acquired by the owner outside his State of usual residence, and are being imported into that State; or (b) in the case of specimens of species included in Appendix II: (i) they were acquired by the owner outside his State of usual residence and in a State where removal from the wild occurred; (ii) they are being imported into the owner's State of usual residence; and (iii) the State where removal from the wild occurred requires the prior grant of export permits before any export of such specimens (unless a Management Authority is satisfied that the specimens were acquired before the provisions of the present Convention applied to such specimens)</li> <li>RC 10.6 notes that the exemption in Article VII, paragraph 3, does not apply to specimens of Appendix-I species that are souvenirs being imported by a person returning to his State of usual residence and, for Appendix-II species, that were taken from the wild in a State requiring the prior grant of export permits</li> <li>Many Parties apply stricter domestic measures to the import of personal or household effects</li> </ul>	<ul style="list-style-type: none"> <li>Defines "personal and household effects" as "personally possessed dead specimens, parts or derivatives thereof that are the belongings of a private individual if these items are being transported as accompanied baggage or in the case of household removals are transported separately to be delivered subsequently to the individual concerned"</li> <li>Definition does not include specimens "used for commercial purposes or transported for sale or intended being given to another person as a gift"</li> <li>Recommends Parties "harmonize" their national legislation to allow the import of crocodylian leather, under the provisions of Article VII, paragraph 3, provided that the exemption is limited to no more than eight specimens per person of crocodylian species listed in Appendix II, or listed in Appendix I but bred in captivity in accordance with the provisions of the Convention</li> </ul>	<b>OPPOSE</b> <ul style="list-style-type: none"> <li>Any definition of "personal and household effects" should contain, at a minimum, a reference to the language of Article VII, paragraph 3</li> <li>Proposed Resolution conflicts with RC 10.6, which recommends that the "personal and household effects" exemption in Article VII, paragraph 3 not be used for tourist souvenirs</li> <li>Trade in specimens of Appendix I species bred in captivity for commercial purposes in accordance with the provisions of the Convention (Article VII, paragraph 4) requires the issuance of a CITES Appendix II export permit</li> <li>Parties have the right under Article XIV to adopt stricter domestic measures</li> </ul>
Doc. 56 Non-commercial loan, donation or exchange of museum and herbarium specimens  <b>United States of America</b>	<ul style="list-style-type: none"> <li>Article VII, paragraph 6, states, "The provisions of Articles III, IV and V shall not apply to the non-commercial loan, donation or exchange between scientists or scientific institutions registered by a Management Authority of their State, of herbarium specimens, other preserved, dried or embedded museum specimens, and live plant material which carry a label issued or approved by a Management Authority"</li> <li>RC 11.15 sets out system for registering scientific institutions with the Secretariat; registration limits the Article VII exemption to <i>bona fide</i> scientific institutions meeting certain standards, as determined by their national CITES authorities; exchanges may occur only between registered institutions</li> <li>Many Parties do not implement the exemption for scientific loan, donation or exchange; only 47 of 158 Parties have registered scientific institutions with the Secretariat</li> <li>Difficulties with exchange have made scientists increasingly reluctant to conduct research on CITES-listed species, even when research would benefit conservation</li> </ul>	<ul style="list-style-type: none"> <li>Recommends that: Parties with appropriate scientific collections implement the exemption and register their institutions with the Secretariat; activities aimed at improving CITES implementation should include a component on scientific exchange; efforts should be made to improve scientists' and institutions' understanding of the scientific exchange provision; when Article VII, Par. 6 not usable, Parties should facilitate issuance of permits for <i>bona fide</i> conservation-oriented research; and Animals and Plants Committees could develop brochure explaining the registration process and emphasizing its importance</li> </ul>	<b>CONDITIONAL SUPPORT</b> <ul style="list-style-type: none"> <li>CITES restrictions should not impede necessary conservation-based research; conservation biologists should not be discouraged from supporting the CITES process</li> <li>However, possibilities for abuse should be borne in mind, especially for exchanges not covered by Article VII, paragraph 6, or RC 11.15, and appropriate safeguards should be instituted or maintained including re-qualification of institutions when necessary</li> </ul>
Doc. 57 Traveling live-animal exhibitions  <b>Russian Federation</b>	<ul style="list-style-type: none"> <li>Article VII, paragraph 7, allows the movement without permits or certificates of pre-Convention (defined as acquired before 1 July 1975) or captive-bred specimens which form part of a traveling zoo, circus, menagerie or other traveling exhibition</li> <li>RC 8.16 describes a system for the movement of traveling live animal exhibitions which includes the issuance of a pre-Convention certificate (under Article 7, paragraph 2) or a certificate of captive breeding (under Article 7, paragraph 5) for each animal</li> <li>Decision 10.142 sought recommendations for a new registration system and methods of certifying traveling exhibition</li> </ul>	<ul style="list-style-type: none"> <li>Revises RC 8.16</li> <li>Defines "traveling exhibition" as "any person or entity, state, public or private that owns animals legally exhibiting any animals to the public, including carnivals, circuses, fairs, educational, religious, cultural, traditional or other exhibitions, competitions or festivals or traveling zoos and menageries exhibiting such animals (animals covered under RC 10.20 are not included herein) and which activities suppose their frequent movements in their States of usual residence or cross-border movement to travel through other States"</li> </ul>	<b>OPPOSE</b> <ul style="list-style-type: none"> <li>Need for lengthy definition of "traveling exhibition" is not justified</li> <li>Proposed amendments would violate the treaty by exempting any specimen (not just pre-convention and captive-bred specimens) from Articles III, IV and V</li> <li>Issuance of an "Exhibition Certificate" in lieu of pre-Convention certificates and certificates of captive-breeding is contrary to Article VII, paragraphs 2 (regarding pre-Convention specimens) and 5 (regarding captive-bred specimens)</li> </ul>

DOCUMENT / PROPONENT	CURRENT STATUS	EFFECT OF DRAFT RESOLUTION	SSN POSITION
	<p>owners to simplify procedures for transborder movements of live animals in exhibitions</p> <ul style="list-style-type: none"> <li>• Standing Committee has considered the issue but has not recommended that changes are necessary; Secretariat reported to the Standing Committee that it could find no justification for changes to RC 8.16</li> </ul>	<ul style="list-style-type: none"> <li>• Replaces the requirement in RC 8.16 that each animal have either a pre-Convention certificate or a certificate of captive-breeding, with an "Exhibition Certificate" for each animal; Parties would accept Exhibition Certificates as proof that a specimen has been registered with the issuing MA, and allow its transborder movement, stamping the Exhibition Certificate each time the specimen crosses a border</li> </ul>	<ul style="list-style-type: none"> <li>• Similar revisions of RC 8.16 were rejected at COP10 and COP11</li> </ul>
<p>Doc. 58 Criteria for amendment of Appendices I and II</p> <p><b>Secretariat</b></p>	<ul style="list-style-type: none"> <li>• RC 9.24, on listing criteria, recommends that its text and Annexes be fully reviewed before COP12 with regard to the scientific validity of the criteria, definitions, notes and guidelines and their applicability to different groups of organisms; a Criteria Working Group was formed; the Chairs of the Animals and Plants Committees were directed to prepare a document on their findings for consideration by the Standing Committee (Doc. 58 Annex 2 provides a history of listing criteria review process)</li> <li>• No consensus has been reached by Chairs of Animals and Plants Committees on a revision of RC 9.24; though Chairs of Animals Committee and the Criteria Working Group submitted a revised text to the Standing Committee, Chair of Plants Committee reported that she "considers that it is premature for the Chairmen to present a proposal for changes in Resolution 9.24 to COP12. The procedure should be left open and the review of the criteria should be continued"</li> <li>• At its 46<sup>th</sup> meeting in 2002, the Standing Committee agreed that "the Secretariat shall prepare a document that will contain: 1) The report of the Chairmen of the Animals Committee and the Criteria Working Group and the one prepared by the Chairman of the Plants Committee as annexes; 2) A clear reference to the fact that all comments received are available from the CITES website; and an identification of the issues which arise from consideration of the documents noted in paragraphs 1 and 2, with a description of the discussion to date. It is expected that this document will provide a way forward for the discussion at CoP12. This document shall also take account of the comments provided by various members of the Committee"</li> <li>• Ecuador, as regional representative of Central and South America and the Caribbean, advised the Standing Committee, "The review of the criteria to amend the Appendices ... should be viewed as an ongoing process within the activities of the Conference of the Parties, and of the Animals and Plants Committees. This is why we urge the Standing Committee to request at the 12<sup>th</sup> meeting of the Conference of the Parties a clear mandate to carry on reviewing the criteria in a deeper and more detailed manner...."</li> </ul>	<ul style="list-style-type: none"> <li>• States, "Following the discussion on the subject, the Standing Committee agreed that the Secretariat should prepare a document summarizing the changes proposed and the rationale for these proposed changes"</li> <li>• Presents a revised draft text of the listing criteria and states: "The detailed amendments to Resolution Conf. 9.24 proposed by the Chairmen of the Plants Committee and the Criteria Working Group are provided in Annex 3 to this document, together with an explanation as to why each amendment is needed"</li> </ul>	<p><b>OPPOSE</b></p> <ul style="list-style-type: none"> <li>• At its 46<sup>th</sup> meeting the Standing Committee did not ask the Secretariat to prepare a revised draft text or any other "document summarizing the changes proposed"</li> <li>• The Report of the Chair of the Plants Committee contains no suggested amendments as alleged, and in fact argues that no revised text should be considered at COP12</li> <li>• The text submitted by the Secretariat ignores many concerns raised by the Parties, presents only minor changes from the text submitted by the Chair of the Animals Committee, is not a consensus document as the Parties required, and should not form the basis of discussions at COP12</li> <li>• Discussions at COP12 should, following the recommendations of the Chair of the Plants Committee and the representative of Central and South America and the Caribbean, be based on the revision process rather than any text, and should focus on how best to take the Parties concerns into account and to reflect the original mandate for revision agreed on in RC 9.24</li> </ul>
<p>Doc. 61 Establishment of a working group to analyze relevant aspects of the application of CITES to marine species</p> <p><b>Chile</b></p>	<ul style="list-style-type: none"> <li>• No working group specifically devoted to marine species has been established under CITES</li> <li>• Article XV provides that the Secretariat shall, in respect to proposals to amend the listing on the Appendices of a marine species, "consult inter-governmental bodies having a function in relation to the species, especially with a view to obtaining scientific data these bodies may be able to provide and to ensuring coordination with an conservation measures enforced by such bodies"</li> <li>• RC 9.24, which sets out the biological and trade criteria for amending the appendices (the listing criteria), does not distinguish between marine and terrestrial species</li> </ul>	<ul style="list-style-type: none"> <li>• Asserts that the current listing criteria are not applicable to marine species and that specific criteria should be developed for marine species by FAO</li> <li>• Recommends establishment by Animals Committee of a Marine Species Working Group that would propose a new definition of "introduction from the sea"; implement FAO's proposed revisions to the listing criteria; recommend a new procedure under Article XV for the Secretariat to consult with other international organizations over species listing proposals; and provide technical information and recommendations to promote the effective application of CITES for marine species</li> </ul>	<p><b>OPPOSE</b></p> <ul style="list-style-type: none"> <li>• Inappropriate to have single working group addressing all marine species including cetaceans, turtles, and corals; such a group is unnecessary and would be unmanageable</li> <li>• Document fails to recognize serious state of the world's fisheries caused by international trade; implies incorrectly that, because FAO says that between 1994-1999 world captures of marine species were maintained at 85 million tons, catches are sustainable</li> <li>• Current listing criteria are not necessarily inappropriate for marine species, and have been used successfully for marine species in the past; secret ballots are not necessary to assure the expression of the will of the</li> </ul>

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			<p>Parties; and FAO is not solely responsible for the revision of the CITES listing criteria for marine species, nor is it the sole responsible expert on all marine species</p> <ul style="list-style-type: none"> <li>• Process to review listing criteria already exists; FAO recommendations will be taken into account in that process</li> <li>• Animals and Plants Committees are the appropriate bodies for reviewing proposed revisions to the listing criteria, and should take account of the recommendations of all inter-governmental bodies having a function in relation to marine species.</li> <li>• Any Working Group should retain authority to make own independent recommendations, not merely to consider FAO proposals</li> <li>• Secretariat already consults with other international organizations</li> </ul>
<p>Doc. 62 Bushmeat</p> <p><b>Secretariat</b></p>	<ul style="list-style-type: none"> <li>• Decision 11.44 directs the Secretariat to convene a working group to examine the trade in bushmeat; to identify solutions that can be willingly implemented by Range States; and to contact organizations (including the International Tropical Timber Organization, the Convention on Biological Diversity, the Food and Agriculture Organization, and others) that can contribute to better and sustainable management of the trade under their own mandates and invite them to participate in the working group</li> </ul>	<ul style="list-style-type: none"> <li>• Reports on the past activities of the CITES Bushmeat Working Group; the Working Group has developed an action plan for future activities and has secured outside funding</li> <li>• Continues the Working Group at its current size and composition until COP13; with outside funding it would examine the trade, implement its action plan, and propose solutions; the Secretariat would facilitate and oversee its work and report to COP13</li> </ul>	<p><b>SUPPORT</b></p> <ul style="list-style-type: none"> <li>• Bushmeat remains an important issue worthy of CITES' attention</li> </ul>
<p>Doc. 63 The rescue of dependent apes from war zones</p> <p><b>Kenya</b></p>	<ul style="list-style-type: none"> <li>• Great apes, (including chimpanzees (<i>Pan troglodytes</i>), bonobos (<i>Pan paniscus</i>), gorillas (<i>Gorilla gorilla</i>), and orangutans (<i>Pongo pygmaeus</i>), are listed on Appendix I</li> <li>• Export of specimens of species on Appendix I must be conducted in accordance with Article III, involving the issuance of import and export permits</li> <li>• Living great apes, particularly young and infant apes, held in captivity or semi-captivity in war zones, face probable death</li> <li>• Efforts to rescue such apes, by importing them to sanctuaries based in other countries, have failed because the disruption of government functions in times of war means that CITES export permits are not issued</li> </ul>	<ul style="list-style-type: none"> <li>• Directs the Secretariat to establish a system that would, on a case-by-case basis, permit the export of living specimens of great apes rescued from probable death in a war zone, without the prior grant of an export permit required under Article III, provided that: a) the specimen is in captivity or in a semi-wild sanctuary where human provisioning is necessary; b) the specimen is unlikely to survive if not removed and no alternative is available in the country where it is being kept; c) the export is a temporary life-saving measure and the ape will be returned to the State of export once normality has returned, and the safety and long-term welfare of the ape can be assured, unless the exporting and importing States agree to alternative arrangements; d) the export is non-commercial, carried out under the direction of the CITES authorities in the State of import, under the system established by the Secretariat, and in a manner that ensures the safety and welfare of the ape at the nearest available government-approved and professionally accredited animal sanctuary; and e) the State of import meets the requirements under Article III, paragraph 3</li> </ul>	<p><b>SUPPORT</b></p> <ul style="list-style-type: none"> <li>• Rescue of apes from war zones could, under certain circumstances, contribute to the survival of the species in the wild</li> <li>• Legal difficulties, if a concern, could possibly be addressed by deeming apes in rescue facilities to be under customs control within the meaning of Article VII, paragraph 1</li> </ul>
<p>Doc. 65 Publicity Materials</p> <p><b>Secretariat</b></p>	<ul style="list-style-type: none"> <li>• Decision 11.131 directs the Secretariat to develop a program of work for the preparation of publicity materials for species in the Appendices; responsibility for assisting Parties with publicity materials had formerly been assigned to the Plants Committee</li> <li>• Secretariat assists Parties in developing materials on request, especially those that highlight positive effect of CITES on conservation and sustainable utilization of wild species</li> </ul>	<ul style="list-style-type: none"> <li>• Encourages Parties to reprint articles from CITES WORLD</li> <li>• Notes that the Secretariat has produced general brochure on CITES in the three convention languages</li> <li>• Notes that the CITES web site could be used to distribute information from Parties</li> <li>• Encourages Parties to provide information regularly on CITES-related conservation initiatives</li> </ul>	<p><b>SUPPORT</b></p> <ul style="list-style-type: none"> <li>• Production of pro-CITES materials by non-governmental organizations should also be recognized and encouraged</li> </ul>

**Species Survival Network**