

Summary Report of the Committee I meeting

| | |
|--------------|----------------------------------------------------------|
| Chairman: | M. Clemente Muñoz (Spain) |
| Secretariat: | W. Wijnstekers M. Lindeque J. Sellar |
| UNEP: | P. Chabeda |
| Rapporteurs: | J. Boddens-Hosang J. Caldwell M. Groves J. Lyke |

The Chairman opened the meeting and urged the Parties to adopt a spirit of cooperation and flexibility to expedite their work. The Secretary-General clarified the process of developing and communicating the Secretariat's recommendations on the proposals to amend the Appendices to the Convention and noted that Parties should use these as guidelines only.

Strategic and administrative matters

11. Nomenclature Committee

b) Recommendations of the Committee

The Chairman of the Nomenclature Committee presented document Doc. 11.11.4.2, concerning the budget of the Committee and certain annotations to and nomenclatural changes in the Appendices to the Convention. He noted that paragraph 3 had already been dealt with by the Nomenclature Committee and the Secretariat. He stated that a number of points had been dealt with at the meeting of the Nomenclature Committee last year, and observed that if the standard references as explained in document Doc. 11.11.4.1, and included in document Doc. 11.39, were adopted, several nomenclatural amendments to particular species listings in the Appendices would need to be made. The delegation of Switzerland noted potential implementation problems associated with these changes, citing *Tupinambis* spp. However, whilst praising the work of the Nomenclature Committee, the delegation of the United States of America believed that the changes could be implemented without problems by Management Authorities and enforcement agencies and recommended that document Doc. 11.11.4.2 be approved.

Following a request from the delegation of Portugal, on behalf of the Member States of the European Union, and after interventions from the Nomenclature Committee and the delegation of Switzerland, it was agreed to refer paragraph 1 of document Doc. 11.11.4.2 to the Budget Committee and to postpone consideration of any recommendations regarding document Doc. 11.39.

Interpretation and implementation of the Convention

25. Procedure for the review of criteria for amendment of Appendices I and II

The Chairman of the Animals Committee presented document Doc. 11.25 on behalf of both the Animals and Plants Committees, providing background to the process of reviewing the criteria for amendment of the Appendices to the Convention. He outlined the composition and functioning, as described in the document, of a criteria working group proposed for establishment by the present meeting of the Conference of the Parties. He recommended that

the Parties make specific budgetary provision to drive this process. He noted that because the criteria apply to some sensitive species, such as timber and, in particular, fish species harvested on a large scale, the proposed working group should consult the International Timber Trade Organization (ITTO) and the Food and Agriculture Organization of the United Nations (FAO). He recognized FAO's own review of the criteria as they apply to fish species, and considered that the two processes should work together.

The delegation of Portugal, on behalf of the Member States of the European Union, expressed general support for the document, but noted that Annex 4 of Resolution Conf. 9.24 should be referred to in paragraph 10, and emphasized the importance of synergy with other organizations. The delegation of the United States of America concurred that FAO should participate and recommended they participate as a permanent member, allowing for four taxonomic experts. They considered that discussion of the applicability of Annex 4 of Resolution Conf. 9.24 should be deferred at this time since the focus should be on the biological annexes. The delegation of Japan urged that the proposed working group should include experts on marine species and representation from countries with a particular interest in such species. The delegation of Malaysia expressed support for the formation of the proposed group and considered that it should be open to Parties as observers. The delegation of St. Lucia, supported by the delegations of Colombia, Cuba, Switzerland, Trinidad and Tobago, and Venezuela proposed nominating Mr H. Jenkins to chair any such group. Mr Jenkins agreed to this.

The representative of the FAO stressed the need for synergy between CITES and FAO, and stated that the official FAO view and recommendations to CITES on this topic would be presented following the forthcoming 24th session of the Committee on Fisheries (COFI).

The observer from the International Fund for Animal Welfare (IFAW) and the Chairman of the Animals Committee requested clarification on participation of observers in the proposed group. The delegation of Switzerland suggested that it operate in closed sessions and present reports to the Animals and Plants Committee meetings where observers would be admitted. The delegation of the United States of America noted that the working group would circulate its product to the Parties, both by Notification and on the CITES website, for comments which would allow ample opportunity for input from Parties, NGOs and intergovernmental organizations. The Chairman suggested that, once established, the group draw up its own rules of procedure.

The Secretariat noted that there appeared to be general consensus on most of the document and, rather than revise the document at this time, suggested the delegation of Australia should review the minutes of the session to establish the appropriateness of the proposed revisions.

Document Doc. 11.25 was approved.

28. Quotas for species in Appendix I

1. Leopard

The Secretariat introduced document Doc. 11.28.1 (Rev.1) and noted that in previous years some Parties had failed to submit the quota reports required under Resolution Conf. 10.14 before the deadline of 31 March. They were concerned that the intended purpose of the quota reporting system had therefore not been fully achieved. However, the Resolution also directed the Secretariat to recommend suspension of imports of leopard trophies from Parties that failed to meet their reporting requirements. Such recommendations had been made and the Secretariat was pleased to announce that all quota reports for 1999 had now been submitted.

The Secretariat would continue to monitor the manner in which quotas were reported and would submit their recommendations to the next meeting of the Conference of the Parties.

2. Markhor

The Secretariat introduced document Doc. 11.28.2 and commended the range State, Pakistan, for having submitted the quota and status reports before the deadline. They noted however that an annual population survey of the species was frequently impractical due to

the nature of the habitat and prevailing weather conditions. The document therefore recommended that status reports should be submitted later and less frequently.

The delegation of Pakistan reported that they had taken several conservation initiatives including conservation funds that were operated by local communities and the hiring of wildlife guides for monitoring populations. They added that some communities had curtailed livestock grazing in core markhor habitats and that certain communities had reduced fuel wood collection from markhor habitat. They recommended the deadline for submission of their report to be extended to 31 May, and to submit the status report three months prior to every meeting of the Conference of the Parties.

The delegation of Israel questioned why the IUCN/SSC Sustainable Use Specialist Group (Central Asia) had been consulted and not the IUCN/SSC Caprinae Specialist Group. The delegation of Pakistan responded that advice from any organization was welcome and that they had consulted several NGOs in this matter. Population status reports could be provided regularly from regions where local communities were involved; however the costs involved in obtaining reports from more remote areas were prohibitive.

The delegation of Japan supported the document and encouraged Pakistan to continue their conservation programme through the sustainable use of the species. The delegation of South Africa congratulated Pakistan for involving local communities in their conservation efforts.

Document Doc. 11.28.2 and its recommendations were approved.

30. Conservation of and trade in tigers

The Secretariat introduced document Doc. 11.30 and noted that the technical and political missions that had been carried out in 1999 had received much attention. They said that the report by the Technical Mission Team had been presented to the 42nd meeting of the Standing Committee but was not attached to the present document due to its length. They noted that it was available on the CITES website and could be provided if Parties wished. They thanked the consumer and producer countries visited during the mission for their cooperation and hospitality and also thanked Canada and TRAFFIC for staff support. The members of the Mission Team had been impressed by the public information campaign implemented by the United States of America and by the DNA profile analysis on tiger products being developed by the United Kingdom. In the Russian Federation, work done by Inspection Tiger was particularly commended.

Regarding the recommendations in the document, the United Kingdom had announced that it would establish a specialized wildlife crime unit and the government of Japan had accepted all recommendations by subsequently amending their legislation to outlaw sale of all tiger products.

The report of the Political Mission Team was attached as Annex 2. The Secretariat noted that the intent of some of the recommendations might be unclear as a result of the very recent return of the team. In particular, recommendation b) referred only to financial assistance, not material aid; recommendation d) should not be interpreted as suggesting an immediate ban on trade with India. The intention was to review the situation at the next Standing Committee. With regard to recommendation e) they noted that substantial trade in skins had resumed. Recommendation f) did not imply any misgivings about the implementation of new legislation in Japan. Regarding recommendation i) they emphasized that the proposed task forces were simply *ad hoc* units to be established to help Parties tackle particular types of wildlife crime.

In response the delegation of the United States of America, supported by the delegations of the Congo and Israel, felt that although most of the recommendations were acceptable, they could not support recommendations b) and d). They believed that, although trade sanctions had been used by the Parties effectively in the past, additional work was required before trade sanctions could be applied and suggested that the Standing Committee should continue its dialogue with the countries concerned and make recommendations for consideration at the next meeting of the Conference of the Parties. The delegation of Israel further noted that there appeared to be an

inconsistency between recommendation m) of the Annex and the Secretariat's recommendation concerning the treatment of the draft resolution contained in document Doc. 11.22.

The delegation of Japan welcomed further assessment of their legislative changes as outlined in recommendation f) but noted that implementation of domestic legislation was the responsibility of each Party.

The delegation of India believed that the report of the Political Mission Team contained a degree of bias and were concerned that it had been circulated before India had had an opportunity to comment on it. The Secretariat remarked that the report had been sent to India two weeks before it was made public and that, although they had received comments from several Parties, none had been received from India.

The delegation of India explained that they had implemented many measures for tiger conservation and believed that the Mission Team should have produced goals rather than criticism. Further financial assistance was imperative to the conservation of the tiger and any reduction in such assistance would jeopardize the work of local and international NGOs. He suggested a working group consisting of representatives of the tiger range States and the Mission Team be formed. The observers from the Environmental Investigation Agency and the Ranthambore Foundation supported this proposal.

The Chairman asked the United States of America to chair a working group consisting of representatives of Canada, China, India and Israel and the two observers who had spoken on the subject. She asked that the group report their conclusions to the Committee as quickly as possible in order that the work programme should not be compromised.

After some announcements the Chairman closed the session at 17h00.

| | |
|--------------|--------------------------------------------------------|
| Chairman: | M. Clemente Muñoz (Spain) |
| Secretariat: | M. Lindeque |
| UNEP: | L. Meszaros |
| Rapporteurs: | K. Hamilton T. Inskipp M. Jenkins A. St. John |

The Chairman announced that China had withdrawn its proposal Prop. 11.58 regarding *Camptotheca acuminata*, and that consideration of Agenda item 39 on standard nomenclature had been deferred.

Interpretation and implementation of the Convention

32. Conservation of and trade in rhinoceroses

The Secretariat introduced document Doc. 11.32, noting that it had been prepared in response to Resolution Conf. 9.14 on conservation of rhinoceroses in Asia and Africa. They observed that the Resolution entailed no clear role for the Secretariat and imposed few reporting requirements on range States and other Parties. They noted that range State reports had been received, mostly in the last week, from Botswana, India, Namibia, Nepal and South Africa. These reports would be distributed as information documents. Any other range States were invited to submit reports, which would also be distributed. The Secretariat suggested that the Parties, particularly range States, might like to review the Resolution and assess how useful it was.

The delegation of the United States of America, supported by the delegation of India, expressed appreciation of the Resolution and considered that it should be strengthened along the lines of Resolution Conf. 9.13, regarding conservation of and trade in tigers. The delegation of Kenya, supported by the delegation of Zimbabwe, raised some concerns regarding the way in which discussions on monitoring had been conducted. They considered that range States should be involved in the development of monitoring systems, which should build on existing capacities in those States, and were anxious that issues of sensitivity and ownership of data on rhinoceros distribution and abundance be fully addressed. The delegation of Cameroon indicated that they would like the support of the international community in implementing the conservation plan they had developed for their small and highly threatened black rhinoceros population. The Secretariat clarified that the concerns expressed by Kenya at the 41st meeting of the Standing Committee had been fully incorporated into document Doc. 11.32, as evident from the revised approach concerning the monitoring of rhinoceros populations and illegal killing and trade reflected in this document.

In response to a suggestion from the delegation of Portugal, speaking on behalf of the Member States of the European Union, and supported by the delegations of Belgium and the United States of America, the Chairman convened a working group to examine Resolution Conf. 9.14 and report back to the Committee as soon as possible. Members of the working group should include range States, Belgium, on behalf of the Member States of the European Union, and the United States of America.

35. Trade in freshwater turtles and tortoises to and in Southeast Asia

The delegation of Germany introduced document Doc. 11.35, adding that the paper highlighted an important problem in wildlife trade. They reported that Southeast Asia has the richest diversity of non-marine turtles in the world and many species are collected for the food and pet trade. While they had in no way intended this document to be an indictment of traditional use of these species for food and medicine, they wanted to work cooperatively with range and consumer States to ensure that international trade was sustainable.

The Secretariat expressed its sympathy with the concerns raised in this document but noted that significant additional resources should be provided if activities were to be directed towards the conservation of species not listed in the CITES Appendices. As a first step, they recommended proposing species for inclusion in the Appendices. However, if sufficient funds were made available, they supported convening a technical workshop on this issue. The delegations of Australia, Cambodia, China, Indonesia, Japan, Netherlands, Portugal, on behalf of the Member States of the European Union, and the United States of America supported the creation of a working group. The delegation of the United States of America, co-sponsor of the document, highlighted the support of the Animals Committee for progress on the issue and noted that many of the species of concern were in fact listed in the CITES Appendices. The delegation of China requested that the working group pay particular attention to the impacts of the pet trade and stressed that the problem of unsustainable use of non-marine turtles was not confined to Southeast Asia.

The Chairman recommended the creation of a working group, to be chaired by either Germany or the United States of America and including Australia, China, Indonesia, Japan and the Netherlands. She asked that other interested Parties and observers approach the Chairman of the working group.

36. Trade in seahorses and other members of the family Syngnathidae

The delegation of the United States of America introduced document Doc. 11.36, submitted jointly by the United States of America and Australia, noting that seahorses and pipefish were harvested for curios, aquarium specimens and use in Traditional Chinese Medicine (TCM). They further reported that anecdotal information indicated that populations may have declined by 25-75 per cent, but the impact of trade was unclear. The United States of America had reviewed information provided by range States and had concluded that submitting a listing proposal was premature due to concerns over taxonomy and implementation. However, they wanted to establish dialogue on this issue and recommended establishing a workshop composed of relevant range States and other stakeholders to address the harvest and trade concerns associated with these taxa.

The delegations of Australia, Belgium, India, Jamaica, New Zealand, Portugal, on behalf of the Member States of the European Union, and the Republic of Korea supported the idea of convening a technical workshop. The Secretariat, the delegations of China and Japan, and the observer from IWMC – the World Conservation Trust – noted that although they agreed with the sentiments expressed in the document, they were concerned about committing limited resources to discussion of species not listed in the CITES Appendices. The observers from the International Fund for Animal Welfare (IFAW) and IUCN – the World Conservation Union – expressed their support for the document as well as for the creation of a working group. In addition, IFAW reported that they had conducted a survey on the use of seahorses in TCM in the United States of America, and noted that the report would be available to the Parties the following day. They also indicated their willingness to provide funding assistance for a workshop.

The Chairman asked Australia to chair a working group consisting of China, India, Jamaica, Japan, New Zealand, Portugal or another Member State of the European Union, the Republic of Korea, the United States of America, IFAW, IUCN and IWMC. She asked that the working group report to the Committee the following afternoon.

37. Identification and reporting requirements for trade in specimens of hard coral

The delegation of the United Kingdom introduced document Doc. 11.37 and discussed the two options (Annexes 1 and 2) for a draft recommendation, the difference being whether coral gravel and rock are included or excluded from the provisions of the Convention.

The Secretariat explained that this was a complicated issue and recommended a third option. They noted that it is difficult to make non-detriment findings because the species involved are not identifiable, and recommended that the provisions of Article IV, paragraph 2(a) should be considered when specimens in trade cannot be readily identified to species level.

The delegation of Indonesia commended the delegation of the United Kingdom on the production of the document. They were not in agreement with paragraphs B (b)(k) and B (c) and recommended that only monospecific genera in trade be identified at species level.

The delegation of Australia endorsed the comments made by the delegation of Indonesia and suggested the establishment of a working group to discuss this issue further. They mentioned the need to develop innovative methods of determining non-detriment findings based on Article IV, paragraph 3, and suggested the Parties strive for achievable goals rather than aim for perfection.

The proposal to establish a working group was supported by the delegations of Portugal and the United States of America and the observer from Acropora Inc. The delegation of the United States of America noted that it was possible to identify 90 per cent of specimens in trade to the generic level using a guide they had produced.

The Chairman established a working group comprising Australia, Indonesia, the United Kingdom, the United States of America, the Secretariat and Acropora, Inc.

38. Timber species

2. Progress in the conservation of *Swietenia macrophylla* (bigleaf mahogany)

The delegation of Brazil presented document Doc 11.38.2, summarizing the results of the working group held in June 1998. They outlined actions taken by Brazil relevant to bigleaf mahogany, including: a decrease in exports since 1990; legal action aimed at reducing exploitation of the species for the period 1996-2000; adoption of a licensing procedure following Appendix-III listing; adoption in 1999 of a National Forest Programme, incorporating sustainable forest development; and the finalization of a project for the sustainable production of mahogany timber. The delegation stated they believed that all range States should list *Swietenia macrophylla* in Appendix III.

The delegation of Nicaragua, speaking on behalf of the Central American Parties, noted that not all range States had been included in the working group established at the previous meeting of the Conference of the Parties, and drew attention to the need for technical and financial support to assist Parties in carrying out these initiatives. In order to address this concern, they proposed the establishment of a working group in association with the Plants Committee.

The Secretariat raised concerns about the budgetary constraints placed on establishing a new working group, and suggested that a consultant rather than a working group might carry out any further work. The delegation of the United States of America thanked Brazil for hosting the workshop, endorsed the proposal of the delegation of Nicaragua and offered to provide some funding. The delegations of Bolivia, Colombia, Costa Rica, El Salvador and Honduras, and the observer from the TRAFFIC Network, supported the proposal to establish a working group. The delegation of Brazil reiterated its doubts concerning the need for another working group, but indicated its willingness to participate in its work in case consensus regarding its establishment was built.

The Secretariat cautioned that referring the working group to the Plants Committee would not guarantee the needed funds.

The action points in paragraph 13 of document Doc. 11.38.2 were approved and the Chairman requested the delegations of Brazil, Costa Rica, Honduras, Nicaragua and the United States of America form a discussion group with the Secretariat and the Vice-Chairman of the Plants Committee, and report back to Committee I.

The Chairman closed the session at 12h05.

| | |
|--------------|------------------------------------------------------------|
| Chairman: | M. Clemente Muñoz (Spain) |
| Secretariat: | J. Armstrong M. Lindeque |
| UNEP: | L. Meszaros |
| Rapporteurs: | J. Boddens-Hosang M. Groves P. Mathew A. St. John |

The Chairman of the Credentials Committee reported that 34 Parties did not yet have their credentials in order.

Interpretation and implementation of the Convention

40. Assistance to Scientific Authorities for making non-detriment findings

The Secretariat introduced documents Doc. 11.40 and Inf.11.3.

The delegation of the United States of America commended the Secretariat, IUCN and other participants for the initiative reported in the documents, to which the United States of America had contributed financially. Support was expressed by the delegations of Colombia, El Salvador, Indonesia, the Netherlands and Mauritius. The delegations of Bolivia, Costa Rica, India, Japan, Mexico, the Niger, Nigeria, Uganda and Zambia expressed their wish to be involved in the regional and global workshops and the delegation of Zambia requested that information from such workshops be posted on the CITES website.

The delegation of Portugal, on behalf of the Member States of the European Union, welcomed the initiative by IUCN and proposed to refer paragraphs 24 and 25 to the Budget Committee. The delegation of Australia noted that financial assistance could be available for the workshop in Indonesia and supported further participation by other countries, such as Fiji and Vanuatu. This was supported by the delegation of Vanuatu.

The delegation of El Salvador suggested that regional meetings of Scientific Authorities would help improve implementation of the Convention. They also requested guidance in addressing the implications of political decisions for Scientific Authorities. The Secretariat replied that the Parties should address these issues through national legislation; they were aware that the effectiveness of Scientific Authorities depended upon the provision of specific mandates and obligations in domestic legislation, as well as institutional arrangements. These matters would be discussed at regional workshops in addition to the issue of non-detriment findings. They added that the workshops could be expanded should additional funding be made available by the Parties and that information and training materials for Scientific Authorities could also be provided through the website or by CD-ROM.

Document Doc. 11.40 was approved, with the provision that the Budget Committee should address the matter of the budget. The Chairman urged the Parties to provide further financial support.

49. Animal hybrids: amendment of Resolution Conf. 10.17

The Chairman of the Animals Committee introduced document Doc. 11.49. The delegation of the United States of America expressed their support for the document, which was approved.

54 Transport of live animals

The Secretariat introduced document Doc. 11.54 and noted that very few Parties had submitted the data on mortality and injury or damage to health in transport. Additional data had been received during the last month. The Chairman of the Animals Committee welcomed the increased response but pointed to paragraph 12 and noted that Parties are obliged to comply with Articles III and IV of the Convention.

The delegation of Portugal, on behalf of the Member States of the European Union, recognized that there were problems with the implementation of Resolution Conf. 10.21, but recommended that the Resolution be maintained. The delegation of the United State of America, echoed by the delegation of Costa Rica, stated that they had not submitted any reports on transport mortality because they had not experienced any mortality of the species under review. The delegation of Germany, as Chair of the Working Group on Transport of Live Animals, thanked Parties for the reports they had provided and asked them to continue to submit their reports. They also noted that Germany had begun an investigation project on mortality of all species in international trade and requested that Parties send them information. The delegation of Australia noted that the absence of reports did not mean that Parties were not implementing the recommendations of Resolution Conf. 10.21. They suggested that the Secretariat again request submission even if no mortality was experienced. The Secretariat responded that they would work with the Animals Committee and the Working Group on Transport of Live Animals to revise the Notification requesting submission of reports. The delegation of Benin noted that problems occurred in the tracking of shipments and requested assistance from importing countries for following up on cases of mortality. The delegation of Germany suggested that exporting countries might attach the report form to export documents.

Document Doc. 11.54 was accepted.

42. Trade in specimens of species transferred to Appendix II subject to annual export quotas

The Secretariat introduced document Doc. 11.42 and asked if Ecuador required assistance in implementing and reporting on their programme for *Melanosuchus niger*. The Secretariat urged all Parties with export quotas for crocodylian species to review and standardize their reporting procedures.

The delegation of Ecuador reported that they had sent information on their 1998 quota, and asked if they could carry over the unused portion of the 1998 quota. The Secretariat responded that they had not received the latest report but that an export quota could not be carried over and suggested that Ecuador submit a new quota for the current year. The delegation of Ecuador invited the Secretariat and the IUCN/SSC Crocodile Specialist Group to evaluate their ranching programme, after which they would submit a new export quota.

The delegation of the United Republic of Tanzania explained that inconsistencies in their reports had arisen as a result of cancellation of permits upon their expiry and the issuance of new permits in lieu of those that had expired. They explained that one tag would therefore appear in the records of more than one permit when the data were compiled. They would endeavour to address such anomalies in the future and noted that these problems would be further elucidated in the discussion of document Prop. 11.12. The Secretariat noted that the United Republic of Tanzania had not exceeded its quota in recent years.

The Chairman noted the comments of the Parties and the Secretariat and reiterated that the document was for information only.

41. Significant trade in Appendix II species

1. Implementation of Resolution Conf. 8.9

The Secretariat presented document Doc. 11.41.1 and noted that developments since the 10th meeting of the Conference of the Parties were in bold type. The delegation of Suriname pointed out that different names were used for the same taxon on page 5 (*Pecari tajacu*) and page 7 (*Tayassu tajacu*) and asked the Nomenclature Committee to look into the matter. At the request of the Chairman, the Chairman of the Nomenclature Committee agreed to do so.

The delegation of the Russian Federation, speaking also on behalf of the delegation of Uzbekistan, submitted to the Secretariat a draft decision on the inclusion of Acipenseriformes in the review of significant trade. The delegations of the Islamic Republic of Iran, Portugal, on behalf of the Member States of the European Union, Switzerland and the United States of America supported this. The delegation of the Islamic Republic of Iran also noted that the Appendix-II listing of Acipenseriformes had helped curb the illegal trade in caviar but that domestic demand had greatly increased in the range States. The Secretariat explained that Acipenseriformes had not been included in the current review because they had been listed in the Appendices for insufficient time.

The delegation of Ghana requested clarification on the wording that Ghana had only partially implemented the recommendations with regard to *Python sebae*. The Secretariat responded that currently there was no problem.

The delegation of Trinidad and Tobago asked if the recommendations of the Animals Committee with regard to *Strombus gigas* resulted from a review of the trade from Trinidad or Tobago or both. The Secretariat did not have the information to hand. The delegation of Trinidad and Tobago asked that the Secretariat and the Animals Committee work with them to revoke the recommendation of the suspension of trade.

The delegation of Kenya, supported by the delegation of the United States of America, did not agree with the statement in paragraph 2 of document Doc. 11.41.1 that "species should normally be included in Appendix II before they are included in Appendix I". The delegation of the United States of America noted that no such requirement was found in the text of the Convention or in Resolution Conf. 9.24 and recommended that documents should keep to the plain language of the Convention and Resolutions.

The delegation of the United Republic of Tanzania commented that they had not been exporting the species listed in the document, as they had been unable to implement the recommendations of the Animals Committee owing to lack of funds to carry out population assessments. However, they were pleased to inform the Parties that they were undertaking surveys of a number of bird species listed in Annex 2 of document Doc. 11.41.1.

The delegation of Mexico asked that the Parties note that *Amazona viridigenalis* had been transferred to Appendix I at the 10th meeting of the Conference of the Parties and was no longer subject to a review of significant trade.

The Chairman noted that the Committee would hear the working group reports and discussion on the draft decision submitted by the delegation of the Russian Federation the following day and closed the session at 16h50.

| | |
|--------------|-----------------------------------------------------|
| Chairman: | M. Clemente Muñoz (Spain) |
| Secretariat: | M. Lindeque |
| UNEP: | P. Chabeda |
| Rapporteurs: | K. Hamilton C. Lippai P. Mathew J. Roberts |

After some announcements by the Secretariat, the Chairman announced that discussion of agenda item 30 on conservation of and trade in tigers had been moved to Committee II.

The Secretariat reminded participants that discussion on documents produced by working groups was bound by Rules of Procedure. They referred to Rule 20.2 regarding circulation of documents one day prior to discussion, and Rule 8.3 regarding distribution of official documents in the working languages of the Convention.

Interpretation and implementation of the Convention

32. Conservation of and trade in rhinoceroses

The chairman of the working group (United States of America) established to work on the revisions to Resolution Conf. 9.14 presented a summary of their meeting and noted that many African and Asian range States had participated. They stated that a second meeting would take place following the afternoon's session and a final draft document would be presented to the Secretariat for distribution to the delegates.

35. Trade in fresh water turtles and tortoises to and in Southeast Asia

The chairman of the working group (Germany) stated that a draft document had been circulated to members of the group for further comments and highlighted the most important operative parts of this draft document, which included enforcement of national legislation, identification problems and raising public awareness of threats from trade. He outlined the content of the annex of the draft document, which: i) directed the Secretariat to convene a technical workshop to establish relevant conservation priorities and action plans; ii) directed the Secretariat to encourage Parties and other interested bodies to assist with capacity-building and training; and iii) directed the Animals Committee to consider such trade in the context of the review of significant trade pursuant to Resolution Conf. 8.9.

The Secretariat suggested that the working group reconvene and consider inclusion of the following points in the draft document: i) harvest management to include quotas; and ii) budget requirements.

The delegation of China proposed that the title of the draft document be Trade in freshwater turtles and tortoises to and in Southeast Asia and other continents.

36. Trade in seahorses and other members of the family Syngnathidae

The chairman of the working group (Australia) reported that two meetings had been held and that consensus had been reached on some of the draft text but the document was not yet finalised. He then summarized the recommendations of the working group, which would include the following: i) direct the Secretariat to work with others and convene a technical workshop on conservation priorities and action; ii) direct the Animals Committee to review the outcome of the workshop and prepare a report for submission to the next meeting of the Conference of the Parties; iii) urge Parties to submit to the Animals Committee all relevant trade information and domestic controls; and iv) urge the Secretariat to coordinate funding from interested Parties to help implement the resolution and convene the technical workshop.

The delegation of China, supported by the delegation of Japan, said that because not all of the family Syngnathidae was included in the CITES Appendices, the final document should be a draft decision and not a draft resolution. The delegation of the United States of America, as co-sponsor of the original document, thanked the working group and its Chairman and noted with pleasure the statement of the Secretary-General, during discussion of the Strategic Plan, on the appropriateness of their work on non-CITES species subject to international trade.

The Secretariat urged the working group to include reference to domestic legislation and budgetary implications in the final draft document.

37. Identification and reporting requirements for trade in specimens of hard coral

The chairman of the working group summarized elements of the draft text where consensus had been reached. This included: i) decreasing the threshold size to include particles from 2-30mm; ii) excluding coral gravel and coral sand from the Convention; and iii) accepting the Secretariat's recommendation in paragraph B. b) j) on identification to ordinate level.

The Secretariat asked that a revised list be compiled, with guidance from the Animals Committee, of those taxa in trade requiring identification to species level and incorporated into the draft resolution. They suggested that this issue be revisited at a future meeting of the Conference of the Parties, where any implementation problems arising could be discussed.

41. Significant trade in Appendix II species

1. Implementation of Resolution Conf. 8.9

The delegation of the Russian Federation summarized the contents of a draft decision related to the inclusion of Acipenseriformes in the review of significant trade. The delegations of the Czech Republic, Portugal, on behalf of the Member States of the European Union, and the United States of America supported the draft decision. However, the delegation of the United States of America stated that the submission of quotas would be difficult owing to system of management at Federal and State levels; they would provide appropriate amendments to the Russian Federation. The Secretariat expressed concerns about implementation due to financial constraints.

The Chairman encouraged the delegation of the Russian Federation to draft text that would be adopted by consensus.

38. **Timber species**

2. Progress in the conservation of *Swietenia macrophylla* (bigleaf mahogany)

The delegation of the United States of America drew the Committee's attention to document Inf. 11.11 on *Swietenia macrophylla*, drafted by an informal group, noting that it had not been translated into French. They thanked the delegations of Brazil, Honduras and Nicaragua, the Vice-Chairman of the Plants Committee and the Secretariat for their participation in drafting the document. The delegation of Colombia, supported by the

delegation of Ecuador, supported the draft, but stated they would like reference to sustainable use under item 7. The delegation of Panama commended the work of the drafting group, but raised concerns about the Spanish translation and the definition of "major importing countries". They suggested that "main importing countries" might be a suitable alternative once defined.

The delegation of the Netherlands raised the issue of Appendix-II listing and the delegations of Brazil and the United States of America concurred that this was beyond the remit of the group.

The Chairman expressed gratitude to the drafting group, requested that the delegation of Panama make written recommendations to the group, and asked the delegation of the United States of America to submit a revised text to the Secretariat.

The Chairman opened the floor to discussion of the minutes from previous sessions, Com.I 11.1, 11.2 and 11.3, with the request that a written submission of any comments to the Secretariat follow.

The Chairman observed that comments had been made primarily on the English version of the document.

The Secretariat reassured the Parties that the final minutes would incorporate all the comments, but that review by the Secretariat could not be accomplished during the Conference due to time constraints.

The Secretariat made the observation, on behalf of the absent delegation of Switzerland, that the expertise of observers as well as delegations should be used in working groups, drafting groups, etc., during the meeting.

The session was adjourned at 17h05.

| | |
|--------------|-------------------------------------------------------------|
| Chairman: | M. Clemente Muñoz (Spain) |
| Secretariat: | M. Lindeque G. van Vliet |
| UNEP: | L. Meszaros |
| Rapporteurs: | J. Boddens-Hosang J. Caldwell M. Groves J. Roberts |

Consideration of proposals for amendment of Appendices I and II

59. Proposals to amend Appendices I and II

1. Proposals resulting from the periodic review by the Plants Committee

The Chairman opened the session and invited the Vice-Chairman of the Plants Committee to present his introductory statement on the plant proposals submitted by the delegation of Switzerland, as the Depositary Government, on behalf of the Plants Committee.

The Vice-Chairman of the Plants Committee highlighted the three main categories of the species identified in the proposals: a) not in trade at all; b) in trade, but not at international level; and c) in international trade, but only as artificially propagated plants.

The delegation of Switzerland reported that proposal Prop. 11.7 was amended to Transfer of *Dudleya stolonifera* from Appendix I to Appendix II and that Prop. 11.10 was amended to Delete *Lewisia cotyledon* from Appendix II. They further suggested approving these and proposals Prop. 11.1, 11.2, 11.8, and 11.11 *en bloc* if there were consensus. The Chairman then opened the floor to discussion of these proposals.

Regarding proposal Prop. 11.1, the delegation of Kenya, supported by the delegations of Bangladesh, India, Nepal and Uganda, did not support the deletion of *Ceropegia* spp. from Appendix II, adding that there was an increasing interest from collectors in rare and newly discovered species. The delegation of Uganda added that illegal trade was difficult to detect because of the lack of suitable identification material.

Support for the proposal was expressed by the delegations of China, the Czech Republic, the Philippines, Poland and Portugal, on behalf of the Member States of the European Union.

The Vice-Chairman of the Plants Committee thanked the delegation of Kenya for their comments but noted that all range States had had the opportunity to voice their concerns during the review process and none had been received until now. He also suggested that Kenya might consider including the relevant species in Appendix III.

The observer from the International Wildlife Coalition suggested that *Ceropegia* spp. be retained in Appendix II with an annotation restricting the listing to wild-collected specimens only.

Proposal Prop. 11.1 was approved.

Regarding proposal Prop. 11.2, the delegation of India did not support the proposal to delete *Frerea indica* from Appendix II, and wished to retain the species in Appendix II until more data were available. The Vice-Chairman of the Plants Committee noted that there had been no international trade in the species since 1992 and urged India to adapt its national legislation to protect those species that were not included in the CITES Appendices. This was supported by the delegations of Suriname and Switzerland.

Proposal Prop. 11.2 was then approved.

Regarding proposal Prop. 11.7, the delegation of the United States of America expressed support for the amended proposal Prop. 11.7 to transfer *Dudleya stolonifera* from Appendix I to Appendix II. However, they noted that this support did not indicate that they would want to remove the species from the Appendices in the future.

Proposal Prop. 11.7 was approved as amended.

Regarding proposal Prop. 11.8, the delegations of China, India, Indonesia and Zimbabwe supported the proposal to change the current listings of Cyatheaceae spp. and Dicksoniaceae spp.

Proposal Prop. 11.8 was then approved.

The delegation of the United States of America supported the amended proposal Prop. 11.10, to delete *Lewisia cotyledon* from Appendix II.

Proposal Prop. 11.10 was approved as amended.

Proposal Prop. 11.11 to delete *Darlingtonia californica* from Appendix II was approved with no further comments.

The delegation of Switzerland withdrew proposal Prop. 11.9, to delete *Shortia galacifolia* from Appendix II, noting that further data would be gathered by the United States of America as a continuing part of the review process by the Plants Committee.

Regarding proposal Prop. 11.4, the delegation of Mexico remarked that they did not support the transfer of *Disocactus macdougalli* from Appendix I to Appendix II, adding that the species, endemic to one region in Mexico, was rare and threatened by habitat destruction. This view was supported by the delegation of Kenya.

The Vice-Chairman of the Plants Committee drew attention to the fact that there had been no recorded international trade in *Disocactus macdougalli* since 1982 and Mexico's national legislation prohibited the trade in all wild-collected plants, thus the protection would remain in place despite transfer of the species to Appendix II.

The delegation of the United States of America suggested that the Plants Committee continue their review of the species and report back to the next meeting of the Conference of the Parties. This was supported by the delegation of Brazil.

The Chairman noted that there was no consensus and asked for a vote by show of hands. The delegation of Mexico objected to this and requested a vote by roll call. The result of the vote was 67 in favour of the proposal and 25 against. There being more than two thirds in favour, proposal Prop. 11.4 was approved.

Regarding proposal Prop. 11.5 on transfer of *Sclerocactus mariposensis* from Appendix I to Appendix II, the delegation of Mexico stressed they would prefer to have a recovery plan in place and carry out further assessment with the other range State before considering downlisting the species. The delegation of the United States of America noted that, although their population was now known to be sufficiently abundant to be downlisted, they would defer

to the position of the delegation of Mexico. The delegations of Brazil, Colombia, the Congo, El Salvador, Kenya and the observer from the International Wildlife Coalition supported the position of the delegation of Mexico.

The Vice-Chairman of the Plants Committee and the delegation of Switzerland highlighted that the review of this species had been carried out over a long period. They also noted that available trade data suggested little interest in specimens collected from the wild. The delegation of Switzerland was not prepared to withdraw the proposal as the range States had been consulted and no response had been forthcoming from Mexico.

The result of a vote by a show of hands was 47 in favour and 35 against. There not being the required two thirds in favour, the proposal was rejected.

Regarding proposal Prop 11.3, deletion of all species of the genus *Byblis* from Appendix II, the delegation of Australia noted that the only area of concern was that recently described species might create demand amongst carnivorous-plant enthusiasts. However, they thought this was unlikely as the species could only be differentiated by minute morphological characters.

The delegations of the other range States, Indonesia and Papua New Guinea, and the delegation of Portugal, on behalf of the Member States of the European Union, supported the proposal. The observer from the International Wildlife Coalition was concerned about the unsubstantiated reports of illegal trade.

The proposal was approved.

Regarding proposal Prop. 11.6, deletion of *Cephalotus follicularis* from Appendix II, the delegation of Australia noted that the only recorded trade was in artificially propagated specimens.

The proposal was approved.

3. Other proposals

Regarding proposal Prop 11.53, to harmonize exemptions related to medicinal products by combining the current annotation #2 for *Podophyllum hexandrum* and *Rauvolfia serpentina* with annotation #8 for *Taxus wallichiana* in the interpretation of Appendices I and II, the delegation of Switzerland, on behalf of the Plants Committee, noted that the annotation for flora was very complex. The proposal was intended to simplify implementation of the Convention in this respect. The delegation of Portugal, on behalf of the Member States of the European Union, echoed by the delegations of Germany and the Netherlands, supported the proposal, but believed that some of the annotations, especially those regarding chemical derivatives and finished pharmaceutical products, required better definition. They suggested this task should be the responsibility of the Plants Committee. The observer from the TRAFFIC network supported the latter suggestion, but stated that the proposal would actually reduce controls for *Taxus wallichiana* and recommended it be rejected.

The proposal and the mandate to the Plants Committee to clarify definitions further were approved.

Regarding proposal Prop. 11.54, on the inclusion in Appendix II of roots of *Panax ginseng* in accordance with the provisions of Article II, paragraph 2(a), the delegation of the Russian Federation noted it had been amended to include only the Russian population and would have the same annotation as *Panax quinquefolius*. The proposal, as amended, was supported by the delegations of Canada, China, India, Japan, Portugal, on behalf of the Member States of the European Union, and the Republic of Korea. The delegation of the United States of America also supported the proposal and offered to assist other Parties by sharing their experience in regulating trade in wild versus cultivated material.

The delegation of China stated that they did not have significant wild populations in their country. The delegation of the Republic of Korea reported that they had no records of trade in wild-collected material and that all their export of *P. ginseng* was of cultivated specimens.

Proposal Prop. 11.54 was approved as amended.

Regarding proposal Prop. 11.55 to transfer the Argentine population of *Araucaria araucana* from Appendix II to Appendix I, the delegation of Argentina noted that the species met the requirements for Appendix-I listing and that adoption of the proposal would relieve problems caused by a split listing. The proposal was supported by the delegation of Portugal, on behalf of the Member States of the European Union.

There being no further comments the proposal was approved.

Regarding proposal Prop 11.56, to exempt up to three specimens of rainsticks (Cactaceae, *Echinopsis* and *Eulychnia* spp.) per person from CITES controls, the delegation of Chile explained that the need for the proposal had arisen from trade issues regarding the import of rainsticks, including requests for retrospective issuance of permits. However, after consultation with the Secretariat, they believed the situation would be better addressed by an amendment to Resolution Conf. 9.18 (Rev.). They realized however that other countries were now exporting rainsticks from species other than those in the proposal so suggested that the proposed amendment should only refer to Cactaceae.

The Secretariat explained that the proposal should be withdrawn before an amendment with a wider remit than the original proposal could be discussed in the form of an amendment to Resolution Conf. 9.18 (Rev.). The delegation of Chile agreed to withdraw the proposal and the Secretariat suggested it meet briefly with them to discuss further the matter of a draft amendment text.

The session closed at 11h55.

| | |
|--------------|----------------------------------------------------|
| Chairman: | M. Clemente Muñoz (Spain) |
| Secretariat: | M. Lindeque G. van Vliet |
| UNEP: | L. Meszaros |
| Rapporteurs: | T. Inskipp J. Lyke J. Roberts A. St. John |

Consideration of proposals for amendment of Appendices I and II

59. Proposals to amend Appendices I and II

3. Other proposals

The Chairman opened the session by notifying the Committee that proposals Prop. 11.15, 11.16, 11.17 and 11.18 regarding whales would take place the next day, and proposals Prop. 11.20, 11.21, 11.22, 11.23, 11.24 and 11.25 would be discussed on Monday 17 April. Furthermore, the Chairman reminded the Committee that the previous session had ended with proposal Prop. 11.56, and that the draft amendment to Resolution Conf. 9.18 (Rev.) would be discussed later in the meeting.

Proposal Prop. 11.57 to remove *Kalmia cuneata* from Appendix II was approved.

The Chairman reminded the Committee that proposal Prop. 11.58 had been withdrawn.

The delegation of China introduced proposal Prop. 11.59, and amended it to include the following annotation: designates whole and sliced roots and parts of roots, excluding manufactured parts or derivatives such as powders, pills, extracts, tonics, teas and confectionery. The delegations of Japan, Kenya, Mongolia, Portugal, on behalf of the Member States of the European Union, the Republic of Korea and Thailand supported the proposal as amended. Proposal Prop. 11.59 was approved as amended.

The delegation of Germany introduced proposal Prop. 11.60, noting that they had consulted extensively with the range States regarding it. The delegation of Germany proposed to amend the proposal to include the following annotation: to include only dried roots, either whole or cut. The delegations of Botswana, Japan, Kenya, Namibia, South Africa, Zambia and Zimbabwe thanked the delegation of Germany for their work, but expressed concern that the proposal was premature. In response, the delegation of Germany proposed a two-part draft decision that directed: 1) range and consumer States to provide the Secretariat information on trade, management, regulatory measures, and biological status of these species; and 2) the Plants Committee to undertake a review of the information, to summarize the biological and trade status, and to prepare a report on the status to be submitted at least six months prior to the next meeting of the Conference of the Parties. The delegations of Namibia, South Africa and Zimbabwe supported this draft decision. The proposal Prop. 11.60 was withdrawn and the draft decision was approved without objection.

The delegation of Germany introduced proposal Prop. 11.61 with an amendment that was discussed at length and eventually agreed to include the annotation: only to include dried plants, either whole or in parts. The delegation of the Czech Republic, supported by the delegations of Hungary, Poland, Portugal, on behalf of the Member States of the European Union, Romania and the United States of America, stated support for this proposal. The proposal was approved as amended by Germany. The Chairman requested that Germany provide the exact wording of the annotation after consultation with the Secretariat.

Regarding proposal Prop. 11.62, the delegation of the United States of America stated that the Plants Committee should be directed to conduct a review of the genus *Guaiaacum*. Proposal Prop. 11.62 was withdrawn.

2. Proposals concerning export quotas for specimens of species in Appendix I or II

Regarding proposal Prop. 11.12, the delegation of the United Republic of Tanzania presented their proposal to maintain the their population of *Crocodylus niloticus* in Appendix II subject to an annual export quota of no more than 1,600 wild specimens. They pointed out that the correct annotation was that contained in proposal Prop. 11.12 as opposed to that in document Doc. 11.59.2 and they highlighted the main reasons for the submission of the proposal. They stated that the Government of the United Republic of Tanzania proposed to limit its exports of skins from ranched crocodiles to 250 in 2001. They also said that they would ensure a member of the Crocodile Specialist Group would be invited as an independent expert to examine harvest and monitoring data and provide additional technical advice.

The proposal was supported by the delegations of Australia, China, Japan, Kenya, Malawi, Mali, Portugal on behalf of the Member States of the European Union, South Africa, Sudan, Switzerland, Uganda, Zambia and Zimbabwe.

In response to a question from the delegation of South Africa about quotas for ranched specimens, the Secretariat responded that the establishment of a quota was at the discretion of the United Republic of Tanzania but the Secretariat would not recommend it at this stage.

Proposal Prop. 11.12 was approved.

Regarding proposal Prop. 11.13, to transfer *Manis crassicaudata*, *M. pentadactyla* and *M. javanica* from Appendix II to Appendix I, the delegation of Nepal introduced the proposal, which was supported by the delegations of Bangladesh, India, Indonesia, Kenya, Malaysia, Philippines, Republic of Korea, Sierra Leone, Sri Lanka and the United States of America, and the observers from the International Wildlife Coalition and the International Fund for Animal Welfare. The delegation of the Republic of Korea drew attention to the incorrect figures in the document relating to their trade and pointed out that they had not allowed trade in these species since they became a Party in October 1993. The observer from the International Fund for Animal Welfare asked for it to be noted that on 17 March 1999 the European Parliament passed a resolution, in response to a request by the member States, calling for the pangolins to be placed in Appendix I.

The proposal was opposed by the delegations of China, Japan, Pakistan, Portugal, on behalf of the Member States of the European Union, and Switzerland and the observer from TRAFFIC, also speaking on behalf of IUCN – the World Conservation Union. The main reason for their opposition was that these species were currently subject to review by the Animals Committee as part of the Significant Trade Process and the recommendations had not yet been formulated.

In response to comments made by the International Wildlife Coalition and TRAFFIC regarding illegal trade in these species, the Secretariat noted that inclusion in Appendix I was not necessarily the best mechanism to curtail this, and recommended maintenance of the

species in Appendix II until the completion of the Significant Trade Review, with the suspension of all trade in the meantime.

The delegation of the United States of America responded that they would like the opportunity to form a small working group with the Chairman of the Animals Committee to amend the proposal and present it later. They stressed that this would not undermine the work of the Animals Committee. The Chairman agreed to this request.

Regarding proposal Prop. 11.14, to transfer *Tursiops truncatus ponticus* from Appendix II to Appendix I, the delegation of the United States of America presented the proposal in the absence of the delegation of Georgia. The delegations of Fiji, Monaco, Romania and Turkey and the observer from the Whale and Dolphin Conservation Society supported the proposal.

The proposal was opposed by the delegations of Iceland, Japan and the Russian Federation for the main reason that international trade did not threaten the species. The delegation of Portugal, speaking on behalf of the Member States of the European Union, was unable to support the proposal.

The delegation of the United States of America stated that they would withdraw the proposal and consult further with the range States and the Animals Committee and prepare a draft decision before the end of the meeting.

The session closed at 17h00.

| | |
|--------------|--------------------------------------------------|
| Chairman: | M. Clemente Muñoz (Spain) |
| Secretariat: | W. Wijnstekers M. Lindeque |
| Rapporteurs: | J. Boddens-Hosang T. Inskipp A. Littlewood |

The Chairman of the Credentials Committee reported that the delegations of the following Parties did not yet have their credentials in order and would not be able to vote: Afghanistan, Algeria, Azerbaijan, Barbados, Belarus, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Congo, Djibouti, Equatorial Guinea, Gambia, Georgia, Guinea Bissau, Kazakhstan, Luxembourg, Mauritania, Myanmar, Nepal, Paraguay, Senegal, Somalia, Ukraine and Uzbekistan.

Consideration of proposals for amendment of Appendices I and II

59. Proposals to amend Appendices I and II

3. Other proposals

The delegation of Japan introduced proposal Prop. 11.15, for the transfer of the eastern north Pacific stock of the grey whale *Eschrichtius robustus* from Appendix I to Appendix II, and emphasized five key points (that were also applicable to proposals Prop. 11.16 and Prop. 11.17). In their view, the stocks did not meet CITES criteria for inclusion in Appendix I; the precautionary measures in Resolution Conf. 9.24 were fully satisfied; any new whaling activity or trade in whale products after the transfer would be under a catch quota calculated using a conservative Revised Management Procedure (RMP) of the International Whaling Commission (IWC), along with strict inspection, monitoring and enforcement; Japan's import controls included regulations prohibiting the import of whale products from countries that were not members of IWC and a DNA register and sampling to prevent illegal trade or poaching. They stated that there was no evidence of significant illegal trade in whale products. They referred to cultural differences influencing the views of Parties opposed to commercial whaling and expressed concern with the analysis of the proposal made by IUCN – the World Conservation Union. They considered the analysis was seriously flawed and stated that, in their view, it should not be taken into account in the assessment of the proposal. They pointed out that in the case of the Okhotsk-north Pacific minke whale stock, for example, the figure put forward by IUCN was significantly lower than that used by IWC. IUCN had stated in their analysis that the population may have been reduced to as low as five per cent of its initial size whereas the results reported at the IWC workshop this year was close to 50 per cent. They also opposed IUCN's view that since whales could be caught on the high seas, transfer to Appendix II would mean open access to all countries, including those that did not have a DNA registry and control system, and that under such conditions the precautionary measures contained in Resolution Conf. 9.24 were not met. The delegation of Japan believed that there was no existing high-seas fishery that would meet the requirements mentioned in IUCN's analysis and they requested that IUCN withdrew their analysis and that the Secretariat review their recommendations.

They further noted that the eastern Pacific stock of the grey whale was estimated to be 21,900-34,000 and approaching its carrying capacity and that there were no serious threats to the species. The stock was being harvested with an annual quota of 145 animals by Chukotka people of the Russian Federation and also by Makah tribes of the United States of

America. It had been reported that more than 300 animals had been stranded last year along the coast of Mexico and the United States of America and also that some calves of this species had been killed by killer whales. They thought that these facts might indicate an imbalance in the ecosystem caused by an excessive increase of this stock.

The Secretary-General noted that, in relation to this and the other proposals relating to whale stocks managed by the IWC, he was concerned that the difficult political discussions that had created divisions in that body were now appearing in the CITES meetings of the Conference of the Parties and might have negative effects on the relationship between Parties. He agreed that the stocks concerned did not meet the biological criteria of Resolution Conf. 9.24 for Appendix-I listing but this was clearly outweighed by the fact that the proposal did not meet a series of other criteria for transfer to Appendix II, as detailed in the comments made by IUCN – the World Conservation Union – and the TRAFFIC Network.

He explained that, under Article XV, paragraph 2(b) of the Convention, the Secretariat had the task to ensure coordination with any conservation measures enforced for marine species by bodies such as the IWC. He also pointed out that transfer to Appendix II with zero quotas would only match the current protection under Appendix I and the IWC zero catch quotas for commercial whaling when all Parties undertook to respect the zero quota in Appendix II. He urged the IWC to work expeditiously on the finalization of the Revised Management Scheme (RMS) and, finally, he regretted the accusations made by the delegation of Japan, suggesting that the Parties should regard a number of them as unacceptable.

The delegation of Portugal, on behalf of the Member States of the European Union, opposed the proposal, stating that IWC was the primary body for decisions on whales, and believed that the moratorium on commercial whaling should remain in force. This view was supported by the delegations of Austria, Finland, Monaco, Slovakia and Sweden, and the observer from the International Fund for Animal Welfare.

The proposal was opposed in principle by the delegation of the Netherlands because, in their view, only IWC was competent to make decisions on these issues. They noted that completion of the RMS would require the cooperation of whaling nations to come up with transparent inspection plans. They also strongly endorsed the Secretary-General's comments and believed that the Secretariat behaved in an impartial manner.

The delegation of the United States of America opposed the proposal, stating that the appropriate management regimes being developed by the IWC had not yet been completed; also, the western and eastern populations of the species were not genetically distinct and, if treated differently by CITES, could lead to uncontrolled exploitation of the endangered western stock. The delegation of Kenya stated that a proper management plan should be in place before transfer to Appendix II of any whale stock is considered by the CITES Parties. They requested the Secretariat to urge the IWC to finalize the RMS. The delegation of Tunisia remarked that further scientific information was required from the Animals Committee and from the IWC scientific committee before any decision could be taken.

The proposal was opposed by the delegation of Mexico who noted that Mexico had been commended for its comprehensive protection of the grey whale and its habitat. The delegation of the Czech Republic also opposed the proposal and urged Japan and Norway to withdraw proposals Prop. 11.15, 11.16, 11.17 and 11.18.

The delegation of Iceland supported the proposal, sharing the delegation of Japan's concerns about the IUCN analysis of the proposal. They felt that biological criteria should take precedence over all other criteria when assessing the transfer of the population from Appendix I to Appendix II.

The delegation of Australia stated that it was their policy to seek a permanent ban on commercial whaling, and that non-consumptive uses of whales were of greater benefit than consumptive ones. They did not share the Secretariat's view that the proposal completely met the biological criteria for transfer from Appendix I to Appendix II – they regarded the precautionary principle as not being met. In addition, they noted, in relation to the

intervention of the delegation of Iceland, that Iceland was not a member of IWC and was therefore not bound by the moratorium implemented by that Convention.

The delegation of Antigua and Barbuda were satisfied that proposal Prop. 11.15 provided sufficient information to support transfer of the eastern north Pacific stock of grey whale to Appendix II. They stressed that any decisions taken by the CITES Parties must be based on scientific evidence, not emotion. They stressed that many small island developing States depended on the sustainable use of natural marine resources as a source of nutrition. This view was supported by the delegation of Cuba and both supported proposal Prop. 11.15. The delegation of Fiji opposed the proposal and disagreed with the remarks made by the delegation of Antigua and Barbuda. However, they agree with Australia's remarks on the benefits that could be gained from the non-consumptive use of the species. The delegation of Vanuatu concurred with the remarks made by the delegation of Fiji and added that the IWC was the proper body to deal with whale issues. They continued by quoting IWC Resolution 1999-6 concerning the relationship between CITES and IWC.

The delegation of Suriname stated that they supported proposals Prop. 11.15, 11.16 and 11.17 in principle, but bearing in mind the functions of the IWC, suggested the following compromise: the transfer of these whale populations to Appendix II with a zero quota, and that this quota would be applicable until such time that the IWC had taken a decision on the management plan. In addition, any quota or other provisions set by IWC would be applicable without changing the Appendix-II status. The delegation of the United Kingdom stated that they did not accept this compromise because not all Parties to CITES were members of the IWC and therefore would not be bound by the zero quota nor, under Article XIV, would Japan or Norway. They believed that transfer to Appendix II with a zero quota would have the same effect as transfer without a quota. The delegation of Bangladesh stated that it was clear from the proposal that resumption in trade would not threaten populations and that the United States of America removing *Eschrichtius robustus* from the Endangered Species Act had demonstrated this. They remarked that subject to a proper management plan, commercial whaling would be resumed. The delegation of Norway supported the proposal and commented that Parties were giving up the responsibilities of scientific and technical issued under CITES to IWC.

While the delegation of the Republic of Korea noted that they had strict conservation measures in place prohibiting whaling of any kind, they also recognized the principles of sustainable use. The delegation of Guinea emphasized the need for Parties to give priority to scientific evidence and not to be influenced by political debate, and they supported the introduction of quotas.

The delegation of Germany regarded Japan's and other whaling nations' views as inconsistent, in that they maintained CITES was not an appropriate forum for dealing with issues relating to tuna and sharks, but that it, and not IWC, was an appropriate forum for dealing with whales.

The delegation of St. Vincent and the Grenadines supported proposal Prop. 11-15 and remarked that the species did not meet the criteria for retention in Appendix I. They believed the precautionary measures in Resolution Conf. 9.24 had been satisfied, and that the delay of the RMS by IWC was a political manoeuvre.

The delegation of Israel remarked that it was inappropriate for the Conference of the Parties to act on data produced from the Scientific Committee of the IWC, when the work of that Committee was still open to debate. The delegation of Brazil opposed the proposal, and reiterated that it would be premature to lift the moratorium on commercial whaling world-wide, until the international community had agreed upon proper safeguards. Any resumption in commercial trade would compromise the opportunity for the interests of traditional whaling communities to be accommodated without endangering the rights of developing countries that regard whale populations as valuable resources to be used through non-lethal means. The delegation of New Zealand stated that all populations of *Eschrichtius robustus* met the criteria for listing in Appendix I, and were not convinced that appropriate

enforcement controls were in place. They opposed the proposal and urged Norway and Japan to make data from their DNA registers available to the IWC.

The Chairman of the IWC acknowledged the support given by CITES in Resolution Conf. 2.9 and confirmed that the zero catch limit and moratorium were still in place. He remarked that, while most of the elements in the RMS had been completed, the inspection and observation programmes still needed to be addressed, and until this had been completed, it would be inappropriate to resume trade.

The observer from IUCN – The World Conservation Union – noted Japan's concerns with regard to the analyses of the proposal in document Inf. 11.8 and explained that IUCN and the TRAFFIC Network had met with the delegation of Japan to discuss the specific points at length. The observer from IUCN remarked that they did not agree that there were significant factual errors in the text, nor did they accept there was a negative bias. They noted that many of the issues raised by the delegation of Japan related to differences of interpretation. In addition they noted that the proposal as it stood included stocks outside the jurisdiction of any State, which in CITES terms would be open to harvest and trade by any Party.

The observer from the International Fund for Animal Welfare strongly opposed the proposals and noted that independent DNA testing had showed fully protected whale species on sale in Japanese markets.

The observer from the IWMC – The World Conservation Trust – expressed concern that the Secretariat continued to support IUCN's analysis of the proposal, and said that this would lead to all species subject to potential high-seas fishing being listed on Appendix I.

The delegation of Japan responded to the comments made by the various delegations and observers concerning proposal Prop. 11.15 and noted that the DNA information on whales that they currently held was available to any Party that requested it. They regretted the delay in completion of the RMS in IWC caused by a series of obstacles raised by anti-whaling countries since 1993 and remarked that their proposal had been submitted as a matter of principle and they had no intention of trading in the species concerned.

The Chairman remarked that since no consensus had been reached the decision would go to a vote. The delegation of Japan requested a secret ballot, which was seconded by more than 10 other Parties, as required in the Rule of Procedures. The result of the vote was 40 in favour and 63 against and so the proposal was rejected.

The Chairman closed the session at 12h20.

| | |
|--------------|-------------------------------------------------------------|
| Chairman: | M. Clemente Muñoz (Spain) |
| Secretariat: | W. Wijnstekers M. Lindeque |
| Rapporteurs: | J. Boddens-Hosang J. Caldwell M. Groves J. Roberts |

Consideration of proposals for amendment of Appendices I and II

59. Proposals to amend Appendices I and II

The delegation of Japan gave a short introduction to proposal Prop. 11.16, to transfer the southern hemisphere stock of minke whales, *Balaenoptera acutorostrata*, that has the world's largest population, with more than 760,000 animals, from Appendix I to Appendix II. They put forward the following amendment as an annotation to the proposal: Trade shall be allowed only between those Parties which have an appropriate DNA procedure in place.

This annotation was later refined by the Secretariat, and approved by the delegation of Japan to: Trade shall be allowed only between Parties that have a method in place that allows the DNA-identification of whale specimens in trade.

The delegations of Antigua and Barbuda, Iceland and Saint Lucia supported the proposal, stating that the scientific data presented did not qualify this species for inclusion in Appendix I. The proposal was opposed by the delegations of Australia, Brazil and Sierra Leone. The delegation of Australia pointed out that no range State had supported the proposal. The main reason for opposition to the proposal was doubt regarding the scientific validity of the supporting statement.

The delegation of Suriname put forward an amendment to proposal Prop. 11.16, as announced during the earlier discussion of that document: To transfer the southern hemisphere population of minke whales, *Balaenoptera acutorostrata*, from Appendix I to Appendix II of the Convention on International Trade in Endangered Fauna and Flora, with a zero quota, and that the zero quota will be applicable until the 12th meeting of the Conference of the Parties, at which time it is expected that the International Whaling Commission (IWC) will have taken a decision on its Revised Management Plan (RMP) and that from that moment the quota and/or other provisions set by the IWC will be applicable, but without changing the Appendix-II status.

The Secretary-General explained that there were now two proposals for amendment of proposal Prop. 11.16. In accordance with Rule 23.5 of the Rules of Procedure, the amendment proposal from Japan would have to be decided upon first.

The delegation of Antigua and Barbuda proposed voting by secret ballot on the amendment proposal from Japan and this was seconded by more than 10 Parties. The ballot was taken and there were 123 votes: four spoiled, four abstentions, 46 in favour and 69 against. The proposal was therefore rejected.

There were several points of order and requests for clarification on the Rules of Procedure for voting on the proposal from Suriname. The Chairman confirmed the Rules of Procedure as explained earlier by the Secretariat and, at the request of the delegation of Suriname, called for a secret ballot.

The Secretariat announced the outcome of the secret ballot for which 122 votes had been received. There being 47 Parties in favour of the amendment and 66 against, the proposed amendment was rejected.

The delegation of Japan introduced proposal Prop. 11.17, the transfer of Okhotsk Sea – west Pacific stock of the minke whale *Balaenoptera acutorostrata* from Appendix I to Appendix II and stated that the stock did not meet the criteria for listing in Appendix I. They noted that there was no international trade in this species because of Japan's stringent import controls under which no imports would be allowed from non-IWC members. They explained that the whales taken would be specifically targeted for local community-based whalers who had been negatively affected by the imposition of the IWC moratorium in 1982.

They also put forward an amendment to the proposal to read: "trade shall be allowed between those Parties which have the DNA method in place that allows identification of whale specimens in trade". They then proposed to close the debate and move immediately to a secret ballot.

The Secretariat announced the outcome of the secret ballot for which 121 votes had been received. There being 49 Parties in favour and 67 against, the amended proposal was rejected.

The delegation of Norway introduced proposal Prop. 11.18, the transfer of the Northeast Atlantic and North Atlantic Central stocks of the minke whale *Balaenoptera acutorostrata* from Appendix I to Appendix II. They stated that, based on extensive data available, the stock was healthy and did not meet the criteria for listing in Appendix I. Furthermore, they added that Norway implements the Revised Management Procedure (RMP) and that all whales caught were within areas under Norwegian jurisdiction. With standardized DNA testing in place, they believed this was one of the world's most scientifically advanced wildlife management systems. In addition, they pointed to the rights of a country to use its resources sustainably and that species must be managed in a socio-cultural and economic context. They urged the Parties to support their proposal, as they believed the IWC had long ago ceased to function as a management organization. At the last meeting of the Conference of the Parties they had been informed that IWC's revised management rules were near completion. There had been no progress since then.

The delegation of Germany expressed concern about the estimated size of the stock and, supported by the delegation of France, believed the proposed transfer would undermine the IWC moratorium. They recommended its withdrawal. The delegation of the United States of America also opposed the transfer because it would result in a split-listing of the species and would damage the relationship between CITES and IWC. Further strong opposition was expressed by the delegation of the United Kingdom, speaking on behalf of the Member States of the European Union, who noted that DNA tracking techniques were on IWC's agenda for the first time this year. They added that it was premature to say that the system had been endorsed by the IWC. Apart from Japan and Norway, they were not aware that any other country had carried out similar work in this area and there must be serious doubts as to whether adequate controls existed elsewhere. The delegation of Norway disagreed, reporting that DNA analysis had been on IWC's agenda since 1997.

Support for the proposal was expressed by the delegations of Antigua and Barbuda, Cuba, Iceland and Japan. The delegation of Iceland explained that as a small island State, they were strongly dependent on the use of ocean resources and made large investments in scientific research in order to secure sustainable management of those resources. Speaking as a new Party, they were disappointed that decisions appeared to be made on the basis of emotion rather than on scientific grounds. They added that Iceland had no immediate plans to export whale products and would put all necessary controls in place before it did so.

The delegation of Norway expressed serious concerns with the IUCN/TRAFFIC Analyses of Proposals to Amend the CITES Appendices, particularly with the discussion of the calculation of harvest quotas and the decline of stock levels. Concern about misrepresentation in the Analyses was also voiced by the observer from the North Atlantic Marine Mammal Commission (NAMMCO). He pointed out that their estimate of 72,100 minke whales in the central north Atlantic had been neither rejected nor accepted by IWC.

The observer from IUCN, speaking also on behalf of the TRAFFIC Network, maintained their position as outlined in the Analyses and believed that, although the stocks did not meet the criteria for listing in Appendix I, the precautionary measures were unsatisfactory and that therefore they could not support the proposal. The observer from IWMC expressed their concerns about problems in IUCN's Analyses and pointed out that world fishing activities might be closed if the provisions therein were mandatory. Noting that studies on blubber from the Norwegian hunt had revealed high levels of polychlorinated biphenols (PCBs) and DDT, the observer from Greenpeace believed there were additional threats to the species from environmental pollution. They were also concerned that a transfer would result in an unregulated catch of whales, including endangered species, and their subsequent trade.

The Chairman stated that the proposal should be put to a vote and the delegation of Norway proposed that this should be done by secret ballot. The result of the ballot in which 120 votes were cast was 52 in favour and 57 against. The proposal was therefore rejected.

After some announcements from the Secretariat the session closed at 17h50.

| | |
|--------------|-----------------------------------------------|
| Chairman: | M. Clemente Muñoz (Spain) |
| Secretariat: | W. Wijnstekers J. Armstrong M. Lindeque |
| UNEP: | L. Meszaros |
| Rapporteurs: | A. Littlewood J. Roberts |

The Chairman of the Credentials Committee reported that 125 delegations had submitted sufficient and suitable credentials.

Consideration of proposals for amendment of Appendices I and II

59. Proposals to amend Appendices I and II

3. Other proposals

Referring back to proposal Prop. 11.18, to transfer the Northeast Atlantic stock and the North Atlantic Central stock of minke whale *Balaenoptera acutorostrata* from Appendix I to Appendix II, the delegation of Denmark stated that although they shared the position of the other Member States of the European Union, they had abstained from voting, exercising their rights under Declaration 25 of the Maastricht Treaty, on representation of the interests of the overseas countries and territories referred to in Article 227(3) and (5)(a) and (b) of the Treaty establishing the European Community. They clarified that Greenland supported all whale proposals on downlisting and also the draft resolution submitted by Japan and Norway on the Relationship with the International Whaling Commission.

Proposal Prop. 11.19, to delete *Parahyaena (Hyaena) brunnea* from Appendix II, introduced by the delegations of Switzerland and Namibia, was supported by the delegations of Botswana and Portugal, on behalf of the Member States of the European Union. There were no further comments and the proposal was adopted.

Interpretation and implementation of the Convention

31. Conservation of and trade in elephants

1. Experimental trade in raw ivory of populations in Appendix II

Regarding document Doc. 11.31.1, the Secretariat gave a presentation highlighting the main points therein.

The delegation of Portugal, on behalf of the Member States of the European Union, welcomed the report and stated their willingness to improve on the timeliness and accuracy of reporting to the Elephant Trade Information System (ETIS) project. The delegation of Malawi supported the document and noted the benefits to the rural communities from the ivory sale.

The delegation of Japan expressed their thanks to all the stakeholders involved with the experimental trade and remarked that the conservation of the African elephant could be

strengthened through international trade in ivory and other elephant products under this scheme. They expressed concern with regard to allegations against Japan as outlined in an information paper distributed to the delegates by a non-governmental organization.

The delegation of India provided some supplementary figures to those contained in the document. They reported that the number of elephants poached in India had been 111 in 1997, 90 in 1998 and 76 in 1999, and stated that these figures demonstrated a significant increase in poaching or illegal trade in ivory. The Secretariat expressed concern that the new figures presented were completely different from those previously provided by the Management Authority of India. It also noted that the figures indicated a continuing decline in illegal killing in India since 1997.

The delegation of Kenya stated that the auctions of ivory had taken place prior to the implementation of all the conditions in Decision 10.1. The observers from the David Shepherd Conservation Foundation and the International Wildlife Coalition supported this view. The observer from the David Shepherd Conservation Foundation also stated that the experimental trade in raw ivory should have been declared invalid on the basis of improper process in the meeting of the Conference of the Parties and conflict of interests in the Standing Committee. The delegation of Kenya also noted that during the fourth African elephant range State dialogue meeting, it was evident that there had been difficulties for some countries in completing the interim reports and thus complete information had not been forwarded to the Secretariat. Several countries had complained that the figures that they had provided had not been reflected accurately in the document. The delegation of Kenya concluded by stating that ETIS was not up to date and therefore the Secretariat's analyses had been based on incomplete data.

The Secretariat emphasised that the analysis was based only on the national reports submitted by eight range States and that those had shown no significant increase in poaching. They added that even the new figures presented by India had not shown an increase in poaching.

The delegation of Tunisia, as chair of the African regional meeting, recognized the efforts of the Southern African countries in managing their elephant populations, the increase in poaching in some of the range States and the need for a reliable monitoring system with institutional financial support. They stated that in the regional meeting there had been no consensus on further ivory trade.

The observers from Save the Elephants and the International Wildlife Coalition expressed concern about the scientific basis of the analysis of the reports.

The observer from the TRAFFIC Network referred to a document distributed by a non-governmental organization that indicated a greater volume of ivory had been seized in 1998/1999 than that reported by the Secretariat, and suggested that the differences could be due to double-counting such as reporting by country of seizure and country of origin. They expressed reservations about a methodology translating current ivory seizure data into current levels of illegal killing of elephants.

The Committee noted the contents of the document.

2. Monitoring of illegal trade and illegal killing

Regarding document Doc. 11.31.2, the Secretariat gave a presentation highlighting the main points in the document.

The delegation of Portugal, on behalf of the Member States of the European, expressed continued support for the monitoring programmes MIKE – Monitoring the Illegal Killing of Elephants – and ETIS.

The Committee noted the contents of the document.

The Chairman closed the session at 12h15.

Chairman: M. Clemente Muñoz (Spain)

Secretariat: W. Wijnstekers
J. Armstrong
M. Lindeque
J. Sellar

UNEP: L. Meszaros

Rapporteurs: J. Boddens-Hosang
T. Inskipp
P. Mathew

A. St. John

Interpretation and implementation of the Convention31. Conservation of and trade in elephants2. Monitoring of illegal trade and illegal killing

The Chairman opened the session by asking if any Parties wished to contribute financially to the projects discussed earlier in the day. The delegation of Belgium and the observer from the European Commission expressed their intentions to provide funding for the further development of MIKE in Africa. The latter observer added that the European Commission was considering providing EUR 4 million. The delegation of the United Kingdom congratulated the Secretariat on their efforts in the development of MIKE and ETIS, and noted that they wished to support ETIS. The delegation of the United States of America added that they wished to continue cooperation with other Parties to improve MIKE.

3. Revision of Resolution Conf. 10.10

The delegation of Cameroon expressed their gratitude to the Parties and observers that had participated in a working group during the recent African elephant range States meeting. They added that these discussions had continued until today and that a consensus had been reached on the following issues:

1. Kenya and India would withdraw their proposal Prop. 11.24 to transfer populations of *Loxodonta africana* currently listed in Appendix II to Appendix I;
2. Botswana, Namibia, and Zimbabwe would withdraw their proposals Prop. 11.21, 11.22, 11.23;
3. South Africa would submit an amendment to proposal Prop. 11.20, prohibiting trade in raw ivory until the next meeting of the Conference of the Parties; and
4. Kenya would submit an amendment to document Doc. 11.31.3.

The Chairman expressed her sincere gratitude to the Parties that participated in this working group.

The delegation of Kenya expressed their support for the evolution of MIKE and introduced document Doc. 11.31.3, containing the following further amendments.

Page 1, paragraph 7, should read: Further recognizing that MIKE is an evolving system that should be further developed and built on.

Page 2, paragraph 2, should read: AGREES that under the supervision of the Standing Committee:

Page 2, paragraph i, should read: measuring and recording current levels and trends of illegal hunting and trade in ivory in elephant range States, and in trade entrepots;

Page 2, paragraph c, should read: Other credible, law enforcement and professional resource management sources of information...

In paragraph 3 on page 2 the following text should be added to the end of the first sentence: the CITES Secretariat will provide an updated report on the information collected at each meeting of the Conference of the Parties.

Page 2, paragraph 5, should read: The sites for inclusion in the system should be selected collaboratively by the range States, the CITES Secretariat and other elephant experts.

Page 2, paragraph 6, should read: Data and information on illegal hunting and illegal trade in ivory will be collected.

Paragraph 8 on page 2 should be deleted.

The delegation of El Salvador commended and congratulated the Parties involved in these discussions for having reached a consensus.

The delegation of Switzerland requested clarification regarding on which document consensus had been reached because the Bureau had received document Inf. 11.14 as the result of the working group. The Chairman replied that a technical working group should be established to clarify this point. The technical working group should consist of one representative from the following countries: Botswana, Cameroon (working group chairman), a representative of the Member States of the European Union, India, Japan, Kenya, Niger, Nigeria, South Africa, Switzerland, the United Republic of Tanzania, the United States of America, Uganda, Zambia, Zimbabwe and the Secretariat.

Consideration of proposals for amendment of Appendices I and II

59. Proposals to amend Appendices I and II

3. Other proposals

The delegation of South Africa introduced proposal Prop. 11.20 and expressed their appreciation to the delegations and the Southern African Development Community (SADC). They quoted the report of the CITES Panel of Experts that there was no apparent threat to current South African elephant populations. Furthermore, they stressed the importance of involving local communities in wildlife management and conservation, and also stressed the need for appropriate monitoring systems for all elephant range States. The delegation of South Africa introduced the following amendment to their proposal. Paragraph a) should read: trade in raw ivory of whole tusks of government-owned stock originating from the Kruger National Park, with a zero quota.

The delegation of Malawi, speaking as the SADC representative, echoed the comments of the delegation of South Africa.

The Secretary-General proposed a further amendment: paragraph a) would be moved to the end of the proposal and the other paragraphs renumbered accordingly. This was accepted by the delegation of South Africa. There were no further amendments and the proposal was approved.

The delegation of Botswana introduced proposal Prop. 11.21 and the previous comments made by the delegations of Malawi and South Africa. They stressed that Botswana was committed to elephant conservation and proceeds from the ivory sale approved at the 10th meeting of the Conference of the Parties had been placed in a trust fund to be used for elephant conservation in Botswana. They called for an acceleration of the expansion of MIKE and encouraged all elephant range States to submit timely reports to the Secretariat on illegal killing and trading of elephants. With these comments, the delegation of Botswana withdrew their proposal.

The delegation of Namibia introduced proposal Prop. 11.22 and endorsed the remarks of Botswana and South Africa. They noted that these countries, as well as Zimbabwe, had demonstrated effective conservation policies and management, which had not been sufficiently appreciated by the international community. They asked the Parties to acknowledge these efforts before the next meeting of the Conference of the Parties. Considering the views expressed during the recent African elephant range State meeting, and in order to preserve African unity, the delegation of Namibia withdrew their proposal.

The delegation of Zimbabwe introduced proposal Prop. 11.23 and reaffirmed their commitment to CITES. Echoing the previous remarks by Botswana, Namibia and South Africa, they withdrew their proposal.

The delegation of Kenya introduced proposal Prop. 11.24 to transfer populations of *Loxodonta africana* currently listed in Appendix II to Appendix I. They emphasized that their policy of non-consumptive use of elephants, particularly tourism, was paying its way extremely well. They thanked the other African range States that had worked with them and acknowledged the special efforts of the European Union in helping to bring about this consensus, the first time African states had achieved this in the history of CITES. They expressed their desire to work for better conservation of natural resources for the benefit of their people, economy and the world.

The delegation of India thanked the Southern African countries for reaching a consensus and noted that the area of elephant habitat in India was much smaller than that in Africa and was threatened by human population pressure and development. They agreed with the delegation of Kenya that non-consumptive uses would be beneficial if developed further.

The delegations of Kenya and India then withdrew their proposal.

The Minister of the Environment for Nigeria noted that scientific data presented by the delegations of Botswana, Malawi and South Africa had shown the need to use resources sustainably and that the opinions of the range States were very important.

Several delegations welcomed the result of constructive dialogue between African States, the consensus achieved, and fully supported the sustainable use of wildlife by local communities. The delegation of Japan expressed the wish to cooperate with range States for the benefit of elephant conservation. The delegation of the United States of America thanked the delegations of India and Kenya for withdrawing their proposal and also thanked the four Southern African countries for withdrawing or narrowing theirs. They noted that a long-awaited African consensus on elephants was at hand. However, they expressed particular concern about those countries that were unable to control adequately poaching of wildlife. They pledged continued financial support for elephant conservation and expressed the view that it was premature to trade in ivory until adequate monitoring was in place. The observer from the European Commission advised that under the precautionary principle, trade in ivory should not be allowed and in the spirit of better enforcement and monitoring, they said they would do as much as possible to contribute to elephant conservation. The delegation of Swaziland expressed the belief that corruption was the root cause of poaching and that if this were not addressed, all efforts to stop poaching would be futile. The delegation of El Salvador suggested that educational programmes, especially within importing countries, should be developed to further elephant conservation. The delegation of the United Republic of Tanzania requested measures be put in place to control illegal trade

before allowing the sustainable sale of ivory and the delegation of Sierra Leone requested a proper monitoring system be established well before the 12th meeting of the Conference of the Parties. The observer from the African Resources Trust said that in their view banning trade was not a solution and the problem of poaching needed to be addressed.

The Chairman closed the discussion of this proposal by thanking the Parties for their consensus and urged them to work closely in the period before the next meeting of the Conference of the Parties.

The delegation of Switzerland introduced proposal Prop. 11.25, the amendment of annotation ° 604 concerning Appendix-II populations of *Loxodonta africana*, and thanked the African countries for finding a solution. They stated that annotation ° 604 was not clear and could not be implemented without domestic legislation that was stricter than CITES. They considered that adoption of the proposal would ensure that trade in live elephants could continue and welfare concerns would be addressed.

The Secretary-General supported the proposal but suggested the word "certification" on the eighth line be replaced by confirmation because a document would not necessarily be issued. The delegation of Switzerland disagreed with this proposed amendment, as there was no need for a document and a letter would suffice.

The delegation of the United States of America endorsed the proposal with the Secretary-General's amendment.

The delegation of Germany raised the issue that this proposal must conform to the terms of document Doc. 11.24 that had been agreed in Committee II with a minor amendment.

The proposal was then adopted.

Interpretation and implementation of the Convention

31. Conservation of and trade in elephants

4. Non-commercial disposal of ivory stockpiles

The delegation of Kenya introduced document Doc. 11.3.4. They addressed the problems with Decision 10.2 noting that the lack of donors might be associated with the difficulties involved with the administrative costs of trust funds. They explained that this draft proposal removed the requirement for involving a trust fund and emphasized that any stocks purchased in this way must be held in perpetuity or destroyed.

The Secretariat did not support this proposal as dialogue with potential donors had shown that the lack of interest was not related to the administrative costs of trust funds; however, they would not oppose any move that might be helpful.

The delegation of Sudan suggested amending the draft proposal by removing paragraph d) from the operative section in order to facilitate the sale of stockpiles that had become a liability. The delegation of South Africa requested clarification on whether this related to the existing stockpile declarations or to new declarations. They also pointed out that under paragraph b) of the draft proposal there was a requirement to mark the stocks but there was no indication of how this should be done. The delegation of the United Kingdom noted that the United Kingdom was in the process of negotiating an agreement to buy a stockpile from Mozambique. It would be embarrassing if this were to be undermined. The observer from the TRAFFIC Network expressed concern that there was no time frame contained in paragraph a) to limit the eligibility of stockpiles. He proposed the paragraph be amended to read:

a) the stocks have been declared to the CITES Secretariat and independently audited by TRAFFIC International, in cooperation with the Secretariat, within the time frame agreed in Decision 10.2 and approved at the 40th meeting of the Standing Committee;

The delegation of India supported the proposal saying that range States should be able to manage their own funds. The delegation of Portugal, on behalf of the Member States of the European Union, was opposed to the proposal. The delegation of El Salvador expressed the view that production of highly crafted ivory goods of tremendous value was beneficial to elephant conservation.

The delegation of Kenya, seeing very little support for this proposal, withdrew it.

The Chairman closed the session at 16h55

| | |
|--------------|-----------------------------------------------------|
| Chairman: | M. Clemente Muñoz (Spain) |
| Secretariat: | W. Wijnstekers M. Lindeque |
| UNEP: | L. Meszaros |
| Rapporteurs: | M. Groves M. Jenkins A. Littlewood J. Lyke |

Consideration of proposals for amendment of Appendices I and II

59. Proposals to amend Appendices I and II

3. Other proposals

The delegation of Australia introduced proposal Prop.11.26 and acknowledged that although the Australian population of *Dugong dugon* was not endangered it should be included on Appendix I in order to eliminate potential enforcement problems caused by a split listing. The delegation of Portugal, on behalf of the Member States of the European Union, stated that the proposal did not meet the criteria for listing of species in Appendix I, and was inappropriate given that international trade did not pose a threat to the species in the wild. Although not completely opposed to the proposal, they stated that if a vote were taken they would abstain. The Secretariat and the delegation of Japan expressed their doubts as to the relevance of the proposal and urged the delegation of Australia to withdraw it.

The delegation of Iceland suggested the transfer of *Dugong dugon* populations listed in Appendix I to Appendix II as a possible solution to split listing. The delegation of Switzerland remarked that it was surprised that the proponent country, having chaired the Animals Committee, would propose this population for inclusion in Appendix I as it failed to meet the criteria set out under Resolution Conf. 9.24. As range States for *Dugong dugon*, the delegations of Eritrea, Indonesia, Israel, Madagascar, the United Arab Emirates, the United States of America and Vanuatu supported the proposal. The delegations of the Czech Republic and Monaco stated that, as there was no opposition from range States, the Parties should support the proposal. This view was supported by the observers from the Humane Society International (Australian Office), the International Wildlife Coalition and the IWMC – the World Conservation Trust.

The Chairman concluded discussion of this proposal and it was approved by a show of hands.

The delegation of Bolivia introduced proposal Prop. 11.27 to transfer all populations of Vicuña *Vicugna vicugna* from Appendix I to Appendix II for the exclusive purpose of allowing international trade of cloth made with wool sheared from live animals. They stated that despite the proposal being supported by IUCN and the TRAFFIC Network they were withdrawing it in order to facilitate further dialogue between the signatory countries to the *Convenio para la Conservación y Manejo de la Vicuña*. The delegation of Ecuador, as Chairman of the *Comisión Técnico-Administradora* of that Convention, supported the comments made by the delegation of Bolivia and stated that deferring the proposal to the

12th meeting of the Conference of the Parties would allow time to strengthen regional cooperation and collaboration.

The proposal was withdrawn.

Proposal Prop 11.28 was introduced by the delegation of Bolivia. The delegations of Argentina, Brazil, Colombia, Costa Rica, Ecuador, Japan, Portugal, on behalf of the member States of the European Union, Spain and the United States of America and the observer from the TRAFFIC Network supported the proposal. The Secretariat urged the delegation of Bolivia to provide a quota for the year 2000 within the 90-day period prior to the proposal coming into force.

The proposal was approved.

The delegation of the United States of America, speaking also on behalf of the other proponent countries of proposal Prop 11.29, explained that an informal working group had been established to seek an alternative approach to the conservation of *Moschus* species. This working group included representatives from the proponent countries, two of which were range States, and a number of other range States. The delegation of the United States of America introduced two documents prepared by this working group, draft decision Com. 11.12 and draft resolution Com. 11.13, for consideration. The delegation of the Republic of Korea sought clarification on previous remarks made by the delegations of the United States of America and India regarding domestic legislation and trade statistics for musk deer. They registered support for the documents.

The delegations of China, India, Japan, Pakistan and the Russian Federation also supported the draft decision and draft resolution as an effective compromise for strengthening enforcement and controlling illegal trade without transferring all populations to Appendix I.

The delegation of Portugal, on behalf of the Member States of the European Union, suggested amending the first paragraph of the draft decision Com. 11.12 by deleting the word 'key'. They also sought clarification from the Secretariat regarding the second paragraph of this draft decision and its conformity with Resolution Conf. 8.9. The Secretariat explained that *Moschus* species had been included in Phase 4 of the Significant Trade Review carried out by the Animals Committee, and that recommendations for this species would be formulated by the new Animals Committee before the 12th meeting of the Conference of the Parties. They suggested that rather than delete the word 'key', it should be replaced it with the word 'principal'. This suggestion was supported by the delegation of the United States of America.

Document Com. 11.12 was approved as amended.

The delegation of the United States of America, speaking also on behalf of the delegations of India and Nepal, summarized the key points of the draft resolution in Com. 11.13.

The Secretariat supported the draft resolution, particularly the emphasis on improved cooperation between range States and consumers, but noted that as it stood there was no obligation for Parties to report on its implementation, nor any role for the Secretariat. The Secretary-General suggested adding a paragraph at the end as follows: RECOMMENDS that Parties report to the Secretariat on progress made towards the implementation of this Resolution and that the Secretariat shall report to the Standing Committee on such progress.

The delegations of India, Nepal and the United States of America agreed with this proposed amendment and document Com. 11.13 was approved as amended.

The delegation of Germany introduced proposal Prop. 11.30, summarizing the main points made in the supporting statement. They noted that three of the five subspecies in the proposal definitely met the criteria for inclusion in Appendix I as elaborated in Resolution Conf. 9.24 and that the other two possibly did. However, taking into account the results of

recent discussions they had held with range States, the Secretariat and the Nomenclature Committee, they wished to amend their proposal to: include in Appendix I populations of *Ovis vignei* in Pakistan, Tajikistan, Turkmenistan and Uzbekistan, and to include all other populations in Appendix II. Appendix-II listed populations would then be those of Afghanistan, Iran and Kazakhstan. They stressed that Appendix-I listing did not automatically ban international trophy hunting, as trophy specimens could still be exported and imported as personal effects.

The delegation of Portugal, on behalf of the Member States of the European Union, supported the proposal. The Secretariat also expressed support, although noted that only one population in Pakistan appeared seriously threatened.

The delegation of Pakistan opposed the amended proposal. They noted that over half the total estimated population of the species occurred in their country and that thanks to strict protection, the development of community-based conservation programmes and the involvement of international NGOs, the status of all subspecies was improving. They believed that benefit-sharing was a vital component of these programmes and pointed out that 75-80 per cent of the proceeds of trophy hunting were returned to local communities. They considered that Appendix-I listing would be a serious disincentive to such programmes and, citing the Secretariat's initial comments on the proposal contained in document Doc. 11.59.1, noted that illegal international trade was largely unknown.

The delegation of Uzbekistan, as a range State, pointed to the great nomenclatural and taxonomic confusion surrounding mountain sheep in central Asia and stated that they regarded all their populations as either *Ovis ammon* or *Ovis orientalis* and therefore already in Appendix II. The delegation of the Russian Federation, speaking also on behalf of Tajikistan, a non-Party range State for whom Russia acted as Management Authority, echoed these comments and maintained that the amended proposal would lead to great enforcement difficulties.

The delegation of the Russian Federation, supported by the delegations of Germany, the Islamic Republic of Iran and Pakistan, then proposed a second amendment, so that the proposal would now read: Inclusion of all subspecies of *Ovis vignei* not currently listed in the Appendices in Appendix II. This amended proposal was accepted by consensus.

The delegation of Argentina introduced proposal Prop. 11.31, to transfer their population of *Pterocnemia pennata pennata* from Appendix I to Appendix II. They pointed out that the population was widespread and abundant and did not meet the criteria for inclusion in Appendix I under Resolution Conf. 9.24. As a precautionary measure under Annex 4 of that Resolution, they would only trade in ranched specimens. They wished to acknowledge Dr. Joaquín Navarro and Dr. Mónica Martella, who had coordinated the work on the species that had resulted in the proposal, and the Government of Switzerland for funding the work.

The proposal was supported by the delegation of Chile, also a range State, who observed that they would be likely to submit a similar proposal for their own population to the next meeting of the Conference of the Parties.

The proposal was accepted by consensus.

The delegation of the United States of America then introduced proposal Prop. 11.32, to transfer North American populations of *Falco rusticolus* from Appendix I to Appendix II, with a zero quota for export of wild birds, noting that they had added the annotation for a zero quota following bilateral discussions with a number of European countries that had expressed concern regarding enforcement. They stressed that the population of the species in North America clearly did not meet the biological criteria for inclusion in Appendix I under Resolution Conf. 9.24. They noted that there had been no decrease in wild populations because of international trade since at least 1981 and reported that currently very few specimens were taken from the wild. They had a bilateral agreement with Canada to protect shared migratory birds including this species and noted that there were extremely strict

domestic controls regarding *Falco rusticolus* in both countries. Many States within the United States of America also had their own strict controls. All export from Canada and the United States of America was in captive-bred birds and this would not change if the proposal were accepted. As far as they were aware any enforcement problems were purely hypothetical, none having been reported in recent years. The delegation of Canada supported the proposal, emphasizing many of the same points.

The delegations of Japan, Pakistan, the Republic of Korea and Saudi Arabia, and the observer from the Western Association of Fish and Wildlife Agencies, speaking also on behalf of the other three Fish and Wildlife Agency Associations of the United States of America, all supported the proposal. The delegation of Japan noted that, although it had some problems with the proposal, it did not believe that split-listing would necessarily create enforcement difficulties and was therefore supporting the proposal as a matter of principle.

The delegations of Iceland, Israel, Portugal, speaking on behalf of the Member States of the European Union, and Sweden, and the observer from Pro Wildlife all opposed the proposal. The principal reasons were continuing problems with illegal taking from the wild in Europe, particularly the Russian Federation, illegal trade in Europe and the Middle East, and the risk of genetic contamination from escaped hybrid birds. The delegation of Norway, while not opposed to split-listing in principle, shared these concerns and asked whether there was any identification system in place, such as DNA fingerprinting, for allowing legal and illegal trade to be distinguished. The delegation of Iceland asked whether the Greenland population was, or was not, included in the proposal.

The United States of America felt that domestic legislation and enforcement in the relevant countries should address these concerns. Having consulted with the delegation of Canada, they indicated that both countries were willing to explore voluntary DNA marking schemes with stakeholders.

Seeing no consensus, the Chairman called for a vote by a show of hands. There being 36 abstentions, 35 votes in favour of the proposal and 31 against, the proposal was rejected.

The delegation of France introduced documents Prop. 11.33 and Prop. 11.34 to transfer *Eunymphicus cornutus cornutus* and *Eunymphicus cornutus uveaensis*, respectively, from Appendix II to Appendix I. They stated that these taxa, endemic to small areas of New Caledonia, were unable to sustain any collection from the wild. Though all hunting or capture was banned, illegal collection and trade continued and populations were declining. The delegations of New Zealand and Portugal, speaking on behalf of the Member States of the European Union, and the observers from Defenders of Wildlife and the International Wildlife Coalition, the latter speaking on behalf of the Association for the Conservation of the Uvéa Parakeet, supported the proposals. The Secretariat concurred that these taxa met the criteria for inclusion in Appendix I but noted that species that were primarily traded as captive-bred specimens should not be included in the Appendices. The Chairman noted a general consensus in favour of these proposals and they were accepted.

The delegation of China introduced proposal Prop 11.35 to include *Garrulax canorus* in Appendix II. They stated that populations had declined considerably and that export had been banned since 1998. However, illegal trade continued to affect the status of the species as it was not captive-bred and had a high mortality rate in captivity, causing continuous demand for wild-collected specimens. The delegations of Malaysia and the United States of America, and the observer from the International Wildlife Coalition, expressed support for the proposal, noting that international trade in this species should be controlled. The delegations of Japan and Portugal, speaking on behalf of the Member States of the European Union, opposed the proposal, stating that the species failed to meet the criteria for Appendix-II listing as it was still common and widely distributed in the wild. The latter delegation suggested that China might consider an Appendix-III listing. The delegation of China requested that the proposal be put to a vote. Fifty-six Parties voted in favour of the proposal, 25 Parties voted against it, and 29 Parties abstained. The proposal was accepted.

The chairman closed the session at 12h10.

| | |
|--------------|---------------------------------------------------------------|
| Chairman: | M. Clemente Muñoz (Spain) |
| Secretariat: | W. Wijnstekers J. Armstrong M. Lindeque |
| UNEP: | L. Meszaros |
| Rapporteurs: | J. Boddens-Hosang J. Caldwell K. Hamilton T. Inskipp |

Consideration of proposals for amendment of Appendices I and II

59. Proposals to amend Appendices I and II

3. Other proposals

The delegation of Germany introduced proposal Prop. 11.36, inclusion of all species of the genus *Cuora s.l.* in Appendix II. They outlined that trade was a major threat throughout the range of the genus, that demand for both food and for the pet trade was likely to increase, and that legislation in the range States was insufficient to ensure sustainable use. The delegations of Bangladesh, China, Indonesia, Japan, Portugal, on behalf of the Member States of the European Union, and the United States of America (a co-proponent) all spoke strongly in favour of the proposal. It was also supported by the observers from Pro Wildlife and the International Fund for Animal Welfare, who agreed to finance an identification guide. The proposal was approved by consensus.

The delegation of the United States of America introduced document Prop. 11.37, inclusion of *Clemmys guttata* in Appendix II, and noted that they had received additional information from websites indicating that international demand existed for the species. The proposal was supported by the delegations of Canada, China, Colombia and Kenya and the observer from the Association of South Eastern Fish and Wildlife Agencies, on behalf of the other regional Fish and Wildlife Agencies in the United States of America. The delegation of Portugal, on behalf of the Member States of the European Union, stated that international trade was not a threat to the species and they could not support the proposal. This was echoed by the delegation of Switzerland and the observer from Pet Industry Joint Advisory Council, who also noted that most of the trade involved specimens bred in captivity.

The delegation of the United States of America requested a vote and the proposal was rejected, 38 Parties voting in favour, 37 against and 31 abstaining.

The delegation of France introduced proposal Prop. 11.38, the transfer of *Geochelone sulcata* from Appendix II to Appendix I, and noted that the European Union had suspended imports of wild specimens since 1997. They believed also that exports of ranched animals in excess of the quota had occurred.

Noting that the species was widely distributed, the delegation of Sudan reported that the Animals Committee had considered the matter and that such a transfer had not been recommended. Furthermore, they believed the population density data in the document were

underestimates and that the species did not meet any of the criteria for transfer to Appendix I.

The delegation of Ghana expressed displeasure at statements in the proposal alleging that their country had been involved in exports of wild origin. They stated that they were not a range State, that they had been exporting only ranched specimens for a number of years and believed that adoption of the proposal would affect their ranching operations. This last point was supported by the delegation of Benin, which, although a range State, stated that they only exported captive-bred specimens. The delegations of Ethiopia, Mali, Niger, Saudi Arabia and Togo also opposed the proposal but suggested there was a need for further research into the species. The delegation of Switzerland was concerned that the proposal gave no indication as to how the population density had been estimated and, echoed by the observer from Pet Industry Joint Advisory Council, noted that the species bred prolifically in captivity.

Noting the considerable opposition to the document, the delegation of France proposed that it be amended so that the species would remain in Appendix II but with a zero quota for wild specimens. Following a vote in which 22 Parties abstained, 73 voted in favour and 17 against, document Prop. 11.38 was approved as amended.

Proposal Prop. 11.39 (Rev. 1), annotation of Appendix II for *Malacochersus tornieri*, was introduced by the delegation of Kenya who stated that the original proposal had been amended in order not to jeopardize management and captive-breeding programmes. They had also introduced a draft decision; however, they wished to amend the document further by deleting point 4 directed to the range States. The delegation of the United States of America supported the amended document and noted that it corresponded with the recommendations of the Standing Committee.

The delegation of the United Republic of Tanzania, supported by the delegation of South Africa, recommended the document be rejected because the supporting statement was unscientific and lacked some important points. They reported that they had suspended all exports of wild-caught specimens in 1993 and had established four ranching operations from one batch of animals taken from the wild; all exports were now restricted to ranched specimens. With regard to reported exports from Mozambique and Zambia, they concluded that these were mistakes in annual reports. The delegation of Mozambique confirmed that their annual report had been based on permits issued but that the permits in question had been cancelled.

The delegation of Switzerland noted that the size limit of a five-centimetre carapace length in the amended proposal would result in the inability of non-range States to export captive-bred specimens that were larger than this limit. They offered to provide funds if a project was developed to examine the conservation status of the species. The European regional representative of the Animals Committee had visited the experimental ranching operations in the United Republic of Tanzania and confirmed that captive breeding was taking place. In addition, they noted that the hatchlings could attain a carapace length of eight centimetres within one year and that this needed to be taken into account in the annual production system employed by the United Republic of Tanzania.

The Secretariat drew attention to the long period of consultation between itself, the Animals Committee and the range States, and noted there was an agreement between the United Republic of Tanzania and the Secretariat for a standard control system that allowed monitoring. They believed the proposed annotation was unnecessary as export of wild specimens was already prohibited under Notification to the Parties No. 1999/20. They stated that the current quota for the species from the United Republic of Tanzania was limited to specimens with a carapace length of less than eight centimetres.

The delegation of the United States of America suggested that the two range States, Kenya and the United Republic of Tanzania, meet to find a solution. They added that they would be willing to participate if invited. This suggestion was supported by the delegation of Portugal, on behalf of the Member States of the European Union.

The Secretary-General suggested the following amendments to the text of the amended proposal:

Under "Proposal", move point 1 to the end of the Proposal and renumber.

Under "Proposal", point 2: delete "individuals" and insert live animals or specimens; delete "Exports" and insert Trade; delete "subsequent generations".

Furthermore, under point 2, he remarked that not only captive-bred specimens were included in ranching operations but also specimens collected from the wild. He recommended that the working group revisit the issue of the length of the carapace to be either five or eight centimetres. In addition, he asked for clarification regarding the source of the approval for ranching or captive-breeding operations. Under the draft decision of the Conference of the Parties, he noted the requirement to abide by the text of Resolution Conf. 10.16. Finally, under point 2 of the draft decision, he questioned the need for the Secretariat's involvement in the matter and requested that the working group take budgetary constraints into consideration.

The delegation of the United Republic of Tanzania pointed out that much time had been spent on finding solutions and that any changes in the annotations would be expensive to implement.

After a short delay to allow the delegations of Kenya and the United Republic of Tanzania to discuss the formulation of a working group, the delegation of Kenya withdrew proposal Prop. 11.39 (Rev.1) and asked the United Republic of Tanzania to ensure they would not export wild specimens. The delegation of the United Republic of Tanzania stated their continued commitment to prohibit all trade in wild specimens of *Malacochersus tornieri*.

The delegation of Cuba introduced proposal Prop. 11.40 concerning the Hawksbill turtle *Eretmochelys imbricata* and noted Cuba's environmental policy that supported sustainable use of natural resources through national management plans. They believed that the species did not meet the criteria for listing in Appendix I and that stringent conservation measures were in place. Furthermore, they supported the need for continued regional cooperation and stated that domestic management plans contributed to improved and effective regional conservation measures. However, as a result of concerns expressed by other Parties they withdrew proposal Prop. 11.40.

The delegation of Cuba introduced proposal Prop. 11.41 as an alternative to proposal Prop. 11.40 and added that, should this proposal be approved, a regional workshop would be convened prior to the next meeting of the Conference of the Parties.

The delegation of Fiji requested clarification from Cuba on scientific data on the maturity, gender and size of the specimens within the proposal.

The delegation of Japan stated that a stringent control system existed in their country and that it was adequate to control illegal trade. They welcomed a mission by the Secretariat to review this system.

The delegation of Hungary emphasized the need for a regional management plan for this highly migratory species and urged the Parties to reject the proposal until the population of the Hawksbill turtle had recovered sufficiently. This was supported by the delegations of the Bahamas, Brazil, the United Arab Emirates and the United States of America. The observer from the World Wide Fund for Nature (WWF) agreed with this view and offered USD 45,000 in support of a technical workshop that would establish a regional management system.

The delegation of Kenya strongly opposed the proposal on the grounds that any trade would lead to further stockpiling posing a threat to other sea turtle populations. Although commending Cuba for their conservation management efforts, the delegation of Canada echoed the concerns expressed by the delegation of Kenya and supported the establishment of a regional management plan.

The delegation of Dominica supported the proposal and pointed to ongoing cooperation through the Caribbean Turtle Management and Research Group, which had met on five occasions since the previous meeting of the Conference of the Parties. The proposal was also supported by the delegations of Antigua and Barbuda, Benin, Guinea, Honduras, Jamaica, Mongolia, Namibia, South Africa, Vanuatu and Zimbabwe.

The delegation of Portugal, on behalf of the Member States of the European Union, commended Cuba's conservation efforts concerning this species but questioned Japan's trade control scheme. They added that they would abstain should there be a vote. The delegations of Spain and the United Kingdom, as members of a technical mission to Cuba, endorsed Portugal's remarks and commended Cuba on their management plan. The delegation of the United Kingdom added that they would be willing to contribute to a regional workshop. The observer from the TRAFFIC Network noted that if the proposal was approved, and prior to any shipment of stocks of shell, a review of Japan's monitoring system would be advisable.

The delegation of Cuba requested a vote by secret ballot, which was seconded by the required number of Parties.

In all, 104 votes were received of which 15 were abstentions, 66 were in favour and 38 were against. Having failed to gain a two-thirds majority, the proposal was rejected.

The Chairman closed the session at 17h15.

| | |
|--------------|----------------------------------------------------|
| Chairman: | M. Clemente Muñoz (Spain) |
| Secretariat: | W. Wijnstekers M. Lindeque |
| UNEP: | L. Meszaros |
| Rapporteurs: | J. Caldwell M. Groves C. Lippai P. Mathew |

Consideration of proposals for amendment of Appendices I and II

59. Proposals to amend Appendices I and II

3. Other proposals

The delegation of Germany gave a brief introduction to proposal Prop. 11.43, to transfer *Varanus melinus* from Appendix II to Appendix I. They explained that the species concerned was endemic to Indonesia and that comments had been solicited from the range State. The delegation of Indonesia thanked Germany for their concern and stated that they had developed internal environmental management plans and conservation strategies, including zero quotas, for this species. They stated that, although they could not support the proposal, they welcomed assistance from the delegation of Germany to carry out research surveys.

In response, the delegation of Germany congratulated the delegation of Indonesia on their efforts to implement a conservation strategy and withdrew the proposal.

The delegation of the United States of America referred to proposal Prop. 11.44 to list *Crotalus horridus* in Appendix II based on scientific evidence pursuant to Resolution Conf. 9.24. They acknowledged, however, that the proposal would not secure support from the Committee and the proposal was withdrawn.

The delegation of the United States of America briefly introduced proposal Prop. 11.45 to delete *Bufo retiformis* from Appendix II, explaining that it was clear from the scientific information and trade data that an Appendix II listing was not warranted. The proposal was accepted.

The delegation of the Netherlands introduced proposal Prop. 11.46, co-sponsored by the United States of America, and highlighted the population status data of *Mantella* species in paragraph 2.3 of the proposal, noting that the level of international trade was large. Given that the species were distributed in small, isolated populations, and coupled with the problems of habitat loss, they said that they warranted inclusion in Appendix II.

Support for the proposal was given by the delegation of Madagascar who said that sustainable management was a priority for the Malagasy government and that they would be continuing with surveys of *Mantella* species. They requested financial assistance from the Netherlands and the United States of America to carry out such research.

There being no objections, the proposal was accepted.

The delegation of the United States of America introduced proposal Prop. 11.47 to include *Rhincodon typus* in Appendix II in accordance with Article II, paragraph 2(a). They recognized that the Food and Agriculture Organisation of the United Nations (FAO) had developed an international plan of action for the conservation of sharks, and, although they supported this plan, they noted that it was voluntary, focused on conservation and management rather than trade issues, and would not come into effect until 2001. As such, they felt it could not form the basis of any non-detriment finding. They concluded by saying that valuable trade data would result from a listing of the species in Appendix II and, as an adjunct to the FAO plan for sharks, they proposed a six-month delay in implementation of any decision made on this proposal.

The Secretariat stated that they could not support the proposal in isolation from proposals Prop. 11.48 and Prop. 11.49 and suggested revisiting the issue at the 12th meeting of the Conference of the Parties to determine if any Party had experienced significant implementation problems in the event that any proposal were adopted.

The delegation of Iceland expressed concern that intergovernmental bodies other than the FAO had not been consulted under the terms of Article XV of the Convention. This concern was echoed by the delegations of China, Cuba, Indonesia, Japan, Norway, Panama, the Republic of Korea, Singapore, Thailand and Venezuela and the observer from OLDEPESCA, all of whom did not support the proposal.

The delegations of Australia, the Czech Republic, Monaco, the Philippines, Portugal, on behalf of the Member States of the European Union, and the United Kingdom and the observer from the TRAFFIC Network supported the proposal. The delegation of El Salvador noted that CITES would be more appropriate than FAO to put forward conservation initiatives. The observer from IWMC – the World Conservation Trust – stated that they did not consider this and the other two shark species warranted listing in the Appendices.

Following points of order from the delegations of Iceland, Japan and the United Kingdom regarding the voting procedure, the Chairman asked for a show of hands that resulted in 51 votes in favour, 40 against and 13 abstentions; the proposal was therefore rejected.

The delegation of Australia introduced proposal Prop. 11.48 which they announced had been amended to include *Carcharodon carcharias* in Appendix II.

The Chairman proposed that, due to time constraints, three Parties should speak for the proposal and three against.

The delegations of Kenya, New Zealand and Portugal, on behalf of the Member States of the European Union, supported the amended proposal. The delegation of New Zealand accepted the obligations of increased monitoring and reporting they would face should the proposal be accepted and expressed the opinion that these problems were less than many present within CITES. They noted that Australia had offered to provide assistance on identification issues.

The delegations of Japan, Panama and Singapore, and the observer from OLDEPESCA, opposed the proposal and questioned whether an Appendix-II listing was appropriate, as there was no significant international trade in the species.

The delegation of Iceland proposed a secret ballot, the results of which were 51 votes in favour, 47 against, 8 abstentions and 1 spoiled ballot. Proposal Prop. 11.48 was therefore rejected.

The delegation of the United Kingdom introduced proposal Prop. 11.48, to include *Cetorhinus maximus* in Appendix II. They stated that the proposal met the criteria for Appendix-II listing and evidence from targeted fisheries in the NE Atlantic had shown that stocks became fished out quickly and took many years, if ever, to recover. They noted that

it was a strong sustainable use proposal and that accepting it would promote synergy with the FAO. Neither FAO nor the EU Fisheries Directorate was opposed to it. They ended by declaring that the proposal was based on sound science and, in the interest of an open and transparent process, called for an open vote. The delegation of Japan responded that they could not agree with a roll call vote and requested a secret ballot.

The result of the secret ballot was 62 votes in favour, 39 against and 6 abstentions; document Prop. 11.48 was therefore rejected.

The delegation of Denmark stated that, while they supported the position of the European Union on this issue, they had abstained in the vote, exercising their rights under Declaration 25 of the Maastricht Treaty on representation of the interests of the overseas countries and territories referred to in Article 227(3) and (5)(a) and (b) of the Treaty establishing the European Community. They asked that the representative of Greenland on their delegation be allowed to make a brief statement. The latter stated that Greenland was opposed to the proposal and believed that CITES was not a suitable body to deal with commercial fisheries and sharks.

The session closed at 20h00.

| | |
|--------------|----------------------------------------------------------|
| Chairman: | M. Clemente Muñoz (Spain) |
| Secretariat: | W. Wijnstekers M. Lindeque |
| UNEP: | P. Chabeda L. Meszaros |
| Rapporteurs: | J. Boddens-Hosang T. Inskipp J. Lyke J. Roberts |

Consideration of proposals for amendment of Appendices I and II

59. Proposals to amend Appendices I and II

3. Other Proposals

The delegation of Germany introduced proposal Prop. 11.50 to include *Latimeria* spp. in Appendix I. They noted that this proposal had been jointly submitted by the delegations of Germany and France in order to protect the newly discovered species *L. menadoensis*, and any species subsequently discovered in this genus, from international trade. The delegation of the Comoros, supported by the delegations of Indonesia and Japan, supported this proposal. The delegation of Indonesia, noted that in October 1999 it had initiated a collaborative programme to study *L. menadoensis* in order to estimate its population size and habitat requirements. The proposal was accepted by consensus.

The delegation of Indonesia noted that since proposal Prop. 11.50 was accepted, proposal Prop. 11.51 was redundant; they therefore withdrew it.

The delegation of Sri Lanka introduced proposal Prop. 11.52 to include all species in the genus *Poecilotheria* in Appendix II. The delegations of Bangladesh, India, Kenya and the United States of America expressed support for the proposal. The last of these added that the IUCN analysis of the proposal suggested that these species might already qualify for listing in Appendix I. The delegation of Switzerland, supported by the delegations of the Czech Republic, Portugal, speaking on behalf of the Member States of the European Union, and Japan, noted that the supporting statement contained little information on international trade and on the limits of the distribution of the genus, and opposed the proposal. In addition, the delegation of Switzerland noted that this genus, which is primarily threatened by habitat destruction, is not protected by domestic legislation in India. The Secretariat seconded these comments and encouraged the range States of this genus to increase protection for these species nationally, especially protection from habitat destruction, prior to Appendix-II listing. The delegation of India stated that it would take immediate steps to protect this genus domestically. The delegation of Sri Lanka promised to list this genus in Appendix III if the proposal failed. Seeing no consensus, the Chairman called for a vote by a show of hands. There were 49 votes in favour, 30 against, and 27 abstentions. The proposal was therefore rejected.

The Chairman requested the chairmen of the working groups established during the Committee meeting to present their reports.

The delegation of the United States of America reported that the working group on proposal Prop. 11.13, on *Manis* species, recommended amendment of the proposal to retain the three species in Appendix II with an annotation of a zero quota for trade. They added that this amendment was consistent with the recommendations of the Significant Trade Review. This proposal was agreed by consensus as amended.

The delegation of the United States of America introduced document Com. 11.23, which related to proposal Prop. 11.14, to transfer *Tursiops truncatus ponticus* from Appendix II to Appendix I. This document was agreed by consensus.

The Secretariat introduced document Com. 11.15, which related to proposal Prop. 11.56, concerning rainsticks produced from Cactaceae species. The delegations of Chile, Colombia, Peru and Portugal, speaking on behalf of the Member States of the European Union, expressed support for the second option outlined in the document. This was agreed by consensus. The Secretariat noted that the exporting Parties should inform the Secretariat if they were planning to take advantage of this exemption.

The delegation of Germany introduced document Com. 11.11, which related to proposal Prop. 11.60, to include *Harpagophytum procumbens* and *H. zeyheri* in Appendix II. This document was agreed by consensus.

The delegation of Germany clarified that the annotation to proposal Prop. 11.61, to include *Adonis vernalis* in Appendix II, should be amended to reflect the language of the annotation in proposal Prop. 11.53. This was agreed by consensus.

The delegation of the United States of America introduced document Com 11.25, which related to proposal Prop. 11.62, to transfer *Guaiacum sanctum* from Appendix II to Appendix I. The document was agreed by consensus.

Interpretation and implementation of the Convention

32. Conservation of and trade in rhinoceroses

The delegation of the United States of America introduced document Com. 11.19. This document was agreed by consensus.

35. Trade in freshwater turtles and tortoises to and in Southeast Asia

The delegation of Germany introduced document Com. 11.7 and referred to two amendments: The first was to delete "capture and" from paragraph e) under "URGES." The second was to insert CITES-listed after "specimens of" in the paragraph beginning "DIRECTS the Animals Committee" in the annex. The delegation of Portugal, speaking on behalf of the Member States of the European Union, wished to insert subject to available funds after "DIRECTS the CITES Secretariat" in the first paragraph of the Annex. The delegation of China proposed to delete "high volume" in the fifth paragraph of the document, beginning "NOTING that there are" and to change "meat" to food in paragraph f) under "URGES." The delegation of Germany, supported by the delegations of Indonesia and the Philippines, disagreed with deletion of "high volume". The document was agreed by consensus as amended, but retaining the reference to "high volume".

36. Trade in seahorses and other members of the family Syngnathidae

The delegation of Australia introduced document Com. 11.6. The delegation of Portugal, speaking on behalf of the Member States of the European Union, proposed some amendments to the document, but these were rejected. After some discussion, the Secretary-General proposed amending paragraph a) under "Directs the Secretariat to:" by replacing "establish a mechanism to receive" with to assist in obtaining. This document was agreed by consensus as amended.

37. Identification and reporting requirements for trade in specimens of hard coral

The delegation of the United Kingdom introduced document Com. 11.9 and added the following three amendments: changing the second paragraph of the document to read: RECOGNIZING also that coral, rock, fragments, sand and other coral products are also traded; in paragraph a) under "RESOLVES" to delete "recently"; in paragraph c) under "DIRECTS" to change "c)" to b). The delegation of Australia suggested amending the beginning of paragraph a) under "DIRECTS" to: the Animals Committee in collaboration with exporting countries. The delegation of Australia noted its concerns regarding paragraph j) under "RESOLVES." However, the delegations of the United Kingdom and the United States of America and the Secretariat believed that these details could be dealt with by the Animals Committee. This document was agreed by consensus as amended.

38. Timber species

2. Progress in the conservation of *Swietenia macrophylla*

The chairman of the working group introduced document Com. 11.8. There were no further comments and the document was approved.

Strategic and administrative matters

11. Nomenclature Committee

b) Recommendations of the Committee

and

Interpretation and implementation of the Convention

39. Standard nomenclature

The Chairman of the working group introduced document Com. 11.30 – suggested changes to documents Doc. 11.11.4.2 and Doc. 11.39, Annex.

Documents Doc. 11.11.4.2 and Doc 11.39 were approved as amended pursuant to document Com. 11.30.

The Secretary-General stated that the Secretariat would forward a copy of document Com. 11.30 to the Chairman of the International Whaling Commission for information.

Interpretation and implementation of the Convention

41. Significant trade in Appendix II species

1. Implementation of Resolution Conf. 8.9

The delegation of the Russian Federation introduced document Com. 11.4 with two amendments.

The delegation of the United States of America suggested the specification of Eurasian basin in paragraph i) under "Directed to the Parties". This was supported by the delegation of Canada, who explained that without a geographical reference this provision would be virtually impossible for North America to apply.

At the suggestion of the Secretary-General, referring to document Doc. 11.1, Rules of Procedure, Rule 21.6, "*When an amendment is moved to a draft resolution or other document, the amendment shall be decided on first*", the Chairman asked for a vote by show of cards on the proposal of the amendment by the delegation of the United States of America. There were five votes in favour, 20 against and many abstentions. The amendment was rejected.

After further discussion, the paragraph under "Directed to the Parties", paragraph i) was amended to: Starting from January 1st 2001, range States to establish coordinated, at intergovernmental level, annual export and catch quotas per basin for all commercial trade in specimens of Acipenseriformes and communicate such quotas to the Secretariat, prior to 31st December of the preceding year. Parties that fail to do so will automatically be treated as having a zero quota for the following year.

The delegations of Canada and the United States of America wished it to be recorded that they objected to the adoption of the entire document. The delegation of Suriname wished it to be recorded that they had abstained from the vote.

Document Com. 11.4 was approved with amendments.

The delegation of the Islamic Republic of Iran introduced document Com. 11.16, "Amendment to Resolution Conf. 10.12". The Secretariat suggested the following amendment: After "DIRECTS", paragraph a) beginning "The Secretariat" replace "develop a" with assist with the development of a. There were no objections and document Com. 11.16 was approved with this amendment.

31. Conservation of and trade in elephants

3. Revision of Resolution Conf. 10.10

The chairman of the working group introduced the consensus document "Resolution Conf. 10.10 (Draft amendment from the Secretariat)".

The Secretariat urged the range States to continue to report the results of their national monitoring programmes to the Secretariat and stated that upon implementation of MIKE, the Secretariat would provide assistance to those Parties wishing to contribute the results of their monitoring programmes from additional sites not included in the MIKE programme.

The draft amendment to Resolution Conf. 10.10 was approved.

The minutes in documents Com.I. 11.04, Com.I. 11.05, Com.I. 11.09, Com.I. 11.10, Com.I. 11.11 and Com.I. 11.12 were approved and those in documents Com.I. 11.06, Com.I. 11.07, Com.I. 11.08 and Com.I. 11.13 were approved with amendments.

After the Chairman thanked the Parties, observers, UNEP, rapporteurs, the Standing Committee, the Chairman of the Conference, the Plants Committee, Security Officers, the delegation of Spain, the Secretariat, the translators and the interpreters, the session was concluded at 12h00.

The Secretary-General thanked the Chairman for her work; this was supported by the delegation of the Dominican Republic. A round of applause followed the remark by the delegation of Guinea, which thanked the Chairman for her work and stated that she was a tribute to all women.