

**Fourth meeting of the Conference of the Parties
Gaborone (Botswana), 19-30 April 1983**

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Conf. 4.1*

The Standing Committee of the Conference of the Parties

ACKNOWLEDGING the work of the Standing Committee established at the second meeting of the Conference of the Parties (San José, 1979);

CONSIDERING the role and experience of the Standing Committee in matters of advice to the Secretariat and representation of the Parties between meetings of the Conference of the Parties;

NOTING the mandate of the Standing Committee established by the Conference of the Parties in 1979 (Resolution Conf. 2.2) and amended at its third meeting (New Delhi 1981, Resolution Conf. 3.1);

RECOGNIZING the need to have voting procedures and membership categories of the Standing Committee confirmed by the Conference of the Parties;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

DECIDES

- a) to continue the mandate of the Standing Committee of the Conference of the Parties as set out in Resolution Conf. 3.1 (New Delhi, 1981); and
- b) to revise the membership of the Standing Committee and to establish voting procedures for the Committee, which supersede the membership set out in Resolution Conf. 2.2 (San José, 1979); and

DETERMINES the following principles for the composition of and voting procedures to be followed by the Standing Committee:

- a) the Standing Committee shall consist of:
 - i) to the extent possible, a Party nominated from each of the six major geographic areas consisting of Africa, Asia, Europe, North America, South and Central America and the Caribbean, and Oceania;
 - ii) the Depositary Government, and
 - iii) the present host Party and the next host Party;
- b) all Committee members may participate in Committee business but only the regional representative members shall have the right to vote except in the case of a tie vote, when the Depositary Government representative member shall have the right to vote to break the tie;
- c) the Chairman, Vice-Chairman and any other necessary executive officers shall be elected from the regional representative members by the regional representatives; and
- d) the Secretary for the Committee shall be provided by the Secretariat of the Convention.

* This document was prepared after the meeting from documents Doc. 4.5 Annex 1 and Doc. 4.6 Annex adopted after having been amended. (Note from the Secretariat).

Payment of Travel Expenses for Standing Committee Members

NOTING with sincere appreciation the services and monies provided by the Executive Director of the United Nations Environment Programme for the establishment and operation of the Secretariat of the Convention and NOTING with gratitude the services, assistance and direction provided to the Secretariat by the Director General of the International Union for Conservation of Nature and Natural Resources;

NOTING Resolutions Conf. 2.2 (San José, 1979) and Conf. 3.1 (New Delhi, 1981) of the Conference of the Parties which established and revised, respectively, the mandate of the Standing Committee;

RECOGNIZING the importance of the role undertaken by the Standing Committee, on behalf of the Conference of the Parties, between regular meetings;

ACKNOWLEDGING the services and assistance provided by the members of the Steering Committee (1976-1979) and the Standing Committee (1979) to the Secretariat and NOTING with sincere appreciation the considerable expenses incurred by Committee members and absorbed by Parties nominated to the Committees;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

DIRECTS the Secretariat to make provisions in the 1984-1985, and future budgets, for the payments, if requested, of reasonable and justifiable travel expenses of the nominated regional representatives, the Depositary Government representative and the two host government representatives to the Standing Committee.

Within the policy agreed by the Conference of the Parties, the Secretariat:

- a) shall make provision for payment of travel costs for the six nominated regional representatives, the Depositary Government representative and the two host government representatives to attend a maximum of two Standing Committee meetings per calendar year, effective January 1, 1984;
- b) shall refund travel expenses to no more than one representative from each region, the Depositary Government and the two host governments per Standing Committee meeting, if a refund is requested by the Party representative;
- c) may refund to the Chairman of the Standing Committee all reasonable and justifiable travel expenses for travel undertaken on behalf of the Conference of the Parties or on behalf of the Secretariat;
- d) may pay refunds in U.S. dollars or Swiss francs;
- e) shall receive claims for refunds, supported by receipts, which must be submitted to the Secretariat within thirty calendar days of the completion of the travel; and
- f) shall ensure that, to the extent possible, re-imbursement for travel, expenses shall be made from external funding.

* This document was prepared after the meeting from document Doc. 4.7 Annex adopted after having been amended. (Note from the Secretariat).

Conf. 4.3*

Financing and Budgeting of the Secretariat and of Meetings of the Conference of the Parties

RECALLING Resolution Conf. 3.2 adopted at the third meeting of the Conference of the Parties (New Delhi, 1981);

HAVING REVIEWED the 1981 and 1982 accounts and the 1984-1985 budget estimate submitted by the Secretariat;

HAVING REVIEWED the 1984-1987 medium term budget estimate;

NOTING with appreciation Decision 7/14 E adopted by the Governing Council of the United Nations Environment Programme (UNEP) in 1979;

RECOGNIZING that in line with the above-mentioned decision, regular funding by UNEP will cease after 1983 and that the funding of the Secretariat and of meetings of the Conference of the Parties will be the sole responsibility of the Parties;

ACKNOWLEDGING with appreciation the support to the Secretariat provided by UNEP, with the assistance of the International Union for Conservation of Nature and Natural Resources (IUCN);

ACKNOWLEDGING that the procedure for amendment of the Convention has been initiated with a view to adoption of financial provisions, but that the number of acceptances necessary to bring the amendment into force has not yet been obtained;

RECOGNIZING that the Parties meanwhile shall formulate interim procedures regarding their financial participation, until the adoption and entry into force of such an amendment;

RECOGNIZING the continuing need for an arrangement between the Parties and the Executive Director of UNEP;

NOTING the considerable increase in numbers of organizations attending the meetings of the Conference of the Parties as observers, and the resulting additional expenditures;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

APPROVES the 1981 and 1982 accounts;

APPROVES the 1984-1985 budget;

REQUESTS that the Executive Director of the United Nations Environment Programme (UNEP) continue, with the approval of the Governing Council of UNEP, a Trust Fund to provide financial support for the aims of the Convention in accordance with the Terms of Reference for the Administration of the Trust Fund for the Convention on International Trade in Endangered Species of Wild Fauna and Flora, attached in the Annex;

RECOMMENDS that the Terms of Reference attached in the Annex serve as a basis for contributions during the financial period beginning 1 January 1984 and ending 31 December 1985;

EMPHASIZES to the Parties the importance of making their contributions to the Trust Fund promptly by the beginning of the respective calendar year or financial period to which the contributions apply or, if this is not possible, as soon thereafter as possible;

URGES all Parties which have not yet done so to deposit as soon as possible an instrument of acceptance of the amendment of 22 June 1979;

* This document was prepared after the meeting from document Doc. 4.12 Annex 3 adopted after having been amended. (Note from the Secretariat).

INVITES States not Party to the Convention, other governmental, inter-governmental and non-governmental organizations, and other sources to consider contributing to the Trust Fund;

DECIDES that the standard participation charge of US\$ 50, from all observer organizations other than the United Nations and its specialized agencies (except as otherwise reduced by the Standing Committee as required), as decided at the third meeting of the Conference of the Parties (New Delhi, 1981) be maintained; and

APPROVES the Secretariat report.

Annex

TERMS OF REFERENCE FOR THE ADMINISTRATION OF THE TRUST FUND FOR THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA

1. The Trust Fund for the Convention on International Trade in Endangered Species of Wild Fauna and Flora (hereinafter referred to as the Trust Fund) shall be continued for a period of two years to provide financial support for the aims of the Convention.
2. Pursuant to the Financial Regulations and Rules of the United Nations, the Executive Director of the United Nations Environment Programme (UNEP), with the approval of the Governing Council, shall continue the Trust Fund for the administration of the Convention.
3. The financial period shall be for two calendar years beginning 1 January 1984, and ending 31 December 1985. The appropriations of the Trust Fund for the financial period shall be financed from:
 - a) the contributions made by the Parties by reference to Table 1, including contributions from any new Parties which are to be added to Table 1;
 - b) contributions from States not Party to the Convention, other governmental, inter-governmental and non-governmental organizations and other sources; and
 - c) any uncommitted appropriations from the 1982-1983 financial period.
4. The budget estimates covering the income and expenditure for each of the two calendar years constituting the financial period to which they relate, prepared in US dollars, shall be submitted to the regular meeting of the Conference of the Parties to the Convention.
5. The estimates of each of the calendar years covered by the financial period shall be divided into sections and chapters, shall be specified according to budget lines, shall include references to the programmes of work to which they relate, and shall be accompanied by such information as may be required by, or on behalf of, the contributors, and such further information as the Executive Director of UNEP may deem useful and advisable. In particular, estimates shall also be prepared for each programme of work for each of the calendar years, with expenditures itemized for each programme so as to correspond to the sections, chapters, and budget lines described in the first sentence of this paragraph. The sum of the programme estimates shall equal the sum of the estimates described in the first sentence of this paragraph.
6. In addition to the budget estimates for the financial period described in the preceding paragraphs, the Secretary General of the Convention, in consultation with the Standing Committee and the Executive Director of UNEP, shall prepare a medium term plan as envisaged in Chapter III of Legislative and Financial Texts Regarding The United Nations Environment Programme and the Environment Fund. The medium term plan will cover the years 1984-1987, inclusive, and will incorporate the budget for the 1984-1985 financial period.
7. The proposed budget and medium term plan shall be dispatched by the Secretariat to all Parties at least ninety days before the date fixed for the opening of the regular meeting of the Conference of the Parties.
8. The budget and medium term plan shall be adopted by a 3/4 majority of the Parties present and voting at the regular meeting.

9. In the event that the Executive Director of UNEP anticipates that there might be a shortfall in resources, over the year as a whole, he shall consult with the Secretary General, who shall seek the advice of the Standing Committee as to its priorities for expenditure.
10. Upon the request of the Secretary General, after seeking the advice of the Standing Committee, the Executive Director of UNEP should, to the extent consistent with the Financial Regulations and Rules of the United Nations, make transfers from one budget line to another. At the end of the first calendar year of a financial period, the Executive Director of UNEP may proceed to transfer any uncommitted balance of appropriations to the second calendar year, provided that the total budget approved by the Parties shall not be exceeded unless this is specifically sanctioned in writing by the Standing Committee.
11. All contributions shall be paid in convertible currencies. Contributions from States that become Parties after the beginning of the financial period should be made on a pro-rata basis for the balance of the financial period.
12. At the end of each calendar year of a financial period, the Executive Director of UNEP shall submit to the Parties the accounts for the year. He shall also submit, as soon as practicable, the audited accounts for the financial period.
13. Those financial reports now required to be submitted quarterly during the year by the International Union for Conservation of Nature and Natural Resources (IUCN) to UNEP in accordance with Project Number FP/IIQ4-76-0I (284) shall be transmitted simultaneously by the Secretary General of the Convention to members of the Standing Committee.
14. The Secretary General of the Convention shall provide the Standing Committee with an estimate of proposed expenditures over the coming quarter simultaneously with, or as soon as possible after, distribution of the accounts and reports referred to in the preceding paragraphs.
15. The general procedures governing the operations of the Fund of UNEP and the Financial Regulations and Rules of the United Nations shall govern the financial operations of the Trust Fund for the Convention.
16. These Terms of Reference shall be effective for the financial period of 1 January 1984 to 31 December 1985.

Table 1

TRUST FUND FOR THE CONVENTION ON INTERNATIONAL TRADE
IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA

Scale of Contributions for the Biennium 1984-1985
(5 percent added to total budget)

Party	UN Scale %	1984-85 share US\$	Annual share US\$
Argentina	0.71	10,506	5,253
Australia	1.57	23,230	11,615
Austria	0.75	11,098	5,549
Bahamas	0.01	148	74
Bangladesh	0.03	444	222
Bolivia	0.01	148	74
Botswana	0.01	148	74
Brazil	1.39	20,566	10,283
Cameroon, United Republic of	0.01	148 74	74
Canada	3.08	45,572	22,786
Central African Republic	0.01	148	74
Chile	0.07	1,036	518
China	0.88	13,022	6,511
Colombia	0.11	1,628	814
Congo	0.01	148	74
Costa Rica	0.02	296	148
Cyprus	0.01	148	74
Denmark	0.75	11,098	5,549
Ecuador	0.02	296	148
Egypt	0.07	1,036	518
Finland	0.48	7,102	3,551
France	6.51	96,320	48,160
Gambia	0.01	148	74
German Democratic Republic	1.39	20,566	10,283
Germany, Federal Republic of	8.54	126,356	63,178
Ghana	0.02	296	148
Guatemala	0.02	296	148
Guinea	0.01	148	74
Guyana	0.01	148	74
India	0.36	5,328	2,664
Indonesia	0.13	1,924	962
Iran	0.58	8,582	4,291
Israel	0.23	3,404	1,702

Party	UN Scale %	1984-85 share US\$	Annual share US\$
Italy	3.74	55,336	27,668
Japan	10.32	152,692	76,346
Jordan	0.01	148	74
Kenya	0.01	148	74
Liberia	0.01	148	74
Liechtenstein	0.01	148	74
Madagascar	0.01	148	74
Malawi	0.01	148	74
Malaysia	0.09	1,332	666
Mauritius	0.01	148	74
Monaco	0.01	148	74
Morocco	0.05	740	370
Mozambique	0.01	148	74
Nepal	0.01	148	74
Nicaragua	0.01	148	74
Niger	0.01	148	74
Nigeria	0.19	2,812	1,406
Norway	0.51	7,546	3,773
Pakistan	0.06	888	444
Panama	0.02	296	148
Papua New Guinea	0.01	148	74
Paraguay	0.01	148	74
Peru	0.07	1,036	518
Philippines	0.09	1,332	666
Portugal	0.18	2,664	1,332
Rwanda	0.01	148	74
Saint Lucia	0.01	148	74
Senegal	0.01	148	74
Seychelles	0.01	148	74
South Africa	0.41	6,068	3,034
Sri Lanka	0.01	148	74
Sudan	0.01	148	74
Suriname	0.01	148	74

Party	UN Scale %	1984-85 share US\$	Annual share US\$
Sweden	1.32	19,532	9,766
Switzerland	1.05	15,536	7,768
Tanzania, United Republic of	0.01	148	74
Thailand	0.08	1,184	592
Togo	0.01	148	74
Tunisia	0.03	444	222
Union of Soviet Socialist Republics	10.54	155,948	77,974
United Arab Emirates	0.16	2,368	1,184
United Kingdom of Great Britain and Northern Ireland	4.67	69,096	34,548
United States of America	25.00	369,892	184,946
Uruguay	0.04	592	296
Venezuela	0.55	8,138	4,069
Zaire	0.01	148	74
Zambia	0.01	148	74
Zimbabwe	0.02	296	148
SUB-TOTAL	87.25	1,290,950	645,475
Miscellaneous income		118,160	59,080
TOTAL INCOME		1,409,110	704,555

Conf. 4.4*

Amendment to the Name of the Technical Expert Committee

CONSIDERING that representatives of Parties attending meetings of the Technical Expert Committee are called upon to consider a wide range of subjects within the context of CITES;

RECOGNIZING that for any particular subject referred to the Committee expertise in any field other than general governmental administration may not be necessary;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RESOLVES that the name of the Committee be changed to the "Technical Committee".

* *This document was prepared after the meeting from document Com. 4.2 adopted without amendment. (Note from the Secretariat).*

Conf. 4.5*

Appointment of Technical Committee Regional Co-ordinators

RECOGNIZING the importance of the Technical Committee to the successful implementation of the Convention in providing a forum for discussion of CITES controls as well as advice and recommendations to the Secretariat and the Parties on measures to overcome problems of enforcement of the Convention consistent with its mandate;

RECOGNIZING the difficulty experienced in convening technical meetings of representatives of the major geographic regions and the importance of participation by all interested Parties;

RECALLING that membership on the Technical Committee is open to all interested Parties;

MINDFUL of the need for Parties to participate fully in consideration of matters referred to the Technical Committee;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

DECIDES to appoint six Regional Co-ordinators to assist the Chairman of the Technical Committee in dealing with matters as set out in Resolution Conf. 3.5 (New Delhi, 1981) as follows:

- i) Regional Co-ordinators shall be nominated by the Conference of the Parties;
- ii) in nominating Regional Co-ordinators, the Conference of the Parties shall ensure, to the extent possible, that the following major geographic regions are represented: Africa, Asia, Central and South America and the Caribbean, North America, Europe and Oceania; and
- iii) the term of office for Regional Co-ordinators shall expire at the close of the second regular meeting of the Conference of the Parties following that at which they have been nominated, except that, to provide a measure of continuity, the first term of three Co-ordinators shall expire at the close of the first regular meeting following that at which they have been nominated;

URGES that a Party accepting nomination as Regional Co-ordinator fully consider the obligations, financial and otherwise, associated with such a nomination; and

RECOGNIZES that some assistance in this regard may be forthcoming from non-governmental sources as well as from other Parties.

* This document was prepared after the meeting from document Com. 4.20 adopted after having been amended. (Note from the Secretariat).

Conf. 4.6*

Submission of Draft Resolution and Other Documents for Meetings of the Conference of the Parties

CONSIDERING the volume of work involved in the preparation of documents to be submitted to the Conference of the Parties at its regular meetings;

AFFIRMING the obligation of the Parties to collaborate closely with the Secretariat in the organization of meetings of the Conference of the Parties;

RECOGNIZING the necessity that the Parties be informed in advance of the draft resolutions and other documents submitted by other Parties;

RECALLING the decision of the Standing Committee which was adopted at its eighth meeting, held in Gaborone (Botswana) on 18 April 1983, to establish a time limit of 150 days prior to the meeting of the Conference of the Parties for the submission of draft resolutions and documents;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) that the text of any draft resolutions to be submitted to a meeting of the Conference of the Parties be communicated to the Secretariat at least 150 days before the meeting;
- b) that the text of any documents submitted for consideration at a meeting of the Conference of the Parties be communicated to the Secretariat at least 150 days before the meeting; and
- c) that the Secretariat be authorized to accept draft resolutions and documents (other than proposals for amendment of Appendix I and II) after the time limit of 150 days has expired only in exceptional circumstances, when it is established, to the satisfaction of the Secretariat, that the draft resolutions or documents could not be communicated before the expiration date.

* This document was prepared after the meeting from document Doc. 4.5.1 adopted without amendment. (Note from the Secretariat).

Conf. 4.7*

Regulation of Trade in Appendix II Wildlife and Implementation of Article IV, paragraph 3, of the Convention

RECOGNIZING that the Convention, in Article IV, paragraph 3, requires that trade in specimens of Appendix II species be kept within limits that allow the maintenance of those species throughout their ranges and at levels consistent with their roles in the ecosystems in which they occur;

RECALLING that the Convention was drafted in recognition of the need for co-operative action to protect certain species of wild fauna and flora from over-exploitation through international trade;

NOTING that many Parties exporting Appendix II wildlife are unable to effectively implement Article IV, paragraph 3, of the Convention unilaterally;

RECOGNIZING also that all Parties benefit from management of Appendix II species that ensure the continued availability of these resources;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) that the Technical Committee identify those Appendix II species that are the subject of significant international trade for which scientific information on the capacity of the species to withstand such levels of trade is insufficient to satisfy the requirements of Article IV, paragraph 3, of the Convention, as determined by the range states;
- b) that the Technical Committee, at the request of at least one of the countries involved and in collaboration with representatives of range states, importing states, and organisations experienced in the management of wildlife, develop and negotiate measures required to ensure that continued trade in these species is within the terms of Article IV, paragraph 3, of the Convention; and
- c) that the Technical Committee encourages Parties to develop agreements with range states for the co-operative implementation of these measures.

* This document was prepared after the meeting from document Com. 4.21 adopted after having been amended. (Note from the Secretariat).

Conf. 4.8*

Treatment of Exports of Parts and Derivatives without Permit from a Party to Another which Deems them Readily Recognizable

RECOGNIZING that Article III, IV and I of the Convention require the regulation of trade in specimens of those species listed on the appendices;

RECOGNIZING further that Article I defines a "specimen" as including any readily recognizable part or derivative of any animal or plant;

RECOGNIZING also that the term "readily recognizable" is not defined by the Convention and is therefore subject to judgment by each Party;

NOTING that the trade in parts and derivatives regulated in one Party is, therefore, not always subject to regulation in others;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) that those importing Parties requiring that CITES export permits or re-export certificates accompany imports of parts and derivatives do not waive that requirement because such parts and derivatives are not considered to be readily recognizable by the exporting or re-exporting Party; and
- b) that all Parties notify the Secretariat of the Convention of the controls on parts and derivatives operative under implementing legislation in their countries;

ACKNOWLEDGES the right under Articles III, IV and V of the Convention of those importing Parties who wish to do so only to permit import from a Party state on presentation of CITES documentation; and

REQUESTS the Secretariat to distribute to Parties a summary of such controls.

* *This document was prepared after the meeting from document Com. 4.14 adopted after having been amended. (Note from the Secretariat).*

Time Validity of Export Permits and Re-export Certificates

CONSIDERING that the Convention in Article VI, paragraph 2, provides that export permits may only be used for export within a period of six months from the date on which they were granted;

RECOGNIZING that the other relevant provisions of the Convention are not clear in the event that "use" of the export permit has commenced during the six months period but that said period has expired at the time of presentation of the export permit for import purposes;

RECOGNIZING also the need for uniform interpretation of the Convention with regard to export permits and re-export certificates;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) that the provisions of Article III, paragraph 3, Article IV, paragraph 4, and Article V, paragraph 3, of the Convention be understood to mean that an export permit or re-export certificate shall be valid for import purposes only if presented within a period of six months from the date on which it was granted;
- b) that the terms "used for export within a period of six months", be interpreted to mean that all export activities, including, but not limited to, transport, presentation for import, etc. shall be undertaken and concluded before the expiry of the said six months period from the date of granting; and
- c) that after the expiry of the said six months period and export permit or re-export certificate be considered as void and of no legal value whatsoever.

* This document was prepared after the meeting from document Com. 4.8 adopted without amendment. (Note from the Secretariat).

Definition of "In Transit"

RECOGNIZING that Article VII, paragraph 1, of the Convention allows the transit or trans-shipment of specimens through or in the territory of a Party without the need for regulation by the Party;

RECOGNIZING also that there is potential for the abuse of this provision by the keeping of specimens in the territory of a Party while seeking a buyer in another country;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) for the purpose of Article VII, paragraph 1, of the Convention:
 - i) that the phrase "transit or trans-shipment of specimens" refer only to those situations in which a specimen is, in fact, in the process of shipment to a named consignee and that any interruption in the movement arises only from the arrangements necessitated by this form of traffic;
 - ii) that valid export documentation as required under the Convention or satisfactory proof of its existence be available for inspection by the authorities of the country of transit or trans-shipment and that it clearly show the ultimate destination of the shipment; and
 - iii) that a change of ultimate destination be investigated by the country of transit to verify that the transaction complies with the purposes of the Convention;
- b) that Parties note that the Convention does not make special provision for airport lounges (including duty free shops), free ports or non-customs zones because each Party is deemed to have sovereignty over the whole of its territory, and apply the Convention accordingly; and
- c) that Parties re-examine their procedures while bearing in mind that to qualify for the special arrangement implicit in Article VII, paragraph 1, of the Convention for specimens in transit or trans-shipment, they must be moving through the state and remain under customs control while doing so.

* This document was prepared after the meeting from document Com. 4.9 adopted without amendment. (Note from the Secretariat).

Interpretation of "Pre-Convention Acquisition"

RECALLING that Article VII, paragraph 2, of the Convention provides an exemption from the requirements of Articles III, IV and V where a Management Authority of the state of export or re-export is satisfied that "... a specimen was acquired before the provisions of the present Convention applied to that specimen...";

RECOGNIZING that Parties have expressed concern that the uncertainty of interpretation of the pre-Convention exemption could have an adverse impact on the survival chances of many species while at the same time unnecessarily limiting the availability of the exemption;

RECALLING that the Parties should apply Article X of the Convention so that all trade in listed fauna and flora from non-Parties requires equivalent documentation to that required of Parties to the Convention;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

NOTES that for the purposes of Article VII, paragraph 2, of the Convention, when a Management Authority determines when the provisions of the Convention first applied to a particular specimen, it may select either the date of entry into force of the earliest inclusion of the relevant species in Appendix I, II or III, or the date of entry into force of the Convention for the state which designated that Management Authority as such, and

RECOMMENDS

- a) that changes of status of a species from one appendix to another, subsequent to the dates referred to above, be not considered in determining when the provisions of the Convention applied to a particular specimen;
- b) that the word "acquired" as it appears in Article VII, paragraph 2 mean:
 - i) the initial removal of live or dead specimens from their habitat; or
 - ii) the introduction to personal possession of any part or derivative; and
- c) that for purposes of determining whether or not Article III, IV or V applies to the export, re-export or introduction from the sea of a specimen of a species which has been included in one or more of the appendices, the date of actual export, import, re-export or introduction from the sea be the controlling date (i.e., a specimen exported without licence one day after the effective date of the inclusion of a species in an appendix shall be deemed to be illegal).

* This document was prepared after the meeting from document Com. 4.23 adopted after having been amended. (Note from the Secretariat).

Control of Tourist Souvenir Specimens

CONSIDERING that Article VII, paragraph 3, of the Convention exemption does not apply to Appendix I specimens that are souvenirs being imported by a person returning to his state of usual residence;

CONSIDERING further that Article VII, paragraph 3, of the Convention exemption does not apply to Appendix II specimens that are souvenirs being imported by a person returning to his state of usual residence where the specimens were taken from the wild in a state requiring the prior grant of export permits before the export of such specimens;

NOTING that for Parties other than the exporting and importing Parties such Appendix II specimens are, under Article VII, exempt from CITES regulation;

RECOGNIZING that parts, products and derivatives of species listed on Appendices I and II continue to be widely sold as tourist souvenir specimens;

RECOGNIZING also that export permits are frequently not required by exporting countries;

ACKNOWLEDGING that sale of tourist souvenir specimens can in many cases form a substantial part of a trade which could threaten a species and the trade;

ACKNOWLEDGING further that there is widespread public ignorance of CITES controls and domestic legislation relating to trade in endangered species;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

URGES

- a) that all Parties comply fully with the requirements of Article III of the Convention with respect to tourist souvenir specimens, and in particular, vigorously control the export and import of Appendix I specimens (including parts and derivatives) whether or not exported or imported as personal effects;
- b) that all Parties make their best efforts to comply fully with the purposes of the Convention with respect to Appendix II tourist souvenir specimens and in particular control export and import of specimens of those species which are likely to be adversely affected by heavy trade;
- c) that Parties which regulate the export or import of Appendix II tourist souvenir specimens communicate to the Parties through the Secretariat which species are so regulated;
- d) that importing countries experiencing problems with imports of tourist souvenirs specimens notify the relevant exporting countries and the CITES Secretariat accordingly;
- e) that Parties in collaboration with national and international tourist agencies, carriers and other relevant bodies take all possible steps to ensure that tourists travelling abroad are made aware of the import and export controls that are or may be in force; and
- f) that the Technical Committee consider ways of assisting any Party which informs the Committee of difficulties in the application of this Resolution; and

RECOMMENDS

- a) that a person in possession of Appendix II tourist souvenir specimens covered by an export permit be afforded the exemption for personal effects given by Article VII when entering states other than the state of export; and

* This document was prepared after the meeting from document Com. 4.7 (Rev.) adopted after having been amended. (Note from the Secretariat).

- b) that the term "tourist souvenir specimen" apply only to personal and household effects acquired outside the owner's state of usual residence and be not applied to live specimens.

Conf. 4.13*

Trade in Leopard Skins

RECALLING that with the exception of the rare cases of exemptions granted under Article VII of the Convention, trade in Appendix I species is prohibited;

RECALLING that the leopard *Panthera pardus* is listed on Appendix I;

RECOGNIZING that the killing of specimens of leopard may be sanctioned by countries of export in defense of life and property and to enhance the survival of the species, and that the leopard is in no way endangered in Botswana, Kenya, Malawi, Mozambique, the United Republic of Tanzania, Zambia or Zimbabwe;

RECOGNIZING that the said countries of export may trade in such dead specimens in accordance with Resolution Conf. 2.11 (San José, 1979) and may grant export permits in accordance with paragraph 2 of Article III of the Convention;

RECALLING that paragraph 3(c) of Article III of the Convention provides that import permits shall only be granted when a Management Authority of the state of import is satisfied that the specimen is not to be used for primarily commercial purposes, and that paragraph 2(a) of Article III of the Convention provides that export permits shall only be granted when a Scientific Authority of the state of export has advised that such export will not be detrimental to the survival of that species;

RECOGNIZING the overwhelming desire of the Parties that the commercial market for leopard skins should not be reopened;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) that in reviewing applications for permits to import whole skins or nearly whole skins of leopard, in accordance with paragraph 3(a) of Article III of the Convention, the Scientific Authority of the state of import approve permits if it is satisfied that the skin being considered is from one of the following states which may not export more of the said skins in any one calendar year than the number shown under "quota" opposite the name of the state:

State	Quota
Botswana	80
Kenya	80
Malawi	20
Mozambique	60
United Republic of Tanzania	60
Zambia	80
Zimbabwe	80

- b) that in reviewing applications for permits to import whole skins or nearly whole skins of *Panthera pardus*, in terms of paragraph 3(c) of Article III of the Convention, the Management Authority of the state of import may be satisfied that the said skins is not to be used for mainly commercial purposes if:

- i) a skin is acquired by the owner in the country of export and is being imported as a personal item that will not be sold in the country of import; and

* This document was prepared after the meeting from document Doc. 4.48 (Rev.) adopted after having been amended. (Note from the Secretariat).

- ii) the owner imports no more than one skin in any calendar year;
- c) that the Management Authority of a state of import only permit the import of a leopard skin in accordance with this Resolution if the skin has a self-locking tag attached which indicates the state of export, the number of the specimen in relation to the annual quota and the calendar year to which the quota applies – for example ZW 6/80 1983 indicating that Zimbabwe is the state of export and that the specimen is the sixth specimen exported by Zimbabwe out of its quota of 80 for 1983;
- d) that in the case of whole or nearly whole leopard skins traded according to the terms of this Resolution, the words "has been granted" in paragraph 2(d) of Article III of the Convention be deemed to have been satisfied upon the written assurance of the Management Authority of the state of import that an import permit will be granted;
- e) that each state that exports leopard skins in terms of this Resolution report the number of skins so exported to each biennial meeting of the Conference of the Parties;
- f) that the states authorized to export leopard skins in terms of this Resolution and their quotas be subject to review by meetings of the Conference of the Parties taking into account, *inter alia*, existing stocks, and that the quotas may only be increased with the consent of the Conference of the Parties; and
- g) that the whole Resolution be reviewed at the fifth meeting of the Conference of the Parties so as to allow sufficient time for Parties to assess the merits of this Resolution.

Trade in Worked Ivory

RECALLING, with respect, His Excellency the President of Botswana, Dr. Q.K.J. Masire's opening speech at this fourth meeting of the Conference of the Parties, and the African Parties present having drawn attention to His Excellency's statement emphasizing that "It is encouraging to note that CITES does not prohibit or discourage legalized trade in wild fauna and flora but rather that it aims at controlling the trade so as to ensure the sustainable utilization of the resource";

NOTING that the African Parties participating in this meeting of the Conference of the Parties submit that the above statement is the crux of participation in and ratification of CITES and acknowledge that while the wild fauna and flora are preserved in Africa for their inherent value, they also constitute an economic resource of major importance to the continent which can and should be used correctly for the benefit of the resource and the people on whose land it occurs;

EMPHASIZING the great concern of the African Parties present and participating at the fourth meeting of the Conference of the Parties to ensure that CITES is both efficient and does not impede the legitimate trade in wild flora and fauna or reduce the profitability of this trade, and SUBMITTING that it would be in conflict with the purpose of CITES if the Convention were to be used in any way to devalue wildlife;

CONSIDERING that the African Parties participating at the fourth meeting of the Conference of the Parties, in recalling the importance of the ivory trade, believe that the endeavours by some Parties to the Convention to control the trade in worked ivory are an unnecessary negative influence on the value of ivory and overlook the status of the African elephant as agreed, at the IUCN meeting of the African Elephant and Rhino Specialist Groups held at Itwange (Wankie), Zimbabwe, in August 1981;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

DIRECTS the Technical Committee to draw up guidelines for controlling the trade in worked ivory as quickly as possible and in so doing to liaise closely with African Parties as well as other Parties having elephant populations.

* *This document was prepared after the meeting from document Doc. 4.50 adopted after having been amended. (Note from the Secretariat).*

Conf. 4.15*

Control of Captive Breeding Operations in Appendix I Species

RECOGNIZING that under the provisions of Article VII, paragraph 4, of the Convention, specimens of species included in Appendix I which are bred in captivity for commercial purposes shall be deemed to be specimens of species included in Appendix II;

RECALLING that Resolution Conf. 2.12, adopted at the second meeting of the Conference of the Parties (San José, 1979), precisely defines the expression "bred in captivity";

AWARE that any exemptions may lead to abuses, notably from states which are not Parties to the Convention;

CONSIDERING that a uniform implementation of the provisions of the Convention is necessary for it to function well;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) that Parties provide the Secretariat with any appropriate information on the operations occurring in their territories which regularly breed in captivity, for commercial purposes, specimens of species included in Appendix I to which Article VII, paragraph 4, of the Convention applies, or, if appropriate, that they inform the Secretariat that such operations do not exist;
- b) that Parties strictly implement the provisions of Article IV of the Convention with respect to specimens of species included in Appendix I originating from operations which breed such specimens in captivity for commercial purposes;
- c) that Parties reject any document granted under Article VII, paragraph 4, of the Convention, if the specimens concerned do not originate from an operation duly registered by the Secretariat;
- d) that comparable documentation granted under Article VII, paragraph 4, of the Convention by states which are not Parties to the Convention not be accepted by the Parties without consultation with the Secretariat; and
- e) that Parties collaborate as much as possible on the Survey on Farming and Ranching undertaken by the Wildlife Trade Monitoring Unit (WTMU); and

REQUESTS the Secretariat to compile and update a Register of the operations which breed specimens of species included in Appendix I in captivity for commercial purposes, on the basis of the information received from the Parties and other sources, and that it communicate this Register to the Parties.

* This document was prepared after the meeting from document Com. 4.24 adopted without amendment. (Note from the Secretariat).

Artificially Propagated Plants in Appendix II

BEING AWARE that the implementation of the Convention on plants should be improved;

RECOGNIZING that any procedure improving the implementation of the Convention should be followed;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that any Party having considered the practices governing the issue of its phytosanitary certificates for export of Appendix II specimens, and having determined that such a procedure provides adequate assurance that the specimens are artificially propagated in accordance with Article VII, paragraph 5, of the Convention may consider these documents as certificates under that Article. Such certificates must include the scientific name of the species and the type and quantity of the specimens and bear a stamp, seal or other specific indication stating that the specimens are artificially propagated as defined by CITES;

REQUESTS this Party to inform the Secretariat accordingly and to provide copies of the certificates, stamps, seal, etc. used;

DIRECTS the Secretariat to notify the Parties to this effect; and

URGES

- a) the FAO Committee on Agriculture to once more reconsider its stand on including a special declaration on the "model phytosanitary certificate", which is of great importance to CITES; and
- b) the Parties to instruct their FAO representative accordingly.

* *This document was prepared after the meeting from document Com. 4.22 adopted after having been amended. (Note from the Secretariat).*

Re-export of Confiscated Specimens

RECALLING that Articles III, paragraph 4(a) and IV, paragraph 5(a), of the Convention require that as a pre-condition to the issuance of a re-export certificate the Management Authority of the state of re-export be "satisfied that the specimen was imported into that state in accordance with the provisions of the present Convention";

NOTING that Article VIII of the Convention allows certain confiscated specimens to be returned to the country of origin;

MINDFUL that Resolution Conf. 3.9 (New Delhi, 1981) recommends that importing Parties should "not authorize under any circumstances or pretext, the re-export of specimens for which there is evidence that they were imported in violation of the Convention";

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) that when applying Article III, paragraph 4(a) and Article IV, paragraph 5(a), of the Convention to specimens imported not in accordance with the provisions of the Convention which are being re-exported by a Management Authority for purposes of implementing the provisions of Article VIII, for purposes of implementing Resolution Conf. 3.14 (New Delhi, 1981), or for investigatory or prosecutorial purposes, the specimens be deemed to have been imported in accordance with the provisions of the Convention;
- b) when applying Article IV, paragraph 5(a), of the Convention to specimens of species on Appendix II which have been confiscated as a result of attempts to import or export them illegally and are subsequently sold by the Management Authority, having satisfied itself that this would not be detrimental to the survival of the species, be deemed to have been obtained in accordance with the provisions of the Convention for the purposes of issuing export permits; and
- c) that permits granted under paragraph a) or b) above clearly indicate that the specimens are confiscated specimens.

* This document was prepared after the meeting from document Com. 4.13 adopted after having been amended. (Note from the Secretariat).

Disposal and Return of Illegally Traded Appendix II Specimens

WHEREAS under Article VIII of the Convention Parties are to take appropriate measures to enforce the provisions of the Convention and to prohibit trade in specimens in violation thereof;

WHEREAS also Resolution Conf. 3.14 adopted at the third meeting of the Conference of the Parties (New Delhi, 1981) made recommendations regarding the disposal of parts and derivatives of Appendix I species;

CONSIDERING that such measures are to include provisions for the confiscation or return to the state of export of these specimens;

CONSIDERING further that a Party may also provide for the internal reimbursement of expenses as a result of the confiscation of a specimen traded in violation of the Convention measures;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) that as a general rule, confiscated parts and derivatives of Appendix II species be disposed of in the best manner possible to benefit enforcement and administration of the Convention, and that steps be taken to ensure that the person responsible for the offence does not receive financial or other gain from the disposal;
- b) that in the case of live specimens, Parties having not done so endeavour to make legislative provision to require the guilty importer and/or the carrier to meet the costs of confiscation, custody and returning specimens to the country of origin or export (as appropriate), where the Scientific Authority of the confiscating state deems it in the interests of the specimens to do so, and the country of origin or export so wishes; and
- c) that where such legislation does not exist and the country of origin or export wishes the live specimens to be returned, the financial assistance of non-governmental organizations be sought to facilitate the return.

* This document was prepared after the meeting from document Com. 4.4 adopted after having been amended. (Note from the Secretariat).

Identification Manual

CONSIDERING that the identification of specimens of species listed on the appendices is of critical importance to effective enforcement of the Convention, and that Article XII, paragraph 2(c), of the Convention directs the Secretariat to undertake scientific and technical studies, including studies on means of identifying specimens;

CONSIDERING further the work already undertaken by the Identification Manual Committee, in co-operation with the Secretariat, as a result of Conference Resolutions Conf. 2.4 and Conf. 3.18 adopted at the second (San José, 1979) and third (New Delhi, 1981) meetings of the Conference of the Parties;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

DECIDES to extend the mandate of the Identification Manual Committee up to the fifth meeting of the Conference of the Parties; and

INVITES

- a) the Parties to submit in consultation with the Committee appropriate contributions for existing listings on the appendices;
- b) the Parties that propose additions to the appendices to provide appropriate data for inclusion in the Identification Manual within one year after acceptance of such additions; and
- c) one or more of the French or Spanish speaking Parties to provide funding for the translation of the Identification Manual.

* *This document was prepared after the meeting from document Com. 4.25 Annex adopted without amendment. (Note from the Secretariat).*

Implementation of the Guidelines for Transport of Live Animals

RECALLING that Resolution Conf. 3.16, adopted by the Conference of the Parties at its third meeting (New Delhi, 1981), recommended that the Guidelines for Transport and Preparation for Shipment of Live Wild Animals and Plants be brought to the attention of international organizations competent to regulate conditions of carriage by air, with an invitation to comment on and amplify them so as to promote their effectiveness;

NOTING that, as instructed by the Standing Committee at its seventh meeting (Gland, 1982), the Chairman of the Technical Expert Committee has met the Chairman of the International Air Transport Association's (IATA) Live Animals Board to discuss the differences between the Guidelines and IATA Live Animals Regulations;

CONSIDERING that air transport is the preferred method for transport of many live wild animals and the special requirements necessitated by air transport to which the Chairman of the IATA Live Animals Board has drawn attention and the extent to which the IATA Regulations correspond to the Guidelines;

NOTING that IATA Regulations are amended annually and are, therefore, more quickly responsive to changing needs than the CITES Guidelines;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RESOLVES

- a) that a special insert to the CITES Guidelines for Transport and Preparation for Shipment of Live Animals and Plants relating to conditions applicable to air transport shall be prepared by the Technical Committee;
- b) that the Technical Committee shall prepare amendments to the CITES Guidelines for the next meeting of the Conference of the Parties and suggest to the International Air Transport Association (IATA), where appropriate, any amendments they consider desirable to the IATA Live Animals Regulations;
- c) that a continuing dialogue shall be developed between the CITES Secretariat/Technical Committee with appropriate expert advice, and IATA; and
- d) that for so long as the CITES Secretariat and Technical Committee agree, IATA Regulations are generally deemed to meet the CITES Guidelines in respect of air transport.

* This document was prepared after the meeting from document Com. 4.10 adopted without amendment. (Note from the Secretariat).

**International Reporting System
for Specimens Stressed during Transport**

WHEREAS the Convention requires attention to be given to the welfare of animals under Article VIII;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) that a voluntary international reporting system for stressed specimens be adopted which would enable officials inspecting specimens, or others involved during transport or at port of entry, to report undue stress or injury to specimens shipped alive and that such reports be made to the Management Authority of the country having issued the export permit or re-export certificate for the shipment;
- b) that cards of a design based on the sample attached as Annex be fixed to containers at the point of export for return to the relevant Management Authority by any person involved in the process of shipment when undue stress is found in specimens during transport;
- c) that each card be printed in one or more working languages of the Convention (English, French, Spanish) and the national language, if different from one of the working languages; and
- d) that on receipt of a shipment which does not carry a card from any country known to be operating the system, the authorities in the importing country inspect the animals carefully to ensure they are not stressed and make enquiries about why the card was removed.

* *This document was prepared after the meeting from document Com. 4.11 adopted after having been amended. (Note from the Secretariat).*

REPORT CARD MODEL

ANYONE FINDING THE ANIMALS IN THIS CONTAINER IN A STATE OF STRESS
DURING TRANSIT RESULTING FROM INADEQUATE TRANSPORT PROVISION
IS ASKED TO COMPLETE AND POST THIS CARD TO THE ADDRESS PRINTED
ON THE REVERSE

tear here

a) What were the specimens? (Species and Number) _____

b) Was something wrong with the container? *Size/strength/ventilation/
cleanliness/light/other

c) Were the specimens lacking something? *Water/food/bedding

d) Was anything else likely to have caused the stress or injury?

e) Were any specimens dead upon arrival? *All/most/some/none

f) Place of observation _____

*Delete as applicable

Position _____ Signature _____

Address _____ Date _____

Shipment identification (CITES Permit No, Invoice, etc.) _____

Proof of Foreign Law

RECALLING that in accordance with Article XIV of the Convention Parties may adopt stricter domestic measures with regard to species included in Appendices I, II and III;

RECALLING that the provisions of Article XVI of the Convention require Parties to submit to the Secretariat updated copies of all domestic laws and regulations and interpretations thereof concerning species they include in Appendix III;

RECOGNIZING that Parties have notified the Secretariat from time to time of stricter domestic measures taken by them concerning specimens of species included in Appendices I, II and III, and that the Secretariat has circulated notifications of such measures as well as notifications containing information bearing on the validity of certain documents of trade issued by Parties, and that the Secretariat has urged the Parties to take such measures into consideration;

RECOGNIZING that some Parties may require further documentation of such measures and information in order to take appropriate action;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) that Parties informing the Secretariat of the existence, adoption or amendment of stricter domestic measures provide the Secretariat with a copy of the laws, regulations, decrees, and other documents establishing such measures, any interpretation and other information which may be of assistance in understanding such measures, citations to such laws, regulations, decrees, and other documents, and the name, address and telephone/telex number of the government organization and official responsible for implementing such measures; and
- b) that Parties informing the Secretariat of the invalidity, deficiency or special requirements of permits and certificates do so in a signed statement containing the name, address, and telephone/telex number of the government agency and official responsible for granting the relevant permits and certificates; and

REQUESTS that the Secretariat attach copies of the information submitted by the Parties mentioned in paragraphs a) and b) to the relevant notifications it circulates to the Parties.

* This document was prepared after the meeting from document Com. 4.12 adopted without amendment. (Note from the Secretariat).

Standard Nomenclature

RECOGNIZING that the taxonomy used in the appendices to the Convention will be most useful to the Parties if standardized by a nomenclatorial reference;

NOTING that biological nomenclature is not static;

RECOGNIZING that the Parties have adopted the *Dictionary of Flowering Plants and Ferns* (Willis, J.C. revised by H.K.A. Shaw, 1973) as the standard reference to generic nomenclature for plants;

NOTING that the Parties have charged the Nomenclature Committee with preparing standard references to the nomenclature of mammals, birds, reptiles, amphibians and fishes;

NOTING that the Committee has completed preparation of the mammal list, and is currently preparing lists of amphibians and reptiles;

AWARE that the Nomenclature Committee has identified names of mammals and reptiles used in the appendices to the Convention that should be changed to reflect accepted biological use;

NOTING that these changes should be adopted by the Conference of the Parties to the Convention;

RECOGNIZING that, in the case of new proposals for listing on the appendices, a Party may find it appropriate to reference alternative literature;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) that upon receiving proposals to amend the appendices to the Convention, the Secretariat seek, where appropriate, the advice of the Nomenclature Committee on the correct names to use for the species or other taxa in question;
- b) that the Secretariat may make orthographic changes in the lists of species included in the appendices to the Convention, without consulting the Conference of the Parties;
- c) that the Secretariat present changes in nomenclature used in the appendices to the Convention, other than orthographic changes, to the Conference of the Parties for decision when:
 - i) the changes have been recommended or reviewed by the Nomenclature Committee; and
 - ii) the changes will not alter the scope of protection for fauna or flora under the Convention;
- d) that whenever a recommended change in nomenclature used in the appendices to the Convention will alter the scope of protection for fauna and flora under the Convention, it be submitted by a Party for consideration as a formal amendment in accordance with Article XV or XVI of the Convention;
- e) that, because continued use of parentheses to denote nomenclatorial synonyms will make the appendices progressively more difficult to scan and will introduce unnecessary confusion, and in keeping with the recommendation adopted in Geneva to refrain from use of parentheses to annotated listed species unless absolutely necessary, such nomenclatorial information be removed from the appendices and be maintained in an associated annotated list;
- f) that the Nomenclature be made for additional funding to continue development of standard reference to the nomenclature of mammals, amphibians, reptiles, birds and fishes;

* This document was prepared after the meeting from document Com. 4.16 Annex adopted without amendment. (Note from the Secretariat).

RESOLVES that for purposes of effectively implementing the Convention, the *Mammal Species of the World: A Taxonomic and Geographic Reference* be adopted as the standardized nomenclatorial reference for mammals and that this reference be updated in conjunction with the regular meetings of the Parties for their review and acceptance; and

URGES the Parties, as an interim aid to bird nomenclature, to follow the taxonomy provided in Morony, Bock and Farrand (*A Reference List of the Birds of the World*), the most recently updated edition, Amer. Mus. Nat. Hist.).

Parts and Derivatives of Appendix II or III Plants and Appendix III Animals

OBSERVING that Article I, paragraph (b), of the Convention requires the specification of any readily recognizable part or derivative of any animal species listed on Appendix III that is to be subjected to trade regulation and the specification of any readily recognizable part or derivative of any plant species listed on Appendix II or III that is to be subjected to trade regulation;

RECOGNIZING that Resolution Conf. 2.18 adopted at the second meeting of the Conference of the Parties (San José, 1979) calls for protection of all parts and derivatives unless exempt, but ACCEPTING that this can present practical problems;

RECOGNIZING further that under Resolution Conf. 2.18, only specified parts and derivatives of plants listed on Appendix II or III prior to the second meeting of the Conference of the Parties are currently subject to trade regulation;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) that trade in all readily recognizable parts and derivatives of plants included in Appendix II or III be controlled under the Convention unless such specimens are specifically exempt, and that for this purpose, each proposal for a plant to be included in Appendix II or III indicate those parts and derivatives to be exempt;
- b) that trade in seeds, spores, tissue cultures, cut flowers of artificially propagated orchids not be controlled under the Convention for plants included in Appendix II or III;
- c) that trade in any other parts or derivatives of plants included now or in the future in Appendix II or III not be controlled if this is agreed upon by the Conference of the Parties;
- d) that the Secretariat maintain and provide to the Parties a list of the form in which plants and their parts and derivatives are commonly in trade to assist enforcement, and that the Secretariat amend this list on the basis of information from reliable sources; and
- e) that Parties dealing with parts and derivatives of animals originating in countries that list them on Appendix III afford them the same recognition as parts or derivatives of animals listed on Appendix II.

* *This document was prepared after the meeting from document Doc. 4.22 Annex 2 (Rev. 2) adopted after having been amended. (Note from the Secretariat).*

Effects of Reservations

RECOGNIZING that Article XXIII of the Convention states that where a Party has a reservation on a species it shall be treated as a non-Party state in respect of trade in that species;

RECOGNIZING further that Article XV, paragraph 3, of the Convention provides for reservations with regard to amendments to Appendices I and II but, at the same time, states that where a Party has such a reservation it shall be treated as a State not a Party with respect to trade in the species concerned;

NOTING that this has led to different interpretations of the Convention by Parties;

CONSIDERING that all Parties should interpret the Convention in a uniform manner;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) that any Party having entered a reservation with regard to the transfer from Appendix II to Appendix I of a species continue to treat that species as if it remained on Appendix II for all purposes, including documentation and control; and
- b) that, by analogy, any Party having entered a reservation with regard to any species listed on Appendix I treat that species as if it were listed on Appendix II for all purposes, including documentation and control; and

CALLS on the Parties having entered reservations nevertheless to maintain and communicate statistical records on trade in the species concerned, as part of their annual reports, so that international trade in these species may be properly monitored.

* This document was prepared after the meeting from document Com. 4.3 adopted without amendment. (Note from the Secretariat).

Ten Year Review of the Appendices

RECALLING that the Conference of the Parties recommended at its third meeting (New Delhi, 1981) that a Ten Year Review of the Appendices be conducted (Resolution Conf. 3.20);

TAKING NOTE of the summary report of the meeting of the Central Committee for the Ten Year Review of the Appendices;

RECOGNIZING that the reports on listed vertebrate species were completed only by the North American and the European Regional Committees and by the Secretariat's Committee for the Ten Year Review of the Appendices;

RECOGNIZING also that the review, as far as conducted, established the status of listed species on the basis of current biological and trade information;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

ACCEPTS the report of the meeting of the Central Committee for the Ten Year Review of the Appendices, as summarized in document Doc. 4.37 Annex 2;

URGES the regions to complete their reviews, if they have not already done so, and to report to the Central Committee at least nine months prior to the fifth ordinary meeting of the Conference of the Parties; and

RECOMMENDS that the arrangements set up by Resolution Conf. 3.20 be maintained for the purpose of reviewing the status of listed species at regular intervals.

* *This document was prepared after the meeting from document Doc. 4.37 Annex 3 adopted without amendment. (Note from the Secretariat).*

Interpretation of Article XVII, paragraph 3, of the Convention

RECOGNIZING that the Convention can only operate and be effective if the Conference of the Parties defines the provisions of the Convention in line with the basic principles which gave birth to it;

ACKNOWLEDGING that Article XVII, paragraph 3, of the Convention could be legally defended in both its narrow and wide interpretations;

CONSIDERING the difficulties which might result from a wide interpretation of Article XVII, paragraph 3, of the Convention;

CONSIDERING that any amendment to the present Convention could not enter into force unless a limitation is established as to the number of Parties required for the coming into force of an amendment;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that the meaning of Article XVII, paragraph 3, of the Convention be interpreted in its narrow sense so as to mean that the acceptance of two-thirds of the Parties at the time of the adoption of an amendment is required for the coming into force of such amendment.

* *This document was prepared after the meeting from document Doc. 4.46 Annex 4 adopted after having been amended. (Note from the Secretariat).*