

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



Sixty-second meeting of the Standing Committee
Geneva (Switzerland), 23-27 July 2012

Interpretation and Implementation of the Convention

Trade control and marking

LEOPARD EXPORT QUOTAS

1. This document has been submitted by the United States of America*.

Background

2. Over the past several years, the United States has experienced problems associated with the import of some leopard (*Panthera pardus*) hunting trophies resulting in delay of shipments and, sometimes, enforcement actions. We have consulted with range countries and enlisted the help of the Secretariat in an attempt to resolve these problems. On 30 March 2012, the Secretariat sent an email to leopard range countries with export quotas in Resolution Conf. 10.14 (Rev. CoP14), *Quotas for leopard hunting trophies and skins for personal use*, and some importing countries seeking information on the way in which they consider the resolution should be implemented. It was clear from the responses received that different countries have different interpretations of the recommendations in the resolution. As a result, the United States developed a discussion document and, on 30 April 2012, circulated the draft document to leopard range countries for review and comment. The Secretariat provided the draft to importing countries. We received limited feedback, which we have incorporated into the document, and now seek the advice of the Standing Committee on the way forward.
3. The leopard, *Panthera pardus*, has been listed in Appendix I since 1975. At CoP4, the Parties adopted the first in a series of resolutions addressing trade in leopard skins. Resolution Conf. 4.13, *Trade in leopard skins*, recognized that *Panthera pardus* is not endangered throughout its range and established export quotas and a tagging system for leopard skins from seven range countries.
4. Paragraph a) of Resolution Conf. 4.13 stated that the countries listed “may not export more...skins **in any one calendar year** than the number shown...” Paragraph c) of the resolution included a recommendation that importing countries accept leopard skins from these range countries only if the skins had a self-locking tag attached that contained information showing “the state of export, the number of the specimen in relation to the annual quota and **the calendar year to which the quota applies...**” [emphasis added].
5. Subsequent resolutions addressing trade in leopard skins have included Resolutions Conf. 5.13, Conf. 6.9, Conf. 7.7, Conf. 8.10, Conf. 8.10 (Rev.) and Conf. 10.14 (revised at CoP12, CoP13, and CoP14). In these resolutions, quotas for leopard skins have been revised, reporting requirements have changed, and the number of range countries with export quotas for leopard skins has risen from 7 to 12. As the resolutions addressing trade in leopard skins have evolved the recommendations regarding the way in which quota information should be reported on export permits have also evolved.
6. At CoP7, the Parties adopted language in paragraph c) of Resolution Conf. 7.7, *Quotas for leopard hunting trophies and skins for personal use*, recommending that the information on the leopard tag should also be given on the export document.

* The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat or the United Nations Environment Programme concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.

7. At CoP10, the Secretariat raised concerns (in Doc. 10.42) about potential confusion regarding the interpretation of the quota language in Resolution Conf. 8.10 (Rev.), *Quotas for leopard hunting trophies and skins for personal use*. The Secretariat understood the phrase in paragraph a) of the resolution stating that range countries “may not export more...skins in any one calendar year than the number shown” to mean that the quota related only to the year of export and not to the year in which the specimens were removed from the wild. They noted that in practice however, while tags are attached to skins during the year in which they are harvested, for legitimate reasons the skins may not be exported until the following year, or later. Recognizing that such exports were often considered as being covered by the quota for the year in which they were tagged (the year of harvest) and not the year of export, the Secretariat sought the advice of the Conference of the Parties with regard to the application of the provisions of paragraphs a) and c) of Resolution Conf. 8.10 (Rev.).
8. In response to the issues raised by the Secretariat in Doc. 10.42 regarding the timing of exports of leopard skins, the Parties adopted amendments to paragraphs a) and c). In the newly adopted resolution (Resolution Conf. 10.14, *Quotas for leopard hunting trophies and skins for personal use*) paragraph a) was revised to indicate that the range countries listed “may not export more...skins **taken from any one calendar year** than the number shown...” In addition, paragraph c) of the resolution was amended to state that the tags should include the calendar year “**in which the animal was taken in the wild...**” Paragraph a) was last amended at CoP14 to clarify the meaning of “calendar year” so the Resolution now states that the range countries listed, “may not export more...skins taken from any one calendar year (**1 January to 31 December**) than the number shown...” [emphasis added].
9. Currently, there are two resolutions that provide recommendations regarding the information that should be included on an export permit for leopard skins. In addition to the recommendations in Resolution Conf. 10.14 (Rev. CoP14), *Quotas for leopard hunting trophies and skins for personal use*, Resolution Conf. 12.3 (Rev. CoP15), *Permits and certificates*, provides guidance on the reporting of export quotas on CITES documents. Section VIII of Resolution Conf. 12.3 (Rev. CoP15) addresses permits and certificates for species subject to quotas. Paragraph b) of Section VIII recommends that:
 - each export permit issued for specimens of a species subject to an annual export quota, whether established nationally or by the Conference of the Parties, indicate the total quota that has been established for the year and include a certification that the quota is being complied with. For this purpose Parties should specify the total number or quantity of specimens already exported **in the current year** (including those covered by the permit in question) and the export quotas for the species and specimens that are subject to the quota [emphasis added];
10. Taken together, the recommendations in Resolution Conf. 10.14 (Rev. CoP14), paragraphs a) and c), and in Resolution Conf. 12.3 (Rev. CoP15), Section VIII, paragraph b), can be interpreted to mean that the export permit for a leopard skin should include both the information given on the tag (from the year of harvest) and the number of leopard skins exported during the current (export) year. However, this is not the only reasonable interpretation of these recommendations. As a result, the recommendations have not been implemented consistently by all Parties.
11. Because the recommendations regarding export quotas in Resolution Conf. 10.14 (Rev. CoP14) and Resolution Conf. 12.3 (Rev. CoP15) can be interpreted in different ways, misunderstandings and disagreements have arisen between some range countries and some importing countries with regard to what information should be included on export permits for leopard skins. We believe it is important to reach a common understanding of the way in which quotas for Appendix-I species are monitored by range countries and reported on export documents. The fact that leopard skins are often not exported during the calendar year in which they were harvested creates an additional challenge for both range countries and importing countries with regard to monitoring of quota numbers.

Discussion

12. Recognizing that exporting and importing countries share responsibility for ensuring that export quotas are respected, we believe the Parties should clarify the recommendations for export of leopard skins to ensure a common understanding of the way in which these quotas are managed at the national level and reported on CITES documents. We consider that the tag and quota information given on export permits for leopard skins should serve the purpose of: 1) *identifying the specific specimen being traded*; and 2) *accounting for that specimen in relation to the export quota*. We present options here for clarifying the recommendations for reporting tag and quota information on export permits for leopard skins, taking into account the following points:

- a) The quotas in Resolution Conf. 10.14 (Rev. CoP14) represent the number of leopard skins harvested in a given year that may be exported, and all of those skins will most probably not be exported during the calendar year in which they are harvested [paragraph a) of Resolution Conf. 10.14 (Rev. CoP14)]; [Note: This is based on the language in the resolution and the discussions at CoP10.]
- b) Leopard skins are tagged with a self-locking tag that contains specific information and the information on the tag is to be recorded on the export permit [paragraph c) of Resolution Conf. 10.14 (Rev. CoP14)]; [Note: Tags are not necessarily issued or used sequentially (as they may be distributed to provincial or regional Management Authorities in batches, for example). A skin with a tag that reads "ZA 14/150 2010" is not necessarily the 14th leopard taken from the wild in South Africa during 2010, but it is a leopard taken from the wild in South Africa during 2010 that was tagged with 2010 tag number 14.]
- c) For export of specimens subject to a quota, block 11a of the standard CITES permit form should contain information about the specimen in relation to that quota [Section VIII, paragraph b) and the Instructions and explanations for the Standard CITES form in Annex 2 of Resolution Conf. 12.3 (Rev. CoP15)]. For re-exports of such specimens, including leopard skins, block 11a does not need to be completed.
- d) Leopard quotas are listed in the Secretariat's table of CITES national export quotas for 2012 (<http://www.cites.org/common/quotas/2012/ExportQuotas2012.pdf>), implying that the leopard quota numbers represent the total number of leopard skins that may be exported during 2012. [Note: We consider this to be in conflict with Resolution Conf. 10.14 (Rev. CoP14).]

13. **Identifying the specimen in trade:** This is accomplished by tagging the skin and recording the tag information on the export permit, as recommended in paragraph c) of Resolution Conf. 10.14 (Rev. CoP14). This links the permit to the specimen and gives assurance to inspecting officials that the specimen in trade is the specimen for which the permit was issued.

[We could recommend changes to paragraph c) of Resolution Conf. 10.14 for clarification, depending on whether others agree with our interpretation in paragraph 12. b) above. For example:

- c) the Management Authority of the State of import permit the import of leopard skins in accordance with this Resolution only if each skin has a self-locking tag attached which indicates the State of origin ~~export~~, the number of the specimen in relation to the annual quota and the calendar year in which the animal was taken in the wild – for example ZW 6/500 1997 indicating that ~~Zimbabwe is the State of export and that the specimen was taken in the wild in Zimbabwe in 1997 and received tag number six is the sixth specimen taken in the wild in Zimbabwe~~ out of its Zimbabwe's quota of 500 for 1997 – and if the same information as is on the tag is ~~given~~ recorded on the export document;]

14. Referencing the standard CITES permit form in Annex 2 of Resolution Conf. 12.3 (Rev. CoP15) and the related instructions and explanations, we suggest that the information from the tag should be entered in block 9 (which is to include a description of the specimen, including marks or tags) or block 5 (which is to contain special conditions) on the export permit or re-export certificate for leopard skins/hunting trophies.

15. **Accounting for the specimen in relation to the export quota:** This can be accomplished by revising the text in paragraph a) of Resolution Conf. 10.14 (Rev. CoP14) to further clarify that the quotas in the table represent the number of leopard skins harvested from a given calendar year that may be exported, regardless of whether the skins are exported in the year of harvest or in a subsequent year [*if others agree with our interpretation in paragraph 12. a) above*], and then tracking the number of skins harvested in a given year that have been exported.

[We could recommend changes to paragraph a) of Resolution Conf. 10.14 for clarification, depending on whether others agree with our interpretation in paragraph 12. a) above. For example:

- a) in reviewing applications for permits to import whole skins or nearly whole skins of leopard (including hunting trophies), in accordance with paragraph 3 (a) of Article III, the Scientific Authority of the State of import approve permits if it is satisfied that the skins being considered are from one of the following States, which may not export more of the said skins taken from any one calendar year (1 January to 31 December) than the number shown under 'Quota' opposite the name of the State, regardless of whether the skins are exported in the year of harvest or in a subsequent year (For example, a country with a quota of 250 leopard skins for 2010 may export 50 leopard skins taken in 2010 during 2010,

150 of the leopard skins taken in 2010 may be exported during 2011, and 50 of the leopard skins taken in 2010 may be exported in 2012):]

16. It is up to each range country to determine the manner in which it will track and monitor its leopard export quota. We expect that different countries could accomplish this in different ways. However, to avoid misunderstandings and delay of shipments, it is important to agree to a common method for entering the necessary information (i.e., the total export quota and the relationship of the specimen to that quota) on the export permit. We have considered the following options:
- a) Record, in block 11a of the standard CITES permit form, the total export quota for the year in which the specimen was harvested and the total number of specimens taken during that harvest year that have been exported so far during the current year (e.g., 73/250 (2010) would mean that the specimen covered by the export permit is the 73rd specimen harvested in 2010 to be exported during the current year). This corresponds to the recommendation in Section VIII, paragraph b) of Res. Conf. 12.3 (Rev. CoP15). While this provides information about exports during the current year, it would not provide information about the total number of specimens taken in 2010 that have been exported so far in all years combined. This may then result in the need for additional reporting by range countries to notify Parties of the total number of specimens from the 2010 quota that have been exported so far in all years combined, perhaps through some form of annual reporting.
 - b) Record, in block 11a of the standard CITES permit form, the total export quota for the year in which the specimen was harvested and the total number of specimens taken during that harvest year that have been exported so far in all years combined. Under this approach, the example of 73/250 (2010) would mean that the specimen covered by the export permit is the 73rd specimen harvested in 2010 to be exported. Put another way, the number 73 represents the number of skins harvested during 2010 that have been exported so far in 2010, 2011, and 2012 combined. We suggest that this would allow both importing and exporting countries to better track the quotas for any given quota (harvest) year and would eliminate the need for further reporting by range countries. This could be accomplished by adding a new paragraph following paragraph c) in Resolution Conf. 10.14 (Rev. CoP14). *For example:*
 - each export permit issued for leopard skins specify: the total quota for the year in which the specimen was harvested (the quota year); the total number of specimens taken during the quota year that have already been exported (including those covered by the permit in question and those exported previously, including in previous years); and the quota year in which the specimen was harvested. This information, in the form 156/200 (2010), should be entered into block 11a of the standard CITES permit form for export permits (but is not required on re-export certificates).
 - c) Leave block 11a of the standard CITES form blank [*if others agree with our interpretation in paragraph 12. a) above*], considering that block 11a is to contain information regarding the current calendar year and the current annual quota (based on the standard CITES permit form in Annex 2 of Resolution Conf. 12.3 (Rev. CoP15) and the related instructions and explanations) and that this does not apply to the quotas for leopard skins. We have seen that it causes confusion when the information given on the tag is different from the quota information in block 11a. This option would include reporting by range countries to notify Parties of the total number of specimens from a given quota (harvest) year that have been exported so far in all years combined, perhaps through some form of special reporting.
 - d) One range country provided provisional comments and suggested amending Resolution Conf. 10.14 (Rev. CoP14) to provide for an “annual leopard harvest quota for export of sport hunted trophies.” They noted that “by allocating harvest quotas rather than export quotas for leopard trophies, keeping track of the number of animals that are harvested and exported per year will...be easier.” This range country indicated that it issues no more tags at the beginning of each year than its quota in Resolution Conf. 10.14 (Rev. CoP14). The tags are provided to provincial conservation authorities based on information on hunts conducted during the previous year and in accordance with information from its non-detriment finding for leopard. They stated that, in this way, they “can ensure that there will not be tags for export of more than [their quota] taken in any one calendar year” and that “the tag number will inform the importing country that no more than the pre-determined number of leopard skins have been harvested for export and reporting in block 11a will thus not be needed. The harvest quota on the tag number can be entered into blocks 5 or 9.”

17. Finally, [*if others agree that the inclusion of leopard quotas in the Secretariat's table of national export quotas causes confusion*] recognizing that the listing of leopard quotas in the Secretariat's table of national export quotas on its website causes confusion regarding the meaning of those quotas, we ask that the Secretariat change the way in which it reports quotas for leopard skins. We suggest that the Secretariat provide a footnote in its table explaining that the quota numbers for leopards represent the number of specimens taken in a given year that may be exported, not the total number of specimens that may be exported in any given year, or that the Secretariat simply no longer include the leopard quotas in its table.
18. Some countries have experienced problems when a leopard tag is lost or damaged during taxidermy in a country other than the country of origin. Unlike for crocodilian tags, CITES does not have a mechanism for replacing lost or damaged leopard tags, although we are aware that one country has informally created a "replacement" tag. We received support from one range country for the idea that CITES should develop a process for replacing lost or damaged tags for leopard skins. They noted that tags are often damaged or sometimes lost during the taxidermy process. When this happens, they contact the country of origin and request their consent to replace the tag. This range country indicated that it currently photographs each imported leopard skin with the original tag attached and will use the photographs, if necessary, when skins have to be re-tagged to ensure that the correct skin is re-exported under a replacement tag.

Recommendation

19. We recommend that the Standing Committee consider the information presented in this document and determine whether changes are needed to clarify the CITES recommendations for reporting tag and quota information on export documents for leopard skins and whether CITES should develop a process for replacing lost or damaged leopard tags.