

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

Thirty-seventh Meeting of the Standing Committee
Rome (Italy), 2 to 6 December 1996

SUMMARY REPORT

Members:

Africa:	M. Lindeque (Namibia) A. Kane (Senegal) K. I. Abdel Rahim (Sudan)
Asia:	N. Akao (Japan), Chairman Y. Nikaido K. Kokubu K. Kamigawara K. Kawase M. Koyama M. Komatsu H. Tsubata M. Ide S. Hiruta M. Komoda Y. Endo M. Lauprasert (Thailand)
Central and South America and the Caribbean:	N. Nathai-Gyan (Trinidad and Tobago), Alternate Vice-Chairman V. Lichtschein (Argentina)
Europe:	R. Hepworth (United Kingdom), Vice-Chairman R. Smith S. Geddes S. Tveritinov (Russian Federation) M. Priloukov
North America:	J. Reyes Gómez (Mexico) M. Elena Sanchez
Oceania:	N. Kwapena (Papua New Guinea)
Depositary Government:	P. Dollinger (Switzerland)
Next Host Country:	J. Moyo W. Makombe S. Comerbach (Zimbabwe)

Previous Host Country:

K. Stansell (United States of America)
S. Lieberman
M. Cohn
W. Fox

Observers:

Australia

D. Kay

P. Lawrence

Austria

G. Erdpresser

Canada

C. Dauphine

China

Q. Jianhua

W. Xiaodu

L. Xiaoping

F. Zhiyong

Czech Republic

J. Kucera

El Salvador

M. Orlando Cisneros

Finland

V. Miettinen

France

F. André

G. Humbert

Germany

G. Emonds

D. Jelden

India

S. Dey

Indonesia

M. Samedi

Italy

S. Allavena

P. de Angelis

A. Russi

M. Lepri

C. Alfarano

S. Allavena

U. Mereu

L. Corbetta

A. Vaccaro

A. Di Stasi

F. Lombardo

E. Morgante

E. Vanni D'Archirafi

V. Rossi

M. Rocco

New Zealand

M. Hosking

Republic of Korea

Won Ga Yoon

Byung Kyoo Ha

Woo Shin Lee

Minjeong Kim

Dong Hee Lee

Seong in Suh

Kim In-Ho

South Africa

H. Grové

Spain

D. Javier Rubio de Urquía

M. Clemente Muñoz

United Rep. of Tanzania

E. Severre (Alternate)

M. Lyimo

ERM

J. Horberry (part-time)

United Nations Environment

Programme:

J. Illueca
C. Boelcke

Secretariat:

I. Topkov
R. Anderson
J. Armstrong
M. Astrálaga
J. Barzdo
J. Berney
A. Beyene
J. Kundaeli
J.P. Le Duc
M. de Campos
E. Eastwood-Barzdo
E. Graser

Rapporteurs:

J. Barzdo
L. Collins

First Session: 2 December 1996: 10h00 - 12h45

1. Opening Remarks by the Chairman and the CITES Secretary General

The Chairman opened the meeting at 10h00, welcoming the participants. He thanked the Government of Italy for hosting the meeting and stressed its importance in the lead up to the 10th meeting of the Conference of the Parties. The Secretary General echoed the welcome and expressed the gratitude of the Secretariat to the CITES Management Authorities of Italy. He also noted that four documents had been received late and that these would be distributed soon:

- a) a letter from Greece in response to questions raised by the Secretariat in relation to agenda item 9 on Enforcement;
- b) the regional report of Oceania;
- c) a sub-regional report of southern Africa; and
- d) a list of potential donors for approval by the Standing Committee, submitted by Argentina.

The observer from Italy, as the representative of the host country, welcomed all participants on behalf of the Minister of the Environment, who unfortunately was unable to attend the opening of the meeting but hoped to be present at a later session. The observer from Italy stated that his country, which had in the past been subject to sanctions, was proud to have been able to put in place measures to implement the Convention fully within such a short time. He added that awareness of environmental issues in Italy had grown and that the Italian Government wished to look more closely at animal welfare issues.

2. Adoption of the Agenda

The Chairman informed the meeting that the Chairman of the Animals Committee had written to inform the Standing Committee that, in accordance with Resolution Conf. 9.17, a working group of that Committee had been established to produce a document on the status of sharks, for consideration at the 10th meeting of the Conference of the Parties. The Chairman of the Animals Committee therefore considered that it would not be useful for the Standing Committee to consider this subject at the present meeting. The Chairman asked if there were any objections to removing this subject from the Agenda. There being none, item 21 was deleted.

With respect to Agenda item 25 (Any other business), the representative of Asia (Japan) asked for a discussion of regional representation in the Standing Committee, particularly with regard to the question of whether the Central Asian Republics formerly in the Soviet Union were considered to be in the European region or the Asian region. The representative of Europe (Russian Federation) noted that currently only two States were concerned (Belarus and Georgia), and they were not in Asia, but he had no objection to discussing this subject. It was agreed to include it under Agenda item 25.

The Provisional Agenda contained in document Doc. SC.37.1 was adopted as amended.

3. Reports of the regional representatives on their activities

The Secretary General stated that three written reports had been received so far and invited oral presentations. The representative of Europe (Russian Federation) informed the Standing Committee of activities within his region. With regard to CITES membership, he noted that Belarus had become a Party to CITES, that Georgia had acceded, and that the Deputy Minister of Ukraine had communicated the intention of his country to become a Party in 1997. With regard to training, the representative noted that the Secretariat had organized two seminars in Moscow, one on the implementation of the Convention and the other on training for trainers. The Russian Federation had been working in collaboration with several countries, notably Germany, and with NGOs, notably WWF, especially over issues related to the conservation of the tiger. Finally, he noted that preparation of a proposal to include sturgeons in Appendix II would be finalized by the end of 1996.

The representative of Europe (United Kingdom), introduced document Doc. SC.37.2.1. He drew attention to two points. Firstly, the new EU Regulation on CITES, which will strengthen the implementation of the Convention at the external borders of the European Union, will come into force on 1 June 1997. Secondly, the establishment of a CITES Enforcement Working Group should be confirmed by the Council of Environment Ministers of the EU in mid-December 1996. Lastly, he announced that there were plans to hold a meeting of Parties in the European region whilst in Rome and that a short agenda had already been circulated.

The representative of Oceania (Papua New Guinea) reported that, of the four countries in the region, only two, Australia and New Zealand, had prepared reports. As soon as Vanuatu and Papua New Guinea had done so, he would provide a written report to the Secretariat.

The representative of North America (Mexico) apologized for not having provided a regional report. He reported that recent activities in the region included training in enforcement and CITES inspections. Canada, Mexico and the United States of America had been working closely together. Two training seminars had been financed by the Commission for Environmental Co-operation under the auspices of the North American Free Trade Agreement (NAFTA).

The representative of Africa (Senegal) reported that his region had communication difficulties. Proposals relating to at least three taxa would be submitted for consideration at the 10th meeting of the Conference of the Parties: *Dalbergia melanoxylon*, *Entandrophragma* and *Loxodonta africana*. With regard to activities concerning the African elephant, a meeting of range States had been held in Dakar three weeks previously. The regional members would re-examine the issues relating to this species.

The representative of Central and South America and the Caribbean (Argentina) reported on recent events. These included an informal meeting of a regional sub-group to discuss the appropriate action where the need to establish legislation to improve CITES implementation was identified. The representative had herself participated in the 12th meeting of the Animal Committee, in Guatemala as well as the second and third meetings of the Conference of the Parties to the Convention on Biological Diversity. Two meetings on *Vicuna* had been held in Argentina and in Bolivia, where a series of resolutions were drafted. Discussions had also been held with the Chairman of the Animals Committee concerning the trade in *Tupinambis* leather. The Management Authority of Argentina also participated at the seventh meeting of the Plants Committee in Costa Rica.

The representative of Africa (Namibia) reported that the 10th meeting of the Conference of the Parties was considered as a regional event and that States neighbouring Zimbabwe and the Southern African Development Community (SADC) were being very supportive. Namibia had hosted a workshop on African elephants. Three proposals to transfer African elephant populations to Appendix II had been reviewed by a panel of experts. The SADC heads of State had expressed their firm support for elephant conservation (nine SADC members being party to CITES). A common position had been developed in SADC on elephant conservation and ivory stocks. With regard to the promotion of CITES, work was being carried out by the Wildlife Coordination Unit of SADC, in collaboration with international and national NGOs. A CITES newsletter for Africa had been established with the help of Parties. Currently, a review of the procedures for implementing CITES in Namibia was being undertaken and included a review of the roles played by the Customs service and the police. Information concerning CITES would be distributed to all wildlife retailers and made available to tourists. Angola, Swaziland and Lesotho had expressed interest in joining CITES. Swaziland hoped to become a Party before the 10th meeting of the Conference of the Parties.

The representative of Asia (Japan) stated that they had no regional report to present but there had been some notable activities. The Management Authority of Jordan would be hosting a regional meeting the following week.

The alternate representative of Africa (United Republic of Tanzania) reported that a meeting had been held between authorities in Kenya and the United Republic of Tanzania on enforcement at the border and on elephant conservation.

The observer from New Zealand presented document Doc. SC.37.2.2, relating to the Oceanian region. He noted that the report from Australia contained details of the implementation of the Resolutions of the ninth meeting of the Conference of the Parties and amendments made to the Wildlife Act. A focus of activities had been on trade in CITES-listed birds to and from New Zealand and on trade in medicinal products. New Zealand had been visited by the Secretary General of CITES, when initiatives on Small Island Developing States had been discussed.

4. Finances

- a) Consideration of expenditures (provisional) for 1996
- b) Estimated expenditures for 1997

The Secretariat introduced document Doc. SC.37.3.1, noting the difficulties in assessing expenditures for 1996 as the accounts would not be finalized until March 1997.

He added that savings were expected because of the late recruitment of the Deputy Secretary General and the Enforcement Officer, but they were largely offset by the hiring of Jaques Berney as an adviser. Some expenditures were also reported to be larger than expected (consultants and overtime) because of the late hiring of an Enforcement Officer and work load factors.

The representative of Europe (United Kingdom) pointed out that, in Annex 1 of the document, the column headings were correct on the first page but needed to be corrected on the following pages.

The representative of the Previous Host Country asked about the savings made under budget line 3201 (Enforcement seminars). The Secretariat said that the saving was largely due to the fact that much of the funding required had been provided from external sources. He added that most enforcement seminars were for participants from a single region, so that travel costs were reduced.

The representative of Europe (United Kingdom) asked whether, in view of the small surplus of funds for 1996, the budget could provide for payment to IUCN to enable production of its Analyses of Proposals to Amend the CITES Appendices, which is much appreciated by the Parties but for which it was becoming increasingly difficult for IUCN to raise funds.

The observer from Germany, noting the annotation "One P5 post expires in February 1997", that is the post of Mr Jaques Berney, CITES Adviser, requested that his appointment be extended. This was supported by the representative and alternate representative of Africa (Namibia and the United Republic of Tanzania). The Secretariat in response stated that they were exploring every possibility to extend the contract in whatever form the rules would allow. A lengthy discussion ensued concerning the UN regulations and possible ways forward. The Chairman informed the Committee that he would consult with the Secretary General of CITES and with Mr Berney and representative of UNEP and would report back to the meeting.

Concerning the question of the funding of the IUCN Analyses of Proposals to Amend the CITES Appendices, the Secretariat asked whether the Committee felt that the Trust Fund should be used to pay NGOs to provide scientific analyses. They noted that a number of NGOs prepared reports for the meetings of the Conference of the Parties.

The representative of the Previous Host Country remarked that her country had previously provided funds to IUCN for its work on the Analyses but that they did not consider it appropriate to provide funds from the 1996 budget of the Secretariat. She suggested that this work should be considered as a project and that it be proposed for external funding. Furthermore, she suggested that IUCN should prepare a breakdown of the budget for the work. The Committee agreed by consensus that this work should be considered as an externally funded project.

The representative of Europe (United Kingdom) commented that if the work was critical to the work of the Conference of the Parties, it should be financed from the budget. The representative of Asia (Japan), whilst appreciating the efforts of IUCN, noted that the Analyses themselves were not appreciated by everyone and that this should be considered carefully.

The Chairman asked whether it was the general feeling that this work should not be financed from the Trust Fund. The Secretary General remarked that TRAFFIC and WCMC also contributed to the Analyses of the Proposals and that the Committee should bear this in mind.

c) Status of contributions

The Secretariat introduced Annex 1 of Document SC.37.3.2. They announced that most of the funds for 1997 would be used in the first six months, because the meeting of the Conference of the Parties would take place in June, and they drew attention to the number of expected contributions that remained unpaid.

The observer from India observed that there were 10 Parties that had not paid for years and asked whether a time limit should be imposed for paying, with penalties if the deadlines were not met. The representative of Africa (Senegal) asked that India, as a developing country, understand the problems all developing countries encounter and not consider the imposition of penalties as appropriate.

The observer from Spain noted that his country's contribution to the Trust Fund was CHF 126,353 and that the additional CHF 6,000 for 1996 was for projects.

The representative of the Previous Host Country stressed that the contributions to the Trust Fund were voluntary and that the United States of America could contribute no more at this time.

The Chairman encouraged all Parties to make their contributions as early as possible, this being especially important in a year when the Conference of the Parties was meeting.

The observer from France, regarding agenda item 4d (not yet introduced), requested that more funds be made available for translators.

The Chairman adjourned the meeting at 12h45.

Second Session: 2 December 1996: 14h45 - 17h40

4. Finances

e) Location of the Secretariat after 31.3.98

The Secretary General presented document Doc. SC.37.3.4, expressing gratitude to the Government of Switzerland and to the state and city of Geneva for providing the current premises of the Secretariat and for subsidising the rent. He noted that the budget in document Doc. SC.37.3.3 reflected what the rent would be if the subsidy did not continue after 31 March 1998. He noted that, if the Secretariat moved to the Palais Wilson, where there was a lot of space not available for offices, it would wish the rent to be calculated only in relation to the usable office space.

The representative of the Depositary Government stated that he could not provide any assurances for the time being but that the Swiss Department of Foreign Affairs was examining ways of ensuring that the rent for the CITES Secretariat was kept below CHF 100 a square metre. He added that it might be appropriate for the Standing Committee or the Secretariat to send a letter to the Depositary Government to ask whether the rent of the Secretariat would continue to be subsidized after 31 March 1998 regardless of whether it moved to new premises or not.

The representative of Europe (United Kingdom) appreciated the early warning of the possible large increase in rent and asked whether discussions had taken place to look into possible accommodation for the Secretariat in case a satisfactory solution was not found in Switzerland. The observer from Germany asked whether there would be a possibility for Parties to make offers to host the Secretariat. The observer from Italy said that there was a need to keep costs to a minimum and to consider the collocation of secretariats of several conventions.

The Secretary General responded that the possibility of accommodation outside Switzerland had not yet been explored as there had been no necessity and discussions were still going on with the Government of Switzerland. He noted that although some States had in the past indicated that there could be benefits from collocation of secretariats of several environment-related conventions, some secretariats (e.g. that of the Convention on Biological Diversity and that of the Framework Convention on Climate Change) had recently left Switzerland, so that collocation was no longer possible.

The observer from Spain suggested that the Secretariat should prepare a document for consideration by the Conference of the Parties, with all relevant information on the possible relocation of the Secretariat, including the financial implications.

A number of participants expressed concern about the possible increase in the rent for the offices of the Secretariat. Following further discussion it was agreed that: the Secretariat should revise its proposed budget for the period 1988 - 2000, to reduce the amount for rent; the Government of Switzerland should be asked to inform the Committee, by 1 March 1997 if possible, of its decisions regarding the rent of the Secretariat and its possible relocation to other offices; if the Government of Switzerland was unable to continue to subsidize the rent of the Secretariat, to keep it at about the present level, the Secretariat should inform the Parties and invite offers to host the Secretariat; and the Secretariat should prepare a document for consideration at the 10th meeting of the Conference of the Parties, with details of the arrangement with the Government of Switzerland and, if appropriate, details of any offers to host the Secretariat.

d) Budget estimates for the CITES Trust Fund 1998-2000 and the Medium-term Plan 1998-2002

The Secretariat presented document Doc. SC.37.3.3. They drew attention to the need to establish a number of new posts in the Secretariat and said that the need for these was evident from the report of ERM (document Doc. SC.37.6).

The representative of the Depositary Government expressed concern about the proposed increase in the budget. Noting that a large proportion (1.1 million) of the proposed increase was for new staff positions, he suggested that even if additional staff were necessary, the proposal was not realistic. In connection with the restructuring of the Secretariat, he believed that it was difficult to have units of only

one person which would be functional and suggested that the units dealing with project management and scientific co-ordination be combined and those dealing with infraction prevention and enforcement be combined as the subject matter was obviously linked. The representative of the Depository Government also asked about the functions of the Secretary General and his Deputy, since they did not appear in the document showing the Secretariat's structure. He asked why the Deputy Secretary General was no longer responsible for a CITES geographic region.

The observer from India, also concerned about the proposed increase in the budget, remarked that even if the Secretariat staff were increased and produced more documents, the authorities in developing countries would not have the capacity to deal with them.

The observer from Italy suggested that ways should be found to reduce the budget, which might mean reducing the work load of the Secretariat. He asked for information to be provided on the work load of each unit and he agreed that since infraction prevention and enforcement were obviously linked, the units dealing with these subjects should be combined. The representatives of North America, of Central and South America and the Caribbean (Argentina) and of the Previous Host Country shared these views. The observer from the United Republic of Tanzania concurred, adding that there was a need to look closely at allocation of time for each task of the Secretariat and then to review the manning levels. The representative of Central and South America and the Caribbean (Argentina) stated that permit confirmation had worked very well in the past and she questioned whether this complex task could be efficiently executed by the new Enforcement and Legal Liaison Unit.

The representative of Europe (United Kingdom) thought that the process of restructuring that had been started was useful but he questioned the acceptability of the proposed increase in the budget, especially as the authorities of many Parties were facing cuts in their funding. He suggested that the Secretariat should prepare a new strategic plan and a work plan for consideration by the Conference of the Parties, indicating what could be done with the present level of funding and what could be done additionally with certain percentages of increase. The observer from New Zealand agreed. He congratulated the Secretariat on its measures to improve its efficiency and noted that the Conference of the Parties could not go on increasing the work load of the Secretariat without providing adequate funds.

The representative of the Previous Host Country believed that it was necessary to look at efficiencies of scale and said that she could not endorse such a large increase in the budget as the one proposed. She agreed that there was a need for a revised cogent and coherent strategic plan for the Secretariat.

The observer from Spain thanked the Secretariat for its work in re-organizing its structure but suggested that the restructuring was too expensive and was not convinced that it was appropriate. He felt that there were too many staff at the P4 and P5 level and not enough at the P2 and P3 level. He suggested that the structure of the Secretariat should be revised again, but in a way that would not increase its operational costs.

The Secretary General said that the proposed posts of Fauna Officer and Assistant Plants Officer were of especial importance. He also said that two of the proposed new posts were effectively being filled already by secondments from the Governments of Italy and the United Kingdom. On the question of permit confirmation, he pointed out that this takes a great deal of the time of the Secretariat including the time of high level staff. The aim was to reduce the amount

of time spent, as well as the cost to the Parties. If the Conference of the Parties refused to agree to the proposed increase in the budget, he said, the only alternative would be to reduce the amount of work that was expected. He added, however, that the budgets of the secretariats of some other conventions had recently been increased significantly. He noted that, if the Parties were reluctant to provide for additional staff from the Trust Fund from 1998, an alternative would be for Parties to consider seconding staff to the Secretariat.

The observer from Italy felt that there was a need to stabilize the costs of the convention secretariats as well as to look at ways of restructuring to avoid duplication of effort, for example by the Secretariats of CITES and the Convention on Biological Diversity. There might be a need, he believed, to consider 'pulling back' from some conventions, as Italy had recently done from IUCN.

The representative of Central and South America and the Caribbean (Argentina) said that there was always a need to look at the efficiency of the secretariats. She stressed her concern about the restructuring of the CITES Secretariat however, asking why the unit dealing with special projects was now separate from the unit dealing with scientific co-ordination. She suggested that the Standing Committee should itself review the functioning of the Secretariat.

To clarify a misunderstanding, the Secretariat confirmed that the new structure of the Secretariat had already come into effect on 4 November 1996. It had been conducted as part of a planning process required by the UN, in order to establish a performance appraisal system. In the UN this was a top-down process involving the development of work plans and performance indicators. The Secretariat stressed that the restructuring in no way affected the proposed budget. The information about the restructuring had been provided to the Committee as background information, to indicate where the new posts were required. They pointed out that six members of staff were currently involved in the confirmation of permits, making it difficult to perform in a consistent and efficient manner. The new structure focused the confirmation in a single unit, leaving regional co-ordinators more time to communicate effectively with the Parties in their regions. The Secretariat pointed out that the Committee was asked, in document Doc. SC.37.3.3, to consider the need for additional funding for the work of the Standing Committee, the Animals Committee and the Plants Committee and to advise the Secretariat how to proceed.

The Chairman said that the Secretariat should take into account the comments made by the participants regarding the budget and structure, although the Committee should not be involved in the micromanagement of the Secretariat. He asked for comments regarding the budgets for the permanent Committees.

The Secretary General pointed out that a major expenditure for the Standing Committee was interpretation costs and that the Animals and Plants Committees also required funds for interpretation in their meetings. In the past it had been provided by the host country or with funds from donors.

The observer from India said that it was appropriate for each host country of a meeting of the Animals and Plants Committees to ask the embassies in its country to help by providing interpretation.

The observer from Spain believed that the Trust Fund had been established to provide a basis for the implementation of the Convention and that priorities must be set for expenditure. He thought it was astonishing that basic communication had not been considered a priority, although it was now provided in the meetings of the Standing Committee. He considered it vital for the representatives of Parties to be

able to understand and to be understood at meetings and thought that interpretation for the meetings of permanent Committees should therefore be provided from the Trust Fund. The representative of Africa (Namibia) strongly agreed with this view. The representative of the Next Host Country concurred, pointing out that, if host countries were expected to pay the costs of interpretation, many Parties would be excluded from hosting meetings because of the cost.

The representative of Asia (Japan) believed that simultaneous interpretation should not be paid for from the Trust Fund and suggested that the Committee should consider the possibility of reducing the number of working languages of the Convention and that States should provide their own interpreters for their representatives at meetings. The representative of Europe (United Kingdom) speaking on behalf of his own country, expressed sympathy with this view, and noted also that it could be cheaper for the Committees to have longer but less frequent meetings.

The representative of the Previous Host Country said that her country would like to see interpretation provided for all CITES meetings if possible, but funded from external resources. She noted that her government had supported the participation of observers at a number of meetings of CITES Committees. She suggested that the Chairmen of the Animals and Plants Committees should be asked to present detailed budget analyses and requests to the Conference of the Parties. She also suggested that the Chairmen be asked to prepare budgets outlining the costs of simultaneous interpretation and translation into the working languages of the Convention so that the Parties could decide on budget allocations of the Committees.

The Chairman suspended discussion of this subject.

7. Review of "How to improve the effectiveness of the Convention"

The observer from Environmental Resources Management introduced the report of his organization, attached to document Doc. SC.37.6.

The Chairman then adjourned the meeting at 17h40.

Third Session: 3 December 1996: 09h30 - 12h30

7. Review of "How to improve the Effectiveness of the Convention" (continuation)

The Chairman invited the observer from ERM to complete the presentation of his organization's report on "How to improve the Effectiveness of the Convention", attached to document Doc. SC.37.6. The observer from ERM noted that a synopsis was provided in the executive summary. He commented on the limited number of species reviewed, noting that ERM had been constrained by the lack of time, lack of information available and limited funds. Furthermore, he said it had been difficult to find conclusive evidence of the impact of trade on the conservation status of the species reviewed. He said that the Committee might wish to consider the value of having a more extensive review conducted. He also noted that a number of responses to the questionnaire had been received since the report had been prepared and asked whether the Committee would want an addendum to the report. The observer from ERM then introduced the recommendations contained in detail in Chapter 8 of the report and condensed in the executive summary.

The representative of Oceania (Papua New Guinea) congratulated ERM on the study, commenting on the balanced observations and practical recommendations. One issue that was directly relevant to the region was the increasing complexity in the implementation of CITES. He said that this was an obstacle for small island developing States. The representative of the Previous Host Country also expressed her government's appreciation for the efforts of ERM to produce its report within the time constraints and that ERM or its representatives were able to meet personally with many countries and to consult with governments and NGOs in many countries. Unfortunately, these time constraints were so limited as to preclude detailed discussions with most Parties. The Previous Host Country also expressed its appreciation for the opportunity provided to Dr Susan Lieberman and Mr Marshall Jones to serve as technical advisers to the project, which provided a greater understanding of the process. ERM had done a professional job, given the time constraints under which it was working. She added that the United States believed that the Parties should now take the time needed to digest and review the report and its recommendations, and to fully assess the most productive approach to those recommendations, and which would have the highest probability of approval by the Parties. The representative of the Previous Host Country also noted that ERM had effectively pointed out and addressed both majority and minority views of the Parties on pivotal issues, which were useful to keep in mind. She noted that a majority of the Parties supported the inclusion of timber and marine species in the appendices, when appropriate and when the species qualified for such inclusion based on information about their biology and trade. She suggested that the document provided an important reference for the future that Parties should keep in mind and refer to. She recommended that it be disseminated widely and suggested that the report should be copied and mailed to all Parties, with the cost for such copying to be paid by the balance in the account for this project. She suggested that ERM be asked to make an electronic copy available for distribution. She also suggested that the entire document be translated into French and Spanish for transmission to the Parties and that the responses to the questionnaire be made available to the Parties (on request, or for review at the meeting of the Conference of the Parties).

The observer from Italy noted that it was apparent from the report that the responses received by ERM did not adequately reflect the situation in Europe.

The representative of Africa (Namibia) suggested that before the report was discussed by the Conference of the Parties it should be reviewed by the Parties to determine whether the information provided had been interpreted correctly. The representative of Central and South America and the Caribbean (Argentina) agreed. She added that there were two main points to consider, firstly general policy and secondly the practical recommendations made. The representative of Africa (Namibia) proposed that the report be sent to the Parties, to the secretariats of other conventions and to the NGOs who had been consulted during the preparation of the report, with a four-month deadline for comments. The Secretariat could then compile a summary of comments, to be submitted with the report for consideration at the 10th meeting of the Conference of the Parties. However, this process should not prevent the Standing Committee from commissioning more work.

The representative of the Previous Host Country endorsed this proposal but did not support the commissioning of more work for the time being. She suggested that if NGOs (other than those that had been consulted) wanted to see the report, they should cover the costs of making the report available. As the report contained some recommendations concerning the Secretariat, she asked the Secretariat to comment on these, since action could be taken before the 10th meeting of the Conference of the Parties. Lastly, she wished to know which responses to the questionnaires had been incorporated in the report and she asked that all the responses be circulated. These suggestions were supported by the representative of North America and by the observer from Italy, who suggested that the report also be sent to the European Commission.

The representative of Europe (United Kingdom) said it was important not to lose momentum. He suggested that controversial recommendations should be considered at the 10th meeting of the Conference of the Parties and that a plan of action could be developed meanwhile. He appreciated the suggestion made by the representative of Africa (Namibia), that follow-up actions be considered by the Committee, and asked for consideration of the following actions: initial consultation with key bodies, e.g. IUCN and WTO, and the provision of a supplementary report for the 10th meeting of the Conference of the Parties; implementation of the three priority recommendations contained in section 8.3, on page 90 of the report; compilation of a supplementary report, taking into account the questionnaires received by ERM after they had prepared their report; and a presentation by ERM at the 10th meeting of the Conference of the Parties. Other items for consideration included the preparation of a new strategic plan and a related financial plan, as well as fund raising. He suggested the setting up of a working group to make proposals for consideration later in the meeting.

The observer from India questioned the reliability of the information contained in the species review, making particular reference to the case study on the tiger.

The representative from Central and South America and the Caribbean suggested that the monitoring committee, including the advisers, should prepare a summary of the various proposals and report back to the Standing Committee. The representative of Africa (Namibia) agreed with this suggestion, but stressed that some actions could be taken now, possibly including further reviews of species.

The observer from ERM noted that the process of reviewing a sample of species had been difficult and that it was hard to make conclusive findings about the effectiveness of CITES in terms of its impact on the conservation of species. He said that, if the exercise were expanded, it would be advisable to look at ways of getting more empirical results.

The Chairman noted that it was agreed that the report of ERM should be sent to all the Parties for comment and that the deadline for responses to the Secretariat would be 1 March 1997. The Secretariat would compile the comments in a document for the 10th meeting of the Conference of the Parties. He also noted that, of the funds provided for the study, about USD 50,000 remained unused. He asked whether it should be used immediately for follow up work or for the second phase. The representative of the Previous Host Country said that the Secretariat could not expend the funds for work that had not been specified in the grant agreement without a modification of the grant agreement, which would require her agency's consultation with other agencies in the United States that had been provided funds for the project. She believed that an addendum to the report, relating to the late questionnaires would not be costly.

The Secretary General commented that if reviewers comments were needed by March 1997 there would not be time for translation of the full report. He suggested that the report be sent out in English immediately and that the translations be sent later, as soon as they were ready. This was agreed.

A working group was formed, consisting of the members of the monitoring and advisory committees, to prepare a draft conclusion on this matter, for consideration later in the meeting.

8. Relationship between CITES and UNEP

The Chairman started by saying that the Committee should discuss in an open session only the matters that were within the terms of reference of the working group on this issue. He said that the issues which were outside the terms of reference of the Working

Group, but that had nonetheless been considered, would be discussed later in a closed session. This was agreed.

The representative of Central and South America and the Caribbean (Argentina), as the chairman of the working group, presented document Doc. SC.37.7 (Minutes of the CITES-UNEP Working Group Meeting). She acknowledged the good co-operation of the staff of UNEP and the CITES Secretariat. She said that unfortunately there had not been time to consult Parties to obtain their views on the relationship between CITES and UNEP. She reported that the working group had not recommended any modification to Article XII of the Convention. She then proceeded to introduce all of the highlighted conclusions and recommendations in the document. She thanked her colleagues who had participated in the working group, especially Dr Peter Dollinger, who had acted as rapporteur and organized the meeting of the working group in Berne. Finally, she thanked UNEP for their co-operation.

The representative of UNEP acknowledged the close working relationship between UNEP and CITES. He believed there should be a more flexible and expeditious relationship between CITES and UNEP. He said that the most important point in the report of the working group was the need for a new Memorandum of Understanding between UNEP and CITES, and UNEP had already been working on this. A draft would be available for discussion at the time of the next meeting of the Governing Council of UNEP. The representative of UNEP said that UNEP was currently looking into the possibility of closing the bank account for the CITES Trust Fund in Geneva. With regard to UNEP's contributions to CITES, he said that information had been omitted from the report of the working group. He stated that he wished to remind the Secretariat that UNEP had set up the African Elephant Database for CITES use, that it had contributed to the development of national legislation and that it had an extensive computer network, which linked 20 international and regional conventions. In relation to point 6.1 (Scientific, technical and legal co-operation) of document Doc. SC.37.7, he commented that UNEP responded to requests when asked and that any apparent peaks and troughs were caused by fluctuations in demand and in UNEP's and the CITES Secretariat's capacity to respond. He informed the Committee that UNEP's financial position and its scientific, technical and legal co-operation would improve in 1997 and 1998. He added that the UNEP paper to the working group aimed to provide an overview of their activities since the beginning of the relationship with CITES. The major thrust of UNEP's Environmental Programme for the first decade of the 21st Century would be to identify where substantive linkages between conventions should be made.

With regard to point 8 and point 13.1.f of document Doc. SC.37.7, concerning financial and administrative procedures, the representative of UNEP stated that it was impossible to give a breakdown of expenditure of the 13 per cent administrative charge and that the information provided was a rough estimate. She said that the issue should be whether or not the Parties to CITES feel that they receive adequate services. In 1973, the real cost of administration was determined to be over 20 per cent but a 13 per cent flat rate had been established later by the General Assembly of the UN. She said that the financial reports had been made available to the Secretariat in July 1996, as would be the report of the Board of Auditors. Recent increases in costs, she said, had been caused by the payment of education grants and by changes in the post adjustments in Geneva. She noted that the matter of projects was being dealt with and was no longer an issue as the 13 per cent administrative charge was not being applied to counterpart contributions. She said that some of the remaining points raised by the working group were debatable. In conclusion she informed the Committee that the Executive Director had been as flexible as possible in applying the UN rules.

The representative of Central and South America and the Caribbean (Argentina) noted that the comments on the flexibility of UN rules had come from UNEP at the meeting of the

working group. She said that there was a need to look at the application of heavy procedures in such small bodies as the CITES Secretariat. She said the working group agreed that it was unacceptable that UNEP should spend 13 per cent of the contributions of Parties just as it likes, especially as the amount increases with each increase in the budget, and she requested that detailed information on the expenditure of the 13 per cent administrative charge be circulated to the Parties for analysis. The working group, she commented, had not received UNEP's annual financial reports, and she asked that these be provided.

The representative of the Previous Host Country, who was also a member of the working group, thanked the Depositary Government for hosting the meeting and thanked the other members. She said that the main issues for consideration were: the appropriateness of UNEP's role; what CITES receives for the 13 per cent administrative charge; what services UNEP renders and does not render to CITES in return for this charge; and lastly the Memorandum of Understanding, which, she thought, should specify clearly the nature of the relationship between UNEP and CITES. She reiterated that the suggestion to list problematic UN rules had come from UNEP. She noted that clarification was sought on the percentage of time spent on CITES by the three members of UNEP administrative staff at the Secretariat. She stressed that there were no complaints concerning the performance of these three people. She said that she was expressing concern since it appeared that these three people were now working only part of their time for CITES, but that their salaries were still being paid in full by the CITES Trust Fund. No response had been received from UNEP or the Secretariat to this question.

The Chairman asked whether the Committee endorsed the report of the working group for submission to the 10th meeting of the Conference of the Parties. The representative of Asia (Japan) endorsed the report. The representative of Europe (United Kingdom) recalled that the original plan had been to distribute the report with a Notification to the Parties. He noted that the paper prepared by UNEP was useful, as was the suggestion to discuss the draft Memorandum of Understanding in the margins of the forthcoming meeting of the Governing Council of UNEP. This was supported by the representative of Europe (Russian Federation). The representative of Africa (Namibia) supported the report of the working group, stressing the need for clarification of how the 13 per cent administrative charge is spent. Turning to section 12.1 of the report, he commented that it would be appropriate for the Committee to be consulted before any Memorandum of Understanding was concluded between the CITES Secretariat and the secretariats of other conventions. The representative of Central and South America and the Caribbean agreed with this. She said that there were hidden criticisms in section 12.1 and that in future important agreements should be subject to consultation. In response, the Secretary General stated that the Memorandum of Understanding with the Secretariat of the Convention on Biological Diversity (CBD) had been reviewed and accepted at the 36th meeting of the Standing Committee (see doc. SC.36.19 Annex 3) and that the third meeting of the Conference of the Parties of CBD had approved it also.

The observer from Spain congratulated the working group on its efforts and for dealing objectively with a sensitive issue. He considered the responses from UNEP to be fully satisfactory and suggested that the services of UNEP should be used more, to reduce the costs to CITES. However he made a formal complaint that the Standing Committee documents had not been distributed in advance to observers from Parties and therefore there existed a lack of transparency. At its 36th meeting, the Standing Committee had made a commitment to distribute the report of the working group to the Parties for comment but this commitment to the Parties had not been respected. The observer from Spain also commented on problems that had come up at the previous meeting of the Standing Committee regarding UNEP and the procedure for selection of the Deputy Secretary General, noting that the current Memorandum of Understanding was vague and imprecise.

The Chairman recalled that the Secretariat had explained at previous meetings its policy to send documents in advance only to members of the Committee. He asked the Secretariat to ensure that, in future, it sends documents for meetings of the Standing Committee as soon as they become available, not only to members but to all Parties that register in time to attend meetings of the Committee.

The Chairman adjourned the meeting at 12h30.

Fourth Session: 3 December 1996: 14h50 17h40

8. Relationship between CITES and UNEP (continuation)

The observer from Italy felt that UNEP had a strategic role to play in the implementation of conventions but that the role was different for mature conventions such as CITES than for newer conventions. He felt that UNEP should play a co-ordinating role, recognizing that if activities in one convention progress too fast, another convention can suffer. The role of UNEP was becoming more sophisticated. It was in a good position to take a broad view of the conventions, to help to avoid duplication of effort. It should not lose its perspective, and not promote any convention at all costs. The observer from Italy felt that there was a large imbalance in the attention given to different conventions.

The observer from Australia welcomed the report of the Working Group on this subject and said that it should be sent as soon as possible to all Parties, together with a copy of the existing Memorandum of Understanding between the Standing Committee and UNEP. He felt that further consideration was needed of the possible contents of a revised Memorandum and that it should certainly lay out the respective responsibilities of UNEP and CITES. He felt that UNEP should provide a report to each meeting of the Conference of the Parties with a breakdown of the assistance it provides to CITES. He understood the difficulties of this but thought that it would increase transparency if UNEP would at least provide information on the direct assistance it provides. Having heard about the financial crisis in UNEP, he also asked whether any thought had been given to reducing support to the CITES Secretariat.

The representative of UNEP reported that, although UNEP had reported at a meeting on 4 November, in Geneva, that it was going through a financial crisis, there was now cause for optimism as a result of a number of events in the intervening weeks. He stressed the problem that there had been a reduction in funds that were not earmarked, whereas earmarked funds were increasing, including the convention trust funds. There was a belief that if this continued there may be a need to increase the 13 per cent administrative charge, to increase the funds available for work on global issues of common concern. Concerning this charge, the representative of UNEP said that it would be easy to determine the direct costs in supporting CITES, the problem would of course be with the indirect costs but he would look at ways of providing information about this. Meanwhile, he had asked the Secretariat to distribute a document on this subject produced for the Governing Council of UNEP. He noted that UNEP was in the process of introducing a new system of accounting, including accounting for time, and that when this had been introduced it should be possible to provide information on the indirect costs incurred in supporting CITES.

The Chairman reminded the participants of the need to ensure, through their national delegates to the Governing Council of UNEP that it does not ask UNEP to start charging 13 per cent on externally funded projects.

The representative of Central and South America and the Caribbean (Argentina) pointed out that nobody had questioned the value of the service provided by UNEP; the question was what exactly does UNEP provide? She recalled that the report of the Working Group on the relationship between CITES and UNEP called for additional information from UNEP and from the CITES Secretariat. Recalling also the criticism of the Secretariat for not having circulated the report of the working group, she said that such problems should be avoided in future. With respect to the proposed revision to the Memorandum of Understanding between UNEP and CITES, she stated that the report indicated a number of ways in which it could be improved.

The Chairman asked the representative of UNEP to provide documentation about their proposed amendments to the Memorandum of Understanding and to respond to the points in section 13 of document Doc. SC.37.7.

The representative of Europe (United Kingdom) noted that there were about 30 recommendations in the document, which was a report to the Standing Committee, and suggested that the Committee should therefore prepare a document for consideration at the 10th meeting of the Conference of the Parties. Regarding the Memorandum of Understanding with UNEP, he felt it important to get as much as possible agreed before that meeting, and that a working group should be charged to work with UNEP on this. The representative of Africa (Namibia) and the observer from Spain concurred. The representative of Central and South America and the Caribbean (Trinidad and Tobago) also agreed, adding that the report in document Doc. SC.37.7 should be sent to all Parties for comment and that the Secretariat should collate the comments.

After some further discussion, the Chairman summarized the results, that the Committee: took note of document Doc. SC.37.7; instructed the Secretariat to send out copies of the document to the Parties at once, for comments to be received by 1 March 1997, and to compile the comments; and agreed to establish a working group to negotiate a draft of a revised Memorandum of Understanding with UNEP for consideration at the 10th meeting of the Conference of the Parties.

The representative of Central and South America and the Caribbean (Trinidad and Tobago) recalled that, when introducing document Doc. SC.37.7, the chairman of the working group on this subject had expressed the need for a discussion in closed session. In response the Chairman said that there would be an informal meeting on this subject, open only to the representatives of Parties and not either UNEP or Secretariat staff, after the close of the formal session the following day; no interpretation would be available as it was not within the budget. Spain clarified that this was a closed meeting but not an informal one. Discussion of this subject was then deferred to the closed session.

4. Finances

d) Budget estimates for the CITES Trust Fund 1998-2000 and the Medium-term Plan 1998-2000 (continuation)

The Secretariat recalled that at the second session it had presented, for information, its new operating structure, to provide a context for the increase in budget that was sought. They stressed that the new structure had already been in place since 4 November 1996 and that its functioning did not require additional funding. This structure had been introduced to ensure greater accountability and effectiveness of the Secretariat, to establish clear priorities for its work and to clarify the responsibilities of the staff members. This procedure had been strongly supported by the ERM report. The Secretariat's purpose in presenting document Doc. SC.37.3.3 was to seek guidance from the Committee on the budget increase being sought.

Clearly, if there were no support for it, there would be no point for the Secretariat to develop a detailed budget proposal. The Secretariat asked what sort of budget proposal it should prepare for submission to the 10th meeting of the Conference of the Parties. It had already been suggested that a document should be prepared showing what could be provided for an increase in the budget of 10 or 15 per cent. Another possibility was to produce a proposal for a budget smaller than the current one, with details of the staff posts that the Secretariat would no longer be able to support and of the work it would not be able to do. The Secretariat also reminded the Committee that it was seeking a recommendation about how it should respond to the requests for increased budgets for the Animals and Plants Committees.

The representative of Africa (Namibia) accepted that the Standing Committee should not be involved in micromanagement but he felt that it should nonetheless be consulted about changes in the structure of the Secretariat and that it might be appropriate to amend the terms of reference of the Committee to make its role clear. Regarding the budgets of the Animals and Plants Committees, he believed that the Committee had already reached agreement to seek more information from the Chairmen.

The representative of the Depositary Government expressed doubts about the new structure, especially about the wisdom of having seven people reporting to one person and about the viability of units with only one person. He asked who would act for them in their absence. He noted that the functions of the Deputy Secretary General had changed and asked whether this was appropriate so soon after the incumbent had been appointed. The representative of UNEP responded that it was quite common for job descriptions to change to take into account the skills of a staff member. He said that the heads of secretariats were and should be left to manage the structure of their offices in the best way possible to achieve the agreed programmes of work. UNEP simply took note of any changes. He added that the Governing Council of UNEP had expressed the view that the giving of advice on structure was micromanagement.

The observer from Spain asked for regional representatives to indicate, when they speak, if they are speaking on behalf of their own country rather than as regional representatives. The Chairman endorsed this request, adding that he himself spoke only as the Chairman and not as a regional or national representative.

The observer from El Salvador endorsed the view previously expressed by the observer from Spain, that interpretation and translation in the working languages were vital for meetings. He explained the actions taken in his country to improve the implementation of the Convention and he added that his government hoped, in the future, to host a meeting of the Conference of the Parties.

The representative of Central and South America and the Caribbean (Argentina) agreed with the representative of Africa (Namibia) that the Committee should advise the Secretariat about its restructuring. She said that what had been done could be changed and proposed that the Secretariat should revise its organigramme, taking into account the concerns expressed here, and make proposals to a future meeting of the Committee. The representative of Europe (Russian Federation) concurred. The representative of North America also agreed, stressing that the Secretariat serves the Parties, not the other way round.

The representative of Europe (United Kingdom) said that although managers should be left to manage, the documents presented did not make clear the link between the budget and the structural changes in the Secretariat. If the new structure improved

the effectiveness of the Secretariat, this was obviously an advantage, but the documentation did not indicate how the effectiveness would be improved.

The observer from New Zealand believed that the budget proposed in document Doc. SC.37.3.3 was not unreasonable and that it would in any case be cut by the Conference of the Parties if it were not justified. He therefore suggested that the Committee should endorse its submission to the 10th meeting of the Conference of the Parties. He added that the Secretariat should be judged by its results and that the Committee should not engage in micromanagement.

The representative of Europe (United Kingdom) said that he was speaking as the Vice-Chairman. He said that it would be best simply to note the changes that had taken place in the Secretariat and that the Committee should ask the Secretariat to produce a new strategic plan and a financial plan, which would indicate all contributions to be expected, including contributions in kind.

The representative of Africa (Namibia) agreed that the Committee should not be involved in micromanagement and that it should support any effort by the Secretariat to improve its efficiency. He felt, however, that it would be best for the Secretariat to consult the Committee before implementing changes and that the Secretariat should not expect the Parties simply to note the actions taken and to pay for them unquestioningly.

The observer from Italy felt that the Secretariat should be exploring ways of reducing its costs, which might include combining some of the functions currently performed.

The representative of Europe (Russian Federation) drew attention to the need for flexibility in compiling the scale of contributions for each year, as the appropriate figures for the years after 1997 might not yet be available.

The representative of the Depositary Government pointed out that Parties might not wish to pay any more than they did currently. He suggested that, if the Secretariat wished to establish new posts, it should place them in order of priority as it was unlikely that all would be approved. He also suggested that the Secretariat should consider charging for some of the services it provided and increasing the minimum contribution.

Concluding, the Chairman noted that the Committee agreed that the Secretariat should revise the proposed budget, taking into account the comments made, and should submit a more modest budget for consideration at the 10th meeting of the Conference of the Parties, together with an indication of the priorities where increases were sought.

5. Preparation of the 10th meeting of the Conference of the Parties

The representative of the Next Host Country reported that arrangements were well under way for the meeting to be held at the Harare International Conference Centre. The Secretariat had visited Harare twice to review various aspects of the organization of the meeting. There had been a problem of the costs of hotel accommodation but the hotels had significantly reduced the room charges that they had quoted originally. Regarding meeting rooms and offices for use during the course of the meeting, priority would be given to Parties, although some rooms would be available for NGOs. There was a need to inform the Parties about the availability of hotel rooms soon, via the Secretariat. The representative of the Next Host Country said that there would be shuttle buses from the hotels to the Conference Centre, throughout each day of the meeting. With respect to

visas, methods for making applications were in the process of being worked out. As for excursions, arrangements had been made to offer a number of trips before and after the meeting, as well as excursions during the meeting for those who were accompanying participants. The representative of the Next Host Country expressed appreciation of assistance that had been received especially from the United Kingdom and the United States of America, as well as from the regional representatives of Africa in the Standing Committee.

The Secretary General thanked the Next Host Country for all the work that had already been done. He appreciated the reduction in the hotel costs but noted that some problems were still to be solved, including the arrangements for public and press relations, and the Memorandum of Understanding with the Host Country. He appealed to potential donors to provide money for the 'delegates project'. He suggested that participants ensure that they book hotel rooms and offices as soon as possible. Finally, he reported that the Secretariat was not officially aware of any forthcoming offer to host the 11th meeting of the Conference of the Parties.

The Chairman adjourned the meeting at 17h40.

Fifth Session: 4 December 1996: 09h55 - 12h30

5. Preparation of the 10th meeting of the Conference of the Parties

The Chairman asked whether there were any announcements concerning financial contributions. The representative of Asia (Japan) stated that Japan expected to make a contribution to the delegates project, although the amount was not yet certain. The representative of the Previous Host Country stated that her country was also preparing to make a contribution, both financially and in terms of technical and computer support to the meeting.

The representative of Africa (Namibia) asked when the details of registration would be sent to the Parties. The Secretary General replied that a Notification with details of the hotels would be sent to the Parties before the end of December 1996. He also thanked Denmark, the United Kingdom and WWF for their contributions to the delegates project.

6. Provisional Agenda, Working Programme and Rules of Procedure of the 10th meeting of the Conference of the Parties

The Secretariat introduced document Doc. SC.37.5.1, and provided details of proposed agenda items that had not been listed in the document because they had arrived after it had been prepared. The Animals Committee had proposed inclusion of an item on illegal trade in parts and derivatives of bears. The Management Authority of France had proposed the inclusion of five items as follows.

- i) Ways of using stocks of dead specimens included in Appendix I to the benefit of identified and approved users at a national level.

The Secretariat commented that this could be included in point XIV of the Provisional Agenda, before the current point XIV.18, which deals with ivory stocks.

- ii) Financing of the conservation of biodiversity and development of sustainable use of natural resources (feasibility study).

- iii) Interpretation of Article II, paragraph 2.b) and Article IV, paragraph 3, of the Convention.

The Secretariat suggested that this could be included as a new item under point XIII 1.b of the Provisional Agenda.

- iv) Encouragement of conservation *in situ* and of sustainable use of natural wild products.
- v) Treatment of finished products of animal species in Appendix II that are subject to significant levels of retail trade. To study the movements of finished products that are subject to significant levels of international trade where controls of raw and semi-finished products are in place and are efficient.

The Secretariat noted that this may call for an amendment of the text of the Convention.

Concerning Provisional Agenda item IX, Matters Related to the Standing Committee, the representative of the Depositary Government suggested the inclusion of a sub-item to enable discussion of authorization (credentials) to attend meetings of the Standing Committee. He noted an amendment to Resolution Conf. 9.1 might be necessary. The Secretary General recalled that the Committee in consultation with the Chairman, had agreed to discuss this subject during the present meeting under 'Any other business'.

The representative of the Previous Host Country agreed that there was a need for the Conference of the Parties to discuss the subject of committee representation. She said that the United States of America had prepared a draft resolution to amend Resolution Conf. 9.1 in relation to other committees and suggested that this be discussed under Provisional Agenda item XII, under the title "Establishment of Committees". She also announced that the United States of America had prepared a draft resolution on pre-Convention specimens, and this would need to be included in item XIV of the Provisional Agenda. Concerning representation in Committees, the observer from Germany commented that the number of Parties in Europe was increasing and that this should be reflected in Europe's representation in various permanent Committees. He suggested that this could be discussed under items XII.1.b) and XII.2.b), which could be renamed. The Secretariat suggested, and the representative of the Previous Host Country agreed, that it would be appropriate to include under Provisional Agenda item XIV an item on the revision of Resolution Conf. 9.1.

The representative of Europe (United Kingdom), speaking for the United Kingdom, stated that they were preparing a proposal that related to Provisional Agenda item XIV.4, on national laws for the implementation of the Convention, or could be a separate agenda item. The aim was to have a structured discussion on enforcement, to enable exchange of ideas and experiences and to improve co-operation between the Parties. He announced that the delegation of the United Kingdom, like the delegations of some other Parties, would include representatives of enforcement agencies and he hoped that more Parties would encourage participation of enforcement bodies. The representative of the Previous Host Country suggested that this be discussed under a separate agenda item on enforcement. She added that her country would be submitting a draft resolution on this issue.

Concerning Provisional Agenda item 26, the observer from China suggested that the title Conservation of endangered species used in Traditional Medicine would be preferable. He wished the emphasis on East Asia to be withdrawn. The representative of Europe (United Kingdom), on behalf of the United Kingdom, noted that it might be best not to refer to East Asia and said that his country would consult with China about this subject.

Referring to Provisional Agenda item XIV.4, the representative of the Next Host Country suggested the inclusion of an item on training. This was supported by the representative of the Previous Host Country. The Secretariat reminded the Committee that for each agenda item there should be a working document, which could include a draft resolution and which must be submitted to the Secretariat by 10 January 1997.

With the addition of items on enforcement, training and the revision of Resolution Conf. 9.1, plus the amendments suggested by the Animals Committee and France the Committee endorsed the Provisional Agenda of the 10th meeting of the Conference of the Parties attached to document Doc. SC.37.5.1.

The Secretariat then introduced document Doc. SC.37.5.2 and asked if there were any comments on the structure of the working programme.

In response to a request for an explanation as to why Provisional Agenda item XIV.7.b) had been allocated for discussion in Committee II, the Secretariat said that the point to be discussed was the practical implementation of the annotation in Appendix II relating to the white rhinoceros. If there were a proposal to transfer the population back to Appendix I this should be discussed in Committee I.

In reference to the time allocation for regional meetings, the representative of Africa (Senegal) expressed his understanding of the time constraints but, noting past experience, asked for more time to be given. This request was supported by the representative of Central and South America and the Caribbean (Trinidad and Tobago), who added that interpretation should be provided for the regional meetings. The Secretary General informed the Committee that rooms could be made available for regional consultations throughout the meeting of the Conference of the Parties. However, as for providing interpreters and allocating more time in the working programme for regional meetings he asked the Standing Committee to take into account the costs and the shortage of time. The Chairman remarked that, if the time allocation was insufficient for regional consultations, these would have to take place outside the allotted period. He suggested that if any committee or plenary session finished early, the interpretation facilities for the room might be made available for regional consultations.

The Secretariat, in response to a question from the observer from Germany, said that, on the Provisional Agenda distributed at the meeting, it should be possible to indicate the numbers of the relevant documents.

In reference to the Rules of Procedure, the Secretariat noted that they had proposed no changes to the rules adopted at the previous meeting.

The Chairman noted that there were no further comments and adjourned the discussion of this item.

9. Enforcement

The Secretariat thanked the United Kingdom for having noted the increase in enforcement activities over the previous two years. They pointed out that this had been made possible, while the position of Enforcement Officer remained vacant, thanks to the Government of Italy, which had provided funds that were used to employ an Associate Enforcement Officer, and to the Government of the United Kingdom, which had seconded to the Secretariat a Customs officer, who served as the Deputy Enforcement Officer. The Secretariat then gave a presentation, with the aid of overhead projection, summarizing the report contained in document Doc. SC.37.8. They presented additional information on the support for enforcement activities provided in kind by some Parties, sometimes on a

bilateral basis, including Austria, Canada, Finland, France, Gabon, Malaysia, the Philippines, Poland, the Russian Federation, Spain, Sweden, the United Republic of Tanzania, the United Kingdom and the United States of America. They stressed the importance of the signing by the CITES Secretariat of memoranda of understanding with ICPO-Interpol and the World Customs Organization (WCO). As a result of the memorandum signed with WCO, the first meeting of a WCO working group on CITES had taken place the previous week. Regarding the decisions made at the last meeting of the Standing Committee concerning Europe, the Secretariat informed the Committee that there had been no progress concerning Greece. A letter from Greece was contained in the documents that had been circulated (document Doc. SC.37.8.1). The Secretariat asked the Committee what measures they considered appropriate. With regard to the Commonwealth of Independent States (CIS), a number of countries were taking the steps necessary to become Parties. With regard to Poland, the Secretariat informed the Committee that lengthy discussions had been held. From these they have been led to believe that legislation would soon be enacted. Finally, the Secretariat informed the Committee that a number of other issues, not reported on here, were being dealt with.

The Chairman asked for comments on the first part of the Secretariat's document (Activities of the Secretariat). For their efforts, the Secretariat, the World Customs Organization (WCO) and ICPO-Interpol were thanked by the representatives of the regions of Europe (Russian Federation and the United Kingdom), Africa (Senegal and the Sudan) and North America, by the representative of the Previous Host Country, and by the observers from China, El Salvador, India, Italy and the United Republic of Tanzania. Appreciation was also expressed for the assistance provided to Parties by Canada and especially the United States of America. A number of participants spoke of their national enforcement efforts and of their bilateral co-operation with other countries. All those who spoke saw enforcement and training as priorities. The representative of Africa (Sudan) reminded the Secretariat that training seminars were needed in the Middle East and in North Africa, especially in the former region, to encourage the countries there to become Parties. The representative of North America thanked the Secretariat for its enforcement and training efforts, and discussed recent developments in her country. Mexico had a new enforcement agency, and had put into place 87 training enforcement officers around the country. This was the first phase of their increased enforcement efforts regarding CITES. Changes had also been made to their CITES-implementation legislation and to the criminal code. She also noted that this new enforcement agency was preparing a database containing information on all violators at the national and international level, and would work with ICPO-Interpol in relation to environmental crimes.

The representative of the Previous Host Country summarized recent enforcement and training efforts in her country, and CITES enforcement training efforts in many other countries that the United States of America had supported since the ninth meeting of the Conference of the Parties. She listed the countries where this training had taken place.

The observer from India thanked the Secretariat and the U.S. Fish and Wildlife Service for recent enforcement training. Increased detection of wildlife cases had resulted from this training.

The Secretariat noted that it had for many years planned to hold a training seminar in Egypt but, owing to a lack of funds, although some had been provided by the United States of America, this had not been possible. As there were now sufficient funds in the budget line of the Trust fund for training, the seminar would be organized during the second part of 1997. The Secretariat stated that the two main objectives of CITES training seminars were to train trainers and to promote bilateral co-operation between States. Canada, Denmark and the United States of America had carried out a number of activities to support other countries. The Secretariat stressed the importance of establishing a common database on infractions of CITES for use by the Secretariats of

CITES, WCO and ICPO-Interpol. WCO had already approved the format and the project to establish the database would start soon.

The Chairman thanked the participants for all the information about their enforcement activities, noting that the Committee viewed enforcement and training as priorities and that they encouraged the Secretariat to continue to develop collaboration with WCO and with ICPO-Interpol.

The Chairman adjourned the meeting at 12h30.

Sixth Session: 4 December 1996: 14h50 - 17h07

9. Enforcement (continuation)

The Chairman asked the Committee to address the question of the Secretariat raised in document Doc. SC.37.8 regarding the implementation of the Convention in Greece, recalling the discussion of this subject at the 36th meeting of the Committee.

The representative of Europe (United Kingdom) was puzzled by the brevity of the Secretariat's report relating to the European Union (EU), considering that much progress had been made since the previous meeting of the Committee. He announced that the Council of Ministers of the EU would shortly be meeting to adopt a new regulation to implement the Convention. Moreover there had been regular meetings of the Member States of the EU to discuss a subsidiary implementing regulation, considering the importance of implementing CITES in a harmonized way. This subsidiary regulation would take into account not only the need to implement Resolutions of the Conference of the Parties but also the measures to be applied to re-export when the specimens are being re-exported from a Member State other than the one where the import took place. It was expected to be published early in 1997, for implementation on 1 June 1997. The new regulation was effectively a treaty between 15 countries, and legal proceedings could be taken against EU Member States not applying it correctly. It was considered to satisfy all the concerns expressed by the Secretariat at the ninth meeting of the Conference of the Parties.

The Secretariat said that it believed that the regulation was among the best measures in the world for implementing the Convention. They stressed, however, that the regulation did not solve all the problems previously identified and that several problems remained regarding enforcement and implementation. The Secretariat was already in consultation with some Member States with particular problems. They did not consider it necessary to bring these problems to the Committee, with the exception of the problems in Greece, where no real progress had been made.

The representative of Europe (United Kingdom) noted that there had been consultations between Greece and the Secretariat and that a letter had been received from Greece (document Doc. SC.37.8.1). Some of the problems in Greece, would be solved by the new EU regulation, which would also establish an enforcement working group. The problems of border controls, penalties and enforcement would be tackled by the new regulation, which would also carry a threat of legal action for non-compliance.

The Secretariat said that this matter was first raised in the Committee three years previously. At that time the Member States of the EU had asked that Greece be given time to take the steps necessary to implement the Convention. At the 36th meeting of the Standing Committee, Greece had pledged to solve the problems it had, and it was now

doing so again. The Secretariat said that the problem was serious because if a smuggler of CITES-listed species were brought to court in Greece, he could not be penalized. The Secretariat accepted that the volume of trade in such species in Greece was rather low, and that only about 50 CITES permits and certificates were issued each year. They pointed out that any specimen entering Greece legally, however, could move freely within the EU. They said that this endangered the implementation of the Convention in the other countries of the EU, which is why the issue had been brought to the Standing Committee. With respect to the question of legal action against Member States of the EU that do not implement regulations, the Secretariat noted that such action can take several years.

The observer from Italy believed that the EU regulations accelerated the process of CITES implementation in the EU Member States. He stressed, however, that Greece had to cope with a number of internal difficulties, which meant it would take time to adopt the necessary national legislation. Recalling the sanctions previously applied against Italy, he stated that such measures do not always have the desired effect. The measures were effective against Italy because it was in the process of making institutional changes. If Greece were not doing this, sanctions against Greece might not help to solve the problems.

The representative of the Previous Host Country raised the question of whether the CITES documents issued by Greece could be accepted if they were not in a working language of the Convention. The Secretariat responded that documents in Greek only were not considered as valid but were nonetheless accepted by many Parties, contrary to Resolution Conf. 9.3.

In response to a question from the representative of Europe (Russian Federation), the Secretariat stated that Greece had been invited to be represented at the present meeting but had sent an apology that it could not attend. However, the Secretariat had visited Greece and, more recently, had visited the permanent mission of Greece in Geneva to discuss the problems.

The representative of Central and South America and the Caribbean (Argentina) felt that the implementation problems in Greece were very serious, especially as the country provided a doorway into the EU. She believed that the imposition of sanctions against countries could help to create the pressure that was required to bring about change at the national level, as had happened in Italy. She drew attention to the large number of approved ports of entry into Greece as being cause for concern.

The representative of the Depositary Government pointed out that CITES does not provide for sanctions and that Switzerland would in any case have a big problem in implementing sanctions against Greece, with which it had a free-trade agreement.

The observer from Italy noted that the letter from Greece in document Doc. SC.37.8.1 indicated that a draft of a new law was in preparation and would be sent to the Secretariat in two months' time. First of all the forest code needed to be reformed. So he suggested that it would be appropriate to wait to see the draft law.

The representative of the Previous Host Country proposed that the Standing Committee should recognize that permits and certificates issued by the Management Authority of Greece are not valid as long as they are only in Greek, and the Secretariat should inform the Parties when this changes, and that the Committee should express to Greece its serious concern. This was agreed.

The Chairman noted that it was also agreed that the Standing Committee should convey its serious concern to Greece and should ask them to improve their implementation of the Convention and that this be conveyed also to other EU Member States. The representative

of the Depository Government stated that about half of the regulations and directives of the EU were not implemented by Greece, and proposed that the Committee therefore also contact the European Commission to express its concern and to ask it to treat the implementation of CITES in Greece as a priority. This was also agreed. Finally, it was agreed that the Secretariat should continue its dialogue with Greece and report to the 38th meeting of the Standing Committee, where the Committee would take action if there had not been adequate progress.

The Chairman turned the Committee's attention to section 2.3 of document Doc. SC.37.8, dealing with the CIS Republics. The representative of Europe (Russian Federation) thanked Germany for funding the preparation of the Identification Manual in Russian; this had now been sent to the CIS Republics. Work was still under way on a translation into Russian of 'The Evolution of CITES'. The representative of Europe (Russian Federation) reported that a number of countries, notably Switzerland and the United States of America, as well as WWF, had provided support for training activities in the CIS Republics. He announced that a special enforcement unit had been set up to deal with CITES matters. He thanked the Secretariat for providing translations into Russian of the Resolutions of the ninth meeting of the Conference of the Parties. He also noted that a new brochure about CITES had been produced.

The observer from the Czech Republic reported that a new law to implement CITES was in preparation in his country, but parliament had postponed its adoption. He suggested that the Standing Committee should ask the Czech Republic to make the adoption of this legislation a priority. The representative of the Previous Host Country suggested that the Chairman of the Standing Committee should write to the Czech Republic accordingly. This was agreed.

The Secretariat congratulated the Czech Republic on the progress that had been made in difficult circumstances. They also wished to note that the proposals of the Secretariat, although often critical, were made in a positive and collaborative spirit.

The representative of Europe (United Kingdom) said that he was speaking as the Vice-Chairman and proposed that the Committee should enter a closed session at 16h30, so that the participants could benefit from the services of the interpreters. The Chairman expressed disappointment with this suggestion as much time had been lost because of sessions starting late.

10. Late submission of annual reports by Parties

The Secretariat introduced document Doc. SC.37.9 and provided information to update the table in the Annex. They noted that the Chairman and the Secretariat had written, in the course of the year, to Parties that had not submitted their reports for 1994 and that some 14 Parties had submitted their reports subsequently. The Secretariat had offered assistance to Parties in the production of their annual reports but no Party had accepted the offer. They pointed out that, according to Resolution Conf. 9.4, Parties that did not submit their annual reports in time had serious problems of implementation of the Convention and that this included more than half of the Parties, including half of the Standing Committee. In accordance with this Resolution, the Secretariat referred this matter to the Standing Committee for a solution in accordance with Resolution Conf. 7.5, and asked for guidance.

The representative of Oceania stated that Papua New Guinea had produced annual reports for 1994 and 1995.

The Secretariat responded to some requests for clarification of the information in the Annex.

The observer from India suggested that the Parties that had never submitted a report might be considered separately from those that had not submitted a report for only two or three years.

The representative of Africa (Namibia) asked what progress had been made in the development of standardized computer software for the production of annual reports. He also asked how the annual reports were used and whether it was possible to have some feedback from the Secretariat or from the World Conservation Monitoring Centre (WCMC), to indicate trends in trade for example. The representative of Central and South America and the Caribbean (Trinidad and Tobago) echoed the last remarks, stressing that the production of annual reports required a lot of work. The Secretariat said that there had been no recent developments toward the production of software for reporting, but the need for this would be incorporated into the Information Management Strategy that was being developed with WCMC. They noted that the information in the annual reports was extremely important, and was used: in monitoring trade; in the preparation of reports on significant trade (copies of which were sent to the Parties); and by the Animals and Plants Committee. The computerized data were also used in the process of verification of re-export certificates and for monitoring implementation of the Convention.

The Chairman then closed the discussion.

11. National legislation

The Secretariat introduced document Doc. SC.37.10. The Secretariat noted that there were two phases to this project. Phase 1 had started after the eighth meeting of the Conference of the Parties. In this phase, the national legislation of 81 countries (and other entities) had been analysed, and each of the Parties concerned had been placed in one of three categories, based on whether their legislation needed improvement, and on whether or not it provided for effective implementation of the Convention. After the ninth meeting of the Conference of the Parties (on the basis on Decision 6 of the Conference), Parties had a deadline for informing the Secretariat of their efforts. Reminders were sent by the Secretariat to the Parties, but few responses were received. There were now 48 Parties in categories 2 and 3, although the number would be reduced before the 10th meeting of the Conference of the Parties. Phase 2 was near completion, but there would be action on this important issue at the 10th meeting. The Secretariat suggested that it might be appropriate for the Standing Committee to consider what measures should be taken in the case of countries that remained in category 2 or 3 at the time of that meeting.

The representative of North America, noting the annotation relating to Mexico in Annex 2 of the document, asked whether all of the documents that had been sent to the Secretariat had been taken into account.

The representative of Africa (Senegal) congratulated the Secretariat on its work. He noted that Senegal was in the process of revising its legislation but, as he had stated at the previous meeting of the Committee, they needed a reference document, such as a model of legislation. He therefore asked for the help of the Secretariat to obtain this. However, he questioned the accuracy of the analysis of the legislation of Senegal, stating that it had all the legislation it needed to implement the Convention correctly.

The representative of the Previous Host Country, recalled discussions of this issue at the eighth and ninth meetings of the Conference of the Parties and the obligation on Parties to enact adequate law to implement the Convention. She appreciated the progress made but, with respect to countries in category 3, noted that action was needed to deal with those that had not made the progress required by decisions of the Conference at its eighth and ninth meetings. She suggested that the Secretariat should send strong letters to the

Parties concerned, especially those with large volumes of trade in CITES-listed species, and that the Secretariat should report at the 10th meeting on the action that had been taken by these Parties. She hoped that strict action against Parties would not be called for but thought that it was necessary to be prepared for it.

The representative of Europe (United Kingdom), speaking for the United Kingdom, reported that Hong Kong had dealt with the concerns expressed about its legislation and would be writing to the Secretariat shortly. He said that this was an extremely important issue, at the heart of CITES, and suggested that the Secretariat should place in priority order the countries concerned, according to the possible impact of the weaknesses identified in the legislation.

The representative of Africa (Namibia), speaking for Namibia, said that his country had recently sent to the Secretariat details of additional legal measures in place and stated that they had initiated a three-year process of establishing environmental law. He acknowledged that there were currently deficiencies in the law but believed that these did not relate to trade in CITES-listed species, so the effect was negligible. Finally he pointed out that there was a law in Namibia that bound it to implement any international convention to which it was party.

The representative of Europe (Russian Federation) stated that the Russian Federation had translated into Russian the 'Guidelines for national legislation to implement CITES' and they would send copies to the CIS Republics. The issue was on the agenda for the next meeting of the Joint Commission on Environmental Affairs. Funds were being sought to help improve the national legislation in the Russian Federation and to provide a model for the CIS Republics.

The representative of Asia (Japan) said that she hoped to persuade the Secretariat that Japan should be included in category 1. She suggested that, in order to decide where to focus attention, the Secretariat should look at Parties in category 3 that had not responded to the requests for information and then look at the report on alleged infractions, to see which countries had problems.

The representative of the Next Host Country said that Zimbabwe was currently working on a revision of its environmental legislation and wished to be advised of the deficiencies in its law to implement CITES.

The observer from China noted that his country had drafted legislation on import and export of wild fauna and flora, which might be ratified by the State Council in April 1997. They requested that, if model legislation was being prepared, the Secretariat should provide a copy as soon as possible. They added that a regulation on the protection of wild plants had been promulgated in 1996.

The observer from India acknowledged that there were some gaps in the law of his country but said that a new act should be in place within a year. He endorsed the suggestion by Japan that the Secretariat should concentrate on the Parties in category 3.

The observer from the United Republic of Tanzania said that a draft of a new law for his country had been prepared over the previous two years and was expected to be tabled soon in parliament.

The representative from UNEP announced that UNEP had recently received from the Netherlands money to prepare a package of complementary legislation to implement a number of conventions, including CITES and the Convention on Biological Diversity. One country would need to be chosen for this project and UNEP hoped to obtain additional funds to be able to help other countries.

The Secretariat stated that they were in the process of reviewing all of the comments received on the analyses of legislation and would take these into account in preparing a document for the 10th meeting of the Conference of the Parties. They had noted the requests for information and would respond bilaterally. Regarding the legislation of Senegal, they commented that there was a problem there common to all French-speaking African countries, that the legislation applied only to native species, not to non-indigenous species. The Secretariat was preparing a project to help these countries and was hoping that France would be able to provide funding. With respect to the need for model legislation, the Secretariat commented that, because of the diversity of administrative systems, it would not be sufficient to provide only one model. While models were being developed, Parties were advised to consult the 'Guidelines for national legislation to implement CITES', which remained, however, to be updated and to be translated into French and Spanish.

Summarizing, the Chairman stated that the Committee noted document Doc. SC.37.10, and noted that many countries had not taken appropriate action and that the Secretariat would contact them and report at the 10th meeting of the Conference of the Parties.

At 17h07 the Chairman adjourned the meeting so that the Standing Committee could begin a closed session.

Seventh Session: 5 December 1996: 09h40 - 12h30

12. Criteria for granting export permits for Appendix-III species

The Secretariat introduced document Doc. SC.37.11. The representative of the Previous Host Country supported the recommendation of the Secretariat in paragraph 7 of the document. She added that in paragraph 5.b), on page 2, the text should refer not only to certificates of origin but also to permits. The Committee adopted the recommendation in paragraph 7.

13. Review and consolidation of Resolutions

The Secretariat introduced document Doc. SC.37.12 and sought the Committee's agreement on a two-part procedure for making progress. Firstly the draft consolidated resolutions annexed to the document should be submitted for consideration at the 10th meeting of the Conference of the Parties. Secondly, the Secretariat should try to produce draft consolidated resolutions on marking, on exemptions and other special provisions, on enforcement and on interpretation of the Convention. The Secretariat offered to consult with any member of the Committee who expressed a wish to be consulted about the draft resolutions still to be prepared. The Chairman invited comments on Annex 1 of the document (on Resolutions relating to cetaceans).

The representative of the Previous Host Country expressed support for the process of consolidation of Resolutions. She said that the United States of America would send its comments on Annex 1 to the Secretariat, but she questioned the appropriateness of including Resolution Conf. 9.12 among those included in the consolidation. She expressed the interest of the United States of America in being consulted about the draft resolutions that were still to be prepared.

The representative of Asia (Japan) supported the process of consolidation of Resolutions but said that approval of draft consolidated resolutions by the Conference of the Parties

was effectively a renewal of the recognition of the substance of the texts previously adopted. He said that therefore he could not support the draft resolution in Annex 1 as it reflected the past and not necessarily current views. The Chairman added that the process of consolidation could effectively distort the original objectives of the Conference of the Parties.

The representative of Europe (United Kingdom) speaking for the United Kingdom said it was important that the substance of past agreements was not changed in the process of consolidation. He had looked at the draft consolidated resolution with this in mind and was content for the draft to go forward to the Conference of the Parties. The representative of Africa (Namibia) supported this view, noting that the process of consolidation had been started by the Standing Committee and endorsed by the Conference of the Parties.

In the ensuing debate, involving the Chairman, the representatives of Africa (Namibia), Asia (Japan), Central and South America and the Caribbean (Argentina and Trinidad and Tobago), the Previous Host Country and the Depositary Government, and the Secretariat, an attempt was made to clarify the nature of the objection to the draft consolidated resolution in Annex 1 of the document and to find an appropriate solution. It was suggested that the explanatory memorandum attached to the document for the Conference of the Parties on consolidated resolutions could state that the adoption of consolidated resolutions does not imply a renewal of the agreements recorded in the Resolutions that have been consolidated. The possibility of including a text to this effect in the preamble of the draft consolidated resolution was noted. It was also suggested that, during the 10th meeting of the Conference of the Parties a working group could examine the philosophical differences in the approach to the process of consolidation.

The Chairman suggested that any further comments on Annex 1 be submitted to the Secretariat by 10 January 1997, that the Secretariat should take into account the comments made during the discussion, and that a working group should discuss this matter at the 10th meeting of the Conference of the Parties. This was agreed.

The Chairman then invited comments on Annex 2 of document Doc. SC.37.12 (on Resolutions relating to ranching and trade in ranched specimens). The representative of the Previous Host Country considered it premature to include in the draft consolidation Resolution Conf. 9.20, on ranching proposals for marine turtles. She said this had been the subject of long discussions in the Animals Committee and at the ninth meeting of the Conference of the Parties and could be considered as a separate and independent Resolution. The representative of Central and South America and the Caribbean (Argentina) endorsed these comments and believed that Resolution Conf. 9.20 should not be included in the draft consolidated resolution on ranching. This was agreed.

The representative of the Next Host Country asked why Resolution Conf. 5.16 had been included in the draft consolidated resolution since it was not implemented and should therefore be repealed. The observer from Germany asked whether the Secretariat had taken into account the work of the Animals Committee in revising this Resolution. The Secretariat noted that any Party was at liberty to propose the deletion of a Resolution that they thought served no purpose. However Resolution Conf. 5.16 was included in the draft consolidated resolution because it dealt with ranching proposals and was still in effect. The Secretariat was aware of the exercise being carried out by the Animals Committee but the exercise of consolidation of existing Resolutions was carried out independently of the Committee's work since its draft resolution might not be accepted by the Conference of the Parties. The Secretariat had already expressed its willingness to the Animals Committee to help to present its draft resolution as an amendment to a consolidated resolution on ranching. The representative of Central and South America and the Caribbean (Argentina) said that Resolution Conf. 5.16 could not be repealed by the

Standing Committee and that the need for this should be left to the Conference of the Parties to decide.

The observer from Australia asked the Secretariat to look carefully at the cross-references in document Doc. SC.37.12, and pointed out an error, which the Secretariat explained and undertook to correct.

The Chairman asked for any further comments on Annex 2 of the document to be sent to the Secretariat, to arrive by 10 January 1997. It was agreed that the Secretariat should continue the preparation of draft consolidated resolutions and should consult with the Parties that expressed a wish to be consulted.

14. Timber Working Group

The Deputy Secretary General, as the former Chairman of the Timber Working Group (TWG), introduced document Doc. SC.37.13, seeking the direction of the Committee regarding recommendations to be made to the Conference of the Parties. He provided an overview of the report of the TWG contained in the document and of its activities, drawing special attention to the recommendations.

The representatives of Europe (United Kingdom) and of the Previous Host Country and the observers from Italy and Spain thanked the TWG and its Chairman for their efforts.

The representative of the Previous Host Country praised the positive, productive and co-operative tone which characterized the Timber Working Group meeting. She expressed reservations about the amendments to Resolution Conf 9.25 proposed on page 55 of the document. She felt that this did not represent a full understanding of the treaty, the Resolution or the function of Appendix III. She also thought that adoption of the recommendation could have unfortunate consequences for species other than timber. She concluded that the proposed amendments should not be submitted to the Conference of the Parties. The representative of Europe (United Kingdom) shared the concerns but thought the report should be submitted to the 10th meeting of the Conference of the Parties as it stood. The representative of the Previous Host Country suggested that an appropriate compromise would be to limit the scope of the draft resolution to species of timber traded in large volumes.

The Deputy Secretary General in his capacity as former Chair of the Timber Working Group, suggested that all of the draft resolutions should be submitted to the Conference of the Parties without amendment since that was the desire of the members working group.

The representative of the Previous Host Country and the observer from Spain supported the continued existence of the TWG as currently composed.

The representative of Europe (United Kingdom) noted the matters on page 1 of document Doc. SC.37.13 that the Committee needed to consider. He and the observer from Italy supported the proposed action. The Committee agreed. It also agreed that the TWG should continue to exist but the final decision on that issue was to be made by the Conference of the Parties. The Committee endorsed the report of the TWG, for submission to the Conference.

15. The African Elephant

a) Report on the African Elephant Range States Meeting

The Secretariat introduced document Doc. SC.37.14.1. They thanked the donors who had supported the recent meeting in Dakar: Canada, Japan, the United Kingdom, the United States of America and WWF. They also thanked UNEP and IUCN. They announced a correction to the last sentence on page 5 of the document, where the words "their support" should read "support from outside Africa". With regard to continuing the dialogue, the Secretariat announced that, at the request of the representatives of Africa to the Standing Committee, IUCN had offered assistance to arrange a further meeting before the 10th meeting of the Conference of the Parties and the Secretariat had offered to make the necessary travel arrangements. The Secretariat commented that, to minimize travel costs, it would be useful if participants in the meeting were on the delegations to the meeting of the Conference of the Parties.

The representatives of Africa (Senegal and the Sudan) also thanked the donors, as well as those who had helped to organize the meeting, IUCN, UNEP, the Secretariat and the African members of the Standing Committee. They welcomed the resulting improved dialogue and the fact that a consensus was coming closer. The representatives of Africa (Senegal) noted that the Dakar meeting was a milestone in the discussion of the future of the African elephant, that participants had come not to defend positions but for real consultations, they came to listen and made constructive suggestions for the conservation of the African elephant. Regarding the title of document Doc. SC.37.14.1, he said it was wrong to refer to a "Regional meeting" as the subject was a meeting of range States.

The representative of Asia (Japan) drew attention to the message from the meeting that was directed out of Africa, concerning non-ivory products and the issue of the need for African consensus. She noted that Zimbabwe had offered to host the next dialogue meeting and that Japan was looking into the possibility of providing support.

The representative of Africa (Namibia) supported the representative of Africa (Senegal). He proposed that the communique from the Dakar meeting be circulated to the Parties instead of the Secretariat's report, because some views were not expressed in the report. He voiced concern over the continuation of international trade in large volumes of ivory. This trade was assuming new dimensions and was destined for new markets. He added that resources for anti-poaching work were declining and that there had been recent indications of a significant increase in illegal killing of elephants. He asked that two reports prepared by TRAFFIC be distributed to the Parties along with the communique, one on illegal trade and the other on ivory stockpiles. He concluded that the problems were not over yet. This view was supported by the representative of the Next Host Country, who thanked the Secretariat for their presentation but thought that there were a number of points that could have received more emphasis. In particular, in reference to stockpiles, a number of options considered by the meeting were not described in the report.

The representative of Africa (the Sudan), speaking for the Sudan, presented document SC.37/Inf.5 and asked for the help of the Committee to find a way to dispose of their ivory stockpile.

The observer from India commented that the elephant range States should be allowed to make their own management decisions. He noted that at some stage there should be collaboration between the African Elephant Specialist Group and the Asian Elephant Specialist Group of IUCN. Considering the success of Asian elephant conservation he wished to see open interaction. He concluded that he did

not want any changes in the international market to upset the conservation of the Asian elephant.

The Secretariat agreed to distribute to the Parties the communique from the Dakar meeting, once it had been approved by the range States. The Secretary General reminded the Committee that according to the Decisions adopted at the ninth meeting of the Conference of the Parties, the Standing Committee must address concerns regarding stockpiles of African elephant ivory and make recommendations to the 10th meeting of the Conference of the Parties. The Chairman adjourned further discussion of this issue.

4. Finances

b) Estimated expenditures for 1997

The Chairman announced that discussions concerning the extension of the contract of Mr Jaques Berney, the Adviser to the Secretariat, had taken place between Mr Berney, UNEP, the Secretary General and the Chairman. Mr Berney had agreed to serve as a consultant, starting three months after the end of his current contract, in accordance with UN rules. He would therefore be present at the 10th meeting of the Conference of the Parties.

The Chairman adjourned the meeting at 12h30.

Eighth Session: 5 December 1996: 14h30 - 17h30

22. Small island developing States

The Secretary General reported that, together with the Secretariat's regional co-ordinator for Oceania, he had the previous day held a meeting with the representatives of Central and South America and the Caribbean (Trinidad and Tobago) and Oceania and with the observers from Australia and New Zealand to discuss this issue. It had been noted that the region with the greatest number of non-party small island developing States (SIDS) was Oceania. New Zealand had offered USD 35,000 to be used to provide assistance to SIDS to facilitate their participation in CITES activities. It had been noted that a wide variety of species for which there were trade problems occurred in the territory of SIDS, including marine species. The Secretary General had recently visited Australia and New Zealand and in both places the Ministers of Environment had promised to support a workshop on CITES and SIDS. The Secretariat was discussing with the Secretariat of SPREP the convening of such a workshop, which SPREP would like to hold in April 1997. SPREP had originally planned to organize it together with the Secretariat of the Convention on Biological Diversity, but the latter had withdrawn its support and participation because of other obligations. The Secretariat would be preparing a document on SIDS for the 10th meeting of the Conference of the Parties.

The observer from New Zealand confirmed the Secretary General's summary of the meeting of the previous day, expressed appreciation of the Secretary General's visit to his country and looked forward to an increased membership of CITES in Oceania.

The report of the Secretary General was noted.

20. Implementation of Resolution Conf. 8.9

The Secretariat introduced document Doc. SC.37.19, drawing attention to two recommendations, one relating to *Python sebae* in Mali and the other relating to the legal basis for implementing the recommendations of the Standing Committee that are made in accordance with Resolution Conf. 8.9. They asked for consideration of the former recommendation first.

The representative of the Previous Host Country thanked the Secretariat for its excellent work relating to the implementation of Resolution Conf. 8.9. She thought that the Secretariat had been very patient in pursuing discussions on *Python sebae* and she supported their recommendation.

In response to a question from the representative of Africa (Namibia), the Secretariat noted that the neighbouring countries had not informed it of any quotas for the export of this species. The representative of Africa (Namibia) commented that the quota proposed by Mali did appear high in view of the absence of information about the population.

The representative of the Depository Government drew attention to a report produced for the Secretariat on reptile farming in Benin, Ghana and Togo, which indicated that these three countries had set export quotas for specimens of *Python sebae* that were produced on reptile farms. He thought that the levels of export from these countries seemed unsustainable and asked whether the Secretariat was doing anything in this connection to follow up the report. It was agreed to return to this point in the discussion of projects. The representative of the Previous Host Country pointed out that some of the countries in the region had reduced their quotas as result of actions taken in the context of Resolution Conf. 8.9.

The Secretariat reported that it was helping Mali to prepare a proposal for a project to survey the population of *Python sebae*. Meanwhile, during a recent mission to Mali, it had advised the Management Authority to implement the quota suggested by the Secretariat until the survey was complete.

The Standing Committee adopted the recommendation suggested by the Secretariat in paragraph A.7 of document Doc. SC.37.19.

The Secretariat introduced its second recommendation, in paragraph B.4 of the document. The representative of the Previous Host Country agreed with the legal interpretation suggested by the Secretariat, considering it valid and appropriate, and endorsed the recommendation. It was then adopted by the Committee.

15. The African elephant

a) Report on the UNEP/IUCN regional meeting in Dakar (dialogue among African range States) (continuation)

The Chairman recalled that the Committee had still to consider the request from the representative of Africa (the Sudan) for guidance on the disposal of their stockpiles of ivory.

The representative of the Previous Host Country took seriously the problem that had been raised but thought it would be inappropriate for the Standing Committee to recommend any one solution. She recommended that the Chairman of the Committee should write to the Sudan, pointing out that commercial international trade was impossible as long as the African elephant remained in Appendix I of CITES, and drawing attention to the options that had been identified in the recent meeting of African elephant range States. She also suggested that the Secretariat should work with the authorities of the Sudan to support their efforts to conserve the species.

Supporting this proposal, the representative of Africa (Namibia) added that the Committee should call on potential donors to provide assistance to the Sudan.

The Chairman requested the representatives of Africa (Namibia and the Sudan) to meet with the representative of the Previous Host Country and the Secretariat to prepare a text for consideration later in the meeting.

b) Resolution Conf. 7.9

The Secretariat recalled that proposals had been received for the transfer to Appendix II of the African elephant populations of Botswana, Namibia and Zimbabwe. The Panel of Experts convened to review these proposals had completed its work in the three proponent States. However, the terms of reference of the Panel, as revised by the Standing Committee, required it to examine the controls in the countries of import. As the draft supporting statements for the proposals referred to Japan as the only proposed country of import, the Panel was currently undertaking a mission to Japan and the Secretariat had suggested that the report not be submitted until the section on Japan was complete.

The Secretariat then introduced document Doc. SC.37.14.2, summarizing the information that led to the conclusion that Resolution Conf. 7.9 no longer met the needs of the Parties and that Resolution Conf. 9.24 provided adequate criteria for considering proposals to transfer African elephant populations to Appendix II. They suggested that the Standing Committee should propose that Resolution Conf. 7.9 be repealed. They noted that some Parties felt that the implementation of this Resolution had some positive effects, adding that ways to maintain these effects could be explored.

The representative of Africa (Namibia) could not agree with the suggestion of the Secretariat. He thought that the history of the issue was important and that the circumstances prevailing at the time of adoption of Resolution Conf. 7.9 should be taken into account. He felt that the reports of the Panels of Experts in the past had been useful in indicating how the trade controls could be improved by the Parties that had submitted proposals.

The representative of the Depositary Government agreed that the production of the reports of the Panels of Experts on the African Elephant involved a lot of work and cost a lot of money. He pointed out that the opposition to proposals to transfer African elephant populations to Appendix II had nothing to do with Resolution Conf. 7.9. He noted, however, that the proponents, who had originally been against the idea of a review by a Panel, were now in favour of it. He asked how the positive elements in Resolution Conf. 7.9 could be maintained.

The representative of the Previous Host Country commented that the discussion at the time of the adoption of Resolution Conf. 7.9 had been rather difficult. She believed that as a Panel of Experts was currently in the process of reviewing some proposals, it would be premature to formulate a recommendation to the 10th meeting of the Conference of the Parties. However, she suggested that the Secretariat should prepare a document on this subject for consideration by the Conference of the Parties. These views were supported by the representative of Asia (Japan).

The observer from the United Republic of Tanzania was concerned about how proposals relating to African elephants would be considered at the 10th meeting of the Conference of the Parties if Resolution Conf. 7.9 were repealed there. The observer from Spain shared this concern, adding that if there were good aspects to the Resolution, it should be retained. The Secretariat responded that, as the Resolution would be in effect at least until

that meeting, any proposal submitted for consideration at the 10th meeting would be subject to review by a Panel of Experts on the African Elephant and the report of the Panel would be available for consideration.

In response to the view that it was premature for the Committee to make a recommendation to the Conference of the Parties, the Secretariat pointed out that the Conference had instructed the Committee to make recommendations. The representative of Europe (United Kingdom) suggested that, by amending the terms of reference of the Panel of Experts, the Committee had done what the Conference had requested. He felt that it would be premature and perhaps damaging to send a signal to the Conference that the process in Resolution Conf. 7.9 was flawed. He suggested that the Secretariat should consider how to retain the positive elements in the Resolution and should make a recommendation at the next meeting of the Conference of the Parties. Supporting this suggestion, the representative of Africa (Namibia) added that the Secretariat should prepare a proposal to amend Resolution Conf. 7.9, to include the additions to the terms of reference of the Panel of Experts that had already been agreed by the Standing Committee. The representative of the Depositary Government agreed that this was appropriate. The Secretariat pointed out that the revision of the terms of reference was the Committee's response to Decision 7. of the Conference of the Parties directed to the Standing Committee and that Decision 6. had still to be implemented, this requiring a consideration of the procedure for reviewing African elephant proposals.

The observer from Australia expressed a reluctance to support the repeal of Resolution Conf. 7.9 if the African elephant range States favoured its retention. He suggested that, if the process of reviewing proposals were revised, the establishment of a Panel of Experts need not be mandatory.

The Chairman noted that as the adoption of Resolution Conf. 7.9 was part of a package with the adoption of the proposal to include the African elephant in Appendix I, careful thought was needed about what amendments were appropriate.

The representative of the Next Host Country felt that the idea of having a Panel of Experts to review proposals was good and had helped the range States of the African elephant to improve their implementation of the Convention. Regarding the recent visit of the Panel of Experts to Zimbabwe, he read a prepared statement (attached as Annex 3).

The Chairman concluded that the Committee did not wish to propose the repeal of Resolution Conf. 7.9, however the Committee requested the Secretariat to submit a draft resolution to amend Resolution Conf. 7.9 to reflect the views expressed during the discussions. Following some comments about the draft report of the Panel relating to Zimbabwe, the Chairman noted that the Committee regretted that the draft report had been released to the press.

16. The tiger

The Secretariat introduced document Doc. SC.37.15. It reminded the participants that it had issued Notification to the Parties No. 933 (of 4 September 1996) requesting information from the Parties.

The representative of Asia (Japan) noted that Japan had not had time to respond to the Secretariat's request for information. She reported that the demand for tiger products in her country had diminished to insignificant levels. A questionnaire on such use was to be distributed soon. She noted that, in spite of the efforts of the Standing Committee and the Parties, there were still big conservation problems for the tiger and that anti-poaching measures were a priority, although this was not a CITES matter. She questioned whether it was wise to take the approach of dealing with one species after another of those used

in traditional medicines, and pointed out the difficulties, within a consumer country, of having to approach the medicinal community in this way.

The representative of Europe (Russian Federation) apologized for not having sent the information requested by the Secretariat. He reported on the action taken within the Russian Federation, information having been collected on the tiger population, with support, mostly financial, from a number of governments and non-governmental organizations. The national anti-poaching brigade had been quite effective. A strategy for the conservation of the Amur tiger was to be published in English as well as Russian. The main problem was funding, since some USD 8 million were needed for tiger conservation in the Russian Federation. Activities to increase public awareness of tiger conservation problems had been intensified. Investigations had been carried out into imports of tiger specimens, mainly from Viet Nam. The Russian Federation had been working in co-operation with the Tiger Fund. Also, a draft agreement with China had been prepared on joint activities for tiger conservation.

The representative of Asia (Thailand) reported that Thailand was investigating trade in tiger specimens and there had been several confiscations from tourists. He apologized that information had not been sent to the Secretariat. He stated that some 450 tigers were in private possession in Thailand and the possibility of marking them with transponders was being examined.

The observer from Germany was disappointed by the poor response to the Secretariat's notification that requested information from the Parties and suggested that the Secretariat might need to take further action. He stated that in western countries there was a large community of consumers of tiger specimens, perhaps larger than expected, and that it was increasing. Regarding paragraph 3.a. of document Doc. SC.37.15, he said that the information there about Germany was not correct. There had been in 1995 a large co-ordinated raid, in co-operation with the Customs Criminal Agency (not Customs as indicated in the report) and the police, to find tiger specimens. Samples seized had been sent to the United States of America for analysis. In many cases the items seized had no tiger content but contained high levels of toxins.

The observer from China expressed the view that action to protect tigers had not been very successful. There was a lot of breeding of tigers in China, where the captive population was growing by about 20 animals a year. He said that in 1995 his country had hosted a workshop in Beijing to discuss problems of wildlife trade in the region. He thanked the observer from the Russian Federation for its presentation, and noted that a Draft Protocol had been prepared, based on discussions at the ninth meeting of the Conference of the Parties and a workshop held in 1995 in Beijing. That workshop led to the adoption of the Beijing Statement. The highest priority for China was enforcement to stop illegal cross-border wildlife trade. China had sent information to the Secretariat, which was not reflected in the Secretariat's document, and would send information again on its enforcement activities. The observer from China requested that, if any Party had information on enforcement involving China, they should send it to the Management Authority, or officially through Interpol. China had put a lot of effort into bilateral approaches and had concluded a protocol with India and an agreement with Viet Nam. Some cases of illegal trade had been discovered in China and details would be sent to the Secretariat. Finally, the observer from China stated the belief of his government that, if there was a substitute for the parts and derivatives of any critically endangered species used in traditional medicine, use of specimens of that species should be banned. He also said that China had banned all internal trade in tiger parts and products.

The representative of the Previous Host Country apologized for not having responded to the Secretariat's request for information. She drew attention to document Doc. SC.37.Inf.3, relating to this issue and others. She reported that the United States of

America was a consumer of tiger specimens and was fully committed to CITES enforcement and the interdiction of illegally imported specimens. Her government was working co-operatively with the Asian communities in the country and with the practitioners of traditional medicine to find substitutes for tiger specimens and to increase public awareness, in order to reduce consumer demand. She reported on a recent mission to China, in which she had participated, as part of the ongoing United States/People's Republic of China Nature Conservation Protocol. The mission had the aim of improving understanding of CITES implementation in China (and of the Chinese traditional medicine market and community) and co-operation between the United States and China.

The observer from India recalled that in his country it had been possible in the 1980s to tackle the illegal skin trade but bone then became the main tiger specimen in trade and the bone trade was difficult to tackle. However, India took action at the international level and in 1993 hosted an international symposium on tiger conservation. In March 1994 it hosted a meeting of tiger range States, with the support of UNEP, and this led to the establishment of the Global Tiger Forum, of which India was currently the interim Chairman. The observer from India stated that the trade in bone remained a big threat to the tiger in India but the Management Authority was co-operating with all enforcement agencies under a national co-ordinating committee. India was also developing forensic expertise in the identification of tiger specimens. The observer noted that not only were there tigers in reserves but there were also some 1200 to 1300 tigers elsewhere, especially in "general forest areas". He noted that the large size of the human population, and the resulting demand for land, was therefore a problem for tigers. Turning to document Doc. SC.37.15: regarding paragraph 2.b. he questioned the accuracy of the data from the Wildlife Protection Society of India; and regarding paragraph 2.h. he commented that the Tiger Trust had not worked in India in recent times and he criticized the report produced by the Trust. He said that his government's figures indicated that 15 to 20 tigers were being killed illegally each year in the country. He concluded by adding that two things were needed, conservation *in situ* and a reduction of markets.

The representative of Europe (United Kingdom) stated that he was speaking as the Vice-Chairman. He said it was frustrating that there were few written responses to the Secretariat's request to the Parties for information and suggested that a further request be sent. Speaking for the United Kingdom he added that his government had been considering ways to activate the Global Tiger Forum and that they were planning to pay, as an exception to their normal policy, the membership fees of Cambodia and the Lao People's Democratic Republic. He suggested the establishment of a temporary working group of this Standing Committee to discuss how further progress could be made.

The Secretariat noted that document Doc. SC.37.15 was submitted to update the information in document Doc. SC.36.14, and therefore excluded information on events that had taken place before the 36th meeting of the Committee. Regarding the information from the Tiger Trust, the Secretariat had merely repeated the information and had noted that the Trust's report was controversial.

The Chairman asked the Vice-Chairman to meet with the representatives of Europe (Russian Federation) and the Previous Host Country and with the observer from China and India to prepare a draft decision of the Standing Committee.

17. Illegal trade in Appendix-I bear specimens

The Secretariat introduced document Doc. SC.37.16. The representative of the Previous Host Country thanked China as well as the Secretariat for their work on the working group of the Animals Committee that had discussed this subject. She proposed that the Standing Committee agree to the recommendations from the Animals Committee on page 3 of the document.

The observer from China stated that the export of bear parts from China was illegal and asked for the Management Authority of his country to be informed of any bear specimens arriving in other States having come from China. He also said that China was committed to controlling smuggling and agreed that there was a need to control the illegal trade in bear parts.

The representative of Asia (Japan) expressed appreciation of the work of the Animals Committee. She was not opposed to its recommendations but repeated her point made in the discussion of the previous agenda item, and equally applicable to this one, that it might not be best for the Committee to approach the problem of species used in traditional medicines by reviewing one species after another. She also indicated that some species of bear were in Appendix II and that the wording in the recommendation should take this into account.

In response, the observer from India suggested that species should be considered as requiring attention when they were traded commercially at significant levels. The representative of the Previous Host Country said she was sensitive to the concerns expressed by the representative of Asia (Japan). She added that the United States had raised this issue in the Animals Committee and the Standing Committee precisely because this is an important conservation issue, in need of consideration and action by Parties. The United States had initially presented this issue to the Animals Committee as one specifically dealing with illegal trade in parts of Appendix-I bears, but the Animals Committee had agreed to broaden the scope to include illegal trade in all bear parts, as a priority.

In conclusion, the Chairman noted that the Standing Committee agreed to the recommendations on page 3 of document Doc. SC.37.16 and requested the Secretariat to send a Notification to the Parties to inform them of the decision.

The meeting was adjourned at 17h30.

Ninth Session: 6 December 1996: 09h40 - 14h00

18. Rhinoceroses

The Chairman invited comments on document Doc. SC.37.17. The representative of the Depositary Government asked whether any of the 32 Parties represented at the meeting were aware of any abuse of the annotation in the appendices for the white rhinoceros in South Africa. The observer from South Africa provided details of the trade in live rhinoceroses, adding that this information had been sent to the Secretariat. He reported that, regarding live white rhinoceros, 18 animals had been exported in 1995 (two to Israel, ten to the United Kingdom, and six to Thailand), and five had been exported to Malaysia in 1996. They had informed the Secretariat of these exports, which were only to zoos and safari parks. They had held internal auctions in 1995 and 1996, selling 224 white rhinoceroses (23 for export). The Secretariat confirmed that South Africa had kept it informed of exports of rhinoceros specimens and that no abuse had been observed to date. Furthermore, a report would be submitted to the Secretariat for consideration by the Conference of the Parties. The representative of the Previous Host Country said that she had no information on abuses but would like information on the trade in trophies to be made available and she asked whether South Africa specified any conditions on export permits for trophies, to prevent their commercial use. The observer from South Africa stated that information on the trade in trophies would also be contained in the report.

The representative of Africa (Namibia) asked what action was taken by the Secretariat when it received information alleging that illegal trade had taken place. The Secretariat said that whenever such information was received, it asked for evidence and then discussed the issue with the authorities of the country concerned. The representative of Africa (Namibia) asked for the Secretariat to report to the Conference of the Parties on the results of its investigations into allegations of illegal trade or abuses, relating to any species, not only rhinoceroses.

The Committee agreed to recognize the continued efforts of the IUCN/SSC African Rhino Specialist Group (AfRSG), described in paragraphs 1 and 2 on page 20 of document Doc. SC.37.17 but not to adopt the document at this time. The representative of the Previous Host Country, while agreeing to this, noted that the United States of America would have to further evaluate the information in the document.

19. Endangered species in traditional medicines

The representative of Europe (United Kingdom), speaking for the United Kingdom, introduced document Doc. SC.37.18, concerning a discussion paper on traditional East Asian medicine, which they were planning to submit for consideration by the Conference of the Parties. He noted that they had not the resources to develop a document on all traditional medicines, and that the document should not be viewed as indicating a bias against East Asia. He said that holistic discussions should take place at the next meeting of the Conference of the Parties.

The representative of Asia (Japan) thanked the United Kingdom for consulting Japan, commenting that her country would co-sponsor the document. She asked that Japan be given the opportunity to comment on the draft paper and agreed that East Asia should not be the focus of the traditional medicine issue. The observer from China agreed. He noted three important issues: 1) that critically endangered species should not be used; 2) that research into alternative ingredients for medicines should continue; and 3) that the principle of sustainable use should be encouraged, as long as precautionary principles were observed. These views were supported by the observer from India. He also added that the populations of a species should be secure before any use is allowed, and noted the fundamental philosophical differences between India and China. The observer from India felt that captive breeding should be done only when the wild population was secure; otherwise, wild animals would be mixed in with captive populations. The representative of the Previous Host Country agreed that research should continue. She suggested that the United Kingdom's discussion paper should be reviewed by practitioners and other representatives of the traditional medicine communities.

She presented document Doc. SC.37.18.1, and noted that the U.S. Fish and Wildlife Service supported traditional medicinal uses of plants and animals, while working co-operatively with the practitioner communities in finding substitutes and alternatives when feasible. She said that the United States of America encouraged involvement in the discussions by the traditional medicine practitioners themselves. The United States of America would encourage their participation as observers at the 10th meeting of the Conference of the Parties. She spoke about the public awareness efforts with the Asian communities in the United States, and about the productive, co-operative discussions on these issues during the recent mission in China.

The observer from China said that he would like the title of the document to the Conference of the Parties on this subject to read "Conservation of endangered species and traditional medicine". He said that the culture of traditional medicine should be preserved. After some further discussion, the Committee agreed that the title should be amended to eliminate any reference to Asia.

23. Special projects

a) Approval of new donors

The Secretariat introduced document Doc. SC.37.22.1. Argentina had submitted the names of three new donors for approval. The donors listed in the document were approved by the Committee. The revised list of donors is attached as Annex 5.

b) Format for projects

The Secretariat introduced Document SC.37.22.2 and informed the meeting that UNEP had agreed that it was not necessary to use its format for preparation of project proposals, but that the CITES format, as approved by the Standing Committee in 1992, should be amended slightly to ensure clarity as to what was expected in each section of the proposal. The Secretariat and UNEP had agreed that the format and guidelines for the budget, prepared by UNEP, would be followed in the drafting of CITES project proposals. Therefore, a new, simplified format had been prepared taking into account the comments made by participants at the previous meeting of the Standing Committee. The Secretariat stated that, although it had been agreed at the 36th meeting that comments on the UNEP format should be submitted in writing, only Papua New Guinea had provided comments. The Secretariat was grateful for these.

The representative of the Previous Host Country said that the United States of America had not received the document for comment.

The Committee approved the format for project proposals in the annex to document Doc. SC.37.22.2.

c) Consideration of new project proposals

In accordance with a decision taken at the 36th meeting of the Standing Committee, the Secretariat informed the Committee that, regarding **project S-107 (Survey of the status and exploitation of, and trade in, the products of the hippopotamus in Africa)**, the Secretariat had circulated the project proposal to all range States and received positive comments from Burundi, Chad, Congo, Guinea-Bissau, Malawi, Mali and Uganda. As there were no suggestions to amend the project proposal this was not done.

Regarding **project S-108 (Sustainable management and conservation of crocodylians and their habitats in Central America)**, the Secretariat stated that, as requested at the previous meeting of the Standing Committee, Dr Ross had been informed of the recommendation made at that meeting. As the Secretariat had not received a clarification regarding the budget from Dr Ross, it had not been able to modify the proposal. The Secretariat agreed to send the new budget for project S-108 to the members of the Standing Committee as soon as it was received from Dr Ross.

The three **project proposals submitted by Mexico, S-085, S-086 and S-087**, were discussed together. The Secretariat stated that the detailed justification for these projects had been provided in an annex to the Spanish version of the proposal for project S-085. The representative of the Previous Host Country suggested that, since the projects were related, they be combined and presented for funding as one project with three components. The representative of North America, on behalf of Mexico, supported this idea. The representative of the Depositary Government suggested that the projects remain separate, as it was easier to secure funding for smaller projects. This was agreed. The representative of Central and South America and the Caribbean (Argentina) expressed concern over the lack of reference in the proposals to the health of birds to be held in

captivity or released. The representative of North America, on behalf of Mexico, said that this issue would of course be considered. She added that Mexican law prohibited the release of wild animals that had not been subject to quarantine and sanitary controls. The representative of Central and South America and the Caribbean (Argentina) offered to share the Argentine experiences of implementing sanitary controls.

The representative of the Previous Host Country asked the Secretariat to ensure that, in cases where a full proposal was submitted in one language and only a summary was provided in the other languages, the full proposal should be made available to all participants in the original language.

Project S-085 - Biology of wild populations of *Ara macao* and *Amazona autumnalis* in Mexico

Comments on the proposal were noted by the Secretariat and the project was approved.

Project S-086 - Release and integration of wild flocks of *Ara macao* and *Amazona autumnalis* in Mexico

Comments on the proposal were noted by the Secretariat and the project was approved.

Project S-087 - Adaptability and reproduction in captivity of *Ara macao*, *Amazona farinosa* and *Amazona autumnalis* in Mexico

Comments on the proposal were noted by the Secretariat and the project was approved.

Project S-088 - Conservation and management of *Rhea pennata* in Argentina

The project was approved.

Project S-090 - Rehabilitation and re-introduction of Cape pangolins confiscated from traders in Namibia

The representative of the Previous Host Country expressed the hope that the potential impact on the wild population would be taken into account before any pangolins were reintroduced into the wild. The representative of Africa (Namibia), on behalf of Namibia, stated that wild pangolins were very difficult to study. He stressed that the aim of this project was to develop methodologies. If it was successful, there could be a follow up. The project was approved.

Project S-091 - Conservation of *Conepatus* spp. in North-western Patagonia, Argentina

The representative of the Previous Host Country expressed strong support for this project. The project was approved.

Project S-110 - Study of population density of *Manouria emys* and *Indotestudo elongata* in Malaysia

The representative of the Previous Host Country did not think that the proposal had been fully developed. She was concerned because of the statement, in section 6 of the proposal, that the species were "in high demand and becoming highly endangered". She wondered if it might be appropriate therefore to consider the species for inclusion in Appendix I, if indeed they are becoming "highly endangered". She recommended that the Secretariat work with the Animals Committee and Malaysia regarding the need to control trade and to study the species. This was supported by the representative of Central and South America and the Caribbean (Argentina). The observer from Germany informed the

Committee that the European Union had taken stricter measures relating to trade in these species and that a project to study them was needed as soon as possible. He said that the project was like a feasibility study and that it should be approved. The representative of the Previous Host Country agreed that it was a high priority and suggested that the Committee should approve it in concept and ask the Secretariat to follow up with Malaysia and the Animals Committee. The Secretariat noted that, in any case, in accordance with the agreed procedure for the approval of projects, the Animals Committee would need to review the methodology when the revised proposal was ready. The Secretariat therefore noted the comments made and undertook to take these into account in revising the project with IUCN. The project was approved in principle.

The representative of the Depositary Government noted that, at the previous meeting, a number of proposals had been agreed in principle. He asked for copies of the revised proposals and a list of projects that needed funding to be provided. This request was supported by the representative of Central and South America and the Caribbean (Argentina), who also asked when the Committee might expect to see the revised proposal for project S-110. The Secretariat said the proposal would be sent as soon as possible but it needed to be discussed first with the Management Authority of Malaysia and with IUCN.

The Secretariat announced that, at the request of the Chairwoman of the Plants Committee, which had recently met, it wished to submit for approval, in principle, two ideas for projects for which proposals would be sent by mail to all members as soon as they were ready. The representative of the Depositary Government said that he was not prepared to approve a project without seeing the proposal. The Secretariat therefore said it would send the proposals to the Committee by mail. The Secretariat also agreed to send to them a list of projects not yet funded.

24. Co-operation with conservation-related conventions and other agencies

The Secretary General briefly described new developments. These included discussions with the Global Environment Facility (GEF) and with the World Trade Organization (WTO). GEF would be appointing a focal point for CITES and the WTO would be discussing the report of a working group on trade and the environment. Additionally, the Assistant Executive Director and Managing Director of UNEP had, the day before, on behalf of UNEP, offered USD 25,000 to help CITES initiatives in the Pacific region. A report would be prepared by the Secretariat for the 10th meeting of the Conference of the Parties.

The Chairman adjourned the meeting from 11h50 to 12h10.

25. Other business

Information Management Strategy

The Secretariat introduced document Doc. SC.37.24, regarding the Information Management Strategy that it was developing in collaboration with the World Conservation Monitoring Centre (WCMC). The observer from Germany commented that this was a good document. He felt that computerized systems were an important tool for CITES authorities, for enforcement as much as for administration. He suggested that the Standing Committee should ask the Secretariat to develop standard computerized systems for the management of information needed for CITES implementation. He also suggested that the Secretariat should develop guidelines to facilitate the exchange of information held in electronic formats.

The representative of the Previous Host Country agreed. She endorsed the development of an Information Management Strategy and encouraged the Secretariat to develop a

document for consideration at the 10th meeting of the Conference of the Parties. She suggested that the Secretariat should not only produce guidelines regarding the use or development of software but should also produce a list of Parties that do not have computer systems as well as a list of the computer needs of the Parties. She stated that the United States of America might be in a position to offer assistance and might have spare equipment from time to time. She offered to work closely with the Secretariat on this matter. She added that the Web site of the United States would be available shortly.

The observer from the Czech Republic stated that information should be made available to the Parties on the date from which each species was included in the appendices. The Secretariat responded that a document with this information, the "Annotated CITES Appendices and Reservations" had been produced by WCMC in the past and that it was planned to produce a revised version. The Secretariat welcomed the suggestions of the observer from Germany and of the representative of the Previous Host Country, and said that their comments would be taken into account in the development of the Information Management Strategy.

The representative of Africa (Namibia) said that his country was interested in the possibility of obtaining a so-called "expert system", that is a computer system that would hold information that would be needed for the issuance of permits and certificates. He added that CITES documents should be made available in electronic form.

The representative of Central and South America and the Caribbean (Argentina) stressed the need for the Secretariat to consider the financial implications of an Information Management Strategy. She recalled that in other fora strong support had been expressed for the establishment of computerized centres. However, she cautioned that there were potential problems in having isolated centres holding information on computers and that there was a need to take into account the needs of each group of countries.

The Secretariat noted these comments and said that the budgetary implications of the Information Management Strategy would be reflected in the budget proposal to the 10th meeting of the Conference of the Parties. The Secretary General added that the Secretariat had included in the agenda for the next co-ordinating meeting of secretariats of environment-related conventions a discussion on joint management of computerized information, in order to avoid duplication of effort and expenditure.

15. The African elephant (continuation)

The Chairman noted that a letter requiring a response had been received from the Sudan (document Doc. SC.37/Inf.5). A working group had met and prepared a draft reply, contained in document Doc. SC.37.14.3. This reply was approved by the Committee (see Annex 2).

The representative of Africa (Namibia) reminded the Committee that the Sudan had received no external funding to support its elephant conservation work since the 1970s and that it urgently needed help. The Secretariat said that they would help the Sudan to prepare proposals and to approach donors.

The representative of Africa (the Sudan) thanked the Standing Committee and the Secretariat for their help and co-operation.

7. Review of "How to improve the effectiveness of the Convention" (continuation)

The representative of (Europe) the United Kingdom, as the Vice-Chairman, reported on the results of discussions in the working group on this subject. He presented document Doc. SC.37.6.1, containing a draft decision of the Standing Committee. He noted that, on the

third line of page 2 of the document, the word revised should be inserted before "Strategic Plan". The representative of Asia (Japan) fully supported the proposed decision.

The observer from Australia pointed out that the draft decision did not address the question of the need for a supplementary report. The representative of the Previous Host Country, having raised this point in an earlier session, responded that it had become evident that only six questionnaires had arrived late and that the cost of providing an analysis of these would be high and would not materially affect the conclusions of the Review. She withdrew her previous suggestion that all the completed questionnaires sent to ERM should be circulated but offered to send the response of her own country to anyone who asked for it.

In response to a question from the observer from Spain, the Vice-Chairman proposed that, in section 3.(iii) of the draft decision, the words by the Secretariat be inserted after "circulated". This way it would be left clear that it was left to the Parties to send copies of the report to national NGOs if they chose to do so.

With the amendments introduced by the Vice-Chairman, the draft decision was adopted (see Annex 1).

17. Illegal trade in Appendix-I bear species (continuation)

The Chairman said that it had become evident that there was a need for clarification of the Committee's decision relating to document Doc. SC.37.16. The representative of the Previous Host Country suggested that recommendation d) on page 3 of the document not be accepted as it stood but that rather the Committee should include this subject in the agenda of the 10th meeting of the Conference of the Parties for discussion there. This was agreed.

25. Any other business (continuation)

Reptile farming in West Africa

The representative of the Depositary Government referred to the recent report prepared for the Secretariat on reptile farming in Benin, Ghana and Togo, which indicated several implementation problems. He noted that the code "C" had been used on permits where it was not justified, that ranching was not being conducted on a sustainable basis and that many products exported by the farms came direct from the wild (and were not ranched). He said that reference was made in the report to a research programme and asked what progress had been made.

The Secretariat said that the project had been conducted to evaluate the claim of a number of farms to be breeding large numbers of reptiles in captivity. It was found that there was a mixture of breeding, ranching and export of wild-taken specimens. The consultant who conducted the study had been asked to develop a proposal for a study of the species in the wild and the Secretariat had discussed this with FAO to see whether it could help through its Technical Co-operation Programme. The follow-up would be to help the farms to carry out their activities correctly. The Secretariat would be taking this up again with FAO. Meanwhile the European Commission had agreed to fund a study in Ghana and this would start in January 1997. A proposal for a study in Togo had been prepared and was being revised in collaboration with IUCN.

The observer from Germany commented that there was a controversy in the European Union about the ranching in Togo. He said that it had been agreed to make funds available for work there and suggested that the Secretariat should contact the European Commission.

The representative of the Previous Host Country suggested that the issue of trading specimens as "bred in captivity" when in fact they were ranched should be dealt with in the discussion on alleged infractions at the next meeting of the Conference of the Parties. This was agreed.

Participation of NGOs in meetings of the Animals and Plants Committees

The Chairman reported that he had received a letter on this subject from the Chairman of the Animals Committee. Members of the Committee, as well as Party observers had expressed concern about: imbalanced representation at meetings between NGOs from developed countries and those from developing countries; and an increase in the number of NGOs attending meetings, such that they outnumbered the members and the Party observers and could have an intimidating effect on the representatives of Parties.

The representative of the Previous Host Country agreed that there was an imbalance of NGOs. She recalled a suggestion that NGOs from developed countries should fund the participation of NGOs from developing countries. She reported that the United States of America was preparing a draft resolution on the running of the permanent committees that might help to correct the problems. She suggested that this subject therefore be brought up at the first meeting of the Standing Committee after the 10th meeting of the Conference of the Parties.

The representative of Africa (Namibia) suggested asking the Chairmen of the Animals and Plants Committees to propose changes to their rules of procedure to address the problem. The observer from India felt that there was no need for NGOs to be represented at meetings of these Committees as they had been established for discussions of technical and scientific matters between the elected representatives of the Parties.

The observer from the United Republic of Tanzania confirmed that in meetings of the Animals Committee, the number of NGO observers made it difficult to make progress. The representative of Central and South America and the Caribbean (Argentina) believed that there was a need to consider a change in the functioning of Committees. For example, the Animals and Plants Committees could give to NGOs the opportunity for an exchange of views with members, as the Standing Committee does, and then conduct its work without them.

The Secretariat pointed out that currently, in accordance with Resolution Conf. 9.1, the attendance of NGO observers at meetings of the Committees was entirely at the discretion of their Chairmen. The representative of Central and South America and the Caribbean (Argentina) said that in practice, however, it was impossible for the Chairmen to limit the number of NGO observers because they would be accused of discrimination. She felt that the Chairman of the Committees should not be left to solve the problem by themselves, but their work should be facilitated and they should be enabled to avoid conflicts with NGOs.

Drawing the discussion to a conclusion, the Chairman proposed that he should consult with the members of the Standing Committee in the following few months in order to prepare advice that would then be sent to the Chairmen of the Animals and Plants Committees. This was agreed.

Rules of Procedure

The Chairman noted that no credentials were at present required for participants in meetings of the Standing Committee and suggested that the Committee consider

changing the Rules of Procedure to include a such a requirement for future meetings, although there was a need for some flexibility.

The representative of the Depositary Government suggested that participants should present an official document, which might be a letter from the Minister or from the Director of the Management Authority, or at least from an appropriate person. The Chairman concurred, adding that the appropriate document could be different for different countries and that a "note verbale" from a permanent mission might also be accepted. This was agreed.

The representative of Central and South America and the Caribbean (Trinidad and Tobago) agreed with these suggestions, adding that it might not be necessary to present a document at every meeting but perhaps only when a change in the representation took place. The representative of the Previous Host Country thought that this approach was acceptable for members of the Committee but not for observers and this was agreed.

The Secretariat said that there had been rather few problems so far. As the Secretariat is authorized, by the text of the Convention, to communicate with Management Authorities, and as the Standing Committee makes non-binding decisions, they thought that it was sufficient for them to receive a letter from the head of the Management Authority to approve the attendance of a participant, even if it was himself. The Chairman stressed that countries have a variety of practices.

It was agreed that this new practice should come into effect immediately and the Committee instructed the Secretariat to prepare an amendment to the Rules of Procedure for adoption at the beginning of the next meeting.

Representation of the regions in the Standing Committee

The representative of Asia (Japan) reported that, as the Asian regional meeting would take place the following week, the subject of which countries were in Europe and which in Asia would be discussed there and would be raised at the next meeting of the Standing Committee. The Chairman noted that this was agreed and that meanwhile the affected members of the Committee should conduct consultations within their regions.

26. Time and venue of the next meeting

The Secretary General proposed that the next meeting of the Standing Committee be held on 6 and 7 June in Harare, starting at 14h30 on 6th June, at a venue to be announced. It had already been agreed, at the 36th meeting, that the only meeting in 1997 would be in conjunction with the 10th meeting of the Conference of the Parties, since the present meeting was being financed from the budget for 1997, although it was taking place in 1996. The Chairman noted the proposal of the Secretary General and said that if problems arose with this the members would be informed.

16. The tiger (continuation)

The representative of Europe (United Kingdom), as Vice-Chairman, introduced document Doc. SC.37.15.1, a document prepared by the working group on this subject.

The observer from India proposed that, on page 2, in the first line of paragraph f), the word "extremely" should be deleted. This was agreed.

The representative of the Depositary Government proposed that, in paragraph 2.d), only the first sentence should be retained and the rest should be put in a footnote as it was not the conclusion of the Standing Committee. This was agreed.

The Secretariat suggested that, on page 2 in paragraph a), the wording should be amended to refer to all range States. This was agreed.

Document Doc. SC.37.15.1 was adopted as amended (attached as Annex 4).

8. Relationship between CITES and UNEP (continuation)

The representative of Central and South America and the Caribbean (Argentina) recalled that the report of the working group on this subject in document Doc. SC.37.7 should be sent to all Parties. The Committee instructed the Secretariat to do this.

25. Any other business (continuation)

The representative of Central and South America and the Caribbean (Argentina) also recalled a suggestion that the Secretariat should produce a document for the Conference of the Parties, specifying the action it has taken to verify the claims of NGOs about infractions of the Convention. It was agreed that the Secretariat should produce a report.

27. Closing remarks

The representative of Africa (Namibia) thanked the Chairman, and thanked the Government of Italy for all the arrangements for the meeting and thanked the Secretariat for their support.

The Secretary General thanked all the participants, thanked the Government of Italy and the City of Rome for hosting the meeting, offered special thanks to Mr Alessandro Russi, Mr Ugo Mereu and Mr Massimo Lepri for their help and lastly thanked the interpreters and all the Italian support staff.

The Chairman also thanked the Government of Italy for hosting the meeting, as well as the staff who provided support, the interpreters and the Secretariat.

The observer from Italy said that it had been a pleasure for the Government of Italy to welcome all the participants. He thanked his staff for the help they had provided and he hoped that all the visitors had enjoyed their stay in Italy.

The representative of Central and South America and the Caribbean (Trinidad and Tobago) joined others in thanking the Government of Italy for their hospitality and organization and thanked everyone who had been associated with the arrangements for the meeting.

The Chairman closed the meeting at 14h00.