

WHAT IS CITES and the CoP?

What is CITES?

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is an international agreement between Governments. The aim of the Convention is to ensure that international trade in specimens of wild animals and plants does not threaten their survival in the wild.

Because the trade in wild animals and plants crosses international borders, international cooperation is required to monitor and regulate the trade to safeguard certain species from over-exploitation. In recognition of this need for such international collaboration, CITES was agreed by 80 countries in 1973. The Convention entered into force on 1 July 1975 and at the time of writing (February 2010) has 175 Parties. More than 30,000 plant and animal species are listed on the three Appendices of the Convention, depending on their biological status and the impact that international trade may have upon this status.

How does CITES work?

CITES is an international agreement (a treaty) to which States adhere voluntarily. States that sign and ratify the Convention ('join' CITES) agree to be bound by it and are known as Parties to the Convention. Although Parties to CITES have to implement the Convention as it is a legally binding agreement, it does not take the place of a Party's national laws. Instead, the Convention provides a framework that obligates each Party to adopt their own domestic legislation to make sure that CITES is implemented and enforced at the national level. Effective implementation and enforcement by parties is crucial to the effectiveness of the Convention as a whole.

Member countries, known as Parties, work together in a variety of ways to fulfil the Convention's aims. For instance:

- Parties may agree to ban international commercial trade in an agreed list of plant and animal species threatened with extinction. This list (Appendix I), includes, for example, tigers; almost all whale species; all marine turtles; elephants; all the great apes; numerous birds of prey, cranes and pheasants; many species of crocodiles, tortoises and snakes; and some cycads, cacti and orchids
- Parties may also agree to regulate trade through a system of permits (based on scientific and management determinations made by the exporting Party) in many other species that may become threatened with extinction if trade is not strictly controlled. These species are listed in Appendix II and include, for example, all those primates, cats, cetaceans, birds of prey, parrots, crocodiles and orchids not listed in Appendix I, and other species such as freshwater turtles, mahogany, sea horses and the whale and basking sharks
- The third appendix under the Convention, Appendix III, includes species subject to regulation within a particular member country and for which the co-operation of other member countries is needed to control cross-border trade (largely for enforcement purposes). A good example of this is Spanish cedar (*Cedrela odorata*), which Peru, Columbia and Guatemala have included in Appendix III.

In order to comply with CITES' requirements, each Party is required to designate a Management Authority (to issue permits for trade in species listed in the CITES Appendices) and a Scientific Authority (to provide scientific advice on imports and exports). CITES enforcement is often the responsibility of Customs, Police, wildlife Inspectorates or similar agencies.

Can species listed on the Appendices be traded internationally?

When a species is listed on Appendix I, trade in specimens taken from the wild for commercial purposes is prohibited, and should be authorized only for non-commercial purposes (such as for scientific research). However, trade in captive bred animals or artificially propagated plants is allowed in certain circumstances.

When a species is listed on Appendix II, exports of the species should only be allowed when the exporting country has determined that the trade is in compliance with their own national and domestic legislation and if the export will not be detrimental to the species' survival in the wild.

When a species is listed on Appendix III by a range State, exports from that range State (and other range States that also list the species) should only be allowed when the Management Authority is satisfied that the specimen has been legally obtained. Exports from other range States (who have not included their own populations of the species on Appendix III) must be accompanied by Certificates of Origin, stating the exporting country.

What is the Meeting of the Conference of the Parties (CoP)?

The treaty requires that the Parties meet every two and a half to three years at a CoP. During this two-week long meeting, the Parties:

- review progress in the conservation of species included in the Appendices;
- consider (and where appropriate adopt) proposals to amend the lists of species in Appendices I and II (adding, transferring or removing from the Appendices);
- consider discussion documents and reports from the Secretariat, Parties, permanent committees or other working groups;
- recommend measures to improve the effectiveness of the Convention; and
- make provisions (including the adoption of a budget) necessary to allow the Secretariat to function effectively.

Attendees at a CITES CoP include delegations from the Parties, representatives of the CITES Secretariat and UNEP, representatives of Intergovernmental Organizations (e.g., IUCN), representatives of other international treaties with which CITES cooperates (e.g., CMS, CBD), non-Party countries (as observers) and approved international and national non-governmental organisations (NGOs), who attend as observers. NGOs are permitted to participate actively in the workings of a CoP, including intervening during committee and Plenary sessions, and active participation in working groups.

CITES also has three permanent Committees: the Standing Committee, Animals Committee and Plants Committee. Each Committee meets at least twice between CoPs to resolve issues carried over from past committee meetings and CoPs, as well as to identify new issues that need to be addressed. WWF and TRAFFIC participate actively in intersessional meetings of these Committees.

What are CITES Resolutions and Decisions?

The text of the Convention provides a basic framework for the implementation of CITES. Certain provisions are very broad in nature and need to be complemented by an agreement on how they should be implemented in a harmonized way. Other provisions leave room for interpretation as to exactly what is intended. As a result, guidance is regularly required to solve problems and to improve the effectiveness of the Convention.

One of the tasks of the Conference of the Parties is to make recommendations to provide such guidance. At each of its meetings, the Conference of the Parties to CITES considers problems of implementation of the Convention and its effectiveness. The results of its deliberations are in the form of recommendations that are recorded either in Resolutions or in Decisions of the Conference of the Parties

Of these two types of recommendation, Resolutions are intended to be of a more permanent nature, guiding implementation of the Convention over periods of several years. The Resolutions include the guidance provided by the Conference of the Parties on how to interpret the provisions of the Convention but they also include: the documents establishing the permanent committees; the budgets of the Secretariat; rules for controlling the trade (such as issuing permits and marking specimens in trade); and the texts establishing long-term processes, such as the Review of Significant Trade. All Resolutions are numbered and the initial number of each one indicates the meeting of the Conference of the Parties at which it was adopted.

The Decisions are of a different nature. Typically they contain instructions to a specific committee or to the Secretariat. This means that they are to be implemented, often by a specified time, and then become out of date. Decisions that have been implemented or that have become redundant are deleted by the Secretariat.

What happens at a CoP?

Each Party may send a delegation to the CoP to discuss the issues for consideration. Representatives of the Secretariat attend and are responsible for taking the minutes of the meeting and providing the delegations with copies of the meeting documents. Approved observers (NGOs, IGOs, observer governments, etc.) may attend all Plenary and committee sessions and comment in these sessions on any of the issues. However, only Parties may vote on any of the proposals raised. In addition, some country delegations hold daily meetings during the CoP to brief NGOs on current developments. The business of the CoP is discussed in sessions of the Plenary, Committee I (scientific issues, and amendments to the Appendices), Committee II (implementation and compliance issues), and the Budget Committee (which is, in effect, a sub-Committee of Committee II).

Before the conclusion of the CoP, several amendments to the Appendices, resolutions, and decisions are adopted by the Parties. It is then the responsibility of the Parties and the Secretariat (and relevant committees) to implement them.

What happens at the Plenary?

The first session of the Plenary opens the CoP, establishes the rules of procedure, and adopts the CoP agenda and working programs. The CoP then breaks into committees where most of the issues for consideration of the Parties are discussed. Although the committees make recommendations to the Plenary, the Plenary is the only forum where amendments, decisions and resolutions are actually approved. The Plenary meets again near the end of the CoP to resolve outstanding issues, adopt recommendations from the committees, select the host country of the next CoP, and close the meeting.

During the closing session of the Plenary, Parties may reopen discussion of issues from any of the other committees before approval. Thus, an earlier debate (and vote) may be reopened if there is sufficient support from Plenary, with votes potentially overturned. For example, at CoP12, neither basking nor whale shark achieved the required two-thirds majority for their inclusion on Appendix II in committee I. The vote was re-opened in Plenary and the two-thirds majority was achieved for both species, resulting in their inclusion on Appendix II. On the other hand, at CoP 14, a proposal to list red coral on Appendix II achieved the necessary majority in Committee I but the debate was opened in plenary, the two-thirds majority was not reached in the second vote, and the proposal fell.

All Party countries with delegations present at the CoP may vote “yes,” “no,” or “abstain” on any of the items put to a vote in the committees and the Plenary. Party countries without an accredited delegation at a CoP (i.e. without credentials signed by an appropriate Minister or similar Government official), and observer countries, do not vote at the CoP. Efforts are made to adopt decisions, resolutions, or proposals by consensus, but often a vote is needed. Proposals need a 2/3 majority for adoption. If requested and seconded by the required number of countries, any vote can be taken by secret ballot. Controversial issues invariably are decided by secret ballot (e.g., proposals related to whales, elephants, marine turtles, fish, and timber species have all in the past been decided by secret ballot).

What happens in the Committees?

Agenda items related to proposed amendments to the Appendices and other scientific issues are discussed in Committee I. Party countries may propose to list, uplist, downlist, or de-list species in Appendix I and II. Committee I also considers proposals regarding export quotas and ranching operations, and deals with the criteria for amending the Appendices. Each proposal is introduced by the proponent country and then other Parties and observers are invited to comment on the proposals. Parties are invited to speak first, with observers following. In order for a proposed amendment to the Appendices to be adopted, it must be approved by consensus or by a 2/3 majority vote of the Parties voting. The determinations reached in Committee I are held until the closing Plenary session for final approval.

Agenda items related to CITES implementation (including enforcement, compliance, legislation, etc.), including relevant proposed resolutions and decisions, are discussed in Committee II. Each Party may send delegates to sessions of this Committee. Resolutions are adopted by consensus or a 2/3 majority vote of the Parties voting. Often, a proposed resolution is revised based on discussions in Committee II and submissions from working groups, and the revised version is then adopted. Based on discussions of a given agenda item in Committee II, a decision may also be adopted. A decision directs the Secretariat, the

Standing Committee, the Animals Committee, or the Plants Committee to take an action related to CITES implementation.

Conversely, a resolution recommends that the Parties take an action that interprets the text of CITES. The determinations reached in Committee II are held until the closing Plenary session for final approval. CITES budget issues are discussed in the Budget Committee.