



**IWMC**  
World Conservation Trust

# **Towards CoP13 of CITES**

**(Bangkok, Thailand 2 – 14 October, 2004)**

**IWMC Recommendations  
on Draft Resolutions and  
Decisions**

**COPYRIGHT © 2004 ALL RIGHT RESERVED  
IWMC WORLD CONSERVATION TRUST**

## Table of Contents

### Documents

Bangkok, Thailand 2 – 14 October, 2004

Doc.	9.1.1, 9.2.1	Reports of the Animals and Plants Committees	Chairmen AC and PC
Doc.	10	Strategic Vision	Secretariat
Doc.	11.1	Review of the scientific committees	Australia
Doc.	11.3	Standard nomenclature and the operation of the Nomenclature Committee	Mexico
Doc.	12.1.1	Achieving greater synergy in CITES and CBD implementation	Ireland, Kenya
Doc.	12.1.2	Sustainable use principles and guidelines	Namibia
Doc.	12.2	CITES listing of whale stocks and the International Whaling Commission	Japan
Doc.	12.3	Revision of Resolution Conf. 12.4 on Cooperation between CITES and CCAMLR	Australia
Doc.	12.4	Cooperation with the FAO	Japan
Doc.	13	Economic incentives and trade policy	Secretariat
Doc.	16 (Rev.1)	Review of Resolutions	Secretariat
Doc.	17	Review of Decisions	Secretariat
Doc.	18	Reporting requirements	Secretariat
Doc.	19.1, 19.2	Leopard: export quota for Namibia and export quota for South Africa	Namibia, South Africa
Doc.	19.3, 19.4 + Addend.	Black rhinoceros: export quota for Namibia and export quota for South Africa	Namibia, South Africa
Doc.	20	Trade in vicuña cloth	Secretariat
Doc.	22	National laws for implementation of the Convention	Secretariat
Doc.	23, 24	Enforcement matters and Revision of Res. Conf. 11.3 on Compliance and enforcement	Secretariat, Kenya
Doc.	26	Conservation of and trade in great apes	Ireland
Doc.	29.4, 29.5	Illegal ivory trade and control of internal Markets; Conditions for the export of registered stocks of ivory	Kenya
Doc.	30	Conservation of and trade in rhinoceroses	Secretariat
Doc.	31	Conservation of and control of trade in Tibetan antelope	Secretariat

Doc.	32	Conservation of <i>Saiga tatarica</i>	Ireland
Doc.	34	Conservation of hawksbill turtle	Secretariat
Doc.	35	Conservation and management of sharks	Animals Committee
Doc.	39	Conservation of bigleaf mahogany: report of the Working Group	Bigleaf Mahogany Working Group
Doc.	40	Evaluation of the Review of Significant Trade	AC and PC
Doc.	41	Introduction from the sea	USA
Doc.	42	Commercial trade in Appendix-I species	Israel
Doc.	43	Management of annual export quotas	Secretariat
Doc.	44	Use of CITES certificates with ATA or TIR carnets	Secretariat
Doc.	45	Electronic permitting systems for CITES specimens	Ireland
Doc.	46	Retrospective issuance of permits	Ireland
Doc.	47	Use of the code 'R' for ranched specimens: revision of Resolution Conf. 12.3	USA
Doc.	48	Use of marks and numbers in lieu of bill of lading numbers for CITES documents	USA
Doc.	49	Production systems for specimens of CITES-listed species	USA
Doc.	50	Plant specimens subject to exemptions	Switzerland
Doc.	51	Review of Resolutions on plants and plant trade and the definition of 'artificially propagated'	USA
Doc.	53	Revision of Resolution Conf. 9.10 (Rev.) on Disposal of specimens	Kenya
Doc.	55.1	Personal and household effects, amendment to Resolution Conf. 12.9	China
Doc.	55.2, 55.3	Personal and household effects, amendments to Resolution Conf. 12.9	Ireland, Australia
Doc.	56.1	Operations that breed Appendix-I species in captivity for commercial purposes	Animals Committee
Doc.	56.3.1, 56.3.2	Relationship between <i>ex situ</i> breeding and <i>in situ</i> conservation	Animals Committee, Mexico
Doc.	57	Criteria for amendment of Appendices I and II	Chairmen AC and PC
Doc.	58	Annotations for medicinal plants in the Appendices	Plants Committee
Doc.	59.1	Standard nomenclature for birds	Mexico
Doc.	59.2	Recognition of <i>Chamaeleo excubitor</i> as a separate species	Kenya
Doc.	61	Inclusion of species in Appendix III	Switzerland, Secret
Doc.	62.1 (Rev.1), 62.2	Bushmeat Working Group and bushmeat	Secretariat, Ireland

## IWMC World Conservation Trust

**Documents** CoP13 Doc. 9.1.1 and Doc. 9.2.1

**Subjects** Report of the Chairman of the Animals Committee and Report of the Chairman of the Plants Committee

**Proponents** Chairman of the Animals Committee and Chairman of the Plants Committee

### **RECOMMENDATION - ADOPTION of recommendations, unless...**

**IWMC welcomes the reports of the Chairmen of the Animals and Plants Committee and wishes to congratulate them for the quality of the reports and of the work done by their respective Committees. IWMC agrees in general with the recommendations of both Committees, although, in particular regarding the Animals Committee, it is necessary to relate to IWMC's recommendations related to specific issues. With this reservation, IWMC recommends to the Conference of the Parties to adopt the recommendations of both Committees as the are presented in the reports.**

#### **BACKGROUND**

- IWMC was pleased to be able to participate in the meetings of the Animals and Plants Committees held between CoP12 and CoP13. It wants therefore to thank their Chairmen for having invited it to attend the meetings as an observer.
- The reports properly reflect the heavy work accomplished by the Committees in the short period separating CoP12 and CoP13. IWMC welcomes them and congratulate their authors.
- IWMC agrees in general with the recommendations made in the reports, although for several issues for which specific documents have submitted for consideration at CoP13, it is necessary to relate to the specific recommendations made by IWMC. Subject to this reservation, that applies essentially to issues relevant to the Animals Committee, IWMC recommends to the Conference of the Parties to adopt the recommendations of the Animals and Plants Committees under the form suggested in the reports, i.e. repealing of Decisions, new decisions and amendments to existing Decisions or Resolutions.

## IWMC World Conservation Trust

**Document**      CoP13 Doc. 10  
**Subject**        Strategic Vision  
**Proponent**     Secretariat

### **RECOMMENDATION - ADOPTION with amendments**

**IWMC recommends to the Parties to adopt the draft decision proposed by the Secretariat to extend the time validity of the Strategic Vision through 2005 and its Action Plan until the end of 2007, and to establish the process needed to develop a proposal for a Strategic Vision and Action Plan through 2013. However, IWMC recommends that the proposed process be subject to amendments, to give the responsibility of the process to the Standing Committee, as agreed by the Standing Committee.**

#### **BACKGROUND**

- It is evident that the Conference of the Parties will not be able to revise the current Strategic Vision and Action Plan at CoP13. Therefore the Conference will have no choice than to extend their time validity until after CoP14, or to renounce to their maintenance. This should not be the case.
- To conduct the necessary process of revision of the Strategic Vision and Action Plan, IWMC recommends that instead of establishing of working group, the Conference of the Parties should direct the Standing Committee to act, in cooperation with the Animals and Plants Committees. Therefore, paragraph b) of the draft decision should be amended accordingly, as well as paragraph c) in order that the Parties, the Secretariat and the Animals and Plants Committees report direct to the Standing Committee. If so, the Standing Committee will have to decide whether the establishment of a working group or a subcommittee will be necessary. This, most likely, will be the case. This is actually what was agreed by the Standing Committee at its 50<sup>th</sup> meeting (Geneva, 2004) (see SC50 Summary Report, item 6).
- To develop a Strategic Vision and Action Plan through 2013 appears to be appropriate and should be agreed.
- If the Standing Committee is designated to develop the Strategic Vision and Action Plan through 2013, then paragraph d) of the draft decision is useless and should be deleted, and paragraph e) should become paragraph d).

## IWMC World Conservation Trust

**Document**      CoP13 Doc. 11.1  
**Subject**        Review of the scientific committees  
**Proponent**     Australia

### RECOMMENDATION – REJECTION

**IWMC has doubts that the proposed review would result in suggestions far from the current terms of reference of the scientific committees and in significant savings. IWMC recommends therefore to the Parties to reject the recommendation of Australia.**

#### BACKGROUND

- Apart from the financial aspects, it appears that Australia is mainly concerned by the fact, expressed in paragraph 7 of its document, that “recommendations from the science committees are not attracting consistent support by the Conference of the Parties”. This is not limited to CITES and Australia must know that IWC, for example, is not necessarily following the advice of its scientific committee either. We would be inclined to believe that this is not due to the lack of value of the recommendations, based on scientific knowledge, but rather on the fact that the Conference of the Parties is motivated by arguments of another nature, which have no scientific basis.
- The annual costs of the meetings of the Animals and Plants Committees are budgeted to USD 70,000 each, as an average for the years 2003 to 2005. This represents about 3 % of the total budget, for both Committees. We have the feeling that this is not the best place to propose savings with the less damageable effect on CITES implementation.
- These meetings are inducing additional costs, in particular for the host countries every two years, and they are attracting a rather large number of participants, especially the Animals Committee, many of which are not really active. Unfortunately, the participation is unbalanced, most participants being from developed countries and from NGOs from the same regions. This is certainly of concern and should be taken into consideration should a review be conducted.
- As repeatedly stated at meetings of the Committees, the concern is not the excessive cost but the lack of funds to support the activities of Committee members at the regional level.
- Although the Conference of the Parties has clearly decided at CoP12 that it did not want one scientific committee instead of the current two committees, Australia is again suggesting that the scientific work be conducted by a single science committee. This does not appear reasonable.

## IWMC World Conservation Trust

**Document** CoP13 Doc. 11.3  
**Subject** Standard nomenclature and the operation of the Nomenclature Committee  
**Proponent** Mexico

### RECOMMENDATION - ADOPTION but ...

IWMC recommends to the Parties to adopt the amendments to Resolutions Conf. 11.1 (Rev. CoP12) and Conf. 12.11 proposed by Mexico. IWMC agrees with Mexico that changes in the nomenclature of the CITES Appendices should be decided by the Conference of the Parties, in following an adequate procedure, and not be left to one botanist or one zoologist as currently provided for in Resolution Conf. 12.11. However, the proposal from Mexico, if adopted, would generate additional costs and the Parties may be reluctant to adopt it for that reason. Another suggestion is therefore made by IWMC.

### BACKGROUND

- The document submitted by Mexico may be considered as a follow-up to sometimes severe discussions that took place at meetings of the Nomenclature Committee, which were generated by the inappropriate way the unfinished consideration of the report of that Committee, in a plenary session, instead of a session of Committee I, at CoP12, was translated by the Secretariat in Resolution Conf. 12.11. Indeed, neither the suppression of the standard references from the Resolution nor the paragraph indicating that the *Checklist of CITES species* was adopted were actually and formally adopted by the Conference. The text of that paragraph, which fundamentally differs from the corresponding paragraph in the Committee report and gives full power to the Nomenclature Committee to accept updates to the *Checklist*, was never even circulated to the Parties at the meeting.
- The Mexican document explains clearly the nature of the issues previously raised by Mexico and the Chairman of the Animals Committee, and of the debates at meetings of the Nomenclature Committee, especially those held in parallel with the Animals Committee, which contrasted fully with those held in parallel with the Plants Committee. As a first conclusion of these discussions, it appeared evident that serious changes should be made to the Resolution on Nomenclature and on the way the Nomenclature Committee was operating.
- From its establishment at CoP6 (Ottawa, 1987), the Nomenclature Committee never worked properly as a committee. For the time being, it is difficult to consider that the Botanist and the Zoologist (how high could be their competence), who are the Committee, actually work as a committee. Therefore, here also, serious changes have to be made. The solution proposed by Mexico is attractive and may be supported, possibly with some amendments. However, it might be difficult to implement and it would require the establishment of a new budget line that the Parties probably would be reluctant to approve in the present circumstances.
- Therefore, as it did already at the last meeting of the Nomenclature Committee, associated with that of the Animals Committee, IWMC is suggesting that a) the Nomenclature Committee be suppressed; b) the Botanist and Zoologist become advisers on nomenclature issues to the Plants and Animals Committees, respectively; and c) all recommendations on nomenclature be submitted for approval to the Conference of the Parties by the Plants and Animals Committees. The procedure to be followed for the preparation of such recommendations should be similar to that applicable to other issues dealt with by these Committees. Thus, the regional representation would be guaranteed and the need of a new budget line would be eliminated.

## IWMC World Conservation Trust

**Document** CoP13 Doc. 12.1.1

**Subject** Achieving greater synergy in CITES and CBD implementation

**Proponents** Ireland (on behalf of the Member States of the European Community) and Kenya

### RECOMMENDATION - ADOPTION with amendments ...

**It is obvious that, in spite of the Memorandum of Understanding already adopted by the Secretariats of CITES and the CBD, progress have to be made to improve the synergy between both conventions. This should allow in particular CITES to concentrate on activities it has been drafted and adopted for. The work done by the workshop, the report of which is attached to the document submitted by Ireland and Kenya, is an excellent working basis. Consequently, IWMC recommends to the Parties to adopt the decision proposed by these countries, however with some amendments.**

#### BACKGROUND

- CITES has been drafted and adopted to regulate the trade in species listed in its Appendices. As for a long time it was practically the only effective global convention dealing with the conservation of wild species of fauna and flora, the Parties were incited to expand the scope of the Convention and to deal with issue not actually or fully related to it. This should have been changed with the adoption of the Convention of the Biological Diversity. However, as the latter was adopted before it was actually possible to implement it with efficiency, CITES maintained its activities and continued to extend its role. Now, the situation is changing and the CBD is maturing and taking more and more importance.
- In these circumstances, it is desirable that the synergy between both conventions be extended and improved. This should allow CITES to focus on its main purpose and to limit its role regarding certain issues (invasive species, bushmeat, for example) to matters of its competence.
- The workshop held in Vilm (Germany) made an excellent work but its report needs to be further considered within CITES. Therefore, the first paragraph of the draft decision submitted by Ireland and Kenya should be adopted, although it should be directed to the CITES Secretariat.
- IWMC also recommends that the report be transmitted to the CBD. However, it has the feeling that the MoU with CBD and the attached Work Plan should not be amended before the workshop report and recommendations have been further considered, as proposed in the second paragraph of the proposed decision. The Standing Committee, at its 53<sup>rd</sup>, or 54<sup>th</sup> meeting, should adopt recommendations, on the basis of the review conducted by the three permanent Committees, which should include instructions to the Secretariat regarding the MoU and its Work Plan. Therefore, the last two paragraphs of the proposed decision should be amended accordingly.

## IWMC World Conservation Trust

**Document** CoP13 Doc. 12.1.2  
**Subject** Sustainable use principles and guidelines  
**Proponent** Namibia

### RECOMMENDATION - ADOPTION with amendments ...

This document from Namibia is submitted also under the heading “Synergy between CITES and the CBD”. It has to be associated with document CoP13 Doc. 12.1.1 submitted by Ireland and Kenya (see IWMC recommendation). In fact, the principles and guidelines it includes have been endorsed by the workshop held in Vilm, which is the subject of the other document. IWMC fully supports these Principles and Guidelines for the Sustainable Use of Biodiversity, adopted in another workshop held in Addis Ababa and, therefore, recommends to the Conference of the Parties to adopt them and to adopt the draft Resolution proposed by Namibia. However, it appears that some of the elements covered by the draft resolution should be changed in decisions considering that they would have to be implemented shortly and are not of a perennial nature.

### BACKGROUND

- No need to insist again on the need of an extended and improved synergy between CITES and the CBD. This has been underlined in the IWMC recommendation on document CoP13 Doc. 12.1.1. This document provides additional arguments in favour of such a synergy.
- If CITES, as explained in the document, is actually based on the sustainable use principle, this term does not appear in the text of the Convention and has never been defined by the Conference of the Parties. It is now time to clarify the situation, in particular while growing forces try to use CITES to prevent any use of renewable wild resources.
- Considering that the Parties to CITES, with a few exceptions (an important one, the United States of America), are also Parties to the CBD, it would be only logical that CITES accept the definition of the term “sustainable use” adopted by the CBD. This is not actually proposed in the document from Namibia, which proposes that the Parties be urged to adopt it. IWMC is of the opinion, and recommends therefore, that this be corrected and constitute the first operative paragraph of the draft resolution.
- In addition, IWMC recommends the adoption of all elements of the draft resolution but considers however that several of them should be changed in draft decisions to be implemented shortly. This is in particular the case of the paragraphs under DIRECTS THE SECRETARIAT and that under DIRECTS THE ANIMALS AND PLANTS COMMITTEES.
- This might also be an opportunity for the Conference of the Parties to review Resolution Conf. 10.4 on the Cooperation and synergy with the Convention on Biological Diversity, several paragraphs of which are now out of date or could be incorporated to the draft resolution.

## IWMC World Conservation Trust

**Document** CoP13 Doc. 12.2  
**Subject** CITES listing of whale stocks and the International Whaling Commission  
**Proponent** Japan

### RECOMMENDATION - ADOPTION

Although this document from Japan does not include a supporting statement, the preamble of the proposed draft resolution is sufficiently explicit to justify its unique operative paragraph. At each of the recent meetings of the Conference of the Parties at which proposals concerning the transfer of whale populations from Appendix I to Appendix II have been submitted, they have not been adopted because the IWC had not yet completed its Revised Management Scheme. Each time also, the observer from the IWC has reported progress and stated that the RMS should be completed soon. This is not yet the case and CITES should not be bound forever to a treaty obviously unable to reach agreement. The proposal from Japan is very soft and should be adopted to urge the IWC to finally achieve its work.

### BACKGROUND

- At CoP2 (San José, 1979), Resolution Conf. 2.9 was adopted to recommend to the Parties not to issue any permit or certificates for primarily commercial purposes for any specimen of species or stocks protected from commercial whaling by the IWC. This recommendation is now included in consolidated Resolution Conf. 11.4. At CoP4 (Gaborone, 1983), the species of large whales not yet listed in Appendix I were transferred to that Appendix, although it was recognized by many Parties and the Secretariat that they were not meeting the CITES criteria in place at that time. However, the entry into force of these amendments was postponed to coincide with the 10-year moratorium on commercial whaling decided by IWC, i.e. until 1 January 1986.
- During the moratorium time, the IWC was supposed to prepare a Revised Management Scheme for the purpose of lifting the moratorium and allowing sustainable and controlled whaling. After more than 18 years, this work has not yet been achieved and its achievement may not be expected in the foreseeable future due to the situation that prevails within the IWC, which was noticed as of concern by the CITES Secretary General several years ago.
- So far, CITES has agreed to link its decisions about the listing of whale species in its Appendices with the IWC, until the RMS would be finalized and implemented. This should not be the case anymore, as a treaty with more than 160 Parties should not be bound to the decisions, or the lack of them, of another treaty with about 50 members only. CITES should take its decisions in accordance with its own rules, in this case with its criteria for the for amendment of Appendices I and II, including its precautionary measures, currently contained in Resolution Conf. 9.24 (Rev. CoP12).
- The draft resolution proposed by Japan is very soft, as it only urges the IWC to finalize what it is supposed to agree since many years. This could have been linked with a deadline beyond which the Conference of the Parties would have agreed to act fully independently from the IWC, as it is indeed entitled to do. This is not the case, most likely to give more time to the IWC to fulfill its commitments. This is a reasonable suggestion and, therefore, IWMC recommends that the draft resolution be adopted.

## IWMC World Conservation Trust

**Document** CoP13 Doc. 12.3

**Subject** Revision of Resolution Conf. 12.4 on Cooperation between CITES and CCAMLR regarding trade in toothfish

**Proponent** Australia

### **RECOMMENDATION – REJECTION, except of minor amendments**

**IWMC recommends to the Parties to reject the main amendments to Resolution Conf. 12.4 proposed by Australia but to accept those aimed to clarify the current text. The Secretariat should not be overloaded with tasks concerning non-CITES species.**

#### **BACKGROUND**

- It was already of serious concern to see that the wording of Resolution Conf. 12.4 published by the Secretariat after CoP12 was extending the scope of the draft resolution adopted by the Conference of the Parties. Indeed, document CoP12 Doc. 16.1 Annex (Rev. 1) provided a draft resolution on the cooperation between CITES and CCAMLR regarding trade in the Patagonian toothfish *Dissostichus eleginoides* only, while the published Resolution refers to toothfish *Dissostichus* spp. in general. This significant change was neither accepted by Committee I, which considered, amended and approved the document (see CoP12 Com. I Rep.13) nor adopted in plenary session (CoP12 Plen. 7).
- We can understand the usefulness of the cooperation of CITES with other intergovernmental organizations like CCAMLR, in particular when this eliminates the need to list species in CITES Appendices. However, we can not recommend that for non-listed species actions be requested from the Parties and the Secretariat on a permanent basis, while many Parties are unable to properly implement CITES and the Secretariat has to reduce its activities for listed species due to lack of resources. Therefore, we recommend to the Parties to reject the addition of two paragraphs, derived from Decision 12.57 and 12.58, in the operative part of Resolution Conf. 12.4, as proposed by Australia.
- Some might object that the extra work would be minimal because the number of Parties that will provide information would also be minimal, as for other species. This would in fact provide an additional argument against the proposed amendments.
- On the other hand, we can recommend the adoption of the amendments whose aims is simply to clarify the text of the current Resolution, in particular those relating to IUU fishing. Nevertheless, we do not understand why, as stated in the seventh paragraph of the preamble, IUU fishing should be a threatening process “in the Southern Ocean ecosystem” only. These words should not be added. In addition, the word “illicit” should be deleted in the penultimate paragraph of the preamble, as it is in the second subtitle of the operative part.
- Finally, the reference to Article XV of the Convention in the supporting document is irrelevant, because that Article deals with amendment proposals only.

## IWMC World Conservation Trust

**Document** CoP13 Doc. 12.4  
**Subject** Cooperation with the Food and Agriculture Organization of the United Nations  
**Proponent** Japan

### RECOMMENDATION - ADOPTION of a decision

The document submitted by Japan is just a report on what happened within CITES and the FAO after CoP12 to develop a Memorandum of Understanding between the two organizations. Although there is general agreement that such a MoU would be desirable, it appeared, at the time of drafting of this recommendation, that no draft would be adopted by the Standing Committee for submission to CoP13. Therefore, the Parties should decide whether or not they wish to extend beyond CoP13 the mandate given to the Standing Committee through Decision 12.7. This is the purpose of the document from Japan, although it does not provide any draft decision. IWMC therefore recommends to the Parties to draft and adopt an appropriate decision.

### BACKGROUND

- The cooperation between CITES and the FAO may be considered as good and should improve after the latter has adopted several decisions that allow it to provide better information and advice to CITES, in particular regarding proposals for amendment of Appendices I and II concerning marine species. Nevertheless, both organizations agreed that the adoption of a Memorandum Understanding between them would be desirable. On its side, CITES adopted Decision 12.7 at CoP12, which directs the Standing Committee to prepare a draft MoU in consultation with the FAO.
- If the FAO was able to adopt a draft MoU, a copy of which is attached to the document from Japan, so far this is not the case of the Standing Committee, and it is unlikely that this would be done at its 51<sup>st</sup> meeting just prior CoP13.
- Consequently, and as the mandate given by Decision 12.7 would be largely out of date after CoP13, the Parties should decide whether they want to progress towards the adoption of a MoU and if so, they should decide how this should be achieved. In our opinion, the purpose of the document from Japan is to incite the Parties to act in that way.
- Considering also that a MoU would be useful, if properly drafted to clarify the respective roles of both organizations, in view of ensuring the coordination of conservation measures called for in CITES Article XV, IWMC recommends to the Conference of the Parties to adopt to that effect a new decision extending the mandate of the Standing Committee.

## IWMC World Conservation Trust

**Document**      CoP13 Doc. 13  
**Subject**        Economic incentives and trade policy  
**Proponent**     Secretariat

### **RECOMMENDATION - ADOPTION of decisions**

**IWMC welcomes the document submitted by the Secretariat, which is in line with other documents (CoP13 Doc. 12.1.1 and Doc. 12.1.2; see IWMC recommendations). The cooperation of the Secretariat with the CBD and other conventions is of particular importance on this issue and must be encouraged again. IWMC therefore recommends to the Conference of the Parties to adopt the proposed draft decisions, to replace and complete Decision 12.22.**

#### **BACKGROUND**

- IWMC was pleased to participate in the technical workshop held in Geneva. The workshop was very interesting and demonstrated the importance of an economic approach of issues related to CITES. Economic incentives are of particular significance to promote the sustainable use of natural resources, especially to the benefit of producers, including local communities. This shows the way that CITES should follow to achieve its role, a way that is not that promoted by those who want to use CITES to ban the trade in as many species as possible.
- Our only regret with the workshop was the limited participation of representatives of CITES Parties. Fortunately, a few developing countries were actively participating thanks to the presence of sponsored delegates.
- The work initiated by the workshop should certainly continue in the direction it has indicated. We do hope in addition that some countries would ask that their national policy regarding the use of and trade in CITES-listed species (and may be some others) be subject to a review, which should be conducted in taking into account the recommendations of the workshop.
- Considering the nature of this kind of review, and to avoid overlaps and useless expense, the cooperation with other conventions or organizations, the Convention on Bio-diversity in particular, is essential in our opinion.
- For these reasons, IWMC recommends that the Conference of the Parties adopt the draft decisions proposed in the Secretariat's document to replace and complete Decision 12.22.

## IWMC World Conservation Trust

**Document** CoP13 Doc. 16 (Rev.1)  
**Subject** Review of Resolutions  
**Proponent** Secretariat

### RECOMMENDATION - ADOPTION of some changes, REJECTION of others

IWMC recommends the following to the Conference of the Parties:

- a) Resolution Conf. 4.6 (Rev. CoP12): to adopt the proposed changes in adding the words and decisions after the words “draft resolutions” everywhere, except in new paragraphs c) and d), as in the new paragraph proposed in Annex 2 of document CoP13 Doc. 18. In addition, it should be specified whether new paragraph e) refers to amendment proposals also. It should not considering the volume of information required for certain proposals.
- b) Resolution Conf. 5.11: to adopt the new draft resolution.
- c) Resolution Conf. 9.21: to adopt the proposed changes, except that the words “to amend” should become to increase to follow the wording in Resolutions Conf. 10.14 (Rev. Conf. 12) and Conf. 10.15 (Rev. Conf. 12).
- d) Resolutions Conf. 10.6 and Conf. 12.9: to adopt the draft consolidated resolution.
- e) Resolutions Conf. 10.16 (Rev.) and Conf. 12.10: to note the contradiction and that the definition of a specimen bred for non-commercial purposes is far too restrictive and should therefore be changed; and to disagree with the Secretariat’s interpretation in paragraph 9 of Annex 5. The specimens in question should be considered as bred for commercial purposes and, therefore, subject to the provisions of Article IV.
- f) Resolution Conf. 11.11: to reject the proposed amendment (see below)
- g) Resolution Conf. 11.21: to reject the proposed amendments resulting from the new presentation of the Appendices; to adopt the others.

### BACKGROUND

- IWMC is favourable to the continuing process of reviewing and consolidating CITES Resolutions and therefore welcomes the document submitted by the Secretariat, which is sufficient to justify the proposed changes IWMC is recommending to the Conference of the Parties to adopt. For those which, in our opinion, should be rejected or modified, some explanations are necessary.
- In Resolution Conf. 4.6 (Rev. CoP12), reference should also be made to draft decisions, as it is in the last two paragraphs, those which were added when the original Resolution was revised, and in the new paragraph proposed in Annex 2 of document CoP13 Doc. 18. At CoP4, the Conference of the Parties had not yet decided to adopt ‘Decisions’. In addition, in certain circumstances at least, proposals to amend Appendices I and II need more than 12 pages to provide the quantity of data required under the format in Annex 6 to Resolution Conf. 9.24 (Rev. CoP12). The Parties submitting these proposals should not be penalized in being requested to provide translations.

- Regarding Resolution Conf. 9.21, as it is provided for in Resolutions Conf. 10.14 (Rev. Conf. 12) and Conf. 10.15 (Rev. Conf. 12), it does not appear necessary to ask the Parties to submit a proposal with supporting information when they want to reduce their quotas or to cancel them totally. Therefore, it is proposed to replace the words “to amend” by the words to increase.
- The treatment under CITES of specimens of Appendix-I species bred in captivity remains a nightmare and nothing indicates that a real progress may be expected in the near future. The contradiction noted by the Secretariat is just one of the problems and IWMC is of the opinion that the definition of a specimen bred for non-commercial purposes is far too restrictive and should therefore be changed. In addition, the Secretariat’s interpretation in paragraph 9 of Annex 5 is surprising and does not appear to have been that of the Conference of the Parties when it adopted the definition. Specimens that are not subject to trade for the purposes described in the definition should be considered as bred for commercial purposes and, therefore, be subject to the provisions of paragraph 4 of Article VII, and to those of Article IV.
- The new format used by the Secretariat after CoP12 for the presentation of the CITES Appendices was adopted without any pre-consultation and agreement of the Parties, and in contradiction with Resolution Conf. 11.21, as demonstrated by the proposed amendments. In addition, and more importantly, it created serious administrative and legal problems to a number of Parties for the inclusion of the Appendices in the national legislation. The deletion of all synonyms and other annotations regarding nomenclature (series =300 and =400) was also of concern, as expressed at meetings of the Nomenclature Committee. Therefore, Resolutions Conf. 11.11 and Conf. 11.21 should not be amended as proposed by the Secretariat, except to correct the English (and other languages?) where necessary. Furthermore, IWMC recommends to the Parties to direct the Secretariat to produce again the Appendices under the precedent format and, if it so wish, to produce them under the new format for information only.

## IWMC World Conservation Trust

**Document** CoP13 Doc. 17  
**Subject** Review of Decisions  
**Proponent** Secretariat

### **RECOMMENDATION – ADOPTION with minor amendments**

**IWMC welcomes the document prepared by the Secretariat. It recommends therefore to the Conference of the Parties to adopt the proposed new resolutions and the amendments to existing Resolutions. IWMC has however some concern regarding a few Decisions and the way it is proposed to deal with them. They are Decisions 9.8, 9.31 and 11.124.**

#### **BACKGROUND**

- The document prepared by the Secretariat is clear and the exercise undertaken would be very useful. IWMC, therefore, wishes to congratulate the Secretariat for its work.
- The suggestions made in the document are in general fully appropriate. Therefore, IWMC recommends to the Conference of the Parties to adopt them as they are submitted, i.e. either as amendments to existing Resolutions or as new resolutions.
- Nevertheless, IWMC has some concern with regard to the following Decisions:
  - Decision 9.8: The Secretariat is proposing to change a Decision in a preambular paragraph that has no real effect. It seems that the contents of the Decision is of sufficient significance to become a recommendation in Resolution Conf. 12.3;
  - Decision 9.31: Although the change proposed in the wording reflects the reality, as implemented by the Secretariat, we are not convinced that any reference to reports on infractions should be deleted; and
  - Decision 11.124: Although the term ‘representative’ is already used in the Decision, we believe that it is not appropriate. Under the Rules of Procedure of meetings of the Conference of the Parties, the ‘representative’ is the head of a delegation. The word to be used should be ‘delegate’. In addition, we believe that a delegate should not be allowed to be simultaneously an observer from an NGO. This used to be justifiably considered as incompatible.
- The relevant Resolutions to be amended or draft new resolution should be amended accordingly.

## IWMC World Conservation Trust

**Document** CoP13 Doc. 18  
**Subject** Reporting requirements  
**Proponent** Secretariat

### **RECOMMENDATION - ADOPTION of amendments to Resolutions and of draft decisions, but ...**

**IWMC recommends to the Conference of the Parties to adopt the proposed amendments to Resolutions Conf. 11.17 on Annual reports and monitoring of trade and Conf. 4.6 (Rev. CoP12) on Submission of draft resolutions and other documents of the Conference of the Parties, as well as the draft decisions proposed by the Secretariat. It regrets however that nothing is proposed to request from the Secretariat that the annual reports to the Parties it is instructed to prepare under Article XII, paragraph 2 (g) are also submitted in time.**

#### **BACKGROUND**

- IWMC fully recognizes the significance of national reports the Parties are committed to submit and of the need that these reports be submitted in time and under formats that would allow their proper analysis and comparison. Therefore, it welcomes the document submitted by the Secretariat and the work done by the working group established by the Standing Committee.
- The amendments proposed to Resolutions Conf. 11.17 and Conf. 4.6 (Rev. CoP12) are appropriate - although the other amendments to the latter proposed by the Secretariat in document CoP13 Doc. 16 on the Review of Resolutions (see IWMC recommendation) should not be forgotten - as are the draft decisions proposed by the Secretariat. IWMC recommends to the Parties to adopt these amendments and draft decisions.
- Although we recognize that the document under consideration is about national reporting requirements, we can not forget that the Secretariat, in accordance with CITES Article XII, paragraph 2 (g), is also required to prepare annual reports to the Parties on its work and on the implementation of the Convention. These reports should also be submitted in time and this has not always been the case. Therefore, the Conference of the Parties may wish to also adopt a decision determining a deadline for the submission of such reports by the Secretariat and, possibly, providing some indications on the information they would like to see included.

## IWMC World Conservation Trust

**Documents** CoP13 Doc. 19.1 and Doc. 19.2

**Subject** Leopard: export quota for Namibia and export quota for South Africa

**Proponents** Namibia and South Africa

### RECOMMENDATION - ADOPTION

**IWMC recommends to the Conference of the Parties to approve the new quotas requested by Namibia and South Africa, on the basis of the information provided in the respective supporting statements. The fact that these countries have already quotas approved by the Conference means that the latter recognizes that their populations of the species are not at all threatened and that, indeed, they should not be listed in Appendix I. The quotas granted so far were not established to correspond to the potential of the populations but in relation with the needs of these countries in hunting trophies. As the needs have now changed and a number of leopards are destroyed as problem animals, these countries should be allowed to increase their quotas to cover their needs. This would not create any problem to the conservation of the species. On the contrary, this would provide additional resources in the interest of the countries, including local communities and the conservation efforts.**

### BACKGROUND

- The documents submitted by Namibia and South Africa clearly indicate that the requested increases of the quotas, even if they should be doubled, do not represent at all a threat for the conservation of the leopard populations of those countries, even less if we consider that the actual increase of off-takes would be certainly progressive and would allow an adaptation in case of very unlikely necessity. The species as the whole should not be included in Appendix I, and this apply in particular to the Namibian and South African populations.
- Since its establishment at CoP4 (Gaborone, 1983), the system described in Resolution Conf. 10.14 (Rev. CoP12) works well and has demonstrated its utility and efficiency. Both Namibia and South Africa have always complied with it.
- In conclusion, and for these reasons and those expressed in the supporting statements, IWMC considers that the requests from Namibia and South Africa are fully justified and recommends, therefore, to the Conference of the Parties to accept the quota increases and the relevant amendments to Resolution Conf. 10.14 (Rev. CoP12).

## IWMC World Conservation Trust

**Documents** CoP13 Doc. 19.3, Doc. 19.4 and Doc. 19.3/19.4 Addendum

**Subject** Black rhinoceros: export quota for Namibia and export quota for South Africa

**Proponents** Namibia and South Africa

### RECOMMENDATION - ADOPTION

**IWMC strongly recommends to the Conference of the Parties to approve the quotas requested by Namibia and South Africa, on the basis of the information provided in the respective supporting statements, as well as the draft resolution submitted in the Addendum to both documents. Although the two countries have populations of black rhinoceroses belonging to two different subspecies, with different status, both are facing similar problems that may only be solved through the elimination of a few excess males. Trophy hunting is the best way to proceed to such elimination as it provides significant resources to be used for conservation purposes. The adoption of these quotas is not a requirement under CITES but hopefully would facilitate the import of the trophies concerned.**

### BACKGROUND

- Namibia and South Africa have the only sound and increasing populations of two different subspecies of the black rhinoceros and their conservation is of the highest importance. These countries have also excellent management programmes for this, and other, species. Therefore, their costly efforts must be encouraged. The status of these two subspecies in Namibia and South Africa is different from each other. In the former, the population is increasing rather rapidly and the objective is to reach carrying capacity by year 2030. In the latter, the population is still increasing but at a lower rate as the carrying capacity has already been reached in certain areas.
- However, both countries are faced with similar problems, which have been partially solved with successful translocations in additional locations. Nevertheless, a serious issue remains unsolved, the unbalanced sex ratio towards an excess of males, in particular old ones, in certain populations. The documents submitted by Namibia and South Africa, which are well prepared, explain clearly why the elimination of a few of these males is essential for the proper management of the populations and to achieve the conservation goals determined by these countries.
- The best way to eliminate these animals is through trophy hunting, which has the advantage to procure significant amount of money that may be and are to be used for conservation purposes and the continuation of the management programmes.

- In principle, under the policy followed by CITES, the trade in hunting trophies of Appendix-I species is possible and does not require the agreement of the Conference of the Parties. However, due to stricter domestic measures applied by potential importing countries, which could deny the right of hunters to import their trophies, both Namibia and South Africa have the feeling that quotas approved by the Conference might facilitate such transactions and open the door to hunters from countries with such stricter measures. In these circumstances, they asked for the support of the Conference and opted for a resolution of the type of those in force for the leopard and the markhor [Resolutions Conf. 10.14 (Rev. CoP12) and Conf. 10.15 (Rev. CoP12)] rather than an annotation in the Appendices as for the cheetah. This appears to be the best option.
- For these reasons, IWMC considers that the requests from Namibia and South Africa are fully justified and strongly recommends to the Conference of the Parties to accept the quotas and the draft resolution submitted by these countries.

## IWMC World Conservation Trust

**Document** CoP13 Doc. 20  
**Subject** Trade in vicuña cloth  
**Proponent** Secretariat

### RECOMMENDATION – ADOPTION with ...

**IWMC agrees with the Secretariat that Resolution Conf. 11.6 on Trade in vicuña cloth should be repealed. However it believes that the first paragraph of the Resolution should be inserted in Resolution Conf. 12.3 on Permits and certificates, as an additional paragraph in section XIV, Regarding acceptance and clearance of documents and security measures. This is what IWMC recommends to do to the Conference of the Parties.**

#### BACKGROUND

- IWMC agrees with the Secretariat that the information to be provided by the range States of the vicuña have to be included in the annual reports of these States and that paragraph b) of Resolution Conf. 11.6 should be repealed.
- The provisions of the only other operative paragraph of that Resolution remains of significance and should be kept. IWMC suggest therefore to moved it to Resolution Conf. 12.3 on Permits and certificates, as an additional paragraph in section XIV, Regarding acceptance and clearance of documents and security measures.
- Accordingly, IWMC recommends to the Conference of the Parties to repeal Resolution Conf. 11.6 and to amend Resolution Conf. 12.3 in adding paragraph a) of the repealed Resolution in its section XIV.

## IWMC World Conservation Trust

**Document** CoP13 Doc. 22

**Subject** National laws for implementation of the Convention

**Proponent** Secretariat

### **RECOMMENDATION – ADOPTION of decisions. However ...**

**IWMC recognizes the importance of the national legislation for the proper implementation of CITES. It recognizes also that the process generated from Resolution Conf. 8.4 was beneficial to CITES and should be continued. Therefore, it recommends to the Conference of the Parties to adopt the draft decisions proposed by the Secretariat. However, IWMC is wondering whether the Conference, possibly under the pressure of various countries and groups, as well as the Secretariat, is not moving beyond the purpose and provisions of Resolution Conf. 8.4. It wonders in particular which are the criteria used to determine the category in which the legislation of each Party is classified, and from which point the recommendation of trade bans become justified.**

#### **BACKGROUND**

- At CoP8, the Conference of the Parties, considering that a number of Parties had not the appropriate legislation to fully or even partially enforce CITES and to prohibit illegal trade in listed species, adopted Resolution Conf. 8.4. In doing so, it specified four issues that should be covered by the legislation of each Party, i.e. to provide the authority to: a) designate at least one Management Authority and one Scientific Authority; b) prohibit trade in specimens in violation of the Convention; c) penalize such trade; or d) confiscate specimens illegally traded or possessed.
- At CoP9, the Secretariat described the process followed to analyze the legislation of a first group of Parties [Doc. 9.24 (Rev.)], in indicating that the legislation of these Parties was classified in one of three categories. The categories were slightly changed in document Doc. 10.31 (Rev.) submitted at CoP10. They are still in use and refer to legislation which is believed to generally 1) meet the requirements for the implementation of CITES; 2) not to meet all requirements; and 3) not to meet the requirements. However, none of these documents, or any other submitted to the Conference or adopted by it, provided any information on the criteria used to classify each legislation.
- If we may assume that Parties whose legislation does not provide them with the authority to meet the requirements described in Resolution Conf. 8.4 and in paragraph 1 above have their legislation classified in category 3, nothing allows to know clearly on which basis a legislation is classified in category 1 and above all in category 2. If the requirements of Resolution Conf. 8.4 are met, does this mean that the legislation is classified in category 1? We have doubts, as it may not generally meet all the requirements for the implementation of the Convention. Nevertheless, the Parties with legislation in category 2 are open to recommendations of trade bans, e.g. Panama as indicated in paragraph 12 of document CoP13 Doc. 22. This was agreed by the Standing Committee but is this acceptable considering the provisions of Resolution Conf. 8.4? The Parties may wish to consider this issue, and decide to adopt criteria or to direct the Standing Committee to develop criteria for consideration at CoP14.
- In the light of what is said above, IWMC recommends to the Conference of the Parties to adopt the draft decisions submitted by the Secretariat but also to consider how the legislation of Parties is classified and to reconsider when sanctions such as trade bans may be recommended. In any case, Resolution Conf. 8.4 should be revised to delete or amend the paragraph that refers to CoP9.

## IWMC World Conservation Trust

**Documents** CoP13 Doc. 23 and Doc. 24

**Subjects** Enforcement matters and Revision of Resolution Conf.11.3 on Compliance and enforcement

**Proponents** Secretariat and Kenya, respectively

### RECOMMENDATION – ADOPTION of decisions. However ...

**Enforcement matters, in the views of IWMC, are of fundamental importance for CITES. Therefore, the document prepared by the Secretariat does not fully answer to our expectations. In addition, we are somewhat concerned by the contents of paragraph 22 of the document, which might be interpreted as a new attempt to create an enforcement body. Nevertheless, IWMC recommends to the Conference to adopt the draft decisions proposed, although in amending that directed to the Parties, which includes a sentence that is actually an instruction to the Secretariat. Furthermore, what should be done with the work undertaken by the CITES Enforcement Expert Group remains partly unknown, and no clear recommendation is made regarding the Secretariat suggestions in paragraphs 22 to 26, in particular in paragraph 23. This may be do to the fact that the Standing Committee has not properly acted in response to Decision 12.89. To some extent, the document submitted by Kenya raises similar issues and try, through proposed amendments to Resolution Conf. 11.3, to provide some answers.**

#### BACKGROUND

- Enforcement matters used to be at the heart of CoPs, in particular with the discussions about the reports on alleged infractions. This is not anymore the case and the document under consideration seems rather meager to keep to these matters their significance. As an example, it appears that the efforts made and the money spent to organize the meeting of experts called upon by Decision 12.88 are not rewarded. This is possibly the fault of the Standing Committee, which simply noted the Statement of the experts, without providing the recommendations asked for by Decision 12.89. To do this and to ask the Parties to provide information they have already been asked to provide in several occasions is certainly not enough. In addition, the Secretariat, apart from the draft decisions, does not make any clear recommendations regarding the points of the Statement it believes worthy of specific mention (paragraphs 20 to 26 of document CoP13 Doc. 23), e.g. regarding Resolution Conf. 12.5.
- Nevertheless, as stated above, we are somewhat concerned by the Contents of paragraph 22 of the Secretariat document. Therefore, if the establishment of enforcement task forces is considered further by the Conference of the Parties, as it should be, this should be done carefully and to deal with clearly specified problems. This should not become an opportunity to create a body the establishment of which has already been rejected several times by the Conference. The last time was when the ES-TIGER was created at CoP11 through Resolution Conf 11.5 now replaced by Resolution Conf. 12.5.
- The document submitted by Kenya (CoP13 Doc. 24) deals with similar issues, in particular regarding the lack of proposed action in response to the Statement of the enforcement experts. Kenya proposes to revise Resolution Conf. 11.3 and some of the proposed amendments may certainly be supported.
- Consequently, IWMC considers that more work should be done at CoP13, probably in a working group, to consider the draft decisions proposed by the Secretariat and Resolution Conf. 11.3 in view of amending it, notably in taking into account the amendments proposed by Kenya. However, the draft decision directed to the Parties should not include an instruction to the Secretariat in its last sentence. It should be amended, possibly in adding, after “fauna and flora”, on the basis of the form distributed by the Secretariat to facilitate the submission and in deleting the last sentence.

## IWMC World Conservation Trust

**Document** CoP13 Doc. 26

**Subject** Conservation of and trade in great apes

**Proponent** Ireland (on behalf of the Member States of the European Community)

### **RECOMMENDATION – ADOPTION of the decision and resolution, although ...**

There is a logic for human beings to devote a special attention to great apes and their inclusion in Appendix I of CITES was part of that logic. However, if international trade has played and, to some extent, is still playing a role in the problems these species are facing, it is most certainly not the main one. Therefore, CITES alone is unable to ensure the survival of all these species, as demonstrated by the fact that most problems remain in spite of the Appendix-I listing. A broader effort is necessary and has started. CITES must associate itself with these efforts, within the limits of its competence. The proposed draft resolution is in line with existing Resolutions concerning other Appendix-I species and probably more justified than some of them, in particular by comparison with others providing for export quotas for hunting trophies. This does not mean that IWMC would recommend trophy hunting for great apes. Not at all, but hunting is not the only way to use species in a manner that may be beneficial to both their conservation and the range States. For the time being IWMC can recommend to the Parties to adopt the draft resolution but even more the draft decision that, if adopted, would prevent that more and more species be subject to separate treatments, and might give an opportunity to think about all aspects of the conservation of Appendix-I species.

#### **BACKGROUND**

- All great apes, of the family Hominidae, are listed in CITES Appendix I since CoP1 (Berne, 1976). As for other species, this has not prevented them to continue to face problems that put their survival in jeopardy. In their case, this is in part due to the fact that CITES has been unable to stop all illegal trade but mainly because international trade is not the only problem and, in general, not even the main one. Therefore, coordinated efforts are necessary and CITES must contribute to them. It should however act within the limits of its competence.
- It may be surprising that it is only now that a draft resolution as that under consideration is proposed. This is probably linked with the fact that it is only recently that some people, in particular from NGOs, have 'discovered' that great apes were used as bushmeat, some of which being even exported to developed countries.
- It is difficult to express doubts about the potential efficiency of a resolution aiming to protect great apes. However we have to compare the merits of existing Resolutions dealing with other Appendix-I species, some promoting full protection, others providing export quotas for personal specimens such as hunting trophies. This does not mean that IWMC is suggesting that trophy hunting could be a solution for great apes. Not at all but even for great apes there might be other uses that could be more efficient than failed attempts to ensure full protection.
- While IWMC can recommend that the proposed draft resolution be adopted, it clearly recommends to the Conference of the Parties to adopt the draft decision also proposed in order to avoid that in the future CITES continue to treat many Appendix-I species in an specific way. The decision should also provide an opportunity to think further to the merits of various options to conserve such species.

## IWMC World Conservation Trust

**Documents** CoP13 Doc. 29.4 and Doc. 29.5

**Subjects** a) **Illegal ivory trade and control of internal markets**  
b) **Conditions for the export of registered stocks of ivory in the annotation to the Appendix-II listing of populations of *Loxodonta africana* in Botswana, Namibia and South Africa**

**Proponent** Kenya

### **RECOMMENDATION – REJECTION of revised resolution and decisions**

The first document submitted by Kenya provides an additional demonstration that the full protection of elephants it promotes is not working, and it fails to analyze the reasons of this situation. From the information provided, it is impossible to determine the actual seriousness of the problems. If we take into account the most recent data on elephant populations in Africa provided by IUCN, which denote in general increasing or stable numbers, we may doubt that the status of the species necessitates stricter measures than those already adopted by CITES. The 20-years moratorium range States should impose to themselves appears totally inappropriate, in particular for countries in which the number of elephants are largely in excess and put the habitat in serious jeopardy. Therefore, the amendments to Resolution Conf. 10.10 (Rev. CoP12) should be rejected, unless specific ones are supported by the range States, as well as the draft decisions. With the second document, Kenya is trying to add conditions to the conduct of trade operations already agreed by the Conference at CoP12 and subject to an overview by the Standing Committee. There is no need to go beyond what has already been agreed by the Conference and the Committee. Therefore, the draft decisions in that document should also be rejected by the Conference.

### **BACKGROUND**

- With these documents, Kenya is persisting in its attempt to stop any trade in ivory, even from those countries who have demonstrated their ability to conserve their populations of elephants and deserve the right to manage them properly, in their interest and in the interest of the species. At a time where the significance of economic incentives becomes recognized within CITES and principles and guidelines for sustainable use are submitted for endorsement by the Conference of the Parties, the attitude of Kenya appears as less and less reasonable. To propose a moratorium on the export of ivory to range States whose populations are listed in Appendix II is particularly out of place and arrogant.
- This does not mean that efforts should not be made to improve the control of the domestic trade in ivory, and other products, in a number of countries, some of which vigorously promoted the listing of the African elephant in Appendix I. However, the Conference of the Parties has already adopted measures that, if properly implemented, would be sufficient. Additional measures in such circumstances appear useless and have not been recommended by the Standing Committee.

- The Standing Committee has considered extensively the task devoted to it by the Conference of the Parties regarding the sale of ivory stocks from Botswana, Namibia and South Africa and has agreed on what should be done. The draft decisions proposed by Kenya are therefore inappropriate and excessive, in particular if we remember that the experimental trade that took place after CoP10 was recognized as very successful.
- The Dialogue meeting that should take place just before CoP13 should have the opportunity to analyze the current situation and would be better placed than Kenya to suggest amendments to Resolution Conf. 10.10 (Rev. CoP12), if necessary. It will also have the opportunity to consider what Kenya will not fail to propose. Before knowing the results of that meeting, IWMC may recommend only that the Conference of the Parties reject the proposed amendments to the Resolution, as well as the draft decisions included in both documents.

## IWMC World Conservation Trust

**Document** CoP13 Doc. 30  
**Subject** Conservation of and trade in rhinoceroses  
**Proponent** Secretariat

### **RECOMMENDATION – ADOPTION of amendments to the Resolution, and ...**

**IWMC agrees with the Secretariat that maintaining provisions in a Resolution which are not at all implemented is useless or even causing extra work without any benefit. Therefore, IWMC recommends to the Conference of the Parties to adopt the proposed amendments to Resolution Conf. 9.14 (Rev.). The Secretariat appears to be rather favourable to repealing the whole Resolution. IWMC would prefer that, as suggested in document CoP13 Doc. 26 on great apes, a more general draft resolution on various Appendix-I species be prepared by the Secretariat, in consultation with the Standing Committee.**

#### **BACKGROUND**

- Resolutions concerning the conservation of and trade in Appendix-I species are diverse and often contain provisions for the submission of special reports by range States and importing countries. In many cases it has been observed that the submission of such reports is far from satisfactory and requests considerable efforts from the Secretariat to obtain them. In addition, these reports are not necessarily of great use. Therefore, provisions of this type should be limited to very specific cases and deleted from Resolutions when they are not actually necessary. This was done for example in Resolutions Conf. 10.14 (Rev. CoP12) on the leopard and Conf. 10.15 (Rev. CoP12) on the markhor.
- Regarding rhinoceroses, the submission of reports appears to have been a failure and the usefulness of the requested reports is questionable. Therefore, the Secretariat suggestion to repeal the relevant section of Resolution Conf. 9.14 (Rev.) is justified. IWMC recommends to the Conference to follow that suggestion.
- However, it does not seem justified to repeal the whole Resolution, an option that appears to be in favour with the Secretariat. IWMC would prefer that the rhinoceroses be also covered by a new resolution on various Appendix-I species that Ireland is proposing to have prepared by the Secretariat, in consultation with the Standing Committee, in a draft decision included in document CoP13 Doc. 9.26 on great apes. Before this would be done, the Resolution on rhinoceroses should be kept with the proposed amendments.

## IWMC World Conservation Trust

**Document** CoP13 Doc. 31  
**Subject** Conservation of and control of trade in Tibetan antelope  
**Proponent** Secretariat (also on behalf of the Standing Committee)

### **RECOMMENDATION – ADOPTION of amended amendments to the Resolution, and ...**

The Tibetan antelope *Pantholops hodgsonii* was included in Appendix II at the plenipotentiary conference (Washington, D.C., 1973) and transferred to Appendix I at CoP2 (San José, 1979). Both listings were made on the basis of proposals submitted by India. Although the Government of India was repeatedly urged to take serious actions on this issue, this is still without satisfactory results. Therefore, IWMC strongly recommends that the amendments to Resolution Conf. 11.8 (Rev. CoP12) proposed by the Secretariat be adopted, although it believes that it is not the State of Jammu and Kashmir which should be urged to halt the processing of wool of that species but India to which that State belongs. In addition, strong measures towards India should be recommended if serious actions are not taken within a short time, as it has been done with respect to other Parties.

#### **BACKGROUND**

- While India is one of the most extreme Party, constantly pushing for listings of species in the CITES Appendices and the adoption of strict measures against trade in wildlife, it is unable to take concrete measures to prevent illegal activities in its own territory. The trade in wool products from the Tibetan antelope, shatoosh, is a good example amongst others. This should not be left going on any longer.
- More than eight years ago, the Secretariat found that shatoosh shawls were easily available in luxury hotel shops in New Delhi and commercial leaflets promoting such products were circulating. It urged the Government of India to take serious actions. This was renewed on several occasions, evidently without satisfactory results.
- The political issue of Jammu and Kashmir is extremely sensitive indeed in India but, for CITES, this state may not be entitled to any special treatment and should not be distinguished from the rest of the Republic.
- Consequently, it is now time for CITES to adopt strict measures towards India. Therefore, IWMC strongly recommends to the Conference of the Parties to adopt the amendments to Resolution Conf. 11.8 (Rev. CoP12) proposed by the Secretariat, however in urging India, instead of the State of Jammu and Kashmir, to halt the processing of wool of the Tibetan antelope. In addition, a deadline should be established before which India would have to act and beyond which, sanctions would have to be recommended by the Standing Committee if it is not satisfied that such processing has been halted effectively. The deadline might coincide with the 54<sup>th</sup> meeting of the Committee.

## IWMC World Conservation Trust

**Document** CoP13 Doc. 32

**Subject** Conservation of *Saiga tatarica*

**Proponent** Ireland (on behalf of the Member States of the European Community)

### RECOMMENDATION – ADOPTION of decisions, although ...

The conservation status of the saiga antelope *Saiga tatarica* is certainly of concern, in spite of significant efforts made within and outside CITES. We may wonder therefore whether the draft decisions proposed by Ireland have any chance to improve the situation. Without a clear commitment and a political will from the range States to act quickly and seriously, we may have doubts. However, it appears difficult not to give the species a new chance and, therefore, IWMC recommends that the draft decisions be adopted, although it does not seem necessary to go into so many details.

#### BACKGROUND

- The saiga antelope *Saiga tatarica* was listed in Appendix II at CoP9 (Fort Lauderdale, 1994), except the subspecies *mongolica*, which was included in Appendix I already at the plenipotentiary conference (Washington, D.C., 1973). In spite of this and of the significant review conducted by the Animals Committee, the status of the species has constantly deteriorated due to heavy poaching, including for international trade.
- The workshop held in 1992 was considered as successful and adopted significant decisions. Nevertheless, more than two years later, the status of the species does not appear to have improved and the implementation of the decisions is not effective yet. This seems to indicate a lack of political will from the range States to act in favour of the conservation of the species.
- In such circumstances, we may doubt that the draft decisions proposed by Ireland, if adopted, would be more efficient. At least, they should be accompanied by a strong commitment from the range States that they are prepared to act quickly and seriously to enforce work plans and to strictly limit the use of the species in order to allow the populations to recover at a satisfactory rate.
- On these conditions only, IWMC would recommend to the Conference of the Parties to adopt the decisions, or preferably decisions that are straightforward and not necessarily as detailed as suggested.

## IWMC World Conservation Trust

**Document** CoP13 Doc. 34  
**Subject** Conservation of hawksbill turtle  
**Proponent** Secretariat

### RECOMMENDATION – NEW ACTION

**IWMC recognizes with the Secretariat the apparent lack of interest in arranging a Caribbean regional meeting but does not agree with its conclusion and suggestion. The lack of interest appears to be towards the necessity rather than desirability of having a regional strategy that would allow Cuba to trade in its stock of turtle-shell and to use its own resource in a sustainable way. As it has now been demonstrated that regional cooperation is not achievable, Cuba should be allowed to continue with its own excellent management programmes with sea turtles, in particular with the hawksbill turtle. A positive response from CITES in this direction is needed to encourage Cuba to continue with its programme and prepare a new proposal for CoP14.**

#### BACKGROUND

- The Decisions concerning the conservation of the hawksbill turtle adopted at CoP12 have totally failed to reach their objective, due to the lack of action by the Parties which are States or have territories in the wider Caribbean region, except the United Kingdom, which made a generous offer of funds.
- This seems to indicate that the main interest of those who promoted this process was to prevent Cuba being able to manage the population of hawksbill turtles occurring in its waters in accordance with its statutory rights. They were successful in convincing Cuba to postpone submitting a proposal to transfer this population to Appendix II that, if adopted, would have allowed it to export its stock of turtle-shell.
- As the lack of real cooperation is not the fault of Cuba, this country should now be given the right to conserve and use its resources in accordance with its own management programme, without having to wait until the region would be able to act in a coordinated manner. CITES should not again allow countries that implement effective conservation measures to be penalized by insisting on general protective measures detrimental to their interests and, finally, to the conservation of the species themselves.
- Cuba should be encouraged to submit a new proposal at CoP14 and it should be helped in its efforts by those Parties prepared, with the assistance of the Secretariat, to cooperate. For example, a meeting on hawksbills and international trade issues in the Caribbean, not to increase biological knowledge of sea turtles, could be arranged between people not opposed to any use, including the IUCN Marine Turtle Specialist Group. They, including Cuba, should get together and formulate some plan for the future. Then it will be possible to disseminate this plan to others possibly interested in the region.

## IWMC World Conservation Trust

**Document**      CoP13 Doc. 35  
**Subject**        Conservation and management of sharks  
**Proponent**     Animals Committee

### **RECOMMENDATION – REJECTION of draft decisions**

**Although it has to recognize that the draft decisions proposed by the Animals Committee have been prepared in response to Resolution Conf. 12.6 on the Conservation and management of sharks and to Decisions of the Conference of the Parties, IWMC is concerned to see CITES continuing to devote considerable efforts on species which, with a few exceptions, are not listed in the Appendices and are not proposed for listing. This is of particular concern while CITES has to take measures to reduce its expenses, including for the distribution of the Notifications to the Parties and Conference documents. Even if external funding has to be looked after, the efforts of CITES should be concentrated, as provided by the Convention, on its implementation and activities related to species included in the Appendices. Therefore, IWMC can not recommend to the Conference of the Parties to adopt the draft decisions proposed by the Animals Committee.**

#### **BACKGROUND**

- Since a number of years CITES has devoted considerable time and efforts regarding shark species, even before any of these species were included in the CITES Appendices. At present, only two species are included in Appendix II and one in Appendix III, for which a proposal for inclusion in Appendix II is proposed.
- At CoP12, CITES adopted Resolution Conf.12.6 and Decisions related to sharks. The Animals Committee also devoted efforts to the implementation of them, including in making recommendations regarding species that are not listed and not proposed for listing. The range States of these species can take these recommendations into consideration. There are no reasons however to have these recommendations changed into decisions of the Conference of the Parties.
- The financial resources of CITES are limited and, in the recent time, the Secretariat has decided to reduce its services to the Parties, e.g. regarding the distribution of its Notifications to the Parties and of the working documents for CoP13. The Animals Committee has also expressed concerns about its lack of funding to work efficiently. Even if external funding would have to be collected, the Committee and the Secretariat would have to use time and efforts normally devoted to listed species to implement the draft decisions directed to them. (See document CoP13 Doc. 9.1.1, Report of the Chairman of the Animals Committee, paragraph 14.)
- IWMC is concerned by this situation and considers that, in view of the current financial difficulties, CITES should establish priorities and concentrate itself on activities in relation with the implementation of CITES for species listed in the Appendices. Therefore, IWMC recommends to the Conference of the Parties to reject the draft decisions submitted by the Animals Committee.

## IWMC World Conservation Trust

**Document** CoP13 Doc. 39  
**Subject** Conservation of bigleaf mahogany: report of the Working Group  
**Proponent** Bigleaf Mahogany Working Group

### **RECOMMENDATION –ADOPTION of Secretariat recommendations**

**IWMC agrees with the comments made by the Secretariat and recommends to the Conference of the Parties to note the report of the Bigleaf Mahogany Working Group and to adopt the Secretariat's recommendations.**

#### **BACKGROUND**

- In its report, the Bigleaf Mahogany Working Group covers many issues, a number of which are not of the competence of CITES. Therefore, the report may only be noted by the Conference of the Parties.
- As noticed by the Secretariat, this report has already been submitted to the Plants Committee, which made recommendations on a number of issues, most of them directed to the Range States. If anything has been done since then, this is not reported at all. The Conference of the Parties should endorse these recommendations of the Committee, under the form of CITES decisions, as suggested by the Secretariat.
- The bigleaf mahogany is one species only amongst thousands of others. It should not be distinguished from them beyond certain limits, as all CITES resources may not be devoted to single species, as it would result from an implementation of all the requests formulated by the Working Group.
- In summary, IWMC recommends to the Conference of the Parties to follow the recommendations of the Secretariat.

## IWMC World Conservation Trust

**Document**      CoP13 Doc. 40

**Subject**        Evaluation of the Review of Significant Trade

**Proponents**    Animals and Plants Committees

### **RECOMMENDATION –ADOPTION of terms of reference, and ...**

**IWMC recommends to the Conference of the Parties to adopt the terms of reference for an evaluation of the Review of Significant Trade. It is likely that this should be done in the form of a decision, which should be accompanied by another decision calling for the provision of the necessary funding.**

#### **BACKGROUND**

- Although the Review of Significant Trade is considered, as far as animal species are concerned for the time being, as an essential tool of CITES, it would be nevertheless necessary to evaluate it in order to confirm or not whether it is the optimum process to determine whether Article IV, paragraphs 2 and 3, is properly implemented. Considering the document submitted on the conservation of *Saiga tatarica* (CoP13 Doc. 32), a species that was subject to a Review, we may have some doubts on its efficiency.
- The proposed terms of reference, approved by both the Animals and Plants Committees, should allow a proper evaluation of the Review process and its effects on the conservation of the species concerned. Therefore, they should be adopted by the Conference of the Parties. Nothing is said in the document how this should be done. We may imagine that this will be done in the form of a decision.
- The evaluation, for valid reasons taken into account by the Animals and Plants Committees, should start after CoP14 only. This delay should be used also to collect the necessary funds to conduct the appropriate evaluation. For this purpose, another decision should be drafted and adopted by the Conference of the Parties.

## IWMC World Conservation Trust

**Document** CoP13 Doc. 41

**Subject** Introduction from the sea: interpretation and implementation of Article I, Article III, paragraph 5, and Article IV, paragraphs 6 and 7

**Proponent** United States of America

### **RECOMMENDATION – ADOPTION of amendments and new resolution, with amendments**

**IWMC recommends to the Conference of the Parties to adopt amendments to Resolution Conf. 12.3 on permits and certificates and of a new resolution to define the expression “in marine environment not under the jurisdiction of any State”. However, it recommends that the drafts submitted by the United States be seriously amended, in particular to ensure that the provisions of the Convention are not circumvented.**

#### **BACKGROUND**

- Almost 30 years after the entry into force of CITES, the term “in marine environment not under the jurisdiction of any State” used in the Convention to define the term “introduction from the sea”, has not been defined yet by the Conference of the Parties, in spite of an failed attempt at CoP11. While this was not of prime importance so far, a definition might be useful in the future, with the listing of more species that may be caught in the high sea. For that purpose, the document prepared by the United States is useful to serve as a basis for further discussions, possibly within a working group.
- In the framework of its activities related to CITES, the FAO has convened an Expert Consultation on Legal Issues, which met in late June 2004. Although the Consultation did not thoroughly considered the US document, the results of its work are certainly useful to consider it further and to suggest changes.
- Regarding the proposed amendments to Resolution Conf. 12.3, the Consultation correctly agreed that because the text of the Convention refers to “transportation into a State” [Article I, paragraph (e)], the ‘State of introduction from the sea’ is the ‘port State’ where the specimens are first landed and cleared by Customs, the second element being essential. Thus, the ‘flag State’ may not be considered as the ‘State of introduction from the sea’, contrary to what is also proposed by the United States. The Consultation nevertheless agreed that to use the ‘flag State’ could be useful from a practical point of view. Consequently, the proposed amendments should be amended to delete any reference to the ‘flag State’.
- In addition, in accordance with Article VI of the Convention, certificates of introduction shall be issued by a designated Management Authority, as any other CITES permits and certificates. Therefore, the text to be included in the Resolution should read: “... AGREES that the certificate of introduction from the sea shall be issued by a competent (the relevant) Management Authority of the State into which the specimens are first landed and cleared by Customs.”

- Taking into account that a certificate of introduction is a document to be used exclusively by the country of introduction that granted it, its format and contents do not need to be decided upon by the Conference of the Parties. Thus, the text proposed in paragraph 4 above is the only one necessary to cover the whole issue in Resolution Conf.12.3.
- Regarding the draft resolution, the proposed definition of the phrase “in marine environment not under the jurisdiction of any State” is not fully satisfactory. IWMC recommends therefore it be replaced by the definition proposed by the FAO Expert Consultation, i.e. *Marine environment not under the jurisdiction of any State shall be considered in the light of international law in force at the time of application or interpretation of the present Convention [CITES]. For the purpose of this Convention this means, at present, all parts of marine environment excluding the exclusive economic zone, or equivalent zones of national jurisdiction over fisheries, the continental shelf, the territorial sea, or the internal waters of a State, or the archipelagic waters of an archipelagic State.*
- In addition, the preamble of the draft resolution should not include a paragraph starting with URGES. This word should be used only in the operative part of a resolution. Therefore the last paragraph of the preamble should be amended to start with a wording like “NOTING (or ACKNOWLEDGING) that Scientific Authorities ...”.

## IWMC World Conservation Trust

**Document** CoP13 Doc. 42  
**Subject** Commercial trade in Appendix-I species  
**Proponent** Israel

### RECOMMENDATION – REJECTION

**IWMC strongly recommends to the Conference of the Parties to reject the amendment to Resolution Conf. 5.10 on the definition of ‘primarily commercial purposes’ proposed by Israel. This amendment, if accepted, would go much beyond the purpose of the Convention and deny to producer countries any right to take advantage of their own resources, including through the export of hunting trophies or of live animals to appropriate and acceptable destinations.**

#### BACKGROUND

- The Convention, in its Article III, provides for the trade in specimens of species included in Appendix I. Paragraph 2, which deals with the conditions to meet to allow the export of such specimens, does not refer at all to the commercial or non-commercial nature of the transaction. On the other side, in paragraph 3 concerning the import of the specimens, the Convention provides that “the specimen is not to be used for primarily commercial purposes”. In no way, the Convention prohibits all commercial aspects of a transaction between two Parties, whatever is the Appendix in which the species is listed.
- As the term ‘for primarily commercial purposes’ is rather vague and open to interpretation, the Conference of the Parties adopted Resolution Conf. 5.10 to assist the Parties in implementing CITES. This Resolution may be considered as very strict, since it makes an almost total abstraction of the word ‘primarily’ and states, in paragraph 3, that “any transaction which is not wholly ‘non-commercial’ will be regarded as ‘commercial’” and that “all uses whose non-commercial aspects do not clearly predominate shall be considered to be primarily commercial in nature”. To go further than that, as proposed by Israel, would be going beyond the reasonable and should be rejected.
- Those who would suffer from the adoption of the amendment proposed by Israel would be again the producer countries. They would be denied the opportunity to benefit from their natural resources. For example, they would no more be allowed to export hunting trophies or live animals to genuine zoos or for other purposes not of a commercial nature in the country of import. It is certainly not acceptable for exporting countries to limit their exports of specimens of Appendix-I species to captive-bred specimens from registered operations, all the more that it is known that the registration system in place is far from working properly.
- Consequently, IWMC strongly recommends that the Conference of the Parties reject the amendment to Resolution Conf. 5.10 allegedly proposed by Israel to eliminate a loophole, which exists only when Parties do not implement CITES as they committed to do.

## IWMC World Conservation Trust

**Document** CoP13 Doc. 43  
**Subject** Management of annual export quotas  
**Proponent** Secretariat

### **RECOMMENDATION – ADOPTION of a decision but ...**

**IWMC recommends to the Conference of the Parties to adopt the recommendations of the Standing Committee to repeal Decisions 12.17 and 12.18 and to amend Decision 12.72 to refer to CoP14. However, the revised decision should also include the terms of reference of the working group provided in paragraph 4. d) of the document under consideration, as agreed by the Standing Committee.**

#### **BACKGROUND**

- The Standing Committee was unable to fulfill the mandate it received from the Conference of the Parties through Decision 12.17, because the working group it had established was not able to make progress as expected. In addition, at the end of July, no Notification to the Parties on this issue had been sent by the Secretariat, contrary to what is indicated in paragraph 3. c) of document CoP13 Doc. 43. In such a case and considering the complexity of the task, it is clear that the work can not be achieved at CoP13. Therefore, the mandate should be either cancelled or extended until CoP14.
- As the mandate was considered important at CoP12, the Conference of the Parties should extend it and, for that purpose, adopt a revised Decision 12.72, as proposed by the Standing Committee. However, as also agreed by the Standing Committee but not indicated in paragraph 5 of the document under consideration, the terms of reference provided in paragraph 4 should be included in the revised decision, in particular if Decision 12.17 and 12.18 are repealed, as they should be.

## IWMC World Conservation Trust

**Document** CoP13 Doc. 44  
**Subject** Use of CITES certificates with ATA or TIR carnets  
**Proponent** Secretariat at the request of the Standing Committee

### **RECOMMENDATION – ADOPTION of amendments**

**IWMC strongly recommends to the Conference of the Parties to adopt the recommendations of the Standing Committee to amend Resolutions Conf. 9.7 and Conf. 12.3 and to repeal Resolution Conf. 10.5. In doing so, the Conference would agree to a procedure of simplification that would not have any detrimental effects on the conservation of the species concerned.**

#### **BACKGROUND**

- At CoP12, document CoP12 Doc. 52.2 was submitted by Italy and Switzerland to propose a procedure to simplify the formalities for the movement of sample collections covered by ATA or TIR carnets across international borders. At that time, IWMC recommended that a simplified procedure be adopted but considered that the system proposed was still to complicate. IWMC made some suggestions. The proposal was not accepted and the Standing Committee was directed to continue examining the issue through Decision 12.77.
- The Standing Committee, as clearly explained in document CoP13 Doc. 44, established a working group, which made an excellent work. The recommendations of the working group are perfectly in line with what IWMC suggested. They were unanimously and fully accepted by the Standing Committee and constitute now the annexes to the document. The system proposed is simple and easy to implement. It should be efficient and would avoid procedures in practice impossible to implement and detrimental to legitimate activities favourable to the sustainable use of species like crocodilians. In addition, it would not present any risk for the conservation of the species concerned.
- IWMC fully supports the amendments to Resolutions Conf. 9.7 and Conf. 12.3 proposed by the Standing Committee, as well as the repealing of Resolution Conf. 10.5. It therefore strongly recommends to the Conference of the Parties to adopt these amendments, as proposed, and to decide the repealing of Resolution Conf. 10.5.

## IWMC World Conservation Trust

**Document** CoP13 Doc. 45  
**Subject** Electronic permitting systems for CITES specimens  
**Proponent** Ireland (on behalf of the Member States of the European Community)

### **RECOMMENDATION – ADOPTION of decisions**

**As far as this is reasonable, CITES should adapt its procedures to the modern technology. Therefore, IWMC fully supports the recommendations submitted by Ireland and recommends to the Conference of the Parties to adopt them under the form of decisions directed to the Secretariat and to the Standing Committee.**

#### **BACKGROUND**

- The document submitted by Ireland, on behalf of the Member States of the European Community, is well prepared and provides the necessary justification to the proposed recommendations.
- In the interest of all those involved in legal trade in CITES specimens, any means that could help to the simplification and acceleration of procedures must be considered and implemented if they do not appear detrimental to the conservation of the species in such trade. CITES should adapt itself to modern technologies, when this is appropriate. This is certainly the case regarding the issuance of permits and certificates.
- It is evident however that this should be done properly and that more work is still necessary. Therefore, the suggestions made by Ireland deserve support and the Conference of the Parties should adopt them as decisions directed to the Secretariat and to the Standing Committee.
- It is hoped also that the necessary funding will be found shortly. As an efficient system would greatly and mainly benefit to Parties importing large quantities of CITES specimens, they should be prepared to contribute. Users and user groups should also participate, in their own interest.

## IWMC World Conservation Trust

**Document** CoP13 Doc. 46

**Subject** Retrospective issuance of permits

**Proponent** Ireland (on behalf of the Member States of the European Community)

### RECOMMENDATION – ADOPTION of an amendment

**IWMC recommends to the Conference of the Parties to adopt the first amendment to Resolution Conf. 12.3, section XIII, proposed by Ireland and to reject the second one. The first proposed amendment is reasonable, while the second appears useless and inappropriate, in particular as it refers to biennial reports.**

#### BACKGROUND

- The document submitted by Ireland, on behalf of the Member States of the European Community, appears reasonable, although it does not take into account that Section XIII of Resolution Conf.12.3 provides for recommendations only, which the Parties are not bound to implement strictly, in particular in specific circumstances as those described in the document.
- Nevertheless, if this may help certain Parties in their implementation procedures, the first amendment proposed, that related to paragraph c) i) of the above-mentioned section, should be accepted to clarify the kind of circumstances that may justify the retrospective issuance of permits and certificates. IWMC, therefore, recommends that this amendment be adopted.
- On the other side, to report in biennial reports cases where such retrospective issuance occurred does not seem necessary, in particular considering that the reasons for the relaxation should be specified on the permit or certificate, a copy of which should be sent to the Secretariat. If such cases have to be reported, it is not in the biennial report (on legislative, regulatory and administrative measures) but in the annual report on the issuance of permits and certificates. Therefore, IWMC recommends that the amendment to paragraph d) ii) of the same section as above be rejected, or possibly amended to refer to annual instead of biennial reports.

## IWMC World Conservation Trust

<b>Document</b>	CoP13 Doc. 47
<b>Subject</b>	Use of the code 'R' for ranched specimens: revision of Resolution Conf. 12.3 on Permits and certificates
<b>Proponent</b>	United States of America

### RECOMMENDATION – REJECTION, although ...

**IWMC recommends to the Conference of the Parties to reject the amendment to Resolution Conf. 12.3, section I, paragraph e), proposed by the United States of America, as excessive. It may be necessary to be more specific in the definition of the code 'R' but there is no reason to restrict its use to operations ranching specimens of populations transferred from Appendix I to Appendix II.**

#### BACKGROUND

- The definition of 'ranching' provided in Resolution Conf. 11.16 is of a general nature, as is to a lesser extent that of 'uniform marking system' that follows. It may be applied to any specimen taken in the wild and reared in a controlled environment.
- It may be agreed however that the word 'rearing' used in the definition is not clear enough to avoid its abusive use and that, therefore, the use of the code 'R' should be subject to some restrictions when it does not concern specimens of species transferred from Appendix I to Appendix II in accordance with Resolution Conf. 11.16.
- Although ranched specimens are of wild origin, there are circumstances under which the collection of specimens for ranching and their subsequent trade may be encouraged as incentives to the conservation of the species concerned. This is for example the case of *Amazona aestiva* in Argentina and of other species in other countries. For such specimens, the use of the code 'R' is perfectly justified and to prohibit it might have detrimental effects.
- To amend Resolution Conf. 12.3 as proposed should be rejected, unless the amendment would refer exclusively to the definition of 'ranching' in Resolution Conf. 11.16. However, to avoid abuses, 'ranching' could be better defined, to refer to rearing under specified conditions that are recognized as favourable to the conservation of the species in the wild. This should be considered by the Conference of the Parties.

## IWMC World Conservation Trust

**Document**      CoP13 Doc. 48

**Subject**        Use of marks and numbers in lieu of bill of lading numbers for CITES export and re-export documents for timber species: revision of Resolution Conf. 12.3 on Permits and certificates

**Proponent**     United States of America

### **RECOMMENDATION – REJECTION, but ...**

**IWMC recommends to the Conference of the Parties to reject the main amendment to Resolution Conf. 12.3, section XI, proposed by the United States of America, but to accept the amendment to the title of section XI. In lieu of the proposed amendment, IWMC suggests another amendment to recommend that the absence of bill of lading numbers be justified in block 5, Special conditions, of the standard CITES form.**

### **BACKGROUND**

- There is no reason to reject the change in the title of section XI of Resolution Conf. 12.3 on Permits and certificates, as proposed by the United States. Both annotations are used for timber species included in the CITES Appendices.
- In accordance with Article VI and Appendix IV of the Convention, as far as export permits are concerned, and with Resolution Conf. 12.3, in particular Annex 1 and the standard CITES form, any marks and numbers appearing on the specimens should be included in CITES permits and certificates. To ask that these marks and numbers replace the bill of lading numbers is therefore redundant. The amendment proposed by the United States is inappropriate and should be rejected by the Conference of the Parties.
- However, as the issue raised by the United States is of real concern, IWMC suggests to the Conference of the Parties to adopt another amendment to replace that proposed by the United States. The new amendment, to the same section of Resolution Conf. 12.3, should recommend to the Parties, when the number of the bill of lading may not be provided on the export/re-export document, that this absence be justified in block 5, Special conditions, of the standard CITES form.
- Whatever would be the adopted amendment, if any, the Instructions and explanations of the standard CITES form would have to be amended accordingly.

## IWMC World Conservation Trust

**Document** CoP13 Doc. 49  
**Subject** Production systems for specimens of CITES-listed species  
**Proponent** United States of America

### **RECOMMENDATION – ADOPTION of a decision**

**IWMC recommends to the Conference of the Parties to adopt the draft decision proposed by the United States of America, possibly with a few amendments in the terms of reference of the working group.**

#### **BACKGROUND**

- The document submitted by the United States is well prepared and clearly indicates that it is becoming time now for CITES to decide how to deal with the various systems that exist to produce specimens of listed species, and to evaluate their impact on the conservation of these species.
- It must be kept in mind however, concerning the use of source codes, that CITES recognizes only two types of specimens, those taken in the wild and those bred in captivity or artificially propagated. The latter have been attributed various codes on the basis of the conditions described in Article VII, paragraphs 4 and 5. In addition, a code 'R' was created for ranched specimens, although they are considered by CITES as wild specimens. The coding system is complex enough and the working group to be established should be encouraged not to create new codes but to be innovative in its suggestions on how production system may be taken into account to facilitate the sustainable trade in CITES specimens.
- Regarding the establishment of the working group, it should not be forgotten that the Animals and Plants Committees do not work at meetings of the Conference of the Parties, where their membership is reconstituted, sometimes late in the meeting and not necessarily in presence of the Committee members. It might therefore be difficult for the group to meet and to decide how it will work. The establishment of the group might be left to the Chairmen of the Animals and Plants Committees.
- If, as indicated in the US document, the group might conclude that existing Resolutions should be amended, the terms of reference may need to include a paragraph to indicate that in such circumstances the group should propose the relevant amendments for consideration at CoP14.

## IWMC World Conservation Trust

**Document** CoP13 Doc. 50  
**Subject** Plant specimens subject to exemptions  
**Proponent** Switzerland

### **RECOMMENDATION – ADOPTION of amendments to Resolutions**

**IWMC recommends to the Conference of the Parties to adopt the amendments to Resolutions Conf. 11.11 on the Regulation of trade in plants and Conf. 12.3 on Permits and certificates proposed by Switzerland. These amendments, if adopted, would specify what has to be done in case of trade in plant specimens that cease to be covered by exemptions after importation.**

#### **BACKGROUND**

- The document submitted by Switzerland clearly describes the rationale behind the proposed amendments. Switzerland already presented these amendments at the last meeting of the Plants Committee. The Committee was unable to reach a consensus, some participants having the feeling that the Swiss proposal might open the door to illegal trade. None was however able to provide any example to illustrate its concerns.
- In the present circumstances, the trade in specimens that cease to be covered by an exemption is occurring frequently. In the absence of rules we may doubt that re-export documents are always fulfilled correctly and provide the actual country of origin. Therefore, the amendments to Resolutions Conf. 11.11 on the Regulation of trade in plants and Conf. 12.3 on Permits and certificates proposed by Switzerland should be recognized as representing a serious progress, and the Conference of the Parties should adopt them.

## IWMC World Conservation Trust

**Document** CoP13 Doc. 51

**Subject** Review of Resolutions on plants and plant trade and the definition of ‘artificially propagated’

**Proponent** United States of America

### RECOMMENDATION – ADOPTION only if ...

**IWMC recommends to the Conference of the Parties to adopt the amendments to Resolution Conf. 11.11 on the Regulation of trade in plants, only if that concerning certain plants grown from wild-collected seeds is also adopted. On this specific issue, IWMC fully disagree with the views of the United States and the CITES Secretariat, which appear in contradiction with their earlier views. Regarding Resolution Conf. 9.19, IWMC regrets that no amendment is proposed by the Secretariat, as asked at the last meeting of the Plants Committee.**

### BACKGROUND

- As clearly indicated in the document submitted by the United States, Decision 12.11, paragraph e), directed the Plants Committee to review the Resolutions concerning plants and the plant trade **only** to improve their clarity and to facilitate their understanding through guides and other materials. The amendments to Resolution Conf. 11.11 on Regulation of trade in plants, as suggested by the United States, with the support of the Secretariat but not of the whole working group established by the Plants Committee, are going beyond the direction of the Conference of the Parties. This would be particularly true if the section proposed by Chile, although already rather restrictive, is not included.
- The definition of the term ‘artificially propagated’ in Resolution Conf. 11.11, in spite of various changes adopted in several occasions, is fundamentally similar to the first definition adopted at CoP2 (San José, 1979). At that time, a comment was submitted by Australia to specify that “In the case of flora, the artificial propagation of plants means a propagation from seeds or cuttings or other plant materials in artificial conditions. Whether these materials originate from plants growing in the wild does not matter if the survival of the mother plants is not threatened” (unofficial translation from the official French text, see Proceedings of CoP2). This explains clearly why, in the definition, no reference at all is made to the origin, wild or not, of the seeds and other materials. This does not matter.
- This was clearly explained at the last meeting of the Plants Committee and the working group took that into account when preparing its draft revision of Resolution Conf. 11.11 (document PC14 WG4 Doc.1), which was submitted to the Plants Committee by its Chairman, from the United States. No objection was raised by the Committee but it was clear however that some further work was still needed, and the working group was directed to do it.
- The reason why the views of the United States, as expressed in the document, are different from those of the US delegation at the meeting of the Plants Committee is unknown. What is sure however is that, although supported by the Secretariat, it does not reflect the views of the working group *per se*, and their arguments against the suggestion of Chile may be contradicted easily.

- For years the Secretariat accepted the original interpretation of ‘artificially propagated’ and, therefore registered a nursery from Chile producing *Araucaria araucana* specimens from wild seeds. However, it changed its mind in 2002 or 2003, refusing to register similar nurseries. Through Notification to the Parties No. 2004/017 of 10 March [the Notification was possibly (probably?) already drafted before the Committee meeting (16-20 February)], it even deleted the registered nursery, without explanations. However, with Notification to the Parties No. 2004/036 of 30 April, the Secretariat went backwards, believing that it would be appropriate to retain in the Register the nursery that was deleted, pending a decision of the Conference of the Parties, because a working group has been established (it was established at PC13, in early 2003) by the Plants Committee to propose revisions of Resolutions Conf. 9.19 and Conf. 11.11, for consideration at CoP13. This was an indication that the views of the Plants Committee (of its working group at PC14 at least) were in favour of the original interpretation of the definition.
- Under these circumstances and without going into further details, IWMC strongly recommends to the Conference of the Parties to adopt the proposed amendments, but only on the condition that the section proposed by Chile, with the support of other members of the working group, be also adopted. If not, Resolution Conf. 11.11 should remain unchanged and the Plants Committee should be directed to continue its review in the sense of Decision 12.11, paragraph e).
- Regarding Resolution Conf. 9.19, the Secretariat was asked by the Chairman of the working group at PC14 to amend it in such a way that it takes into account the amendments proposed to Resolution Conf. 11.11. Apparently nothing has been done so far. Therefore, this should be done at CoP13, probably by a working group that anyway may have to be established to consider the whole issue.

## IWMC World Conservation Trust

**Document** CoP13 Doc. 53

**Subject** Revision of Resolution Conf. 9.10 (Rev.) on Disposal of illegally traded, confiscated and accumulated specimens

**Proponent** Kenya

### RECOMMENDATION – REJECTION

**IWMC recommends to the Conference of the Parties to reject the amendments to Resolution Conf. 9.10 (Rev.) on Disposal of illegally traded, confiscated and accumulated specimens proposed by Kenya. They are useless.**

#### BACKGROUND

- The Conference of the Parties has devoted substantial time to discuss about the disposal of illegally traded, confiscated and accumulated specimens and the related Resolutions it adopted fully deserve their purposes.
- Contrary to what is said in the document submitted by Kenya, the paragraph to which it is referred to was not omitted in the process of amendment of Resolution Conf. 9.10. It was formally deleted by the Conference of the Parties, on the basis of a document submitted by the Secretariat and dealt with by Committee I. There is no demonstrated need to reintroduce that paragraph in the Resolution.
- The disposal of illegally traded goods is a matter treated in Customs laws. The Parties have the full right to dispose of such goods as they feel convenient, for as long as this is done in accordance with their own laws and with the CITES provisions for specimens of species included in the Appendices.
- Consequently the amendments proposed by Kenya are of no real use and should be rejected by the Conference of the Parties.

## IWMC World Conservation Trust

**Document** CoP13 Doc. 55.1

**Subject** Personal and household effects, amendment to Resolution Conf. 12.9

**Proponent** China

### RECOMMENDATION - ADOPTION

**IWMC recommends to the Parties to adopt the amendments to Resolution Conf. 12.9 proposed by China, although it recognizes that they will not solve all the existing or potential problems.**

#### BACKGROUND

- The supporting document submitted by China is well prepared and explains clearly the difficulties that may occur, and that have probably occurred already, with the implementation of the exemptions provided by Resolution Conf. 12.9.
- The proposed amendments are clear, although the wording might need some minor changes.
- Nevertheless, the Parties may be aware that although a number of Parties will actually notify the Secretariat of their specific requirements preventing them to implement Resolution Conf. 12.9, many others, as in the past, most likely will omit to do so. Therefore, one may expect that individuals in possession of specimens exempted under Resolution Conf. 12.9 (Rev. CoP13) may still have the unpleasant surprise to see their specimens confiscated, either at export or at import, by the authorities of Parties having omitted to notify the Secretariat of their specific requirements.
- In spite of this remark, IWMC recommends the adoption of the proposed amendments.

## IWMC World Conservation Trust

- Documents** CoP13 Doc. 55.2 and Doc. 55.3
- Subject** Personal and household effects, amendments to Resolution Conf. 12.9
- Proponents** Ireland (on behalf of the Member States of the European Community) and Australia, respectively

### RECOMMENDATION - ADOPTION

**IWMC recommends to the Parties to adopt the amendments to Resolution Conf. 12.9 proposed by Australia and Ireland, as measures of simplification without any detrimental conservation effects. Regarding the draft decision proposed by Ireland, IWMC is not convinced that it will be more efficient than the request currently included in Resolution Conf. 12.9. It might be preferable to encourage Parties to list more specimens in the Resolution.**

#### BACKGROUND

- The supporting documents submitted by Australia and Ireland, on behalf of the European Union, explain clearly that the inclusion of additional specimens to be exempted of CITES provisions will simplify the work of enforcement officers without having any detrimental effects on the species concerned. In addition, if the resolution is properly implemented, this would prevent tourists and other individuals to be penalized for actions they were ignoring the 'illegal' nature.
- The weight limit introduced with respect to giant-clam shells is understandable, although one may recognize that it might create some difficulties for specimens with a weight close to the limit. Some flexibility will be necessary from enforcement officers.
- We are not fully convinced by the arguments used by Ireland to justify the deletion of the request to the Secretariat that appears in Resolution Conf. 12.9 and its replacement by a decision directed to the Standing Committee, although we are not recommending against such action. However, we wonder whether it would not be preferable to merely encourage the Parties to submit additional amendments for the listing of more specimens. Some could even be added at CoP13 already, such as specimens of other reptiles than crocodilian species.
- Any simplification that has no detrimental effects on the conservation of the species concerned but that allows using the limited means available for more significant tasks should be encouraged.

## IWMC World Conservation Trust

**Document** CoP13 Doc. 56.1

**Subject** Operations that breed Appendix-I species in captivity for commercial purposes. Evaluation of the process for registration

**Proponent** Animals Committee

### RECOMMENDATION – REJECTION but ...

**The current system of registration of operations that breed Appendix-I species in captivity for commercial purposes is not working better than the precedents and the document submitted by the Animals Committee is an additional demonstration of the deadlock CITES has reached on this issue, except perhaps for a few species. The recommendations the Animals Committee adopted without any conviction have no chance to bring any improvement. Therefore, IWMC recommends to the Conference of the Parties to reject them and to simply ask the Standing Committee to reconsider the whole issue, including Resolutions Conf. 10.16 (Rev.) and Conf. 12.10.**

### BACKGROUND

- The Conference of the Parties, as well as the Animals Committee and the Secretariat, has devoted a lot of time to discuss about the trade in captive-bred specimens of Appendix-I species and the special provisions included in Article VII, paragraphs 4 and 5. Various systems were established and successively failed to work for various reasons, including those identified by the Animals Committee.
- The discussions held on the issue have constantly shown a serious split between Parties, and we may have the feeling that Resolutions were adopted by many while knowing that they would never implement them and continue to trade in such specimens under the rules they felt convenient.
- The document submitted by the Animals Committee is the result of the work of a working group that made efforts to progress. Nevertheless, the document demonstrates that the group was unable to propose any really constructive solution, and its recommendations, if adopted, will not break the deadlock reached by CITES. IWMC therefore is unable to recommend that these recommendations be adopted.
- On the other hand, CITES should not be left with Resolutions that are poorly implemented. In the present circumstances however, we may doubt that the Conference of the Parties would be able to repeal them because of the needed two-thirds majority vote. Therefore, the Standing Committee should be directed to consider the whole issue again, including Resolutions Conf. 10.16 (Rev.) and Conf. 12.10, and to make realistic suggestions for consideration at CoP14. This should be the last attempt.

## IWMC World Conservation Trust

**Documents** CoP13 Doc. 56.3.1 and Doc. 56.3.2

**Subjects** Relationship between *ex situ* breeding and *in situ* conservation

- Report of the Animals Committee
- Relationship between commercial *ex situ* breeding operations and *in situ* conservation of Appendix-I species

**Proponents** Animals Committee and Mexico, respectively

### RECOMMENDATION – ADOPTION of resolution and a decision

IWMC agrees with the Animals Committee that the Relationship between *ex situ* breeding and *in situ* conservation is a complex issue that goes far beyond the scope of CITES, although it includes, as underlined by Mexico, CITES aspects. We agree also that the whole issue should be referred to the Standing Committee for thorough consideration, including how work could be coordinated with the CBD and organizations such as IUCN and WAZA (World Association of Zoos and Aquariums). This should be agreed by the Conference of the Parties, which should adopt a decision directed to the Standing Committee for that purpose. The scope of the issue should be extended to plants and artificial propagation. This should not prevent the Conference to adopt the draft resolution submitted by Mexico, even if we may expect that its impact would remain probably very limited.

### BACKGROUND

- As noted by Mexico, the issue is discussed within CITES since a long time, without having resulted in real concrete and practical effects in the field. To continue these discussions in the same way would therefore be useless.
- It is time for CITES to make a serious analysis of the issues related to the relationship between *ex situ* breeding and propagation and *in situ* conservation and this task should be entrusted to the Standing Committee. The Committee should in particular determine which are the aspects, positive and negative, of this relationship that falls under the purview and competence of CITES.
- This work should be done in association with that envisaged about document CoP13 Doc. 56.1 on Operations that breed Appendix-I species in captivity for commercial purposes (see IWMC recommendation on that document).
- This should not prevent the Conference of the Parties to adopt the draft resolution submitted by Mexico. We may nevertheless expect that such a resolution would not have a great practical effect.
- IWMC therefore recommends to the Conference of the Parties to adopt a decision, directed to the Standing Committee to consider the whole issue, including the necessary cooperation with the CBD and organizations such as IUCN and WAZA, and the draft resolution proposed by Mexico.

## IWMC World Conservation Trust

**Document** CoP13 Doc. 57

**Subject** Criteria for amendment of Appendices I and II

**Proponents** Chairmen of the Animals and Plants Committees

### **RECOMMENDATION – ADOPTION of amendments, with few amendments**

**IWMC also wishes to congratulate those who have contributed to the progress made in the review of the CITES criteria for amendment of Appendices I and II. While at CoP12, it appeared that the exercise would be almost impossible to achieve, we may hope now that the draft resolution submitted by the Chairmen of the Animals and Plants Committees would be adopted, at least for the essential. On its side, IWMC recommends to the Conference of the Parties to adopt the draft resolution with a few amendments, in particular on the issues left in square brackets.**

#### **BACKGROUND**

- The document submitted by the Chairmen of the Animals and Plants Committees explains clearly how the work was conducted after CoP12, mainly under their guidance. An excellent work was done by the two Committees and by the Parties that contributed to the review of selected taxa. They must be congratulated.
- In general, IWMC supports the amendments to Resolution Conf. 9.24 (Rev. CoP12) adopted by the Animals and Plants Committees and, therefore, the draft resolution included in Annex 3 of the document.
- Regarding the three square brackets left in Annex 1 (Biological criteria for Appendix I), IWMC agrees with the comments made by the Secretariat, particularly regarding the deletion of criterion D. In addition to the time argument linked with the periodicity of meetings of the Conference of the Parties, IWMC considers more significantly that the maintenance of this criterion would represent a lack of confidence in the whole concept of sustainable management under Appendix II, and cause a contradiction with Annex 2 a, criteria A. IWMC therefore recommends to the Conference of the Parties to delete criterion D.
- On the other hand, IWMC does not agree with the Secretariat concerning the other amendments it is proposing in its comment C, in particular with the first one concerning the chapeau of Annex 2 b. Although the text of the Convention uses the verb “shall be” and not “should be” as indicated by the Secretariat, the use of “may be” is perfectly correct, as it would be a non-sense to list all species that may meet the criteria, for a reason or another.
- However, two other minor amendments may be suggested. First, the title of Annex 1 could read “Biological criteria for the inclusion of species in Appendix I”, to follow the wording used for Annexes 2 a and 2 b. Second, if the format of presentation of the Appendices is kept as it is currently, the precautionary measure D, in Annex 4, should read: “ ... annotated in the Appendices as ‘possibly extinct’”, as the abbreviation “p.e.” is not in use any longer.

## IWMC World Conservation Trust

**Document** CoP13 Doc. 58  
**Subject** Annotations for medicinal plants in the Appendices  
**Proponent** Plants Committee

### **RECOMMENDATION – ADOPTION of decisions**

**IWMC recommends to the Conference of the Parties to adopt the draft decisions submitted by the Plants Committee, although we may regret that the Committee was not yet able to do, under the current Decision 11.118 (Rev. CoP12), what it is now proposing. Proper annotations are necessary to ensure that the specimens subject to the CITES provisions are those which must be controlled.**

#### **BACKGROUND**

- The issues related to annotations for medicinal plants are not new and it is regrettable that the Plants Committee has not yet been able to make appropriate suggestions. The annotations adopted should reflect the real needs and refer to those specimens that must be subject to the provisions of the Convention to prevent international trade being detrimental to the survival of the species in question.
- The draft decisions under consideration are more explicit than the Decisions adopted earlier and their implementation should facilitate the task of the Plants Committee. To direct the Committee to draft amendment proposals is significant and should help reaching the above goal.
- Although this may be considered self-evident, it may be useful to specify, in the third draft decisions directed to the Plants Committee, that the amendment proposals have to be submitted by any Party, in particular the Depositary Government, Switzerland. This is in general the case for proposals prepared by CITES Committees.

## IWMC World Conservation Trust

**Document** CoP13 Doc. 59.1  
**Subject** Standard nomenclature for birds  
**Proponent** Mexico

**RECOMMENDATION – AGREEMENT.**  
**To be discussed with document CoP13 Doc. 11.3**

**IWMC agrees with Mexico that the standard nomenclature to be used by CITES should not be changed unless this is actually necessary, and with its views concerning the issue presented in the document under consideration. Considering the links between both documents, IWMC recommends to the Conference of the Parties to examine this document together with document CoP13 Doc. 11.3 on Standard nomenclature and the operation of the Nomenclature Committee also submitted by Mexico.**

### **BACKGROUND**

- Document CoP13 Doc. 59.1 is closely linked with document CoP13 Doc. 11.3 on Standard nomenclature and the operation of the Nomenclature Committee. In fact, the issue raised in the former led to the submission of the latter. Therefore it would appear logical to consider both documents together or at least in parallel. This is what IWMC recommends to do to the Conference of the Parties. (See IWMC recommendation on document CoP13 Doc. 11.3.)
- IWMC is sympathetic with the concerns expressed by Mexico and has also the feeling that standard references used by CITES should not be changed too frequently and certainly not without timely and full explanations to the Conference of the Parties of all consequences of the proposed changes.

## IWMC World Conservation Trust

**Document** CoP13 Doc. 59.2  
**Subject** Recognition of *Chamaeleo excubitor* as a separate species  
**Proponent** Kenya

### RECOMMENDATION – REJECTION, although ...

**IWMC recommends to the Conference of the Parties to reject the request of Kenya as useless. If Kenya would have submitted it direct to the Nomenclature Committee, or via the Secretariat, the Committee might have been able to make its recommendation at CoP13 already. For this kind of action, no decision of the Conference of the Parties is needed.**

#### BACKGROUND

- In submitting its request through a draft decision submitted to the Conference of the Parties, Kenya has lost a precious time. Indeed, in the present circumstances, the Nomenclature Committee will not be able to make a recommendation before CoP14.
- If Kenya would have submitted its request direct to the Nomenclature Committee, possibly via the Secretariat, the Committee would have been able to analyze the issue and might have been in a position to make a recommendation at CoP13 already.
- The Parties should know that they have the possibility to approach the Nomenclature Committee at any time to submit it the kind of issue raised by Kenya. Therefore, if the Conference of the Parties reject the request of Kenya, it should suggest to that country to follow that direct way.

## IWMC World Conservation Trust

**Document** CoP13 Doc. 61  
**Subject** Inclusion of species in Appendix III  
**Proponents** Switzerland and the Secretariat

### **RECOMMENDATION – REJECTION of main amendments, ADOPTION of others**

**If amendment proposal CoP13 Prop. 2, submitted by Switzerland, or preferably proposal CoP13 Prop. 1, submitted by Ireland, is adopted, the paragraph introduced in the Interpretation of the Appendices, contrary to what is stated in the document under consideration, would apply to Appendix III. In such circumstances, the relevant amendment proposed to Resolution Conf. 9.25 (Rev.) would be useless, as well as the other proposed amendments (to the preamble in particular). The other amendments, except in the preamble, are of an editorial nature. IWMC, therefore, recommends to the Conference of the Parties to reject the main amendment and those associated with it, and to adopt the others.**

#### **BACKGROUND**

- The proposals for amendment of Appendices I and II CoP13 Prop. 1 and Prop. 2 submitted by Ireland and by Switzerland, respectively, aim to include in the Interpretation of the Appendices a paragraph indicating that various elements are not subject to the provisions of the Convention. If the Conference of the Parties adopt one of these proposals (see IWMC recommendation on them), or part of it, this will mean that the Conference agrees that these elements are not falling under the definition of “specimen” as provided in Article I, paragraph (b), of the Convention. In other terms, they are not considered as ‘parts or derivatives’ of an animal or plant.
- Article XVI of the Convention provides the conditions under which a Party may request the inclusion of a species in Appendix III, as well as the parts and derivatives of the animal or plant concerned that are subject to the CITES provisions. Article XVI refers exclusively to lists of species and parts and derivatives thereof, not at all to the interpretation of the Appendix.
- In such circumstances, the exclusion of elements from the definition of ‘specimen’, as indicated above, necessarily applies also to species listed in Appendix III. Accordingly, the amendment to Resolution Conf. 9.25 (Rev.) proposed by Switzerland and the Secretariat is useless and IWMC recommends to the Conference of the Parties to reject it, as well as the associated amendments to the preamble.
- The other proposed amendments to Resolution Conf. 9.25 (Rev.) are essentially of an editorial nature (not necessarily applicable to other languages) and do not need a formal approval by the Conference of the Parties, except those concerning the preamble. IWMC can recommend to the Conference of the Parties to adopt them or possibly the latter only.

## IWMC World Conservation Trust

<b>Documents</b>	CoP13 Doc. 62.1 (Rev. 1) and Doc. 62.2
<b>Subjects</b>	Bushmeat Working Group and bushmeat
<b>Proponents</b>	Secretariat (on behalf of the Bushmeat Working Group) and Ireland (on behalf of the Member States of the European Community)

### RECOMMENDATION – ADOPTION

**Although the bushmeat issue is basically an issue that does not fall under the purview of CITES, it contains elements relevant to it. Therefore, IWMC recommends to the Conference of the Parties to adopt the draft resolution and decisions submitted by the Bushmeat Working Group, as well as the draft decision submitted by Ireland.**

#### BACKGROUND

- The problems associated with the use of bushmeat in many countries of the world, especially in western and central Africa, is by far not new. We may regret however that it was not considered earlier as seriously as it should have been by the countries concerned themselves and by organizations working in these countries.
- Considering the significance of the bushmeat, and other natural resources, in the diet of many populations, including in urbanized areas, of numerous countries, we consider as particularly regrettable that the FAO did not devote the efforts needed to ensure the sustainable use of this source of food. Therefore, IWMC welcomes the draft decision proposed by Ireland, and recommends to the Conference of the Parties to adopt it. It is important indeed that other organizations or treaties than CITES play from now the leading role in this field.
- CITES has nevertheless a role to play and, consequently, IWMC also recommends that the draft resolution and decisions of the Bushmeat Working Group be adopted by the Conference of the Parties.