

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

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Fortieth Meeting of the Standing Committee  
London (United Kingdom), 3–6 March 1998

SUMMARY REPORT

Members:

- Africa: M. Lindeque (Namibia) Vice-Chairman  
K. I. Abdel Rahim (Sudan)  
K. Adeng Deng
- Asia: N. Akao (Japan)  
M. Koyama  
K. Kamigawara  
A. Maejima  
T. Kubodera  
H. Todaka  
S. Hiruta  
K. Kokubu  
S. Toyoshima  
M. Komoda  
M. Shobrak (Saudi Arabia)  
H. Tatwany
- Central and South America  
and the Caribbean: D. M. Botello (Panama)  
V. Lichtschein (Argentina)
- Europe: R. Hepworth (United Kingdom) Chairman  
R. Smith  
N. Williams  
J. Claxton  
C. Rigg  
M. Hetherington  
J. Marsh  
M. Lavell  
R. Queralt  
J. Ewan  
R. Pope  
K. Cook  
A. King  
A. Bennett  
N. Hunter  
N. McGough  
M. Sandison  
R. Simpson

S. Kell  
J. Roberts  
T. Tew  
A. Littlewood  
P. de Angelis (Italy)  
A. Russi  
M. Lepri  
U. Mereu  
M. Pani  
S. Tveritinov (Russian Federation)  
P. Morenko  
S. Nikonorov

North America: J. Reyes Gómez (Mexico)  
J. Pérez Ramírez

Oceania: J. Owen (New Zealand) (Alternate)

Depositary Government: P. Dollinger (Switzerland)  
J. Voinov

Next Host Country: R. Yamtomo  
R. Soemarsono  
J. Subijanto  
D. Sudarman  
A. Anugerah

Previous Host Country: W. M. Makombe  
T. J. Jokonya  
C. Machena  
E. Chidziya  
A. Ndhlovu

Observers:

Austria	P. J. Schober
Belgium	G. Evrard
Botswana	P. Monyatsi
	J. Matlhare
Canada	D. Brackett
China	Q. Jianhua
	W. Chengjun
	G. Yufu
	F. Zhiyong
	L. Yuan
Colombia	C. Lemos Simmonds
	E. Muñoz Gómez
	A. Andrade Pérez
Czech Republic	J. Kucera
Finland	M. Von Weissenberg
	V. Miettinen
France	F. André
	S. Jaquet-Pouillaude
	G. Humbert

Germany	J.-P. Luquet
Ghana	G. Emonds
Greece	D. Jelden
Israel	W. Oduro
Netherlands	G. Handrinos
Republic of Korea	D. Pirovolidou-Symons
Romania	B. Clark
Spain	H. Eggink
Sweden	P. In-Seok
United Republic of Tanzania	C. Dong-Wuk
	S. Conduráteanu
	J. Rubio de Urquía
	P. Valiente
	E. Mehnert
	J. Kayera
	S. Mbenna
	S. Mlay
United States of America	S. Lieberman
	R. Chew
Venezuela	M. Quero de la Peña
Zambia	F. Mando
	C. Mwale
	L. Carter
European Union	W. Wijnstekers
United Nations	
Environment Programme	F. Guerrero
IUCN	D. Brackett
	H. Dublin
TRAFFIC	S. Broad
	T. Milliken
Global Tiger Forum	S. C. Dey
	A. Kumar
WCMC	T. Johnson
Secretariat:	I. Topkov
	J. Armstrong
	J. Barzdo
	M. Hernández
	J. Kundaeli
	A. Manjon
	D. Morgan
	J. Sellar
	G. van Vliet
	M. de Campos
	E. Graser
	M. Schmid
	N. Reyes
Rapporteurs:	G. Furness
	S. Christie
	A. Littlewood

1. Commemorative session of the 25th anniversary of CITES

This was postponed until 6 March.

2. Opening remarks by the Chairman of the Standing Committee and the CITES Secretary-General

The Chairman opened the meeting at 10h50, apologizing for the delay and welcoming the participants on the occasion of the 25th anniversary of CITES. He noted that this was the first meeting of the Standing Committee since the 10th meeting of the Conference of the Parties, in Harare, and that the important tasks before the Committee arising from that meeting included implementation of the decisions on the African elephant. He said that there was a full agenda of substantive conservation questions and requested that all present ensure that the issues received the attention they deserved. The Secretary-General began by wishing CITES and all the Parties a happy 25th birthday, noting that today was 3 March, the date of the original signing of the Convention in Washington, D.C. in 1973. He thanked the organizers, remarked on the glorious hall and wished the best to all participants.

3. Adoption of Rules of Procedure

The Chairman noted that the meeting needed to adopt Rules of Procedure before adopting the agenda. He reminded delegates that at the 37th meeting of the Standing Committee it had been agreed that participants would have to present credentials, and he referred the meeting to document SC.40.1.1. The Secretariat introduced this document, which included a draft of revised Rules of Procedure as an annex. They announced corrections since printing in the English text of proposed Rule 7 and a correction to Rule 10 relating to interventions by delegates prior to approval of credentials.

The representative of the Depositary Government noted that if this were adopted he would be unable to speak. The Chairman pointed out that delegates could participate provisionally in the meeting pending approval of credentials.

(The revised wording of Rule 7 would read "Any observer representing a Party or an organization shall, before making any intervention in a meeting, have been granted powers by or on behalf of a proper authority, enabling him or her to represent the Party or organization at the meeting." The revised wording of Rule 10 would read "Pending a decision on their credentials, voting members may participate provisionally in the meeting but may not vote.")

There was discussion related to the question of intervening or voting before acceptance of credentials. It was pointed out that the Previous Host Country and the Next Host Country may not vote and that the Depositary Government may vote only in the case of a tie.

The observer from Spain said that acceptance of Rule 7 would mean that no observer may speak until after the meeting of the credentials committee and said that the Committee needed to find a formula to allow observers to take the floor. He suggested that their interventions be provisional and not recorded in the minutes. He agreed that a limit on participation prior to acceptance of credentials was necessary, but felt Rule 7 was excessive as the credentials committee would presumably not report until the following day.

Noting that the Standing Committee had agreed to have "lighter Rules of Procedure", the Chairman added that other methods of dealing with credentials were possible (for example,

by having the Secretariat vet credentials immediately before the meeting or through a postal procedure). He requested views from the floor on whether a credentials committee were necessary. The Secretary-General said that if the Parties wished there could be a lighter procedure and noted that meetings of the Standing Committee were gradually becoming like full meetings of the Conference of the Parties. He suggested a lighter procedure and noted that standing committees of other conventions had no credentials committees. The Chairman suggested that the meeting adopt the proposed rules, subject to changes being made to Rules 7, 9 and 10 to reflect the desire for a lighter procedure, and that these changes be drafted and brought back to the meeting as soon as possible.

The representative of Europe (Russian Federation) said this was acceptable and raised the matter of the timing of distribution of Standing Committee documents prior to meetings, pointing out that this was not covered in the rules at present. The Chairman noted that many documents were not submitted until the last minute, putting the Secretariat under enormous pressure. The observer from Germany agreed that there was an oversight in the rules regarding the distribution of documents, noting that, during the European regional meeting the previous day, participants had not had access to the Standing Committee documents. It was impossible to advise representatives on which positions to take. There was a discussion of deadlines for submission of Committee documents, taking into account both the desirability of early delivery and the problems this would raise for Parties and for the Secretariat.

The observer from Spain suggested that permanent credentials be issued to some Parties by the Secretariat. The Chairman replied that the proposed Rule 9 at least partly addressed the issue of permanent credentials.

Responding to another suggestion from the observer from Spain, the Chairman said that an amendment to Rule 24 (that English, French and Spanish are the working languages of the Committee) could be included in the document to be re-submitted to the Committee by the Secretariat.

The representative of Africa (Namibia) asked whether the Committee was being requested to raise other points on the rules. The Chairman noted that the rules had been in flux throughout the lifetime of the Standing Committee. He suggested that the Secretariat revise the draft Rules of Procedures to take into account the points agreed and that any further points on the rules be brought before the next meeting of the Standing Committee. The representative of Africa (Namibia) suggested returning to this issue as necessary during the meeting.

The representative of Europe (Russian Federation) asked whether it was correct to say that for this meeting all voting members of the Committee would be eligible to vote. The Chairman referred him to Rule 10 and suggested that, until credentials were accepted, votes would be provisional. He also noted that the Committee takes decisions by consensus whenever possible. He believed that the Committee had agreed in principle to have "light procedures." The Secretariat would give a report after lunch on the status of credentials. The representative of Europe (Russian Federation) requested clarification on whether a credentials committee were necessary and suggested that information on credentials need not be given to the whole Committee. He also requested a working programme for the meeting to enable him to plan his time. The Chairman said that there was a consensus not to have a credentials committee.

The representative of Africa (Namibia) asked that priority be given to voting members in considering credentials. There was further discussion on whether the Committee should proceed without approval of credentials, with the Chairman pointing out that there had not been a vote in a meeting of the Standing Committee in his memory; everything was normally decided by consensus. The discussion culminated in early adjournment of the session and

agreement that the Secretariat would draw up a status report on credentials to be presented immediately after the meeting resumed.

The Chairman closed the session at 12h00.

#### Second Session: 3 March 1998: 13h45 – 18h00

As agreed, the Secretary-General presented the Secretariat's report on the status of credentials.

The Chairman asked for confirmation that all credentials were in order. The Secretary-General replied that this was so, as far as he could see, without checking all signatures. The Chairman then asked the Committee to accept the credentials; and this was agreed. He then noted that concern had been expressed that the last several meetings of the Standing Committee had been held in Europe, which might lead to weighted debate. He asked for comments to be provided outside the meeting.

#### Adoption of the agenda

The Chairman noted that internal problems in the Secretariat had lately taken up a disproportionate amount of time, and he provided an update on relations with UNEP. There had been close liaison with UNEP at the senior level, and a letter had just been received from the Executive Director of UNEP. The Chairman read out the letter. The problem at CITES had been referred to the UN Office of Internal Oversight Services (OIOS), acting as an independent auditor, with a request for a reply within three weeks. In the meantime, all staff contracts remained valid. The Chairman recommended that the Standing Committee support the Executive Director of UNEP's reasonable wish for further time and a second opinion, noting that it had been stated that consultation should occur, but consultation would not occur at this meeting. He requested that the Committee not spend too much time on this question.

The Secretary-General asked the meeting to insert "Rules of Procedure" as agenda item 3. This was agreed. The Chairman then asked whether anyone wished that any items on the agenda be taken up earlier or later than their current order. The alternate representative of North America (United States of America) requested discussion, under agenda item 18, of the implementation of Decision 10.142, which state that "Recommendations shall be prepared on the basis of proposals submitted by interested Parties, for consideration by the Standing Committee in 1998, in order to establish a single simplified procedure for transborder movement of live animals for exhibition travelling to other States" (any other business). The representative of Europe (Russian Federation) said that the European region had suggestions for changes resulting from their meeting of the day before and that some agenda items had financial implications, e.g. implementation of the Action Plan and the Memorandum of Understanding (MoU) with UNEP. He proposed that agenda items 6 and 11 be inverted and requested that Parties receive a copy of the MoU mentioned in agenda item 11 (Implementation of the June 1997 MoU between the Standing Committee and the Executive Director of UNEP).

The Chairman undertook to ask the Secretariat for this document, noting that it had not yet been circulated. The Secretary-General commented that the UNEP Finance Officer would not be arriving until Thursday, so agenda item 6 (Finance and Administration) would need to be moved to later, anyway.

The representative of Africa (Namibia) requested clarification that discussion of the letter from UNEP would be held under agenda item 11, mentioning that some time would be needed to absorb and discuss the information in the letter. The Chairman confirmed that agenda item 11 was, of course, the place for this. The representative of Africa (Namibia) then requested a brief discussion of voting rights and procedures under agenda item 11 or, if that were not possible, a separate agenda item on this subject.

The representative of Europe (United Kingdom) said that considerable concern had been voiced in the European regional meeting on several matters involving relations with UNEP. Bearing in mind the Committee's heavy agenda, discussion of such matters would best take place when a representative of UNEP was present.

The Chairman made announcements on changes to the meeting's working programme. He noted that the elephant issue had generated a great deal of paper for delegates, though this subject required relatively few decisions, and suggested a half-hour presentation from the Elephant Co-ordinator during the current session to explain the contents of the papers, after which the Committee would return to elephants on Wednesday and Thursday. He also noted that the working group on annotations had not yet met and, as a result, its report would have to be given later in the meeting. He stated that it had been envisaged that the Executive Director or Deputy Director of UNEP would attend the meeting for discussions and that was why agenda item 11 was listed later on the agenda. He asked regional representatives to be ready to present their regional reports at any time, adding that this should not be difficult as there had been plenty of time to prepare.

The Secretary-General said that Indonesia had requested that agenda item 12 (Future meetings of the Conference of the Parties) be dealt with on either Wednesday or Thursday. The Chairman suggested Thursday and also commented that agenda item 6a) could not be dealt with before Thursday, while agenda items 6b) through 6e) could at least be introduced during the current session, if desired.

With reference to agenda item 11, the representative of Africa (Namibia), acknowledged that outside attendance must determine the meeting schedule. He said that there was, however, much that should be discussed without UNEP representatives present and expressed support for the view that the Committee should deal with this agenda item as soon as possible.

The Chairman said that the meeting must clearly understand that it had to work through the whole agenda and that, if agenda item 11 were debated earlier, a time limit should be set. The representative of Europe (Italy) said that agenda item 11 needed clarification and a preliminary discussion and that this need not delay the rest of the meeting. The Chairman suggested that the Committee hear the factual presentation of the Elephant Co-ordinator immediately and then move on to agenda item 11. The representative of Europe (Russian Federation) requested clarification on timing, as finance was a very complicated matter and the documentation had only just been received. The Chairman said agenda items 5 and 6 (except for 6a) would be dealt with immediately. At 16h00, there would be a presentation on the elephant issue; then at 16h30, there would be discussion of agenda item 11 for the remainder of the day. The observer from Spain asked whether there were any briefing documents for agenda item 11, requesting clarification on what exactly the Committee was to discuss if no documents were available. The Chairman replied that the MoU and the letter from the Executive Director of UNEP were being circulated, but that there were no other formal documents before the meeting. He added that the Standing Committee's supervision and review of the implementation of the agreement with UNEP, which had been in existence since 1997, was a regular item on the agenda.

## 5. Election of the Alternate Vice-Chairman

No nominations were received.

## 6. Finance and Administration

The Secretariat said that there were two documents relating to agenda item 6, but that the longer document was for 6.a) which had been postponed until later. The other document, for agenda item 6.b), was intended for initial presentation now, with final consideration and decisions to occur later in the week. The representative of Europe (Russian Federation) asked why agenda item 6.b) was being brought up before the arrival of the UNEP Finance Officer. The Secretary-General referred to document Doc. SC.40.2.2 and explained that only an introduction was required at that point; decisions would be made later.

The Chairman returned to the matter of order, noting that questions had been raised by the representative of Europe (Russian Federation) on the placing of agenda item 6. He asked whether the Committee would accept an introduction now on condition that it be considered again later on. This was accepted.

### b) Estimated expenditures for 1998 and implementation of tasks given to the Standing Committee in Resolution Conf. 10.1

The Secretariat introduced document Doc. SC.40.2.2 and explained that document Doc. 10.13 had contained a proposal for an increase in budget items, which became Annex 4 of Resolution Conf. 10.1. While there were no funds currently available for the increase, Resolution Conf. 10.1 established a precedent in providing for annual examination of expenditure. If there was a surplus of more than CHF 2.3 million, the surplus funds could be used for priorities set by the Conference of the Parties. It was noted that only some of the 144 Decisions had budgetary implications for the Secretariat, and it was stressed that the suggested priorities were in line with the priorities of the Parties.

### c) Status of contributions by Parties

The Chairman noted that a number of contributions had not yet been received. The representative of Europe (Russian Federation) raised a point of order, asking whether the Committee had agreed to cover only point 6.b) at this stage. The Chairman said that he thought it was agreed that the Committee would also address the other three items. The Russian Federation agreed to do so. The Secretary-General pointed out that if every Party paid its contributions, everything on the list of actions could be funded. He noted that late contributions meant delays in implementing recommendations and urged that contributions be paid before the start of the year for which they are intended in accordance with the terms of reference for the Trust Fund adopted by the Conference of the Parties. The representative of Central and South America and the Caribbean (Argentina) commented that their 1997 contribution had in fact been paid in May, that the crediting of payments made to the Trust Fund was not clear and that requests continued to be sent for payment when these had already been made. The representative of Europe (Italy) added that differences in the structuring of finance ministries or in the cycles of the financial year made payment on time difficult. He suggested that payment be required within the first three months of the year in question. The representative of Europe (United Kingdom) agreed that in practice it was impossible to have all the money by the start of the year, adding that the United Kingdom would be making its contribution very soon. The alternate representative of North America (United States of America) agreed that accounting procedures were inadequate and noted that a voluntary payment was made by the United States of America in 1997. She asked whether the figure shown included this. The Secretary-General said that these concerns



would be faxed to the Finance Officer with a request that he address them on his arrival here and noted that specific information on unpaid contributions was not made available to meetings of the Conference of the Parties but only to the Standing Committee.

d) Location of the Secretariat

The Secretary-General said that there was good news: the Swiss government had proposed to all units of UNEP that there be no increase in costs. The Secretariat was expected to stay in Geneva for at least the next few years, but the agreement between UNEP and the Swiss Confederation had not yet been signed. The representative of the Depositary Government said that there had been a decrease of CHF 20/m<sup>2</sup> in rent for the CITES Secretariat premises, resulting in a large overall reduction in cost—down to CHF 75,000 a year. He also noted that heating and maintenance should be added to line 5103 of the budget.

e) Approval of new donors and projects

The Chairman referred to document Doc. SC.40.2.1 and welcomed the Head of the Capacity Building Unit of the Secretariat.

The Secretariat presented document Doc. SC.40.2.1, noting that only project proposals, not donors, were included and that a strategy for project implementation was being developed within the Secretariat. They said that only two project proposals had been received that were concrete and clear and that agreement had not been obtained from all parties concerned and added that there was a long list of projects already approved and awaiting funding. They explained that the two project proposals presented in this document were to be funded externally. Once they were approved, there would be a need to seek funding.

The Chairman asked for comments on project proposal S-114 (survey of orchids in China). The alternate representative of North America (United States of America) congratulated the Head of the Capacity Building Unit on his appointment and the Secretariat on the establishment of the Capacity Building Unit. She looked forward to receiving a list of the non-funded approved projects for consideration and expressed support for the proposal but concern about the cost of consultants.

The representative of Europe (United Kingdom) said that the Scientific Authority for plants in the United Kingdom had been working closely with the Chinese authorities on this and that the United Kingdom supported it. The project proposal was approved by the Committee.

The Chairman invited comments on project proposal S-112 (study of pythons in Mali).

The representative of Central and South America and the Caribbean (Argentina) requested information on the nature, origin and reasons for rejection of the other projects submitted to the Secretariat, asking whether they had been reviewed by the Standing Committee. The Head of the Capacity Building Unit responded that the Secretariat had not rejected any project proposal for scientific reasons; a proposal might not have been submitted to review by the Standing Committee because it was incomplete or because of a lack of time. He explained that the Secretariat intended to provide assistance for improving any inadequate project proposals.

The alternate representative of North America (United States of America) said that she had serious concerns about project proposal S-112 and recommended that the African regional representatives take a closer look at it. She noted that the project indicated that Mali was allowing the export of CITES-listed species without scientific consultation. She also had concerns about methodology; namely, the short length of the field survey and the use of

python hunters as sources of information to determine status in the wild. The representative of Africa (Namibia) commented that often rural people know their resources better than scientists and suggested referral to the quota officer at the Secretariat. The Secretariat responded that it had taken some time to encourage Mali to come up with this project and that there was scientific expertise already in Mali. They added that the project was very important for Mali and that the Animals Committee had asked Mali to inform it of the basis for the capture and export of the species concerned. Mali was now trying to find a way to provide the requested information. The Secretariat was concerned that an international consultant was preparing most of the study, and, for fund-raising purposes, it was necessary that the government of Mali ensure that this work would be built upon. The Chairman suggested that this project be approved in principle, subject to consideration by the Secretariat and the Malian authorities of the points raised, adding that perhaps the relationship to international trade could be brought out more clearly. This was agreed.

The Chairman proposed a short recess. The representative of Central and South America and the Caribbean (Argentina) pointed out that the MoU for agenda item 11 had not yet been circulated or translated into the other two working languages and also that prominence was being given to the elephant issue. She also stated that the absence of the Secretariat's Regional Co-ordinator for Central and South America and the Caribbean was noted with concern by the regional representatives, especially as related to discussions of issues pertaining to that region. The Chairman said that the document was available in its final form in all three languages, but that here, in the United Kingdom, it was available only in English, adding that translations could be obtained quickly by fax. He then reiterated that the presentation on the elephant issue would be short and was intended to assist in understanding the background papers. The representative of the Depositary Government asked that agenda item 6e) on projects be included when returning to agenda item 6.

The Secretary-General responded to the remarks made by the representative of Central and South America and the Caribbean (Argentina) on the absence of the Regional Co-ordinator, noting that the host government was already paying the expenses of 14 members of the Secretariat and should not be asked to pay for those who, according to the information from UNEP at the time the decision on travel was taken, were supposed to leave the Secretariat before the meeting of the Standing Committee. He said that the Secretariat should have the right to decide who should be present and who should submit documents and that Secretariat staff members were not present at committee meetings of other conventions. Changes in the status of some staff members had occurred after agreement had been reached on the composition of the delegation from the Secretariat.

The session was suspended between 15h45 and 16h45.

## 9. Implementation of the Decisions of the Conference of the Parties related to species

### b) Elephants

A preliminary presentation was given by the Elephant Co-ordinator to assist delegates in understanding the large number of background papers provided on elephants. He explained that there were three substantive issues to be considered, each relating to one of the major measures adopted at the 10th meeting of the Conference of the Parties.

1. Decision 10.1: the conditions to be fulfilled if trade in raw ivory were to resume following the transfer of the elephant populations of Botswana, Namibia and Zimbabwe to Appendix II. Some conditions related to range States, others were matters for action by the Secretariat, the Standing Committee and others.

2. Decision 10.2: non-commercial disposal of government-owned ivory stocks in range States and the generation of conservation funds.
3. Resolution Conf. 10.10: the improvement of systems for monitoring illegal trade in ivory and the illegal killing of elephants.

He then defined the purpose of each of the papers presented.

Document Doc. SC.40.5.2 set the scene and gave the views and proposals of the Secretariat on key issues with useful appendices. It was relevant to all three of the substantive issues.

Document Doc. SC.40.5.2.1 related to Decision 10.1 and gave recommendations on further steps to be taken and the role of the Secretariat.

Document Doc. SC.40.5.2.2 related to Decision 10.1 and dealt with how to halt trade if the conditions were broken or elephant populations declined as a result of the Decision.

Document Doc. SC.40.5.2.3 referred to Decision 10.2 on non-commercial disposal and provided information on conservation trust funds for using money raised from the disposal of ivory stocks.

Document Doc. SC.40.5.2.4 referred to Decision 10.2 on the audit of ivory stocks.

Document Doc. SC.40.5.2.5 contained the Elephant Co-ordinator's assessment of Resolution Conf. 10.10.

Document Doc. SC.40.5.2.6 was a report by IUCN and TRAFFIC on monitoring systems and was, therefore, relevant to Resolution Conf. 10.10. It did not contain proposals.

Document Doc. SC.40.5.2.7 provided background information from the CITES Management Authorities of Botswana, Namibia and Zimbabwe.

The Elephant Co-ordinator noted that all these were related to one another because all the issues were interrelated. The Chairman thanked him for his presentation.

#### 11. Implementation of the June 1997 Memorandum of Understanding between the CITES Standing Committee and the Executive Director of UNEP

The Chairman noted that although the CITES/UNEP MoU was available only in English until the following morning, it had already been circulated, discussed and accepted at a previous meeting of the Conference of the Parties. He invited views. The representative of Central and South America and the Caribbean (Argentina) requested that this part of the meeting be a closed session, excluding the Secretariat and observers not representing Parties. This was agreed.

The summary report of the closed session of this meeting has been provided to the Chairman of the Standing Committee, who has circulated it in confidence to representatives (and alternates) present.

After the closed session, the Chairman adjourned the meeting at 18h00.

The Chairman asked the Secretariat whether there was anything to add regarding credentials. The Secretary-General replied that the United Republic of Tanzania was represented by two persons from its embassy with solid credentials.

#### 7. Implementation of the CITES Action Plan

The Chairman noted that for some aspects of the discussion it would be beneficial to have representatives of TRAFFIC and WCMC present and hoped the Committee would accept this. He then asked the Secretariat to introduce this item.

The Secretariat stated that document Doc. SC.40.3 and the others under this heading had been provided by the Secretariat in response to Decision 10.111 and that the Secretariat was preparing a report, as required under this Decision, for the 11th meeting of the Conference of the Parties. It was suggested that the Committee treat most of the documents as background information and focus on items requiring action by the Standing Committee.

Moving to document Doc. SC.40.3.1 on fundamental policy issues, it was noted that only two of the Decisions were relevant to this meeting and that the Secretariat had serious problems with Decision 10.60, feeling that maintenance of the original text and preamble would make it impossible to continue the process of consolidation. Advice was requested from the Standing Committee on this.

The representative of the Depositary Government commented that a reduction in the budget for the review of significant trade would be incompatible with Decision 10.5. The Secretariat responded that if funds were allocated as suggested in the financial documents, budget lines would be provided for in accordance with decisions made at the 10th meeting of the Conference of the Parties and would include added funding for the review of significant trade.

The representative of North America (United States of America) commented that the large number of decisions required by the CITES Action Plan made matters confusing. She noted that all of these decisions stemmed from documents Com. 10.26 and Com. 10.27 which had been subdivided into more than twenty decisions each, thus losing the integrity of the Action Plan. It was no longer clear that these were all part of one process. She suggested that the Secretariat provide the Committee with the two documents adopted at the 10th meeting of the Conference of the Parties. On the specific issue of Decision 10.60, she noted that the Secretariat had done an excellent job of consolidating decisions. Nevertheless, she commented that the wording requesting "that the original text and preamble be maintained" was deliberate at the 10th meeting of the Conference of the Parties and that if consolidation could not be done without losing these, then it should not be done at all.

The Chairman commented that the documentation under discussion was contained in the 'yellow books' of Resolutions and Decisions remaining in effect, which had been issued to all Parties. The Secretariat said that they had already had positive comments on the usefulness of these books and were very interested in hearing further comments from the Parties. They added that Decision 10.114 covered the procedure for this. This Decision instructed the Secretariat to compile a list of current Decisions sorted according to the body to which responsibility for action was directed.

The Secretary-General noted that the preamble of all resolutions was actually part of the original text. He added that the Secretariat never intended to change the content of any resolution and that if this occurred accidentally, the Parties always rectified it. He explained

that the consolidation process was intended to eliminate discrepancies or inconsistencies while sticking closely to the original wording. If the Secretariat continued to prepare consolidated resolutions, they would be unable to work in accordance with the procedure in document Doc. 9.19.2 and if the consolidation process were dropped, it would, nonetheless, be necessary for all draft resolutions and resolutions to be clear and free from mistakes.

The observer from the European Commission said he would continue to co-ordinate with the Secretariat and hoped that the new edition of "The Evolution of CITES" would be ready in 1998.

The representative of Europe (Russian Federation) commented that the texts of Resolutions and Decisions had been received much later than usual. The Secretariat responded that in their view these documents had been produced much quicker than ever before. The Secretary-General noted that reference to the past was not relevant as this was the first time the Secretariat had issued books containing all valid Resolutions and Decisions. He accepted the idea of a working group on this subject, but stressed that any suggestions must leave flexibility to the Secretariat concerning the consolidation. If the text remained untouched, the process would be unnecessary.

The observer from the European Commission suggested that the Secretariat continue to prepare consolidated resolutions, but should indicate in an accompanying document where discrepancies and inconsistencies appeared and pass their suggestions on to the next meeting of the Conference of the Parties for review. The alternate representative of North America (United States of America) said that she wished to ensure that there was a 'road map' to allow the Parties to follow the process and find the original text. If the Parties then wished to live with inconsistencies, they could do so. The Secretary-General responded that the Parties might be able to live with inconsistencies, but for the Secretariat this was impossible. The suggestion of the observer from the European Commission was approved.

The Chairman reminded the Committee that Decision 10.96 on a model for draft resolutions was given high priority by the Conference of the Parties and that the document in question must be issued in good time for the 11th meeting of the Conference of the Parties. He added that this might have to be dealt with through correspondence, because there would not be enough time to have it considered at the next meeting of the Standing Committee in February 1999 and then issued in time for preparation of Resolutions for the 11th meeting of the Conference of the Parties.

Moving on to document Doc. SC.40.3.2 on scientific issues, the Secretariat stated that this document was for information and required no decision from the Standing Committee. However, two items referred to matters submitted to the Standing Committee, Decision 10.98 on the incorporation of the appendices into a training manual and Decision 10.103 on a survey of stricter domestic measures adopted by the Parties. For the second item, it was indicated that the Secretariat would report to the next meeting of the Standing Committee in February 1999 on this and present a document for review. The representative of Europe (Russian Federation) asked for clarification on the dates of the next meeting of the Standing Committee as these had not yet been agreed. The Chairman explained that the Committee would be returning to this matter, but that the exact date and location did not affect this question, as the meetings were yearly and next year's meeting must be before March for reasons connected with the elephant issue.

The observer from Canada commented in reference to Decision 10.105 (Information Management Strategy) that the Secretariat might wish to explore the useful work being done by the Convention on Biological Diversity (CBD). The Secretariat responded that there had

already been a great deal of contact, that a new initiative had been set up to promote co-operation and that a meeting was scheduled in Geneva for April.

The alternate representative of North America (United States of America) hoped that this information would be provided to the Animals Committee. On Decision 10.103, she recommended that the Standing Committee review the survey forms before publication of the survey.

The representative of Europe (Russian Federation) asked about the financial implications of document Doc. SC.40.3.2. He also asked who in the Secretariat was responsible for scientific issues and for the preparation of this document. The Chairman responded that the financial implications were ranked high, medium or low in the original document submitted to the Parties (document Com. 10.27). The Secretariat said that they had already made it clear that they had not yet looked at the financial implications of the 144 Decisions, nor was there any requirement for them to do so. However, they did intend to review financial implications and currently believed that most of the required expenditure could be financed from the current operating budget. On the second point made by the Russian Federation, they responded that the Science Co-ordination Unit had prepared the document.

The representative of Europe (Italy) asked why Decision 10.101 was placed under Scientific Issues, when it would more appropriately fit under Institutional Issues. The Secretariat replied that this was because document Com. 10.27 had placed them there and that the Secretariat was simply following instructions. The Chairman said that the original consultant (ERM) had placed items under these subheadings and perhaps the Standing Committee could ask the Secretariat to classify the items more appropriately.

The Secretary-General thanked the representative of Europe (Italy) for raising this point and the Chairman for pointing out that ERM was responsible. He said that the Secretariat would be pleased to revise the headings for the next meeting of the Standing Committee.

The Secretariat moved on to document Doc. SC.40.3.3 (Institutional Issues) which contained decisions needing consideration by the Standing Committee. These were Decisions 10.59, 10.61, 10.62 and 10.108. The Secretariat had made suggestions for progress regarding the first three Decisions. As for Decision 10.108, the Secretariat noted that it already intended to present plans for the numbering of documents and welcomed constructive suggestions on this from the Parties.

The Chairman referred to the Secretariat's suggestion under Decision 10.59 to set up a sub-committee of four members from the Standing Committee and several from the other permanent committees. He invited comment. The observer from Spain said that the Decision was ambiguous. He asked whether this sub-committee would be permanent and how long its work might take, pointing out that Decision 10.59 did not give a time frame or an indication of to whom the document would be submitted. He suggested that these issues be settled before looking at the composition of the sub-committee and that setting it up might necessitate adding a reference to it in the Rules of Procedure for the Standing Committee.

The Chairman clarified that the original purpose of Decision 10.59, hence the overall objective, was to develop a Strategic Plan for CITES and stressed that the Committee should not lose sight of this overall goal. He added that to fulfil the requirements laid down at the 10th meeting of the Conference of the Parties, a draft document was essential, not just desirable, and that the Committee needed to establish a framework for achieving this.

The observer from Israel commented that if there were to be a forum for bringing together these important committees on the crucial issue of performance indicators, it should be open

to Party observers. The Chairman responded that the process would be transparent to the meetings of the Conference of the Parties which are attended by representatives of all the Parties and that involvement of observers before that stage might be difficult to provide for.

The alternate representative of North America (United States of America) commented that she did not recall any intention to create a permanent sub-committee when the matter was discussed at the 10th meeting of the Conference of the Parties and did not think that should be done; nor should the Standing Committee plan for a large meeting or additional infrastructure for which it did not have funds. She suggested that perhaps a start could be made in discussing this matter at the next meeting of the Animals Committee.

The Chairman consulted briefly with the Secretariat and informed the Committee that document Doc. 10.9 calling on the Standing Committee to prepare a strategic plan, also seemed to target the same question as Decision 10.59. Perhaps the two should be considered as one Decision. The Secretary-General said that even if they were considered separately, they could easily be combined. The Chairman suggested deferring the matter of consolidation until discussion of agenda item 8 (Preparation of the Strategic Plan of the Convention).

The representative of Europe (Russian Federation) noted that a lot of time and effort would be necessary to produce a strategic plan; at least one year. He agreed that all the other committees should closely participate in the process, that a framework of the sub-committee's activities should be established and that costs had not been estimated. The Chairman responded that the Committee would certainly agree and that these comments would be taken into account under agenda item 8.

As for Decision 10.61 on intra-regional co-ordination, the Chairman recommended that regional representatives provide information on regional consultation prior to each meeting. The observer from Spain asked whether as an observer he could propose that a regular item be introduced in the agenda of the Standing Committee for future meetings for discussion of issues arising from the international work of the committee as was done in other international fora. Under this agenda item, problems about the actual running of the committee and about communication between different levels and regions could be raised.

The observer from Israel supported this idea and noted that the decision had already been taken that regional representatives should co-ordinate and consult before Standing Committee meetings. He asked what recourse Parties might have if no such consultation occurred, mentioning the informal meeting of Standing Committee members in Geneva on 5 February, about which Israel had been unaware. He felt that the Parties had the right to be consulted by the Standing Committee and by their regional representatives. The Chairman responded that the Standing Committee could not sit in judgement on its own members and perhaps the Conference of the Parties rather than the Standing Committee would be the place for such an agenda item. Similar concerns might be raised in the Standing Committee under "any other business". The observer from Spain explained that he was not suggesting an interrogation at every Standing Committee meeting, but simply an opportunity to bring up points that might lead to improvement in efficiency and streamlining. He asked why the suggestion that the Standing Committee should discuss its activities generated unease. The Chairman responded that regional meetings as required under Decision 10.3 were also suitable for discussion of any criticisms or comments on the running of the Standing Committee.

The observer from Venezuela commented that the Standing Committee should follow up on what the other committees were doing and should be aware of what is happening. She added that it followed that the chairmen of the various committees needed to be involved with the

Standing Committee and give reports to it and that the Standing Committee should also provide a report.

The representative of Europe (Russian Federation) strongly supported Venezuela and proposed that at future meetings of the Standing Committee there should be reports from the permanent committees. He noted that other conventions had a finance committee meeting the day before the meetings of their standing committee and perhaps CITES should follow suit. Such a committee could check the financial implications of decisions and report to the Standing Committee, thus saving time during committee meetings. The Chairman said that he was sure this suggestion would gain widespread support in the context of Decision 10.62, which calls upon the Standing Committee to decide on a procedure to consider budgetary matters.

The representative of the Depositary Government asked whether the introduction of a finance committee meeting before the meeting of the Standing Committee would shorten the meeting by one day. The Secretary-General said that instead of creating a sub-committee, the Standing Committee could have a bureau consisting of the Chairman, Vice-Chairman, the Secretary-General and the Host Country. The observer from Canada said that it was important to consider financial issues first and that perhaps this could be done by devoting the first day to these; observers could attend if they wished. The observer from Spain said that he agreed in principle with Canada, but pointed out that, if a subcommittee were established, care should be taken with the name. A sub-committee was not the same as a working group.

The Chairman said that perhaps the solution was to have a more structured agenda in the future. With proper notice, participants could be expected to arrive for specific topics. He asked the Committee to approve this procedure for the next meeting, and it did so by consensus.

The Chairman then returned to the issue of information, suggesting that an executive summary of two pages, in all languages, be produced shortly after each meeting of the Standing Committee. He raised a question about written regional reports, which had not yet been requested, although that was what the Secretariat would prefer. He then noted that there was an agenda item that referred to the Animals and Plants Committees under agenda item 14. Perhaps the chairmen of these committees should be invited to the Standing Committee.

The representative of Africa (Namibia) said that he would like to see reports from regional meetings circulated with the Summary Report of the Standing Committee. This would be sufficiently formal and yet transparent. He then asked what had happened to the report of the last meeting of the Standing Committee. The Secretary-General responded that the report of 38th meeting had been prepared and comments had been received from some members. He added that, for the 39th meeting, the delegation from the United Kingdom had undertaken to produce the report because the Secretariat had not been present during most of the meeting. The Chairman reported (on behalf of the United Kingdom) that given the circumstances of the 39th meeting (just after the 10th meeting of the Conference of the Parties), no arrangements had been made for taking formal minutes, although representatives of the United Kingdom took some notes. At that meeting, apart from the election of the Chairman and Vice-Chairman, the only other substantial business had been the setting-up of a working group to review annotation of the listings in the Appendices. Namibia, Switzerland and the United States of America were involved. Some discussion of other issues had taken place, the availability of documents in other languages being one, but no firm decisions had been taken. The representative of Africa (Namibia) confirmed that this was also his impression of the 39th meeting and added that there was an important discussion at the 38th meeting on which he



would like to see the report. The Secretary-General replied that this was ready, but not yet translated.

The Chairman asked whether these concerns could be met by an executive summary as suggested. Deadlines of between sixty days and six weeks were suggested for the preparation of full summary reports. The Secretary-General asked whether placing a deadline on responses to draft reports would be acceptable to the Standing Committee as this would speed up production.

The Chairman suggested that the Committee formulate wording for both of these ideas and that a two-page executive summary could be agreed on by delegates before they left the meeting. A draft document would need to be produced for approval on the last day. The representative of the Depositary Government said that no minutes were specifically required under the rules, just a record; so it was a matter of agreeing on the type of record required. The Chairman commented that the summary reports of meetings of the Conference of the Parties tended to be very long and what was suggested here was something very short. He requested that someone put together some ideas on this and present them to the Committee.

The observer from Spain requested that draft reports be distributed to all Parties represented at the meetings of the Standing Committee, not just to members of the Committee, noting that they often included interventions by observers. The Secretary-General said that this was a very good point, and the Secretariat would be happy to comply. He reiterated his earlier point on the necessity of deadlines for comments, suggesting 45 days for the report and then 30 days for comments and that for an executive summary the deadline could be even less. He noted that decisions were often made in the afternoon of the last day and questioned whether an executive summary could be produced and translated in time for production at the meeting as suggested.

The alternate representative of North America (United States of America) made three suggestions: anyone attending the meeting should receive the report and anyone able to do so should receive it by e-mail; observers should be asked to forward their comments to their regional representatives for inclusion; a deadline should be given to the regional representatives for comment and the absence of comments before the deadline should be taken to indicate approval.

The representative of Asia (Saudi Arabia) noted that at the 10th meeting of the Conference of the Parties it had been extremely difficult to have subregional meetings. He asked that rooms be allocated for this in the future. The Secretary-General said that it was entirely up to the region to decide whether to have subregional meetings and the Secretariat needed to know in advance, preferably one year in advance, when special meeting rooms were required at a meeting of the Conference of the Parties because extra rooms could not be automatically allocated to all regions. The representative of Africa (Namibia) agreed with the representative of Asia, stating that there had been chaos at the last meeting of the Conference of the Parties and that more planning was necessary. He suggested that perhaps regional meetings should not be held on the first or second day when many representatives had only just arrived. The Secretariat responded that they could improve matters considerably in the future and that the main problem at the 10th meeting of the Conference of the Parties had been the availability of rooms.

The Chairman then asked for comments on Decision 10.108 (numbering of documents) and Decision 10.109 (identification of priorities).

The representative of Europe (Russian Federation) asked for clarification on the relationship between Decisions 10.59 and 10.109. The Chairman agreed that there was a relationship

and also with the Strategic Plan. He suggested that Decision 10.109 be discussed under agenda item 8, (Preparation of the Strategic Plan). The representative of Asia (Saudi Arabia) commented on Decision 10.108 stating that the numbering system used in Harare was confusing and asked whether information on the new system could be provided before the Committee to assist delegates in organizing papers. The Chairman added that colour coding would also be useful. The alternate representative of North America (United States of America) commented that perhaps Decision 10.109 was more closely related to the Action Plan than to the Strategic Plan.

The Chairman made some housekeeping announcements and the session was closed at 12h30.

#### Fourth Session: 4 March 1998: 14h45 – 17h30

#### 7. Implementation of the CITES Action Plan (continuation)

The Chairman referred the Committee to document Doc. SC.40.3.4.1 (Relations with Other Organizations). The Secretariat explained that this document was for background information with one item (Decision 10.63 on synergy between biodiversity-related conventions) directed to the Standing Committee and that, as indicated in this document, the Secretariat was developing its relationship with CBD actively.

The representative of the Depositary Government commented that this matter was also discussed during the drafting of Resolution Conf. 10.4 on relations with CBD and asked how this related to Decision 10.63 and the Action Plan. She also asked about Decision 10.92 directed to UNEP.

The Secretary-General replied that the Secretariat would be discussing these matters, especially the implementation of their Memorandum of Understanding with CBD. In accordance with the sixth paragraph of the operative part of Resolution Conf. 10.4, relevant documents would be provided to the CBD Secretariat, and further co-operation and enhancement of synergy remained on the agenda for the next meeting of the Conference of the Parties. The secretariats of CITES and CBD had decided to arrange a number of common projects to submit to the Global Environmental Facility (GEF). The Parties' support was needed because no convention secretariat may submit projects to the GEF. Only the Parties can do so.

With reference to Decision 10.63, the observer from Finland asked which organizations the CITES Secretariat had bilateral relations with.

The Secretary-General replied that bilateral relations were established with the secretariats of the Convention on Migratory Species, CBD, Ramsar and the World Heritage Convention, adding that negotiations had begun with the Barcelona Convention and there was also some co-operation with the Caribbean Action Plan in Jamaica. He noted that these were all once members of the now defunct Ecosystem Conservation Groups which UNEP hoped to restore although they had not yet been able to do so and that the CITES Secretariat had raised this issue at the last meeting of the UNEP Governing Council.

The Chairman added that Resolution Conf. 10.4 still needed to be formally transmitted to the CBD Conference by the Chairman. He said that this could be done by the United Kingdom delegation at the CBD meeting in Bratislava and that a formal letter would also go to the CBD

Secretariat, which had already received the document unofficially. This was noted as an action point for the United Kingdom.

The representative of Europe (Italy) congratulated the Secretariat on the attention paid to these issues, including the revival of the Ecosystem Conservation Group, and commented that there was a strong risk of duplication of efforts between the various conventions which could lead to conflicting reports or projects reaching GEF. He suggested establishing some suitable procedure to avoid this; perhaps a database of projects. He also recommended that ways of avoiding this should be carefully studied especially in the co-ordination of meetings to avoid waste of time, effort and money. The Chairman commented that this was in line with the essence of Resolution Conf. 10.4 and, owing to the proximity of the CBD meeting and the meeting of the Conference of the Parties, perhaps a covering letter should go with this Resolution bringing out these points. This would add a new and fresh dimension to the Resolution. He also commented that many of the proposals before the Standing Committee involved elements that were not solely the responsibility of CITES and that support and funding from GEF would probably be necessary to implement these proposals. The Chairman added that he was seeking this type of funding for elephant conservation projects.

The representative of the Depositary Government thanked the Secretary-General and asked whether these issues would be consolidated in Decision 10.63 and Resolution Conf. 10.4. The Secretary-General replied that decisions and resolutions could not be combined, but perhaps they could be cross-referenced.

The alternate representative of North America (United States of America) commented that the Conference of the Parties had been working with GEF and perhaps it would be useful for someone from the Secretariat to consult closely with persons familiar with GEF, before beginning further co-operation. She noted that GEF had very specific requirements and did not fund species-specific projects. She reiterated that support from the Parties would be necessary to obtain GEF funding. The Secretariat explained that GEF now had a special portfolio for small projects and that it was their view that this was where CITES would fit in. The support of Parties that were important contributors was needed.

The Chairman then moved on to document Doc. SC.40.3.4.4 relating to Decision 10.106 on co-operation with Interpol and the World Customs Organization (WCO). The Secretariat presented the document, stating that this was background information for the Standing Committee. The Chairman noted that representatives of Interpol and WCO had given presentations at the EU Wildlife Law Enforcement Workshop just before this meeting and had indicated a willingness to co-operate closely that could be used to establish Memoranda of Understanding (MoU) between national Customs officers and the national CITES Management Authorities.

The observer from the Czech Republic asked whether the draft guidelines mentioned in paragraph 3 of this document were available. The Secretariat replied that they were currently in preparation, should be available within the next few months and would be circulated to CITES Management Authorities and Customs offices, adding that the brochure (on raising awareness of CITES issues among Customs personnel) mentioned in paragraph 3 had been distributed at the EU Wildlife Law Enforcement Workshop.

The alternate representative of North America (United States of America) commented that Interpol and WCO had made excellent presentations to the EU Wildlife Law Enforcement Workshop and that the proceedings of this workshop would be available. She recommended that these papers be circulated to the Parties. This was agreed.

The representative of the Previous Host Country thanked the Secretariat for its active participation in relations with Interpol and commented that the draft guidelines would form a useful basis for co-operation with Customs officers. He requested that the Secretariat speed up their preparation. The Secretariat responded that the guidelines were a product of the interchange between the Secretariat and WCO, not just a CITES product, but that they would try to produce them as soon as possible.

The observer from Belgium said that he was pleased to see such close co-operation and suggested that the Secretariat take on the role of promoting co-operation with Interpol

The representative of Europe (United Kingdom) noted that he hoped to report further on these matters under agenda item 13 (Reports from Regional Representatives).

#### 8. Preparation of the Strategic Plan of the Convention

The Secretary-General stated that the Conference of the Parties had agreed that a Strategic Plan had to be developed by the Standing Committee with the assistance of the Secretariat. He noted that to some extent this decision conflicted with the Action Plan and suggested that the Standing Committee decide how to develop the Strategic Plan. He added that anyone undertaking this work should take note of new international structures such as GEF and that the Secretariat was ready to support any working group or sub-committee that might be created, but believed a working group would be most appropriate because it would not be closed.

The Chairman noted that a working group or something similar was needed, that the United Kingdom was prepared to take part in such a group and that other volunteers were needed. The alternate representative of North America (United States of America), the representative of Europe (Russian Federation), the representative of Asia (Japan), the observer from Colombia and the representative of the Previous Host Country volunteered. The group remained open to other participants. A room was arranged for 08h30 the next morning for discussion among those involved.

#### 9. Implementation of the Decisions of the Conference of the Parties related to species (continuation)

##### b) Elephants (continuation)

The Chairman reiterated that there were three broad issues covered in document Doc. SC.40.5.2.

1. Conditions to be met before ivory trade resumes (Decision 10.1)
2. Non-commercial disposal of ivory stockpiles (Decision 10.2)
3. Monitoring of poaching and trade (Resolution Conf. 10.10)

He suggested that the Committee deal with the first two issues during the current session, leaving formal decisions until the following day. He repeated his thanks to those who had worked on the documents and turned the floor over to the CITES Elephant Co-ordinator.

The representative of Central and South America and the Caribbean (Argentina) requested clarification of the status of the Elephant Co-ordinator. She pointed out that the Standing Committee had not been involved in the decision to appoint him, but had received notification that he was an independent consultant. She asked to whom he reported and through which

channel. She also stated that she was not questioning the quality of the documentation before the meeting but sought clarification of the role and terms of reference of the Elephant Co-ordinator. The Secretariat responded that the role of the Elephant co-ordinator was a very important matter and that they had attempted to define this role carefully in a Notification to the Parties. The post was funded by the European Commission and the co-ordinator was required to consult with the Secretariat. His role was to assist the CITES Secretariat in the implementation of decisions relating to elephants, and his terms of reference related to the tasks that he had been asked to take on by the Secretariat and the Standing Committee. The preliminary results of his work were included in the background documents.

The representative of the Previous Host Country said that the Secretariat had explained this role the previous day. He asked for clarification on reporting. It had been stated that the Elephant Co-ordinator was responsible to the Secretariat, so should this report not come from the Secretariat to the Standing Committee, rather than directly from the Elephant Co-ordinator to the Standing Committee? The Chairman agreed with these remarks. The Secretariat responded that they considered it appropriate for various reports produced by outside agencies to be presented directly to the Standing Committee; but if the Standing Committee wished to establish a different channel of communication, perhaps through the Secretariat to the Standing Committee, they would be happy to comply.

The representative of Africa (Namibia) agreed that the role of the Elephant Co-ordinator was not clear. He said that Parties were being asked to communicate with this person without knowing exactly where he fitted into the structure. He asked what the Secretariat expected of Parties reporting to the Elephant Co-ordinator.

The representative of the Depositary Government agreed with this, saying that it was his understanding that the Elephant Co-ordinator had not been contracted by the Secretariat or the European Commission, who had just made the money available. He pointed out that any country affected might expect better information on the exact mandate of the Co-ordinator. The representative of Europe (Russian Federation) agreed and stressed the importance of making this issue clear. The representative of the Previous Host Country commented that the intervention of the Secretariat had done nothing but confuse the issue. The Secretariat had failed to identify other persons acting in a consultative capacity. He added that the 10th meeting of the Conference of the Parties had given certain responsibilities to IUCN and TRAFFIC, but had not authorized the appointment of a Co-ordinator. He felt that it was wrong for the Secretariat to take on a consultant without reference to the Standing Committee; there was a lack of transparency in this. He said that governments could not be expected to co-operate with such a person without having been consulted on the appointment.

The Chairman stated that IUCN and TRAFFIC were given specific responsibilities at the 10th meeting of the Conference of the Parties, which never envisaged the need for an Elephant Co-ordinator. He explained that the post of Elephant Co-ordinator was decided on by the Secretariat because it could not handle the huge workload involved in implementing the various elephant-related decisions made at the 10th meeting of the Conference of the Parties. He stressed that this work could not possibly have been taken on by the Secretariat with the resources at their disposal. He confirmed that the appointment was covered by a contract appointing the Elephant Co-ordinator to work with the CITES Secretariat. The Secretary-General apologized for any mistakes in perception. He explained that the three organizations responsible for implementing the decisions were the CITES Secretariat, IUCN and TRAFFIC. He said that the Secretariat frequently hired consultants for certain tasks and that the elephant issue probably demanded more than one. However, they had help from a great many people in TRAFFIC and other bodies which allowed them to carry on with only one consultant. He added that when such appointments were made, funded by outside sources, the Secretariat did not go to the Standing Committee. In this case, the European Commission

provided the funds, and the consultant reported to the Secretariat. He noted that there had been regular teleconferences between TRAFFIC offices, the African Elephant Specialist Group and other relevant bodies in order to discuss candidates for this post.

The observer from the European Commission explained that the Commission's intention had simply been to make funding for a suitable Co-ordinator available immediately and that this was not easy for the European Commission to do. He explained that their aim was to assist the Secretariat directly in coming to grips with the implications of Decisions 10.1 and 10.2 and to assist the range States directly involved in these matters, adding that he felt it would be disappointing if what was intended as a positive contribution took up all the discussion time that was available for questions about elephant policy. The Secretary-General stated that the appointment should be judged by the quality of the work produced, which was excellent, and mentioned that the Elephant Co-ordinator would not be paid if the Secretariat and the Standing Committee were not satisfied with his work.

The representative of Africa (Namibia) reassured the observer from the European Commission that the gesture of assistance was greatly appreciated. However, he added that the debate was about process and that the Committee was currently spending time on it because the process had not been made clear from the beginning. He said that Namibia had heard from NGOs that there had been a series of teleconferences, which the range States had never heard about. He requested that this never happen again.

The representative of Europe (Italy) said that this whole discussion could have been avoided if the Standing Committee had been informed. It was not a matter of persons or the quality of communication, but of process.

The Chairman then read out a letter he had written to the Standing Committee on 16 July 1997 summarizing the proposal to appoint an Elephant Co-ordinator. No objection had been received from any member of the Standing Committee about the proposed procedure. He commented that when efforts had been made to render the process transparent and members later claimed that no such effort had been made, it was highly irritating to the United Kingdom and presumably also to the European Commission. The representative of the Previous Host Country reiterated that it was a matter of principle and process. He asked about the future of this process; would information from governments now be processed through the Co-ordinator or through the Secretariat? He apologized for irritating the Chairman. The Chairman explained that he was not irritated with Zimbabwe, but with implications that there had been no effort to render the process transparent after it was under way. In this case, there had been specific efforts. Following the Chairman's letter, there had been a Notification to the Parties which also provided a timetable; no comments had been received.

The representative of Central and South America and the Caribbean (Argentina) said that all the matters discussed were valid. Returning to the letter of 16 July 1997, she noted that there had been a Notification to the Parties on 19 November, but it had been very general and it was difficult to form a clear understanding of this matter. She asked who had initiated the process: the Chairman or the Secretariat? She repeated that the Standing Committee had merely been informed of decisions being taken; there could have been given a list of candidates. The Chairman responded that his letter of 16 July gave full and clear information and clearly defined the role of the consultant. He explained that it was because he was aware of the importance of the matter that he wrote this letter, and he could not understand why this fact was not being recognized.

He then suggested that the Committee proceed with the presentation. There was no dissent. The Elephant Co-ordinator stated that document Doc. 40.5.2.1 was essentially a progress report and the Standing Committee would have to make the decisions indicated under

Decision 10.1, Part A, paragraph c) at its next meeting. He added that it would also be important for the Secretariat to visit range States and consult with regional representatives in Africa. He then explained that while the range States had been asked to point out any deficiencies, the report from the panel of experts had not identified the deficiencies. The range States had fulfilled this requirement and had listed in their reports the matters that they felt needed addressing. He advised the Committee that in his view all necessary issues had been listed and now it was up to the Standing Committee to decide. He noted that all required reports were included in the documents, along with summaries and supplementary information from the range States and that all the relevant range States had withdrawn their reservations as required. He felt that the information provided was sufficient to enable the Standing Committee to make a clear decision at its next meeting. The Chairman commented that the Committee must be very explicit on expectations and not move the goalposts.

The Secretariat presented the next paper, document Doc. SC.40.5.2.2, with four recommendations to the Standing Committee, as shown in paragraph 5 of this document. It now sought approval of those recommendations. If approved, the recommendations would be implemented before trade was permitted to resume. The Secretariat asked whether Botswana, Namibia and Zimbabwe wished to speak at this time about document Doc. SC.40.5.2.7 on their interpretation of Decision 10.1. The representative of Africa (Namibia) responded that he did not wish to go through it paragraph by paragraph, but rather to make several requests to the Standing Committee regarding the timing of certain actions.

The Chairman requested comments on the background papers presented, asking the Committee to bear in mind that decisions would not be sought until the following day. The representative of Africa (Namibia) commented on document Doc. SC.40.5.2.1, page 2, paragraph 4, saying that the use of a panel of experts would contradict Resolution Conf. 10.9 and, therefore, was not an option. He also commented that the Secretariat was required to make decisions in consultation, not to decide and then consult later. Strictly speaking, under paragraph 8), the range States did not identify deficiencies; they merely reported those identified by the panel of experts.

The Elephant Co-ordinator responded that Decision 10.1,a) required that deficiencies identified by the panel of experts be remedied. These, therefore, had to be identified and range States had been asked to identify relevant deficiencies from the report of the panel of experts. He stated that this task had been carried out by the range States and that this condition had been fulfilled.

The Chairman agreed with this and sought further comments on document Doc. SC.40.5.2.1. The representative of the Previous Host Country referred to paragraph 11.f) of this document and sought clarification on what was meant by the request for additional transparency.

The Elephant Co-ordinator explained that action had been taken since this document was written and there was now information showing how the fund worked and where the money would go. He said that this issue need not, therefore, be of concern to the Secretariat and the Standing Committee, once the document containing this new information was available.

The representative of Asia (Japan) asked what exactly was meant by the request in paragraph 12 for further information. Was this to be provided at the next Standing Committee meeting, was there to be an audit in Japan and what could be expected from the assessment mentioned? The Elephant Co-ordinator replied that as the matter had been defined as ongoing, it was logical to request further information.

The alternate representative of North America (United States of America) acknowledged and praised the hard work of those involved in the range States and elsewhere on these matters

since the 10th meeting of the Conference of the Parties; an outstanding job had been done by all concerned. She reiterated her earlier statement that while the United States of America had not supported the proposals to transfer various elephant populations to Appendix II, the United States of America was committed to ensuring that it work. It was her view that the Standing Committee must make the appropriate decision. She noted that the Secretariat had asked whether visits from the Secretariat would be useful. It was the view of the United States of America that they would, and she suggested that the Standing Committee direct the Secretariat to consult with the panel of experts that had commented on the proposals. She agreed with the representative of Africa that the deficiencies were not defined by the range States, suggested that it would be appropriate to consult about these deficiencies, and that the Secretariat should notify the Standing Committee about site visits.

The Secretary-General supported the United States's view that the Standing Committee must make the decisions required. The Elephant Co-ordinator commented that the matter of visits was for the Secretariat to decide. He supported the idea of consulting the panel of experts, but not of reconvening it, which would be too complicated. He also noted that the Secretariat had to verify several points and that the Standing Committee had to agree that conditions had been fulfilled. He would willingly provide his time to assist in this process.

The Chairman requested an indication as to who still wished to intervene on this question; no response was received. He then asked who wished to speak about the second paper, document Doc. SC.40.5.2.2. There were too many requests to speak to deal with in the remaining time, and the matter was deferred until the next day.

On the matter of identification of deficiencies, the representative of Africa (Namibia) commented that the range States had been placed in an awkward position by being asked to list deficiencies that they did not consider to be deficiencies. Now, these lists were being defined as having been produced by the range States. He asked that this not be repeated.

The representative of Europe (Russian Federation) reminded the Chairman of the closed session of the previous day on agenda item 11 and requested, noting that he had the support of several countries, an additional closed session during the following morning. The Chairman made note of these remarks and responded that the Standing Committee had agreed on the previous day to leave this matter until the last day of the meeting.

The Chairman closed the session at 17h30.

#### Fifth Session: 5 March 1998: 10h10 – 12h45

### 9. Implementation of the Decisions of the Conference of the Parties related to species (continuation)

#### b) Elephants (continuation)

The Chairman requested interventions on document Doc. SC.40.5.2.2 (Mechanisms for Halting Trade). The representative of Africa (Namibia) commented that paragraphs 2d) and 5c) were unprecedented, that he considered existing measures sufficient and wondered whether it was a good idea for the Standing Committee to set this precedent. He then made a more general comment on several paragraphs which refer to the re-transfer of elephant populations to Appendix I or to the halting of trade, pointing out that these should refer to "one or more" elephant populations that might be transferred and "one or more" products in



which trade might be halted depending on where the problem occurred. He added that this would be necessary only if the document were adopted. It was not yet clear whether this would happen. He also remarked that he felt undue emphasis had been placed on halting trade and returning elephant populations to Appendix I, when there were mechanisms available for corrective measures. He requested that this last option also be considered. He then asked the Chairman to explain the status of document Doc. SC.40.5.2.2.

The Chairman stated that this was a paper from the Secretariat making recommendations to the Standing Committee. He then asked how the Committee wanted to proceed, noting that a desirable result would be one comprehensive (and preferably short) document which would be a formal decision of the Standing Committee, adding that such a document should be drafted with key audiences in mind as it would be the document that the Secretariat would use to obtain donor funding. He noted that the points Namibia had raised could surely be accommodated in such a document and that the Committee was required to obtain a consensus, if possible.

Referring to Decision 10.1, Part A, paragraph g), the alternate representative of North America (United States of America) said, that it was the opinion of the United States of America that the Parties had adopted a position contravening the Convention and that the Standing Committee could not make decisions on transferring species between Appendices. She added that, taking into account the problems, the United States of America supported the Secretariat's recommendations and the establishment of a clear mechanism through which the Standing Committee could be consulted and agree in advance to appropriate actions. She acknowledged that this was a convoluted position because of the necessity to agree to measures in advance, but emphasized that it was pivotal to the implementation of Decision 10.1.

The observer from the European Commission agreed with the representative of Africa that, if necessary, single populations could be returned to Appendix I rather than to all three. He noted that there was mention of evaluation in paragraph 5b) of document Doc. SC. 40.5.2.2 and that, if this were done after trade had taken place, there would be nothing to stop that trade. He, therefore, felt that evaluation of poaching must come before trade was resumed, not afterwards. He added that paragraph 5c) should mention products, not specimens. Also under this paragraph, the submission of a proposal to transfer an elephant population to Appendix I, would have to take place before the 11th meeting of the Conference of the Parties, but changes could occur necessitating responses much later. He suggested that this should be changed to refer to any meeting of the Conference of the Parties rather than specifying the 11th meeting. He added that he had participated in the working group that drafted Decision 10.1 and it was never intended that the Standing Committee transfer the species back to Appendix I because this cannot be done. Instead, the intention of the working group was that the Standing Committee agree on a mechanism to transfer populations back to Appendix I. He noted that such a mechanism existed with reference to Nile crocodiles, through the Depositary Government, and that this was the solution favoured by the Secretariat. He did not agree that such a mechanism would be a violation of the Convention. The Chairman commented that the word "immediately" was probably to blame for this confusion and that there should be no problem reaching agreement.

The representative of Africa (Namibia) thanked the representative of the European Commission for his comments and agreed. He thought it regrettable that the Secretariat had seen fit to comment so strongly on this in the document and felt that this should have been raised at the 10th meeting of the Conference of the Parties rather than afterwards.

The representative of Europe (United Kingdom) returned to the status of the documents put forward by the Secretariat and asked whether these were intended for adoption. If so, he felt

this would need prolonged debate. He saw them as documents intended to assist the Standing Committee in reaching a decision. He noted that there were clear links between the several questions and that it would be difficult to analyse individual points, especially in document Doc. SC.40.5.2.2, without taking into account broader issues. For example, he continued, Part B of Decision 10.1 was linked to long-term monitoring. If this decision were seen as applying to the time between the previous and the next meeting of the Conference of the Parties, post-trade evaluation should occur after trade resumes but before the next meeting of the Conference of the Parties as it or a subsequent meeting might choose to change the Decision. He felt that the post-trade evaluation referred to in Part B of Decision 10.1 could not be the same kind of analysis as that generated by a long-term monitoring process. Instead, it should take account of factors such as ways in which shipments have been made and international inspection processes. The Chairman commented that it was very important to stay within what was agreed to in Harare and not anticipate decisions of future meetings of the Conference of the Parties.

The observer from Israel commented that document Doc. SC.40.5.2.2 concerned mechanisms that were activated by triggers referred to in the document. One of the key triggers was escalation of poaching, but 'escalation' had not been defined and this should be done.

The Secretariat responded that document Doc. SC.40.5.2.2 was intended to assist the Standing Committee in making the decisions required by Decision 10.1 and that the Standing Committee needed to decide whether it accepted the mechanisms outlined in the document or wished to re-word them with the Secretariat's assistance.

The representative of Africa (Namibia) referred to document Doc. SC.40.5.2.7 and suggested that this document's status also be considered. The document contained the proposals, requests and comments of the relevant range States, some of which had already been dealt with. He asked to know whether there were any points on which the Standing Committee did not agree with the range States, asking the Chairman to establish a mechanism for a response to be produced so that negotiation could take place.

The Chairman suggested that the Committee take up this question and other documents later and that a working group on this agenda item should perhaps be formed.

The representative of Africa (Namibia) requested further information on what the working group might be expected to do, noting that there was little time and that the Committee must be careful not to go beyond Decision 10.1. The Chairman responded that it was indeed necessary to be clear. He was not sure whether the resulting document should have the status of a Decision of the Standing Committee, but there had to be a clear statement of the outcome of the Committee's deliberations on elephant issues. He added that the need for transparency must be borne in mind and that corrections could be made to the background papers. He stressed again that this document would be used to obtain external funding and to decide whether the surplus from the CITES Trust Fund could be used. He stated that the working group would be supported by the Secretariat.

After a short consultation with the other range States concerned, the representative of Africa (Namibia) reported that the range States had made their position clear and did not wish to participate in such a working group, though they did support the idea. They simply wanted comments on their document. He hoped that nothing would become lost when considering Decisions 10.1 and 10.2 together, as the range States felt that these were completely independent issues. He felt that two responses were necessary, one for each Decision. The Chairman thanked him and suggested that document Doc. SC.40.5.2.7 be recorded in the summary report of the meeting as reflecting the views of the range States, adding that range

States were entitled to their views and to hear the Standing Committee's and the Secretariat's responses to those views. He asked the Committee whether anyone had difficulties with document Doc. SC.40.5.2.7. The Secretariat responded that they had problems relating to Decision 10.1 in Part A, paragraph g), which could be seen by comparing the Decision with the Secretariat's document Doc. SC.40.5.2.2. These could be addressed by the working group.

The alternate representative of North America (United States of America) associated herself with the position of the Secretariat, adding that there were several minor points in document Doc. SC.40.5.2.7 that she would interpret differently. She suggested that the Secretariat take into consideration the comments and produce a draft document, acknowledging that this would entail a great deal of work. The Chairman agreed that there was a need to move forward and that this proposal would provide one way to advance, even though it asked for a considerable effort from the Secretariat. The representative of Europe (United Kingdom) said that document Doc. SC.40.5.2.7 was very useful, but that there was one matter in Decision 10.1 that was not addressed: Part A, paragraph g) gave two sets of conditions under which the Standing Committee might consider initiating a halt to trade. One condition was illegal hunting and this was addressed, but the other condition of non-compliance with decisions had not been covered. He felt that unless the Standing Committee were satisfied that all conditions had been met, trade could not resume and that, even after the resumption of trade, there was a need to ensure that compliance would continue. He stressed that he was not implying that it would not, but that there was a theoretical possibility, adding that document Doc. SC.40.5.2.2 mentioned this under paragraphs 4b) and 5d). It should be taken into account. He asked whether clarification was required on this issue. The Secretariat responded that they had pointed out in their paper that there were two conditions for considering a halt to trade.

The Secretary-General said that this question was addressed not only to the Secretariat but also to the range States and asked why this was not dealt with in document Doc. SC.40.5.2.7. The representative of Africa (Namibia) responded that he was grateful for the healthy discussion and that the range States had not emphasised this point because the Elephant Co-ordinator had covered it well. In addition, the word "conditions" in document Doc. SC.40.5.2.7 referred to all conditions. For the range States, the most important issue remained that of illegal hunting, and they were ready to consult on how this could be incorporated. The Chairman noted that the representatives of the other range States agreed.

The Chairman suspended the debate on this issue, moving on to agenda item 12 (future meetings of the Conference of the Parties).

## 12. Future meetings of the Conference of the Parties

### a) Preparations for the 11th meeting of the Conference of the Parties in Indonesia

The representative of the Next Host Country referred to document Doc. SC.40.7 (Progress report on preparation for the 11th meeting of the Conference of the Parties). He reported that a number of actions and decisions had been taken to ensure successful preparation: a professional conference organizing company had been appointed and the date (15–26 November 1999) and venue (Bali) had been confirmed. He explained that Indonesia was going through an economic crisis which adversely affected all activities. The government was making every effort to overcome the crisis, but more time was needed for full recovery. The government had been compelled to review all activities, including commitments to host international meetings. Several meetings planned for 1998 had already been cancelled. He informed the Committee that the Indonesian Government regrettably was not yet in a position to confirm its commitment to host the 11th meeting of the Conference of the Parties. He

stressed that a final decision would be made as soon as possible and that, pending that decision, the Department of Forestry continued to seek resources from foreign donors. He hoped that Indonesia would be able to host the meeting.

The Chairman thanked Indonesia for this information and asked the Secretariat for comments, requesting information on the required timetable.

The Secretary-General commented that staff from the Secretariat had visited both possible venues (Jakarta and Bali) and that both were perfectly suitable and available. He added that the Secretariat had met with the Indonesian delegation prior to the meeting of the Standing Committee and that Indonesia had agreed to provide a final decision not later than 31 May. If this deadline were not met, the Secretariat would be in a very difficult position should the answer be negative and postponement of the meeting might be necessary. He hoped that Indonesia would be able to host the meeting.

The representative of the Depositary Government commented that the Secretariat might have to organize the conference in Geneva using Swiss, not CITES, resources. This had happened once before, and he requested that Switzerland be informed by the end of November 1998 if there would be a need for assistance from Switzerland. The Chairman made clear that normally the meeting would be paid for from the Trust Fund and it should not depend on additional resources from the Swiss government. The Secretary-General added that, although it was believed that Indonesia would be able to host the meeting, if this were not confirmed before the end of May, applications from other potential hosts would be invited in order to hold a postal vote to decide on a replacement before the end of August, if there were more than one new candidate.

The observer from the Next Host Country said that he appreciated the Standing Committee's support for Indonesia's position. He agreed to the proposed deadline. The Chairman noted that participants and the Secretariat might wish to circulate information about this discussion to Parties that could be interested in hosting the meeting.

#### 9.b) Elephants (continuation)

The Chairman reminded the Committee that implementation of Decision 10.2 required little action from the Standing Committee and asked for brief presentations.

The representative of Asia (Japan) drew the Committee's attention to document Doc. SC.40/Inf.9 which had also been distributed at Harare. It was not quite up to date, but did contain relevant information.

The Elephant Co-ordinator introduced document Doc. SC.40.5.2.3 on implementation of Decision 10.2, drawing attention to areas where the Standing Committee needed to make decisions. He noted that range States had had to declare government-held stock by 18 September 1997 and that 15 range States had done so. He added that TRAFFIC had been commissioned to do an audit. Their report (document Doc. SC.40.5.2.4) would be presented by TRAFFIC (East/Southern Africa), and there was also an information paper (document Doc. SC.40/Inf.8).

The observer from TRAFFIC presented the TRAFFIC report in the above-mentioned documents. He added that information on security measures for storing ivory was confidential and had been provided to the Secretariat.

The alternate representative of North America (United States of America) thanked TRAFFIC and complimented them on their report, noting that it provided an important baseline of data on registered stockpiles. She also congratulated the governments involved.

The representative of Africa (the Sudan) said that there was perhaps confusion over whether "government stockpiles" covered only ivory owned by a government or also that under the control of a government. He said that the Sudan's stockpile was under the control of the government, although 88 per cent of it was privately owned, adding that legal action had been taken by the owners. He thought that the courts might release the ivory to the private owners. He asked whether the disposal of ivory was intended to raise money or would be carried out for management purposes.

The representative of Oceania (New Zealand) acknowledged TRAFFIC's important work. She asked whether a stockpile could also include privately owned pieces being transferred to the government and enquired about how a decision on these two issues would be made.

The Elephant Co-ordinator responded that he had covered this in document Doc. SC.40.5.2, paragraph 13. The Standing Committee was asked to agree to TRAFFIC's findings on verified stocks and to request further information from range States on stock that has subsequently been transferred to government ownership. He stressed that no new ivory could be added as there was a deadline for registration. The only ivory that could be added was privately owned ivory declared before the deadline and subsequently transferred to government ownership. He explained that there was no question of payment being made to private owners of ivory. The Chairman emphasized that there was a strict deadline of 18 September 1997 for the registration of ivory and suggested that the Committee agree that the total presented by TRAFFIC was correct.

The observer from the United Republic of Tanzania thanked TRAFFIC for the report and commented that the report stated that the United Republic of Tanzania held some stocks that had been declared but not yet audited. He explained that the region had been having heavy rain and that normally the rains stopped at the end of May. He requested that, if they did not stop at that time this year, the timetable be changed. The observer from TRAFFIC responded that, in all three countries identified in the 5 February report as having stocks still to be audited, these stocks were a very small percentage of the total declared stock. He explained that when TRAFFIC submitted the document, it was felt that it might still be possible to audit a few of the outlying stocks later, but that this had proved possible only in Zimbabwe. It would now be expensive and difficult, even with good weather, to check the rest of the unaudited stock. He suggested that the Committee accept the figures in document Doc. SC.40/Inf.8 as final. The observer from the United Republic of Tanzania pointed out that in their case the ivory in question might be a small percentage of the total but the actual amount was more than 2,000 kg. The Elephant Co-ordinator agreed with TRAFFIC that another visit to audit the remaining stocks would be expensive, reminded the Committee that there was still a need to raise funds for non-commercial purchase and suggested that once funds had been raised it might be possible for auditors to inspect any further unaudited but declared stock.

The observer from TRAFFIC responded that the unaudited Tanzanian stock was 1.7 per cent of the national total and that the declared weight of these stocks was included in the total given. These stocks had been accepted at face value as auditing had been impossible. The observer from TRAFFIC also commented that in the case of the United Republic of Tanzania, much of the discrepancy in figures came from difficulties in adding up many pages of individual weights of tusks. The alternate representative of North America (United States of America) proposed that the Committee accept the TRAFFIC document, including the unaudited Tanzanian stock. The Chairman praised the transparency of the auditing process in

the United Republic of Tanzania and asked whether this was acceptable to the Party directly concerned. The observer from the United Republic of Tanzania pointed out that, after weighing, there might be discrepancies from the reported figures for this ivory. If the Committee would accept this, he would be happy to endorse the TRAFFIC report and proceed.

The representative of Africa (the Sudan) said that his country could not confirm the amount in its government stockpile. The Elephant Co-ordinator said that if donor funds were raised to purchase ivory, the funds must be put into trust funds. As a result, the Sudan would have to demonstrate that the ivory stock not audited by TRAFFIC was sufficiently within government control to qualify.

The representative of Africa (Namibia) said that Namibia would prefer for the moment that the report be accepted with the present figures. The problem in Sudan could be addressed in the future. He then asked the Elephant Co-ordinator whether funds might soon be raised to purchase ivory from private holders outside the terms of Decision 10.2, in order to get rid of private stocks. This would be both desirable and logical.

The representative of Europe (United Kingdom) recalled that the working group in Harare, of which he was a member, carefully chose the wording "government stocks" and that it was intended to mean "government-owned stocks", not privately owned stocks under government control.

The Elephant Co-ordinator noted that the question raised by the representative of Africa (Namibia) deserved consideration in connection with Decision 10.2. He referred to Annex B of document Doc. SC.40.5.2.3, a report on Trust Funds by J. Resor, noting that this was an excellent document. He proposed that a small working group including Mr Resor and representatives of range States be set up soon to carry this work forward.

The Standing Committee accepted the TRAFFIC report.

The Elephant Co-ordinator then moved on to unresolved aspects of Decision 10.2 and asked whether the raising of funds was to proceed in an organized and centralized way, commenting that this was not mandated in the Decision and that he thought it important to reach agreement on this question during the meeting. Referring to paragraphs 22 through 25 of document Doc. SC.40.5.2.3, he explained that the Standing Committee was asked to accept several basic principles, such as an acceptable non-commercial price, and to agree on a co-ordinated approach to fund-raising and that there should be a parallel raising of funds for range States needing elephant conservation funding but having insufficient government-held ivory to provide funds. The Standing Committee was also asked to endorse a target figure of USD 20 million, assuming agreement on the necessity for centralized fund-raising.

The representative of Europe (Russian Federation) reminded the Committee that he had requested an additional closed session on agenda item 11 during that day and that perhaps the Chairman had misunderstood or forgotten about this request. He added that several countries had approached him in support of this request. He now again requested that it be held at the end of the day. The Chairman responded that he would reply after lunch. The representative of the Previous Host Country asked whether the Committee would be reconsidering document Doc. SC.40.5.2.3. The Chairman replied that indeed it would.

The Chairman closed the session at 12h40.

## Sixth Session: 5 March 1998: 14h45 – 17h30

The Chairman reminded the Committee of the request of the Russian Federation for an additional closed session, noting that there were many important issues yet to be addressed in little time. He said that the working groups on the Strategic Plan and elephant issues had made good progress during the lunch break and stressed that a second closed session would place even greater demands on the remaining time.

The representative of Europe (Russian Federation) reiterated that several countries agreed on the need to continue the discussions of the first closed session and requested a closed session of about one hour starting at 16h30.

The observer from Israel commented that Israel was opposed to a closed session both on grounds of the meeting's workload and because UNEP staff might not be available the following day. He argued that the matter should be left until then. The representative of Europe (Italy) commented that clearly there was strong feeling on this and that not holding a closed session might damage the atmosphere. The representative of North America (Mexico) opposed a closed session until UNEP representatives arrived and could make a statement. The observer from France agreed with Italy. He also remarked that it was regrettable that the sessions had not yet once started on time and that it was a great shame that consequently so much time had been taken from the agenda. The representative of Oceania (New Zealand) commented that there was little to discuss in closed session, referring to the letter from the Executive Director of UNEP which pointed out that he was dealing with the issue. The representative of Africa (Namibia) did not wish to take sides, but raised a procedural rule that might cover the situation: a regional representative had proposed a motion, and a decision should be taken by consensus.

The representative of Central and South America and the Caribbean (Argentina) commented that there was a need for a closed session before a meeting with UNEP. The representative of Asia (Japan) supported the representative of Oceania and reminded the Committee that it had been agreed that the second and third days should be for business concerning the Convention. It was clearly not possible to reach a consensus, and the Chairman moved to a vote: in favour (Argentina, Italy, Namibia, Russian Federation and the Sudan), against (Japan, Mexico, New Zealand, Saudi Arabia and United Kingdom). The Chairman noted that in cases of a tied vote the deadlock could be broken by a vote from the Depositary Government. The representative of the Depositary Government voted in favour, and it was agreed that there would be a closed session at 16h15.

The Chairman then asked who could not be present the next day and whose business should, therefore, be transacted during the current session. The observer from Greece and the observer from Zambia responded.

### 10. Implementation of the Convention in individual countries

#### c) Greece (legislation)

The observer from Greece regretted that they had not met the required deadlines, due to administrative constraints which had now been overcome. The General Director of Forests in Greece had written to the Secretary-General, and the necessary legislative amendments had been submitted to Parliament, and she was confident that they would be adopted soon.

The observer from the Czech Republic reported receiving a CITES permit written using the Greek alphabet, which is not one of the languages used by CITES. The alternate

representative of North America (United States of America) confirmed that one of the three official languages must be used, although other languages may also be used if desired. The observer from Greece responded that from 1 January 1998 Greece has been using the new CITES forms and all were being completed in English, explaining that previously, an English translation was always attached to forms in Greek. The Chairman suggested that this particular case be resolved between the parties concerned.

The alternate representative of North America (United States of America) requested an explanation of the difference between the Secretariat's position on this matter at the 38th meeting of the Standing Committee and their present position. The Secretariat explained that progress was being made and that not extending the deadline would have created hardships. The Chairman asked the Committee whether it would accept the recommendations of the Secretariat given in paragraph 3 on page 1 of document Doc. SC.40.6 which included extending the deadline. He pointed out that any matters under agenda item 10 not settled at the meeting would be submitted to a single postal vote and, therefore, timetables should be set accordingly. The Committee accepted these recommendations.

e) Other enforcement matters

With reference to document Doc. SC.40.6.5, the observer from Zambia wished to state Zambia's concern over diplomatic smuggling. He suggested that in these cases, the Standing Committee urge home countries to permit the questioning of diplomats. When diplomats are suspected of smuggling, home government's law enforcement agencies should be asked to question them on their return, provided there is strong evidence of smuggling. He noted that questioning by law enforcement agencies is vital to ascertain the origin of smuggled specimens. The Standing Committee was also urged to recommend that law enforcement agencies provide information to the Interpol sub-committee on wildlife crime. The Secretariat suggested that the World Customs Organization (WCO) also be informed.

The Chairman requested that the Secretariat notify the Parties concerned as provided for in the document. The observer from Zambia thanked him and undertook to co-operate with the Secretariat and contact WCO as suggested.

9.b) Elephants (continuation)

Returning to document Doc. SC.40.5.2.3, Annex B (Trust Funds), the Chairman invited discussion and reported that the elephant working group had begun consultations. The alternate representative of North America (United States of America) welcomed the information in this paper, but saw some elements in it that went beyond Decision 10.2. She added that the Annex on trust funds was a very useful contribution. The representative of Europe (United Kingdom) agreed and added that the 10th meeting of the Conference of the Parties had allocated specific tasks to the Standing Committee and that attention should be focused on those. The WWF paper on trust funds was very useful, although it and other matters in document Doc.SC.40.5.2.3 which were not covered by Decision 10.2 were initially matters for the range States. The representative of Africa (Namibia) agreed, noting that he wished to have information on the future of document Doc. SC.40.5.2.3 and that if this were to be submitted to donors, the low dollar price suggested in paragraph 20 would cause problems. Low prices would send a signal to range States that it was not worth incorporating new ivory into government stocks. He stated that it would be better not to include suggested dollar prices altogether.

The Chairman asked the Committee whether any of the points in bold print in document Doc. SC.40.5.2.3 were unacceptable. The representative of Oceania (New Zealand) stated that the document went far beyond Decision 10.2 and proposed that it be withdrawn and that



decisions be referred to the next meeting of the Standing Committee. The representative of the Previous Host Country supported this proposal. The Chairman asked the Secretariat and the Elephant Co-ordinator what this might entail. The Secretariat noted that no action was required by the Standing Committee under Decision 10.2, adding that the document was only for background information. He felt that perhaps the Standing Committee could ask the Secretariat to take appropriate action in consultation with the agencies involved and report to the next meeting. The Elephant Co-ordinator agreed with the Secretariat's interpretation of the document but believed that the Standing Committee needed to decide how to move these matters forward, especially the funding initiative. He added that acting on this would in no way be outside the decisions made at the 10th meeting of the Conference of the Parties and that it was difficult to see how the decisions could be implemented without obtaining funding. He suggested that the Committee recommend whether donors should be approached or not.

The Chairman said that it was clear the Committee was not in a position to endorse this document and that there was not enough time remaining to address all the issues in detail. He stressed, though, that a gaping hole at this point would not be useful; guidelines for trust funds were important. He suggested that the working group extract from this paper those items necessary for successful implementation of Decision 10.2 and then inform the Committee. This was agreed.

The Chairman called on the observers from IUCN and TRAFFIC to report on monitoring systems under document Doc. SC.40.5.2.6.

The observer from TRAFFIC introduced the subject, explaining the key elements of Resolution Conf. 10.10 and the demands it makes for monitoring systems. This Resolution establishes three objectives for the monitoring system:

1. To measure levels and trends of illegal hunting and trade in African and Asian range States;
2. To assess whether and to what extent observed trends were the result of the changes in CITES listing for elephants or the resumption of trade in ivory; and
3. To gather information in support of decision making.

The Resolution specifies ways in which TRAFFIC and the two IUCN/SSC Elephant Specialist groups should be involved. All three had participated in a workshop in Nairobi on the development and implementation of monitoring systems.

The observers from the IUCN/SSC African Elephant Specialist Group and TRAFFIC presented information on two parts of the suggested system: MIKE (Monitoring of Illegal Killing of Elephants) and ETIS (Elephant Trade Information System).

Concerning MIKE, the observer from TRAFFIC noted that an interim reporting system was needed until March 1999 and that a reporting system was not the same as a monitoring system. A reporting system could handle national reporting, be implemented during 1998 and provide insights, but it could not determine trends or causality. A long-term monitoring system could identify real trends, changes in these trends over time and the cause of these changes. Trends and individual causes were not necessarily directly linked; there could be many causes leading to a trend. The data required related to populations and trends, mortality rates, measurement of law enforcement efforts, budgets and available staff. Other key factors in the identification of trends included civil strife, large-scale development activities, trade in

other illicit commodities, illegal hunting in nearby areas and community involvement in conservation.

Measuring law enforcement efforts was important, otherwise it would be impossible to ascertain whether changes in reported numbers of dead elephants were a consequence of a change in poaching levels. If the number of dead elephants reported remained constant, this would mean that poaching also remained constant only if there were no change in the level of law enforcement. Obtaining more data provided a greater degree of confidence but also cost more. It was suggested that a satisfactory level of data should be agreed on, by selecting a representative sample of sites using several criteria such as geographic location, habitat, law enforcement efforts, distance from international boundaries and presence or absence of civil strife. Selected sites had been scored using all these criteria.

In order to set up MIKE, the following should be determined:

1. minimum number of sites necessary
2. where capacity and data already exist
3. priorities and methods of building additional capacity
4. the cost of developing and maintaining systems of objective analysis and interpretation
5. the encouragement of donor support.

Finally and most fundamental, the Secretariat and the Standing Committee should have assistance in developing a system to verify unofficial reports of illegal killing independently. The Standing Committee should decide on the necessary level of confidence in the result of any analysis and, hence, the cost.

Concerning ETIS, (Elephant Trade Information System), the observer from TRAFFIC explained that they managed an existing database system called the Bad Ivory Database System (BIDS) which already held over 4,400 records of seizures in 40 countries. This system had been recognized by the Conference of the Parties as especially useful. The data in BIDS reflect reality, once reporting rates and enforcement effort are taken into account. Other data were also necessary, for instance, information on staffing for enforcement efforts and subsidiary information on legal trade in elephant products and elephant product markets. BIDS should be incorporated into ETIS, and a reporting system be established for all Parties in collaboration with CITES, Interpol and WCO.

The Chairman asked the elephant working group to consider these issues and report to the meeting the following day.

The Secretariat said that they had agreed with IUCN and TRAFFIC on a number of recommendations to the Standing Committee on the way to make progress between the 40th and 41st meetings of the Standing Committee.

#### Regarding reporting and monitoring of illegal trade

1. The Secretariat should send the report form for ETIS with a Notification to the Parties before the end of March 1998. (In fact the 10th meeting of the Conference of the Parties had already agreed that the Secretariat should do this.)
2. TRAFFIC should continue developing the ETIS database and a system for gathering additional relevant information.

#### Regarding reporting and monitoring of the illegal killing of elephants

1. The Secretariat, with support from IUCN, should continue to develop a national reporting form to be sent with a Notification to the Parties in July 1998.
2. IUCN should continue developing a plan for long-term, site-based monitoring.

The remainder of the day was occupied by the second closed session. A summary report of this has been provided to the Chairman.

After the closed session, the Chairman adjourned the meeting at 18h10.

#### Seventh Session: 6 March 1998: 09h20 – 13h20

#### 8. Preparation of the Strategic Plan

The alternate representative of North America (United States of America) gave a brief report on the deliberations of the working group on the Strategic Plan (Colombia, Japan, United Kingdom, United States of America (rapporteur), Zimbabwe and the Secretariat). The authority for establishing a Strategic Plan for the Convention is document Doc. 10.9.

The working group recommended that the Standing Committee adopt the following decision:

A. The Secretariat is requested to produce a document that incorporates:

1. Copies of strategic plans of other conservation conventions and multilateral environmental agreements (together with those of IUCN and TRAFFIC).

The working group recommends that the Secretariat transmit these documents without translation even though they are not in all three working languages of the Convention.

2. A summary of the process used to develop Strategic Plans by each of the organizations or Conventions for which Strategic Plans are included.

The Secretariat is requested to include a budget analysis of each of these processes.

3. A draft framework document from which the Strategic Plan of CITES is to be developed.

B. The Secretariat is requested to circulate the document containing all three elements listed in paragraph A by the end of May to members of the Standing Committee and members of the working group.

Members of the Standing Committee and members of the working group should consult within their region as appropriate and provide comments on the document to the Secretariat within 45 days after the document is issued on preferred processes and other ideas for the Convention's Strategic Plan. The Parties receiving the draft should decide whether the project should be undertaken by the Secretariat, a consultant or a representative of the Standing Committee.

C. If there is agreement among the members of the working group and the Standing Committee, the Secretariat should communicate which process has been selected, begin

the process and report to the 41st meeting of the Standing Committee. If there is no agreement among the members of the working group and Standing Committee that comment on the document, thus requiring a meeting, the working group should meet in August or September in Geneva and work with the Standing Committee to develop the process and the Framework Document for transmittal to the Standing Committee. The working group recommended that assistance to attend the meeting be given only to members of the working group representing countries in need of assistance, in order to minimize drawing on the Trust Fund.

The Chairman thanked the alternate representative of North America and asked whether the Committee agreed to this proposal. The observer from Spain said that Spain had no objections to the process proposed, but did have a question on whether the decision to create a sub-committee to draft a short or medium-term Strategic Plan was in accordance with document Doc. 10.9. The alternate representative of North America (United States of America) responded that the group had focused on document Doc. 10.9 and that Spain was correct to point out that they had come to a decision on this subject. She suggested that the Animals and Plants Committees be provided with copies of the report of the working group in order to facilitate harmonizing their work as proposed in document Doc. 10.79.

9. Implementation of the Decisions of the Conference of the Parties related to species (continuation)

a) Bears

Referring to document Doc. SC.40.5.1, the Chairman noted that there had been few responses to the request of the 10th meeting of the Conference of the Parties for information on domestic demand for bear products, resulting from the sending of a Notification to the Parties in January 1998 (Notification to the Parties No. 1998/04).

The Secretariat explained that it intended to deal with the tiger and bears together. It was noted that a brochure was being produced by WCO in co-operation with the Secretariat in order to bring issues concerning CITES to the attention of Customs officials.

d) The tiger

Turning to the tiger and document Doc. SC.40.5.4, the Secretariat noted that an NGO report on the sale of tiger products in various cities had been sent to relevant CITES Management Authorities for comment and that only one response had been received at the time of printing of the document. The Secretariat, however, had now heard from the two other Parties concerned, one of which had carried out an investigation which could lead to a prosecution. The Secretariat found the response in the United States of America very useful and was encouraged by comments recently made by the United States Secretary of the Interior, Bruce Babbitt, to the United States Senate recommending legislation concerning labelling. He also mentioned a seminar in the United Kingdom on alternatives to traditional medicine.

The Secretariat said that it had been suggested that an international law enforcement workshop be held on bears. They suggested that this be extended to include the tiger, noting that it was very important to bring forensic experts together to avoid duplication of efforts. The Chairman commented that joint approaches on these issues were obviously useful and that the venue should be carefully chosen.

On the lack response to Notification to the Parties No. 1998/04, the alternate representative of North America (United States of America) commented that Parties might have thought that their comments on the issue of bears for the 10th meeting of the Conference of the Parties

were sufficient, adding that there was confusion on whether this related to a Decision or to a Resolution. On the issues of forensic research and labelling, she strongly endorsed the recommendation to combine bears and the tiger into a single workshop and recommended that the Standing Committee direct the Secretariat to do this and to find funding. She added that such a workshop must involve experts in enforcement and forensic research from range States.

The Chairman called on the observer from the Global Tiger Forum who said that there had been many regional and global meetings on the tiger since the last meeting of the Conference of the Parties. He said that the problems confronted by range States had been studied and that it was now time to act. He posed three questions and made one remark:

1. Resolution Conf. 9.13 asked the Parties to enact comprehensive legislation to control trade in tiger specimens and the Standing Committee had been asked to review this issue at its 39th and 40th meetings. He asked whether this had been done and whether the Standing Committee was now satisfied that the Parties had adopted appropriate legislation.
2. Were comprehensive figures available on the number of tigers in captivity and what happened to tigers that died in captivity? Perhaps skins and bones enter into legal and illegal markets.
3. Referring to document Doc. SC.40.5.4, part 4, he asked how long would pre-Convention stock be allowed to remain on the market. There should be a time limit.
4. The decision of the Standing Committee to send qualified personnel to range States for surveys was correct.

The Chairman asked the Committee to address these concerns, particularly the question of the fate of dead captive tigers.

The observer from Finland commented that there had been Notification to the Parties No. 946 on bears and that 13 countries had commented. She asked whether it would be appropriate for the Secretariat to take these comments into account when considering responses to Notification to the Parties No. 1998/04. She supported the suggestion to organize a workshop.

The observer from Canada said that his country would update the information it had already provided and noted that the Secretariat might wish to acknowledge Canada's proposed changes to national legislation making it possible to deal with matters of traditional medicine more effectively. He added that Canada had also provided material developed in conjunction with the community using Traditional Chinese Medicine (TCM) in Canada in their languages, stressing that this complemented enforcement measures. The representative of Europe (United Kingdom) said that like Canada and the United States of America, the United Kingdom had provided updated information on bears. He added that the United Kingdom strongly supported the proposal for the joint international workshop.

The observer from the Republic of Korea said that his country was a consumer of bear products, especially gall bladders. He noted that since joining CITES, the Republic of Korea had implemented the Convention and that amendments had been made to legislation. He said that since the 10th meeting of the Conference of the Parties, the Republic of Korea had been trying to curtail trade in bear parts and that a certification system using the CITES symbol would soon come into effect on bear parts—only certified products could be traded. He added that the Republic of Korea had submitted a report on this subject on 25 February 1998.

The representative of Europe (Russian Federation) apologized for the delay in Russia's response to Notification to the Parties No. 1998/04 and said that the Russian Federation was trying to collect information up to the end of 1997. He informed the Committee that Belarus had sent a letter stating that there had been no recorded cases of illegal trade or poaching of bears in that country. He added that he supported holding a workshop, but asked the Committee to keep in mind the differences between the two taxa. He did not want to combine consideration of both in one workshop.

The observer from China noted that his country had submitted a report on bears and asked whether additional information was required.

The Secretariat acknowledged the points made and reminded the Committee that Notification to the Parties No. 1998/04 stated that Parties having already provided information need not do so again. They reported that an observer from a Party in East Asia had indicated an interest in hosting the enforcement/forensic workshop but had to consult with his government before making any announcement.

d) The tiger (continuation)

The Chairman referred to document Doc. SC.40.5.4. He noted that there was need for action rather than words on the tiger and drew the Committee's attention to the technical and political mission in paragraph 7 of the document in connection with Decision 10.66. He noted that this should build on existing initiatives and promote the exchange of information about procedures among countries. He invited comments on the issue of the tiger.

The representative of Asia (Japan) noted that Japan was a co-sponsor of the proposal and strongly supported it. She was saddened to learn that the status of the world's tigers had worsened, not improved. She was aware that trade was still a worrying threat, but reported that the situation in Japan had improved and domestic trade was insignificant. She noted that some NGOs had attacked Japan for not banning trade and explained that it would be difficult to regulate trade that was already moribund. There was only one kind of tiger medicine available in Japan, and there was no intention to allow further imports. She felt that the increase in trade as reported by the NGOs concerned would be best interpreted as a last-ditch effort on the part of traders to dispose of their remaining stocks. In response to the comment made by the observer from the Global Tiger Forum on pre-Convention stocks, she said that there was little trade in Japan, that stock did not move fast and that it would be relatively easy for Japan to give up the use of tiger medicines. She said that while Japan did not oppose the decision taken by the Conference of the Parties to send a mission, she did wish to warn the Standing Committee, the Parties and the Secretariat that the mission should not focus on condemning countries or pointing out existing problems. These issues could be sensitive, particularly in East Asia where these medicines were still common. She recommended caution in choosing countries to be visited and in defining the mission's mandate.

In reference to Resolution Conf. 9.1 and the importance of awareness, the representative of Europe (United Kingdom), reported that the United Kingdom had been discussing with the Secretariat and other countries proposals for an official CITES poster for use in countries where Traditional Chinese Medicine is practised. Funding had been obtained for this initiative in Chinese and the working languages of the Convention.

The representative of Europe (Russian Federation) said that the Russian Federation had recently adopted a six-year programme for the conservation of the Amur tiger and that many institutions were involved in its implementation. He added that the Russian Federation could

cover only 40 per cent of the required funding and that perhaps CITES would like to contribute. He explained that this was a national management plan for the tiger and added that a bilateral protocol had been signed with China. He asked for the opinion of the representative of Asia (Japan) on the mandate of the CITES mission and asked the Secretariat about the financial implications of this mission.

The alternate representative of North America (United States of America) said that she appreciated the attention the Parties were giving to the conservation of the tiger and was also saddened by the current status but hoped that recovery could be achieved through co-operation. She drew the Committee's attention to document Doc. SC.40.5/Inf.5 and explained that under the United States of America's Rhino/Tiger Act. The U.S. Rhino/Tiger Fund provided funds for projects in Asia, with USD 600,000 to USD 800,000 due to be distributed soon. She added that forms for requesting grants were included in the information document and that the United States of America looked forward to providing the necessary resources. She noted that there was currently a proposal before the United States Congress on labelling rhinoceros and tiger products which would probably be passed soon. She added that the United States of America was also carrying out public awareness programmes targeted to a large number of users of Traditional Chinese Medicine. A Web site was being developed in co-operation with Asian communities in China, the Republic of Korea, the United Kingdom and Viet Nam which would be made available to all Parties. She thanked the Secretariat for their document and endorsed the idea of a mission.

The observer from China commented that the Year of the Tiger was a challenge not only for China but for all countries and that Resolution Conf. 9.13 as revised at the 10th meeting of the Conference of the Parties had already been fulfilled by China who had passed legislation to prohibit domestic trade, had consolidated stocks and removed tiger bone from the official pharmacopoeia of approved drugs. He added that the plight of the tiger was still far from being reversed and that China was willing to co-operate with other Parties and felt the proposed workshop would be very useful. He noted that China was already co-operating with the United States of America on exchange of forensic research and requested that the mission's mandate be cautious and clear.

The observer from the Global Tiger Forum said that he fully recognized the rights of national governments to decide how their pre-Convention stocks should be regulated but added that, since this stock always created a threat to the control of trade, he requested close co-operation with consumer States to find practical solutions to the gradual liquidation of this stock and to ensure the survival of the tiger in the wild.

The Chairman thanked the speakers and noted the Standing Committee's agreement that, in fulfilment of Decision 10.66, arrangements should be made for missions to a number of consumer and range States to advise and assist their efforts to control trade in tigers and tiger products.

#### b) Elephants (continuation)

The Chairman referred to document Doc. SC.40.5.2.8 (the report produced by the Committee's working group on elephant issues). He suggested that this might be adopted by the Committee as a Decision.

The representative of Europe (United Kingdom), speaking as the chairman of the working group, thanked the members, the range States, IUCN, TRAFFIC and the Secretariat for their input and noted that this document was being translated. He explained that the document had sections for each relevant Decision and that point 2.c) was a recommendation because the states involved could not adhere to it without consulting their governments. He noted that

cost implications should be considered during the meeting. The Secretariat said that, in relation to Decision 10.2, the question of searching for donor funds had been back to the range States. The Elephant Co-ordinator added that he was available for advice. He also noted that the 41st meeting of the Standing Committee would have to decide whether the conditions in Decision 10.1, Part A on resumption of trade in elephant ivory had been met.

The representative of Africa (Namibia) asked for technical clarification of point 2, which referred to Decision 10.1, Part A, paragraph a), stating that Namibia was willing to accept this point but wanted to be sure the document did not exclude Namibia's interpretation given in document Doc. SC.40.5.2.7.

The Secretariat commented that the final three points made by the range States on this issue in their document were valid, but that other points were perhaps unnecessary. In the Secretariat's view, it was sufficient that these points be noted in the summary report.

The alternate representative of North America (United States of America) thanked the working group. She requested (noting that in any case it appeared implicit from the discussion) that when transmitting the document to the Parties it be noted that the Secretariat will present a report on all aspects of Decision 10.1, not just Part A, paragraph g); but also paragraph h) on precautionary undertakings by the relevant range States. She thanked IUCN and TRAFFIC for their excellent work and presentations and commented that scientists and international organizations as well as Parties should be able to submit reports of illegal killing and trade, adding that reports should be verified. She encouraged the Secretariat to explain the law enforcement protocol mentioned in reports from range States and to have its report on implementation of Decision 10.1 distributed well in advance of the next meeting of the Standing Committee.

The observer from Israel asked whether the Standing Committee, by approving document Doc. SC.40.5.2.8, had endorsed the monitoring systems described by TRAFFIC on the previous day or whether there would be an opportunity to debate and discuss their components. He had concerns that should perhaps be debated (namely, whether to rely on voluntary responses to questionnaires and what level of response would be considered adequate). He also asked what constituted an escalation of poaching and illegal trade, as this was still undefined.

The Chairman replied that it was impossible for the Standing Committee to do more than it had done on this topic at this meeting. He said that the information paper emphasized that these systems were not set in concrete and that comments would be welcome. He encouraged delegates to contribute comments. He suggested that copies of the graphics used by TRAFFIC on the previous day be provided to delegates.

The representative of Central and South America and the Caribbean (Panama) noted that the terms "illicit commerce" and "poaching" were used in document Doc. SC.40.5.2.8 and pointed out the need to specify which deaths were actually due to poaching. Some mortality, he said, was due to natural death or to culling. At the 10th meeting of the Conference of the Parties, an NGO had reported that deaths were exaggerated. The observer from IUCN responded that the monitoring system separated elephant deaths into several categories.

The observer from the Global Tiger Forum commented that tigers and elephants often shared a habitat and were sometimes targeted by the same poachers. He noted that the process laid down in document Doc. SC.40.5.2.8 was meant for Africa, but that it was difficult to distinguish African from Asian ivory. He asked that the views of the Asian Elephant Specialist Group be taken into account before the Standing Committee expressed a final opinion.



The representative of Europe (Italy) said that document Doc. SC.40.5.2.8 was very clear. He noted the time elapsed between reporting and monitoring and asked what would happen in the interval. He also requested an indication of the cost implied by the adoption of this document.

The Chairman emphasized that the proposed system was the most comprehensive and effective system achievable in the time available and that success depended on donors providing funds. He stressed that the Standing Committee must avoid creating a system too complicated to be implemented or financed. He said that the budgetary implications would be dealt with later and that a look should be taken at overall financial requirements and a decision made on how much could be drawn from the Trust Fund. He noted Zimbabwe's concern not to suggest a price for ivory in stockpiles.

The Committee agreed to accept document Doc. SC.40.5.2.8 as a Decision, except with regard to the financial implications.

c) Sturgeons

The Chairman explained that this issue concerned the implications of the new listing of sturgeons which would be effective in one month, adding that a considerable number of meetings had been held and proposals made on sturgeons.

The Secretariat explained that the background papers had been produced during a meeting on the conservation of sturgeon held in Moscow in January, thanking the Russian Federation for hosting the meeting and acknowledging financial support provided by Germany, the United States of America, UNEP and the Convention on Migratory Species. It was noted that this was a draft document not yet distributed to all the participants in the Moscow meeting. The Secretariat added that two areas of concern had been identified which needed further discussion in detail—fraud and organized crime. Nevertheless, the listing of these species in Appendix II at the 10th meeting of the Conference of the Parties had been useful.

The observer from Germany regretted that two members of the Secretariat who had attended the meeting in Moscow were not present to answer questions. With reference to Annex 12 of the document on pre-Convention stocks, he said that this topic had been referred to only briefly in Moscow. He did not endorse the ideas expressed in Annex 12, which were solely those of the Secretariat. He also noted that there were major inconsistencies in the working group's protocols and recommended circulating these again to the co-chairmen of these working groups in order to give them a chance to review the protocols. The Chairman responded that it was important to reconcile the Standing Committee's recommendations with those of the meeting in Moscow.

The representative of Europe (Russian Federation) agreed with Germany and also regretted that two members of the CITES staff participating in the Moscow meeting were not present to participate in the discussion. He said that a package of documents had been prepared by the Management Authority of the Russian Federation and submitted to higher levels of the government. The main purpose was to establish separate Management and Scientific authorities to deal with sturgeons because of the complexity of the issue. Once a decision were taken, he continued, the Russian Federation would ask the Secretariat for information on setting up new Management and Scientific authorities. He reported that an assessment of caviar stocks had just been completed reporting a provisional total of about 20 tonnes. Belarus had also made an assessment. He suggested that the Secretariat include in their document a proposal to organize a second sturgeon meeting before the end of 1999.

The representative of the Depositary Government said that a member of his staff had attended the Moscow meeting and regretted that participants had not yet received the minutes. He added that there were only 25 days left before the amendment of Appendix II entered into force and did not see how the Parties would be able to respect this date, if they received the guidelines so late. He noted that the Standing Committee must indicate how to proceed.

The observer from Finland thanked the Russian Federation for hosting the sturgeon meeting. Referring to Annex 3 of the document, she asked whether the Secretariat had considered including socio-economic recommendations. She agreed with Germany's position regarding Annex 12 and pre-Convention stocks.

The alternate representative of North America (United States of America) said that the United States of America had sent a representative to the Moscow meeting. The United States of America, both an importer and an exporter of caviar, would endeavour to implement the listing and had already met frequently with the domestic sturgeon industry. She asked which aspects Switzerland had been unable to address, as she would willingly discuss them now. She expressed concern over the Secretariat's report of a lack of discussion about pre-Convention stocks at the meeting, as the rapporteur for the Moscow meeting stated that the meeting did discuss this subject. She noted that there was a nine-month shelf life for high-quality caviar and that there was a need for more discussion on pre-Convention stocks in each country. A uniform labelling system and evaluation of trade in caviar as reflected by the records of the airlines and cruise ship companies would be useful. She looked forward to working closely with the Russian Federation and others in this area and undertook to provide comments to the Secretariat on document Doc. SC.40.5.3.

The representative of Europe (Italy) said that, in many European countries, existing aquaculture sites can be used for breeding sturgeon and that this had positive implications for the conservation of sturgeon in the wild. He felt that this should be closely studied and that points 17 through 19 of Annex 3 to the document were very important.

The Secretariat responded to the point raised by Finland on socio-economic recommendations, explaining that the document mentioned only the headings of general discussion that took place and noted that the economic situation in Caspian Sea countries was easily overlooked, but should be taken into account. It was stressed that the document did not intend to establish guidelines, only an account of the issues raised at the meeting for consideration by all States as they implemented the listing. Between meetings of the Conference of the Parties, it was technically impossible to come to conclusions with regard to some elements, notably enforcement. The Secretariat drew attention to paragraph 10 on page 2 of the document (to endorse the recommendations simply in principle) and to the suggestion that the regulations be harmonized, made clearer and more specifically addressed. The Secretariat sought approval to proceed as suggested in the document.

The Chairman said that a way of consolidating recommendations and quickly issuing a revision had to be found. He assumed that the participants in the Moscow meeting had received the draft minutes by this time and asked for a revised document to be issued to the Parties as soon as possible but certainly before 1 April when the listing was due to come into force. He asked the observer from Germany how quickly the materials could be reviewed. The observer from Germany responded that this required about two weeks and then pointed out that as stipulated in the document, there were major technical problems in implementing the recommendations on pre-Convention stocks within the time available. He requested that this topic be returned to later.

The Chairman said that this was a sensible and helpful suggestion. The alternate representative of North America (United States of America) also supported this and said the Secretariat should disseminate the minutes of the Moscow meeting as soon as possible. She agreed that quotas should be proposed for captive stocks and noted that there was a need for more discussion on this, thus resulting in some delay. The representative of Europe (United Kingdom) confirmed that pre-Convention stocks had been briefly discussed at the Moscow meeting, but no conclusion had been reached. He also noted that reference to the recommendations of working group 2 were technically incorrect as these recommendations had been adopted by the plenary meeting and were, therefore, recommendations of the whole meeting. As a result, it would be necessary to consult with only two chairmen, not 10 or 11.

The Chairman asked the observer from Germany to confirm this. The observer from Germany agreed and said that he would immediately consult with colleagues who had attended the Moscow meeting.

The representative of Europe (Russian Federation) said that the fishing season for sturgeons would open on 1 April and asked for clarification of the status of the recommendations. Were they to be adopted or to be revised by the Secretariat?

The Chairman suggested that the Committee adopt the recommendations from the Moscow meeting, excluding consideration of pre-Convention stocks and quotas for specimens bred in captivity on which recommendations subject to further refinement could be issued. It was proposed that these two subjects be dealt with by post. The Committee approved this proposal.

#### 5. Election of the Alternate Vice-Chairman

The representative of Asia (Japan) nominated Saudi Arabia for this position. The representative of Central and South America and the Caribbean (Argentina) supported this nomination on behalf of that region. The alternate representative of North America (United States of America) also supported the proposal. There being no dissent, the Chairman welcomed Saudi Arabia as the new Alternate Vice-Chairman.

The Chairman adjourned the meeting at 13h20.

### Eighth Session: 6 March 1998: 14h30 – 18h15

#### 9. Implementation of the Decisions of the Conference of the Parties related to species (continuation)

##### e) Vicuña

The Secretariat introduced document Doc. SC.40.5.5, noting that they would be pleased to receive additional information and would be reporting on this matter to the Animals Committee.

The representative of Central and South America and the Caribbean (Argentina) mentioned communications with TRAFFIC. It was quite simple to analyse figures on imports and exports, but there had been difficulty in obtaining financial figures from other range States. She added that the vicuña was important for the region and that funding was needed to carry out vicuña

conservation. This issue would be discussed at the next meeting of the Vicuña Convention, in November, and she undertook to update the Parties on progress.

The Chairman reminded the Parties that they had until 31 March to submit the required information.

f) The use of annotations in the appendices

Referring to document Doc. SC.40.5.6, the representative of the Depositary Government reported that after the 10th meeting of the Conference of the Parties a working group had been established on this issue. While the working group had not yet met, it had, nonetheless, produced a document outlining the whole history of the use of annotations in the appendices which could be considered a modest contribution to "The Evolution of CITES." He explained that members of this group had met informally during the current meeting and agreed that some annotations were for information only, while others were an integral part of the listings. He suggested that draft resolution be prepared for consideration at the 11th meeting of the Conference of the Parties and that at the 12th meeting it might be advisable to combine this resolution with Resolution Conf. 9.24 which is to be reviewed at that meeting. A meeting could be convened at little cost to the Trust Fund, and the group sought the agreement of the Standing Committee to proceed as proposed. The Committee agreed to this and to receive a report on this matter at its 41st meeting.

g) Timber Working Group

The Secretariat referred to document Doc. SC.40.5.7, explaining that at the moment there were no urgent issues to deal with and so it was not necessary to reconvene the Timber Working Group. They acknowledged assistance from the Scientific Authority of Spain in producing this document.

The alternate representative of North America (United States of America) agreed that there was no need to reconvene the Timber Working Group or to prepare new terms of reference, noting that the issue should be brought up at the 11th meeting of the Conference of the Parties. She added that at its 9th meeting the Conference of the Parties had instructed the Secretariat to report on silvicultural techniques. She suggested that the Standing Committee direct the Secretariat to follow up on this issue and invite comments from members of the Timber Working Group. She urged that any initiative in the Plants Committee on listings should take advantage of the expertise of the Timber Working Group, although it was not necessary to reconvene it.

The Committee agreed on these suggestions.

h) Traditional medicines

The Secretariat explained that it had not produced a document on this subject because, apart from bears and the tiger, there was no specific relevant request to the Standing Committee at this point. They added that they would appreciate indications from the Standing Committee on the information sought on this topic; should it be on the agenda of their next meeting?

The representative of Europe (United Kingdom) said that the Committee had covered some of this material under bears and the tiger and that there were reports in document Doc. SC.40.5.4 from TRAFFIC which were relevant. He noted that at the First International Symposium on the Use of Endangered Species in Traditional Chinese Medicine, held in Hong Kong, there had been discussion on the use of animals and plants in this field and that TRAFFIC would make the report and the video available to all the Parties. He said that this

meeting had been a tangible follow-up to the resolution adopted in Harare and that it had been clear to those attending that all participants welcomed the opportunity to meet and discuss these matters. He noted that document Doc. SC.40.5.4 did make several recommendations to the Parties and suggested that the Parties send information on initiatives to implement Resolution Conf. 10.19 to the Secretariat.

The representative of Asia (Japan) asked for clarification on whether there was currently anything expected of the Secretariat under this heading, noting that under Decision 10.143 several requests had been directed to the Secretariat. He asked what action had been taken on these points.

The Chairman pointed out that Decision 10.143 did call on the Secretariat to report to the Standing Committee on a number of issues.

The Secretariat responded that there were certain requests made, but that these were vague. Many meetings had been held on this subject, and the Secretariat needed clarification on the action required. It was noted that more specific guidance was needed on the implementation of Resolution Conf. 8.4 and Resolution Conf. 10.19. The Chairman suggested that a Notification to the Parties be sent asking about progress in reviewing Resolution Conf. 8.4. He commented that the field of Traditional Chinese Medicine was a difficult area for CITES to regulate as it spanned several species.

The observer from Canada stated that the pending legislation on the labelling of these products in Canada applied to plants as well as to the tiger and rhinoceroses. He recalled the importance that Canada attached to education and to the use of the languages of the community using Traditional Chinese Medicine. He commended the IUCN Medicinal Plants Specialist Group.

The observer from Zambia commented that the Nemesis technology presented at the EU Wildlife Law Enforcement Workshop might be useful in law enforcement efforts regarding plants used in Traditional Chinese Medicine and also for the timber issue.

The observer from the Global Tiger Forum commented that Traditional Chinese Medicine had been discussed for years and had come up at the UNEP Rhino Conference in 1992 and 1993. He said that it was already clear how to proceed. In order to wean people away from traditional practices, it was necessary to establish programmes supported by the communities using these products and to develop alternative products, taking care that no other species be endangered. He felt that CITES should develop a plan of action along these lines.

The alternate representative of North America (United States of America) said that the Parties had taken a significant step forward by adopting Resolution Conf. 10.19. She wished to support the suggestion of the United Kingdom that the Parties submit information to the Secretariat on what they had done to implement this resolution. She undertook, as a member of the Animals Committee, to raise the issue in that committee and suggested that the Parties also be requested to submit educational and public awareness materials in order for the Standing Committee to benefit from them.

The observer from Canada said that it had been suggested previously that the proposed enforcement workshop cover all species and asked whether this was the Committee's recommendation. This suggestion was approved by the Committee.

c) Sturgeons (continuation)

The Secretariat wished to take up the subject of sturgeons again and said that a postal ballot would be unnecessary as it had been suggested that if all references to specific quotas for captive-bred specimens and pre-Convention stocks were removed, the document could be circulated as a document for information and discussion via a Notification to the Parties. This was agreed.

#### 6. Finance and Administration (continuation)

The Chairman welcomed the representative of UNEP who referred to document Doc.SC.40.2 covering finances for 1996, 1997 and 1998. He asked the Standing Committee to consider each year separately, adding that these accounts would be presented with comments to the UN General Assembly later in the year.

The representative of UNEP drew attention to the cumulative surplus for 1996 in Annex 3a (CITES Trust Fund, Certified Status of Income and Expenditure) of about USD 5 million. He explained that Annex 3b would enable the Standing Committee to understand this amount, which included USD 2 million (CHF 3.5 million) of pending contributions. He noted that these accounts were approved at the most recent meeting of the Conference of the Parties. He introduced the provisional accounts of expenditures for 1997, explaining that modifications would be made because these accounts covered only the period from January to October, the last month for which information was available. A final report would be produced only after 31 March 1998, when the fund management office in Nairobi closes the 1997 accounts.

He gave a brief explanation of specific discrepancies throughout the document. (To reduce duplication and for clarity, these discrepancies are mentioned later in this Summary Report after the Standing Committee commented on them.)

In connection with Annex 2b (Status of Contributions as of December 1997, Provisional), he noted that Argentina had paid their contribution, which had been incorrectly deposited by the finance agency in the CMS account. Also, Italy had paid its contribution for 1997, but it was not received until the end of January 1998 and was, therefore, not shown. With reference to Annex 2c (Status of the Trust Fund), he noted that this balance had dropped substantially in 1997. The provisional balance was down to USD 2.6 million from USD 5 million.

#### c) Status of contributions by Parties

The representative of Asia (Saudi Arabia) informed the Committee that Saudi Arabia had paid its outstanding contributions for 1998 and for previous years on 15 February 1998. The representative of Europe (Italy) said that his country intended to pay within the first three months of the year and was currently reorganizing their financial mechanisms.

- a) Consideration of Expenditures (Provisional) for 1997
- b) Estimated Expenditures for 1998 and Implementation of Texts Given to the Standing Committee in Resolution Conf. 10.1

The representative of Europe (Italy) asked why, on budget line 2106 (Scientific Support-WCMC) of Annex 2a (CITES Trust Fund, 1997 Expenditures, Provisional) no amount was shown as approved by the ninth meeting of the Conference of the Parties, although expenditure had clearly been made. The representative of Central and South America and the Caribbean (Argentina) raised a question regarding budget line 2108. The Chairman commented that the expenditure concerned had been approved by post and was for auditing ivory stockpiles. The representative of UNEP reiterated that the accounts were provisional and explained that budget line 2106 was in fact a mistake. It was a CITES budget item, but it

was out of place. He added that in budget line 1698, there was a similar discrepancy, reflecting an end-of-year adjustment on a closed budget line; a normal practice.

The representative of Europe (Russian Federation) asked whether the Committee should approve the document. The representative of UNEP replied that UNEP and UN Office in Nairobi (UNON) would present accounts to external auditors at the end of March and that the 1996 and the 1997 accounts would be sent together to the UN General Assembly.

Referring to Annex 1a of document Doc. SC.40.2, the representative of UNEP explained that two budget lines, lines 3302 and 3303, were for consideration by the Standing Committee and were destined for the translation of the documents of the Animals and Plants Committees into the CITES working languages. He added that paragraph 2 in that document listed the reductions needed elsewhere to achieve this. The budget had been accepted by the 10th meeting of the Conference of the Parties but there was a deficit of CHF 400,000 in the amount required for the Secretariat to implement its Action Plan.

Referring to Annex 2a (CITES Trust Fund, 1997 Expenditures, Provisional), the representative of the Depositary Government drew attention to budget line 2104 on the Identification Manual. He said that much material had been received for the manual and asked whether the new material had been printed. He also noted that for accuracy it was necessary to add "heating and maintenance" to budget line 5103 on insurance for the Secretariat's premises. The Secretary-General responded that, with reference to budget line 2104, the new pages of the Identification Manual had not yet been printed. This being the case, money had been taken from this budget item and would be replaced in 1998. The Secretariat had been given authority to rearrange expenditures. The Manual pages would be printed in 1998. He reiterated the need for prompt payment of contributions to the Trust Fund but noted that printing would not be held up for lack of money.

The representative of the Depositary Government then queried item 2108 for which no approved expenditure was shown, although expenditure had been made. The Secretariat reiterated the Chairman's earlier explanation that they had been directed by the 10th meeting of the Conference of the Parties to carry out the audit of ivory stocks but had no approved budget for this. The representative of the Depositary Government asked who had approved the creation of the budget line, noting that this should be done only by the Standing Committee. The Secretary-General replied that the Chairman had sent a letter to members of the Standing Committee on this and that no one had objected. Switzerland said that they did not approve of this procedure and requested a more formal process. The Chairman asked whether the Depositary Government would have preferred to delay the ivory audit and said that this point had now been explained three times and that there was no new information to provide. He added that the position of Chairman was a voluntary position, without financial support. He had written to the Standing Committee on 16 July 1997 on this subject and had received no objections.

The representative of the Previous Host Country regretted that the Chairman seemed to have allowed himself to become irritated and said that authority was required as a matter of course when a decision was taken. The Chairman had recognized that no provision had been made for the audit of ivory stocks and had informed Committee members. He said that in such a situation, silence implied consent, and he could not see why this issue was being brought up in this manner. He applauded the Chairman for having provided information and blamed members of the Standing Committee for not responding to it.

The alternate representative of North America (United States of America) requested further clarification on the correction in Annex 1c (Accumulated Fund Balances, January 1998).

The representative of UNEP explained that this was a computer error. He said that in the 1997 Accumulated Balance column, the figure was USD 2,667,640 and that in 1998 there had been contributions of USD 1,000,026 and projected expenditure was USD 4,100,000. To date, there was a negative balance. The final amount was incorrect; it should show minus USD 400,000.

The alternate representative of North America (United States of America) expressed concern about the source of the money for translation of documents for the Animals and Plants Committees in Annex 1a (Estimated Expenditures for 1998). She said that these funds should not come from the significant trade project budget and suggested that the budgets for the Animals and Plants Committees be presented directly to those committees.

The Secretary-General responded that the amount in question was not significant and had been transferred in the hope that funds for the review of significant trade would be made available from the surplus of money unspent in the Trust Fund in previous years, as it was a priority.

The representative of Oceania (New Zealand) commented that she was disappointed that information was available only up to six months previously. She felt that it was not worth spending time talking about total expenditure unless the Committee had some indication of the total expenditure for 1997. She said that the amounts in Annex 1c (Accumulated Fund Balances, January 1998) were presumably being used to make decisions, but reflected allotment only, not actual expenditure. She asked whether there was any information on the status of the account at the end of 1997 or at the present time.

The Secretariat responded that they did not expect to exceed the budget and that a balance of USD 2.6 million was the closest estimate at the present. They also noted a mistake in Annex 2a (CITES Trust Fund, 1997 Expenditures, Provisional) in budget line 2102. The approved budget was USD 25,000, not USD 125,000.

The representative of Oceania (New Zealand) asked whether actual expenditure for 1997 would be within the budget. The Secretariat responded that this was likely and that, in fact, there would probably be a greater surplus than currently shown. The representative of UNEP said that the document had been drawn up in January when accounts had been available only up to October. He explained that accounts closed on 31 December were checked and available only after 31 March. He said that expenditure was likely to be greater than the figures shown because some expenditures had not yet been included. He called the attention of the Standing Committee to the fact that these were the only figures available.

The Chairman said that the Standing Committee needed to know what the probable surplus for priority projects might be.

The representative of Europe (Italy) said that the Standing Committee shared responsibility for CITES management with the Chairman. He asked whether the procedure the Chairman had adopted to inform the Committee about the use of funds to carry out the audit of ivory stocks had respected Resolution Conf. 9.2 Annex 1, paragraph 11), adding that it did seem that the budget line for this work had not been approved by the ninth meeting of the Conference of the Parties. He stated that he had felt pilloried by the remarks from Zimbabwe. The Chairman responded that it was perfectly natural and right to query this item; it was a large expenditure justifying his sending a letter. He noted that it was necessary to make a reference in the report of this meeting about acceptance of this expenditure.

The Secretary-General explained that point 11 of Annex 1 of Resolution Conf. 9.2 mentioned by Italy is repeated in Resolution Conf. 10.1. It referred to a specific response required in



writing from the Standing Committee only when the total budget was exceeded: which was not the case. He added that he was pleased by the attention the Standing Committee was paying to budget lines and that as the budget would not be exceeded it would be possible to spend CHF 1.66 million on priority activities.

The Chairman took up the matter of additional funds for priority activities, noting that given recent discussion, it was possible to assume that there would be a surplus to draw on. The observer from Canada reminded the Committee that in the decision adopted earlier on elephants there were additional costs to be met. He had spoken with IUCN and TRAFFIC and informed the Committee that an allocation of at least CHF 100,000 would allow expeditious completion of both ETIS and MIKE. He asked the Committee to approve this allocation.

The alternate representative of North America (United States of America) endorsed the expenditure of funds for the three priorities identified by the Conference of the Parties as reflected in document Doc. SC.40.2.2, paragraph 2 and also as requested for ETIS and MIKE.

The observer from Spain supported the previous two speakers. He noted that one of the priorities of CITES was training and requested that the Committee consider participating in the funding of the Master's course on CITES in Spain due to begin on 30 April. This course had been discussed at the 10th meeting of the Conference of the Parties. He said that students from more than eighteen countries would participate in the course organized by the International University of Andalusia with the participation of the Secretariat and several Spanish agencies. The budget was USD 250,000 of which USD 110,000 had been pledged (USD 80,000 from Spanish sources and USD 30,000 from the UN). He thanked the Secretariat for raising these funds and thanked the Italian authorities for making a donation. He said that there was a shortfall of USD 60,000; part of which would be obtained in Spain. He noted that this was a unique initiative and recommended that the Standing Committee ask the Secretariat to support the course with a significant contribution. The Chairman pointed out that the request amounted to about CHF 85,000.

The Secretary-General said that any contribution would effectively be allocated to capacity building: because students participating in the course would return and serve in their home countries. This was why he supported Spain's proposal, but at the same time he noted that the budget lines were for only one year and warned Spain that it was unwise to begin a project without reserves.

The representative of Europe (United Kingdom) supported the position of Canada and the United States of America. He added that in principle he also endorsed the proposal by Spain. The question was would sufficient funds be available.

The alternate representative of North America (United States of America) felt that the Committee should focus on projects that had been reviewed and for which budgets were approved, noting that the proposal of Spain might create yet another procedural anomaly questionable in the future. Perhaps it would be better to stick to projects identified in the document. She added that the budget for capacity building was for training in developing countries and new Parties.

The representative of Oceania (New Zealand) said that while New Zealand fully supported the three priority areas identified in document Doc. SC.40.2.2, she noted that although MIKE and ETIS fitted well within the review of significant trade, it was not clear how many of the budget lines related to the three priority areas. She was also concerned about requests for funds being submitted to the Committee by participants in the meeting. She did not wish to understate the value of any project nominated but felt that the Standing Committee must have clear criteria for accepting project proposals.

The representative of Europe (Italy) agreed with the representative of Oceania on the difficulty of relating suggested expenditure to identified priorities. He suggested that the post of permit confirmation be called "assistant enforcement officer" or something similar. This would give a clearer idea of what it was. He asked whether this expenditure had been approved.

The Secretary-General said that the first three priorities given in document Doc. SC.40.2.2 had nothing to do with pages 2 and 3. He referred to the high priority of implementing Decision 10.1 on elephants and added that it was impossible to change point 11.13 (permit confirmation officer) in the document as it had been adopted by the 10th meeting of the Conference of the Parties. He said that priorities must be set in consultation with the Standing Committee and that was what the Committee was currently doing. He stressed that elephants and capacity building were an evident priority. The review of significant trade needed additional funding, but this was already almost covered in other budget lines. He asked whether the Committee agreed on priorities, already approved by the Conference of the Parties. The Secretariat would implement them in the order established by the Conference of the Parties, if and when money became available. The issue before the Committee was whether the committee wished to add something else as it had in the case of work related to elephants.

The Chairman suggested that several representatives meet with the Secretariat to adjust priorities to take into account the need for funds for this work. He asked the observers from Canada and Spain and the representative of the Depositary Government to volunteer. The alternate representative of North America (United States of America) said that she would also like to participate, and requested that projects be submitted through the proper channel in the future. She noted that some items on the list could be carried out by consultants, thereby saving money. The group suggested by the Chairman was requested to report back to the meeting in 20 minutes.

The representative of Central and South America and the Caribbean (Argentina) said that she wished to give very firm support to the proposal to allocate funds for the Master's course. It would be regrettable if CITES did not support such a worthwhile project.

## 12. Future meetings of the Conference of the Parties

The Chairman commented that there was very little time remaining and asked for comments on this agenda item to be submitted in writing to the Secretariat by the end of June, adding that a Notification to the Parties would first be circulated. This was agreed.

## 13. Reports from regional representatives, including enforcement activities

The Chairman noted that the representatives of Africa, North America and Central and South America and the Caribbean had submitted outstanding written reports, which had been circulated to the Parties, and that the Committee would return to this agenda item later, if time were available.

## 17. Organization of work of the Committee until the 11th meeting of the Conference of the Parties (time and venue of the next meeting)

The Chairman said that the next meeting of the Standing Committee was likely to be in February after Ramadan, noting that the meeting of the Bonn Convention would also be in February in South Africa and that the two secretariats would consult each other regarding schedules. The representative of Africa (Namibia) commented that the Management Authority of South Africa had said there was a possible conflict of timing. The observer from Canada

suggested also contacting the CBD Secretariat to avoid conflict. It was agreed that the Secretariat should determine the best date available in February.

#### 16. Information items

The representative of Asia (Saudi Arabia), referring to document Doc.SC.40.11 (Proposal by Saudi Arabia to amend the Convention), explained that Saudi Arabia was proposing that Arabic be included as one of the CITES working languages along with English, French and Spanish. He stressed that this was an initiative of several Arabic-speaking countries being presented by Saudi Arabia and drew the attention of donor countries and organizations to the example set by the Species Survival Network, which had produced documents in Arabic for the meeting. He suggested translation of some key CITES documents into Arabic. He said that Saudi Arabia was prepared to negotiate and facilitate a way forward in order to avoid amending the Convention. They would work within their region on this. He was sure that many delegates would appreciate the importance of having texts available in Arabic, and he noted that Arabic-speaking countries could provide their own translators at meetings of the Conference of the Parties in order to save CITES funds. He stressed that the primary intention of this proposal was the facilitation of the implementation of CITES in Arabic-speaking countries, rather than making meetings of the Conference of the Parties easier for Arabic speakers to understand.

The representative of Africa (the Sudan) supported the representative of Asia (Saudi Arabia), commenting that the availability of texts in Arabic would lead to better understanding and implementation of CITES in Arabic countries. The Chairman said that he hoped that it would be possible.

#### 10. Implementation of the Convention in individual countries (continuation)

##### a) Cameroon (quotas)

The Secretariat's document Doc.SC.40.6.1 was accepted. A mission would go to Cameroon in 1999.

##### b) Colombia (management of captive-breeding)

The Secretariat's recommendations in document Doc.SC.40.6.2 were approved.

##### d) National Legislation Project (possible sanctions)

The Chairman noted that this item required discussion and deferred it until later in the meeting, if time were available.

#### 14. Issues arising from the meetings of the Animals and Plants Committees

The recommendation on the queen conch (*Strombus gigas*) in paragraph 6 of document Doc.SC.40.9 were approved.

The Chairman asked whether anyone wished to intervene on the matters raised in documents Doc. SC.40.9.1 and Doc. SC.40.9.2 (on lifting recommendations on suspension of imports of several bird and reptile species from the United Republic of Tanzania). The alternate representative of North America (United States of America) said that she could not endorse these proposals without clarification of some issues; perhaps concerns could be communicated to the Secretariat and the proposals taken up in the Animals Committee. The Chairman deferred the matter to the end of the meeting.

#### 15. Late submission of annual reports

The Secretariat's recommendations in document Doc. SC.40.10 were approved.

#### 3. Rules of Procedure (continuation)

The Chairman introduced document Doc. SC.40.1.1 Annex (Rev) (Rules of Procedure for the Standing Committee) which had been drawn up after the Committee's earlier discussion on credentials. The Secretary-General noted that there would be a credentials committee only if the Standing Committee needed it for specific cases.

The representative of Africa (Namibia) said that he thought this matter should be carried over to the next meeting, noting that he had not participated in the discussions.

The Chairman summarized the proposed changes to the rules relating to credentials and made reference to the possibility of producing an executive summary report of Standing Committee meetings as he had suggested earlier. The Secretary-General said that he thought it impossible to produce an executive summary by the end of a meeting, even without translation. The representative of Central and South America and the Caribbean (Panama) said that any such document must be translated; not to do so would be a breach of the Convention. He added that Article 26 covered working languages and Article 20 stated that documents must be sent within 45 days.

The alternate representative of North America (United States of America) said that anything to be included in an executive summary was covered by Rule 25 and agreed that it would be an impossible burden to produce such a summary by the end of a meeting.

The representative of Africa (Namibia) agreed that Rule 25 was the appropriate rule to change and commented that, given the worrying level of misunderstanding over what constituted a Decision of the Standing Committee, it would be extremely useful to have a list of any Decisions drawn up at the meeting, at least for the Chairman.

The representative of Asia (Saudi Arabia) said that he would prefer something more concise and would be happy to correspond with Namibia, the Secretariat or anyone else in order to produce something suitable.

The Chairman said that the Committee could adopt all the rules including Rule 25, or it could adopt all the rules except Rule 25, and assign this to a working group led by Saudi Arabia and Namibia. The Secretary-General said that all that would be included in an executive summary was a list of Decisions. The Committee agreed to follow the second procedure suggested by the Chairman.

#### 14. Issues arising from the meetings of the Animals and Plants Committees (continuation)

The observer from the United Republic of Tanzania asked which issues needed clarification on the matter of bird and reptile exports from the United Republic of Tanzania as detailed in documents Doc. SC.40.9.1 and DOC. SC.40.9.2. The alternate representative of North America (United States of America) referred to document Doc. SC.40.9.1 and said there were concerns about the pancake tortoise (*Malacochersus tornieri*), asking whether there were any studies on returns to the wild and whether this was supposed to be a ranched population. She added that the African regional representative on the Standing Committee had been unable to make the necessary visit and that she would prefer that he did so prior to discussion of the matter by the Animals Committee. She said that she could provisionally

accept the recommendations on the other reptile species [Kenyan sand boa (*Eryx colubrinus*) and leopard tortoise (*Geochelone pardalis*)], but not on the pancake tortoise. Concerning birds, she noted that they were reported to have been in captivity for more than two years and suggested dealing with this subject by post.

The Chairman asked whether there was any further comment on either of these questions and suggested that the Animals Committee take on the remaining tasks. The representative of Africa (Namibia) said that if objections could not be substantiated, the Committee should not delay approval. The observer from the United Republic of Tanzania said that he could see no reason why his country should not export these species, unless substantive reasons were given for not doing so.

The Chairman noted that there were two recommendations of the Secretariat and that these should be accepted unless a Committee member had objections. He declared them accepted.

The alternate representative of North America (United States of America) said that she recognized that all Committee members had fully read the documents and discussed the issues, and she would like permission to bring the matter up in the Animals Committee, where the United Republic of Tanzania was represented and then to report back to the next Standing Committee meeting. She noted that she had discussed this matter with the Chairman of the IUCN/SSC Tortoise Specialist Group and that there were serious concerns.

#### 6. Finance and Administration (continuation)

The Secretariat presented the results of the deliberations of the working group on finances. The following budget lines in document Doc. SC.40.2.2 should be amended to read as follows:

4102	Training courses and materials (including the Master's course in Spain)	CHF 70,000
2104	Identification Manual	CHF 25,000

A new budget line for implementation of the decisions concerning elephants is created with an allocation of CHF 180,000 and assigned very high priority.

The Secretariat requested that the Committee approve the amendments and noted that the revised total planned expenditure came to CHF 1,465,668, which was more than expected. The Standing Committee directed the Secretariat to commit expenditure following the priorities established by the Standing Committee, financing elephant matters first, then high priority items, and so on. Lower priority items on the list could be funded as funds became available. The Chairman noted that there would probably be a final surplus.

The representative of Africa (Namibia) thanked the finance working group for this elegant solution and suggested that the Secretariat try to obtain some of its services in other parts of the world in order to save money. The Chairman agreed with this proposal.

The representative of Asia (Saudi Arabia) referred to a training programme suggested by the Secretariat which included participants from countries on the Arabian Peninsula and in East Africa and suggested that the Standing Committee consider further support for it. The Secretariat explained that the Capacity Building Unit was being completely restructured. Funds were budgeted, but in the past funds for training were allocated to specific programmes, and it was difficult to find available funds. The representative of Asia (Saudi Arabia) said that this project had not yet been considered by donors, the Secretariat or other

Parties. The Chairman agreed that the Committee should give priority to training in that region and that this programme was among the priorities.

The representative of Europe (Russian Federation) said that training was also necessary in Central Asia and that a seminar was planned for there in 1998. He noted that the Standing Committee was still not sure what funds would be available, and it was his understanding that funds would also be sought from other sources. The Chairman said he understood that the proposal for a seminar in Central Asian was moving ahead.

The representative of Central and South America and the Caribbean (Argentina) requested the Secretariat and UNEP to circulate the audited accounts to the Standing Committee; this had been requested several times. The representative of UNEP responded that as soon as these were available, they would be sent to the UN General Assembly and the Secretariat. The Secretariat would ensure that they were also sent to the Standing Committee by the end of December.

The budget amendments in document Doc. SC.40.2.2 were approved by the Committee.

### 13. Reports from regional representatives, including enforcement activities

The Chairman said that there would clearly be no time to present regional reports and asked whether the Committee agreed to ask all regions for written reports, including reports for any period not covered in written reports submitted to this meeting. This was agreed.

### 18. Any other business

The alternate representative of North America (United States of America), noting discussions on this issue at the 10th meeting of the Conference of the Parties and the interest of many Parties in developing a simplified procedure for travelling animal exhibitions that frequently move between countries with the same animals, asked the Standing Committee to establish a working group to develop a draft resolution on cross-border movement of live animals for exhibition (Decision 10.142) for consideration at the next meeting of the Standing Committee. She offered to chair the working group. The Standing Committee agreed to this proposal. Owing to the limited time available, the alternate representative of North America asked that interested Parties communicate their interest directly to the Management Authority in the United States of America and said that the work would be handled through the post.

The representative of Africa (the Sudan) said that if he could not give a regional report, there was something he would like to bring to the attention of the Committee. He explained that, after the 10th meeting of the Conference of the Parties, range States had been pressed by NGOs entering the Sudan illegally, visiting offices without appointments and writing false reports on the ivory trade between Egypt and the Sudan. He wished to confirm that his country was open to constructive and active co-operation and willing to work with governments and NGOs to protect the environment, fauna and flora.

The representative of the Previous Host Country said that he was happy to work with anyone, including NGOs and did not think that the occasional problem should prevent this. He suggested that the Standing Committee be informed of any problems in detail ensuring transparency and awareness and avoiding tainting the names of dedicated NGOs. The Chairman endorsed this suggestion.

### 11. Implementation of the June 1997 Memorandum of Understanding between the CITES Standing Committee and the Executive Director of UNEP

The Chairman asked the representative of UNEP for the annual report required from UNEP under the Memorandum of Understanding.

The representative of UNEP said that following the change of management, many of the matters related to the Memorandum of Understanding (MoU) were being handled differently by the new Executive Director who had decided to submit many staff-related matters, such as fraud and mismanagement, to the UN Office of Internal Oversight Services (OIOS). All these matters were in the hands of that Office, and there was nothing more to report on this subject.

The representative of the Depositary Government said that under paragraph 16 of the MoU, the Executive Director was expected to submit an annual report on the execution of the MoU and that UNEP had been informed of the Standing Committee's desire to have a report at their next meeting. He expected the report to be provided as soon as possible. The representative of Central and South America and the Caribbean (Argentina) said she completely endorsed this position.

The representative of Africa (Namibia) said that the report required under paragraph 16 of the MoU and should provide information on the support UNEP provided to the Secretariat, adding that this provision was related to UNEP's previous inability to explain how they spend the 13 per cent charged for overhead. He said that he understood the problems associated with a change in management, but it would be important to have this report at the next meeting.

The Chairman said that it was imperative that a report be submitted covering the period since the MoU had been signed.

The representative of the Previous Host Country said that he was pleased that the mist was being cleared and that debate was now being conducted reasonably and constructively. He proposed that the Chairman write to UNEP pointing out that the MoU was not being followed. The Chairman undertook to do so within one week.

The representative of Europe (Russian Federation) said he was disappointed. He had expected a draft letter on this subject to be presented to the Standing Committee for approval of the contents. The Chairman responded that time was lacking and that these issues had presented difficulties.

The representative of Central and South America and the Caribbean (Argentina) commented that the Chairman's remarks to the Executive Director needed to be constructive. She believed that the draft letter should be reviewed at least by the Vice-Chairman.

The representative of Europe (Russian Federation) said that it was acceptable to leave this matter in the Chairman's hand, but he wanted the Standing Committee to approve the letter before it was sent. The representative of the Previous Host Country appealed to his Russian colleague stating his complete confidence in the Chairman and that the Committee should not ask the Chairman to circulate a letter of this nature for comment. It was far different from adding a species to the appendices.

The Chairman asked the Committee whether it agreed to his proposed course of action. The representative of Europe (Russian Federation) asked whether the Chairman would include the points and issues mentioned during the closed sessions in the letter and requested a copy. The Committee agreed to the Chairman's proposal.

The Secretary-General thanked the interpreters, rapporteurs, technical staff and support staff as well as the United Kingdom's Department of the Environment, Transport and the Regions for their efforts and praised the constructive spirit in which the meeting ended.

The Chairman presented a print of an orchid of the genus *Epidendrum* from Kew Gardens to the Secretary-General as a memento of the meeting and the 25th anniversary of the Convention, to be displayed in the Secretariat offices in Switzerland. The Chairman closed the meeting at 18h15.