

**Fifth meeting of the Conference of the Parties
Buenos Aires (Argentina), 22 April-3 May 1985**

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Conf. 5.1

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

RECALLING Resolutions Conf. 4.2 and Conf. 4.3 adopted at the fourth meeting of the Conference of the Parties (Gaborone, 1983);

HAVING REVIEWED the 1983 and 1984 accounts and the 1986/1987 budget estimates submitted by the Secretariat;

HAVING REVIEWED the 1986/1989 medium term budget estimates;

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 abovementioned decision, regular funding by UNEP ceased after 1983 and that the funding of the Secretariat and of meetings of the Conference of the Parties is now solely the responsibility of the Parties;

ACKNOWLEDGING with appreciation the support provided to the Secretariat 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 the amendment;

RECOGNIZING the continuing need for administrative and financial arrangements between the Parties and the Executive Director of UNEP;

NOTING the considerable increase in the numbers of Parties as well as organizations attending the meetings of the Conference of the Parties as observers, and the resulting additional expenditure incurred by the Secretariat;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

APPROVES the 1983 accounts and TAKES NOTE of the provisional accounts for 1984 and estimates of expenditure for 1985;

APPROVES the 1986/1987 budget;

TAKES NOTE of the 1986/1989 medium term budget estimates;

REQUESTS that the Executive Director of UNEP, with the approval of the Governing Council of UNEP, seek the consent of the United Nations Secretary General for an extension of the Trust Fund until 31 December 1987 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 as the Annex to this Resolution;

APPROVES the Terms of Reference for the Administration of the Trust Fund attached as the Annex to this Resolution for the financial period beginning 1 January 1986 and ending 31 December 1987;

AGREES

- a) that contributions to the Trust Fund shall be based on the United Nations scale of assessment as amended from time to time, adjusted to take account of the fact that not all members of the United Nations are Parties to the Convention;

- b) that any other basis of assessment of contributions shall not be used without the consent of all Parties present and voting at a meeting of the Conference of the Parties; and
- c) that any change in the basic scale of contributions which would increase the liability of a Party to contribute, or would impose a new such liability, shall not apply to that Party without its consent, and that any such proposal to change the basic scale of contributions from that currently in use shall only be considered by the Conference of the Parties if notice of such proposal has been communicated by the Secretariat to all Parties at least 90 days before the meeting;

URGES all Parties to pay their contributions to the Trust Fund in accordance with the agreed scale as in Table 1 attached to this Resolution;

REQUESTS all Parties to pay their contributions as far as possible at the beginning of the year to which they relate;

APPEALS strongly to those Parties which, for legal or other reasons, have so far been unable to contribute towards the Trust Fund to consider making voluntary contributions pending the acceptance of the amendment of 22 June 1979;

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;

INVITES states not Party to the Convention, other governmental, intergovernmental and nongovernmental organizations, and other sources to consider contributing to the Trust Fund;

DECIDES that the standard participation charge for all observer organizations other than the United Nations and its specialized agencies, as decided at the third meeting of the Conference of the Parties (New Delhi, 1981), be increased to a minimum of US\$ 100 (except as otherwise reduced by the Standing Committee as required) and URGES such organizations to make a greater contribution if possible;

AGREES that the present financial structure, which includes the budget, the medium term plan, the scale of contributions and the Terms of Reference for the Administration of the Trust Fund shall be maintained after the coming into force of the amendment of 22 June 1979;

AMENDS Resolution Conf. 4.2 to provide that the Secretariat 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 one Standing Committee meeting per calendar year. If at all possible such payments should be made from funding other than normal contributions. Travel costs for representatives to attend additional Standing Committee meetings will be paid either by the represented Parties themselves or from resources other than normal contributions; 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 1986, and ending 31 December 1987. 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, intergovernmental and nongovernmental organizations and other sources; and
 - c) any uncommitted appropriations from the 1984-1985 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 expenditure 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 1986-1989, inclusive, and will incorporate the budget for the 1986-1987 financial period.
7. The proposed budget and medium term plan, including all the necessary information, 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 prorata 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 required to be submitted to the Executive Director of UNEP 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 expenditure 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 1986 to 31 December 1987.

Table 1

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

Scale of Contributions for the Biennium 1986/1987
(9.41 percent added to total budget)

Party	UN scale %	1986-87 share US\$	Annual share US\$
Algeria	0.13	2,108	1,054
Argentina	0.71	11,512	5,756
Australia	1.57	25,460	12,730
Austria	0.75	12,162	6,081
Bahamas	0.01	164	82
Bangladesh	0.03	486	243
Belgium	1.28	20,756	10,373
Benin	0.01	164	82
Bolivia	0.01	164	82
Botswana	0.01	164	82
Brazil	1.39	22,542	11,271
Cameroon	0.01	164	82
Canada	3.08	49,944	24,972
Central African Republic	0.01	164	82
Chile	0.07	1,134	567
China	0.88	14,272	7,136
Colombia	0.11	1,784	892
Congo	0.01	164	82
Costa Rica	0.02	324	162
Cyprus	0.01	164	82
Denmark	0.75	12,162	6,081
Ecuador	0.02	324	162
Egypt	0.07	1,134	567
Finland	0.48	7,782	3,891
France	6.51	105,566	52,783
Gambia	0.01	164	82
German Democratic Republic	1.39	22,542	11,271
Germany, Federal Republic of	8.54	138,486	69,243
Ghana	0.02	324	162
Guatemala	0.02	324	162
Guinea	0.01	164	82
Guyana	0.01	164	82
India	0.36	5,836	2,918

Party	UN scale %	1986-87 share US\$	Annual share US\$
Indonesia	0.13	2,108	1,054
Iran, Islamic Republic of	0.58	9,404	4,702
Israel	0.23	3,728	1,864
Italy	3.74	60,646	30,323
Japan	10.32	167,348	83,674
Jordan	0.01	164	82
Kenya	0.01	164	82
Liberia	0.01	164	82
Liechtenstein	0.01	164	82
Luxembourg	0.06	972	486
Madagascar	0.01	164	82
Malawi	0.01	164	82
Malaysia	0.09	1,458	729
Mauritius	0.01	164	82
Monaco	0.01	164	82
Morocco	0.05	808	404
Mozambique	0.01	164	82
Nepal	0.01	164	82
Netherlands	1.78	28,864	14,432
Nicaragua	0.01	164	82
Niger	0.01	164	82
Nigeria	0.19	3,080	1,540
Norway	0.51	8,270	4,135
Pakistan	0.06	972	486
Panama	0.02	324	162
Papua New Guinea	0.01	164	82
Paraguay	0.01	164	82
Peru	0.07	1,134	567
Philippines	0.09	1,458	729
Portugal	0.18	2,918	1,459
Rwanda	0.01	164	82
Saint Lucia	0.01	164	82
Senegal	0.01	164	82

Party	UN scale %	1986-87 share US\$	Annual share US\$
Seychelles	0.01	164	82
South Africa	0.41	6,648	3,324
Sri Lanka	0.01	164	82
Sudan	0.01	164	82
Suriname	0.01	164	82
Sweden	1.32	21,404	10,702
Switzerland	1.10	17,838	8,919
Tanzania, United Republic of	0.01	164	82
Thailand	0.08	1,296	648
Togo	0.01	164	82
Trinidad and Tobago	0.03	486	243
Tunisia	0.03	486	243
Union of Soviet Socialist Republics	10.54	170,918	85,459
United Arab Emirates	0.16	2,594	1,297
United Kingdom of Great Britain and Northern Ireland	4.67	75,726	37,863
United States of America	25.00	405,410	202,750
Uruguay	0.04	648	324
Venezuela	0.55	8,918	4,459
Zaire	0.01	164	82
Zambia	0.01	164	82
Zimbabwe	0.02	324	162
TOTAL	90.59	1,469,056	734,528

Conf. 5.2

Implementation of the Convention in Bolivia

RECALLING the contents of Resolution Conf. 3.9, adopted at the third meeting of the Conference of the Parties (New Delhi, 1981), concerning international compliance control, as well as the Resolution on the Implementation of the Convention in the Republic of Bolivia, approved at the Seminar on CITES Implementation for South and Central America and the Caribbean (Washington, D.C., 1983);

NOTING the contents of document Doc. 5.8.1 presented by the Secretariat on international compliance control;

CONSIDERING that it is essential for the success of the Convention that all Parties implement and effectively comply with the regulations established by the Convention to that effect;

RECOGNIZING that, although developing countries have great difficulties in implementing the provisions of the Convention and that for some these are practically insuperable, this does not exempt them from making, in any way available, the maximum effort to implement it with the greatest possible efficiency;

RECOGNIZING also the active and repeated efforts made by the Secretariat of the Convention to persuade the Republic of Bolivia, Party to the Convention since the 4th of October 1979, to comply with its commitment on a national and international level;

NOTING that the efforts made by the Secretariat of the Convention to persuade the Government of the Republic of Bolivia to enforce the international agreement ratified by that country have not been as successful as expected;

NOTING further the concern expressed by the countries of the region, and in particular by certain countries bordering with Bolivia which are observing the depletion of their natural resources resulting from the evergrowing and destructive illegal trade in wildlife originating from those countries;

CONSIDERING that other countries are taking advantage of the economic and financial weaknesses of the Bolivian authorities in encouraging it as a reexporter of illegally obtained resources, whilst others are, in their turn, becoming consumers of the same and in this way, are also directly responsible for this illegal trade;

CONSIDERING that the Government of Bolivia may demonstrate in a short space of time to the Conference of the Parties or to the Standing Committee that the necessary steps for the adequate implementation of the Convention have been adopted;

CONSIDERING that it is necessary to assist the Government of Bolivia in such a way that the measures adopted be truly effective;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that, if within 90 days the Government of Bolivia has not demonstrated to the Standing Committee that it has adopted all necessary measures to adequately implement the Convention, all Parties refuse to accept shipments of CITES specimens accompanied by Bolivian documents, or of specimens declared as originating from Bolivia, until the Government of that country has demonstrated to the Conference of the Parties, or to the Standing Committee, that it has adopted all possible measures to adequately implement the Convention;

ACCEPTS the commitment of the Government of Bolivia to reduce CITES exports of each species by 50% of the average of the last five years for live or dead specimens or derivatives, until population and environmental impact studies have been completed, in which case the recommendations of these will be adopted;

EXHORTS

- a) those importing countries who have problems with Bolivian exports because they are not scientifically endorsed, to cooperate with the utmost urgency with Bolivia so as to facilitate the establishment of studies on the populations of wild fauna and flora of that country; and

- b) the nongovernmental organizations which are able to do so to contribute the necessary funds for these studies, as an effective and practical way of protecting the fauna and flora of the region; and

URGES the neighbouring countries to cooperate to the maximum of their ability in the control of the illegal trade across their borders.

Conf. 5.3

Significant Trade in Appendix II Species

RECALLING that the Conference of the Parties, through Resolution Conf. 4.7 adopted at its fourth meeting (Gaborone, 1983), requested the Technical Committee to: (1) identify those Appendix II species that are the subject of significant international trade for which scientific information is insufficient to satisfy the requirements of Article IV, paragraph 3, of the Convention, as determined by the range states; (2) at the request of at least one of the countries involved and in collaboration with representatives of range states, importing states, and organizations experienced in the management of wildlife, develop and negotiate measures to ensure that those requirements are satisfied; and (3) encourage Parties to develop agreements with range states for the cooperative implementation of these measures;

NOTING that the Technical Committee established for this purpose a working group open to the participation of all Parties;

RECOGNIZING the initial work undertaken by the working group;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

APPROVES the procedure and timetable proposed by the Technical Committee in document Doc. 5.26 for the implementation of Resolution Conf. 4.7;

INSTRUCTS the Technical Committee to implement this procedure and timetable;

CHARGES the Secretariat to seek external funding to support the necessary work to be conducted by the IUCN Conservation Monitoring Centre, the workshops and research projects; and

INVITES the Parties and all organizations interested in the conservation and utilization of wildlife to provide the necessary financial support.

Conf. 5.4

Periodic Reports

CONSIDERING the obligation of Parties to submit periodic reports under the provisions of Article VIII, paragraph 7, of the Convention;

CONSIDERING also the importance of the annual reports as the only available means of monitoring the proper implementation of the Convention;

RECOGNIZING the importance of trade monitoring in assessing the impact of trade on the populations of wild species of fauna and flora;

RECALLING Resolutions Conf. 1.5 (paragraph 13), Conf. 2.16 and Conf. 3.10 adopted at the first (Berne, 1976), second (San José, 1979) and third (New Delhi, 1981) meetings of the Conference of the Parties respectively;

NOTING the work of the Technical Committee at its first meeting (Brussels, 1984) and the contents of documents Doc. 4.18 and Plen. TEC. 1.1;

NOTING also that many Parties are still failing to comply with the reporting requirements of the Convention;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

EMPHASIZES that the annual submission by each Party of a statistical report and the biennial submission of a legal and administrative report are mandatory;

URGES every Party to submit their periodic reports in conformity with Article VIII, paragraph 7, of the Convention and in accordance with the "Guidelines for the Preparation of CITES Annual Reports" developed in accordance with Resolution Conf. 3.10 and distributed by the Secretariat with Notification to the Parties No. 205 dated 22 March 1982 (and as may be amended by the Secretariat from time to time); and

REQUESTS the Secretariat to contact nonParty states, urging them to submit reports.

Conf. 5.5

Annual Reports of Parties which Are Members of a Regional Trade Agreement

RECALLING that Article VIII, paragraph 6, of the Convention requires each Party to maintain records of the trade in specimens of species included in Appendices I, II and III, which shall cover, among other things, the states with which such trade occurred;

CONSCIOUS of the need to interpret every provision of the Convention so as to achieve, rather than frustrate, its objectives and purposes;

RECOGNIZING that the greater the information available on trade in specimens of species included in Appendices I, II and III, the greater the likelihood that the objectives and purposes of the Convention can be achieved;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that each Party to the Convention, if a member of a regional trade agreement within the meaning of Article XIV, paragraph 3, of the Convention, include in its annual reports information on trade in specimens of species included in Appendices I, II and III with other member states of that regional trade agreement, unless the recordkeeping and reporting duties of Article VIII of the Convention are in direct and irreconcilable conflict with the provisions of the regional trade agreement.

Conf. 5.6

Trade Monitoring

CONSIDERING that the provisions of Article XII, paragraph 2(d), of the Convention require the Secretariat to study the periodic reports of Parties;

ACKNOWLEDGING the valuable assistance in meeting this responsibility provided by the Wildlife Trade Monitoring Unit (WTMU) of the IUCN Conservation Monitoring Centre under contract to the CITES Secretariat;

RECOGNIZING the importance of this work in enabling the Parties to monitor implementation of the Convention and assess the impact of trade on wild populations of fauna and flora;

NOTING the report of the Working Group on Annual Reports (document Doc. TEC. 1.12) and that, with the increasing number of Parties and the increasing volume of data, the workload in this respect is also increasing substantially, and will continue to do so;

NOTING also that the Technical Committee at its first meeting (Brussels, 1984) agreed that extra financial support was required for this work in addition to that allocated within the Secretariat's budget;

NOTING also that the use of computers can help to provide trade statistics more effectively;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

URGES every Party to endeavour to locate additional sources of funding to support the trade monitoring work of the Secretariat and WTMU and to provide such contributions to the Secretariat;

APPEALS to all nongovernmental organizations interested in furthering the objectives of the Convention to make financial contributions to the Secretariat to supplement the consultancy fee paid to the IUCN Conservation Monitoring Centre, for the express purpose of increasing the work performed by WTMU under contract to the Secretariat; and

URGES every Party to consider whether the preparation of its statistical reports could be computerized, or undertaken under a contract between the Party and WTMU.

Conf. 5.7

Time Validity of Import Permits

WHEREAS Article III, paragraph 3, of the Convention provides that the granting of an import permit for specimens of Appendix I species subordinates the granting of the export permit or reexport certificate for such specimens;

WHEREAS Resolution Conf. 4.9, adopted at the fourth meeting of the Conference of the Parties (Gaborone, 1983), recommends that the term "valid for a period of six months" be interpreted to include the activities of export, transport, presentation for import, etc.;

CONSIDERING that no provision exists to establish maximum time validity of import permits, but that it is necessary to establish a time validity appropriate to guarantee compliance with the provisions of Article III, paragraph 3, of the Convention;

RECOGNIZING the need for a uniform implementation of the Convention with regard to the time validity of import permits;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) that provisions of Article III, paragraphs 2 and 4, of the Convention be understood to mean that an import permit be recognized as valid by a Management Authority of a state of export or reexport only if presented within a period of twelve months from the date on which it was granted; and
- b) that after the expiry of the said twelve months period an import permit previously granted by the state of import, in order that it can be presented to a Management Authority of a state of export or reexport in accordance with the provisions of the Article mentioned above, be considered as void and of no legal value whatsoever.

Conf. 5.8

Certificates of Origin for Appendix III Specimens

RECALLING that according to Article VI of the Convention each permit or certificate shall contain the title of the Convention, the name and any identifying stamp of the Management Authority granting it and a control number assigned by the Management Authority;

RECALLING also that Resolution Conf. 3.6, adopted at the third meeting of the Conference of the Parties (New Delhi, 1981), urges every Party to comply fully with the requirements of Article VI;

RECOGNIZING that the practice of issuing certificates of origin for export of Appendix III specimens by customs or other authorities that are not designated as competent to issue Convention permits or certificates does not satisfy the requirements of Articles V and VI of the Convention and can diminish the effective implementation of the Convention;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that certificates of origin issued for export of specimens of species listed in Appendix III only be issued by a Management Authority competent to grant Convention permits or certificates or by the competent authority if trade is from a state not a Party to the Convention and that Parties do not accept certificates of origin unless they are issued by such authorities.

Conf. 5.9

Control of Readily Recognizable Parts and Derivatives

RECOGNIZING that Articles III, IV and V of the Convention require the regulation of trade in specimens of those species listed in the appendices;

RECOGNIZING also that Article I defines a "specimen" as including readily recognizable parts and derivatives of animals and plants;

RECOGNIZING finally that the term "readily recognizable" is not defined by the Convention and is therefore subject to differing interpretations by Parties;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that all Parties adopt a system whereby the regulation of trade in specimens of the species listed in the appendices, as referred to in Articles III, IV and V of the Convention, shall include any specimens which appear from an accompanying document, the packaging or a mark or label, or from any other circumstances, to be parts or derivatives of animals or plants of these species, unless such parts or derivatives are specifically exempted from the provisions of the Convention.

Conf. 5.10

Definition of "Primarily Commercial Purposes"

OBSERVING that under Article III, paragraphs 3(c) and 5(c), of the Convention, a permit for the import or a certificate for the introduction from the sea of specimens of Appendix I species may be issued only if certain conditions are met, including that the Management Authority of the state of import (or introduction from the sea) is satisfied that the specimens are not to be used for primarily commercial purposes;

RECOGNIZING that because the Convention does not define the terms "primarily commercial purposes", "commercial purposes" in paragraph 4 of Article VII, or "noncommercial" in paragraph 6 of Article VII, the term "primarily commercial purposes" (as well as the other terms mentioned above) may be interpreted by the Parties in different ways;

ACKNOWLEDGING that the Parties' differing internal legislation and legal traditions will make it difficult to reach agreement on a simple "objective" interpretation of the term and that the facts concerning each importation will determine whether a proposed use would be for "primarily commercial purposes";

RECOGNIZING that lack of specific definitions for terms involving "commercial" and the importance of the facts concerning each proposed transaction create a need for consensus by the Parties regarding general principles and examples to guide the Parties in assessing the commerciality of the intended use of those specimens of Appendix I species to be imported;

AWARE that agreement on interpreting the term "primarily commercial purposes" is important because of the fundamental principle in Article II, paragraph 1, of the Convention that trade in specimens of Appendix I species must be subject to particularly strict regulation and only authorized in exceptional circumstances;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that for the purposes of Article III, paragraphs 3(c) and 5(c), of the Convention, the following general principles and the examples in the Annex attached to the present Resolution be used by the Parties in assessing whether the importation of a specimen of an Appendix I species would result in its use for "primarily commercial purposes":

General Principles

1. Trade in Appendix I species must be subject to particularly strict regulation and authorized only in exceptional circumstances.
2. An activity can generally be described as "commercial" if its purpose is to obtain economic benefit, including profit (whether in cash or in kind) and is directed toward resale, exchange, provision of a service or other form of economic use or benefit.
3. The term "commercial purposes" should be defined by the country of import as broadly as possible so that any transaction which is not wholly "noncommercial" will be regarded as "commercial". In transposing this principle to the term "primarily commercial purposes", it is agreed that all uses whose noncommercial aspects do not clearly predominate shall be considered to be primarily commercial in nature with the result that the importation of Appendix I specimens should not be permitted. The burden of proof for showing that the intended use of specimens of Appendix I species is clearly noncommercial shall rest with the person or entity seeking to import such specimens.
4. Article III, paragraphs 3(c) and 5(c), of the Convention concern the intended use of the Appendix I specimen in the country of importation, not the nature of the transaction between the owner of the specimen in the country of export and the recipient in the country of import. It can be assumed that a commercial transaction underlies many of the transfers of Appendix I specimens from the country of export to the country of import. This does not automatically mean, however, that the specimen is to be used for "primarily commercial purposes".

Examples

The following examples recognize categories of transactions in which the noncommercial aspects may or may not be predominant, depending upon the facts of each situation. The discussions which follow each example provide further guidance in, and criteria for, assessing the actual degree of commerciality on a casebycase basis. The list is not intended to be exhaustive of situations where an importation of Appendix I specimens could be found to be not "for primarily commercial purposes":

- a) Purely Private Use: Article VII, paragraph 3, of the Convention contains special rules for specimens "that are personal or household effects". The exceptions mentioned do not apply when specimens of Appendix I species are acquired by the new owner outside of his or her country of usual residence and are imported into that country. It can, however, be deduced from these provisions that specimens imported for purely private use should not be considered to be for "primarily commercial purposes".
- b) Scientific Purposes: Article VII, paragraph 6, of the Convention uses the term "noncommercial loan, donation or exchange between scientists or scientific institutions". Thus, the Convention acknowledges that scientific purposes may justify a special departure from the Convention's general procedure. The import of specimens of an Appendix I species may be permitted in those situations where the scientific purpose for such importation is clearly predominant, the importer is a scientist or a scientific institution registered or otherwise acknowledged by the Management Authority of the country of import, and the resale, commercial exchange or exhibit for economic benefit of the specimens is not the primary intended use.
- c) Education or Training: Specimens of Appendix I species may also be imported by government agencies or nonprofit institutions acknowledged by the Management Authority of the country of import for purposes of conservation, education or training. For example, a specimen could be imported primarily to train customs staff in effective CITES control. Imports of this type would thus be considered permissible.
- d) Biomedical Industry: Close scrutiny must be applied to imports of specimens of Appendix I species in connection with the biomedical industry with an initial presumption that such importation is commercial. The purpose of the import here would be twofold: to develop products to promote public health and to sell such products, i.e., to make a profit. The latter aspect in this case would usually be considered to be predominant and as a result, imports of this type will most often not be acceptable. However, where the importer makes a clear showing to the Management Authority of the country of import that the sale of products is only incidental to public health research and not for the primary purpose of economic benefit or profit, then such imports could fall within group b) above.
- e) Captive Breeding Programmes: Importation of specimens of Appendix I species for captive breeding purposes raises special problems. Any importation of such specimens for captive breeding purposes must be aimed as a priority at the long term protection of the affected species as required in Resolution Conf. 2.12¹. Some captive breeding operations sell surplus specimens to underwrite the cost of the captive breeding programme. Importations under these circumstances could be allowed if any profit made would not inure to the personal economic benefit of a private individual or shareholder. Rather, any profit gained would be used to support the continuation of the captive breeding programme to the benefit of the Appendix I species. It should not, therefore, be assumed that importation under such circumstances is inappropriate. As for imports of captive bred specimens for captive breeding programmes for commercial purposes, Article VII, paragraphs 4 and 5, eliminate the need to address the "primarily commercial purposes" standard in Article III, paragraph 3(c). In connection with captive breeding purposes, it should be noted that as a general rule importations must be part of general programmes aimed at the recovery of species and be undertaken with the help of the Parties in whose territory the species originate. The profit gained that might result should be used to support the continuation of the programme aimed at the recovery of the Appendix I species.
- f) Importation via Professional Dealers: A problem occurs with examples b) through e) above if the import is via a professional dealer. In such situations, the import initially serves a commercial purpose and in

¹ **Note at CoP10 & 11:** Amended at the ninth meeting of the Conference of the Parties and replaced by Resolution Conf. 10.16 (Rev.) adopted at the 10th meeting and amended at the 11th meeting.

principle, therefore, should be prohibited under Article III, paragraph 3(c), of the Convention. The fact that the dealer states a general intention to eventually sell the imported specimen to an undetermined zoo or scientific institution should not change this overall conclusion. In practice, living specimens are generally imported commercially with just this aim in mind. However, importations through a professional dealer by a qualified scientific, educational, zoological or other nonprofit organization may be considered acceptable if the ultimate intended use would be for one of the purposes set out in examples b), c), and e) above, and where a binding contract (including a contract conditioned on the granting of permits) for the importation and sale of a particular Appendix I specimen has already been concluded between the professional dealer and the purchasing institution and is presented to the Management Authority of the country of import with the import permit application. The same should apply to example d) if sale is incidental to public health and not for the primary purpose of economic benefit or profit.

If a proposed importation of a specimen of an Appendix I species fits within one of the above examples, all other applicable provisions of the Convention must still be satisfied in order for the importation to be acceptable. For example, where the primary purpose for importation is scientific study or zoological exhibition, the remaining conditions under Article III, paragraph 3 or 5, as applicable, must still be met. Thus, it is possible for an importation for scientific or zoological exhibition purposes to be inappropriate where such importation is found to be detrimental to the survival of the species or where, in the case of live specimens, it is found that the ultimate recipient of the specimens lacks facilities suitably equipped to house and properly care for the specimens.

Moreover, in keeping with the provisions of Article II, paragraph 1, the importation of Appendix I specimens removed from the wild for one of the purposes set forth above should, as a general rule, not be allowed unless the importer has first demonstrated that:

- a) he has been unable to obtain suitable captivebred specimens of the same species;
- b) another species not listed in Appendix I could not be utilized for the proposed purpose; and
- c) the proposed purpose could not be achieved through alternative means.

Conf. 5.11

Definition of the term "Pre-Convention Specimen"

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 reexport is satisfied that a specimen was acquired before the provisions of the Convention applied to that specimen and issues a certificate to that effect;

NOTING that the implementation of that Article has given rise to serious difficulties, both of a technical and of a more fundamental nature;

NOTING that Resolution Conf. 4.11, adopted at the fourth meeting of the Conference of the Parties (Gaborone, 1983), only partly solved the issues it addressed and did not address the remaining problems related to the exemption;

CONSCIOUS of the aims and spirit of the Convention;

RECOGNIZING the crucial role of importing Parties in implementing Article VII, paragraph 2, of the Convention, and the authority of importing Parties to apply stricter domestic measures under Article XIV, paragraph 1, to specimens covered by preConvention certificates;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

DECIDES to revoke Resolution Conf. 4.11, adopted at its fourth meeting;

RECOMMENDS

- a) that for the purposes of Article VII, paragraph 2, of the Convention, the date on which a specimen is acquired be:
 - i) for live and dead animals or plants taken from the wild: the date of their initial removal from their habitat; or
 - ii) for parts and derivatives: the date of their introduction to personal possession, whichever date is the earliest;
- b) that the certificate referred to in Article VII, paragraph 2, only be issued by a Management Authority of an exporting country where it is satisfied that at the date on which a specimen was acquired:
 - the species involved was not listed in one of the Convention appendices; or
 - its country was not a Party to the Convention; or
 - the specimen concerned was subject to a reservation entered by its country with regard to the species involved;
- c) that the certificate referred to in Article VII, paragraph 2, only be issued by a Management Authority of a reexporting country where it is satisfied that at the date on which a specimen was acquired:
 - the species involved was not listed in one of the Convention appendices; or
 - the country of origin was not a Party to the Convention; or
 - the specimen concerned was subject to a reservation entered by the country of origin with regard to the species involved;

in addition to the second and third considerations, its own country:

 - was not a Party to the Convention; or

- was treated as a state not a Party to the Convention with respect to trade in the species concerned under Article XXIII, paragraph 3, of the Convention;
- d) that a Management Authority of an importing country only recognize a preConvention certificate issued by another Party state if the date of acquisition of the specimen is anterior to the date at which the Convention entered into force in the country of import for the specimen concerned;
- e) that Parties which issue a preConvention certificate either indicate on this certificate the precise date of acquisition of the specimen concerned or certify that this specimen was acquired before a specific date;
- f) that a specimen be not qualified for the Article VII, paragraph 2 exemption if neither of the dates referred to in e) can be determined;
- g) that Parties do not accept preConvention certificates which have not been issued in compliance with this Resolution; and
- h) that in the case of a species uplisted, i.e. from Appendix III to II or I, or from Appendix II to I, or downlisted from Appendix I to II or III specimens concerned shall be subject to the provisions applicable to them at the time of export, reexport or import; and

CALLS on Parties to take any necessary measures in order to prevent the undue acquisition of specimens of a species between the date at which the Conference of the Parties approves the inclusion of that species in Appendix I and the date at which the inclusion takes effect.

Conf. 5.12

Trade in Ivory from African Elephants

WHEREAS illegal trade in ivory now imperils the future of some populations of African elephant and could imperil others if it continues at its present level, thus depriving producer countries of the wildlife and economic benefits provided by their elephant populations, within the policy laid down by producer countries for their management;

WHEREAS Resolution Conf. 3.12, adopted at the third meeting of the Conference of the Parties (New Delhi, 1981), defines the terms 'raw' and 'worked' ivory and goes some way towards tightening the control of trade in ivory;

WHEREAS Resolution Conf. 4.14, adopted at the fourth meeting of the Conference of the Parties (Gaborone, 1983), directed 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;

RECOGNIZING that a number of African states already operate successful management programmes to conserve their elephant populations;

RECOGNIZING that African and Asian ivory are indistinguishable and that as the Asian elephant is listed in Appendix I there is a need to ensure that the trade in African ivory does not further endanger the Asian elephant;

WELCOMING the recommendations adopted by the 7th session of the Working Party on Wildlife Management and National Parks of the FAO African Forestry Commission in September 1983 and the Resolution on Trade in Raw African Ivory adopted by 24 African Parties to the Convention at the Seminar on CITES Implementation in Africa, held in Brussels, Belgium, in June 1984;

NOTING that the effective coordination of ivory trade controls by the Secretariat of the Convention cannot be performed without the provision of adequate resources, including staff;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) that commencing by 1 December 1985, each state containing a population of African elephants and wishing to export raw ivory establish, as part of its management of the population, an annual export quota for raw ivory expressed as a maximum number of tusks;
- b) that export permits for raw ivory issued by producer Parties who have set quotas as recommended in a) above be regarded as consistent with the conservation of elephant populations and their habitats in the country of origin, as discussed at the combined meeting of the African Elephant and Rhino Specialist Groups of the Species Survival Commission of IUCN held in Hwange (Wankie), Zimbabwe, in August 1981;
- c) that each quota be communicated to the CITES Secretariat in writing by 1 December for the next calendar year;
- d) that the CITES Secretariat assist in the implementation of the quota system by maintaining a central database, circulating a list of current quotas not later than 1 January of each year, preparing and distributing for the guidance of the Parties (and nonParties) a practical manual describing the most effective procedures for implementing this Resolution, and providing advice on the conservation status of African elephant populations;
- e) that if the quota is not submitted by the deadline, the state in question have a zero quota until such time as it communicates its quota in writing to the Secretariat and the Secretariat in turn notifies the Parties;

- f) that there be no export, reexport or import of raw ivory as defined by Resolution Conf. 3.12 unless it is marked in accordance with that Resolution or in accordance with the Secretariat manual referred to in recommendation d) above;
- g) that Parties accept raw ivory from producer states only where the date on the export permit is for a year in which the producer state has a quota in accordance with this Resolution;
- h) that Parties may accept raw ivory from producer nonParty states only where the nonParty state files an annual report with the CITES Secretariat on its ivory trade, and meets all the other conditions in this Resolution, Resolution Conf. 3.12 and Article X of the Convention (as interpreted by Resolutions adopted by the Conference of the Parties);
- i) that in compiling their annual reports, producer Party and producer nonParty states that have exported raw ivory relate such exports to their quota for any given year, providing the Secretariat with as much relevant data possible, including, as a minimum, the number of whole or substantially whole tusks, and their individual weights and serial numbers;
- j) that, until such time as the Technical Committee produces guidelines for control of worked ivory in accordance with Resolution Conf. 4.14, all trade in worked ivory continue to be subject to the provisions of the Convention which do not require worked ivory exported or imported as personal or household effects to be included in annual reports;
- k) that all Party states seek to route raw ivory exports to countries of destination only through Party states or nonParty states which have adopted ivory trade measures in conformity with this Resolution;
- l) that all Parties take stock of raw ivory currently held in their states which may be destined for international trade, that they report the information to the Secretariat by 1 December 1986 for circulation to the Parties, and that they mark all such ivory in accordance with paragraph f) above prior to export or reexport if not already so marked;
- m) that all Parties include in their annual reports complete data on imports, exports and reexports of raw ivory including, as a minimum, the country of origin, the quota year that the export was authorized, the number of whole or substantially whole tusks, and their individual weights and serial numbers;
- n) that all trade in raw ivory be prohibited with or through any state that does not conform with the ivory quota and trade requirements of CITES as advised by the Secretariat and confirmed by the Standing Committee of the Conference of the Parties; and
- o) that Parties assist the Secretariat to ensure that the duties set out in this Resolution are carried out; and

APPEALS to all governments, nongovernmental conservation organizations and other appropriate agencies to provide funds for the resources required in the Secretariat and producer states to ensure that the recommendations in this Resolution can be effectively implemented.

Conf. 5.13

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 in 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:

<u>State</u>	<u>Quota</u>
Botswana	80
Kenya	80
Malawi	20
Mozambique	60
United Republic of Tanzania	250
Zambia	300
Zimbabwe	350

- 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
 - 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 selflocking 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 6/350 1986 indicating that Zimbabwe is the state of export and that the specimen is the sixth specimen exported by Zimbabwe out of its quota of 350 for 1986;

- 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 annually to the Secretariat and that the Secretariat submit a report 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 sixth meeting of the Conference of the Parties so as to allow sufficient time for Parties to assess the merits of this Resolution.

Conf. 5.14

Improving the Regulation of Trade in Plants

BEING AWARE that the Convention provides measures for international cooperation for the protection of certain species of wild plants, as well as wild animals, against overexploitation through international trade;

RECOGNIZING the urgency of taking appropriate measures to this end, in view of the extent to which many wild plant species are threatened with extinction;

RECALLING the problems Parties to the Convention have faced in implementing the Convention for plants, as outlined in the IUCN Threatened Plants Unit Report (Doc. 4.17);

NOTING that the Summary Report of the CITES Plant Working Group (Doc. TEC. 1.11) contains a comprehensive set of recommendations that provide useful guidance to all Parties in implementing the Convention for plants;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS with regard to

a) The Need to Regulate Trade in Certain Plants

- i) that CITES Parties continue to strive for greater implementation for plants;
- ii) that all Parties increase and improve their enforcement actions with regard to plants under the Convention; and
- iii) that concerted efforts be made to have specific nonmember countries join the Convention, especially those that are suppliers of CITES-listed plants;

b) Refinement of the List of Plants in the Appendices

- i) that current higher taxon listings of plants in the appendices, including the families Orchidaceae and Cactaceae, be maintained as they are essential for effective control of trade in the many species within those taxa that are threatened or potentially at risk;
- ii) that problems associated with higher taxon listings be addressed by:
 - A) informing traders about reasons for regulating their trade and about procedures for them to follow in order to satisfy CITES requirements;
 - B) simplifying Management Authority procedures for administering the permit system and reporting on trade; and
 - C) developing identification materials to distinguish threatened species from those of similar appearance that are not at risk;
- iii) that Parties contemplating transfer of an individual plant species from a higher taxon listing in Appendix II to a separate listing in Appendix I consider:
 - A) whether the increased protection possible by a transfer to Appendix I would compensate for the increased risk brought on by singling out the species to traders;
 - B) the ease with which it can be propagated artificially;
 - C) the extent to which it is currently available in cultivation from artificially propagated specimens; and

- D) any practical problems in identifying that species, particularly in the form in which it may be traded; and
- iv) that higher taxon listings be reassessed as the ability of Parties to fulfill their obligations for plants under CITES improves;
- c) Development of a Standardized Plant Names List
 - i) that the CITES Nomenclature Committee develop a list of standard names for plants included in the appendices together with a list of their synonyms;
 - ii) that the standard lists developed supersede as necessary the overall generic standard of Willis' Dictionary; and
 - iii) that the highest priorities in developing the lists of standard names and synonyms be:
 - A) species names of plants listed at the species level in the appendices;
 - B) generic names of plants listed at the genus or family level in the appendices; and
 - C) family names of plants listed at the family level in the appendices;
- d) Identification of Plant Specimens
 - i) that nontechnical identification materials be prepared and provided to port inspectors; this material should include a general key with illustrations and general descriptions of CITES plants, including differences between wild and artificially propagated specimens, lists of names of plants used in trade, and countries where they occur;
 - ii) that a second type of identification material including labelled, botanical quality black and white drawings and/or photographs of plants as they appear in trade also be prepared; the material should include detailed botanical descriptions of the species, indicating key diagnostic features, a list of countries where they occur, and references to further information or illustrations; and
 - iii) that the highest priority for the production of these materials be given to Appendix I plants and commonly traded taxa in Appendix II that are at risk, and that Parties and nongovernmental organizations be urged to aid in the preparation of these materials as a high priority;
- e) Trade in Salvaged Plant Specimens
 - i) that, whenever possible, Parties ensure programmes of environmental modification do not threaten the survival of plant species listed under CITES, and that protection of Appendix I species in situ be considered as a national and international obligation;
 - ii) that Parties establish salvaged specimens in cultivation where concerted attempts have failed to ensure that such development programmes do not put at risk wild populations of species listed under CITES; and
 - iii) that international trade in salvaged specimens of Appendix I plants, and Appendix II plants where their entry into trade might be detrimental to the survival of the species in the wild, be permitted where all of the following conditions are met:
 - A) such trade would clearly enhance the survival of the species, albeit not in the wild;
 - B) import is for the purposes of care and propagation of the species; and
 - C) import is by a bona fide botanic garden or scientific institution and is not for primarily commercial purposes;

f) Return or Placement of Confiscated Plants in Rescue Centres

- i) that priority be given to care of seized wildcollected specimens of Appendix I species and of Appendix II species that may be at risk;
- ii) that exporting countries accept return of seized plant specimens, provided that they can be returned to the wild; or if this is not possible, use them as stock for artificial propagation so that an acceptable source, which may become commercially selfsustaining, will be established in the country of origin; or use them for conservation education, scientific study, or in other ways that further the purposes of the Convention;
- iii) that importing countries develop adequate procedures and rescue centres to accommodate seized specimens, and likewise use these specimens in ways that further the purposes of the Convention, such as artificial propagation, conservation education, and scientific study; their destruction should be only a last resort;
- iv) that Parties provide the Secretariat with information on their experience in maintaining seized plants having specialized requirements, as a first step toward a horticultural guide to maintenance of specimens of such species; and that the Secretariat distribute the provided information to Parties;
- v) that Parties include information on seizures of plant specimens in their annual reports as recommended in Resolution Conf. 3.10; and
- vi) that Parties publicize such information on seizures when appropriate as a deterrent to illegal trade, and inform the public about their procedures for dealing with seized specimens and rescue centre operations;

g) Reporting on Trade in Plants

- i) that Parties make every effort to report trade in CITESprotected plants at the species level, or if this is impossible for those taxa included in the appendices by family, at the generic level; however, artificially propagated Appendix II orchid hybrids may be reported as such; and
- ii) that Parties distinguish in their reports between plant specimens of wild and of artificially propagated origin;

h) Enforcement for Plants

- i) that Parties inform the Secretariat of the agencies responsible for enforcing the provisions of CITES with respect to trade in plants and that the Secretariat distribute this information to all Parties;
- ii) that Parties ensure that:
 - A) enforcement officers are adequately informed of CITES requirements, procedures governing inspection and clearance of CITES plant specimens, and procedures necessary for the detection of illegal trade;
 - B) enforcing agencies obtain access to materials and expertise enabling identification of plant specimens in trade, including whether the specimen is of wild or artificially propagated origin;
 - C) enforcing agencies utilize annual reports, plant health documents, nursery catalogues and other sources of information to detect possible illegal trade; and
 - D) enforcing agencies maintain close liaison with the Management and Scientific Authorities for the purpose of setting and implementing enforcement priorities; and
- iii) that Parties, in cooperation with the Secretariat, develop cooperative programmes to resolve enforcement difficulties, especially in the area of identification; and

i) Education about Plant Conservation through CITES

- i) that Parties take the case of plant species conservation by CITES to scientific associations, legislative bodies, tourist organizations and nongovernmental organizations;
- ii) that the Secretariat prepare suitable brochures providing a clear explanation of CITES trade controls, the reasons for them, and the roles of Scientific and Management Authorities of Parties so that they can make the information available to plant traders;
- iii) that Parties prepare brochures describing their own CITES permit processes and distribute them to plant traders; and
- iv) that Parties produce lectures and displays and publish information in scientific and trade journals concerning how CITES works, the volume and value of trade in listed plants, and the effect of trade on wild populations.

Conf. 5.15

Improving and Simplifying the Regulation of Trade in Artificially Propagated Plants

RECOGNIZING that many of the problems associated with regulating international trade in plants under the Convention involve artificially propagated specimens;

OBSERVING that certain Parties that export large quantities of artificially propagated plants need to find ways of (a) reducing paperwork while maintaining protection for wild plants, and (b) helping exporters of artificially propagated plants to understand and to comply with requirements of the Convention;

RECALLING that the Conference of the Parties previously recommended in Resolution Conf. 4.16, adopted at its fourth meeting (Gaborone, 1983), 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; and that 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 under the Convention;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) that Parties consider, where appropriate to their circumstances, registering individual traders of artificially propagated Appendix I, II or III plants; adequate steps shall be taken to ensure that such traders do not also trade in wildcollected plants; such steps can include inspection of nursery premises whenever possible, together with inspection of trade catalogues, advertisements and other relevant literature; and
- b) that authorized traders may be issued a licence for a specified length of time to export any quantity of specified Appendix II or III artificially propagated plants, provided that a certified copy of the licence and a schedule recording quantities and other details of the plants accompany each consignment; this would be an alternative to the system of phytosanitary certificates recommended in Resolution Conf. 4.16;

REQUESTS each Party adopting such a system to inform the Secretariat accordingly and to provide copies of the documents, stamps, seals, etc. used; and

DIRECTS the Secretariat to notify the Parties to this effect.

Conf. 5.16

Trade in Ranched Specimens

ACKNOWLEDGING that Resolution Conf. 3.15, adopted at the third meeting of the Conference of the Parties (New Delhi, 1981), established that any proposal to transfer a population to Appendix II in order to conduct a ranching operation must be primarily beneficial to the conservation of the local population and that products of the operation must be adequately identified and documented to ensure that they can be readily distinguished from products of Appendix I populations;

RECALLING that marking of parts and products of a ranched population is necessary for adequate identification and documentation in compliance with Resolution Conf. 3.15, paragraph b), sub-paragraph ii);

RECOGNIZING that if each Party establishes a different marking system for parts and products of a ranched population of the same species, confusion will result, and enforcement will be difficult;

RECOGNIZING that a need exists to establish minimum requirements for uniform marking of products of ranched populations that are entered into trade;

RECOGNIZING that once a ranching proposal has been approved for a species it is necessary to ensure that all Parties concerned comply with the terms and conditions of that approved proposal;

BELIEVING that any subsequent proposal for ranching operations of a species previously approved should be consistent with the terms, conditions and intent of any proposal currently in effect for that species;

RECOGNIZING that if adequate protection is to be provided for both ranched populations and wild populations of a species for which ranching has been approved, trade with nonParty countries must be discouraged;

RECOGNIZING finally that Parties may impose more restrictive domestic controls upon trade in specimens of listed populations under Article XIV of the Convention;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) that the term "product of the operation" mean any whole live or dead animal or plant or part or derivative thereof, whether or not processed in any way, produced from a ranched population that is intended to be entered into trade;
- b) that the term "product unit" mean the smallest single item of any product of the operation that will be individually marked, packaged and entered into trade;
- c) that the term "uniform marking system" mean a system of marking each product unit approved by the Parties for a species which as a minimum includes the International Organization for Standardization code for the country of origin, a unique identification number and the year of production, or if for product units on hand or manufactured from products of the operation on hand at the time of the proposal, the year of the proposal approval;
- d) that the term "primary container" mean any container used to immediately contain a product of the operation;
- e) that each product unit and/or primary container entered into trade be indelibly marked with a unique identification number meeting the minimum requirements of the uniform marking system;
- f) that any Party submitting a ranching proposal for a population of a species for which no previous ranching proposal has been approved include in the proposal, in addition to the necessary biological data, the following:
 - i) a marking system that meets the minimum requirements of the uniform marking system defined in this Resolution;

- ii) a list of the products of the operation which specifies the product unit for each product of the operation;
 - iii) a description of the methods that will be used to mark product units and/or containers entered into trade; and
 - iv) an inventory of current stocks of specimens and products of the operation on hand;
- g) that any Party submitting a ranching proposal for a species for which a previous ranching proposal has been approved include in the proposal:
- i) a marking system that conforms with the uniform marking system approved by the Parties for that species;
 - ii) a list of the products of the operation which specifies the product unit for each product of the operation;
 - iii) a description of the methods that will be used to mark product units and/or containers entered into trade; and
 - iv) an inventory of current stocks of specimens and products of the operation on hand;
- h) that any Party that reexports products of ranched populations that have been altered from the product unit imported into that country to the extent that it renders the mark illegible provide prior notification to the Secretariat that includes the following:
- i) a marking system that conforms with the uniform marking system approved by the Parties for that species;
 - ii) a list of the products of the operation which specifies the product unit for each product of the operation;
 - iii) a description of the methods that will be used to mark product units and/or containers entered into trade; and
 - iv) an inventory of current stocks of specimens and products of the operation on hand;
- i) that export permits and reexport certificates for product units be accepted only if they mention the actual country of origin and if they contain reference to the identifying marks on such product units and/or containers thereof;
- j) that Parties do not export or reexport a product unit of a ranched population to a nonParty or a reserving Party, nor accept an import of a product unit of a ranched population from such states;
- k) that all Parties prohibit trade in products of a ranched population unless such trade complies with all terms, conditions and requirements of the approved ranching proposal for that population;
- l) that no Party allow trade in a product unit of a ranched population that was on hand at the time of the proposal approval unless such product unit is marked in conformity with the uniform marking system and is included in the inventory submitted as part of the proposal; and
- m) that any Party with an approved ranching proposal submit any changes in the information required in paragraph f) or g) of this Resolution to the Secretariat. The same procedures that are found in Article XV of the Convention applicable to approval of amendments to Appendices I and II apply to the approval of requested changes in subparagraph i) of paragraph f) or g);

AGREES that for ranching proposals approved at the fifth meeting of the Conference of the Parties:

- a) the proposals shall be deemed to have complied with the terms of paragraph f) or g) of this Resolution, as appropriate, as soon as the Party concerned submits to the Secretariat the information required in such

paragraph that was not otherwise included in the approved proposal and all other Parties are so notified by the Secretariat; and

- b) the marking system used is exempt from the minimum standard established in recommendation c) of this Resolution until 1 May 1986; and

DIRECTS the Technical Committee to review and develop recommendations, if necessary, for consideration at the sixth meeting of the Conference of the Parties on:

- a) the establishment of reporting and monitoring procedures for ranching operations and captive breeding operations; and
- b) the adequacy of existing controls for regulating the trade in specimens of Appendix II species that are similar to Appendix I species.

Identification Manual

CONSIDERING that the identification of specimens of species listed in 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 cooperation with the Secretariat, as a result of Resolutions Conf. 2.4, Conf. 3.18 and Conf. 4.19 adopted at previous 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 sixth meeting of the Conference of the Parties;

INVITES

- a) the Parties to submit, in consultation with the Committee, appropriate contributions for existing listings in the appendices, especially with regard to flora;
- 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) the French or Spanish speaking Parties to contribute to the translation of the Identification Manual;

REQUESTS

- a) the Parties to promote the use of the Identification Manual by enforcement officials; and
- b) the Parties to report to the Conference of the Parties at its sixth meeting on the uses of the Manual which they have instigated, and on its availability to competent authorities;

DIRECTS the Secretariat to publish, within its financial capacity, a French and a Spanish version of the Manual; and

APPEALS to organizations and Parties to provide funds to ensure the production of the Manual in French and Spanish and the continuation of the work in English.

Conf. 5.18

Air Transport of Live Wild Animals

NOTING the Resolution Conf. 4.20 adopted at the fourth meeting of the Conference of the Parties (Gaborone, 1983);

CONSIDERING that the Regulations of the International Air Transport Association (IATA Live Animals Regulations) benefit from wide recognition;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RESOLVES to insert the following statement in the Guidelines for Transport and Preparation for Shipment of Live Wild Animals and Plants:

"With respect to air transport of live wild animals, the Regulations of the International Air Transport Association (IATA Live Animals Regulations) for so long as the CITES Secretariat and Technical Committee do not provide to the contrary, are deemed to meet these Guidelines and may be implemented in lieu of them";

INSTRUCTS the Secretariat to insert this statement in the Guidelines at the most appropriate place;

DIRECTS the Technical Committee to establish a working group to prepare recommendations for the sixth meeting of the Conference of the Parties on any further measures which may be required to improve the conditions in which live specimens are transported;

DRAWS THE ATTENTION of the Parties to the fact that:

- a) whilst IATA Live Animals Regulations are intended for use by member airlines, IATA Live Animals Board is not a law enforcement body;
- b) legal action, where necessary, can be taken only by the law enforcement agencies of the Parties; and
- c) some have incorporated the Regulations into their domestic legislation;

NOTES that in order to improve IATA Live Animals Regulations implementation through the Parties there is a need for greatly increased awareness of the Regulations through:

- a) more effective methods of training among airlines and enforcement agency personnel;
- b) improved methods of liaison and information; and
- c) considering the recommendation that the Regulations be incorporated into the domestic legislation of those Parties who so far have not done so; and

INSTRUCTS the Secretariat and the Technical Committee to facilitate arrangements by seeking amendment of the IATA Live Animals Regulations and revision of procedures to ensure more effective implementation of these Regulations, and for these purposes to use the services of CITES endorsed advisors and technical experts to work in cooperation with IATA Live Animals Board.

Conf. 5.19

Nomenclature Committee

RECOGNIZING that the Parties have continued to endorse the activities of the Nomenclature Committee;

NOTING that the Committee presently serves as an advisory body to the Parties for the purpose of reviewing the nomenclatural status of species within the context of the Convention;

NOTING further that the Committee was charged by the Parties in Gaborone (Resolution Conf. 4.23), to prepare expanded checklists of amphibian and reptile species for presentation at this meeting of the Conference of the Parties;

RECOGNIZING that the Finance Committee has recommended US\$ 20,000 per year for 1986/1987 biennium be included in the Secretariat budget for the purpose of preparing checklists of turtles, crocodilians, snakes and lizards;

UNDERSTANDING that funds are needed to initiate work in 1985, and that no funds are budgeted in 1985 for the purpose of developing checklists;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) that the work of the Nomenclature Committee be continued until the next meeting of the Conference of the Parties;
- b) that the Parties adopt Amphibian Species of the World as the standard reference to amphibian nomenclature; and
- c) that the Secretariat provide, within its present budget, minimal funding during the remainder of 1985 to initiate work on the turtle and crocodile checklists; and

INSTRUCTS the Secretariat to revise the organization of the appendices to the order maintained prior to the fourth meeting of the Conference of the Parties (Gaborone, 1983).

Guidelines for the Secretariat when Making Recommendations in Accordance with Article XV

NOTING Article XV, paragraph 2(b) and (c), of the Convention requiring the Secretariat to make recommendations to the Parties for amendments proposed for Appendices I and II;

RECOGNIZING problems encountered by the Secretariat in always obtaining sufficient data on which to base its recommendations;

RECOGNIZING also that data and information may be obtained from a wide variety of publications and sources;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

ESTABLISHES the following guidelines to be followed by the Secretariat when making recommendations in accordance with Article XV, paragraph 2(b) and (c), of the Convention:

- a) where appropriate, references shall be cited in the text of recommendations so that specific data can be traced to a source;
- b) citations shall be given in accordance with a recognized scientific standard for such citations;
- c) data in unpublished form may be used and referred to provided the source is indicated. If the information is classified as confidential, the fact must be stated;
- d) if the species has been listed previously or proposed for listing or delisting, a brief history of such listing or proposals and their treatment under CITES may be included in the recommendations;
- e) if applicable, reference should be made to any existing Resolutions affecting the proposal or to any draft resolutions that have been tabled and await consideration by the Parties;
- f) additional biological and/or trade data may be requested from the proposing and/or range states or from any other source to confirm or dispute other available data; and
- g) as far as possible, the Secretariat recommendations should be based on as wide a range of information as it can obtain recognizing that such information should not be limited to scientific data; and

URGES the Secretariat to continue to endeavour to provide recommendations with the main objective of furthering the principles and effective implementation of the Convention.

Conf. 5.21

Special Criteria for the Transfer of Taxa from Appendix I to Appendix II

ACCEPTING the Berne criteria for the addition and deletion of species and other taxa (Resolutions Conf. 1.1 and Conf. 1.2 adopted at the first meeting of the Conference of the Parties in Berne, 1976) as the ordinary basis for amendments of the Appendices I and II;

NOTING that the Berne criteria for the addition of species and other taxa to Appendices I and II (Resolution Conf. 1.1) have not been applied to those species which have been listed by the Plenipotentiary Conference (Washington, D.C., 1973), or, in some cases, by the Conference of the Parties at its first (Berne, 1976) or second meeting (San José, 1979);

ACKNOWLEDGING that the Berne criteria for the deletion of species and other taxa from Appendices I and II (Resolution Conf. 1.2) are very difficult to fulfil in the case of some of these species because they require positive scientific evidence of changing biological status showing recovery sufficient to justify deletion;

RECOGNIZING that there are obviously some taxa listed in Appendix I that either never met the Berne criteria for inclusion or have recovered since their inclusion, although this cannot be demonstrated today because their population status was not determined when they were included in the appendix;

NOTING that the establishment of quotas for the management and exploitation of wildlife is a conservation procedure used in many cases at the national level;

RECOGNIZING also that the Parties may wish to reevaluate the placement of certain taxa in Appendix I;

DESIRING to maintain scientific integrity in the procedure for the amendment of the appendices;

NOTING also that many producer countries were not represented at the meetings in Washington, D.C. (1973) and Berne (1976) and that, therefore, there was a lack of adequate knowledge as to the conservation status of certain taxa at the time of their inclusion in Appendix I;

NOTING further that the Ten Year Review of the Appendices remains uncompleted;

CONCLUDING that a temporary mechanism must be found to allow species incorrectly listed in Appendix I to be transferred to Appendix II;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that in the case where Resolution Conf. 1.1 has not been applied to the inclusion of a species in Appendix I of the Convention and where it is virtually impossible to supply the data required by Resolution Conf. 1.2 within reasonable time or with reasonable effort, but where the populations of such species can withstand a certain level of exploitation for commercial trade, the criteria of Resolution Conf. 1.2 be not applied to the transfer from Appendix I to Appendix II if the countries of origin agree to introduce a quota system which is deemed by the Conference of the Parties to be sufficiently safe so as not to endanger the survival of the species in the wild;

RECOMMENDS further that this approach be taken only when:

- a) there is sufficient basis to establish that the species should be included in Appendix II, rather than Appendix I, under the terms of Resolution Conf. 1.1;
- b) there is assurance from the Parties concerned that the entry into trade of specimens of the species in question will be so controlled as not to lead to a reduction in CITES controls on trade in other species;
- c) it is established that range states seeking to export specimens of the species are capable of fulfilling their obligations under Article IV, paragraphs 2(b) and 3, of the Convention; and

- d) the Parties that are range states for the species must have met, and continue to meet, their annual reporting requirements under Article VIII, paragraph 7, in a timely fashion, and that this include complete data on trade in the species in question;

DIRECTS the Technical Committee to develop recommendations, prior to the sixth meeting of the Conference of the Parties, for marking and other suitable methods of controlling trade in specimens of species subject to quotas, so as to ensure that such trade is effectively regulated, and to develop recommendations for addressing any infractions of the quota system;

RECOMMENDS, pending a comprehensive review of this Resolution at the seventh meeting of the Conference of the Parties, that quotas be established or changed only by the Conference of the Parties, and that any Party seeking approval of a quota or a change in its quota submit information about the status of the species and about its management programme for that species to the Secretariat no later than 150 days before the meeting of the Conference for circulation to all Parties; and

REQUESTS the Secretariat to compile data on trade in specimens of species subject to quotas and to report on such data to each meeting of the Conference of the Parties, for such action as the Conference may deem fit. Where a Party becomes aware of problems in implementing this Resolution, with regard to trade from a particular Party, it may inform the Standing Committee, which in turn may request the Depositary Government to prepare a proposal to transfer that population to Appendix I.

Conf. 5.22

Criteria for the Inclusion of Species in Appendix III

OBSERVING that Article II, paragraph 3, of the Convention provides for the inclusion of all species in Appendix III which any Party identifies as being subject to regulation within its jurisdiction, and as needing the cooperation of other Parties in the control of trade;

OBSERVING further that Article XVI, paragraph 4, of the Convention requires that a Party submitting a list of species for inclusion in Appendix III shall submit to the Secretariat a copy of all domestic laws and regulations applicable to the protection of such species;

RECOGNIZING that Resolution Conf. 1.5, adopted at the first meeting of the Conference of the Parties (Berne, 1976), made recommendations regarding the inclusion of species in Appendix III;

RECOGNIZING further that Resolution Conf. 2.18, adopted at the second meeting of the Conference of the Parties (San José, 1979) and Resolution Conf. 4.24, adopted at the fourth meeting (Gaborone, 1983), call for protection of all parts and derivatives unless exempt;

NOTING that different interpretations of the criteria of Article II, paragraph 3, may lead to abuses of the instrument of Appendix III;

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

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) that only those species which are native to the country proposing such inclusion be included in Appendix III;
- b) that only those species which, within the jurisdiction of the country concerned, are subject to regulations for the protection of flora and fauna for the purpose of preventing or restricting exploitation be included in Appendix III;
- c) that Parties proposing the inclusion of species in Appendix III can exclude readily recognizable parts and derivatives from being listed in Appendix III only if this is in accordance with the procedures of Resolution Conf. 4.24; and
- d) that export permits granted under Article V, paragraph 2, of the Convention be issued in accordance with uniform criteria; and

REQUESTS the Secretariat to compile an updated list of Appendix III species including only those which are native to the country having proposed their inclusion in Appendix III and which are not listed in Appendix I or II.