



## The 11th Meeting of the Conference of the Parties to CITES

The 11th meeting of the Conference of the Parties to CITES took place at UNEP headquarters in Gigiri, Kenya, from 10 to 20 April 2000. The approximately 1400 participants from Parties, non-Party States, inter-governmental organisations and non-government organizations faced an extremely full agenda. The meeting considered 61 proposals to amend Appendices I and II of the Convention, the principal lists of animal and plant species subject to CITES trade controls. The meeting also discussed 59 other documents on a wide range of topics, including a new strategic plan for the future of the Convention.

Overall, the Conference made significant headway on most agenda topics. Perhaps among the greatest achievements were a hard-won compromise on trade in African Elephant products, the detailed examination of persistent illegal trade in Tiger products, greater engagement with resources security issues such as bush meat and medicinal plant trades, and the adoption of the new strategic plan. Two major disappointments stand out: the complete lack of progress in clarifying the niche of CITES in addressing unsustainable trade from marine fisheries; and the failure of the Parties to match their ever more ambitious conservation goals under the Convention with a significant increase in their commitment of financial resources to the CITES budget.

The tone of the meeting was set by the opening comments made by CITES Secretary-General, Willem Wijnstekers, CITES Standing Committee Chair, Robert Hepworth and UNEP Executive Director, Klaus Topfer. Each stressed the considerable achievements of CITES since the mid-1970s and its continuing relevance among other multilateral environment agreements and wider sustainable development efforts today. Kenyan President, Daniel arap Moi, also addressed the Conference, welcoming delegates to Kenya and stressing his country's dedication to the implementation of CITES. Bagher Asadi took the Chair of the Conference.

### Reports of Committees

The outgoing Chair of the Standing Committee presented a comprehensive report on a very busy inter-sessional period. He stressed the immense effort

dedicated to the follow-up to the decisions on elephant trade taken at the 10th meeting of the Conference of the Parties, including the adoption of formal monitoring systems to track illegal elephant hunting and trade. Other major issues addressed by the Committee had been Tiger conservation and trade, compliance problems in some Parties and the development of the strategic plan. The Animals Committee Chair, Robert Jenkins, drew particular attention to work on swiftlet and shark trade and underlined the continuing importance of the significant trade process. His counterpart, the Chair of the Plant Committee, Margarita Clemente, stressed the need to continue review of CITES plant listings and the importance of identification materials to assist enforcement efforts.

### Evolution of the Convention

This item was opened with a report prepared by the Secretariat presenting substantial progress with implementation of 34 Decisions of the 10th meeting of the Conference of the Parties derived from the Action Plan to improve the effectiveness of the Convention (itself rooted in an external review completed prior to the 10th meeting). Next, the Secretariat introduced the results of an intensive strategic planning process carried out since the 10th meeting: first a Strategic Vision through 2005 (including a strategic plan); and the other an Action Plan to meet the challenges of the strategic plan. Adopted by consensus, despite some concerns about resource implications, the strategic plan and its associated Action Plan (**Doc 11.12.2**) addresses seven goals: 1. enhance the ability of each Party to implement the Convention; 2. strengthen the scientific basis of the decision-making process; 3. contribute to the reduction and ultimate elimination of illegal trade in wild fauna and flora; 4. promote greater understanding of the Convention; 5. increase co-operation and conclude strategic alliances with international stakeholders; 6. progress towards full global membership; 7. provide the Convention with an improved and secure financial and administrative basis. Finally, under this same agenda item, the Parties noted two further documents. The first presented an update from the Secretariat on its efforts to ensure co-operation

and synergy with the Convention on Biological Diversity (CBD) and other biodiversity-related conventions (**Doc. 11.12.3**). The other, presented by France, argued that financing for implementation of the Convention, specifically for implementation of the provisions contained in Article IV, paragraph 3, concerning the monitoring of populations of species listed in Appendix II, is insufficient even with additional voluntary contributions from the Parties and assistance provided by donors (**Doc. 11.12.4**). After debate, it was agreed that the Standing Committee would form a working group to review funding mechanisms.

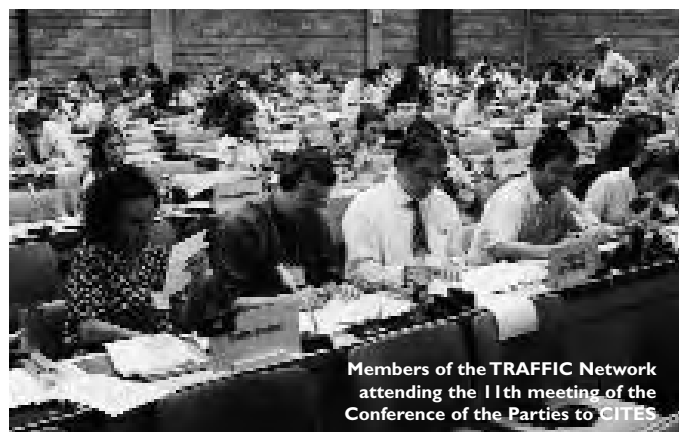
The Budget Committee sessions concentrated on the CITES Secretariat's **Budget Proposals for the Period 2001-2002 and 2001-2005 (Doc. 11.10)**. The greatest concern expressed by Parties was the steep increase (over 50% for the triennium) in Party contributions requested by the Secretariat to fund its recruitment of three staff additional to the seven approved by the Standing Committee. The Parties were reluctant to countenance the increase requested, and, by rejecting funding of these three posts (**Doc. 11.10.3 (Rev. 1)**) plus three posts previously approved, a 20% reduction of selected administrative budget lines and the reduction of the Trust Fund to a base of CHF1 million, the increase was limited to just over 6% for 2001. The Committee approved five new posts previously approved by the Standing Committee at its 40th and 42nd meetings and agreed that, during the biennium 2001-2002, funding required for two of these posts will be drawn from the available balance in the CITES Trust Fund, and one of these posts may be funded from the biennium budget from cost savings, if available. The modified budget was approved by the Committee and subsequently by Plenary.

The Conference of the Parties has yet to adopt guidance on the interpretation and application of **Introduction from the sea (Doc. 11.18)** (the transportation into a State of specimens which were taken in the marine environment not under the jurisdiction of any State), despite this issue having implications for listing proposals involving currently listed marine species, transfer of any whale populations to Appendix II, and any future listing of commercially important fishes. In **Doc. 11.18** and its annexes, Australia proposed a draft resolution to aid interpretation of the term 'introduction from the sea', implementation of the provisions of Articles III and IV that relate to it, the effect of Article XIV, consistency with previous resolutions, and international co-operation. The draft resolution also presented a definition for 'marine environment not under the jurisdiction of any State', based on definitions within UNCLOS (United Nations Convention on the Law of the Sea).

To refine the proposed resolution, Committee II established a working group chaired by Australia, and included Brazil, Canada, Cuba, Japan, Mexico, Norway, Portugal (EU), USA, and several NGOs including TRAFFIC. Unfortunately no consensus

was reached after the first meeting and the chairman requested more precise instructions from the Chair of Committee II on the terms of reference and the mandate of the group. After a second meeting, the chairman presented a revised draft resolution (Com. 11.17) and draft decisions (Com. 11.18) to the Committee. The draft resolution was supported by several Parties, but was opposed by Antigua and Barbuda, Belize, China, Iceland, Japan, Norway, Saint Lucia, Tunisia, Uruguay and Venezuela. At the request of Antigua and Barbuda and Japan a vote by secret ballot was held. The proposed resolution was rejected in a vote of 36 in favour, 50 against and 11 abstentions. Unfortunately, the Chair of Committee II included the draft decisions of Com. 11.18 within the vote, though this was not made clear when the vote on Com. 11.17 was taken. This meant that the decisions directed to the Secretariat and the Standing Committee that would have *inter alia* helped clarify conformity of CITES requirements with fisheries management documentary requirements and examine implementation issues relating to introduction from the sea prior to the 12th meeting of the Conference of the Parties, were not discussed.

The **Report on national reports required under Article VIII, para 7(a) of the Convention (Doc. 11.19)** was introduced by the Secretariat. Annex 2 of the document contained a detailed synopsis of annual reporting by the Parties since the 10th meeting of the Conference of the Parties. The Secretariat specifically attempted to address the problem of late submission and the poor quality of the reports and the practice of exceeding export quotas, problems that seriously undermine the effectiveness of the Convention. It was noted that no real improvement had been made in remedying these problems over time. The discussions focused on the draft decisions proposed in Annex 1 of the document, which impose CITES trade embargoes on Parties that fail, on three consecutive years, to submit adequate reports on time. Interventions were made by 12 Parties and two observers. Some Parties expressed their need for help in producing annual reports. The majority of Parties were in favour of the decisions proposed. Some concerns were raised that those Parties most in need of assistance to meet their CITES obliga-



C. Allan/TRAFFIC

tions were the ones that would be severely penalized. The Secretariat explained that support was offered to help those Parties submit reports, even to the extent of submitting all permits to the World Conservation Monitoring Centre for compilation of the data. It would be the responsibility of the Standing Committee to determine whether a country had failed to meet their reporting obligations, and whether to impose penalties. These explanations were satisfactory and the draft decisions were approved. Most Parties realised the significance of this problem, and were willing to accept the potential penalties that could be imposed in future.

The agenda items on CITES enforcement began in Committee II with the **Review of alleged infractions and other problems of implementation of the Convention (Doc. 11.20.1)**. The Secretariat introduced a brief summary of the main issues relating to illegal trade, enforcement actions, specific infractions cases and permit confirmation matters that have arisen since the 10th meeting of the Conference of the Parties. The Annex to the document contained guidelines on issuance and acceptance of permits in a form similar to a checklist. The style, content and format of the report were very different from infractions reports of recent years, to take into account the concerns of the Parties over the sensitivities of the issue. The discussion focused on the guidelines, which were acknowledged for their usefulness and garnered support, with some recommendations for their further development. TRAFFIC suggested that in future the report could be developed into a strategic tool for determining areas of focus for applying remedial measures and resources. The Secretariat agreed to circulate the Guidelines as a Notification to the Parties and the comments from TRAFFIC would be taken into account for the future.

**Doc. 11.20.2**, introduced by the Secretariat on the **Implementation of Resolutions**, again emphasized the poor performance of Parties in meeting the needs of the Convention. In November 1999, all Parties were asked to inform the Secretariat of their implementation of Resolutions still in effect to enable the Secretariat to report to the 11th meeting of the Conference of the Parties. By the time of the 11th meeting, only one Party (later revealed to be Malta), had responded to this request. The Annex to the document detailed a proposed decision to enable the process to be taken further in light of the poor response. The Secretariat proposed that it should assess all information from the Parties concerning their problems in implementation of Resolutions in effect. The findings would be produced for the Standing Committee in 2001 and would outline potential solutions where appropriate. The decision was adopted after some discussion on problems with certain Resolutions.

A document attempting to consolidate five resolutions relating to cetaceans had been prepared by the Secretariat for the 10th meeting of the Conference of the Parties, as part of the overall resolution consolidation

process, which aims to rationalize previous Conference agreements. However, there was considerable disagreement between the Parties and consideration of the document was deferred until the 11th meeting. After some debate over the cetacean section, **Doc. 11.17 Consolidation of Valid Resolutions - Annex 1: Conservation of cetaceans, trade in cetacean specimens, and relationship with the IWC** was adopted in plenary (Resolution Conf. 11.4). Resolutions on cetaceans included in the consolidation included: Resolution Conf. 2.7 (Rev.) Relationship with the IWC; Resolution Conf. 2.8 Introduction from the Sea; Resolution Conf. 2.9 Trade in Certain Species and Stocks Protected by the IWC from Commercial Whaling; Resolution Conf. 3.13 Trade in Whale Products; and, Resolution Conf. 9.12 Illegal Trade in Whale Meat.

The intent of a draft resolution **Relationship with the IWC (Doc. 11.15.1)** submitted by Japan and Norway was to highlight that CITES has its own criteria for determining species listings and that CITES decisions on the trade in Great Whales should not be linked automatically to decisions taken at the IWC. As at the 10th meeting of the Conference of the Parties, the proponents' position was that the existing IWC moratorium on commercial whaling was not supported on scientific grounds and, in turn, should not be used to support the CITES Appendix I-listing of certain cetacean species. In contrast, another draft resolution **Reaffirmation of the Synergy between CITES and the IWC (Doc. 11.15.2)** submitted by the USA restated the relationship between the IWC and CITES and urges the Parties to continue existing co-operation. The draft resolutions were introduced consecutively and extensive debate followed. Numerous Parties made interventions as did the current Chairman of the IWC who recognized the importance of existing co-operation between the two treaties and asked that CITES continue to support the IWC. The Committee II Chairman deferred further consideration of the drafts until later in the meeting at which time **Doc. 11.15.1** was rejected in a vote by secret ballot with 31 votes in favour, 49 against. At that point, the USA withdrew **Doc. 11.15.2** from consideration.

On the theme of **National laws for implementation of the Convention**, the Secretariat outlined its overview of the **National Legislation Project (Doc. 11.21.1)**, started in 1992 and which to date included three phases in documenting and assessing the progress of Parties in establishing national legislation to implement CITES. Parties are categorized (1, 2 or 3) by the level of appropriate legislation in place which, in the past, some Parties have interpreted as implying criticism. The Secretariat explained the difficulties for the Parties in developing legislation and the tremendous workload of reviewing it for the project. A new strategy was proposed to focus on supporting the Parties in developing legislation rather than emphasis on reviewing their status. A legal capacity-building strategy was proposed in three 'building blocks': development of technical

documents, organization of regional workshops and support to law-makers and enforcement bodies. The Secretariat put forward a draft decision in Annex 3 of the document that outlined the future steps to be taken with the new strategy. The Parties expressed overwhelming support for the document proposed. Many Parties requested assistance with the development of their national legislation. A productive discussion emerged on the best practices for reviewing and developing legislation and several Parties offered assistance to the process. The document and decision were agreed with minor amendment.

The National Legislation Project had identified Parties that did not have adequate CITES implementing legislation and were subject to significant amounts of CITES trade. Despite repeated offers of assistance and reminders by the Secretariat, certain Parties were identified as being negligent in attempting to develop or improve their legislation in a document on **Measures to be taken with regard to Parties without adequate legislation (Doc. 11.21.2)**. The document provided some background to the history of the particular problems and explained that of seven Parties that had been identified in Phase 2 of the National Legislation Project, four had a sound justification, or had made resounding efforts to improve. Some Parties had not done so and were singled out for attention and threatened with punitive measures. Following this attention, Egypt managed to meet the requirements by establishing adequate legislation in time for the deadline set by the Standing Committee. Guyana had had punitive measures imposed for missing the deadline, but had rapidly brought adequate legislation into effect and the direction for Parties to refuse import from and export of CITES specimens to Guyana was lifted. Unfortunately, Senegal had been unable to effect adequate legislation and punitive measures were imposed on 30 October 1999. The draft decision proposed measures to deal with the four Parties that were subject to assessment under Phase 3 of the National Legislation Project and did not have adequate legislation. A deadline was set by which time the Parties should have adopted adequate legislation, and support was offered by the Secretariat to bring this about. The penalties to be imposed were laid out, should Parties fail to meet the 31 October 2001 deadline. Other Parties that needed to adopt adequate legislation by the 12th meeting of the Conference of the Parties were also identified. Some discussion ensued on the wording of the decision and the deadlines imposed for these other Parties. An informal group was formed that made amendments to the draft decision and imposed tighter deadlines. The revised decision was adopted as amended.

Switzerland presented document **Doc. 11.24** concerning a draft resolution relating to the **Use of Annotations in the Appendices** on behalf of the Standing Committee, and in response to Decision 10.70 of the 10th meeting of the Conference of the Parties, which called for a clarification of the use of annotations. The draft resolution

proposed to divide existing and future annotations into two categories: “reference annotations” that contain only information (asterisks \*/\*\*; p.e. “possibly extinct”; nomenclature synonyms) and “substantive annotations” which are part of the species listing (inclusion or exclusion of populations, (sub-) species, or groups of species, with or without quota; specified specimens, with or without quota). The main practical difference lies in the way these can be modified, and in the follow up review when a species is transferred from Appendix I to Appendix II subject to substantive annotations. The draft resolution proposed that reference annotations can be amended or deleted by the Conference of the Parties or the Secretariat as required. Substantive annotations relating to species listed in Appendix I and II could only be introduced, deleted or modified by the Conference of the Parties. In the case of a transfer of a species from Appendix I to Appendix II subject to a substantive annotation, the Secretariat is directed to collect any credible information on illegal trade or poaching of such species for at least four years, and to report to the Standing Committee. Specimens that are not specifically included in such a transfer annotation would be regulated as if they were of a species included in Appendix I. TRAFFIC supported the general approach provided in the draft resolution and suggested that Parties consider harmonizing the language and terminology used in annotations. The draft resolution, with minor text amendments put forward by Switzerland, was approved by consensus (Conf. 11.21).

Delegates reviewed a report on **Conservation of and trade in Tigers (Doc. 11.30)** presenting the results of the Standing Committee review of Tiger trade issues carried out in compliance with the objectives of Resolution Conf. 9.13 (Rev.) and the reports of the Technical and Political Missions to selected range and consumer States. On directions from the Chair of Committee I, a working group chaired by the USA reviewed the report of the political missions, and suggested amendments to some of its recommendations. Among the decisions taken and later adopted by the Conference was a key amendment to Resolution Conf 9.13, calling for all Parties and non-Parties, especially Tiger range and consumer States, to adopt comprehensive legislation and enforcement controls as a matter of urgency, with the aim of eliminating trade in Tiger parts and derivatives, in order to demonstrably reduce the illegal trade in Tiger parts and derivatives by the 12th meeting of the Conference of the Parties. The recommendations of the Mission reports, as amended, were adopted as formal decisions and a Tiger Enforcement Task Force (TETF) was established, with the objective of combating illicit trade in Tiger parts and Tiger derivatives, the first time such a task force has been established by a meeting of the Conference of the Parties.

A report on **Conservation of and trade in rhinoceroses (Doc. 11.32)** addressed progress made by rhino range States and other Parties on recommendations and

requests contained within Resolution Conf. 9.14. It further expressed the Secretariat's concerns that Resolution Conf. 9.14 was particularly hard to evaluate as no reporting mechanisms were included and no role had been allocated to the Secretariat. The Secretariat recommended repeal of this Resolution. It was noted that since Resolution Conf. 9.14 had been written, commendable efforts in some range States and consuming States has led to rising rhino populations. Indeed, three of the five species have continued to increase in number over the last five years. While the situation for these particular species had become less urgent, some Parties agreed that the Resolution was still very relevant since four species were still threatened with extinction. After a working group discussion, a revised Resolution was proposed and adopted, containing many of the previous directives to Parties and the Standing Committee regarding horn stocks, legislation, law enforcement, consumer States and continued development of standardized indicators of success. It also recognized user groups other than traditional-medicine communities. The new Resolution (Conf. 9.14 (Rev.)) also included a reporting mechanism in which Parties are required to submit information on the status of rhino populations, illegal activities, legislation, conservation action plans, law enforcement and horn stocks. The Secretariat will collate the reports and present them to each meeting of the Conference of the Parties.

**Doc. 11.34 on the Conservation of and control of trade in Tibetan Antelope** was submitted by China - the main range State for *Pantholops hodgsoni* - and was based upon a draft resolution discussed by government representatives, the CITES Secretariat and NGOs at the International Workshop on the Conservation of and Control of Trade in Tibetan Antelope, held in Xining, China, 12-14 October 1999. The purpose of the original document received widespread support from the Parties at the meeting although attention was drawn to the need for more focused wording.

The revised document included recommendations to the Parties to adopt comprehensive legislation to eliminate trade; to treat products claiming to be 'shahtoosh' or claiming to contain Tibetan Antelope specimens as readily recognizable derivatives of the Tibetan Antelope, as provided for in Resolution Conf. 9.6; and to increase public awareness activities. Parties and non-Parties were also recommended to adopt a registration system to prevent stocks of Tibetan Antelope parts and raw materials from re-entering trade. The purpose of such a registration system, however, remains unclear as the registration system does not include shahtoosh shawls. Parties were also urged to establish a network for the exchange of information regarding, amongst other things, smuggling routes and methods, and techniques for the identification of Tibetan Antelope parts and derivatives.

The Secretariat, with assistance from interested bodies, was directed to provide funding and technical assistance to range States to improve anti-poaching efforts, to carry out population censuses and to formulate

a conservation strategy. This directive is an important initiative and should provide concrete steps to enhance conservation strategies for the Tibetan Antelope.

The Resolution (Conf. 11.8) was adopted by consensus and provides an important framework to guide conservation initiatives by the Parties, inter-governmental organizations and NGOs.

The report on **Trade in fresh water turtles and tortoises to and in South-east Asia (Doc. 11.35)** provides a description of the trade and problems of monitoring, control and enforcement within South-east Asia. However, this report did not have the benefit of information, deliberations and results of a workshop on the Trade of Freshwater Turtles and Tortoises organized by Wildlife Conservation Society, TRAFFIC and WWF that was held in Phnom Penh, Cambodia, in December 1999. There was a move from the floor to develop a resolution to highlight the issues identified in **Doc. 11.35**, and push for action from CITES. Many of the recommendations from the Phnom Penh workshop were felt to be important and as they were the results of consensus of NGOs, governments and experts from the region, should be adopted and included in the resolution. A working group convened to draft a resolution felt that while the emphasis of the document and workshop was on Asian species, CITES should expand the scope of the resolution to cover species from other regions. All the Parties were fully supportive of the actions proposed which included the need for greater enforcement efforts, biological research, review of national legislation, greater public awareness, and sustainability. The Parties also called on the Secretariat to convene a technical workshop possibly with funding from industry, and to encourage NGOs to work at increasing the capacity of the government agencies, and work towards enhancing awareness, and for the Animals Committee to carry out a significant trade review of species already listed in CITES (Resolution Conf. 11.9).

**Doc. 11.36 on the trade in seahorses and other members of the family Syngnathidae** submitted by the USA and Australia was discussed and further developed in a working group. A draft decision directed to the CITES Secretariat and to the Animals Committee was adopted (Com. 11.6). Parties agreed that activities for the conservation of seahorses should include: the organization of a technical workshop to review the biological status, the catch/bycatch and trade in seahorses and other syngnathids; gathering information provided by Parties on domestic measures for their conservation; to encourage scientific research; and, exploring ways to enhance the participation of fishers, traders and consumers in conservation and sustainable use actions. The Animals Committee, with the assistance of experts, was assigned the task to prepare a discussion paper, for consideration at the 12th meeting of the Conference of the Parties, on the outcomes of the workshop and guidance for the conservation and sustainable use of these species.

The CITES Secretariat presented a document that describes how Resolution Conf. 8.9 has been implemented since the 10th meeting and comprises a new list of Appendix II species to be considered for the **significant trade review of sturgeon (Doc. 11.41.1) (Com. 11.4)** of wild-caught individuals. The Russian Federation proposed a decision for the inclusion of sturgeon in the list of species proposed by the Secretariat. Following informal consultations between the Russian Federation and other important sturgeon range States, another decision was submitted several days later to the Chairman of Committee I (Com. 11.4). Additional aspects related to Resolution Conf. 10.12 Conservation of Sturgeon, had been added to the text, particularly concerning the establishment of annual export quotas for sturgeon specimens and their submission to the CITES Secretariat prior to 31 December of the preceding year. The USA, supported by Canada, reopened the debate at the plenary session proposing a few amendments among which were the inclusion of the words “where appropriate” regarding the export and catch quotas for sturgeon specimens to be established per basin, or biogeographical region. Further, Parties engaged in trade in sturgeon and paddlefish specimens should report progress made on the implementation of Resolution Conf. 10.12 to the Secretariat prior to the 18th meeting of the Animals Committee. The Secretariat has been assigned the duty to prepare a report on Parties’ progress with recommendations to be submitted to the Animals Committee at its 19th meeting. The Animals Committee should decide upon actions to be taken by Parties on the implementation of CITES and regional management strategies for sturgeon and paddlefish, and report back to the 12th meeting of the Conference of the Parties.

**Progress in the conservation of *Swietenia macrophylla* (Big-leafed Mahogany) (Doc. 11.38.2)** was a summary report on the first meeting of the Mahogany Working Group (MWG) established at the 10th meeting of the Conference of the Parties to examine the status, policies and management, as well as trade and co-operation in relation to the species. The first meeting of the MWG was held in Brasilia in June 1998, under the framework of ACT (Amazonian Co-operation Treaty), and established a series of recommendations and steps to improve species management, information, and international trade co-operation. The document submitted by Brazil requested Parties to take the appropriate steps to co-operate in the implementation of the recommendations adopted by the MWG. This document was presented and discussed during the CITES Regional Meeting for Central, South America and the Caribbean, held in Quito in February-March 1999, and during the 11th meeting of the Conference of the Parties.

The main concern in regional and plenary discussions was that the summary report was not a consensus document and did not reflect the situation of the species and the needs of all range States and consumer countries, nor did it present the achievements or concrete actions for the conservation of the species that

have been taken since the 10th meeting of the Conference of the Parties. There were no clear priorities or targets under the MWG auspices. Discussions also indicated that Appendix III is not being well implemented, in part owing to the fact that few countries included the species in Appendix III, causing confusion between range States, consumer countries and re-exporters regarding the documentation required for trade. It was requested that other range States include their mahogany populations in Appendix III.

These concerns led to the establishment of a new MWG, involving the participation of all range States, principal importing countries, and a representative to be designated by the CITES Plants Committee. The new MWG will take into account regional initiatives, progress made by countries that have listed the species in Appendix III, and the need to share information, make inventories and joint initiatives. Among the goals of this group are the review of current and potential Appendix III listings, trade analysis, review studies of the status of the species, encouraging exchange of information and presenting a report of its findings at the 12th meeting of the Conference of the Parties. The group will meet within one year of the 11th meeting with relevant technical organizations and experts such as International Tropical Timber Organisation, Intergovernmental Forum on Forests, the United Nations Forum on Forests, Food and Agriculture Organization of the United Nations, TRAFFIC, IUCN, among others. The fulfilment of these activities will depend on the availability of funds.

A report on **Assistance to Scientific Authorities for making non-detriment findings (Doc. 11.40)** was prepared by the Secretariat and described measures undertaken since the 10th meeting in response to Resolution Conf. 10.3 which encourages “the Parties, the Secretariat and interested non-governmental organisations to develop and support workshops/seminars specifically to improve the implementation of CITES by Scientific Authorities.” The principal focus of the document was two workshops organized by IUCN in Hong Kong (1998) and Cambridge (1999) and a resulting manual for distribution to Scientific Authorities. The Secretariat proposed that six workshops be held in different regions from 2000-2003. Numerous Parties expressed their support for the regional workshops as well as their interest in participating. **Doc. 11.40** was approved in Plenary with the provision that the Budget Committee address the necessary financial issues.

The agenda items **significant trade in Appendix-II species: Implementation of Resolution Conf. 8.9 (Doc. 11.41.1) and significant trade in Appendix-II species: Revision of Resolution Conf. 8.9 (Doc. 11.41.2)** were both introduced by the Secretariat, these being discussed separately in different Committees at the meeting. **Doc. 11.41.1** was an information document whereby the Secretariat, in consultation with the Animals Committee and the Standing Committee, reported its findings and recommendations on the imple-

mentation of Res. Conf. 8.9 as it does to each meeting of the Conference of the Parties. One of the most important discussions surrounding this document was initiated by Portugal, who, on behalf of the EU, recommended the inclusion of Acipenseriformes (sturgeon and paddlefish) into the significant trade review process. This move was supported by several other Parties including the Russian Federation who submitted a draft decision relating to the implementation of the Acipenseriformes listing. This included a direction to the Animals Committee to include Acipenseriformes in the significant trade review process and report the findings back to the 12th meeting of the Conference of the Parties.

Subsequent to a Decision made at the 10th meeting, and on behalf of the Animals and Plants Committees, the Secretariat presented **Doc. 11.41.2**. This consisted of a draft resolution and associated draft decision to replace Resolution Conf. 8.9 which forms the basis for the significant trade review process for animals. The new Resolution (Conf. 8.9 (Rev.)) is an important development that allows the same process used for reviews of animal species, to be applied to plants - a significant step in ensuring the sustainable trade in all Appendix-II plant and animal species. The revised resolution also addresses some of the problems with the current review process, for example by providing mechanisms to engage range States more fully in the entire process. Additionally, the Secretariat will no longer be required to report back to the meeting of the Conference of the Parties on the implementation of Resolution Conf. 8.9, but will instead report its findings to the relevant Committee. Both the draft resolution and the associated decision were approved after some linguistic issues had been addressed.

The Parties addressed the issue of **Bush meat as a trade and wildlife management issue** by considering and approving a document (**Doc. 11.44**) submitted by the UK Government that consisted of a discussion paper and draft decision that proposed the establishment of a CITES Intersessional Bush Meat Working Group. The delegation of the UK introduced the discussion paper and draft decision and stated that the establishment of a working group would begin the process of bringing cross-border bush meat trade into the context of a sustainable and legal process. At a meeting held to discuss the terms of reference for establishing the working group, discussions centred on the practical role that an international wildlife trade convention could play on a trade issue that is fundamentally domestic and affected by such social issues as food security. After some debate it was generally agreed that by focusing on increasing the regulation of regional cross-border trade in CITES-listed species in West and Central Africa where it constitutes a greater dynamic, the working group could build national capacity to deal with the principal domestic bush meat issues affecting CITES-listed and non-listed species. Additionally, the working group would promote increased dialogue, awareness and networking among national and international natural resource and community development institutions that could stimulate

the creation of additional bush meat working groups in other regions with a greater domestic trade emphasis. It was agreed that the working group will take Cameroon, Central African Republic, Congo, Equatorial Guinea and Gabon as the case study area for underpinning the scope of work and possible solutions. The working group will meet in the case study region on a rotational basis two to three times a year, and the co-ordinator, in conjunction with the CITES Secretariat, will present progress reports to the Standing Committee and the African Dialogue Meetings, and a final progress report to the next meeting of the Conference of the Parties. Through additional periodic workshops, a Dissemination Group containing Parties not in the case study area will contribute their experience, and take back possible solutions relevant to their own national circumstances. Parties showing an interest to be included in the Dissemination Group included the Democratic Republic of the Congo, Ghana, Republic of Guinea, Kenya, Liberia, Niger, Sierra Leone, Togo, and Zambia. NGOs such as TRAFFIC, WWF-International and Fauna and Flora International were invited to participate in the working group by bringing relevant experience and the ability to facilitate the implementation process through technical assistance, capacity building, training and project support.

Amendment of Resolution Conf. 9.6 on Trade in Readily Recognizable Parts and Derivatives was proposed in two documents. Germany, Switzerland and the UK put forward **Concerning diagnostic samples, samples for identification, research and taxonomic purposes and cell cultures and serum for biomedical research (Doc. 11.45.1)**. Germany and Switzerland also proposed **Doc. 11.45.2, Concerning final cosmetic products containing caviar**. Both documents stemmed from the belief by these Parties that there was an excessive administrative burden in dealing with CITES permitting for such specimens, which they felt were not readily recognizable parts or derivatives under CITES. The proposals aimed to make the specimens, as defined in the documents, exempt from CITES control, through amendment of the Resolution.

**Doc. 11.45.1** proposed that certain samples such as extracted and purified DNA, samples of blood, hair or feather, other tissues (fresh or preserved, not including live gametes and embryos) be exempt from CITES controls. These samples would only be exempt if they were for the purposes of identification, research or veterinary diagnosis. An amendment to the Resolution was proposed to this effect in the Annex to the document. The Secretariat commented that these samples may be readily recognizable and therefore the text amendment should simply state that they are exempt. It is usually the case that such samples are labelled and documented as to their origins and therefore are normally recognizable. The response to this proposal was surprising and it proved to be quite controversial. Eighteen Parties and seven observers were permitted to speak on the matter. Many Parties were concerned over the potential abuse of

the amendment, in terms of exploitation of valuable natural resources for commercial purposes. The security, ownership and intellectual property rights of each nation's genetic and biological resources were of great concern to many Parties, particularly those whose countries had a high degree of biodiversity. The termination of CITES controls would remove an extra layer of protection afforded to these resources. The difficulties of implementation and enforcement and synergy with other treaties such as the Convention on Biological Diversity were also noted. The proponents stressed that the exemptions were vital for veterinary samples that had significant time limitations and for the purposes of law enforcement. The immediate diagnosis of disease, cause of death etc., was essential, particularly for populations of endangered species in the wild. A working group was formed to discuss these matters and seek some solution. The working group recognized the great difficulties presented and the proponents withdrew the document in favour of the creation of an intersessional working group. The terms of reference for that group were established. A draft decision was adopted that outlined the administration and procedures of the intersessional working group, under the auspices of the Animals and Standing Committees. The funding implications of the working group were of concern and it was noted that it might be necessary to obtain external funding for its operational costs.

**Doc. 11.45.2** was concerned with exempting from CITES controls particular types of cosmetic products which claim to contain a small percentage (e.g. 0.05%) of caviar, from sturgeon (Acipenseriformes) species. All sturgeon species are listed in CITES Appendix II. The cosmetic products are commercially traded internationally in bulk, both as unpackaged products and in their packaged state, for retail sale. Once purchased by the retail consumer, the packaged products are included under the personal effects exemption for caviar of up to 250 g per person. Therefore, the amendment proposed would refer to these bulk transactions of product (either packaged or not) between commercial businesses. The Secretariat noted its concerns that trade in these exempt products might in future be used as a loophole if they consisted entirely of caviar. The proponents revised the amendment to ensure that it was only with respect to products containing less than 0.05 g of caviar in every kilogramme of product. China noted similarities between this issue and that of trade in traditional Chinese medicine products, and that this could infer that in future they could also be exempt. It was noted that the cosmetic products list caviar as an ingredient on the packaging which therefore does make them readily recognizable and therefore subject to control under CITES. The USA stated their concerns about setting a dangerous precedent for exemptions under the definition of "readily recognizable", especially with commercial trade as in this case. A working group was formed outside the session but a consensus could not be reached

and the proponents therefore called for a vote. The original roll call vote was invalid, as Committee II did not have a quorum. The Chair of Committee II took the unusual step of asking the security guards to ensure that no delegates left the Committee room while attempts were made to find more delegates to raise a quorum. A quorum was reached and the voting results were 34 votes in favour and 26 votes against, with 20 abstentions. Therefore, the proposal was rejected.

As part of Resolution Conf. 10.12, a draft Resolution on **a universal labelling system for the identification of caviar (Doc. 11.53)** was prepared by the CITES Secretariat based on a document developed by a working group of the Animals Committee. The text was discussed and redrafted in a working group at the 11th meeting of the Conference of the Parties. Switzerland and Germany supported the idea that only caviar-exporting countries must label their containers, while Iran and the Russian Federation insisted that caviar labelling must be performed by both exporting and re-exporting Parties. In the consensus document Parties decided on the latter and for a non-reusable label to be affixed to any primary caviar container of more than 249 g and to secondary containers of less than 250 g. The information mentioned on this label should include, as a minimum: the grade of the caviar (e.g. "Beluga"), the standard species code as provided in Annex 1 of the resolution (e.g. "HUS"), the ISO code for the country of origin (e.g. "RU"), the year of harvest (e.g. "2000"), a number for the processing plant and the identification number for the caviar lot that refers to the sturgeon female from where the caviar was extracted. The Resolution (Conf. 11.13) was adopted. The proposal by the Russian Federation to direct the development of a molecular markers system to the CITES Secretariat was reassigned to the Animals Committee assisted by experts in forensic techniques, owing to the lack of means and expertise available at the Secretariat.

Parties considered **Doc. 11.25: Procedure for the Review of Criteria for Amendment of Appendices I and II**, which was presented on behalf of the Plants Committee and the Animals Committee. This document set forth a process through which the CITES listing criteria would be reviewed during the interval before the 12th meeting. A timetable was proposed, as was the composition of the working group that would review the criteria. The document was adopted, and therefore the Parties approved that the working group would comprise representatives from each region, and that the working group would be able to consult experts, such as the Food and Agriculture Organization of the United Nations and the International Tropical Timber Organisation, largely owing to the difficult taxa, such as fish and tree species, that would have to be reviewed. Dr Jenkins, Chairman of the Animals Committee, was nominated to chair the group, and this was approved by the Parties.



## PROPOSALS FOR AMENDMENT OF APPENDICES I and II

### Medicinal Plants

A total of five Appendix II-listing proposals for plants used for medicinal purposes were considered by the Parties. In addition, the Parties considered a proposal to harmonize medicinal plant annotations in the text of the Appendices. This was the first medicinal plant proposal to be considered, and its intention was to combine the existing annotations #2 and #8, in order to simplify interpretation of the Convention. Several delegations noted that the current annotations are complex, and require better definition. Terms such as “chemical derivatives”, for example, are interpreted to refer to different products in different countries. During discussion it was recommended that further definition of such terms was needed, and that this task be referred to the Plants Committee. The proposal to harmonize the annotations was accepted, despite the observation that it was likely to reduce controls for Himalayan Yew *Taxus wallichiana*. It was also agreed to give the Plants Committee the mandate to clarify the definitions used in medicinal product annotations.

This discussion was followed by consideration of the inclusion of Asian Ginseng *Panax ginseng* in Appendix II. While the proposal had originally intended the entire species to be included in the Appendix, concern from some Parties about the effect that a listing would have on the enormous trade in artificially propagated material, coupled with assertions from some range States that wild populations no longer existed in their countries, led to the proposal being amended. The delegation of the Russian Federation introduced the proposal and noted that it had been amended to cover the population of the Russian Federation only, and that it would be annotated to have the same annotation, #3, as American Ginseng *Panax quinquefolius*. This proposal was accepted.

The first of two proposals from China - to include the Happy Tree *Camptotheca acuminata* in Appendix II - was withdrawn before being considered. The proposal to include in Appendix II *Cistanche deserticola*, which occurs in China and Mongolia, was accepted with annotation #3, “designates whole and sliced roots and parts of roots, excluding manufactured parts or derivatives such as powders, pills, extracts, tonics, teas and confectionery”.

Devil’s Claw *Harpagophytum procumbens* and *Harpagophytum zeyheri*, two plants that occur in Southern Africa, were also up for consideration. However, the proposal to list these species in Appendix II was withdrawn by the proponent, Germany, after consultation with range States, and a decision *Regarding the Biological and Trade Status of Harpagophytum*, was adopted. This decision directs range and importing States to submit information on trade, management, regulatory measures and biological status of *Harpagophytum* spp. to the CITES Secretariat, and directs the Plants Committee to review and summarize the information,

and to prepare a report on the biological and trade status at least six months prior to the 12th meeting of the Conference of the Parties, for submission at that meeting.

The last proposal to be considered was the False Hellebore *Adonis vernalis*. The proposal was accepted for inclusion in Appendix II following discussion on what parts of the plant should be regulated. It was decided that the annotation should be “only to include dried plants, either whole or in parts”. It was suggested that the wording could be refined for clarity, and that the delegation of Germany should confer with the Secretariat to come up with precise wording.

The Parties also considered a document on the South-east Asian tree genus *Aquilaria* and adopted a decision which directs the Plants Committee to continue its review of the genus, and specifically to resolve how species in the genus can be distinguished from each other, to identify measures other than improved identification to improve the accuracy of reporting on trade, and to determine whether additional species should be included in the Appendices (because they qualify or because of similarity of appearance). If it is determined that additional species should be included in Appendix II then the Plants Committee should recommend which ones should be included under Article II.2.a and which under Article II.2.b.

### Asian pangolins

India, Nepal, Sri Lanka and the USA submitted a proposal to transfer all Asian pangolins - *Manis crassicaudata*, *M. pentadactyla* and *M. javanica* - from Appendix II to Appendix I.

IUCN classifies all Asian pangolins as “Lower Risk: near threatened” throughout their respective ranges. CITES annual reports show a shift in the country of origin for pangolins in international trade, possibly as populations have become depleted. Illegal and unreported trade dwarfs that recorded in CITES annual reports and increasing prices further indicate the high level of demand and suggest declining populations.

Parties expressed support for increased protection of Asian pangolins although not all were in favour of transferring populations to Appendix I. The main reason for such opposition was that these species were currently subject to review by the Animals Committee as part of the significant trade review process and recommendations had yet to be formulated. Transfer of populations to Appendix I would undermine this process.

In response to these concerns, the USA called for a small working group with the Chair of the Animals Committee and range States. The proposal was subsequently amended to retain the three species in Appendix II with an annotation of zero quota for specimens taken from the wild and traded for primarily commercial purposes, and was adopted by consensus.

Annotation 612 includes all readily recognizable parts and derivatives of the three pangolin species concerned as well as all live or dead specimens. Trade in

pangolins and their parts may only be resumed upon submission and adoption of a proposal to remove or amend the annotation at another meeting of the Parties.

## Whales

Four proposals to transfer whale stocks from Appendix I to Appendix II were considered at the meeting: Gray Whale *Eschrichtius robustus* (Eastern North Pacific stock); Minke Whale *Balaenoptera acutorostrata* (Southern Hemisphere stock); Minke Whale *Balaenoptera acutorostrata* (Okhotsk Sea-West Pacific stock); Minke Whale *Balaenoptera acutorostrata* (North-east Atlantic and North Atlantic stock). As with discussions at the 10th meeting, there was lengthy debate over the relationship between CITES and the IWC. Japan, Norway, and a number of other countries stressed the need for CITES to act independently of the IWC and to base decisions on the listing criteria in Resolution Conf. 9.24. Many other countries stated their opposition to transferring the proposed stocks until the IWC's Revised Management Scheme (RMS) is in place and the IWC's current moratorium on commercial whaling lifted. The RMS, which includes inspection and reporting elements, would help to meet the precautionary criteria under Resolution Conf. 9.24. During the course of the debate, a number of CITES Parties and the CITES Secretariat urged the IWC to move forward with adoption of the RMS.

All votes on the four whale proposals were conducted as secret ballots. The delegation of Japan stated, as an undertaking, the intention of the Japanese Government to apply all normal CITES procedures for the issuance of permits if their proposals were accepted, despite Article XIV.4 which exempts members of pre-existing treaties from certain CITES procedures applicable to marine species listed in CITES Appendix II. In addition, Japan amended its proposals to transfer the Southern Hemisphere stock of Minke Whale from Appendix I to II and the Okhotsk Sea-West Pacific stock from Appendix I to II to include an annotation limiting trade in whale products to only those Parties with a DNA identification method in place.

The results were as follows: the transfer of the Eastern North Pacific stock of Gray Whales from Appendix I to Appendix II (Japan): 40 in favour, 63 against; the transfer of Southern Hemisphere stock of Minke Whale from Appendix I to Appendix II (Japan): 46 in favour, 69 against; the transfer of Okhotsk Sea-West Pacific Stock of Minke Whale from Appendix I to Appendix II (Japan): 49 in favour, 67 against; and the transfer of North-east Atlantic and North Atlantic Central Stocks of Minke Whale from Appendix I to Appendix II (Norway): 52 in favour, 57 against.

During consideration of the proposal to transfer the Southern Hemisphere stock of Minke Whale to App. II, Suriname introduced an amendment to Japan's proposal under the terms of which the transfer to Appendix II would be accompanied by a zero quota to be maintained until the 12th meeting of the Conference of the Parties

by which time it was assumed that the IWC would have taken a decision on its RMS. Suriname's proposal was voted on by secret ballot and received 47 votes in favour, 66 against. Norway reintroduced its proposal to transfer the Northeast Atlantic stock and the North Atlantic Central stock from Appendix I to II in plenary session with further amendments limiting trade to specimens taken within Norwegian waters and with countries with DNA-based identification systems in place. The revised proposal received a simple majority, 53 in favour and 52 against, but was not carried.

Japan and Norway were critical of the IUCN/TRAFFIC Analyses of the whale transfer proposals, particularly in regard to the biological criteria, as well as the CITES Secretariat's recommendations not to support the transfers. However, IUCN and TRAFFIC confirmed that they stood by the Analyses presented and noted that many of the points raised by Japan and Norway were related to matters of interpretation. In fact, for three of the four proposals, the IUCN/TRAFFIC Analyses stated that the populations concerned did not appear to meet the biological criteria for inclusion in Appendix I. For the remaining proposal, the Okhotsk Sea-West Pacific stock of Minke Whale, the situation was unclear because of uncertainties related to stock structures.

The main concerns expressed in the IUCN/TRAFFIC Analyses and the TRAFFIC Recommendations were related to the precautionary criteria under Resolution Conf. 9.24. The proposals claimed that the precautionary measures were fulfilled through national conservation and management measures and the establishment of trade control systems based on DNA analysis techniques. However, the proposals did not take into full account that, in CITES terms, acceptance of one or more of the Minke Whale proposals could open access to the stocks on the high seas to all CITES Parties, not just the proponents.

The Nomenclature Committee adopted new nomenclature to reflect the recent and widely accepted change in taxonomy and nomenclature of Minke Whales, which shows that northern and southern subspecies formerly all considered to belong to *Balaenoptera acutorostrata* actually belong to two distinct species: *B. acutorostrata* and *B. bonaerensis*.

## African Elephant *Loxodonta africana*

Following the CITES-approved, one-off experimental sale of nearly 50 t of ivory from Botswana, Namibia and Zimbabwe to Japan in April 1999, not surprisingly African Elephant issues once again loomed large on the CITES agenda. Proposals from Botswana, Namibia and Zimbabwe, whose elephant populations were transferred to Appendix II in 1997, sought to establish annual ivory export quotas, amounting to 12 t, 2 t and 10 t respectively. Botswana and Namibia also proposed amendments to annotation <sup>0</sup>604 to allow trade in elephant hide and leather (which was previously accepted at the 10th meeting only for Zimbabwe). In addition, South Africa

proposed to have its elephant population transferred from Appendix I to Appendix II to allow the sale of “an experimental quota” of 30 t of ivory originating solely from Kruger National Park, along with trade in live animals, elephant hides and leather products, and sport hunting trophies. Generally speaking, South Africa’s proposal established a series of conditions not unlike those previously accepted for the three elephant proposals approved at the 10th meeting (see *TRAFFIC Bulletin* 17(1)). At the other end of the spectrum, a joint proposal from Kenya and India called for all elephant populations to be transferred back to Appendix I. This set the stage for head-on confrontation.

Just prior to the 11th meeting of the Conference of the Parties, on 6-7 April 2000, the fourth African Elephant Range States Dialogue meeting was convened in Gigiri, Kenya, allowing African countries an advance opportunity to deliberate on all CITES agenda items pertaining to elephants. Facilitated by the CITES Secretariat and IUCN, chaired by Dr Yaa Ntiemoa-Baidu (WWF’s Director of the Africa and Madagascar Programme) and attended by 31 of the 37 range States, the meeting concluded with general consensus on a number of points, provided that disagreements over the possibility and timing of any future legal ivory trade could be resolved. The conditional consensus, described in the meeting’s communiqué, would provide for the elephant populations of Botswana, Namibia and Zimbabwe to remain in Appendix II with trade in non-ivory products; the population of South Africa to be transferred to Appendix II with trade in non-ivory products; and for Kenya and India to withdraw their proposal to transfer all elephant populations back to Appendix I. The meeting also strongly endorsed the CITES monitoring systems MIKE (Monitoring Illegal Killing of Elephants) and ETIS (Elephant Trade Information System).

Discussions within the African Regional meetings and other informal sessions framed the elephant debate during the first week of the 11th meeting. Formal deliberations on agenda item **Conservation of and trade in elephants (Doc. 11.31)** commenced during the beginning of the second week with the Secretariat’s presentation of **Doc. 11.31.1 Experimental trade in raw ivory of populations in Appendix II**. This information document described the procedures and events which took place pursuant to Decision 10.1 (Conditions for the resumption of trade in African Elephant ivory from populations transferred to Appendix II at the 10th meeting of the Conference of the Parties). While much of the document reiterated information or decisions taken at previous Standing Committee meetings, Annex 4 *Report of the Standing Committee pursuant to Decision 10.1, Part B* provoked considerable controversy. This document was the Standing Committee’s evaluation of legal and illegal trade in elephant products following the 10th meeting and assessment of the impacts of the conditional one-off resumption of trade in ivory. As such, it presented the few data received from a handful of elephant range States through the interim monitoring

mechanisms represented by the “Incident report form for illegal killing of elephants” and the “National reporting form on illegal killing of elephants”, and described the Secretariat’s missions to investigate reports of serious poaching in Kenya and Zimbabwe. The report concluded, “notwithstanding limitations in the data available”, that the evidence “does not substantiate claims from a limited number of sources that the trade has promoted a significant increase in illegal killing of elephants at the continental level or in terms of the national populations affected”. Interventions from a number of Parties and the NGO community seriously questioned the report’s conclusion, but there was widespread recognition that the range States themselves needed to engage in the process and provide better data. For its part, the Secretariat expressed dismay that some Parties were only now producing elephant poaching statistics when the Secretariat’s repeated attempts for information had failed to produce any results prior to the meeting.

**Doc. 11.31.2 Monitoring of illegal trade and illegal killing** was concurrently presented by the Secretariat. This report outlined the steps that have been taken to implement the mandate from the 10th meeting regarding the establishment of the CITES monitoring systems, MIKE and ETIS. In the comments that followed, some concern was expressed that MIKE was not yet in place, and that the ETIS data were not up-to-date. Regardless, there was general support for the further development of both systems. The European Commission announced that they were considering a request to support the monitoring systems with four million Euros (approximately USD4 million), and Belgium, the UK, Japan and the USA also pledged additional support. As this document did not require formal approval, further discussion of the monitoring systems continued in the context of **Doc. 11.31.3 Revision of Resolution Conf. 10.10** which followed.

At this point in the discussion, Cameroon, which headed a core group of range States initially convened at the fourth African Elephant Range States Dialogue meeting, presented the African consensus which had emerged from the African Regional meetings. Cameroon announced that Kenya, with the concurrence of India, would withdraw their proposal to transfer all elephant populations back to Appendix I, while Botswana, Namibia and Zimbabwe would withdraw their proposals for annual ivory export quotas but their populations would remain in Appendix II. At the same time, South Africa’s elephant population would be transferred to Appendix II and trade in non-ivory elephant products allowed. Finally, Cameroon announced that Kenya would resubmit an amended version of Resolution Conf. 10.10. This compromise called for the CITES monitoring systems to become operational and deliver analytical results on the status of elephant poaching and illegal trade in ivory before sanctioning an ongoing trade in elephant ivory. It also embodied the recognition that the status of elephants is different throughout Africa and that a split-listing allowing trade in non-ivory elephant products is a reasonable solution.

The African compromise was widely praised as a positive and forward-looking development.

**Doc. 11.31.3**, the revision of Resolution Conf. 10.10, proved to be contentious. Kenya's original proposal called for the complete elimination of the provisions in the Resolution which mandated the establishment of the elephant monitoring systems MIKE and ETIS. As an alternative, Kenya initially proposed a more subjective method for assessing the impact of CITES policy developments on elephant populations. In Kenya's view, individual range States would simply determine whether or not poaching was increasing nationally, the reasons for such developments and make reports to the CITES Secretariat, but not be compelled to provide data and analysis to substantiate such views. Kenya's revision of Resolution Conf. 10.10 also sought to make the Secretariat a major fundraiser for national elephant protection and law enforcement activities, restrict trade in live elephants, and eliminate certain restrictions governing the non-commercial disposal of ivory stocks pursuant to the process agreed at the 10th meeting (see discussion of Doc. 11.31.4 below). Earlier, during the African Elephant Range States Dialogue meeting, MIKE and ETIS were widely supported by the range States who agreed that the only fundamental change to Resolution Conf. 10.10 that was necessary concerned the need to clarify that the monitoring systems would seek to identify 'correlations' between the illegal killing of elephants and various other factors, rather than establish 'causal' relationships. (It was recognized that 'causality' could not be proven, and that the intent of the Parties at the 10th meeting had really been to establish correlations). The Dialogue participants had agreed that the CITES Secretariat, through the depository government (Switzerland), would present the revised wording to amend Annex II of Resolution Conf. 10.10. During formal deliberations at the 11th meeting, the revision of this Resolution was assigned to a working group, which continued to be chaired by Cameroon and included many African Elephant range States, India, Japan, the USA, Switzerland and the EU. In the end, the revised Resolution Conf. 10.10, which was approved as a consensus document emanating from the group, updated and strengthened the CITES commitment to the development and implementation of MIKE and ETIS. The approved revision fully addressed the so-called 'causality' problem identified at the Range States Dialogue meeting, updated various other provisions, and made a number of minor editorial changes, but it did not incorporate any of the substantive issues proposed in Kenya's initial submission.

**Doc. 11.31.4 Non-commercial disposal of ivory stockpiles**, submitted by Kenya, proposed to revise Decision 10.2 (Conditions for the disposal of ivory stocks and generating resources for conservation in African Elephant range States) which had been agreed at the 10th meeting. One of the conditions of Decision 10.2 required that all revenues derived from any non-commercial ivory stock buyout be placed in a conservation trust fund and used exclusively for

elephant conservation or community-based conservation initiatives. Believing that this requirement imposed a cumbersome impediment to engagement with potential donors, Kenya proposed its elimination. However, other Parties, particularly potential donors, felt such a condition provided for accountability in a transparent manner and did not support Kenya's view. It was further noted that the Kenyan revision would also introduce ambiguous language concerning which ivory stocks were eligible for consideration under the formula outlined in Decision 10.2, a situation that could potentially lead to the laundering of ivory. These issues were addressed during the ensuing discussion and, in the end, Kenya withdrew its proposal.

In the final analysis, collectively, these decisions have cautiously reaffirmed the far-reaching developments which emanated from the 10th meeting. The Parties were reluctant to accept further ivory trade until such time that MIKE and ETIS are firmly in place and yielding solid analytical results. By the same token, the Parties were also reluctant to embrace the regimen of strict protection that characterized elephant conservation under CITES throughout most of the 1990s. The onus is now on the CITES monitoring systems to deliver credible results by the next meeting of the Conference of the Parties.

#### **Vicuña *Vicugna vicugna***

Bolivia submitted two proposals to amend the Appendix listings for Vicuña: the first proposed transferring the Bolivian population currently listed in Appendix I to Appendix II with the sole objective of exporting wool derived from sheared live animals; the second aimed to lift the zero quota for the three vicuña populations that had been included in Appendix II at the 10th meeting.

Based on the work of a consultant hired for this purpose, TRAFFIC supported these proposals based on the assessment of the potential low risk that the acceptance of these proposals would have on the species. On the contrary, it would probably reduce poaching, as local support for the conservation of the species would certainly increase.

During the Latin American CITES Regional meeting held in Ecuador just before the 11th meeting of the Conference of the Parties, there was a general feeling that the Parties to the Vicuña Convention had reached a consensus on supporting the first proposal. In Nairobi, however, all the other range States withdrew their support, arguing that it was too soon for such a listing. Bolivia withdrew its proposal, but not without stating its resentment on how the issue had evolved. The second proposal was approved without resistance. Bolivia now has to establish a quota for fibre before the approved proposal enters into force.

A Resolution on the export of vicuña wool and fibre was approved (Conf. 11.6). During the discussions all range States called on TRAFFIC to help assess the existence and amounts of vicuña wool and fibre outside these countries.

### Musk deer *Moschus* spp.

All musk deer are currently listed in CITES Appendix II with the exception of populations of Afghanistan, Myanmar, Pakistan, Nepal, India and Bhutan, which are listed in Appendix I. Musk is obtained from the male musk deer and is highly valued for use in traditional medicine systems and, to a much lesser extent, for production of high-quality perfumes.

At the meeting, the USA, India and Nepal submitted a proposal to include all populations of *Moschus* spp. in Appendix I. The proposal was put forward owing to concern over declining populations of musk deer throughout their range. The loss of suitable habitat is a significant factor threatening musk deer, but the main threat to musk deer populations is poaching for the musk pod. Illegal international trade of musk pods remains of serious concern. Although only male musk deer produce musk, indiscriminate hunting methods result in females and juveniles, as well as other non-target species, also being killed. After discussion with other range States, the proposal was withdrawn and a Resolution (Conf. 11.7) and decision were submitted by the Russian Federation, both of which were adopted by consensus.

The main focus of **Resolution Conf. 11.7 Conservation of and Trade in Musk Deer**, is to urge Parties, particularly range, transit and consumer States, to improve enforcement efforts to reduce illegal harvest of and trade in musk. The development of identification guides and clear labelling systems for manufactured products containing musk are encouraged - and supported - by the recommendation to develop and disseminate forensic methods to detect natural musk. In order to alleviate pressure on wild populations, Parties are urged to develop alternatives for raw musk and to explore effective techniques for collecting musk from live musk deer. Range States are also urged to develop bilateral and regional agreements for improving musk deer conservation and management, with a reminder to Parties, aid agencies, IGOs and NGOs of the necessity for technical and financial assistance for related activities, such as musk deer population surveys.

The Decision serves to reinforce the intent of the Resolution by laying out a series of actions to be undertaken by the Standing Committee, Animals Committee, Secretariat and the Parties. The Standing Committee is directed to review actions taken by key musk deer range, transit and consumer States to improve trade controls and to protect musk deer populations. The Animals Committee is directed, at its next meeting, to examine international trade in musk and its products within the context of the significant trade review. Findings for remedial actions are required to be presented to the Standing Committee prior to the 12th meeting of the Conference of the Parties. The Secretariat is directed to analyse the worldwide use of musk in Asian medicine and perfumes and report back to the 12th meeting on trends in demand. Parties are also directed to consider reducing export quotas until the Animals Committee has completed its significant trade review.

### Asian Box Turtles *Cuora* spp.

The dramatic increase in trade in live turtles, primarily to supply the demand for turtles as food and medicine in East Asia, was considered at the meeting both in the form of a species proposal and a resolution. A proposal to list all nine species of Asian box turtles *Cuora* spp. in Appendix II was put forward by Germany and the USA. The proposal received wide support, especially from Asian range States, and was adopted by consensus. Also, a resolution recognizing that an increasing number of turtle and tortoise species are threatened by trade, especially in Asia, and calling on all Parties to increase efforts to work co-operatively to control illegal trade and take steps to ensure that trade becomes sustainable was approved. The Resolution (Conf. 11.9) also calls on the CITES Secretariat to host a workshop to explore further the threats posed by trade in freshwater turtles and tortoises and work towards solutions that ensure the conservation of these species.

### Spotted Turtle *Clemmys guttata*

The USA put forward a proposal to list the Spotted Turtle *Clemmys guttata* in Appendix II. This species, found almost exclusively in the USA, is in demand for the pet trade. Though populations are believed to be substantially reduced from historic levels, international trade levels are low and apparently increasingly supplied by captive breeding. Much of the debate on this proposal focused on these issues, and though the proposal gained a simple majority of the Parties, it did not achieve the two-thirds vote necessary and was defeated.

### African Spurred Tortoise *Geochelone sulcata* and Pancake Tortoise *Malacochersus tornieri*

Two proposals were submitted to transfer two African tortoise species from Appendix II to I. Although these proposals concerned different species and different range States, the issues being raised showed similarities, particularly the importance of sustainable captive production and the issue of exports from non-range States. Both species have also been included in the significant trade review process. The proposal from France to transfer the African Spurred Tortoise *Geochelone sulcata* from Appendix II to I was based upon concerns that population size and range was declining whilst exports were increasing. During discussions in Committee I, a number of range States objected to the proposal on the grounds of insufficient scientific evidence regarding wild populations whilst further arguing that inclusion in Appendix I would hinder efforts being made to captive-breed African Spurred Tortoises. France subsequently amended its proposal to retain *G. sulcata* in Appendix II but with a zero quota on wild exports, which was accepted without vote.

Kenya and the USA co-proposed to transfer the Pancake Tortoise *Malacochersus tornieri* from Appendix II to I. As with the other tortoise proposal, their major concerns were exports from non-range States and declining wild populations. During previous discussions out of session between Kenya and Tanzania, an amended proposal was agreed, which would basically include a zero quota on wild exports thus restricting exports to the four Tanzanian farms which had already been inspected by the CITES Secretariat. This was, however, further amended, circulated and presented by Kenya in Committee I. Tanzania rebuffed both this amended proposal and the original proposal and on these grounds, Kenya and the USA withdrew their proposal.

#### **Hawksbill Turtle *Eretmochelys imbricata***

Cuba submitted two proposals seeking to downlist the foraging population in its waters of Hawksbill Turtles *Eretmochelys imbricata* to Appendix II, one of which was co-sponsored by Dominica. Cuba withdrew its co-sponsored proposal to trade in both its stockpile of nearly seven tonnes of Hawksbill Turtle shell and an annual quota of up to 500 Hawksbill Turtles, but continued to advocate its proposal for a single shipment of its stockpile of Hawksbill shells to Japan. The proposal was subjected to a lengthy debate before being defeated, by secret ballot, by a narrow margin. The Parties reopened the debate on Cuba's proposal on the last day of the meeting, in plenary, with an amendment stating that trade would not take place until the control systems in Japan had been reviewed by the CITES Standing Committee. Various Parties opposed the proposal, noting that the Hawksbill Turtle is a migratory species and that a one-off sale could encourage other countries to stockpile shells. The amended proposal was again defeated by a narrow margin in a secret ballot.

#### **Sharks**

Shark conservation was first discussed at the ninth meeting of the Conference of the Parties, resulting in the adoption of Resolution Conf. 9.17, which led to the

preparation of a report and recommendations (**Doc. 10.51**) that were supported by the Parties. At the 10th meeting, in the context of marine species subjected to large-scale exploitation and trade, the proposal to create a Working Group on Marine Fish Species (**Doc. 10.60**) was hotly debated and rejected. In Nairobi, the three proposals for the listing of the world's largest shark species - Whale Shark *Rhincodon typus*, Great White Shark *Carcharodon carcharias* and Basking Shark *Cetorhinus maximus*, were among a series of documents on the conservation of marine species targeted by commercial fisheries and international trade. These documents covered a wide range of CITES issues, from "introduction from the sea", to small species exploitation such as the trade in seahorses. All encountered the opposition of a block of Parties, including Iceland, Japan, Norway, the Caribbean and South American fishing nations. The arguments used by the "opponents" were threefold: FAO and regional fishing agreements have already set up the framework for the management of commercial fisheries stocks; CITES is not the appropriate convention to deal with fisheries issues; and, CITES listings would impose restrictions that would interfere with ongoing efforts to improve management of fisheries resources. In this context, the three proposals were rejected: Whale Shark by 51 votes in favour, 40 against and 13 abstentions, Great White Shark by 51 votes in favour, 47 against and eight abstentions, and the Basking Shark by 62 votes in favour, 39 against and six abstentions. At the plenary session, the UK proposed an amendment to the Basking Shark document to delay the entry into force of the listing by 12 months. The proposal was still rejected: 67 votes in favour, 47 against and eight abstentions.

---

*Reports from the meeting were contributed by C. Allan, R. Barnett, S. Broad, X. Buitron, S. Habel, Chen Hin Keong, C. Hoover, N. Marshall, S. Milledge, T. Milliken, M. Misra, S. Nash, D. Newton, B. Ortiz, R. Parry-Jones, M. Phipps and C. Raymakers.*

## Decisions on Amendment Proposals

The following pages summarize the proposals that were adopted, rejected and withdrawn at the eleventh meeting of the Conference of the Parties to CITES held, from 10 to 20 April 2000, at the United Nations Environment Programme (UNEP) headquarters in Nairobi, Kenya. The decisions entered into force on 19 July 2000. The countries that put forward the proposals are named in parentheses.

SPECIES	PROPOSALS (PROPONENT) [AMENDMENTS]	RESULT
<b>FLORA</b>		
Lantern Flowers <i>Ceropegia</i> spp.	Delete App. II (Switzerland)	ACCEPTED
<i>Frerea indica</i>	Delete App. II (Switzerland)	ACCEPTED
Rainbow Plant <i>Byblis</i> spp.	Delete App. II (Australia)	ACCEPTED
Macdougall's Cactus <i>Disocactus macdougallii</i>	App. I > App. II (Switzerland)	ACCEPTED
Lloyd's Mariposa Cactus <i>Sclerocactus mariposensis</i>	App. I > App. II (Switzerland)	REJECTED
Albany Pitcher-plant <i>Cephalotus follicularis</i>	Delete App. II (Australia)	ACCEPTED
Laguna Beach Dudleya <i>Dudleya stolonifera</i> Santa Barbara Island Dudleya <i>Dudleya traskiae</i>	App. I > App. II (Switzerland) [ <i>D. traskiae</i> remains in App. I]	ACCEPTED [as amended]
Tree Ferns <i>Cyatheaceae</i> spp. <i>Dicksoniaceae</i> spp.	Change listings of <i>Cyatheaceae</i> spp. to <i>Cyathea</i> spp. and change listings of <i>Dicksoniaceae</i> spp. to <i>Dicksonia</i> spp. (originating in America) and <i>Cibotium barometz</i> (Switzerland)	ACCEPTED
Short-Styled Oconee-bells <i>Shortia galacifolia</i>	Delete App. II (Switzerland)	WITHDRAWN
Heckner's Lewisia <i>Lewisia cotyledon</i> Maguire's Bitter-root <i>Lewisia maguirei</i> Saw-toothed Lewisia <i>Lewisia serrata</i>	Delete App. II (Switzerland) [ <i>L. maguirei</i> and <i>L. serrata</i> remain in App. II]	ACCEPTED [as amended]
California Pitcher-plant <i>Darlingtonia californica</i>	Delete App. II (Switzerland)	ACCEPTED
<b>REPTILIA</b>		
Nile Crocodile <i>Crocodylus niloticus</i>	Maintain population of Tanzania in App. II subject to an annual export quota of 1600 wild specimens (Tanzania)	ACCEPTED
<b>MAMMALIA</b>		
Indian Pangolin <i>Manis crassicaudata</i> Chinese Pangolin <i>Manis pentadactyla</i> Malayan Pangolin <i>Manis javanica</i>	App. II > App. I (India, Nepal, Sri Lanka, USA) [maintain in App. II with zero quota for trade in wild specimens for commercial purposes]	ACCEPTED [as amended]

SPECIES	PROPOSALS (PROPONENT) [AMENDMENTS]	RESULT
Black Sea Bottle-nosed Dolphin <i>Tursiops truncatus ponticus</i>	App. II > App. I (Georgia, USA)	WITHDRAWN
Gray Whale <i>Eschrichtius robustus</i>	App. I > App. II (Eastern North Pacific stock) (Japan)	REJECTED
Minke Whale <i>Balaenoptera acutorostrata</i>	App. I > App. II (Southern Hemisphere stock) (Japan) <i>[trade only allowed between Parties with a DNA identification method in place-Japan amendment; amendment for zero quota until CoP12-Suriname amendment]</i>	REJECTED <i>[both amendments]</i>
	App. I > App. II (Okhotsk Sea-West Pacific stock) (Japan)	REJECTED
	App. I > App. II (North-east Atlantic/North Atlantic Central stocks) (Norway) <i>[to limit trade to animals taken within Norwegian waters and only for trade to countries with DNA-based identification system]</i>	REJECTED <i>[as amended]</i>
Brown Hyena <i>Parahyaena brunnea</i>	Delete App. II (Namibia, Switzerland)	ACCEPTED
African Elephant <i>Loxodonta africana</i>	App. I > App. II (South African population) (South Africa) <i>[zero quota on trade in raw ivory]</i>	ACCEPTED <i>[as amended]</i>
	Maintain population of Botswana in App. II (Botswana)	WITHDRAWN
	Maintain population of Namibia in App. II (Namibia)	WITHDRAWN
	Maintain population of Zimbabwe in App. II (Zimbabwe)	WITHDRAWN
	App. II > I (Botswana, Namibia and Zimbabwe populations) (India, Kenya)	WITHDRAWN
	Amend App. II annotation regarding destination of live animals (Switzerland)	ACCEPTED
Dugong <i>Dugong dugon</i>	App. II > App. I (Australian population) (Australia)	ACCEPTED
Vicuña <i>Vicugna vicugna</i>	App. I > App. II (Bolivian population in App. I) (Bolivia)	WITHDRAWN
Vicuña <i>Vicugna vicugna</i>	Delete zero quota for Bolivian populations in App. II (Bolivia)	ACCEPTED
Musk deer <i>Moschus spp.</i>	App. II > App. I (all populations in App. II) (India, Nepal, USA)	WITHDRAWN
Urial <i>Ovis vignei</i>	Include in App. I (all unlisted subspecies) (Germany) <i>[all pops to App. II]</i>	ACCEPTED <i>[as amended]</i>
<b>AVES</b>		
Lesser Rhea <i>Pterocnemia pennata pennata</i>	App. I > App. II (Argentinian population) (Argentina)	ACCEPTED
Gyrfalcon <i>Falco rusticolus</i>	App. I > App. II (North American population) (USA)	REJECTED



SPECIES	PROPOSALS (PROPONENT) [AMENDMENTS]	RESULT
Horned Parakeet <i>Eunymphicus cornutus cornutus</i>	App. II > App. I (France)	ACCEPTED
Uvea Horned Parakeet <i>Eunymphicus cornutus uvaeensis</i>	App. II > App. I (France)	ACCEPTED
Hwamei <i>Garrulax canorus</i>	Include in App. II (China)	ACCEPTED
<b>REPTILIA</b>		
Asian Box Turtles <i>Cuora</i> spp.	Include in App. II (Germany, USA)	ACCEPTED
Spotted Turtle <i>Clemmys guttata</i>	Include in App. II (USA)	REJECTED
African Spurred Tortoise <i>Geochelone sulcata</i>	App. II > App. I (France) [zero quota for exports from wild]	ACCEPTED [as amended]
Pancake Tortoise <i>Malacochersus tornieri</i>	App. II > App. I (Kenya, USA)	WITHDRAWN
Hawksbill Turtle <i>Eretmochelys imbricata</i>	App. I > App. II (Caribbean pop. inhabiting Cuban waters) (Cuba, Dominica)	WITHDRAWN
Hawksbill Turtle <i>Eretmochelys imbricata</i>	App. I > App. II (Caribbean pop. inhabiting Cuban waters) (Cuba) [no trade until Standing Committee reviews control systems in Japan]	REJECTED [as amended]
Quince Monitor <i>Varanus melinus</i>	App. II > App. I (Germany)	WITHDRAWN
Timber Rattlesnake <i>Crotalus horridus</i>	Include in App. II (USA)	WITHDRAWN
<b>AMPHIBIA</b>		
Sonoran Green Toad <i>Bufo retiformis</i>	Delete App. II (USA)	ACCEPTED
Mantella frogs <i>Mantella</i> spp.	Include in App. II (Netherlands, USA)	ACCEPTED
<b>PISCES</b>		
Whale Shark <i>Rhincodon typus</i>	Include in App. II (USA)	REJECTED
Great White Shark <i>Carcharodon carcharias</i>	Include in App. I (Australia, USA) [include in App. II]	REJECTED [as amended]
Basking Shark <i>Cetorhinus maximus</i>	Include in App. II (UK) [12-month delay in effective date for implementation]	REJECTED [as amended]
Coelacanth <i>Latimeria</i> spp.	Include in App. I (France, Germany)	ACCEPTED
Menado Coelacanth <i>Latimeria menadoensis</i>	Include in App. I (Indonesia)	WITHDRAWN

SPECIES	PROPOSALS (PROPONENT) [AMENDMENTS]	RESULT
<b>ARACHNIDA</b>		
Tarantulas <i>Poecilotheria</i> spp.	Include in App. II (Sri Lanka, USA)	REJECTED
<b>FLORA</b>		
Flora	Combine FLORA annotations #2 and #8 (Switzerland)	ACCEPTED
Asian Ginseng <i>Panax ginseng</i>	Include in App. II (Russian Federation) [only roots of Russian populations only]	ACCEPTED [as amended]
Monkey Puzzle Tree <i>Araucaria araucana</i>	App. II > App. I (Argentinian population) (Argentina)	ACCEPTED
Columnar cactus/rainsticks <i>Echinopsis</i> <i>Eulychnia</i>	Exempt up to three specimens of rainsticks per person from CITES controls (Chile)	WITHDRAWN
White-wicky <i>Kalmia cuneata</i>	Delete App. II (USA)	ACCEPTED
Happy Tree <i>Camptotheca acuminata</i>	Include in App. II (China)	WITHDRAWN
Desert-living Cistanche <i>Cistanche deserticola</i>	Include in App. II (China) [to include roots only]	ACCEPTED [as amended]
Devil's claw <i>Harpagophytum procumbens</i> <i>Harpagophytum zeyheri</i>	Include in App. II (Germany)	WITHDRAWN
False Hellebore <i>Adonis vernalis</i>	Include in App. II (Germany) [combined #2 and #8 annotations]	ACCEPTED [as amended]
Hollywood Lignum Vitae <i>Guaiacum sanctum</i>	App. II > App. I (USA)	WITHDRAWN

Some of the text relating to the amendments to the proposals is taken from the CITES Secretariat website:  
[www.cites.org/CITES/eng/cop/11/decisions.shtml](http://www.cites.org/CITES/eng/cop/11/decisions.shtml)