



CITES Conference in Argentina

by Jonathan Barzdo and Tim Inskipp

The fifth meeting of the Conference of the Parties to CITES was held in Buenos Aires, Argentina, from 22 April to 3 May 1985. The participants included delegations from sixty-six party states, representatives of the United Nations Environment Programme (UNEP), observers from four non-party states, the United Nations Development Programme, the Food and Agriculture Organisation of the United Nations (FAO), the European Economic Community (EEC) and the International Whaling Commission (IWC). Observers were also present from 114 non-governmental organisations, of which seventeen were international, forty-two were from Argentina, nineteen from the USA, thirteen from Canada, eight from Japan, three from the UK, two from Chile and one each from Australia, Bolivia, Brazil, Cayman Islands, Costa Rica, France, F.R. Germany, Israel, the Netherlands and Venezuela.

The following report of the meeting is a summary containing what the authors judge to be the salient points. Some details of Resolutions and other aspects have therefore been omitted.

The meeting was opened by Dr Victor Martinez, Vice President of the Republic of Argentina, and introductory, welcoming addresses were also given by Mr Joseph Wheeler, Deputy Executive Director of UNEP, Mr Samar Singh, Chairman of the CITES Standing Committee and Dr Kenton Miller, Director General of IUCN. Particular reference was made to the failure of some Parties to make their contributions to the CITES Trust Fund for the operation of the Secretariat.

Costa Rica had proposed separate representation within the Standing Committee of South America and of Central America and the Caribbean. Canada had suggested subdivision of the present regions into sub-regions. It was agreed that Canada and Costa Rica should discuss the matter and report back to the Conference.

India was re-elected as the Chairman of the Standing Committee. Kenya was elected as Vice-Chairman and the USA as Alternate Vice-Chairman.

In the Report of the Secretariat it was noted that, with the accession of Honduras (effective 13.6.85) the number of Parties had reached eighty-eight (see page 19).

It was reported that the Bonn amendment to the Convention (required for financial provisions to be made enabling the Secretariat to carry out its duties) had been accepted by twenty-seven Parties by the end of 1984, and a further seven acceptances were needed to bring the amendment into force.

A list of specific reservations in force at the time of the meeting was provided. This showed that thirteen

Parties had reservations with regard to a total of thirty-one Appendix I taxa, and five Parties with regard to eleven Appendix II taxa. In addition, Austria had entered a reservation with respect to all amendments to the Appendices adopted at the fourth meeting of the Conference of the Parties.

The Secretariat noted that the annual reports of Parties remained a serious problem as a result of their late or non-submission, inaccuracies and incompleteness. However, there had been some improvement.

Members of the Secretariat staff and consultants had undertaken missions to forty-seven party countries and eight non-parties since the fourth meeting, and in 1984 had arranged meetings in Brussels (Seminar on CITES Implementation in Africa; first meeting of the Technical Committee (TEC)), Gland (eleventh meeting of Standing Committee), Kuala Lumpur (Seminar on CITES Implementation in Asia and Oceania; regional co-ordinators of TEC) and Lausanne (TEC working group on significant trade in Appendix II species). The two seminars on CITES implementation were considered to be especially important achievements.

In future the Secretariat will try to increase its efforts in the field of public education and provision of information on CITES.

Regarding enforcement problems, the Secretariat reported that several hundred cases of trade threats or non-compliance had been drawn to its attention during 1983/84, under Article XIII of the Convention. It emphasised in particular the huge quantities of specimens exported from Bolivia that had been taken illegally in other countries, the majority of which had been traded in contravention of CITES, and also emphasised the lack of co-operation from the Bolivian Government. The Secretariat also drew attention to enforcement problems in Paraguay but noted the co-operation of the Government of Paraguay and the fact that much of the illegal trade had gone to Japan which had recently implemented more stringent legislation to control the trade. However, the Secretariat felt that exports to Europe were still a problem and pointed out that the Hamburg freeport is a major conduit through which CITES specimens enter the EEC without CITES controls. Bolivia protested the Secretariat's comments, stressing the country's poverty as a reason for poor enforcement. Paraguay appealed for the co-operation of importing Parties, and Italy, for the EEC, felt the Secretariat had underestimated their enforcement efforts.

The financial report revealed that at the end of 1984 fifty Parties were in arrears of their contributions to the Trust Fund and twelve Parties had never contributed. The Parties were asked to address this matter urgently because it threatens the smooth operation of CITES activities. Since the beginning of 1983 the Secretariat had obtained over US\$1 million from external sources.

By resolution: the 1986-87 budget was approved; the Executive Director of UNEP was requested to seek an extension of the Trust Fund until 31 December 1987; it was agreed that the UN scale of assessment would be the basis for Parties' contributions to the Trust Fund; payment of contributions and acceptance of the Bonn amendment were urged; contributions to the Trust Fund from sources other than Parties were invited; the charge for observers participating in meetings was raised to US\$100; and the Secretariat report was approved (Conf. 5.1).

The Secretariat also presented a report on its relationship with other international agreements and organisations: a) International Whaling Commission; b) Food and Agriculture Organisation; c) EEC - a Regulation on CITES implementation had prompted three EEC states to ratify CITES and the Secretariat has maintained links with the Commission of the European Communities over the implementation of the Convention and over the development of special projects; d) International Air Transport Association (IATA) - which has modified two editions of its Live Animal Regulations to

comply with Resolution Conf. 4.20 and has sought the co-operation of its airline members with respect to transportation of by-products of CITES species; e) International Criminal Police Organisation (Interpol) - to which two cases had been submitted for investigation (the movement of Golden-headed Lion Tamarins (*Leontopithecus rosalia chrysomelas*), and the appearance in Europe in mid-1984 of forged Bolivian "security permits"); f) IUCN - with whom a memorandum of understanding on technical, scientific and legal co-operation was in the process of completion; g) Ministerial Conference of the Central African States for the Wildlife Conservation - in whose creation the Secretariat participated as an observer; h) Convention on the Conservation of Migratory Species of Wild Animals; and others.

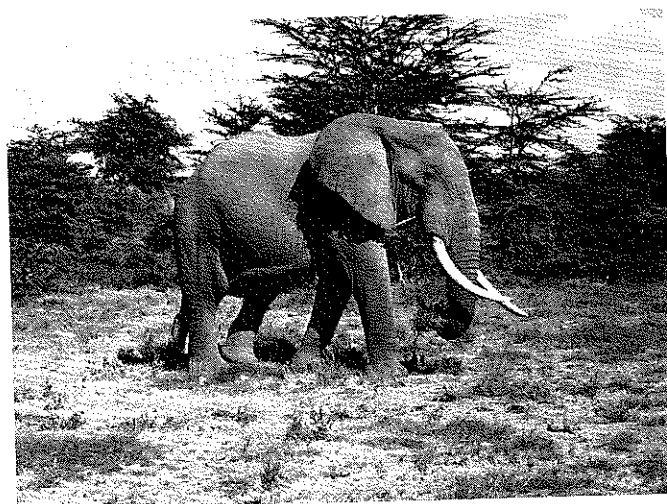
The United States of America was elected new Chairman of TEC.

The Identification Manual Committee reported that a further nineteen sections on fauna had been produced, bringing the total number of sheets to 583 including forty-four in colour. Nine sheets had been revised and reprinted. A price of US\$250 had been agreed for the sale of surplus copies. A further 595 sheets for fauna and at least 123 for flora were in various stages of preparation. Contributions on twenty sections were still needed. Canada had submitted French language versions of many fauna sheets but more were needed. A Resolution (Conf. 5.17) was adopted: extending the mandate of the Committee; inviting the proponents of Appendix listings to submit data for the manual within a year of acceptance of the listing; inviting French and Spanish speaking Parties to contribute to translations of manual sheets and directing the Secretariat to edit French and Spanish versions; requesting the Parties to promote the use of the manual and report on the use made to the next meeting; and appealing for funds to ensure completion of the manual.

The Nomenclature Committee recommended some changes to the structure and scope of the Committee. It was suggested that membership should be limited to six scientific regional representatives, and the Project Co-ordinator. The Committee would provide periodic reviews of the taxa listed on the Appendices, and review completed checklists to sort out taxonomic inconsistencies in the listings in the Appendices. It was agreed to refer to the TEC Plant Working Group on matters relevant to that group. The recently completed Amphibian Species of the World was adopted as a standard reference and funding was approved for completion of an expanded checklist of turtle and crocodilian species. Some party states had problems with the order in which mammals were now listed in the Appendices. Since the last meeting of the Conference of the Parties the mammals had been listed following Mammal Species of the World. It was agreed to revert to the order maintained prior to that meeting (Conf. 5.19). The Committee reviewed a small number of nomenclatural problems and the resulting recommendations were adopted.

The Report on National Reports consisted of a paper prepared by WTMU, examining the effectiveness of the implementation of the Convention as shown by the annual reports of the Parties for the years 1981, 1982 and 1983. This updated the report on this subject presented at the previous meeting. The report indicated that there had been a slight improvement in the quality of reporting, but not in the number of reports submitted. Perfect correlation between the reports of importing and

exporting Parties had increased only from 4% to 8% over the three year period. The major cause of non-correlation between reports was the failure of one country to report a transaction at all. The summing of transactions in reports was also an important problem and the Secretariat appealed to Parties to report on a shipment by shipment basis and on actual trade rather than permits issued. The importance of adhering to the Guidelines for the Preparation of CITES Annual Reports was emphasized and incorporated into a Resolution (Conf. 5.4) which also requested the Secretariat to urge non-Parties to submit reports. A further Resolution adopted (Conf. 5.6), acknowledging the value of WTMU's assistance to the Secretariat, urged Parties and appealed to non-governmental organisations to help with additional funding to increase the work done by WTMU under contract to the Secretariat; Parties were also urged to consider computerising their annual reports or contracting WTMU to produce them. Concern arising over the implementation of the Convention in the EEC led to the presentation of a draft resolution recommending that Parties which belong to a regional trade agreement, include in their annual reports details of trade with other member states of that agreement, unless this would be in direct conflict with the agreement. In TEC the EEC Parties proposed the deletion of a paragraph in the preamble which said there appear to be no such cases of conflict. With this amendment the draft resolution was adopted unanimously (Conf. 5.5).



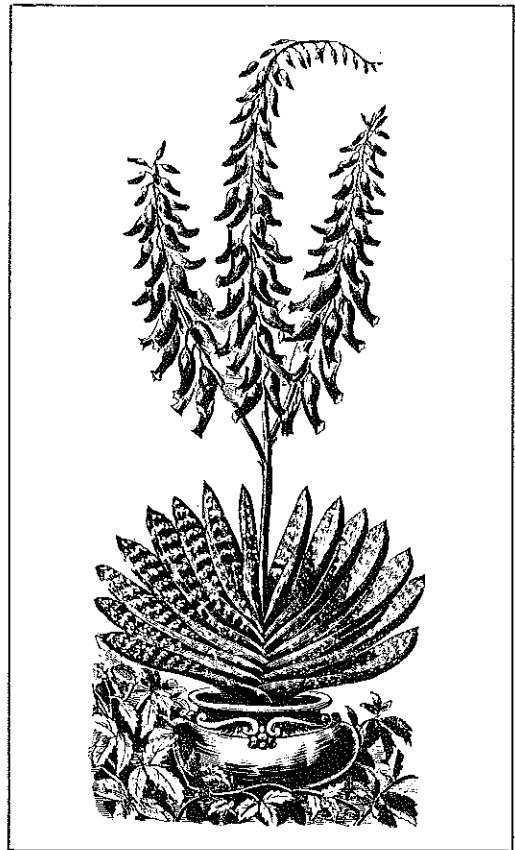
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The Trade in Ivory from African Elephants (*Loxodonta africana*) has been a matter of much concern and, at the last meeting of the Conference of the Parties, TEC was directed to produce guidelines for controlling trade in worked ivory (Conf. 4.14). The Committee addressed this subject at its meeting in Brussels, June 1984. They decided that controlling the raw ivory trade was more urgent and produced a draft resolution, amended in Buenos Aires, to establish an ivory export quota system and improved trade controls. After the Brussels meeting, the EEC funded a project, co-ordinated by the Secretariat, to carry out two studies: a report was produced by Rowan B. Martin on the status of African Elephant populations; and WTMU produced a report on the world ivory trade in 1983 and 1984. (These will be published by the Secretariat.) The studies provided the background for a new system of ivory trade control, adopted unanimously by Resolution (Conf. 5.12). The new agreement incorporates the following key features: each country with an African Elephant population sets itself an annual export quota for raw ivory, in numbers of tusks, and informs the Secretariat by 1 December of the previous year; a zero quota applies until the Secretariat notifies the Parties otherwise; the Secretariat will establish an ivory unit, to assist in the implementation of

quotas and to maintain a database on the raw ivory trade, and will prepare a manual on practical procedures for implementing the Resolution; no trade is permitted in raw ivory not properly marked in accordance with Conf. 3.12 or the Secretariat's manual; no import is permitted from non-party states unless they submit annual reports on their ivory trade and meet all other conditions of this Resolution, Conf. 3.12 and Article X of CITES; no export is permitted to states which do not comply with this Resolution; annual reports should include as a minimum the number of whole or substantially whole tusks, individual weights and serial numbers, country of origin and relevant quota-year; all Parties must take stock of raw ivory currently held in their states which must be appropriately marked before export/re-export, and the stocks must be notified to the Secretariat by 1 December 1986. The Secretariat thanked the Ivory Division of the Japan General Merchandise Importers' Association for their financial contribution to establish the new ivory unit, and appealed to other organisations to provide additional funding.

At the fourth meeting a Resolution was passed on Trade in Leopard Skins (*Panthera pardus*) (Conf. 4.13), recommending annual export quotas for seven African Parties. It was also recommended that import permits should only be granted for each skin acquired by the owner in the country of export, being imported as a personal item, not for sale, and each person may not import more than one per calendar year. The import should only be allowed if the skin is marked with a code-numbered self-locking tag. The countries with quotas were supposed to report on their exports, to the Buenos Aires meeting, where the entire Resolution was due for review. As only three Parties (Tanzania, Zambia, Zimbabwe) had reported on their exports, there was considerable discussion on how seriously the African states were taking their responsibilities. Kenya reported orally that they had not exported any Leopard skins. It was agreed, in principle, that the Resolution should be extended for a further two years because it had not been in operation long enough to allow a substantial review of its effectiveness. It was also resolved that Parties with quotas should report on their exports annually, to the Secretariat, which would report to the Conference of the Parties. Tanzania, Zambia and Zimbabwe sought increases in their quotas, to 250, 300 and 350 respectively, and these figures had been agreed by the Screening Committee. In plenary this was strongly opposed by those who felt insufficient data had been presented. On a vote, the increase was approved, by 34 votes to 17 against. Botswana had also sought an increase in its quota, because 300 Leopards are killed each year in this country; however, the proposal was withdrawn. The extension of Conf. 4.13 as amended was approved without objection (Conf. 5.13) with India and Uruguay abstaining.

Trade in Plant Specimens: A number of diverse recommendations prepared by the Plant Working Group were agreed: (i) implementation of the Convention for plants to be improved, especially by encouraging non-member states to join; (ii) higher taxon listings of plants in the Appendices had been reviewed and it was considered necessary to maintain them for effective control of threatened constituent species; and the transfer of individual species from Appendix II to I should only be considered after a careful review process; (iii) the Nomenclature Committee was recommended to develop a standardised list of names for plants in the Appendices, with one of the priorities being the generic names of listed families; (iv) identification materials should be prepared, including some of a non-technical nature for port inspectors, and other more detailed sheets for experts; (v) international trade in salvaged Appendix I specimens should only be permitted when certain criteria



were fulfilled; (vi) confiscated plant specimens, especially of Appendix I species, should, if possible, be returned to the country of origin for re-establishment in the wild; failing this they should be used to further the purposes of the Convention, accommodating them in rescue centres if necessary; information on seized specimens should be included in annual reports; (vii) Parties should report trade in CITES-listed plants at species level whenever possible, except for artificially propagated orchid hybrids, and should distinguish between wild and artificially propagated specimens; (viii) enforcement to be improved and extended; (ix) Parties to educate the public and plant traders about the need for plant conservation (Conf. 5.14). Some Parties have problems implementing the Convention for plants because their trade in artificially propagated specimens is so enormous. It was recommended that they could register their main traders dealing in artificially propagated CITES-listed plants and issue them with general licences to export specified Appendix II or III plants subject to compliance with certain criteria (Conf. 5.15). This would be an alternative to the system of phytosanitary certificates recommended in Conf. 4.16. The use of phytosanitary certificates as CITES documents for artificially propagated specimens of Appendix I species was not agreed unless such certificates met all the requirements of Article VI.

The listing in Appendix II of "Cactaceae spp. (All spp. in the Americas)" was subject to different interpretations by different Parties. It was agreed to resolve this with an amendment proposal that would be put to a postal vote.

Resolution Conf. 3.15 (Ranching) established criteria for transferring a population from Appendix I to Appendix II for purposes of ranching, including a requirement for adequate marking of products. However, with respect to Trade in Ranching Specimens, until now no uniform marking system nor any particular trade controls have been agreed. As there were five ranching proposals presented at the Buenos Aires meeting, and

one ranching proposal was approved at the fourth Conference, there was evidently a need for uniform treatment, and the USA proposed an appropriate draft resolution that was revised by a TEC working group. It defines the terms "product of the operation", "product unit", "uniform marking system" and "primary container", used in the document and recommends: that each product unit in trade must be indelibly marked with a unique identification number, following the uniform marking system; that future ranching proposals contain details of the marking system which must conform with the uniform marking system, a list of the products, details of the marking methods, and an inventory of stocks of specimens and products; that the same details be supplied to the Secretariat by any Party which re-exports ranchered products having been altered in a way that makes the original marking illegible; that export/re-export documents not be accepted unless they state the country of origin of the products and contain details of the identifying marks; that trade from ranchered populations be prohibited unless it is in compliance with the approved ranching proposal for that population; and that trade in ranchered products held in stock when the related proposal was adopted not be permitted unless correctly marked, and inventoried in the proposal. A further recommendation was that re-exports of ranchered products from non-Party or reserving states only be accepted if they are regulating trade in accordance with this Resolution. However, this was amended to recommend a prohibition of all trade in ranchered products to or from non-Party or reserving states - a proposal by St Lucia, approved by 25 votes to 14 against. A further recommendation, approved as amended by Zimbabwe, was that any Party with an approved ranchered population should submit any changes in the information required in the original proposal (on marking, products of the ranches, and stocks) to the Secretariat. A system of treatment of ranching proposals approved at the present meeting was also agreed and, with the amendments above, the draft resolution was adopted by a vote of 49 in favour and 1 against (Conf. 5.16).

Significant Trade in Appendix II Species (sometimes misleadingly referred to as "high trade-volume") was the subject of Resolution Conf. 4.7 (Regulation of Trade in Appendix II Wildlife) adopted in Botswana. It recommended, amongst other things, that TEC identify Appendix II species subject to significant international trade, for which information on their capacity to withstand such trade is insufficient to satisfy the requirements of Article IV, paragraph 3, as determined by the range states, and that TEC develop measures to ensure those requirements are met. TEC set up a working group, in 1984, to establish a procedure for meeting these obligations. They decided to consider the issue only in relation to trade in animals, believing the Plant Working Group to be the appropriate body to consider the plant trade. The Working Group on Significant Trade in Appendix II Species recommended establishing a procedure consisting of five stages. The first two steps would lead to the production of a list of Appendix II fauna in which the quantity of trade, reported in the annual reports of Parties, exceeds (arbitrarily) one hundred wild-caught specimens annually and is not known to be non-detrimental, or in which the annual trade represents less than one hundred specimens but is believed, nonetheless, to be a potential problem. In the third step, the species on this list would be divided into three categories (problem/possible-problem/non-problem) by the IUCN Conservation Monitoring Centre, using the available data on biology, status, level of trade, etc. It is recommended that, in the fourth step: problem species should be subject to the consideration of special workshops convened to formulate recommendations for remedial measures; and possible-problem species

should be the subject of projects to collect data which would indicate whether they were non-problem species or problem species to be referred to the workshops. The first four steps would be completed before the sixth meeting of the Conference of the Parties. The fifth step would be for range states to carry out the remedial measures recommended by the workshops. The first two steps had already been completed and, in addition, a list of Appendix II species in which no trade had ever been recorded in annual reports was presented (excluding those added to Appendix II in 1983 and those included for look-alike reasons), with the recommendation that they be considered for deletion from the Appendices. A draft resolution, prepared by the TEC Working Group, was adopted (Conf. 5.3) instructing TEC to implement the procedure above, and instructing the Secretariat to seek the funds to support Steps 3 and 4.

Control of "Readily Recognizable" Parts and Derivatives has been problematic since the Convention entered into force because the term "readily recognizable", in Article I of the Convention, has never been defined. Different Parties have different interpretations. At the second meeting of the Conference of the Parties, a minimum list of readily recognizable parts and derivatives was proposed and rejected. At the last meeting, a Resolution (Conf. 4.8) was therefore adopted, recommending that importing Parties which normally require export documents to accompany certain parts and derivatives, should uphold this requirement even for imports from Parties which do not consider the specimens to be readily recognizable. At the TEC meeting of June 1984 and the TEC Regional Co-ordinators meeting of October 1984, a draft resolution, prepared by F.R. Germany, was proposed, proffering an interpretation of "readily recognizable" and a minimum list of parts and derivatives. The latter part was not supported by either meeting and the draft presented in Buenos Aires contained no list. Instead it recommended that the controls in Articles III, IV and V shall apply to "any specimens which appear from an accompanying document, the packaging or a mark or label, or from any other circumstances, to be parts or derivatives of" species listed in the Appendices, "unless such parts or derivatives are specifically exempted from the provisions of the Convention." This was adopted unanimously (Conf. 5.9). However, the UK, on behalf of Hong Kong, expressed the feeling that this Resolution would be very costly to implement in that country, and such implementation would divert money and manpower that would be better spent on controlling trade in raw materials.

Under Article III of the Convention, trade in Appendix I specimens is permitted only under certain conditions, including that the Management Authority of the importing Party must be satisfied that such specimens are not to be used for primarily commercial purposes. Denmark, assisted by the USA, prepared a draft resolution on the Definition of "Primarily Commercial Purposes" because there is no definition in the Convention and the term is not interpreted uniformly by all Parties. The draft recommended General Principles to be used in interpreting the term and included an annex containing examples of uses of specimens not for primarily commercial purposes, with a guide to decision-making. The examples in the annex referred to 'Purely Private Use', 'Scientific Purposes', 'Education or Training', 'Biomedical Industry', 'Captive Breeding Programmes' and 'Importation via Professional Dealers'. An additional example regarding 'Exhibition Purposes' had been deleted in TEC as being inappropriate. There was considerable discussion of the examples, especially that relating to captive-breeding programmes on which detailed and restrictive recommendations were agreed. A proposal by Nepal to refer to hunting trophies as specimens for

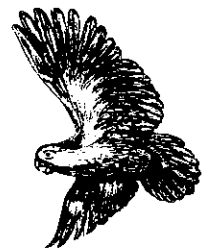
'Purely Private Use', in the examples, was rejected by 27 votes against to 16 in favour. (The annex of examples is more than two pages long and we make no attempt to summarise its contents.) The General Principles in the draft resolution: reaffirmed the fundamental principle that trade in Appendix I species must be authorized only in exceptional circumstances; drew attention to the wording in Article III of the Convention, indicating that the term 'primarily commercial purposes' refers to what the imported specimens are "to be used" for; stated that an activity can generally be described as "commercial" if its purpose is to obtain economic benefit, whether in cash or in kind; and stated that the term "commercial purposes" should be interpreted as broadly as possible, so that any use which is not entirely non-commercial be considered "primarily commercial". It was recommended that the burden of proof that an intended use is non-commercial shall be upon the importer. The draft resolution was adopted unanimously (Conf. 5.10).

A document on the Time Validity of Import Permits was presented by Italy. Article III of the Convention provides that, for Appendix I species, the issue of an export/re-export permit is provisional upon the presentation of an import permit. The issue of an import permit is provisional upon certain conditions which may be met at the time of issue but may cease to be met with the passing of time. To ensure that import permits are presented within a reasonable time after their date of issue, Italy proposed that they be valid for only six months. This was amended to twelve months, in TEC, and the plenary unanimously adopted a draft resolution recommending that import permits presented more than twelve months after the date of issue be considered void (Conf. 5.7).

There had been some confusion over who should issue Certificates of Origin for Appendix III Specimens, under Article V. It appears that some Parties have been accepting certificates of origin issued by Customs authorities or chambers of commerce. The USA presented a document noting that: Article IX, paragraph 1, requires each Party to designate one or more Management Authorities competent to grant permits or certificates on behalf of that Party; and Article VI, paragraphs 1 and 3, provide that each permit or certificate granted under Articles III, IV and V shall contain the name and any identifying stamp of the granting Management Authority and a control number assigned by that Authority. The document contained a draft resolution, recommending that certificates of origin for export of Appendix III specimens be issued only by a designated CITES Management Authority, or the competent authority for trade from a non-Party, and that such certificates issued by other authorities be rejected. This was adopted unanimously (Conf. 5.8).

The Definition of the term "Pre-Convention Specimen" (a term not used in the Convention) was the subject of a document prepared by the Netherlands and the Secretariat. The topic, interpretation of Article VII, paragraph 2, of the Convention, had been discussed at length at the last meeting, resulting in Resolution Conf. 4.11 on Interpretation of "Pre-Convention Acquisition" (another term not used in the Convention). Unfortunately that Resolution had been in some respects ambiguous, notably with regard to how to decide on what date the Convention becomes applicable to a specimen, and with regard to the effects of the uplisting of a species from Appendix II to I or from Appendix III to II or I. Moreover, Conf. 4.11 did not make any recommendation on the responsibilities of importing Parties, which are not addressed in Article VII, paragraph 2. The Netherlands proposed a draft resolution revoking Resolution Conf. 4.11

and making the following key recommendations: that the date of a specimen being 'acquired' be the date of removal from the wild, for live or dead animals and plants, or the date of introduction to personal possession, for parts and derivatives; that an exporting country issue a pre-Convention certificate only when, at the date of acquisition of a specimen, the species was not listed in the Appendices, or the state was not a Party or, if it were a Party, it had a reservation on the species involved; that a re-exporting country only issue a pre-Convention certificate when, at the date of acquisition of a specimen, the species was not listed in the Appendices, or the country of origin was not a Party or, if it were a Party, it had a reservation on the species involved, and the re-exporting country was also not a Party, or held a reservation on the species; that a pre-Convention certificate only be accepted by an importing country if the date of acquisition of the specimen is before the Convention entered into force in that country for the species concerned. The draft resolution also called on Parties to try to prevent stockpiling of specimens of species whose inclusion in Appendix I has been approved but is not yet in force. One further recommendation was amended by a proposal from the USA, to the effect that specimens of species uplisted to Appendix II or I be subject to the provisions applying to them at the time of being traded, i.e. uplistings should be applied retroactively. There was much discussion on this proposal but it was agreed and, with this change, the draft resolution was adopted by 50 votes to 1 against (Conf. 5.11).



The Cayman Turtle Farm was the subject of both a ranching proposal (see below) and an interpretative draft resolution. The latter, presented by the UK, recalled that the Farm had obtained no stock from the wild since 1978 and was established before the adoption of Resolution Conf. 2.12 (Specimens Bred in Captivity or Artificially Propagated). It was proposed that the Conference of the Parties resolve to interpret Article VII, paragraph 4, such that the products of Cayman Turtle Farm be regarded as specimens of Appendix II species, under certain conditions of marking and permitting, record-keeping, availability of information, and reporting. Although support was expressed by several Parties and the Secretariat, others were concerned by the potential precedent of adopting a resolution on a special case. A secret ballot was held and the proposal was rejected by 32 against to 26 in favour.

Consideration was given to a Regular Review of Alleged Infractions because St Lucia presented a document noting that some countries are knowingly violating the Convention and that attention should be drawn to them. A draft resolution was proposed, directing TEC, through its Regional Co-ordinators, to review and investigate any alleged infractions of the Convention, and to present a written report to each biennial meeting on those infractions that had not been corrected by the time of the meeting. During discussions in TEC, the Secretariat pointed out its responsibilities to investigate and report on the implementation of the Convention, under Articles XII and XIII. St Lucia therefore withdrew its draft resolution and it was agreed in plenary that the Secretariat would present a separate report on infractions to each meeting of the Conference of the Parties.



Leopard Cat (*Felis bengalensis*)

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The document on Interpretation of Article XIV, paragraph 1 presented a resolution of ten African Parties which had been represented at the Seminar on CITES Implementation in Africa, held in Brussels, in June 1984. Their resolution urged the Conference of the Parties to review those cases where a Party's domestic legislation exceeded the provisions of CITES and to decide in each case whether the legislation violated the spirit of CITES; those Parties whose legislation was judged in violation were urged to amend these laws to comply with the spirit of CITES. No formal draft resolution for the adoption of the Conference of the Parties was proposed. Discussions in TEC indicated that this was a very complex subject and TEC recommended the establishment of a Working Group to discuss the subject and report to the next meeting. This was agreed by plenary and Zimbabwe was elected to chair the Working Group.

A document on Interpretation of "the text of the proposed amendment", prepared by the Secretariat, referred to the use of this phrase in Article XV, paragraph 1. The text of any proposal to amend Appendices I or II must be with the Secretariat at least 150 days before a meeting of the Conference of the Parties; and, under Resolution Conf. 3.15, ranching proposals must be received by the Secretariat 330 days before a meeting. In the past these deadlines have been met by submission of the amendment itself without a supporting statement, and the latter has sometimes been received too late for translation or for circulation for comments. The Secretariat therefore requested the Conference of the Parties to agree that the phrase "the text of the proposed amendment" be interpreted as including the substantially complete supporting statement, and this was approved.

The establishment of A CITES Register of Traders in Live Specimens of Wild Fauna had been proposed at the fourth meeting where it had been referred to TEC for further work. A new proposal to establish the register was presented in a draft resolution from Israel. It recommended that each Party notify all traders under its

jurisdiction that they may apply for registration, recommended that each Party submit a revised list of registered traders annually to the Secretariat, and directed the Secretariat to request the co-operation of non-Parties. As at the previous meeting, the term "trader" was defined and an explanatory note indicated how the register could be used, emphasising that registration does not imply approval. Unfortunately the proponent was not represented at the meeting to speak in favour of the proposal and, on the recommendation of TEC, it was rejected.

The Relationship between CITES Transport Guidelines for Live Animals and IATA Live Animals Regulations had been agreed at the fourth meeting where it was resolved that, for so long as the Secretariat and TEC agree, the IATA Regulations are generally deemed to meet the CITES guidelines in respect of air transport. TEC had since agreed a suitable wording, to this effect, to be inserted into the Guidelines for Transport and Preparation for Shipment of Live Wild Animals and Plants, and the wording was proposed in a draft resolution. A report by the Environmental Investigation Agency had been circulated at the fifth meeting, indicating the extremely poor implementation of Article III, paragraph 4(b), Article IV, paragraph 5(b) and Article V, paragraph 2(b), of the Convention, with respect to "injury, damage to health or cruel treatment" during transport. There was a great deal of discussion on this subject, resulting in two amendments to the draft resolution. Uruguay proposed additions: drawing attention to the fact that the IATA Live Animals Board is not a law enforcement body and that only some Parties have incorporated the Live Animals Regulations into their domestic legislation; noting that, in order to improve implementation of the Regulation, a greater awareness of them is needed and Parties should consider making them law; and instructing the Secretariat and TEC to seek amendment to the Regulations and more effective implementation. An addition to the draft resolution, proposed by the UK, directed TEC to establish a Working Group to prepare recommendations, for the sixth meeting, on further measures needed to improve the conditions under which live animals are transported. With the UK and Uruguay amendments, the draft resolution was adopted without objection (Conf. 5.18).

A draft resolution submitted by Israel sought the Endorsement in Principle of a Convention for the Protection of Animals which would establish international standards on the procurement, transport and captive maintenance of animals. Canada proposed that such endorsement was ultra vires to (beyond the legal power of) the meeting and, by a vote of 42 in favour and 5 against, the Conference agreed that the document could not be considered.

The report of the Secretariat had drawn attention to the extremely poor Implementation of the Convention in Bolivia, emphasising the lack of co-operation from Bolivia's Management Authority. In response, fourteen Central and South American states, including Bolivia, prepared a draft resolution with the following key elements: a recommendation that, if, within ninety days, the Government of Bolivia has not adopted all necessary measures to implement the Convention, to the satisfaction of the Standing Committee, the Parties thereafter reject shipments of CITES specimens accompanied by Bolivian documents or declared as originating in Bolivia, until such measures are implemented; an acceptance of Bolivia's commitment to reduce its exports of CITES species by fifty per cent of the annual average over the last five years, until population and environmental studies have been produced, when their recommendations would be adopted;

exhortations to importing countries to help establish such studies, and to NGOs to pay for them; finally the document urged the states bordering Bolivia to do all they could to bring the illegal border-trade under control. There was an extremely long discussion of this controversial proposal, during which Bolivia confirmed that its ban on exports of live animals would continue in force for the following ninety days. The USA said it had banned imports of Caiman crocodilus from Bolivia and Paraguay until the current problems were solved, and offered to co-operate with Bolivia in a study of this species. Italy said the European Community would consider ways in which it could contribute to studies for the proper management of Bolivia's wildlife. Several Parties commented on the unfairness of penalising Bolivia while the importing countries are not penalised. The draft resolution was adopted (Conf. 5.2) by 20 votes in favour to 14 against.

A Secretariat document on the Ten Year Review of the Appendices reported that there had been no progress, even though a Resolution adopted at the fourth meeting (Conf. 4.26) had urged the regions to complete their reviews and report to the Central Committee at least nine months before the present meeting. In response to a request from the Seminar on CITES Implementation for South and Central America and the Caribbean, the Secretariat had approached the Organisation of American States, with a view to obtaining funds to support a meeting of the Regional Committee for the Ten Year Review. However the Secretariat had received no response.

The document on Special Criteria for the Transfer of Taxa from Appendix I to Appendix II, prepared by Switzerland, addressed the problem that a number of Parties wished to remove certain taxa from Appendix I, which had been listed without applying the Berne criteria for the addition of species to Appendices I and II (Conf. 1.1). These were taxa for which "evidence of changing biological status" could not be provided, as required by the Berne criteria for downlisting species (in Conf. 1.2), but which were known to be able to withstand a certain level of exploitation. A drafting group of TEC had prepared a draft resolution with a number of safeguards designed to reduce the risk of threat to the taxa concerned, if they were downlisted, and further safeguards were proposed by the USA in plenary. The draft resolution as amended recommended: that, for Appendix I species listed without applying Resolution Conf. 1.1, and for which it is not practicable to apply Resolution Conf. 1.2, and which can withstand some level of commercial exploitation, the criteria in Conf. 1.2 may be waived for transfers to Appendix II if the countries of origin introduce quota systems that, the Conference is satisfied, will not endanger the species' survival; that this approach only be taken when, a) the species should be in Appendix II under the terms of Conf. 1.1, b) the Parties concerned will ensure that adequate trade controls on CITES species are maintained, c) the Parties concerned are able to fulfil their obligations under Article IV, paragraphs 2(b) and 3 of the Convention, and d) the Parties concerned have met and continue to meet the annual reporting requirements under Article VIII, paragraph 7; and that, pending a review of this Resolution at the seventh meeting, quotas be established or changed only by the Conference of the Parties. The draft resolution also: directed TEC to develop recommendations, before the sixth meeting, for marking and other methods of controlling trade in specimens of species subject to quotas, and for addressing any infractions under the quota system; and requested the Secretariat to report to each biennial meeting, the data on trade in species subject to quotas; if problems in implementing this Resolution come to light, the

Depository Government may be requested to prepare a proposal for transfer of the affected population to Appendix I. With little discussion, this was adopted as a Resolution (Conf. 5.21), without dissent.

Canada proposed the establishment of Guidelines for the Secretariat when Making Recommendations in Accordance with Article XV. Under paragraphs 2(b) and (c) of this Article, the Secretariat is required to make recommendations to the Parties on proposals to amend the Appendices. At the fourth meeting, unhappy about the adequacy of scientific advice provided, Canada had proposed the establishment of a scientific committee to advise the Secretariat. That proposal was withdrawn because the Parties felt it unnecessary. At the fifth meeting it was agreed, by a vote of 21 in favour and 6 against, that a resolution, to set guidelines for the Secretariat, was necessary. After conferring with the Secretariat, Canada proposed a draft resolution establishing that, when making recommendations on amendment proposals in future the Secretariat: would cite references and indicate the source of unpublished data used; for species previously listed or proposed for listing, may supply a brief history of their CITES treatment; would refer to any relevant Resolutions or draft resolutions; may request additional biological and/or trade data from any source; and would base its recommendations on as wide a range of information as possible. This was adopted (Conf. 5.20) with no objections.

A document on Criteria for the Inclusion of Species in Appendix III was proffered by F.R. Germany. It indicated that, although Resolution Conf. 1.5 (Recommendations Concerning the Interpretation and Implementation of Certain Provisions of the Convention) had recommended certain such criteria, they were vague. After amendment by TEC, a draft resolution was proposed, recommending: that only species native to the proponent country are included in Appendix III; and that a species be included in Appendix III only if, in the jurisdiction of the proponent country, it is protected by regulations preventing or restricting wildlife exploitation. It also requested the Secretariat to compile a new list of Appendix III species, consisting only of those native to their proponent countries. The draft resolution was adopted unanimously (Conf. 5.22).

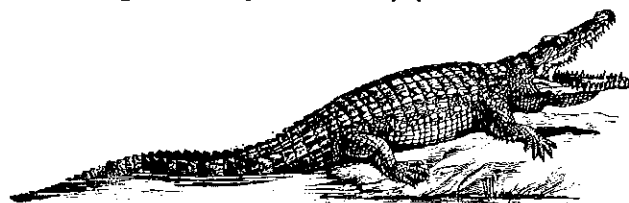
Proposals for amendment of the Appendices

1. Ranching

Five parties had submitted proposals for transfer of populations from Appendix I to II for the purposes of ranching, as recommended in Resolution Conf. 3.15.

At the fourth meeting, Australia had submitted a proposal to transfer its Saltwater Crocodile (Crocodylus porosus) population to Appendix II, but withdrew it without discussion. The proposal had since been extensively revised and reviewed, and was resubmitted at the fifth meeting. There was little discussion and the proposal was adopted unanimously.

France had also presented a ranching proposal to the fourth meeting, with respect to the population of Green



Turtles (Chelonia mydas) of Tromelin and Europa Islands; this had been extensively revised and resubmitted. France drew attention to the population data, the results of a scientific survey, its financial support for marine turtle research and conservation and its commitment to report on all aspects of the operation. Among the criticisms, the impracticability of the proposed marking system (identification by biochemical analysis) was noted. Monaco requested a secret ballot and the proposal was rejected by 32 votes against to 25 in favour.

A proposal from Indonesia to ranch its population of Salt-water Crocodile faced much opposition. The proponent therefore agreed to withdraw it from discussion under this agenda item and proffer it instead as an ordinary transfer from Appendix I to II under the special criteria in Conf. 5.21, adopted at this meeting.

At the fourth meeting, a proposal from Suriname to ranch its Green Turtle population was found to be acceptable except for the section on marking. The proposal had since been revised with particular attention to the marking system which included the use of labels and non-reusable tags that were serially numbered, the numbers being specified on the export permits. In opposition to the proposal it was said that this system was inadequate because it could be forged. Suriname requested a vote by secret ballot and the proposal was rejected by 26 in favour to 22 against. Suriname said that this vote was a decision against conservation and that its Government may now wish to reconsider its participation in CITES and may drop its marine turtle conservation programme.

The United Kingdom proposed the transfer to Appendix II for ranching, of the captive population in the Cayman Islands of Green Turtle. They emphasized the objectives of research, conservation and commercial viability, described the marking system (using date-coded and randomly-serialised labels and tags), noted the economic importance of the farm to the Islands, and said there was no evidence of illegal trade from there. Criticism focused on the problem of illegal turtle shell trade from the Caribbean and how this might be stimulated, on the biological and economic viability of the farm and on the fact that the proposal did not meet the criteria laid out in Resolution Conf. 3.15. Zimbabwe called for a secret ballot and the proposal was rejected by 27 votes in favour to 32 against. Following the rejection of this proposal and its draft resolution on the Cayman Turtle Farm, the UK stated that the Cayman Islands' Government would now have to review the position with respect to its participation in CITES.

2. Other amendment proposals

(a) Proposals adopted:

MAMMALIA

Pygathrix (Rhinopithecus) spp., Golden/Stub-nosed Monkeys

Transfer from App. II to App. I - once hunted indiscriminately for their fur, these primates have been protected in China since 1962, but illegal hunting still occurs; there is difficulty in distinguishing species from each other.

Vulpes (Fennecus) zerda Fennec Fox

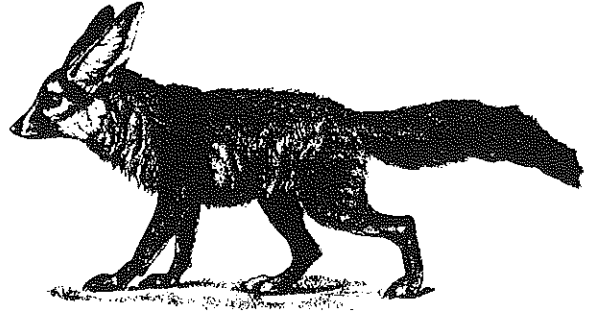
Inclusion in App. II - populations decreasing and very rare in Tunisia; demand for Fennec Foxes has given rise to illicit trapping and trade on the borders of the Sahara.

MAMMALIA (ctd)

Felis bengalensis bengalensis Leopard Cat
Transfer of the Chinese population from App. I to App. II for this relatively common subspecies in China.

Muntiacus crinifrons Black Muntjac
Inclusion in App. I - the trade in skins could further threaten the survival of this rare animal.

Budorcas taxicolor Takin
Inclusion in App. I to preclude any threat to survival of the species caused by illegal hunting for the skin trade.



Fennec Fox
(Vulpes (Fennecus) zerda)

AVES

Jabiru mycteria Jabiru
Extremely rare in Mexico and Central America, this bird is much in demand by zoo dealers - inclusion in App. I.

Falco jugger Laggar Falcon
Transfer from App. II to App. I - significant decline in some areas and has been heavily traded.

Falco rusticolus Gyrfalcon
North American population transferred from App. II to App. I.

Gruidae spp. Cranes
Inclusion in App. II, except for those already included in App. I. Some species being sparsely distributed, and already subject to other pressures, could become threatened by trade and others are hard to distinguish from them when young.

Ara ambigua Buffon's Macaw
Transfer from App. II to App. I for this rare bird, in strong demand from private collectors.

Ara macao Scarlet Macaw
Transfer from App. II to App. I - much sought after by private collectors and zoos.

REPTILIA

Crocodylus niloticus Nile Crocodile
Transfer from App. I to App. II of populations of Cameroon (20), Congo (1000), Kenya (150), Madagascar (1000), Malawi (500), Mozambique (1000), Sudan (5000), Tanzania (1000), Zambia (2000), subject to annual export quotas (included in parentheses).

Crocodylus porosus Estuarine or Saltwater Crocodile
Transfer from App. I to App. II for population of Indonesia, subject to an annual export quota of 2000 for two years.

Hoplocephalus bungaroides Broad-headed Snake
Inclusion in App. II - population restricted to a small area in Australia and generally considered threatened; the attractive appearance of this species makes it popular with private collectors.

REPTILIA (ctd)

Rheobatrachus spp. Platypus Frog/Gastric-brooding Frog

Inclusion in App. II - sought after for scientific research.

Bufo periglenes Golden Toad

Transfer from App. I to App. III (Costa Rica) as no international demand exists.

Rana hexadactyla Six-fingered Frog

Included in App. II on account of resemblance to R. tigrina.

Rana tigrina Indian Bullfrog

Included in App. II - once abundant but populations now drastically reduced in some areas largely due to intensive trade in frogs' legs.

MOLLUSCA

Tridacnidae spp:

Hippopus hippopus Horse's Hoof Clam

Hippopus porcellanus Strawberry Clam

Tridacna crocea Crocus Clam

Tridacna maxima Fluted Clam

Tridacna squamosa Boring Clam

Inclusion in App. II for these Giant Clams, collected in large numbers for meat, both for commercial and subsistence fisheries, and for their shells.

ARACHNIDA

Brachypelma smithi Mexican Red-kneed Tarantula

Commercial demand for this species and the unknown ecological effects of international trade warrant inclusion in App. II.

CNIDARIA

Seriatopora spp. Birds Nest Corals

Pocillopora spp. Brown Stem Cluster Corals

Stylophora spp. Cauliflower Corals

Acropora spp. Branch Corals

Pavona spp. Cactus Corals

Fungia spp. Mushroom Corals

Halomitra spp.

Polyphyllia spp. Feather Corals

Favia spp. Brain Corals

Platygyra spp. Brain Corals

Merulina spp. Merulina Corals

Lobophyllia spp. Brain Root Corals

Pectinia spp. Lettuce Corals

Euphyllia spp. Brain Trumpet Corals

Millepora spp. Wello Fire Corals

Heliopora spp. Blue Corals

Tubipora spp. Organpipe Corals

Inclusion in App. II - stony corals are imported for souvenirs, jewellery, decorating fish tanks, etc.

FLORA

Gymnocarpus przewalskii

Melandrium mongolicum

Silene mongolica

Stellaria pulvinata

No evidence of trade in these species - deletion from App. I.

Saussurea lappa Kuth

Transfer from App. II to App. I - believed to have become extinct in many of its natural habitats due to uncontrolled exploitation and destruction of habitats.

FLORA (ctd)

Ammopiptanthus mongolicum

Thermopsis mongolica

Deletion from App. I and App. II respectively - no evidence of trade in these two species.

Anigozanthos spp. Kangaroo Paws

Macropidia fuliginosa Black Kangaroo Paw

Banksia spp. Native Honeysuckles

Conospermum spp. Smokebushes

Dryandra formosa Showy Dryandra

Dryandra polycephala Many-headed Dryandra

Xylomelum spp. Woody Pears

Crocea spp.

Geleznovia verrucosa

Pimelea physodes Qualup Bell

Deletion from App. II - these species predominantly enter trade as cut flowers, stems and leaves. Harvesting is unlikely to adversely affect the long-term survival of the species. All plant species indigenous to Western Australia are managed under the Wildlife Conservation Act.

Camellia chrysantha Jinhua

Inclusion in App. II - with a limited range, this is a very valuable ornamental plant and used for scientific and technological exchange.

Caryopteris mongolica

Deletion from App. II - used extensively for medicinal purposes but has little commercial value.

Ceratozamia spp. Cycads

Transfer from App. II to App. I - many populations have been seriously affected by collection.

FLORA spp. plants

listed in App. II, inclusion of all parts and derivatives, except:

- I seeds and pollen (including pollinia) except seeds of Cycadaceae spp., Stangeriaceae spp. and Zamiaceae spp.
- II tissue cultures and flaked seedling cultures;
- III for particular plant species:
 - a. cut flowers of artificially propagated Orchidaceae spp.;
 - b. separate leaves and parts and derivatives thereof of naturalized or artificially propagated Aloe vera Barbados Aloe;
 - c. fruits and parts and derivatives thereof of artificially propagated Vanilla spp.;
 - d. parts and derivatives, other than roots and readily recognizable parts thereof, of Panax quinquefolius; and
 - e. fruits and parts and derivatives thereof of naturalized or artificially propagated Cactaceae spp., and separate stem joints (pads) and parts and derivatives thereof of naturalized or artificially propagated Opuntia subgenus Opuntia spp. Prickly Pears.

b) Proposals rejected

Sweden's proposal to include in Appendix II the Hooded Seal (Cystophora cristata), emphasized the lack of knowledge about its status and that, although trade had decreased, the Government of Canada sought new markets for the products. Arguments against the proposal

noted that there was no evidence of a trade threat and that a recent survey indicated that the population may be larger than previously thought. The proposal was rejected by 19 votes in favour to 24 against.

F.R. Germany had proposed the transfer from Appendix II to I of the Narwhal (*Monodon monoceros*). Presentation of the proposal stressed the lack of data on the status of this species, the large number of animals "struck but lost" by hunters and the big increase in value of the tusks. In opposition, Canada presented a status report with the results of an aerial survey which, they argued, indicated that the species was not in danger of extinction. Denmark, also in opposition, noted that an Appendix I listing would not reduce the take in Greenland where tusk sales merely provide extra money to the communities involved. Uruguay requested a secret ballot and the proposal was lost by 21 votes in favour to 20 against.

Bangladesh was not represented at the meeting to present its proposal to transfer the Indian Roofed Turtle (*Kachuga tecta tecta*) from Appendix I to II. In support it was only said that the IUCN/SSC Freshwater Turtle Specialist Group is believed to favour the proposal. In opposition it was said not to meet the Berne criteria. It was rejected by 4 votes in favour to 18 against.

Indonesia proposed the transfer of its populations of Green Turtle and Hawksbill Turtle (*Eretmochelys imbricata*) from Appendix I to Appendix II. Noting the population declines in some areas through over-harvesting, Indonesia also drew attention to recovery in other areas, through protective measures. Export quotas were requested, of 10 000 Green Turtles (being reduced, by stages, to 2000 in future) and 1000 Hawksbills (reducing to 500). Indonesia also committed itself to drastic restrictions on hunting Green Turtles. It was pointed out that the proposal did not meet the accepted criteria for downlisting, that a WWF/IUCN report indicated that Green Turtles cannot withstand further exploitation in Indonesia, and that there had been a large trade in Hawksbill shell from there to Japan. The Green Turtle proposal was rejected by 23 votes against to 2 in favour, and the Hawksbill proposal by 27 votes against to 3 in favour.

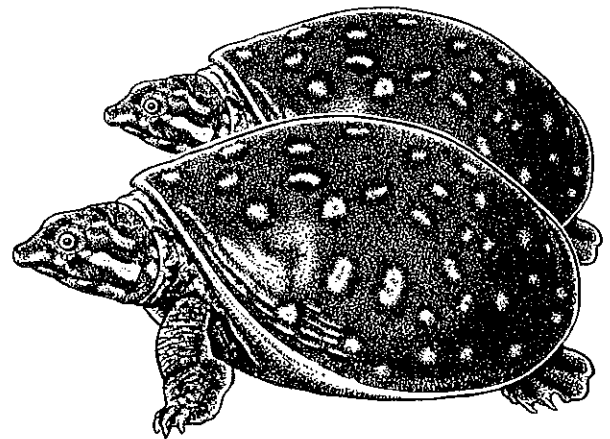
A Seychelles proposal, to transfer its population of Hawksbill Turtles from Appendix I to II, requested an export quota in worked shell representing a hundred male turtles. It was admitted that the population had declined as a result of exploitation but a proposal for management of stocks in future was presented and Seychelles committed itself to a ban on export of raw tortoiseshell which had accounted for 2.5% of the income from domestic exports. Arguments against the proposal noted that it did not meet the Berne criteria, and it was rejected by 33 votes against to 17 in favour.

Bangladesh had proposed the transfer from Appendix I to II of the Spotted Flap-shell Turtle (*Lissemys punctata punctata*). However, the proponent was not represented at the meeting and the proposal was rejected by 23 against to 3 in favour.

Proposals from Bangladesh to transfer the Indian Monitor (*Varanus bengalensis*) and the Yellow Monitor (*Varanus flavescens*) from Appendix I to II were not voted on because no delegation from Bangladesh was present.

c) Proposals withdrawn

Of the ninety-three proposals made to amend Appendices I and II, twenty-two were withdrawn, including one (involving *Kachuga tecta tecta*) that had been proposed by two Parties and was also the subject of a rejection, and one that became redundant (involving *Crocodylus niloticus*). Some of these were withdrawn only after considerable discussion had taken place, and others without discussion.



Flap-shell Turtle
(*Lissemys punctata punctata*)

MAMMALIA

- Loris tardigradus* Slender Loris, transfer from App. II to I.
Alouatta palliata Mantled Howler, deletion from App. I.
Presbytis entellus Entellus Langur, transfer from App. I to II.
Presbytis phayrei Phayre's Leaf Monkey, transfer from App. II to I.
Selenarctos thibetanus Asiatic Black Bear, transfer from App. I to II.
Equus kiang Tibetan Wild Ass, transfer from App. II to I.
Camelus bactrianus Bactrian Camel, inclusion in App. I.
Cervus albirostris White-lipped (Thorold's) Deer, inclusion in App. I.

REPTILIA

- Kachuga tecta tecta* Indian Roofed Turtle, transfer from App. I to II.
Trionyx gangeticus Ganges Soft-shelled Turtle, transfer from App. I to II.
Trionyx hurum Peacock-marked Soft-shelled Turtle, transfer from App. I to II.
Crocodylus niloticus Nile Crocodile, transfer from App. I to II of the population of Mozambique.

FLORA

- Fitzroya cupressoides* Chilean False Larch, transfer from App. I to II of the population of The Andes in Chile.
Cycas panzhihuaensis Panzhihua Suetie, transfer from App. II to I.
Cattleya aelandiae, transfer from App. II to I.
Cattleya amethystoglossa, transfer from App. II to I.
Cattleya dormaniana, transfer from App. II to I.
Cattleya granulosa, transfer from App. II to I.
Cattleya schilleriana, transfer from App. II to I.
Cattleya schofieldiana, transfer from App. II to I.
Cattleya velutina, transfer from App. II to I.
Laelia tenebrosa, transfer from App. II to I.
Cathaya argyrophylla Yinshan, inclusion in App. I.

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