

ANNEX II
Background Documents
Text of the Convention

Convention on International Trade in Endangered Species of Wild Fauna and Flora

Signed at Washington, D.C., on 3 March 1973

Amended at Bonn, on 22 June 1979

The Contracting States,

Recognizing that wild fauna and flora in their many beautiful and varied forms are an irreplaceable part of the natural systems of the earth which must be protected for this and the generations to come;

Conscious of the ever-growing value of wild fauna and flora from aesthetic, scientific, cultural, recreational and economic points of view;

Recognizing that peoples and States are and should be the best protectors of their own wild fauna and flora;

Recognizing, in addition, that international co-operation is essential for the protection of certain species of wild fauna and flora against over-exploitation through international trade;

Convinced of the urgency of taking appropriate measures to this end;

Have agreed as follows:

Article I

Definitions

For the purpose of the present Convention, unless the context otherwise requires:

- (a) "Species" means any species, subspecies, or geographically separate population thereof;
- (b) "Specimen" means:
 - (i) any animal or plant, whether alive or dead;
 - (ii) in the case of an animal: for species included in Appendices I and II, any readily recognizable part or derivative thereof; and for species included in Appendix III, any readily recognizable part or derivative thereof specified in Appendix III in relation to the species; and
 - (iii) in the case of a plant: for species included in Appendix I, any readily recognizable part or derivative thereof; and for species included in Appendices II and III, any readily recognizable part or derivative thereof specified in Appendices II and III in relation to the species;

(c) "Trade" means export, re-export, import and introduction from the sea;

(d) "Re-export" means export of any specimen that has previously been imported;

(e) "Introduction from the sea" means transportation into a State of specimens of any species which were taken in the marine environment not under the jurisdiction of any State;

(f) "Scientific Authority" means a national scientific authority designated in accordance with Article IX;

(g) "Management Authority" means a national management authority designated in accordance with Article IX;

(h) "Party" means a State for which the present Convention has entered into force.

Article II

Fundamental Principles

1. Appendix I shall include all species threatened with extinction which are or may be affected by trade. Trade in specimens of these species must be subject to particularly strict regulation in order not to endanger further their survival and must only be authorized in exceptional circumstances.
2. Appendix II shall include:
 - (a) all species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival; and
 - (b) other species which must be subject to regulation in order that trade in specimens of certain species referred to in sub-paragraph (a) of this paragraph may be brought under effective control.
3. Appendix III shall include all species which any Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the co-operation of other Parties in the control of trade.

4. The Parties shall not allow trade in specimens of species included in Appendices I, II and III except in accordance with the provisions of the present Convention.

Article III

Regulation of Trade in Specimens of Species Included in Appendix I

1. All trade in specimens of species included in Appendix I shall be in accordance with the provisions of this Article.
2. The export of any specimen of a species included in Appendix I shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:
 - (a) a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;
 - (b) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora;
 - (c) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and
 - (d) a Management Authority of the State of export is satisfied that an import permit has been granted for the specimen.
3. The import of any specimen of a species included in Appendix I shall require the prior grant and presentation of an import permit and either an export permit or a re-export certificate. An import permit shall only be granted when the following conditions have been met:
 - (a) a Scientific Authority of the State of import has advised that the import will be for purposes which are not detrimental to the survival of the species involved;
 - (b) a Scientific Authority of the State of import is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and
 - (c) a Management Authority of the State of import is satisfied that the specimen is not to be used for primarily commercial purposes.
4. The re-export of any specimen of a species included in Appendix I shall require the prior grant and presentation of a re-export certificate. A re-export certificate shall only be granted when the following conditions have been met:
 - (a) a Management Authority of the State of re-export is satisfied that the specimen was imported into that State in accordance with the provisions of the present Convention;
 - (b) a Management Authority of the State of re-export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and
 - (c) a Management Authority of the State of re-export is satisfied that an import permit has been granted for any living specimen.
5. The introduction from the sea of any specimen of a species included in Appendix I shall require the prior grant of a certificate from a Management Authority of the State of introduction. A certificate shall only be granted when the following conditions have been met:
 - (a) a Scientific Authority of the State of introduction advises that the introduction will not be detrimental to the survival of the species involved;
 - (b) a Management Authority of the State of introduction is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and
 - (c) a Management Authority of the State of introduction is satisfied that the specimen is not to be used for primarily commercial purposes.

Article IV

Regulation of Trade in Specimens of Species Included in Appendix II

1. All trade in specimens of species included in Appendix II shall be in accordance with the provisions of this Article.
2. The export of any specimen of a species included in Appendix II shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:
 - (a) a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;
 - (b) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora; and

- (c) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.
3. A Scientific Authority in each Party shall monitor both the export permits granted by that State for specimens of species included in Appendix II and the actual exports of such specimens. Whenever a Scientific Authority determines that the export of specimens of any such species should be limited in order to maintain that species throughout its range at a level consistent with its role in the ecosystems in which it occurs and well above the level at which that species might become eligible for inclusion in Appendix I, the Scientific Authority shall advise the appropriate Management Authority of suitable measures to be taken to limit the grant of export permits for specimens of that species.
 4. The import of any specimen of a species included in Appendix II shall require the prior presentation of either an export permit or a re-export certificate.
 5. The re-export of any specimen of a species included in Appendix II shall require the prior grant and presentation of a re-export certificate. A re-export certificate shall only be granted when the following conditions have been met:
 - (a) a Management Authority of the State of re-export is satisfied that the specimen was imported into that State in accordance with the provisions of the present Convention; and
 - (b) a Management Authority of the State of re-export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.
 6. The introduction from the sea of any specimen of a species included in Appendix II shall require the prior grant of a certificate from a Management Authority of the State of introduction. A certificate shall only be granted when the following conditions have been met:
 - (a) a Scientific Authority of the State of introduction advises that the introduction will not be detrimental to the survival of the species involved; and
 - (b) a Management Authority of the State of introduction is satisfied that any living specimen will be so handled as to minimize the risk of injury, damage to health or cruel treatment.
 7. Certificates referred to in paragraph 6 of this Article may be granted on the advice of a Scientific Authority, in consultation with other national scientific authorities or, when appropriate, international

scientific authorities, in respect of periods not exceeding one year for total numbers of specimens to be introduced in such periods.

Article V

Regulation of Trade in Specimens of Species Included in Appendix III

1. All trade in specimens of species included in Appendix III shall be in accordance with the provisions of this Article.
2. The export of any specimen of a species included in Appendix III from any State which has included that species in Appendix III shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:
 - (a) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora; and
 - (b) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.
3. The import of any specimen of a species included in Appendix III shall require, except in circumstances to which paragraph 4 of this Article applies, the prior presentation of a certificate of origin and, where the import is from a State which has included that species in Appendix III, an export permit.
4. In the case of re-export, a certificate granted by the Management Authority of the State of re-export that the specimen was processed in that State or is being re-exported shall be accepted by the State of import as evidence that the provisions of the present Convention have been complied with in respect of the specimen concerned.

Article VI

Permits and Certificates

1. Permits and certificates granted under the provisions of Articles III, IV, and V shall be in accordance with the provisions of this Article.
2. An export permit shall contain the information specified in the model set forth in Appendix IV, and may only be used for export within a period of six months from the date on which it was granted.
3. Each permit or certificate shall contain the title of the present Convention, the name and any identifying stamp of the Management Authority granting it and a control number assigned by the Management Authority.

4. Any copies of a permit or certificate issued by a Management Authority shall be clearly marked as copies only and no such copy may be used in place of the original, except to the extent endorsed thereon.
5. A separate permit or certificate shall be required for each consignment of specimens.
6. A Management Authority of the State of import of any specimen shall cancel and retain the export permit or re-export certificate and any corresponding import permit presented in respect of the import of that specimen.
7. Where appropriate and feasible a Management Authority may affix a mark upon any specimen to assist in identifying the specimen. For these purposes "mark" means any indelible imprint, lead seal or other suitable means of identifying a specimen, designed in such a way as to render its imitation by unauthorized persons as difficult as possible.

Article VII

Exemptions and Other Special Provisions Relating to Trade

1. The provisions of Articles III, IV and V shall not apply to the transit or transshipment of specimens through or in the territory of a Party while the specimens remain in Customs control.
2. 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, the provisions of Articles III, IV and V shall not apply to that specimen where the Management Authority issues a certificate to that effect.
3. The provisions of Articles III, IV and V shall not apply to specimens that are personal or household effects. This exemption shall not apply where:
 - (a) in the case of specimens of a species included in Appendix I, they were acquired by the owner outside his State of usual residence, and are being imported into that State; or
 - (b) in the case of specimens of species included in Appendix II:
 - (i) they were acquired by the owner outside his State of usual residence and in a State where removal from the wild occurred;
 - (ii) they are being imported into the owner's State of usual residence; and
 - (iii) the State where removal from the wild occurred requires the prior grant of export permits before any export of such specimens; unless a Management Authority is satisfied that the specimens were acquired before the provisions of the present Convention applied to such specimens.
4. Specimens of an animal species included in Appendix I bred in captivity for commercial purposes, or of a plant species included in Appendix I artificially propagated for commercial purposes, shall be deemed to be specimens of species included in Appendix II.
5. Where a Management Authority of the State of export is satisfied that any specimen of an animal species was bred in captivity or any specimen of a plant species was artificially propagated, or is a part of such an animal or plant or was derived therefrom, a certificate by that Management Authority to that effect shall be accepted in lieu of any of the permits or certificates required under the provisions of Article III, IV or V.
6. The provisions of Articles III, IV and V shall not apply to the non-commercial loan, donation or exchange between scientists or scientific institutions registered by a Management Authority of their State, of herbarium specimens, other preserved, dried or embedded museum specimens, and live plant material which carry a label issued or approved by a Management Authority.
7. A Management Authority of any State may waive the requirements of Articles III, IV and V and allow the movement without permits or certificates of specimens which form part of a travelling zoo, circus, menagerie, plant exhibition or other travelling exhibition provided that:
 - (a) the exporter or importer registers full details of such specimens with that Management Authority;
 - (b) the specimens are in either of the categories specified in paragraph 2 or 5 of this Article; and
 - (c) the Management Authority is satisfied that any living specimen will be so transported and cared for as to minimize the risk of injury, damage to health or cruel treatment.

Article VIII

Measures to Be Taken by the Parties

1. The Parties shall take appropriate measures to enforce the provisions of the present Convention and to prohibit trade in specimens in violation thereof. These shall include measures:
 - (a) to penalize trade in, or possession of, such specimens, or both; and
 - (b) to provide for the confiscation or return to the State of export of such specimens.

2. In addition to the measures taken under paragraph 1 of this Article, a Party may, when it deems it necessary, provide for any method of internal reimbursement for expenses incurred as a result of the confiscation of a specimen traded in violation of the measures taken in the application of the provisions of the present Convention.
3. As far as possible, the Parties shall ensure that specimens shall pass through any formalities required for trade with a minimum of delay. To facilitate such passage, a Party may designate ports of exit and ports of entry at which specimens must be presented for clearance. The Parties shall ensure further that all living specimens, during any period of transit, holding or shipment, are properly cared for so as to minimize the risk of injury, damage to health or cruel treatment.
4. Where a living specimen is confiscated as a result of measures referred to in paragraph 1 of this Article:
 - (a) the specimen shall be entrusted to a Management Authority of the State of confiscation;
 - (b) the Management Authority shall, after consultation with the State of export, return the specimen to that State at the expense of that State, or to a rescue centre or such other place as the Management Authority deems appropriate and consistent with the purposes of the present Convention; and
 - (c) the Management Authority may obtain the advice of a Scientific Authority, or may, whenever it considers it desirable, consult the Secretariat in order to facilitate the decision under sub-paragraph (b) of this paragraph, including the choice of a rescue centre or other place.
5. A rescue centre as referred to in paragraph 4 of this Article means an institution designated by a Management Authority to look after the welfare of living specimens, particularly those that have been confiscated.
6. Each Party shall maintain records of trade in specimens of species included in Appendices I, II and III which shall cover:
 - (a) the names and addresses of exporters and importers; and
 - (b) the number and type of permits and certificates granted; the States with which such trade occurred; the numbers or quantities and types of specimens, names of species as included in Appendices I, II and III and, where applicable, the size and sex of the specimens in question.
7. Each Party shall prepare periodic reports on its implementation of the present Convention and shall transmit to the Secretariat:
 - (a) an annual report containing a summary of the information specified in sub-paragraph (b) of paragraph 6 of this Article; and
 - (b) a biennial report on legislative, regulatory and administrative measures taken to enforce the provisions of the present Convention.
8. The information referred to in paragraph 7 of this Article shall be available to the public where this is not inconsistent with the law of the Party concerned.

Article IX

Management and Scientific Authorities

1. Each Party shall designate for the purposes of the present Convention:
 - (a) one or more Management Authorities competent to grant permits or certificates on behalf of that Party; and
 - (b) one or more Scientific Authorities.
2. A State depositing an instrument of ratification, acceptance, approval or accession shall at that time inform the Depositary Government of the name and address of the Management Authority authorized to communicate with other Parties and with the Secretariat.
3. Any changes in the designations or authorizations under the provisions of this Article shall be communicated by the Party concerned to the Secretariat for transmission to all other Parties.
4. Any Management Authority referred to in paragraph 2 of this Article shall, if so requested by the Secretariat or the Management Authority of another Party, communicate to it impression of stamps, seals or other devices used to authenticate permits or certificates.

Article X

Trade with States not Party to the Convention

Where export or re-export is to, or import is from, a State not a Party to the present Convention, comparable documentation issued by the competent authorities in that State which substantially conforms with the requirements of the present Convention for permits and certificates may be accepted in lieu thereof by any Party.

Article XI

Conference of the Parties

1. The Secretariat shall call a meeting of the Conference of the Parties not later than two years after the entry into force of the present Convention.
2. Thereafter the Secretariat shall convene regular meetings at least once every two years, unless the Conference decides otherwise, and extraordinary meetings at any time on the written request of at least one-third of the Parties.
3. At meetings, whether regular or extraordinary, the Parties shall review the implementation of the present Convention and may:
 - (a) make such provision as may be necessary to enable the Secretariat to carry out its duties, and adopt financial provisions;
 - (b) consider and adopt amendments to Appendices I and II in accordance with Article XV;
 - (c) review the progress made towards the restoration and conservation of the species included in Appendices I, II and III;
 - (d) receive and consider any reports presented by the Secretariat or by any Party; and
 - (e) where appropriate, make recommendations for improving the effectiveness of the present Convention.
4. At each regular meeting, the Parties may determine the time and venue of the next regular meeting to be held in accordance with the provisions of paragraph 2 of this Article.
5. At any meeting, the Parties may determine and adopt rules of procedure for the meeting.
6. The United Nations, its Specialized Agencies and the International Atomic Energy Agency, as well as any State not a Party to the present Convention, may be represented at meetings of the Conference by observers, who shall have the right to participate but not to vote.
7. Any body or agency technically qualified in protection, conservation or management of wild fauna and flora, in the following categories, which has informed the Secretariat of its desire to be represented at meetings of the Conference by observers, shall be admitted unless at least one-third of the Parties present object:
 - (a) international agencies or bodies, either governmental or non-governmental, and national governmental agencies and bodies; and
 - (b) national non-governmental agencies or bodies which have been approved for this purpose by

the State in which they are located. Once admitted, these observers shall have the right to participate but not to vote.

Article XII

The Secretariat

1. Upon entry into force of the present Convention, a Secretariat shall be provided by the Executive Director of the United Nations Environment Programme. To the extent and in the manner he considers appropriate, he may be assisted by suitable inter-governmental or non-governmental international or national agencies and bodies technically qualified in protection, conservation and management of wild fauna and flora.
2. The functions of the Secretariat shall be:
 - (a) to arrange for and service meetings of the Parties;
 - (b) to perform the functions entrusted to it under the provisions of Articles XV and XVI of the present Convention;
 - (c) to undertake scientific and technical studies in accordance with programmes authorized by the Conference of the Parties as will contribute to the implementation of the present Convention, including studies concerning standards for appropriate preparation and shipment of living specimens and the means of identifying specimens;
 - (d) to study the reports of Parties and to request from Parties such further information with respect thereto as it deems necessary to ensure implementation of the present Convention;
 - (e) to invite the attention of the Parties to any matter pertaining to the aims of the present Convention;
 - (f) to publish periodically and distribute to the Parties current editions of Appendices I, II and III together with any information which will facilitate identification of specimens of species included in those Appendices;
 - (g) to prepare annual reports to the Parties on its work and on the implementation of the present Convention and such other reports as meetings of the Parties may request;
 - (h) to make recommendations for the implementation of the aims and provisions of the present Convention, including the exchange of information of a scientific or technical nature;
 - (i) to perform any other function as may be entrusted to it by the Parties.

Article XIII

International Measures

1. When the Secretariat in the light of information received is satisfied that any species included in Appendix I or II is being affected adversely by trade in specimens of that species or that the provisions of the present Convention are not being effectively implemented, it shall communicate such information to the authorized Management Authority of the Party or Parties concerned.
2. When any Party receives a communication as indicated in paragraph 1 of this Article, it shall, as soon as possible, inform the Secretariat of any relevant facts insofar as its laws permit and, where appropriate, propose remedial action. Where the Party considers that an inquiry is desirable, such inquiry may be carried out by one or more persons expressly authorized by the Party.
3. The information provided by the Party or resulting from any inquiry as specified in paragraph 2 of this Article shall be reviewed by the next Conference of the Parties which may make whatever recommendations it deems appropriate.
4. A State party to the present Convention, which is also a party to any other treaty, convention or international agreement which is in force at the time of the coming into force of the present Convention and under the provisions of which protection is afforded to marine species included in Appendix II, shall be relieved of the obligations imposed on it under the provisions of the present Convention with respect to trade in specimens of species included in Appendix II that are taken by ships registered in that State and in accordance with the provisions of such other treaty, convention or international agreement.
5. Notwithstanding the provisions of Articles III, IV and V, any export of a specimen taken in accordance with paragraph 4 of this Article shall only require a certificate from a Management Authority of the State of introduction to the effect that the specimen was taken in accordance with the provisions of the other treaty, convention or international agreement in question.
6. Nothing in the present Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to Resolution 2750 C (XXV) of the General Assembly of the United Nations nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction.

Article XIV

Effect on Domestic Legislation and International Conventions

1. The provisions of the present Convention shall in no way affect the right of Parties to adopt:
 - (a) stricter domestic measures regarding the conditions for trade, taking, possession or transport of specimens of species included in Appendices I, II and III, or the complete prohibition thereof; or
 - (b) domestic measures restricting or prohibiting trade, taking, possession or transport of species not included in Appendix I, II or III.
2. The provisions of the present Convention shall in no way affect the provisions of any domestic measures or the obligations of Parties deriving from any treaty, convention, or international agreement relating to other aspects of trade, taking, possession or transport of specimens which is in force or subsequently may enter into force for any Party including any measure pertaining to the Customs, public health, veterinary or plant quarantine fields.
3. The provisions of the present Convention shall in no way affect the provisions of, or the obligations deriving from, any treaty, convention or international agreement concluded or which may be concluded between States creating a union or regional trade agreement establishing or maintaining a common external Customs control and removing Customs

control between the parties thereto insofar as they relate to trade among the States members of that union or agreement.

Article XV

Amendments to Appendices I and II

1. The following provisions shall apply in relation to amendments to Appendices I and II at meetings of the Conference of the Parties:
 - (a) Any Party may propose an amendment to Appendix I or II for consideration at the next meeting. The text of the proposed amendment shall be communicated to the Secretariat at least 150 days before the meeting. The Secretariat shall consult the other Parties and interested bodies on the amendment in accordance with the provisions of sub-paragraphs (b) and (c) of paragraph 2 of this Article and shall communicate the response to all Parties not later than 30 days before the meeting.
 - (b) Amendments shall be adopted by a two-thirds majority of Parties present and voting. For these purposes "Parties present and voting" means Parties present and casting an affirmative or negative vote. Parties abstaining from

voting shall not be counted among the two-thirds required for adopting an amendment.

- (c) Amendments adopted at a meeting shall enter into force 90 days after that meeting for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.
2. The following provisions shall apply in relation to amendments to Appendices I and II between meetings of the Conference of the Parties:
- (a) Any Party may propose an amendment to Appendix I or II for consideration between meetings by the postal procedures set forth in this paragraph.
 - (b) For marine species, the Secretariat shall, upon receiving the text of the proposed amendment, immediately communicate it to the Parties. It shall also consult inter-governmental bodies having a function in relation to those species especially with a view to obtaining scientific data these bodies may be able to provide and to ensuring co-ordination with any conservation measures enforced by such bodies. The Secretariat shall communicate the views expressed and data provided by these bodies and its own findings and recommendations to the Parties as soon as possible.
 - (c) For species other than marine species, the Secretariat shall, upon receiving the text of the proposed amendment, immediately communicate it to the Parties, and, as soon as possible thereafter, its own recommendations.
 - (d) Any Party may, within 60 days of the date on which the Secretariat communicated its recommendations to the Parties under sub-paragraph (b) or (c) of this paragraph, transmit to the Secretariat any comments on the proposed amendment together with any relevant scientific data and information.
 - (e) The Secretariat shall communicate the replies received together with its own recommendations to the Parties as soon as possible.
 - (f) If no objection to the proposed amendment is received by the Secretariat within 30 days of the date the replies and recommendations were communicated under the provisions of sub-paragraph (e) of this paragraph, the amendment shall enter into force 90 days later for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.
 - (g) If an objection by any Party is received by the Secretariat, the proposed amendment shall be submitted to a postal vote in accordance with the provisions of sub-paragraphs (h), (i) and (j) of this paragraph.
 - (h) The Secretariat shall notify the Parties that notification of objection has been received.
 - (i) Unless the Secretariat receives the votes for, against or in abstention from at least one-half of the Parties within 60 days of the date of notification under sub-paragraph (h) of this paragraph, the proposed amendment shall be referred to the next meeting of the Conference for further consideration.
 - (j) Provided that votes are received from one-half of the Parties, the amendment shall be adopted by a two-thirds majority of Parties casting an affirmative or negative vote.
 - (k) The Secretariat shall notify all Parties of the result of the vote.
 - (l) If the proposed amendment is adopted it shall enter into force 90 days after the date of the notification by the Secretariat of its acceptance for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.
3. During the period of 90 days provided for by sub-paragraph (c) of paragraph 1 or sub-paragraph (l) of paragraph 2 of this Article any Party may by notification in writing to the Depositary Government make a reservation with respect to the amendment.
- Until such reservation is withdrawn the Party shall be treated as a State not a Party to the present Convention with respect to trade in the species concerned.

Article XVI

Appendix III and Amendments thereto

1. Any Party may at any time submit to the Secretariat a list of species which it identifies as being subject to regulation within its jurisdiction for the purpose mentioned in paragraph 3 of Article II. Appendix III shall include the names of the Parties submitting the species for inclusion therein, the scientific names of the species so submitted, and any parts or derivatives of the animals or plants concerned that are specified in relation to the species for the purposes of sub-paragraph (b) of Article I.
2. Each list submitted under the provisions of paragraph 1 of this Article shall be communicated to the Parties by the Secretariat as soon as possible after receiving it. The list shall take effect as part of Appendix III 90 days after the date of such communication. At any time after the communication of such list, any Party may by notification in writing to the Depositary Government enter a reservation with respect to any species or any parts or derivatives, and

until such reservation is withdrawn, the State shall be treated as a State not a Party to the present Convention with respect to trade in the species or part or derivative concerned.

3. A Party which has submitted a species for inclusion in Appendix III may withdraw it at any time by notification to the Secretariat which shall communicate the withdrawal to all Parties. The withdrawal shall take effect 30 days after the date of such communication.
4. Any Party submitting a list under the provisions of paragraph 1 of this Article shall submit to the Secretariat a copy of all domestic laws and regulations applicable to the protection of such species, together with any interpretations which the Party may deem appropriate or the Secretariat may request. The Party shall, for as long as the species in question is included in Appendix III, submit any amendments of such laws and regulations or any interpretations as they are adopted.

Article XVII

Amendment of the Convention

1. An extraordinary meeting of the Conference of the Parties shall be convened by the Secretariat on the written request of at least one-third of the Parties to consider and adopt amendments to the present Convention. Such amendments shall be adopted by a two-thirds majority of Parties present and voting. For these purposes "Parties present and voting" means Parties present and casting an affirmative or negative vote. Parties abstaining from voting shall not be counted among the two-thirds required for adopting an amendment.
2. The text of any proposed amendment shall be communicated by the Secretariat to all Parties at least 90 days before the meeting.
3. An amendment shall enter into force for the Parties which have accepted it 60 days after two-thirds of the Parties have deposited an instrument of acceptance of the amendment with the Depositary Government. Thereafter, the amendment shall enter into force for any other Party 60 days after that Party deposits its instrument of acceptance of the amendment.

Article XVIII

Resolution of Disputes

1. Any dispute which may arise between two or more Parties with respect to the interpretation or application of the provisions of the present Convention shall be subject to negotiation between the Parties involved in the dispute.

2. If the dispute can not be resolved in accordance with paragraph 1 of this Article, the Parties may, by mutual consent, submit the dispute to arbitration, in particular that of the Permanent Court of Arbitration at The Hague, and the Parties submitting the dispute shall be bound by the arbitral decision.

Article XIX

Signature

The present Convention shall be open for signature at Washington until 30th April 1973 and thereafter at Berne until 31st December 1974.

Article XX

Ratification, Acceptance, Approval

The present Convention shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of the Swiss Confederation which shall be the Depositary Government.

Article XXI

Accession

The present Convention shall be open indefinitely for accession. Instruments of accession shall be deposited with the Depositary Government.

Article XXII

Entry into Force

1. The present Convention shall enter into force 90 days after the date of deposit of the tenth instrument of ratification, acceptance, approval or accession, with the Depositary Government.
2. For each State which ratifies, accepts or approves the present Convention or accedes thereto after the deposit of the tenth instrument of ratification, acceptance, approval or accession, the present Convention shall enter into force 90 days after the deposit by such State of its instrument of ratification, acceptance, approval or accession.

Article XXIII

Reservations

1. The provisions of the present Convention shall not be subject to general reservations. Specific reservations may be entered in accordance with the provisions of this Article and Articles XV and XVI.
2. Any State may, on depositing its instrument of ratification, acceptance, approval or accession, enter a specific reservation with regard to:

- (a) any species included in Appendix I, II or III; or
 - (b) any parts or derivatives specified in relation to a species included in Appendix III.
3. Until a Party withdraws its reservation entered under the provisions of this Article, it shall be treated as a State not a Party to the present Convention with respect to trade in the particular species or parts or derivatives specified in such reservation.

Article XXIV

Denunciation

Any Party may denounce the present Convention by written notification to the Depositary Government at any time. The denunciation shall take effect twelve months after the Depositary Government has received the notification.

Article XXV

Depositary

1. The original of the present Convention, in the Chinese, English, French, Russian and Spanish languages, each version being equally authentic, shall be

- deposited with the Depositary Government, which shall transmit certified copies thereof to all States that have signed it or deposited instruments of accession to it.
2. The Depositary Government shall inform all signatory and acceding States and the Secretariat of signatures, deposit of instruments of ratification, acceptance, approval or accession, entry into force of the present Convention, amendments thereto, entry and withdrawal of reservations and notifications of denunciation
- .3. As soon as the present Convention enters into force, a certified copy thereof shall be transmitted by the Depositary Government to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

In witness whereof the undersigned Plenipotentiaries, being duly authorized to that effect, have signed the present Convention

Done at Washington this third day of March, One Thousand Nine Hundred and Seventy-three.

Resolution Conf. 10.3 – Designation and Role of the Scientific Authorities

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA

RESOLUTION OF THE CONFERENCE OF THE PARTIES

RECALLING Resolution Conf. 8.6 (Rev.), adopted at the eighth meeting of the Conference of the Parties (Kyoto, 1992) and amended at the ninth meeting (Fort Lauderdale, 1994);

ACKNOWLEDGING that each Party is required, in accordance with Article IX of the Convention, to designate one or more Scientific Authorities;

RECOGNIZING that the responsibilities of the Scientific Authority are described in Article III, paragraphs 2(a), 3(a) and (b) and 5(a), and Article IV, paragraphs 2(a), 3 and 6(a), of the Convention and that responsibilities described in other Articles are not assigned to a specific office but require scientific considerations;

RECOGNIZING further that these responsibilities are elaborated upon in Resolutions Conf. 1.4, Conf. 2.14, Conf. 8.15, Conf. 8.21, Conf. 9.19, Conf. 9.21, Conf. 10.7 and Conf. 10.22, adopted at the first, second, eighth, ninth and 10th meetings of the Conference of the Parties (Berne, 1976; San José, 1979; Kyoto, 1992; Fort Lauderdale, 1994; Harare, 1997), and in Resolutions Conf. 2.11 (Rev.), adopted at the second meeting (San José, 1979) and amended at the ninth meeting (Fort Lauderdale, 1994) and Conf. 9.10 (Rev.) and Conf. 9.18 (Rev.), adopted at the ninth meeting and amended at the 10th meeting (Harare, 1997);

NOTING the concerns of the Parties indicated in the responses to the Secretariat's questionnaire on the functioning of Scientific Authorities, as reported to the Animals Committee at its 13th meeting (Pruhonice, 1996);

RECALLING that Resolution Conf. 8.4, adopted at the eighth meeting of the Conference of the Parties (Kyoto, 1992), directs the Secretariat to identify those Parties whose domestic measures do not provide them with the authority to designate at least one Scientific Authority;

NOTING that the Secretariat's reports on alleged infractions have identified several Parties that have not designated Scientific Authorities;

NOTING that issuance of permits by a Management Authority without appropriate Scientific Authority findings constitutes a lack of compliance with the provisions of the Convention and seriously undermines species conservation;

RECALLING that Resolution Conf. 9.5, adopted at the ninth meeting of the Conference of the Parties (Fort Lauderdale, 1994), recommends that Parties accept documentation from States not party to the Convention only if details of the competent authorities and scientific institutions of such States are included in the most recent updated list of the Secretariat or after consultation with the Secretariat;

ACKNOWLEDGING the necessity for the Secretariat, members of the Animals and Plants Committees, and Scientific Authorities to be in contact with the appropriate Scientific Authorities of each Party;

WHEREAS Article XIV, paragraph 1, permits any Party to adopt stricter domestic measures;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

DIRECTS the Secretariat:

- a) to continue its efforts to identify the Scientific Authorities in each country;
- b) to continue to identify in its reports on alleged infractions those countries that have not

informed the Secretariat of their Scientific Authorities; and

- c) to continue to provide to all Parties information on the Scientific Authorities or comparable entities of States not party;

RECOMMENDS that:

- a) all Parties designate Scientific Authorities independent from Management Authorities;
- b) Parties not accept export permits from countries that have not informed the Secretariat of their Scientific Authorities for more than one interval between regular meetings of the Conference of the Parties;
- c) Management Authorities not issue any export or import permit, or certificate of introduction from the sea, for species listed in the appendices without first obtaining the appropriate Scientific Authority findings or advice;
- d) Parties enlist the assistance of Scientific Authorities of other Parties, as appropriate;
- e) neighbouring Parties consider sharing their resources by supporting common scientific institutions to provide the scientific findings required under the Convention;
- f) the Parties consult with the Secretariat when there is reason for concern as to whether the proper Scientific Authority findings are being made;
- g) the appropriate Scientific Authority advise on the issuance of export permits or of certificates for introduction from the sea for Appendix-I or -II species, stating whether or not the proposed trade would be detrimental to the survival of the species in question, and that every export permit or certificate of introduction from the sea be covered by Scientific Authority advice;
- h) the findings and advice of the Scientific Authority of the country of export be based on the scientific review of available information on the population status, distribution, population trend, harvest and other biological and ecological factors, as appropriate, and trade information relating to the species concerned;
- i) the appropriate Scientific Authority of the importing country advise on the issuance of permits for the import of specimens of Appendix-I species, stating whether the import will be for purposes not detrimental to the survival of the species;
- j) the appropriate Scientific Authority monitor the status of native Appendix-II species and export data, and recommend, if necessary, suit-

able remedial measures to limit the export of specimens in order to maintain each species throughout its range at a level consistent with its role in the ecosystem and well above the level at which the species might become eligible for inclusion in Appendix I;

- k) the appropriate Scientific Authority either make the findings required on the suitability of the recipient to house and care for live specimens of Appendix-I species being imported or introduced from the sea, or make its recommendations to the Management Authority prior to the latter making such findings and the issuance of permits or certificates;
- l) the appropriate Scientific Authority provide advice to its Management Authority as to whether or not scientific institutions seeking registration for the purpose of being issued labels for scientific exchange meet the criteria established in Resolution Conf. 2.14, and other standards or any stricter national requirements;
- m) the appropriate Scientific Authority review all applications submitted for consideration under Article VII, paragraph 4 or 5, and advise its Management Authority as to whether the facility concerned meets the criteria for producing specimens considered to be bred in captivity or artificially propagated in accordance with the Convention and relevant Resolutions;
- n) the appropriate Scientific Authority gather and analyse information on the biological status of species affected by trade to assist in the preparation of proposals necessary to amend the appendices; and
- o) the appropriate Scientific Authority review proposals to amend the appendices submitted by other Parties and make recommendations as to how the delegation of its own country should address each proposal;

ENCOURAGES the Parties, the Secretariat and interested non-governmental organizations to develop and support workshops/seminars designed specifically to improve the implementation of CITES by Scientific Authorities; and

REPEALS Resolution Conf. 8.6 (Rev.) (Kyoto, 1992, as amended in Fort Lauderdale, 1994) – Role of the Scientific Authority.

Occasional Papers of the IUCN Species Survival Commission

1. *Species Conservation Priorities in the Tropical Forests of Southeast Asia*. Edited by R.A. Mittermeier and W.R. Constant, 1985, 58pp. (Out of print)
2. *Priorités en matière de conservation des espèces à Madagascar*. Edited by R.A. Mittermeier, L.H. Rakotovo, V. Randrianasolo, E.J. Sterling and D. Devitre, 1987, 167pp. (Out of print)
3. *Biology and Conservation of River Dolphins*. Edited by W.F. Perrin, R.K. Brownell, Zhou Kaiya and Liu Jiankang, 1989, 173pp. (Out of print)
4. *Rodents. A World Survey of Species of Conservation Concern*. Edited by W.Z. Lidicker, Jr., 1989, 60pp.
5. *The Conservation Biology of Tortoises*. Edited by I.R. Swingland and M.W. Klemens, 1989, 202pp. (Out of print)
6. *Biodiversity in Sub-Saharan Africa and its Islands: Conservation, Management, and Sustainable Use*. Compiled by Simon N. Stuart and Richard J. Adams, with a contribution from Martin D. Jenkins, 1991, 242pp.
7. *Polar Bears: Proceedings of the Tenth Working Meeting of the IUCN/SSC Polar Bear Specialist Group*. 1991, 107pp.
8. *Conservation Biology of Lycaenidae (Butterflies)*. Edited by T.R. New, 1993, 173pp. (Out of print)
9. *The Conservation Biology of Molluscs: Proceedings of a Symposium held at the 9th International Malacological Congress, Edinburgh, Scotland, 1986*. Edited by Alison Kay. Including a Status Report on Molluscan Diversity, written by Alison Kay, 1995, 81pp.
10. *Polar Bears: Proceedings of the Eleventh Working Meeting of the IUCN/SSC Polar Bear Specialist Group, January 25–28 1993, Copenhagen, Denmark*. Compiled and edited by Øystein Wiig, Erik W. Born and Gerald W. Garner, 1995, 192pp.
11. *African Elephant Database 1995*. M.Y. Said, R.N. Chunge, G.C. Craig, C.R. Thouless, R.F.W. Barnes and H.T. Dublin, 1995, 225pp.
12. *Assessing the Sustainability of Uses of Wild Species: Case Studies and Initial Assessment Procedure*. Edited by Robert and Christine Prescott-Allen, 1996, 135pp.
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17. *Sturgeon Stocks and Caviar Trade Workshop. Proceedings of a workshop held on 9–10 October 1995 Bonn, Germany by the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety and the Federal Agency for Nature Conservation*. Edited by Vadin J. Birstein, Andreas Bauer and Astrid Kaiser-Pohlmann. 1997, viii + 88pp.
18. *Manejo y Uso Sustentable de Pecarías en la Amazonia Peruana*. Authors: Richard Bodmer, Rolando Aquino, Pablo Puertas, Cesar Reyes, Tula Fang and Nicole Gottdenker, 1997, iv + 102pp.
19. *Proceedings of the Twelfth Working Meeting of the IUCN/SSC Polar Bear Specialist Group, 3–7 February 1997, Oslo, Norway*. Compiled and edited by Andrew E. Derocher, Gerald W. Garner, Nicholas J. Lunn and Øystein Wiig, 1998, v + 159pp.
20. *Sharks and their Relatives – Ecology and Conservation*. Written and compiled by Merry Camhi, Sarah Fowler, John Musick, Amie Bräutigam and Sonja Fordham, 1998, iv + 39pp.
21. *African Antelope Database 1998*. Compiled by Rod East and the IUCN/SSC Antelope Specialist Group, 1999, x + 434pp.
22. *African Elephant Database 1998*. R.F.W. Barnes, G.C. Craig, H.T. Dublin, G. Overton, W. Simons and C.R. Thouless, 1999, vi + 249pp.
23. *Biology and Conservation of Freshwater Cetaceans in Asia*. Edited by Randall R. Reeves, Brian D. Smith and Toshio Kasuya, 2000, viii + 152pp.
24. *Links between Biodiversity Conservation, Livelihoods and Food Security: The sustainable use of wild species for meat*. Edited by S.A. Mainka and M. Trivedi, 2002, vi + 135pp.
24. *Liens entre la conservation de la diversité biologique, les moyens d'existence et la sécurité alimentaire: l'utilisation durable des animaux sauvages pour l'alimentation*. Edité par S.A. Mainka and M. Trivedi, 2002, vi + 145pp.
25. *Elasmobranch Biodiversity, Conservation and Management. Proceedings of the International Seminar and Workshop, Sabah, Malaysia, July, 1997*. Edited by Sarah L. Fowler, Tim M. Reed and Frances A. Dipper. 2002, xv + 258pp.

IUCN Species Survival Commission

The Species Survival Commission (SSC) is one of six volunteer commissions of IUCN – The World Conservation Union, a union of sovereign states, government agencies and non-governmental organizations. IUCN has three basic conservation objectives: to secure the conservation of nature, and especially of biological diversity, as an essential foundation for the future; to ensure that where the Earth's natural resources are used this is done in a wise, equitable and sustainable way; and to guide the development of human communities towards ways of life that are both of good quality and in enduring harmony with other components of the biosphere.

A volunteer network comprised of some 7,000 scientists, field researchers, government officials and conservation leaders from nearly every country of the world, the SSC membership is an unmatched source of information about biological diversity and its conservation. As such, SSC members provide technical and scientific counsel for conservation projects throughout the world and serve as resources to governments, international conventions and conservation organizations.

SSC Occasional Papers cover a broad range of subjects including conservation of groups of species in a particular geographical region, wildlife trade issues, and proceedings of workshops.

IUCN/SSC also publishes an Action Plan series that assesses the conservation status of species and their habitats, and specifies conservation priorities. The series is one of the world's most authoritative sources of species conservation information available to natural resource managers, conservationists and government officials around the world.

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