

GUIDELINES FOR NATIONAL IMPLEMENTATION OF THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA

Dr. Gerhard Emonds

International Union
for Conservation of Nature and Natural Resources
Gland, Switzerland
1981

**GUIDELINES FOR
NATIONAL IMPLEMENTATION OF THE CONVENTION
ON INTERNATIONAL TRADE IN ENDANGERED
SPECIES OF WILD FAUNA AND FLORA**

Dr. Gerhard Emonds

International Union
for Conservation of Nature and Natural Resources
- Gland, Switzerland
1981

Preface

As the author points out in his general introduction, these guidelines were undertaken to provide assistance to countries seeking implementation of the Convention on Trade in Endangered Species of Wild Fauna and Flora (CITES). It has been our experience that such legal guidelines can be useful in that they might provide detailed information and guidance to both legal drafters and administrators.

IUCN asked Dr. Gerhard Emonds, an expert involved in the day to day implementation of the Convention, to develop the guidelines. In the elaboration special consideration was given to the situation in developing countries. Draft versions of the text were reviewed over the past year by members of the IUCN Commission on Environmental Policy, Law and Administration and of the CITES Standing Committee in their personal capacity, as well as from the IUCN and CITES Secretariats. The numerous comments received were carefully considered and recommendations incorporated, where appropriate, into the guidelines.

It should be stressed that although this project has benefited from the review of many persons, the guidelines are an independent endeavour of IUCN for which the endorsement of the Convention's organs has not been sought. IUCN hopes that the States Party to the Convention and their concerned officers will consider this to be a useful tool and that comments and remarks about it will lead to a dialogue about improvements or additions for a possible second edition.

It remains for me to offer my sincere gratitude to Dr. Emonds for his many efforts in the production of this volume.

W.E. Burhenne
Chairman IUCN/CEPLA

The Author

Gerhard Emonds' legal training has been in Cologne and Paris. He received his Doctor of Law degree in 1968 from the University of Cologne.

After serving a short term as civil law judge, the author entered government administration. In the Federal Ministry for Food, Agriculture and Forests of the Federal Republic of Germany, where he heads the section on basic questions of conservation of nature as well as the protection of wild plants and animals, he has participated in the drafting of legislation and has been actively involved in international conservation efforts. G. Emonds is, within the Ministry, responsible *inter alia* for the Federal Republic of Germany's implementation of the Washington Convention on International Trade in Endangered Species of Wild Fauna and Flora and in this function he was elected as chairman of the first extraordinary meeting of the Conference of the Parties to the Convention in 1979. He has been an active participant in the preparation of several international instruments on nature conservation, notably the Bonn Convention on the Conservation of Migratory Species of Wild Animals, the Convention on the Conservation of European Wildlife and Natural Habitats, the European Community Directive on Bird Conservation, and the European Community Regulation on Common Rules for Import of Whale Products.

G. Emonds has authored or co-authored several publications in the field of nature conservation.

Acknowledgements

The author wishes gratefully to acknowledge the advice and assistance of various persons who helped to bring this document to completion, particularly the various members of the IUCN Commission on Environmental Policy, Law and Administration and those of the CITES Standing Committee (*ad personam*), as well as Françoise Burhenne-Guilmin and Daniel Navid of the staff of the IUCN Environmental Law Centre and Peter Sand, Secretary General of the CITES-Secretariat for their useful criticism and their numerous suggestions and comments.

A special thanks goes to CEPLA member Barbara Lausche for her suggestion of valuable corrections and supplements to the study, particularly in view of its presentation in English.

CONTENTS

Preface	V
Author - Acknowledgements	VI
GENERAL INTRODUCTION	1
A. General purpose and audience	1
B. General format	1
PART ONE — BACKGROUND INFORMATION ON THE CONVENTION	2
I. Introduction into the history, the scope and the development of the Convention	2
A. History and scope	2
B. List of Parties	2
C. Development of the Convention	4
II. Table of contents of the Convention	5
PART TWO — GUIDELINES FOR NATIONAL IMPLEMENTATION OF THE CONVENTION	7
Introduction	7
I. Preliminary considerations for the implementation	8
A. General	8
B. Constitutional allocation of competences	8
C. Existing domestic legislation	9
D. Existing multilateral obligations	10
II. Elements for a measure for implementing the Convention	12
III. Designation of Management Authorities	14
A. Definitions	14
B. Description of the attributes and functions of the Management Authorities	15
1. Functions	15
2. Staff services required	17
3. Technical facilities	18
4. Training facilities	19

IV.	Designation of Scientific Authorities	19
	A. Definitions	19
	B. Description of the attributes and functions of the Scientific Authorities	20
	1. Functions	20
	2. Qualification of the staff	21
	3. Technical facilities	21
V.	Designation of ports of exit and ports of entry	22
	A. Background	22
	B. Considerations for the designation of ports of exit and entry	22
VI.	Designation of rescue centres or other appropriate places	23
	A. Background	23
	B. Advantages and disadvantages regarding the designation of rescue centres	23
VII.	Permits and certificates	24
	A. General	24
	B. Export permit	25
	1. Background	25
	2. Model of an export permit	27
	C. Import permit	29
	1. Background	29
	2. Model of an import permit	30
	D. Re-export certificate	32
	1. Background	32
	2. Model of a re-export certificate	32
	E. Certificate for introduction from the sea	32
	1. Background	32
	2. Model of a certificate for introduction from the sea	34
	F. Certificate of origin	36
	1. Background	36
	2. Model of a certificate of origin	37
	G. Certificate of acquisition before entry into force of the Convention	39
	1. Background	39
	2. Model of a certificate of acquisition before entry into force of the Convention	40

H. Certificate for breeding in captivity or artificial propagation	42
1. Background	42
2. Criteria for bred in captivity or artificially propagated	42
3. Model of a certificate for breeding in captivity or artificial propagation	43
I. Certificate of capture in accordance with other treaties	43
1. Background	43
2. Model of a certificate of capture in accordance with other treaties	44
J. Comparable permit or certificate	46
1. Background	46
2. Criteria for comparable documentation	46
3. Model of a comparable export permit	47
4. Model of a comparable re-export certificate	48
VIII. Registration	49
A. Registration of scientists and scientific institutions	49
1. Background	49
2. Criteria for registration	49
B. Record of number and type of permits and certificates granted	50
C. Record of names and addresses of exporters and importers	50
IX. Periodic reports	50
A. Annual Report on the trade in endangered species	50
1. Background	50
2. Uniform format for Annual Reports	52
3. Tabular summary of records of trade in specimens of species included in Appendices I, II and III	54
B. Biennial Report on legislative, regulatory and administrative measures	57

X. Seals, stamps and other identification devices	57
A. Means of authentication	57
B. Marks used for identification of specimens	57
C. Labels used for the exchange of scientific material	58
XI. Measures concerning violations	58
A. Penal sanctions for illegal trade or illegal possession	58
1. Background	58
2. Annotations	58
B. Confiscation or return to State of export	59
1. Background	59
2. Annotations	59
C. Method of internal reimbursement for expenses incurred as a result of the confiscation	60
1. Background	60
2. Annotations	60
XII. Readily recognizable parts and derivatives	61
A. Background	61
B. Criteria for the list	61
C. Minimum list of readily recognizable parts and derivatives	63
XIII. Standards for the preparation and shipment of living specimens	69
XIV. Procedures	69
A. Record-keeping	69
1. Background	69
2. Criteria for the data collecting system	69
3. Graphic description of the record-keeping procedure	70

B. Maintenance of reference lists	81
1. Lists of the Parties including the date of entry into force of the Convention for each Party	81
2. List of foreign Management Authorities and their means of authentication	81
3. List of registered scientific institutions entitled to the exemption provided by Article VII.6	81
C. Methods to ensure regular updating of regulations	81
D. Procedure for customs control of specimens of species included in Appendices I, II and III	82
E. Disposal of confiscated non-living specimens	84
1. Background	84
2. Kinds of disposal and their evaluation	84
F. Public information and participation	85
1. Public availability of reports	85
2. Participation by non-governmental agencies or bodies	85
Footnotes	87
PART THREE — ANNEXES	
Annex I: Convention on International Trade in Endangered Species of Wild Fauna and Flora	88
Annex II: Codes for the Representation of Names of Countries	133
Annex III: Standardization of Permits and Certificates issued by Parties	139
Annex IV: The Use of Customs Tariff Nomenclature	141

General Introduction

A. General purpose and audience

This document has dual purposes:

1. to provide guidelines for developing legislation necessary to implement CITES; and
2. to provide insights into administration procedures necessary to implement CITES.

The guidelines for legislation are intended to give an outline of the major issues which should be addressed in the process of developing a legal instrument for the enforcement of the Convention. The anticipated audience for this aspect of the guidelines is primarily the legal drafter and other participants in the legislative process. In addition, the guidelines are meant to help those persons who are directly responsible for the implementation of this Convention.

This project has become necessary for several reasons. A first, and most obvious one is that developing countries, which are or which intend to become parties to the Convention, frequently approach IUCN and the CITES-Secretariat for advice on legislation necessary to implement the Convention. It has neither been possible nor always suitable to respond on a case-by-case basis to all these requests.

In addition to the need to better serve countries who make requests for assistance, these guidelines have been prepared in an attempt to assist overcoming some of the serious implementation problems presently faced in some of the 62 countries currently Party to CITES. A review of the implementation situation in some States has revealed that these States are not fulfilling all their obligations under the Convention. For example, some of the Parties have not even communicated information about their Management Authority to the Secretariat as required by the Convention and numerous Parties have hitherto not submitted the required Annual Report to the Secretariat, despite being Parties to the Convention for several years. In addition, some Parties still do not control trade in any parts and derivatives of protected species.

In short, these guidelines are meant to contribute towards a general improvement in the implementation of the Convention in all countries Party to the Convention. It is only through conscientious implementation that the aim laid down in the Convention, namely an efficient worldwide control of the trade in endangered flora and fauna species, can be achieved.

B. General format

This document is divided into two parts:

Part One — a short preliminary section with background material on the Convention; and Part Two — the major section containing the guidelines. Part One provides a short introduction into the history and development of CITES and a summary of the contents of the Convention. The guidelines for implementation of the Convention in Part Two focus on principal issues and requirements of the Convention which should be examined and dealt with in any national legislation for CITES. Four annexes are attached. The first annex provides the Convention text (including the current Appendices). The other three annexes provide information on resolutions

and papers of meetings of Conference of the Parties: Standardization of Permits and Certificates; The Use of Customs Tariff Nomenclature; and Codes for the Representation of Names of Countries.

Part One - Background Information on the Convention

I. Introduction into the history, the scope and the development of the Convention

A. History and scope

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) was concluded at a diplomatic Conference in Washington, D.C., on 3 March 1973, attended by 88 nations. It responded to Recommendation No. 99.3 of the 1972 United Nations Stockholm Conference on the Human Environment, and it was the result of many years of preparatory work by the International Union for Conservation of Nature and Natural Resources (IUCN), in consultation with governments and other international organizations.

The aim of the Convention is to establish worldwide controls over trade in endangered wildlife and wildlife products — in recognition of the fact that unrestricted commercial exploitation is one of the major threats to the survival of species. For this purpose, endangered species of wild animals and plants are listed in three appendices to the Convention. Depending upon the degree of protection necessary, the export and Import of live specimens, and of parts or derivatives) is either prohibited or subjected to uniform licensing requirements recognized by all member countries. Each Party to the Convention has designated national management authorities and scientific authorities in charge of administering the licensing system, in direct co-operation with their foreign counterparts.

The Swiss Government serves as depositary for the Convention. The Secretariat is located within the International Union for Conservation of Nature and Natural Resources (IUCN), which administers the Convention on behalf of the Executive Director of the United Nations Environment Programme (UNEP). Representatives of the Parties meet every two years to review the implementation of the Convention and to revise Convention procedures and lists of protected species in the light of current information on conservation status and trade development.

B. List of Parties (and dates of entry into force)

Argentina	08.01.1981
Australia	27.10.1976
Bahamas	18.09.1979
Bolivia	04.10.1979
Botswana	12.02.1978
Brazil	04.11.1975
Cameroon	05.06.1981
Canada	09.07.1975
Central African Rep.	25.11.1980
Chile	01.07.1975
China	08.01.1981
Costa Rica	28.09.1975
Cyprus	01.07.1975
Denmark	24.10.1977

Ecuador	01.07.1975
Egypt	04.04.1978
Finland	08.08.1976
France	09.08.1978
Gambia	24.11.1977
German Democratic Republic	07.01.1976
Germany, Federal Republic of	20.06.1976
Ghana	12.02.1976
Guatemala	05.02.1980
Guyana	25.08.1977
India	18.10.1976
Indonesia	28.03.1979
Iran	01.11.1976
Israel	17.03.1980
Italy	31.12.1979
Japan	04.11.1980
Jordan	14.03.1979
Kenya	13.03.1979
Liberia	11.03.1981
Liechtenstein	28.02.1980
Madagascar	18.11.1975
Malaysia	18.01.1978
Mauritius	27.07.1975
Monaco	18.07.1978
Morocco	14.01.1976
Mozambique	25.03.1981
Nepal	16.09.1975
Nicaragua	04.11.1977
Niger	07.12.1975
Nigeria	01.07.1975
Norway	25.10.1976
Pakistan	19.07.1976
Panama	15.11.1978
Papua New Guinea	11.03.1976
Paraguay	13.02.1977
Peru	25.09.1975
Portugal	11.12.1980
Rwanda	20.10.1980
Senegal	03.11.1977
Seychelles	09.05.1977
South Africa	13.10.1975
Sri Lanka	02.08.1979
Surinam	17.11.1980
Sweden	01.07.1975
Switzerland	01.07.1975
Tanzania, United Republic of	27.02.1980
Togo	21.01.1979
Tunisia	01.07.1975
Union of Soviet Socialist Republics	08.12.1976
United Arab Emirates	01.07.1975
United Kingdom of Great Britain and Northern Ireland	31.10.1976
United States of America	01.07.1975

Uruguay	22.01.1978
Venezuela	18.10.1976
Zaire	24.11.1980
Zambia	19.05.1981
Zimbabwe	

C. Development of the Convention

- | | |
|--|-------------------------------|
| 1. Date of adoption | 3 March 1973 |
| 2. Date of entry into force | 1 July 1975 |
| 3. First meeting of the Conference of the Parties, Berne (Switzerland) | 2-6 November 1976 |
| 4. Date of entry into force of amendments to Appendices I and II (approved by the first meeting of the Conference of the Parties) | 4 February 1977 |
| 5. Special working session of the Conference of the Parties, Geneva (Switzerland) | 17-28 October 1977 |
| 6. Date of entry into force of an amendment to Appendix II (approved by postal procedure provided for under Article XV. 2 of the Convention) | 12 August 1978 |
| 7. Date of entry into force of amendments to Appendices I and II (approved by postal procedure provided for under Article XV. 2 of the Convention) | 16 February 1979 |
| 8. Second meeting of the Conference of the Parties, San Jose (Costa Rica) | 19-30 March 1979 |
| 9. Extraordinary meeting of the Conference of the Parties, Bonn (Federal Republic of Germany) | 22 June 1979 |
| 10. First meeting of the Standing Committee, Bonn (Federal Republic of Germany) | 22 June 1979 |
| 11. Date of entry into force of amendments to Appendices I and II (approved by the second meeting of the Conference of the Parties) | 28 June 1979 |
| 12. Second meeting of the Standing Committee, Bonn (Federal Republic of Germany) | 29 January 1980 |
| 13. First meeting of the Technical Expert Committee on Harmonization of Permit Forms and Procedures, Bonn (Federal Republic of Germany) | 29-31 January 1980 |
| 14. Third meeting of the Standing Committee, Nairobi (Kenya) | 26 April 1980 |
| 15. First meeting of the Committee on Ranching, London (U.K.) | 9 July 1980 |
| 16. Third meeting of the Conference of the Parties, New Dehli (India) | 25 February -
8 March 1981 |
| 17. Fourth meeting of the Standing Committee, Geneva (Switzerland) | 16 July 1981 |

II. Table of Contents of the Convention¹

1. Ratification, acceptance, approval, accession, denunciation	Articles
Deposit of an instrument to become Party	XX.XXI
Deposit of an instrument to accept an amendment	XVII.3.
Denunciation by written notification	XXIV.
2. Structures	
Designation of one or more Management Authorities	IX.1.(a)
Designation of one Management Authority authorized to communicate with other Parties and the Secretariat	IX.2
Designation of one or more scientific Authorities	IX.1.(b)
Designation of ports of exit and ports of entry	VIII.3.
Choice of rescue centres	VIII.4.5.
3. Permits, certificates and other documents	
Export permit	III.2.IV.2. V.2.3.VI.2
Import permit	III.3
Re-export certificate	III.4.IV.5. V.4.
Certificate for specimen introduced from the sea	III.5.IV.6
Certificate of origin	V.3.
Certificate of acquisition before entry into force of the Convention	VII.3.
Certificate for breeding in captivity or artificial propagation	VII.5.
Certificate of capture in accordance with other treaties	XIV.5.
Comparable documentation	X.

4. Seals, stamps and other identification devices	
To authenticate permits and certificates	IX.4.
For identification of specimen	VI.7.VII.6.
5. Registration	
Registration of scientists and scientific institutions	VII.6.
Record of names and addresses of exporters and importers	VIII.6.
Record of number and type of permits and certificates granted	VIII.6.
Registration of specimens belonging to zoo, circus, menagerie, exposition	VII.7.
6. Periodic reports	
Annual report containing a summary of the above-mentioned records	VIII.7.
Biennial report on legislative, regulatory and administrative measures	VIII.7.
7. Measures concerning violation	
Penal sanctions for illegal trade	VIII.1.
Penal sanctions for illegal possession	VIII.1.
Confiscation or return to State of export	VIII.1.
Method of internal reimbursement for expenses incurred as a result of the confiscation	VIII.2.
8. List, norms, directives and other means	
List of readily recognizable parts and derivatives	I.
Norms for housing and caring of living specimen	III.3.5.
Norms for the preparation and shipment of living specimen	III.2.4.IV.2. IV.5.V.2.
Norms for the handling of living specimen	IV.6.VIII.3.

Directives for the transit or trans-shipment of specimen under customs control	VII.1.
9. Other measures	
Adoption of stricter domestic measures regarding trade, possession or transport of specimen	XIV.1.
10. Rights of the Parties	
Specific reservation with regard to species of Appendices I, II or III	XVI.2. XXIII.2.3.
Specific reservation with regard to amendments to Appendices I and II	XV.3.
Convocation of extraordinary meeting of the Conference of the Parties. Written request of at least one third of the Parties	XI.2.
Submission of list of species for inclusion in Appendix III	XVI.1.3.
Proposal for amendment to Appendices I and II	XV.1.2.
Proposal for amendment to the Convention. Written request of at least one third of the Parties	XVII.1.

Part Two: Guidelines for National Implementation of the Convention

Introduction

This part containing the major section of the paper outlines and explains the legal/administrative elements which are most important for the implementation of the Convention. It is recognized that each country has its own legal and stylistic practices which will require individual attention. That is why the material is presented in the form of guidelines rather than as a model Act which could not be responsive to all situations. The drafting of a specific legal instrument is best left to the legal drafter in each country.

The guidelines are divided into four sections:

Section I comprises the preliminary consideration for implementation. The elements for implementing the Convention are described in section II. Sections III to

XIII deal with the provisions of the Convention related to the legal and administrative implementation of the Convention. Finally, special procedures for the enforcement of the Convention are presented in section XIV.

I. Preliminary Considerations for Implementation

A. General

In practice, the drafting of legislation for the implementation of CITES usually begins after a government has decided to become a Party to the Convention. But in some cases, it is only when the Convention has already entered into force for a State that preparatory work for national implementation legislation is initiated. In both cases the drafter need no longer consider whether the Convention can and should be implemented in the State involved, but, rather, how.

Before initiating drafting work, the legal drafter needs an adequate information base. At first it is necessary to gain precise knowledge of the physical and the legal situation in the country. Only on this basis will the drafter be in a position to develop and propose suitable legal and administrative measures for implementation, which are possible, necessary and effective in the State involved. In order to know, e.g., whether a State primarily is an exporting State (the country of origin of a protected species), or an importing State (a country which consumes a protected species according to the definition of the Convention), the drafter, above all, needs to acquire information about wildlife and trade in wild animals and plants in the country concerned. Once the background information is available the drafter can begin the processes of drafting.

The second task of the drafter is to gain a thorough and complete understanding of the purposes and the requirements of the Convention.

Thirdly, the drafter needs to identify and carefully study all relevant written and case law on the subject in the country concerned. Whether or not legislation on wildlife conservation already exists, any new law may alter existing systems in some manner. For example, existing legislation related to the use of wildlife may be affected by, e.g., legislation on protection of nature, border controls and trade. The drafter must know which of these and other legal areas may be altered or amended by new legislation before the drafting begins. Without this knowledge, conflicts and possibly unintended repeals by implication may result.

B. Constitutional allocation of competences

The provisions of the Convention require that a Party shall designate one Management Authority to be authorized to communicate with other Parties and the Secretariat. Before designating the Authority it is necessary to consider the constitutional basis and allocation of competences between different ministerial departments and between Federal and State authorities within the country. The question of which type of authority should be designated as the Management Authority with responsibility for communicating with other Parties and the Secretariat firstly depends on where the main competence for the implementation of the Convention lies in the State involved. Since the aims of the Convention primarily relate to the conservation of nature, the main emphasis for implementation should lie with nature protection. This has resulted in the vast majority of the present Parties to the Con-

vention having designated their authority responsible for living natural resources as their Management Authority with responsibility for communicating with other Parties and the Secretariat. However, it is possible that a State might consider that the emphasis for implementation lies within the economic or trade sector and consequently might designate an authority responsible for economic or trade matters as its Management Authority for purposes of outside communication. This could be useful in countries that do not possess the species protected by the Convention in the wild, or only in insignificant numbers so that the country concerned is only or primarily affected by the Convention as an importing or re-exporting State.

After the question of determining the main emphasis for implementation has been settled, the matter of external responsibility in relations with other countries must be examined, on the basis of the constitutional allocation of competences with a country, e.g., to either the national government, federal units, provinces or local authorities. As a rule, it can be expected that a ministerial department or branch within the Federal Government has such competence since external relations are primarily involved. Furthermore, in federal States, as the national Government represents the country as a whole, it is usually the national Government that participates in international activities. This is desirable in practice as the national Government often more readily has the staff, equipment, and financial resources to implement an international convention, agreement or treaty than do subnational units.

C. Existing domestic legislation

As noted in the general remarks above, a comprehensive analysis of existing domestic legislation (written law, common law and case law as applicable) should be one of the first steps taken by the legal drafter. Special attention should be given to related legislative texts for

- nature conservation
- veterinary and phyto-sanitary border controls
- foreign trade and customs controls (including confiscation regulations)
- criminal/civil/administrative sanctions
- general enforcement powers
- budgetary provisions

Such an inventory proves to be useful for a variety of purposes. It helps determine whether and to what extent the measures required under the Convention are already part of existing domestic legislation. The answer to that will often be that the importation and exportation of wild animals and plants are partly or completely controlled by domestic legislation on nature conservation or other sectors (for example veterinary or phyto-sanitary). When such domestic provisions exist, the drafter should examine how they could be reasonably used for the purposes of the Convention. Such a solution if available is most desirable to avoid the costly and time-consuming task of drafting new means of control and the elaboration of new procedures.

In those cases where there are no specific regulations controlling trade in wild animals and plants, one must examine whether the tasks of control laid down in the Convention could be assigned to existing institutions or whether it is necessary to work out new control procedures and means of implementation. As a rule, it probably is useful to incorporate the control measures laid down in the Convention into the country's general border control system.

D. Existing multilateral obligations

The implementation of the Convention may affect existing multilateral obligations or standards arising from conventions, agreements or treaties. Many conventions and agreements deal with questions of trade, the taking, possession or transport of wild plants and animals or regulate aspects of customs, public health, veterinary or plant quarantine. It is not possible or desirable in this summary to enumerate all the existing international conventions and agreements affecting conservation measures or border controls. However, the major conventions and agreements which require the regulation of trade, taking or transport of wildlife are noted below.²

1. Convention Relative to the Preservation of Fauna and Flora In their Natural State, London 1933

Objectives

To preserve the natural fauna and flora of certain parts of the world, particularly of Africa, by means of national parks and reserves, and by regulation of hunting and collection of species.

Specific provisions

- Trade in trophies and manufacture of articles from trophies to be controlled
- Certain methods of hunting to be generally prohibited.

2. Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, Washington 1940

Objectives

To preserve all species and genera of native American fauna and flora from extinction, and to preserve areas of extraordinary beauty, striking geological formations of aesthetic, historic or scientific value.

Specific provisions

Control to be imposed on trade in protected fauna and flora and any part thereof.

3. International Convention for the Regulation of Whaling, Washington 1946

Objectives

To protect all species of whales from overfishing and to safeguard for future generations the great natural resources represented by whale stocks.

Specific provisions

To prohibit the import of whale products from States not Party to the Convention. (The Convention itself does not prohibit trade with non-Party States, the prohibition resulted from a decision taken through resolution by the Parties.)

4. International Plant Protection Convention, Rome 1951

Objectives

To maintain and Increase international co-operation in controlling pests and diseases of plants and plant products, and in preventing their introduction and spread across national boundaries.

Specific provisions

- Each party sets up an official plant protection organization to

- inspect areas under cultivation, consignments of plants in international traffic for existence or outbreak of plant pests or diseases
- issue certificates relating to phyto-sanitary condition and origin of plants and plant products
- Parties to regulate very strictly import and export of plants or plant products, by means, where necessary, of prohibitions, inspections and destruction of consignments.

5. European Convention for the Protection of Animals during International Transport, Paris 1968

Objectives

To safeguard, as far as possible, animals in transport from suffering through the adoption of common provisions regarding the international transport of animals.

Specific provisions

- Five categories of animals established: (1) to (3) certain domestic animals; (4) other mammals and birds; (5) cold-blooded animals;
- Special provisions for wild animals in class (4).

6. Phyto-Sanitary Convention of Africa, Kinshasa 1967

Objectives

To control and eliminate plant diseases in Africa and prevent the introduction of new diseases.

Specific provisions

- Parties to control import of plants as considered necessary by the Organization of African Unity
- Parties to take measures of quarantine, certification or inspection in respect of living organisms, plants, plant material, seeds, soil compost or packing material.

7. African Convention on the Conservation of Nature and Natural Resources, Algiers 1968

Objectives

The undertaking of individual and joint action for the conservation, utilization and development of soil, water, flora and fauna resources.

Specific provisions

Parties to conserve fauna resources and use them wisely through: management of populations and habitats; control of hunting, capture and fishing; prohibition of certain methods of hunting; regulation of trade and transport of plant and animal specimens and trophies.

Existing multilateral obligations should not be affected by the provisions of CITES. In accordance with paragraphs 2 and 3 of Article XIV, the provisions of the 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;

- 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.

While CITES was framed so as not to affect existing obligations, drafters in States which are parties to these conventions, agreements or treaties, or are considering acceptance, should be familiar with the responsibilities of the contracting States therein, so as to formulate national legislation implementing CITES in a manner consistent with these international obligations. If the object of the legislation is to give effect to a particular convention, agreement or treaty, the drafter should make this clear in the law to avoid any ambiguity.

II. Elements of a measure for implementing the Convention

The provisions of Article VIII require that the Parties shall take appropriate measures to enforce the provisions of the Convention and to prohibit trade in specimens in violation thereof. Thus each Party is obliged to frame a suitable national instrument for the implementation of the Convention. When developing such a legal instrument each Party must examine and decide whether it wants to take stricter domestic measures [in accordance with Article XIV.1.]. Under that provision, each Party is free to adopt:

- stricter domestic measures regarding the conditions for trade, taking, possession or transport of species listed in the Appendices or the complete prohibition thereof; or
- domestic measures restricting or prohibiting trade, taking, possession or transport of species not listed in the Appendices.

The following outline only describes the most essential elements of the Convention which need to be dealt with when establishing national implementing legislation. The contents and significance of the various Articles are described in greater detail in later sections. The items have been presented here as organized in the Convention. Their order should be seen as being flexible, as it is recognized that legal style and tradition may require a different order in different countries. The important consideration is that the substance of each of the elements presented is examined and dealt with in any national measure implementing the Convention.

Article I — Application

1. Regulation indicating the kind of trade the provisions of the legal act shall apply.
2. Description of the species of flora and fauna covered.
3. Description of the goods of the protected species covered.

Article II — Definitions

The Convention only defines some terms of principal significance. It may be necessary or useful to give further precision to the definitions of the Convention or to add new definitions.

Article III — Designation of Authorities

1. Designation of Management Authorities
 - to grant permits or certificates
 - to communicate with other Parties and the Secretariat
2. Designation of Scientific Authorities

Article IV — Functions of Authorities

Enumeration of the functions of Management and Scientific Authorities

Article V — Requirements for Trade

The legal requirements for trade in specimens of species included in the Appendices I, II and III

Article VI — Documents

1. Designation of forms for permits and certificates
2. Requirements for contents of comparable documentation from non-Parties

Article VII — Exemptions

1. Acquisition before entry into force of the Convention
2. Specimens for personal use or household effects
3. Specimens bred in captivity or artificially propagated
4. Trade between scientists or scientific institutions
5. Specimens belonging to a travelling zoo, circus, menageries, plant exhibition or other travelling exhibition

Article VIII — Measures Concerning Violation

1. Penal sanctions for illegal trade or illegal possession
2. Confiscation or return to State of export
3. Disposal for confiscated specimens
4. Method of internal reimbursement for expenses incurred as a result of the confiscation

Article IX — Parts and Derivatives

As may be required in national practice, a description of the readily recognizable parts and derivatives of plants and animals considered, *prima facie*, as specimens

Article X — Designated Ports

Ability to designate ports of exit and ports of entry at which specimens must be presented for clearance

Article XI — Design of Marks

Design of marks, seals or stamps used to mark specimens for identification

Article XII — Methods of Updating the Regulation

Methods to ensure regular and easy updating of regulations, to bring into force, *inter alia*:

1. The contents of Appendix III
2. Amendments to Appendices I to III
3. Amendments to the list of readily recognizable parts and derivatives should this be required

III. Designation of Management Authorities

A. Definitions

Article I(g) defines Management Authority to mean a national management authority designated in accordance with Article IX. The provisions of Article IX stipulate that each Party shall designate for the purposes of the Convention one or more Management Authorities. The Convention itself only defines the tasks of the Management Authorities but no other requirements. The Parties thus are free to decide the agency they will designate to be a Management Authority. For such a designation there are the following options:

- Establishment of a new agency or agencies;
- Delegation of the Management Authority tasks to an existing Government agency or agencies;
- Delegation of the Management Authority tasks to a private institution or institutions acting as an agent of the Government.

On the basis of the different tasks to be undertaken, two types of Management Authorities can be differentiated:

- One or more Management Authorities competent to grant permits or certificates — Article IX.1.(a).
- One Management Authority authorized to communicate with other Parties and the Secretariat — Article IX.2.

The term "Management Authority" thus is the general term used for different categories of agencies. In the case of Article IX.1.(a) it is the permit or certificate granting agency and in the case of Article IX.2. it is the one agency of the Party responsible for implementing the Convention through communication with other Parties and the Secretariat.

The Convention does not mandate that this implementing and communicating agency must also be the one which grants permits and certificates. This decision is left to the internal administrative system of each Party.

B. Description of the attributes and functions of the Management Authorities

1. Functions

Article IX only gives a general description of the functions of the Management Authorities. The various functions to be fulfilled result from the various Convention provisions in which the Management Authorities are explicitly mentioned or which generally concern the obligations of the Parties to be implemented by a Management Authority.

a. Summary of the most important functions of the Management Authorities pursuant to Article IX.1.(a).

(1) Granting of permits and certificates (in conjunction with Scientific Authority decision-making)

(a) *Export permit — Articles III, IV, and V: when*

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 — Articles III.2.(b), IV.2.(b), and V.2.(a);

— that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment — Article III.2.(c), IV.2.(c), and V.2.(b);

— that an import permit has been granted for the specimen, Article III.2.(d).

(b) *Import permit — Article III: when*

a *Management Authority* of the State of import is satisfied

— that the specimen is not to be used for primarily commercial purposes — Article III.3.(c).

(c) *Re-export certificate — Article III, IV, and V: when*

a *Management Authority* of a State of re-export is satisfied

— that the specimen was imported into that State in accordance with the provisions of the Convention — Articles III.4.(a) and IV.5.(a);

— that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment — Articles III.4.(b) and IV.5.(b);

— that the specimen was processed in that State or is being re-exported — Article V.4.

(d) *Certificate for specimen introduced from the sea — Articles III, IV, and XIV: when*

a *Management Authority* of the State of introduction from the sea is satisfied

— that the proposed recipient of a living specimen is suitably equipped to house and care for it — Article III.5.(b);

— that the specimen is not to be used for primarily commercial purposes — Article III.5.(c);

— that any living specimen will be so handled as to minimize the risk of injury, damage to health or cruel treatment — Article IV.6.(b);

— that the specimen was captured in accordance with other treaties, conventions or international agreements — Article XIV.5.

- (e) *Certificate of acquisition before entry into force of the Convention — Article VII.2.*
- (f) *Certificate for breeding in captivity or artificial propagation — Article VII.4. and 5.*
- b. Summary of the most Important functions of the Management Authorities pursuant to Article IX.2.**
 - (1) *Elaboration and issuance of identification devices*
 - Marks used for identification of specimens — Article VI.7.;
 - Labels used for the trade between scientists or scientific institutions — Article VII.6.
 - (2) *Preparation of means of identifying specimens*
 - (3) *Registration*
 - Registration of scientists and scientific institutions — Article VII.6.;
 - Registration of specimens belonging to a zoo, circus, menageries, exposition — Article VIII.7.
 - (4) *Periodic reports — Article VII.7.*
 - *Annual report on the trade in endangered species — Article VIII.7.(a);*
 - *Biennial report on legislative, regulatory and administrative measures — Article VIII.7.(b).*
 - (5) *Enforcement proceedings in case of contraventions — Article VIII*
 - Confiscation or return to State of export — Article VIII.1.(b);
 - Designation of rescue centres — Article VIII.5.;
 - Disposal of confiscated specimens
 - (6) *Communications with other Parties and the Secretariat — Article XIII.1. and 2.*
 - (7) *Participation in meetings of the Conference of the Parties*
 - (8) *Adaptation of national provisions for the enforcement of the Convention, amendments to the Convention and its scope.*
 For example, in the case of
 - Amendments to the Convention text
 - Amendments to the Appendices I, II, and III (entry into force of the new Appendices, entering of reservations, and, as required, adaptation of the list of readily recognizable parts and derivatives to the amended Appendices
 - Amendment of the list of Parties
 - (9) *Implementation of decisions* taken by the Conference of the Parties which do not require the type of change mentioned under sub-paragraph (8) above, for example, regulations for implementation which provide for the inclusion into national legislation of recommendations on the interpretation of certain provisions of the Convention.
 - (10) *Preparation of proposals* to be submitted to the meetings of the Conference of the Parties or for the postal procedure laid down in Article XV.2 regarding, for example, amendment proposals concerning Appendices I and II or submission of working papers.

(11)*Consultation on national comments on proposals* submitted by other Parties, for example, consultations with other governmental departments, scientific institutions, trade/industry groups and non-governmental organizations.

(12)*Information and education functions* in furtherance of the purpose and objectives of the Convention.

2. Staff services required

The effective implementation of the functions summarized in the preceding paragraph is only possible if each Party provides sufficient staff to carry out these functions.

The staff requirements of the Management Authorities mainly depend on

- (a) the volume of expected trade
- (b) the use of existing administrative structures.

(a) Trade volume

In many cases the amount of trade to be expected in protected species of wildlife can be estimated on the basis of statistics previously kept for various reasons (for example general trade statistics). If there are already such statistics available, the type and the volume of the trade in specimens of the protected species, and possibly even the number of documents to be issued, can be estimated. Even without the existence of such statistics one can, as a rule, tell whether a Party will be primarily concerned as an importing or an exporting State. For example, States which are mainly countries of origin of species of protected wildlife and where imports of protected wildlife do not play a significant role, must assume that they are likely to come primarily under the obligations laid down in the Convention for exporting State. In contrast, the main consumer countries, for example, the industrialized countries, are mainly affected by the Convention as importing States.

In the exporting countries the staff requirements for Management Authorities in accordance with Article IX.1.(a) primarily must be met for:

- the granting of permits and certificates for exportation, for example,
 - export permits;
 - certificates of acquisition before entry into force of the Convention;
 - certificates for breeding in captivity or artificial propagation
- and the control of exports.

(b) Use of existing administrative structures

In the interest of developing an Implementation scheme which is as economical and efficient as possible, one should in each case check whether and to what extent the functions laid down can be satisfactorily assigned to already existing agencies or institutions. Because of their competences, nature conservation authorities appear to be particularly suited to fulfill the functions assigned to the Management Authorities. As is shown in the list of the Management Authorities designated by the present Parties, almost all Parties have notified to the Secretariat competent nature conservation authorities and institutions. This also holds true regarding the selection of the single Management Authority with responsibility for communication with other Parties and the Secretariat.

Independently from the fact whether a Party assigns the functions laid down in the

Convention to new or already existing agencies, It is advisable to have, if possible, other agencies or institutions participate In the implementation of the Convention. In many cases this may lead to a reduction in staff requirements. Particularly when granting permits and certificates and controlling imports or exports of specimens of protected species, the participation of other agencies may be useful, or even necessary. It is very much a question of the choice of one of several alternatives as to the extent other agencies participate In the issuing of documents. In the case of a "central solution" (that is in the case of few central agencies granting permits and certificates) it is advisable to provide assistance by local authorities, which can often provide the required information more precisely and easily than can distant central agencies. So, where possible, local agencies and authorities should be utilized to examine:

- whether a specimen was obtained in contravention of legislation for the protection of fauna and flora,
- whether any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment,
- whether a specimen was acquired before the provisions of the Convention have applied to that specimen, and
- whether a specimen was bred in captivity or artificially propagated.

(c) Qualification of the staff

In view of the variety of functions assigned to the Management Authorities it is desirable that for each of the functions technically qualified staff be available. The following experts for the following subjects are required:

- administration experts
- legal experts
- nature conservation experts
- animal welfare experts
- scientists.

It is the responsibility of the Party to determine which type of experts should be employed by a Management Authority, taking into consideration the specific functions assigned to the various Authorities.

3. Technical facilities

(a) Document forms

Many provisions of the Convention provide for the granting of permits or certificates by the Management Authorities designated by the Parties. Therefore, the issue of models of permits and certificates is useful³.

(b) Means of communication

Co-operation by one Management Authority with other Parties and the Secretariat In accordance with Article IX.2. and co-operation between the Management Authorities themselves, as well as with other authorities and agencies, requires the use of, if possible, modern means of communication including telephone, telex, etc.

In addition it Is necessary that the Management Authority which communicates with other Parties and with the Secretariat, as required, has at its disposal translation facilities into one of the working languages of the Convention: English, French or Spanish.

Finally, where possible, it might be useful to use data processing systems for statistical purposes, for example, for the Annual Report.

(c) Auxiliary material

The effectiveness of the Convention to a large degree depends on the possession of suitable auxiliary materials for the identification of protected species. Until an identification manual, which is being prepared by the Secretariat in accordance with Article XII.2. (c), is available, the Management Authority should devise or be supplied with a national guide or reference manual which at least describes the major domestic flora and fauna species which are protected from trade by the Convention. In addition, the Management Authorities should collect pertinent scientific publications and reference materials for living and dead specimens, particularly for those indigenous species included in the Appendices.

When specimens are traded in contravention of the provisions of the Convention and are consequently confiscated by the Management Authorities these Authorities must see to it that such specimens are properly housed. In accordance with Article VIII.4. living specimens, if not sent back to the exporting State, must be housed in a rescue centre or another suitable place. It is the task of the Management Authorities to ensure that such establishments for housing living specimens are available. The Management Authorities, in addition, must ensure that there are storage facilities for confiscated dead specimens until a decision has been taken as to the purposes that these specimens are to be used.

4. Training facilities

In view of the regular changes in the lists of protected flora and fauna species under the Convention, implementation requires that the Management Authority staff be properly trained for the tasks it will be facing. In some States it has proved useful to train control officers under special training programmes on the implementation of the Convention. There are two kinds of training programmes:

- A general basic training programme concerning the enforcement of the Convention which includes specific training regarding endangered species; or
- A training programme dealing with endangered species alone.

Such training programme for endangered species should be directed to two general target groups: officers of wildlife enforcement agencies and officers of general (i.e. non-wildlife) enforcement agencies, eg. customs officers and Border Police. The former group would have a knowledge of wildlife programmes while the latter would be more familiar with procedures and techniques of enforcement. Both types of enforcement officers should be exposed to regular training programmes. Furthermore refresher courses should be available to review basic information and to introduce new enforcement techniques.

IV. Designation of Scientific Authorities

A. Definitions

According to Article I(f) "Scientific Authority" means a national scientific authority designated in accordance with Article IX. As in the case of the Management Authorities, the Convention leaves it to the Parties to designate one or more Scientific

Authorities. Given the terms of the Convention, the Parties are by no means restricted in designating these Authorities. This might even include having a Management Authority, at the same time being designated to serve as a Scientific Authority. In designating the Scientific Authorities the Parties can choose one of the following solutions:

- Establishment of new agencies
- Delegation of Scientific Authorities to existing agencies
- Delegation of Scientific Authorities tasks to private institutions.

B. Description of the attributes and functions of Scientific Authorities

1. Functions

One of the fundamental principles underlying the Convention is that Implementing actions be based upon scientific information. The Scientific Authorities as such can be expected to have a key role to play under the Convention. However, as the text is somewhat ambiguous as to the exact nature of this role and the position of the Scientific Authorities *vis-a-vis* the Management Authorities, differing approaches have been taken by the Parties to date in the assignment of specific functions to the Scientific Authorities. The choice of approach is related to an entire range of factors covering the means by which a Party implements the Convention and consequently no attempt is made herein to recommend one as the most appropriate.

The approaches range from some Parties considering that a literal reading of the Convention requires that the Scientific Authorities only play an advisory role, to others interpreting the Convention to grant the Scientific Authorities a very active role and decision-making functions. Regardless of the approach taken, it can be seen in the following listing that the Scientific Authorities are indeed vested with significant responsibility by the Convention, most especially regarding the issuance of permits.

Summary of the most important functions of the Scientific Authorities

- (a) Granting of permits or certificates (in conjunction with Management Authority decision-making)
- (1) *Export permit — Articles III and IV: when*
a Scientific Authority of the State of export has advised
— that such export will not be detrimental to the survival of that species — Articles III.2.(a) and IV.2.(a).
 - (2) *Import permit — Article III: when*
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 — Article III.3.(a);
— is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it — Article III.3.(b).
 - (3) *Certificate for specimens introduced from the sea — Article III and IV: when*
a Scientific Authority of the State of introduction advises that the introduction will not be detrimental to the survival of the species involved — Articles III.5.(a) and IV.6.(a).

- (b) Monitoring of export permits granted for specimens of species included in Appendix II and the actual exports of such specimens — Article IV.3.
- (c) Scientific preparation of amendment proposals concerning Appendices I and II.
- (d) Participation in the preparation of national comments on amendments proposed for Appendices I and II.
- (e) Participation in meetings of the Conference of the Parties — elaboration of means of identification of specimens and the continuous review of these means (adaptation).
- (f) Participation in the training of Management Authorities staff.
- (g) Evaluation of Annual Reports.
- (h) Participation in the implementation of amendments to Appendices I to III and in the elaboration and the continuous adaptation of the list of readily recognizable parts and derivatives.
- (i) Participation in the identification of specimens of protected species.

2. Qualification of the staff

In selecting scientific staff for the Scientific Authorities one should strive to ensure that for the species included in the Convention (namely mammalia, aves, amphibia, reptilia, insecta, pisces and mollusca as well as for the flora species) there are appropriate experts available. The degree to which scientific experts on the various subjects must participate in the enforcement of the Convention depends on the fauna and flora species in which there is trade in the State concerned. That makes it particularly important that States which are the countries of origin of protected species should above all ensure that there are suitable scientific experts available to deal with scientific problems concerning domestic species. On the other hand, in the main importing countries to which protected flora and fauna species are shipped there is an increased need for scientists who have specialized in the protected wildlife species which are most frequently imported.

3. Technical facilities

(a) *Document forms*

The work of the Scientific Authorities does not necessarily require them to possess document models. As far as the Scientific Authority participates in the granting of certificates and permits, the forms issued by the Management Authorities should normally be used. With regard to amendment proposals for Appendices I and II, no separate forms are required as the format of such applications has already been agreed upon by the Parties.

(b) *Means of communication*

The above-mentioned suggestions on means of communication for the Management Authorities is applicable here, too. Regarding the control over export of specimens of species included in Appendix II pursuant to Article IV.3., the use of data processing equipment appears to be particularly advisable, making it possible that information required for the purpose of *ad hoc* protective measures can be obtained in a rapid and precise way.

V. Designation of ports of entry and ports of exit

A. Background

The designation of ports of exit and ports of entry for the purposes of the Convention may be useful for a variety of reasons. The Convention Itself only mentions one. According to the provisions of Article VIII.3. the Parties shall ensure that specimens shall pass through any formalities required for trade with a minimum of delay. To facilitate such passage for reasons of time, a Party may designate ports of exit and ports of entry at which specimens must be presented for clearance. But It Is for other reasons, too, that the limitation in number of authorized ports of exit and entry is of rather considerable importance. The limitation in numbers enables the Parties to have staff with a special training at these ports to control imports and exports.

B. Considerations for the designation of ports of exit and entry

If a Party applies the provisions laid down in Article VIII.3. It must at the same time ensure that the provisions are not circumvented by specimens of the species included in Appendices I to III being Imported and exported via non-authorized ports of exit and entry without control. In order to achieve this each port of entry and exit must be Informed about the most important provisions of the Convention.

With regard to the ports of exit and entry which may be eligible for customs clearance purposes a differentiation must be made according to the type of port, e.g. road, railway, harbour or airport. In addition there should be an examination which are the ports of entry or exit for the largest scale Importation or exportation of wild animals and plants and why (analysis of trade movements). The concentration of trade at certain ports of entry and exit may be due to regional factors, that means the ports of entry and exit are situated in the vicinity of areas of origin or centres of consumption (e.g. trade and manufacturing Industry) or It may be due to legal reasons, for example the Importation of living plants and animals via authorized veterinary and phyto-sanitary ports of entry. As a rule, It probably Is helpful to designate the above-mentioned ports of exit and entry to be authorized clearance centres as laid down In the Convention, one of the most Important reasons being that these ports often have storage and housing facilities for confiscated animals and plants.

When selecting suitable ports of exit and entry one should, In addition, take Into account that they should be equally distributed among the various regions so that especially in the case of living animals additional lengthy transportation should be avoided as much as possible.

The number of ports of exit and entry to be designated depends on the staff and technical facilities available to the Party concerned.

On a case by case basis one other consideration is appropriate. It may be convenient to nominate a specific port of entry for a particular shipment when granting a licence to Import that shipment.

VI. Designation of rescue centres or other appropriate places

A. Background

The Convention, in Article VIII, paragraph 4, obliges the Parties

1. to return a confiscated living specimen to the State of export, after consultation with and at the expense of that State;
2. to take it to a rescue centre; or
3. to take it to another appropriate place.

A rescue centre means an institution designated by a Management Authority to look after the welfare of living specimens particularly those that have been confiscated (Article VIII.5.).

B. Advantages and disadvantages regarding the designation of rescue centres

The following paragraphs deal with the matter of rescue centres in particular with regard to living animals. They apply, however, to living plants as well. Of the three above-mentioned possible procedures, only one is often of practical importance.

1. Apart from exceptional cases, where the State of export takes a particular interest in the return, it should be Impracticable to return living animals to the State of export. Negotiations with the State of export about the return of the animal and the payment of costs can be expected to be lengthy, complicated and expensive. Because of the risks involved in transport and the difficulty of successfully reintroducing the animal to the wild, such return may not serve the Convention's purpose of protection.
2. Neither will it necessarily be practicable to take the animals to specific rescue centres. The establishment of special rescue centres for the purposes of the Convention seems, of itself, to be disproportionately expensive and it seems likely that option 3 will usually be more satisfactory.

The continuous provision of special rescue centres, including the staff required for a need which is difficult to first estimate and which should decline in accordance with the success of the Convention, could become very expensive. The establishment of such rescue centres could and would have to be considered, however, If and in so far as the institutions enumerated under the third alternative are neither in a position nor willing to accommodate, e.g., certain animal species. But even in this case, it should, as a rule, be more useful and cheaper to enable such Institutions — by means of financial aids from the Government — to take charge of certain animals (e.g. participation in the costs for the establishment of quarantine stations and preserves for certain animal species as well as payment of the current expenses for keeping such animals).

The formal designation of existing institutions as rescue centres does not either seem to be appropriate and perhaps even unnecessarily expensive. A formal designation of existing institutions only seems to be reasonable if

not all Institutions are suited to house and care for animal species covered by the Convention.

The provisions of Article VIII, paragraphs 4 and 5, obviously have been based upon the fact that, besides those designated for the purpose of protection, there are other suitable Institutions available. Designation for protection purposes is thus of a selective nature; therefore, if such rescue centres are designated, they should at least be granted priority in the accommodation of animals.

This, however, means an unnecessary restriction of the flexibility enjoyed in accommodating confiscated animals. On the other hand, it must be expected that these designated institutions will make particular financial demands on the Government.

3. Practical efforts should therefore concentrate upon the third possibility; the specimen is taken to such other place as is considered to be appropriate by the Management Authority and seems consistent with the purpose of the Convention.

This institution may be of public or private nature (e.g. scientific Institutes, zoological gardens, safari parks). It must only ensure accommodation in accordance with the peculiarities and the behaviour of the species in question as well as appropriate care. In order to guarantee this, the responsible Management Authorities have to establish and maintain the necessary contacts with such Institutions at home and, if necessary, even abroad. This should make it possible to guarantee the necessary flexibility in accommodating the animals, which, in its turn, will ensure the most favourable special living and possibly reproduction conditions for the animals concerned. From the financial point of view, this should also be the most reasonable possibility, because the State may be less encumbered with the costs incurred by the animals accommodation.

VII. Permits and certificates

A. General

Some provisions of the Convention require issuance of permits and certificates by the Management Authorities designated by the Parties. The permits and certificates specified in this context are:

- export permit
- import permit
- re-export certificate
- certificate for introduction from the sea
- certificate of origin
- certificate of acquisition before entry into force of the Convention
- certificate for breeding in captivity or artificial propagation
- certificate of capture in accordance with other treaties.

The provisions of Article VI specify the information which permits and certificates issued pursuant to Article III, IV and V must contain as well as information on their use.

With regard to the *contents* of these documents, Article VI stipulates the following:

- (a) An export permit shall contain the information specified in the model set forth In Appendix IV of the Convention
- (b) 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.

With regard to the *use* of the documents, the provisions of Article VI specify the following:

- (a) An export permit may only be used for exportation within a period of six months from the date on which it was granted
- (b) 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 extend endorsed thereon.
- (c) A separate permit or certificate shall be required for each assignment
- (d) A Management Authority of the State of import of any specimen shall cancel and retain the export or re-export certificate and any corresponding import permit presented in respect of the import of that specimen.

The Convention stipulates the requirements and conditions under which permits and certificates shall or may be granted. On the other hand, except for the export permit (see above) the Convention only provides the minimum contents of these permits and certificates. The following paragraphs include a description of the legal requirements for granting permits and certificates; in addition reproduced below are samples of the various permit and certificates required by the Convention⁴. The models included for export and re-export certificates are those which have been recommended by the third meeting of the Conference of the Parties in February 1981 at New Dehli. The Parties are not presently considering the adoption of specific formulations for any of the other requisite permits and certificates. Thus, the presentation herein of samples for these other permits and certificates, which have been drawn from materials provided by the Convention Secretariat, should be considered for illustrative purposes only.

B. Export permit

1. Background

- (a) *Export of specimens of species included in the Appendices I and II — Articles III.2. and IV.2.*

As noted above, the export of such specimens requires the prior grant and presentation of an export permit. This permit shall only be granted when the following conditions have been met:

- A Scientific Authority of the State of export has advised that such export

- will not be detrimental to the survival of that species;
- 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;
- 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
- a Management Authority of the State of export is satisfied that — in the case of a specimen included in Appendix I — an Import permit has been granted for the specimen.

(b) Export of specimens of species Included in Appendix III — Article V.2.

The export of any specimen of a species Included In Appendix III requires the prior grant and presentation of an export permit when the State of export has Included that specimen in Appendix III. In this case the permit of export shall only be granted when 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
- that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.

2. Model of an export permit

 CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA		☐ EXPORT		1. PERMIT Original No.	
		☐ RE-EXPORT		2. Valid until	
3. Consignee (name and address, country)			4. Permittee (name and address, country)		
5. Special conditions			6. Name, address, national seal/stamp and country of Management Authority (TO BE PRINTED)		
7./8. COMMON NAME AND SCIENTIFIC NAME (genus and species OF ANIMAL OR PLANT)		9. Description of part or derivative, including identifying marks or numbers (specimen if real)		10. Appendix No. and source (REJCA or Q)	11. Quantity: number of specimens and/or net weight (kg.)
A					
B					
C					
D					
a 12. Country in which the specimens were taken from the wild, bred in captivity or artificially propagated					
13. THIS PERMIT IS ISSUED BY:					
Place		Date		Signature	
				Official stamp and title	
14. EXPORT ENDORSEMENT:		15. ISE of Lading/Air Way-Bill Number:			
See block 7	Quantity				
A					
B					
C					
D					
Part of Exportation		Date		Signature	
				Official stamp and title	

Instructions and Explanations

(The Instructions correspond to block numbers of the form)

1. Either the export or re-export square must be checked In accordance with Article III, paragraph 4, and Article IV, paragraph 5, of the Convention. The original number is a unique number issued to each permit by the national Management Authority.
2. The date of expiration of the permits Is not to exceed six months from the issuing date.
3. Name and address of person, persons or company receiving shipment in country of destination. The country name must be mentioned.
4. Name and address of person, persons or company which has (have) been granted a permit. The country name must be mentioned.
5. Special conditions may refer to national legislation or special conditions placed on the shipment by the exporting/re-exporting country.
6. Space for printed national seal or stamp of the Management Authority of the country issuing the permit, and its name, address, etc.
- 7-8. The common name of the animal or plant as known in the country issuing the permit, and the scientific name (Latin name) of the animal or plant as it appears in the Convention appendices, should be used. The binomial (two names, genus and species) nomenclature should be used whenever possible.
9. Description of the specific items entering trade, such as live animals, raw ivory, worked ivory, wallets, shoes, etc. should be entered here. Where possible, identifying marks and numbers, such as tags for furs and hides or brand/photographs for live animals should be noted. Sex and age of live specimens should be noted, when possible.
10. The number of the Convention Appendix (I, II or III) on which the species is listed should be entered here. "Source" refers to where the animal or plant was obtained. If the animal or plant was obtained from a wild uncontrolled environment, a **W** (wild) should be entered. If the animal was bred in captivity, a **C** (captive bred) should be entered. If the plant was artificially propagated, an **A** (artificially propagated) should be entered. If the animal or plant were obtained from a situation which does not fit the above categories, an **O** (other) should be entered. The symbol **C** or **A** does not serve as certification of bred in captivity or artificially propagated. Separate certification should be issued to qualify for an Article VII exemption.
11. Quantity should be filled out to represent, when possible, the actual number of animals or plants in trade. When it is not possible to identify actual numbers of animals or plants, a weight measurement should be used. Quantity should not refer to number of boxes, bales or other general category.
12. The country of origin is that country in which the species were taken from the wild, bred in captivity, or artificially propagated. In the case of re-export, the original number(s) from the permit(s) from the country of origin, which should have accompanied the specimens when they were imported, should be noted in the block(s) for "Permit No.". This block shall be completed by indicating the country of origin except in specific cases which must be justified. The justification for omitting the country of origin shall be stated in block 5.

13. To be completed by the official who authorized the permit.
14. To be completed by the official who inspects the shipment upon exportation/re-exportation. The actual quantities of specimens exported/re-exported should be marked in the block provided for this information.
15. Bill of lading or air way-bill number should be entered as appropriate.

C. Import permit — Article III.3.

1. Background

The Convention provides for an import permit to be issued only in the case of trade in specimens of a species included in Appendix I. In accordance with Article III, paragraph 3, an import permit shall only be granted when the following conditions have been met:

- 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;
- 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
- a Management Authority of the State of import is satisfied that the specimen is not to be used for primarily commercial purposes.

The import of any specimen of a species listed in Appendix I requires the prior grant and presentation of the above-mentioned import permit and either an export permit or a re-export certificate.

2. Model of an Import permit

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

IMPORT PERMIT NO. _____

Importing Country:

Valid Until: (date)

This permit is issued to: _____

address: _____

who declares that he is aware of the provisions of the Convention, for the purpose
of importing: _____

(specimen(s))¹

of a species in Appendix I of the Convention as specified below.

This (these) specimen(s) is (are) furnished by: _____

address: _____ country: _____

at _____ on _____

(signature of the applicant for the permit)

at _____ on _____

(stamp and signature of the Management Authority issuing the import permit)

¹Indicate the species and the type of specimen(s)

Description of the specimen(s), including any mark(s) affixed:

Living Specimens

Species (scientific and common name)	Number	Sax	Size (or volume)	Mark (if any)
Parts or Derivatives		Quantity	Type of Goods	Mark (if any)
Species (scientific and common name)				

Stamps of the authorities Inspecting:

(a) on exportation

(b) on importation¹

¹This stamp voids this permit for further trade purposes, and this permit shall be surrendered to the Management Authority.

D. Re-export certificate

1. Background

- (a) *Re-export of specimens of species included in the Appendices I and II — Articles III.4 and IV.5.*

The provisions of Articles III and IV stipulate that the re-export of specimens of species included in Appendices I or II requires the prior grant and presentation of a re-export certificate which shall only be granted under the following conditions:

- A Management Authority of the State of re-export is satisfied
 - that the specimen was imported into that State in accordance with the Convention;
 - that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and
 - an import permit has been granted for any living specimen (only in the case of a specimen included in Appendix I)

- (b) *Re-export of specimens of species included in Appendix III — Article V.4.*

In the case of re-export of specimens of species listed in Appendix III the Convention only requires a certificate granted by a Management Authority of the State of re-export indicating that the specimen was processed in the State or is being re-exported.

2. Model of an re-export certificate

(See, page 27).

E. Certificate for introduction from the sea — Articles III.5. and IV.6.

1. Background

The introduction from the sea of any specimen of a species included in the Appendices I or II requires the prior grant of a certificate from a Management Authority of the State of introduction in accordance with Articles III and IV. This certificate shall only be granted under the following conditions:

- A Scientific Authority of the State of introduction advises that the introduction will not be detrimental to the survival of the species involved;
- a Management Authority of the State of introduction is satisfied that the proposed recipient of a living specimen of a species included in Appendix I is suitably equipped to house and care for it;
- a Management Authority of the State of introduction is satisfied that any living specimen of a species listed in Appendix II will be so handled as to minimize the risk of injury, damage to health or cruel treatment; and

- a Management Authority of the State of introduction is satisfied that the specimen of a species included in Appendix I is not to be used for primarily commercial purposes.

A certificate for introduction from the sea is not necessary in the case of Article XIV.4 (taking of a specimen of a marine species included in Appendix II in accordance with other treaties or conventions).

2. Model of a certificate for Introduction from the sea

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

CERTIFICATE FOR INTRODUCTION FROM THE SEA NO. _____

Country of Introduction:

Valid Until: (date)

This certificate is issued to: _____

address: _____

who declares that he is aware of the provisions of the Convention,
for _____

of a species listed in Appendix I (specimen(s))¹
Appendix II of the Convention as specified below }²

introduced from the sea.

This (these) specimen(s) is (are) consigned to: _____

address: _____ country: _____

at _____ on _____

(signature of the applicant for the certificate)

at _____ on _____

(stamp and signature of the Management Authority Issuing the Certificate
for introduction from the sea)

¹ Indicate the species and the type of specimen(s)

² Delete if not applicable

Description of the specimen(s), including any mark(s) affixed:

Living Specimens

Species (scientific and common name)	Number	Sex	Size (or volume)	Mark (If any)
Parts or Derivatives		Quantity	Type of Goods	Mark (if any)
Species (scientific and common name)				

Stamp of the authorities Inspecting:

on introduction from the sea*

***This stamp voids this certificate for further trade purposes, and this certificate shall be surrendered to the Management Authority.**

F. Certificate of origin — Article V.3.

1. Background

The import of a specimen of a species included in Appendix III from a State of origin which has not included that species in Appendix III require the prior presentation of a certificate of origin. The Convention stipulates no conditions for granting a certificate of origin.

2. Model of a certificate of origin

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

CERTIFICATE OF ORIGIN NO. _____

Country of Origin:

Valid Until: (date)

This certificate is issued to: _____

address: _____

who declares that he is aware of the provisions of the Convention, for the purpose
of exporting: _____

(specimen(s))¹
of a species listed in Appendix III of the Convention as specified below.

This (these) specimen(s) is (are) consigned to: _____

address: _____ country: _____

at _____ on _____

(signature of the applicant for the certificate)

at _____ on _____

(stamp and signature of the Management Authority
issuing the certificate of origin)

¹ Indicate the species and the type of specimen(s)

Description of the specimen(s), including any mark(s) affixed:

Living Specimens

Species (scientific and common name)	Number	Sex	Size (or volume)	Mark (if any)

Parts or Derivatives

Species (scientific and common name)	Quantity	Type of Goods	Mark (If any)

Stamps of the authorities inspecting:

(a) on exportation

(b) on importation¹

¹This stamp voids this permit for further trade purposes, and this permit shall be surrendered to the Management Authority.

G. Certificate of acquisition before entry into force of the Convention — Article VII.2.

1. Background

Where a Management Authority of the State of export or re-export issues a certificate that a specimen was acquired before the provisions of the Convention applied to that specimen, the provisions of Articles III, IV and V shall not apply to that specimen (grandfather clause). In other words, a certificate under Article VII, paragraph 2, replaces a permit of import, export or re-export.

When applying Article VII, paragraph 2, two problems must be given special attention:

(a) Competent authority

Only a Management Authority of the *exporting or re-exporting state* and not the Management Authority of the State of import can grant the above-mentioned certificate.

(b) Date of entry into force

The provisions of Article VII.2. require that a specimen was acquired before the provisions of the Convention applied *to that specimen*. One has to examine, on a case-to-case basis, the date when the Convention applied to the species concerned.

July 1, 1975 is the date of entry into force of the Convention. For the original Parties, it marks the date of application of the Convention's trade restrictions for the species originally listed in the Appendices, subject, of course, to any reservation entered at the time of acceptance. For all other Parties, the applicable date of entry into force of the Convention is ninety days following each State's acceptance (see Article XX.2). The application of the Convention's trade restrictions for the species listed in the Appendices at these times is again subject to any reservation entered by each State at the time of its acceptance.

February 2, 1977, August 12, 1978, February 16, 1979, July 28, 1979 and June 6, 1981 are significant dates in that they mark the entry into force of the various amendments to the Convention Appendices, with the resulting application for all existing Parties on each occasion, subject to any reservation to a particular amendment made by a particular Party.

The above-mentioned dates of entry into force of the Convention and its amended Appendices under international law are also applicable for existing Parties in the case of trade with States having become Parties at a later date.

In order to avoid difficulties for the recognition of a certificate of acquisition before the entry into force of the Convention for the species concerned, it is advisable to precisely specify in the certificate the date which the specimen was acquired. Thus the examination by the Management Authorities of other Parties is made considerably easier.

2. Model of a certificate of acquisition before entry into force of the Convention

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

**CERTIFICATE OF ACQUISITION
prior to application of the provisions of the Convention**

CERTIFICATE NO. _____

Country Issuing the certificate:

This certificate is issued to: _____

address: _____

in respect of: _____

of a species listed in Appendix I (specimen(s))¹)
Appendix II)²
Appendix III of the Convention as specified below)

being specimen(s) acquired before the provisions of the Convention applied to that
(those) specimen(s)

at _____ on _____

(signature of the applicant for the certificate)

at _____ on _____

(stamp and signature of the Management Authority
issuing the certificate of acquisition)

¹ Indicate the species and the type of specimen(s)

² Delete if not applicable

Description of the specimen(s), Including any mark(s) affixed:

Living Specimens

Species (scientific and common name)	Number	Sex	Size (or volume)	Mark (If any)
Parts or Derivatives Species (scientific and common name)		Quantity	Type of Goods	Mark (If any)

Stamp of the authority Inspecting:

at the time of issue of the certificate

H. Certificate for breeding in captivity or artificial propagation — Article VII.4. and 5.

1. Background

The Convention provides for special treatment of animals that are bred in captivity and plants that are artificially propagated. Specimens of a species included in Appendix I which have been bred in captivity or artificially propagated for commercial purposes are deemed to be specimens of species listed in Appendix II⁵. This means that trade in these specimens is subject to the provisions of Article IV and consequently no import permit in accordance with paragraph 3 of Article III is required. On the other hand, the provisions of Article VII, paragraph 5, provide that a certificate from a Management Authority of the State of export stating that a specimen was bred in captivity or artificially propagated, shall be accepted in lieu of permits of import, export or re-export.

2. Criteria for "bred in captivity" and "artificially propagated"

In order to reach a standard interpretation of Article VII, paragraphs 4 and 5, the second meeting of the Conference of the Parties recommended *inter alia*:⁶

- (a) that the term "bred in captivity" be interpreted to refer only to offspring, including eggs, born or otherwise produced in a controlled environment, either of parents that mated or otherwise transferred gametes in controlled environment, if reproduction is sexual, or of parents that were in a controlled environment when development of the offspring began, if reproduction is asexual. The parental breeding stock must be to the satisfaction of the competent authorities of the relevant country:
 - established in a manner not detrimental to the survival of the species in the wild;
 - maintained without augmentation from the wild, except for the occasional addition of animals, eggs or gametes from wild populations to prevent deleterious inbreeding, with the magnitude of such addition determined by the need for new genetic material and not by other factors, and
 - managed in a manner designed to maintain the breeding stock indefinitely.

A controlled environment for animals is an environment that is intensively manipulated by man for the purpose of producing the species in question, and that has boundaries designed to prevent animals, eggs or gametes of the selected species from entering or leaving the controlled environment. General characteristics of a controlled environment may include but are not limited to artificial housing, waste removal, health care, protection from predators, and artificially supplied food. A parental breeding stock shall be considered to be "managed in a manner designed to maintain the breeding stock indefinitely" only if it is managed in a manner which has been demonstrated to be capable of reliably producing second-generation offspring in a controlled environment;

- (b) that the term "artificially propagated" be interpreted to refer only to plants grown by man from seeds, cuttings, callus tissue, spores or other propagules under controlled conditions. The artificially propagated stock must be:
 - established and maintained in a manner not detrimental to the survival of the species in the wild, and

- managed in a manner designed to maintain the artificially propagated stock indefinitely.

Controlled conditions for plants is under an environment that is intensively manipulated by man for the purpose of producing selected species. General characteristics of controlled conditions may include but are not limited to tillage, fertilization, weed control, irrigation, or nursery operations such as potting, bedding, or protection from weather; and

- (c) that the competent government authorities of countries exporting live animals, parts and derivatives of specimens bred in captivity of species listed in Appendix I endeavour, where possible, to ensure that these be made identifiable by means other than documentation alone.

3. Model of a certificate for breeding in captivity or artificial propagation

(See, page 27).

I. Certificate of capture in accordance with other treaties — Article XIV.5.

1. Background

The provisions of Article XIV provide for special regulations for the export of specimens of species included in Appendix II which were taken in accordance with any other treaty, convention or international agreement for the protection of marine species (see Article XIV.4.).

In these cases the Convention does not require an export permit but instead 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.

2. Model of a certificate of capture In accordance with other treaties

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

**CERTIFICATE
for taking of specimens of a marine species In accordance
with the provisions of other treaties, conventions
or International agreements protecting this species**

CERTIFICATE NO._____

Exporting Country:

Valid Until: (date)

This permit is issued to: _____

address: _____

who declares that he is aware of the provisions of the Convention, for the purpose
of exporting: _____

(specimen(s))¹
of a species listed in Appendix I)
Appendix II)²
Appendix III of the Convention as specified below.)

This species is protected by: (Treaty, Convention or International agreement).

This (these) specimen(s) is (are) consigned to: _____

address: _____ country: _____

at _____ on _____

(signature of the applicant for the certificate)

at _____ on _____

(stamp and signature of the Management Authority
issuing the certificate)

¹ Indicate the species and the type of specimen(s)

² Delete if not applicable

Description of the specimen(s), Including any mark(s) affixed:

Living Specimens

Species (scientific and common name)	Number	Sex	Size (or volume)	Mark (if any)
Parts or Derivatives		Quantity	Type of Goods	Mark (If any)
Species (scientific and common name)				

Stamps of the authorities inspecting:

(a) on exportation

(b) on Importation¹

¹This stamp voids this certificate for further trade purposes, and this certificate shall be surrendered to the Management Authority.

J. Comparable permit or certificate — Article X

1. Background

When ratifying or acceding to the Convention, each State agrees to implement all the provisions of the Convention, including those of Article X, which stipulate that all trade in listed fauna and flora from non-Parties require similar documentation to that required of Parties to the Convention. The implementation of Article X can avoid abuses such as the use for illegal trade of States not Party to the Convention.

2. Criteria for comparable documentation

Documents issued by a State not Party to the Convention may only be accepted by Parties if they contain

- a) the name, stamp and signature of a competent issuing authority; nature conservation authorities shall be considered competent unless the State concerned has designated another authority for that purpose of which it may inform the Secretariat or interested Parties;
- b) sufficient identification of the species concerned for the purposes of the Convention;
- c) certification of the origin of the specimen concerned Including the export permit number from the country of origin, or justification for omitting such certification;
- d) in the case of export, certification to the effect that export will not be detrimental to the survival of the species and that the specimen was not obtained in contravention of the laws of the State of export;
- e) in the case of re-export, certification to the effect that the competent authority of the country of origin has issued an export document which substantially meets the requirements of Article VI of the Convention;
- f) in the case of export or re-export of live specimens, certification to the effect that transport will be in a manner which will minimize the risk of injury, damage to health or cruel treatment;
- g) in the case of import of specimens under Article III of the Convention, certification to the effect that the import will be for purposes which are not detrimental to the survival of the species involved and that the specimens are not to be used for primarily commercial purposes; and
- h) in the case of import of live specimens under Article III of the Convention, certification to the effect that the proposed recipient is suitably equipped to house and care for them'.

In order to meet the purpose of Article X, it is necessary to put much more stringent demands on the content of comparable documentation than on permits and certificates issued by Parties. In trade between Parties there is a presumption that permits and certificates are granted only if the requirements laid down in the Convention are complied with (this does not mean that this must be explicitly stated in the document itself). The comparable documentation should indicate that the various Convention provisions are met. That means that comparable documents must necessarily include more detailed information than a document issued by a Party.

3. Model for a comparable export permit

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

(Letterhead of authority)

Certificate according to Article X for the export from Non-Parties to Parties

1 Certificate No.		2 Name and address of the consignor	
3 Country of origin			
4 Reference to national permits		5 Name and address of the consignee	
6 Country of final destination			
7 Species (scientific and common name)	8 Number	9 Type of goods	10 Mark (if any)

11 The authority competent for the export of the animals, plants, or goods listed above (specimens) hereby certifies:

- that the specimens actually originate from the country indicated under item 3;
- that the specimens have been obtained in accordance with the laws of this country for the protection of wild fauna and flora;
- that the export of the specimens will not be detrimental to the survival of the species in the wild;
- that in the case of live specimens they will be transported in a manner which will minimize the risk of injury, damage to health or cruel treatment.

Place

Date

Stamp

Signature

12 Stamp of authority inspecting on exportation

13 Stamp of authority inspection on importation

4. Modal for a comparable re-export certificate

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

(Letterhead of authority)

Certificate according to Article X for the re-export from Non-Parties to Parties

1 Certificate No.	2 Name and address of the consignor		
3 Country of origin			
4 Country of re-export	5 Name and address of the consignee		
6 Country of final destination			
7 Species (scientific and common name)	8 Number	9 Type of goods	10 Mark (if any)

11 The authority competent for the re-export of the animals, plants, or goods listed above (specimens) hereby certifies:

- a . that the competent authority of the country of origin indicated under item 3 has Issued an export permit or export certificate which substantially meets the requirements of Article VI of the Convention;

Name of the authority of the country of origin

Number of export permit/certificate

Date of Issue

- b. that In the case of live specimens they will be transported In a manner which will minimize the risk of injury, damage to health or cruel treatment.

Place

Date

Stamp

Signature

12 Stamp of authority Inspecting on exportation	13 Stamp of authority Inspecting on Importation
---	---

VIII. Registration

A. Registration of scientists and scientific institutions

1. Background

The provisions of Article VII, paragraph 6, provide for an exemption from requirements of the regulation of trade in specimens of species included in the Appendices in cases of non-commercial loan, donation or exchange between scientists and 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.

This exception applies to such plant and animal specimens that are in established collections prior to trade. It does not apply to specimens that are taken from the wild in one State for initial deposit in collections in another State.

2. Criteria for registration

In order to prevent abuse of this exemption, it should be limited to shipments of legally obtained specimens between registered scientific institutions and not to scientists who keep private collections.

The standards for registration as a scientific institution should be as follows⁸:

- (a) collections of animal or plant specimens, and records ancillary to them, permanently housed and professionally curated;
- (b) specimens accessible to all qualified users, including those from other institutions;
- (c) all accessions properly recorded in a permanent catalogue;
- (d) permanent records maintained for loans and transfers to other institutions;
- (e) specimens acquired primarily for purposes of research that is to be reported in scientific publications;
- (f) specimens prepared and collections arranged in a manner that insures their utility;
- (g) accurate data on specimen labels, permanent catalogues and other records;
- (h) acquisitions and possession of specimens according to the laws of the State in which the scientific institution is located; and
- (i) all specimens of species included on Appendix I permanently and centrally housed under the direct control of the scientific institution, and managed in a manner to preclude the use of such specimens for decoration, trophies or other purposes incompatible with the principles of the Convention.

Scientists who keep private collections should be encouraged to affiliate with registered scientific institutions in order that they may take advantage of the exemption provided for in Article VII, paragraph 6, but care should be taken to distinguish between these and private collections for personal interest to whom no exemption should be given.

Each Management Authority should communicate to the Secretariat as soon as practicable the names and the addresses of those scientific institutions so registered, and the Secretariat then communicate this information to all other Parties.

B. Record of number and type of permits and certificates granted

In accordance with the provisions of Article VIII.6.(b) the records of trade in specimens of endangered species shall contain the following details:

- the number and type of permits and certificates granted;
- the number or quantities and types of specimens;
- the States with which such trade occurred;
- names of species as included in Appendices I, II and III; and,
- where applicable, the size and sex of the specimens in question.

This information is needed for the Parties Annual Report on trade in endangered species⁹.

C. Record of names and addresses of exporters and importers

In addition to the record of number and type of documents granted, each Party shall maintain records of the names and addresses of exporters and Importers (see, Article VIII.6.(a)).

In practice, it may not be necessary to set up a separate list of the names and addresses of exporters or importers. These names and addresses can be taken from the collected permits and certificates which are needed for the record based on Article VIII.6.(b)¹⁰. The Convention does not require that the Parties shall transmit to the Secretariat the names and addresses of exporters and importers as a part of the Annual Report.

IX. Periodic reports

A. Annual Report on the trade in endangered species

1. Background

According to Article VIII.7.(a) each Party shall transmit to the Secretariat an Annual Report containing a summary of the information specified in Article VIII.6.(b)¹¹. The first meeting of the Conference of the Parties recommended that the calendar year of January 1 to December 31. shall be used as the annual year for report purposes for the Convention. In order that the information transmitted by the Parties should be comparable, the Parties are obliged to transmit the data requested for the Annual Report in the form of a chart as shown in the following paragraph. In addition to information expressly required by the Convention, the Parties should give further in-

formation regarding trade in species included in the Appendices of the Convention, including:

- the measures taken against violation of the provisions of the Convention;
- the type, frequency and importance of the violations;
- the commercial purposes (industry, pet-trade, medical or other research, etc.) of any trade¹².

2) Uniform format for Annual Reports

Annual report

LIVING SPECIMENS

Export country:.....

Species (Scientific name)	Number	Destination country	Sex	Size

Re-export country:.....

Species (Scientific name)	Number	Country of origin	Destination country	Sex	Size

Import country:.....

Species (Scientific name)	Number	Country of origin	Sex	Size	Commercial purposes ¹

¹Industry, pet-trade, research, re-export, etc.

DEAD SPECIMENS AND PRODUCTS

Export country:

Species (Scientific name)	Type of specimen	Number or quantity	Destination species

Re-export country:

Species (Scientific name)	Type of specimen	Number, Country of quantity origin	Destination country

Import country:

Species (Scientific name)	Type of specimen	Number, Country of quantity origin	Commercial purposes ¹

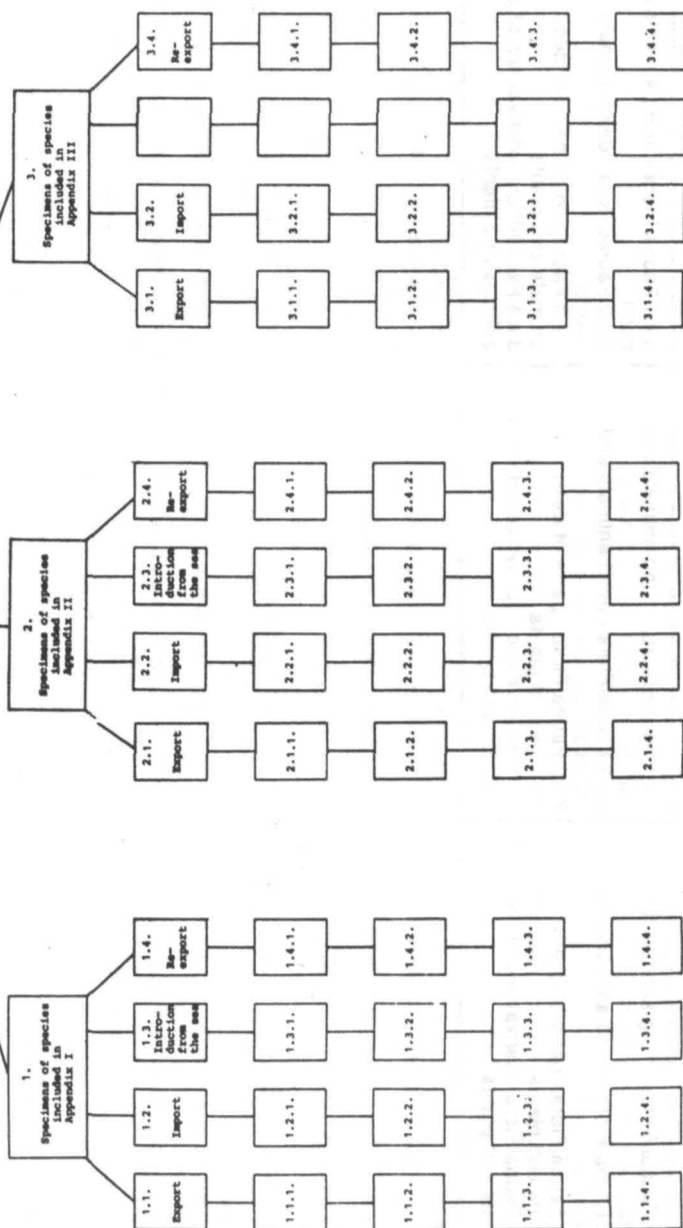
¹Industry, retail trader, re-export, etc.

Tabular summary of records of trade in specimens of species Included in Appendices I, II and III

1. Specimens of Species Included In Appendix I 1.1 Export 1.2 Import 1.3 Introduction from the sea 1.4 Re-export	2. Specimens of species Included in Appendix II 2.1 Export 2.2 Import 2.3 Introduction from the sea 2.4 Re-export	3. Specimens of species Included In Appendix III 3.1 Export 3.2 Import 3.3 Re-export
1.1.1 Fauna/Flora - living animals and plants 1.1.2 Fauna/Flora - dead animals and plants 1.1.3 Fauna/Flora - parts of dead animals and plants 1.1.4 Fauna/Flora - derivatives of dead animals and plants	2.1.1. Fauna/Flora - living animals and plants 2.1.2 Fauna/Flora - dead animals and plants 2.1.3 Fauna/Flora - parts of dead animals and plants 2.1.4 Fauna/Flora - derivatives of dead animals and plants	3.1.1 Fauna/Flora - living animals and plants 3.1.2 Fauna/Flora - dead animals and plants 3.1.3 Fauna/Flora - parts of dead animals and plants 3.1.4 Fauna/Flora - derivatives of dead animals and plants
1.2.1 Fauna/Flora - living animals and plants 1.2.2 Fauna/Flora - dead animals and plants 1.2.3 Fauna/Flora - parts of dead animals and plants 1.2.4 Fauna/Flora - derivatives of dead animals and plants	2.2.1 Fauna/Flora - living animals and plants 2.2.2 Fauna/Flora - dead animals and plants 2.2.3 Fauna/Flora - parts of dead animals and plants 2.2.4 Fauna/Flora - derivatives of dead animals and plants	3.2.1 Fauna/Flora - living animals and plants 3.2.2 Fauna/Flora - dead animals and plants 3.2.3 Fauna/Flora - parts of dead animals and plants 3.2.4 Fauna/Flora - derivatives of dead animals and plants
1.3.1 Fauna/Flora -living animals and plants 1.3.2 Fauna/Flora - dead animals and plants 1.3.3 Fauna/Flora - parts of dead animals and plants 1.3.4 Fauna/Flora - derivatives of dead animals and plants	2.3.1 Fauna/Flora - living animals and plants 2.3.2 Fauna/Flora - dead animals and plants 2.3.3 Fauna/Flora - Parts of dead animals and plants 2.3.4 Fauna/Flora - derivatives of dead animals and plants	

1.4.1 Fauna/Flora - living animals and plants 1.4.2 Fauna/Flora - dead animals and plants 1.4.3 Fauna/Flora - parts of dead animals and plants 1.4.4 Fauna/Flora - derivatives of dead animals and plants	2.4.1 Fauna/Flora - living animals and plants 2.4.2 Fauna/Flora - dead animals and plants 2.4.3 Fauna/Flora - parts of dead animals and plants 2.4.4 Fauna/Flora - derivatives of dead animals and plants	3.4.1 Fauna/Flora - living animals and plants 3.4.2 Fauna/Flora - dead animals and plants 3.4.3 Fauna/Flora - parts of dead animals and plants 3.4.4 Fauna/Flora - derivatives of dead animals and plants
--	--	--

Tabular summary of records of trade in
specimens of species included
in Appendices I, II and III



B. Biennial Report on legislation, regulatory and administrative measures

The provisions of Article VIII.7.(b) stipulate that each Party shall prepare and transmit to the Secretariat a Biennial Report on legislative, regulatory and administrative measures taken to enforce the provisions of the Convention.

The purpose of the Biennial Report is to inform the Secretariat of the current state of implementation of the Convention in the various countries Party to the Convention, and to supply the data required for a review in accordance with Article XII.2.(d). This report enables the Secretariat, to consider the question whether, at what time and in what way the Parties have adapted their domestic legislation to the regular changes to Appendices I to III and the corresponding changes to other provisions (for example the List of readily recognizable parts and derivatives).

X. Seals, stamps and other identification devices

A. Means of authentication

The Convention, in Article IX, paragraph 4, stipulates that the Management Authority shall, if so requested by the Secretariat, communicate to it impressions of stamps, seals or other devices used to authenticate permits or certificates. In its Notification to the Parties No. 8 (reproduced in Notification No. 61) the Secretariat requested the Parties to forward any information relevant to means for authentication of permits and certificates, and of specimens. Amongst the devices which might be used for authentication and of which the Secretariat wished to be informed, the following were specified as examples:

- the models of permits and certificates used in each State
- the system of numbering the said permits and certificates
- the names of people authorized to sign the said permits and certificates
- the specimens of signatures of such people
- the models of labels used for identification of the specimens of species protected by the Convention
- the models of labels used for shipment of specimens
- the list of the ports of exit and the ports of entry at which specimens must be presented for clearance; or anything else.

B. Marks used for identification of specimens

In accordance with Article VI, paragraph 7, a Management Authority may — where appropriate and feasible — affix a mark upon any specimen to assist in identifying a specimen. "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. The use of marks by Management Authorities is a simple and effective way for identification of specimens.

Methods of marking are prepared by the Technical Expert Committee on Harmonization of Permit Forms and Procedures, which was established by the second meeting of the Conference of the Parties (San Jose, March 1979¹³).

C. Labels used for the exchange of scientific material

Pursuant to Article VII.6, a simplified procedure for exchange of scientific material is possible if the material carries a label.

The requirement that the container used to transport the specimens carry a label issued or approved by a Management Authority should be met by authorizing the use of Customs Declaration labels, provided they bear the acronym "CITES", identification of contents as herbarium specimens, preserved, dried or embedded museum specimens or live plant material for scientific study, the name and address of the sending institution and the codes of the exporting and importing institutions over the signature of a responsible officer of that registered scientific institution; or a label issued by a Management Authority containing the same information and the users of which would be responsible to that body.

A five (5) character coding system for identifying registered institutions should be used; the first two (2) characters of which would be the 2-letter national code established by the International Organization for Standardization as presented in Annex II; the last three (3) characters to be unique numbers assigned to each institution by a Management Authority in the case of a Party, or by the Secretariat in the case of a non-Party.

XI. Measures concerning violations

A. Penal sanctions for illegal trade or illegal possession

1. Background

Paragraph 1 of Article VIII indicates the measures to be taken by the Parties in the case of violation of the provisions of the Convention. The Parties shall take appropriate measures to prohibit illegal trade in specimens. These shall include measures to penalize trade in, or possession of, such specimens, or both.

2. Annotations

In order to fulfill the requirements of Article VIII, it is not sufficient to only confiscate the specimens in question. The Parties are obliged to introduce penal sanctions in addition to the confiscation. As a general rule, the penal sanctions should not be limited to illegal trade but should also include illegal possession of specimens. In many cases the importer/exporter cannot be identified so no-one can be punished unless the penal sanction is also applicable to the possessor of a specimen.

The following provisions of the Endangered Species Act of the United States of America are an example of penal sanctions:

"§23.11.
Prohibitions

(a) Unless the requirements in this Part 23 are met, or one of the exceptions in this Part 23 is applicable, it is unlawful for any person subject to the jurisdiction of the United States to commit, attempt to commit, solicit another to commit, or cause to be committed any of the acts described in paragraphs (b) through (d) of this section.

(b) Import. (1) It is unlawful to import into the United States any wildlife or plant listed in Appendix I, II or III (see § 23.23) from any foreign country.

(2) It is unlawful to import directly into the United States any wildlife or plant listed in Appendix I or II (see § 23.23) taken from the sea beyond the jurisdiction of any country.

(c) Export. It is unlawful to export from the United States any wildlife or plant listed in Appendix I, II or III (see § 23.23).

(d) Re-export. It is unlawful to re-export from the United States any wildlife or plant listed in Appendix I, II or III (see § 23.23).

(e) Possession. It is unlawful for any person subject to the jurisdiction of the United States to possess any wildlife or plant listed in Appendix I, II or III imported into the United States, or exported or re-exported from the United States contrary to the provisions of the Convention or this Part 23."

B. Confiscation or return to State of export

1. Background

In addition to penal sanctions for illegal trade and/or illegal possession¹⁴, the Parties shall provide for the confiscation or return to the State of export such specimens traded in violation of the provisions of the Convention (Article VIII. 1.(b)). Paragraph 1 of Article VIII deals with the general obligation of the Parties to confiscate and return the specimens concerned while paragraph 4 of this Article raises the question of placing of confiscated *live* animals and plants¹⁵.

2. Annotations

The Convention does not lay down the confiscation procedures to be used. Two alternatives are possible:

- confiscation as a consequence of a violation of the provisions, i.e. confiscation is only possible if the violator or owner has knowingly or recklessly committed an offence
- confiscation as an administrative measure even if the guilty person is not at fault.

Only the latter ensures that specimens which have been traded without the necessary documents can be confiscated from the person concerned and — as far as Appendix I specimens are concerned — can be withdrawn from circulation.

See, sections VI¹⁶ and XIV¹⁷ which deal with the general question of the whereabouts of confiscated living and non-living specimens.

C. Method of internal reimbursement for expenses incurred as a result of confiscation

1. Background

According to paragraph 2 of Article VIII 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 Convention.

2. Annotations

The introduction of a method of internal reimbursement for expenses by a Party contributes towards the payment of the costs arising from implementation of the Convention.

The following can serve as an *example* of a method of internal reimbursement:

1. When a specimen is confiscated regardless of its disposition the cost of its care, shelter, transportation and disposition may be charged to the sender of the specimen. If the sender cannot be ascertained the cost may be charged to the carrier or the recipient of the specimen. If none of the three can be ascertained the cost shall be charged to the Management Authority.
2. Whenever a specimen of a species is detained pending a determination by a Management Authority concerning the grant, refusal or honouring of permits or certificates, the sender, carrier and recipient shall jointly and severally be liable for the costs of the specimen's shelter, care and transportation.

Paragraph 1 imposes liability for costs on those actors who, by their failing to get proper documents will have caused the Management Authority to incur expenses for care and shelter. Additionally the power to charge for care and shelter offers the Management Authority a possibility of operating on a cost-recovery basis. Paragraph 2 imposes joint and several liability for consequences of nonfeasance because in some situations the responsibility for documentation should be a joint and several one. Joint and several liability forestalls fraudulent transfer practices and defences based on naming the wrong defendant. Joint and several liability means that each actor has a financial interest in making sure that the others obey the Convention. It is the responsibility of the importer/exporter to have proper documents prepared and presented, and not the responsibility of the Management Authority to accept just any kind of document. If the documents are insufficient it should not be the Management Authority's responsibility to assume the cost burden so caused. There the costs should be borne by the joint and several liability of the actors in the process.

XII. Readily recognizable parts and derivatives

A. Background

Article I of the Convention provides that in addition to live specimens of listed animals and plants and dead specimens of listed animals in their entirety, the readily recognizable parts or the readily recognizable products from listed animals and plant specimens also come under the ambit of the Convention. However, the Convention is silent as to the determination of readily recognizable parts and derivatives.

Several of the Parties expressed dissatisfaction at the October 1977 Special Working Session of the Conference of the Parties to the fact that there was a lack of uniformity among the Parties in the interpretation of which parts and products in trade were in fact "readily recognizable" and hence subject to the provisions of the Convention. As a result, it was decided that three of the Parties, the Federal Republic of Germany, Switzerland and the United Kingdom, should prepare a proposed listing of readily recognizable parts and derivatives for consideration by the second meeting of the Conference of the Parties.

At the second meeting of the Conference of the Parties there was a divergence of opinion as to whether the list prepared was desirable. Proponents felt that such a listing would be an enforcement aid, serving as a "minimum" list of what should be considered readily recognizable; opponents expressed the fear that such a listing would soon in practice be treated as a maximum listing and all other products and parts would be excluded from the coverage of the Convention, regardless of whether or not they might be readily recognizable. The meeting consequently decided by a narrow majority not to adopt the listing.

The identification of readily recognizable parts and derivatives thus remains a matter for individual Party consideration. Certain Parties maintain that all parts and derivatives of listed species should be considered recognizable, while others are attempting to develop illustrative lists for their own use to assist in the identification of those parts and derivatives which they would consider to be readily recognizable.

While not wishing to endorse one or the other approach, the following is provided as an indication of the considerations which would seem appropriate for the development of a minimum illustrative listing.

B. Criteria for the list

1. The list should include only items which are trade-relevant for that Party
2. The list should take into account the technical facilities of that Party.
3. The list should include items easily recognizable by Customs officers or other competent officials without specialist knowledge or complicated technical aids although suitably trained and equipped with recognition aids like an identification manual.
4. As a first step, the list should at least cover the main products in trade for any particular species listed, i.e. the products for which the animals are killed. By-

- products which are incidental to that trade and offals should be omitted.
5. The use of Customs Tariff Nomenclature in the list as a means of registering protected parts and derivatives would be useful¹⁸.
 6. Parties may decide that the only effective control is to go beyond the requirements of the Convention by including also in specific controls species which are not listed in the Appendices.
 7. Finally, it would be useful to have a general provision in the list as follows: Items which can be clearly identified from the declaration, the labelling or from other circumstances as parts and derivatives of species listed in the Appendices have to be regarded as controlled under the terms of the Convention.

C. Model list of readily recognizable parts and derivatives

SPECIES	ITEM	Common Customs Tariff Heading Number
1. MAMMALS		
1a. All species of mammal listed on Appendices I and II of the Convention	Substantially complete dead animals	ex 0201 ex 0204 ex 0206 ex 0515 ex 9905
1b. The following species of mammal listed on Appendices I and II of the Convention: - All species of the order Primates - Canis lupus - Species of the family Ursidae - All species of the family Felidae - Elephas maximus - Loxodonta africanus - Equus zebra zebra - All species of the family Rhinocerotidae - Species of the order Artiodactyla	Head, parts of heads, skulls or parts of skulls with antlers or horns	ex 0515 ex 9905
1c. The following species of mammal listed on Appendices I and II of the Convention: - Colobus angolensis - Colobus guereza - Colobus polykomos - Canis lupus	Furskins, skins and hides, which are complete or show belly and backsides, raw, tanned, dressed or further processed and articles made of them	ex 4101 ex 4301 ex 4302 ex 4303

SPECIES	ITEM	Common Customs Tariff Heading Number
- Species of the famil Ursidae - All species of the family Lutrinae - Species of the family Viverridae - All species of the family Felidae		
- All species of the genus Artocephalus - Elephas maximus - Loxodonta africanus - Equus zebra zebra - Vicugna vicugna - Lama guanacoe - Species of the order Artiodactyla		
1d. Elephas maximus Loxodonta africanus	Raw tusks and substantial parts of raw tusks, jewellery and equipment for parlour, table and funfair games for adults or children	ex 0509 ex 7112 ex 7115 ex 7116 ex 9505 ex 9704
1e. All species of the family Rhinocerotidae	Horn whether or not worked and powder	ex 0509 ex 9505
1f. Moschus moschiferus Himalayan population	Musk gland	ex 0514
1g. Vigugna vicugna	Hair whether or not carded or combed Yarn made wholly or partly of hair	ex 5302 ex 5305 ex 5306 ex 5307

SPECIES	ITEM	Common Customs Heading Numb
		ex 5308 ex 5310
	Fabric made wholly or partly of hair, clothing	ex 5311 ex 6101 ex 6102 ex 6201
1h. Species of whale listed on Appendices I and II of the Convention	Meat or viscera whether or not fit for human consumption	ex 0204 ex 0206 ex 0515
	Whale meat extracts or juices	ex 1603
	Whale bone and the like whether or not worked and waste thereof	ex 0509 ex 9505
	Whale fat and whale oil whether or not refined or modified and including blubber wholly or partly hydrated, solidified or hardened by any other process, but not further worked	ex 1504 ex 1508 ex 1512
2. BIRDS		
2a. All species of bird listed on Appendices I and II of the Convention	Substantially complete dead animals	ex 0204 ex 0206 ex 0515 ex 9905
2b. The following species of bird listed on Appendices I and II of the	Plumage, including any feather or feathers, or any skin or part of skin	ex 0507

SPECIES	ITEM	Common Customs Tariff Heading Number
Convention: — All species of the genus <i>Aqualia</i> — All species of the genus <i>Haliaeetus</i> — Species of the family <i>Phasianidae</i> — All species of the family <i>Paradisaeidae</i>	with feathers on it and articles of clothing made wholly or partly from it	ex 6505 ex 6506 ex 6701
2c. All species of bird listed on Appendices I and II of the Convention	Eggs and egg shells	ex 0405 ex 9905
2d. <i>Rhinoplax vigil</i>	The casque unworked and items carved from it	ex 0509 ex 9505
3. AMPHIBIANS		
3a. All species of amphibian listed on Appendices I and II of the Convention	Substantially complete dead animals	ex 0204 ex 0206 ex 0515 ex 9905
4. REPTILES		
4a. All species of reptile listed on Appendices I and II of the Convention	Substantially complete dead animals	ex 0204 ex 0206 ex 0515 ex 9905
4b. All species of the order <i>Crocodylia</i> listed on Appendices I and II of the Convention	Heads (including skulls)	ex 0508 ex 0515 ex 9905

SPECIES	ITEM	Common Customs Tariff Heading Number
4c. All species of reptile listed on Appendices I and II of the Convention	Complete hides and skins, raw, tanned or further processed, including bleached and dyed skins	ex 4101 ex 4105
4d. All species of the order Crocodylia and of the family Cheloniidae listed on Appendices I and II of the Convention	Substantial parts of hides and skins, raw, tanned or further processed, including bleached and dyed skins	ex 4101 ex 4105
4e. All species of reptile listed on Appendices I and II of the Convention	Clothing, suitcases, travelling bags, shoulder bags handbags, shopping-bags, briefcases made of the items under 4d.	ex 4202 ex 4203
4f. Species of the order Testudinata listed on Appendices I and II of the Convention	Shells, unworked or simply prepared, but not cut to shape	ex 0509 ex 0515
4g. All species of the family Cheloniidae listed on Appendices I and II of the Convention	The worked shell (tortoise-shell), the meat and cartilage, including calipee and calipash and soup	ex 0204 ex 0206 ex 9505
5. FISH		
5a. All species of fish listed on Appendices I and II of the Convention	Substantially complete dead animals including preserved carcasses	ex 0301 ex 0302 ex 0515 ex 9905
6. MOLLUSCS		
6a. All species of mollusc listed on Appendices I and II of the Convention	Substantially complete dead animals and unworked or simply prepared shells	ex 0303 ex 0512

SPECIES	ITEM	Common Customs Tariff Heading Number
		ex 0515 ex 9905
7. INSECTS		
7a. All species of Insect listed on Appendices I and II of the Convention	Substantially complete dead animals	ex 0515 ex 9905
7b. Species of the order Lepidoptera listed on Appendices I and II of the Convention	Wings loose or made up as pictures, displays, or the like	ex 0515 ex 4911
8. PLANTS		
8a. Species of the families Cyatheaceae and Dicksoniaceae	Stems	ex 0602 ex 0604 ex 4403 ex 4404 ex 4405

XIII. Standards for the preparation and shipment of living specimens

The Convention, in Articles III.2.(c).4.(b), IV.2.(c).5.(b).6.(b) and V.2.(b) requires Management Authorities to be satisfied before they grant an export permit or a re-export certificate, that specimens will be so prepared and shipped as to minimize the risk of injury, damage to health, or cruel treatment.

In order to assure international uniformity in the implementation of the above-mentioned Articles the second meeting of the Conference of the Parties concluded guidelines on preparation and shipment of live specimens¹⁹.

XIV. Procedures

A. Record-Keeping

1. Background

In order to comply with the provisions of Article VIII.7(a) each Party shall

- designate one or more authorities which collect the necessary information for the Annual Report²⁰ and
- develop registration, filing and retrieval systems for outgoing and incoming permits and certificates.

The development of systems ensuring that all outgoing permits and certificates are included in the statistics is one of the main obligations the Convention imposes on the Parties. This obligation is not met if a Party only includes the number of applications for or grants of import and export documents in its statistics since these data do not provide any information on whether the importation or exportation actually take place. For the purposes of the Annual Report, only the actual imports and exports are important as it is on this basis that the desired comparability of the national reports can be achieved and adherence to the provisions of the Convention can be controlled.

2. Criteria for the data collecting system

- (a) The authorities designated by the Parties to collect and analyze Annual Statistics are only capable of performing this task if other authorities or agencies submit information on the actual imports and exports. The best way to do this is that, in the case of imports, the cancelled originals of the import and export documents, and in the case of exports, copies of the export documents, are sent to the statistics authorities. This means that specimens of protected species which are presented to the customs authorities for clearance must be accompanied by several copies of the import and export documents.
- (b) The competent authorities at the border (for example, customs clearance officials) should be obliged to supply the central data collecting agencies with the necessary data on imports and exports since these authorities are the only ones who can verify that the imports and exports for which permits have been applied actually occurred.

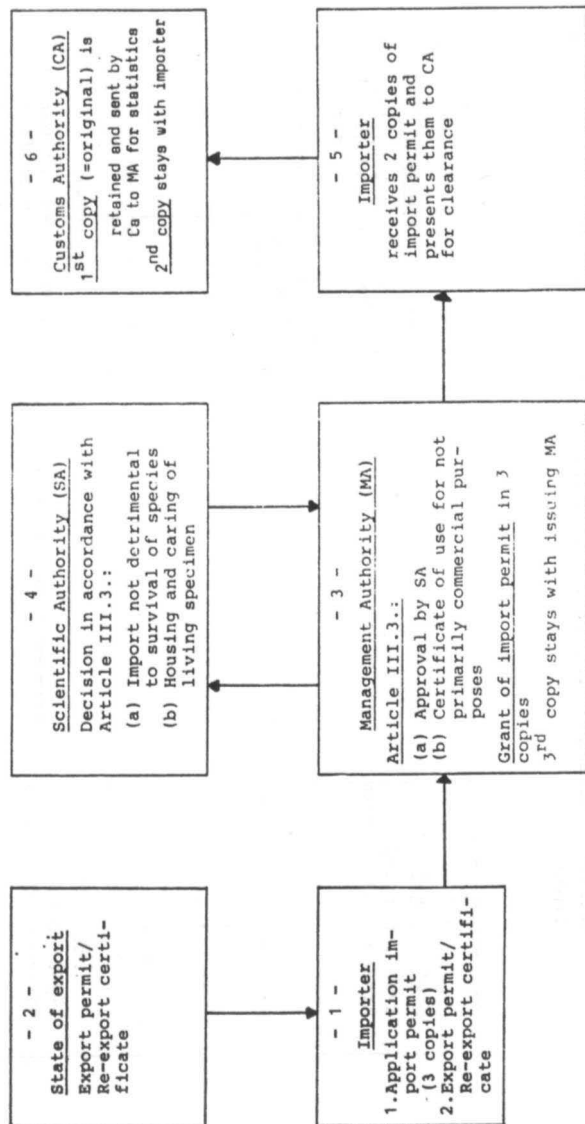
- (c) According to Article VI.6 the Management Authorities of the State of import shall cancel and retain the permit or re-export certificate and any corresponding import permit presented in respect to the import of that specimen. These cancelled and retained permits or certificates should be transmitted to the record-keeping authority.
- (d) In the case of exports, a copy of the export permit or re-export certificate should be sent by the border authority to the record-keeping authority.

3. Graphic description of the record-keeping procedure

The following diagrams show the procedure to be followed in trade between Parties regarding an application for and the handling of documentation required for exportation, Importation, re-exportation and introduction from the sea. In addition, the diagrams show how one can ensure that the statistics authorities do receive the data they require for the Annual Report.

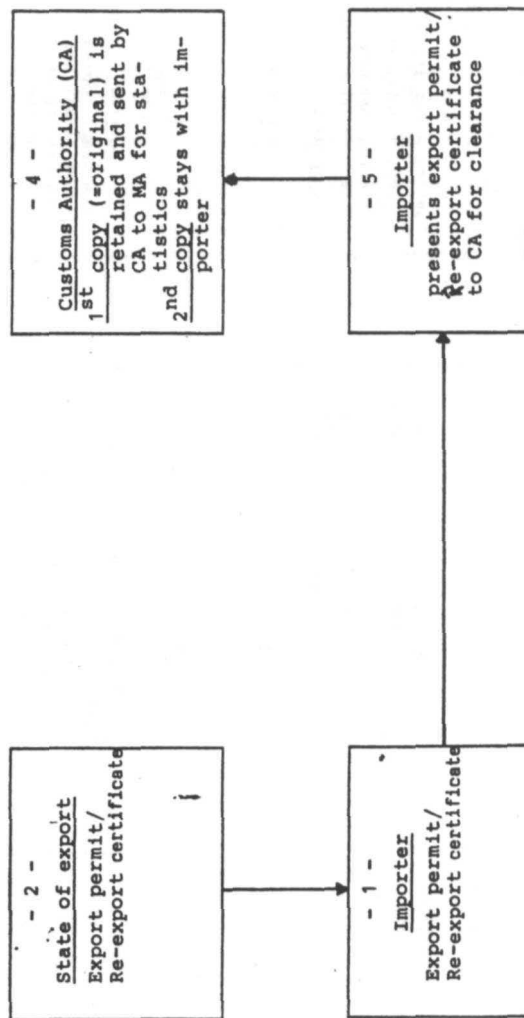
Regulation of trade in specimens of species included in Appendix I

- import -



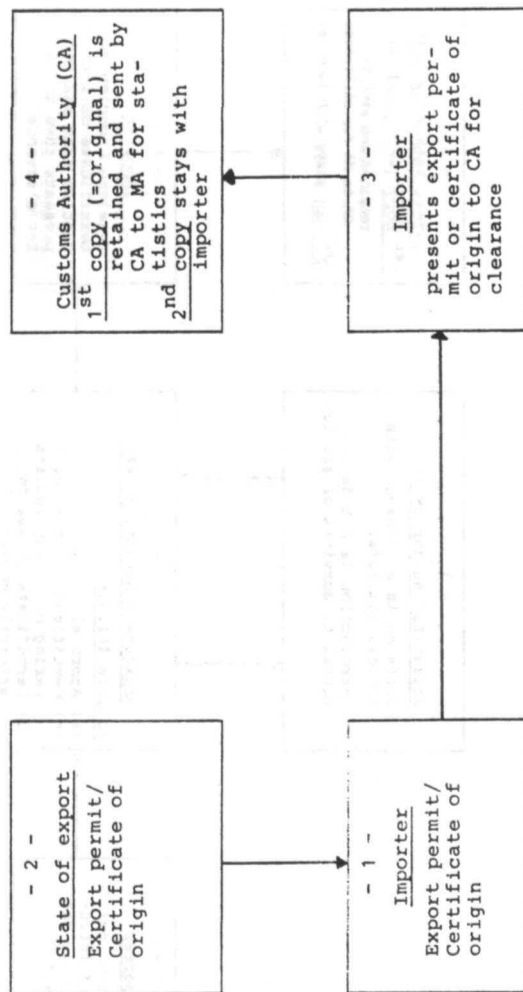
Regulation of trade in specimens of species included in Appendix II

- import -

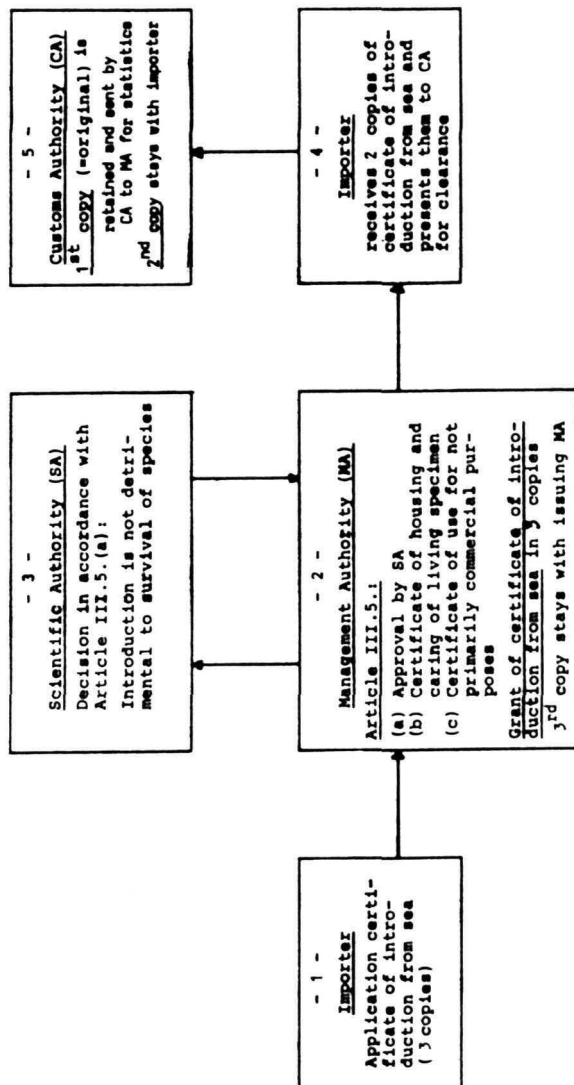


Regulation of trade in specimens of species included in Appendix III

- import -

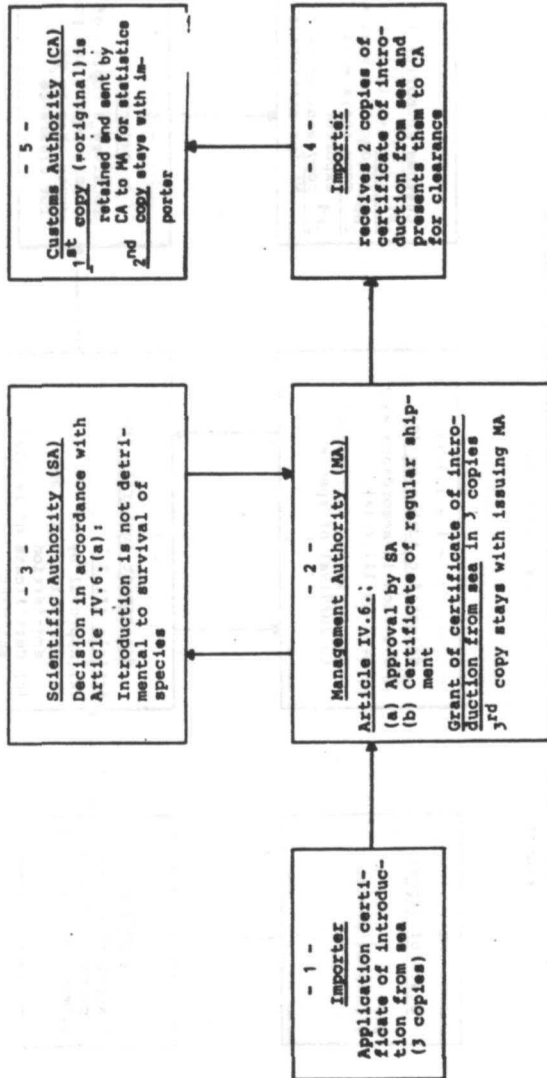


Regulation of trade in specimens of species included in Appendix I
 - introduction from sea -



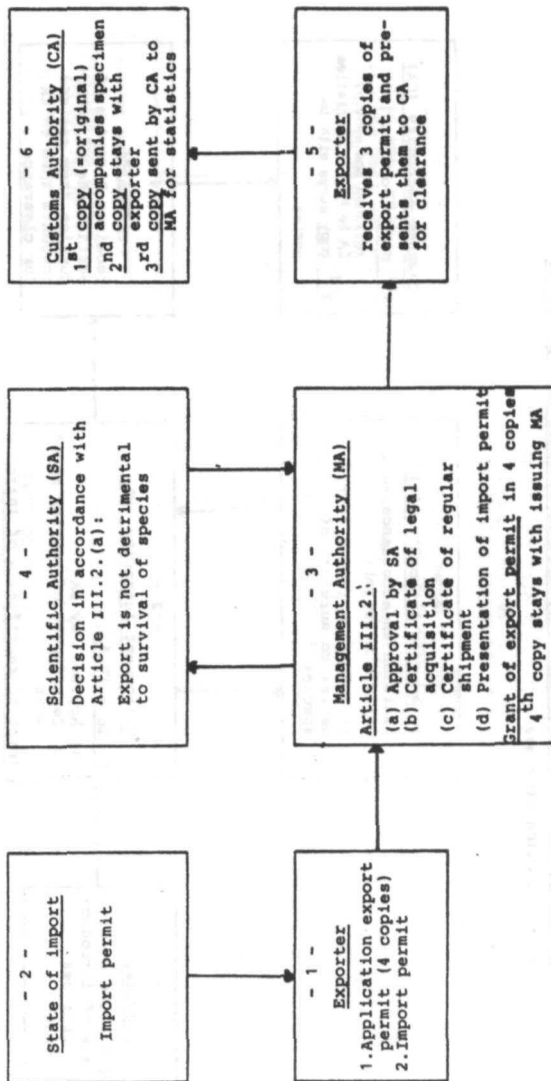
Regulation of trade in specimens of species included in Appendix II

- introduction from sea -



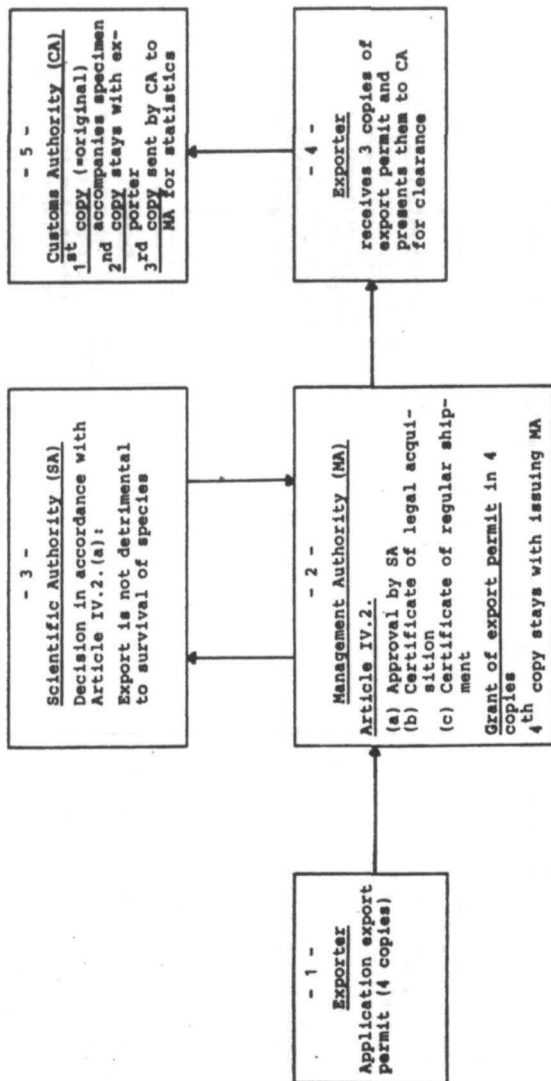
Regulation of trade in specimens of species included in Appendix I

- export -

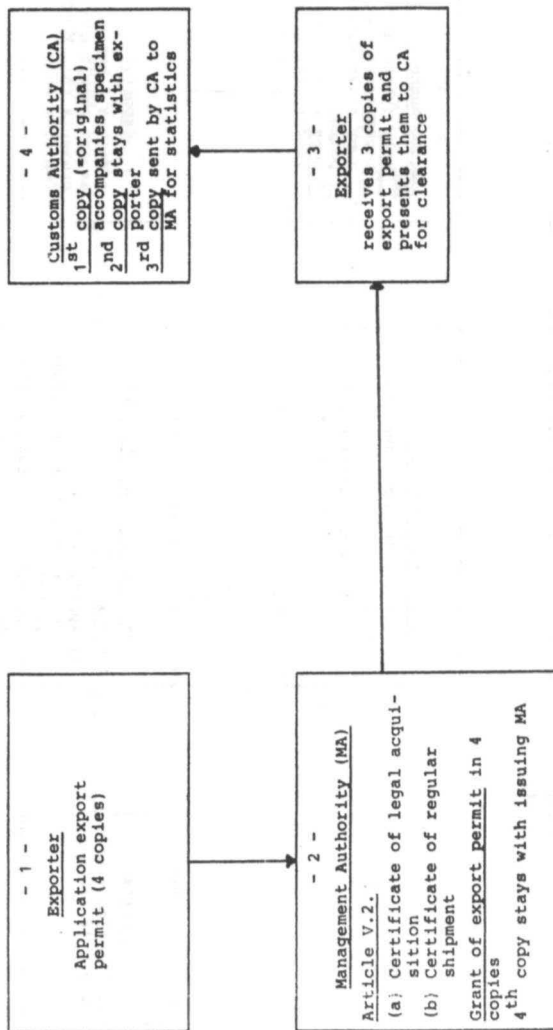


Regulation of trade in specimens of species included in Appendix II

- export -

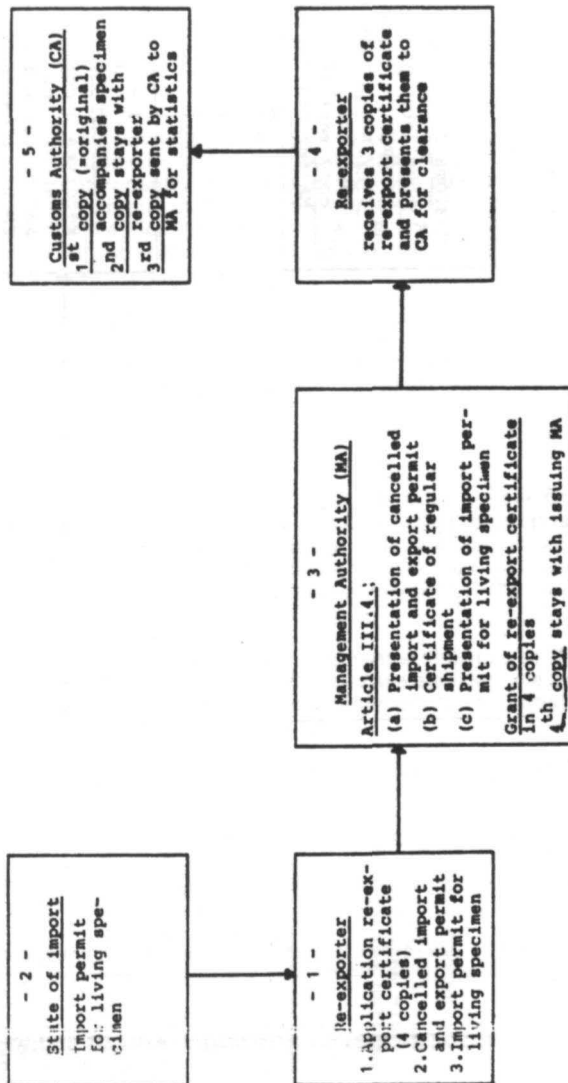


Regulation of trade in specimens of species included in Appendix III
 - export from a State which has included that species in Appendix III -



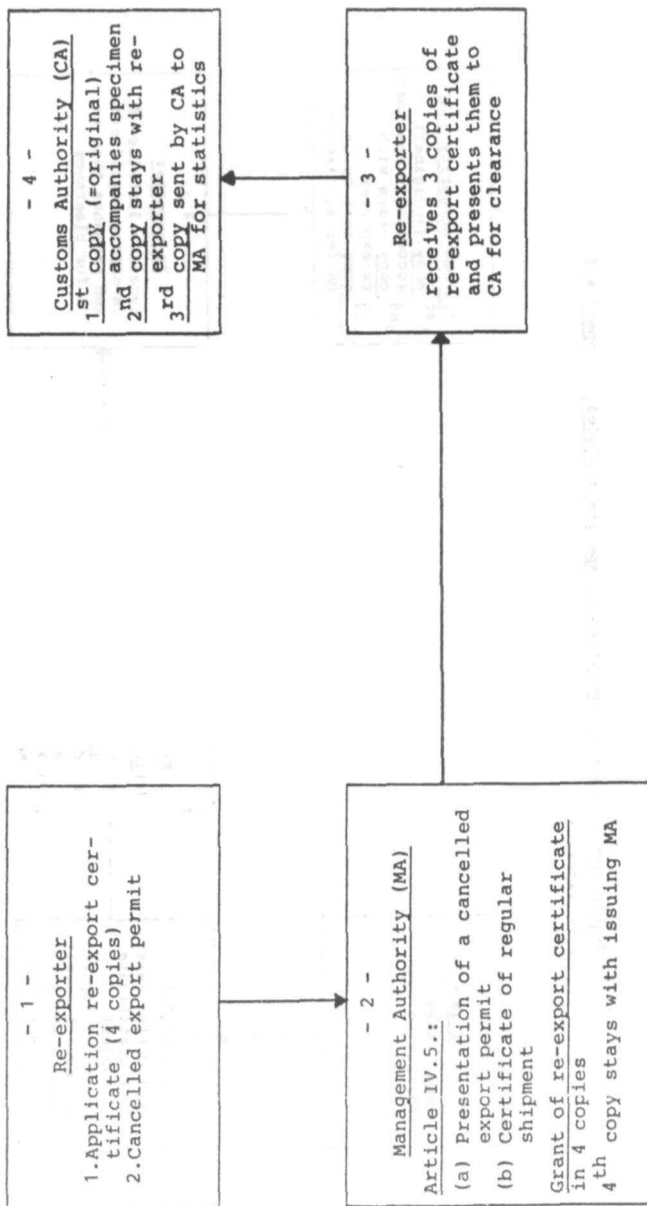
Regulation of trade in specimens of species included in Appendix I

- re-export -



Regulation of trade in specimens of species included in Appendix II

- re-export -



B. Maintenance of reference lists

The correct implementation of the Convention requires that the competent authorities of the States of export and import keep up-to-date reference lists. Such lists are necessary or useful in the following cases:

1. Lists of the Parties including the date of entry into force of the Convention for each Party

Since trade with Parties is to some degree subject to criteria differing from trade with States not Party to the Convention, the list of Parties must continuously be updated. In this context the date of entry into force for each single Party is of specific importance. This date, for example, is important for considering acquisition before entry into force of the Convention under Article VII.2, and for considering the question from what date only certain authorities, namely the Management Authorities notifying the Secretariat, are entitled to issue documentation.

The Secretariat communicates to the Parties any change in the list of Parties and publishes at regular intervals the complete List of Parties. These data should be communicated without delay by the one Management Authority responsible for communication, to the various national Management Authorities.

2. List of foreign Management Authorities and their means of authentication

When trading with other Parties, competent authorities shall accept only those documents which were issued by Management Authorities appropriately announced in the form published in accordance with Article IX.4. This is why the up-to-date list of the foreign Management Authorities and their means of authentication published by the Secretariat should be available at any time to the national Management Authorities.

In addition it is advisable to keep a list of the competent authorities of *States not Party* to the Convention as in many cases these States have also designated authorities responsible for Issuing comparable documentation in accordance with Article X.

3. List of registered scientific Institutions entitled to the exemption provided by Article VII.6

Pursuant to Resolution Conf. 2.14 adopted by the Conference of the Parties at its second meeting (San Jose, March 1979), the Management Authorities communicate to the Secretariat the list of the exemption for non-commercial loan, donation or exchange of museum and herbarium specimens.

The Secretariat communicates the list of names and addresses of the institutions so registered and thus authorized to apply the simplified procedure provided by Article VII.

C. Methods to ensure regular updating of regulations

The Convention and its Appendices of protected species of flora and fauna are designed in a way that allows for a continuous adaptation of these lists to the changing conditions of flora and fauna species and the trade in these species. In order to

make a rapid adaptation of the Convention to changes possible, Articles XV and XVI lay down simplified procedures for amending Appendices I, II and III. This means that amendments to these Appendices may be made at the meetings of the Conference of the Parties as well as in between these meetings. Experience has shown that both these possibilities are frequently employed. For example, hitherto at each ordinary meeting of the Conference of the Parties, amendments to Appendices I and II were approved.

Each State's Management Authority should have the legal means to be able to simply adapt national legislation to amendments to Appendices I, II and III. In this context experience has shown that it is useful to enable Management Authorities to enforce the new Appendices without going through an often cumbersome legislative procedure. Such a simplified adaptation procedure is particularly important since amendments to the Appendices already enter into force 90 days after their approval⁴¹.

That means within this period, if possible, national legislation should have been adapted to these changes. At the same time, a decision should have been taken on whether reservation in accordance with Article XV.3 should be entered. Indeed, if it is not possible to make the necessary legislative adaptation to the changes in Appendices I and II, a Party might be forced to enter a reservation in accordance with Article XV.3, as a precautionary measure, since it is not possible to enter such a reservation at a later date.

Example of a simplified adaptation procedure

Article 2 of the German Law on the Washington Convention dated 22nd May, 1975: "The Federal Minister for Food, Agriculture and Forestry is hereby empowered to bring into force, by statutory instrument without the consent of the Federal Council, the contents of Appendix III and amendments to Appendices I to III pursuant to Articles XV and XVI of the Convention, which are consistent with the objects of the Convention."

D. Procedure for customs control of specimens of species included in Appendices I, II and III

1. Where specimens are introduced into a State and are entered with customs for free circulation, inward processing or temporary importation, a permit, certificate or comparable document or label mentioned in Article VII, paragraph 6, must be presented with that entry.
2. Where specimens which are in free circulation, under internal processing or have been temporarily imported, are the subject of an export declaration presented to customs with a view to their exportation from the State, an export permit or re-export certificate or label mentioned in Article VII, paragraph 6, is to be presented with that declaration.
3. Where specimens are introduced into a State and are deposited in a warehouse, placed in a free zone, put into a transit procedure or trans-shipped, the issue and presentation to customs of an import permit or re-export certificate is not required provided that a valid export permit issued by the country of origin is held and is produced to customs, if so required, on each occasion where customs formalities are carried out.

4. Control of specimens in the case of gift packages, passengers' luggage or crews' effects is to be carried out at the time when the goods are subjected to customs control on entering or leaving the State.
5. (a) In cases where no import, introduction from the sea, export or re-export permit or label is presented for:
 - goods classified under the headings of the Common Customs Tariff (Brussels, 1950) listed in sub-paragraph (e) below and which are entered for free circulation, internal processing or temporary importation; or
 - goods in free circulation under internal processing or which have been temporarily imported which have statistical classifications corresponding to the tariff headings referred to directly above and which are declared for exportation to a third country
 control is to be carried out by:
 - (i) examination of import and export declarations; and
 - (ii) examination of the goods made in the course of the application of other customs controls.
- (b) Where the goods are clearly not those to which this regulation applies (e.g. domestic animals and poultry in the form of livestock or meat) no further control for the purpose of this regulation shall be added to normal customs control procedures.
- (c) In the case of goods which cannot be dealt with under the provisions of sub-paragraph (b), provided that
 - (i) the import or export declaration bears or is supported by a statement which there is no reason to doubt that the goods are not required to be controlled under the provisions of the Convention, or
 - (ii) on examination of either the documents or goods it is clear that the goods are not required to be controlled under the provisions of the Convention
 no further additional control to ensure compliance with the provisions of the Convention need be carried out.
- (d) If the goods have not been dealt with under the provisions of sub-paragraphs (b) and (c) a written declaration by the importer or exporter that the goods are not required to be controlled under the provisions of the Convention may be accepted. In case of doubt customs may obtain the necessary independent expert advice.
- (e) The headings of the Common customs Tariff referred to in sub-paragraph (a)

All Chapter 6 Headings

All Chapter 1 Headings

02.01	15.04	43.02	61.01
02.04	15.08	43.03	61.02
02.06	15.12	44.03	62.01
03.01	16.15	49.11	65.05
03.02	16.03	53.02	65.06
03.03	21.05	53.05	67.01
04.05	41.01	53.06	71.12

05.07	41.05	53.07	71.15
05.09	42.02	53.08	71.16
05.14	42.03	53.10	95.05
05.15	43.01	53.11	97.04
			99.05

E. Disposal of confiscated non-living specimens

1. Background

Apart from the confiscation of live animals and their return to the State of export, the Convention does not contain any regulations on the definite disposal of confiscated non-living specimens. There are a number of possibilities to handle such confiscated specimens. However, they can have different consequences and should be judged independently, depending upon the circumstances of each case.

2. Kinds of disposal and their evaluation

(a) Custody of the State

If a specimen is simply and permanently left in the custody of the State, this will entail considerable storage charges for the State, and will be of no benefit.

(b) Disposal for public purposes

Examples would be disposal to national or foreign

- museums and collections for exhibition and scientific purposes;
- scientific institutions for research and demonstration purposes;
- universities, schools, etc. for teaching, and in particular for demonstration purposes;
- Management Authorities as objects of comparison (e.g. skins, hides, leather).

The disposal for public purposes is, as a rule, an appropriate means especially in the case of specimens included in Appendix I. This approach guarantees that the specimens will not find their way into the market for commercial purposes (see sub-parag. (c)). In the case of relatively abundant species and specimens included in Appendix II, the capacity for absorption in this respect may soon be exhausted. Moreover, if valuable specimens are utilized in such a way, this will mean a noticeable loss in revenue for the State, since the specimen will, as a rule, only be disposed of free of charge or for a token fee.

(c) Disposal for commercial purposes

This method (e.g. by auction) is the normal way of utilizing goods which have been confiscated by the customs authorities.

The proceeds contribute towards the payment of costs arising from the implementation of the Convention. The aims of the Convention are not threatened, since the deterrent effect of confiscation (importers or exporters losing their property without compensation) on illegal trade and thus also on the removal from the wild will not be impaired. However, for the purpose of public relations this method may have negative effects. Public opinion should not be led to understand that the Government which prohibits or restricts trade in specimens,

does nevertheless on its part, put such specimens on the market for commercial purposes. It is thus necessary for the Government to carefully explain this method's limited and necessary purpose.

(d) Disposal for charitable purposes

Certain durable consumer goods (e.g. clothes, hand-bags) covered by the Convention could also be disposed of for charitable purposes (homes for the aged, recipients of welfare assistance, etc.). But this method must be doubted, since the recipients may resell the goods, putting them back into circulation, and the State will not even profit therefrom.

(e) Destruction

The confiscated goods can also be destroyed, which withdraws them from commercial trade as well as from other use. This method, however, does not additionally serve the ultimate aim of the Convention to prevent removal from the wild, and valuable national property will be lost forever.

F. Public Information and participation

The Convention provides for public information regarding the reports referred to in Article VIII.7 (Article VIII.8), and for participation in meetings of the Conference by national non-governmental agencies or bodies which have been approved for this purpose by the State in which they are located. While procedures for public information and consultation depend to a large extent on applicable national administrative procedures, the rules developed for this purpose by the U.S. Management Authority may serve as an illustration²².

1. Public availability of reports

Following completion of the annual and biennial reports and their transmission to the Secretariat pursuant to Article VIII.7, public notice is given that the report is available and that any interested individual may request a single copy by writing or telephoning to the Management Authority.

This will require reproduction of the report in sufficient quantities to meet demand from the public. For this reason, several Management Authorities (Canada, Switzerland) have made provision for publication of their annual/biennial reports as part of a departmental publication series.

2. Participation by non-governmental agencies or bodies

As a prerequisite for admission as observers to meetings of the Conference of the Parties, national non-governmental agencies or bodies qualified in protection, conservation or management of wild fauna and flora must first obtain from the Management Authority formal approval of their qualification as observers.

In order to ensure appropriate advance consultation with non-governmental agencies or bodies, procedural regulations may also be developed regarding public notice of

(a) the time, place and agenda of meetings of the Conference of the Parties;

- (b) proposed negotiating positions for the meeting, including any proposals by the Management Authority for amendment of the Convention appendices;
- (c) public hearings to provide an opportunity for comments; and
- (d) the availability of meeting reports.

Footnotes

- 1 For further information on the contents of the Convention, see Annex I
- 2 Further information about these conventions and agreements is available from IUCN Environmental Law Centre, 214 Adenauerallee, D 5300 Bonn, West Germany
- 3 See, pages 24 to 48
- 4 Further information about permits and certificates in Annex III (Standardization of Permits and Certificates Issued by Parties)
- 5 See, Article VII.4
- 6 See, Resolution of the second meeting of the Conference of the Parties, Conf. 2.12.
- 7 See, Resolution of the third meeting of the Conference of the Parties, Conf. 3.8.
- 8 See, Recommendation of the second meeting of the Conference of the Parties, Conf. 2.14.
- 9 See, below IX.
- 10 See, above B.
- 11 See, above B.
- 12 For further information on the content of Annual Reports, see Resolution of the third meeting of the Conference of the Parties, Conf. 3.10.
- 13 See, Resolution of the second meeting of the Conference of the Parties, Conf. 2.14.
- 14 See, page 58
- 15 See, page 23
- 16 See, page 23
- 17 See, page 69
- 18 See, Annex IV
- 19 The text of the guidelines is available from CITES-Secretariat
- 20 See, page 23
- 21 See, sub-paragraphs 1.c, 2.1 and 2.1 of Article IV
- 22 See US Federal Register Vol. 45 No. 99, 20.5.1980 p. 33842

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

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

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 cooperation 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 identified as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the cooperation 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 certi-

Special Supplement to IUCN Bulletin 4 (3) March 1973

Reprinted January 1980

ficate 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 see 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 see 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 la eaejnail 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

HeeuMion 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 that 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 trans-shipment of specimens through or in the territory of a Party while the specimens remain in Customs

2. Where a Management Authority of the State of export or reexport is satisfied that a specimen was acquired before the provisions of the present Convention applied to that specimen, the provisions of Article* (II, 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 purpose, 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 Articles 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 paragraphs 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 the 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 subparagraph (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 the 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 purpose 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 impressions of stamps, seals or other devices used to authenticate permits or certificates.

Article X

Treats with States not Party to the Convention

Where export or re-export is to, or import it 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;

(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

(a) 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 Measure

1. When the Secretariat in the light of information received is satisfied that any species included in Appendices 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.

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 Appendices 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 agreement.

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 obligation 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 2760 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 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:

(*) 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-paragraph (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 coordination 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-paragraphs (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 (a) 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 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 I. 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 questions is included in Appendix III, **submit any amendment of such laws and regulations or any new 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 cannot 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 Bern until 31st December 1974.

Article XX

Rectification, 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 concluded 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.

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

APPENDICES I AND II

as at 6 June 1981

INTERPRETATION

1. Species included in these appendices are referred to:
 - a) by the name of the species; or
 - b) as being all of the species included in a higher taxon or designated part thereof.
2. The abbreviation "app." is used to denote all species of a higher taxon.
3. Other references to taxa higher than species are for the purposes of information or classification only.
4. The abbreviation "p.e." is used to denote species which are possibly extinct.
5. An asterisk (*) placed against the name of a species or higher taxon indicates that one or more geographically separate populations, subspecies or species of that species or taxon are included in Appendix I and that these populations, subspecies or species are excluded from Appendix II.
6. Two asterisks (**) placed against the name of a species or higher taxon indicate that one or more geographically separate populations, subspecies or species of that species or taxon are included in Appendix II and that these populations, subspecies or species are excluded from Appendix I.
7. The symbol (+) followed by a number placed against the name of a species or higher taxon denotes that only designated geographically separate populations, subspecies or species of that species or taxon are included in the appendix concerned, as follows:
+201 Population of South America

- +202 Populations of Bhutan, India, Nepal and Pakistan
- +203 Italian population
- +204 All North American subspecies
- +205 Asian population
- +206 Indian population
- +207 Australian population
- +208 Himalayan population
- +209 All New Zealand species
- +210 Population of Chile
- :211 All species of the family in the Americas
- +212 Australian populations

8. The symbol (-) followed by a number placed against the name of a species or higher taxon denotes that designated geographically separate populations, subspecies, species, groups of species or families of that species or taxon are excluded from the appendix concerned, as follows:

- 101 Populations of Bhutan, India, Nepal and Pakistan
- 102 *Panthera tigris altaica* (amurensis)
- 103 Australian population
- 104 Catartidae
- 105 Population of North America, except Greenland
- 106 Population of the United States of America
- 107 *Meleospitta undulatus*, *Nymphicus hollandicus*, and *Psittacula krameri*
- 108 Population of Papua New Guinea
- 109 Population of Chile
- 110 All species which are not succulent

9. Any plant, whether alive or dead, as well as any readily recognizable part or derivative of a plant of a species or higher taxon included in Appendix II are covered by the provisions of the Convention, unless the symbol (†) followed by a number is placed against the name of that species or taxon. In such a case, only the plant, whether alive or dead, and the parts or derivatives designated as follows are concerned:

- † 1 designates roots
- † 2 designates timber
- † 3 designates trunks

<u>Appendices</u>	-	<u>Apéndices</u>	-	<u>Annexes</u>
1				11
F A U N A				
<u>MAMMALIA</u>				
MONOTREMATA				
Tachyglossidae				<u>Zaglossus</u> <u>app.</u>
MARSUPIALIA				
Macropodidae		<u>Bettongia</u> <u>app.</u> <u>Caloprymnus campestris</u> <u>p. e.</u>		<u>Dendrolagus bennettianus</u> <u>Dendrolagus lumholtzi</u> <u>Dendrolagus inustus</u> <u>Dendrolagus urinus</u>
Phalangeridae		<u>Leiorchestes hirsutus</u> <u>Leiostraphus fasciatus</u> <u>Onychogalea frenata</u> <u>Onychogalea lunata</u>		<u>Phalanger maculatus</u> <u>Phalanger orientalis</u> <u>Burrernys parvus</u>
Burramyidae				
Vombatidae		<u>Lasiorhinus krefftii</u>		
Peramelidae		<u>Chaeropus ecaudatus</u> <u>p. e.</u> <u>Macrotis leontis</u> <u>Macrotis leucura</u> <u>Perameles longipylis</u>		

Caryacidae

Sainthopsis longicaudata
Sainthopsis psammophila

Thylacidae

Thylacinus cynocephalus p.e.

INSECTIVORA

Erinaceidae

Erinaceus frontalis

PRIMATES

PRIMATES spp. *

Lemuridae

Allocebus spp.
Chelogaletus spp.
Ilapalemur spp.
Lemur spp.
Lepilemur spp.
Microcebus spp.
Phaner spp.

Indridae

Avahi spp.
Indri spp.
Propithecus spp.

Daubentonidae

Daubentonia madagascariensis

Callitrichidae

Callimico goeldii
Callithrix aurita
Callithrix flaviceps
Leontopithecus (=Leontideus) spp.
Saguinus bicolor
Saguinus leucopus
Saguinus oedipus (geoffroyi)

Cebidae

Alouatta palliata (villosa)
Ateles geoffroyi frontatus
Ateles geoffroyi panamensis
Brachyteles arachnoides
Cacajao spp.

Cebidae (cont.)

Chiropotes albinus
Saimiri cristedii

Cercopithecidae

Cercocebus galeritus galeritus
Cercopithecus olivaceus (Poloway)
Colobus badius kirkii
Colobus badius uformitatus
Macaca siliensis
Nasalis larvatus
Papio (Mandrillus) leucophaeus
Papio (Mandrillus) spheninx
Presbytis entellus
Presbytis seel
Presbytis plicatus
Presbytis potenziani
Pygathrix nemaeus
Simias concolor

Hylotidae

Hylotates spp.
Symphalangus syndactylus

Pongidae

Pongidae spp.

EDENTATA

Myrmecophagidae

Myrmecophaga tridactyla
Tamandua tetradactyla Chapadensis

Bradypodidae

Bradypus kollviensis

Dasypodidae

Priodontes giganteus (maximus)

PHOLIDOTA

Manidae

Manis crassicaudata
Manis javanica
Manis pentadactyla

Manis temminckii

LATROPHIA	
Leporidae	<u>Ceprolagus hispidus</u> <u>Romerolagus diazi</u> <u>Neonotagus netscheri</u>
BOLIVIA	
Sciuridae	<u>Cynomys mexicanus</u> <u>Lariscus hosei</u> <u>Ratufa</u> spp. <u>Dipodomys phillipsi phillipsi</u>
Heteromyidae	<u>Notomys</u> spp.
Muridae	<u>Pseudomys shortridgei</u>
	<u>Leporillus conditor</u> <u>Pseudomys fumeus</u> <u>Pseudomys praecox</u> <u>Xeromys myoides</u> <u>Zyzomys pedunculatus</u>
Chinchillidae	<u>Chinchilla</u> spp. +201
CETACEA	
Platanistidae	<u>Lipotes vexillifer</u> <u>Platanista</u> spp.
Physeteridae	<u>Physeter catodon</u> (=macrocephalus)
Delphinidae	<u>Sotalia</u> spp. <u>Stusa</u> spp.
Phocaenidae	<u>Neophocaena phocaenoides</u> <u>Phocaena sinus</u>
Eschrichtiidae	<u>Eschrichtius robustus</u> (=glaucus)

Balaenopteridae

Balaenoptera borealis
Balaenoptera musculus
Halimopteria physalus
Megaptera novaeangliae

Balaenidae

Balaena mysticetus
Hubalaena spp.

CARNIVORA

Canidae

Canis lupus ** +202

Canis lupus * ~101
Chrysocyon brachyurus
Cuon alpinus
Dusicyon culpaesus
Dusicyon fulvipes
Dusicyon griseus
Vulpes cana

Ursidae

Helarctos malayanus
Selenarctos thibetanus
Tremarctos ornatus
Ursus arctos ** +203
Ursus arctos isabellinus
Ursus arctos melanotus
Ursus arctos pruinosus

Ursus arctos * +204

Procyonidae

Ursus (=Thalarcos) maritimus

Mustelidae

Aonyx microdon

Allurus fulgens

Enhydra lutris nereis

Lutra felina

Lutra longicaudis (platensis/annectens)

Lutra lutra

Lutra provocax

Lontrinae spp. *

Mustelidae (cont.)

Mustela nigripes
Pteronura brasiliensis

Viverridae

Cryptopithecus ferox
Cynogale bennetti
Eupleres goudotii
Eupleres major
Fossa ionna
Hemigalus derbyanus
Prionodon linsang

Prionodon pardicolor

Hyenidae

Hyena brunnea

Felidae

Felidae spp. *

Acinonyx jubatus
Felis bengalensis bengalensis
Felis catocala ** +205
Felis concolor coryi
Felis concolor costaricensis
Felis concolor cougar
Felis jacobita
Felis maruata
Felis nigripes
Felis pardalis mearnsi
Felis pardalis mitis
Felis planiceps
Felis rubiginosa ** +206
Felis tigris tigris
Felis tigris tigris
Felis tigris tigris
Felis wiedii nicaraguae
Felis wiedii salvinae
Felis yagouaroundi cecumitli
Felis yagouaroundi fossata
Felis yagouaroundi panamensis
Felis yagouaroundi tolteca
Neofelis nebulosa

Felidae (cont.)	<u>Panthera leo persica</u>	
	<u>Panthera onca</u>	
	<u>Panthera pardus</u>	
	<u>Panthera tigris</u> ** -102	
	<u>Panthera uncia</u>	
PINNIPEDIA		
Otariidae	<u>Arctocephalus townsendi</u>	<u>Arctocephalus</u> app. *
Phocidae	<u>Monachus</u> app.	<u>Mirounga angustirostris</u> <u>Mirounga leonina</u>
TUBULIDENTATA		
Orycteropodidae		<u>Orycteropus afer</u>
PHOSOCIDEA		
Elephantidae	<u>Elephas maximus</u>	<u>Loxodonta africana</u>
SIRENIA		
Dugongidae	<u>Dugong dugon</u> ** -103	<u>Dugong dugon</u> * +207
Trichechidae	<u>Trichechus inunguis</u> <u>Trichechus manatus</u>	<u>Trichechus senegalensis</u>

PERISSODACTYLA

Equidae

Equus grevyi

Equus hemionus *

Equus hemionus hemionus

Equus hemionus khur

Equus przewalskii

Equus zebra hartmannae

Equus zebra zebra

Tapiridae

Tapirus belidii

Tapirus indicus

Tapirus pinchaque

Tapirus terrestris

Rhinocerotidae

Rhinocerotidae app.

ARTIODACTYLA

Suidae

Babirusa babirusa

Sus feivianus

Hippopotamidae

Choeropsis liberiensis

Camelidae

Lama guanicoe

Cervidae

Axis (=Ilyelaphus) calamianensis

Axis (=Ilyelaphus) kuhli

Axis (=Ilyelaphus) porcinus annamiticus

Blancaea dichotoma

Cervus duvauceli

Cervus elaphus bactrianus

Cervus elaphus hanglu

Cervus ehti

Dama mesopotamica

Hippocamelus antisensis

Hippocamelus bisulcus

Cervidae (cont.)

Moschus moschiferus ** +208

Ozotoceros leucomaculatus

Pudu pudu

Moschus spp. *

Pudu mephistophiles

Antilocapridae

Antilocapra americana peninsularis

Antilocapra americana monoriensis

Antilocapra americana mexicana

Bovidae

Bison bison athabascensis

Bos gaurus

Bos (grunniens) mutus

Bubalus (Anoa) depressicornis

Bubalus (Anoa) mindorensis

Bubalus (Anoa) quarlesi

Capra falconeri chitanaensis

Capra falconeri jerdoni

Capra falconeri megaceros

Capricornis sumatraensis

Capra falconeri *

Hippotragus niger varians

Nemorhaedus goral

Navitia (Bos) sauveli

Oryx leucoryx

Ovis ammon bodysoni

Ovis orientalis ophion

Ovis yignei

Pantholops bodsoni

Rupicapra rupicapra ornata

Cephalophus monticola

Damaliscus dorcas dorcas

Hippotragus equinus

Kobus leche

Oryx (tao) dammah

Ovis ammon *

Ovis canadensis

AVES

PIPIIFORMES

Rheidae

Pterocnemia pennata

Rhea americana albescent

TINAMIFORMES

Tinamidae

Tinamus solitarius

Rhynchotus rufescens maculicollis
Rhynchotus rufescens pallascens
Rhynchotus rufescens rufescens

SPHENISCIFORMES

Spheniidae

Spheniscus humboldti

Spheniscus demersus

PODICIPEDIFORMES

Podicipedidae

Podilymbus gigas

PROCELLARIIFORMES

Diomedidae

Diomedea albatrus

PELECANIFORMES

Pelecanidae

Pelecanus crispus

Sulidae

Sula abbotti

Fregatidae

Fregata andrewsi

CICONIIFORMES

Ciconiidae

Ciconia ciconia boyclani

Threskiornithidae

Geronticus eremita
Nipponia nippon

Phoenicopteridae

Platalea leucorodia
Phoenicopterus andinus
Phoenicopterus jamesi
Phoenicopterus ruber chilensis
Phoenicopterus ruber ruber

ANSERIFORMES

Anatidae

Anas aucklandica nesiotia

Anas leysanensis
Anas ostenleki

Branta canadensis leucopareia

Branta mandchensis
Calina scutulata

Anas aucklandica aucklandica
Anas aucklandica chlorotis

Anas bernieri

Anser albifrons gambelli

Branta ruficollis

Coscoroba coscoroba
Cygnus bewickii jankowskii
Cygnus melancoryphus
Dendrocygna arbuta

Rhodonessa carvophyllacea p.e.

Sarkidiornis melanotos

FALCONIFORMES

Cathartidae

Gymnoyps californianus
Mitral stryphus

FALCONIFORMES spp. * -104

Accipitridae

Aquila heliaca
Chondrohierax wilsonii
Haliaeetus albicilla
Haliaeetus leuccephalus
Nerpa harpyja
Pithecophaga jefferyi

Falconidae

Falco area
Falco nortoni alabranus
Falco peregrinus (palegrioides/babylonicus)
Falco punctatus
Falco tinniculus ** -105

CALLIFORMES

Megapodidae

Megapodius freycinet abbotti
Megapodius freycinet nicobariensis

Cracidae

Grax blumenbachii
Mitu mitu mitu
Oreophaps derbianus
Penelope albipennis
Pipile leucinga
Pipile pipile pipile

Tetraonidae

Tympanuchus cupido attwateri

Phasianidae

Catreus wallichi
Colinus virginianus ridgwayi
Crossoptilon crossoptilon
Crossoptilon mantchuricum

Cyrtornyx montezumae mearnsi - 106
Cyrtornyx montezumae montezumae
Francolinus ochropectus
Francolinus swierstrai
Gallus sonneratii
Ithaginis cruentus

Phasianidae (cont.)

Lophophorus impejanus
Lophophorus lhuysii
Lophophorus sclateri
Lophura edwardsi
Lophura imperialis
Lophura swinhoii

Polyplectron emphanum

Symaticus ellioti
Symaticus humiae
Symaticus mikado
Tetraopallus campilus
Tetraopallus tibetanus
Tragopan blythii
Tragopan caboti
Tragopan melanocephalus

GRUIFORMES

Turnicidae

Pedionomidae

Gruidae

Turnix melanogaster

Pedionomus torquatus

Balearica regulorum

Grus canadensis pratensis

Rallidae

Tricholimnas sylvestris

Gallinallus australis hectori

Pavo muticus
Polyplecton bicalcaratus

Polyplecton germaini
Polyplecton malacense

Phynochetidae

Otididae

Rhynocheton jubatus
Chlamydotis undulata
Chlorotis nigriceps
Eupodotis bendalensis

Otia tarda

CHAPADRIIFORMES

Scolopacidae

Numenius borealis

Numenius minutus
Numenius tenuirostris

Tringa guttifer

Laridae

Larus brunnicephalus

Larus relictus

COLUMBIFORMES

Columbidae

Caloenas nicobarica
Ducula mindorensis

Gallicolumba luzonica
Goura cristata
Goura scheepmakeri
Goura victoria

PSITTACIFORMES

Pittaciidae

Amazona arauacana
Amazona barbadensis
Amazona brasiliensis
Amazona guildingii
Amazona imperialis
Amazona leucocephala
Amazona pretrei pretrei
Amazona rhodocorytha
Amazona versicolor

PSITTACIFORMES spp. * -107

Psittacidae (cont.)

Amazona vinacea
Amazona vittata
Anodorhynchus glaucus p.e.
Anodorhynchus leeri
Aratinga guaruba
Cyanocitta stixii
Cyanocampus suriceps forbesi
Cyanocampus novaezealandiae
Cyclopsitta (-Oxyopsitta) diophthalma coxeni
Geopsittacus occidentalis p.e.
Myophaps chrysogastrus
Pezoporus wallicus
Plonopsitta pileata
Psephotus chrysopleurygius
Psephotus pulcherrimus p.e.
Psittacula krameri echo
Psittacus erithacus princeps
Pyrrhura cruentata
Rhynchopsitta spp.
Strigops habroptilus

CULICIFORMES

Mucophagidae

Callirex porphyreolophus
Tauraco corytheix

STRIGIFORMES

STRIGIFORMES spp. *

Tytonidae

Tyto soumagnei

Strigidae

Athene blewitti
Ninox novaezeelandiae roysae
Ninox squamipila natalis
Otus gurneyi

AFODIFORMES		
Trochilidae	<u>Ramphodon bohnii</u>	
TROGIDIFORMES		
Trogonidae	<u>Pharomachrus mocinno costaricensis</u> <u>Pharomachrus mocinno mocinno</u>	
CORACIIFORMES		
Bucerotidae	<u>Buceros bicornis horni</u> <u>Rhinoplax vigil</u>	<u>Aceros narcondami</u> <u>Buceros bicornis</u> * <u>Buceros hydrocorax hydrocorax</u> <u>Buceros rhinoceros rhinoceros</u>
PICIFORMES		
Picidae	<u>Campylilus imperialis</u> <u>Dryocopus javensis richardi</u>	<u>Picus squamatus flavirostris</u>
PASERIFORMES		
Pittidae	<u>Pitta kochi</u>	<u>Pitta brachyura nympha</u>
Cotingidae	<u>Cotinga maculata</u>	<u>Rupicola peruviana</u> <u>Rupicola rupicola</u>
Atrichornithid	<u>Xipholena atropurpurea</u> <u>Atrichornis clamorosa</u>	

Hirundinidae

Musculapidae

Zosteropidae

Meliphagidae

Pringlidae

Estrilidae

Sturnidae

Paradisaeidae

Dasyornis brachypterus longirostris
Dasyornis broadbenti littoralis p.e.

Dasyornis broadbenti littoralis p.e.

Picathartes gymnocephalus

Pícatartes oreas

Zosterops alboocularis

Meliphaga cassidix

Spinus cucullatus

Leucopnear rothschilddi

Pseudoxhelidon sirintaræ

Muscícapa rueckii

Psophodes nigrogularis

Spinus yarrellii

Emblema oculata

Prophila cincta cincta

Paradisaeidae spp.

REPTILIA

TESTUDINATA

Dermatemyidae

Emyidae

Batagur baska

Geoclemys (=Dinmynn) hamiltonii
Geomyda (=Nicoria) tricarinata
Kachuga tecta tecta
Morenia ocellata
Terrapene coahuila

Dermatemys mawii

Clemmys mühlenbergi

Testudinidae

Geochelone (=Testudo) elephantopus
Geochelone (=Testudo) radiata
Geochelone (=Testudo) yniphora
Gopherus flavomarginatus
Psammotates (=Testudo) geometricus

Testudinidae spp. *

Cheloniidae

Cheloniidae spp.

Dermochelyidae

Dermochelys coriacea

Trionychidae

Lissemys punctata punctata
Trionyx aler
Trionyx gangeticus
Trionyx hurum
Trionyx nigricans

Pelomedusidae

Chelidae

Pseudemys dura umbrina

Podocnemis spp.

CROCODYLIA

Alligatoridae

Alligatoridae spp. *

Alligator sinensis
Caiman crocodilus apaporiensis
Caiman latirostris
Melanosuchus niger

Crocodylidae

Crocodylidae spp. *

Crocodylus acutus
Crocodylus cataphractus
Crocodylus intermedius
Crocodylus moreletii
Crocodylus niloticus
Crocodylus novaezelandiae
Crocodylus palustris
Crocodylus porosus ** -108
Crocodylus rhomboides
Crocodylus siamensis
Osteolemur tetraspis
Tomistoma schlegelii
Gavialis gangeticus

Gavialidae

RHYNCHOCEPHALIA

Sphenodontidae

Sphenodon punctatus

SAURIA

Gekkonidae

Cyrtodactylus serpensinsula
Phelsuma spp.

Pygopodidae

Paradelma orientalis

Agamidae

Uromastyx spp.

Chamaeleonidae

Chamaeleo spp.

Iguanidae

Brachylophus app.

Cyclura app.

Sauromalus varius

Cordylidae

Telidae

Helodermatidae

Varanidae

Varanus bengalensis
Varanus flavescens
Varanus griseus
Varanus komodoensis

Serpentes

Boidae

Acrantophis app.
Bolyeria app.
Canarea app.
Epicrates inornatus
Epicrates subflavus
Python molurus molurus
Sanzinia madagascariensis

Colubridae

Cyclophis glauca
Elachistodon westermanni
Pseudocapra cinerea
Thamnophis elegans hammondi

Amblyrhynchus cristatus

Conolophus app.

Iguana app.

Phrynosoma coronatum blainvillae

Cordylus spp.

Pseudocordylus app.

Cnemidophorus hyperythrus

Crocodylus jacertinus

Dracaena guianensis

Tupinambis app.

Heloderma app.

Varanus app. *

Boidae app. *

AMPHIBIA

URODELA

Cryptobranchidae

Andrias (-Megalobatrachus) davidianus
Andrias (-Megalobatrachus) japonicus

Ambystomidae

Ambystoma dumerilii
Ambystoma leimacrinis
Ambystoma mexicanum

SALIENTIA

Bufo

Bufo periglenes

Bufo superciliaris
Nectophrynoides spp.

Bufo retiformis

Atelopodidae

Atelopus varius zeteki

PISCES

CYCLACANTHIFORMES

Cyclacanthidae

Latimeria chalumnae

CERATODIFORMES

Ceratodidae

Neoceratodus forsteri

ACIPENSERIFORMES

Acipenseridae

Acipenser brevirostrum

Acipenser fulvescens
Acipenser oxyrinchus
Acipenser sturio

OSTEOGLOSSIFORMES

Osteoglossidae

Arapaima gigan

Scleropages formosus

SALMONIFORMES

Salmonidae

Coregonus alpenae

Salmo chrysogaster
Stenodus leucichthys leucichthys

CYPRINIFORMES

Cyprinidae

Catlocobarbus geertsi
Plagopterus argentissimus

Probarbus jullieni

Ptychocheilus lucius

Catostomidae	<u>Chaemistes cujus</u>
SILURIFORMES	
Schilbeidae	<u>Pangasianodon gigas</u>
ATHERINIFORMES	
Cyprinodontidae	<u>Cynolebias constantiae</u> <u>Cynolebias nairatus</u> <u>Cynolebias minimus</u> <u>Cynolebias glaucescens</u> <u>Cynolebias spilargenteus</u> <u>Xiphophorus couchianus</u>
Poeciliidae	
PERCIFORMES	
Percidae	<u>Stizostedion vitreum glaucum</u>
Sciaenidae	<u>Synodon macdonaldi</u>

MOLLUSCA

ANISOMYARIA

Mytilidae

MAIADIDA

Unionidae

Mytilus chorus

Conradilla caelata

Dromus dromas

Epiblamna (=Dyanomia) florentina

curtisi

Epiblamna (=Dyanomia) florentina

florentina

Epiblamna (=Dyanomia) sampsoni

Epiblamna (=Dyanomia) sulcata

perobliqua

Epiblamna (=Dyanomia) torulosa

gubrinaculum

Epiblamna (=Dyanomia) torulosa

langiana

Epiblamna (=Dyanomia) torulosa

torulosa

Epiblamna (=Dyanomia) turgidula

Epiblamna (=Dyanomia) walkeri

Fusconella cuneolus

Fusconella edgariana

Fusconella subrotunda

Lamprolaima brevicula

Lamprolaima higginai

Lamprolaima orbiculata orbiculata

Lamprolaima setura

Lamprolaima virescens

Plethobasus cicatricosus

Plethobasus cooperianus

Lexingtonia polabelloides

Unionidae (cont.)

Pleurotoma plenum
Potamilus (=Hyptis) catux
Quadrula intermedia
Quadrula siveae
Toxolasma (=Cefunculina) cylindrella
Unio (Megalonyx?) nickliniana
Unio (Lamproloma?) tampecoensis
Ucomatensis
Villosa (=Micromys) trebellii

STYLMMATOPHORA

Camaenidae

Paryphantidae

PRGOSBRANCHIA

Hydrobiidae

Pleurotoma clava

Papustyla (=Papaina) pulcherrima

Paryphanta spp. +209

Coahuilix hubbsi
Cochliopina milleri
Durangoella coahuilae
Mexipyrus carinzae
Mexipyrus churinceanus
Mexipyrus escolade
Mexipyrus lugoi
Mexipyrus mejualia
Mexipyrus multilineatus
Mexithana guahiludium
Nymphophilus minckleyi
Paludiscala caraba

INSECTA

LEPIDOPTERA

Papilionidae

Ornithoptera spp. (sensu D'Athiera)
Parnassius apollin
Trogonoptera spp. (sensu D'Athiera)
Troides spp. (sensu D'Athiera)

ANTHOZOA

ANTIPATHARIA

ANTIPATHARIA spp.

F L O R A

ARCTYDIACEAE

Pachypodium spp. *

Pachypodium namaquanum

ARACEAE

Alocasia sanderiana

Alocasia zebrina

ARALIACEAE

Panax quinquefolium ♀ 1

ARAUCARIACEAE

Araucaria araucana ** +210

Araucaria araucana * -109 ♀ 2

ASCLEPIADACEAE

Ceropegia spp.

Freeria indica

BYBLIDACEAE

Byblis spp.

CACTACEAE

CACTACEAE spp. * +211

Ariocarpus agavoides
Ariocarpus scapharostus
Aztekium lilleri
Echinocereus lindseyi
Obrysonia densiflora
Pelecyphora sessiliformis
Pelecyphora strobiliformis

CARYOPHYLLACEAE

Caryocarpus costaricensis

Rhipsalis spp.

CARYOPHYLLACEAE	<u>Gymnocarpus przewalskii</u> <u>Helandrium mongolicum</u> <u>Silene mongolica</u> <u>Stellaria pulvinata</u>	
CEPHALOTACEAE	<u>Cephalotus follicularis</u>	
CHLORANTHACEAE	<u>Chloranthaceae</u> spp. +212	
COMPOSITAE	<u>Saussurea laevis</u> ♀ 1	
CUPRESSACEAE	<u>Fitzingeria cupressoides</u> <u>Pilgerodendron uviferum</u>	
CYATHACEAE	<u>Cyathaceae</u> spp. ♀ 3	
CYCADACEAE	<u>Cycadaceae</u> spp. *	
DICKSONIACEAE	<u>Dicksoniaceae</u> spp. ♀ 3	
DIDIERACEAE	<u>Didieraceae</u> spp.	
DIOSCOREACEAE	<u>Dioscorea deltoidea</u> ♀ 1	
EUPHORBACEAE	<u>Euphorbia</u> spp. -110	
FAGACEAE	<u>Quercus copseensis</u> ♀ 2	

GENTIANACEAE	<u>Prepusa hookeriana</u>	<u>Anigozanthos</u> spp. <u>Macropidia fuliginosa</u>
HYMENOCLADACEAE		
IMBRIACEAE	<u>Vantanea barbourii</u>	
JUGLANDACEAE	<u>Engelhardtia pterocarpa</u>	
LEGUMINOSAE	<u>Ammopiptanthus mongolicum</u> <u>Cynometra hemitomophylla</u> <u>Platymiscium pleiostachyum</u> <u>Tachidella versicolor</u>	<u>Thermopsis mongolica</u>
LILIACEAE	<u>Aloe albidia</u> <u>Aloe pillansii</u> <u>Aloe polyphylla</u> <u>Aloe thornicroftii</u> <u>Aloe vossii</u>	<u>Aloe</u> spp. *
MELASTOMATACEAE	<u>Levoisiera itambana</u>	
MYRTACEAE	<u>Guarea longipetiolata</u>	<u>Swietenia humilis</u> ♀ 2
MORACEAE	<u>Batocarpus costaricensis</u>	
MYRTACEAE		<u>Verticordia</u> spp.

NEPENTHACEAE

Nepenthes islah

ORCHIDACEAE

ORCHIDACEAE app. *

Cattleya skinneri
Cattleya trianae
Didicicia cunninghamii
Laelia longicane
Laelia lobata
Lycaste virginialis var. alba
Peristeria glata
Renanthera inschootiana
Vanda coerulea

PALMAE

Areca ipoh
Chrysaliidocarpus decipiens
Chrysaliidocarpus lutescens
Neodrypsis decaryi
Phoenix bancana var.
Philippinensis
Zelacca clemensiana

PINACEAE

Abies guatemalensis
Abies nebrodensis

PODOCARPACEAE

Podocarpus costalis
Podocarpus parlatorei

PORTULACACEAE

Anacampseros app.

PRIMULACEAE

Cyclamen app.

PROTEACEAE	<u>Banksia</u> spp. <u>Conospermum</u> spp. <u>Dryandra fornicata</u> <u>Dryandra polycephala</u> <u>Xylomelum</u> spp.
RUBIACEAE	<u>Boronia</u> spp. <u>Crowea</u> spp. <u>Geleznowia verrucosa</u>
RUTACEAE	<u>Darlingtonia californica</u>
SARRACENIACEAE	<u>Sarracenia alabamensis alabamensis</u> <u>Sarracenia ionnifl</u> <u>Sarracenia oreophila</u>
SAXIFRAGACEAE (CROSSULARIACEAE)	<u>Ribes sardoum</u>
SOLANACEAE	<u>Solanum elaeagnifolium</u>
STANGERIACEAE	<u>Stangeria eriopus</u>
STERCULIACEAE	<u>Basiloxylon excelsum</u> ♀ 2
THYMELAEACEAE	<u>Pimelea physodes</u>

UIMACEAE

Celtis astensis

VERBENACEAE

Caryopteris mongolica

WEINITSCHIACEAE

WEINITSCHIACEAE spp. *

Welwitschia bainesii

ZAMIACEAE

ZAMIACEAE spp. *

Encephalartos spp.

ZINGIBERACEAE

Hedychium philippinense

ZYGOPHYLLACEAE

Quisqualis sanctum ♀ 2

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

APPENDIX III

as at 6 June 1981

Interpretation

1. Species included in this appendix are referred to:
 - a) by the name of the species; or
 - b) as being all of the species included in a higher taxon or designated part thereof.
2. The abbreviation "spp." is used to denote all species of a higher taxon.
3. Other references to taxa higher than species are for the purpose of information or classification only.
4. An asterisk (*) placed against the name of a species or higher taxon indicates that one or more geographically separate populations, subspecies or species of that species or taxon are included in Appendix I and that these populations, subspecies or species are excluded from Appendix III.
5. Two asterisks (**) placed against the name of a species or higher taxon indicate that one or more geographically separate populations, subspecies or species of that species or taxon are included in Appendix II and that these populations, subspecies or species are excluded from Appendix III.
6. The name of the countries placed against the names of species or other taxa are those of the Parties submitting these species or taxa for inclusion in this appendix.
7. Any animal or plant, whether live or dead, of a species or other taxon listed in this appendix, is covered by the provisions of the Convention, as is any readily recognizable part or derivative thereof.

FAUNA

MAMMALIA

CHIROPTERA

Phyllostomatidae Vampyrops lineatus Uruguay

EDENTATA

Myrmecophagidae Tamandua tetradactyla ** Guatemala

Bradypodidae Bradypus griseus Costa Rica
Choloepus hoffmanni Costa Rica

Dasypodidae Cabassous centralis Costa Rica
Cabassous gymnurus (tatouay) Uruguay

PHOLIDOTA

Manidae Manis gigantea Ghana
Manis longicaudata Ghana
Manis tricuspis Ghana

RODENTIA

Sciuridae Epixerus ebii Ghana
Sciurus deppei Costa Rica

Anomaluridae Anomalurus spp. Ghana
Idiurus spp. Ghana

Hystricidae Hystrix spp. Ghana

Erethizontidae Coendou spinosus Uruguay

CARNIVORA

Canidae Fennecus zerda Tunisia

Procyonidae Bassaricyon gabii Costa Rica
Bassariscus sumichrasti Costa Rica
Nasua nasua solitaria Uruguay

Mustelidae Galictis allamandi Costa Rica
Mellivora capensis Ghana,
Botswana

Viverridae Viverra civetta Botswana

Hyenidae Proteles cristatus Botswana

FINNIPEDIA

Odobenidae	<u>Odobenus rosmarus</u>	Canada
ARTIODACTYLA		
Tayassuidae	<u>Tayassu tajacu</u>	Guatemala
Hippopotamidae	<u>Hippopotamus amphibius</u>	Ghana
Traquilidae	<u>Hvemoschus aquaticus</u>	Ghana
Cervidae	<u>Cervus elaphus barbarus</u> <u>Mazama americana cerasina</u> <u>Odocoileus virginianus mavensis</u>	Tunisia Guatemala Guatemala
Bovidae	<u>Ammotragus lervia</u> <u>Antilope cervicapra</u> <u>Boocercus (Taurotragus) suryceros</u> <u>Bubalus bubalis</u> <u>Damaliscus lunatus</u> <u>Gazella dorcas</u> <u>Gazella gazella cuvieri</u> <u>Gazella leptoceros</u> <u>Tetracerus quadricornis</u> <u>Tragelaphus spekei</u>	Tunisia Nepal Ghana Nepal Ghana Tunisia Tunisia Tunisia Nepal Ghana

AVES

RHEIFORMES

Rheidae	<u>Rhea americana</u> **	Uruguay
---------	--------------------------	---------

CICONIIFORMES

Ardeidae	<u>Ardea goliath</u> <u>Bubulcus ibis</u> <u>Casmerodius albus</u> <u>Egretta garzetta</u>	Ghana Ghana Ghana Ghana
Ciconiidae	<u>Ephippiorhynchus senegalensis</u> <u>Leptoptilos crumeniferus</u>	Ghana Ghana
Threskiornithidae	<u>Hagedashia hagedash</u> <u>Lampritis rara</u> <u>Threskiornis aethiopica</u>	Ghana Ghana Ghana

ANSERIFORMES

Anatidae	Anatidae spp. * **	Ghana
----------	--------------------	-------

GALLIFORMES

Cracidae	<u>Crax rubra</u>	Costa Rica,
	<u>Ortalis versula</u>	Guatemala
	<u>Penelopina nigra</u>	Guatemala
Phasianidae	<u>Agelastes meleagrides</u>	Ghana
	<u>Traquairia satyra</u>	Nepal
Meleagrididae	<u>Agriocharis ocellata</u>	Guatemala

CHARADRIIFORMES

Burhinidae	<u>Burhinus bistriatus</u>	Guatemala
------------	----------------------------	-----------

COLUMBIFORMES

Columbidae	Columbidae spp. * **	Ghana
	<u>Nesoenas mayeri</u>	Mauritius

PSITTACIFORMES

Psittacidae	<u>Psittacula krameri</u> *	Ghana
-------------	-----------------------------	-------

CUCULIFORMES

Musophagidae	Musophagidae spp. **	Ghana
--------------	----------------------	-------

PICIFORMES

Rhamphastidae	<u>Rhamphastos sulphuratus</u>	Guatemala
---------------	--------------------------------	-----------

PASSERIFORMES

Muscicapidae	<u>Bebrornis rodericanus</u>	Mauritius
	<u>Tchitrea (Terpsiphone)</u>	
	<u>bourbonnensis</u>	Mauritius
Emberizidae	<u>Gubernatrix cristata</u>	Uruguay
Icteridae	<u>Xanthopsar flavus</u>	Uruguay
Fringillidae	Fringillidae spp. * **	Ghana
Ploceidae	Ploceidae spp.	Ghana

REPTILIA

TESTUDINATA

Trionychidae	<u>Trionyx triunguis</u>	Ghana
Pelomedusidae	<u>Pelomedusa subrufa</u>	Ghana
	<u>Pelusica</u> spp.	Ghana

F L O R A

GNETACEAE	<u>Gnetum montanum</u>	Nepal
MAGNOLIACEAE	<u>Talauma hodgsonii</u>	Nepal
PAPAVERACEAE	<u>Meconopsis rexia</u>	Nepal
PODOCARPACEAE	<u>Podocarpus nerifolius</u>	Nepal
TETRACENTRACEAE	<u>Tetracentron</u> spp.	Nepal

ANNEX II

PROCEDURE FOR THE EXCHANGE OF MUSEUM AND HERBARIUM SPECIMENS

Codes for the Representation of Names of Countries

(established by the International Organization for Standardization)

<u>Country</u>	<u>2-letter code</u>	<u>3-letter code</u>
Afghanistan/Afganistán	AF	AFG
Albania/Albanie	AL	ALB
Algeria/Argelia/Algérie	DZ	DZA
Angola	AO	AGO
Argentina/Argentine	AR	ARG
Australia/Australie	AU	AUS
Austria/Autriche	AT	AUT
Bahamas	BS	BHS
Bahrain/Bahrein/Bahreïn	BH	BHR
Bangladesh	BD	BGD
Barbados/Barbade	BB	BRB
Belgium/Bélgica/Belgique	BE	BEL
Benin/Bénin	BJ	BEN
Bhutan/Bhután/Bhoutan	BT	BTN
Bolivia/Bolivie	BO	BOL
Botswana	BW	BWA
Brazil/Brasil/Brésil	BR	BRA
Bulgaria/Bulgarie	BG	BGR
Burma/Birmania/Birmanie	BU	BUR
Burundi	BI	BDI
Canada/Canadá	CA	CAN
Cape Verde/Cabo Verde/Cap-Vert	CV	CPV
Central African Empire/Imperio Centroafricano/Empire centrafricain	CF	CAF
Chad/Tchad	TD	TCD
Chile/Chili	CL	CHL

China/Chine	CN	CHN
Colombia/Colombie	CO	COL
Comoros/Comoras/Comores	KM	COM
Congo	CG	COG
Costa Rica	CR	CRI
Cuba	CU	CUB
Cyprus/Chypre/Chypre	CY	CYP
Czechoslovakia/Checoslovaquia/Tchécoslovaquie	CS	CSK
Democratic Kampuchea/Kampuchea Democrática/ Kampuchea démocratique	KH	KHM
Democratic People's Republic of Korea/ República Popular Democrática de Corea/ République populaire démocratique de Corée	KP	PRK
Democratic Yemen/Yemen Democrático/ Yémen démocratique	YD	YMD
Denmark/Dinamarca/Danemark	DK	DNK
Djibouti	DJ	DJI
Dominica/Dominique	DM	DMA
Dominican Republic/República Dominicana/ République dominicaine	DO	DOM
Ecuador/Equateur	EC	ECU
Egypt/Egipto/Egypte	EG	EGY
El Salvador	SV	SLV
Equatorial Guinea/Guinea Ecuatorial/ Guinée équatoriale	GQ	GNQ
Ethiopia/Etiopía/Ethiopie	ET	ETH
Fiji/Fidji	FJ	FJI
Finland/Finlandia/Finlande	FI	FIN
France/Francia	FR	FRA
Gabon/Gabón	GA	GAB
Gambia/Gambie	GM	GMB
German Democratic Republic/República Democrática Alemana/République démocratique allemande	DD	DDR
Germany, Federal Republic of/Alemania, República Federal de/Allemagne, République fédérale d'	DE	DEU
Ghana	GH	GHA
Greece/Grecia/Grèce	GR	GRC
Grenada/Granada/Grenade	GD	GRD

Guatemala	GT	GTM
Guinea/Guinée	GN	GIN
Guinea-Bissau/Guinée-Bissau	GW	GNB
Guyana/Guyane	GY	GUY
Haiti/Haïti/Haïti	HT	HTI
Holy See/Santa Sede/Saint-Siège	VA	VAT
Honduras	HN	HND
Hungary/Hungria/Hongrie	HU	HUN
Iceland/Islandia/Islande	IS	ISL
India/Inde	IN	IND
Indonesia/Indonésie	ID	IDN
Iran/Irán	IR	IRN
Iraq	IQ	IRQ
Ireland/Irlanda/Irlande	IE	IRL
Israel/Israël	IL	ISR
Italy/Italia/Italie	IT	ITA
Ivory Coast/Costa de Marfil/Côte d'Ivoire	CI	CIV
Jamaica/Jamaïque	JM	JAM
Japan/Japón/Japon	JP	JPN
Jordan/Jordania/Jordanie	JO	JOR
Kenya	KE	KEN
Kuwait/Koweït	KW	KWT
Lao People's Democratic Republic/República Democrática Popular Lao/République démocratique populaire lao	LA	LAO
Lebanon/Líbano/Liban	LB	LBN
Lesotho	LS	LSO
Liberia/Libéria	LR	LBR
Libyan Arab Jamahiriya/Jamahiriya Arabe Libia/ Jamahiriya arabe libyenne	LY	LBY
Liechtenstein	LI	LIE
Luxembourg/Luxemburgo	LU	LUX
Madagascar	MG	MDG
Malawi	MW	MWI

Malaysia/Malasia/Malaisie	MY	MYS
Maldives/Maldivas	MV	MDV
Mali/Mali	ML	MLI
Malta/Malte	MT	MLT
Mauritania/Mauritanie	MR	MRT
Mauritius/Mauricio/Maurice	MU	MUS
Mexico/México/Mexique	MX	MEX
Monaco/Mónaco	MC	MCO
Mongolia/Mongolie	MN	MNG
Morocco/Marruecos/Maroc	MA	MAR
Mozambique	MZ	MOZ
Nauru	NR	NRU
Nepal/Népal	NP	NPL
Netherlands/Países Bajos/Pays-Bas	NL	NLD
New Zealand/Nueva Zelandia/Nouvelle-Zélande	NZ	NZL
Nicaragua	NI	NIC
Niger/Níger	NE	NER
Nigeria/Nigéria	NG	NGA
Norway/Noruega/Norvège	NO	NOR
Oman/Omán	OM	OMN
Pakistan/Pakistán	PK	PAK
Panama/Panamá	PA	PAN
Papua New Guinea/Papua Nueva Guinea/ Papouasie-Nouvelle-Guinée	PG	PNG
Paraguay	PY	PRY
Peru/Perú/Pérou	PE	PER
Philippines/Filipinas	PH	PHL
Poland/Polonia/Pologne	PL	POL
Portugal	PT	PRT
Qatar	QA	QAT
Republic of Korea/República de Corea/ République de Corée	KR	KOR
Romania/Rumania/Roumanie	RO	ROM
Rwanda	RW	RWA

Saint Lucia/Santa Lucía/Sainte-Lucie	LC	LCA
Samoa	WS	WSM
San Marino	SM	SMR
Sao Tome and Principe/Santo Tomé y Príncipe/ Sao Tomé-et-Príncipe	ST	STP
Saudi Arabia/Arabia Saudita/Arabie saoudite	SA	SAU
Senegal/Sénégal	SN	SEN
Seychelles	SC	SYC
Sierra Leone/Sierra Leona	SL	SLE
Singapore/Singapur/Singapour	SG	SGP
Solomon Islands/Islas Salomón/Iles Salomon	SB	SLB
Somalia/Somalia	SO	SOM
South Africa/Sudáfrica/Afrique du Sud	ZA	ZAF
Spain/España/Espagne	ES	ESP
Sri Lanka	LK	LKA
Sudan/Sudán/Soudan	SD	SDN
Suriname	SR	SUR
Swaziland/Swazilandia	SZ	SWZ
Sweden/Suecia/Suède	SE	SWE
Switzerland/Suiza/Suisse	CH	CHE
Syrian Arab Republic/República Árabe Siria/ République arabe syrienne	SY	SYR
Thailand/Tailandia/Thaïlande	TH	THA
Togo	TG	TGO
Tonga	TO	TON
Trinidad and Tobago/Trinidad y Tabago/ Trinité-et-Tobago	TT	TTO
Tunisia/Túnez/Tunisie	TN	TUN
Turkey/Turquía/Turquie	TR	TUR
Tuvalu/Tuvalu	TV	TUV
Uganda/Ouganda	UG	UGA
Union of Soviet Socialist Republics/Unión de Repúblicas Socialistas Soviéticas/Union des Républiques socialistes soviétiques	SU	SUN
United Arab Emirates/Emiratos Árabes Unidos/ Emirats arabes unis	AE	ARE
United Kingdom of Great Britain and Northern Ireland/Reino Unido de Gran Bretaña e Irlanda del Norte/Royaume-Uni de Grande-Bretagne et d'Irlande du Nord	GB	GBR

United Republic of Cameroon/República Unida del Camerún/République-Unie du Cameroun	CM	CMR
United Republic of Tanzania/República Unida de Tanzania/République-Unie de Tanzanie	TZ	TZA
United States of America/Estados Unidos de América/Etats-Unis d'Amérique	US	USA
Upper Volta/Alto Volta/Haute-Volta	HV	HVO
Uruguay	UY	URY
Venezuela	VE	VEN
Viet Nam	VN	VNM
Yemen/Yémen	YE	YEM
Yugoslavia/Yougoslavie	YU	YUG
Zaire/Zaire	ZR	ZAR
Zambia/Zambia	ZM	ZMB

If necessary 2-and 3-letter codes also exist for external territories.

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

THIRD MEETING OF THE CONFERENCE OF THE PARTIES
New Delhi (India), 25 February to 8 March 1981

RESOLUTION OF THE CONFERENCE OF THE PARTIES

Standardization of Permits and
Certificates Issued by Parties

RECALLING the mandatory requirements for the granting of permits and certificates specified in Article VI of the Convention;

RECALLING also the definitions of "bred in captivity" and "artificially propagated" adopted by the second meeting of the Conference of the Parties (San José, 1979) in Resolution Conf. 2.12, and the requirements of Article VII, paragraph 5, of the Convention pertaining to the issuance of certificates for specimens bred in captivity or artificially propagated;

RECOGNIZING that many Parties have not to this point achieved strict compliance with the requirements of the Convention;

CONSCIOUS of the need to meet the requirements of the Convention in regard to the contents of permits and certificates;

CONSIDERING the need for improved standardization of export permits and re-export certificates;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

URGES every Party to comply fully with the requirements of Article VI of the Convention, and Resolution Conf. 2.12;

RECOMMENDS

- a) that import permits for Appendix I specimens, re-export certificates and other certificates issued by a Party under provisions of the Convention contain, as appropriate, similar information to that required for the export permit;

* This document was prepared after the meeting from document Com. 3.16 adopted without amendments. (Note from the Secretariat).

- b) that Parties provide in their permits and certificates complete information on units of measurement used, i.e., avoid general descriptions such as "one case" or "one shipment" in the case of animals or "one batch" or "one community pot" in the case of plants and instead use in the case of skins, hides or trophies representing one whole animal, the specific number of animals concerned, or include weight (in kg) and other measurements of parts and derivatives as appropriate for animals and in the case of plants, cuttings, seeds, seedlings, etc., use the number of plants concerned, or include weight (in kg) and other measurements of parts and derivatives as appropriate for plants;
- c) that Parties adapt the contents and, to the extent practicable, the format of their export permits and re-export certificates to the standard model attached to the present Resolution;
- d) that each form be printed in one or more of the working languages of the Convention (English, French, Spanish) and the national language, if different from one of the working languages;
- e) that Parties take appropriate security measures as recommended in Resolution Conf. 3.7 in order to reduce the risk of forgeries or misuse of permits and certificates; and
- f) that Parties communicate to the Secretariat information relating to stricter domestic measures in accordance with Article XIV, paragraph 1(a), of the Convention, which may affect the legality of imports, exports or re-exports; and

REQUESTS the Secretariat

- a) to disseminate the information mentioned in sub-paragraph f) above to other Parties with a view to ensuring effective implementation in the context of Article XIII of the Convention; and
- b) to conduct a study commencing after the close of the third meeting of the Conference of the Parties for the purpose of evaluating the implementation and effectiveness of the above recommendations and report to the fourth meeting of the Conference of the Parties.

ANNEX IV

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

SPECIAL WORKING SESSION OF THE CONFERENCE OF THE PARTIES

Geneva (Switzerland), 17 to 28 October 1977

IDENTIFICATION OF SPECIMENS

The Use of Customs Tariff Nomenclature

1. Introduction

11 The present working document has been prepared by Switzerland. In it the use of the Nomenclature of the Customs Council is discussed as a means of registering protected specimens and as a means of standardizing the measures to be taken by the individual Parties.

12 Article I of the Convention stipulates that apart from alive and dead animals and plants, other readily recognizable parts or other readily recognizable products from animals and plants would also fall under the terms of the Convention. However it will be left to the individual Parties to determine what they consider to be readily recognizable and what they do not.

Two problems arise in connection with this:

- a) How will the executive bodies be briefed on which products they have to recognize with regard to the Convention, and
- b) how can it be avoided that, through different interpretations of Article I by the Parties, loopholes will appear in the structure of the Convention through which parts or products of protected species will find their way into legal circulation without having fulfilled the requirements.

2. Recognition of Goods during Customs Clearance:
General Analysis into Categories

- 21 Independent of whether the control in the sense of the Convention is to be enforced by the customs administration itself as, for example, in the Federal Republic of Germany, the United Kingdom, Australia or Canada, or by a special department like the Fish and Wildlife Service in USA or the Border Veterinary Service in Switzerland, the goods registered for importation will go at first to a customs officer. He will have to decide in the first instance whether the consignment could contain protected specimens; and that it would therefore have to undergo further inspection by the customs administration or special department with regard to the Convention.
- 22 Apart from its fiscal duties the customs administration has to check that a multitude of laws are being adhered to at the customs border. The Swiss service manual on the laws and decrees of a non-customs nature, which have to be enforced by the customs administration, contains a catalogue of 38 different laws. For the average customs official, not particularly motivated in nature conservation, the Washington Convention on Endangered Species is just one of many by-laws which he has to keep in mind. The danger exists that in the absence of specifically detailed instructions the Convention will be lost in the multitude of other regulations.
- 23 As can be seen in the annex parts of protected species, or products of such parts, can be found in the most widely differentiated goods. The customs officer must then consider in the greatest variety of situations, e.g. in the inspection of live animals, of wood, of clothing accessories or of jewellery, if the Convention may be affected. With only a service manual of general content it is more than probable that consignments with protected specimens will slip by a specific control because the connection between the product and the legislation for the conservation of nature will be overlooked.
- 24 As a first step, therefore, a customs officer should specifically be made aware in which group of goods protected species may be found (General Analysis into Categories). This would be of most practical value in a

language with which the officer is familiar, i.e. by giving the corresponding customs tariff numbers. The foregoing is already in use in several countries Party to the Convention:

In Switzerland the information was made known through an entry in the Customs Tariff, i.e. in that document which is consulted at each customs clearance. This rule also has the advantage that importers and customs declarants can be informed on a wider basis, as the Customs Tariff is a service manual which is also made available to this group.

In the Federal Republic of Germany the catalogue of goods subject to control, listed according to the Nomenclature of Customs Tariffs, is readily available. In Britain importers are given a list of goods without customs tariff numbers but on the other hand information about individual customs tariff numbers is listed in a confidential departmental manual.

3. Recognition of Goods during Customs Clearance:
Refined Analysis into Categories

31 The indication of the critical customs category alone is insufficient in separating the specimens falling effectively under the Convention (Refined Analysis into Categories), since almost every customs category also includes goods which are made from non-protected species. For refined analysis into categories, therefore, further indications are required, of which the editing must vary according to whether the inspection and analysis is enforced through the customs administration itself or through a special service.

In the following example the customs tariff number 0510, Ivory, has been used in explanation:

32 In Switzerland the detailed controls are the duty of the Border Veterinary Service. The customs officers themselves, therefore, receive only the following information:

The Customs Tariff for each critical category contains the direction that all or a particular part of the goods falling into this category are to be submitted to the Border Veterinary Surgeon.

An internal service manual contains in a concise, readily understood form information about the legislative foundation, the purpose of the Convention, the authorized procedure, the division of authority between the Customs Administration and the Veterinary Office, as well as an overall view of the goods subject to control listed according to the Nomenclature of Customs Tariffs and the appropriate customs offices.

The customs officers are not loaded with detailed information, in particular they are not to concern themselves with the lists of protected species.

The information which the customs officer would receive, e.g. regarding category 0510 is simply as follows:

ex 0510 Ivory, unworked or simply prepared, excluding powder or waste of ivory: Border veterinary control.

The determination of the specific identity of the ivory, the knowledge of the varying protection status of the different ivory-producing animal species in question, the exact knowledge of the licensing mechanism, is the duty of the Border Veterinary Service. This Service has available a wide range of documentation comprising, among others, the complete text of the Convention including appendices, the Swiss law enforcement decrees, guiding rules for action, identification keys and other aids to recognition.

- 33 For the instruction of customs officers in countries where the customs have not the possibility to refer back to a special service the information must necessarily be detailed:

331 United Kingdom

0510 Any tusk (if unworked or simply prepared) of any of the following animals, namely

- (a) any animal of the family Elephantidae (elephants)
 - (b) any animal of the family Suidae (pigs)
 - (c) any animal of the species Monodon monoceros (narwhal)
 - (d) any animal of the species Odobenus rosmarus (walrus)
- and any part of such tusk etc.

In the British system, therefore, customs officers are required to have a certain basic zoological knowledge, especially of taxonomy.

332 Federal Republic of Germany

0510 Any tusk of species of elephants, walrusses, whales, listed on Appendix I or II of the Convention.

The German system requires not only a basic zoological knowledge but also an exact knowledge of the appendices.

4. International Co-ordination

41 The success of the Convention essentially depends upon the fact that the control and therefore the limitations of trade in all the countries Party to the Convention are as far as possible uniformly carried out. Loopholes in individual countries could in some circumstances destroy the efforts of the Convention for certain species. For example: the population of the African elephant has decreased drastically over the last years, especially in East Africa.

Substantially answerable for the reduction in strength are the organized poachers and the illegal export of poached ivory. The largest quantity of raw ivory is exported to eastern Asia to countries who are either not Parties to the Convention or who have made specific reservations in relation to the African elephant. From eastern Asia the processed ivory successfully finds its way mainly into western industrial countries. In order that the protection of the African elephant under the Convention is generally effective it is insufficient if only raw or simply prepared ivory is controlled, but all Parties to the Convention must take processed ivory into control.

42 Uniform control would be soonest achieved by use of a uniform language. For this purpose in Brussels in 1950 the Convention on Nomenclature for the Classification of Goods in Customs Tariffs was concluded. This Convention has so far been ratified by 37 countries and put into practice by a further 97 countries, including 30 of the 40 Parties to the Washington Convention. So the majority of the contracting Parties use the same nomenclature, i.e. a uniform definition for the classification of goods.

43 In an appended list a catalogue of every number in the Nomenclature of Customs Tariffs will be given, which if need be, may include protected

specimens. This does not mean that the annex in this form should be used by any individual Party to the Convention as a basis for its control. Rather it should give a basis for discussion about which parts or products in the sense of the Convention can be validly considered "readily recognizable" and which parts or products are therefore not worthy of control because they are only made from waste or are by-products.

44 It is hardly possible at the present time that all the countries Party to the Convention make exactly the same categories of goods subject to control since, with the wide assortment of controllable goods, the Management Authorities must take into consideration the standard of training of their executive officers. In Switzerland control was at first limited to a relatively small assortment of goods. For reptile leather, for example, only the Customs Tariff numbers 4101 (raw skins), 4105 (reptile leather) and part of 4203 (clothing made from reptile leather) were controlled. After the officers had acquired a certain routine it was also possible to take into consideration category 4202 (travel goods, handbags, purses, etc.) and within category 4203 not only clothing but also clothing accessories made from reptile leather.

5. Conclusions

51 As far as possible uniformity of execution should be considered to be the goal of the countries Party to the Convention.

52 Since at the present time uniform executive decisions are hardly able to be realised, the following measures should be taken:

521 Countries between which a close commercial relationship exists should come to a bilateral agreement about the range of control. This agreement should in every case include the General Analysis into Categories and if possible also the Refined Analysis.

522 Motions passed by the Conference, recommendations of the working sessions or of the Secretariat about the range of control should take into account the Nomenclature of the Customs Council.

523 On the basis of the following annex the special working session

should examine which categories of goods may validly be considered as "readily recognizable" in the sense of Article Ib of the Convention.

524 Within the readily recognizable products an order of priority should be established which can serve the Parties as a guide in the gradual expansion of control.