

***Summary Report
of the Committee I Meeting***



First Session: 9 November 1994: 09h25-12h20

Chairman: E. Ezcurra (Mexico)
Secretariat: J. Kundaeli
O. Menghi
G. van Vliet
Rapporteurs: H. Corrigan
T. Inskipp

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9. Exports of Leopard Hunting Trophies and Skins

The Secretariat introduced document Doc. 9.26, highlighting the contents of the special reports provided by the Parties concerned, and referring to additional information extracted from the CITES database of trade statistics. A few Parties had not submitted special reports, and apparently considered that their annual reports satisfied the requirements of Resolution Conf. 8.10. Special reports had not been submitted in advance by Namibia and Zimbabwe but had been presented to the Secretariat at this meeting. The Secretariat referred to the problems of some Parties where hunting seasons bridged years, resulting in the apparent misuse of tags. The use of a tag should normally be restricted to the calendar year referred to on the tag.

The delegation of Zimbabwe stated that they were unhappy with the recommendations contained in the Annex to document Doc. 9.26. The main problem was the bureaucratic difficulties created by importing countries. They considered that it was unnecessary, where a quota had been established, to wait for the issuance of an import permit before issuing their export permit. They felt that the present reporting requirements placed an unnecessary burden on the exporting countries and that the importing countries should endeavour to simplify procedures. In this regard they suggested a change to paragraph 2., second line, of the Annex to document Doc. 9.26, which would read "DIRECTS the Secretariat to notify the Parties to facilitate imports of leopard trophies..". This suggestion was supported by the delegations of Cameroon and Switzerland.

The observer from Safari Club International supported the position of Zimbabwe and stated that, in his view, virtually all Parties had complied with the reporting requirements. The delegations of the Central African Republic, Malawi and Zambia agreed and stated that they had submitted the relevant special reports.

The delegation of the United States of America expressed concern about the poor reporting record of some Parties. They recommended that this issue be referred to Committee II. This was supported by the delegation of Germany, on behalf of the European Union, by the delegation of India and by the observers from TRAFFIC and the Humane Society of the United States.

The delegation of Germany supported the position of the United States of America. They suggested a change to the wording of document Doc. 9.26 Annex in paragraph 1., second line, to read "...a special report or copies of the export permits issued, on the number of trophies..".

The Secretariat responded to several points, including the determination of whether the annual export quotas

had been exceeded, the communication problems between the Secretariat and some of the Parties, and the difficulties that had arisen because hunting seasons bridged years.

The delegation of the United States of America proposed that a working group be established with representatives from Switzerland, Zimbabwe and the Secretariat.

After some further discussion, it was agreed that a working group be established, chaired by the delegation of the United States of America, and that the group should report back to Committee I with specific recommendations to be referred to Committee II.

The delegation of Botswana stated that in February 1994 they had submitted a special report to the Secretariat requesting an increase in their annual quota from 100 to 130 for the period 1995-1997. The Secretariat acknowledged receipt of the report and agreed that the increase in quota was justified but needed the approval of the Parties.

After a brief explanation of the request to increase the quota, the proposal by the delegation of Botswana was supported by the delegations of Malawi, Mali, Namibia, the United Republic of Tanzania and Zambia, and by the delegation of Germany speaking on behalf of the European Union. The observer from IUCN also supported the increase and stated that, according to information compiled for the Cat Action Plan, the population of the leopard in Botswana was healthy and that there was a serious problem with predation on livestock. The delegation of the United States of America supported the requested quota but noted that this process of approving a quota should not be considered as a precedent for approval of other quotas. The delegations of Bulgaria and Senegal expressed some reservations about the need to increase the quota but these were allayed by further comments from the delegation of Botswana.

The Chairman concluded that the request by the delegation of Botswana for an increase in their quota, from 100 to 130, was approved.

The delegation of Malawi requested that their quota be decreased from 60 to 50. The Secretariat stated that this was an internal decision and that they did not need to seek agreement from the Conference of the Parties.

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

The Secretariat introduced document Doc. 9.27, which referred to trade in *Scleropages formosus* and some *Crocodylus* species. They specifically referred to discrepancies between the special reports and the data from the CITES trade database, and also to the difficulties created when tag numbers for crocodile products were not provided. They concluded by referring to the recommendation in the report that

called for a reporting deadline to be added to the text of Resolution Conf. 7.14.

The delegation of Madagascar drew attention to an error in the report, whereby the figures referring to wild-collected specimens actually related to ranched animals. The delegation later clarified that this mistake was due to an administrative error.

The delegation of Indonesia explained that they had very recently submitted special reports for the years 1991 to 1993. In addition, they provided export figures for the years 1992 to 1994 and noted that in 1991 they had not exported any wild-collected *Crocodylus porosus*.

The delegation of the United Republic of Tanzania indicated that there had been confusion over the issuance of ownership certificates and tags from different years; however, this problem was being resolved in discussion with the Secretariat.

After some minor clarifications of the wording of Resolution Conf. 7.14, document Doc. 9.27 was approved.

16. Management of Sharks

The delegation of the United States of America introduced document Doc. 9.58 on the trade in shark parts and products. It was clear that many species were being utilized, some unsustainably, and the United States of America had, therefore, introduced a management programme for the sharks in its territory. Most shark species were not covered by international agreements and trade controls were largely lacking. The delegation of the United States of America raised the questions of the best means of documenting catches at the species level and of collating data on trade in shark parts.

The delegation of Panama agreed that initiatives were needed and proposed a draft resolution directed at improving shark management. The operative part of this was as follows:

"URGES FAO, ICCAT and the other international fisheries management organizations to institute programmes to further collect and assemble biological and trade data on shark species, to be evaluated by the CITES Animals Committee and reported to the eleventh meeting of the Conference of the Parties;

URGES strongly all nations utilizing shark species to co-operate with FAO, ICCAT and the other

international fisheries management organizations in their research programmes; and

REQUESTS FAO, ICCAT and the other international fisheries management organizations to fully inform CITES of progress on data collection and elaboration, and to update the status of trade in shark parts and products."

The delegations of Colombia, Thailand and Venezuela supported the initiative of Panama.

The delegation of Japan was not in favour of initiatives related to species not included in the CITES appendices. Instead they preferred the issue to be left to international fisheries agreements, as the current workload of CITES was excessive. They suggested that FAO be requested to undertake an analysis of data and to collect further relevant information. This intervention was supported by the delegations of Indonesia, the Republic of Korea, Malaysia, Singapore and Zimbabwe.

The delegations of Ecuador, Germany, Jordan, the Netherlands and New Zealand supported this initiative. The observer from IUCN also supported this initiative, noting that some populations of sharks had become extinct and that there was some doubt that any shark population could be sustainably utilized. The observer from WWF agreed and added that Parties should make all information relating to sharks available to the Animals Committee for review, and that a discussion paper should be presented to the tenth meeting of the Conference of the Parties. In addition to this, the delegation of Canada suggested that new international organizations might be necessary to manage stocks of sharks. The delegations of Australia and the United Kingdom also supported the initiative of the United States of America; however, they stated that budgetary implications should be borne in mind.

The delegation of the United States of America, supported by the delegations of Austria, Germany and Panama, proposed that a working group be set up to prepare a draft resolution in discussion with interested parties. The Secretariat agreed, but noted that the workload of the Animals Committee and budgetary issues should be considered.

It was agreed that a working group be established, chaired by the delegation of Panama.

The Chairman made some administrative announcements and the meeting was adjourned at 12h20.

Second Session: 9 November 1994: 14h15-17h25

Chairman: E. Ezcurra (Mexico)
Secretariat: J. Barzdo
J. Kundaeli
O. Menghi
G. van Vliet
Rapporteurs: J. Boddens-Hosang
J. Caldwell

Following various announcements from the Secretariat the Chairman opened the session at 14h15.

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17. Trade in Plant Specimens

e) Ramin (*Gonystylus bancanus*)

The Chairman invited the delegation of the Netherlands to present document Doc. 9.53 and then invited comments from the floor. The delegation of Malaysia expressed deep disappointment that this subject had been re-opened after a proposal on the same subject had been withdrawn at the eighth meeting of the Conference of the Parties. They believed that the data were misquoted and in some places inaccurate, and noted that the measures already taken by Malaysia were not even mentioned in the document. They further stressed the importance of sovereign rights of range States and offered to meet with the delegation of the Netherlands for more discussions about Ramin. However they indicated that listing Ramin in Appendix II would not be acceptable.

This position was supported by the delegations of Bangladesh, Bolivia, Botswana, Brazil, Cameroon, the Congo, Ghana, Indonesia, Japan, Pakistan, the Philippines, Singapore and Zimbabwe. The delegation of the Philippines added that Annex 6 of the document did not represent the official position of the Government. The delegation of Ecuador considered the Dutch proposal as respectable and expressed their satisfaction, at the same time, about the efforts made in some range States to achieve sustainable management of Ramin. They proposed the establishment of a commission to reconcile the positions. Pointing out that control of timber trade needed good co-operation between exporting and importing countries, the delegation of Germany supported the proposed Appendix-II listing because the range States were in control of the quantities traded. The delegation of Thailand stated that unnecessary listing of species in Appendix II would burden range States. Their limited resources would be better used on conservation activities than on increasing bureaucracy of handling CITES permits.

The delegation of Australia proposed that further discussion of the document be deferred until after Committee II had considered document Doc. 9.52 and the delegation of Burundi suggested the creation of a working group to deal with the issue.

The Chairman asked if the delegation of the Netherlands wished to withdraw the document. Although surprised by the lack of support for the proposal, the delegation of the Netherlands agreed to reconsider their position but had no wish to

withdraw. The Chairman then called for a vote on the acceptability of document Doc. 9.53. There being no votes in favour it was rejected.

18. Significant Trade in Appendix-II Species

a) Animals

The Secretariat presented document Doc. 9.33, pointing out that Togo would be deleted from the list of Parties in Notification to the Parties No. 800. The Chairman of the Animals Committee acknowledged the efforts undertaken by several countries, particularly Colombia and Indonesia, with which the Committee had worked closely.

The delegations of Colombia, El Salvador, Indonesia, Madagascar, Peru, Togo, the United Republic of Tanzania and Zambia commented briefly on species in their countries that were listed in the Annexes of the document and outlined some of the measures they were implementing to manage trade in a sustainable manner.

Document Doc. 9.33 was adopted.

b) Plants

The delegation of the United Kingdom, in their capacity as the Co-ordinator of the Plants Committee for studies of significant trade in plants, introduced document Doc. 9.34 and welcomed, in particular, the work done by Thailand.

The Chairman of the Plants Committee commented that the projects listed in the work programme shown in the document were limited owing to a lack of adequate funding and that external funding sources should be sought. He recommended adopting document Doc. 9.34 with an additional project on trade in medicinal plants. This proposal was supported by the delegations of Germany, Spain, the United Kingdom and the United States of America.

Document Doc. 9.34, with the additional project, was adopted.

21. Marking of Crocodylian Specimens

The delegation of Australia introduced document Doc. 9.36 with the following amendments to the draft resolution:

In recommendation b), the words "the commercial export of "chalecos" (tinga frames) be avoided" should be replaced by that "chalecos" have a tag attached to each side. Recommendation f) should be deleted. In recommendation h), the sentence "implement an administrative system for the effective matching of imports and re-exports, and further" should be deleted. Recommendations i) and j) should be transposed. In recommendation j), the words country of origin and should be added before "standard species code" and the letter s

should be appended to the word "code". In section 2 of the Annex, approved should be inserted between the words "Any" and "tag", and the words "to be approved" should be replaced by registered. In section 6: when directed by the Standing Committee or agreed to between the range State and the Secretariat; should be inserted after "Secretariat". In addition, it was recommended that the species codes annexed to Resolution Conf. 8.14 be attached.

The delegation of the United States of America recognized that the trade in legally obtained skins should be allowed, and would support a grace period for trade in untagged legal skins. However, they expressed concern about the provision allowing the tagging of untagged skins in re-exporting countries for an indefinite period.

Following some discussion about the definitions of the terms "processed" and "parts thereof", the delegation of Italy proposed that a small working group be established to polish up the final text. The working group would consist of representatives from the Secretariat and the following delegations: Australia, Colombia, France, Germany, Italy, Japan, Panama, Papua New Guinea, Singapore, Switzerland, Thailand, the United States of America and Venezuela. Further discussion was postponed until after the working group had met.

24. Disposal of Confiscated Live Animals

Document Doc. 9.55 was presented by the delegation of the Netherlands, who explained that, although the document was the result of much deliberation, several participants at the present meeting had suggested the following changes to the text:

In the preamble of the draft resolution, in paragraph 8, "recovering" should be replaced by the successful recovery of and in paragraph 12, "has developed" should be replaced by is developing draft. In recommendation a), "the pertinent IUCN/SSC Specialist Group" should be replaced by other relevant experts, such as IUCN/SSC Specialist Groups. In recommendation b), "follow" should be replaced by take note of and recommendation c) should end with that are either in Appendix I or, if in Appendix II or III, involve large

commercial quantities. In the paragraph beginning with URGES, seized and should be inserted before "confiscated" and "in accordance" should be replaced by consistent. In the second paragraph "Option 1 - Captivity", other should be inserted before "captive" in the second line and the words from "where" to the end of the sentence should be deleted. In the same section, the last word of the paragraph beginning with "Sale" should be replaced by placement and, in the first line of the following paragraph, "must" should be replaced by should. In section a) "Potential to Encourage Undesired Trade", "commercial breeders", in the third paragraph, should be replaced by a registered commercial Appendix-I breeding facility. In the third paragraph subsection d) of section "Return to the Wild - Concerns and Benefits", the sentence commencing with "Animals" should be deleted. In the diagram "Decision Tree for Return to the Wild", an additional box containing the question Are the animals free of diseases? should be added to the left-hand line, and from the box should come a line connecting to the lowest box, with the annotation "No", and the existing line should be annotated "Yes" below the new box. Finally, in Annex 2 to the draft resolution, and/or Confiscated should be inserted after "Seized" in the title.

Several delegations asked questions concerning how parts of the plan would work in practice and a suggestion was made by the observer from Saudi Arabia on disposal of specimens where no obvious solution was available. The delegation of Italy expressed concern about the use of the word "introduction" as opposed to "reintroduction" as the long-term consequences of introductions were hard to assess. The suggestion that rescue centres should also be included as an option, at the bottom of the diagram "Decision Tree for Captive Options", was made by the delegation of Guatemala, supported by the observer from the Animal Reception Centres Association.

The Chairman asked that the delegation of the Netherlands should consider the suggestions for improvement overnight in order to avoid convening a working group.

The session was closed at 17h25.

Third Session: 10 November 1994: 10h20-11h55

Chairman: E. Ezcurra (Mexico)
Secretariat: J. Kundaeli
O. Menghi
G. van Vliet
Rapporteurs: J. Boddens-Hosang
T. Inskipp

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24. Disposal of Confiscated Live Animals

The Chairman requested the delegation of the Netherlands to table the revisions proposed to the text of document Doc. 9.55. The delegation of the Netherlands proceeded to itemize numerous proposed changes in the document.

The delegation of Colombia felt that the country of export should have the right to demand the return of animals that have been confiscated in an importing country and that the costs incurred should not be borne by the country of export. The Secretariat pointed to Article VIII, paragraph 4, of the Convention, which states that the fate of the animals will be decided by the importing country and, if the specimens are returned, this should be at the expense of the exporting State.

The delegation of Israel proposed that the first sentence in the boxes at the top of the diagrams at the end of Annex 1 of the document, starting with the words "Will `Return to Wild", should end with and not be detrimental to the conservation of the species. The delegations of Burundi, Zaire and Zambia supported this proposed amendment. The observer from the Royal Society for the Prevention of Cruelty to Animals agreed, and added that recently confiscated specimens stand a better chance of survival if returned to the wild as soon as possible. The observer from the Born Free Foundation agreed with this last point.

The delegation of the Netherlands suggested that the guidelines should also be applied to species not listed in the CITES appendices. In the case of plants the Plants Committee is drafting a separate resolution, which will be presented at the tenth meeting of the Conference of the Parties.

The observer from IUCN remarked that many animal diseases could not be detected and that, therefore, reintroduction of a specimen could be of high risk to all species in the ecosystem. The observer from TRAFFIC agreed with this point.

The delegation of Algeria was concerned about the welfare of confiscated animals placed in private care.

The delegation of France stressed that priority should be given to the conservation of the species in its ecosystem rather than to the individual specimens to be disposed of.

The observer from the Animal Reception Centres Association remarked that captive-breeding centres were successfully propagating many endangered species and this should be acknowledged.

The delegation of Costa Rica commented that animal rescue centres played an important role in managing confiscated specimens. This view was supported by the delegations of Guatemala and Indonesia, and also by the delegation of Algeria, who added that rescue centres should be approved by state authorities.

The observer from the Royal Society for the Prevention of Cruelty to Animals stated that the value of education and local capacity building should not be overlooked as part of the process of returning confiscated specimens, and proposed that the role of education should be added to the boxes at the top of the diagrams.

The observer from the American Federation of Aviculture requested on behalf of a member of non-profit organizations that have the funding and expertise in the handling and care of special avian species that they be allowed to work with the countries of origin of the confiscated specimens to allow confiscated birds to be placed in the care of such organizations. He therefore suggested the inclusion of the words qualified captive-breeding facilities in the third box from the top of the diagram "Decision Tree for Captive Options". This was supported by the delegation of Zambia.

The delegation of France proposed that a revised version of the document should be prepared for review by the Committee. The Chairman agreed and requested the delegation of the Netherlands to work with the Secretariat to amend the document and to submit the revised version at a later session.

After a few announcements by the Secretariat the session was closed at 11h55.

Fourth Session: 10 November 1994: 14h10-17h55

Chairman: E. Ezcurra (Mexico)
Secretariat: J. Kundaali
O. Menghi
G. van Vliet
Rapporteurs: H. Corrigan
J. Gray

The Secretariat announced that Indonesia had withdrawn its proposal to transfer *Cacatua goffini* from Appendix I to Appendix II, and Bangladesh had withdrawn its proposal for the temporary transfer of *Varanus bengalensis* and *Varanus flavescens* from Appendix I to Appendix II.

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26. New Criteria for Amendment of Appendices I and II

The delegation of New Zealand, in their capacity as Chairman of the Standing Committee, introduced document Doc. 9.41, proposing that Annex 3 form the base document for discussion.

The delegation of Germany, speaking on behalf of the European Union, objected to the draft resolution (Annex 3). They proposed the establishment of a working group to consider amending the draft resolution, with reference to document Doc. 9.41.1 and the comments put forward by IUCN, WWF and TRAFFIC in their joint position statement on the draft listing criteria. The delegation of Australia indicated support for certain elements contained in document Doc. 9.41.1 submitted by the United States and requested that it also be taken into account by the working group in the interests of achieving the best possible outcome. On the matter of NGO participation on the working group, the delegation of Australia expressed the opinion that such involvement was appropriate. These proposals were later supported by the delegations of Argentina, Burundi, Chile, the Congo, Cuba, Mali, Spain, the United Republic of Tanzania, Zaire and Zimbabwe. Several of these delegations stressed the need for strict terms of reference in order that the group might expedite its business.

The delegation of India stated that they were in favour of quantitative guidelines but voiced concerns regarding the cost and feasibility of collecting the data on species that would be needed to prepare a proposal. In this respect they were supported by the delegations of Cameroon and Indonesia. The latter delegation, supported by the delegations of Cameroon and Mali, added that they would like the proposed biological criteria extended to determine Appendix-II listings. To this end, the delegation of Cameroon indicated the need to amend Annex 2a of document Doc. 9.41 Annex 3. The delegation of Zaire, echoing concerns regarding costs of data collection, expressed the value of international co-operation in such research. Similarly, the delegation of the Central African Republic requested co-operation among range States in this regard.

The delegation of Namibia, supported by the delegations of Botswana and Zimbabwe, proposed that the observer from IUCN explain the approach taken during development of the draft criteria. The observer from IUCN stated that their key role was to define fundamental terms within Article II of the Convention.

He felt it crucial that numerical values be included to provide a yardstick for decision-making.

The delegation of Hungary recommended postponement of a decision on document Doc. 9.41 Annex 3 until the tenth meeting of the Conference of the Parties. The delegation of Japan stated that it was crucial to adopt the new criteria at this meeting on the basis of Resolution Conf. 8.20, specifically mentioning that "downlisting" was very difficult under the current criteria, although in some cases Appendix-II listing was more effective than Appendix-I listing for the conservation of the species concerned.

The delegation of the United States of America outlined three major objections to document Doc. 9.41 Annex 3 namely: that any appropriate numerical values for biological and ecological criteria were very taxon-specific; that it would not be possible to quantify with reasonable accuracy population sizes, ranges and rates of change of populations of certain species; and that many nations would experience difficulty in meeting the costs of implementing the quantitative guidelines. Therefore, the United States did not believe that numerical values should be included in any new criteria. The delegation of the Netherlands agreed with the first of these points, while the delegations of Mexico and Peru were in general support of the concerns of the delegation of the United States of America.

The delegation of Austria stated that they would only approve document Doc. 9.41 Annex 3 if certain concerns were addressed, as follows. They believed: that the numerical thresholds for inclusion in Appendix I would be particularly inappropriate to marine and migratory species; that newly discovered species would not be adequately protected; and that developing nations would have difficulties meeting costs associated with the proposed criteria.

The delegations of Argentina, Botswana, Canada, Colombia, Malawi, Namibia, Papua New Guinea, Spain, the United Kingdom and Zimbabwe all expressed broad support for adoption of the draft resolution in Committee I, pending some amendment of the text. Specifically, the delegations of Malawi, New Zealand and Zimbabwe wished to include elements of the comments put forward by IUCN, WWF and TRAFFIC in their joint position statement on the draft listing criteria.

Various other points of concern were raised by the delegations of Burundi, Chile, Colombia, Kenya and Zambia. These related to: climatic factors affecting species numbers; a preference for simply amending the Berne Criteria; the need to update quantitative criteria periodically; the desire for conceptual as opposed to numerical guidelines; and the fact that the draft criteria did not extend to Appendix-III species.

The observers from Greenpeace, the International Wildlife Coalition and the Natural Resources Defense Council considered document Doc. 9.41 Annex 3 to be

flawed and recommended against its adoption. However, the observer from TRAFFIC advocated approval of the document, with inclusion of the considerations contained in their joint position statement on the draft listing criteria.

The delegation of Germany raised a point of order to close the debate in order to form the proposed working group. Seconding this proposal, the delegation of Uruguay recommended that the Chairman ask for a show of hands to determine the degree of interest in participation in such a group. This suggestion was not immediately taken up but, after a repeated plea from this delegation, 32 delegations and 40 non-governmental organizations were seen to be willing to participate in a working group for further debate on this issue.

Finding no objections to the principle of establishing a working group, the Chairman requested nominations for chairing this group. The delegation of Australia was nominated by the delegation of the United Kingdom. This nomination was accepted.

After prolonged debate over the precise constitution of the working group, the delegation of Germany raised

another point of order, requesting a vote on the composition of the group. A proposal from the delegation of Germany, with modifications from the delegation of Zimbabwe, suggested the following to constitute the group: three delegations from each of the regions of Africa, Asia, Central and South America and the Caribbean, and Europe; two each from North America and Oceania; six regional representatives of non-governmental organizations; and a representative of IUCN. This motion was adopted, with sixty-four votes in favour and four against. The Secretariat stated that the Bureau would review the possibility of providing translation and interpretation for the business of the working group, in response to concerns expressed on this point by some delegations. The observer from IUCN offered informal translation of their joint position statement on the draft listing criteria.

The Chairman requested that each region select representatives for the working group and communicate the names of these to the Committee.

After one administrative announcement from the Secretariat, the session was closed at 17h55.

Fifth Session: 11 November 1994: 09h30-12h00

Chairman: E. Ezcurra (Mexico)
Secretariat: J. Kundaali
O. Menghi
G. van Vliet
Rapporteurs: J. Boddens-Hosang
T. Inskipp

After various announcements from the Secretariat the Chairman opened the session at 09h30.

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26. New Criteria for Amendment of Appendices I and II

It was agreed that the regional representatives in the working group to address this topic would be:

North America: Canada and the United States of America. NGO representation: *Wildlife Conservation Society*.

Europe: The Czech Republic, Germany and the United Kingdom. No NGO representative had yet been identified.

Asia: Representatives had not yet been identified.

Africa: Cameroon, Zaire and Zimbabwe. NGO representation: *Africa Resources Trust*.

South and Central America and the Caribbean: Argentina, Panama and Trinidad and Tobago. No NGO representative had yet been identified.

Oceania: Australia and New Zealand. No NGO representative had yet been identified.

The Chairman added that the Chairman of the working group would determine the terms of reference, while discussing documents Doc. 9.41 and 9.41.2, and a document submitted by IUCN.

27. Inclusion of Species in Appendix III

The delegation of the Netherlands introduced document Doc. 9.59, with a proposed amendment to paragraph d) of the draft resolution, under "RECOMMENDS", to delete "as well as a report containing the information referred to in recommendation a) iii), iv) and v".

The delegation of the United States of America supported this amendment and proposed the following additional amendments. The first line of the operative part should read "RECOMMENDS that, when considering whether to include a species in Appendix III, the requesting Party should first determine that". In the next line, "a Party should only include a species in Appendix III if." should be deleted. Paragraph b) should start with RECOMMENDS that the. In paragraph c), insert DIRECTS before "the Secretariat"; change "should" to to; and append and at other times when warranted. In paragraph d), insert DIRECTS before "the Secretariat"; replace "should not" with not to. In paragraph e), insert RECOMMENDS that at the beginning. In paragraph f), insert URGES at the beginning. Delete the paragraph lettering a) to f). After the next "RECOMMENDS", insert requesting after "that".

The delegation of Zimbabwe noted that they had a number of additional amendments to propose, and suggested that a small drafting committee should incorporate all proposed amendments and submit a

revised version. They also expressed concern that some species were inappropriately listed in Appendix III, and that some species in Appendix II could more appropriately be listed in Appendix III by the relevant range States.

The delegation of Colombia supported the suggestion by the delegation of Zimbabwe and the Chairman proposed that the drafting committee be chaired by the delegation of Zimbabwe and should include all interested Parties.

The observer from the Center for International Environmental Law expressed concern about the requirement in the draft resolution to demonstrate that significant illegal trade occurs before listing a species in Appendix III.

The Chairman concluded this discussion by referring further work to the drafting committee.

28. Guidelines for Evaluating Marine Turtle Ranching Proposals

The Chairman of the Animals Committee introduced the draft resolution in document Doc. 9.42 and provided a brief account of its lengthy gestation.

The delegation of the United States of America expressed concern about reopening the international trade in marine turtle products. They also stressed the need for regional management plans in addition to the national plans referred to in the draft resolution, and emphasized that the section on trade controls was inadequate. On this basis the delegation of the United States of America opposed the draft resolution and recommended the establishment of a working group to revise the document.

This view was shared by the delegations of Austria, Barbados, El Salvador, France, Mauritius and South Africa, as well as by the observers from IUCN, Greenpeace and the Center for Marine Conservation.

The delegation of Cuba stated that CITES did not have a mechanism to evaluate the ranching of a marine turtle. They indicated that the guidelines submitted by the Animals Committee would provide the necessary tool; give the Parties the responsibilities to have a better knowledge of the population and to establish regional co-operation; provide security measures to ensure that no ranching would be authorized if any negative element existed. They also noted that: under the proposal the ranching would be automatically stopped if the status of the population changed; and, in order to prevent the trade in ranching products from becoming a conduit for illegal trade, the proposal provided clearly that before any international trade was authorized a legal framework and adequate administrative provisions would be needed.

The delegation of New Zealand referred to resolutions adopted by the South Pacific Regional Environment

Programme concerning marine turtle conservation. They had agreed upon:

- i) an immediate reduction in the number of marine turtles killed;
- ii) a ban on international trade in marine turtle products;
- iii) the introduction of a moratorium on commercial trade in marine turtle products; and
- iv) proclaiming 1995 as the Year of the Sea Turtle in the region.

The observer from the Convention on Migratory Species (CMS) remarked on the protection of marine turtles under CMS, which provides for species and habitat conservation, monitoring, research and co-operation between Parties to this Convention. He considered that the ranching guidelines should, in the section on regional co-operation, recognize the competence of CMS for the development of regional conservation agreements.

The delegations of Colombia, Cuba, the Dominican Republic, Indonesia, Japan, Saint Vincent and the Grenadines and Venezuela supported the draft resolution on the grounds that it was based on a thorough scientific review and that it offered a possibility for the sustainable use of the species.

The Chairman proposed the establishment of a working group to be chaired by the delegation of Australia and closed the discussion.

29. Proposals to Register the First Commercial Captive-breeding Operation for an Appendix-I Animal Species

The Secretariat introduced document Doc. 9.43, which refers to *Scleropages formosus*, and requested the Parties to decide on whether captive-breeding operations should be registered in relation to a particular variety or to the whole species.

The delegation of the United States of America made the following statement:

"The United States of America noted that, in accordance with Resolution Conf. 8.15, the Parties should review the first proposal involving the registration of a facility for a species not already registered. This review is to determine whether breeding and husbandry techniques are adequate to ensure that specimens can be successfully bred in a closed system. In such a review, the Parties have also to consider whether the parental stock was obtained in a non-detrimental manner, which we consider includes a determination as to whether

the stock was legally or illegally obtained. We discern no reason to believe that techniques successful for one variety of a species would not also be successful for another variety of the same species. Unless the Parties wish to review the legal acquisition of the parental stock of the first registered facility for a second variety of a species already approved as bred-in-captivity, the Secretariat should review and decide on the facility's approval or disapproval, as it does for all facilities after the first one for each species. Therefore, the United States of America proposes that the first and subsequent submissions of a variety for registration of a species already registered does not need to be referred to the Parties but to be reviewed and acted upon by the Secretariat."

The delegations of Ghana, Indonesia, Japan, Madagascar, Malaysia and Zimbabwe supported this statement. It was decided to ask the Secretariat to take the administrative steps necessary to allow Malaysia to trade in captive-bred specimens of the red variety.

17. Trade in Plant Specimens

c) Standard Reference for Orchidaceae

The delegation of the United Kingdom introduced document Doc. 9.32 and noted the priority of *Dendrobium* in the 1995-97 Working Programme of the Nomenclature Committee. As there were no further comments, the document was approved.

30. Standard Nomenclature

Document Doc. 9.56 was introduced by the delegation of the United States of America and they proposed numerous amendments to the draft resolution, including the transfer to this draft of sections from document Doc. 9.16. These would be incorporated in a revised version for discussion at a later date.

The delegation of Germany noted that there was a more recent publication on amphibians: *Amphibian Species of the World: Additions and Corrections* by William E. Duellman, published in 1993 by the University of Kansas, Museum of Natural History. They requested that this be added to the draft resolution, in paragraph d), under "ADOPTS", and this was agreed.

The draft resolution was approved, incorporating the changes proposed by the delegations of Germany and the United States of America.

After some administrative announcements the session was closed at 12h00.

Sixth Session: 11 November 1994: 14h25-17h25

Chairman:	E. Ezcurra (Mexico)
Secretariat:	J. Kundaali O. Menghi G. van Vliet
Rapporteurs:	J. Gray M. Haywood

The Secretariat announced that the delegation of the United States of America had withdrawn all proposals on Unionidae.

XIV Interpretation and Implementation of the Convention

26. New Criteria for Amendment of Appendices I and II

The delegation of Thailand, on behalf of the Parties of the Asian region, informed the Chairman that they would report shortly on the selection of their representatives on the working group on the new criteria. The delegation of Panama, on behalf of the region of Central and South America and the Caribbean requested that NGOs of their region contact them so that a choice of representative for the working group could be made. A proposal from the observer from the International Wildlife Coalition, that the *Comité Nacional pro Defensa de la Fauna y Flora* (CODEFF) should be the representative NGO for this region, was requested to be made formally in writing.

XV Consideration of Proposals for Amendment of Appendices I and II

1. Proposals Submitted Pursuant to Resolution on Ranching

The Secretariat introduced document Doc. 9.44. The first listed proposal, to transfer the Ecuador population of *Melanosuchus niger* from Appendix I to Appendix II, was fully supported by the delegations of Colombia, Indonesia and Japan, but opposed by that of Venezuela. Several other delegations had similar reservations regarding the proposal, namely those of Australia, Bolivia, Canada, Germany, Switzerland and the United States of America because of limited information on the wild populations and because of the current lack of population monitoring and trade-control procedures. The delegation of Germany sought guarantees of adequate management of any ranching project and queried the logic of having a zero export quota for the first two years. The delegation of Ecuador explained that no animals would be ready for exportation during that period. The delegations of Australia and Austria shared concern over the possible export of live animals. The observer from IUCN wished for improvements to the management plan that had been submitted to the IUCN Crocodile Specialist Group, and called for a review of the project by that group after two years. With these two conditions, the delegations of Canada and Switzerland and the observer from IUCN supported the proposal, which was then approved by 51 votes to six.

The proposal from Indonesia to maintain its population of *Crocodylus porosus* in Appendix II was supported by the delegations of Australia, Germany, Ghana, Malaysia, Mali, Pakistan and the United Republic of Tanzania and the observer from IUCN. The delegation of Japan supported the proposal on the condition that Indonesia should implement stricter measures to ensure sustainable management. There were no objections to the proposal, which was approved.

The delegation of Madagascar introduced the proposal to maintain their country's population of *Crocodylus niloticus* in Appendix II, changing it to a proposal concerning quotas and suggesting export quotas for 1995 and 1996 of 4,500 and 5,000 ranched animals respectively, and 200 nuisance animals for each year. Supported by the delegations of Mauritius and Zimbabwe, the delegation of Australia welcomed the proposal, but requested that management of crocodiles be improved throughout Madagascar and that the ranching project be developed in co-operation with the IUCN Crocodile Specialist Group and the Secretariat. The delegation of Germany asked that, if the proposal were adopted, the farm in Madagascar that has recently exported several crocodile specimens be deleted from the Secretariat's register. The delegation of Switzerland stated that they could support the proposal if the conditions of Resolution Conf. 7.14, which applied in this case, were met. The observer from IUCN endorsed this view and otherwise supported the proposal, which was approved as amended.

The proposal to maintain the South African population of *Crocodylus niloticus* in Appendix II was introduced by that country's delegation and, there being no objections, it was approved.

VII Report of the Credentials Committee

The delegation of Malaysia announced that the credentials of the delegation of El Salvador had been accepted.

XV Consideration of Proposals for Amendment of Appendices I and II

2. Ten-year-Review Proposals

The Chairman referred the meeting to document Doc. 9.45.

The delegation of the United States of America stated that they had prepared the proposal concerning *Ovis vignei* to clarify the intent of the Parties as to what entity was protected when this taxon was included in the appendices at the plenipotentiary conference. They believed that only the subspecies *Ovis v. vignei* was listed in Appendix I, but noted that the proposal would also add the other subspecies to Appendix II. Furthermore, the delegation suggested that if the Parties rejected the proposal, the rejection should be seen as an interpretation that the entire species was listed in Appendix I.

Several delegations, including those of Germany, India, the Islamic Republic of Iran and the United Kingdom, and the observers from IUCN and the International Wildlife Coalition, were against the proposal to interpret the appendices such that only the subspecies *O.v.vignei* was considered as being in Appendix I. The taxonomic interpretation of the species was questioned, including the validity of the species *Ovis orientalis*. A vote to refer the proposal to the Nomenclature Committee was defeated by 20 votes in

favour to 24 against. A matter of particular concern existed since several recognized subspecies were held to be more threatened than the nominate subspecies, yet would lose Appendix-I status if the proposal were accepted. In view of the fact that confused taxonomy could lead to the possibility of inappropriate listing in the appendices, the delegation of Germany proposed that the matter be referred to the Animals and Nomenclature Committees, for preparation of a revised proposal to be considered at the tenth meeting of the Conference of the Parties. This proposal was seconded by the delegation of Austria and was then accepted by 68 votes to three. In the light of this, the delegation of the United States of America withdrew the proposal.

The Secretariat explained that the documentation circulated to the Parties had contained an error, namely the inclusion in document Doc. 9.47 of the proposals to delete *Rhynchosia rufescens maculicollis*, *R. r. pallescens* and *R. r. rufescens* from Appendix II. A request to consider these proposals as Ten-year-review proposals was accepted. The Secretariat and the delegation of Uruguay introduced the proposals, which were approved without objection.

The proposals to transfer *Pachypodium namaquanum* from Appendix I to II, to delete *Alocasia sanderiana* from Appendix II, to transfer *Leuchtenbergia principis* from Appendix I to II, to transfer *Didickea cunninghamii* from Appendix I to II, and to transfer *Lycaste skinneri* var. *alba* from Appendix I to II, were all approved without objection. The delegation of Mexico, withdrew the proposal to transfer *Astrophytum asterias* from Appendix I to II. The proposal to transfer *Mammillaria plumosa* from Appendix I to II was approved without

objection from the Parties, but the observer from the *Grupo de los Cien Internacional A.C.* registered her concern over this decision.

In introducing the proposal to delete *Aloe vera* from Appendix II, the delegation of Switzerland emphasized that the correct name for this species was *Aloe vera*, as opposed to *Aloe barbadensis*. The delegation of Ethiopia opposed the proposal on the grounds that it could facilitate trade in look-alike species. There were no other objections and the proposal was approved. However, the delegation of Zimbabwe was concerned that the taxonomic identity of the species was unclear and the delegation of the United States of America suggested that the Nomenclature Committee be asked to clarify the matter and report in plenary session.

There was no opposition to the proposal to transfer *Cattleya skinneri* from Appendix I to II, but the delegation of France sought an explanation as to why international trade in artificially propagated specimens of the species was problematic. The delegation of Costa Rica, in reply, pointed out that this was as a result of national laws stricter than the provisions of CITES. The proposal was approved.

The delegation of Switzerland introduced the proposal to delete *Camellia chrysantha* from Appendix II, which they had put forward on behalf of the Plants Committee. The delegation of China, the only range State for the species, supported by the delegations of the United States of America and Uruguay, was opposed to the proposal, which was then withdrawn.

After two announcements from the Secretariat, the session was closed at 17h25.

Seventh Session: 14 November 1994: 11h10-12h10

Chairman:	E. Ezcurra (Mexico)
Secretariat:	J. Kundaali O. Menghi G. van Vliet
Rapporteurs:	C. Allan J. Gray

After several announcements, the Chairman was requested to refer document Com. 9.13 to Committee II for any further discussion. There were no objections.

The Chairman asked if there were any further changes required to summary reports of the sessions of Committee I. In response, the delegation of Ecuador requested that the flow chart in document Com. 9.4 be translated into French and Spanish. The Secretariat informed the meeting that this would be done.

The Chairman informed the meeting that certain new documents were in circulation, reminding participants that, according to the Rules of Procedure, a period of twenty-four hours should be allowed between distribution of documents and their discussion.

Regarding document Com. 9.4, the delegation of the Netherlands pointed out that, under "Decision Tree Analysis - Return to the Wild", the words "Investigate "Captive" options.", after "No:", in the answer to question 6, should be in shaded text.

XII Committee Reports and Recommendations

4. Nomenclature Committee

a) Report of the Chairman

The Chairman of the Nomenclature Committee referred the meeting to document Doc. 9.16 and recommended that section I of the document be adopted, with amendments as follows. To item 26 of part A. under "Mammalia", after "*Pudu pudu* to *Pudu puda*", the words and add a taxonomic note to the listing: 'Also referenced as *Pudu pudu*' should be inserted. Under "Aves", in part B, item 6, the words "Formerly included in the genus *Pezoporus*" should be replaced with 'Also referenced as *Pezoporus occidentalis*'. Also in part B, the section on Mollusca should be deleted from the report, as the nomenclature of molluscs was in a state of flux, and a decision on this class of animals should be deferred until the tenth meeting of the Conference of the Parties. The Chairman of the Nomenclature Committee noted that items 2, 3 and 4, in part C of the report, were to be presented to this meeting of the Conference of the Parties as formal proposals, as a result of discussions by the Nomenclature Committee.

The delegation of Germany requested that the nomenclature of *Pudu pudu* be reviewed again by the Nomenclature Committee, which should report on the matter to the tenth meeting of the Conference of the Parties.

The Chairman of the Nomenclature Committee also commented on section II of document Doc. 9.16. He said that the draft of the first part of the snake checklist was ready for publication. The Nomenclature Committee recommended that the Parties adopt recommendations 2 and 4 of section II (recommendations 1, 3 and 5 being contained in

the draft resolution on standard nomenclature), with the adoption of the complete document Doc. 9.16.

Since the Nomenclature Committee had completed its work as described under part a. of section III of document Doc. 9.16, this part could now be deleted from the proposed workplan. Also under section III, item iv. of part b. the word external should be inserted between the words "available" and "funding". The report alluded to in item v. of part b. had now been completed and given to the Secretariat.

Regarding section IV, it was announced that the Budget Committee had recommended that funding for the Nomenclature Committee for the years 1996 and 1997 should be reduced. However, the delegation of Switzerland had offered to make a financial contribution to the work of the Nomenclature Committee for these years.

After questions from the delegations of the United States of America and the United Kingdom relating to the revision of the generic name *Felis* in *Mammal species of the world: A taxonomic and geographic reference*, second edition, the Chairman of the Nomenclature Committee recommended adoption of this publication as a standard reference for CITES purposes, with the approval of the delegations of the United Kingdom and the Netherlands, but added that the old generic name would be used as a synonym. The delegation of the United Kingdom also asked that the section entitled "Enquiries" in section II of document Doc. 9.16 be expanded in future reports of the Nomenclature Committee. The Chairman of this Committee recognized a responsibility to do this. He also stated that the cost of the intended publication of the checklists for turtles and crocodiles was not included in the budget of the Nomenclature Committee and would not therefore need to be met by the Parties.

Document Doc. 9.16 was approved, as amended. The Chairman asked that the amendments to the document be presented to the Secretariat in writing.

XV Consideration of Proposals for Amendment of Appendices I and II

3. Proposals Concerning Export Quotas

The Secretariat introduced document Doc. 9.46, and asked the delegation of the Depositary Government to comment further on this document. The delegation of Switzerland stated that all proposals put forward in parts 1 and 2 of this document, with the exception of that relating to the transfer from Appendix II to Appendix I of the Somali population of *Crocodylus niloticus*, were now redundant and therefore withdrawn. In accordance with the provisions of Resolution Conf. 7.14, the delegation of the Depositary Government recommended that the

proposal on the Somalian population of *Crocodylus niloticus* be approved.

The delegation of Uganda asked for their annual export quota of 2,500 specimens of *Crocodylus niloticus* to be retained for the years 1995, 1996 and 1997. In the absence of any objections to this request and to the proposal to transfer the Somalian population of *Crocodylus niloticus* to Appendix I, document Doc. 9.46

was approved with the amendment previously noted by the delegation of Switzerland. The delegation of Switzerland pointed out that approval of this document included acceptance of Indonesia's proposal to transfer its wild population of *Sclerophages formosus* back to Appendix I.

The session was closed at 12h10.

Eighth Session: 14 November 1994: 14h20-17h40

Chairman: E. Ezcurra (Mexico)
Secretariat: J. Kundaali
O. Menghi
Rapporteurs: R. Gabel
T. Inskipp

XV Consideration of Proposals for Amendment of Appendices I and II

4. Other Proposals

Acerodon jubatus and *A. lucifer* (transfer from Appendix II to Appendix I).

The delegation of the Philippines introduced the proposal and noted that, because there might be identification problems with other species in the genus, Identification Manual sheets for all species should be prepared as soon as possible.

The observer from IUCN referred to their analysis of the proposal and expressed their support.

The delegation of the United Kingdom referring to *A. lucifer*, stated that, according to Resolution Conf. 2.21, extinct species should not be listed in the appendices. The delegations of Germany and the Philippines agreed and proposed that the listing should be annotated with "possibly extinct".

The delegation of Switzerland requested that Identification Manual sheets should address the distinction of frozen bodies and meat of different species of fruit bats, because these products were the most important items in trade.

The observer from the International Wildlife Coalition expressed support for the proposal, noting the ecological importance of fruit bats. He agreed with the suggestion made by the delegation of Germany, referring to the rediscovery of some species long thought extinct.

The Chairman noted that there were no objections to the proposal, with the amendment proposed by the delegation of Germany, and it was approved.

Chaetophractus nationi, *C. vellerosus*, *C. villosus* and *Zaedyus pichiy* (inclusion in Appendix II)

The proposals were introduced by the delegation of Chile, noting that populations are apparently threatened because of hunting for meat and trade in musical instruments made from their carapaces.

The Secretariat recommended that the Parties reject the proposal because the Berne Criteria were not met. They suggested that a regional action plan should be developed for these species.

The delegation of Switzerland agreed with the Secretariat, suggesting that the proposals should be withdrawn and that the issue be referred to the Animals Committee for possible resubmission at the next meeting of the Conference of the Parties. The delegations of the United Kingdom and Uruguay and the observer from TRAFFIC agreed with this view.

The delegations of Bolivia, Ecuador and Peru supported the proposals, based on the adoption of the precautionary principle.

The Chairman called for a vote, the result of which was 31 votes in favour and 22 against. Therefore, the proposals were not approved.

Manis spp. (inclusion in Appendix II), *Manis temminckii* (transfer from Appendix I to Appendix II)

The delegation of Switzerland introduced the proposal, and the Secretariat recommended approval as this proposal had been developed at the request of the Animals Committee.

There were no objections and the proposal was approved.

Chinchilla spp. (amendment of annotation to exclude domesticated specimens)

The delegation of Chile introduced the proposal, and the Secretariat recommended approval, noting that wild and domesticated specimens were readily distinguishable in trade.

The delegation of Canada supported the proposal, stating that there was no commercial interest in wild-caught specimens.

The delegations of Argentina, Bolivia, Colombia and Switzerland supported the proposal, and the last of these offered assistance in the preparation of Identification Manual sheets if range States provided reference specimens and photographs. The delegation of Uruguay also expressed support and noted that the skins of other domesticated furbearers were more valuable than those of wild origin.

There were no objections and the proposal was approved.

Balaenoptera acutorostrata (transfer from Appendix I to Appendix II of the stocks of the north-eastern and central North Atlantic)

The delegation of Norway introduced the proposal, stating that they felt that neither the stocks included in the proposal nor the species met the Berne Criteria for inclusion in Appendix I.

The delegation of Japan supported the proposal, stating that they believed it was based on good scientific principles and that neither stock was threatened with extinction. They also stated that CITES should not use the International Whaling Commission (IWC) as a reason for listing whale species in Appendix I, while the IWC moratorium would practically prevent the resumption of international trade. The delegation of Canada noted that the processes of CITES and the IWC were fundamentally different, and that even the most pessimistic population estimates would not support listing in Appendix I. They noted also the possibility that the IWC moratorium may soon be lifted, but that trade would be precluded by the current Appendix-I listing. They expressed concern however, as to whether Parties would be able to verify the identity of any imports. The delegations of Botswana, Poland, the United Republic of Tanzania, Venezuela

and Zimbabwe supported the proposal, the last suggesting that a quota system be incorporated. The observer from the International Wildlife Management Coalition also expressed their support for the proposal.

The delegations of Australia, Austria, Chile, Ecuador, India, New Zealand, Seychelles, South Africa, the United States of America and Zaire opposed the proposal on the basis that it was contrary to the current IWC moratorium and the IWC was still resolving issues related to harvest of baleen whales, particularly with regard to population estimates, and that changes in the CITES appendices should await the outcome of IWC deliberations expected in May 1995. The observer from the World Wide Fund for Nature also expressed opposition to the proposal, for similar reasons.

The observer from the IWC commented that there was disagreement over population estimates for minke whale and that revised estimates may be available by May 1995. The observer noted that he was not certain whether Norway would be able to sell the products resulting from its commercial whale hunt if CITES transferred these minke whale stocks from Appendix I to Appendix II. This was because Norway was conducting its commercial hunt under an objection to the IWC moratorium on commercial whaling. The observer from IWC offered to consult the IWC Secretariat on this issue and report the results to CITES.

The delegation of Norway requested adjournment of consideration of this proposal until the next session so that they could develop a revised proposal. The delegation of Germany seconded this request, whereas the delegation of the United States of America opposed it and requested an immediate vote on the proposal.

The Chairman called for a vote on the Norwegian request for adjournment, for which there were 59 votes in favour and 25 opposed. Discussion of the proposal was therefore adjourned.

Ailurus fulgens (transfer from Appendix II to Appendix I)

The delegation of the Netherlands introduced the proposal and stated that the range States of India and Nepal supported the proposal.

The delegation of Switzerland expressed doubt that the proposal met the Berne Criteria for inclusion of the species in Appendix I or that the species was significantly affected by trade. They noted that trade consisted primarily of captive-bred specimens moving between zoos. The delegation of Singapore concurred with the delegation of Switzerland. The delegation of China opposed the proposal but offered to co-sponsor a similar proposal for the tenth meeting of the Conference of the Parties if data from studies in progress showed that this was warranted.

The observer from IUCN stated that the species was declining in the wild and could be extirpated from Nepal within 20 years.

The Chairman called for a vote on the proposal, which received 54 votes in favour and 11 against. The proposal was therefore approved.

Conepatus spp. - proposal withdrawn.

Hyaena brunnea (transfer from Appendix I to Appendix II)

The delegation of Switzerland introduced the proposal with a brief account of previous proposals regarding this species.

The Secretariat recommended approval of the proposal, which was supported by the delegations of Botswana, Namibia, South Africa and the United Republic of Tanzania.

Noting no objections to the proposal, the Chairman declared it approved.

Felis bengalensis bengalensis (transfer from Appendix I to Appendix II)

The proposal was introduced by the delegation of Switzerland, who noted that this proposal had been developed at the request of the Animals Committee and should improve implementation of the Convention for this species. Problems with taxonomy and identification of specimens had contributed to difficulties in implementation. The proponent noted that range States could address individual trade concerns by refusing to issue export permits.

The delegation of Australia noted that the proposal was derived from extensive study and recommendations by the Animals Committee and represented the most practical means of controlling trade in the species as a whole. Therefore, they supported the proposal, and the delegation of Zimbabwe concurred.

The delegation of India opposed the proposal because illegal trade in this species in India was substantial and, based on information from the IUCN Cat Specialist Group, this species was declining throughout most of its range. The delegation of Bangladesh also opposed the proposal for similar reasons.

The delegations of Austria, Colombia and Israel opposed the proposal. The observer from IUCN also opposed the proposal, noting that, although this was the least vulnerable of the Asian cat species, there was heavy trade in its skins.

The delegation of the United States of America recommended that the proposal be amended to exclude the populations of India and Bangladesh from the proposal. This was seconded by the delegations of China, Germany, Malaysia and the United Kingdom. The delegation of Thailand requested that their populations also be excluded from the proposal. The delegation of Israel noted that the Parties should also consider the status of the species and trade implications for the non-party range States of Cambodia, the Lao People's Democratic Republic and Myanmar, which were not represented. The observer from TRAFFIC stated that Cambodia and the Lao People's Democratic Republic prohibited the export of this species, but such information was lacking for Myanmar.

The delegation of Switzerland stated that the amended proposal was to exclude the populations of Bangladesh, India and Thailand, and to have the issue of trade in this species referred back to the Animals Committee. The outgoing Chairman of the Animals Committee suggested that the issue also be referred to the Nomenclature Committee.

The Chairman called for a vote on the amended proposal, for which 66 votes were in favour and 10 opposed. The proposal was therefore approved, as amended.

The session was closed at 17h40.

Ninth Session: 15 November 1994: 09h25-11h50

Chairman: E. Ezcurra (Mexico)
Secretariat: O. Menghi
J. Barzdo
J. Kundaeli
G. van Vliet
Rapporteurs: L. Collins
J. Gray

The Chairman announced that the Bureau had directed Committee I to bring forward discussion of priority issues. In particular, certain Parties departing imminently should be allowed to state their views on trade in timber species. The Minister of Forests and Fisheries of the Congo noted that certain proposals submitted did not have widespread support from range States of the species. He believed that no decision to list a timber species in the CITES appendices should be made without the prior approval of the International Tropical Timber Organization (ITTO) and that there should be consistency between decisions taken within the fora of CITES and ITTO. He stressed the desirability of consistency and consensus in amending the appendices and further that decisions to list timber species should be based on reliable data and an objective approach.

The delegation of Zaire informed the meeting that their minister responsible for forestry issues was unfortunately unable to be present, but had authorized the delegation to speak on timber issues on his behalf.

XV Consideration of Proposals for Amendment of Appendices I and II

4. Other Proposals

Loxodonta africana (transfer of the South African population from Appendix I to Appendix II)

Introducing their proposal, the delegation of South Africa stressed that the proposal excluded trade in ivory and, although aware of the sensitivity of the issues, requested understanding from their African colleagues of South Africa's particular circumstances. The delegation proposed an annotation to the proposed listing in Appendix II, stating that it was only for trade in commodities other than ivory. They also pointed out that revenue from any trade in non-ivory products would be reinvested in elephant conservation and would provide employment. They requested that Parties take note of the report of the Panel of Experts and also stated that they would withdraw their country's reservation on the inclusion of *L. africana* in Appendix I, if the proposal were accepted.

The delegation of the United States of America noted that South Africa had met the requirements of Resolution Conf. 7.9 for return of their population of *L. africana* to Appendix II. They were satisfied that South Africa did not intend to allow trade in ivory without the express approval of the Parties and that the trade in hides and meat would not stimulate poaching. However, the delegation stated that they could not vote in favour of the proposal since it did not have majority support from other African range States and, for this reason, they would abstain from any vote on the proposal.

The Chairman asked for the Panel of Experts' report to be presented to the meeting. The delegation of Switzerland, on behalf of the Panel, confirmed that the South African proposal met the biological criteria for the

transfer of elephant populations set out in Resolution Conf. 7.9. He added that, if accepted with the proposed annotation and withdrawal of the reservation, as mentioned, the proposal would allow trade that could have benefits for elephant conservation. If the proposal were rejected, however, Parties should consider repealing Resolution Conf. 7.9.

The delegation of Germany, on behalf of the Member States of the European Union, echoed the intention of the delegation of the United States of America to abstain from any vote, owing to a lack of support for the proposal from range States.

The proposal was supported by the delegations of Australia, Canada and Japan. The delegation of Japan pointed out the necessity of paying due attention to the opinion of the Panel of Experts, emphasizing the importance of the objective and scientific approach in such a controversial issue. The delegation of Canada added that accepting the proposal would allow the effects of such a transfer from Appendix I to Appendix II to be tested.

The delegation of India objected to the proposal, fearing that re-opening trade in elephant products would jeopardize elephant conservation programmes in other range States and would also weaken the general public perception of the need to conserve elephants. The delegation of Zambia also opposed the proposal, echoing the first-mentioned concern of the delegation of India. The delegation of Zambia believed there was no assurance that trade in elephant products would not stimulate elephant poaching in States neighbouring South Africa. They also contended that, if the proposal were accepted, speculation on the re-opening of ivory trade would mount. They stressed that their country's resources were limited and that they therefore counted on the Parties to maintain the ban on trade in elephant parts.

The delegation of Togo wished for a decision that all elephants should remain in Appendix I until at least the fifteenth meeting of the Conference of the Parties.

The delegation of Kenya stated that they could not support the proposal because it was not supported within the African regional group, which Kenya had chaired. However, despite their wish to retain the ban on trade in ivory, they did not believe that transferring elephant populations to Appendix II to allow trade in non-ivory products would endanger that ban. They expressed concern that over-simplification of the debate surrounding this proposal had seemingly led to an increase in elephant poaching in Kenya in the two months prior to this meeting, and they supported the destruction of stockpiles of ivory.

The delegation of the United States of America urged elephant range States to forge a common approach towards the long-term conservation of the species, and specifically supported the recent dialogue between

such States in Kasane, Botswana. They pledged financial and other support to facilitate further constructive dialogue before the next meeting of the Conference of the Parties.

In further support of range-State co-operation, the delegations of Australia and Zambia stressed the important role of the Lusaka Agreement. The delegation of Zambia noted, however, that enforcement of this agreement was not yet implemented, but that once such controls were in place, this issue could be addressed again. Similarly, the delegation of Germany, on behalf of the Member States of the European Union, urged range States to continue constructive dialogue, with a view to presenting results of such discussions at the tenth meeting of the Conference of the Parties. Specifically, the delegation of Kenya sought endorsement from the meeting of a proposal that an intra-African assembly be set up to review issues raised during this session.

The delegation of South Africa, in response to feelings expressed during the debate, and in the spirit of improving communication and understanding, withdrew their proposal. The delegations of Mali, Senegal and Zaire thanked the delegation of South Africa for this decision.

Loxodonta africana (transfer of the Sudanese population from Appendix I to Appendix II)

The Chairman asked the delegation of the Sudan to introduce their proposal. In response, the delegation read out the following statement.

"The Sudan, being one of the few countries attending the plenipotentiary conference which concluded the text of the Convention in 1973, ratified the Convention in 1982 and since then the Sudan has worked in conformity with all CITES articles and resolutions.

The Sudanese delegation to the ninth meeting of the Conference of the Parties wishes to extend its thanks and appreciation to the Standing Committee, the CITES Secretariat and all international conservation organizations and to the members of the Panel of Experts who spent a considerable time in examining, reviewing and evaluating the draft proposal of the Sudan. Special sincere thanks are extended to TRAFFIC East/Southern Africa, which helped in inventorying, re-weighing and re-marking voluntarily the ivory stockpile, and to several NGOs that are sympathetic to us in suggesting a solution to the forgotten issue of the stockpile of the Sudan and other African countries in a similar situation.

The delegation of the Sudan wishes to establish the following facts:

- a) the Sudan is not enthusiastic about the resumption of ivory trade;
- b) the Sudan shares the opinion of the Panel of Experts that the draft proposal is not comprehensive enough to meet the requirements of Resolution Conf. 7.9;
- c) owing to logistical, financial and other constraints, it is not possible for the Management Authority of the Sudan to provide a valid assessment of the elephant population of the country;
- d) the Sudan submitted its proposal as there was no other way of disposing of the stockpile other than by Resolution Conf. 7.9; and

- e) the idea behind the submission of the proposal was the keenness of the Management Authority of the Sudan to revive the forgotten issue of the stockpile.

Faced with the above-mentioned facts, the delegation of the Sudan is prepared to declare the withdrawal of its proposal. The distinguished honourable delegates to the ninth meeting of the Conference of the Parties are urged to decide on the forgotten issue of the stocked ivory in Africa.

The delegation of the Sudan wishes to take this opportunity to review the call, submitted by their delegation during the deliberations at the eighth meeting of the Conference of the Parties, in Kyoto 1992, to the distinguished delegations of the United States of America, Japan, France, the United Kingdom, Germany and Switzerland, to advise, help and co-operate with the Management Authority of the Sudan in the disposal of its old stockpile, which dates back to 1988."

The delegation of Burundi, supported by that of Rwanda, endorsed the suggestion to review the question of disposal of ivory stockpiles, asking for a working group to be formed to this end. The latter delegation requested that countries neighbouring Burundi be given a place in such a group. The delegation of Switzerland applauded the decision to withdraw the proposal and also welcomed the chance to address the question of stockpiles, asking the Bureau and the Standing Committee to consider an appropriate course of action.

The observer from TRAFFIC supported the call to address the issue of ivory stockpiles before the tenth meeting of the Conference of the Parties, and was joined in this by the observer from IUCN. The observer from TRAFFIC informed the meeting that, in conjunction with the Secretariat and African elephant range States, TRAFFIC was already examining means for control of the disposal of stockpiled ivory. He believed that African stockpiles of ivory were growing and that in western and central Africa there was poor control over the distribution of such stocks, which, while they represented a valuable asset to African States, could also require significant financial investment to ensure their security.

The delegation of the United States of America asked the meeting to consider addressing the issue of stockpiles within the context of the more general proposal from the delegation of Kenya for intra-African meetings to address trade in elephant products. In response, the delegation of Kenya expressed their view that the agenda for the work should be drawn up by the African countries involved. The delegations of Germany, the United Republic of Tanzania, the United States of America and Zaire supported this view. The delegation of the United Republic of Tanzania specifically called for the IUCN African Elephant Specialist Group to work with Kenya in initiating the first meeting. The observer from the Born Free Foundation suggested the inclusion of Asian elephant range States in the planned consultations.

In supporting the delegation of Kenya's proposal, the Secretariat suggested that, in the discussions to be held in Africa, the revision of Resolution Conf. 7.9 should be considered, since it seemed no longer to meet the needs of the Parties. The delegation of Germany agreed with this idea. The proposal from the delegation of Kenya was endorsed.

Ceratotherium simum simum (transfer of the South African population from Appendix I to Appendix II)

The delegation of South Africa, in introducing this proposal, drew attention to their concern that their population of *C. simum simum* may suffer if international trade in all rhinoceros products continued to be banned. They stressed that they had no intention of initiating trade in rhinoceros horn as a result of approval of this proposal. They therefore submitted an annotation to the proposal, namely the transfer of South African populations of southern white rhinoceros *Ceratotherium simum simum* from Appendix I to Appendix II for sale of live animals to appropriate and acceptable destinations and hunting trophies only. In response to a query from the delegation of Israel as to the definition of "appropriate and acceptable destinations", the delegation of South Africa explained that they would revise their list of trading partners if they discovered importing countries to be using rhinoceros exports from South Africa against the spirit of the proposal. The delegation of South Africa explained in response to a query from the delegation of Canada that, although live rhinoceroses were already traded legally according to the provisions of Article III of the Convention, trade for commercial purposes was forbidden.

The delegation of South Africa said that major range States supported this proposal as amended. The delegations of Japan, Kenya, Malawi, the Sudan, the United Republic of Tanzania and Zimbabwe voiced their approval of the annotated proposal. The observer from IUCN believed that the South African population of *C. simum simum* qualified for transfer to Appendix II, in accordance with the Berne Criteria. He also believed

that CITES should encourage self-reliance in Parties and noted that the proposal could provide financial and conservation benefits for South African rhinoceroses.

The observer from the Environmental Investigation Agency expressed concern over South Africa's intentions with regard to rhinoceros trade in the future.

The delegation of Germany opposed the amended proposal, and believed the split-listing of derivatives in the appendices to be in contravention of the text of the Convention. They also supported a point made by the observer from the International Wildlife Coalition on the subject of annotations in the appendices. This observer was concerned that there were no rules on the binding nature of such annotations and asked the Parties to review this matter before agreement to South Africa's proposal. The delegation of Germany asked the Standing Committee to review this matter. The delegation of Switzerland noted that there was a precedent for proposals annotated in this way and that, if asked by the Standing Committee, the Depositary Government was prepared to propose the transfer of the species back to Appendix I if the proponent State did not adhere to the conditions set out in an annotation.

Raising a point of order, the delegation of Germany, on behalf of the Member States of the European Union, requested that, in view of uncertainties over the implications of annotations, discussion of this issue be suspended until the afternoon session to allow time for consultation. This was agreed.

The session was closed at 11h50.

Tenth Session: 15 November 1994: 14h15-17h00

Chairman: E. Ezcurra (Mexico)
Secretariat: I. Topkov
J. Kundaeli
O. Menghi
G. van Vliet
Rapporteurs: H. Corrigan
T. Inskipp

XV Consideration of Proposals for Amendment of Appendices I and II

4. Other Proposals

Ceratotherium simum simum (continued)

The observer from TRAFFIC emphasized that annotations had been tried and tested, and found to be legally binding, and this view was endorsed by the Secretariat.

The delegation of Germany said that they would be willing to accept the proposal if the transfer was valid only until the tenth meeting of the Conference of the Parties, and the delegation of Zaire agreed with this view. The delegation of South Africa said that this was acceptable.

The delegation of India preferred that the export of live animals to private individuals not be allowed and queried whether the horn would be attached to some exported trophies. The delegation of South Africa could not agree with the suggestion regarding live animals, and regarding trophies, explained that many were exported still bearing horns.

The delegation of South Africa clarified their revised proposal: "Transfer of the South African populations of southern white rhinoceros *Ceratotherium simum simum* from Appendix I to Appendix II for the sale of live animals to appropriate and acceptable destinations, and hunting trophies only. This downlisting is valid until the next meeting of the Conference of the Parties when it will be reviewed."

This amended proposal was approved by 66 votes in favour to 2 votes against.

XIV Interpretation and Implementation of the Convention

17. Trade in Plant Specimens

d) Implementation of the Convention for Timber Species

The Minister representing the Government of Côte d'Ivoire, speaking as the Chairman of the African Timber Organization, made a special statement, noting that there was great concern about deforestation in Africa, but that the Meliaceae species subject to listing proposals were not threatened. He was concerned that listing of these species in Appendix II would undermine the regional sustainable development programme. He further explained that almost all countries in the region had domestic legislation controlling exploitation of timber species.

XV Consideration of Proposals for Amendment of Appendices I and II

4. Other Proposals

Balaenoptera acutorostrata (continued)

The delegation of Norway presented their revised proposal:

"Transfer from Appendix I to Appendix II of North-eastern Atlantic and North Atlantic central minke whale stocks. The transfer will enter into force, pending scientific confirmation within the International Whaling Commission (IWC) framework of an abundance estimate which under the provisions of the revised management procedures of IWC would provide for positive quotas for any of these stocks. The CITES Secretariat is to acquaint itself with the fulfilment of such conditions and to notify the Parties. Upon such notification the transfer enters into force."

The delegations of Botswana, Canada, Japan and Zimbabwe, and the observer from the International Wildlife Management Consortium, expressed support for this proposal.

The delegation of Germany, on behalf of the Member States of the European Union, stated that they could not support the amended proposal because the stocks were strictly protected by the IWC, and that CITES should follow the lead of that organization. The delegations of Australia, Austria, Chile, India, Israel, Mexico, New Zealand and the United States of America also expressed opposition to the proposal.

The observer from the High North Alliance noted that the IWC moratorium should have been reviewed by 1990 but this had not yet been done. He also questioned whether the IWC considered that an annual take of 300 would endanger the stocks referred to in the proposal. In reply, the observer from the IWC explained that neither stock was in danger of extinction and that, if the population amounted to 86,000, an annual take of 300 would not cause a decline; however, if the population were less than 50,000, this level of take would cause a decline.

The observer from the Inuit Circumpolar Conference (ICC) urged the Parties to support the Norwegian proposal as the culture ICC represents is based on sustainable utilization of living resources. He added that ICC considered that the international community would never again allow a major commercial whaling industry to develop, that the present listing of minke

whales in CITES Appendix I only took the relationship between the IWC and CITES into consideration and that small coastal communities should be allowed to utilize their living resources.

This amended proposal was rejected by 16 votes in favour to 48 against.

Hippopotamus amphibius (inclusion in Appendix II)

The delegations of Benin and France introduced the proposal, noting that the species was declining over most of its range.

The delegations of Burkina Faso, Cameroon, Ethiopia, Ghana, Malawi, Mali, Nigeria, Senegal, Togo, the United Republic of Tanzania, Zaire and Zambia all expressed support for the proposal.

The delegation of Botswana wished to exclude their country's population from the proposal, and pointed out that some information in the supporting statement was incorrect: the total population of their country was lower than stated and was not declining. The delegations of Namibia and Zimbabwe stated that they also wished the populations of their countries to be excluded from the proposal. The delegation of the United States of America suggested that these southern African countries might include their populations in Appendix III.

The observer from TRAFFIC expressed concern that a split-listing would create enforcement problems, and noted that the main importing countries were not apparently implementing the provisions of Appendix III. This view was supported by the delegation of Germany, speaking on behalf of the Member States of the European Union. The proponents stated that they were unwilling to amend their proposal.

This proposal was approved by 70 votes in favour to 2 against.

XIV Interpretation and Implementation of the Convention

24. Disposal of Confiscated Live Animals

The delegation of the Netherlands, as the chairman of the working group on this subject, introduced document Com. 9.4 and referred to one minor correction, under the heading Decision Tree Analysis - Return RETURN TO THE WILD, Question 4, Answer "No: Proceed to Question 7" should read No: Proceed to Question 6.

The delegation of Spain wished to make a number of amendments to the document and agreed to liaise with the delegation of the Netherlands in finalizing the wording that would be passed to the Secretariat for producing the final version.

There was no opposition to the document and it was therefore approved.

27. Inclusion of Species in Appendix III

The delegation of Zimbabwe introduced document Com. 9.11, noting that all proposed amendments had been incorporated.

There was no opposition to the document and it was therefore approved.

21. Marking of Crocodilian Specimens

The delegation of Australia introduced document Com. 9.12, on the universal tagging system for the identification of crocodilian skins, and requested the Secretariat to attach the annex containing a list of the relevant species, which had previously been included with the document. They also drew attention to the

need to repeal the Notifications from the Secretariat relevant to this subject.

The delegation of Australia also answered various questions from the delegations of Madagascar and Venezuela on the application of the system.

There was no opposition to the document and it was therefore approved.

26. New Criteria for Amendment of Appendices I and II

The chairman of the working group on this subject introduced document Com. 9.17 and expressed thanks to the participants in the working group who were delegates from Argentina, Cameroon, Canada, China, the Czech Republic, Germany, Japan, Malaysia, New Zealand, Panama, Trinidad and Tobago, the United Kingdom, the United States of America, Zaire and Zimbabwe with a delegate from Australia as chairman. He wished to make a number of minor amendments to the text:

In the active part of the draft resolution, in the first paragraph under "RESOLVES" "principe" should read principle. Under the second "RESOLVES", in paragraph e), commas should be added after "at the same time" and after "included in the appendices".

In Annex 1, in the first sentence, after "definitions" insert , notes and guidelines. In the second sentence change "inferred or projected" to likely. In B ii), "decline" should be replaced by decrease. In B iv), after "behaviour" add (including migration). In C ii), "decline" should be replaced by decrease.

In Annex 3, under Split-Listing, "never be permitted" should read normally not be permitted.

In Annex 5, under Decline, "or subpopulations" should be deleted. Under Generation, "may be" should be replaced by is. Under Population, "Population is defined as the total number of individuals" should read Population is measured as the total number of mature individuals. In the same paragraph, "ten years of three generations" should read ten years or three generations. In the same paragraph, the sentence commencing "A guideline (not a threshold)" should be moved to follow the sentence ending with the words "what constitutes a decline" under the heading Decline. Under the heading Threatened with Extinction "fluctuations in populations size" should read fluctuations in population size.

In Annex 6, add Furthermore, this means that it may not be possible to address all elements of the Proposal Format. at the end of the first paragraph. Under C 6 add , as well as the date of request at the end.

The delegation of France suggested some further amendments:

In Annex 4 under B 1, insert a period which is compatible with the reproductive cycle of the species or after "trade in the species for". In Annex 5, they disagreed with the suggestion to include "mature" in the paragraph headed Population, and they wished to remove "mature" from the paragraph headed Sub-populations. In Annex 6, 4.1.1 "classified as a game species" should be replaced by wherever harvesting is regulated or controlled and, under 4.1.2, "marine" should be deleted.

The session was closed at 17h00.

Eleventh Session: 15 November 1994: 17h55-18h55

Chairman: E. Ezcurra (Mexico)
Secretariat: J. Kundaeli
O. Menghi
G. van Vliet
Rapporteurs: J. Barzdo
J. Boddens-Hosang

The delegation of France, as Chairman of the Credentials Committee announced that the credentials of the delegation of Mali had been accepted.

XIV Interpretation and Implementation of the Convention

26. New Criteria for Amendment of Appendices I and II

The chairman of the working group on the new criteria responded to the amendments proposed to document Com. 9.17 by the delegation of France at the previous session. He said that the following suggested changes were acceptable in the context of the discussions of the working group: in Annex 5, under the heading "Population", in the fourth line, delete "mature" before "individuals". In Annex 6, section 4.1.1, replace "classified as a game species" by whether harvesting is regulated or controlled. And in section 4.1.2, delete the words "relating to marine species" in the first paragraph, and insert the word relevant in the second line, immediately before "competent".

The delegation of Germany proposed adding to the operative part of the draft resolution before the paragraph starting with "DECIDES", the words RECOMMENDS that the text and the Annexes of this Resolution be fully reviewed before the twelfth meeting of the Conference of the Parties with regard to the scientific validity of the criteria, levels and definitions and their applicability to different groups of organisms.

The delegation of Switzerland agreed with the suggested changes and, recognizing that the criteria would never be perfect but that they should be tested, called for a vote to adopt the draft resolution with the amendments just proposed. This was seconded by the delegation of Zimbabwe and several others. The vote resulted in 81 Parties in favour and none against. The draft resolution in document Com. 9.17 was therefore approved as amended.

The delegations of Brazil, Canada, Japan, the United Kingdom, the United States of America and Zaire expressed their gratitude to the chairman of the working group, Dr James Armstrong, for his excellent work in guiding the group to a consensus on this revised document and to the group for the hard work of all participants. The delegation of Brazil added that, although they supported the work done by the working group, they could not support the second operative paragraph under the first "RESOLVES", because of the likelihood that this might be misinterpreted or misused, weakening the basis of proposals. They expressed the wish to discuss this further at a future date before the twelfth meeting of the Conference of the Parties. The delegation of Japan stated that, with respect to the definition of "Decline" contained in Annex 5 "Definitions, Notes and Guidelines", they would have preferred the text to have read "a decrease of 50% or more in total within five years or two generations, whichever is the shortest", as was stated in the previous version of the draft resolution prepared by the Standing Committee, as had been expressed by the delegation of Japan in

the working group. They believed that it was appropriate to recognize that there would be many cases in which the numerical guidelines in the adopted resolution would not apply. The delegation of the United States of America thanked all participants in the working group for their constructive spirit of compromise and looked forward to the use of the new Criteria to guide the work of the Convention in the future.

The delegation of Australia remarked that they were glad to have provided Dr Armstrong to chair the working group. They had abstained from voting in order to ensure that independence could be maintained.

XV Consideration of Proposals for Amendment of Appendices I and II

4. Other Proposals

Vicugna vicugna (Transfer from Appendix I to Appendix II of the populations of Peru remaining in Appendix I, and amendment to the annotation °502 to allow also the trade in wool sheared from live vicunas and in the extant stock of wool)

The delegation of Peru introduced this proposal, asking for it to be considered in three parts: the transfer of populations from Appendix I to II; amendment of the annotation to allow trade in wool; and approval of the trade in the extant stock of wool. Regarding the first part, they stressed that the population of vicuna had been surveyed and was not in danger of extinction, that the aim was to give custody of the vicunas to the local communities, and that this would guarantee benefits for the local people and for the conservation of the vicuna.

The delegations of Argentina, Colombia, Ecuador and Mali expressed their support for the first part of the proposal. The delegation of Bolivia noted that their country was also collecting information on vicuna and that they hoped to follow the good example of Peru. The delegation of Bolivia supported the first two parts of the proposal.

The observer from IUCN also supported the first part of the proposal, having followed developments in Peru. He added that the Peruvian initiative was the best one to ensure the survival of vicuna and improvements for the lives of the people of the high Andes. This view was echoed by the delegations of Chile and the United States of America.

On a point of order, the delegation of Switzerland, pointing out that there had been no objections, asked that, if there were none, the first part of the proposal should be adopted. The Chairman asked whether there were any objections to the first part of the proposal and noted that there was none. He declared that the first part of the proposal had been approved.

In response to a question from the delegation of Italy, the delegation of Peru stated that they had expanded their proposed annotation of the appendices. They read

aloud their proposal and said that this would be given to the Secretariat. Responding to a question from the delegation of the United Kingdom, they added that the expanded annotation was not to be found in the official documents of the meeting.

The Chairman noted that there was no objection to the proposed amendment of the annotation simply to allow export of wool and declared that this was also approved. However, regarding the third part of the proposal, to allow export of existing stocks of wool, the delegation of Bolivia objected. The Peruvian delegation asked them to reconsider their position as the proposal had been approved by the member States of the

Convention on the Conservation and Management of the Vicuna.

The delegation of Switzerland, on a further point of order, said that the whole proposal had already been approved and that it was necessary for the sake of time to move on. Following some discussion of what had been already approved, the Chairman confirmed, seeing no objection, that the three parts of the proposal had been approved, and that the further submission about the annotation to be passed to the Secretariat by the delegation of Peru was just for clarification.

The session was closed at 18h55.

Twelfth Session: 16 November 1994: 09h10-12h15

Chairman: E. Ezcurra (Mexico)
 Secretariat: J. Kundaali
 O. Menghi
 G. van Vliet
 Rapporteurs: J. Caldwell
 J. Gray

XIV Interpretation and Implementation of the Convention

17. Trade in Plant Specimens

d) Implementation of the Convention for Timber Species

Introducing document Doc. 9.52, the delegation of the United Kingdom stated that it was proposing the establishment of a small working group with a well-defined remit, to help Parties better implement the Convention for tree species. The delegation of Malaysia, supported by that of Brazil, had reservations about the formation of a working group as proposed. They counter-proposed that the Plants Committee should establish links with the International Tropical Timber Organization (ITTO), the United Nations Commission for Sustainable Development and the Food and Agriculture Organization of the United Nations (FAO), to seek a more comprehensive approach to the study of timber trade. Further, they proposed that the expertise of the Plants Committee should be strengthened by bringing in experts from range States on an *ad hoc* basis. The delegation of Brazil stated that they wished the Committee on Trade and Environment, which would be part of the World Trade Organization, to be included among the bodies collaborating with the Plants Committee.

The observer from IUCN, speaking also on behalf of TRAFFIC and WWF, expressed support for the general goals set out in document Doc. 9.52. She suggested that the proposed working group should have broad and balanced geographical representation and should include representatives of NGOs. She also stated that it should address issues relating to CITES, forest management and conservation, and the timber industry, and suggested that the industry and NGOs could contribute to the costs of the working group.

The delegation of Cameroon welcomed the initiative recommended in the document, and stressed the importance of accurate data in considering proposals regarding timber species. They believed the document could be improved by including reference to economic and social problems related to timber trade, and by emphasizing the importance of the participation of experts from range States in any working group.

Voicing general support for document Doc. 9.52, the delegation of Australia proposed an alternative recommendation to that given in section 9 of the document. This proposal was seconded by the delegation of Switzerland. The delegation of Zimbabwe proposed an amendment to the alternative text, which the delegation of Australia agreed should be incorporated. Including the proposed amendment, the new text would read:

"9. Recognizing the economic importance of timber resources for range States, and considering the Convention's possible contribution to the conservation of tree species, it is recommended that the Conference of the Parties

DECIDES to direct the Standing Committee to establish a temporary working group, chaired by the Chairman of the Plants Committee, who would:

- i) in consultation with the Standing Committee:
 - a) establish limited terms of reference for the working group, which address the technical and practical problems associated with the implementation of tree listings; b) define its relationship with existing international organizations, which are at present addressing the problem of sustainable use of timber resources; and c) consider other associated matters referred to it by the Plants Committee, the Standing Committee, or the Secretariat;
- ii) ensure that relevant expertise is the key issue when deciding upon participation in the working group;
- iii) ensure range States are present to contribute their expertise;
- iv) ensure that temperate, boreal and tropical forest product issues are likewise addressed; and
- v) report back to the next meeting of the Conference of the Parties."

After the delegation of the United Kingdom had seconded this proposal, the delegation of Germany, speaking on behalf of the Member States of the European Union, asked for the debate to be closed and for a vote to be taken. This request was seconded by the delegation of Austria. The delegations of Brazil and Singapore opposed this motion, viewing it as an attempt to stifle further discussion. The proposal to close the debate was approved by 56 votes to 21. The proposal by the delegation of Australia, as amended by that of Zimbabwe, was then approved by 74 votes to 10.

16. Management of Sharks

The next item for discussion was document Com. 9.18, which was presented by the delegation of Panama. This delegation asked when the IUCN/SSC Shark Specialist Group's Action Plan could be expected and how FAO would transmit information collected to the Secretariat. In response, the observer from IUCN informed the meeting that a draft would be ready before mid-1995, and the observer from FAO expressed his organization's commitment to implementing the recommendations of the draft resolution.

The delegation of the United States of America supported the draft resolution and thanked the delegation of Panama for their skilful guidance of debate within the working group. Following a proposal from the delegation of Singapore to close the debate, document Com. 9.18 was approved without objection.

XV Consideration of Proposals for Amendment of Appendices I and II

4. Other Proposals

The Chairman asked for support from the participants for the suggestion from the Bureau that objections to proposals remaining for discussion be noted for later deliberation, and that uncontested proposals be simply approved. This procedure was agreed.

Vicugna vicugna (amendment to annotation °502 to allow also trade in wool sheared from live animals - proposal of Chile): approved.

Pseudoryx nghetinhensis (inclusion in Appendix I): approved.

Balearica pavonina (transfer from Appendix II to Appendix I): withdrawn.

Cacatua goffini (transfer from Appendix I to Appendix II): already withdrawn.

Cyanoramphus malherbi (transfer from Appendix II to Appendix I): withdrawn on the condition that consideration of the genus be referred to the Animals Committee.

Eos histrio (transfer from Appendix II to Appendix I): approved.

Musophagidae spp., amended to all *Tauraco* spp., (inclusion in Appendix II): approved.

Agelaius flavus (inclusion in Appendix I): approved.

Terrapene spp. (inclusion in Appendix II): approved.

Testudo kleinmanni (transfer from Appendix II to Appendix I): approved.

Crocodylus porosus (maintenance of the Australian population in Appendix II in accordance with Resolution Conf. 1.2): approved.

Sphenodon spp. (inclusion in Appendix I): approved.

Pristidactylus alvaroi, *P. torquatus*, *P. valeriae* and *P. volcanensis* (inclusion in Appendix II): withdrawn.

Callopietes palluma (inclusion in Appendix II): withdrawn.

Varanus bengalensis and *V. flavescens* (temporary transfer from Appendix I to Appendix II): withdrawn.

Bufo perigrines (inclusion in Appendix I): approved.

Pandinus dictator, *P. gambiensis* and *P. imperator* (inclusion in Appendix II): approved.

Brachypelma spp. (inclusion in Appendix II): approved.

Seedlings or tissues cultures (replacement of annotations #1b), #2b), #4b), #6b), #7b) and °504): approved, amended as suggested by the Secretariat.

Pachypodium ambongense (transfer from Appendix II to Appendix I): approved.

Diospyros mun (inclusion in Appendix II): withdrawn.

Euphorbia cremersii (transfer from Appendix II to Appendix I): approved.

Aloe alfredii, *A. bellatula*, *A. calcairophila*, *A. compressa* (inc. var. *rugosquamosa* and *schistophila*), *A. delphinensis*, *A. descoingsii*, *A. helenae*, *A. parallelifolia*

and *A. suzannae* (transfer from Appendix II to Appendix I): approved.

Megamuntiacus vuquangensis (inclusion in Appendix I)

The delegation of Viet Nam urged acceptance of their proposal and was supported in this by the delegations of Denmark, Ecuador, the Netherlands and Uruguay. The observer from IUCN reported new information on increased interest in capture of live specimens and also supported the proposal. The Secretariat pointed out that there was no evidence of international demand for the species. The proposal was approved.

Saiga tatarica (inclusion in Appendix II and inclusion of the Mongolian population in Appendix I)

Introducing these proposals, the delegation of the United States of America requested that the proposal to list the entire species be considered first. This proposal was supported by the delegation of Germany, speaking for the Member States of the European Union. There were no objections to the proposal, which was approved.

The delegation of the United States of America noted that the Mongolian population of *Saiga tatarica* represented a separate subspecies and comprised fewer than 2,000 antelopes including an extremely small sub-population. They also noted that Mongolia supported the inclusion of the population in Appendix I. This proposal was opposed by the delegation of Germany, speaking for the Member States of the European Union, who opposed any split listing of the species.

The proposal to include the Mongolian population in Appendix I was rejected by 40 votes to 12.

Apteryx spp. (inclusion in Appendix I)

The delegation of New Zealand presented the proposal, explaining that the species satisfied the biological criteria for inclusion in Appendix I. He reported an international interest in the species for trade and was concerned about potential for increased trade and about levels of unreported trade, referring the meeting to Article II of the Convention. The delegation of Germany, on behalf of the Member States of the European Union, opposed the proposal because it did not seem to be justified by the degree of perceived threat to the species from trade. This view was supported by the delegations of Japan and Zimbabwe, the Secretariat and the observer from TRAFFIC. The delegation of India suggested that Appendix-II listing was appropriate for the species. The proposal was rejected, by 16 votes in favour to 15 against.

Anas aucklandica and *A. chlorotis* (transfer from Appendix II to Appendix I) and *Anas nesiotis* (inclusion in Appendix I in lieu of *Anas aucklandica nesiotis*)

The delegation of New Zealand, introducing the proposals, explained that, if approved, the standard nomenclature approved by CITES should be used for these ducks. In this regard, they referred the meeting to the IUCN Analyses of Proposals to Amend the CITES Appendices.

The delegation of Germany, on behalf of the Member States of the European Union, opposed the proposal on the grounds that it did not use standard CITES nomenclature and that the species were not threatened by trade. However, the delegations of Australia, India and Mauritius and the observer from TRAFFIC, believing the delegation of New Zealand to have offered to amend the names in the title in their introduction of the proposal, supported it. By a vote, the proposals were all approved. The delegation of New

Zealand stressed their previous clarification, namely that the whole species *Anas aucklandica* would be listed in Appendix I.

Xenoperdix udzungwensis (inclusion in Appendix I)

Introducing the proposal, the delegation of Denmark deferred to the delegation of the United Republic of Tanzania for their views. The latter delegation responded that they would work with the proponent delegation to secure an Appendix-III listing for this species, but did not believe that listing in Appendix I was justified. The delegation of Denmark stated that, if the United Republic of Tanzania undertook to provide full protection for this species, they would withdraw their proposal. The proposal was withdrawn.

Psittacus erithacus princeps (transfer from Appendix I to Appendix II)

The delegation of the United Kingdom explained that this proposal aimed to resolve the problems of

regulating trade in an Appendix-I subspecies that was considered invalid and indistinguishable from the nominate form. They referred the meeting to section 5. of the supporting statement of their proposal in this regard, and mentioned that range States had been consulted in accordance with Resolution Conf. 8.21 and had agreed in writing to support Appendix-II listing. The delegations of Portugal and Zimbabwe supported the proposal, and the delegation of Australia reported that it had been endorsed by the Animals Committee. The delegation of Equatorial Guinea expressed some doubts over the validity of the proposal without further field study. By a vote, the proposal was approved.

Psittacus erithacus (inclusion of the population of Sao Tome and Principe in Appendix I in lieu of *Psittacus erithacus princeps*)

This proposal was withdrawn.

The session was closed at 12h15.

Thirteenth Session: 16 November 1994: 14h10-17h00

Chairman: E. Ezcurra (Mexico)
 Secretariat: J. Kundaali
 O. Menghi
 G. van Vliet
 Rapporteurs: H. Corrigan
 M. Haywood

XIV Interpretation and Implementation of the Convention

28. Guidelines for Evaluating Marine Turtle Ranching Proposals

The delegation of Australia, as chairman of the working group, introduced document Com. 9.25 and expressed thanks to the participants. They announced a number of editorial changes to the text as follows. In the title, "Resolution Conf. 3.19" should read Resolution Conf. 3.15. In recommendation a) "Gaborone, 1983" should read New Delhi, 1981. In the title of the Annex, "Resolution Conf. 3.19" should read Resolution Conf. 3.15. In the Annex, under the heading "2. Trade Controls", in paragraph a), the words "exported only to importing countries," should be deleted. The word Importing should be inserted at the beginning of the second sentence to read Importing States shall undertake...

These changes were supported by the delegation of the Dominican Republic, who thanked the chairman of the working group for his efforts in the production of this document. There were no objections and the draft resolution in document Com. 9.25 was approved as amended.

XV Consideration of Proposals for Amendment of Appendices I and II

4. Other Proposals

In relation to the approved proposal to include *Terrapene* spp. in Appendix II, the delegation of Austria sought clarification about the future issuance of export permits for Appendix-II species in the United States of America. They requested that the minutes record their concerns about: the lack of population data against which to measure the impact of trade; the reliance on anecdotal information; the proposal for inclusion being necessitated by the inadequacy of enforcement in the United States of America; the wide distribution of the species in the genus; the commitment by the United States of America to make non-detriment findings, in conformity with Article IV of the Convention, quickly; and past delays and difficulties experienced by exporters in obtaining export permits for captive-bred and wild-caught specimens of species in Appendix II. In response, the delegation of the United States of America stated that for species traded in large numbers, the Federal Government worked with its State wildlife agencies and when appropriate allowed the issuance of permits at the point of export.

Collocalia spp. (inclusion in Appendix II)

The delegation of Italy stated that they had had consultations with the range States over this proposal and, as a result, had produced a draft resolution, contained in document Doc. 9.47.3. They noted that, if the draft resolution were adopted, they would withdraw their proposal for inclusion of the species in Appendix II. As there were no objections, the draft

resolution was approved and the delegation of Italy withdrew the proposal.

Lissemys punctata (inclusion in Appendix II) and *Lissemys punctata punctata* (deletion from Appendix I)

The delegation of Switzerland introduced the two proposals and noted that the second of these had been incorrectly described in document Doc. 9.47: "*Lissemys punctata punctata*, transfer from Appendix I to Appendix II" should read *Lissemys punctata punctata*, deletion from Appendix I. The delegation said that the two proposals should be dealt with separately, and noted that, if the first of these proposals were rejected as recommended by the Secretariat and TRAFFIC and the second accepted, *Lissemys punctata punctata* would no longer be included in the appendices.

Both proposals were supported by the delegation of Japan, who added that inclusion of *Lissemys punctata* in Appendix II would aid the monitoring of trade in other subspecies, in particular *Lissemys punctata andersoni*. The delegations of Austria and Bangladesh opposed the proposal to delete *Lissemys punctata punctata* from Appendix I.

The proposal to include *Lissemys punctata* in Appendix II was approved by consensus. The proposal to delete *Lissemys punctata punctata* from Appendix I was approved by 47 votes in favour to 1 against.

Crocodylus niloticus (maintenance of the Tanzanian population in Appendix II in accordance with Resolution Conf. 7.14)

The delegation of the United Republic of Tanzania introduced their proposal and announced that it had been amended as indicated in document Doc. 9.47.2. They highlighted their efforts to take account of recommendations of the IUCN/SSC Crocodile Specialist Group and had revised their annual harvest quotas for wild animals, for the years 1995-1997.

However, the observer from IUCN noted that his organization was unable to support the proposal with the revised annual quota of 2000 for the years 1995-1997 because they believed the wild populations could not sustain this level of harvest. He recommended the annual quota be reduced to 300 wild animals with an additional 100 animals for sport hunting. The delegation of Germany, on behalf of the Member States of the European Union, opposed the proposal as it was not in accordance with Resolution Conf. 8.22, and supported the annual quotas recommended by IUCN. This position was also endorsed by the delegation of Zambia.

The delegation of the United Republic of Tanzania proposed the formation of a small working group, to discuss the annual export quotas. This proposal was supported by the delegations of Ghana and the United States of America but was opposed by the delegation of Zimbabwe. A working group, chaired by the

delegation of Australia, was established to find an agreeable solution.

Phymaturus flagellifer (inclusion in Appendix II)

The delegation of Chile introduced the proposal, stating that they were still in support of the inclusion of *Phymaturus flagellifer* in Appendix II. The observer from TRAFFIC stated that the species warranted inclusion in Appendix III. This was supported by the Secretariat, who added that the species did not meet the Berne Criteria for inclusion in Appendix II.

This proposal was rejected by six votes in favour, to 28 votes against.

Mantella aurantiaca (inclusion in Appendix I)

Mantella aurantiaca (inclusion in Appendix II)

The delegation of the Netherlands introduced the first of these proposals. The delegation of Madagascar, a range State of this species, provided additional information regarding recent field studies. They stated that they could not support the inclusion of *Mantella aurantiaca* in Appendix I but would support inclusion of the species in Appendix II as proposed by Germany.

As a result, the delegation of the Netherlands amended their proposal to ask for the inclusion of the species in Appendix II. The proposal for inclusion of *Mantella aurantiaca* in Appendix II was approved without objection.

Colophon spp. (inclusion in Appendix I)

The delegation of the Netherlands introduced the proposal, stressing the very high prices paid for this species in trade. This proposal was supported by the observer from the International Wildlife Coalition. The Secretariat, supported by the observer from TRAFFIC, believed that the species did not meet the Berne Criteria for inclusion in Appendix I. The delegation of South Africa stated that inclusion of the species in Appendix III would be more appropriate. Following this statement, the delegation of the Netherlands withdrew their proposal and agreed that South Africa should include the species in Appendix III.

Charonia tritonis (inclusion in Appendix II)

The delegation of Australia introduced the proposal and expressed their concerns about the status of the species but noted their doubts about whether it met the Berne Criteria for inclusion in Appendix II. The proposal was supported by the delegations of Austria, Barbados, Israel and Seychelles.

The observer from TRAFFIC, supported by the Secretariat, noted that there was a lack of trade data and the species did not meet the Berne Criteria for inclusion in Appendix II. The delegations of Switzerland and Zimbabwe objected to the proposal.

The delegation of Australia noted the views expressed and withdrew the proposal.

Pachypodium brevicaule (transfer from Appendix I to Appendix II)

The proposal was introduced by the delegation of Madagascar. The delegation of the United States of America stated that, following discussions with the delegations of Madagascar and Switzerland, they had agreed to support the proposal, on the condition, suggested by the delegation of Madagascar during the discussion, that there were no exports of adult plants before the next meeting of the Conference of the Parties. The delegation of the United States of America offered to collaborate in developing methods of artificial propagation.

The proposal, with the condition specified by the delegation of the United States of America, was approved without objection.

Dactylanthus taylorii (inclusion in Appendix I)

The delegation of New Zealand introduced the proposal, stating that they considered the specimens in trade to be derivatives, in accordance with Article I, paragraph (b) (iii). The proposal was supported by the delegation of the United States of America, which stated that there were legal and biological grounds for recognizing the specimens in trade as derivatives. Claiming that the species did not qualify for inclusion in Appendix I, on scientific grounds, the delegation of Germany, on behalf of the Member States of the European Union, and the delegation of United Kingdom opposed the proposal.

The proposal was rejected by 27 votes in favour to 23 against.

Berberis aristata (inclusion in Appendix II)

The delegation of India introduced the proposal. It was opposed by the delegation of Germany, on behalf of the Member States of the European Union, because the species did not meet the Berne Criteria for inclusion in Appendix II. The Secretariat agreed, adding that the species was not easily identifiable and that the proposal should be referred to the Plants Committee for review. This view was supported by the observer from TRAFFIC.

The proposal was rejected by 7 votes in favour to 27 against.

Euphorbia primulifolia (transfer from Appendix I to Appendix II)

The delegations of Madagascar and Switzerland introduced the proposal and stated that they had undertaken a project to conduct field studies and to train personnel in species identification and control procedures.

The proposal was supported by the delegation of the United States of America, who offered to collaborate on developing methods of artificial propagation, and was approved without objection.

Gentiana kurroo (inclusion in Appendix II)

The delegation of India introduced the proposal, stating that the species was endangered as a result of over-harvesting. The delegation of Ecuador supported the proposal. The Secretariat stated that the species did not meet the Berne Criteria for inclusion in Appendix II was not easily identifiable, and that the proposal should be referred to the Plants Committee for review. This view was supported by the delegations of Germany and the United Kingdom, and by the observer from TRAFFIC.

The proposal was withdrawn and it was agreed that it should be referred to the Plants Committee.

Dalbergia melanoxylon (inclusion in Appendix II)

The delegations of Germany and Kenya withdrew the proposal, stating that there was a need to re-examine the problems of species identification.

Pterocarpus santalinus (inclusion in Appendix II)

The proposal was introduced by the delegation of India who noted that the levels of exports had increased since 1976. It was supported by the delegation of the United States of America, who proposed an amendment to exclude finished musical instruments and chemical derivatives. The Secretariat opposed this amendment, recognizing that the majority of trade was

in chemical derivatives. The observer from TRAFFIC supported the proposal, noting that the wild populations were under pressure and that plantations had been established but were not yet productive. The proposal was opposed by the delegation of Germany, on behalf of the Member States of the European Union. The delegation of India disagreed with the proposed amendment. The proposal was rejected by 35 votes in favour to 19 against.

15 dwarf species of *Aloe*, *Aloe helenae* and *Aloe suzannae* (transfer from Appendix II to Appendix I) (proposals 80 to 96)

The delegations of Madagascar and Switzerland introduced the proposals. The delegation of the United States of America stated that, they had held discussions with the delegations of Madagascar and Switzerland and, as a result, had agreed to collaborate on developing methods of artificial propagation and to support the proposal. It was also endorsed by the delegation of Germany, on behalf of the Member States of the European Union.

These proposals were approved without objection.

Colchicum luteum (inclusion in Appendix II)

The delegation of India withdrew the proposal and asked for it to be referred to the Plants Committee for review.

Entandrophragma spp. (inclusion in Appendix II)

Khaya spp. (inclusion in Appendix II)

The delegation of Germany considered the two proposals together and noted that, according to information provided by FAO and WCMC, many of these species were considered threatened in parts of their range.

The delegation of Cameroon opposed the proposals, stating that they were not based on scientific evidence and that they gave very little information on the trade in these species. They added that some range States had made great efforts to protect the species and had set aside areas for continuing sustainable management plans.

Following this, the delegation of Germany withdrew both proposals.

The session was closed at 17h00.

Fourteenth Session: 16 November 1994: 18h30-20h40

Chairman: E. Ezcurra (Mexico)
 Secretariat: I. Topkov
 O. Menghi
 G. van Vliet
 Rapporteurs: C. Allan
 T. Inskipp

XV Consideration of Proposals for Amendment of Appendices I and II

4. Other Proposals

Swietenia spp. (inclusion in Appendix II).

The delegation of the Netherlands introduced the proposal, noting that, if necessary, they might amend it to exclude the populations of Bolivia, Brazil and Peru. The delegation of Guatemala expressed support for the unamended proposal.

The delegation of Brazil was opposed to the proposal, on the grounds that their species of this genus was not threatened, and that exports were strictly controlled and decreasing. They also stated that a decree had very recently been adopted which permitted exploitation of natural forests only under a sustainable management regime. They claimed that listing of the third species of this genus in Appendix II would have a negative impact on these measures and would lead to an unnecessary restriction on exports. The delegations of Bolivia, Colombia and Peru were also opposed to the proposal.

The delegation of Venezuela disagreed with this view, stating that the genus was endangered in the northern part of its range and that listing in Appendix II would not be an obstacle to trade. They recommended that the proposal be amended to exclude the populations of certain States. They recommended also that a working group should be established, consisting of the range States and three main importing countries. This suggestion was supported by the delegations of Colombia and the United States of America but was opposed by the delegation of Guatemala.

The Chairman called for a vote on the proposal to establish a working group chaired by the Chairman of the Plants Committee, for which 77 votes were in favour and 1 against. The working group was therefore established and instructed to report back to the plenary session on the following day.

Crocodylus niloticus (maintenance in Appendix II of the population of the United Republic of Tanzania)

The chairman of the working group presented a report, noting that it represented a majority view, not a consensus. The working group agreed with the proposal, subject to the following conditions. In response to the human/crocodile conflict in rural areas, the Government of the United Republic of Tanzania would conduct an experimental harvest of nuisance animals that would entail the annual removal of 1,000 animals in 1995 and 1996. These would be in addition to 100 animals taken annually for sport-hunting during the years 1995-1997. The Management Authority of the United Republic of Tanzania would include in its reports to the Secretariat, required under Resolution Conf. 3.15, the following information on annual harvest: number, size and location of animals harvested. The Management Authority of the United Republic of Tanzania would also include information on procedures

to monitor the impact of the harvest on the wild population. The harvest quota for 1997 would be determined by the Secretariat in consultation with the IUCN/SSC Crocodile Specialist Group. The quota would be based on an assessment of annual reports, to be promptly submitted by the Management Authority of the United Republic of Tanzania.

The proposal was approved with the conditions proposed by the working group.

Cypripedium cordigerum, *C. elegans*, *C. himalaicum* and *C. tibeticum* (transfer from Appendix II to Appendix I)

The delegation of India introduced the proposals, noting that the species were endangered in India and that some illegal international trade had been documented. The delegation of Austria expressed support for the proposals.

The delegations of Switzerland and the United Kingdom stated that there was insufficient information on the population sizes of the species and volumes in trade. The delegation of the United Kingdom added that the decision should be deferred until a comprehensive monograph on the slipper orchids had been completed. The observer from IUCN also expressed opposition to the proposals and agreed that there was insufficient evidence that the species were threatened.

The Chairman called for a vote on the proposals, for which 7 votes were in favour and 34 opposed. The proposals were therefore rejected.

Dendrobium cruentum (transfer from Appendix II to Appendix I)

The delegation of Thailand introduced the proposal, noting that this species was endemic to Thailand, that the population was reduced to a few thousand individuals and that international and domestic demand for it was increasing. They stated that it was possible to distinguish this from other species in the genus and that they would prepare an Identification Manual sheet for the species if their proposal were to be accepted. The delegations of Germany, on behalf of the Member States of the European Union, and the United States of America supported the proposal. The delegation of Switzerland, who were previously opposed to the proposal, had now determined that the species was identifiable in trade, and had therefore changed their views.

The proposal was approved without opposition.

Rheum australe, *Aconitum deinorrhizum*, *A. ferox*, *A. heterophyllum* and *Coptis teeta* (inclusion in Appendix II)

The proposals were withdrawn and referred to the Plants Committee.

Prunus africana (inclusion in Appendix II)

The delegation of Kenya introduced the proposal. The observer from TRAFFIC noted that populations of the species were fragmented and heavily traded, there was no indication that it would be possible to synthesize the bark extract and much of the current trade was illegal and unsustainable.

The delegation of Cameroon supported the proposal, explaining that Cameroon had been the largest exporter of bark from the species; they had recently banned the export and needed the species to be included in Appendix II to help with enforcement of the controls.

The proposal was approved without opposition.

Picrorhiza kurroa and *Nardostachys grandiflora* (inclusion in Appendix II)

The proposals were withdrawn and referred to the Plants Committee.

Taxus wallichiana (inclusion in Appendix II)

The delegation of India introduced the proposal, noting that, until very recently, there had been a high level of international trade from their country. During 1994 about 5,500 tons already had been exported; the trade in the species had since been banned. They claimed that there was no difficulty in identifying the species in trade. The delegations of Germany and Spain doubted this claim and recommended that this species be referred to the Plants Committee, and to the newly established specialist group on medicinal plants. The Secretariat noted that most of the trade in this species was in the derivative taxol which they considered was not identifiable.

The delegations of New Zealand and the United States of America expressed support for the proposal but the latter proposed that it be amended to exclude end-product medicines. The delegation of India agreed with this amendment.

The Chairman called for a vote on the proposal, for which 61 votes were in favour and 4 opposed. The amended proposal was therefore approved.

Aquilaria malaccensis (inclusion in Appendix II)

The delegation of India introduced the proposal and explained that indiscriminate cutting practices and

over-exploitation had resulted in the species being lost from two states in India. Agarwood was utilized for production of incense and traditional medicines.

The delegation of Malaysia strongly opposed the proposal. They had examined the report of TRAFFIC India used in support of the proposal, and concluded that the issue was purely a domestic matter in India, which India should resolve. The species was not protected by national legislation in India and the harvest was controlled by a few wealthy businesses. The delegation of Malaysia declared that this contrasted greatly with the use of agarwood by some indigenous peoples in Malaysia. They claimed that listing in Appendix II would cause hardship for these peoples. The delegation of Zimbabwe supported this view and stated that the bureaucracy involved in application for permits would be beyond the means of most indigenous peoples. The delegation of India replied that indigenous peoples would not be involved in export, and that internal trade would not be affected.

The delegation of Malaysia, supported by the delegations of Bangladesh, Indonesia and Singapore, encouraged the delegation of India to withdraw their proposal and list this species in Appendix III. The delegation of Zimbabwe stated that listing in Appendix III by India would not be appropriate as domestic legislation was not in place to regulate the trade.

The delegation of Germany, on behalf of the Member States of the European Union, and the delegation of the United States of America expressed their support for the proposal, noting that listing in Appendix II would not be a barrier to trade. The observer from TRAFFIC supported the proposal and emphasized that the harvest was not controlled in many countries, and that conservation problems were exacerbated by damaging collection practices. High quality agarwood had become extremely valuable. The observer believed that the species merited Appendix-II listing under the Berne Criteria.

The Chairman called for a vote on the proposal, for which 56 votes were in favour and 13 opposed. The proposal was therefore approved.

After some announcements the session was closed at 20h40.