

***Summary Report
of the Committee II Meeting***

First Session: 9 November 1994: 09h15-12h15

Chairman:	V. Lichtschein (Argentina)
Secretariat:	I. Topkov J. Berney J. Barzdo J. Gavitt J.-P. Le Duc
Rapporteurs:	C. Allan L. Collins B. Perez

Some administrative announcements were made by the Secretariat.

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7. Enforcement of the Convention

The delegation of the United Kingdom presented documents Doc. 9.25 and Doc. 9.25.1 and proposed that a working group on law enforcement be set up to consider the practical ways in which the Convention might be enforced and that it report back to the Committee in the afternoon of 10 November. The delegations of the France and the Netherlands supported the setting up of the working group, with the former adding that confidentiality should be stressed. The delegation of Canada offered their species identification guide and training sessions as examples of practical solutions to enforcement problems for consideration by the working group. The setting up of a working group on law enforcement was agreed.

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1. Strategic Plan of the Secretariat

The Secretary General introduced document Doc. 9.17. The delegations of Belgium, the Republic of Korea and Madagascar invited the Secretariat to comment on progress regarding the development of software and training, referred to in Section B, points 3.5 and 3.6, respectively. The Secretariat reported that the analysis of the questionnaires on a standard database system for the production of annual reports had just been received. The analysis would inform the Secretariat whether an existing system could be made widely available. If this proved not to be the case, the Secretariat would investigate a simple system that could be made widely available to the Parties. The Secretariat reminded the Parties of the financial implications of this. In response to point 3.6, the Secretariat commented that the training programme was still being developed and was in need of additional financial support. The delegation of Japan offered their continued support for training and assurance that Japan would continue to expand its co-operation in the Asian region. The delegation of the Republic of Korea asked the Secretariat for technical assistance in 1995/96 to alleviate enforcement problems in North-East Asia.

The delegation of Hungary, referring to the penultimate paragraph of the document, asked the Secretariat to clarify the priorities for external funds. The Secretary General responded that species studies were mainly funded externally but that many key activities of the Secretariat were also supported from external funds. The delegation of the United Kingdom commented that section B, point 6, on the development of co-operation with CITES partners, did not make reference to the

Global Environment Facility (GEF) and that CITES should forge links with it. The Secretary General stated that the Secretariat, at the end of 1992, had prepared and submitted a project through UNEP to GEF for 2 million dollars. The project dealt with 45 species and projects for management plans, as agreed by the Standing Committee. The delegation of the Dominican Republic added that increased co-operation was also needed between consulates, embassies and Management Authorities due to governmental regulations hindering CITES processes. The Secretary General pointed out that the proposed annual orientation meetings referred to in section B, point 3.6, should help to reduce some of these problems.

The delegation of New Zealand, in reference to section B, point 2.1, about extending the membership of CITES, commented that all members of the South Pacific Forum had recommended that other member countries consider joining CITES. They also asked that the Standing Committee find ways in which it could assist the small island developing countries. The delegation offered their assistance to this end and requested that this proposal be agreed by the Conference of the Parties. This request was supported by the delegations of Australia, Barbados and Trinidad and Tobago. The Chairman invited the delegation of New Zealand to submit their proposal in writing.

The delegation of the Congo, broadly supported by the delegation of Madagascar, in reference to section B, point 1.1, expressed concern over the lack of priority given to plant studies and species of tropical African origin. The delegation called for increased co-operation between the International Tropical Timber Organization and CITES to enable objective studies of particular commercial timbers to be initiated and for this to be given priority. The delegation requested that such a recommendation be made to funding institutions.

The delegation of Switzerland, in reference to section B, point 2.1, last paragraph, expressed regret that the increasing burden of administration was creating a barrier to some countries acceding to CITES. Referring to the problems described in section A, point 5, they suggested that the procedures for implementation and enforcement should be simplified.

Without further discussion Document Doc 9.17 was accepted.

2. How to Improve the Effectiveness of the Convention

The delegation of Canada introduced document Doc. 9.18. The delegations of Japan, Madagascar and Trinidad and Tobago expressed their strong support for the proposal of Canada. The delegation of Japan offered also to co-operate by providing appropriate information and assistance.

The delegation of Greece requested clarification regarding the designation of an independent consultant to perform the review; specifically, how the process of selecting a consultant would be undertaken. The delegation of New Zealand also raised some concerns over paying a large sum of money to a profit-making consultancy, which would need to spend time in becoming familiar with CITES. They recommended that the Parties to CITES should review the operation of the Convention and that the Conference of the Parties should identify urgent priority areas to be reviewed prior to the tenth meeting. These comments were supported by the delegations of Costa Rica, France, Senegal, the United States of America and the United Kingdom. The delegation of Costa Rica, France and Senegal suggested different ways in which the review could be conducted.

The delegation of the United Kingdom supported the idea of the review and suggested that some non-governmental organizations, such as TRAFFIC and IUCN-the World Conservation Union had the expertise to participate in such a study. They added that the Standing Committee should discuss and resolve the question of the selection of a consultant.

The delegation of Zimbabwe felt strongly that the review should be undertaken by an external consultant, following the standard management practice of performance audits. They emphasized that CITES should not evaluate itself. The delegation accepted that an external consultant would require initial education in CITES at additional cost but stressed that in the long term this would have positive budgetary implications. The observer from TRAFFIC added that an evaluation was highly appropriate and a positive step forward for CITES. The observer from the World Wide Fund for Nature (WWF) stated that free advice was available to support the review, and requested that the process involve NGOs.

The delegation of Canada suggested that the Standing Committee should manage the process and select the consultant. The Standing Committee would present its findings to the Conference of the Parties.

The delegation of Norway stated that it would be willing to support the proposal financially. The delegation of Hungary supported the proposal for a review and declared that the initial investment would be beneficial in the long-term. The observer from WWF also welcomed the concept of the review but raised a cautionary note concerning budget allocation in light of other priorities such as solving enforcement and implementation problems. The delegation of Senegal shared the concern of WWF. The delegation of China questioned whether the cost of the review would be met from external sources or from the core budget of the Convention.

The delegation of Canada responded with thanks to Norway and confirmed that Canada would also be able to supply some funds. They said that the question of funding would be better answered by the Budget

Committee. They also cautioned against the CITES Secretariat conducting the review as it should not be regarded as the driving force in the process.

The delegation of the United States of America supported by the delegation of France, stated that there were no objections to the goals of the proposal but that the Parties had not reached a consensus over the question of tenders for the consultancy.

In response to the Chairman, the delegation of Bolivia recommended that a working group be established in order to formulate a proposal and report to the Committee as soon as possible. Following a lengthy debate on this proposal, it was agreed to establish a working group composed of the delegations of the following Parties: Canada, France, Japan, New Zealand, Norway, Pakistan, Trinidad and Tobago, the United Kingdom, the United States of America and Zimbabwe. The delegation of Canada agreed to chair the working group. The delegation of Canada clarified that the working group would address only those areas of document Doc. 9.18 Annex that had not been agreed upon.

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3. Report on National Reports Under Article VIII, Paragraph 7, of the Convention

The Secretariat introduced document Doc. 9.21 and described the system of computerization of annual reports by the World Conservation Monitoring Centre (WCMC) and the importance and use of the data. The Secretariat said there had been a great improvement in the timeliness of reporting, with more than 50 per cent of the Parties submitting their annual reports for 1993 before the deadline. However, many annual reports were still outstanding and, in accordance with Resolution Conf. 8.7 this matter is dealt with in the report on alleged infractions. The problems of production of annual reports and of ensuring their accuracy were highlighted. The Secretariat was attempting to develop along with WCMC methods to assist Parties in more effective reporting, including standardized reporting systems. The importance of including permit numbers in annual reports was emphasized.

Explanations and statements were provided by the delegations of Belize, Benin, Chad, Cyprus, Ecuador, Hungary, Namibia, Nigeria and Switzerland with regard to the submission of their annual reports.

The observer from TRAFFIC commented that, for the implementation of CITES, it was vital to have accurate and timely trade data. He stated that the submission of annual reports by only 50 per cent of the Parties was insufficient and requested that all Parties submit annual reports on time.

Document Doc. 9.21 was approved.

After several announcements the session was closed at 12h15.

Second Session: 9 November 1994: 14h10-17h05

Chairman:	V. Lichtschein (Argentina)
Secretariat:	J. Berney J. Gavitt O. Menghi
Rapporteurs:	R. Gabel J. Gray M. Haywood

XIV Interpretation and Implementation of the Convention

4. Review of Alleged Infractions and Other Problems of Implementation of the Convention

The Secretariat introduced document Doc. 9.22 and moved to discussion of implementation of the Convention in Indonesia and illegal fur trade in Nepal.

The Secretariat congratulated Indonesia on their improved implementation of the Convention, and advised that no further action was required to implement the recommendations of the Standing Committee.

The Standing Committee had advised India and Nepal to meet to discuss the illegal fur trade in Kathmandu prior to discussion of document Doc. 9.22 in Committee II. The delegation of India stated that they had briefly discussed this issue with the delegation of Nepal immediately before this session. They had agreed to meet formally to discuss the possibility of holding a high-level meeting between the two countries soon after this meeting of the Conference of the Parties to develop co-ordination of intelligence gathering and enforcement to resolve the problem of illegal fur trade in Kathmandu. The delegation of Nepal stated that their country had recently taken measures to control such trade. However, they reiterated that they would discuss with the delegation of India the possibility of holding high-level meetings on this issue in Kathmandu. The Secretariat requested that the delegations of India and Nepal report to Committee II on their meeting, and stated that further comments on this issue should await the results of the meeting.

Regarding infractions applying to Article III, the Secretariat drew attention to the abuse of diplomatic privileges to facilitate smuggling of specimens of species included in Appendix I. The Secretariat then asked for comments on point 5 of the proposed decisions of the Conference of the Parties (Doc. 9.22, Part II). The delegations of Belgium and Guyana stated that they had no objections to the proposed decision, but the latter recommended that the Secretariat include this issue in training programmes.

The delegation of the Congo requested that the Committee reflect on ways to assist Rwanda and Burundi in control of illegal trade in gorilla specimens. The Secretariat responded that it had received no reports of illegal international trade in gorilla specimens from Rwanda or Burundi. The Chairman suggested that if the Congo had information on such illegal trade it should be relayed to the Secretariat.

Point 5 of the proposed decisions of the Conference of the Parties was approved.

The delegations of Cameroon, Malawi and Uganda complained that their countries had difficulty issuing export permits for sport-hunted trophies because of the refusal of importing countries to issue import permits.

The Secretariat requested a response from importing countries but none was given. The Secretariat suggested that these difficulties could have arisen due to a lack of communication among countries, stricter domestic measures of importing countries and possible miscommunication, misunderstanding or fraud by hunters. The delegation of Cameroon thanked the Secretariat for the explanation but complained that resolution of the problem was needed. The delegation of Germany noted that this was a confusing issue but recommended delay of further discussion of this issue until the Parties had considered document Doc. 9.50. The observer from Safari Club International referred the Committee to Resolution Conf. 6.7, which requires notification and consultation with exporting countries when importing countries have stricter domestic measures prohibiting imports of certain specimens, and suggested that there may be problems arising from non-compliance with this Resolution. He requested that this issue also be included in the discussions of document Doc. 9.50. The Secretariat and Chairman both agreed.

With respect to infractions applying to Article IV, the Secretariat stated that Management Authorities had issued permits in violation of their own quotas and did not follow Resolution Conf. 8.5. The Secretariat stated that it was therefore difficult to assist Parties in implementation and enforcement of quotas and requested comments on this issue, but none was received.

When the Secretariat invited discussion relating to Article V, the observer from Safari Club International noted that, when Parties fail to issue permits and certificates properly, this results in a burden on importers and exporters.

The Secretariat stated that some progress had been made in transport of live animals but that implementation of Resolutions Conf. 7.13 and Conf. 8.12 had been negligible. Therefore the Secretariat recommended approval of point 1 of the proposed decisions of the Conference of the Parties. The delegation of Belgium reported that they had monitored mortality of birds in trade and found that most shipments not in complete compliance with IATA guidelines involved failure to meet one or two minor requirements of no consequence to bird health or humane treatment. The delegation of Belgium also stated that they had monitored the use of the checklist in Resolution Conf. 7.13 and found it used in only about one per cent of shipments; therefore, they recommended that either the recommendation to use the checklist be withdrawn or the checklist be attached to the export permit, which would otherwise be refused.

The delegation of Mali advised that some commercial air carriers were refusing shipments of live birds that were not captive-bred. They asked for an explanation of this policy. The Secretariat explained that air carriers

had implemented this policy for various reasons, and advised that the Convention could only address this problem when violations of CITES permit requirements were involved.

The delegation of the Congo complained that, when shipments were refused by the country of import, airlines refused to return shipments to the country of origin. The Secretariat explained that the cost of returning specimens must be borne by the country of origin, but that often countries lack resources to pay.

The Chairman recommended that proposed decision 1 be modified such that a) i) and a) ii) would be combined. The delegation of Belgium objected to this recommendation. The Chairman then recommended that in the first line of paragraph a) i), the word flagrantly be inserted after "shipment that". This change was approved. The Secretariat reminded the Committee that the issue raised in paragraph b) must also be decided.

The Secretariat introduced point 9 of Part I of document Doc.9.22. In the absence of further comments on this point from the meeting, the Secretariat invited discussion on the regulation of trade related to circuses and other travelling exhibitions of live animals. Specifically, the Secretariat referred the meeting to point 2 of the "Proposed Decisions of the Conference of the Parties" in Part II of the document. The delegations of Belgium and France expressed support for this proposed decision, while the delegations of Uganda and Zambia also welcomed the Secretariat's attempts to facilitate control of circuses and travelling exhibitions. The last-mentioned delegation and the delegation of the Dominican Republic particularly called for uniformity of documents relating to such menageries in transit between countries. The delegation of Uganda favoured registration by the Secretariat of all live animals in travelling exhibitions in party countries. While supporting the delegations of both Uganda and Zambia, the delegation of Kenya expressly urged Parties to adhere to the requirements of Resolution Conf. 8.16. The Secretariat noted that very few Parties heed this Resolution, and endorsed the view that to do so would help to solve the problematic regulation of travelling animal exhibitions. The Secretariat requested Parties to send by fax copies of any dubious documentation for verification at the Secretariat, and stated that the maintenance of a central file, as suggested by the delegation of Uganda, would be impracticable and unjustifiable financially.

The delegations of both the Czech Republic and the Dominican Republic sought clarification regarding the application of Resolution Conf. 8.16. In reply, the Secretariat said that guidelines were in preparation and would be circulated to all Parties, but asked them to consider whether the Resolution was useful and should continue to stand.

The delegations of Austria, Germany and Switzerland raised concerns over the suitability of the provisions of Resolution Conf. 8.16 when applied to falconers and their birds making cross-border journeys of short duration. The Secretariat pointed out that it had contacted the International Association for Falconry and Conservation of Birds of Prey to clarify this particular issue and that in such cases the animals could be exempt under the terms of paragraph 3 of Article VII of the Convention. The delegation of

Germany felt that this was inconsistent with the wording of the fourth sentence of the second paragraph of the third series of Comments from the Parties in the Summary Number I-II (Reference: 50361 in the Annex of document Doc.9.22, and suggested that falcons be considered as personal effects unless clearly tourist souvenirs. The Secretariat commented that where exemption under paragraph 3 of Article VII did not apply, a CITES permit was necessary and that a "Combi-permit" was not an acceptable substitute. The observer from the International Association for Falconry and Conservation of Birds of Prey requested that it be made easier for falconers to travel internationally with their birds.

Point 2 under "Proposed Decisions of the Conference of the Parties" (Part II of document Doc. 9.22) was then approved.

No comments were received relating to concerns over border controls and to the re-exportation of legally imported specimens of illegal origin, apart from the observation from the Secretariat that information regarding the disposal of such specimens had often been requested from Parties but not provided.

The observer from the International Association for Falconry and Conservation of Birds of Prey re-opened discussion of falconry, reiterating the need for a more flexible approach to this issue. He also expressed concern that the Annex of document Doc. 9.22 cited an exaggerated price for falcons. The Secretariat responded that, while exceptional, the price quoted in this instance was believed to be accurate. They further commented that falcons sometimes fetched very high prices and that the Customs authorities of Germany and the United Kingdom had observed the persistence of a large illegal trade in these birds.

With reference to trade through the mail, the Secretariat requested more information from the Parties on this means of commerce. The delegation of Belgium commented that recent seizures of birds shipped in this way had been made in their country.

Regarding point 15 under "Article VI (and Appendix IV of the Convention): Permits and Certificates", the delegation of Papua New Guinea queried whether the trade in specimens for medical research should be categorized as commercial or as scientific. The Secretariat replied that this was a matter for national legislation to decide, but referred the Parties to Resolution Conf. 5.10 on this subject. The delegation of the United States of America requested clarification on the degree of inaccuracy that would render a permit invalid. In response, the Secretariat said that invalidation could be caused by a variety of errors or omissions, and that there was no definitive rule. In relation to this point, the Secretariat reminded Parties of its obligation to abide by the terms of Resolutions and that even where the validity of a permit was unaffected, the Secretariat would nonetheless notify Parties of errors contained therein.

The subjects of retrospective issuance of permits and certificates and misuse of documents were considered jointly, followed by that related to the marking of specimens. As no remarks were received on these points, discussion was adjourned.

Following some announcements by the Secretariat, the session was closed at 17h05.

Third Session: 10 November 1994: 10h15-12h00

Chairman: V. Lichtschein (Argentina)
Secretariat: J. Berney
J. Gavitt
J.-P. Le Duc
Rapporteurs: L. Collins
B. Perez

XIV Interpretation and Implementation of the Convention

4. Review of Alleged Infractions and Other Problems of Implementation of the Convention

After some administrative announcements the Chairman introduced document Doc. 9.22, point 9, paragraph 1, on transit. The Secretariat introduced the proposed amendment to Resolution Conf. 7.4, which was supported by the delegations of Belgium, Namibia and Switzerland. With no further discussion the amendment was approved.

The Secretariat introduced point 20, paragraph 2, regarding Resolution Conf. 5.11, on which there were no comments, and moved on to point 21, paragraphs 4 and 5, regarding Resolution Conf. 8.17, on which there were also no comments.

The Secretariat presented point 22, paragraphs 4 and 5, on captive-bred specimens and asked that the discussion be split into two parts. The first part consisted of paragraphs 1, 2 and 4, on Resolution Conf. 2.12, and the second part was concerned with paragraph 3, on Resolution Conf. 8.15. In regard to the first part, the Secretariat drew attention to the proposed decision - point 3, paragraphs a) and b) - regarding specimens bred in captivity, which was supported by the delegations of Belgium, the Russian Federation, Switzerland and the United Kingdom. The observer from the Ringling Brothers and Barnum & Bailey Combined Shows Inc. requested that there be no changes in the existing Resolutions that would restrict or discourage private captive-breeding efforts and requested the opportunity to participate in the development of amendments to Resolution Conf. 2.12. The delegation of Switzerland expressed their support

for the remarks of this observer on the importance of captive breeding and recommended that any changes in Resolution Conf. 1.12 facilitate such breeding. Proposed decision point 3, paragraphs a) and b), was approved.

Turning to point 22, paragraph 3, the Secretariat introduced the point and asked for comments. This paragraph was broadly supported. However, a debate ensued, primarily about the problems associated with registering captive-breeding operations. The delegations of the Congo, Germany, India, Indonesia and the United States of America expressed concern over the length of time and the procedures involved in registering a captive-breeding facility. The Secretariat pointed out that the length of time in the registering process was dependent on the completeness of the information submitted.

The Secretariat introduced point 23, paragraph 1, on national legislation and the return of illegally traded specimens, and also introduced the draft resolution relating to Resolution Conf. 8.4. A lengthy discussion ensued, focusing mainly on the wording of the proposed changes and on bilateral difficulties between Management Authorities. The wording of paragraph a) of the draft resolution was amended to read "i) consider that the seizure and confiscation of such specimens are generally preferable to the definitive refusal of the import of the specimens; and ii) notify the Management Authority as soon as possible of the State from which the specimens were consigned of the violation and of any enforcement actions taken concerning the specimens". It was pointed out by the Secretariat that this was a recommendation and not a requirement.

The session was closed at 12h00.

Fourth Session: 10 November 1994: 14h10-17h25

Chairman: V. Lichtschein (Argentina)
 Secretariat: J. Berney
 J. Gavitt
 J.-P. Le Duc
 Rapporteurs: C. Allan
 R. Gabel

XIV Interpretation and Implementation of the Convention

4. Review of Alleged Infractions and Other Problems of Implementation of the Convention

The assembly continued from the third session with discussion of document Doc. 9.22. The Secretariat provided a brief summary of the main problems with the implementation of the Convention. The Secretariat presented the proposed amendment regarding Resolution Conf. 3.15, on ranching operations, as detailed in item 2 of the proposed amendments to existing Resolutions of the Conference of the Parties, at the beginning of Part II of document Doc. 9.22, and the proposed amendment to Resolution Conf. 8.9, on the trade in wild-caught animal specimens, item 3 of the same proposed amendments.

The delegation of Barbados requested clarification on the documentation provided by the Secretariat, which stated that their annual report for 1992 had not been submitted. As a Party that had acceded to the Convention in 1993, they did not believe that an annual report for 1992 was necessary. The intervention was noted by the Secretariat and corrected.

The delegations of Belgium, Denmark, Ecuador, Indonesia, Mexico and Zimbabwe either requested clarification of or expressed objections to the amendment regarding ranching operations. The delegation of the Dominican Republic agreed in principle but voiced concerns over certain aspects relating to ranching operations. The delegations of the Congo and Switzerland expressed objections to the amendment relating to trade in wild-caught specimens. The delegation of India supported both amendments. Objections to both amendments were based on the premise that annual reporting requirements should not be linked with unrelated issues. The Secretariat, acknowledging that the issue of annual reports was dealt with in document Doc. 9.19.2, decided to withdraw both draft amendments.

The delegation of the Netherlands stated that Parties should be encouraged to submit complete annual reports. The delegation of Ecuador suggested that a specific resolution be drafted to deal with the submission of annual reports. The Secretariat stated that eight Resolutions relating to annual reports already existed and that withdrawal of the proposed amendment should not have any detrimental effects.

The delegation of the Netherlands stated: "The Netherlands objects to the advice of the Secretariat (Comments from the Parties, Summary Number 6-34 of the Annex) of document Doc. 9.22) to enter reservations for Appendix-III species or to prohibit the import of Appendix-III specimens in order to solve an administrative or control problem of a Party". The Secretariat explained that this recommendation was made as an alternative to Parties being in violation of the Convention with regard to trade in Appendix-III species.

With regard to paragraph 1(b) on designation of Scientific Authorities under Article IX, the Secretariat presented a proposed amendment to Resolution Conf. 8.6 (item 4 of the same proposed amendments of document Doc. 9.22).

The delegation of Burkina Faso complained that submission of their annual reports was not recorded by the Secretariat. The Secretariat explained that there had been problems with communication and transmission of documents from some countries and suggested that the annual report may have been received after document Doc. 9.22 had been compiled.

The delegation of Ecuador objected to the linking of the designation of a Scientific Authority to permit issuance and stated that the proposed amendment could not be implemented in Ecuador. The Secretariat responded that Articles III and IV of the Convention both required approval to be given by a designated Scientific Authority before the issuance of permits. The delegation of the United States of America stated that their country was legally obliged to accept permits signed by the designated Management Authority of another country whether or not a Scientific Authority had been designated. The delegation of Germany concurred and stated that implementation of the proposed amendment would require stricter domestic legislation, as provided for by Article XIV, paragraph 1, and suggested that Resolution Conf. 8.6 should contain reference to this Article. The Secretariat agreed and explained that the proposed amendment was simply a recommendation, which Parties were not bound to implement; this principle was reiterated by the delegation of Venezuela. After further modifications of the proposed amendment were proposed by the delegations of Switzerland, the United States of America and Zambia, and by the Secretariat and the observer from the European Union, the proposed amendment was approved with the following changes. The first change was to add to the preamble of Resolution Conf. 8.6 the paragraph WHEREAS Article XIV, paragraph 1, permits any Party to adopt stricter domestic measures. The second change was to modify the first line of item 4 of the proposed amendments to read " b) the Parties not accept any export permit for Appendix-I or Appendix-II species or any import permit for Appendix-I species from a Party that has not designated at".

The delegations of the Congo and the United States of America requested more frequent notification by the Secretariat of countries lacking designated Scientific Authorities. The Secretariat responded that the Directory of Parties was updated regularly and reflected which Parties were lacking such authorities.

The Secretariat introduced items 26 and 27 of Part I of document Doc. 9.22, regarding designation of Management Authorities and communication to the Secretariat of names and specimens of signatures of officials authorized to sign permits and certificates. The

delegation of Cyprus stated that they would soon communicate these items. The delegation of the Dominican Republic requested that the Secretariat carefully examine its files because they had already communicated these items. The Secretariat agreed to check, but requested that the Dominican Republic resubmit them.

The Secretariat introduced discussion of Article X, regarding trade with non-party States, and referred to item 28, about Resolution Conf. 8.8. The Secretariat encouraged Parties to implement this Resolution. The delegation of Germany expressed the opinion that consultation with the Secretariat on issuance of all re-export permits involving specimens exported by non-Parties was overly burdensome on the Secretariat and Parties. The Secretariat explained that consultation was not recommended in all cases but only in those involving non-Parties that had not designated competent authorities.

The Secretariat called upon the delegations of India and Nepal to report on their bilateral meeting to discuss the fur trade in Nepal. The delegation of India reported that a memorandum to the Secretariat had been drafted, stating that there would be a high-level meeting between these two nations in the near future to address this problem. The delegation of India reported the recent seizure of 1,066 cat skins including 500 *Felis bengalensis* (leopard cat), which indicated that the illegal trade in these species continued but enforcement efforts were improving. The delegation felt this was of especial interest in view of the proposed transfer of populations of this species to Appendix II.

The Secretariat introduced discussion of Article XIII regarding international measures and referred to item 29 about a response by Parties to the Secretariat concerning alleged infractions and the exchange of information. The Secretariat encouraged improved communication and timeliness in these matters. The Secretariat also pledged to maintain confidentiality when necessary.

The Secretariat introduced discussion of Article XXIII regarding reservations and referred to item 30, on specimens of Appendix-I species. The Secretariat requested that Parties keep records of trade in species covered by reservations.

No further comments were forthcoming and document Doc. 9.22 was therefore approved. The Secretariat requested that Parties share the report with enforcement personnel.

5. Implementation of the Convention in the European Union

The Secretariat opened the discussion on document Doc. 9.23 by stating that a more detailed report would be forthcoming. The Member States of the European Union (EU) were thanked for their co-operation and assistance in the production of the report. The Secretariat emphasized that the report was positive and constructive, rather than an exposé of the problems. The analysis was provided in an attempt to assist in the development of wildlife legislation for the

European Union. The Secretariat did not wish to present any recommendations to the Conference of the Parties. Future studies would focus on other regions of the world.

The delegation of Germany, whose comments were made on behalf of the EU, congratulated the Secretariat for undertaking the difficult task outlined in Resolution Conf. 8.2 but complained that the report contained many factual errors. The delegation proceeded to comment on the errors that they perceived to be most significant. The main criticism of the report was that Resolution Conf. 8.2 was being applied in a discriminatory manner. The delegation of Germany believed that a review should be undertaken of all regions and then comparisons could be made on the effectiveness of implementation worldwide. They announced that a special working group on enforcement was to be arranged to enhance co-ordination. The delegation of Germany asked for the recommendations to be withdrawn and declared that the European Union should become a Party to CITES as soon as possible.

The Secretariat invited the delegation of Germany to discuss the report further outside the meeting. The Secretariat acknowledged that implementation problems are similar worldwide, but noted that there are unique problems related to the open borders between EU States. The Secretariat noted the position taken by the European Union and stated that the EU had a very positive attitude as it aimed to improve implementation of CITES within its boundaries.

The delegations of Argentina and Trinidad and Tobago both supported the Secretariat's recommendations, and the latter suggested that a resolution be formulated from them. The observer from TRAFFIC asked the representative of the Member States of the EU (the delegation of Germany) when the new or revised EU Regulation would be finalized. The delegation of Germany responded that the Regulation was expected to be adopted within the first six months of 1995. The observer from the Environmental Investigation Agency concurred with the Secretariat's recommendations and stated that their study of trade patterns in the EU had revealed a shift to States with more lax controls. The observer therefore agreed with the delegation of Trinidad and Tobago that a resolution should be developed. The representative of the Member States of the EU strenuously opposed this view. The delegation of Zimbabwe commented that it would be beneficial for the EU to become a Party to CITES and questioned why the EU was not yet a Party, in view of the Gaborone amendment. The Secretariat explained that the EU was unable to become a Party until two-thirds of the States that had been Parties at the time of adoption of the Gaborone amendment had accepted it, but this had not yet occurred. The Secretariat recommended that the remaining Parties that had not done so should accept the amendment.

The discussion was suspended and after some announcements the session was closed at 17h25.

Fifth Session: 11 November 1994: 09h15-12h15

Chairman: V. Lichtschein (Argentina)
Secretariat: J. Berney
J. Gavitt
J.-P. Le Duc
Rapporteurs: J. Caldwell
L. Collins

The delegation of the Congo complained that non-authorized documents were being distributed. The Secretariat noted this concern and explained that this matter was being discussed by the Bureau.

XIV Interpretation and Implementation of the Convention

5. Implementation of the Convention in the European Union

Turning to document Doc. 9.23, the delegation of Germany clarified their proposed amendment to Resolution Conf. 8.2, which had been presented at the fourth session of Committee II. They asked for the first two paragraphs to be deleted, believing that these discriminated against one region, the European Union. This was supported by the delegations of Brazil, Cyprus, Switzerland, the United States of America and Zimbabwe. The delegation of Switzerland added that they had now accepted the Gaborone amendment. While welcoming the report of the Secretariat, the observer from the Royal Society for the Prevention of Cruelty to Animals drew attention to the abolition of border controls as one of the main problems in implementing the Convention in the European Union.

The amendment to Resolution Conf. 8.2 was approved and after some clarification from the Secretariat document Doc. 9.23 and its recommendations were noted.

6. National Laws for the Implementation of the Convention

The Secretariat introduced document Doc. 9.24, inviting written or oral comments on the provisional ratings shown in Annex 1 to be submitted outside of the session, and requested comments on the substance of the document.

The delegation of Singapore, supported by the delegations of the Congo, Greece, India, Indonesia and Mexico, opposed the rating system as they believed it was an arbitrary and subjective assessment. The Secretariat explained that they were prepared to withdraw the rating system if it had no support, however the delegations of the Czech Republic and Zambia spoke strongly in favour of retaining it and, on a show of hands, the suggestion of withdrawal was rejected by a large majority.

Modifications to the presentation of information on the adequacy of legislation were proposed by the delegation of Zimbabwe, who also stated, supported by the delegations of Nicaragua and Spain, that the compilation of these data should be carried out by Parties, guided by the Secretariat rather than by international agencies. In response, the observer from WWF commented that the next step in the procedure was to assist countries in improving legislation and that countries with a low rating might require technical assistance.

In response to a concern about circulation of the analyses, raised by the delegation of Zambia, the Secretariat explained that full copies of the analyses would be sent to any Party on request.

The delegation of Japan, supported the objectives of the analyses to enhance the implementation of CITES but requested that the Secretariat supply Parties with information and advice on the legislative inefficiencies noted for each country, as derived from the analyses. They added that as long as the rating was maintained, they would be unable to join the consensus in adopting the proposed decision in document Doc. 9.24. The delegation of Ecuador requested that an adviser on environmental law be appointed.

In reply to questions raised concerning the basis of the criteria used for the ratings, the Secretariat cited Resolution Conf. 8.4 and Article VIII, paragraph 1, of the Convention. The delegation of India asked whether the correct legislative material had been used, to which the Secretariat responded that all Management Authorities had been given ample opportunity to supply information and to confirm the draft report on ratings.

The delegation of Rwanda asked the Secretariat if there were any provisions to assist countries in implementing the Convention if they had neither the means nor the resources to do so. The Secretariat, recognizing the difficulties Rwanda is facing, invited the delegation of Rwanda to contact the Secretariat outside the session.

The delegation of the Republic of Korea, broadly supported by the delegations of Greece and the United Republic of Tanzania, believed that the Secretariat would need to amend the categories, as they thought that the four grades of legislation contained in Annex 1 were too restrictive. The Secretariat made various suggestions about a different approach to the rating system. The delegation of Switzerland proposed that the discussion stop at this point and the Secretariat requested Parties to submit any comments regarding the rating system by 15 January 1995, or as soon as possible after that.

The Chairman introduced the proposed decisions in Annex 2 of document Doc. 9.24 and asked for comments. The delegation of Mexico raised objections to paragraph a) i) under point 1, which they believed gave insufficient time for countries to effect new legislation. A debate followed in which the delegation of Spain, supported by the delegations of Botswana, India and Senegal, proposed that "in effect" should be replaced by initiated. Further debate ensued on the deadline, but no change was agreed. The delegation of the United States of America, supported by the delegation of Trinidad and Tobago, expressed serious concerns over the diminished impact any changes to

the wording in paragraph a) would have on the successful implementation of CITES. As no further objections were raised, the only change to paragraph a) was the substitution of initiated for "in effect" and this was approved.

After some announcements from the Secretariat the session was closed at 12h15.

Sixth Session: 11 November 1994: 14h20-16h30

Chairman:	V. Lichtschein (Argentina)
Secretariat:	I. Topkov J. Berney A. Beyene J. Gavitt
UNEP:	E. Ortega
Rapporteurs:	C. Allan B. Perez

Before resuming the Agenda, the Chairman requested that the Parties approve the summary reports in documents Com.II 9.1, Com.II 9.2 and Com.II 9.3. The delegation of New Zealand suggested that in document Com.II 9.1, item XIII 1., third paragraph, the third sentence should be amended to read: "The delegation offered their assistance to this end and requested that this proposal be agreed by the Conference of the Parties". They asked that, in the same paragraph, second line, ", as a member" be changed to all members, and ", their country" be deleted. These changes were agreed and the Chairman asked for any further corrections to be submitted in writing to the Secretariat. The summary reports were adopted.

The delegation of Germany requested that the Agenda item on implementation of the Convention for timber species be transferred to Committee I. The Chairman stated that this proposed alteration to the Agenda would be submitted to the Chairman of Committee I.

The chairman of the working group on enforcement reported that the interim report of progress would not be provided until 14 November.

XI Financing and Budgeting of the Secretariat and of Meetings of the Conference of the Parties

1. Financial Report for 1992-1993

The Chairman of the Budget Committee reported on the discussions of the Committee and thanked the participants. The projected budget for 1997 was 100% bigger than the budget for 1992. It was recommended that the Chairman of the Standing Committee should contact the Parties concerned and request that outstanding payments be settled as soon as possible. The Secretary General announced a correction on document Doc. 9.8 Annex 3 of the English version only, in the section on income, the third line should have read as follows: "Contributions received in 1993". There being no further comments, document Doc. 9.8 was approved.

4. External Funding

The Chairman of the Budget Committee introduced document Doc. 9.11, the report on external funding for the period March 1992 to June 1994. Three million US dollars had been pledged for this period, including donations from NGOs. Document Doc. 9.12, on plans for external funding, was introduced and Parties were encouraged to examine this and to allocate funds to projects of interest. A correction to the last line of the draft resolution in document Doc. 9.12 Annex was announced: "Doc. 9.6" should read Doc. 9.8.

The delegation of France noted that they had seconded a junior professional officer to the Secretariat, and this was gratefully acknowledged by the Secretary General.

2. Anticipated Expenditures for 1994 and 1995

The Chairman of the Budget Committee introduced document Doc. 9.9, regarding expenditure in 1994 and 1995. The net surplus for the biennium was estimated to be CHF 200,000. The Budget Committee urged Parties to pay their contributions at the commencement of the fiscal year as currently only 34% of the contributions for 1994 had been received.

The delegation of Japan stated that in 1994 their Government had set aside USD 100,000 for special projects, of which a substantial proportion would be allocated to the proposed study on how to improve the effectiveness of the Convention.

Documents Doc. 9.11 and Doc. 9.9 were approved.

3. Budget for 1996-1998 and Medium-term Plan for 1996-2000

The Chairman of the Budget Committee introduced document Doc. 9.10. The changes to the contributions of the Parties were highlighted as well as the allocation of funds to particular activities. The Budget Committee suggested the cessation of routine verification of permits by the Secretariat, to reduce its workload. The Secretary General stated that the proposed increase in the total allocation from 1995 to 1996 was only 2.55 per cent. It was emphasized that this was much less than the mean inflation rates for many of the countries where the Secretariat implemented projects and that no other international body dealing with environmental topics had such a meagre annual change in its budget. The Secretary General underlined the fact that notwithstanding the wish of this meeting to increase substantially support for enforcement measures, even the budget line for enforcement was seriously cut. He thanked all those involved in consideration of the budget. The Secretariat also stressed that verification of permits was a very important activity, which they would continue to undertake.

Document Doc. 9.10 was approved.

The representative of UNEP discussed the proposed budget for 1996-1997 and explained that further cuts to the budget would be difficult for the Secretariat to endure while meeting UN staff rules and regulations.

The delegation of Namibia, supported by the delegations of Canada, Germany (on behalf of the Member States of the European Union), Japan, Pakistan, Panama (on behalf of the Parties of Central and South America and the Caribbean), Peru, the United Kingdom and Zimbabwe and by the Secretary General, proposed that it be recorded that there was a great need for continuity of staffing within the Secretariat and in particular for the position of Deputy Secretary General.

After lengthy discussions it was agreed that a formal decision would be drafted on the matter. The decision would include reference to the need to continue the contract of the present Deputy Secretary General beyond the retirement age of 60 years. The representative of UNEP explained that changes to the standard regulations would have to be pursued at a higher level, with the Human Resource Department of UNEP. The difficulties of changing UNEP procedures was stressed. The delegations of Canada, Germany (on behalf of the Member States of the European Union) and Japan explained that they had already contacted the Executive Director of UNEP regarding the extension of the contract of the Deputy Secretary General. The Secretary General urged interested Parties to follow-up the matter and discuss it with the Deputy Executive Director of UNEP at this meeting. The efficiency and commitment of the staff of the Secretariat was referred to by the delegations listed above as well as by the delegation of France and the representative of UNEP.

The Deputy Secretary General gave thanks to all those who had expressed support and stated that he wished to continue working with the Secretariat and the Parties to the benefit of the conservation of nature. The Deputy Secretary General hoped that he would attend the next meeting of the Conference of the Parties in his present capacity. The participants responded with applause. The delegation of Hungary requested that the discussions between the Standing Committee and UNEP on this subject be reported back to the Conference of the Parties.

The delegation of Switzerland stated that they would pay an additional annual sum of CHF 10,000 to the Secretariat, on top of the required contribution, to finance studies on nomenclature of animals. The Chairman of the Nomenclature Committee acknowledged this generous contribution and expressed gratitude to the Smithsonian Institution and

the Royal Botanic Gardens, Kew, for their work for the Committee.

The observer from the World Wide Fund for Nature (WWF) declared that his organization had supported CITES for many years and had contributed funds to the Secretariat. He stressed that WWF was disappointed that funding for enforcement and implementation initiatives was lacking. He proposed that a group be established to determine realistic requirements for making CITES work more effectively and to formulate a strategy to effect this.

The proposed budget contained in document Com. 9.5 and the draft resolution in document Doc. 9.12 Annex, as amended, were approved.

XIV Interpretation and Implementation of the Convention

6. National Laws for the Implementation of the Convention

The Secretariat reintroduced document Doc. 9.24, summarized the progress made in the last session, and turned to the proposed decisions in Annex 2. The delegation of Mexico suggested that in paragraph 5, sub-paragraph a), the words the Parties concerned, be inserted after "consultation with". This was agreed and the proposed decisions in Annex 2 were approved.

Questions were raised by the delegation of Zimbabwe on amendment of ratings and on changes in the ratings. The Secretariat stated that this would be effected by taking into account the data on national legislative changes in the biennial reports of the Parties. The delegation of Japan stressed that the objectives of document Doc. 9.24 were fully supported but the delegation could not join the consensus of Parties in approving Annex 1.

The session was closed at 16h30.

Seventh Session: 14 November 1994: 10h50-12h05

Chairman: V. Lichtschein (Argentina)
Secretariat: J. Berney
J. Gavitt
Rapporteurs: J. Caldwell
L. Collins

XIV Interpretation and Implementation of the Convention

8. Trade in Hunting Trophies of Species Listed in Appendix I

Following some announcements from the Secretariat, the Chairman asked the delegation of Namibia to introduce document Doc. 9.50.

The delegations of Cameroon, Kenya, Senegal, South Africa and the United Republic of Tanzania expressed broad support for the document.

The delegation of the United States of America asked for clarification of how the proposals contained in the document would work in practice, and in particular questioned how it would be possible for the import permit to be issued before the export permit, as was required under the terms of the Convention. In response, the delegation of Namibia explained that the assessment process for import permits should be restricted to consideration of the purpose of the import and that the mechanism under which trophies of Appendix-I species could be traded should be the quota system.

The Secretariat commented that import permits for trophies of Appendix-I species were granted under certain conditions. If all Parties exporting specimens of Appendix-I species were to introduce quotas, the problems associated with the double control system would be reduced, and the assurance given by the exporting State should then be sufficient. This view was supported by the delegations of the Congo and the United Republic of Tanzania.

The delegation of the United Republic of Tanzania believed that quotas established by the Scientific Authority of the exporting State should normally be accepted by the Management Authority of the importing State. The delegation of the Congo, adding that the failure of importing States to accept the quotas might be seen as the imposition of sanctions, asked for the

relevant authorities of importing and exporting countries to work closely together. The delegation of Senegal added that it would be preferable for an import permit to be issued prior to an animal being hunted for a trophy, to avoid the possibility that the export of the trophy might not be permitted.

The delegation of Zimbabwe stated that quotas fell into three categories. Firstly, in the case of those approved by the Conference of the Parties, all Parties had been involved in the decision and, therefore, the quotas had already been determined to be non-detrimental. Secondly, where "informal quotas" were set by national authorities, the numbers to be taken each year were notified to the Secretariat and thence to the Parties. In some instances however, national quotas could not be established, for example in countries where landowners determine the numbers. Thirdly, where no quota has been advised to the Secretariat, export permits should be issued after consultation between the authorities of the importing and exporting countries, and should normally be accepted if the purpose of import is not commercial.

The Chairman, stating that there seemed to be a general consensus to approve the draft resolution in document Doc. 9.50, asked for comments. Various proposals to amend the wording were put forward by the delegations of Germany, Namibia, South Africa, the United Republic of Tanzania, the United States of America and Zambia, and the Secretariat. After some debate the Secretariat suggested that a drafting group be set up to agree on the wording and report back to the Committee at the next session. This was agreed and the Chairman invited the delegations of Namibia, the United Republic of Tanzania and the United States of America, together with the Secretariat, to participate in the drafting group.

After some announcements from the Secretariat the session was closed at 12h05.

Eighth Session: 14 November 1994: 14h20-17h15

Chairman:	V. Lichtschein (Argentina)
Secretariat:	J. Berney J. Gavitt J.-P. Le Duc G. van Vliet
Rapporteurs:	J. Boddens-Hosang B. Perez

XIV Interpretation and Implementation of the Convention

8. Trade in Hunting Trophies of Species Listed in Appendix I

The Chairman opened the session and invited the delegation of Namibia to present the working group's proposed change to the wording in the draft resolution in document Doc. 9.50.

The delegation of Namibia proposed the following addition to Annex 2, under c), in the fourth sentence after the word "country": that the exportation of the hunting trophy is not detrimental to the survival of the species, unless there are scientific or management data to indicate otherwise. It was proposed to delete the remainder of the paragraph. This was agreed and, as there were no further comments, the draft resolution in document Doc. 9.50 Annex 2 was approved as amended.

10. Interpretation and Application of Quotas

The delegation of Namibia introduced document Doc. 9.51 and suggested some wording changes in the Annex under "The Interpretation and Application of Quotas". These changes were supported by the delegation of the United Republic of Tanzania.

The draft resolution prompted interventions by the delegations of Australia, the Gambia, Namibia, the United Republic of Tanzania, the United States of America and Zimbabwe, and by the Secretariat and the observer from the Humane Society of the United States. The discussion focused on the following subjects: insufficient notification being given to all Parties prior to the meetings of the Conference of the Parties; national legislation of Parties; insufficient time being allotted to question proposed quotas; and consultation between importing and exporting countries on established quotas. As a result of the discussion, the Chairman appointed a working group to address these issues and report back before the end of the session.

Upon return of the working group, the delegation of Namibia thanked all the participants of the group and proceeded to read the following proposed changes to the draft resolution in the Annex. The title should be changed to The Interpretation and Application of Quotas for Species Included in Appendix I. Insert the following between paragraphs 3 and 4 of the preamble: RECALLING Resolution Conf. 4.6, which recommends that the text of any document submitted for consideration at a meeting of the Conference of the Parties be communicated to the Secretariat at least 150 days before the meeting. The entire operative section below the title should be changed to read as follows: AGREES that a Party desiring a quota for a species included in Appendix I should submit to the Secretariat its proposal, with supporting information, at least 150 days before a meeting of the Conference of

the Parties; and, AGREES that, whenever the Conference of the Parties has set an export quota for a particular species included in Appendix I, this action by the Parties satisfies the requirements of Article III regarding the finding by a Scientific Authority that the export will not be detrimental to the survival of the species and that the purpose of the import will not be detrimental to the survival of the species, provided that: a) the quota is not exceeded; and b) no new scientific or management data have emerged to indicate that the species population in the range State concerned can no longer sustain the agreed quota.

The delegation of Zimbabwe expressed concern that, if this new wording were approved, it would create a burden on Parties that had existing quotas. They asked for clarification from the Secretariat about the application of this draft resolution to quotas set internally by Parties. The Secretariat responded that Article III of the Convention remained applicable and that this draft resolution would only deal with quotas for which a Party was seeking approval from the Conference of the Parties.

The draft resolution with the amendments proposed by the working group was approved.

17. Trade in Plant Specimens

a) Nursery Registration for Artificially Propagated Appendix-I Species

The Secretariat introduced document Doc. 9.30. The delegation of the United States of America proposed that a working group be formed before further consideration of this document. This was supported by the delegations of Ecuador, Germany (on behalf of the Member States of the European Union), the Netherlands, Spain and Thailand. The Chairman requested that the working group include document Doc. 9.31 in its discussions and report the next morning.

19. Standardization of CITES Permits and Certificates

The Secretariat introduced document Doc. 9.38 and the discussion opened with Annex 2. No changes were suggested and this Annex was approved.

The Secretariat then introduced Annex 1 of the document. The Annex was approved with the following changes. Point 4, paragraph 7, was amended by adding, at the end of the sentence, unless the specimen has previously been confiscated. Point 4, paragraph 8, was amended by adding at the end of the sentence, as well as the Secretariat regarding commercial shipments.

VII Report of the Credentials Committee

The delegation of the United States of America announced, on behalf of the Credentials Committee, that the credentials of the delegation of Rwanda had

been accepted, bringing the total number of accredited delegations to 111.

The Secretariat relayed a request, on behalf of the delegation of Rwanda, for assistance in rebuilding the

conservation programme of their country in light of the recent war.

The session was closed at 17h15.

Ninth Session: 15 November 1994: 09h35-12h15

Chairman: V. Lichtschein (Argentina)
Secretariat: J. Berney
J. Gavitt
J.-P. Le Duc
G. van Vliet
Rapporteurs: J. Caldwell
M. Haywood

The Secretariat announced the numbers of documents that had been distributed recently and pointed out that, although document Doc. 9.57.1 had been officially distributed, an additional document with the same number, provided by the delegation of Japan, had not been authorized. The delegation of Japan apologized and assured the Secretariat that they would submit their document through the proper channels.

The Chairman drew attention to the summary reports of Committee II Com.II 9.4, 9.5 and 9.6, and these were approved.

XIII Evolution of the Convention

1. Strategic Plan of the Secretariat

Document Com. 9.1 was approved without comment.

2. How to Improve the Effectiveness of the Convention

The delegation of Canada introduced document Com. 9.10 and thanked the members of the working group dealing with this subject. The observer from the Humane Society of Canada expressed concern over the document, explaining that it was based on a theoretical model, which Canada would not be prepared to implement it within its own borders. He further urged the delegation of Canada to defer consideration of the document and to prepare a practical model for the next meeting of the Conference of the Parties. He was also concerned because document Com 9.10 had been prepared without the participation of NGO observers. He suggested that the Parties consider regional representation of NGOs in the process that would include, but not be limited to, WWF, IUCN and TRAFFIC.

Some concerns about the terms of reference were expressed by the observer from the International Wildlife Coalition, who believed that these terms would lead to a review of the Convention and that amending the text was very difficult. He also thought that the time, money and effort involved could be better applied elsewhere to improve the implementation of the Convention.

The document was fully supported by the delegations of Botswana, Greece, the United Republic of Tanzania, Trinidad and Tobago and Zimbabwe. The delegation of Botswana asked for a closure of debate on this item and was supported by the delegation of Belize. This motion was opposed by the delegations of Ecuador and Spain, but the debate was closed after a vote of 51 in favour to four against. The document was then approved after a further vote, 62 delegations being in favour and three against.

XIV Interpretation and Implementation of the Convention

4. Review of Alleged Infractions and Other Problems of Implementation of the Convention

Documents Com. 9.3 and 9.6 were approved without objection. Introducing document Com. 9.7, the Secretariat explained that the Working Group on the Transport of Live Specimens had been virtually disbanded and that issues concerning transport of live animals would in future be considered by the Animals Committee. However, the Secretariat advocated that paragraph b) of point 1 of document Com. 9.7, referring to the withdrawal of the recommendation contained in Resolution Conf. 7.13, should be approved. This view was supported by the delegation of Portugal, and the paragraph was approved.

6. National Laws for Implementation of the Convention

The Chairman introduced document Com. 9.15 and pointed out that "Annex 1" in the first line should refer to the revised Annex 1. There was some discussion, initiated by the delegation of Spain, concerning the translation of the word "introduced". The delegation of Zimbabwe suggested that, in order to clarify matters, a footnote be added to explain the intended meaning, and the Secretariat agreed. With regard to point 2 of the document, the delegation of Hungary suggested deleting the words from "which" to the end of the sentence. However, the Secretariat pointed out that this phrase did not ask the Conference of the Parties to recommend restrictions, only to consider them. The document was then approved.

9. Export of Leopard Hunting Trophies and Skins

Document Com. 9.13 was introduced by the Secretariat, which explained that the document had been passed to Committee II by a working group of Committee I, which believed the proposed amendments to Resolution Conf. 8.10 to be more of a procedural issue than a biological one. Attention was drawn to a typographical error in the last line of the document, where the word "species" should read special. The observer from Safari Club International felt there was a problem with the practical application of point 2 in the document and he recommended that the deadline for submission of a special report be extended by a further 90 days. The delegation of the United States of America explained that this would not be necessary as the Secretariat would not be taking any immediate action after 90 days other than contacting the range State involved. The Secretariat suggested that the table on the document be deleted as it was only an example. With no further comment from the floor, document Com. 9.13 was approved as amended.

7. Enforcement of the Convention

Document Com. 9.16 was introduced by the delegation of the United Kingdom, who thanked the delegations and observers of 21 Parties, two intergovernmental organizations and 19 NGOs that had taken part in the working group.

The delegation of Namibia read out a statement objecting to the underlying philosophy of the Lusaka Agreement and to the loss of an opportunity to encourage domestic law enforcement in countries where it is needed. Further, they were concerned about the security and integrity of a common database in an agreement in which NGOs were involved. They suggested, therefore, a change to the wording of document Com. 9.16, so that the paragraph beginning "WELCOMING also the Lusaka Agreement" would begin TAKES note of the Lusaka Agreement.

This proposal was opposed by the delegation of Zambia but, on a vote, the amendment was approved by 24 votes to 10.

The delegations of Botswana and Zambia were worried that the document did not appear to contain any provision for national capacity building or co-ordination. The composition of the proposed Enforcement Working

Group was the main problem for the delegation of Switzerland, who explained the strict laws on confidentiality of data in their country. The delegation of France shared these concerns and said that many points in the document were not well defined. These concerns about the proposed Working Group were shared by the delegations of Belgium, Botswana, China, Greece, Hungary, Japan, Pakistan, the Republic of Korea, the Russian Federation and Zimbabwe. The delegation of the United States of America, supported by the delegations of Canada, Ghana and Trinidad and Tobago recommended approval of the document including the proposal to form an Enforcement Working Group.

The delegation of Pakistan proposed that all reference to the Enforcement Working Group be deleted from the document and, after considerable discussion, the Chairman proposed the debate be closed. The Chairman's proposal was opposed by the delegation of Colombia but, on a vote, a large majority were for closure of the debate. A vote was then taken on the amendment proposed by the delegation of Pakistan and this was approved by 50 votes to 22 against.

After two announcements from the Secretariat, the session was closed at 12h15.

Tenth Session: 15 November 1994: 14h20-17h05

Chairman: V. Lichtschein (Argentina)
Secretariat: J. Berney
J. Gavitt
J. Kundaali
J-P. Le Duc
G. van Vliet
Rapporteurs: C. Allan
B. Perez

XIV Interpretation and Implementation of the Convention

7. Enforcement of the Convention

The Chairman asked whether there were any objections to document Com. 9.16 as amended in the previous session, the draft resolution on enforcement. The delegations of the Netherlands, the United States of America and Zimbabwe supported the draft resolution in the previous session. The draft resolution as amended was approved by a majority vote.

8. Trade in Hunting Trophies of Species Listed in Appendix I

The draft resolution, document Com. 9.21, regarding the standard to be applied to trade in lawfully taken hunting trophies, was approved with no comments or amendments.

10. Interpretation and Application of Quotas

The draft resolution, document Com. 9.19, regarding interpretation and application of quotas for species included in Appendix I, was approved with no comments or amendments.

12. Trade in Rhinoceros Specimens

The Chairman called upon the Chairman of the Standing Committee to introduce document Doc. 9.28 regarding trade in rhinoceros specimens. The Chairman of the Standing Committee reported on the status of trade in rhinoceros specimens. He also stated that UNEP, GEF, IUCN, IUCN/SSC Rhinoceros Specialist Groups and TRAFFIC supported awareness, fund-raising and law enforcement. However, there was still a failure to conserve the rhinoceroses.

The Secretariat reported that document Doc. 9.28 had been prepared by the Secretariat to describe the status of the problems relating to the trade in rhinoceros specimens. The Secretariat introduced document Doc. 9.28.1, a report from the Republic of Korea on trade in rhinoceros specimens appertaining to their country.

The delegation of Belgium requested that the Government of China should provide information to assist with the investigation and prevention of illegal trade in rhinoceros specimens, where this relates to countries in Europe with populations of consumers of rhinoceros specimens. The delegation of the United States of America requested that the Standing Committee continue to make this issue a high priority in the future. The Chairman stated that there were no objections to document Doc. 9.28 and the content should be noted by Committee II.

13. Conservation of Rhinoceros in Asia and Africa

The Chairman called upon the observer from the IUCN/SSC Rhinoceros Specialist Groups to introduce document Doc. 9.35 regarding conservation of

rhinoceros in Asia and Africa. The observer emphasized that the current problems included inadequate funding, lack of performance assessment for conservation initiatives and failure to consider all viable options. He encouraged Parties to adopt the draft resolution in the Annex to this document, which had been prepared by IUCN/SSC. The observer responded to a question from the delegation of Austria by stating that a number of major studies had been undertaken concerning possible options for rhinoceros conservation, sponsored by the World Wide Fund for Nature (WWF) and the Wildlife Conservation Society (WCS), but the results were not ready for presentation.

There was much debate on the proposed draft resolution in Annex 2 by the delegations of Australia, China, Germany, India, Indonesia, Israel, Japan, Kenya, the Republic of Korea, Niger, the United Republic of Tanzania, Thailand and the United States of America and the observers from the Environmental Investigation Agency, IUCN, SWAN International, TRAFFIC and WWF. This debate focused on the destruction of rhinoceros horn stockpiles, the repeal of Resolution Conf. 6.10, the lack of funding for conservation measures, law enforcement efforts in range States and consumer countries, compensation associated with destruction of stockpiles and the problem of straying beyond the remit of CITES.

After proposed amendments were voted upon, only the following amendments, proposed by the delegation of Kenya, were approved. Paragraph b) under "URGES" in Annex 2 of the draft resolution, was amended to read, "all Parties to implement adequate legislation, including internal trade restrictions, aimed at reducing illegal trade in rhinoceros products;". A new paragraph e), under "URGES" in Annex 2 of the draft resolution, was added as follows: e) the consumer States to work with traditional medicine communities and industries to develop strategies for reducing use and consumption of rhinoceros parts and derivatives.

The Secretariat apologized that Paragraph d) under "URGES" in Annex 2 of the draft resolution had been omitted by mistake in the Spanish version.

The delegation of Austria sponsored a proposal suggested by the observer from WWF, to insert a paragraph in Annex 2 of the draft resolution between the penultimate paragraph, which leads with "CALLS" and the previous paragraph, which leads with "DIRECTS". The proposed paragraph read as follows: FURTHER directs the Secretariat to review the results of imports of live rhinoceros from the Republic of South Africa pursuant to the annotated down-listing agreed at the ninth meeting of the Conference of the Parties and report to the tenth meeting. The addition of the new paragraph was approved.

As no objections were raised, document Doc. 9.35 was approved as amended.

The observer from Safari Club International commented on the benefits of tourist safari hunting with particular reference to rhinoceros conservation.

17. Trade in Plant Specimens

a) Nursery Registration for Artificially Propagated Appendix-I Species

The delegation of the United States of America reported on document Com. 9.23 proposed by the working group and thanked the participants of the working group. The delegation called upon the Secretariat to explain the most recent revisions.

The Secretariat proposed the following amendments, as agreed by the working group. In the third line of paragraph b), under "RESOLVES that", "registration" should be changed to inclusion in the register. In line 2 of paragraph 6. of Annex 1, the text in parentheses should be deleted. In line 1 of paragraph a) of Annex 2, "apply to" should be changed to notify. In part i) under paragraph a) of Annex 2, "species" should be changed to taxa. In line 5 of paragraph c) of Annex 2, reviews should replace "inspections". Paragraph b) of Annex 3 should be deleted entirely. Following "registration," in line 2 of paragraph g) of Annex 3, the remaining text should be amended to read as follows: after consultation with the Management Authority of the Party in which the nursery is located, delete the nurseries from the register.

The delegation of El Salvador supported the amendments recommended by the Secretariat but suggested revising paragraph 1 of Annex 1 to read as follows name and address of the owner, manager or technical director of the nursery. There were no objections to this proposal, this specific amendment was therefore approved.

The delegations of Germany and Thailand supported the proposed draft resolution, and document Com. 9.23 was approved as amended.

b) Revision of the Consolidated Resolution

The proposed amendments to the consolidated resolution on trade in plants detailed in document Doc. 9.31 Annex were approved.

19. Standardization of CITES Permits and Certificates

The proposals in document Com. 9.24, regarding amendment of the consolidated resolution relating to permits and certificates, were approved with no comments or amendments.

20. Non-commercial Samples of Skins

The Chairman asked the delegation of Brazil to introduce document Doc. 9.37 regarding non-commercial samples of skins. The delegation of Brazil withdrew the proposal.

25. Disposal of Skins of Illegal Origin

The Chairman asked the delegation of Italy to introduce document Doc. 9.54 regarding disposal of skins of illegal origin. The Secretariat explained that this proposal was a unique request, which made exception to document Com. 9.24, which had been approved by Committee II on 14 November, in which one paragraph recommends "that Parties reject any re-export certificate that refers to an export permit that does not exist or that is invalid". Document Doc. 9.54 was rejected.

XI Financing and Budgeting of the Secretariat and of Meetings of the Conference of the Parties

The draft decision of the Conference of the Parties, in document Com. 9.22, regarding the continuity of staff of the CITES Secretariat, was approved with no comments or amendments.

VII Report of the Credentials Committee

The delegation of the United States of America announced, on behalf of the Credentials Committee, that the credentials of the delegation of Mali had been accepted, bringing the total number of accredited delegations to 112.

After several announcements the session was closed at 17h05.

Eleventh Session: 15 November 1994: 17h55-19h05

Chairman: V. Lichtschein (Argentina)
 Secretariat: J. Berney
 J. Gavitt
 M. Koyama
 J.-P. Le Duc
 Rapporteurs: J. Caldwell
 M. Haywood

XIV Interpretation and Implementation of the Convention

14. Trade in Tiger Specimens

The Chairman of the Standing Committee introduced document Doc. 9.29, which was noted. The delegation of the Republic of Korea presented document Doc. 9.29.2, which outlined the activities recently undertaken by their country to conserve tigers. This document was also noted.

The delegation of China provided further information concerning legislation introduced recently, and explained that the Government of China planned to prevent national trade in products derived from rhinoceroses or tigers. Further information on actions recently taken against poachers and illegal tiger skin traders was introduced by the delegation of the Russian Federation.

The delegation of Thailand introduced the draft resolution contained in Document Doc. 9.29.3 and the Chairman asked for comments. The delegation of India explained that there had been further discussion between the range States since the document had been drafted, and suggested some changes to the text. These were: the words in this regard should be added at the end of subparagraph b), in the paragraph beginning "COMMENDING"; in subparagraph g) of the paragraph beginning "URGES", the words including joining the Global Tiger Forum should be added at the end. The Secretariat outlined a grammatical problem in the English text and suggested that, in the first paragraph under "RECOMMENDS", the text beginning "the governments" and ending "protocols for" should be moved to the start of subparagraph a).

The delegation of the United Kingdom welcomed the draft resolution and asked the representative on their delegation from Hong Kong, who had participated in drafting the document, to comment. The representative of Hong Kong outlined how enforcement efforts, particularly the searching of shops selling traditional medicines, had been increased and stated that there was close co-operation between the Police and Customs. Increased penalties were also proposed.

While welcoming the recent initiatives in combatting trade in tiger products, the observer from the Tiger Trust suggested various amendments to the draft resolution; however, the Secretariat pointed out that these were not acceptable as they had not been authorized by the delegation of any of the range States that had drafted document Doc. 9.29.3. The delegation of India thought that some of the suggested

amendments might have some merit and requested advice from the Chairman. The Secretariat suggested that a small drafting group, composed of the authors of document Doc. 9.29.3 and the observer from the Tiger Trust, meet after the session and report back at the next session with a revised proposal. The observer from the Earth Island Institute said that other NGOs and Parties had been involved originally in drafting the document and requested that these also be involved in the drafting group.

15. Illegal Trade in Whale Meat

Document Doc. 9.57 was introduced by the delegation of the United States of America. Further information on this document was provided by the delegation of Japan, who emphasized their opposition to the illegal trade in whale meat and reported that they had successfully prevented several illegal shipments.

The Secretariat drew attention to the two notes it had added to document Doc. 9.57. The first of these referred to cases where the trade involved non-Parties or Parties that had entered a reservation on the listing and thus the trade was not illegal under CITES. The second noted that CITES could not re-affirm support for the moratorium established by the International Whaling Commission (IWC) as such support had never been recommended by the Conference of the Parties.

Document Doc. 9.57.1, a draft resolution on illegal trade in whale meat, was presented by the delegation of New Zealand, who considered this was a better approach than the statement presented in document Doc. 9.57. They suggested that the draft resolution be amended by the addition of the word whale between "Appendix-I" and "specimens" in the second operative paragraph. The draft resolution was supported by the delegations of Japan and the United States of America.

The observer from TRAFFIC felt that it was unreasonable for the IWC to be looking at illegal trade as this fell outside their remit. Rather the Parties should urge the Secretariat and the Animals Committee to become more involved in the issue. The delegation of Denmark supported the view of TRAFFIC, and proposed some amendments to the text of the draft resolution to make this point. The delegation of the United Kingdom also had some proposed amendments to the text. The Chairman asked them to consult with the delegations of Denmark and New Zealand in order to agree on a form of wording before the next session.

The Chairman closed the session at 19h05.

Twelfth Session: 16 November 1994: 09h25-11h45

Chairman: V. Lichtschein (Argentina)
Secretariat: J. Berney
J. Gavitt
J.-P. Le Duc
Rapporteurs: J. Boddens-Hosang
R. Gabel

The Chairman asked for comments or corrections to documents Com.II 9.7 and Com.II 9.8. No comments were received and the documents were approved.

XIV Interpretation and Implementation of the Convention

15. Illegal Trade in Whale Meat

The Chairman asked the delegation of New Zealand to introduce document Com. 9.26. The delegation of New Zealand noted the changes in this document from document Doc. 9.57.1. The delegations of Belgium, Canada and Greece proposed amendments to the text of the draft resolution in document Com.9.26, as follows. In the third paragraph of the preamble, adequate should be inserted between "lacking" and "international". The third paragraph in the operative section of the draft resolution should be moved to the preamble and international should be inserted between "illegal" and "trade" in that paragraph. These changes were supported by the delegations of Japan, New Zealand, Senegal, Switzerland and Zimbabwe. The document was approved with these amendments. The Chairman noted that document Doc. 9.57.2, from the delegation of Japan, relating to this matter, had been circulated to the Parties that morning.

14. Trade in Tiger Specimens

The Chairman asked for a report on working-group discussions of document Doc. 9.29.3. The delegation of India introduced the document with the modifications suggested by the working group, and further additions were proposed by the delegation of the Republic of Korea. In total, the changes proposed were: addition of within the last five years at the end of the first paragraph of the preamble; addition of in this regard at the end of the last paragraph of the preamble; addition of including joining the Global Tiger Forum at the end of paragraph g) under "URGES"; replacing "protocols" with arrangements in the first paragraph commencing with "RECOMMENDS", and addition of that after "a)" in the same section; and replacing "reducing" with eliminating in paragraph a) under "RECOMMENDS that the governments of tiger consumer States". The observer from the Tiger Trust felt that further changes were needed, but the delegations of Australia, China, Japan and the United Kingdom, and the observers from IUCN, TRAFFIC and WWF, supported the suggested amendments and generally congratulated the range and consumer States of tigers for their co-operation in the development of this document. The draft resolution was approved with the suggested amendments.

22. Transport of Live Specimens

The Chairman of the Working Group on the Transport of Live Specimens (TWG) introduced document Doc. 9.39 and noted certain recommendations by the TWG. First, she noted the need for continued training, which would improve implementation of the Convention with respect to transport of live specimens. The second

recommendation was to transfer to the Animals Committee future responsibility for issues related to transport of live animals. It was believed that transfer of these duties to a permanent committee of the Convention would improve focus on this issue and provide greater opportunity for regional input. The Secretariat supported the statements of the Chairman of the TWG and noted that the Secretariat was including the topic of transport of live animals in training programmes. The observer from the International Air Transport Association (IATA) encouraged continued improvement in compliance with their Live Animals Regulations and noted that these had been incorporated into the regulations of the European Union, the United States of America and other countries. The delegations of Mexico, Senegal and Trinidad and Tobago thanked the Secretariat and the TWG and encouraged the continuation of training. The delegations of Belgium, France, Germany and Switzerland reported that they had conducted studies of mortality in shipments of live birds and generally indicated that increased compliance with the IATA Regulations had resulted in decreased mortality.

The delegations of Australia, Germany and the United Kingdom supported the recommendation of the Chairman of the TWG to transfer responsibility for dealing with transport of live animals to the Animals Committee. A draft consolidated resolution on the transport of live animals was contained in document Doc. 9.19.2 Annex 5, and needed to be amended. The Chairman of the TWG suggested adding to the preamble of the draft consolidated resolution the following paragraphs:

RECOGNIZING the important work of the Working Group on the Transport of Live Specimens in advising the Parties on transport of live specimens and providing technical assistance in conjunction with the Secretariat;

RECOGNIZING the lack of regional representation of the Parties at meetings of the Working Group on the Transport of Live Specimens;

The Chairman of the TWG also suggested that the first paragraph of the operative section of the draft consolidated resolution should be replaced by DECIDES to give the mandate to the Animals Committee to deal with matters related to the transport of live animals, and that in paragraphs l), m) and n) in the operative section, "Working Group on the Transport of Live Specimens" be replaced by Animals Committee. The delegation of the United States of America stated that the Secretariat would be consulted on possible rewording of Resolution Conf. 6.1 Annex 2 to make that Resolution consistent with the draft consolidated resolution.

Since there were no objections to the proposed amendments, the revisions to the draft consolidated resolution were agreed. The Secretariat noted that a

revised document with the amendments needed to be distributed for the morning plenary session on 17 November.

23. Implementation of Article XIV, Paragraphs 4 and 5

The delegation of the United States of America introduced document Doc. 9.40. The Secretariat drew attention to the Notes from the Secretariat and suggested adding, at the end of paragraph a) of the draft resolution, as validated in accordance with paragraph d) below. The delegation of Germany objected to the draft resolution as being superfluous and more restrictive than the Convention. The delegation of Japan also objected, on the basis that adoption of the draft resolution might result in restrictions that would interfere with other existing conventions or agreements. However, they agreed that the provisions of Article XIV should be implemented and would support reconsideration of this proposal in the future, if needed. The delegation of the United States of America suggested that, in an effort to resolve their differences, their delegation and others expressing concerns could convene after this meeting of the Conference of the Parties. They then withdrew the proposed resolution.

13. Conservation of Rhinoceros in Asia and Africa

The Chairman introduced document Com. 9.28 and asked if there were comments or recommendations. The delegation of Kenya suggested that "medicinal" be changed to medicine in paragraph e) under "URGES". The delegation of Germany suggested replacing "reducing" with eliminating in the same paragraph. The document was approved with these amendments.

Before closing the session, the Chairman asked for comments on document Com.II 9.9. The delegation of Uganda referred to the statement of the delegation of

Namibia under section 7 of document Com.II 9.9 and made the following statement:

"On behalf of the eight African States that have signed the Lusaka Agreement, I wish to record in the minutes of this Committee our strong objections to the misrepresentation of the Lusaka Agreement by Namibia in its lengthy comments, which were factually incorrect.

First, I wish to inform this Committee that no NGOs were involved in the negotiation process, which was co-ordinated by UNEP.

Second, UNEP invited Namibia and other countries to participate in the negotiating process. As is its right, Namibia chose not to attend. Had Namibia and other invited States participated in the negotiating process, they would have realized that the objects of the Lusaka Agreement are directed to ensuring sustainable development and certainly not protectionism.

Third, records of all meetings and successive negotiating texts were sent by UNEP to Namibia and other States that did not participate in negotiations.

Fourth, Uganda fully recognizes the central role people and States play in the protection of their own wild fauna and flora. However, it is our belief that treaties such as CITES, the Lusaka Agreement, etc. are accepted by nations on the understanding that co-operation amongst nations holds the best answers to problems that require co-operative action."

The delegation of Zambia expressed support for the statement by the delegation of Uganda.

After further announcements and congratulatory comments on the conduct of the Committee, the Chairman closed the meeting at 11h45.