

MATTERS RELATING TO THE STANDING COMMITTEE
REPORT OF THE CHAIRMAN

Introduction

1. At its ninth meeting, the Conference of the Parties re-established the Standing Committee (hereafter referred to as the Committee) and expanded its membership from nine to fourteen. With the increase of the membership as well as the increase in the number of participants as observers, the Committee has become a kind of a mini-CoP. This will be a welcome development as a sign of increasing interest of Parties in, and their commitment to, the cause of CITES. At the same time, it means that there are more speakers and more time is needed, which could have some financial implications for the future management of the Committee.
2. During the period covered by this report, the Committee focused on the tasks given by CoP9. Among them are personnel matters (especially the question of the extension of the contract of the former Deputy Secretary General), the review of the effectiveness of the Convention, the African elephant, timber species, tigers and consolidation of resolutions. The Committee also decided to review the existing Memorandum of Understanding (MOU) with UNEP with a view to concluding a new agreement on the relationship between CITES and UNEP, covering wider areas of personnel and financial management.

Activities and Achievements

Deputy Secretary General

3. At its ninth meeting the Conference of the Parties decided by consensus to request the Executive Director of UNEP to make every effort to facilitate the extension of the contract of the Deputy Secretary General, Mr Jaques Berney, until the next meeting of the CoP. The request was that, although Mr Berney was due to retire at the end of February 1995 under the UN staff rules and regulations, he should be retained on the Secretariat staff until June 1997. Following discussions at the 35th meeting of the Committee and maintaining close communication with the members of the Committee, I had very intensive consultations with the Executive Director of UNEP and the Assistant Secretary General of Human Resources at the UN Headquarters. As a result, I managed to obtain the extension of Mr Berney's contract, first until August 1995, and then until December 1995. This was the maximum that the Executive Director of UNEP could allow under the UN rules and practices.
4. After further consultations on this matter at its 36th meeting, the Committee decided to request the Secretary General to comply with the Committee's request by hiring Mr Berney as a special adviser from March 1996 until February 1997 at the same salary level as his former post of Deputy Secretary General. The further extension of his contract beyond this was not possible under UN staff rules and regulations.
5. At its 37th meeting, the Committee discussed the ways and means available under the UN rules and regulations by which we could continue to benefit from his services, especially for CoP10, and decided to request the Secretary General to employ him as a consultant, starting on 1 June 1997 for the maximum period allowed under the limits on payment.
6. Through my experience of these extensive efforts and the complicated process for extending the contract of

an officer who is due to retire under UN rules, I have to conclude that there is a limit to what the CoP and the Committee can do, because the CITES Secretariat is subject to the UN rules and regulations, and that any future action of this kind by the CoP should be taken within that framework.

Recruitment of a New Deputy Secretary General

7. In parallel to the above extension of Mr Berney's contract, the process for the recruitment of a new Deputy Secretary General was begun by UNEP. In the process of the recruitment, the Committee concluded at its 36th meeting that the application of the process whereby the selection panel and short list of candidates were established was flawed. Nevertheless, the Committee was pleased with the candidate at the top of the short list and, in the spirit of co-operation and collaboration, recommended his appointment to the post. After some delay, Dr Armstrong formally assumed the post of Deputy Secretary General in September 1996.

Review of the Effectiveness of the Convention

8. At its ninth meeting, the Conference mandated the Committee to commission an independent review of the Convention, to be carried out by consultants and financed by voluntary contributions. After a rigorous analysis of the submissions from companies, the Committee – through the Monitoring Group – selected Environmental Resources Management (ERM) to carry out the work. ERM conducted their review between April and September 1996.
9. After considering the report at its 37th Meeting, the Committee agreed on the following:
 10. – the consultant's report should be circulated to all the Parties;
 11. – the Parties should be asked to provide comments on the report in writing to the Secretariat;
 12. – the report should also be circulated to the international NGOs who commented on the initial questionnaire circulated by the consultant, and they should be encouraged to comment on the report as well;
 13. – the Plants and Animals Committees should develop guidelines for conducting any further assessment of the extent to which the conservation status of CITES-listed species has been affected since listing; and
 14. – all recommendations are to be referred to CoP10 for discussion. Some specific recommendations of the report should be implemented immediately by the Secretariat.
15. The Committee believes that the ERM report can make an important contribution to the effectiveness of the Convention at all levels. In order to achieve this, it will be necessary for the Conference to agree on an action plan. The issue should therefore be given due priority at CoP10.

CITES-UNEP Working Group

16. The Committee, at its 36th meeting, established a Working Group on the Relationship between CITES and UNEP. In particular, the Group was asked to review:

17. – the nature, cost, effectiveness, and accountability of the financial, personnel and other services provided to CITES by UNEP under Article XII, paragraph 1, of the Convention (as well as the potential for re-examining this paragraph);
18. – the procedures whereby UNEP and the Committee consult each other, particularly on the selection and evaluation of the staff of the CITES Secretariat; and
19. – the relationship between CITES and other conventions administered by UNEP.
20. At its 37th Meeting, the Committee took note of the Minutes of the Working Group meeting held in Berne, in June 1996, and instructed the Secretariat to send out the minutes to the Parties for comments, and agreed to establish a working group to negotiate a draft of a revised MOU with UNEP, for consideration at CoP10.
21. The Working Group, together with the representative of UNEP, met in Washington D.C. in March 1997. At that meeting, a text of an MOU was drafted, in collaboration with the representative of UNEP and circulated to all members of the Committee. Some comments with specific amendments were proposed by UNEP and the draft needs to be further consulted. It is hoped that we shall be able to reach a final agreement for its approval, during CoP10.

Finance

Location of the Secretariat

22. At the 37th meeting of the Committee, a number of participants expressed concern about a possible increase in the rent for the office of the Secretariat when it moves to a new location in Geneva. It was agreed to request the Government of Switzerland to reconsider the requested rent increase, hinting that some other Parties might be interested in hosting the Secretariat at a more reasonable cost. The Government of Switzerland was asked to inform the Committee of its decisions regarding the rent of the Secretariat by 1 March 1997. Since, I have received a response from the Government of Switzerland indicating that they will maintain the rent more or less at the current level for the period 1998 to 2000.

Budget Estimates for the Trust Fund 1998-2000 and the Medium-term Plan 1998-2002

23. At the 37th meeting of the Committee, the Secretariat presented a document entitled "Budget estimates for the Trust Fund 1998-2000 and the Medium-term Plan 1998-2002." A number of participants expressed concern about the proposed increase in the budget, noting that a large proportion of the proposed increase was for new staff positions. The Committee agreed that the Secretariat should revise the proposed budget, taking into account the comments made, and should submit a more modest budget for consideration at CoP10, together with an indication of the priority areas where increases were sought.

Enforcement

24. At its 36th and 37th meetings, the Committee discussed enforcement problems, especially in relation to the European Union and Eastern Europe.
25. The Committee had particularly intensive discussions on enforcement problems in Greece. It was agreed that the Committee should convey its serious concern to Greece and should ask Greece to improve its implementation of the Convention and that this should be conveyed to other EU Member States too. It was also agreed that the Committee should contact the

European Commission to express its concern and to ask it to treat the implementation of CITES in Greece as a priority. Finally it was agreed that the Secretariat should continue its dialogue with Greece and report to the 38th meeting of the Standing Committee, where the Committee would take action if there had not been adequate progress.

African Elephant

26. The Conference of the Parties at its ninth meeting directed the Committee to take a number of actions between then and CoP10, bearing in mind that some range States of the African elephant might wish to submit proposals for consideration at CoP10. The Committee was to:
 27. – revisit, in close co-operation with the African region, the review procedure for African elephant proposals;
 28. – address concerns regarding stockpiles of African elephant ivory, regarding producer and consumer countries; and
 29. – submit its recommendations to CoP10.
30. The review procedure for African elephant proposals was discussed at the 35th meeting of the Committee. After some discussion, the Committee requested the Secretariat to prepare a discussion document on this subject.
31. At the 36th meeting of the Committee, the Secretariat presented a document in which it suggested that Resolution Conf. 7.9 no longer satisfied the needs of the Conference of the Parties and that the Committee should propose to the Conference that this Resolution be repealed. However, after some discussion, the Committee agreed that the issue should be discussed again after the meeting of African elephant range States, scheduled in November 1996.
32. Also at this meeting, as instructed at CoP9, the Committee agreed to an addition to the terms of reference of the Panel of Experts on the African Elephant, in Resolution Conf. 7.9. After the meeting, it also agreed, by postal procedure, to make a further addition. The agreed additions are that the Panel of Experts should
 33. – when appropriate, consider:
 34. – the trade in products from the African elephant other than ivory and the controls on such trade; and
 35. – the controls on ivory trade in specified importing countries; and
 36. – evaluate whether implementation of the proposal is likely to have a positive or negative impact on the conservation status of the elephant population and its environment in the range State.
37. At the 37th meeting of the Committee, the Secretariat presented a further paper on this subject, in which it again expressed the view that Resolution Conf. 7.9 should be repealed, and presented supporting arguments. The majority view of the Committee was that it would be premature for the Committee to propose to the Conference of the Parties to repeal Resolution Conf. 7.9 because a Panel of Experts was currently reviewing proposals to amend the appendices. The Secretariat was requested to prepare a draft resolution for consideration at CoP10, to replace Resolution Conf. 7.9, reflecting the views of the Standing Committee and addressing the concerns of the Secretariat.
38. During its 35th meeting, the Committee also discussed the issue of African elephant ivory stockpiles, and asked the representatives of the African region to the

Committee to meet as soon as possible to discuss the issue. That meeting was subsequently held at the UNEP Headquarters in April 1995. The results were reported at the 36th meeting of the Committee, where it was informed by the representatives of the African region to the Committee that they had agreed on a programme of activities that would include a series of subregional and regional meetings of African elephant range States, with UNEP and IUCN as co-organizers. The first of these meetings was convened in Dakar, Senegal, in November 1996, and the results reported at the 37th meeting of the Committee. The Committee was pleased to learn that the meeting had indeed assisted the range States to better understand problems facing elephants in the various subregions and also in appreciating the rationale behind proposals for the transfer of certain populations of elephants to Appendix II. However, there was still a need for more consultation between the range States and they had agreed to meet again immediately before CoP10.

Tiger

39. Resolution Conf. 9.13 (Com. 9.30) directs the Committee to: "continue its review of tiger trade issues in range and consumer States and to report to the Parties on progress made with a view towards identifying additional legislative and enforcement measures that may be necessary to stop the illegal trade in tigers and tiger parts and derivatives".
40. Progress and problems were analysed at each meeting of the Committee. The Secretariat issued Notifications to the Parties in 1995 and 1996 asking range and consumer States to submit written reports. Over this period, useful written or oral reports on tiger issues were received from Canada, China (including the Province of Taiwan), Germany, India, Indonesia, Japan, the Republic of Korea, the Russian Federation, Thailand, the United Kingdom (including Hong Kong), and the United States of America.
41. After taking account of these reports and other information received, the Committee, at its 37th meeting:
42. – concluded mainly that:
43. – a number of Parties have improved their legislation on tiger trade and conservation since 1995 but urgent action is still needed in some range and consumer States;
44. – there is evidence of increased international co-operation between range States on tiger trade and conservation issues of which the Beijing Statement (1995) was a notable example. There is scope to strengthen this further through the Global Tiger Forum, which is expected to come into full effect in 1997 and is potentially a key means of achieving many of the objectives of CITES for the species; and
45. – the level of enforcement and educational activity has increased but poaching and illegal trade continue to be a serious problem;
46. – requested the Secretariat, mainly:
47. – to ask all range State Parties to submit a written report to the Secretariat about their response to Resolution Conf. 9.13 by 1 March 1997;
48. – in co-operation with IUCN and range States, to prepare and circulate an assessment of the tiger for consideration at CoP10; and
49. – recommended mainly that:
50. – all Parties make further efforts to improve levels of awareness of tiger conservation require-

ments on the part of manufacturers, traders, practitioners and users of traditional medicine; and

51. – the CoP mandates the Committee to continue to oversee tiger issues.

Traditional Medicine

52. Tiger bone and rhinoceros horn have been used as ingredients for traditional medicines, especially throughout the East Asia region. At CoP9, the Parties reiterated their commitment to a ban on the international trade in them and consumer countries were encouraged to institute domestic legislation. Discussions about this issue showed progress in some Parties, and this progress was reported at the 35th meeting of the Committee. Information was exchanged and discussions were held among the relevant Parties about the preservation programmes for the tiger and the rhinoceroses, the development of technologies to determine the contents of medicines, the exposure of smuggling organizations, habitat protection projects for tigers and rhinoceroses, and domestic regulations. Before the 36th meeting of the Committee, in October 1995, the Asian Regional meeting was held in Tokyo to discuss every sort of CITES matter, and it included deliberations on the trade in specimens from tigers and rhinoceroses.
53. In view of the seriousness of the problems, the Committee started preparation, on the initiative of the United Kingdom, for discussions on the overall problems concerning traditional medicine using other species on the brink of extinction, as well as on the problem of tigers and rhinoceroses, which had been discussed. Although traditional medicine usage is typical in the East Asia region, the discussions are expected to be expanded to all types of medicines produced from wildlife.

Timber Working Group

54. During the discussions at CoP9, some Parties expressed strong interest and concern about a number of implementation problems resulting from the inclusion of several timber species in the CITES appendices, and the need for scientific understanding to solve the matter became a common recognition. The Committee was assigned to establish a temporary working group, that is, the Timber Working Group, chaired by the Chairman of the Plants Committee. The 35th meeting of the Committee took up the matter of the composition of the Timber Working Group, its terms of reference, and funding.
55. The Government of the United Kingdom hosted the first meeting of the Timber Working Group in November 1995, and the Group's report was highly praised at the 36th meeting of the Committee. The Committee agreed that the report was to be circulated widely to the Parties and NGOs for information and comment. The comments received were considered by the Working Group at its second meeting, held in Panama in November 1996.
56. The final report of the Timber Working Group was considered by the Committee at its 37th meeting. With the exceptions of the recommendations on Appendix-III listings, the Committee endorsed fully all of the Group's recommendations. The Committee agreed that, although the Working Group was originally established as a temporary body, it should be retained, with its current composition, until CoP11. The Committee endorsed the recommendation that it should determine when the Group reconvenes and that it should develop the new terms of reference under which the Working Group operates.

Consolidation of Resolutions

57. Continuing the process of review and consolidation of Resolutions initiated at CoP8, the Secretariat, at the 36th meeting of the Committee, presented two draft consolidated Resolutions, one on cetaceans and the other on ranching and trade in ranched specimens.
58. In relation to the resolutions concerning cetaceans, some Parties gave their opinions forcibly, pointing out that each Resolution had its own history relevant to the time of adoption and that each Resolution was the result of careful discussions at meetings of the Conference and that great care was therefore needed in reviewing them. All of the members recognized the importance of this subject and stated that further study was required. Thus, the discussion was continued at the 37th meeting of the Committee. In that meeting, it was suggested that a text in the preamble of the draft consolidated resolutions could state that the adoption of the consolidated resolutions did not imply a renewal of the agreements recorded in the Resolutions that had been consolidated. It was also suggested that, during CoP10, subject to the agreement of the Conference, a working group could examine a revised draft of the consolidated resolution.
59. Concerning Resolutions relating to ranching and trade in ranched specimens, it was agreed that Resolution Conf. 9.20 should not be included in the draft consolidated resolution on ranching.

Dialogue with NGOs

60. Several NGOs, all conservationist ones, continued to show a strong interest in the work of the Committee, expressing their desire to participate in the meetings of the Committee. Following my predecessor's practice, I arranged a one-hour informal meeting with the representatives of these NGOs in association with each meeting of the Committee (but outside the official meeting hours), while declining their request to attend the meetings of the Committee itself. While I made myself available each time, I made it voluntary for other members and observers of the Committee to attend such dialogue.
61. This practice could have both merits and demerits. It will be useful for those members and observers to familiarize themselves with the concerns and interest of a limited number (about five) of NGOs, but it may

not be fair not to give an equal chance to other NGOs. With only a one-hour meeting time, the time for their presentation is very limited. I wonder how many other NGOs are interested in sending their representatives to such a dialogue, when they take into account the cost-benefit of such an exercise. It will be worthwhile for the next Chairman to consider whether to continue this exercise or not.

Other Issues

62. For the last two-and-a-half years, in addition to the above major issues, the Committee has addressed a number of other important themes. Here are some of them: national legislation for implementation of CITES, late submission of annual reports, giant panda loans, whales, sharks, small island developing States, and co-operation with GEF and other conservation-related conventions.
63. The Committee also had to spend a considerable amount of time, particularly at the Rome meeting, in December 1996, in dealing with issues relating to the personnel of the Secretariat. Historically, there is a tendency for individual Parties to become over-involved in the micro-management of the Secretariat, and the Committee had to avoid the temptation to follow suit. We hope that the new MOU with UNEP will clarify roles, and reduce the scope for future friction, which has occasionally been damaging to the morale both of the Secretariat and of Parties. We also kept a watching brief on expenditure from the Trust Fund, a role which could perhaps be strengthened if we received more comprehensive annual reports from Nairobi.

Acknowledgements

64. In closing, I would like to acknowledge with sincere thanks the support and co-operation of all Committee members in carrying out the mandate given by the CoP. I would also like to thank the Secretary General and all the staff of the Secretariat, who deserve our special appreciation for their dedication to CITES and their contribution to the work of the Committee.

Nobutoshi Akao
Chairman of the Standing Committee
June 1997