

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

First Session: 11 June 1997: 09h20-12h00

Chairman: J. Rubio de Urquía (Spain)  
Secretariat: J. Barzdo  
J. Berney  
J.-P. Le Duc  
Rapporteurs: J. Boddens-Hosang  
K. Cook  
M. Groves  
M. Jenkins

## Establishment of the Budget Committee

The Chairman opened the meeting and made some announcements concerning the Budget Committee, which was formally established.

## XIV Interpretation and Implementation of the Convention

### 2. Report on National Reports Required under Article VIII, Paragraph 7(a), of the Convention

The Secretariat introduced document Doc.10.26, whose Annex comprised a report prepared by the World Conservation Monitoring Centre (WCMC). The Secretariat apologized for the fact that the body of the report was only available in English and explained that this was owing to a lack of resources for translation, but noted that the conclusions and recommendations were available in the three working languages of the Convention. They added that the entire report would be translated for inclusion in the Proceedings of the meeting. They drew attention to two major problems identified in the report: late submission of annual reports and poor quality of information in some reports. The former had been recognized by the Conference of the Parties in Resolution Conf. 8.7 as a major problem in implementation of the Convention. The Secretariat noted that this had been addressed several times by the Standing Committee and by the Secretariat themselves, but that no solution had been found. The Secretariat wished to provide encouragement and assistance to Parties, rather than suggest punitive measures, and requested the Committee to discuss how this might best be achieved.

Regarding the quality of information in reports, the Secretariat observed that there was broad inconsistency in the way permit numbers were reported. The Secretariat drew attention to the need for standardization as recommended in paragraph 37 of the Annex to document Doc. 10.26 and in the proposed amendment to Resolution Conf. 9.3. There was also a problem in the taxonomic level at which some reporting was carried out. Parties sometimes only reported trade at a generic or higher taxonomic level. This raised the question of how non-detriment findings could be established for individual taxa as required by Articles III and IV. As permits should specify the individual species or other lower taxon involved, this information should be available for compilation in annual reports. Permits that did not include this information should be considered invalid.

The delegation of the United States of America, echoed by a number of other delegations, thanked the Secretariat and WCMC for an excellent and illuminating report. They noted, however, that contrary to the statement in the report, information on the basis by which the United States of America compiled its annual report was available. They suggested that the Secretariat or WCMC should explicitly ask Parties the

basis for compilation of annual reports. The delegations of the Czech Republic and Switzerland both noted that they had provided information on the basis for compilation of their annual reports, and the delegation of Uganda reported that the basis for their annual reports could be inferred from the information supplied.

The delegation of Malta reported that some permits and certificates did not indicate the use or purpose and that this raised problems in compiling annual reports. The Secretariat responded that inclusion of such information was useful but not vital. The delegation of the Dominican Republic added that many permits did not contain information on origin of specimens in trade and urged Parties to supply as comprehensive information as possible in all cases.

In response to a request for clarification from the delegation of Belgium, the Secretariat responded that the Standing Committee had addressed the problem of late reporting many times but had found no solution, and that the percentage of countries with late submissions was increasing. The delegation of Mali noted that there could be bureaucratic delays in submission of annual reports.

The delegation of the Bahamas, supported by the delegations of Colombia, Togo and Uganda, observed that lack of resources for computerization hampered timely submission of annual reports. The Secretariat responded by noting that countries could supply the Secretariat with information in the form of copies of permits and that these could be computerized by WCMC, which could then produce the annual report itself. Hand-written annual reports were also perfectly acceptable and could be computerized by WCMC. The Secretariat was also investigating ways of assisting Parties to computerize their information where desirable. This would form part of the proposed Information Management Strategy for the Convention, outlined in document Doc. 10.82, but would require external financial resources.

The delegation of Trinidad and Tobago suggested that regional representatives could play a role in improving timeliness of submission of annual reports were they to be supplied with a list of those Parties that were late in submitting them. They also suggested that a preliminary analysis of annual reports on a yearly basis would be helpful.

Noting that the report in the Annex to document Doc. 10.26 had suggested that trade data be made available by Management Authorities as rapidly as possible, the delegation of the Czech Republic observed that in 1996 they had posted such information on the Internet but had been informally advised by the Secretariat to cease doing so. The Secretariat explained that baseline permit information could easily be used fraudulently if made public. They reminded the

Committee that Article IV required that the originals of permits and certificates be returned to the Management Authority but noted that this did not always occur and depended on a good working relationship between the Management Authority and Customs.

The observer from TRAFFIC welcomed the report produced by WCMC and stressed that the information contained in annual reports was central to the management of the species concerned. She urged Parties to make more use of this information and suggested the Secretariat explain to Parties the forms in which this information was available and how it could be used at a national level. She echoed the views of the Secretariat and of many of the delegations that improvement in national reporting would be best achieved by assistance and encouragement rather than punitive measures. She noted that there were particular problems in reporting of trade in plants and also suggested that the recommended format for permits as outlined in Resolution Conf. 9.3 be harmonized with Notification to the Parties No. 788.

The observer from WCMC thanked those who had complimented the report. He noted that identification of problems was easier than finding solutions and reiterated the need to build capacity as outlined in document Doc. 10.82.

The Chairman moved on to consideration of the Secretariat's recommendations for three proposed amendments. The first amendment to be considered was a request by the Secretariat for guidance on the action to be taken where annual reports were not submitted on time or at all, in particular whether positive technical assistance should be provided or coercive measures used.

The delegation of Congo observed that those Parties submitting late reports were often not the poorer countries. The suggestion that the problem was a financial one was in their view one that did not hold water. The failure to submit a national report facilitated illegal traffic since the use of false documents was not brought to light. Parties should not obtain benefits such as export quotas where they had not met their obligations under the Convention.

The delegation of the Dominican Republic, supported by the delegations of the Bahamas and of Morocco, took the view that lack of resources could lead to late submission of reports and suggested that the Secretariat should assist those Parties requiring help before punitive measures are taken and that each case should be reviewed separately.

The delegation of the United States of America said that when Parties made decisions, for example on ranching proposals, they should take account of any failure by the Party concerned to inform other Parties about trade in the relevant species.

The delegation of the United Kingdom emphasized the importance of reports, not just for the Secretariat or the Parties collectively, but also for the individual Party concerned and recommended that the assistance of the Secretariat be sought to streamline the process of collecting data.

The Chairman closed debate on this item. Referring to document Doc.10.35, he postponed discussion because there were other documents concerning Resolution Conf. 9.3 which would also need to be considered.

The delegation of the United States of America invited Parties to discuss any concerns with them prior to fur-

ther debate in the Committee, with a view to setting up an informal working group.

In response to a query from the delegation of Belgium, the Secretariat explained how they had arrived at their proposal in paragraph 37 of document Doc. 10.26 on the numbering of permits. This had been discussed with many Parties and the solution proposed appeared to be the most practical one. The delegation of Switzerland expressed its concern that the proposal would add to the burdens of the Management Authorities. The delegation of the United States of America suggested an alternative sequence of characters (ZZ/XX/YYYY) for permits. The delegation of Canada recognized the need for streamlining but also emphasized the need for a certain degree of flexibility and was supported by the delegation of Germany, which noted the administrative cost of changing to a new system.

The Secretariat, in response to a query from the delegation of Switzerland regarding the recommendation in paragraph 38, in which they had pointed to difficulties in identifying species where genera are listed in the appendices, confirmed that their proposal was intended to deal with this difficulty. The delegation of the United States of America supported the Secretariat's proposal but suggested that account should be taken of pre-convention manufactured products.

The Chairman agreed to the suggestion for a working group and closed the discussion on this item.

### 3. Amendment to Resolution Conf.9.1 on Establishment of Committees

Following the presentation by the delegation of the United States of America of document Doc.10.27 (Rev.), the Chairman invited regional representatives to report the outcome of discussions within their regional group. In view of the fact that some regions had not yet discussed this issue, the Chairman postponed further discussion and requested the regions to consider the matter at the earliest opportunity.

### 4. Enforcement

#### a) Review of alleged infractions and other problems of implementation of the Convention

The Secretariat introduced document Doc.10.28, explaining that not all infraction cases had been included in Part 2 because in some cases investigations were continuing. They noted that Parties did not always inform them of the outcome of cases and that this hindered any review. Drawing a distinction between infractions involving individual violations of the Convention and those resulting from a breach by Parties of their obligations, the Secretariat confirmed that both types of infraction were dealt with together in the report. They pointed to the importance of data exchange and informed the meeting that they were working on improving the report by analysing the data to identify trends in order to facilitate enforcement initiatives.

The Chairman decided that each part of the report should be considered in turn. He requested delegations not to discuss individual infractions but to focus on general issues. The delegation of the Netherlands, on behalf of the European Union, stated that the infractions report should deal only with infractions and not with information on adherence to Conference Resolutions. They also considered that the seriousness of each infraction should be discussed in the report. The Secretariat raised no objection but said that they would need criteria in order to determine the seriousness of infractions.

The Chairman adjourned the meeting at 12h00.

Second Session: 11 June 1997: 14h10-17h05

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| Chairman:    | J. Rubio de Urquía (Spain)                           |
| Secretariat: | J. Barzdo<br>J. Berney<br>J.-P. Le Duc               |
| Rapporteurs: | J. Caldwell<br>D. Callister<br>J. Gray<br>T. Inskipp |

The Chairman of the Credentials Committee reported on the outcome of their fourth meeting. To date they had received 111 credentials, of which 109 had been accepted. He urged those Parties yet to submit their credentials to do so as soon as possible.

XIV Interpretation and Implementation of the Convention

4. Enforcement

a) Review of Alleged Infractions and Other Problems of Implementation of the Convention

The delegation of India outlined steps their country was taking to improve CITES enforcement, including training and the establishment of a national co-ordination body to oversee wildlife enforcement activities.

The delegation of Canada supported comments made by the delegation of the Netherlands on behalf of the Member States of the European Union, on the need to distinguish between infractions against the Convention only, and those against national legislation relating to CITES. The Secretariat endorsed this suggestion, indicating that they had endeavoured to do this in document Doc. 10.28, and hoped to be able to do so to a greater extent in the future. After endorsing the comments of the delegation of Canada, the delegation of the United States of America expressed concern that the report did not emphasize high profile cases and those involving significant co-operation between law enforcement agencies. The Secretariat indicated that they had not done this in document Doc. 10.28 because they currently did not have a system that would allow them to rank the severity of infractions in an objective manner.

Parts 2 and 3 of document Doc. 10.28 were introduced by the Secretariat. They indicated that Turkey should be deleted from paragraph 26, as this Party had recently designated a Scientific Authority. The delegation of Saudi Arabia noted that they hoped to designate a Scientific Authority shortly.

The delegation of Colombia indicated that they were taking efforts to combat illegal trade in wildlife, and had adopted measures to facilitate confirmation of their export permits by importing Parties. The delegation of Turkey, a country that had recently become a Party, looked forward to developing a relationship with other Parties and the Secretariat, to assist them in their enforcement efforts. Concern was expressed by the delegation of the Czech Republic that some Parties were seeking permit confirmation through diplomatic channels; the delegation requested that in future confirmation be sought either through Management Authorities or the Secretariat.

Concern was expressed by the delegation of Benin at the European Union not allowing imports of some CITES-listed species for which national export quotas, based on scientific assessments, had been set. The observer from the European Commission explained that they had suspended imports of captive-bred *Python regius* from Benin, but that this suspension was only temporary, pending the provision of further information that would allay concerns expressed in scientific advice provided to the European Commission.

The observer from the European Commission continued by saying that the practice adopted by some Parties of requiring a permit for the importation of Appendix-II specimens had advantages. For example, it facilitated the validation of export permits received from other Parties. The Secretariat outlined initiatives it was introducing to attempt to speed up permit confirmation, and stressed the importance of Parties responding quickly to enquiries received from the Secretariat regarding permits.

The Secretariat introduced Part 4 of document Doc. 10.28, and the Chairman welcomed the conclusion of the Memoranda of Understanding between the Secretariat and both ICPO-Interpol and the World Customs Organization (WCO). The observer from the WCO informed participants of the planned and ongoing co-operative activities between CITES and the WCO, as outlined in document Doc. 10.28. He indicated the willingness of the WCO to publish items relating to CITES for circulation to their 142 Member States. The importance of rapid transmission of information and of co-operation between enforcement agencies in facilitating effective implementation of the Convention was highlighted. The Secretariat indicated that they were planning to publish, jointly with the WCO, a series of enforcement notices. They were also to introduce a CITES enforcement award for outstanding enforcement achievements, to be given to individuals nominated by Management Authorities.

The delegation of the United Kingdom emphasized the importance of communication at the national level between agencies with a CITES responsibility. To this end, they had established a national Steering Committee that had greatly assisted them in implementation and enforcement. They offered to organize an informal workshop to facilitate dialogue between law enforcement personnel participating in the 10th meeting of the Conference of the Parties.

In discussing Part 5 of document Doc. 10.28, the delegation of Switzerland noted that paragraph 110 incorrectly reported their concerns. Their view was that there was a need to distinguish between infractions relating to the Convention and those

specific to Resolutions, but that they had no problems with the latter being included in the infractions report. This opinion was supported by the delegation of Germany.

The delegation of Belgium, supported by the delegations of Germany, Denmark and the Netherlands, indicated that they could not support the draft decision directed to the Parties in paragraph 119 of document Doc. 10.28. They noted that, under new European Union legislation, nearly all existing Resolutions were mandatory and, furthermore, implementation of the draft decision would substantially increase the reporting requirements of the Parties. The Secretariat explained that the draft decision would result in Parties examining their implementation of Resolutions and would highlight those Resolutions that were not being implemented. The delegation of Canada requested clarification on the amount of additional reporting that would result from the draft decision.

The observer from the European Commission referred to a list that they maintained of Resolutions that they were implementing. He indicated that it was likely that the Member States of the European Union would support at a meeting of the Conference of the Parties only those proposed draft resolutions that they intended to implement.

The Chairman recommended that, since several Parties had expressed the view that implementing the draft decision directed to them, as outlined in paragraph 119, would be costly and onerous, the Secretariat might submit a redrafted version of this decision, which would aim to lighten the bureaucratic burden on Parties.

The observer from TRAFFIC applauded the draft decisions directed to the Secretariat in document Doc. 10.28, adding that he was very disturbed by the findings presented in that document.

The delegation of the Netherlands, speaking on behalf of the Member States of the European Union, said they had some serious comments on the infraction report. They pointed out that the proposal of the European Union concerned the need to differentiate between infractions of the Convention and non-compliance with Resolutions. After some discussion on this point between the Secretariat and the observer from the European Commission, the Chairman noted that the Secretariat would redraft the first decision and suggested that the European Commission provide assistance.

The delegation of Mexico urged the Secretariat to include a small paragraph on confiscations of Appendix-I specimens in future reports on alleged infractions in order that trends might be analysed, and promised to draft a proposal on this issue. This

was well received by the Secretariat, which agreed the report was a tool to be used by Parties to aid implementation. This concluded discussion of document Doc. 10.28 for the day.

b) Working Group on Illegal Trade in CITES Specimens

Document Doc. 10.29, including a draft resolution on the establishment of a working group on illegal trade in CITES specimens, was introduced by the delegation of the United States of America. They emphasized that the working group should rely upon external funding for its operation.

The Secretariat outlined several problems associated with such a potential working group, which were set out in document Doc. 10.29. Speaking in support of the draft resolution, the delegation of the United Kingdom pointed out the value of a source of expertise on enforcement, internal to the Convention, alongside the institutions for administrative management and scientific expertise already in existence. The delegation registered some concerns relating to the practical running of such a working group, including the question of confidentiality and cost. Similar concerns were also expressed by the delegations of China, India, Japan, the United Republic of Tanzania and Trinidad and Tobago. The delegation of Belgium believed that co-operation between CITES, Interpol and the WCO could be developed further in place of generating the proposed working group and favoured strengthening of regional enforcement efforts. These views were endorsed by the delegations of Burundi, the Czech Republic, France, Germany and the Netherlands.

The delegations of Canada, Colombia, Mexico and Zambia stated their belief in the need for the proposed working group. The delegation of Israel echoed this sentiment, citing the possible potential of the group to offer training in enforcement matters.

The observer from the WCO drew the attention of the Committee to the strengthening of collaboration between his organization and CITES.

In summarizing the debate, the Chairman noted that the speakers had been evenly divided in their opinion of the need for a working group and moved to vote on the draft resolution. However, the delegation of Japan was concerned that it was unclear which delegations had had their credentials accepted and were therefore able to vote. In view of this, the delegation of the United States of America suggested deferring the vote. Accepting this proposal, the Chairman adjourned the meeting at 17h05.

**Third Session: 12 June 1997: 09h15-12h05**

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| Chairman:    | J. Rubio de Urquia (Spain)                                  |
| Secretariat: | J. Barzdo<br>J. Berney<br>J.-P. Le Duc                      |
| Rapporteurs: | J. Boddens-Hosang<br>L. Collins<br>M. Jenkins<br>J. Roberts |

After some announcements by the Secretariat, the Chairman noted that the budget increase proposed by the Budget Committee was likely to be low and asked delegations to be mindful of this in their deliberations.

XIV Interpretation and Implementation of the Convention

4. Enforcement

The delegation of France reported that France would be providing the Secretariat with one of their Customs officers.

b) Working Group on Illegal Trade in CITES Specimens

The Chairman stated that he would call a roll-call vote on the principle of establishing a working group as discussed in document Doc. 10.29. The Chairman of the Credentials Committee reported that, as of 09h00 that morning, delegations of 114 Parties had submitted credentials and 112 of these had been accepted.

The Chairman considered that the subject of the vote was a substantive issue and would therefore require a two-thirds majority of those Parties voting to be accepted. The delegations of the United Kingdom and the United States of America both considered that the matter was procedural rather than substantive but deferred to the opinion of the Chairman.

The delegation of Trinidad and Tobago asked that it be noted that, while they agreed with the decision made at the previous session to postpone the vote, substantial lobbying had taken place in the meantime. The Chairman answered that there had been no time to complete the discussion at the previous session and that he had no control over the events occurring during the night.

The result of the roll-call vote was 35 in favour and 45 against; the Committee had thereby rejected the principle of establishing a working group on illegal trade in CITES specimens.

c) Inspection of Wildlife Shipments

The delegation of the United States of America introduced document Doc. 10.30; the Secretariat then read out its comments.

The delegation of Mexico supported the document and the delegation of India agreed with the principle of the document but considered that its substance was already dealt with in existing Resolutions of the Conference of the Parties. The delegation of Pakistan noted the value of inspection of wildlife shipments and asked the Secretariat for assistance in the form of training courses for Customs officers in developing countries.

The delegation of Belgium, supported by that of Canada and the observer from TRAFFIC, noted that while they also concurred with the principle of the document, they considered the language in it to be too general to be useful. A strategy should be developed under the Memorandum of Understanding between CITES and the World Customs Organization (WCO) which would entrust the Secretariat with the role of addressing relevant Customs issues in co-operation with the WCO. The delegation of Canada agreed but noted that enforcement agencies other than Customs should also be taken into account.

The Chairman suggested that the delegation of the United States of America convene an informal working group with the delegations of Belgium and Canada, the Secretariat, the observers from TRAFFIC and WCO and any others interested in order to draw up an amended draft resolution which contained more specific measures. Discussion of document Doc. 10.30 was deferred.

5. National Laws for Implementation of the Convention

The Chairman noted that all four sub-items of this agenda item would be considered together. The Secretariat then introduced document Doc. 10.31, noting that this agenda item had also been considered at the two previous meetings of the Conference of the Parties. It requested all Parties to send texts of relevant legislation to the Secretariat when asked to do so, to allow the Secretariat to carry out its functions in this regard.

The Secretariat announced the following amendments to document Doc. 10.31 Annex 1: Point 1. add Czech Republic; Point 2. delete "Czech Republic" and add Argentina; Point 3. delete "Argentina"; Point 6. add Honduras; Point 7. delete "Honduras"; Point 10. delete "Honduras". The Secretariat then drew the attention of the Committee to Annex 3 of the document.

The Chairman opened the floor to any comments related to paragraphs 1-17 of document Doc. 10.31. The delegations of the following Parties announced progress in the implementation of the Convention in their countries: Argentina, Bolivia, Brazil, Chile, Côte d'Ivoire, the Czech Republic, the Dominican Republic, Egypt, Hungary, Indonesia, Kenya, Mali, Mauritius, Nicaragua, Papua New Guinea, Saudi Arabia, Sri Lanka and Uganda. The observer from the European Commission also reported progress by the Member States of the European Union. The delegations of Brazil, Colombia, the Dominican Republic, Honduras, India and Indonesia queried their categorization in Annex 1 of the document; this would be taken up by the Secretariat.

The delegation of the United States of America expressed strong support and stated that they were

pleased to have been able to provide external funding to support the project. They strongly stressed that some action was needed to address those countries that had not enacted relevant laws, communicated with the Secretariat or initiated any efforts to enact relevant legislation to implement CITES.

The delegation of the United Republic of Tanzania expressed concern that sanctions would be imposed on those Parties that were having difficulties in implementing their national legislation and suggested removing draft decision 1 a) in Annex 3 of document Doc. 10.31. They requested that the Secretariat find a solution to assist such Parties in speeding up the process by identifying additional resources. This was supported by the delegations of Costa Rica, Djibouti, Morocco, Nicaragua, the Sudan, Tunisia, Uruguay and Zimbabwe.

The delegation of the United Kingdom, supported by the delegation of Japan, emphasized the need to

improve transparency of the analysis process as they believed this would assist other Parties. The observer from TRAFFIC, speaking also on behalf of WWF, agreed and expressed her concern about the lack of implementation of the Convention by a number of Parties, offering to assist such Parties if needed. The observer from FAO also remarked that assistance was available to countries under a joint arrangement with UNDP.

The Chairman summarized, stating that there had been a general feeling that the exercise begun at the eighth meeting of the Conference of the Parties was a positive one although there were some reservations. He requested the delegates to return to the next session of the Committee with amendments to qualify paragraph 1 in Annex 3 of document Doc. 10.31.

The meeting was adjourned at 12h05 after some announcements by the Secretariat.

Fourth Session: 12 June 1997: 14h10-17h05

Chairman: J. Rubio de Urquia (Spain)  
Secretariat: J. Barzdo  
J. Berney  
M. Astralaga  
J.-P Le Duc  
Rapporteurs: J. Caldwell  
D. Callister  
M. Groves  
J. Roberts

#### XIV Interpretation and Implementation of the Convention

##### 5. National Laws for Implementation of the Convention

The Secretariat announced some minor textual amendments to Annex 3, paragraph 1 b), of document Doc. 10.31 as it appeared to be unclear to several delegations. The revised paragraph would now read, "Before 9 June 1998, the Secretariat shall report on the progress on the adoption of national legislation that substantially improves implementation of CITES within a Party identified in paragraph 10 of Annex 1 to Doc. 10.31, and the Standing Committee shall decide whether the Decision in paragraph a) shall apply or not to that Party. The report shall include the comments of that Party."

The delegation of Colombia expressed concern that bias might be introduced if only the recommendations of the Secretariat were reported to the Standing Committee. However the Secretariat gave its assurance that any comments from the relevant Party would be attached to its report. The delegation of Australia suggested that the draft decisions of the Conference of the Parties should include a paragraph to this effect. In reply to a question from the delegation of Nicaragua concerning criteria to determine "progress" in the above paragraph, the Secretariat explained that the Standing Committee was very flexible in this regard and would review each case on an individual basis. The delegation of Uruguay was worried that the penalties included in paragraph 1 a) were very harsh and was concerned that it was inappropriate for the Standing Committee to apply such trade restrictions. The Secretariat clarified that the Standing Committee only made recommendations and that it would be up to the Conference of the Parties to approve these or not.

The delegations of the Czech Republic and the United States of America expressed their satisfaction with the proposed changes. The delegation of the Netherlands, speaking on behalf of the Member States of the European Union, also supported the draft decisions as amended but wished to point out that national legislation was not a perfect indicator of the adequacy of implementation of the Convention. The Chairman noted that, as there appeared to be consensus, the draft decision 1 was approved as amended. Draft decisions 2 and 3 were approved without objection.

The Secretariat introduced paragraphs 18 to 21 of document Doc. 10.31 which were noted. Discussion then commenced on paragraph 4 of Annex 3 and the delegation of Trinidad and Tobago pointed out that the wording in sub-paragraph a) i) appeared to be too restrictive and suggested the words "in effect" be replaced by initiated. The Secretariat concurred with this and paragraph 4 was approved as amended. Paragraphs 5 and 6 were approved without comment.

The Secretariat introduced paragraphs 22 to 40 of document Doc. 10.31, outlining the work to be completed between the 10th and 11th meetings of the Conference of the Parties which included providing increased assistance to Parties in drafting legislation. It cited the model law developed for South American countries as an example. In particular, assistance would be provided to the specific countries that fell into categories 2 and 3. The Secretariat also noted that a new edition of 'Guidelines for Implementing CITES Legislation' would soon be available in the three working languages of the Convention. The delegation of Colombia asked for clarification of the "model law" and the Secretariat explained that this was simply a tool to simplify the process of establishing legislation. The delegation of Latvia was concerned about the deadline for submission of legislation for new Parties and the Secretariat replied that a reasonable period would be allowed. The observer from IUCN urged Parties to continue to submit their analyses as soon as possible and emphasized the need for co-operation between NGOs and Parties.

The Chairman announced that Phase III was approved and the report submitted by the Secretariat was noted.

Returning to Annex 3 of the document, all draft decisions directed to the Secretariat were approved without comment and document Doc. 10.31 was approved as amended.

##### 6. Training

The Secretariat introduced document Doc. 10.32, pointing out an error in the map in Annex 2. The delegations of a number of Parties and the observer from the World Customs Organization thanked the Secretariat for their efforts in regard to training, indicating that participation in these initiatives had been extremely beneficial. Appreciation was expressed to Parties and other organizations that had provided support for CITES training, either in kind or financially.

The delegations of several Parties mentioned that their countries had yet to receive any training assistance from the Secretariat and expressed a strong interest in doing so in the future. In response to a question from the delegation of Ethiopia, the Secretariat explained that the schedule of training activities was largely based on requests received from Parties, limited by constraints imposed by time and funding. They indicated that training was imminent in some countries or regions that had not yet participated in CITES training. They hoped to continue to increase the geographic spread of their training, subject to funding and requests from Parties. The delegation of Saudi Arabia offered assistance in reviewing any new training material prepared in Arabic.

The delegation of Australia requested that the Secretariat extend to non-party small island developing States the planned assessment of training needs of Parties outlined in paragraph 41 of document Doc. 10.32.

The delegation of the United States of America pointed out that Annex 4 of document Doc. 10.32 omitted some of their financial contributions to training activities, and stated that corrections would be provided to the Secretariat. They also indicated that they had funded their own CITES-related training initiatives in a number of countries. The delegation of Spain indicated that a Spanish university would introduce a Masters course in 1998, for Spanish-speaking countries, on the management and control of species listed in the appendices.

The delegation of Chile informed participants that a training seminar would be held later in 1997, in conjunction with the eighth meeting of the Plants Committee. They also suggested that Parties attend neighbouring countries' national CITES training seminars. The Secretariat indicated that this had occurred in the past and the Chairman suggested that countries notify their neighbours when holding national CITES training seminars.

In response to a request for clarification from the delegation of Canada, the Secretariat stressed that new training initiatives were designed to complement and enhance existing programmes.

The Chairman concluded the discussion by thanking all Parties and observers who had contributed to the Secretariat's training programme and encouraged the continuation of this commendable work. Document Doc. 10.32 was approved.

7. Implementation of the Convention in Small Island Developing States

The Secretariat introduced document Doc. 10.33, directing participants to the recommendations of the Pacific Island States Regional Meeting on CITES, as outlined in paragraphs 31 to 49. The facilitation of SIDS' participation in, and accession to, the Convention was supported by the delegations of Australia, the Bahamas, Dominica, France, the Netherlands, on behalf of the Member States of the European Union, New Zealand, Trinidad and Tobago and Vanuatu. The delegation of Trinidad and Tobago indicated that there were now only two States in the Caribbean region yet to become CITES Parties. The delegations of Dominica and of the Bahamas noted that there were recommendations in paragraphs 31 to 49 of document Doc. 10.33 that could also apply to SIDS in the Caribbean.

In conclusion, the Chairman noted the broad support for the document. He requested that interested Parties form a working group to prepare a document based on the recommendations included in document Doc. 10.33, and that this be brought back to the Committee for consideration.

3. Amendment to Resolution Conf. 9.1 on Establishment of Committees

The Chairman asked to be updated on regional consultation on this agenda item. The delegation of the United States of America indicated that they would probably withdraw document Doc. 10.27 (Rev.) if discussion indicated that there were no consensus on this issue. Further discussion of this item was deferred.

8. Relationship with the International Whaling Commission

The delegation of Japan introduced the draft resolution contained in the Annex to document Doc. 10.34 (Rev.). They outlined their justifications, highlighting decisions taken by the International Whaling Commission (IWC) that did not reflect the views of its Scientific Committee. They therefore felt that CITES should not base its decisions on those made by the IWC. Furthermore they urged a repeal of Resolution Conf. 2.9, believing that it was based on the assumption that any use of whales would endanger their populations.

On behalf of the Member States of the European Union, the delegation of the Netherlands expressed concern that the draft resolution in document Doc. 10.34 (Rev.) did not provide a good reflection of the work undertaken within the IWC. They believed that whaling issues were within the competence of the IWC and that the first step in reducing the level of protection for whales should be taken by that body and not by CITES. They therefore opposed the draft resolution. This view was supported by the delegation of Germany who also indicated that the draft resolution omitted certain relevant outcomes of previous meetings of the Conference of the Parties.

The delegation of the Russian Federation expressed the view that the two international instruments were independent, and that actions taken by the IWC should not determine the procedures and decisions of CITES. Similar views were expressed by the delegation of Norway, who outlined a brief history of IWC's management procedures. They felt that decisions within the IWC were made on political rather than scientific grounds and indicated that they supported the draft resolution.

The discussion was suspended and after some administrative announcements the meeting was adjourned at 17h05.

Fifth Session: 13 June 1997: 09h20-12h00

Chairman: J. Rubio de Urquia (Spain)  
 Secretariat: J. Barzdo  
 J. Berney  
 Rapporteurs: J. Boddens-Hosang  
 J. Gray  
 M. Groves  
 M. Jenkins

XIV Interpretation and Implementation of the Convention

3. Amendment to Resolution Conf. 9.1 on Establishment of Committees

The Chairman deferred this item until 16 June after the delegation of Japan, on behalf of the Asian regional group, informed the Committee that the group had been unable to discuss the issue yet.

8. Relationship with the International Whaling Commission

The Chairman reopened discussion on document Doc. 10.34 (Rev.). The delegations of Australia, Brazil, Chile, India, Monaco, New Zealand and the United States of America opposed the draft resolution, basing their opposition on Resolution Conf. 2.9. The delegation of the United States of America indicated also that it was essential for CITES to co-operate with other international conservation organizations as it did with the IWC since almost the beginning of CITES. This was illustrated by various resolutions adopted by both institutions. They added that while some of the preambular language in Resolution Conf. 2.9 might be outdated, the rationale for the operative paragraphs remained valid and that CITES should not withdraw its support from another international organization that had requested its assistance.

The delegations of Burundi, Canada, Namibia, Saint Vincent and the Grenadines and the observer from Iceland spoke in support of the draft resolution, citing Resolution Conf. 9.24 and Agenda 21. Although the delegation of Denmark approved the draft resolution, the delegate from Greenland stated that Greenland, not being a Member of the European Union, supported it. The delegation of Dominica suggested that a review of the listing of healthy whale populations in the appendices be conducted at a future meeting. The delegation of Switzerland requested clarification on the relationship between CITES and other bodies, such as the International Commission for the Conservation of Atlantic Tunas, the International Timber Trade Organization, the World Trade Organization and others.

The Secretariat pointed out that although consultation was essential between complementary Conventions, this did not mean that it was obligatory for there to be strict adherence in one Convention to decisions made under another.

The delegation of Japan called for a point of order and requested a vote by secret ballot on whether to accept the draft resolution in document Doc. 10.34 (Rev.). This request was supported by the requisite number of delegations and the Chairman moved to call the vote.

A number of delegations, including those of the Bahamas, Germany, India, Japan, Monaco, Namibia, Saint Lucia, Trinidad and Tobago, the United Kingdom and the United States of America raised points of order. Most of these concerned the number of the ballot

paper to be used, bearing in mind that a secret ballot was also believed to be in progress in Committee I. The delegation of the United Kingdom, supported by those of Germany and the United States of America, requested a short recess. The Chairman demurred.

The delegations of India and the United States of America were concerned to ensure that only those entitled to vote would vote. After some discussion it was decided that any ballot number except number eight could be used.

Following a vote, the draft resolution was rejected, with 27 votes in favour and 51 against.

12. Revision of the Definition of "Primarily Commercial Purposes"

The delegation of Namibia introduced document Doc. 10.38, summarizing also their arguments set out in document Doc. 10.38.1 (Rev.) in support of the proposed amendment to Resolution Conf. 5.10. They believed that the present interpretation of the term "primarily commercial purposes" was inconsistent with the intent of Resolution Conf. 8.3 and emphasized that at present listing in Appendix I foreclosed options for providing incentives for the conservation of the species concerned. They believed that a precedent for the principle embodied in the draft amendment had been set at the ninth meeting of the Conference of the Parties, when it was agreed that Peru might trade in stocks of wool of vicuña *Vicugna vicugna* that were being held by the Management Authority on the understanding that the returns from trade would be used for vicuña conservation.

They were supported by the delegations of Botswana, Cameroon, China, the Congo, Guinea, Indonesia, Japan, Mali, Mozambique, South Africa, Saint Lucia, the Sudan, Togo, Trinidad and Tobago, the United Republic of Tanzania, Zambia and Zimbabwe, and the observer from the IWMC – World Conservation Trust.

The Secretariat drew attention to its comments contained in document Doc. 10.38, indicating that, while it had sympathy with the ideas embodied in the proposed amendment, it was concerned that, if accepted, this might permit import to take place for clearly commercial purposes (adopting the normal use of this term) contrary to the normal understanding of the provisions of the Convention at the time it was signed. The Secretariat's particular concerns were with respect to the proposed new paragraph 5, sub-paragraphs c), as set out in the Annex to the document. In paragraph 5 c), it believed that "cultural purposes" could include commercial use and that the paragraph should be amended to eliminate this possibility. The Secretariat noted that responsibility for deciding whether an import was primarily commercial might rest with the Standing Committee and that this might provide a solution if it was acceptable.

The delegations of the Netherlands, on behalf of the Member States of the European Union, and the United States of America both sympathized with the intent of the draft resolution but raised serious concerns regarding its current form, which they considered was based on a misunderstanding of the provisions of the Convention, particularly paragraphs 3 and 5 of Article III; these concerned countries of import, not countries of export. They stressed that under these provisions it was the responsibility of the Management Authority of the importing country to decide whether the specimen concerned was to be used for primarily commercial purposes within the country of import. It was not relevant whether or not the export was beneficial to conservation. This was, however, relevant in deciding whether the purpose of import was non-detrimental to the survival of the species involved, as called for in Article III 3. (a). They noted that, under the terms of the Convention, imports for primarily commercial purposes could not be authorized for species or populations listed in Appendix I.

The delegations of Canada, Chile, the Czech Republic, Ethiopia, Germany and India, and the observer from TRAFFIC, also opposed the draft amendment in its present form. The delegation of the Czech Republic stated that they would have legal problems in implementing the amended draft resolution were it to be adopted. The delegation of India noted that, although the term "primarily commercial purposes" was to be interpreted by the importing country, provision was made for consultation with the exporting country. They asked how such consultation would be carried out, and how Parties were to judge the transparency of

such consultations. The delegation of Chile, noting differing conditions in different countries, asked that the proposed amendment be withdrawn and that a revision be prepared in regional working groups.

The delegation of the United States of America asked the Secretariat whether the Parties could adopt draft resolutions that violated the terms of the Convention, to which the Secretariat replied that in this instance what was proposed was an interpretation of the Convention. The Conference of the Parties could interpret the Convention as they wished as long as this did not go clearly against the provisions of the Convention. The delegation of Germany called for a vetting process to be carried out in future to ensure that proposals which clearly violated the terms of the Convention were not put before the Conference of the Parties.

The Chairman, noting the wide divergence of opinion suggested that the delegation of Namibia, the Secretariat and those Parties that had a direct interest in modifying the document should meet to revise the draft resolution for reconsideration by the Committee.

13. Criteria for Granting Export Permits in Accordance with Article V, Paragraph 2

The Secretariat introduced document Doc. 10.39, which it had prepared on behalf of the Standing Committee. There were no comments and the recommendation to repeal the Decision of the Conference of the Parties was approved by the Committee.

After some announcements, the meeting was adjourned at 12h00.

Sixth Session: 13 June 1997: 14h15-17h00

Chairman: J. Rubio de Urquia (Spain)  
Secretariat: J. Barzdo  
J. Berney  
J. Kundaeli  
Rapporteurs: J. Caldwell  
D. Callister  
A. Haywood  
T. Inskipp

The Secretariat indicated that new ballot papers had been prepared and were now available for collection from the registration desk.

The Chairman invited delegates to present any amendments to documents Com.II 10.1, Com. II 10.2 and Com. II 10.3 in writing to the Secretariat.

#### XIV Interpretation and Implementation of the Convention

##### 5. National Laws for Implementation of the Convention

The Chairman invited comments on document Com. 10.5. No comments were received and the document was approved, allowing document Doc. 10.31 also to be approved in its entirety.

##### 14. Illegal Trade in Whale Meat

The delegation of the United States of America introduced documents Doc. 10.40 and Doc. 10.40.1, concentrating their comments on the latter. They indicated that document Doc. 10.40.1 showed that progress was being made in monitoring and controlling illegal trade in whale meat and the document offered suggestions for further improvements. They noted that the illegal whale-meat shipment reported in paragraph 6 of the document had yet to be reported to the International Whaling Commission (IWC) and noted that reports of possible illegal trade in whale meat were made at a conference as recently as last week. Possible sources of illegally obtained whale meat were given.

The Chairman invited comments on documents Doc. 10.40 and Doc. 10.40.1, in particular paragraphs 19 to 24 of document Doc. 10.40.1. The delegation of the United States of America said that they would like to have the suggestions contained in these paragraphs adopted as decisions of the Conference of the Parties.

The delegation of Japan recognized that illegal trade in whale meat was a serious problem that undermined IWC management actions and that they were making and would continue to make every effort to control this illegal trade. They pointed out, however, that illegal trade may be fuelled by a short supply of whale meat resulting from the moratorium on commercial whaling, a view which was supported by the delegation of Norway. The delegation of Japan expressed support for the suggestion outlined in paragraph 23 of document Doc. 10.40.1. However, they indicated that they could not support paragraph 22, as forced disposal of legally acquired stocks would violate the personal rights of those who held them. The delegation of Japan suggested that they could ask holders of the stock to provide samples for DNA analysis, and that this may alleviate concerns associated with the existence of these stocks.

The delegation of Norway, in response to a question from the delegation of the United States of America, provided details of their planned register of samples of

whale meat for DNA analysis. The main purpose of the register was to determine whether meat comes from animals caught in the Norwegian whale fishery. From now on they would be taking samples for DNA analysis from all whales caught in their whale fishery, the results of which would be accessible by others.

The delegation of the Republic of Korea made reference to the co-operative effort outlined in paragraph 11 of document Doc. 10.40.1 and indicated that they would continue efforts to halt illegal trade in whale meat.

Concerns regarding stockpiles of whale meat in Japan were reiterated by the delegation of the United States of America, who agreed to convene a small working group to draft a proposal on this issue to be returned to the Committee for decision. Document Doc. 10.40 was noted.

##### 15. Illegal Trade in Bear Specimens

Document Doc. 10.41 was introduced by the Secretariat, pointing out that a revised report to that included in Annex 2 had been received from Japan, containing information on bear species found in that country. The delegations of China and the Republic of Korea apologized for not supplying the information requested in Notification to the Parties No. 946, dated 18 November 1996, indicating that the information would be presented to the Secretariat shortly. The delegation of the Republic of Korea also provided extensive details of their enforcement and public awareness efforts aimed at controlling trade in bear parts and derivatives. The delegation of the United States of America thanked those countries that had responded to the Notification and urged those that had not, to do so. They requested that discussion on this agenda item be limited to trade in bear parts and derivatives and not pertain to issues of listing of bears.

Document Doc. 10.41.1, co-sponsored by the delegations of Japan, the Russian Federation and the United States of America, was introduced by the delegation of the Republic of Korea. The delegation of China pointed out that they were also a sponsor of the document. The delegation of the United States of America proposed some minor amendments to document Doc. 10.41.1 as follows: the word confirming, be added at the beginning of operative sub-paragraph a), in the paragraph beginning "URGES"; in the same paragraph, in sub-paragraph d), the words or encouraging be inserted after the word "initiating"; and the words where necessary, be inserted between the words "measures" and "to" in the paragraph beginning "RECOMMENDS". Inclusion of these amendments was supported by the delegation of Japan.

The Secretariat suggested adding the words and sending a report to the Secretariat by 31 December 1997, for submission to the Standing Committee to the

end of sub-paragraph b), in the paragraph beginning "FURTHER RECOMMENDS". It also suggested that the following sub-paragraph should specify the body that should convene a workshop.

The delegation of the Netherlands, on behalf of the Member States of the European Union, suggested the addition of two new sub-paragraphs under the paragraph beginning "URGES", which called for national management plans and hunting quotas. These additions were not supported by the delegation of the United States of America and were further opposed by those of Canada, Romania, the Russian Federation, South Africa and the United Republic of Tanzania because, amongst other things, bear management authority lies, in most of these countries, with the states or provinces. In consequence, the delegation of the Netherlands withdrew their suggested additional text.

The delegation of India suggested a text change in the operative paragraph beginning "URGES", however this was not supported by the delegations of the Russian Federation and the United States of America, and was not approved by the Committee.

Document Doc. 10.41.1 was approved with the inclusion of the amendments proposed by the delegation of the United States of America and the Secretariat.

The Chairman announced that Agenda item 17 on trade in tiger specimens had been deferred to a later session and Agenda item 18 on trade in African elephant specimens would be discussed in Committee I. He then adjourned the session for five minutes to allow delegates to collect some documents. The session resumed at 16h00.

#### 19. Trade in and Conservation of Rhinoceroses

##### a) Implementation of Resolution Conf. 9.14

Document Doc. 10.47 was introduced by the Secretariat which expressed appreciation to the IUCN/SSC Rhinoceros Specialist Groups and TRAFFIC, all of whom had provided assistance in collecting field data and in developing standardized indicators. They drew particular attention to the conclusions and recommendations given in paragraphs 32 to 38.

The delegation of South Africa warmly endorsed the recommendations, especially paragraph 32, and expressed appreciation for the assistance provided to their rhinoceros conservation programmes by donor organizations. The delegation of the United Republic of Tanzania was concerned by paragraph 23 of the document as they felt it did not accurately reflect the current state of their rhinoceros management programme. The Secretariat agreed to change this paragraph if the delegation of the United Republic of Tanzania provided an appropriate alternative.

Additional data for the table showing rhinoceros population status were provided by the delegation of Namibia which reported that their rhinoceros populations were rapidly expanding from the very low figures of 20 years ago. The delegation of Zimbabwe also reported that their rhinoceros populations were increasing and the delegation of the Sudan reported that they had sent a rhinoceros to the United States of America for captive-breeding. The delegation of Nepal announced that the rhinoceros population in the Chitwan National Park had increased to 500 from a figure of 100 in the late 1960s owing to conservation measures. However, they added that they would need financial assistance in order to implement the Rhinoceros Conservation Action Plan.

The delegation of India remarked that the document indicated an increase in the population of *Rhinoceros unicornis* and they urged that the UNEP Elephant and Rhinoceros Facility should become active again without affecting the Trust Fund. They thought that there was a feeling in the Asian Rhinoceros Specialist Group that support for rhinoceros conservation in Asia had been less than in other areas, despite the fact that Asian rhinoceros horn fetched up to three times the price of African horn.

The delegation of the United States of America recommended that discussion of funding for the development of standardized indicators be discussed by the Budget Committee; they were also concerned by the financial implications of reactivating the UNEP Elephant and Rhinoceros Facility. They stated that on 13 March 1997 the Fish and Wildlife Service had announced the awarding of the first-ever grants issued under authority of the Rhinoceros and Tiger Act of 1994. They explained that the Act provided monies to fund projects that would enhance sustainable development programmes to ensure long-term rhinoceros and tiger conservation. Congress had authorized USD 200,000 in funding for fiscal year 1996 and USD 400,000 for fiscal year 1997. Four projects were funded, which directly benefited African rhinoceros conservation: two in Kenya, and one each in South Africa and the Democratic Republic of the Congo. An additional five projects were funded, which directly benefited Asian rhinoceroses: two projects in India and two in Indonesia. Two projects were funded, which would benefit both tiger and Asian rhinoceros conservation. Combined awards for these projects totalled USD 154,221. The delegation of the United States of America could provide copies of the announcements of the grants programme, which had already been sent to Management Authorities of all the rhinoceros range States and the CITES Secretariat.

The delegation of the United Kingdom believed the report to be both useful and informative but warned that, although the figures suggested that rhinoceros population declines may have been stemmed, the populations levels were still critically low. They reported that the United Kingdom had funded rhinoceros projects in Africa and had sponsored a member of the African Rhinoceros Specialist Group. However, they warned that the proposal for further work on developing indicators would need careful consideration by the Budget Committee.

In response to a query from the Secretariat concerning the situation in the Garamba National Park since the change of government in the Democratic Republic of the Congo, the observer from IUCN reported that they were in contact with the new government and had been allowed to visit the park to assess the status of the rhinoceroses. Despite inevitable losses of capital equipment the position of the northern white rhinoceros was still positive.

There being no further discussion, document Doc. 10.47 was accepted pending discussion of the financial aspects by the Budget Committee.

##### b) Trade in Live Rhinoceroses from South Africa

The Secretariat asked the delegation of South Africa to present document Doc. 10.48, which contained a report on all live animals and hunting trophies of *Ceratotherium simum simum* exported from South Africa in 1995 and 1996. The delegation of India noted that most of the exports were to non-

range States and the delegation of South Africa explained that only the exports to Etosha National Park were for *in situ* breeding, the remainder being mainly for display purposes.

There being no further discussion the Committee noted the contents of the document.

25. Sale of Tourist Items of Appendix-I Species at International Airports, Seaports and Border Crossings

The delegation of the United States of America introduced document Doc. 10.57 and gave an outline of its contents. The Secretariat requested that, following the policy of consolidating Resolutions, the text of this draft resolution, if accepted, be incorporated with that of Resolution Conf. 4.12 (Rev.). The delegation of Australia supported this proposal but thought the last paragraph of the draft resolution could be improved. This was agreed by the proponent and the Secretariat agreed to consult with those two delegations to find appropriate wording for the revision. The delegation of the Netherlands, speaking on behalf of the Member States of the European Union, also expressed support for the substance of the proposal.

The delegations of Namibia, Saudi Arabia and Uganda were worried that the financial implications of setting up displays at airports might seriously affect their field programmes. However, the delegation of the United States of America pointed out that implementation of Resolutions was not mandatory and expressed the hope that the draft resolution would encourage donors to come forward.

The delegation of Switzerland, noting that the proposal concerned only Appendix-I specimens, wondered whether in the future it might be possible to issue certificates for the re-export of the many Appendix-II specimens available at airports.

The observer from TRAFFIC believed that the last paragraph of the draft resolution should also mention points of entry and added that TRAFFIC was keen to assist in locating sources of funding, including commercial sponsorship.

There was no further discussion and the document was approved subject to some amendments.

After some announcements by the Secretariat the meeting was adjourned at 17h00.

## Seventh Session: 16 June 1997: 10h55-12h10

Chairman: J. Rubio de Urquía (Spain)  
Secretariat: J. Barzdo  
J. Berney  
G. van Vliet  
Rapporteurs: J. Boddens-Hosang  
J. Roberts

### XIV Interpretation and Implementation of the Convention

#### 23. Trade in Plant Specimens

##### a) Implementation of the Convention for Timber Species

The Chairman of the Plants Committee introduced document Doc. 10.52 and thanked the Timber Working Group, the former Chairman of the Plants Committee, the Secretariat and the rapporteurs for their work on this document. After the introduction of Annex 2 of this document, the delegation of the United States of America suggested adding the words at the time of import to the end of paragraph d). Regarding the final paragraph of Annex 2, they suggested that the certificate of origin should also contain the names and addresses of the importer and of the exporter as this was critical if there was a problem with the validity of the certificate. In paragraph iii), the observer from TRAFFIC recommended deleting "The Customs official or" and the Secretariat recommended deleting "CITES". The paragraph would then read, "The appropriate enforcement personnel...". This was supported by the delegation of Spain. The draft amendments to Resolution Conf. 9.3 in Annex 2 were subsequently accepted as amended.

As no comments followed the introduction of Annex 3 by the Chairman of the Plants Committee, the draft amendments to Resolution Conf. 9.4 in Annex 3 were accepted.

With regard to Annex 4, the delegation of the United States of America noted that there might be enforcement and implementation difficulties with species other than timber which were listed in Appendix III and would therefore not support Annex 4. The Secretariat explained the background to the wording in the Annex and noted that the conclusion of the Timber Working Group was that it could apply to certain taxa. This was supported by the delegations of Brazil, France, Ghana and the

United Kingdom. The Secretariat recommended that the first sentence in paragraph iv) be preceded by that for species that are traded for their timber. In response to a request from the delegation of the United States of America for further clarification regarding Appendix-III species, the Secretariat referred to Annex 6 of document Doc.10.52, which would be discussed later. The delegation of Australia supported the suggested amendment by the Secretariat but counselled caution in amending existing Resolutions so as not to compromise their original intent. The draft amendment to Resolution Conf. 9.25 and the amendment suggested by the Secretariat were accepted.

Concerning Annex 5, paragraph g), the delegation of Brazil asked whether the notion of silvicultural techniques had been considered in the definition of artificially propagated. The Secretariat referred once again to Annex 6, which would be discussed later. The delegation of France suggested a few changes to the French translation of the Annex; the Secretariat agreed they would look into the matter. The delegation of France was also concerned about the term "monospecific". This concern was shared by the delegations of Cameroon and Indonesia. In response the Secretariat explained that this had been thoroughly discussed in the Timber Working Group and, for the time being, related solely to those species currently included in the appendices. This was supported by the delegation of the United States of America and the observer from TRAFFIC. The delegation of the United States of America also stressed the importance of paragraph i). The Secretariat suggested adding in accordance with the definition contained in Resolution Conf. 9.18 at the end of paragraph g). Annex 5, including the suggested amendment, was accepted.

After an announcement by the Secretariat, the meeting was adjourned at 12h10.

Eighth Session: 16 June 1997: 14h20-16h50

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|--------------|---|
| Chairman:    | J. Rubio de Urquia (Spain)                          |
| Secretariat: | J. Barzdo<br>J. Berney<br>G. van Vliet              |
| Rapporteurs: | D. Callister<br>J. Gray<br>T. Inskipp<br>J. Roberts |

XIV Interpretation and Implementation of the Convention

23. Trade in Plant Specimens

a) Implementation of the Convention for Timber Species

The Chairman of the Plants Committee outlined document Doc. 10.52 Annex 6. The delegation of the Netherlands supported the draft decisions in Annex 6 and offered to make available expertise for the preparation of identification materials, as referred to in paragraph 3 of draft decisions directed to the Secretariat. The Secretariat informed the Committee of work on this issue already under way in Spain, and noted that the delegation of the Netherlands should take this into account.

The delegation of Canada observed that the Inter-governmental Panel on Forests had already completed its task and that, therefore, the words or appropriate follow-up organization should be inserted after "(IPF)" in paragraph 9 of the draft decisions directed to the Secretariat. They further stated that they considered Resolution Conf. 9.24 unsuitable for application to tree species, as they considered the current criteria for amendment of Appendices I and II too broad. Consequently, they wished the Timber Working Group to continue its work beyond this meeting of the Conference of the Parties. They also requested the terms of reference for the Group to be amended and proposed wording to reflect this, namely the insertion of to enable it to, inter alia, consider the listing criteria and other text in Resolution Conf. 9.24 in relation to the listing of tree species in Appendices I and II after "be established" in paragraph 3 of the draft decisions directed to the Standing Committee. They stated that they would contribute to the funding of such work; they also envisaged that any potential proposals from the Timber Working Group to amend the listing criteria would be submitted to the Standing Committee as a contribution to full review of the criteria before the 12th meeting of the Conference of the Parties, as recommended in Resolution Conf. 9.24.

The delegation of France supported the draft decisions in Annex 6 and offered to contribute expertise to the work of the Timber Working Group in preparing identification materials for tree species. They asked that the Timber Working Group consider the relevance to its work of forestry management techniques and Resolutions pertaining to ranching and quotas. Noting that this would increase and complicate the Group's work, the delegation of France requested a change in composition of the Timber Working Group to allow input

from specialized agencies, such as FAO and the International Union of Forestry Resources.

The delegations of Brazil, Liberia and Malaysia, and the observer from ITTO, agreed with the proposals of the delegation of Canada. The delegation of Malaysia added that, if the question of the application of the listing criteria to tree species could not be resolved before full review of Resolution Conf. 9.24, then the consideration of timber species proposals should be deferred until after that review. They were concerned that alteration of the composition of the Timber Working Group could disturb the balance of interests within that Group.

The delegation of the United States of America agreed with the delegations of the Netherlands and France and supported the draft decisions in Annex 6. However, they were unable to agree with the proposal of the delegation of Canada to amend the wording of paragraph 3 of the draft decisions directed to the Standing Committee. This was because they thought it inappropriate for the Timber Working Group to consider the applicability of the criteria to amend the appendices, as they had understood that this task would be carried out by the Plants Committee. Further, they believed that Resolution Conf. 9.24, in itself, contained sufficient provision for future review of the listing criteria.

The delegation of China believed that the Timber Working Group should not continue in existence and that its work should now pass to the Plants Committee. The delegation of the United Kingdom considered that the Timber Working Group should continue. They recognized that Resolution Conf. 9.24 required the criteria to be reviewed before the 12th meeting of the Conference of the Parties, but believed that this was not a task for the Timber Working Group. They were concerned that it was too early to start a review, considering the amount of work that had gone into producing the currently accepted criteria. They were supported by the delegation of Spain.

The observer from IUCN supported the view that the Timber Working Group was not in a position to review the appropriateness of the listing criteria to tree species and that such a review should take place after the 11th meeting of the Conference of the Parties.

The Chairman asked whether the composition and terms of reference of the Timber Working Group would be decided by the Standing Committee, as had happened previously. The delegation of France supported the view that they should and noted that, in this case, recommendations from the Parties regarding these aspects of the Group should be of a general nature. The Secretariat proposed that the

wording of paragraph 1 of the draft decisions directed to the Standing Committee should be revised to read as follows: "The Timber Working Group shall be maintained with its current balance of membership and size until the 11th meeting of the Conference of the Parties".

As a point of clarification, the Secretariat drew the attention of the Committee to the fact that, if the draft decisions contained in Annex 6 were accepted, then that referred to in paragraph a), directed to the Standing Committee or the Plants Committee, would need to be redrafted by the Secretariat.

The Chairman, noting broad consensus for approval of the draft decisions in Annex 6 of document Doc. 10.52, suggested its acceptance, with the exception of the revised wording for paragraph 3 of the decisions directed to the Standing Committee, proposed by the delegation of Canada, because this remained controversial. Whether or not to accept the revised wording was put to a vote in which 26 Parties voted in its favour and 21 against. The proposal was therefore rejected, as it failed to achieve a two-thirds majority. Document Doc. 10.52 was approved, with the amendment to paragraph 1 of draft decisions directed to the Standing Committee, and that to paragraph 9 of those directed to the Secretariat. In addition the Secretariat was requested to reword the paragraphs directed to the Standing Committee and the Plants Committee.

b) Amendment to the Definition of "Artificially Propagated"

The Secretariat introduced document Doc. 10.53 (Rev.), noting that the addition of the wording in paragraph c) of the Annex was the main change to Resolution Conf. 9.18. The delegation of the Netherlands, on behalf of the Member States of the European Union, expressed concerns about the clarity of the wording of the document and also had technical queries to make, and, therefore, requested a working group be set up to address these problems. After a request for further explanation from the delegation of Switzerland, the delegation of the United Kingdom stated that it was unclear in their opinion how the requirements of paragraph c) of the Annex would be applied in practice. The Secretariat offered to resolve these problems in consultation with those concerned and report back later.

26. Trade in Specimens of Species Transferred to Appendix II Subject to Annual Export Quotas

The Secretariat introduced document Doc. 10.58, reporting that it was purely for information. The delegation of the United States of America stated that, in their opinion, the requirements of paragraph 23 should apply only to countries that have quotas approved by the Conference of the Parties and not to all countries that export crocodylian skins. The delegation of Australia agreed with the intent of the comments made by the delegation of the United States of America, but noted that paragraph 23 referred to Resolution Conf. 9.22, which requires that all countries comply. The Secretariat agreed that this view was correct. The delegation of Germany referred to paragraph 24, pointing out that Resolution Conf. 7.14 had been repealed and replaced by Resolution Conf. 9.24 and added that some of the original wording had not been properly incorporated, and that this now needed correction. They did not have specific wording and requested the Secretariat to suggest a solution. How-

ever, the Secretariat referred to the discussion on document Doc. 10.42 in document Com.I 10.6, noting that this problem had been resolved. The Chairman concluded by noting the contents of the document.

32. Universal Tagging System for the Identification of Crocodylian Skins

Document Doc. 10.64 was introduced by the Secretariat. The delegation of the Netherlands, on behalf of the Member States of the European Union, indicated that paragraph 6 of the document contained incorrect information as the new European Union regulation on CITES fully implemented Resolution Conf. 9.22.

The delegation of Germany welcomed the document and highlighted the success of CITES with respect to crocodylian conservation. They considered that Resolution Conf. 6.17 had become superfluous and asked whether it could be repealed. In response, the Secretariat noted that there were elements of Resolution Conf. 6.17 that were not dealt with in Resolution Conf. 9.22 and that it would be unwise, therefore, to repeal Resolution Conf. 6.17 in its entirety. The delegation of Australia agreed and proposed that the Animals Committee, in co-operation with the CITES Secretariat and the IUCN/SSC Crocodile Specialist Group, review Resolutions Conf. 6.17 and Conf. 9.22, with particular regard to elements relating to tracking systems for tags. This proposal was endorsed by the Secretariat and the delegation of the United States of America, who also endorsed the comments of the delegation of Germany regarding the success of CITES for crocodylian conservation. The Chairman directed the Secretariat to prepare a draft decision based on the proposal of the delegation of Australia. Document Doc. 10.64 was noted.

34. Implementation of Article VII, Paragraph 2: Pre-Convention Specimens

The delegation of the United States of America introduced document Doc. 10.66. The draft resolution included in the Annex was supported by the delegation of Trinidad and Tobago. The delegations of Argentina and the Czech Republic stated that the proposal would conflict with their national legislation and they could not endorse the draft resolution.

The delegation of Germany pointed out that although there were advantages to the proposal, it represented an even stricter definition of Article VII, paragraph 2, of the Convention and would further aggravate problems with pre-accession stockpiles of specimens.

The delegation of the United States of America thanked the Committee for its discussion and urged Parties to continue dialogue on this issue. They then withdrew document Doc. 10.66.

35. Captive Breeding

a) Implementation of Article VII, Paragraphs 4 and 5

The Secretariat introduced document Doc. 10.67, pointing out some problems with the draft resolution presented in the Annex. They suggested that the points of concern be returned to the Animals Committee for further consideration and that the deliberations of that Committee be guided by clear terms of reference. The delegation of the United States of America introduced documents Doc. 10.68.1 and Doc. 10.68.2. They suggested that a working group determine the terms of reference for the continued examination of this matter by the Animals Committee. This proposal was supported by the delegations of Australia, the Netherlands, on behalf of the Member States of the European Union, Switzerland and Zimbabwe. The

delegation of Switzerland noted, however, that they had not experienced problems with the implementation of Resolution Conf. 2.12 (Rev.).

The delegation of Germany, supported by the observer from the European Commission, stated that they wished to make substantive progress at this meeting of the Conference of the Parties on resolving this issue. The delegations of Australia and the United States of America expressed sympathy with this opinion, but were concerned that there would be insufficient time for the Committee to address these matters adequately given their complexity. The Secretariat noted that until this issue was resolved there would continue to be infractions of the Convention owing to problems with interpretation and implementation of Article VII, paragraphs 4 and 5.

The delegation of Germany proposed the establishment of a second working group to prepare a revised version of Resolution Conf. 2.12 (Rev.) for

adoption at this meeting of the Conference of the Parties. This was supported by the delegations of Costa Rica, the Czech Republic, France, the Netherlands and the United Kingdom. The delegation of the United States of America suggested the formation of one working group to look at the amendment of Resolution Conf. 2.12 (Rev.) and terms of reference for future work of the Animals Committee on implementation of Article VII, paragraphs 4 and 5. The Chairman asked the Secretariat and the delegation of the United States of America to convene such a working group, which should report back to the Committee.

37. Shipments Covered by Customs Carnets

The delegation of the Netherlands, on behalf of the Member States of the European Union, indicated that they were awaiting indispensable information relevant to this item and asked that discussion on document Doc. 10.72 be deferred. The Chairman concurred and adjourned the meeting at 16h50.

Ninth Session: 17 June 1997: 09h15-12h00

Chairman: J. Rubio de Urquía (Spain)  
Secretariat: I. Topkov  
J. Armstrong  
J. Barzdo  
J. Berney  
A. Beyene  
Rapporteurs: K. Cook  
G. Furness  
J. Gray  
A. Haywood  
T. Inskipp

#### XIV Interpretation and Implementation of the Convention

##### 12. Revision of the Definition of "Primarily Commercial Purposes"

The Chairman asked the delegation of Namibia to introduce document Com. 10.12, a revised draft decision relating to the definition of "Primarily Commercial Purposes". The delegation of Namibia stated that, in redrafting this decision, they had sought to eliminate any conflict between the latter and the terms of the Convention. The delegations of China, Cuba, Japan, South Africa and Trinidad and Tobago and the observer from IWMC—World Conservation Trust spoke in favour of document Com. 10.12. The delegation of Zimbabwe also supported the document, stressing the need for the Convention to evolve.

The delegations of Canada, Chile, Côte d'Ivoire, the Czech Republic, Germany, Ghana, Israel, Mali, Mexico, on behalf of the North American Region, the Netherlands, on behalf of the Member States of the European Union, New Zealand and the United States of America all opposed document Com. 10.12. The delegation of Germany, supported by the delegation of New Zealand, said that they considered that the phrase "in a traditional manner, for cultural purposes" in sub-paragraph c) of the operative part of document Com. 10.12 was insufficiently defined. They believed that it could, on the one hand, be interpreted to lead to a violation of the Convention or, alternatively, may be in accordance with the text of Resolution Conf. 5.10, in which case document Com. 10.12 would be superfluous. They further referred the Committee to Resolution Conf. 5.11 which, they thought, would be rendered redundant if document Com. 10.12 were adopted. They offered to discuss with the delegation of Namibia proposals to amend Resolution Conf. 5.11, as a solution to the perceived incompatibility of the draft decision with the terms of the Convention. They also regretted that the IUCN Environmental Law Centre had not been involved in the preparation of the draft decision.

The delegations of Chile and the Czech Republic stated that the importation of Appendix-I species for commercial purposes would be contrary to their domestic laws. The observer from the European Commission noted that concerns raised in the earlier debate of this document had not been addressed. They added that they believed an adequate definition of the term "primarily commercial purposes" was supplied in Resolution Conf. 5.10, and that it would have been more useful to have supplied a definition of the term "not detrimental", used in Article III, paragraph 3 a), of the Convention. The delegation of New Zealand thought that adoption of document Com. 10.12 would complicate interpretation of "primarily commercial pur-

poses"; that it would contravene the terms of Article II, paragraph 1, of the Convention; and that a proposal to amend the appendices would be the appropriate mechanism to address the concerns of the delegation of Namibia. The delegation of the United States of America agreed that adoption of document Com. 10.12 would be contrary to the terms of the Convention and they further believed that the phrase "in spite of commercial aspects" in paragraph 5 contradicted sub-paragraph 5 c).

The Secretariat noted that the Conference of the Parties had already accepted, in Resolution Conf. 5.10, that an import that is not for primarily commercial purposes may nonetheless have a commercial aspect. They stated that they believed document Com. 10.12 to be redundant, although certainly not contrary to or in contravention of the text of Articles II and III of the Convention. Disagreeing with this view, the observer from the International Wildlife Coalition believed that inclusion of the phrase "in the light of its benefit to conservation" in operative paragraph 2 of the document was tantamount to a contravention of the text of the Convention. He added that the draft decision appeared to be an attempt to allow trade in Appendix-I species without the sanction of the Conference of the Parties. The observers from the Environmental Investigation Agency, Defenders of Wildlife and the World Wide Fund for Nature felt that adoption of the draft decision would undermine the fundamental principles of the Convention. The observer from Defenders of Wildlife also noted that Decisions are not binding on Parties and that there could be multiple interpretations of this draft decision. He added that the concerns of the delegation of Namibia could be addressed in an alternative manner.

The delegation of Namibia pointed out that their draft decision was not concerned purely with pre-Convention stocks, and that the inclusion of the phrase "that are not primarily commercial" in sub-paragraph c) of the operative part of the draft decision was intended to eliminate any ambiguity as to interpretation of "traditional manner, for cultural purposes". They then withdrew document Com. 10.12, registering their disappointment that the needs and interests of some countries had not been recognized.

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

The Chairman invited the Chairman of the Budget Committee to introduce document Com. 10.10, Report of the Chairman of the Budget Committee.

The Chairman of the Budget Committee paid tribute to the members of that Committee, the Secretariat and

the Rapporteur for their hard work and noted that the Budget Committee was united in its support for the Secretariat.

Regarding document Doc. 10.11, Financial Report for 1994, 1995 and 1996, and document Doc. 10.12, Estimated Expenditures for 1997, the Chairman of the Budget Committee noted that the Secretariat had achieved significant savings through prudent spending. He also noted that the problem of late payment by Parties of their contributions to the Trust Fund was becoming increasingly serious, and that the cost of the 10th meeting of the Conference of the Parties was considerably more than budgeted for. With regard to document Doc. 10.14, External Funding, he stated that external funding through the Secretariat totalled over USD 4 million between October 1994 and the end of 1996, that there were other contributions direct to CITES projects which were not covered in the report, and that the donors deserved sincere thanks for their contributions to the work of the Convention.

The Chairman, seeing no objection, stated that Committee II endorsed the recommendations of the Budget Committee with regard to the above documents and asked that thanks be extended to all donors, including Parties, international organizations and NGOs.

The Chairman of the Budget Committee then introduced document Doc. 10.13 (Rev.), Budget for 1998-2000 and Medium-term Plan for 1998-2002. The budget originally proposed by the Secretariat called for an increase of 26 per cent, partly imposed by the growth in the number of Parties to the Convention and partly by anticipated inflation. A recurring theme in the Budget Committee discussions was the difficulties imposed by lack of interpretation for Committee meetings, starting with the Budget Committee itself. That Committee had also agreed that cost savings could be made if the Secretariat were permitted to make staffing decisions without reference to the Conference of the Parties.

Because a large proportion of the members of the Budget Committee had difficulty in accepting a substantial budgetary increase, if any at all, that Committee had asked the Secretariat to prepare a "base operating budget", to cover the Secretariat's current work plus unavoidable increases, which amounted to an 8.66 per cent increase over the previous biennium (document Com. 10.10 Annex 1). That Committee had made no changes in the Secretariat's new proposed base budget, but members expressed concern that full interpretation services were not provided for the Animals and Plants Committees and that savings should be made in any discretionary items to ensure these needs were met.

The Chairman of the Budget Committee also noted that Committee's strong view (recorded in paragraph 25 of his report) that any future draft proposals with budgetary and workload implications for the Secretariat must contain, or be accompanied by, a budget and an indication of the source of funding.

Given the position of many Budget Committee members that budget increases could not be readily supported, it was suggested that the balance in the Trust Fund, which was projected to be 3.622 million Swiss francs (CHF) at the end of 1997, could be drawn on for the budget, with agreement that any draw down should not result in a balance below CHF 2.3 million in any year of the triennium. Three options emerged regarding the 8.66 per cent budget increase:

1. that it should be provided entirely from an increase in the regular contributions of the Parties, with the

use of funds drawn from the Trust Fund balance to cover any further activities resulting from Resolutions or priorities for new work approved at this meeting of the Conference of the Parties;

2. that 5 per cent should be provided by an increase in regular contributions to the Trust Fund and the remaining 3.66 per cent drawn from the balance of the Trust Fund at a rate of CHF 238,860 each year;
3. that it should be drawn entirely from the projected Trust Fund balance at a rate of CHF 520,000 per year.

All options ensured that the projected year-end balance would not be drawn down below CHF 2.3 million. The Chairman of the Budget Committee pointed that, under option 1, projects not included in the base operating budget could be financed at a rate of CHF 440,000 per year; under option 2, such projects could be funded at CHF 200,000; and that, under option 3, no such projects could be funded.

To try to expedite the work of choosing how to finance the 8.66 per cent increase in the base budget, the Chairman of Committee II called for a "straw poll" on the three options to see if one or more could be eliminated from consideration. However, as option 1 received 14 votes, option 2 received 19 votes, and option 3 received 21 votes, there was no consensus.

The Chairman opened a period of discussion before calling for separate votes on each of the options. The delegation of the Netherlands expressed concern at using the projected balance of the Trust Fund for core activities, while the delegation of South Africa was concerned lest work on improving law enforcement, implementing legislation, training and capacity building, and development of standardized indicators regarding rhinoceros conservation be curtailed. The delegations of Latvia and the Russian Federation questioned the accuracy of the Scale of Contributions. The delegation of Japan supported option 1 in order to use the balance for other priorities, while the delegation of the United States of America stated that their country could not increase their contribution and may have to reduce it.

The delegation of Norway had been prepared for a larger increase, and was concerned with the zero increase in the budget proposal for implementing legislation and scientific support from the World Conservation Monitoring Centre (WCMC). They expressed the view that, of the items listed in Annex 3, the most important were the CITES Checklist, the Annotated Appendices and the CITES list server and Web site. This view was supported by the delegation of the Czech Republic.

The Secretary General explained that there was a United Nations requirement that no projects could be commenced until funding had been secured. He was disappointed that there was an increasing tendency for Parties not to pay their annual contributions on time (only 60 per cent had been received for 1996 to date), resulting in many projects failing to start. He noted that the Secretariat regarded interpretation and translation as very important tasks which would cost CHF 2.2 million over the next triennium if the English editor position were not added to the staff. The rate of increase in the number of Parties (about 20 per cent during the last triennium) was likely to continue.

The delegation of the United Kingdom, supported by the delegations of France, Spain and Suriname supported the adoption of option 2 because it was the most balanced option, and would not subject the Secretariat to the budgetary limitations inherent in option 3.

The delegation of Trinidad and Tobago asked whether, following the adoption of option 1, the Trust Fund could be used to fund projects in Annex 3 of document Com. 10.10 and, if so, what percentage of the Fund would be available for the purpose. The Chairman of the Budget Committee confirmed that the Trust Fund could be drawn down annually up to a maximum of CHF 440,000 for priorities from within Annex 3. The Secretary General noted that the availability of this amount would depend upon whether Parties paid their contributions on time.

The delegations of Canada, the Dominican Republic and Germany spoke in support of option 3.

The delegation of New Zealand criticized options 2 and 3, saying that it was not sensible to draw on reserves in order to meet day-to-day running costs.

The delegation of the Czech Republic expressed support for either option 2 or option 3, noting that many Parties did not use any of the three working languages of the Convention, and have to bear the costs of translating documents into or out of the working languages.

The Chairman summarized the discussion and asked for a vote on the principle of whether Parties should draw on the Trust Fund for the budget, explaining that, if this principle were agreed, the meeting would go on to decide between options 2 and 3.

The matter was put to the vote and the Committee accepted the principle of drawing on the Trust Fund, with 73 votes in favour and 9 against.

The Committee then voted on whether to accept option 3 and it was rejected by 46 votes to 27.

The Committee then voted on option 2 and it was accepted by 38 votes to 12.

The Chairman of the Budget Committee said that new projects in Annex 3 of document Com. 10.10 should be prioritized and the Chairman of Committee II opened discussion on paragraphs i), j), k) and l).

The delegation of Dominica thought that the proposal contained in paragraph i) would not be practical because it would be difficult for Parties to identify sources of funding for proposals.

The delegation of Colombia expressed the view that consultations should be held with the Secretariat on three of the paragraphs under discussion, in particular, paragraph i). They felt that, rather than increase the number of staff in the Secretariat, attempts should be made to increase the efficiency of the staff.

The delegations of Canada, Hungary, Malawi and the United States of America expressed support for paragraph i) and the Chairman noted that there was general acceptance of paragraphs i), j), k) and l).

The Chairman of the Budget Committee then outlined the content of paragraphs m), n) and o). The delegation of Spain had some concerns on paragraph n) and

suggested revised wording substituting the following text after "provided" in the final sentence: that it is assured that all Parties have access to identical information.

The Chairman then noted that there was consensus on paragraphs m), n) as amended and o).

The Chairman of the Budget Committee stated that, with these decisions, it was now possible to revise document Doc. 10.13 (Rev.) Annex 6 (the draft resolution).

The observer from WWF, also speaking on behalf of IUCN and TRAFFIC, and supported by the delegation of Madagascar, drew attention to the importance of paragraph l) for the Review of Significant Trade, and also for training and the national legislation project. He was particularly concerned that the budget for the Review of Significant Trade for 1998 had been reduced from CHF 400,000 to CHF 125,000, because he believed that the process was the best tool for ensuring that species listed in Appendix II were not over-exploited.

The observer from WCMC drew attention to the fact that there was a related activity, namely the CITES Information Management Strategy, which was not contained in this document but would require an additional budget of USD 64,000 if approved. The Secretariat concurred.

The delegation of the United States of America was concerned about various projects that had been funded from the Trust Fund, insisting that such projects should be externally funded to the maximum extent possible.

The delegation of Italy, supported by the delegation of France, proposed that provision should be made for a new member of the Secretariat staff to deal with enforcement issues.

The delegation of Australia, supported by the delegations of Colombia, Germany and the United Kingdom, thought that the posts of Permit Confirmation Officer and Assistant Permit Confirmation Officer were not cost-effective, and suggested that the Parties should carry out this function themselves. However, the observer from TRAFFIC endorsed the importance of a full-time Permit Confirmation Officer, but agreed that it was not necessary to maintain the post of Assistant.

The Chairman noted that document Com. 10.10 was approved as amended, including the budget, although he noted that this might be subject to change if decisions taken had budgetary implications. The matter would now be passed to the Standing Committee, which would be informed of the funds available and which would determine priorities for funding.

The Secretary General thanked all Parties for their contributions to the Trust Fund, and expressed the hope that they would make their payments on time.

The meeting was adjourned at 12h00.

**Tenth Session: 17 June 1997: 14h25-17h00**

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|--------------|--|
| Chairman:    | J. Rubio de Urquía (Spain)                           |
| Secretariat: | J. Barzdo<br>J. Berney<br>J.-P. Le Duc               |
| Rapporteurs: | J. Caldwell<br>M. Groves<br>T. Inskipp<br>J. Roberts |

## XIV Interpretation and Implementation of the Convention

### 4. Enforcement

#### a) Review of Alleged Infractions and other Problems of Implementation of the Convention

The Chairman introduced document Com. 10.7 which had been prepared by a working group of Committee II. The Secretariat suggested that the words "preferably in an order that reflects the seriousness of the infractions" should be deleted in the final sentence as seriousness was not quantifiable. There being no further discussion, the document was accepted as amended.

#### c) Inspection of Wildlife Shipments

The Chairman introduced document Com. 10.6 which had been prepared by a working group of Committee II. The delegation of the United States of America pointed out that the word national should follow, not precede, the word "competent" in the draft decision addressed to the Secretariat. There were no further comments and the document was accepted as amended.

### 7. Implementation of the Convention in Small Island Developing States

The Secretariat introduced document Com. 10.9 which had been prepared by a working group of Committee II. The document was supported by the delegations of Australia and Trinidad and Tobago. After the Secretariat had pointed out a minor error in the heading of the French version, the document was accepted.

### 15. Illegal Trade in Bear Specimens

Document Com. 10.13 was introduced by the delegation of the United States of America. The document had been prepared by the Secretariat from document Doc. 10.41.1 after this had been amended and approved by Committee II. The delegation of Colombia queried whether recommendation b) was compulsory. The Secretariat stated that although Resolutions were not binding, they imposed a moral obligation. The document was accepted.

### 25. Sale of Tourist Items of Appendix-I Species at International Airports, Seaports and Border Crossings

The delegation of the United States of America introduced document Com. 10.14, which had been prepared by the Secretariat from document Doc. 10.57 Annex, following amendment and approval by Committee II. Document Com. 10.14 would be consolidated with Resolution Conf. 4.12 (Rev.) if adopted. There were no comments and the document was accepted.

### 32. Universal Tagging System for the Identification of Crocodilian Skins

The Chairman introduced document Com. 10.17, which had been prepared by the Secretariat. There were no comments and the document was accepted.

### 37. Shipments Covered by Customs Carnets

Document Doc. 10.72 was introduced by the delegation of the United States of America who suggested some amendments to the draft resolution contained in the Annex: to amend the title to read Shipments Covered by ATA and TIR Carnets; to delete the second preambular paragraph; to replace the words "a Customs" with an ATA and TIR in the last preambular paragraph; to replace the word "Customs" in the first operational paragraph with ATA and TIR and to replace the word "Customs carnets" in the final paragraph with these carnets.

The Secretariat pointed out that the use of ATA and TIR documents did not absolve anyone from CITES obligations. The delegation of the Netherlands, speaking on behalf of the Member States of the European Union, expressed their support for the document and requested that an addition be included in the draft decision contained in document Com. 10.6 addressed to the Secretariat: to study together with the World Customs Organization, the Customs problems relating to the implementation of CITES as a whole, and particularly the issue of the CITES documents to be required in connection with the Customs procedures to be applied. The document was accepted, including the amendments suggested by the delegations of the Netherlands and the United States of America.

### 38. Frequent Transborder Movements of Personally Owned Live Animals

The delegation of Switzerland introduced document Doc. 10.73 (Rev. 2) Annex prepared in collaboration with the delegation of Germany. The latter added that the document was only the beginning of a process to address various problems with frequent border crossings. The document was supported by the delegations of Canada, the Czech Republic, the Netherlands on behalf of the Member States of the European Union, Saudi Arabia, South Africa, the United States of America and Zimbabwe, and the observer from the North American Falconers' Association. The delegation of France also supported the document and noted that, if a Party considered that the suggested measures were inappropriate, they were not compelled to adhere to them. The delegation of South Africa suggested an additional security measure: to attach a photograph of the permit holder and the animal concerned to the permit on a laminated card.

The Secretariat, whilst sharing the views of the proponents, voiced its concern that the suggested system

would create loopholes for fraud; it would therefore like to see the inclusion of additional precautions. This concern was shared by the delegations of Argentina, the Dominican Republic, Guinea, Honduras, Uganda and Zambia, several of whom mentioned the problems they would have incorporating these measures into their national legislation. The delegation of Argentina further suggested that the issue could be addressed at regional level.

The delegation of Israel suggested that an amendment be made to paragraph g) in the Annex to replace "three years" with six months or one shipment, but several delegations felt that this would be too short a time.

The delegation of Latvia asked for clarification concerning the recognition of certificates of ownership by the relevant authorities in different countries as they considered this issue had not been addressed sufficiently in the draft resolution. The Secretariat suggested that if the draft resolution were accepted a decision could be included stating that the Secretariat would inform the Parties of the existence of these certificates and this information could then be relayed to the relevant agencies. The Chairman concluded from the discussions that there was insufficient support to accept the draft resolution, but a straw poll on the principle of the draft resolution showed 41 Parties in favour and 17 Parties against. As a result an informal working group was set up to discuss the matter further and report back to the Committee.

39. Live Animals in Travelling Circuses

The delegation of the Russian Federation introduced document Doc. 10.74 (Rev.) Annex requesting that the phrase "Live Exhibition Specimens" should now read Live Demonstrated Specimens. The Secretariat referred to various problems with the wording of the draft decision and offered to work with the Parties to find practical solutions. The Chairman stated that the draft decision was accepted without amendment.

41. Designation of Scientific Authorities

The delegation of the United States of America introduced document Doc. 10.76 Annex. The delegation of Zimbabwe supported it in principle and sought clarification as to the level of separation between Scientific Authorities and Management Authorities that would be required by paragraph a) under RECOMMENDS. The delegation of the United States of America stated that it

was acceptable to have the two authorities under the same agency, as long as the same personnel were not involved in both of them. The delegations of Dominica and Mauritius noted that the separation of the two authorities in small island States might often be impossible owing to limited resources. The delegation of the Netherlands, on behalf of the Member States of the European Union, felt that the proposed text was redundant except for the recommendation in paragraph a). The delegation of El Salvador also expressed their support for that recommendation, noting that they had initially had combined Authorities but had recently designated a separate Scientific Authority.

The Secretariat agreed with the delegation of the Netherlands and offered to consolidate this draft resolution, if accepted, with Resolution Conf. 8.6 (Rev.) and Decision of the Conference of the Parties directed to the Secretariat No. 13. It also suggested replacing the word "separate" in paragraph a) under RECOMMENDS with independent. The Chairman then noted that the draft resolution was accepted as amended by the Secretariat and subject to further consolidation.

45. Financing of the Conservation of the Biodiversity and Development of Sustainable Use of Natural Resources

The delegation of France introduced the draft decision in document Doc. 10.81.1 which was supported by the delegations of the Bahamas, the Czech Republic, Dominica, Madagascar, the Netherlands and the United Kingdom, and also by the observer from the *Fédération française des métiers de la fourrure*.

The delegation of the United States of America considered that the draft decision was beyond the remit of the Convention. This view was supported by the delegations of Canada and Zimbabwe, the latter adding that they were trying to encourage the use of wildlife as a form of land-use in preference to the farming of domestic animals, and this would become more difficult if a taxation system were imposed on the former. Although alternative wording was suggested by the delegations of the Bahamas and France, the Chairman concluded that these suggestions were unnecessary, as there was insufficient support for acceptance of the draft decision. He then noted that the draft decision was rejected.

The meeting was adjourned at 17h00.

Eleventh Session: 18 June 1997: 09h15-12h00

|              |   |
|--------------|---|
| Chairman:    | J. Rubio de Urquia (Spain)                              |
| Secretariat: | J. Armstrong<br>J. Barzdo<br>J. Berney                  |
| Rapporteurs: | J. Caldwell<br>D. Callister<br>L. Collins<br>A. Haywood |

Following an explanation from the Chairman of the proposed order of work for the day, the delegation of France asked that the debate on Agenda item XIV 45. be re-opened. This motion was rejected by 15 votes in favour and 33 against.

XIV Interpretation and Implementation of the Convention

46. Development of an Information Management Strategy

Document Doc. 10.82 was introduced by the Secretariat. The delegations of Egypt, the Netherlands, on behalf of the Member States of the European Union, Trinidad and Tobago and the United States of America, and the observer from TRAFFIC, congratulated the Secretariat on the document and expressed support for the initiative, and a willingness to co-operate with its development. The delegation of the United States of America, supported by the delegation of Trinidad and Tobago, indicated that due care should be taken in the process to build on existing infrastructure. The delegation of the United Kingdom agreed but pointed out that this was the approach advocated in the document. They expressed some concern about the implications for the budget but offered to co-operate with the consultants in any feasibility study. The delegation of France stated that they wished the information strategy to include development of materials in all three languages of the Convention.

The delegation of Malawi expressed concern that the document did not adequately address the needs of developing countries and suggested that bilateral initiatives might be more beneficial.

The delegation of Hungary congratulated the Secretariat and the World Conservation Monitoring Centre (WCMC) on the proposal outlined in the document and asked the Parties to endorse it, with the amendment that the proposed pilot study be carried out in a number of countries with varying capabilities, rather than in a single region. This was supported by the delegations of the Czech Republic, Dominica and Sri Lanka. The delegation of Suriname pointed out that the cost of the pilot study might be greater if it had greater geographical scope. The delegation of Costa Rica asked what criteria should be used to select countries for the pilot study. In response, the Secretariat stated that because of the great differences between countries in their level of technological development, it was envisaged that a region would be selected that was experiencing problems with new information management technology. Noting the concerns of the delegation of Malawi, they stated that the pilot study would address the needs of developing countries, with the intent of providing an information system that was cost-effective, efficient and practical. They suggested Africa as a possible region for the pilot study. This was supported by the delegations of Benin, Egypt, Saudi Arabia and the Sudan. The delegation of Saudi Arabia noted, however,

that this might require the preparation of information in the Arabic language.

As there was a lack of consensus, a compromise was proposed by the delegation of the United States of America, supported by the delegation of Colombia. They suggested that the pilot study be conducted in one region, with the provision that Parties that felt that they could contribute to the pilot study be invited to do so. The Secretariat suggested that the Capacity Building Unit within the Secretariat co-ordinate the CITES Information Management Strategy and noted that this approach could make additional funds available for its implementation. Document Doc. 10.82 was approved, with the provisions suggested by the delegation of the United States of America and the Secretariat, and with Africa as the region selected for the pilot study.

17. Trade in Tiger Specimens

The Secretariat introduced document Doc. 10.43, and expressed its pleasure at the initiatives taken by the Parties to address this very serious issue. The delegation of Nepal introduced document Doc. 10.43.2, containing a draft resolution to amend Resolution Conf. 9.13 co-proposed with the delegations of India and the Russian Federation. They highlighted continuing threats to tiger populations, noting current conservation initiatives and the need for greater efforts to enhance the management and conservation of this highly threatened species. They then proposed the following amendments to the draft resolution: under "URGES", paragraph c), last sentence – deletion of "or other Appendix I felidae species"; under "URGES", paragraph f) – deletion of "Parties to encourage"; under "RECOMMENDS", paragraph d) – replacement of "become fully integrated with" by use fully.

The delegation of the United States of America informed the Committee of their bilateral initiatives to conserve the tiger and urged the Parties to adopt this excellent draft resolution.

The delegation of Japan introduced document Doc. 10.43.1, outlining the actions they had taken to implement Resolution Conf. 9.13.

The delegation of India proposed the following addition to sub-paragraph a) under the paragraph beginning "COMMENDING" in the preamble of document Doc. 10.43.2: also facilitated, with governmental and non-governmental support, the Global Tiger Forum in organizing a meeting of 11 tiger range States, three non-range States and two donor agencies, in March 1997, for promotion of technical co-operation, inter-State tiger conservation strategies, training and capacity-building programmes and developing information sharing systems for conservation of tigers and control of trade in tiger products and derivatives through international co-operative efforts.

The delegation of China stated that theirs was a tiger range State and a former consumer of tiger products. They reported that they had now banned import of, and internal trade in, tiger bone and tiger derivatives and had begun capacity building for law enforcement with the World Wide Fund for Nature and TRAFFIC.

The delegation of the United Kingdom, supported by the delegations of the Republic of Korea, the Netherlands, speaking on behalf of the Member States of the European Union, and the Russian Federation, spoke in support of the new amendments submitted by the delegations of India and Nepal. The delegation of the United Kingdom also outlined the financial assistance they had provided for tiger conservation and expressed their pleasure at having been invited to the meeting of the Global Tiger Forum in March 1997. The draft resolution in document Doc. 10.43.2 was then accepted as amended.

#### 44. Traditional Medicines and CITES

Document Doc. 10.79, which contained a number of measures that formed the basis of the draft resolution in document Doc. 10.79.1, co-sponsored by the delegations of Japan, the Republic of Korea and the United Kingdom, was introduced by the delegation of the United Kingdom. They explained that the primary objective was to secure conservation measures for wild species used in traditional medicines by promoting deeper understanding of the relationship between healthcare needs and conservation objectives. The delegation of the United Kingdom explained that the Government of China had been consulted during the preparation of document Doc. 10.79 and that document Doc. 10.79.1 was the product of further discussions between the three sponsoring delegations and that of China during the meeting. The delegation of the United States of America introduced document Doc. 10.80, outlining their efforts since the last meeting of the Conference of the Parties. In particular they mentioned their educational and public awareness work with traditional medicine communities. They considered that this work had been very productive and that they had gained considerable insight into traditional medicine. They supported the draft resolution in principle but had reservations regarding paragraph f) under

"RECOMMENDS" and sub-paragraph iv) under the paragraph beginning "DIRECTS". They felt that captive breeding might stimulate increased demand and requested that these paragraphs be deleted or amended. The delegation of Switzerland and the observer from the Animal Welfare Institute echoed these views.

In response to these concerns, several amendments to paragraph f) were proposed. The delegation of Japan suggested that the words , where appropriate and with sufficient safeguards, be added after the word "consider". The delegation of the United Kingdom further suggested replacing the word "and" in the second line of this paragraph with the words , where this would and the delegation of China suggested that in accordance with their national legislation be added at the end of the paragraph.

These amendments allayed the concerns of the delegations of Switzerland and the United States of America and the draft resolution was accepted as amended by consensus. The Secretariat explained that, if adopted by the plenary session, the paragraph beginning "DIRECTS" would be recorded as a Decision.

#### 18. Trade in African Elephant Specimens

##### c) Stockpiles of Ivory

The Secretariat introduced an information document, Doc. 10.46, which was noted.

#### 14. Illegal Trade in Whale Meat

The delegation of the United States of America introduced document Com. 10.22, which had been prepared from documents Doc. 10.40. and Doc. 10.40.1 by a working group, and indicated that the word "Meat" in the title should be replaced by Products. The delegation of the Netherlands, on behalf of the Member States of the European Union, supported this draft decision and urged that work with the International Whaling Commission should continue as recommended in Resolution Conf. 9.12.

The draft decision was accepted as amended.

The Chairman adjourned the meeting at 12h00.

**Twelfth Session: 18 June 1997: 14h20-15h55**

|              |   |
|--------------|---|
| Chairman:    | J. Rubio de Urquía (Spain)                              |
| Secretariat: | J. Barzdo<br>J. Berney<br>J.-P. Le Duc<br>G. van Vliet  |
| Rapporteurs: | J. Caldwell<br>D. Callister<br>L. Collins<br>A. Haywood |

## XIV Interpretation and Implementation of the Convention

### 23. Trade in Plant Specimens

#### a) Implementation of the Convention for Timber Species

The Secretariat introduced documents Com. 10.18, Com. 10.19 and Com. 10.20, respectively revisions of Annexes 2, 4 and 5 of document Doc. 10.52; all were accepted by consensus.

The Secretariat introduced document Com. 10.21. The English version was incorrect in that it referred to revision of document Doc. 10.52 Annex 5, rather than Annex 6. The major heading Directed to the Standing Committee was inserted before the sub-heading "Regarding the Timber Working Group". The paragraphs contained thereunder were renumbered 1., 2. and 3.. A discussion ensued concerning the size of the Timber Working Group, referred to in renumbered paragraph 1. The delegation of the United States of America proposed that the word approximate be inserted between the words "and" and "size". Under the heading "Regarding annual reports", sub-paragraph 7. v), a volume would be included. Document Com. 10.21, with these amendments, was accepted by consensus.

#### b) Amendment to the Definition of "Artificially Propagated"

The Secretariat introduced document Doc. 10.53 (Rev.) Annex. It noted that in paragraph c), "2" should be replaced with a). It further indicated that in sub-paragraph b) i), "requirements" should be replaced with provisions, and "domestic" with relevant national, to make the wording identical to that used to define captive-breeding. With these changes the document was accepted by consensus.

### 35. Captive Breeding

#### a) Implementation of Article VII, Paragraphs 4 and 5

The Secretariat introduced documents Com. 10.29 and Com. 10.30, apologizing that document Com 10.29 was not available in Spanish. The Secretariat made the following recommendations to amend the document: under "DECIDES", sub-paragraph b) ii) B) 3., the words from "in accordance" through to "Scientific Authority" be moved to follow "gametes" in sub-paragraph b) ii) B); and sub-paragraphs b) ii) C) 2. and 3. be renumbered 2. a) and 2. b) respectively.

The delegations of the Netherlands, on behalf of the Member States of the European Union, and Switzerland asked for the proposed list of animals commonly bred to a second or subsequent gen-

eration to be as comprehensive as possible and not limited to a few commonly bred species. They asked that the time allowed be adequate for the compilation of an authoritative list. The delegation of the Netherlands, on behalf of the Member States of the European Union, regretted that the matter had not been fully resolved, but felt that draft resolution Com. 10.29 was a step forward.

The delegation of Switzerland asked that under "DECIDES", sub-paragraph b) ii) C) 2. a), the word "list" be replaced by listing. After considerable debate this was not accepted. The Chairman informed the delegation of Switzerland that their comments regarding the need for a comprehensive list would be recorded. Document Com. 10.29 was then accepted with the amendments proposed by the Secretariat.

With regard to Document Com. 10.30, the delegation of Switzerland, supported by the delegation of the United States of America, asked that the words following "changes" through to the end of the sentence be deleted. The Secretariat, supported by the delegation of the United Kingdom, indicated that they preferred the existing wording because it provided the Animals Committee with more direction. After some debate, the Secretariat proposed replacing the words "in the light of" with and shall consider. Document Com 10.30 was accepted with this amendment.

#### 37. Shipments Covered by Customs Carnets

Document Com. 10.28, a revised version of document Doc. 10.72 Annex, was introduced by the delegation of the United States of America and was accepted by consensus.

#### 2. Report on National Reports Required under Article VIII, Paragraph 7(a), of the Convention

Document Com. 10.23, prepared by a working group from document Doc. 10.26, was introduced by the delegation of the United States of America and was accepted by consensus.

#### 9. Revision of Resolution Conf. 9.3 on Permits and Certificates

The delegation of the United States of America introduced document Com. 10.24, prepared by a working group and based on document Doc. 10.35. The Secretariat emphasized the importance of the document which would enable several problems to be solved. The delegation of the Netherlands noted that the purpose code "L – enforcement", given in Notification to the Parties No. 788, was missing from the list of purpose codes in both this document and document Doc. 10.35. The Secretariat explained that the text of these two documents had been taken directly from Resolution

Conf. 9.3 and the working group had decided not to include this extra code as it might necessitate changes to established databases and printed permits. Document Com. 10.24 was accepted by consensus.

38. Frequent Transborder Movements of Personally Owned Live Animals

The delegation of Germany reported that a small working group had met to address the concerns raised about document Doc. 10.73 (Rev. 2) Annex. The following amendments to the text beginning "RECOMMENDS" had been proposed: in paragraph a), insert shall for the purpose of the application

of this Resolution immediately after "paragraph 3,;" in paragraph b), insert only after agreement between Parties concerned after "may issue"; in paragraphs h), i) and j), insert concerned after "Parties"; in paragraph h) insert accompanied by the owner after "live animals". The Secretariat congratulated the working group and noted that the amendments now provided sufficient guarantee that the risk of fraud would be minimized. Document Doc. 10.73 (Rev. 2) Annex, as amended, was accepted by consensus.

After congratulatory comments, the Chairman closed the meeting of Committee II at 15h55.

