

***Summary Report
of the Committee I Meeting***

First Session: 11 June 1997: 09h05-12h00

Chairman: D. Brackett (Canada)
Secretariat: O. Menghi
J. Kundaali
M. Pani
G. van Vliet
Rapporteurs: J. Caldwell
D. Callister
J. Gray
J. Roberts

The Chairman opened the meeting by outlining the intended procedure for debate of proposals in documents Doc. 10.86, 10.87, 10.88 and 10.89 (Rev.) and drawing the attention of Parties to the Bureau's decision that neither Committee I nor Committee II may proceed with business until both have a quorum of delegations.

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18. Trade in African Elephant Specimens

b) Revision of Resolution Conf. 7.9

A number of delegations informed the Chairman that document Doc. 10.45 was missing from their set of documents and, in view of this, discussion of this item was deferred.

21. Conservation of Edible-nest Swiftlets of the Genus *Collocalia*

The Secretariat introduced document Doc. 10.50, highlighting its comments contained in paragraphs 57 and 58. They also indicated the omission in paragraph 9 of a mention of two financial contributors to the Surabaya workshop, namely the Sarawak Bird's Nest Export and Import Association and the Bird's Nest Trade Association of Singapore.

The Chairman of the Animals Committee expressed his satisfaction with progress on implementation of Resolution Conf. 9.15 and looked forward to productive results as a consequence of the recommendations made at the Surabaya workshop.

The delegation of Indonesia informed the Committee of the establishment by the Association of South East Asian Nations (ASEAN) in May 1997 of a steering committee for the conservation of edible-nest swiftlets. This body would co-ordinate research and management of these species, in collaboration with industry groups, with a view to ensuring their sustainable management.

There were no further interventions and document Doc. 10.50 was approved as amended. The Chairman suggested that the Secretariat and the Animals Committee be kept informed of the work of the steering committee on edible-nest swiftlets set up under the auspices of ASEAN.

22. Biological and Trade Status of Sharks

The Chairman of the Animals Committee introduced document Doc. 10.51, highlighting the considerable effort from many Parties and organizations contributing to completion of the document. He drew particular attention to the document's conclusions contained in paragraphs 127-137 and recommendations in paragraphs 138-156.

The delegations of Canada, Ecuador, Germany, Honduras, Japan, Norway, the United States of

America and Zimbabwe, and the observers from TRAFFIC and IUCN, supported acceptance of the document and thanked the Animals Committee for its work. The delegation of Germany suggested that the Chairman of the Animals Committee serve as the CITES liaison to full implementation of Resolution Conf. 9.17.

The delegation of Japan expressed concern over the generalization of conclusions regarding life history patterns for sharks in document Doc. 10.51, given the large number of species under consideration. They also noted that a large proportion of shark catches was used for domestic consumption rather than international trade and therefore stressed the importance of domestic and regional bodies in shark management. In addition, they stated the need to base shark management decisions on sound scientific information, including biological, trade and catch data.

The delegation of Indonesia raised concerns about the 1994 shark landing figures for their country as listed in Annex 3 of document Doc. 10.51 and were advised to consult with the Animals Committee to seek clarification of these. The delegation of El Salvador stressed the desirability of drawing on the accumulated experience of diverse fisheries bodies in the Convention's work on sharks. A request for additional information regarding the impact on shark populations of reported increased shark catches in the Galapagos Islands was made by the delegation of Ecuador.

The observer from the Food and Agriculture Organization of the United Nations (FAO) explained components of their work related to the biological and trade status of sharks, which had evolved following Resolution Conf. 9.17 and offered to provide further details of their programme to interested delegates and observers. The delegation of the United States of America praised the progress reported by FAO.

The observer from the International Commission for the Conservation of Atlantic Tunas (ICCAT) drew the attention of the Committee to its work on sharks in response to Resolution Conf. 9.17 and requested that the Secretariat inform inter-governmental bodies, particularly those involved in collection of fisheries data, of the recommendations contained in document Doc. 10.51.

The observer from the Latin American Organization for Fisheries Development (OLDEPESCA) expressed the organization's desire to continue working with FAO and other relevant bodies to assist in obtaining data on the biological and trade status of sharks.

The delegation of the United States of America supported the previous suggestion by the delegation of Germany for the Chairman of the Animals Committee to serve as CITES liaison under Resolution Conf. 9.17

and agreed to lead a group in the drafting of a decision based on the recommendations of document Doc. 10.51, for consideration later in the meeting.

23. Trade in Plant Specimens

c) Disposal of Confiscated Live Plants

The Secretariat introduced document Doc. 10.54, noting that it had been fully discussed by the Plants Committee at its sixth and seventh meetings.

The delegation of the United States of America agreed there was a need for guidelines on the confiscation of live plants and drew attention to the three management options outlined in the document but noted that sale of confiscated specimens could encourage illegal trade and that destruction should only be a last resort. They supported the proposed amendments to Resolutions Conf. 9.10 and Conf. 9.11. The delegation of Zimbabwe also supported the proposed amendments and further believed that the guidelines should remain under review.

Without further discussion the Chairman confirmed there was consensus and that the document was approved and the recommendations agreed.

24. Significant Trade in Appendix-II Species

a) Animals

The Secretariat introduced document Doc. 10.55 on Significant Trade in Animal Species and expressed thanks for the work carried out by WCMC, IUCN and TRAFFIC in the context of Resolution Conf. 8.9. The Secretariat reported one problem that had arisen during the implementation of the Resolution which was not addressed in the document. This was the need for external funding in order for developing countries to undertake the field work necessary to establish export quotas. It was noted that help in this regard had already been provided by the European Commission and a number of Parties including Italy, Japan, Spain and the United States of America.

The delegation of the United Kingdom underlined the importance they attached to the Review of Significant Trade, stating that it was at the heart of the implementation of CITES. They endorsed the recommendations outlined in paragraphs 17 and 18. Regarding paragraph 19, they believed that there was sometimes confusion as to whether the export quotas had been established by the Secretariat or the Parties and requested the Secretariat to liaise with the Animals Committee when there was a possibility that such confusion could arise.

The delegations of Togo and Ghana expressed concern that the European Union did not accept their export quotas. The delegation of the Netherlands, on behalf of the Member States of the European Union, stated they had insufficient information to make decisions; however, they had funded consultants to undertake field work in those countries and were awaiting the results. Furthermore, they would be happy to discuss this on a bilateral basis with the Parties.

Several delegations indicated small changes that would be necessary in the Annex to the document and the Chairman recommended that these be forwarded directly to the Secretariat. The Chairman noted a consensus and the document was approved.

b) Plants

Introducing document Doc. 10.56, a member of the delegation of the United Kingdom, speaking as the Plants Committee's Co-ordinator of the Review of Significant Trade for Plants, explained that the standard of reporting of trade in plants had generally been considered to be poor, particularly the reporting of the source of the material. He drew attention to recommendations in the document intended to help remedy this. He emphasized that the Plants Committee saw the Review of Significant Trade as central to the implementation of the Convention, and would continue to use the expertise of WCMC, IUCN and TRAFFIC. He noted that the importance of the Review of the Significant Trade should be brought to the attention of the Budget Committee.

The delegation of the United States of America commended the efforts of the Plants Committee but expressed concern that the proposed budget of the Committee was three times that of the previous triennium. They suggested the formation of a working group to set priorities for projects. The Chairman explained that the Plants Committee itself was the appropriate forum for setting priorities.

The Chairman of the Plants Committee acknowledged that the budget was large but explained that these activities were to be developed before the 11th meeting of the Conference of the Parties and requested that this be given consideration by the Budget Committee.

The delegation of the Netherlands suggested that the Parties should concentrate on the reporting of wild-collected species, excluding artificially propagated Appendix-II species, as this would relieve the administrative burden on Parties.

The document was then approved.

27. Trade in Alien Species

The delegation of the United States of America introduced document Doc. 10.59, submitted by Argentina, New Zealand and the United States of America, explaining that it was important to recognize that it was possible to introduce through trade species that could be detrimental to natural populations of fauna and flora. The delegation wished to encourage the collaboration of CITES and the Convention on Biological Diversity (CBD) regarding this problem and requested Parties to adopt the recommendations set out in the document. The Secretariat commended the document.

Several delegations and observers congratulated Argentina, New Zealand and the United States of America on their document, all agreeing that, although the problem of invasive species was not the sole responsibility of CITES, its experience and existing procedures for trade monitoring and control could play an important role in collaboration with the CBD and other national and international fora, such as FAO and the IUCN/SSC Invasive Species Specialist Group.

The Chairman of the Plants Committee recognized the interest in the issue and explained that, at the seventh meeting of the Committee, the representative of North America introduced it after the working programme for the next two years was established. She regretted that no formal proposal had been made to the Committee for inclusion in the working plan. She requested an indication of any funds available to carry out the work that the Plants Committee should undertake if document Doc. 10.59 were adopted. In any case, the Committee was ready to co-operate. The delegation of

France supported the document but noted that certain Parties would require financial assistance and suggested that CITES and the CBD could collaborate to seek funding. The delegation of Japan also supported the document, but expressed concern that it could result in an excessive burden on the CITES technical committees and offered to participate in any further discussions on the issue.

The observer from IUCN drew attention to document Doc. 10.54 on the disposal of confiscated species,

stating that such confiscations may also include invasive species. She reported that they would be happy to work with the Plants Committee as recommended in the document.

The Chairman concluded that there was a consensus to accept document Doc. 10.59 and to draw the attention of the Budget Committee to the recommendations included in paragraphs 30-32.

The meeting was adjourned at 12h00.

Second Session: 11 June 1997: 14h10-16h30

Chairman:	D. Brackett (Canada)
Secretariat:	O. Menghi J. Kundaeli G. van Vliet
Rapporteurs:	J. Boddens-Hosang L. Collins M. Groves A. Haywood

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29. Scientific Justification for National Export Quotas

The delegation of Israel introduced document Doc. 10.61. The delegation of Zimbabwe opposed the draft resolution, suggesting that the problem be resolved by asking the Secretariat to include in its Notifications to the Parties on export quotas information on whether the quotas had been endorsed by the Secretariat, and on whether non-detriment findings had been made. The suggestion of the delegation of Zimbabwe was endorsed by the delegations of Australia, Indonesia, Japan, the Netherlands on behalf of the Member States of the European Union, Pakistan, Singapore, the United Republic of Tanzania and the United States of America.

The delegation of Israel, noting the concerns of the Parties, withdrew the draft resolution on the understanding that future Notifications to the Parties on this subject would make clear whether the quotas had or had not been endorsed by the Secretariat, and whether they represented non-detriment findings or not.

31. Revision of the Consolidated Resolution on Ranching and Trade in Ranched Specimens

The Chairman of the Animals Committee stated that there was considerable confusion concerning this document and that their attempts to simplify it had failed. He recommended that the document be withdrawn, and the revision of the draft consolidated resolution on ranching and trade in ranched specimens be referred to the Animals Committee. He made particular reference to problems with Resolution Conf. 5.16. His comments were supported by the delegations of the United States of America and Zimbabwe. The latter asked that the Animals Committee address the need to remove recommendations concerning the marking of all ranched specimens as this had proved too burdensome to be implemented. The delegation of the Netherlands, on behalf of the Member States of the European Union, noted that technical and scientific terms lacked definition and were therefore confusing. He supported the recommendations of the Chairman of the Animals Committee.

The Chairman recorded the concerns of the Committee and document Doc. 10.63 was withdrawn.

28. Establishment of a Working Group on Marine Fish Species

The Chairman asked the delegation of the United States of America to introduce documents Doc. 10.60 and Doc. 10.60.1. The delegation indicated that document Doc. 10.60.1 had been prepared in response to concerns regarding the objectives of setting up such a working group. They then outlined the major objectives for the establishment of the group, how the working group would facilitate the trade in marine fish species,

the importance of consultation with international and regional bodies, and the terms of reference, funding and membership of the proposed working group.

A lengthy discussion ensued in which the delegations of China, Cuba, Dominica, Egypt, Japan, Norway, the Republic of Korea, Saint Lucia, Thailand and Zimbabwe, and the observers from Iceland, the International Coalition of Fisheries Associations, the International Fishmeal and Oil Manufacturers Association and OLDEPESCA raised objections to the establishment of the working group, whilst recognizing the need for possible future action. The main concerns were as follows: the issue of large-scale commercial harvesting was not in the mandate of CITES; the existence of other more appropriate international and regional management agencies, such as the Food and Agriculture Organization of the United Nations (FAO); the position of the Parties to UNCLOS (United Nations Convention on the Law of the Seas) regarding sustainable use management and relations with CITES; the lack of funds; the already over-burdened Secretariat; and the possible exclusion of the interests of Small Island Developing States. However, the delegations of Colombia, the Netherlands on behalf of the Member States of the European Union and the United Kingdom, and the observer from IUCN, also speaking on behalf of TRAFFIC and WWF, supported the formation of a working group, believing that CITES could complement the activities of other fisheries bodies and facilitate monitoring of trade. The delegation of Australia, whilst expressing their support for a working group, recommended that the terms of reference be limited to dealing with the practicalities of implementation of the Convention with regard to international trade in marine fish species. The delegation of the United States of America said that they could revise their draft resolution to take care of the concerns expressed. After further debate, it was decided that a working group would be convened by the delegation of the United States of America to revise the text of the draft resolution and to report to the next session of the Committee.

It was also noted that Resolution Conf. 9.17, concerning the Status of International Trade in Shark Species requested the FAO, in consultation with experts from the Animals Committee and IUCN, and in co-operation with national fisheries management organizations, to keep the Secretariat informed of the status of sharks. It was recommended that CITES not duplicate the efforts of others more competent in dealing with these issues.

33. Identification of Corals and Reporting of Coral Trade

The delegation of the United States of America introduced document Doc. 10.65. The Secretariat drew attention to its comments included in paragraphs 18, 19 and 20, which were supported by the delegation of the Philippines. The delegation of the Netherlands, on

behalf of the Member States of the European Union, suggested further work was necessary to clarify the suggested amendments to the recommendations mentioned in the document. The delegation of the United States of America agreed and proposed the establishment of a drafting group, to be co-ordinated by themselves and to include the delegations of the Netherlands and other interested Parties.

40. Transport of Live Animals

The delegation of the United States of America introduced document Doc. 10.75, which also contained proposed amendments by the Secretariat, commenting that if the proposed revision of Resolution Conf. 9.23 Annex 2 were accepted, the work of the Animals Committee on this issue would be facilitated.

The delegation of the Netherlands, on behalf of the Member States of the European Union, supported this proposed revision. However, the Secretariat felt that it may place a large administrative burden on it and thus should be discussed by the Budget Committee. The delegation of the United States of America disagreed with the scale of the burden, but agreed that the Budget Committee should address this issue. After interventions by the delegations of France and Switzerland, concerned that their transport experts were in Committee II, the Chairman suggested that further debate be deferred until the next session of the Committee.

After some announcements by the Secretariat, the meeting was adjourned at 16h30.

Third Session: 12 June 1997: 09h15-12h00

Chairman: D. Brackett (Canada)
Secretariat: O. Menghi
J. Kundaeli
G. van Vliet
Rapporteurs: D. Callister
K. Cook
A. Haywood
T. Inskipp

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35. Captive-breeding

b) Proposals to Register the First Commercial Captive-breeding Operation for an Appendix-I Animal Species

The Secretariat introduced the proposal from Germany as outlined in document Doc. 10.69, noting that there were four objections to the registration. The delegation of Germany explained that they had carried out thorough investigations of Falcon Center Halvesiek, as detailed in the Annex to document Doc. 10.69, and had found no reasons for not supporting the registration of the operation. During the course of the debate, in response to questions from delegates, they provided further clarification of the criminal history of the individuals involved with the captive-breeding operation and other aspects of this proposal.

The delegation of Spain, supported by the delegations of France, Israel and the United States of America, were concerned about the future legitimacy of the captive-breeding facility, given the prior conviction record of individuals involved with the operation. The delegation expressed apprehension as to whether approval of this operation would threaten Spain's conservation efforts for *Falco peregrinus*. The delegation of Canada expressed sympathy with the views expressed by the delegation of Spain, but urged that a decision on this proposal be guided by the provisions of Resolutions Conf. 2.12 (Rev.) and Conf. 8.15 and not by issues extraneous to these Resolutions.

The delegation of South Africa expressed support for the proposal, indicating that guarantees expressed by the Management Authority of Germany should be sufficient for the Conference of the Parties to accept the proposal. Nevertheless, they asked for assurance from the delegation of Germany that there would be adequate monitoring of the operation were it to be approved.

A point of order was raised by the delegation of Germany, calling for the debate to be closed and the proposal to be put to the vote. The delegations of Zimbabwe and the Dominican Republic spoke against the motion to close the debate. A vote was taken by roll-call and the proposal to close the debate was rejected with 29 votes in favour and 42 votes against.

The debate resumed and the delegations of Norway and Hungary indicated that they did not support the proposal.

The delegation of Zimbabwe expressed support for the principle of captive-breeding of Appendix-I listed species and trading in their progeny. They also

pointed out that *F. peregrinus* was a cosmopolitan species and very numerous in some areas and that the Conference of the Parties should perhaps consider the transfer of the species to Appendix II in the future. In response, the delegation of Spain indicated that the species was endangered in their country.

The delegation of Uruguay supported the views of the delegation of Zimbabwe regarding captive-breeding, but asked whether German legislation allowed for the operation to be closed down should it violate national laws in the future.

A broader issue, of how CITES should deal with individuals or organizations with convictions for CITES-related offences, including whether CITES permits should be issued to them, was raised by the delegation of Israel. They expressed the opinion that a decision on the registration of Falcon Center Halvesiek be deferred until this wider matter had been addressed. The delegation of Suriname did not support deferring consideration of the proposal, indicating also that they supported the views expressed earlier by the delegation of Canada.

The delegation of Namibia asked whether a compromise position of temporary registration of the operation would be possible. The delegation of Canada also saw merit in this possibility, and further asked whether the matter might be pursued through withdrawal of the proposal and the seeking of approval at a later date via the postal vote process.

The delegation of the United States of America noted the starting date of the Falcon Center Halvesiek and questioned whether the claimed breeding success in this and subsequent years could be the result of genuine captive breeding.

The observer from *Komitee Gegen den Vogelmord* outlined some recent enforcement cases in Germany involving birds of prey, including two involving registered Appendix-I captive-breeding operations. He expressed the view that there were continuing enforcement-related concerns with the Falcon Center Halvesiek and asked that its registration not be approved. The observer from the North American Falconers Association indicated that they would not support the registration of any Appendix-I captive-breeding operation which involved individuals who had been convicted for illegal activities. The observer from the International Association for Falconry and Conservation of Birds of Prey stated that falconers were citizens complying with laws, and that they did not want that their reputation be unjustifiably tarnished by the illegal activities that could be undertaken by commercial breeders of birds of prey.

Following some concluding comments by the delegation of Germany, the Chairman closed the debate and the proposal was put to a vote by roll-call. It was rejected with 10 votes in favour and 36 against.

The Secretariat then introduced the proposal submitted by Honduras included in document Doc. 10.69. The proposal was supported by the delegations of Australia, Chile, Cuba, Ecuador, the Netherlands, on behalf of the Member States of the European Union, and Venezuela. The Chairman announced that the Committee had agreed to the proposal, which would be passed to the plenary session for acceptance.

36. Hybrids

a) Amendment of Resolution Conf. 2.13

The Secretariat introduced document Doc. 10.70, a draft resolution regarding animal and plant hybrids. It was agreed that, in the light of the view expressed by a number of botanists in informal meetings, hybrids of plants should continue to be dealt with under Resolution Conf. 9.18, and that all references to plants would be removed from this draft resolution. Following a request by the delegation of Germany for clarification of the meaning of the term "recent lineage" included in the draft resolution, consideration of the draft resolution was deferred until a member of the delegation of the United States of America, who had taken a leading role in the discussion of this issue at the 13th meeting of the Animals Committee, was available to respond to this request.

b) Regulation of Trade in Animal Hybrids

The delegation of Australia introduced document Doc. 10.71, a draft resolution regarding regulation of trade in animal hybrids. The delegation of the

Netherlands, on behalf of the Member States of the European Union, expressed concern over several errors in the operative part of this draft and the lack of clarity as to the relationship between this draft resolution, existing Resolutions and other draft resolutions.

The Chairman asked the delegation of Australia to co-ordinate a drafting group, which should include the delegation of the United States of America, in order to revise the draft resolutions contained in documents Doc. 10.70 and Doc. 10.71.

40. Transport of Live Animals

The Chairman invited the Committee to revisit the discussion regarding the draft resolution on transport of live animals, prepared by the United States of America on behalf of the Animals Committee and included in document Doc. 10.75. The delegations of Germany, the Netherlands, on behalf of the Member States of the European Union, and Switzerland recommended changes to this draft resolution and a drafting group, including the Secretariat, was formed to produce a revised version for further consideration.

42. Standard Nomenclature

The Chairman of the Nomenclature Committee introduced document Doc. 10.77 and noted that it was also necessary to consider the recommendations of the Nomenclature Committee, contained in document Doc. 10.19, for amending the draft resolution. The delegations of the Netherlands, on behalf of the Member States of the European Union, and of Switzerland recommended further amendments to this draft resolution. A drafting group was set up to produce a revised draft resolution.

After some announcements by the Secretariat the meeting was adjourned at 12h00.

Fourth Session: 12 June 1997: 14h25-16h35

Chairman:	D. Brackett (Canada)
Secretariat:	O. Menghi J. Kundaeli G. van Vliet
Rapporteurs:	L. Collins J. Gray M. Haywood T. Inskipp

After some announcements the Chairman opened the session and requested comments on documents Com.I 10.1 and Com.I 10.2. Amendments were put forward by the delegations of Germany, the Netherlands and the United States of America. These were agreed and noted for subsequent revision.

The delegation of the United States of America announced that they had withdrawn document Doc. 10.65, concerning identification of corals and reporting of coral trade.

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43. Information on the Population Status of and Threats to *Ovis vignei*

The Chairman asked the delegation of Germany to introduce document Doc. 10.78 (Rev.), which was purely an information document. The delegation of Germany outlined the information contained in the document relating to the urial *Ovis vignei*, and concluded by stating that, in their view, a binding decision was required on whether to accept the recommendations made by the Animals Committee. This suggestion was supported by the delegation of the Netherlands, on behalf of the Member States of the European Union.

The delegation of Namibia asked whether the proposal to annotate the listing of *Ovis vignei* with the names of subspecies, as in document Doc. 10.19, constituted a change to the listing in the appendices, and was therefore not in the remit of the Nomenclature Committee. The Chairman of the Nomenclature Committee clarified that the remit of the Nomenclature Committee was confined to assessing the taxonomic status of each species at the time of listing.

The delegation of Switzerland gave some circumstantial evidence to support their view that the inclusion of *Ovis vignei* concerns the nominate form only. They stated that, as the first standard nomenclature for mammals was available in 1982 only, Ellerman & Morrison-Scott's (1966) Checklist of Palearctic and Indian Mammals should be used as guidance for interpretation in the present case.

The delegations of the Islamic Republic of Iran, Pakistan and the Russian Federation referred to the status of various populations of the urial, noting that some of them would not qualify for inclusion in Appendix I, but the delegation of Germany pointed out that the status of the various populations was not relevant to the discussion at this time.

The Chairman stated that there was obviously still significant debate about the intent of the countries present at the plenipotentiary conference when agreeing on the listing of species. He thought that this was no longer a problem because Parties had to state which reference source they were following when making amendment proposals. He suggested that any decision on this species should be deferred, and that an amendment

proposal be prepared for the 11th meeting of the Conference of the Parties.

The delegation of Germany did not agree with this idea and suggested that the Parties should vote on whether the adoption of a standard reference to nomenclature subsequent to the listing of a species could be used as a solution in these controversial cases. However, the Chairman stated the intent of the original listing was the overriding factor.

The delegation of Germany requested a point of order and called for a vote. However, the Chairman refused to allow a vote because there was no clear draft resolution or other issue to vote on.

The observer from the International Wildlife Coalition pointed out that if this issue were not settled at this meeting of the Conference of the Parties, then the status of the listing of *Ovis vignei* in the appendices would remain undecided until the next meeting of the Conference of the Parties. If an amendment proposal to list all subspecies failed at that meeting then the listing status would still be unknown. He suggested that the precautionary principle should be applied by assuming that all subspecies were included in Appendix I and that amendment proposals would be required to remove any of these in the future.

The Chairman requested that a comprehensive amendment proposal referring to all subspecies be prepared for the 11th meeting of the Conference of the Parties and, in response to a question from the delegation of Germany on the listing status in the interim, admitted that no progress had been made on this difficult issue. He suggested that each Party should base their interim decisions on the requirements of their domestic legislation. The delegation of Switzerland added, for information, that they required export permits for trade in all the subspecies named in document Doc. 10.19, thus treating them as Appendix-II taxa.

47. Inclusion of Higher Taxa

The Chairman asked the delegation of Namibia to introduce documents Doc. 10.83 (Rev.), Doc. 10.83.1 and Doc. 10.83.2. The delegation of Namibia wished to speak on document Doc. 10.83.1, a draft resolution on Split Listing of Geographically Distinct Populations in the Appendices. The delegations of Pakistan, Norway, South Africa and Zimbabwe, and the observer from the Zimbabwe Trust, supported the draft, considering it to be in the interest of countries who were succeeding in the conservation of species, and that recognition should be given to them. The observer from the Zimbabwe Trust also noted that the draft resolution embodied the spirit of co-operation with other international bodies such as the Convention on Biological Diversity, as recommended by Environmental Resources Management in document Doc. 10.21. The delegation of Norway noted that there were two con-

flicting mechanisms which could be used to achieve the same goal: CITES and local management procedures. The best mechanism would vary from case to case.

The delegation of the Netherlands, on behalf of the Member States of the European Union, opposed the draft resolution; however, they noted that there were several useful elements, which should be considered by the Parties when preparing proposals to amend the appendices. The delegation of the United States of America also opposed the draft resolution. They asked for the expert opinion of range States to be taken more into consideration and noted that recommendation a) was consistent with Resolution Conf. 9.24, but that, with regard to recommendation b), there was already adequate provision in the treaty for Parties to manage populations. In their opinion, the subject should be deferred until the 12th meeting of the Conference of the Parties. The observer from the International Wildlife Coalition also opposed the draft resolution. He considered that the draft was an inappropriate means of dealing with this issue, and that the treaty provided the means to list geographically separate populations independently. He further stated that recommendation b) would impose huge burdens on Parties' management of species.

Noting that there was no consensus among Parties on the issue, the Chairman suggested that the delegation of Namibia draft a decision addressed to the Parties for presentation to Committee I, reflecting the Parties' support for the concept of operative paragraph a) of document Doc.10.83.1, in line with Resolution Conf. 9.24, and reminding Parties to reflect on the possible negative consequences of listings of higher taxa.

48. Proposals Concerning Export Quotas for Specimens of Appendix-I Species

The Secretariat drew the attention of the Committee to the fact that the word "five" in operative paragraph a) of the draft resolution in Annex 4 of document Doc. 10.84 should be replaced with six. The delegation of Pakistan then introduced the document, alluding to the strength of the community-based nature of management of wild resources actively promoted in Pakistan, which this proposal advocated for markhor (*Capra falconeri*).

The delegations of Brazil, China, Egypt, Indonesia, Japan, the Netherlands, on behalf of the Member States of the European Union, the Russian Federation, Saudi Arabia, Singapore, South Africa, Uganda, the United Kingdom, the United States of America, Yemen, Zambia and Zimbabwe supported the draft resolution. The delegation of the United States of America further suggested the inclusion of a habitat protection component in Pakistan's management plan for markhor and also raised the question of potential problems if some States were to have strict laws forbidding the import of hunting trophies of markhor.

The observer from the Humane Society International opposed the draft resolution. The delegation of the proponent Party, in response to a request for clarification from the delegation of the Netherlands, on behalf of the Member States of the European Union, suggested the deletion in paragraph a) of "as follows:" and of sub-paragraphs i), ii) and iii). The document was approved with these amendments and that previously announced by the Secretariat.

After some announcements from the Chairman, the meeting was adjourned at 16h35.

Fifth Session: 13 June 1997: 09h15-11h45

Chairman: D. Brackett (Canada)
Secretariat: O. Menghi
J. Kundaeli
G. van Vliet
Rapporteurs: J. Caldwell
L. Collins
K. Cook
T. Inskipp

After some announcements, the Chairman invited the Minister of the Environment of the Central African Republic to address the Committee.

The Minister wished to inform the Conference of the Parties of the measures taken for and problems with the conservation of the African elephant in his country. This species was suffering from large-scale poaching, even in protected areas, from where animals had been forced to move to inhabited areas where they came into conflict with people. Further problems included the lack of adequate border controls and the loss of habitat. Numbers were reported to have declined drastically from an original figure of 80,000. He concluded by stating that the Central African Republic was striving to conserve elephants and the entire ecosystem.

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22. Biological and Trade Status of Sharks

The Chairman introduced document Com. 10.2 and asked for comments. The Secretariat suggested that point 1 was not necessary and that the recommendations mentioned in point 2 be added to document Com. 10.2. The Chairman asked the Secretariat to include the recommendations referred to in point 2 (i.e. recommendations 139 to 156 in document Doc. 10.51) in the final version of document Com. 10.2. With this agreement document Com. 10.2 was accepted.

28. Establishment of a Working Group on Marine Fish Species

The Chairman asked the delegation of the United States of America to introduce document Com. 10.3. The delegation informed the meeting that the document had been drafted after consultation with a number of interested Parties and observers. They noted that the document was presented in the format of a decision rather than a resolution, as the working group would be temporary in nature, existing between the 10th and 11th meetings of the Conference of the Parties. Furthermore, the working group would not require any CITES funds since funding would be sought externally. The delegation of the United States of America offered to contribute.

The delegations of Belize, Cuba, Japan, Norway, Panama and Venezuela, and the observers from Iceland and OLDEPESCA opposed the acceptance of the document.

The delegation of Japan opposed the establishment of a working group on a procedural point: the format of the document had been changed from a draft resolution to a draft decision which had not been submitted 150 days before the meeting of the Conference of the Parties. They were also opposed to the document as a matter of principle. They considered that there were no scientific grounds for listing in the CITES appendices any marine fish species that was harvested on a large scale. The inclusion of such species would impose a

heavy administrative burden on the Parties. The Chairman pointed out that when this item was previously discussed there had been no objection to the drafting of a decision.

The delegation of Belize stated that all the member countries of OLDEPESCA are bound by the decisions made by their ministers and that they were therefore not in a position to accept the proposal. This view was supported by the delegations of Uruguay and Venezuela. The delegation of Norway did not see the need for a working group, since they thought that it was unlikely that any marine fish species would meet the criteria for listing in the CITES appendices. Furthermore, they believed that, if any did, they could be dealt with as the need arose by the Animals Committee. The observer from Iceland claimed that CITES was not able to adequately control trade in species currently listed in the appendices and should, therefore, concentrate on improving this situation rather than preparing proposals to list marine fish species.

The delegations of France and Saudi Arabia expressed concern about the potential inclusion of marine fish species in the CITES appendices.

The delegation of Morocco expressed concern that more socio-economic as well as scientific information was needed, and that more thought was required before coming to a decision.

The delegations of Benin, Dominica, France and the Netherlands, on behalf of the Member States of the European Union, expressed concern over the composition of the proposed working group. The delegation of the United States of America said that all Parties to CITES with a fishery would be represented, including small island developing States.

The delegation of Colombia, the observer from the International Wildlife Coalition (IWC) and the observer from IUCN, representing also TRAFFIC and WWF, supported the acceptance of the draft decision to establish a working group on marine fish species. They noted that technical and practical advice could be provided to the Parties.

The observer from the IWMC-World Conservation Trust urged the Parties to seek a compromise, by asking the Secretariat to work with appropriate certification bodies to prepare an analysis of the technical and practical implementation concerns associated with the potential inclusion in Appendix II of marine fishes and invertebrates. In response, the delegation of the United States of America noted that no organizations had been excluded from the consultation process outlined in the proposal.

The delegations of Australia and New Zealand spoke in favour of the proposal and indicated that it was intended that any relevant agency would be invited to

contribute to, or be party to, the proposed working group. They were supported by the delegation of Tunisia who stressed the importance of including developing countries in the working group.

The observer from FAO commented that, should the working group be established, it would still be necessary for FAO to consider its position with respect to any financial and administrative implications for its own organization.

The delegation of Japan proposed that the meeting move to a vote by secret ballot. The delegation of Liberia called for further discussion on the matter but, there being no support for this view, the Chairman declared that the meeting would proceed to a vote. The proposal for the vote to be conducted by secret ballot was seconded by more than the required number of Parties and the Chairman announced that the vote would be so conducted. The Chairman summarized the preceding discussion and clarified the procedure to be adopted for a secret ballot. The meeting was then suspended to allow the delegates to collect their ballot papers.

The session resumed at 11h20 and the ballot took place. The votes cast were 49 in favour of the proposal and 50 against; there not being a two-thirds majority in favour, the proposal to establish a working group was rejected.

36. Hybrids

a) Amendment of Resolution Conf. 2.13

and

b) Regulation of Trade in Animal Hybrids

The Chairman invited the delegation of Australia, who had co-ordinated a drafting group to review documents Doc. 10.70 and Doc. 10.71, to report

back to the meeting. The delegation of Australia reported that following discussions in the drafting group they had decided to withdraw document Doc. 10.71 but that they would seek for an annotation against the Appendix-I listing of *Dama dama mesopotamica*, through the postal vote procedure, to include only the natural population of the Islamic Republic of Iran. They further explained that document Doc. 10.70 had been amended and that the revised document was being translated and would not be available until Monday 16 June. The Chairman then deferred further discussion on this item until the document became available.

40. Transport of Live Animals

The delegation of the United States of America presented the report of the working group on this item. They informed the Committee that the working group had reached consensus on a revised text, which had been distributed as document Com. 10.1. The delegation of Belgium expressed their support for the document and reported on their implementation of Resolution Conf. 9.23. There being no further comments or objections, document Com. 10.1 was accepted.

47. Inclusion of Higher Taxa

The Secretariat explained that it had been agreed to produce a draft decision on split listing of geographically distinct populations based only on operative paragraph a) of document Doc. 10.83.1. This was presented as document Com. 10.4 which had been distributed to delegates. The Chairman, seeing that there were no comments on or objections to this draft decision, declared that document Com. 10.4 was accepted.

After an announcement from the Chairman, the meeting was adjourned at 11h45.

Sixth Session: 13 June 1997: 14h10-15h55

Chairman: D. Brackett (Canada)
Secretariat: O. Menghi
J. Kundaeli
G. van Vliet
Rapporteurs: J. Boddens-Hosang
J. Gray
M. Groves
J. Roberts

XIV Interpretation and Implementation of the Convention

18. Trade in African Elephant Specimens

b) Revision of Resolution Conf. 7.9

The Secretariat reintroduced document Doc. 10.45 and the Chairman opened the floor for discussion.

The delegation of Zimbabwe, whilst recognizing the importance of the role of the Panel of Experts in the process, expressed concern that the burden of participation on the Panel may be too great for the proponent countries. Furthermore they suggested deferring discussion until the proposals for transfer of the African elephant from Appendix I to Appendix II had been discussed.

The delegation of Switzerland expressed their support for maintaining representation of the range States on the Panel of Experts. This was supported by the delegations of Namibia and the United States of America.

The observer from the International Wildlife Coalition, supported by the delegations of Namibia and Malawi, underlined the importance of the information provided by the Panel of Experts. He further remarked that Resolution Conf. 7.9 could only be repealed by way of a proposal to amend the appendices and therefore this item should be discussed at a later meeting of the Conference of the Parties. He also suggested that the role of the Panel of Experts should be reviewed at that time.

The delegation of Switzerland disagreed with the view that Resolution Conf. 7.9 had to be repealed by the way of a proposal to amend the appendices, because the current entry regarding *Loxodonta africana* had no annotation referring to the so-called Somali amendment.

The Chairman summarized the discussion and deferred further debate until the 10th session of the Committee.

16. Exports of Leopard Hunting Trophies and Skins

This item had been transferred from Committee II.

The Secretariat introduced document Doc. 10.42. The delegation of South Africa reported on a meeting held on 12 June 1997 by the delegations of Botswana, Mozambique, Namibia, South Africa, the United Republic of Tanzania, Zambia and Zimbabwe, where the issue of tagging had been discussed. The participants to the meeting had concluded that skins should be marked with tags including the date the animals were removed from the wild and suggested some amendments to Resolution Conf. 8.10. Furthermore they suggested that, in the future, in the tables, such as that contained in document Doc. 10.42, headings should read, 'Quota for reporting year', 'Number of

leopards removed from the wild during the current year', 'Number of trophies and skins exported from current quota', 'Number of trophies and skins exported from previous years', 'Balance of skins from previous years'.

The delegation of Zimbabwe recommended that the tag should include the year in which the specimen was removed from the wild and the balance of the quota for that particular year.

The Chairman concluded the discussion and recommended acceptance of document Doc. 10.42 and the recommendations suggested by the delegation of South Africa to be communicated to the Secretariat (see document Doc. 10.42.1).

20. Exports of Vicuña Cloth

The Secretariat introduced document Doc. 10.49 and quoted from the report mentioned in paragraph 13 of that document.

The delegation of Bolivia reported in their capacity as the Secretariat for the Convention on Conservation and Management of the Vicuña. They expressed their concern that the recommendations in Resolution Conf. 8.11 had not been complied with and urged that this be done. Furthermore they fully supported the continued assistance of NGOs such as TRAFFIC in monitoring the illegal trade in vicuña. The observer from TRAFFIC offered their continued assistance in monitoring the trade in vicuña and suggested that the Secretariat make some amendments to clarify the way in which the weight of the fibre was recorded.

The delegation of Peru reported on the population status of vicuña in Peru and drew attention to the fact that the production of vicuña wool was centralized in their country.

The delegation of Argentina questioned the listing in the Annex of document Doc. 10.49, concerning exports of vicuña specimens from the United Kingdom to Argentina, since these had not been registered in Argentina. They supported the statement made by the delegation of Bolivia.

The delegation of the United Kingdom stated that all pre-Convention stocks were registered with their Management Authority and a recent inspection of 80 per cent of these stocks had uncovered no problems. The Secretariat noted that few replies had been received following a Notification to the Parties that had been sent out after the ninth meeting of the Conference of the Parties, asking Parties to declare the status of their vicuña-wool stocks. The Chairman noted these comments, and the request from the delegation of Bolivia for a new Notification to the Parties along these lines to be sent following this meeting of the Conference of the Parties.

The Chairman went on to announce work for Committee I which would be deferred until the week beginning 16 June, namely discussion of a revised version of document Doc. 10.70 [Agenda item XIV 36.a)], and a report from the Nomenclature Committee on an amended version of document Doc. 10.77, as a result of the discussions on document Doc.10.19 (Agenda item XIV 42.).

48. Proposals Concerning Export Quotas for Specimens of Appendix-I Species

The delegation of Venezuela requested the opportunity to explain the withdrawal of their proposal for a quota

for hunting trophies of jaguar *Panthera onca*. They summarized the work carried out in Venezuela to conserve the jaguar, which is especially endangered in the northern region of the country, and announced that they would work with the Animals Committee to revise this proposal to maximize its chances of acceptance at the 11th meeting of the Conference of the Parties.

The meeting was adjourned at 15h55.

Seventh Session: 16 June 1997: 10h30-11h45

Chairman: D. Brackett (Canada)
 Secretariat: O. Menghi
 J. Kundaeli
 Rapporteurs: J. Caldwell
 K. Cook

XV Consideration of Proposals
 for Amendment of Appendices I and II

1. Proposals Submitted Pursuant to
 Resolution on Ranching

The Chairman introduced document Doc. 10.86 and asked if there were any requests for intervention on the proposals contained therein. Regarding proposal Prop. 10.1: Transfer of the Argentine population of *Caiman latirostris* to Appendix II, the delegation of the United States of America commented that they considered that the proposal would benefit from discussion, particularly regarding the enforcement measures and trade controls to be put in place. They expressed the view that, until the establishment of such measures had been demonstrated, a zero quota should be instituted. There being no further requests for discussion, proposal Prop. 10.1 was accepted by consensus.

With regard to proposal Prop. 10.2: Maintenance of the Malagasy population of *Crocodylus niloticus* in Appendix II, the delegation of the United States of America expressed their concerns about the regulation of ranching and considered that further information was required. There being no further requests for discussion, proposal Prop. 10.2 was accepted by consensus.

No requests for discussion of proposal Prop. 10.3: Maintenance of the Ugandan population of *Crocodylus niloticus* in Appendix II were received and the proposal was therefore accepted by consensus.

2. Proposals Resulting from the Periodic Reviews
 by the Animals and Plants Committees

The Chairman introduced document Doc. 10.87 and, there being no requests for intervention, the following proposals were accepted by consensus: Prop. 10.4: Deletion from Appendix II of *Burramys parvus*; Prop. 10.5: Deletion from Appendix II of *Dendrolagus bennettianus* and *Dendrolagus lumholtzi*; Prop. 10.6: Deletion from Appendix II of *Turnix melanogaster*; Prop. 10.7: Deletion from Appendix II of *Pedionomus torquatus*; Prop. 10.8: Deletion from Appendix II of *Gallirallus australis hectori*; Prop. 10.9: Deletion from Appendix II of *Fusconaia subrotunda*, *Lampsilis brevicula* and *Lexingtonia dolabelloides*; Prop. 10.11: Amendment of the current annotations #1, #2, #4 and #8 to include the following exemption: "cut flowers of artificially propagated plants"; Prop. 10.12: Amendment of annotation #5 to read "Designates logs, sawn wood and veneer sheets"; Prop. 10.14: Deletion from Appendix II of *Camellia chrysantha*.

In relation to proposal Prop. 10.10: Deletion from Appendix II of *Paryphanta* spp., the delegation of Italy asked for clarification of exactly which species the proposal was intended to cover. The Chairman advised the delegation of Italy to consult with the proponent and, there being no further requests for intervention, the proposal was accepted by consensus.

Regarding proposal Prop. 10.13: Amendment of annotation #3 to read "Designates roots and speci-

mens recognizable as being parts of roots" of *Panax quinquefolius*, the delegation of the Netherlands, speaking on behalf of the Member States of the European Union, believed that there were some textual changes suggested by TRAFFIC. The delegation of the United Kingdom, speaking on behalf of the Plants Committee, explained that the purpose of proposal Prop. 10.13 was to clarify the annotation in relation to medicinal plant species because some Parties had seized and confiscated specimens that were not controlled under CITES. Since the proposal had been drawn up, however, TRAFFIC had produced a revised text which would simplify matters by referring to material that was not controlled under CITES. The revised wording was: "Designates whole and sliced roots and parts of roots, excluding manufactured parts or processed products such as powders, pills, extracts, tonics, teas, and confectionery." The delegation of Switzerland agreed that the new text did not introduce any substantive change. Speaking in support of the proposed revised text, the delegation of Germany expressed the view that the Plants Committee should consider revising annotations for other medicinal plants species to ensure harmonization. The Chairman noted this and, there being no further requests for intervention, the proposal, as amended, was accepted by consensus.

3. Proposals Concerning Export Quotas
 for Specimens of Species in Appendix I or II

The Chairman introduced document Doc. 10.88 and announced that proposal Prop. 10.15 had been with-drawn. Regarding proposal Prop. 10.16: United Republic of Tanzania: establishment of an annual export quota of 1000 skins plus 100 hunting trophies from wild animals of *Crocodylus niloticus* for the years 1998-2000, the delegation of the United States of America expressed the view that there was no evidence that there had been adequate reporting on the species so as to justify the level of quota requested. In their view, the quota exceeded what was necessary and the proposal should be opposed.

The delegation of the United Republic of Tanzania reported that they had discussed the proposal with both the IUCN/SSC Crocodile Specialist Group and the CITES Secretariat and reported that they would, at the latest at the 11th meeting of the Conference of the Parties, table a proposal for maintenance of the Tanzanian population of the Nile crocodile in Appendix II complying with Resolution Conf. 9.24 and especially with the precautionary measures in Annex 4. There was no further discussion and the proposal was accepted by consensus.

4. Other Proposals

The Chairman introduced document Doc. 10.89 (Rev.) and reminded delegates that he had already announced a specific time for discussion of proposals Prop. 10.25, Prop. 10.26 and Prop. 10.27 and that these would be dealt with at 14h00 on Tuesday 17

June. He then announced amendments to a number of proposals as follows. Regarding Prop. 10.18, the delegation of Bolivia had informed the Secretariat that they had changed the proposal so that they now wished *Chaetophractus nationi* to be listed in Appendix II with a zero quota. With regard to Prop. 10.33, the delegation of Bolivia had informed the Secretariat that they wished to add an annotation indicating that the proposal was for wool, cloth and manufactured products but subject to a zero quota. Regarding Prop. 10.59, the delegation of the United States of America had withdrawn the three species of *Graptemys* that had been included in the proposal for look-alike purposes and so the proposal was now: Inclusion in Appendix II of nine species of *Graptemys*. Proposal Prop. 10.73 had been amended to include an annotation indicating that the listing included roots, rhizomes, rootstocks and specimens recognizable as parts thereof as well as powder thereof in bulk.

Turning to proposal Prop. 10.17, the delegation of the United States of America, supported by the delegation of Ghana, expressed the view that the issue, namely the transfer of products from Appendix I to Appendix II by means of a product annotation, raised some serious questions about the implementation of the Convention, particularly given the increasing popularity of this approach to amending the appendices since the eighth meeting of the Conference of the Parties. They indicated that the issue merited further discussion and suggested that a working group be formed to consider the matter. There being no further requests for inter-

vention, however, proposal Prop. 10.17 was agreed by consensus.

The Chairman then invited consideration of the amended proposal Prop. 10.18: Inclusion in Appendix II of *Chaetophractus nationi* with a zero quota. The delegation of Switzerland noted that this taxon was not generally recognized as a valid species and considered that additional information was required. The delegation of the Netherlands, speaking on behalf of the Member States of the European Union, expressed their concern that the data provided appeared to be contradictory. They suggested that listing of the taxon in Appendix III might be more appropriate. The delegation of Venezuela expressed their support for the amended proposal and the Chairman then deferred further discussion on this item.

A number of delegations and observers wished to make interventions on proposals Prop. 10.19 to Prop. 10.29 and debate on these was deferred.

Proposal Prop. 10.30, an amendment to annotation °504, was accepted by consensus.

The delegation of the Netherlands, speaking on behalf of the Member States of the European Union, explained that they had been unable to decide their position on the remaining proposals. The Chairman invited them to do this over the lunch break.

After several announcements the meeting was adjourned at 11h45.

Eighth Session: 16 June 1997: 14h10-17h30

Chairman:	D. Brackett (Canada)
Secretariat:	I. Topkov O. Menghi
Rapporteurs:	J. Caldwell L. Collins M. Groves A. Haywood

The Chairman invited comments on documents Com.I 10.5 and Com.I 10.6, which were adopted with amendments, and document Com. 10.11, a draft decision regarding exports of vicuña cloth, which was accepted without change.

XIV Interpretation and Implementation of the Convention

36. Hybrids

b) Regulation of Trade in Animal Hybrids

Document Com. 10.8, a revised draft resolution, was amended with the following changes: the word Animal should be inserted before "hybrid" in the title, the word "and" should be deleted from the end of the first operative paragraph a) and the semicolon replaced with a full stop. The second paragraph of the preamble beginning RECALLING and the last operative paragraph b) were deleted. The delegation of Australia also provided clarification of "recent lineage", which was to be taken as meaning the last four generations. The document was accepted as amended.

XV Consideration of Proposals for Amendment of Appendices I and II

4. Other Proposals

The Chairman asked the Committee to state whether certain proposals included in document Doc. 10.89 (Rev.) required further debate before acceptance. The Parties agreed to defer debate of the following proposals: Prop. 10.31, 10.34, 10.43, 10.44, 10.45, 10.46, 10.47, 10.49, 10.52, 10.55, 10.57, 10.59, 10.60, 10.61, 10.62, 10.63, 10.65, 10.66, 10.67, 10.69, 10.73, 10.74 and 10.75.

The proposals from Thailand, Prop. 10.36 concerning inclusion of *Bos javanicus* in Appendix I and Prop. 10.37 concerning inclusion of *Bubalus arnee* in Appendix I, were withdrawn.

Proposals Prop. 10.39 and Prop. 10.40, to include *Pauxi pauxi* and *Pauxi unicornis* in Appendix II, were withdrawn by the delegation of the Netherlands.

The proposal Prop. 10.41, concerning transfer of *Amazona agilis* from Appendix II to Appendix I, was withdrawn by the delegation of Germany.

The proposal Prop. 10.48, concerning transfer of *Aceros waldeni* from Appendix II to Appendix I, was withdrawn by the delegation of Germany.

Proposal Prop. 10.64, concerning inclusion of *Mantella bernhardi*, *M. cowani*, *M. haraldmeieri* and *M. viridis* in Appendix II, was withdrawn by the delegation of the Netherlands with the understanding that Madagascar would undertake biological and population status studies and envisage the inclusion of all species of *Mantella* in Appendix III.

The following proposals were accepted by consensus:

- proposal Prop. 10.32, concerning transfer of certain populations of *Vicugna vicugna* of Argentina from Appendix I to Appendix II;
- proposal Prop. 10.33, concerning transfer of certain populations of *Vicugna vicugna* of Bolivia from Appendix I to Appendix II;
- proposal Prop. 10.35 from Canada, concerning transfer of *Bison bison athabasca* from Appendix I to Appendix II;
- proposal Prop. 10.38 from Germany, concerning transfer of *Ovis ammon nigrimontana* from Appendix II to Appendix I;
- proposal Prop. 10.42 from Germany, Mexico and the United States of America, concerning transfer of *Amazona viridigenalis* from Appendix II to Appendix I;
- proposal Prop. 10.50 from the Netherlands, concerning inclusion of *Leothrix argenteauris* in Appendix II;
- proposal Prop. 10.51 from the Netherlands, concerning inclusion of *Leothrix lutea* in Appendix II;
- proposal Prop. 10.53 from Germany and the Netherlands, concerning inclusion of *Tangara fastuosa* in Appendix II;
- proposal Prop. 10.54 from the Netherlands, concerning inclusion of *Amandava formosa* in Appendix II;
- proposal Prop. 10.56 from the Netherlands, concerning inclusion of *Gracula religiosa* in Appendix II;
- proposal Prop. 10.58 from Germany, concerning inclusion of *Callagur borneoensis* in Appendix II;
- proposal Prop. 10.70 from the United States of America, concerning deletion of *Lewisia tweedyi* from Appendix II; and
- proposals Prop. 10.71 and Prop. 10.72 from South Africa, concerning transfer from Appendix I to Appendix II of *Orothamnus zeyheri* and *Protea odorata*.

Proposal Prop. 10.68 from Denmark to annotate Cactaceae spp., *Euphorbia* spp. and *Cyclamen* spp. in Appendix II to exclude artificially propagated specimens of the following hybrids and/or cultivars was amended in section A. Proposal, as follows: "*Schlumbergera* hybrids and cultivars" was replaced with *Schlumbergera* hybrids and cultivars restricted to *S. x buckleyi* (T. Moore) Tjaden, *S. russelliana* x *S. truncata*, *S. orssichiana* x *S. truncata*, *S. opuntioides* x *S. truncata* and *S. truncata* cultivars. "*Gymnocalycium michanovichii* (cultivars or forms lacking chlorophyll,

grafted)" was replaced with *Gymnocalcium michanovichii* cultivars (forms lacking chlorophyll, grafted) restricted to the following grafting stocks: *Harrisia 'Jusbertii'*, *Hylocereus trigonus*, *Hylocereus undatus*; "*Cyclamen persicum* hybrids/ cultivars" was changed to read *Cyclamen persicum* and its cultivars. This exemption does not apply to specimens traded as dormant tubers.

Returning to the revised proposal Prop. 10.18 to include *Chaetophractus nationi* in Appendix II with a zero quota, and in response to a reiteration of the concerns expressed earlier by the delegations of the Netherlands, on behalf of the Member States of the European Union, and Switzerland, the delegation of Bolivia stated that they were aware of some of the imperfections in the proposal but felt that, since the main threat to the species was international trade, it met the criteria for listing. Responding to the delegation of Switzerland, who quoted the recommendation contained in Resolution Conf. 9.26 that a subspecies only be included in the Appendices if it is a valid taxon, and is easily identifiable in its traded form, the delegation of Paraguay suggested the matter be referred to the Nomenclature Committee. The debate of proposal Prop. 10.18 was therefore deferred until after consideration by the Nomenclature Committee.

Prior to introducing proposal Prop. 10.19, the delegation of Japan drew the attention of the Committee to document Inf. 10.2, the IUCN Analyses of Proposals to Amend the CITES Appendices. They acknowledged that IUCN was well respected but felt that their analyses of the proposals on Cetaceans were unreliable. They were concerned that the Parties could be misled and questioned the source and accuracy of some of the information provided. Echoing this view, the delegation of Norway was further concerned about the possibility of bias on the part of one of the reviewers of the proposal. They said that two of the reviewers, when asked, had stated that they did not share the views given in the analysis. The observer from Iceland, recognizing that it was difficult to present opposing views in summary form, asked that the procedures used to prepare the analyses be made more transparent and urged IUCN to revise its mechanism for providing advice. The observer from IWMC-World Conservation Trust questioned whether the threshold of 50% used by IUCN could be applied to Cetaceans and was concerned by the use of the most conservative population figures.

In response to these remarks, the observer from IUCN apologized for the errors and reported that the points by the previous speakers included questions of interpretation of the information, on which views may differ, and matters of fact. With regard to matters of fact, in the general introduction, which was relevant to all five whale proposals, the following errors were pointed out:

1. The report stated that DNA sampling, as a means of distinguishing products from different species of whales, needed further development. However, IUCN have been informed that the method is now sufficiently developed.
2. In the general introduction, a figure of 400,000 tonnes, taken from documents circulated with CITES Notification to the Parties No. 914, was given for domestic supplies of whale meat. The delegation of Japan had now informed IUCN that the actual amount was 200,000 tonnes.
3. On page 40 of the English version, the reference to minke whales in the Russian Federation should refer to grey whales.

4. The figure for the quantities of whale meat imported by Japan from Iceland was not species specific. Iceland had noted that only fin and sei whales were involved.

He also noted that there were further corrections specific to other species, which they could mention during discussion of the individual proposals if necessary.

The delegation of Japan introduced proposal Prop. 10.19, noting that the United States of America had recently transferred this stock from 'Endangered' to 'Threatened' under the Endangered Species Act. A lengthy debate ensued in which the main issue was the relationship between CITES and the International Whaling Commission (IWC), particularly in light of the fact that both Resolution Conf. 2.9 and the IWC moratorium on commercial whaling remained in effect.

There were two main sides to the debate. One side approved the proposal on the grounds that the IWC Scientific Committee had provided data showing that sustainable use was possible and that therefore the criteria for listing in Appendix I had not been met. Approval for the proposal based on these main principles was expressed by the delegations of Cuba, Denmark speaking on behalf of Greenland, Norway, Pakistan, Papua New Guinea, Saint Lucia, Saint Vincent and the Grenadines and Zimbabwe, and the observers from Antigua and Barbuda and Iceland.

The observer from Antigua and Barbuda, as a member of the IWC, asked the Committee to ignore the political debate in the IWC and take account of the IWC Scientific Committee. This was also the view of the delegation of Zimbabwe who stated that the credibility of CITES would be imperilled if emotional and political reasoning prevailed. The Committee's attention was drawn to the Secretariat's recommendations to accept the proposal by the delegation of Cuba. The delegation of Saint Vincent and the Grenadines, supported by the delegation of Saint Lucia, expressed concern over some of the decisions of the IWC and were further worried about the possibility of bias in the IWC Scientific Committee. In supporting the proposal, they urged Parties to resist the high-handedness of the developed world in preventing the developing world from using its resources in a sustainable manner. The delegation of Papua New Guinea noted that, although it was difficult to determine whether trade was sustainable, from the figures provided in the proposal, there would be little impetus to set up management and monitoring programmes whilst the species remained in Appendix I.

The opposing view stressed the IWC's work on a revised management scheme and considered that a decision should not be taken before this was completed. Opposition to the proposal on these grounds was expressed by the delegations of Australia, Canada, Chile, Denmark, Israel, Monaco, Mexico, the Netherlands, speaking on behalf of the Member States of the European Union, New Zealand and the United States of America.

The delegation of India, believing that CITES should be supportive of the IWC, considered that it would be premature to accept the proposal at present. The delegation of Australia, stating that the IWC had not asked CITES to transfer any populations from Appendix I to Appendix II, said they opposed all five proposals to transfer whales to Appendix II. They also drew attention to Article XIV, paragraph 4, of the Convention, under which any such transfer for marine species would remove them entirely from CITES jurisdiction.

The delegation of Canada, whilst recognizing that the species did not meet the criteria for inclusion in

Appendix I, believed that transfer to Appendix II was inappropriate before an operational management and monitoring system had been developed. The delegation of Israel was concerned that some of the information concerning population densities was collected too long ago to reflect the current situation accurately. The delegation of the United States of America believed that the proposals were in complete contradiction of Resolution Conf. 2.9, which had been adopted in response to the IWC's request for assistance. Furthermore, although the proponent had considered some parts of Resolution Conf. 9.24, the proposal did not mention the precautionary measures found in Annex 4 to that Resolution.

The delegation of Mexico was strongly opposed to the proposal. They reported that Mexico had made great efforts to protect the species, including establishing in Baja California the first whale sanctuary in which the species bred.

The observer from the IWC informed the Committee that the IWC was still working on the Revised Man-

agement Scheme (RMS) and that the zero catch quota for whaling other than aboriginal subsistence whaling remained in place. Since Resolution Conf. 2.9 was still in effect, he suggested that it might be advisable to stay in step with the IWC until these matters were clarified. However, the observer from the High North Alliance reported that the IWC had made no progress on the development of monitoring and control procedures components of the RMS over the last two years.

The Chairman then closed the debate and asked that the Committee vote on the proposal. The delegation of Japan raised a point of order and proposed that the voting be carried out by secret ballot. As there were well in excess of the required ten seconds to this proposal, this was done. There were 47 votes in favour of the proposal and 61 against. The proposal was therefore rejected.

After some announcements, the Chairman adjourned the meeting at 17h30.

Ninth Session: 17 June 1997: 09h10-12h20

Chairman: D. Brackett (Canada)
Secretariat: O. Menghi
J. Kundaeli
G. van Vliet
Rapporteurs: J. Boddens-Hosang
D. Callister
M. Groves
M. Jenkins

XV Consideration of Proposals
for Amendment of Appendices I and II

4. Other Proposals

The delegation of Japan introduced proposal Prop. 10.20, for the transfer of the Okhotsk Sea West Pacific stock of minke whale *Balaenoptera acutorostrata* from Appendix I to Appendix II. They stated that the species had been listed in Appendix I without an adequate scientific basis and noted that an assessment by the Scientific Committee of the International Whaling Commission (IWC) in 1991 had agreed that the stock comprised over 25,000 individuals and was increasing. They stressed the importance of basing decisions under the Convention on scientific data and stated that the stock did not meet the criteria for listing in Appendix I set out in Resolution Conf. 9.24. They underlined the importance of whaling to small coastal communities in Japan, and stated that they had adequate inspection and control systems in place.

They were supported by the delegations of Cuba and Zimbabwe and the observer from Antigua and Barbuda, who stressed the importance of sustainable use of marine resources to small island developing States and the need to base decisions on science.

They were opposed by the delegations of the Netherlands, on behalf of the Member States of the European Union, the United States of America and Vanuatu, and the observers from Greenpeace International and the Eastern Caribbean Coalition for Environmental Awareness. The delegation of the United States of America stated that the proposal conflicted with Resolution Conf. 2.9 and was inconsistent with Annex 4 of Resolution Conf. 9.24. They also observed that small-type coastal whaling in Japan was not affected by CITES as no international trade was involved. The delegation of Vanuatu, supported by the observer from the Eastern Caribbean Coalition for Environmental Awareness, pointed to the complexity of management of marine resources and stated that not all small island developing States supported this or the other proposals concerning whales.

The observer from Greenpeace International noted that neither Norway nor Japan was a developing country. They further claimed that the sustainable-use argument was abused in order to undermine the IWC and called on Parties to respect decisions made under other relevant conventions.

In response to a question from the delegation of Liberia, concerning the former decline of this stock, the delegation of Japan responded that the IWC Scientific Committee had concluded in 1991 that a replacement yield of 209 animals could be taken.

The Chairman moved to vote on the proposal. The delegation of Japan, on a point of order, requested a secret ballot and received more than the requisite number of seconders. The result of the vote was 45 in favour and 65 against. The proposal was therefore rejected.

The delegation of Japan then introduced proposal Prop. 10.21 concerning transfer of the Southern Ocean population of minke whale from Appendix I to Appendix II, noting that a stock assessment by the Scientific Committee of the IWC had estimated the southern hemisphere population of this species at over 760,000 individuals and that it was believed to be increasing. They stated that the stock did not meet the criteria for inclusion in Appendix I as set out in Resolution Conf. 9.24. They were supported by the delegations of Dominica, Norway, Saint Lucia and Zimbabwe and by the observer from the International Coalition of Fisheries Associations, who all underlined the view that decisions should be made on a scientific basis. The observer from Antigua and Barbuda averred that the putative increase in minke whales in the Southern Ocean was threatening the biological diversity of the region.

They were opposed by the delegations of Australia, Brazil, the Netherlands, on behalf of the Member States of the European Union, and New Zealand. The delegation of Australia noted that their country was a range State for the population concerned but had not been consulted; they also noted that Japan was taking around 400 whales annually for scientific research from within a legally designated sanctuary. The delegation of New Zealand reported that they had been consulted but had been given insufficient time to develop a thorough response. They regarded it as ironic that some delegations considered FAO and other bodies to be the competent authorities with regard to marine fisheries issues but would not defer to the IWC on matters regarding whaling. They, and the delegation of Brazil, were concerned about the possible impact of the proposal, if accepted, on the integrity of the Southern Ocean Whale Sanctuary.

The delegation of Japan then proposed an amendment to their proposal Prop. 10.21, so that the last paragraph under A. would now read "Downlisting [...] from Appendix I to Appendix II with a quota of no more than the catch quota set in accordance with the provisions of the International Convention for the Regulation of Whaling which establishes, under Article III I, the International Whaling Commission".

The delegation of Switzerland sought reassurance from the delegation of Japan that, were the proposal to be accepted, Japan would comply with Article XIV, paragraph 4, of the Convention and would be prepared to withdraw its reservation on Appendix-I listing within 90 days. If this were not done, Switzerland was pre-

pared to sponsor a proposal for retransfer to Appendix I following a request from the Standing Committee.

Following such assurance, the Chairman moved to vote on the amended proposal. The delegation of Japan, on a point of order, requested a secret ballot and received more than the requisite number of seconds. The result of the vote was 53 in favour and 59 against. The proposal was therefore rejected.

The delegation of Norway then introduced proposal Prop. 10.22 and addendum Prop. 10.22.1 for transfer of two Atlantic stocks of minke whale from Appendix I to Appendix II. They pointed out that these two stocks, with 112,000 and more than 70,000 individuals, were not threatened with extinction and that the most recent assessments of these stocks indicated that they were increasing. They stressed that they had no intention of exporting minke whale specimens until importing countries had adequate controls in place, and called into question the IUCN/TRAFFIC analysis of the proposal. They underlined the importance of sustainable use in maintaining cultural diversity and observed that the credibility of CITES depended on decisions being made on a scientific basis. They sought to reassure Parties that they had adequate control measures in place. They were supported by the delegation of Japan.

The delegations of the Netherlands and the United Kingdom, speaking as range States, reiterated their opposition to the proposal. The delegation of Denmark indicated that they would be abstaining in the interests of Greenland.

The delegation of Switzerland stated that they were not aware that an export quota had been proposed by the delegation of Norway, in accordance with the measures outlined in Resolution Conf. 9.24 Annex 4. In response to an invitation from the Chairman, the delegation of Norway indicated that they did not wish to respond to this point.

The proposal was supported by the delegations of Cuba, Dominica, Saint Lucia and Zimbabwe. The delegation of Dominica stressed the important cultural element associated with the harvest of the populations of minke whale under consideration. This was reiterated by the observers from Iceland and the High North Alliance. The observer from Iceland went on to note that new controls introduced by Norway would resolve most if not all look-alike problems associated with trade in cetaceans originating in Norway.

The observer from the North Atlantic Marine Mammal Commission elaborated on the information contained in document Doc. 10.89 (Rev.) Annex 2, which had been provided following a request for comments received from the Secretariat.

The Chairman moved to vote on the proposal. The delegation of Norway, on a point of order, asked for a secret ballot and received more than the requisite number of seconds. The result of the vote was 57 in favour and 51 against. Not having achieved a two-thirds' majority, the proposal was rejected.

The Committee moved to consider proposal Prop. 10.23. The delegation of Japan indicated that, given the voting pattern established in relation to the previous four cetacean proposals and in the interests of time, they wished to withdraw the proposal although they felt it still had merit.

Proposal Prop. 10.24 was introduced by the delegation of Jordan. They stated that the proposal would protect the species throughout its geographical range from increased illegal trade in bear parts and derivatives. They noted that they had concerns with the reliability of

new data for *Ursus arctos* population levels in the Russian Federation and believed that there was still poor and inconsistent law enforcement for bears within that State. Support for this proposal was expressed by the delegations of Egypt, Georgia, Hungary, India, Israel, Pakistan and Saudi Arabia.

Speaking as another proponent of the proposal, the delegation of Bulgaria outlined the status and management controls for *U. arctos* in their country, expressing concern that illegal trade in bear parts was undermining their attempts to manage their population of this species. They proposed an amendment to proposal Prop. 10.24 to exclude the population of the Russian Federation, voicing the hope that the Russian Federation would introduce management plans for *U. arctos* before the 11th meeting of the Conference of the Parties and take all steps to combat illegal trade in this species within that country.

The delegation of Finland withdrew their sponsorship of the proposal. They urged *U. arctos* range States to introduce and implement adequate management plans and legislation to manage the species, and to continue work on bear conservation.

The delegations of Belarus, the Czech Republic, Estonia, Japan, Norway, Romania and Slovakia indicated that their populations of *U. arctos* were stable or increasing and that they did not support the proposal. The delegations of the Czech Republic, Romania and Slovakia further asked that their populations be excluded from the proposal. The delegations of Estonia and Japan also pointed out that there was no or little evidence of illegal trade in this species in their countries. A failure to consult adequately with range States prior to the submission of the proposal was raised by the delegations of Japan and Norway. The delegation of Norway further indicated that they would enter a reservation for the Appendix-I listing of their population of *U. arctos*, should the proposal be accepted. The delegation of the Russian Federation, while noting that illegal trade in bear parts was a major problem, felt that the draft resolution contained in document Doc. 10.41.1, which had been recommended for approval by Committee II, presented a better option for enhancement of bear conservation than proposal Prop. 10.24.

The Chairman closed the debate and, following a procedural suggestion from the delegation of Switzerland, moved to vote on four separate proposals in the order indicated below.

1. Transfer of all remaining European, Eurasian, Caucasian and Asian populations of *U. arctos* from Appendix II to Appendix I. There were 17 votes in favour and 33 against and this proposal was rejected.
2. As for 1., excluding the populations of the Czech Republic and Slovakia. There were 13 votes in favour and 44 against and this proposal was rejected.
3. As for 1., excluding the population of Romania. This proposal was overwhelmingly rejected.
4. As for 1., excluding the population of the Russian Federation. This proposal was overwhelmingly rejected.

Proposal Prop. 10.24 was therefore rejected in its entirety.

XIV Interpretation and Implementation of the Convention

18. Trade in African Elephant Specimens

a) Revision of Resolution Conf. 9.16

Despite a request from the delegation of the Netherlands, on behalf of the Member States of the European Union, to delay discussion, the Secretariat, at the direction of the Chairman, introduced document Doc. 10.44. The delegation of Namibia introduced document Doc. 10.44.2, noting that it contained text agreed at the African Elephant Range State Dialogue meeting held just prior to the

meeting of the Conference of the Parties. Document Doc. 10.44.1 was introduced by the delegation of South Africa, pointing out that it represented the consensus view of African elephant range States from southern and eastern Africa. The delegation of Ghana stated that the documents being considered under this agenda item did not necessarily represent the consensus view of all African elephant range States.

The Chairman deferred discussion on this agenda item.

The meeting was adjourned at 12h20.

Tenth Session: 17 June 1997: 14h30-18h05

Chairman: D. Brackett (Canada)
Secretariat: I. Topkov
J. Armstrong
O. Menghi
J. Kundaali
G. van Vliet
Rapporteurs: J. Boddens-Hosang
L. Collins
J. Gray
A. Haywood

XV Consideration of Proposals
for Amendment of Appendices I and II

4. Other Proposals

The delegation of Switzerland informed the Committee that, after consultations with the Chairman of the Nomenclature Committee and with the delegation of Bolivia, the latter agreeing to provide additional material for the Identification Manual, they suggested that proposal Prop. 10.18 be approved by consensus. Proposal Prop. 10.18 was so approved.

The delegation of Botswana introduced proposal Prop. 10.25 and informed the Committee that, were it to come to a vote, they would ask for a secret ballot to be held. The delegations of Namibia and Zimbabwe introduced proposal Prop. 10.26 and proposal Prop. 10.27 respectively and each asked for the matter be decided by secret ballot. The delegation of Botswana underlined the conclusions of the report of the Panel of Experts regarding the healthy status of the elephant populations in the three proponent States. They stressed the efforts made by Botswana with regard to wildlife management and informed the Committee that they were working with TRAFFIC to develop a computerized system to register ivory stocks. They also stated that they had invested considerable resources in management of their elephant population and the prevention of poaching, adding that they had met all the criteria for transfer of the population to Appendix II. They asked that the Parties consider this proposal on scientific grounds to avoid potentially making a mockery of the Convention. The delegations of Namibia and Zimbabwe echoed the introduction made by the delegation of Botswana with regard to their own elephant populations and asked the Parties to consider the message that would be received by those people who would be directly affected by the decision. The delegation of Zimbabwe informed the Parties that they had addressed the concerns regarding internal control expressed in the report of the Panel of Experts.

The proposals were fully supported by the delegations of Cuba, China, Japan, Saudi Arabia, the Sudan and Suriname. The delegations of Ecuador, Egypt, Jordan, Malawi, Malaysia, Nigeria, Pakistan, Papua New Guinea, Peru, the Republic of Korea and Trinidad and Tobago supported the three proposals because they favoured the proponent countries' right to exploit their natural resources sustainably. The delegations of Malawi and the Republic of Korea added that there were sound scientific reasons to support the proposals, while the delegation of Malaysia stressed the damaging effects of poverty on conservation efforts. The delegation of Peru cited their successes with the controlled sale of vicuña wool, which had led to the

generation of income for vicuña conservation. They further commended the transparency of the proponents' justification for their proposals.

The delegation of South Africa suggested the proposals be amended as follows:

"Transfer to Appendix II of the elephant populations of Botswana, Namibia and Zimbabwe annotated to include:

- i) exports of sport hunting trophies and live elephants for non-commercial purposes,
- ii) exports of hide, leather articles and ivory carvings for non-commercial purposes (for Zimbabwe only), and
- iii) no international trade in ivory for 18 months after the transfer to Appendix II comes into effect. Thereafter, experimental quotas for ivory not exceeding the following quantities for Botswana (25,3t), Namibia (13,8t), Zimbabwe (20t) will be traded during 1999 subject to conditions outlined in document Doc. 10.44.1."

They also proposed the establishment of a working group to consider the conditions for the resumption of trade in raw ivory as mentioned in Annex 1 of document Doc. 10.44.1. They suggested it comprise the following (with the nominations to be confirmed):

Southern Africa: Malawi and South Africa
Eastern Africa: Uganda and Kenya
Western Africa: to be nominated
Central Africa: Cameroon and Congo
Northern Africa: Tunisia and Egypt.

The delegations of Cameroon, Canada, Nepal and the Netherlands, on behalf of the Member States of the European Union, supported the formation of such a working group. The delegation of the Netherlands asked for clarification on a number of points concerning the conditions for resumption of trade, as mentioned in document Doc. 10.44.1. They offered their continued assistance in the implementation of enforcement measures to safeguard African elephant populations. In addition, they expressed interest in participating in a possible working group to address these issues.

The delegations of Benin, Indonesia, Norway, Switzerland, Uganda and Venezuela supported the proposals with the amendment proposed by the delegation of South Africa. The delegation of Norway was pleased that an increasing number of Parties appeared to endorse the principles of sustainable management of wildlife resources. They wished to see Parties setting aside a set proportion of their Gross Domestic Product for the purposes of development aid, including for conservation purposes. They also hoped that adoption

of these proposals would influence the listing of other species in the appendices. The delegation of Switzerland added that the proposals should be accepted in the interests of honesty and consistency, and providing the safeguards expressed in the Annex of document Doc. 10.44.1 were adhered to.

The delegation of Paraguay also supported the proposals, noting that the scientific data in support of them and management plans for the populations concerned were sound, and they urged the Parties not to have double standards.

The delegation of the Russian Federation expressed concern over the spirit of the Convention if transfers from Appendix I to Appendix II were not permitted within a reasonable time period once a species had been shown to have recovered sufficiently. The delegation of Japan stated that the report of the Panel of Experts had confirmed that controls of Japan's external trade were satisfactory. They added that they were implementing the recommendations contained in the report. The delegation of China quoted from the preamble of the Convention text and reminded the Parties that responsibility for the protection of species ultimately rested with the range States. They asked for the range States to be given the respect they deserved and noted the lack of resources for the enforcement and implementation of wildlife management programmes.

The proposals in their current form were not supported by the delegations of Australia, the Central African Republic, Chad, Côte d'Ivoire, Equatorial Guinea, Gabon, Ghana, Guinea, India, Kenya, Liberia, Mali, Monaco, Niger and the United States of America. The delegation of Australia, while recognizing the efforts made by the proponent countries, were concerned about the potential negative impact on elephant populations in other range States, a reservation echoed by the delegations of the Central African Republic, Chad, India, Mali, Niger and the United States of America. They suggested that the precautionary principle be applied. The delegation of Kenya noted the positive impact of the ivory trade ban on the Kenyan elephant population, the lack of adequate controls in most of Africa at the moment, and the unknown impact of renewed poaching. They believed that the conditions for the resumption of trade in ivory were more important than its timing and suggested further dialogue between the range States. The delegation of India also expressed concern over the repercussions for the Asian elephant, particularly with regard to poaching. They, and the delegations of Benin, the Central African Republic, Chad, Gabon, Mali and Niger supported the need for further dialogue before a decision on the proposals could be reached. The delegation of Mali also feared that Japanese import controls were too weak, while that of Ghana felt that ivory identification techniques were not always adequate, and that time should be allowed for sustainable management to be applied in all Africa, before proposals such as these should be accepted. Additional concerns of the delegation of the United States of America included those reported by TRAFFIC in their recent report on import controls for ivory in Japan and the lack of clarity regarding the legal status of the use of annotations under the terms of the

Convention. They were sympathetic to sustainable use of resources, however, and would continue to donate money to southern African countries to this end.

The delegations of Guinea and Côte d'Ivoire were concerned about the size of the stockpiles, the former delegation, in particular, about the additional ivory that would be generated from natural mortality and the culling of problem animals, the latter about those that Japan could accumulate, were the proposals adopted. The delegation of Guinea noted that the disposal of stockpiles would have to be debated again at the 11th meeting of the Conference of the Parties. They were also concerned about the claims that Japan had the best internal controls when no comparative studies had been made, about the poaching of migratory animals and about the problems associated with assessing the socio-economic value of resources. They stressed the need for capacity building. The delegation of Côte d'Ivoire also believed that the biological criteria for the transfer of the elephant populations in question had not been met.

The delegation of Liberia cautioned African elephant range States about the promises made by donor countries to supply additional funds. Furthermore, they questioned the proposed quota of exports to Japan as the amount of ivory imported by Japan before the ban came into force was well above the amounts now proposed. They expressed concern that increased demand for ivory would lead to increased poaching.

The delegation of Israel opposed the proposals because they had noted flaws in them, because of insufficient consideration having been given to the possible consequences of a split-listing for elephants, and because they were uncertain of the implications of naming only one importing Party, as they felt that this would create an effective trade monopoly, which would be open to question in legal terms.

The delegation of Botswana requested that proposal Prop. 10.25 be put to a vote. The Chairman called for a vote on whether to end the debate. This motion was carried.

After a request for clarification by the delegation of Norway, regarding the correct rules of procedure for voting on amendments to proposals, all three proponent Parties, at the request of the Chairman, stated that they could accept the proposed textual amendment to their proposals from the delegation of South Africa. The proponents reiterated their request for a secret ballot, which was supported by more than the required number of delegations. A secret ballot was then conducted to vote on proposals Prop. 10.25, Prop. 10.26 and Prop. 10.27, as amended. Seventy-five Parties voted in favour and 41 against: the proposals were therefore not supported by more than two-thirds of Parties voting and were rejected.

The Chairman announced that proposals Prop. 10.25, 10.26 and 10.27, as originally submitted, were still active, but that further consideration of these proposals would be deferred until the next session of Committee I.

The meeting was adjourned at 18h05.

Eleventh Session: 18 June 1997: 09h20-12h30

Chairman:	D. Brackett (Canada)
Secretariat:	O. Menghi J. Kundaali G. van Vliet
UNEP:	P. Chabeda
Rapporteurs:	J. Boddens-Hosang K. Cook M. Jenkins J. Roberts

XV Consideration of Proposals
for Amendment of Appendices I and II

4. Other Proposals

The Chairman resumed consideration of proposals Prop. 10.25, Prop. 10.26 and Prop. 10.27, concerning various populations of the African elephant. He noted that the proposals as amended following the suggestion of the delegation of South Africa had been rejected by the Committee in its preceding session. He considered, however, that the original proposals still stood. Following advice from the Bureau and informal consultation with interested Parties, he proposed that a drafting group be established to consider the original proposals along with other relevant documents, namely Doc. 10.44, Doc. 10.44.1 and any revisions thereof, Doc. 10.45 and the text of the amendment previously proposed by the delegation of South Africa. He requested that the drafting group meet in parallel with the present session of the Committee and report back that afternoon, or as soon as possible, with any documentation. He anticipated that, if necessary, the Bureau might permit a short session of Committee I to consider the matter the following day during the period currently allotted to a plenary session.

He proposed the drafting group be composed as follows:

Uganda and Kenya representing the East African region; South Africa and Malawi representing the Southern African region; Côte d'Ivoire and Ghana representing the West African region; Cameroon and Congo representing the Central African region; a representative of the Member States of the European Union; Canada; Japan; Nepal; Peru; the three proponent States (Botswana, Namibia, Zimbabwe); and Norway to co-ordinate the group. The delegation of Switzerland noted that it had agreed to a request to provide interpretation in French to the drafting group.

The delegation of Chad queried the composition of the drafting group and was advised by the Chairman to consult with other countries within its region.

The Chairman then invited the delegation of South Africa to introduce proposal Prop. 10.28, an amendment to annotation °503 regarding the South African population of the southern white rhinoceros *Ceratotherium simum simum*. Following a suggestion made by Switzerland and Liechtenstein, cited in the comments on the proposals in document Doc. 10.89 (Rev.), they indicated that, if the proposal were adopted, the annotation in the Interpretation of Appendices I and II should read, "°503 Commercial trade in horns is subject to an export quota. For the years 1997 to 1999 the quota is zero."

They noted that South Africa's population of southern white rhinoceros had been transferred from Appendix I to Appendix II at the ninth meeting of the Conference of the Parties, with exports confined to live animals and trophies only. They considered that an opportunity now existed to improve the prospects for rhinoceros conservation by developing a limited, tightly controlled trade in rhinoceros horn for traditional Chinese medicine. They wished to start open and transparent discussions with practitioners of traditional Chinese medicine and felt that this would be easier were the proposed amendment to be adopted. They were supported by the delegations of Senegal, Switzerland and Zambia. The delegation of Switzerland noted that no problems had been experienced with the transfer of the population from Appendix I to Appendix II under the existing annotation, and underlined the fact that the amendment was to allow trade in rhinoceros meat and skins and would not open trade in rhinoceros horn.

The delegations of the Netherlands, on behalf of the Member States of the European Union, and the United States of America, while both congratulating South Africa on its success in rhinoceros management, stated that they could not support the proposal. The former felt that adequate control mechanisms for trade in rhinoceros horn were not yet in place, and the proposal was therefore premature. The latter expressed concerns about the whole process of annotation of the appendices and considered that the amendment might undermine the progress made by many Parties in reducing the demand for rhinoceros horn. They offered their moral, technical and financial support to all rhinoceros range States and relevant international organizations for a dialogue on non-commercial disposal of rhinoceros horn stocks.

The delegation of India noted that no population of southern white rhinoceros in a range State other than South Africa exceeded 150 animals, and urged South Africa to send live specimens to help build up these populations.

A vote was taken by a show of hands. There were 60 votes in favour and 32 against. Not having achieved the required two-thirds' majority, the proposal was rejected.

The delegation of Mexico introduced proposal Prop. 10.29 noting that they had amended it to The deletion from Appendix II of the Mexican population of *Tayassu tajacu* for the purposes of export of hunting trophies. They stated that Mexico had a widespread population of about 9.5 million individuals, which were provided protection at federal level in both environmental legislation and under hunting laws, and that their monitoring system had detected no significant trade in the species. The proposal as amended was

supported by the delegations of Argentina, Colombia, Ecuador and Venezuela, although the delegation of Argentina expressed some concerns because of the high demand for skins of this species. The delegation of Belize queried the ease with which their own population of the peccary could be distinguished from the Mexican population. The observers from TRAFFIC and the International Wildlife Coalition were concerned that there was a lack of quantitative data in the proposal; that there were a number of threats to the species; that there was no indication that the current ban on export of skins from Mexico would be retained; and that the proposal went against Annex 3 of Resolution Conf. 9.24, which advised that split listing should in general be avoided. The proposal as amended was accepted by consensus.

The delegation of Peru introduced proposal Prop. 10.31, an amendment to annotation °504 to allow the member countries of the Convention on Conservation and Management of the Vicuña to trade in luxury handicrafts and knitted articles made of wool sheared from live vicuñas from Appendix-II populations. They added that it was not the raw wool that would be sold, but there would be a regulated trade in clearly distinguished and controlled luxury handicrafts, manufactured by reputable artisans. This would result in products the value of which would be equal to or greater than that of goods produced in industrial processes. All data would be collated by the National Vicuña Wool Agency. The proposal was supported by the delegation of the Netherlands, on behalf of the Member States of the European Union, who had earlier expressed some concern regarding controls, and was accepted by consensus.

The delegations of Argentina and China withdrew proposal Prop. 10.34.

Proposal Prop. 10.43, the transfer from Appendix II to Appendix I of *Cacatua sulphurea*, was introduced by the delegation of Germany. They reported that the species was classified as Endangered by IUCN and illegal trade was still occurring. However, they did acknowledge that the Scientific Authority and Management Authority of Indonesia, in collaboration with Birdlife International, had begun the implementation of a management plan for the conservation and recovery of the species. The proposal was supported by the delegations of Hungary and the United States of America. The delegation of Indonesia, the only range State for the species, did not support the proposal, requesting assistance in, and time to implement, their recovery programme. This view was echoed by the delegations of Japan and Zimbabwe. The delegation of Germany subsequently withdrew the proposal.

The delegation of Germany then withdrew proposal Prop. 10.44 and introduced proposal Prop. 10.45 for the transfer from Appendix II to Appendix I of *Vini kuhlii*, noting that there was a large demand for this species. The delegation of New Zealand disagreed that trade was a major threat to the species and asked whether listing in Appendix I would inhibit the operation of the recovery programme for the species. The delegation of Zimbabwe, noting that the species was under consideration in the Significant Trade Review, opposed the proposal. The Chairman called for a vote and the proposal was rejected by 33 votes in favour to 21 votes against.

The delegation of Germany introduced proposal Prop. 10.46 for the transfer from Appendix II to Appendix I of *Vini peruviana*. The delegation of Switzerland opposed the proposal on the grounds that the biological criteria of Resolution Conf. 9.24 were not

met. The matter was put to a vote and the proposal was rejected by 32 votes in favour to 25 votes against.

The delegation of Germany introduced proposal Prop. 10.47 for the transfer from Appendix II to Appendix I of *Vini ultramarina*. The delegation of Germany, responding to a comment from the delegation of Paraguay, confirmed that they had consulted the range States prior to the submission of the proposal. The delegation of Zimbabwe, noting that the species was under consideration in the Significant Trade Review, opposed the proposal. A vote on the proposal was then taken and the proposal was rejected by 41 votes in favour and 22 votes against.

The delegation of the United States of America introduced proposal Prop. 10.49 for the inclusion in Appendix II of *Pycnonotus zeylanicus*. The proposal was accepted by consensus.

The delegation of the Netherlands introduced proposal Prop. 10.52 for the inclusion in Appendix II of *Liocichla omeiensis*. The delegation of India supported the proposal. The delegations of South Africa and Switzerland opposed the proposal, which they considered lacked scientific data. The proposal was then accepted by 46 votes in favour to 21 votes against.

The delegation of the Netherlands introduced proposal Prop. 10.55 for the inclusion in Appendix II of *Padda oryzivora*. The proposal was supported by the delegation of Indonesia but opposed by the delegations of Japan and Venezuela who draw attention to the high level of international trade in captive-bred specimens of this species. The proposal was accepted by 55 votes in favour to 9 votes against.

The delegation of the United States of America withdrew proposal Prop. 10.57 as no consensus had been reached in prior discussions with other Parties, adding that they would consider listing the species in Appendix III.

The delegation of the United States of America introduced the amended proposal Prop. 10.59 for the inclusion in Appendix II of *Graptemys* spp., explaining that three species (*Graptemys geographica*, *Graptemys oachitensis* and *Graptemys pseudogeographica*) had now been removed from the proposal. The delegation of Canada supported the proposal. The delegation of the Netherlands, on behalf of the Member States of the European Union, opposed it on the grounds that Appendix-III listing would be more appropriate because the species involved were endemic to the United States of America. They also noted that most international trade in the genus was in two of the three species that had been removed from the proposal. The proposal was rejected by 37 votes in favour and 19 votes against.

The delegation of Cuba introduced proposal Prop. 10.60 concerning the transfer from Appendix I to Appendix II of the Cuban population of *Eretmochelys imbricata*, noting the implementation of a management programme for the species and the socio-economic importance of the species to local communities. They offered to enter into regional dialogue on management of the species. The delegations of Dominica, Japan, Norway, South Africa, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Venezuela and Zambia supported the proposal. The delegations of the Bahamas, Hungary, India, Israel, Mexico, Saudi Arabia and Vanuatu opposed the proposal. The observer from Jamaica noted that acceptance of the proposal could have serious repercussions on the species within the region. The delegation of the United Kingdom, speaking on behalf of its Dependent Territories in the

Caribbean region, expressed support for Cuba's efforts in the field of marine turtle conservation and the potential benefits of ranching of this particular species. The delegation of the Netherlands, on behalf of the Member States of the European Union, whilst congratulating Cuba on their management programme for this species, expressed the view that further scientific

research was needed on the population and distribution of the species.

The delegation of Cuba called for a vote by secret ballot and the proposal was rejected by 53 votes in favour and 39 votes against.

The Chairman adjourned the meeting at 12h30.

Twelfth Session: 18 June 1997: 14h15-18h00

Chairman:	D. Brackett (Canada)
Secretariat:	O. Menghi J. Kundaeli G. van Vliet
UNEP:	P. Chabeda
Rapporteurs:	J. Gray M. Groves T. Inskipp J. Roberts

XIV Interpretation and Implementation of the Convention

36. Hybrids

a) Amendment of Resolution Conf. 2.13

The Chairman referred the Committee to document Doc. 10.70.1 and its Annex, explaining that the Secretariat had recognized the need for this document, following the approval of document Com. 10.8 (Rev.). It was approved by consensus.

XII Committee Reports and Recommendations

4. Nomenclature Committee

b) Recommendations of the Committee

The Chairman of the Nomenclature Committee drew the attention of the meeting to document Com. 10.15, especially to those changes that had been made by his Committee, following consideration of document Doc. 10.19 by Committee I. These were in paragraphs i) and j), following "RECOMMENDS", and paragraph e), following "ADOPTS". Documents Doc. 10.19 and Com. 10.15 were approved by consensus.

The Chairman of the Nomenclature Committee next introduced document Com. 10.16, explaining that it reflected information that had not been available at the time of preparation of document Doc. 10.19. This information had made it clear that *Ovis vignei vignei* was the only subspecies intended to have been listed by the original proponent. The attention of the meeting was therefore drawn to the operative paragraphs of document Com. 10.16 and the Chairman of the Nomenclature Committee added that he felt this was a special case.

The delegation of Germany registered their intent to work with prominent range States to devise a proposal to list all remaining subspecies of *O. vignei* in Appendix II after this meeting of the Conference of the Parties. Document Com. 10.16 was then approved.

The Chairman of the Nomenclature Committee wished the meeting to note that Mr Noel McGough was Vice-Chairman of the Nomenclature Committee, as this fact had been omitted from some documentation.

XV Consideration of Proposals for Amendment of Appendices I and II

4. Other Proposals

Proposals Prop. 10.61 to transfer the Bangladesh population of *Varanus bengalensis* from Appendix I to II and Prop. 10.62 to transfer the Bangladesh population of *Varanus flavescens* from Appendix I to II were

discussed, although the delegation of the proponent Party, Bangladesh, was absent. The delegations of India and Nepal, as range States, opposed the proposals, the former stating that they did not believe they had been based on accurate scientific data. The delegation of Israel shared this view and added that the proponent Party also suffered enforcement problems, an opinion echoed by the delegations of the Netherlands and Switzerland, who noted the numbers proposed for export seemed too high. Specifically, the delegation of the Netherlands, on behalf of the Member States of the European Union, suggested revising the quotas to 100,000 per year for *V. bengalensis* and to 50,000 for *V. flavescens*, and recommended the use of a tagging system, like that used for crocodylians. The delegation of Switzerland recommended listing the species in Appendix II with a zero quota, or a much reduced annual quota until an effective management plan was in place. The delegation of Germany stated that the number of stockpiled skins should be known before quotas could be set and seconded the need for a marking system.

In the continued absence of the delegation of Bangladesh, the Chairman finally called a vote. Both proposals were overwhelmingly rejected.

The delegation of the United States of America introduced proposal Prop. 10.63, to include *Crotalus horridus* in Appendix II. The delegation of the Netherlands, on behalf of the Member States of the European Union, praised the quality of the data in the proposal but considered that conservation problems for this species were not caused by international trade, a view shared by the delegation of Switzerland. They advised listing the species in Appendix III. The delegation of the United States of America then withdrew the proposal, stating that they would consider the comments of the delegations of the Netherlands and Switzerland.

The delegation of Germany, followed by the delegation of the United States of America, the co-proponent, introduced proposal Prop. 10.65, to include *Acipenseriformes* spp. in Appendix II. The former delegation said that, if the proposal were approved, it would only be effective with good control measures for import and export and therefore requested an addition to their proposal, namely: because of the need for development of technical control measures in both exporting and importing countries, the inclusion in Appendix II will not be effective until 1 April 1998.

The delegation of the Islamic Republic of Iran felt they had not been consulted adequately as a range State in recent meetings related to sturgeon conservation, nor accurately referred to in the proposal. They then presented a resumé of sturgeon conservation in their

country. They believed that a listing in Appendix II would not solve the problems of overfishing as it was impossible to distinguish between products of legal and illegal catch. Accordingly, they recommended postponement of the proposal's consideration until the next meeting of the Conference of the Parties, and after a meeting between range States and a representative of the Animals Committee. They also hoped that those range States that had not joined the Convention would do so, and stated that they could support an eventual proposal if investment in hatcheries and other sturgeon conservation measures were forthcoming.

The delegation of Australia supported the proposal. They also agreed with some of the comments made by the delegation of the Islamic Republic of Iran, notably the need for the Animals Committee to examine the proposal in the light of Resolution Conf. 8.9. They asked the Committee to agree to this approach to facilitate the listing of the species in Appendix II.

The delegation of the Russian Federation agreed that uncontrolled trade was at the heart of the problem of conserving sturgeons and that an Appendix-II listing would be a first step in solving this. They supported the proposal, as annotated by the delegation of Germany. The delegations of China, the Netherlands, on behalf of the Member States of the European Union, and the United Kingdom, on behalf of the European region, supported the proposal. The delegation of the Czech Republic wished to defer consideration of the proposal until the 11th meeting of the Conference of the Parties, because they thought that data in the proposal relating to captive-bred specimens were inaccurate. The delegation of Switzerland, while having sympathy with the proposal as amended, recognized the need for a delay in its consideration, given the extraordinary patterns of the trade, possible data inaccuracies and problems related to enforcement.

In summarizing, the Chairman noted the annotation to the proposal by the delegation of Germany and the proposal was accepted, as amended.

The delegation of the Russian Federation introduced document Doc. 10.91, relating to sturgeon conservation, noting a number of amendments needed to the text. The delegation of the United Kingdom, on behalf of the European region, also proposed a change to the text and the Chairman then suggested that the Russian Federation, as part of a drafting group, make textual changes to the document, for re-presentation.

The delegation of the United States of America introduced proposal Prop. 10.66 for the inclusion of *Pristiormes* spp. in Appendix I. The proposal was supported by the delegation of the Philippines. The delegation of Japan noted that the supporting statement for the proposal did not adequately address the biological and trade criteria for inclusion in Appendix I for all seven species. The proposal was not supported by the delegations of Canada, El Salvador, Honduras, the Netherlands on behalf of the Member States of the European Union, Norway and Panama, and the observer from FAO, all of whom felt that the issue was an internal one related to by-catch. The delegation of Panama suggested that the matter be decided by secret ballot. The delegation of Australia, a range State, were unaware of any trade, but acknowledged that trade might occur in other range States. They noted an inaccuracy in the proposal regarding Australia for which the delegation of the United States of America apologized. The latter noted that, under the terms of Resolution Conf. 9.24, the mere possibility of trade is a sufficient condition for including in Appendix I species

meeting the biological criteria for Appendix I. They noted further that fish caught as by-catch are frequently unharmed and can be returned to the sea. Finally, they expressed their strong opposition to a secret ballot and, after an insufficient show-of-hands on a vote on the motion for a secret ballot, the motion was defeated. The proposal was rejected following a show of hands with 24 votes in favour and 50 against.

The delegation of Mexico introduced proposal Prop. 10.67, an amendment to annotation #4 to indicate that seeds from Mexican cacti, other than those obtained from artificial propagation in production units, were included in Appendix II.

The Chairman referred the Committee to document Inf. 10.17, in which the delegation of Mexico had included a modification to annotation #4 to read: #4. a) seeds and pollen, with the exception of seeds from Mexican cacti originating in Mexico.

The proposal was supported by the delegation of the United States of America and the Chairman of the Plants Committee, the latter stating that this issue had been addressed in the last two meetings of the Plants Committee. The proposal was accepted following a show of hands with 50 votes in favour and 3 against.

The delegation of Bolivia introduced proposal Prop. 10.69 for inclusion in Appendix II of all neotropical populations of *Swietenia macrophylla* and including an annotation. This was a joint proposal from Bolivia and the United States of America, the former a major range State and the latter the major importer. It was stressed that inclusion in Appendix II would not give rise to additional restrictions to national protection measures and would not be extended to plantations or other mahogany species. The delegation of the United States of America added that they wished to take the advice of the Secretariat and amend the annotation to designates logs, sawn wood and veneer sheets, thus deleting the words "and plywood sheets only". The delegations of Belize, Brazil, Cameroon, Malaysia and Peru, and the observer from the International Wood Products Association, did not support the proposal, citing a variety of concerns regarding the applicability of the listing criteria to timber species, the effect on existing domestic legislation, the consultation process and the effect on the economies of some of the range States thus leading to further problems of deforestation. The proposal was supported by the delegations of Honduras, Mexico and Nicaragua. The delegation of Honduras further appealed to the delegation of the United States of America to make the best efforts to prevent illegal trade in mahogany.

At the request of the delegation of Bolivia a vote proceeded by secret ballot. Sixty-seven Parties voted for the proposal, 45 opposed it and nine abstained from voting. The proposal was rejected having not reached the required two-thirds majority.

The delegation of Brazil stated that, although they had abstained from voting because they wanted to put a stop to the stigmatization of mahogany, irrespective of the results they wanted to reiterate their commitment to implementing their policy of protection and sustainable use of mahogany. They urged importing countries to support Brazil's efforts in good faith and to avoid any restrictions to their exports of mahogany.

The delegation of the United States of America introduced proposal Prop. 10.73, the inclusion of *Hydrastis canadensis* in Appendix II, noting that the proposal was amended to include only roots, rhizomes, rootstocks and specimens recognizable as being parts thereof, thus excluding powder in bulk. The delegation of

Switzerland stated that the species was not protected by all of the states in which it occurred in the United States of America, and that no comprehensive management programme was in force. They considered that the problem was an internal one and that the proponent should consider listing the species in Appendix III. The delegation of the Netherlands, on behalf of the Member States of the European Union, were concerned about the lack of reporting requirements and noted that 90 per cent of trade was for internal consumption. In response, the delegation of the United States of America explained that there were significant exports to Europe and that it was not possible to use the Appendix-III option because the species was not protected in some relevant states. Following a vote, the proposal was accepted with 38 votes in favour and 17 against.

Proposal Prop. 10.74, the inclusion of *Picrorhiza kurroo* in Appendix II, was introduced by the delegation of India, who noted that it was amended to refer only to rootstocks and readily recognizable parts thereof. The delegations of Nepal and the United States of America expressed support for the proposal, the former referring to over-collection and habitat loss and noting that, although collection of the species was unrestricted, export had to be covered by a permit. The delegation of the Netherlands, on behalf of the Member States of the European Union, were concerned that the supporting statement contained some out-of-date information and lacked some available recent data. Using information provided by IUCN they referred to recent serious declines in the populations of India, Nepal and Pakistan and noted that illegal trade had been an important contributory factor. The delegation of

Pakistan was opposed to the proposal because they considered that it was an internal problem of the proponent State. Following a vote, the proposal was accepted with 62 votes in favour and 7 against.

The delegation of India then introduced proposal Prop. 10.75, the inclusion of *Nardostachys grandiflora* in Appendix II, noting that it was amended to include only whole and sliced roots, or parts of roots, excluding manufactured parts and products thereof. They added that a workshop in January 1997 had documented an 80 per cent decline in the Indian populations and that the main threat was exploitation. The delegations of Nepal and the United States of America supported the proposal, and the delegation of China requested that the proposal be amended in a similar fashion to that adopted for *Panax quinquefolius* in a previous session. The delegation of the Netherlands, on behalf of the Member States of the European Union, also supported the proposal, stating that they had been swayed by additional information provided by IUCN; however, they insisted that the delegation of India should make a commitment to provide adequate identification material as soon as possible. The delegation of India agreed to this and concurred with the amendment suggested by the delegation of China. The delegation of Switzerland made a statement about what he considered to be double standards adopted by CITES. They quoted from document Doc. 10.89 Annex 1, where the past history of proposals for this species was outlined by the Secretariat, and noted that the supporting statement was still very poor. Following a vote, the proposal was accepted with 57 votes in favour and none against.

The Chairman adjourned the meeting at 18h00.

Thirteenth Session: 19 June 1997: 09h10-11h15

Chairman:	D. Brackett (Canada)
Secretariat:	I. Topkov J. Armstrong O. Menghi J. Kundaeli G. van Vliet
UNEP:	P. Chabeda
Rapporteurs:	J. Caldwell K. Cook J. Gray M. Jenkins

The Chairman opened the session by calling on observers to maintain the highest standards of behaviour when participating at the meeting. He then called on the observer from the Born Free Foundation who offered an unequivocal and unreserved apology to the delegation of the Sudan for any actions that had caused offence or distress. The Chairman noted that the delegation of the Sudan had previously accepted a similar apology offered in person. He went on to observe that this procedure did not constitute a precedent for handling such matters, and that future problems could result in expulsion of observers by the Bureau.

XIV Interpretation and Implementation of the Convention

27. Trade in Alien Species

The Chairman noted that a draft decision on trade in alien species had been prepared but not yet distributed (see document Com. 10.32). He reported that he believed it to be a faithful transcription of recommendations contained in document Doc. 10.59 concerning which there had been consensus in the Committee. The draft decision was accepted by consensus.

XV Consideration of Proposals for Amendment of Appendices I and II

4. Other Proposals

The Chairman introduced document Com. 10.40, an amended version of document Doc. 10.91, concerning the conservation of sturgeons. This was accepted by consensus.

The Chairman then turned to discussion of proposals related to various populations of the African elephant. Following consultations with the Bureau, and in view of the time already spent discussing this issue, he did not propose to re-open the debate. He noted that a drafting group, co-ordinated by the delegation of Norway and containing broad representation, especially from Africa, had arrived at documents Com. 10.33, Com. 10.34 and Com. 10.35 by consensus. He proposed that the Committee move directly to vote in the following sequence: first, the draft decision contained in document Com. 10.34; second, proposal Prop. 10.25 as amended by the first proposed amendment in document Com. 10.33; third, proposal Prop. 10.26 as amended by the second proposed amendment in document Com. 10.33; fourth, proposal Prop. 10.27 as amended by the third proposed amendment in document Com. 10.33; fifth, the draft decision contained in document Com. 10.35.

The delegations of Chad, Ghana, Guinea, Israel, Kenya, Liberia, Monaco, Nigeria, the Netherlands, on behalf of the Member States of the European Union, and the United Kingdom all raised points of order and

asked that there be an opportunity for further discussion. The Chairman demurred and called for a vote on document Com. 10.34.

The delegation of Zimbabwe requested a secret ballot and was supported by more than the necessary number of seconds. Following a vote, the draft decision in document Com. 10.34 was accepted, with 76 votes in favour and 21 against.

The delegation of Australia made an explanation of vote. They stated that they had voted against the draft decision because it was not appropriate that a decision on the resumption of commercial trade in ivory be delegated to the Standing Committee, as paragraph 3 of the draft decision provided, nor was it appropriate to claim, as paragraph 7 of the draft decision did, that a mechanism to halt trade and immediately re-transfer populations to Appendix I could be agreed, as the provisions of the Convention would require a minimum of six months for such a transfer to take place.

The Chairman then called a vote on proposal Prop. 10.25 as amended by the first proposed amendment in document Com. 10.33, noting that the amount quoted for an experimental quota for raw ivory in subparagraph iii) was expressed in metric tonnes.

The delegation of Botswana called for a secret ballot; this request received the required number of seconds. Following the ballot, the amended proposal was accepted with 74 votes in favour and 21 against.

The Chairman then called a vote on proposal Prop. 10.26 as amended by the second proposed amendment in document Com. 10.33, noting that the amount quoted for an experimental quota for raw ivory in subparagraph iii) was expressed in metric tonnes.

The delegation of Namibia called for a secret ballot; this request received the required number of seconds. Following the ballot, the amended proposal was accepted with 74 votes in favour and 22 against.

The Chairman then called a vote on proposal Prop. 10.27 as amended by the third proposed amendment in document Com. 10.34, noting that the amount quoted for an experimental quota for raw ivory in subparagraph v) was expressed in metric tonnes.

The delegation of Zimbabwe called for a secret ballot; this request received the required number of seconds. Following the ballot, the amended proposal was accepted with 77 votes in favour and 23 against.

The delegation of the United States of America explained their votes. They had voted against acceptance of document Com. 10.34 for the reasons earlier stated by the delegation of Australia, and against the

three amended proposals for the reasons they had stated at an earlier session of the Committee. They believed that support of document Com. 10.34 was tantamount to supporting a resumption of trade in ivory, to which they remained opposed. They had consistently expressed their concerns about the impact of such trade on elephants throughout Africa. However, they recognized and respected any decisions taken by the Conference of the Parties and were prepared to cooperate with the Panel of Experts, the Standing Committee, the proponent Parties and other elephant range States to ensure that decisions taken were implemented effectively to minimize the risk to elephants throughout their range.

The Chairman turned to document Com. 10.35, noting that it called for several activities concerning ivory stockpiles on the part of the Secretariat, as did document Com. 10.34. He stated that in dealing with these matters it was incumbent on the Secretariat to keep all Parties informed of progress with respect to work undertaken in accordance with Decisions of the Conference of the Parties. The Secretariat would make every effort to notify Parties of information as it became available, and to keep them fully informed of all activities and information resulting from implementation of these Decisions in particular.

The delegation of Zimbabwe called for a secret ballot; the request received the required number of seconds. Following the ballot, the draft decision was accepted by 90 votes in favour and 18 against. The delegation of Nigeria stated that they had voted against acceptance of this document, owing to their belief that interpretation of paragraph 2.1 could set a dangerous precedent as it called into question the integrity of range States in managing their stocks.

The Chairman introduced document Doc. 10.44, Annex 2 of which contained a draft resolution on trade in African elephant ivory, and documents Doc. 10.44.2 and Doc. 10.44.3, submitted by the delegation of Namibia and containing draft amendments to Annex 2 of document Doc. 10.44. The delegation of Israel noted

that most of the work that would ensue from adoption of document Doc. 10.44.2 would fall to the TRAFFIC Network. While recognizing the competence of TRAFFIC in these affairs, they were concerned about the sensitive nature of much of the data relating to illegal trade and would prefer that an authorized law enforcement agency be involved. There being no further comments, the documents were accepted.

XIV Interpretation and Implementation of the Convention

18. Trade in African Elephant Specimens

b) Revision of Resolution Conf. 7.9

The Chairman referred the Committee to document Doc. 10.45 and in particular to Annex 4. The delegation of the Netherlands, on behalf of the Member States of the European Union, noted that they had formerly requested an amendment to operative paragraph b) iv) of Annex 4 of this document, namely, including establishment of quotas after "regimes". The delegation of Namibia sought agreement that operative paragraph e) could be interpreted to allow a representative of the proponent State to be a full member of the Panel. Noting that there would be the need for future changes to annotations concerning elephant listings, the delegation of the United States of America urged that future discussions by the Standing Committee should include how the work of the Panel of Experts would relate to annotations. Document Doc. 10.45 was then accepted, as amended.

The delegation of Germany asked that, in preparations for the next meeting of the Conference of the Parties, more time might be allocated to the deliberations of Committee I, as they noted that lack of time had precluded significant intervention from observers at this meeting. The Chairman concurred.

After expressions of thanks from several delegations, the Chairman closed the meeting of Committee I at 11h15.