

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

Twenty-eighth Meeting of the Standing Committee
Lausanne (Switzerland), 22 - 25 June 1992

SUMMARY REPORT

Members:

Oceania:	M.R. Hosking (New Zealand)	Chairman
South and Central America and the Caribbean:	C. James (Trinidad & Tobago)	Vice-Chairman
Africa:	B.O. Sall (Senegal)	
Asia:	P. Leng-EE (Thailand)	
	W. Kaeokamnerd	
	M. Ratanavaraha	
	M. Zarnjanakesorm	
	M. Nimanhenin	
Europe:	S. Johansson (Sweden)	
North America:	R. Campbell (Canada)	
Depositary Government:	P. Dollinger (Switzerland)	
Next Host Country:	M.P. Jones (USA)	
	A. Lazarowitz	
	P. Thomas	
Previous Host Country:	Y. Natori (Japan)	
	J. Morishita	
	M. Isono	

Observers:

Austria:	M. Erdresser
France:	F. Colas-Belcour
	A. Bonneau
	P. Delacroix
Germany:	A. Schmidt-Réntschi
Israel:	B. Clark
Italy:	B. Agricola
	S. Allavena
Namibia:	M. Lindeque
Netherlands:	C. Schürmann
South Africa:	H. Van Rooy
United Kingdom of Great Britain and Northern Ireland:	D.W. Morgan
Commission of the European Communities:	W. Wijnstekers

Secretariat:

I. Topkov
J. Berney
J. Barzdo
J. Flores
J. Gavitt
M. Koyama
J. Kundaeli
J.-P. Le Duc
O. Menghi
O. Owolabi
G. van Vliet

First Session: 22 June 1992: 09h15 - 12h30

1-2. Opening Remarks by the Chairman and Adoption of the Agenda

The Chairman opened the meeting at 09h15, and welcomed all participants. The Secretary General also welcomed the participants, noting with appreciation that several new observers were present. He also stated that document Doc. SC.28/Inf.2 (List of participants) would be replaced by an updated document.

Document SC.28.1/Rev. 1 (Provisional Agenda) was adopted with the following changes:

1. Under item 3. of the agenda, 'Revised terms of reference on Transport of Live Animals', was to be discussed under item 10., 'Any other business'.
2. The following items were to be added to item 10., 'Any other business':
 - a) Brazilian rosewood (United States)
 - b) CITES identification manual (Canada)
 - c) Monitor lizard skins (Italy)
 - d) Philippine corals and molluscs (Secretariat)
 - e) Asian regional meeting (Thailand)
 - f) Wild bird trade bill (United States)
 - g) Revenues from sale of UN postage stamps (Secretariat)
 - h) Trade with non-Parties; Resolution Conf. 8.8 (Netherlands)

3. Revision of the Berne Criteria - Assignment of Responsibilities and Timetable

The Secretariat introduced document Doc. SC.28.2, and summarized the purpose of the document. It was explained that IUCN had endorsed the document which was considered as a joint submission by the Secretariat and IUCN.

The representative of South and Central America and the Caribbean stated that, during the development of the new criteria, the consumptive use of wildlife should be given primary consideration, as opposed to the increasingly protective measures of the past.

The representative of Africa expressed his concern that the documents presented to him had not all been translated into French, and he was therefore unable to provide constructive comment on some of them. The Secretary General replied that, although it had not been past policy to provide Committee documents in languages other than the English, the Secretariat was doing its best to meet the request of the Committee to provide French translation to the representative of Africa. However, as funds were limited for translator services, this was extremely difficult. Responding to a question from the

observer from the Commission of the European Communities (CEC), the Secretary General confirmed that the working language of the Committee was English. The Chairman stressed, however, that the viewpoint from the Africa region must be reflected in the discussion as effectively as possible.

The Secretariat expressed the view that, of the approaches presented in the document for the development of criteria, the first was the most appropriate. If this alternative were adopted, the purpose of the new criteria would be to determine the appendix in which a species should be placed. These criteria would also apply to the transfer of species from one appendix to another. The Chairman noted that the viewpoint of the Secretariat was similar to that expressed by the Chairman of the Animals Committee. The Chairman also reminded the Committee that its task was to establish a procedure for developing the criteria, and to agree on the expertise required and a timetable for completion.

The representative of the next host country was reluctant to endorse the Secretariat's recommendation (the first alternative), as it effectively removed the Berne Criteria from consideration when new criteria were developed. In addition, the choice of approach concerned the substance of the criteria rather than the procedure. This view was supported by the representative of North America, who stated that the alternative preferred by the Secretariat was too restrictive. The representatives of South and Central America and the Caribbean, Asia, Europe, and the Depositary Government, however, did not support this view. They stated that the recommendation of the Secretariat would create greater objectivity when establishing the place of a species within the appendices. Further, it was very important to establish guidelines and procedures before they were submitted to the Animals and Plants Committees, as the time frame to complete this work was relatively short.

The observer from Namibia asked the Committee to consider that different criteria might apply to different types of species. He added that, although the Committee favoured greater objectivity in making decisions about placing species within the appendices, the emotive stance of the delegations of the Parties had often prevented rational decisions from being made. The Chairman acknowledged that, in spite of the most objective criteria that could be established, subjective decisions were always possible.

The Chairman concluded that the majority of the members of the Committee had agreed to accept the first alternative in the document, as recommended by the Secretariat. The representative of the next host country stated that, as this was the decision of the Committee, the United States would support the decision by providing technical and financial assistance whenever possible in the future.

The Committee further decided to appoint a working group to draft the terms of reference for development of the criteria. The Chairman asked that the working group be composed of the representatives of the next host country, Asia and South and Central America and the Caribbean. The representative of Africa proposed that the observer from Namibia also participate. The Chairman then postponed further discussion.

4. Review of the Resolutions Adopted by the Parties - Assignment of Responsibilities and Timetable

The Secretariat introduced document Doc. SC.28.3, explaining that there were increasing numbers of resolutions which were either out of date, conflicting or in need of clarification. Two options for their revision were presented in the document, the first being to produce a series of draft resolutions that were similar in nature to the current resolutions. The second option, the one recommended by the Secretariat, was to divide the resolutions into categories and, as far as possible, to shorten them and present them in the form of a list of recommendations or decisions within each category. This presentation would not apply to all resolutions, but in particular to those which refer to implementation and interpretation of the Convention. Responding to a question from the observer from the CEC, the Secretariat stated that, in case of conflict between two resolutions, the Secretariat would recommend a decision to the Parties. As with all such cases, the ultimate decision lies with the Parties.

The observer from the United Kingdom stated that, although the option recommended by the Secretariat seemed the most reasonable, he was concerned about the proposed editing of the resolutions. He said that the Parties should be informed which parts of the resolutions had been edited. The Secretariat pointed out that the revised resolutions, which would be submitted for adoption by the Conference of the Parties, would be reviewed thoroughly by others outside of the Secretariat staff.

The observer from the CEC noted that some of the editing by the Secretariat of the resolutions adopted at the eighth meeting of the Conference of the Parties had changed the meaning and spirit of the resolutions. Pointing out editorial changes that had been made to some resolutions, the Secretariat said that such changes had been made to ensure consistency and denied that the meaning or spirit had been changed. The observer from the CEC disagreed with this viewpoint and the Chairman tabled the discussion and asked the observer from the CEC to meet with the Secretariat to resolve the matter.

The observer from the Netherlands asked whether the legal status of the resolutions could be strengthened, as many Parties did not consider them binding. The Secretary General stated that this would be very difficult and doubted that resolutions could be made binding without amending the Convention.

The representative of the next host country expressed concern that there were great dangers in carrying out the task described by the Secretariat, and that there were limits to what a body such as the Secretariat could do in deciding the importance of language in a particular resolution. He asked that further thought be given to the first option presented in the document (i.e. producing draft resolutions similar in nature to the current ones) and that the Secretariat also prepare an annotated index to the resolutions. The Secretariat responded that there was currently a draft index available in the Secretariat. The Secretariat stated that, whatever solution is finally reached, this matter remained the work of the Standing Committee.

The Chairman adjourned the session at 12h30.

4. Review of the Resolutions Adopted by the Parties - Assignment of Responsibilities and Timetable (continuation)

In an extensive discussion of document Doc. SC.28.3 and the proposals of the Secretariat, the following were the main points to emerge. The observer from Namibia stressed that sight should not be lost of the problems of implementing the resolutions. In response to questions from the observer from Israel, the Secretariat pointed out that the proposal was not to change any of the decisions of the Conference of the Parties but merely to recast them, to place them in one document (or 50) instead of 160, and to make them more manageable. The Secretariat re-emphasized that the new resolutions would be subject to the agreement of the Conference of the Parties; if they were adopted, all existing resolutions would at the same time need to be cancelled, as they would be replaced. There was a general resistance to changes in the texts of the current resolutions, including the texts of the preambles, for fear of re-opening debate of issues that had already been settled. There was, however, general agreement that it would be beneficial to make the information in the resolutions more accessible, to remove the existing contradictions, to annul resolutions that are no longer current and to reduce the total number of resolutions.

The following was therefore agreed by the Committee. The Secretariat should take option b) in document Doc. SC.28.3 as the basis for the revision of the resolutions but, as far as possible, without changing the text of the existing resolutions. The Secretariat should draw to the attention of the Standing Committee changes that it considers to be essential and resolutions still in effect that it considers should be cancelled. The new resolutions should be grouped along the lines indicated in Annex C of the document but the distinction between 'Technical and Administrative Matters' and 'Implementation of the Convention' should be clarified. In order to improve the accessibility of the resolutions, they should be indexed. They should also be annotated as necessary, for purposes of clarification.

It was agreed that the first drafts should be prepared by the end of October and sent to the Standing Committee for review. The members of the Committee would then have until the end of December 1992 to send their comments to the Secretariat. The Secretariat will then revise the drafts, for the approval of the Standing Committee at its next meeting (March 1993). The schedule in document Doc. SC.28.3 will then come into effect with the following changes which were elaborated by the Secretariat:

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| January 1994 | Secretariat will revise the drafts on the basis of comments received from the Standing Committee; |
| February 1994 | The draft texts will then be sent to the Parties for comment within 60 days; |
| June 1994 | The Secretariat will incorporate comments as appropriate and pass the revised resolutions to the Standing Committee for approval. |

The Secretary General proffered thanks to the local authorities in Lausanne for providing the facilities for the present meeting free of charge.

The observer from the CEC offered to find out whether the Commission would be prepared to host the next or a subsequent meeting of the Committee in Brussels. While welcoming the potential offer, the Chairman drew attention to the budgetary implications of holding meetings outside Switzerland, particularly if it is necessary to cover the travel costs of several Secretariat staff members. The Secretary General added that discussions were under way regarding the

possibility of holding the next Committee meeting in Washington, D.C., for the 20th anniversary of the conclusion of the Convention.

The Secretary General announced that the Deputy Executive Director of the United Nations Environment Programme had sent his apologies for being unable to attend the present meeting and had sent his best wishes for its success.

5. Approval of Expenditures for 1991

The Secretary General introduced document Doc. SC.28.4, emphasizing particularly that the final expenditures for 1991 were some SFr 235,000 lower than those approved by the Conference of the Parties. The Standing Committee congratulated the Secretariat, expressed its satisfaction with the report and explanations given, and approved the final expenditures for 1991.

6.a) Follow-up of CITES Implementation in Italy

The Secretary General reported that news had been received from Italy suggesting that no representative would attend the meeting but that a document would be sent by fax today in response to that prepared by the Secretariat. It was therefore agreed to postpone discussion of this subject until the fax from Italy had arrived.

6.b) Follow-up of CITES Implementation in Thailand

The Secretariat recalled that the outgoing Standing Committee had decided, in Kyoto, that the recommendation to ban trade with Thailand would be revoked when the Secretariat was satisfied, following the visit there of some staff members in March 1992, that all the necessary legislation to implement the Convention was in place. During the visit, the Secretariat representatives discussed the law and administration with the Thai authorities and learnt that the necessary law was in place. The Secretariat had therefore sent a Notification to the Parties, on 2 April 1992, announcing the revocation of the recommended ban. Progress since then had been quite satisfactory and no negative points had come to light.

Speaking for Thailand, the representative of Asia reported that since March about 100 regulations had been drafted to bring the animals and plants laws into full effect. It was expected that the acting government would adopt these regulations during the next few weeks. Of particular note, the new law banned trade in wild-taken animals and plants. The government agencies dealing with CITES implementation were the Forestry Department, the Agriculture Department and the Fisheries Department. Eleven regional offices had been designated and 31 checkpoints had been established at border posts to improve enforcement. The relationship between the government authorities and the non-governmental conservation organizations was reported to have improved and some positive publicity had resulted. The representative of Asia was also pleased to announce that the first Asian regional meeting of CITES had been organized to take place in Chiang Mai, Thailand, in October. The cost would be about USD 72,000 and funds were being raised to support the attendance of representatives of Asian Parties and non-Parties. The representative of Asia thanked the Standing Committee for its understanding and pledged the continued co-operation of the authorities of Thailand.

On behalf of the Standing Committee, the Chairman thanked the authorities of Thailand for their positive response to the problems that had been identified. The members of the Committee joined the Chairman in offering their congratulations.

A brief discussion ensued on rhinoceros horn trade in Thailand. The representative of Asia, reported that the authorities in Thailand had no evidence of the existence of a stockpile

there. He added that there used to be a substantial trade in rhinoceros horn in Thailand but that such trade was now rare.

The session was adjourned at 16h40.

Third Session: 23 June 1992: 09h00 - 12h30

7. Dates and Venue of CoP9. Proposals from the Host Country

The representative of the next host country introduced document Doc. SC.28.10. He sought comments on the criteria for selecting a venue and on the possible locations mentioned. He drew attention to the probability that there would be more participants in the ninth meeting of the Conference of the Parties than in any previous meeting. He said that Washington, D.C., was not a favoured venue because the United States of America wished to give the participants in the meeting a chance to see other parts of the country. He stated that Orlando was the venue being most discussed, but noted that the local public attractions might also be distractions.

The representative of Africa did not believe that the latter point should be a consideration. The Secretary General concurred, adding that the most important considerations were the conference centre, the availability of accommodation, and the costs which should be kept as low as possible. He asked that the availability of electronic voting also be taken into account. The representative of the next host country did not wish such availability to be a selection criterion for the venue, but might seek a donation of equipment.

The representative of South and Central America and the Caribbean expressed concern that some sponsored delegates would have to travel excessively if the venue chosen were not served by KLM. She asked that this be taken into account.

Activities being planned or discussed by the United States of America in connection with the meeting of the Conference of the Parties included the publication of commemorative postage stamps and the publication of a coffee-table book, the sale of which would raise funds for CITES projects.

9. Trade in Rhinoceros Horn

Noting that this agenda item had been included at the request of Israel, the Chairman stated that the continuing decline of rhinoceros populations was a major failure of CITES. He also observed that, at its eighth meeting, the Conference of the Parties had requested the Standing Committee to consider the best approach to tackle the conservation of rhinoceroses in the context of CITES.

The observer from Israel then introduced the topic, detailing recent information on the population sizes of the rhinoceros species and the threats they face. He drew attention to the several studies that had been done on the rhinoceros horn trade and to the several agreements of the Conference of the Parties on the control of the trade. He emphasized that a number of Asian countries continued to provide markets for rhinoceros horn in spite of these agreements. He recalled the recommendation, in Resolution Conf. 6.10, 'that Parties use all appropriate means (including economic, political and diplomatic) to exert pressure on countries continuing to allow trade in rhinoceros horn ... to take the necessary action to prohibit such trade and to enforce such a prohibition'. And he asked for immediate action to ban trade in CITES specimens with the Republic of Korea and Taiwan, pointing out their continued trade in rhinoceros horn. He said that China had large stocks of rhinoceros horn under government control, which were being manufactured and marketed,

and asked for consideration of a ban on trade with this country if action to stop the trade were not taken. He suggested that a special group within the Standing Committee be set up to deal with rhinoceros trade matters. Finally he requested that other markets be identified and that appropriate action be taken by the Standing Committee.

All previous efforts to stop trade, the observer from Namibia pointed out, had failed. He believed there was little hope that trade bans would affect the rate of poaching. Adding that a huge market for rhinoceros horn still existed, he stressed the need for lateral and innovative thinking to find solutions for the conservation of rhinoceroses; this might include trading in horn from de-horned live animals. While the rhinoceros populations of most African countries are in National Parks, those in the countries of southern Africa are for the most part on communal lands and so are more at risk, except in South Africa where a large proportion of the animals are on private land. The southern African States are therefore forced to seek solutions to the poaching problems. The observer from South Africa supported this statement, adding that most of the poaching of rhinoceroses in South Africa was done by people from other countries.

The representative of Asia said that the difficulty of ensuring the effectiveness of law enforcement in many Asian countries was much greater than in many more-developed countries. The problem of continuing trade in rhinoceros horn would be placed on the agenda for the Asian regional meeting in October. The representative of Asia believed that action should be taken through CITES to stop the trade in rhinoceros horn and that trade bans were worth considering.

Among the problems facing southern Africa in particular, where some of the largest rhinoceros populations are to be found, are mortalities among people and wildlife from the widespread drought. Noting these, the Secretariat endorsed the need for new solutions, adding that a ban alone would not stop the poaching. It pointed out that the rhinoceros horn trade and the ivory trade were incomparable because small quantities of rhinoceros horn can be smuggled very easily and still bring large profits. The first need for rhinoceros conservation was protection in the field; it is not always easy to obtain funds for this, especially when the activities involve violent action against poachers. The Secretariat felt that it was not possible on the basis of current information to say whether re-opening the trade could contribute to the solution of the problems. The market for rhinoceros horn might not be globally huge, as the amounts used in drugs are minuscule. Studies in Hong Kong have indicated that the horn is effective in fever-reducing medicine. Moreover studies in Taiwan suggest that there are big stocks which are sufficient to meet the demand for 20-30 years. The continuing imports into Taiwan are apparently for purposes of financial speculation. The Secretariat suggested that, before any judgement could be made about the appropriateness of re-opening rhinoceros horn trade, a better understanding was required of the consumption and of the potential production from de-horning programmes. If a balance of demand and supply could be achieved then it might be possible to eliminate the illegal trade. With respect to the trade bans suggested by the observer from Israel, the Secretariat reminded the Committee that the Republic of Korea was a non-Party and that Taiwan was formally considered by the UN, and therefore CITES Secretariat, to be a part of China. Unfortunately the TRAFFIC office in Taipei had been closed through lack of funding.

The observer from Israel believed that efforts to protect rhinoceroses in the field were wasted as long as the market for horn existed. On the other hand, the observer from Namibia stressed that the market was huge and could not be closed; even antique horns were being ground down for medicinal use. Namibia would presently start a programme to de-horn 300 rhinoceroses at a cost of millions of dollars. Moreover, Namibia had no objection to the conduct of studies but felt that it was too late for protectionist approaches.

In the long discussion that ensued, the following were the main points to be made. WWF was preparing a USD 250,000 action programme for rhinoceros conservation, to conduct pilot projects which could lead to further funding from the European Community (EC) under the Lomé agreement. The Secretariat was in discussion with IUCN, WWF and TRAFFIC about the conduct of further studies on the rhinoceros trade. The United States of America had supported anti-poaching activities in southern Africa and would continue to do so. The United States of America does, for some purposes, consider Taiwan to be independent, and the representative of the next host country felt that ways could be found to exert pressure on that territory. Rhinoceroses whose horns are not removed are likely to be killed. Ways should therefore be found to support the de-horning programmes although these would not fall within the scope of normal CITES projects.

The representative of South and Central America and the Caribbean was doubtful whether these discussions would result in any benefit for rhinoceroses. She was anxious that the failure to act soon enough for these species should provide a lesson to avoid the same mistakes in the future.

The Chairman undertook to draft a decision of the Committee on the basis of the views that had been expressed, in consultation with the Secretariat. He then adjourned debate of this agenda item.

10. Any Other Business

a) Special Projects Submitted by the Secretariat to the Standing Committee

The dossier of project proposals in document Doc. SC.28.6 was introduced by the Secretary General. In response to a question from the representative of the next host country, the Secretariat confirmed, that: the projects relating to plants had been sent to the Chairman of the Plants Committee, although the Committee had not yet met to discuss them; and the Animals Committee had not yet reviewed all the projects relating to animals. However most of the projects had arisen from the significant-trade studies on plants and animals. The Chairman noted that it was not strictly necessary for the technical reviews by the Plants and Animals Committees to take place before the discussion of principles by the Standing Committee.

The Secretariat introduced Project S-52 (Research on the population status in the wild of succulent species traded from Madagascar). Responding to a question from the observer from Israel about the disparity in amounts for 'Salary' in the various project budgets, the representative of the Depositary Government explained that no salary would be paid to the researcher in this case. The Secretariat explained that costs were always limited as much as possible in CITES projects, to make the best possible use of available funds. In some cases, as with the crocodilian projects in South America, the services of the researchers were provided free of charge. This is generally the case with government employees. When the services of independent researchers are used, however, they are not free and some charge more than others. The amount paid is in practice often less than is dictated by the UN rules. There is no discrimination depending on the origin of the researcher. There being no further comments, Project S-52 was approved.

Projects S-53 (Population studies on Mexican cacti and evaluation of the possible and actual impact of legal and illegal trade on these populations), S-55 (Investigation of the international trade in northern temperate orchids) and S-56 (Review of the international trade in the orchid genus *Dendrobium*) were approved without comment.

Following the Secretariat's introduction of Project S-57 (Survey of the orchid trade in Thailand), the representative of Asia, speaking on behalf of Thailand, supported the

proposal in document Doc. SC.28.6, Annex 3, but drew attention to the need for two corrections. In section 8.ii), the reference to the Thai Royal Forest Department should instead be to the Thai Department of Agriculture which is the authority dealing with CITES trade in plants. And, in section 7.ii), the statement that Thailand's trade in wild-collected orchids 'is unregulated' was incorrect. The Secretariat undertook to make the necessary corrections and Project S-57 was approved.

Project S-58 (Study of internal trade in the blue-fronted amazon in Argentina and its breeding and habitat selection) was introduced by the Secretariat. The observer from the United Kingdom complained that, although the proposals contained citations to references, there were generally no lists of the references cited. The Chairman asked the Secretariat to take note of this comment and to present complete papers in future. The representative of South and Central America and the Caribbean was glad to support this proposal, especially in view of concerns expressed about the pre-export mortality of this species. The representative of the next host country and the observer from the CEC offered to seek funding for this project. Project S-58 was approved.

The Secretariat introduced Project S-59, noting that the Animals Committee had not yet been consulted about it. The Secretariat also confirmed that there was collaboration envisaged with scientists of the countries neighbouring Argentina. Project S-59 was then approved.

After the Secretariat's introduction of Project S-60 (Status, distribution and utilization survey of the African grey parrot *Psittacus erithacus* in central and west Africa), the observer from the CEC expressed the Commission's interest in contributing to the funding of this project. He was, though, concerned about the timing (because funds remaining for 1992 are limited) and about the high costs, especially the reporting costs, and that the budget did not appear to have been accurately calculated. The representatives of the next host country and the Depositary Government shared the worries about the cost. In response, the Secretariat explained that the proposed researcher was independent, so required a fee, that the study covered two countries, one of which was particularly large, and that there would of course be two reports. The Chairman then adjourned debate on this project proposal.

The session was adjourned at 12h30.

Fourth Session: 23 June 1992: 14h15 - 17h00

10. Any Other Business

a) Special Projects Submitted by the Secretariat to the Standing Committee (continuation)

The Chairman asked that discussion continue on Project S-60. The Secretariat stressed that it was difficult to determine the exact costs involved in conducting a project, particularly when it involved studies in two countries. The Chairman noted that any potential donors who required additional information on budget for the project could certainly ask for the required information from the Secretariat, before making any contributions. Project S-60 was then approved.

The Secretariat introduced Project S-61 (Sub-project for the management and conservation of the boa constrictor *Boa constrictor occidentalis* in the Republic of Argentina), stating that there were similar projects in other parts of South America. Argentina was very keen to know about the status of the two species of boa in the country, to enable better management decisions. This project was approved.

The Secretariat introduced Project S-62 (Population survey of *Caiman crocodilus* in Argentina). This project was a follow-up to that presented at the twenty-third meeting of the Committee. Its purpose was to complete studies on the distribution of populations of caiman in the country. The project was approved by the Committee.

The Secretariat introduced Project S-63 (Monitoring and reintroduction programme for *Caiman latirostris* in Argentina for management purposes) which was approved by the Committee. The representative of South and Central America and the Caribbean complimented the Management Authority of Argentina on its recent positive actions relating to species management.

The Secretariat introduced Project S-64 (Ecology and management for sustainable utilization of the leopard cat *Felis bengalensis* in China) which was to be co-ordinated with TRAFFIC USA. The project was approved by the Committee.

The observer from the CEC stated that it would be very helpful if the project proposals could indicate whether the salaries budgeted were partial or full salaries. The Chairman also asked for the project budgets to be broken down on a yearly basis, to facilitate funding allocations.

The representative of the next host country commented on Project S-53 that the United States fully supported the project and would work closely with the Mexican Government to achieve mutual co-operation from both governments in the study.

6.a) CITES Implementation in Italy (continuation)

The Chairman asked that any conclusions reached by the Committee with regard to Italy be provisional, until representatives from the Italian Government had the opportunity to speak.

The Secretariat introduced document Doc. SC.28.5, reminding the Standing Committee that, in January 1992, the Italian Government had been given three months by the Committee to correct deficiencies in three areas: the absence of adequate legislation for implementation of the Convention; the lack of border controls; and the issuance of irregular documents, particularly for re-export. Five months had passed since the Committee's warning to the Italian Government. A recent mission by the Secretariat to Italy concluded that very little progress had been achieved. Italy had passed new legislation, but had failed to adopt decrees that were needed for its full implementation. A draft decree, which had just been received by the Secretariat, would be ineffective, as it would not allow Management Authority officers to inspect shipments without justifiable reason, because they were not Customs officers. Customs officers remain untrained in CITES matters. Major problems with regard to controls at the borders and the issuance of permits still existed.

In view of the unique way in which CITES is implemented in the EC, the Secretariat's recommendations to the Standing Committee had changed from those in document Doc. SC.28.5. The Secretariat recommended that the Standing Committee recommend to all Parties to not accept any CITES documents which have been issued by Italy, and to not issue any CITES documents with Italy as the country of destination. The Secretariat acknowledged that this recommendation, if implemented, would not stop shipments from entering the country. However, it would result in EC countries other than Italy being involved in border controls for CITES shipments, as countries within the EC could still engage in internal trade with Italy using EC documents, which are not CITES documents. During the recent mission to Italy, Secretariat staff members were advised by several civil

servants in that country that the Italian Government would do nothing to improve CITES implementation in that country without trade restrictions being imposed.

The representative of the Depositary Government stated that his country had dealt with several cases of illegal trade in shipments coming from Italy, and gave several examples of fraud that involved skins of caimans. The Secretariat noted that there had been several instances of permits issued by the Italian Management Authority being used to launder skins that had been smuggled from several countries in South and Central America.

The Chairman reminded the Committee that it had a mandate from the Parties to take strong action with regard to enforcement problems, and he asked for comments.

The representative of Europe asked about the EC's ability to ensure that Italy improved its CITES implementation. The observer from the CEC replied that the Commission must ensure that CITES is implemented, and that action by the EC could take many forms. Ultimately, the country in question could be taken to court. However, this is a last resort as many years can pass before a case is heard. The observer from the CEC said that, in the past, many of the allegations by the Secretariat had not been based on solid evidence, although now he felt that this was not the case. However, many of the cases described by the Secretariat involved violations by other Parties, and perhaps the Secretariat was concentrating too much on some countries, while ignoring others. He stated that there was no reason to try to force Italy to adopt regulations for implementation of the Convention, as the CEC had proposed such measures at the end of 1991, and it was hoped that they would go into effect on 1 January 1993.

The Chairman thanked the observer for his comments, noting that he and other Committee members felt that the Secretariat focus on Italy was well justified. The Secretary General stated that Italy was involved in a high volume of trade in specimens of CITES species. Therefore, its implementation of the Convention was of especial significance. A report which detailed infractions by Italy had been presented to the Committee months before, and little had apparently changed. Recommending trade restrictions only on developing nations that do not implement the Convention would not be a fair policy.

The observer from the CEC observed that countries which export to Italy might not agree with the proposed action as it would create economic hardship to them as well. The Secretariat noted that much of the pressure for change in Italy was from developing nations whose goods were being smuggled to that country. This viewpoint was endorsed by the representative of South and Central America and the Caribbean.

Implementation of the recommendation was discussed. The Chairman noted that it was the Standing Committee's responsibility to make recommendations, and up to each Party to implement them.

The representative of the Depositary Government stated that Swiss law did not allow authorities to refuse permits to or from Italy. However, such permits would be examined very carefully for any discrepancies. The observer from Austria also stated that the lack of transit controls in his country prevented strict implementation of the recommendation.

The representative of Europe stated that, although he preferred action to be taken within the EC, he agreed that perhaps outside action was now appropriate. The representative of Africa agreed to the recommendation made by the Secretariat, although it was not as strong as a total ban on trade. The representative of Asia agreed that some type of action needed to be taken. The representative of Oceania fully supported the Secretariat's recommendation.

The observer from the Netherlands stated that, if implemented, the recommendation would result in the trade being shifted to other countries, where trade with Italy would be subject to controls by other Management Authorities. EC countries that traded with Italy could require Italy to provide documentation that demonstrates the legality of specimens.

As representatives of the Italian Government had not yet taken the opportunity to be heard at the meeting, the Committee provisionally agreed to the Secretariat's recommendation. In addition the Committee agreed that, if the recommendation were left unchanged, its withdrawal would not be considered until the Committee was satisfied that Italy had demonstrated substantial improvement in implementation of the Convention.

Before moving to other matters, the observer from the CEC noted that he had received information that Greece was in the process of acceding to the Convention. In addition, the Secretary General announced that Brunei Darussalam had accepted the Gaborone Amendment.

10. Any Other Business (continuation)

b) Report of the Chair: Working Group on the Transport of Live Animals

The representative of the next host country summarized document Doc. SC.28.9, stating that the timing of the meetings of the Transport Working Group and of the training workshop proposed in the document for March 1993 might need to be adjusted, as the meeting of the Standing Committee was scheduled during the same time period. The Secretariat noted that the training workshop and the meeting of the Transport Working Group should take place in Senegal at the same time as the CITES training seminar for Francophone countries in Africa.

The representative of the next host country stated that the terms of reference were a departure from those developed in previous meetings of the Working Group. Work had been focused previously on the revision of the IATA regulations, and the current effort was more on operations and training.

The Chairman and the Secretary General thanked the next host country for the excellent work done. The representative of South and Central America and the Caribbean stated that the work was very important in view of the high mortality of birds in transport.

The representative of Africa stated that Senegal would be pleased to organize any workshops planned by the Working Group. He asked for activities to be co-ordinated with him well in advance, stating that the venue would be Dakar.

The Committee adopted the terms of reference contained in document Doc. SC.28.9.

c) Efficient Implementation for Pre-CITES Specimens (Brazilian Rosewood)

The representative of the next host country stated that the United States had been in contact with the Secretariat over the problem with implementation of the Convention with regard to the Appendix-I listing of Brazilian rosewood (Dalbergia nigra), and that the Secretariat had sent enquiries to countries in the EC and Japan.

A few days before the effective inclusion of the species in Appendix I (11 June 1992), the United States began receiving communications from manufacturers and owners of musical instruments about the listing. The United States was now aware that there were hundreds of thousands of musical instruments that contain Brazilian rosewood, some of them with serial numbers. The Gibson Guitar Company alone has sold more than three quarters of a million guitars containing rosewood. Some rosewood contained

in instruments may be Indian rosewood, but the extent of this is unknown. But these numbers do not include the hundreds of thousands of other stringed instruments that also contain rosewood. There are also items of furniture and tools that contain rosewood.

The representative of the next host country stated that, as there were dozens of millions of items containing rosewood, to issue pre-Convention certificates for large numbers of them would be an extreme administrative burden, if not an impossibility. Many of these items are traded internationally, for example, for guitar shows or by orchestras. The US Fish and Wildlife Service had recently received its first application for a pre-Convention certificate for the species, to export an instrument to Spain for repairs.

The representative of the next host country stated that all letters that had been received from concerned businessmen and private citizens did not object to the listing of the species; its rarity was well recognized. Instead, correspondence focused on the CITES procedures for international trade in items containing rosewood. The representative of the next host country stated that Brazilian rosewood should be in Appendix I, so the United States would not consider proposing a transfer to Appendix II. He asked for consideration to be given to the implementation problems. He asked further that any enforcement action be tempered by consideration of its effect on the conservation of the species.

The Chairman, with the Committee, recognized the potentially large problem of implementation of the Convention. The representative of the next host country asked the CITES Secretariat Plants Officer to continue his enquiries into the matter, as it was very important that the Parties be sensitized to the problem.

The issuance of pre-Convention certificates was discussed, including the mass copying of such certificates for issuance to companies which could place pre-Convention stickers on instruments and other goods containing rosewood.

The Secretary General reported that the Secretariat's enquiries to other Parties had yielded no response. The Secretariat noted that this was a case where the Parties had not been aware of the ramifications of listing the species in Appendix I. Although the control of large numbers of pre-Convention items would be of little benefit to the species, and the administrative burden was recognized, the text of the Convention did not permit any relaxation of the controls. A partial solution may be in the fact that finished products that contain rosewood may be considered not readily recognizable. But this would not be so in all cases and, for instance, products labelled as containing rosewood would not be exempted. The Secretariat encouraged the United States to facilitate the issuance of pre-Convention certificates in whatever way it could, but could not offer more assistance. The Secretariat stated that, in the future, the durability of wood must be taken into account when considering the listing of timber species.

The Chairman adjourned the session at 17h00.

Fifth Session: 24 June 1992: 09h00 - 12h30

The Chairman opened the session at 09h00. The Secretary General announced that the new edition of the IATA Live Animals Regulations had just been published and were available to the CITES authorities at discounted prices as the result of an agreement between IATA and the CITES Secretariat.

3. Revision of the Berne Criteria - Assignment of Responsibilities and Timetable (continuation)

The Chairman noted the Committee's appreciation for the hard work by the drafting group. The Chairman of the drafting group (from the next host country) introduced document Doc. SC.23.11, thanking all members of the group for the co-operation and goodwill that had prevailed throughout the discussion of the terms of reference for preparation of the new criteria. The document referred primarily to substantive matters regarding the terms of reference, while document Doc. SC.28.12 referred to suggested procedural and administrative aspects of developing the new criteria. The representative of the next host country stated that many points of document Doc. SC.28.11 had not been reached by unanimous decision, and that he had strong reservations about some of the points raised in the document.

There was considerable debate about several aspects of the documents, including the use of the term 'population', standards setting the minimum information required to list a species in the appendices, and whether financial and technical assistance to the Parties in the developing world should be addressed in the criteria. This discussion resulted in several changes being made to the document. The terms of reference were agreed as attached (Annex 1).

Document Doc. SC.28.12, on the procedural and administrative aspects of developing new criteria, was then discussed. The Chairman noted that the Secretariat's recommendation had been to contract IUCN to organize development of the first draft of the new criteria. The observer from Israel repeated his view that CITES should not always rely on IUCN for such work. There were other organizations and individuals capable of conducting such work who had never been given an opportunity, particularly in the developing world. The representatives of the next host country and South and Central America and the Caribbean supported this view.

The representative of the Depositary Government reminded the Committee that the Parties obviously wished IUCN to take a lead as it had been specifically referred to in the resolution pertaining to the new criteria. The representative of the previous host country agreed but emphasized the need to consult other sources of information.

The Secretary General underlined the wish of the Secretariat that the widest possible discussion take place at a later stage but asked the Committee to remember that, as consultants are added to the process of developing the criteria, the budget is increased accordingly. The representative of the next host country agreed on the need for the widest possible consultation and that the budget was an important consideration. He stated that the United States would be willing to provide financial and technical aid in order to meet this objective. Perhaps a small group to prepare the first draft of the criteria would be appropriate.

The observer from the United Kingdom agreed that it was probably better to have a small group of experts develop a document, which could then be distributed for comments to as large an audience as possible. The observer from Namibia and the Secretariat supported the view that a small working group would be far more effective in developing a first draft document.

After further discussion, the Committee agreed to the following:

1. A contract for development of the new criteria would be given by the Secretariat to IUCN. IUCN would be directed to work with the Chairmen of the Animals and Plants Committees on the development of the first draft of the new criteria. Those Committees would, in turn, work with the CITES regions to ensure that appropriate consultation with regional experts took place. IUCN would be directed to consult with

two other experts, who would be permanent members of the drafting group from the beginning of the process. These two experts would be nominated by the representative of the next host country and the representative of South and Central America and the Caribbean, and would not be staff members of IUCN nor members of the Animals and Plants Committees.

2. The first draft of the new criteria should be ready by 31 January 1993 and be distributed to Committee members by the Secretariat by 15 February 1993, for consideration at the next meeting of the Committee in March 1993.
3. The joint meeting of the Committees to draft the resolution on the new criteria will be a closed meeting. The participants will comprise members of the Animals and Plants Committees and their alternates, the regional representatives of the Standing Committee, the appropriate experts from IUCN and the two experts nominated by the representatives of the next host country and South and Central America and the Caribbean.
4. Interpretation and translation might be available, depending on the availability of funding.

The Chairman adjourned the session at 12h30.

Sixth Session: 24 June 1992: 14h15 - 17h00

3. Revision of the Berne Criteria - Assignment of Responsibilities and Timetable (continuation)

Turning to document Doc. SC.28.12, the Chairman announced his proposals, following discussions between sessions, as follows. Chairmanship of the joint meeting of the Animals and Plants Committees should be decided between the Chairmen of those Committees. The acceptance of documents produced by outsiders, for consideration in the meetings, should be at the discretion of the Chairmen of the meetings. Responsibility for organization should rest with the Secretariat. When the draft resolution containing the proposed new criteria has been prepared, the Standing Committee would like to have background information explaining the basis for the considerations and not merely the product of the deliberations. The Standing Committee should take responsibility for incorporating the comments of the Parties. These proposals were agreed by the Committee.

The representative of the previous host country announced that the Government of Japan was prepared to contribute part of the funding necessary for the revision of the Berne Criteria and that details would be sent to the Secretariat.

The Chairman thanked the Government of Japan and the Government of the United States for their offers.

The representative of the next host country stressed the need to involve, as soon as possible, experts other than those to be included in the group producing the first draft. The Chairman then adjourned this agenda item.

6.a) Follow-up of CITES Implementation in Italy (continuation)

The Chairman welcomed the two observers from Italy and offered them the opportunity to make a statement in response to the information in document Doc. SC.28.5. The observers from Italy apologised for the delay in sending the new decrees to the Secretariat.

In response to the points in document Doc. SC.28.5 they made the following points. First, there was a new law for CITES implementation in Italy with severe penalties for infringements. Secondly, the Customs service in Italy had stated that they had all the necessary powers and the ability to apply CITES correctly and could check the correspondence between shipments and documents. The Ministry of Environment could nominate people to provide assistance to Customs. Thirdly, there were plans to adopt a decree to solve the remaining legal problems. The observers added that there were plans to reduce the number of ports of entry for CITES specimens from 30 to 12 and that the Ministry of Finance was in agreement with this proposal.

The members of the Standing Committee then posed a series of questions to the observers from Italy who made the following points and observations. The new law was a compromise but it was better than nothing. Implementing decrees must still be put in place, however. This could be done very quickly but the Italian authorities would like to have the comments of the Standing Committee and the Secretariat on the draft decree so that any necessary changes could be made before the decree was adopted. Under the new law, the Ministry of Environment had the responsibility for CITES implementation in Italy. However not only legislation is required but also the right people to implement it. All action necessary to implement the law would be taken. Implementation responsibilities were divided between the Ministry of Agriculture, the Ministry of Foreign Trade and the Ministry of Environment. The last-named had responsibility for collecting originals of foreign permits and for ensuring that internal organization worked well, and would act as the focus for questions about specific problems. Many implementation and enforcement problems were recognized in Italy but they did not exist only there. There is an enormous trade in wildlife products in this country, compared to which the authorities felt that the number of problems was relatively small. The main problem of enforcement was that the Ministry of Finance (Customs) had responsibility for control at the Italian borders and claimed that their officers were competent to implement CITES controls. The Ministry of Environment had no evidence to contradict this. There was a need to designate specialists to provide assistance to Customs. The Ministry of Environment would be happy to collaborate with the CITES Secretariat to provide training, but was unable to substitute those officers who have legal responsibility for enforcement.

Some members of the Standing Committee referred to specific cases where the Management Authority of Italy had issued permits incorrectly and where this Authority had failed to reply to requests for information. They also pointed out that experience indicated that those issuing permits were simply not doing their jobs properly. In particular, the representative of the Depositary Government presented details of a case in which a re-export certificate had been issued by Italy for goods different from those specified on the original export permit. The observers from Italy had not the information required to respond to the specific points.

The Secretariat, to provide some clarification, stated that there were, for the time being, two Management Authorities in Italy whose responsibilities were as follows:

- the Ministry of External Trade issues import permits for trade with non-EC countries (with the prior approval of the Ministry of Agriculture for imports of live animals); and
- the Ministry of Agriculture issues pre-import attestations (for species in CITES Appendix I and for species in Annex C of the EC Regulation on CITES), import certificates, EC certificates and re-export certificates.

The Secretariat reported having seen a copy of a letter (addressed to the Secretariat but not yet received) apparently designating the Ministry of Environment as an additional Management Authority, although this was not clear. The Secretariat also complained that many letters to Italy remained unanswered including requests for copies of signatures of people entitled to sign permits and certificates.

Outlining the background to the Standing Committee's discussions of CITES implementation in Italy, the Secretariat pointed out that although a new law existed in Italy, during the recent Secretariat mission to Italy the authorities there had stated that no implementing decree had been drafted. After the mission, work had begun on the drafting, and a decree now existed in which the Secretariat saw many deficiencies. During the mission, the Director General of Customs had also stated that Customs officers were not trained in the implementation of CITES. The Secretariat felt that one of the main problems in Italy was the issuance of re-export certificates without checking the details of the original export permits. Evidently not all the officers with competence to issue re-export certificates were aware of the correct CITES and EC procedures. Consequently many specimens which had entered Italy illegally had then been laundered by Italian documents. The Secretariat pointed out that several letters and diplomatic notes had been sent to Italy since November 1990; but Italy had only made promises in response. Italy had been aware of the deadline established by the Standing Committee for taking action but had done very little except to adopt a new law.

The Chairman recalled the Committee's provisional decision of the previous day, to recommend to Parties not to issue documents for shipments for which Italy was the final destination and not to accept documents issued by Italy. The observer from Italy said that the statements made by the Secretariat were generally correct but that he would like to receive comments on the draft decree, so that it could be adopted within the following 15 days.

In further discussion, the Committee noted that, although the decree was very important, it would not solve all the problems that had been identified. They were not satisfied that the administrative arrangements or practices were adequate, that the authorities responsible for enforcement had the training they needed, or that Italy had responded satisfactorily to the problems that the Standing Committee had previously brought to its attention. The Committee therefore confirmed its provisional decision. The Chairman assured the observers from Italy that their country had not been singled out. The Committee had monitored progress in Italy for some time and had decided that it was now necessary to take action. The Chairman expressed the hope, on behalf of the Committee, that the decision would have the effect in Italy of bringing the necessary national support to those who were endeavouring to implement CITES. He added that the Committee looked forward to hearing soon that matters had improved.

The Secretariat offered reassurance that they would do their best to help Italy to solve its problems. They remarked that, when the Committee had recommended a ban on trade with Thailand, that country had responded very positively and quickly to put in place the necessary laws and practices. The Secretariat hoped that the response in Italy would be equally positive, so that the ban would need to be only a short-term measure.

10. Any Other Business (continuation)

d) Request from Italy Regarding the Legal Status of *Varanus niloticus* Skins of Nigerian Origin

On the request of the observer from Italy, this item was withdrawn from the agenda.

j) Elaboration of Resolution Conf. 8.8 'Trade with States Not Party to the Convention'

The observer from the Netherlands, having requested inclusion of this item in the agenda, asked the Secretariat to specify the schedule for fulfilling the recommendations of Resolution Conf. 8.8.

The Secretariat reported that the letter to be sent to non-Parties had been prepared and was in the process of being translated. It would probably be sent through diplomatic channels with copies to the competent authorities previously known to have been designated with responsibility for issuing comparable documentation. The information received in the replies would be sent to the Parties in a notification. It was still unclear for some States that had previously been part of the USSR whether they were party to CITES. The Secretariat had circulated to the Committee a paper summarising the information about the application of CITES in these States.

The Parties would be informed of the schedule for implementing the resolution. It was hoped that the information about competent authorities in non-Parties would be sent to the Parties by October.

Responding to the representative of the next host country, the Secretariat said they had already requested information from the relevant agency of the International Organization for Standardization details of the new two-letter codes for the names of the recently independent States. No reply had yet been received.

It was noted that for some of the newly independent States the CITES region into which they would fall was not clear. In these cases, each State would have the opportunity to decide in which region it would be included.

e) Possible Submission of a Draft UN General Assembly Resolution to Allow Part of the Revenue from the United Nations CITES-species Postage Stamps to be Given to CITES

Introducing this item, the Secretariat stated that the UN Postal Service would publish, in each of the next five years, 12 postage stamps with pictures of CITES species. The money from the sale of the stamps would normally go to the UN general funds unless there were a resolution of the UN General Assembly instructing the Postal Service to place the funds elsewhere. Up to a third of the funds could potentially be transferred to the CITES Secretariat. This could amount to hundreds of thousands of dollars which might be used for CITES projects.

The representative of North America offered to see whether one of the countries in his region would be able to present the necessary resolution.

f) Proposal from Canada for a New Identification Aid

The representative of North America, speaking on behalf of Canada, introduced document Doc. SC.28.14 containing information on a proposal for an identification guide. The aim would be to produce a one-volume guide dealing with birds and reptiles as a ready-reference for Customs officers. Volumes on other taxa would be produced later. The representative of the next host country supported the initiative and said that his country was considering giving assistance. The representatives of Asia and of South and Central America and the Caribbean also supported the proposal and congratulated Canada. The Secretariat stated that the Customs Co-operation Council had already agreed to support the work, and added that it would be useful if all Parties contributed ideas and assistance.

The representative of the Depositary Government pointed out that 110 illustrations, which had already been prepared for the CITES Identification Manual, had not yet been published. But these would be available for use by Canada.

The Secretariat also took the opportunity to mention that a computerized guide to the identification of parrots had been prepared thanks to the support of the French Customs Service. The English and French versions would be available in September and

the Spanish version some months later. It was hoped to be able to distribute the guide free of charge.

The Standing Committee confirmed its support in principle for the Canadian project.

h) Plans for Asian Regional Meeting

The representative of Asia reported that the delegates from his region at the Kyoto meeting had agreed on the need for a regional meeting to discuss issues of mutual concern and to try to increase the number of Parties in Asia. The regional meeting would therefore take place from 29 to 31 October 1992 in Chiang Mai, Thailand. Other meetings had been organized in association, to take advantage of the presence of the people there: Plants Committee, 26-28 October; Training Seminar for South-East Asia, 2-5 November. Thailand had sent invitations to Asian Parties and non-Parties and welcomed the attendance of participants from Parties outside the region. The representative of Asia hoped that the Secretariat would also send a representative. Finally he thanked the Government of Japan for the financial support it was providing for the meeting. This was echoed, on behalf of the Committee, by the Chairman who also wished the representative of Asia every success.

The session was adjourned at 17h00.

Seventh Session: 25 June 1992: 09h05 - 11h55

3. Revision of the Berne Criteria - Assignment of Responsibilities and Timetable (continuation)

The representative of South and Central America and the Caribbean said that it was necessary to include as many views as possible as early as possible in the revision process. She nominated Prof. Marshall Murphree to be a member of the expert group on the criteria. He had not been consulted about this nomination but had previously indicated his willingness to participate in the revision process.

The representative of the next host country stated that he could not nominate anyone to the group for the moment but would consult Dr Stanley A. Temple, President of the Society for Conservation Biology, to seek the participation in the expert group of a representative of that Society.

This was noted by the Committee and the agenda item was closed.

6.a) Follow-up of CITES Implementation in Italy (continuation)

The Chairman reported that the observer from Italy had requested that this agenda item be re-opened and that the Committee delay its decision for one week to give time to Italy to respond. The observer from Italy added that, although he had read the text of the Convention and the relevant resolutions during the previous evening, the legal basis for the Standing Committee's decision was still not clear. He therefore wished to have time to consult lawyers on the matter and to explain the state of affairs in Italy from a legal viewpoint.

The representative of the next host country said that the unanimous decision of the Committee had resulted from a recognition of the broadness of the CITES-implementation problems in Italy and not from any specific deficiency that could be solved within a week. The representative of South and Central America and the Caribbean concurred, drawing attention to the time that had already been given to Italy to take appropriate measures. She

emphasized the importance of immediate action by the Committee because the actions of Italy were having effects in other Parties.

Noting the wish of the Committee to stick to its decision, the Chairman explained that, when notifying the Government of Italy, he would also quote the relevant parts of the Convention and the pertinent resolutions to indicate the basis for the decision and the mandate of the Standing Committee.

The observer from Italy stated that his Government reserved the right to invoke Article XVIII of the Convention. In response, the representative of the next host country pointed out that the decision of the Standing Committee was a recommendation and that each Party would have to decide for itself on how, or indeed whether, to implement the recommendation. It was therefore premature for Italy to invoke Article XVIII and it would need to enter into discussions with each Party implementing the recommendation.

The observer from Italy reported that he had already informed the Italian Ministry of Foreign Affairs about the Committee's decision and that Italy would be asking the Parties not to implement the recommendation because there was no legal basis for it.

The Committee agreed that the Secretariat should monitor progress in Italy closely and, when it feels that developments there have been sufficient to warrant a rescission of the Committee's recommendation, it should immediately inform the members of the Standing Committee by fax. The Committee members would then respond to the Secretariat to indicate whether they agree to annul the recommendation.

8. Information from the Depository Government and UNEP about the Possible Solution of the Secretariat Premises Problem

The representative of the Depository Government reported that, during the Kyoto meeting he had contacted his Finance Committee to seek extra funds, to help to solve the Secretariat's problem of having insufficient office space. The request had been turned down. On returning to Switzerland, he had contacted the Federal Office of Environment and the Department of Foreign Affairs, to seek their assistance in solving this problem. The budgetary deficit of the Confederation of Switzerland, however, has placed strict constraints on the availability of federal funds. There is nonetheless an interest in helping the Secretariat and a delegation from the Department of Foreign Affairs was due to visit the Secretariat's offices on 9 July. Therefore, although Switzerland was not at present in a position to make any financial commitment, it could reaffirm its good intentions. On behalf of the Committee, the Chairman thanked the Depository Government.

The Secretary General produced estimates of the cost of moving within Lausanne and stated that it would be preferable and cheaper if the Secretariat were to remain in Lausanne. He noted that the Swiss Confederation and UNEP were discussing the building of a centre to contain a number of secretariats of environmental conventions although its construction could be several years in the future. In this connection, he added that the rent could be significantly reduced on a property if there were a long-term commitment to staying there. The Secretariat added that they had initiated discussions with the local authorities in Lausanne before the Kyoto meeting. Further interest had also been generated by a press story during the meeting, which had indicated that the Secretariat would be leaving Lausanne. This had led to the adoption of a resolution by the local parliament which sought to keep the Secretariat in Lausanne. It was suggested that it might therefore be appropriate for a representative of the local authorities to join the visit to the Secretariat on 9 July. The Secretary General thanked the Depository Government for all its efforts to find a solution to the problem and assured the Committee that the Secretariat would adhere to the decision of Conference of the Parties not to increase the budget line for rent unless external funds were available.

9. Trade in Rhinoceros Horn (continuation)

The Chairman introduced document Doc. SC.28.15 which represented an attempt to draw a conclusion from the Committee's earlier discussions. The observer from Israel commented that, while the document contained nothing objectionable, it did not initiate the urgent action that he had sought when introducing the topic. The Chairman believed, however, that the decision as drafted would lay the foundation for action. This subject would, he said, remain on the Committee's agenda for future meetings so that progress could be regularly reviewed and appropriate measures taken. Following an extensive discussion of the document, the text attached as Annex 2 was agreed.

10. Any Other Business

g) Trade in Marine Species from the Philippines

The Secretariat introduced document Doc. SC.28.13, emphasizing that the source of the information was confidential. When a Party protects a CITES species through national legislation, the Secretariat tries to help to assure the implementation of the legislation. But when the Party itself makes little or no effort, it is difficult for the Secretariat to do anything useful. This is the position in which the Secretariat found itself with respect to the continuing trade in corals and giant clams from the Philippines. The existing export prohibitions were being repeatedly lifted for short periods to permit the export of pre-ban stocks. No attempt seemed to be made, however, to confirm whether specimens being exported were genuinely acquired before the ban. In fact, it appeared from confidential sources that recently acquired corals and giant-clam shells were being constantly added to the stocks and that pressures were being applied to local officials to issue permits.

The representative of the Depository Government pointed out that the Philippines appeared to be issuing permits contrary to Article IV, paragraph 2.b), of the Convention. This may render the permits unacceptable.

In view of the continuing difficulties, the Secretariat had made four recommendations in document Doc. SC.28.13. The Secretariat noted that paragraph 20 was supposed to refer to countries of import rather than of export. After a very brief discussion the recommendations were agreed by the Committee with one amendment, that the following words be appended to the recommendation in paragraph 23:

'and which allow for dependable findings that the specimens concerned were legally acquired'.

The Secretariat undertook to inform the Management Authority immediately of this decision and recommended that Parties ensure that their traders in corals and giant-clam shells were made aware of it.

The representative of Asia agreed to add a discussion of this topic to the agenda of the Asian regional meeting.

i) Information on National Legislation on Wild Bird Trade in the USA

The representative of the next host country introduced, for information only, document Doc. SC.28.16 which contained information on the action being taken in the United States of America to adopt legislation to control the trade in birds. He noted that some of the stricter measures taken in the EC to restrict imports of birds to sustainable levels had led to corresponding increases in trade to the United States, undermining the

effects of the action taken in Europe. The aim of the legislation was to separate sustainable trade from unsustainable and to permit only the former into the United States. It was intended to establish lists of species in the CITES appendices the import of which would be permitted and lists of countries from which import of non-CITES species would not be permitted. The new legislation as drafted would also create a conservation fund to provide assistance to range States in the creation of programmes to ensure the proper management and sustainability of their bird trade. The representative of the next host country added that it was hoped that the legislation would be adopted during the present session of Congress which would continue until about November.

The representative of South and Central America and the Caribbean expressed astonishment that the document had not been circulated before this item came up on the agenda and that wider consultations with range States had not taken place. Having not had ample time for thorough consideration of the document, she was concerned by the apparently punitive approach of the law and that it singled out birds rather than taking into account the broad range of taxa that required conservation measures. She was also concerned that the approach was not that recommended in Resolution Conf. 8.9.

The representative of the next host country stated that a letter had been sent to all Parties in 1991 about the intention of the United States to take stricter domestic measures. The legislative process did not permit the circulation of the draft legislation for comment. He would convey to the relevant Congress Committee the fact that one region wished to consult but felt that progress was likely to be made quickly, not permitting time for full consultation. He added that the law referred only to birds because two draft laws, drafted by NGOs and referring only to birds, had been presented to Congress in 1991. They were gaining support and there was a need to prepare something more appropriate to replace them. Laws relating to other taxa would come later, using the bird legislation as a model.

k) *Araucaria araucana* in Chile

The Secretariat introduced a letter just received from Chile which sought approval to continue commercial trade in monkey-puzzle trees *Araucaria araucana* that had reportedly been felled before 1990. The Chilean population of this species had been in Appendix I since 1979. Seeing the trade reported in the annual report of Chile, the Secretariat had already informed Chile that the trade was contrary to the Convention.

The Committee endorsed the view of the Secretariat and instructed it to inform the Management Authority of Chile that the trade could not be permitted.

The Secretariat noted that the nature of the trade in timber species is quite different from that in other plants and in animals and that it was essential to identify the means by which timber is imported into consuming countries so that the appropriate authorities could be alerted.

11. Closure of the Meeting

The Chairman reported that, following discussions outside the meeting, it was proposed to hold the next Standing Committee meeting in the United States. However, the offer from the CEC to host a future meeting remained open. The representative of the next host country proposed that the next meeting of the Committee be held in Arlington, Virginia, from 1 to 4 March 1993. They would try to provide financial assistance for the holding of the meeting and to provide facilities for interpretation. They would also investigate the possibility of holding a ceremony to mark the 20th anniversary of the conclusion of the

Convention. The representative of Europe endorsed this proposal and thanked the United States. This was echoed by the Committee.

Noting that the 20th anniversary was an important occasion and that the present meeting had been enriched by the presence of alternate members of the Committee, the representative of South and Central America and the Caribbean asked whether assistance could be found to ensure the broadest possible representation at the next meeting. The representative of the next host country said he would see what could be done and that he hoped others would do likewise.

The Secretary General requested that the Secretariat be informed as early as possible of any items to be included in the agenda for the next meeting and that any documents to be discussed be sent as soon as possible.

The representative of Africa congratulated the Secretariat on the organization of the meeting. He drew attention to the difficulties that authorities in developing countries had in doing their jobs properly, often because of inadequate equipment, and in getting to meetings; but they appreciate the help they get. He added that there were plans to organize a meeting of CITES authorities in Africa and that he hoped that other countries would help in the organization.

As a point of information, the representative of the previous host country stated that Japan planned to extend to live animals its prior-approval system for imports. He hoped that all countries would reply quickly to requests for information.

The Chairman thanked the participants, the Secretariat staff and the interpreter for their useful contributions and closed the meeting at 11h55.

New Criteria for Listing Species in the CITES Appendices

Terms of Reference

Purpose: Within the requirements of Article II and to the extent possible, to provide simple, pragmatic, scientific and objective criteria to determine in which appendix, if any, it would be appropriate to list species.

The following substantive and procedural guidelines should be considered in developing the criteria:

1. Criteria should be non-discriminatory. This means that the criteria for inclusion of species in Appendix II would be no more stringent than those for the transfer of species from Appendix I to II or vice versa. Similarly, the criteria for inclusion of species in Appendix I and for their deletion therefrom would be based on only one set of requirements.
2. To the extent practicable, criteria should be applicable to all organisms but, if this is not possible, criteria should be developed that are applicable at the highest possible taxonomic level.
3. Objective definitions of key terms should be developed where practicable.

Terms of particular interest in Articles I and II are:

- extinction (biological, ecological)
 - threatened with extinction
 - affected by trade (are, may be, may become)
 - utilization incompatible with their survival
 - geographically separate populations.
4. Consideration should also be given to defining the following terms, if used:
 - sustainable use
 - beneficial trade
 - detrimental trade
 5. Guidelines indicating the information considered necessary to support amendment proposals should be prepared and should take into account the possible limitations on resources available to proponent range States.
 6. Examine issues raised by Article II, paragraph 2.(b), with reference particularly to:
 - guidance on listing species that closely resemble those listed in accordance with paragraph 2.(a) (i.e. 'look-alike' species);
 - where to list species that resemble Appendix-I species;
 - inclusion of look-alike species in higher-taxon listings.
 7. Examine issues related to listings of higher taxa in light of the fact that Article II provides only for the inclusion of species.

8. The new criteria should provide for adequate means to evaluate proposals for amendment of the appendices related to species of which some of the subspecies or geographically separate populations meet the criteria and the rest do not.
9. Consideration should be given to the issues related to the listing of subspecies.
10. Examine the use in special circumstances of export quotas set either by the range States or by the Conference of the Parties when species are transferred from Appendix I to Appendix II.
11. Note the criteria for consultation with range States addressed in Resolution Conf. 8.21.
12. Any revision of the criteria for amendments to the appendices should incorporate a regard for the negative and/or positive effects of the proposed amendments on the conservation programmes for the species in the range States.
13. Examine ranching criteria with a view to the possibility of broadening their applicability.
14. Consideration should also be given to presumably extinct species, species surviving only in captivity, extremely rare species, and island species.
15. The adoption of new criteria by the Conference of the Parties will necessitate the adoption of a new format for the presentation of proposals to amend the appendices. The preparation of such a format should be part of the whole process.
16. When drafting this format, consideration should be given to the need for technical assistance to those Parties without sufficient resources, that are range States for the species.

Trade in Rhinoceros Horn

The Standing Committee, acknowledging the critical problem of African and Asian rhinoceros conservation despite CITES Appendix-I listing for almost 20 years, and the calls for actions made in various CITES resolutions on the need for new measures to be explored that will reverse the downward trend in population number for those species,

- resolved to:

- i) make trade-related aspects of rhinoceros a project of special interest for the Standing Committee leading up to CoP9;
- ii) call upon all Parties to the Convention, as well as non-Parties, that are able to influence and constrain the current illegal trade in rhinoceros horn, to do so urgently and to propose innovative ideas on this matter to the Standing Committee; and
- iii) give support and encouragement to all agencies and countries working towards rhinoceros conservation in any way compatible with the requirements, policies and resolutions of the Convention; and

- directed the Secretariat to:

- i) identify, in association with range States, TRAFFIC and consumer countries, and to seek funding for, a special project to gather information urgently and comprehensively on the levels of stockpiles, current usage and demand, and current illegal supply of rhinoceros horn from African and Asian sources in countries of use;
- ii) make contact with CITES authorities in market countries, especially China, and with appropriate officials in non-Party states such as South Korea, to urge prompt and strong action to control illegal trade, mount media campaigns to educate users as to the plight of the rhinoceros species and look for appropriate substitutes for rhinoceros horn in medicines and other uses;
- iii) identify and pursue any means consistent with the Convention, whereby the Secretariat and/or Parties can give urgent, practical support to the efforts of range States of rhinoceros to protect rhinoceros, including initiatives to reduce the interest of poachers in these animals through dehorning or to remove individual animals to safe habitat;
- iv) make submissions, as appropriate, to achieve a re-opening of the TRAFFIC office in Taipei; and

and to report back to the Standing Committee regularly as progress is made.

The Standing Committee regards the existence of substantial illegal stockpiles of rhinoceros horn in some countries, including Parties to the Convention, as totally unacceptable to and incompatible with implementation of the Convention, and accordingly calls for direct action to acquire and destroy rhinoceros horn on the part of government agencies responsible for CITES matters. It notes that failure to take such action would be viewed as a serious infraction, likely to result in a call for trade bans or other appropriate actions.