

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

---

Forty-first meeting of the Standing Committee  
Geneva (Switzerland), 8-12 February 1999

SUMMARY REPORT

Members:

- Africa: Malan Lindeque (Namibia) Vice-Chairman  
Kaolo Konate (Burkina Faso)  
Abdelhafiz Osman Eljack (Sudan)  
Majango Jambo Gonja Wura
- Asia: Nobutoshi Akao (Japan)  
Akira Takamatsu  
Yoshiyuki Shige  
Hiromi Okamoto  
Yasuo Miyamura  
Hiroyuki Eguchi  
Fumiko Nakao  
Tadashi Yatsushiro  
Kazuhiko Kokubu  
Takahisa Yamaguchi  
Takashi Yamaura  
Fumiaki Tonoki  
Ko Morishita  
Hideyuki Chiba  
Makoto Komoda  
Yoshio Kaneko  
Hany Tatwany (Saudi Arabia)  
Alternate Vice-Chairman
- Central and South America  
and the Caribbean: Dimas Botello (Panama)  
Victoria Lichtschein (Argentina)  
Andrea Repetti
- Europe: Robert Hepworth (United Kingdom) Chairman  
Julian Claxton  
Caroline Rigg  
Alison King  
Nigel Hunter  
Stephen Gibson  
Patrizia De Angelis (Italy)  
Ugo Mereu  
Alessandro Russi  
Massimo Lepri

Filippo Menzinger  
Sergey Tveritinov (Russian Federation)  
I. Movtchan  
Petre Mokrenko  
Igor Borztsev

North America: José María Reyes Gomez (Mexico)

Oceania: Janet Owen (New Zealand) Alternate

Depositary Government: Peter Dollinger (Switzerland)  
Thomas Althaus

Previous Host Country: Willas Makombe (Zimbabwe)  
Tapera Chimuti  
N. Kanyowa

#### Observers – Parties:

Australia: Peter Lawrence  
Austria: Gerhard Erdpresser  
Belgium: Georges Evrard  
Botswana: Ian Stuart Kirby  
Joseph Matlhare  
Poppy Monyatsi  
Brazil: Luiz Cesar Gasser  
Brunei Darrusalam: Haji Absuf Ian  
Bulgaria: Valentin Dontchev  
Canada: David Brackett  
Olivier Jalbert  
Chad: Dolmia N'Dikibaye  
Philippe Dejace  
Chile: Ximena Ares  
China: Xianlin Meng  
Zhiyong Fan  
Xiaoping Lu  
Xianguo Tong  
Colombia: Maria Elvira Posada-Corrales  
Camilo Reyes Rodriguez  
Congo: Marcellin Agnagna  
Cuba: Enrique Moret  
Jose Alberto Alvarez  
Aymee Hernandez Quesada  
Czech Republic: Jan Kucera  
Petr Havlik  
Egypt: Tarek Adel  
France: Stéphanie Jacquet-Pouillaude  
Jean-Patrick Le Duc  
Geneviève Humbert  
Germany: Dietrich Jelden  
Ghana: Nicholas Ankudey  
Yaw Adjei  
Agnes Y. Aggrey-Orleans  
Amma Twum-Amoah

Greece:	Andreas Cambitsis Nicholas Eustathiadis Despina Pyroolidou-Symons
Guatemala:	Carla Rodriguez Mancia Beatriz Mendez de la Hoz Luis Alberto Padilla Menendez
Hungary:	Katalin Rodics
India :	Rajeev Shahare R. Venu Savitri Kumadi Vivek Menon
Indonesia :	Abdul Manan Siregar Anita Lantu-Luhulima M. Mayerfas Silver Hutabarat Johannes Subijanto Samedi Purnomo Susanto Suharsono J. Sugardjito Widodo Sutoyo Budi Riyanto Achmad
Israel:	Bill Clark
Kenya:	M. Hussein Paula Kahumbu
Liberia:	Theophilus Freeman Edward Gbeintor Richard Mott
Malaysia:	Hamzah Hasnudin Mohd Johar Ahmad Jazri
Mali:	Ag Hamadou Albachar
Monaco:	Bernard Fautrier
Morocco:	Abdelfattah El Kadiri A. Elkadiri
Netherlands:	Henk Eggink
Philippines:	Angelina M. Sta. Catalina
Portugal:	Joao Loureiro
Republic of Korea :	Sung-Hwan Son Sun-Tae Jeong Dong-Min Jeong Dae-Jong Yoo Min-Jeong Kim
Senegal:	Abdoulaye Kane El Hadji Abdoul Aziz Ndiaye
Slovakia:	Fedor Rosocha
South Africa:	Pieter Botha Sonja Meintjes X. Mabhongo
Spain :	Paz Valiente Mercedes Nunez
Sweden:	Ernst Mehnert
Thailand:	Kiran Moongtin Sek Wannamethee

Tunisia:	Abdelhamid Karem
United Republic of Tanzania:	Juma Kayera Ali Mchumo
United States of America :	Kenneth Stansell Roberta Chew Susan Lieberman Nancy Daves
Uruguay:	Laura Dupuy Lasserre
Venezuela:	Dulce Maria Parra Fuentes
Viet Nam:	Cam Hung Tran
Zambia:	Rosalind Reeve

Observers – Non Parties:

Iraq:	Ghalib Asker Raad Mahmoud
-------	------------------------------

Other Observers:

European Commission:	Willem Wijnstekers
----------------------	--------------------

UNEP:	Paul Chabeda Alexander Barabanov
-------	-------------------------------------

IUCN/SSC:	Holly Dublin Robert Burn Sue Mainka Simon Stuart
-----------	---

TRAFFIC:	Tom Milliken
----------	--------------

Others:	Kumi Furuyashiki
---------	------------------

Secretariat:	Reuben Olembo Jim Armstrong Jonathan Barzdo Mario Hernandez John Sellar John Kundaeli Ger Van Vliet Robin Sharp (Senior Adviser)
--------------	---

Rapporteurs:	Jacqueline Roberts Charles Akin
--------------	------------------------------------

1. Opening remarks by the Chairman of the Standing Committee

Opening the meeting, the Chairman noted with pleasure that it had the largest attendance of any recent meeting of the Standing Committee. He requested a minute of silence in tribute to the late King Hussein of Jordan.

2. Introduction of the Secretary-General Designate

The Chairman introduced the Secretary-General Designate, Mr Willem Wijnstekers, who had worked on CITES issues for 20 years. The decision to appoint Mr Wijnstekers had been announced by the Executive Director of UNEP 10 days previously. The Secretary-General Designate read a statement (attached as Annex 1).

Credentials

The representative of Asia (Japan) expressed concern that there were some observers in the room whom he did not recognize.

The Chairman explained that he had exercised his discretion on receipt of requests to attend this meeting and had refused all but one requests for attendance by non-Parties. The exception was to admit a student from Cambridge University who was preparing a dissertation on CITES. She had been admitted on the understanding that she would not be representing any organization or Party. The Chairman added that the observers from IUCN and TRAFFIC had been invited to attend in order to provide advice on Agenda item 8.a), regarding elephants.

The Secretariat noted that non-governmental organizations (NGOs) would have an opportunity to make unofficial presentations to Committee members following completion of the afternoon session.

The representative of Asia (Japan) was not completely satisfied with the answer but did not wish to object further if representatives of other Parties were satisfied.

The Secretariat drew attention to Rules 6 to 10 of the Rules of Procedure, pointing out that no intervention was permitted by any Committee member or observer until their credentials had been accepted. They noted that credentials had been accepted for all delegations except those of seven Parties and two NGOs. The Chairman suggested that all interventions be accepted for the time being, subject to later confirmation of the credentials and that this matter be reconsidered if it was necessary to take a vote.

3. Adoption of the Agenda

The representative of Europe (United Kingdom) proposed that the issue of bushmeat be discussed under Agenda item 18 (Any other business). The representative of Europe (Russian Federation) proposed that, under the same item, there be a discussion of a document relating to a meeting on sturgeons. Both representatives said that information documents on these subjects would be distributed. With the addition of these two items, the Agenda was adopted.

The observer from Kenya, expressed concern about discussion of document Doc. SC.41.6.3 Annex I, regarding the MIKE system, because the Spanish and French-speaking countries were unable to understand its contents as the document had been

produced only in English. Although the Secretariat explained that the Executive Summary of the document had been provided in both French and Spanish, the observer from Kenya was not satisfied. The observers from France, Mali and Spain endorsed this feeling. The Secretariat noted that, although the document had been sent to all members and registered observers two months before this meeting, it had not previously received any expression of concern.

#### 4. Adoption of Rules of Procedure

The representative of Africa (Namibia), as convenor of the working group that had prepared document Doc. SC.41.2, introduced this document and the proposed amendments to Rules 16 and 25.

Regarding the proposed new Rule 16, the representative of Central and South America and the Caribbean (Argentina) expressed doubts and questioned the necessity for all members of three regions to agree on the need for an extraordinary meeting. She suggested that the total number of members who should call for an extraordinary meeting be specified. The observer from France suggested that the total should be three members, representing at least three regions. The Chairman pointed out that a quorum was seven members (or alternates).

After further discussion, it was agreed that Rule 16 should be amended to read: Meetings of the Committee shall be called at the request of the Chairman or of a simple majority of the regional members.

Regarding the proposed new Rule 25, the observer from the Republic of Korea suggested that it be made clearer. After some discussion, the Committee agreed that it should be changed to read: A concise executive summary of the decisions of the Standing Committee shall be prepared by the Secretary and endorsed by the Standing Committee before the closure of each meeting.

With regard to Rule 26, the observer from the Republic of Korea and the representative of Central and South America and the Caribbean (Argentina) expressed concern about the limit of 20 days for receipt of comments on the summary record of each meeting. The Chairman and the Vice-Chairman, however, felt that, if comments were to be of value, it was important to receive them as soon as possible. The representative of Central and South America and the Caribbean (Panama) felt that the time allowed for comments should be 20 days from the date of receipt, not from the date of dispatch. Discussion then centred on the importance of ensuring efficient and fast distribution of documents by the Secretariat. The representative of Central and South America and the Caribbean (Argentina) requested that the Secretariat ensure speedy distribution of documents. This being noted, the proposed new Rule 26 was adopted.

#### 6. Finance and administration

The Secretariat introduced document Doc. SC.41.3 and explained that five of the annexes had been revised to reflect the position as of 31 December 1998.

##### a) Status of contributions as of 31 December 1998

The Secretariat drew attention to the final page of document Doc. SC.41.3 Annex I (Rev.) and noted the significant reduction in total unpaid contributions for 1991 and prior years. They asked whether the outstanding debts could be written off because these were unlikely to be settled, there having been numerous reminders to the Parties concerned. The

Secretariat also pointed out that total unpaid contributions for 1998 amounted to CHF 2,893,727 and that only four Parties had paid any part of their contributions for 1999.

The representatives of Asia (Japan), Europe (Russian Federation) and Central and South America and the Caribbean (Panama) and the observers from Cuba and Indonesia commented on the contributions already made or in the process of being made by their countries, correcting errors in the document.

The observer from the United States of America expressed the view that contributions to the Trust Fund are voluntary and stated that her country therefore does not acknowledge arrears. She announced however that the United States of America, as part of its long-standing support for CITES and its effective implementation and enforcement, would pay all outstanding contributions plus a significant additional voluntary contribution in 1999.

The representative of Europe (Italy) pointed out that in some countries the budget year, or the date on which the national budget is approved, does not coincide with the due dates for CITES contributions. Consequently, payment of the contribution can not be made until the second half of the year for which it is due.

The Chairman and the Interim Secretary-General expressed appreciation for all contributions received. The latter added that the recovery of nearly 75 per cent of contributions outstanding for 1998 was a remarkable example of commitment and faith in CITES. He said that the Standing Committee would have to address the legal position of the United States of America in order to better take account of it. Responding to comments about payments already made but not recorded in the document, the Interim Secretary-General explained that receipt of contributions had to be registered in Geneva and then in Nairobi. He believed that fund-raising was the responsibility of all the staff of the Secretariat and that regional coordinators should contact the Parties to sort out problems. The Interim Secretary-General added that the United Nations considered that budgets could be approved only on the basis of funds received. He added that the Finance Sub-committee could discuss the matter of funds committed but not yet received.

On the question of writing off the small amount of unpaid contributions for 1991 and previous years, the representative of Asia (Japan) expressed concern that such writing off would be a precedent, leading to an expectation that debts would be written off after a certain time. This concern was shared by the representatives of Europe (United Kingdom) and Asia (Saudi Arabia). The observer from France asked whether a decision to write-off debts could be made by the Standing Committee or only by the Conference of the Parties. The Chairman stated that the Standing Committee could make a recommendation but that the decision would have to be taken by the Conference of the Parties.

The representative of UNEP added that, within the financial rules of the United Nations, there was no such thing as writing off of debts. He felt that, as in the case of UNEP, where only the Governing Council could take such a decision, it was up to the Conference of the Parties to decide on the circumstances for write-offs.

The Chairman closed the session at 12h35.

6. Finance and administration (continuation)

a) Status of contributions as of 31 December 1998 (continuation)

The Chairman suggested that in future presentations of the tables indicating the status of contributions, the Secretariat be requested to omit the column referring to contributions due for 1991 and prior years. This was agreed.

The Secretariat said that, although arrears for years prior to 1992 would not be reported, recovery of these arrears would still be attempted but these arrears would no longer appear in the outstanding balance.

b) Accumulated fund balances (provisional)

The Secretariat introduced document Doc. SC.41.3 Annex 2 (Rev) and noted that some CHF 3,000,000 had accumulated as of the end of 1998. They pointed out that this amount was an important factor to take into account when discussing risk management and projected income. They explained that arrears for years prior to 1998 had been largely recovered and that the interest on investments had been increased for the years 1996-1998, as requested by the Conference of the Parties at its 10th meeting.

8. Issues relating to species

a) Elephants

The Chairman referred to an earlier intervention by the observer from Kenya regarding the lack of Spanish and French versions of document Doc. SC.41.6.3 Annex 1, 'Proposal for Establishing a long-term System for Monitoring the Illegal Killing of Elephants (MIKE)'. The Chairman stated that it was impossible at this point in the meeting to have this 90-page technical document translated. However, he pointed out that earlier versions of the document had been available in French to participants at the Third African Elephant Range States Dialogue Meeting, held in Arusha, United Republic of Tanzania, from 28 September to 2 October 1998. The Chairman stressed that he could not entertain a re-opening of the debate of decisions taken at the 10th meeting of the Conference of the Parties and that all speakers should confine their interventions to the documents and issues presented.

The Secretariat introduced document Doc. SC.41.6.1 (Rev.), asking the Standing Committee to decide whether it agreed with the Secretariat's views about whether the conditions of Part A of 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) had or had not been met. The Secretariat's report on compliance with the conditions formed Annex 2 of the document. The Secretariat had concluded that Japan, Namibia and Zimbabwe had fulfilled all the conditions but it had been unable to verify a number of points in Botswana. Although a letter from Botswana (annexed to the report) addressed each concern and described progress made, the Secretariat was unable to verify this progress without a further visit to Botswana.

The representative of Africa (Burkina Faso) said that, at the Range State Dialogue meeting in Arusha, it had been agreed that the Secretariat would investigate the possibility of organizing a meeting in mid-January 1999 of the 14 African elephant range States in Central and West Africa. Unfortunately, this meeting had not been arranged and the

representative of Africa felt, therefore, that these States had not had the opportunity to review progress and in particular the MIKE documentation. Consequently, he did not think that any decisions should be taken at this stage.

Further explanation and clarification was sought by the representative of Europe (United Kingdom) regarding paragraph g) of Decision 10.1, Part A. He asked why a refinement was needed for the mechanism and what were the possible risks without a refinement. The Secretariat explained that as the previous decision of the Committee regarding cessation of trade had not taken account of re-export and that their suggestion was made only for this reason. A short discussion ensued, from which it emerged that there was no clear reason to amend the previous decision on this matter. Later in the debate the Secretariat pointed out that paragraph g) referred to elephant 'products' although only ivory was dealt with in the previous decision of the Committee.

The representative of Europe (Italy) expressed concern at the messages delivered by the media, leading people to believe that the ban on commercial ivory trade had been lifted at the 10th meeting of the Conference of the Parties. He stressed the importance of having as much supplementary information available as possible in order to cope with the media.

The observer from Kenya felt that Botswana had not complied with the conditions in paragraphs a), e) and f) of Decision 10.1, Part A, in particular with regard to international cooperation in law enforcement, since Botswana was not party to the Lusaka Agreement.

The observer from Mali, supported by the observer from Ghana, believed that no decision should be made until the range States had had a further opportunity to meet. He was concerned that there was insufficient communication between the Secretariat and some range States, and that there could be an increase in poaching.

The observer from the European Commission sought clarification on the decision regarding paragraph g) of Decision 10.1. He asked whether, in the case of non-compliance, the intention was to re-transfer all three populations to Appendix I or just the population of the non-compliant country. He suggested that, if the importing country did not comply or if there was an increase in illegal trade or illegal killing as a result of the legal trade, then the elephant populations of all three range States should be returned to Appendix I. The Chairman referred to the decision taken at the 40th meeting of the Committee, that the Standing Committee 'will request the Depositary Government to make a proposal to transfer to Appendix I one or more of the African elephant populations currently included in Appendix II...'.

The observer from Israel remarked that he had received reports of elephant poaching and illegal trade from Parties in Asia and Africa. He asked whether the Secretariat had received such information.

The observer from India expressed concern about the potential effects, on the Asian elephant, of any decision taken by the Standing Committee. The proposed safeguards were insufficient to monitor the impact on Asian elephants. He added that there had been no dialogue of Asian range States on this subject.

The representative of the Depositary Government noted that, according to the Secretariat's report, Botswana had not yet complied with all the conditions of Decision 10.1 Part A. He said that membership of the Lusaka Agreement was not a requirement and that Botswana had demonstrated its commitment to international cooperation as much as Namibia and Zimbabwe. He stressed that the Standing Committee could not adopt new criteria to be

met before the experimental commercial trade is permitted, a point supported by the representative of Asia (Japan) and the Chairman.

The observer from Botswana pointed out that, since the visit of the Secretariat to his country, TRAFFIC had been able to remedy the computer problem and none of the data had been lost. Verification that everything was now in order would be very welcome and the Government of Botswana would gladly help with the expense of this. He stressed Botswana's international commitment to conservation and the need to address the mandate given to the Committee at the 10th meeting of the Conference of the Parties.

On the question of the range State meeting that been proposed for January 1999, the Secretariat said that it had been made clear at the Arusha meeting that such a meeting might be arranged for the 14 Central and West African range States to discuss the results of consultations about the implementation of Decision 10.2 and take the next steps. This meeting had not been organized primarily because the European Commission, although willing to consider financial assistance, was not in a position to make available the necessary funds in time. This information had been sent to the Parties concerned in November 1998. It was suggested that the meeting be held later in the year. Support would be sought from donors, including the European Commission.

Noting that some participants implied that there would be only one sale and shipment of ivory, the Secretariat said that this was not required by the Conference of the Parties. With regard to the Lusaka Agreement, the Secretariat endorsed the comments of the Depositary Government, stressing that the Lusaka Agreement was cited in the Decision as an example. The Secretariat believed that Botswana had shown its commitment to international cooperation in law enforcement. The representative of the Previous Host Country endorsed these comments, pointing out that Zimbabwe was a member of a number of joint commissions but was not party to the Lusaka Agreement.

Responding to questions about reports of elephant poaching, the Secretariat reported that India, Namibia, Togo and Zimbabwe had all submitted national reporting forms and that a number of Parties had submitted incident report forms. They also noted that there had been an increase in poaching in Chad, that this was not restricted to elephants and that two staff members had been murdered.

The observer from Chad shared the views expressed by the representative of Africa (Burkina Faso). He confirmed that there had been an upsurge in poaching in Chad but he did not have with him all the pertinent documents. He stressed the importance of game wardens, adding that even during the civil war the wardens had remained in the national parks. The recent tragic incident in which game wardens were killed was the first time that poachers had fired on game wardens. He added that Chad supported Decision 10.1, but that there was a real problem of poaching in his country.

The representative of Europe (United Kingdom) commented on paragraph 5 of document Doc. SC.41.6.1 (Rev.). He felt that the point made by the Secretariat had no direct effect on Decisions 10.1 and 10.2 because no forfeited ivory was included in the stocks referred to in those Decisions.

The Secretariat introduced document Doc. SC.41.6.2 (Report on progress in implementing Decision 10.2), stating that it was an interim report. With regard to funding, a number of major donors had been contacted, including the European Commission, the World Bank, the United States Fish and Wildlife Service and the United States Agency for International Development. With regard to stockpiles, the potential donors had indicated that the range States needed to demonstrate that purchase of stockpiles to provide conservation funding

was a priority. Elephant conservation needed to be at the top of the list of requests for assistance from donors. The Secretariat reported that the European Commission wished to see conservation planning over a period of several years, encompassing a number of elephant issues. They reported that the United Kingdom had committed GBP 60,000 for the purchase of an ivory stockpile in one country. Regarding the implementation of Decision 10.2, the Secretariat considered that progress would be difficult but not impossible.

It was noted that the approach to donors had also covered the funding of the MIKE and ETIS systems. The United Kingdom had offered some GBP 40,000 for the first year of implementation of ETIS. With regard to MIKE, the Secretariat explained that about half the running costs for MIKE were needed for in-country surveys of elephant populations and elephant killing, while the other half related to the central data analysis unit, data collection and capacity building. To date the European Commission had indicated interest in the central unit and capacity building, while the United States Fish and Wildlife Service was likely to consider a significant contribution to these and other non-local costs. As far as in-country survey costs were concerned, it would be necessary to establish the extent to which range States and donors were already supporting these in some of the designated monitoring sites. Funding for the remaining costs on a site-by-site basis was a possibility in the case of the European Commission, USFWS and USAID. As in the case of the stockpile buy-out, funds would come through donors' allocations to particular range States and the latter would have to establish their priorities.

The Secretariat introduced document Doc. SC.41.6.3 (Establishment of an international system for monitoring illegal killing) and the technical proposal for establishing MIKE, noting that the MIKE system was a new initiative that would require institutional and financial support. The Chairman sought comments on paragraphs 4–6 of that document (on the role of the Standing Committee).

The representative of Africa (Sudan) returned to the issue of stockpiles, saying that different solutions were required for different countries. He was pleased that consultation with donors was being carried out but was concerned that Kenya and Uganda had not been consulted regarding the system.

The representative of Africa (Burkina Faso) stated that, contrary to the statement made by the Chairman at the opening of this session, there was no French version of the full document regarding MIKE available at the Arusha meeting, only a summary. He added that there had not been enough time to assess the document properly.

The representative of Europe (Italy) commented that the Parties had worked hard to find solutions to the problem of stockpiles and it was a pity that such a good technical document with important political relevance was not available in the three working languages. This fact made it difficult to make judgements about the cost of implementing MIKE.

The Chairman stressed that the implementation of MIKE would be discussed in more detail later.

The representative of Europe (United Kingdom) noting that Annex 2 of Resolution Conf. 10.10 was prescriptive in terms of scope, methodology and technique, requested guidance from the Secretariat on the application of paragraph 6 of document Doc. SC.41.6.3. The Secretariat recalled that the first paragraph of the Introduction of Annex 2 made it clear that the establishment of a simple system of monitoring was of primary importance and the following paragraphs provide details of what needed to be

included, making it less than simple. The Secretariat believed however that the proposed monitoring programme, MIKE, would meet the requirements set out in Annex 2.

The observer from Kenya expressed concern that MIKE would be unable to detect cause of any trends in poaching or illegal trade. She added that an early warning system was needed. Kenya had written a paper on the technical problems of MIKE. She pointed out that a number of African countries, including Kenya, had raised concerns about the MIKE system, but these had been eliminated from the final communiqué of the meeting. She felt strongly that there had not been adequate consultation about MIKE.

The representative of Central and South America and the Caribbean (Argentina) congratulated the specialists who had worked on the development of MIKE. She noted that they had been under attack for something that was not at all relevant to their excellent work.

At the request of the Chairman, the Secretariat provided an account of the meeting in Arusha. They reported that Kenya was the only Party that had objected to the draft communiqué, which was an accurate reflection of the consensus of the meeting. At the request of the Chairman, a copy of the communiqué was circulated to all participants.

The observer from Mali stated that Mali had approved the MIKE system at the Arusha meeting, but with reservations in the hope that there would be a meeting in January at which the matter could be discussed in greater depth. He felt that some of the objectives in the document were unnecessary. He agreed on the need for a global system, but thought that there were still several options that were clearer than MIKE and not burdensome. He mentioned that France had provided USD 75 million for a tourist project while MIKE would cost only USD 2 million.

The observer from India, recalled that a meeting of the IUCN/SSC Asian Elephant Specialist Group on monitoring of elephant and the ivory trade, in October 1997, had concluded that, in MIKE, there were too few monitoring sites proposed for Asia, the quality of data was likely to be poor in at least half these sites, and the model's chances of detecting any changes in illegal killing of elephants was low. The MIKE and ETIS systems should be considered as long-term monitoring mechanisms that may not be relevant to the CITES decision-making process in the short term. In particular, he considered it unlikely that any clear pattern would emerge of trends in the status of the Asian elephant in the short term.

The observer from Chad suggested: a) that the monitoring system should provide for an early warning (it was not enough to study the system for two years and then start from scratch); b) the system must be based on a transparent process of collaboration open to all and not just to specialists; and c) monitoring sites must be representative in order to deal with a number of problems. As an example, he pointed out that in Chad it was not always possible to verify rumours of poaching in some areas, but in others it was possible for game wardens to track elephants until their death.

The observer from Congo said that there was no recognized system for counting elephants in a forest. He noted that there had been an increase in poaching in Cameroon, Central African Republic and Gabon and an increase in seizures of tusks. He asked how MIKE could help when it was not even possible to assess elephant populations and asked whether MIKE would provide an early warning or merely a record of the increase in poaching.

The observer from Israel recalled that in previous meetings he had asked what constitutes an escalation in illegal hunting [referred to in paragraph g) of Decision 10.1]. He said that

the definition of this term was fundamental. The Chairman replied that no mathematical thresholds were to be set for determining an escalation in illegal hunting.

The session was closed at 17h40.

### Third Session: 9 February: 10h00 – 12h30

#### Credentials

The Secretariat reported that credentials had been confirmed for all delegations but one.

#### 8. Issues relating to species (continuation)

##### a) Elephants (continuation)

The Chairman decided to allow a general discussion on the elephant issue.

The observer from Germany stated that although his country did not support the transfer to Appendix II of the elephant populations of Botswana, Namibia and Zimbabwe, they had taken note of the significant progress made in ensuring compliance with Decision 10.1. He expressed serious concern about some deficiencies however, notably in the monitoring of domestic trade in Japan. He urged the Standing Committee not to authorize the commercial export of ivory at this meeting. He shared the concern of other countries regarding the lack of full implementation of the conditions in Resolution Conf. 10.10.

The observer from Botswana observed that Resolution Conf. 10.10 was breaking new ground and that the Standing Committee was obliged to implement the decisions of the Conference of the Parties. He suggested that, whilst MIKE was not perfect, it could provide an effective means to monitor poaching. He urged the Standing Committee to approve the system in order that financing could be sought and implementation could commence.

The observer from France supported the observer from Germany, adding that poaching had been and would continue to be stimulated and that monitoring was impossible in many range States. She felt that a decision should be postponed until more current and precise information was available.

Taking into account the previous day's discussions, the Secretariat listed eight topics to be addressed:

- i) an increase in poaching owing to the lack of an early warning system in MIKE
- ii) availability of data produced by MIKE
- iii) refinement of the site list
- iv) future sequence of range State Dialogue meetings
- v) communiqué from Arusha
- vi) definition of an "escalation of illegal hunting"
- vii) MIKE's impact on enforcement
- viii) deficiencies in Japan.

On the question of deficiencies in Japan, the Secretariat stood by its view that Japan had complied with the conditions in Decision 10.1.

In response to the view that MIKE would not provide an early warning system, the Secretariat reminded the Standing Committee that an early warning system was already in place, in the use of the incident report forms and the national reporting forms. The forms that had been returned to the Secretariat did not indicate an increase in poaching. The fact that the use of these forms was in place enabled the Secretariat to confirm that the condition in paragraph i) of Decision 10.1 Part A had been met.

Regarding the definition of "escalation of illegal hunting" that would prompt cessation of trade in ivory, the Secretariat believed that the understanding of this phrase would become more clear after implementation of MIKE. In the meantime, there were reporting schemes already in place. The Secretariat stated that they would work very closely with any Party reporting a serious increase in poaching and if appropriate would make a recommendation to the Chairman of the Standing Committee on the cessation of all trade in elephant specimens. The Secretariat would act conservatively in this matter.

The Secretariat reported that it was seeking funding from the European Commission to hold a fourth Range State Dialogue meeting, which would possibly be immediately before the next meeting of the Conference of the Parties. No items had yet been received for the agenda.

The Secretariat noted that the communiqué of the Arusha meeting had been distributed.

The observer from IUCN stated that the comments made by the observer from India the previous day did not necessarily reflect a consensus. On the question of when data could be obtained from MIKE, she said that, with the cooperation of the Parties, together with funding, the data requested under Resolution Conf. 10.10 could be provided in two to two-and-a-half years. Data collection would begin at site level after the formulation of a methodology and training, and data collection would be built up at sub regional and regional levels. The observer from IUCN added that MIKE was not an "expert system" but would provide a framework for better-informed decision-making.

The observer from IUCN then explained the site selection criteria, adopted to ensure a balance of different types of sites. The details were given in paragraph 3.2 of document Doc. SC.41.6.3 Annex 1. He concluded that the method adopted should ensure maximum coverage of sites even though one or two sites were missing from the list. He said that, if there were a need to change the selection of sites, care had to be taken to maintain a balance but there would be no major delay. Costs would have to be re-examined if new sites were selected.

The Chairman brought the general discussion on elephant issues to a close and returned to the specific issues addressed in document Doc. SC.41.6.1 (Rev.) and Decision 10.1 Part A, to be dealt with country by country, starting with Japan.

In reply to a previous intervention by the observer from Germany, the representative of Asia (Japan) stated that it was difficult to distinguish in Japan's internal ivory trade, ivory that has been imported legally from that which has been imported illegally. However, Japan does have a strict double-checking system for monitoring imported ivory. He explained that, for any ivory to be imported, the Japanese authorities first confirm the export permits and then Customs officers check the validity of these permits. Each piece of ivory is registered individually at the Japan Wildlife Research Centre (JWRC) and is assigned an individual number. In this way, every piece of imported ivory can be traced from manufacturer to wholesaler to retailer. The representative of Asia (Japan) offered to explain in more detail if necessary.

The representative of Oceania found the Secretariat's report to be complete and thorough. She was reassured by the comments from the representative of Asia (Japan) and believed that Japan had met the requirements for implementation of Decision 10.1. These comments were supported by the representative of Africa (Namibia) and by the representative of Central and South America and the Caribbean (Argentina), who added that she had been impressed by the description of the system in Japan. She believed that it was a much more complete system than any she knew of for retail sales and there might be value in considering a similar monitoring system for trade in reptile specimens in South America. The observer from Cuba added that the work done by Japan provided a very useful precedent for the future in other areas.

The representative of Europe (Italy), whilst noting the rigorous checking system in Japan, expressed concern about possible effects of the ivory trade in Japan. Would stockpiles feed an industry? Would this result in an increase in demand? What would be the effect of an increase in price and demand on production? What would be effects on bordering countries?

The representative of the Depositary Government believed that these points related to matters outside of the questions under consideration.

The representative of the Previous Host Country stated that Zimbabwe was completely satisfied that Japan was complying with the requirements of Decision 10.1.

With reference to the statement made by the representative of Europe (Italy), the representative of Africa (Namibia) commented that a good legal supply of ivory might actually have a positive impact on elephants in Asia.

The observer from Israel voiced the opinion that peer review should be required. He pointed out that in the 1980s, when the African elephant was in Appendix II, a number of control mechanisms, such as quotas and marking of tusks, had been in place. He felt that these mechanisms had not worked in the 1980s but some of them seemed to be appearing again.

The observer from South Africa felt that Japan had met all the conditions.

The observer from the United Republic of Tanzania recalled that in 1989 his country had proposed the transfer of the African elephant from Appendix II to Appendix I. His country now recognized that trade may be beneficial to conservation and may bring benefits to local people. He was convinced that the strategies and mechanisms in place in Japan were well structured and sufficient to control imports of ivory from Botswana, Namibia and Zimbabwe.

The observer from Kenya asked the Chairman whether there was a conflict of interest when a country affected by the decision to be made is also represented on the Standing Committee. The Chairman stated that members of the Standing Committee also had national interests and were permitted to express their views. He asked the members of the Standing Committee to make it clear whom they were representing when speaking.

Summing up, the Chairman announced that, in the opinion of the Standing Committee and also a majority of the interventions, Japan had met the conditions stipulated in Decision 10.1, Part A. This was agreed.

The Chairman asked for the indulgence of the Committee to allow the Ambassador of India to speak on the general issue of elephants. The Ambassador stated that India was opposed to any resumption of trade in ivory. She said that about 60 per cent of the Asian elephant

population (25,000 animals) was found in India. Only 1,500 males had tusks. It was India's understanding that safeguards would be in place, before trade was resumed. India feared a danger for the Asian elephant and sought to delay a decision, urging a precautionary approach.

The Chairman then opened discussion on Namibia's compliance with the conditions of Decision 10.1 Part A.

The representatives of Central and South America and the Caribbean (Argentina) and Asia (Saudi Arabia) agreed that Namibia had met the conditions.

The representative of Africa (Burkina Faso) expressed concern that the Committee's decision was dependent on implementation of effective monitoring systems and therefore discussion of individual countries should be postponed until a decision had been reached on the MIKE system. After a short discussion of the issues to be immediately agreed upon, it was decided that the Standing Committee should consider whether each of the three range States had met the conditions in paragraphs a), e) and f) in Decision 10.1 Part A.

The representative of the Previous Host Country supported the comments of the representatives of Central and South America and the Caribbean (Argentina) and Asia (Saudi Arabia), as did the observers from South Africa and Botswana. The observers from Mali and Ghana felt that more time was needed before making a decision.

The Chairman noted that members of the Standing Committee and the majority of observers felt that Namibia had met the conditions of Decision 10.1 Part A, paragraphs a), e) and f). This was agreed.

The Chairman then opened discussion of Zimbabwe's compliance with these conditions.

The representative of Central and South America and the Caribbean (Argentina) believed that Zimbabwe had met all the relevant conditions. The representatives of the Depositary Government, Africa (Namibia) and Europe (Russian Federation) and the observer from Sweden agreed.

The representative of Europe (Italy) was concerned by the Secretariat's statement that there was "room for improvement" in Zimbabwe's anti-poaching resources. The representative of the Previous Host Country commented that his country was continuing to improve management facilities and to hire staff. The Secretariat confirmed that they had visited field stations, patrols and wardens and were given a full briefing on anti-poaching operations in Zimbabwe. As stated in the report, they were satisfied that appropriate resources were allocated to anti-poaching.

The Chairman noted that members of the Standing Committee and a majority of observers felt that Zimbabwe had met the conditions of Decision 10.1 Part A, paragraphs a), e) and f). This was agreed.

The Chairman closed the session at 12h30.

8. Issues relating to species (continuation)

a) Elephants (continuation)

Opening the discussion on whether Botswana had met the conditions in paragraphs a), e) and f) of Decision 10.1 Part A, the Chairman asked TRAFFIC to report on the assistance they had provided to Botswana.

The observer from TRAFFIC reported that they had continued to provide technical assistance to Botswana and could confirm the information in the letter from the Director of Wildlife and National Parks, in Annex 3 to document Doc. SC.41.6.1 (Rev.). He reported that no data had been lost as it was available on back-up diskettes. The data in the computerized database were matched with each tusk. He suggested that there was still a need for independent verification of the work done, although the information in the letter was accurate.

The representative of Africa (Sudan) felt that Botswana had satisfied the conditions in paragraphs a), e) and f) of Decision 10.1 Part A. The representative of the Depositary Government pointed out that the Secretariat's verification mission had identified eight points to be addressed but was satisfied on only five. He suggested that there were two alternative courses of action: either Botswana could inform the Secretariat when it was ready for the further verification and the Secretariat could report to the 42nd meeting of the Standing Committee; or the Standing Committee could request the Secretariat to undertake the further verification and, if it was satisfied, Botswana should be authorized to export its ivory to Japan. The representative of the Depositary Government preferred the second alternative, as it would allow transactions to take place in the three range States at the same time.

The representative of Europe (United Kingdom) reported that a small number of participants in the recent European regional meeting thought that there were still unanswered questions and that the Standing Committee should wait before making a decision. However, the majority felt that the Secretariat's report confirmed that the conditions had been met by Japan, Namibia and Zimbabwe but not by Botswana. They preferred the first of the alternatives described.

The representative of Central and South America and the Caribbean (Argentina) suggested that the Secretariat should provide more information on its views in its documents. She added that she preferred the second alternative but with the addition that the result of the Secretariat's verification mission be submitted to the Chairman of the Standing Committee.

The Chairman suggested that a third possible approach would be verification by the Secretariat in consultation with the Chairman of the Standing Committee, who would then report to the 42nd meeting of the Committee.

A majority of the members of the Standing Committee agreed to the third option (verification by the Secretariat in consultation with the Chairman of the Standing Committee). It was agreed that Botswana had met conditions e) and f) of Decision 10.1 Part A and that the Secretariat should conduct a mission as soon as possible to Botswana to verify that condition a) had been met.

The Chairman then opened discussion of the long-term system for monitoring the illegal killing of elephants (MIKE) (Doc. SC.41.6.3).

The representative of Africa (Burkina Faso) read a prepared statement signed by eight African elephant range States (Burkina Faso, Chad, Congo, Ghana, Kenya, Liberia, Mali, Zambia) declaring that the sale of ivory referred to in Decision 10.1 should not be permitted now and that MIKE and ETIS should be rejected, primarily because MIKE would not provide the information required to trigger a halt to the ivory trade as foreseen in the Decision. They also felt that there had been inadequate consultation with African and Asian range States. They called on the Committee to organize a peer review of MIKE and ETIS and to investigate other options, and to involve all African and Asian range States.

The representative of Europe (United Kingdom) called attention to the requirements of Resolution Conf. 10.10, recognizing that implementation needed to involve range States and to take into consideration their concerns.

After hearing the views of members of the Standing Committee, the Chairman noted that almost all members were in favour of proceeding with MIKE. He then opened the floor to the observers.

The observer from France expressed concern about the cost of MIKE, describing it as a 'Rolls Royce', adding that there was no cheaper model available and that Parties could run into difficulties if there was inadequate financing. The observers from Mali and Liberia agreed.

The observer from Kenya asked whether statistical analysis could provide information on the causes of elephant poaching. She added that the price of ivory could stimulate illegal killing and asked whether statistical analysis would take this into consideration.

The observer from the United States of America read a statement confirming the commitment of his country to effective implementation of the Decisions and Resolutions regarding elephants adopted at the 10th meeting of the Conference of the Parties but sharing the concerns expressed by delegates from a number of Asian and African elephant range States that poaching may increase significantly if the Standing Committee approves this one-off sale. Because of this concern that the United States strongly supports monitoring populations and poaching of elephants, as well as a rapid supply of information to the Standing Committee if poaching increases. He suggested however that the 11th meeting of the Conference of the Parties may be too soon for an evaluation of the data produced by MIKE. The statement is presented as Annex 2 to this report.

The observer from Chad stated that although he had signed the statement presented by Burkina Faso, they understood the effect of a resumption of trade for the four countries concerned. He added that elephants were socially, culturally and economically valuable even when populations were small and repeated that poachers now use sophisticated weapons and kill wardens.

The observers from India and Israel supported the remarks made by the observer from the United States of America. The observer from Israel suggested that illegal traders would obtain a copy of the document describing MIKE and would try to exploit loopholes. He stressed the need for peer review.

Responding to the last point, the observer from IUCN pointed out that MIKE was not a product of the African and Asian Elephant Specialist Groups per se, but had evolved with the participation of members of the specialist groups and experts from range States. It was

still under scrutiny and was expected to evolve further. She considered the comparison with a 'Rolls Royce' misleading, stating that MIKE had a recurrent cost spread over 60 sites and would cost less than USD 90,000 in any one country and less than USD 20,000 in most of the countries.

Concerning site selection, the observer from IUCN stressed that the site selection criteria do not vary from place to place. With regard to the matter of which data analyses and tests would be performed, he stated that this would require a very technical answer and offered to discuss it with any participant outside the meeting. Regarding the price of ivory, he stated that there would be no problem taking this into account as an external factor providing there were reliable data available on price. Concerning the issue of causality, he stated that consideration of this was not a requirement in relation to Decision 10.1 Part A but rather the need was for a monitoring system to provide robust indicators of trends.

The observer from IUCN concluded that the general feeling was that the addition of sites would improve MIKE. Such addition would not be a problem, but financing and implementation would have to be re-balanced. She said that MIKE did not set thresholds for deciding when ivory trade should cease, but she believed these should be decided by the Standing Committee or the Conference of the Parties.

The Chairman noted the desire for a meeting of the West African range States and stated that an attempt would be made to organize a meeting of experts in February 1999.

The observer from the European Commission stated that they would consider providing funds for MIKE and ETIS as soon as MIKE had been established. He added that he was unaware that the establishment of MIKE was a *sine qua non* for the implementation of Decision 10.1 Part A and Resolution Conf. 10.10, adding that the Secretariat's database and reporting forms were already in place and that, in his opinion, this was all that paragraph i) of Decision 10.1 required. The Chairman agreed.

The representative of Central and South America and the Caribbean (Panama) was of the opinion that MIKE should be not be judged without having been given a chance.

In light of the discussion, the Chairman suggested the following procedure, which was agreed:

1. MIKE should be further developed and implementation started, in cooperation with IUCN and range States, on the basis of proposals in document Doc. SC.41.6.3;
2. the concern expressed by several African range States and other Parties should be noted, the need to monitor and strengthen the dialogue process reaffirmed, and the Secretariat should be requested to convene a fourth Range States Dialogue meeting before the 11th meeting of the Conference of the Parties;
3. a subgroup of the Standing Committee should be established to oversee, on its behalf, further development, refinement and implementation of MIKE, in collaboration with IUCN and the Secretariat and to report back to the next meeting of the Standing Committee; and
4. offers by the European Commission, Japan and the United States of America to finance MIKE should be welcomed and other donors, including international bodies and GEF, should be called on to provide resources as soon as possible to fund MIKE.

The Secretariat offered to draft a statement to be put to the Standing Committee for its approval regarding the 'trigger mechanism' of condition g) of Decision 10.1 Part A. It was agreed to consider a text from the Secretariat later in the meeting. The observer from France requested that the Secretariat transmit to the Parties the results of the implementation of MIKE every six months.

The Chairman closed the session at 17h30.

Fifth Session: 10 February 1999: 10h05 – 12h45

8. Issues relating to species (continuation)

a) Elephants (continuation)

The Chairman summarized the results of the fourth session. He stated that the Standing Committee had agreed that Japan, Namibia and Zimbabwe had met the conditions in Decision 10.1 Part A, but it had still to be verified that Botswana had met the conditions in paragraph a) of the Decision. A procedure had been agreed regarding the implementation of MIKE.

The Secretariat presented document Doc. SC.41.6.4 (Operational Procedure Regarding Implementation of Paragraph g) of Decision 10.1 Part A) for approval by the Standing Committee. Several members of the Committee and observers suggested small changes to the document. The Chairman suggested that a working group be established [comprising the representatives of Central and South America and the Caribbean (Argentina) and Africa (Namibia), the observers from Botswana and the European Commission, and the Secretariat] to revise the text. Discussion of this issue was then suspended.

9. Implementation of the Convention in individual countries

a) Greece

Referring to document Doc. SC.41.10, the Chairman asked for consideration of whether Greece had taken sufficient measures such that the recommendation to suspend trade in CITES specimens with Greece could be withdrawn.

The observer from Greece listed the measures that had been put in place since the 40th meeting of the Standing Committee. These included adoption of legislation, designation of a Scientific Authority, reduction of the number of Customs ports of entry and improvement of border controls. He explained that, as a Member State of the European Union, Greece was obliged to apply the stricter EU Regulations and had, therefore, been implementing them since 1992. He added that Greek internal law included provision for this. A copy of Law 2637/98 was included in document Inf. SC.41.6. Provision for the designation of a Scientific Authority was provided for in Law 2637/98 and a ministerial decision issued in September 1998. Five professors, together with one person from the Ministry of Agriculture, formed a Committee that served as the Scientific Authority. The number of approved Customs ports of entry for CITES specimens had been reduced from over 127 to only nine. With regard to improved border controls, officials had already been trained at three ports of entry and a training programme was underway for officials at the other six. The Minister of Agriculture was taking this matter very seriously and had organized a number of seminars and training programmes and to increase public information.

The Chairman, on behalf of the Standing Committee, congratulated Greece for their efforts.

The observer from the European Commission stated that the EU regulations to implement CITES had been in place since 1982 and new EU regulations since 1997. These were directly applicable in all EU Member States. He added that the Regulations were stricter than CITES and included a list of non-CITES species of which imports into the EU were monitored. He stressed that EU Regulations take precedence over national law. He reiterated that a Scientific Authority was in place in Greece. He congratulated Greece on the reduction of the number of approved ports (although this reduction was not an obligation) and added that improvement of border controls would automatically follow. He stated that Greece would be offered training programmes by the Commission and that Greece would be allowed to participate in one training programme already scheduled to take place in Turkey. He added that a guide to implementation of the EU Regulations was available in all 11 of the European Union languages.

The Secretariat reported that, although the Management Authority had provided some of the documentation required to verify compliance with the conditions previously specified by the Standing Committee, there had not been time to verify its accuracy. However, it appeared from the comments of the previous speakers that everything was now in place. Shortly after this meeting the Secretariat would scrutinize the documents received in order to confirm this.

The Chairman suggested that the Standing Committee withdraw its recommendation contained in Notification to the Parties No. 1998/35 as of 1 March 1999, subject to verification of the relevant Greek legislation by the Secretariat.

The Standing Committee agreed that Greece had met the requirements specified at the 40th meeting of the Standing Committee and that the recommendation conveyed to the Parties in Notification 1998/35 (that Parties should not issue permits and certificates for trade to Greece and not accept documents issued by Greece) would be withdrawn as of 1 March 1999, subject to verification by the Secretariat, in consultation with the Chairman of the Standing Committee, of the relevant Greek legislation in a working language of the Convention.

b) Implementation of Decisions 10.18 and 10.64

The Chairman and the Secretariat introduced document Doc. SC.41.11 regarding the five countries whose legislation remained in Category 3 (legislation that is believed generally not to meet the requirements for implementation of CITES). The Secretariat stated that very often they received copies of legislation at the last minute. Indonesia had provided copies of its recently adopted legislation and the Secretariat had verified that it met the requirements of CITES. The Chairman added that the legislation of Sabah (Malaysia) and Nicaragua had already been communicated and that the Standing Committee should accept that all three countries had generally met the requirements for implementation of CITES. This was agreed.

The observer from Indonesia expressed appreciation for this decision. The observer from the United States of America reiterated her country's strong support for the national legislation project, for which they had provided financial support. She stressed that the aim was to ensure proper implementation of CITES and not to damage the trade of the Parties concerned.

i) Democratic Republic of the Congo

Discussion of the Democratic Republic of the Congo was delayed as it was not represented at the session.

ii) Egypt

The observer from Egypt read a statement on measures taken to improve compliance with and implementation of CITES. He reported that Egypt was currently in a period of transition but the proposed changes should be in place within 12 months. He requested the Secretariat to provide technical advice on legislation and training. In conclusion, the observer from Egypt asked the Standing Committee to defer a decision regarding Decisions 10.18 and 10.64 in order to allow time to complete the proposed measures.

The Secretariat said it was clear that there were still certain requirements to be fulfilled by Egypt. They stressed that the Secretariat does its utmost to provide assistance to Parties and comments on draft legislation.

The representative of Africa (Sudan) referred to previous difficulties in obtaining advice from the Secretariat and suggested that the decision regarding Egypt be deferred until the 42nd meeting of the Standing Committee. The representatives of Asia (Saudi Arabia) and Central and South America and the Caribbean (Argentina) seconded this proposal.

The Secretariat said that there had been significant improvement in communication between Egypt and the Secretariat in the previous three months. They acknowledged that a workshop planned for the Arabic-speaking countries had been delayed, but it had now taken place. In response to comments from the representative of Africa (Namibia) and Asia (Saudi Arabia), the Secretariat reported the availability of guidelines of requirements for legislation and a checklist for Management Authorities. They recognized, however, that these documents were sometimes difficult to understand for the non-specialist and, therefore, workshops were important. Finally the Secretariat suggested that it could work with Egypt in order to meet the deadline to report at the 42nd meeting of the Standing Committee.

The Chairman recognized the progress made by Egypt, but expressed concern regarding the points in the final two paragraphs, in document Doc. SC.41.11 Annex, under the heading "Progress since June 1998", particularly regarding the apparent impossibility under current legislation to seize illegally traded specimens such as ivory.

The observer from Belgium asked, if the decision on Egypt were postponed until the 42nd meeting of the Standing Committee, would the Secretariat confirm permits issued by Egypt in the meantime. The Secretariat noted the contents of Decision 10.64 and asked whether the Committee wished to recommend the rejection of permits issued by Parties whose legislation was in Category 3.

The observer from the Czech Republic suggested that, based on his country's experience in the matter, outside pressure on countries could help to accelerate the process of preparing legislation.

The observer from the European Commission stated that proposals seeking assistance from the Commission were welcome. He also suggested that, unless specifically decided otherwise by the Standing Committee, Parties without adequate legislation should not be treated worse than non-Parties.

The Chairman considered that the Standing Committee could reconsider the position of Egypt at the next meeting, in September, or agree a suspension now to be in effect from 30 September 1999 unless the Secretariat verifies in the meantime that Egypt has enacted legislation that generally meets the requirements of CITES. He also asked the Secretariat and donors to provide Egypt with assistance.

iii) Guyana

Discussion of the legislation of Guyana was delayed as it was not represented at the session.

The observer from the United States of America supported the taking of strong action regarding Guyana, which had had ample time and assistance to adopt CITES-implementing legislation. She also noted that the United States Embassy in Georgetown had had discussions with representatives of the Government of Guyana. She added that Guyana had a stable government and a functioning parliament, and should be able to adopt CITES-implementing legislation.

iv) Indonesia

Compliance with the Convention by Indonesia was dealt with in the opening discussions of Agenda item 9b).

v) Senegal

The observer from Senegal remarked that his country had always implemented all actions recommended by the Secretariat. They were in the process of revising their legislation and had made substantial progress since August 1998. A draft of this legislation had been submitted to the Secretariat at the beginning of this meeting. He listed the measures that Senegal had in place for the implementation of Decision 10.18. In response to a question from the Chairman, regarding controls on the import of specimens of non-native species, the observer from Senegal stated that if these were imported without permits they would be seized and the importer would be prosecuted. As an example, he referred to a seizure of 120 parrots imported from Gabon.

The observer from France noted the importance of Senegal as a transit point for a large quantity of wildlife specimens from Africa. He also commented that the guidelines for legislation published by the Secretariat were available only in English, which could explain the delays for some countries in preparing legislation. He requested the publication of these guidelines in French and Spanish.

The observer from Belgium commented on Senegal's effective follow-up to violations discovered at Brussels airport, resulting in the suspension of the activities of a trader.

The Chairman closed the session at 12h45.

9. Implementation of the Convention in individual countries (continuation)

b) Implementation of Decisions 10.18 and 10.64 (continuation)

v) Senegal (continuation)

The Secretariat reported that they had received Senegal's draft legislation, which had not yet been enacted.

The Chairman asked whether the Committee could take action now. Comments from the representative of Africa (Namibia) and Europe (Italy and United Kingdom) and observers from Indonesia and South Africa, indicated that it was generally considered that Senegal was making steady progress, but pressure should be applied by the Parties to encourage early enactment of legislation.

The observer from Senegal suggested that it might be possible to submit the text of the draft legislation to its administrative body within two months. He explained that the National Assembly had a calendar of meetings and that he would do his best to have the draft legislation included before the next meeting of the Standing Committee.

The Committee agreed to defer until 30 September 1999 the recommendation to suspend trade in CITES specimens with Senegal and that there would be no such recommendation if, at its 42nd meeting, the Standing Committee agreed, on a recommendation from the Secretariat, that Senegal's enacted legislation generally met the requirements for the implementation of CITES.

The representative of Africa (Namibia) pointed out that, because Senegal was a major manufacturer of carved ivory, this would be a good opportunity to establish legislation to control this trade. He added that there were many people present at this meeting who could provide good advice. The representative of Europe (United Kingdom) endorsed these comments, and the representative of the Previous Host Country offered assistance with regard to controlling trade in carved ivory.

ii) Egypt (continuation)

The representative of Europe (United Kingdom) stated that in the case of Egypt and considering the problems of controlling trade in ivory, it was particularly important to deal with the matter clearly and rapidly. He recommended that trade with Egypt be suspended from 12 August 1999. This proposal was supported by the Chairman and the representative of Oceania (New Zealand).

The observer from Egypt, in response to questions about controls on trade in specimens of non-native species, stated that a working group had been established to draft amendments to address this issue. It would look at how to deal with imports, exports and re-exports. He requested that the Committee postpone a decision regarding Egypt until its 42nd meeting, by which time drafts of legislation would have been sent to the Secretariat. He concluded that Egypt required the same treatment as Senegal.

The Committee discussed the options of deferring a decision for six months or until the 42nd meeting of the Standing Committee, or until 30 September 1999 (as in the case of Senegal).

The representative of Oceania (New Zealand) commented that Egypt had shown no sign of progress in CITES implementation in the past 20 years, but Senegal had. She implored the Committee not to become a group of 'toothless tigers'.

The Committee agreed to recommend that trade in CITES specimens with Egypt be suspended from 30 September 1999 unless the Secretariat certified, in the meantime, that Egypt had enacted legislation generally meeting the requirements of CITES.

The Chairman confirmed that there was still no representative present from the Democratic Republic of Congo or from Guyana.

i) Democratic Republic of the Congo

The Secretariat presented the information in document Doc. SC.41.11 regarding the Democratic Republic of the Congo. Pertinent information had since been received by the Secretariat in faxes on 6 and 8 February 1999. These both indicated that the Democratic Republic of the Congo was taking note of the Secretariat's comments, and referred to the problem that parliament was not currently operational and therefore was unable to enact legislation.

The representative of Africa (Namibia) pointed out the need to consider whether the Democratic Republic of the Congo would be able to enforce any decision of the Committee at this time.

The representative of Europe (Italy) suggested that there should be a provision in international law for cases in which a country can not implement a treaty to which it is party. The Secretariat stated that there were no such specific provisions within CITES and pointed out that the Democratic Republic of the Congo was still trading and the Management Authority was still issuing permits. There had apparently been no problems with the acceptance of permits issued and daily business continued as usual although progress through parliament could not proceed. The observer from the Czech Republic concurred. The observer from Belgium also noted that they had not witnessed any problems with the issuance of permits in the Democratic Republic of the Congo.

The observer from Germany stressed that the issue was not the issuance of permits but the problem of enforcement because of inadequate legislation and civil war.

The observer from Botswana suggested that perhaps trade should be suspended during the period of civil unrest.

The observer from France pointed out that the Democratic Republic of the Congo had stated at a meeting of the World Customs Organization that, in view of the state of war, species were in peril in national parks. They had officially asked for financial and technical help in order to improve implementation of CITES. The Secretariat added that they had been present at that meeting and had then contacted the Democratic Republic of the Congo to ask whether they required the issuance of a Notification. The response was negative.

The Chairman suggested that the Committee should consider:

- i) requesting the Secretariat to negotiate sending a technical mission or other help as soon as it is safe;

- ii) reconsidering the question of compliance at the 43rd meeting (immediately before the 11th meeting of the Conference of the Parties);
- iii) inviting all Parties to be particularly vigilant in checking trade with the Democratic Republic of the Congo.

The representative of Asia (Saudi Arabia) felt that option i) could take some time and suggested that the Democratic Republic of the Congo be informed by letter first to make them aware of the situation.

The representative of Africa (Namibia) suggested also requesting the Executive Director of UNEP to appeal to all those involved in the conflict in the Democratic Republic of the Congo to take care to protect fauna and flora in that country. He suggested asking the regional representatives in the Standing Committee to contact the Democratic Republic of the Congo to find out their requirements and let them know of the concerns, this being especially important to avoid the Democratic Republic of the Congo believing that they were being penalized.

The Committee agreed to:

- i) defer a decision regarding the suspension of trade in CITES specimens with the Democratic Republic of the Congo until after a review of information at the 43rd meeting of the Standing Committee;
- ii) request the Secretariat to advise all Parties to be especially vigilant in checking permits and certificates for trade from the Democratic Republic of the Congo;
- iii) request the Secretariat to contact the authorities of the Democratic Republic of the Congo with a view to conducting a technical and training mission to this country to assist in the preparation of legislation to implement CITES;
- iv) request the Executive Director of UNEP to appeal to all involved in the civil conflict to respect wildlife;
- v) request the members of the African region on the Standing Committee to provide counsel and assistance to the Democratic Republic of the Congo.

iii) Guyana

Noting the absence of any participant from Guyana, the Secretariat drew attention to the second paragraph of section 3 of document Doc. SC.41.11, which describes the considerable assistance provided to Guyana in the formulation of legislation on trade in wildlife. They added that Guyana had not replied to correspondence in relation to Decision 10.18 until one week before this meeting and that it addressed only domestic legislation. The Secretariat pointed out that a proposed Wildlife Act in Guyana would provide for implementation of CITES, but that there was no indication of when it would be enacted.

Interventions from members of the Committee and observers indicated that Guyana should be sent a firm message that it must meet the requirements for implementing CITES.

The observer from the European Commission noted that a lot of work had been done to assist Guyana but to no avail and that the European Union was in a position to

implement Decision 10.18, paragraph a), immediately. The Chairman noted that the general feeling was that this provision should be implemented and that it was hard to find mitigating circumstances.

The representative of Central and South America and the Caribbean (Argentina) felt that Guyana ought to receive the same treatment as the Democratic Republic of the Congo. Whilst acknowledging that the circumstances were different, she pointed out that Guyana was currently suffering from disputed elections. She felt that a mission should first be sent to Guyana and then a decision taken at the next meeting of the Standing Committee.

The Chairman stressed that Guyana had been given an opportunity to submit requested information, but they had not done so. He added that in order to proceed by consensus some text was needed for further discussion. He adjourned the discussion of this subject.

## 8. Issues relating to species (continuation)

### a) Elephants (continuation)

The Secretariat introduced document Doc. SC.41.6.4 (Rev.) [Operational procedure regarding implementation of paragraph g) of Decision 10.1, Part A], which had been redrafted to include changes suggested earlier. A few amendments were agreed and, with these, the document was adopted.

The Chairman then announced the decisions with regard to Decision 10.1:

- i) in respect of Namibia, Zimbabwe and Japan, all conditions had been met;
- ii) in respect of Botswana, all conditions had been met except those in paragraph a) which required a further verification by the Secretariat in consultation with the Chairman;
- iii) in respect of other general issues, all the conditions in Decision 10.1 Part A had been met.

Responding to a question from the observer from France, the Secretariat stated that it would be present at the time of shipment of the raw ivory stocks, to verify that there was full compliance with the precautionary undertakings discussed at the 40th meeting of the Committee.

The Chairman closed the session at 17h30.

Opening the session, the Chairman announced that there would be a press conference at 14h00 to which all participants were invited.

6. Finance and administration (continuation)

c) Audited accounts for the biennium 1996 and 1997

The representative of UNEP introduced document Doc. SC.41.3 Annex 3 (Financial Report and Audited Financial Statements for the biennium 1996 and 1997). He explained that it was an extract from UNEP's Financial Report and Audited Financial Statements and Report of the Board of Auditors, which are presented to the General Assembly every two years. He added that the auditors had made no major substantive comments and that the only element of concern was the recommendation regarding budgeting on the basis of unpaid pledges, which had already been discussed. He directed attention to Chapter II, Part B of Annex 3, on financial issues. He then drew attention to the Annex to Part B - (Follow-up on action taken to implement the recommendations of the Board of Auditors in its report for the biennium ended 31 December 1995), in particular Recommendation 11 (b).

The representative of UNEP stated that the reserve in the Trust Fund amounted to USD 5 million, equivalent to about CHF 7 million. He explained that the differences in the balances in Tables I and II were due to the inclusion of pledges (included as voluntary contributions) in Table I, but not in Table II, which shows the actual cash balance.

The report was accepted.

d) 1998 expenditures (provisional)

The Secretariat introduced document Doc. SC.41.3 Annex 4 (Rev.), a summary of 1998 expenditures from the Trust Fund up to 31 December 1998.

The observer from France requested an explanation of how the figures in the 'Approved Budget' column had been calculated, as they did not match the figures in document Doc. SC.40.2, submitted to the 40th meeting of the Standing Committee. The Secretariat stated that the footnote in the new document explained that it included funds accumulated since the 40th meeting of the Standing Committee. They understood the totals to be accurate on the basis of that addition.

The observer from the United States of America thanked the Secretariat for their restraint in expenditure, their effective management of the Trust Fund and the quality of the budget documents, adding that the United States of America supported the use of contractors. She added that the Secretariat should exercise restraint also on the funding of official missions.

The representative of Asia (Japan) endorsed these comments but questioned the difference between the approved budget and actual expenditures. The Secretariat stated that this was explained by the fact that, in accordance with the terms of reference for the administration of the Trust Fund, funds could not be spent until they were covered by the necessary income from the Parties. But many contributions come very late, creating problems for planning expenditure over the year.

The representative of UNEP interjected a note of caution. He referred to the introductory pages of document Doc. SC.41.3 emphasizing that the figures provided were provisional

and were not normally released before publication of the official accounts. The expenditures reflected the position at it appeared at the end of December 1998, but the accounts would be closed on 31 March 1999 when the final picture for 1998 would be produced. He reiterated that funds due (pledges) could be counted as income only after they had been received. The representative of UNEP agreed that, for the current year, UNEP would use its discretion and attempt to interpret the rules with maximum flexibility. It would authorize budgets based on current carry-over and actual receipt of contributions during 1998 and pledges of previous years. This would be sufficient to cover the proposed budget for 1999. He stressed, however, that this was not a secure system because a bad performance in one year could hamper the authority to execute the budget the following year. He concluded that a clearer workable system was needed within the existing UN Financial Rules and Regulations, which were not oriented to permanent trust funds like the CITES Trust Fund. He said that he felt sure that something could be developed and would be reported to the next meeting of the Standing Committee and the Conference of the Parties. The Chairman suggested that a working group be established to provide assistance to UNEP in this matter.

The observer from France stated that, although the information provided by UNEP was clear and useful, it was still difficult to engage in technical discussions without a final document. As the final accounts would not be available until after 31 March 1999, he asked that a document on the implementation of the 1998 budget be submitted to the next meeting of the Standing Committee. He also suggested that a small group be established to go through the budgets at the start of each session. The Chairman said that this suggestion could be addressed under Agenda item 7b) (Implementation of the Action Plan).

e) Estimated financial requirements for 1999

The Secretariat introduced document Doc. SC.41.3 Annex 5 (Rev.), which provided an expanded explanation of proposals and requirements but did not include the additional funds detailed in Annex 6. He explained that the budget presented included a number of changes proposed by the Secretariat on the basis of its work programme for the year. The budget approved by the Conference of the Parties for 1999 had been prepared on the expectation that a meeting of the Conference would be held this year.

The representative of Europe (United Kingdom) drew attention to budget line 2104 (Significant trade - plants) and asked whether the funds allocated for 1998 had been spent.

With regard to budget line 2109 (Trade monitoring and technical support - WCMC) the observer from the United States of America asked whether the budget would be affected by the proposed negotiations between UNEP and WCMC about the future of the latter.

The observer from France expressed concern that whilst the seriousness of activities was reflected in budget lines 2100 and 3200, budgets for enforcement and measures against fraud appeared to have been overlooked. He was worried that this might give the impression that nothing was being done to prevent fraud.

The representative of Argentina commented that CHF 100,000 to set up a website was excessive.

Responding to comments, the Secretariat said that a CITES website was already set up, so the CHF 100,000 was for improvement of the site and the addition of a number of components, such as a database of material from the Identification Manual. However, if the Committee felt that the figure was too high then it would be possible to transfer funds to another budget line, for example to implement the decisions relating to elephants.

Regarding budget line 2104, the Secretariat said that, at its 10th meeting, the Conference of the Parties approved CHF 249,333 of which more than 212,000 had been spent in 1998. The same amount was requested for the 1999 budget. They agreed with a comment made by the observer from France about the need to illustrate the importance given to enforcement work and that it would be helpful to have a Finance subcommittee assist the Secretariat to provide such reports.

Regarding the future of WCMC, the Interim Secretary-General, noting that he was also a board member of WCMC, stated that this organization is an important partner of CITES. Initially, WCMC had been a partnership of UNEP, IUCN and WWF and had undertaken some remarkable work. Recently it had been suggested that WCMC be brought closer to UNEP in its role as environmental assessor. This suggestion was under discussion and therefore the current arrangements with WCMC remained the same and were reflected by the figure in the budget line.

The observer from the European Commission added that the Commission had just approved a contract with WCMC for the next three years for services to the Commission and European Union Member States. He said that there were many products useful to CITES that were currently available and that the Secretariat and the Parties should try to avoid duplication. He advised caution in reducing the money available for the CITES website and suggested that the money for the list server could be redirected to the website.

The observer from the United States of America concurred, adding that she supported the intention to improve the website. She offered to cooperate with the Secretariat to avoid duplication and work on website links and methods to display information, and suggested for example the provision of the Identification Manual on CD-ROM. Whilst acknowledging that there were many Parties that still did not have access to the Internet, she also noted that the number was increasing all the time.

The representative of Africa (Sudan) voiced his concern about budget line 2105 (national legislation), considering the amount allocated to be too low to provide all the assistance needed by Parties. The Secretariat explained that no change had been proposed to the figure approved by the Conference of the Parties. Additional funds would be required for assistance to the Parties.

The observer from France expressed concern about the lack of detail in the report relating to the budget for staff salaries, considering that takes up such a large proportion of the budget. The Secretariat stated that there was no proposed increase in funds and additional details could be provided if they were required.

Regarding budget line 2114 (Elephant decisions), the representative of Africa (Namibia) pointed out the need to provide funds for meetings within Africa. The Chairman agreed that it was important to take into account the proposed Range State Dialogue meeting, adding that the decision of the previous day would mean that the next such meeting would be held just before the 11th meeting of the Conference of the Parties.

The Secretariat requested an indication of the increase required for budget line 2114, and from which budget line funds should be taken. The Chairman noted that funds for the implementation of the MIKE system would come from donors. The observer from the European Commission commented that although the Commission itself could not commit money at this stage, the fund-raising attempts of the Elephant Coordinator looked promising.

The Chairman suggested that funds for the verification mission to Botswana could be taken from budget line 3304 (African Elephant Panel of Experts) but the Secretariat stressed that, if there were a proposal to transfer any further elephant population to Appendix II, these funds would be needed for a meeting of the Panel.

At the suggestion of the observer from the United States of America the Chairman established a working group convened by the United States of America, and comprising also the European Commission, Japan, Namibia and the United Kingdom, with IUCN and TRAFFIC as advisers, to identify the funding needs for implementation of elephant decisions and to make recommendations about the sources of funds.

The Chairman concluded that the Committee approved document Doc. SC.41.3 except the budget for 1999 and the additional funds for priority activities, which would be considered later.

i) Permit confirmation

The Secretariat introduced document Doc. SC.41.3.1, which had been prepared following an internal review of the problems of permit confirmation. They drew attention to the fact that, in 1997, only 32 out of more than 140 Parties had made use of the permit confirmation service offered by the Secretariat and that this number had fallen to 27 Parties by early 1998. They concluded their introduction by stating that permit-issuing authorities needed to take more care in checking export permits and re-export certificates, rather than expecting the Secretariat to undertake routine confirmation. They stressed that their money and time should be better spent, for example, on the identification of fraud, a concern that had earlier been voiced by France.

The representative of the Depositary Government gave examples of the many Notifications to the Parties in which the Secretariat had requested Parties to confirm permits. He urged the Secretariat to repeal all Notifications to the Parties that were no longer valid.

The representative of Europe (Italy) stated that he understood the problems of the Secretariat and suggested that option b), in paragraph 28 of the document would provide the best solution. Parties could request advice on which permits needed checking and which did not. The Parties themselves would have responsibility for checking permits. He said that this would be an acceptable option provided the proposals in paragraph 29 of that document were addressed. The representative of Europe (United Kingdom) also preferred this option, adding that the United Kingdom rarely used the Secretariat's permit confirmation service.

The representative of Asia (Japan) preferred option a), referring to Japan's obligation to refer import permits to the Secretariat when a quota has been imposed. He added that this was an obligation under Resolution Conf. 10.2, section II, paragraph j) and that two-thirds of Japan's enquiries were connected with quotas.

The Secretariat offered to issue guidelines for the Parties as to when clarification should be sought about the validity of permits. They believed that Resolution Conf. 10.2, section II, paragraph j) should be interpreted to mean that Parties should merely inform the Secretariat about the permits they issue and accept in order that the Secretariat can maintain statistics and provide advice to Parties when there is a danger of exceeding quotas.

The representative of Central and South America and the Caribbean (Argentina) remarked that countries in her region were benefiting from the permit confirmation service. She said that they felt that confirmation helped to avoid fraud and reassured the Parties. She

stressed that this service was very important to the region and should therefore be included in the budget.

The observer from France concurred and emphasized that this matter was of more concern to some Parties than others. He felt that document Doc. SC.41.3.1 did not adequately explain the advantages of permit confirmation. He said that it was particularly important in terms of assessing fraud and has the advantage of immediate reaction to any problems detected. He added that, before the introduction of permit confirmation, problems were not generally detected until after analysis of annual reports, several years later, by which time it was too late to take action. He agreed that a clear list of relevant Notifications to the Parties was necessary. He added that permit confirmation was very important in assisting developing countries. Finally he suggested that there should be a half-time post assigned to permit confirmation as this practice was important to proper implementation of CITES.

The Chairman asked whether the observer from France was proposing that the permit confirmation service be continued without payment by the Parties concerned. The observer from France said that, yes, the Secretariat should rationalize the system they use, with clear guidelines for the Parties and should have a budget for this service.

The observer from the United States of America preferred option b) in the document, agreeing that routine confirmation should be discontinued but permit assistance from the Secretariat should be provided when there are problems. She added that it would be more effective for Parties to contact each other directly. She supported the views of the representative of the Depositary Government and the observer from France with regard to old Notifications to the Parties, but recalled that the Secretariat had recently sent out a Notification to the Parties indicating which notifications remained valid.

The observer from Germany remarked on the quality of the document and added support for option b). He said that Germany was not in favour of having two officers and that the service should be restricted only to urgent cases where assistance from the Secretariat is required. He also supported the need for an updated Notification to the Parties.

The observer from the Czech Republic pointed out that there were costs involved in asking other countries to confirm permits and that the funds could be better spent on conservation of the native fauna and flora. He urged Parties to consider whether requests for confirmation of permits were justifiable on a case-by-case basis. He also noted that, in 1997, the Secretariat had sent out a circular letter that requested that permits issued in Eastern Europe be confirmed before acceptance. He asked that the list be updated and that the Czech Republic be deleted. Finally, he said that the Czech Republic also preferred option b).

Option b) was also supported by the observers from Belgium, China and Spain. The observer from Spain stated that permit confirmation should not be stopped altogether as it was of benefit to many Parties. The observer from Belgium agreed that there was a need to rationalize the permit-confirmation process, stating that the time involved was lengthy and replies were sometimes incoherent.

The representative of Central and South America and the Caribbean (Panama) did not support option b). He referred to the previous discussions about domestic law and questioned the outcome for countries whose legislation required them to ask for permit confirmation. The Secretariat stated that there was no requirement for national legislation to refer to permit confirmation by the Secretariat, but there was a requirement for a non-detriment finding to be made by Scientific Authorities. They added that the Secretariat was

available to respond to concerns about permit validity after countries had done their own confirmation. This was taken into account by option b).

The representative of Asia (Japan) stated that Japan would have a technical difficulty with regard to option b) as it would be necessary to specify all species for which the confirmation of permits was required.

The representative of Central and South America and the Caribbean (Argentina) suggested that more time was required to consider the implementation of option b).

The representative of the Depositary Government asked whether the two posts for permit confirmation in the Secretariat were currently occupied and, if not, whether money was available in the budget. The Secretariat replied that they were not currently occupied and money was available in the budget for 1999. The budget was provided from the draw-down from the Trust Fund, as decided by the Standing Committee at its 40th meeting, but the Committee needed to consider priorities for the available funds in 1999 under Agenda Item 6f).

The representative of Europe (United Kingdom) asked whether it was possible to determine which of the Parties that were significant users of the permit confirmation service had the requirement to seek confirmation included in their legislation. He pointed out that the United Kingdom did not, nor was it included in the EU legislation.

The representative of the Depositary Government suggested that all previous requirements for routine confirmation should be revoked and guidance should be given on how to proceed. He suggested that the Secretariat should look first to clear up conflicting requirements and preferences. He also suggested that the Secretariat should have a deadline for dealing with requests for confirmation of permits. These comments were supported by the representative of Europe (Italy).

Drawing the discussion to a close, the Chairman concluded that:

1. the majority of members and observers favoured option b) although there were general concerns about short-term effects;
2. there should be an immediate revision of Notifications to the Parties and other communications by the Secretariat with a view to issuing advice by 12 March 1999, which should include the countries/species with respect to which confirmation of permits should be sought as a matter of routine;
3. staff posts for permit confirmation should be immediately reduced to one and it should be filled temporarily;
4. this issue should be reviewed at the 42nd meeting of the Standing Committee, on the basis of a document to be prepared by the Secretariat, with specific targets, and proposals on how to proceed in light of experiences since this meeting.

The Chairman closed the session at 12h30.

6. Finance and administration (continuation)

i) Permit confirmation (continuation)

It was agreed that:

1. The Committee noted a consensus in favour of option b) of the recommendations in paragraph 28 of document Doc. SC.41.3.1, but also noted that there were concerns regarding the short-term effects of this option;
2. The Secretariat should immediately prepare a revision of its Notifications to the Parties and other communications regarding permit confirmation, with a view to issuing revised instructions to the Parties by 12 March 1999, including comprehensive advice on the countries or species for which confirmation should be sought as a matter of routine;
3. The two posts designated within the Secretariat for permit confirmation should immediately be reduced to one post, which should be filled as a temporary position;
4. This issue would be revisited at the 42nd meeting of the Standing Committee on the basis of information prepared by the Secretariat on how to proceed, taking into account views of the Parties and subsequent experiences. The document of the Secretariat should provide specific targets, for example a time limit for response to enquiries.

f) Additional funds for priority activities in 1999

The Chairman invited the observer from the United States of America to present the report of the working group that was to discuss budgets for the elephant decisions.

The observer from the United States of America reported a consensus that costs associated directly with the implementation of Decision 10.1 should be supported by the CITES Trust Fund. These include costs associated with the technical mission for the re-verification of work undertaken in Botswana, verification of reports, monitoring and verification of sales. The Standing Committee should establish a working group on implementation of MIKE. Some members of the group would be able to pay their own costs associated with the work of the group but any shortfall should come from the CITES Trust Fund. The potential shortfall was estimated to be approximately CHF 55,000. The group recommended that the Secretariat refine this figure, and that it be given a high priority for funding.

Document Doc. SC.41.3 Annex 6 (Rev.) was introduced by the Secretariat. They drew attention to the priorities given in paragraph 2 of the document and then turned attention to the funding issues that had arisen during this meeting.

Implementation of the MIKE system was considered to be an integral component of decisions regarding elephants and the associated costs should be paid from external sources. There was a need for action on several programmes of work before the 11th meeting of the Conference of the Parties. There should be a full Range State Dialogue meeting and a regional meeting in Western or Central Africa to address concerns about refinement of MIKE. The costs of these two meetings would be USD 250,000. The start-up costs for MIKE were estimated to be USD 200,000 and were needed immediately for refinement and implementation of the system. The working group that had discussed the costs associated with the elephant-related decisions recommended that the Standing

Committee consider a one-off payment of USD 100,000 (c. CHF 140,000) from the Trust Fund, if external funding were not immediately available, to begin the implementation of MIKE. This should be listed separately as a high-priority item.

The Secretariat suggested that a mechanism should be developed for obtaining long-term funding. This should be considered by the Standing Committee working group on MIKE. Fund-raising should be a part of that Committee's work.

Taking the previous interventions into account, the Chairman noted that this would result in the need to add CHF 65,000 to budget line 2114 (Elephant decisions). The implementation and refinement costs of MIKE would need CHF 140,000 which should be included in a new budget line.

At the request of the Chairman, IUCN presented document Inf. SC.41.3, which referred to a proposal to request the Standing Committee, on behalf of the Parties, to consider providing support in 1999/2000 through the Trust Fund for IUCN's Analyses of proposals to amend the CITES appendices. The observer from IUCN said that it was planned to produce the English version of the Analyses eight weeks before the 11th meeting of the Conference of the Parties and the French and Spanish versions five to six weeks before the meeting. The total costs were estimated to be USD 343,203 and IUCN asked the Standing Committee to consider providing USD 100,000 (CHF 140,000). The Chairman thought that the Trust Fund could probably provide USD 100,000.

The Chairman invited the Secretariat to introduce document Inf. SC.41.5 (Interim report on developing indicators of success for evaluating rhinoceros conservation initiatives), and to indicate the funds required if there were another meeting in 1999.

The Secretariat turned to the revised table in document Doc. SC.41.3 Annex 6, page 4 (Additional Budget Items for 1999). They noted that CHF 696,000 were available for allocation in 1999, but the costs outlined in the proposed new budget lines amounted to CHF 1,136,000. A column had therefore been included to indicate suggested priorities for allocation, although this did not necessarily reflect the importance of each activity. The total cost for the budget lines given a high priority amounted to CHF 673,000. But the priorities could be changed.

The Chairman asked the Secretary-General Designate for his comments, as he would take up office in April 1999, on how these proposals relate to his own priorities. The Secretary-General Designate said that he would prefer not to comment until he had had the opportunity to discuss the budget with the Secretariat.

The observer from the United States of America noted the support given by the Conference of the Parties to the rhinoceros project, although it was not assigned a high priority. She strongly supported the securing of external funds for the IUCN project and said that external funding should also be found for other items.

The observer from France suggested that the Secretariat's proposals be presented at the next meeting of the Standing Committee, after the new Secretary-General takes up his post. He felt that it would be best to agree on the budget relating to elephant issues but to ask the new Secretary-General to make proposals for the rest of the budget. The Chairman concurred and was supported by the representatives of Europe (Italy and the Russian Federation).

Referring to the proposal from IUCN, the representative of the Depositary Government offered to provide some support for the Analyses. He added that in light of previous

discussions the budget lines could be revisited and savings made by eliminating one staff post, redefining the website and reducing travel expenses.

The representative of Central and South America and the Caribbean (Argentina) supported the idea of giving the new Secretary-General time to establish himself in his new position, but expressed concern about how to proceed and which savings could be made. She voiced doubts about the website, stating that most of the countries in her region did not yet have computers. She added that money was not available in the budget for this and that funds should be assigned to more urgent matters such as assistance with legislation.

The Chairman suggested that the meeting discuss budget lines that had already been approved, taking into account the comments just heard. He said that priorities for approval now were the Newsletter (budget line 5205) and the Tiger Mission (budget line 2116). He also considered that Assistance to Scientific Authorities (budget line 1206) should be given priority. This would leave two budget lines pending with regard to elephants, although one was to be funded from external sources. These budget lines, plus the proposal for the IUCN Analyses would add up to CHF 588,000. The Chairman asked the Committee whether there were any items he had omitted that needed to be included now. There were none.

The Chairman concluded that the Committee agreed on a maximum budget of CHF 588,000 and asked whether anyone would like to delete any of the six projects discussed:

1. Assistance to Scientific Authorities	CHF 70,000
2. Newsletter	CHF 23,000
3. Tiger Mission	CHF 150,000
4. Commercial ivory shipments	CHF 65,000
5. Reserve for MIKE	CHF 140,000
6. IUCN Analyses of Proposals	CHF 140,000

The observer from the United States of America reiterated her country's strong support for IUCN's Analyses of species proposals. However, she stated that the United States of America believed that the decisions of the Standing Committee regarding new funding should focus on the priorities identified by the Parties at COP10. She added that the Parties at COP10 did not include the IUCN Analyses in their funding priorities, and so IUCN should be asked to obtain its support for this project, although vital, through external funding and not from the Trust Fund. The United States of America had increased its support to IUCN through its annual voluntary contribution to IUCN (from the budget of the State Department), with an allocation of USD 1,500,000 (covering far more than just CITES-related work).

The observer from the European Commission stated that the Commission had also financed part of the cost of the IUCN Analyses in the past. He was surprised at the high estimated budget for the IUCN proposal, much higher than previously. The observer from IUCN replied that the estimate was a true reflection of the resources required and that in the past, costs had been hidden because staff were working above and beyond the time covered by the budget. The Chairman suggested that a contribution of CHF 70,000 could be made from the CITES Trust Fund.

The representative of Africa (Namibia) said that the value of the IUCN Analyses should not be underestimated and that they were of value particularly to developing countries. He confirmed his support of the requested CHF 140,000.

There being no further comments, the list of figures previously presented by the Chairman was agreed.

g) CITES banking arrangements

The Secretariat introduced document Doc. SC.41.3 Annex 7. They explained that any available cash was invested in a short-term savings account. The representative of UNEP recalled that banking arrangements were addressed under Agenda item 5. He explained that CITES was unique with regard to the investment of funds that are under the management of the UN and he recognized that the current system of dealing with investments was inadequate. It was soon to be addressed by the auditors and a study would be undertaken by United Nations.

The representative of the Depositary Government suggested other investment options, such as a low-risk investment fund and investment in Euros. The Chairman thanked him for the suggestions and asked UNEP to take these into account when preparing their analysis.

h) Financial controls for CITES project funds

The Secretariat introduced document Doc. SC.41.3, Annex 8. He noted that the question of financial control of external projects was a long-standing problem. In 1998, UNEP installed a programme to track expenditures of all projects financed from the CITES Trust Fund.

The representative of Europe (Italy) was concerned about funds set aside for projects that were never completed. He suggested establishing a procedure to cancel such projects, so that resources could be reallocated. He asked about the current system of monitoring projects, including checking of the quality of the work and the flow of finances. He was particularly concerned about accumulated costs when projects were extended.

The Interim Secretary-General noted that there were indeed many projects that remained on the files as proposals requiring funding.

The Chairman agreed that there was a need for a good accounting system together with a good system to compare results with objectives. He asked whether more information would be forthcoming on the current status of projects. He suggested that the Committee should consider a brief report on projects at its 43rd meeting (output, up-to-date expenditure, etc.) and asked whether this report would come out of the new system. The Secretariat said that they thought it would be possible, given enough time, although it was quite difficult to trace some of the projects, but some information could be provided at the 43rd meeting.

The Chairman noted that a project officer was currently being recruited. He thanked the Secretariat for the financial documents presented and remarked that these were the best set of financial papers that had ever been presented to the Standing Committee.

5. Implementation of the Agreement between the Standing Committee and the Executive Director of UNEP

The representative of UNEP reminded the meeting that the Memorandum of Agreement between UNEP and the CITES Standing Committee had been discussed by a working group of the Standing Committee and presented to the 10th meeting of the Conference of the Parties. He presented document Doc. SC.41.26 (Report to the CITES Standing Committee on the provision of and support to the CITES Secretariat), which was self-explanatory. He explained that the responsibility for the budget and management had been transferred to his

division but regrettably the timing was such that UNEP had overlooked the new responsibility to produce this report. The representative of UNEP noted that this was UNEP's first experience with such a report and, if it did not meet the expectations of the Standing Committee, he would appreciate guidance on the format and content for the future.

The Interim Secretary-General pointed out that since the adoption of the Memorandum of Agreement (MoA), the situation in Nairobi had changed. If necessary, the MoA would be amended to update it before the 11th meeting of the Conference of the Parties.

The representative of Europe (Italy) congratulated UNEP on its report, commenting that UNEP was currently facing a challenge. He noted that several environmental conventions were expanding, resulting in requirements for financial management and increasing the need for UNEP's role as coordinator. He agreed that links with other environmental conventions were important and saw the appointment of the new Secretary-General as a step in this direction. He added that CITES faced possible absorption by the Convention on Biological Diversity. He hoped that UNEP would be able to play a coordinating role in order to avoid duplication and dispersal of resources.

The representative of Central and South America and the Caribbean (Argentina) said that she had been directly involved in the preparation of the Memorandum of Agreement, which had been initiated because of serious problems in the relationship with UNEP. Many of these problems had to do with the way in which the 13 per cent overhead was used by UNEP and with the services that the Parties were receiving in return for this overhead charge. She said that that, although such details were not included in the report, this absence was tolerable while UNEP was finding its feet with the new Executive Director. The way in which the Committee had participated in the selection process for the new Secretary-General was a good signal, and Central and South America and the Caribbean had appreciated such involvement, although there had been little time for consultations. The representative of Asia (Japan) associated himself with these comments, although he considered that the Standing Committee had not been well informed by UNEP with regard to the process of selection of the CITES Secretary-General. He stressed that he was not complaining about the choice that had been made, but that Japan would have liked to have received more information on the criteria and process.

The observer from France congratulated the representative of UNEP on his first report. He suggested that there should, in future be more information on the use of the 13 per cent paid to UNEP for administrative costs. In connection with the comments made by the representative of Asia (Japan), he recalled that the Memorandum of Agreement provides that information about all posts should be made available to all Parties. In this instance, information was posted only on the Internet and in Nairobi. Use of the Notifications to the Parties would be preferable. The Chairman agreed that it was important to ensure that the maximum number of people are informed about new posts.

The representative of Africa (Namibia) welcomed the report of UNEP. He endorsed the remarks made by the observer from France but felt that, overall, the report was good and transparent.

The Chairman suggested that the representative of Asia (Japan) should meet with the representative of UNEP to discuss the concerns raised. He felt that full information had been provided on the selection of the Secretary-General of CITES, but perhaps the representative of Japan was referring to the process following the interviews. With regard to the services provide by UNEP, the Chairman agreed that it was important to see how the 13 per cent payment was spent, especially if CITES work could be delegated to UNEP.

The representative of Asia (Japan) referring to item 5c) of the report of UNEP (selection of other staff), expressed a wish that an equitable geographical balance be taken into consideration during the selection of new staff. The Interim Secretary-General agreed with these comments and said that for this reason he had not pushed to fill other positions until the new Secretary-General had been selected. The observer from France added that there should also be an equitable balance among the three languages.

## 7. Planning

### a) Preparation of the Strategic Plan for the Convention

The Secretariat introduced document Doc. SC.41.4 and pointed out the three recommendations. They reminded the meeting that, at the 40th meeting of the Standing Committee, a working group was convened to consider a process for completing a Strategic Plan for the Convention. The observer from the United States of America, as Chairman of the working group, explained that it was an informal group that needed a framework to give direction to the work to be completed by the 11th meeting of the Conference of the Parties.

The Chairman thanked the Secretariat and the Chairman of the working group and asked the Committee to consider the formation of a new group of the original members (Colombia, Japan, the United Kingdom, the United States of America and Zimbabwe). He suggested including the Chairmen of the Animals and Plants Committees.

The Secretariat reported that all credentials had been accepted up until two days previously when two additional delegations arrived who had not yet submitted credentials.

The Chairman closed the meeting at 17h40.

### Ninth Session: 12 February 1999: 09h45 – 12h30

The Chairman opened the session at 09h45. He announced that the Committee might have to defer some non-urgent business until the 42nd meeting, in September.

## 9 Implementation of the Convention in individual countries (continuation)

### b) Implementation of Decisions 10.18 and 10.64 (continuation)

#### iii) Guyana

In the absence of any observer from Guyana, the representatives of Central and South America and the Caribbean (Argentina and Panama) proposed that Guyana receive the same treatment as Egypt with regard to compliance. The Standing Committee agreed to recommend that trade in CITES specimens with Guyana should be suspended from 30 September 1999 unless the Secretariat verifies in the meantime that Guyana has enacted legislation that generally meets the requirements of CITES.

## 10. Future meetings of the Conference of the Parties

### a) Preparations for CoP11 (UNEP, Gigiri)

The Chairman explained that discussion of this subject had been requested by Japan with the support of the Depositary Government. He stressed that it was not a question requiring a decision, as the convening of meetings of the Conference of the Parties was the responsibility of the Secretariat. He recalled that, after Indonesia withdrew its offer to host the 11th meeting of the Conference of the Parties, the Secretariat had undertaken a two-stage consultation. During the first stage, three or four countries indicated an interest but no firm offers were received by the deadline and the Secretariat chose a UNEP venue for the meeting. The Chairman stressed that this decision had already been made, but recognized that some Parties had concerns. He asked for constructive comments with regard to the venue of Gigiri, but reiterated that there was no point in asking for it to be changed.

The Interim Secretary-General explained the steps that had been taken to find a venue. He said that the decision had to be taken quickly so that the meeting of the Conference of the Parties could be held within a reasonable time. He had reported to the Executive Director of UNEP as CITES requires and was informed that a whole year could not be lost again. It was suggested, therefore, that since UNEP was hosting the Conference of the Parties of the Convention on Biological Diversity in Gigiri, the facilities would be available to host the 11th meeting of the Conference of the Parties to CITES. The Interim Secretary-General had returned to Nairobi to make sure that the meeting could be accommodated in the UN premises at Gigiri. After several visits to Nairobi, he considered that everything would go well and that by September it would be possible to outline the exact logistics for the meeting of the Conference of the Parties.

The representative of Asia (Japan) expressed concern that the facilities at UNEP were not sufficient for a meeting of the Conference of the Parties. He said that the largest room could accommodate only 500 people and that it was likely that more than 2000 people would want to attend. He referred to the need for extra meeting rooms and transport between the conference centre and hotels. He suggested that there was still time to find another venue.

The representative of the Depositary Government referred to correspondence between the Chairman of IWMC and the Secretariat. A number of questions had been raised by IWMC but had not been answered by the Secretariat. He added that when Indonesia had withdrawn its offer to host the meeting, the Swiss Government had budgeted CHF 150,000 in case the meeting had to be held in Geneva. This budget provision had been cancelled but could be re-established if the meeting were moved to Geneva.

The observer from Portugal suggested that Portugal could host the meeting if there were problems in Nairobi.

The representative of Central and South America and the Caribbean (Argentina) stated that she had already communicated the concerns of her region in writing, particularly that this would be the second consecutive meeting held in Africa, while there were important conservation problems in Latin America.

The representative of UNEP reassured the Committee that improvements were being made to the Conference Centre in Gigiri. He explained that the configuration of conference rooms was being altered and there would be enough space, including rooms for working groups, regional groups and NGOs. The conference organizer had been provided with all the

requirements and was fully committed to them. He said that there would be no problems with transportation as UNEP was a regular host of international meetings and was an experienced organizer of meetings. He added that the Conference Centre at Gigiri was under-used and that UNEP was the only United Nations organization in the developing world with such a facility. He concluded that he was confident that all logistics would be properly arranged at UNEP Headquarters, Gigiri.

The Interim Secretary-General addressed the concerns of the Depositary Government with regard to the letter from the President of IWMC. He assured participants of his familiarity with the needs for a meeting of the Conference of the Parties, stating that he had attended all but the meeting in Botswana. He had replied to the President of IWMC saying that his letter was based on misinformation. With regard to the maximum capacity of rooms, IWMC said that they could hold only 350 people, however, even without alterations, the Interim Secretary-General reported they could easily seat 1500. The Trust Fund would not have to pay for alterations. With regard to hotel rates, those quoted by IWMC were out of date. He pointed out that it was not Kenya that would be hosting the meeting, but the United Nations Environment Programme, which would be meeting with management of all the hotels to discuss a reasonable price. He added that he was very concerned about participation of NGOs, and therefore UNEP would be making additional provisions for them at moderate rates. In conclusion, the Interim Secretary-General said that he did reply to IWMC, but that his reply was very diplomatic and perhaps he had left something out. The Interim Secretary-General added that there would also be a saving in interpretation costs.

The Chairman said that he had recently visited Gigiri. He confirmed that the plenary meeting hall could readily accommodate 1500 delegates, and there were plans to make it larger. The galleries were also available for meetings and there were many seminar and 'break-out' rooms. He added that additional caterers would be brought in if necessary and that there were upgrades in progress such as laptop terminals for all delegates and an electronic screen facility to quickly provide a speakers' list and rapid counting of votes.

The observer from Zambia, on the basis of her personal experience, noted the ease of coordinating with hotels in Nairobi and making travel arrangements and offered her assistance with advice on hotels and restaurants.

The observer from Kenya referred to the statement of the representative of UNEP, stating that Kenya took pride in hosting UNEP and that its headquarters had recently risen to the status of the UN Headquarters in New York. He added that the meeting was scheduled to take place during Kenya's peak tourist season and the Kenyan Government would ensure the availability of relevant documents for visits to national parks.

The Chairman closed the discussion, saying that the Secretariat and UNEP would take note of the comments raised and issue further information on logistics as soon as possible.

The Interim Secretary-General reminded the Committee that the meeting was to be held on UN premises and therefore there would be no automatic chairman of the meeting of the Conference of the Parties, because there was no host country. A candidate for chairmanship of the meeting would have to be chosen at the 42nd meeting of the Standing Committee. The Chairman noted that any such decision would have to be ratified by the Conference of the Parties.

## 7. Planning (continuation)

### a) Preparation of the Strategic Plan for the Convention (continuation)

The Chairman called for further discussion of document Doc. SC.41.4. He referred to the recommendations that needed to be addressed by the Committee and mentioned the reconstitution of the working group. He asked for comments on how to achieve draft goals 5 and 6.

The representative of Africa (Namibia) said that the document provided a useful start but needed further consideration and that effort must be made to ensure that no options are left out at this early stage. He was concerned that emphasis was placed only on goals 5 and 6. The observer from South Africa concurred, adding that goal 3 was also very important. He had questions with regard to goal 2.

The Chairman sought comments on the broader issues, reminding participants that the document presented was not even a draft plan, just a framework. The observer from South Africa stated that he would provide specific comments direct to the Secretariat, for the working group.

The representative of Europe (Italy) expressed the view that goal 5 was the most crucial. He stressed the need to avoid the risk that one convention with a broad scope might duplicate the work of smaller, more focused conventions.

The representative of Oceania (New Zealand) endorsed these comments and said that the document was excellent, covering the full scope of issues. Specific comments from Oceania would be sent direct to the Secretariat.

The representative of the Previous Host Country said that there was much room for improvement and agreed with previous speakers that comments should be written and submitted to the Secretariat for the working group.

The observer from Mali referred to goal 2, saying that, in several countries in Africa, populations are 80 per cent illiterate and even when they have appropriate legislation the general population will be left out. He therefore proposed to add a new phase to goal 2.1 to provide for assistance in education and increase the awareness of the local population. The representative of Europe (Italy) supported these views.

The observer from the Netherlands also appreciated the document. He added that several goals were rather institutional, but the core business of CITES should not be neglected, for example goal 3. The representative of Africa (Namibia) agreed generally with these comments. He suggested several improvements such as a visionary statement to be included in goal 6, and requiring recognition of the role of CITES. This goal should emphasize that CITES adds value to conservation programmes and it should support national conservation activities.

The observer from the European Commission supported the comments of the observer from the Netherlands on the importance of goal 3, suggesting that some of the other goals should become sub-goals to make 3 achievable, like 5. He was concerned about goal 1 with regard to the qualification of Parties. The Chairman suggested that the Committee consider amending goal 1 to refer to implementing Parties not contracting Parties.

With regard to goal 7, the observer from Indonesia suggested that strengthening the capacity of Scientific Authorities should strengthen the Convention.

The Chairman thanked the speakers for their comments and stated that the goals could be revised by the working group. He added that most would agree that goal 3 is what CITES is all about.

The Chairman put proposed that the Secretariat advance on the basis of this working document. It should then be remitted to the working group to report to the 42nd meeting of the Standing Committee. The Secretariat should be asked to circulate the document to all Parties and request them to submit comments to the Secretariat to be considered by the working group. The working group was asked to consider comments made at this meeting, particularly those by the regional representatives.

The observer from China was generally in favour of the plan especially goal 3. China was particularly in favour of the implementation of CITES in developing countries and the focus on close cooperation with other organizations such as WTO and WCO.

The observer from the United States of America suggested that the Committee should also consider the process and schedule as outlined in Annex 1, adding that there was ample opportunity for all Parties to participate in this process. The Chairman thanked the United States of America, grateful for being reminded that the Standing Committee was in effect being asked to endorse a process and should aim for the 42nd meeting of the Standing Committee and then possible discussion at the 43rd meeting.

The observer from Spain offered support for the comments regarding goal 3 and, as a consequence, goal 7. She pointed out that the comments over the previous two days had emphasized the importance of the participation of the Animals and Plants Committees in the working group.

In summary, the Chairman commented that he had heard no problems with the suggested way of proceeding, so a decision was needed on the composition of the working group. He recognized the interest of France and with the inclusion of representatives from the Animals and Plants Committee there would be eight members in the working group. Bearing in mind that the Committee would have to meet, the Chairman suggested that this should be the maximum number of members. He invited the observer from the United States of America to continue in his capacity as chairman of the group. This was agreed.

With regard to the preparation of the Strategic Plan for the Convention, the Committee agreed to:

1. proceed on the basis of the working document presented in document Doc. SC.41.4, requesting the working group to report at the 42nd meeting of the Standing Committee;
2. instruct the Secretariat to circulate the document to all Parties and to request that they submit comments to the Secretariat in order that they may be considered by the working group;
3. request the working group to consider, in addition to any comments from the Parties, the comments made at this meeting, particularly those of the regional representatives to the Standing Committee;
4. expand the original working group to include representatives from the Animals and Plants Committees and France.

b) Implementation of the Action Plan

The Secretariat introduced document Doc. SC.41.5 and drew attention to the decisions in the Annex, suggesting that each decision be dealt with separately.

Decision 10.59

The Chairman asked whether a separate subcommittee was needed or whether the working group on the Strategic Plan could cover it. The Chairman of the working group for the Strategic Plan (United States of America) recommended that the two processes be merged in order to be more effective. The Committee agreed to merge the process for preparing a Strategic Plan with that for the implementation of the Action Plan. The working group dealing with the Strategic Plan would therefore need to consult the Nomenclature Committee and the Identification Manual Committee in order to include representatives at least in a consulting capacity.

Decision 10.60

The representative of Central and South America and the Caribbean (Argentina) informed the meeting that there was not yet a proposal available for consideration. She suggested that between this meeting and the 42nd meeting of the Standing Committee there be a document prepared describing the resolutions under consideration.

Decision 10.61

The representative of Africa (Sudan) felt that this was a very important decision, but said that they had so far failed to conduct meetings and would appreciate help.

The observer from the United States of America supported the recommendation in the document but recommended that it be strengthened. She discussed Decision 10.3, noting that it was adopted unanimously at CoP10. She recommended that the Standing Committee, in consultation with the Secretariat, produce a document for regional representatives outlining their responsibilities, in order to assist new representatives and to summarize responsibilities for existing members. This document would list the responsibilities and tasks of a regional representative, including consultation with countries in their region. This would allow for better decision-making, more effective implementation of Resolution Conf. 10.3 and greater assistance to new regional members of permanent committees.

The representative of Europe (Italy) agreed on the importance of regional meetings, saying that it was fundamental to develop personal relationships with colleagues. He agreed that it was sometimes difficult but there are many communication tools to be used. He thanked the delegations of the United Kingdom and the Russian Federation for their help in facilitating this work.

The representative of Asia (Saudi Arabia) supported the recommendation of the United States of America and the recommendation that membership be expanded to include the chairmen of the Animals and Plants Committees as well as representatives of the Standing Committee.

The observer from the European Commission referred to his statement during the first session of the meeting with regard to consolidating resolutions. He said that the Committee should consider practical regulations for implementation and delete those that were no

longer valid. He added, however, that that would be contrary to Decision 10.60. With regard to Decision 10.61, he stated that the European region was fortunate to hold regular meetings, and he hoped that the Commission would consider providing assistance in the future. He explained that the regional meetings should facilitate smaller meetings of the Standing Committee, decreasing duplication. Finally, he said that the European Commission would contribute as much as possible.

The observer from China offered strong support for Decision 10.61 and agreed with the comments made by the observer from the United States of America. He hoped that the regional representatives would keep in close contact with the Parties in their region.

The Chairman summed up the discussion on Decision 10.61, noting the comments made by the members of the Standing Committee. The Committee requested the Secretariat to issue updated guidance to members of the Committee on their role both as members of the Committee and as regional representatives. With regard to the exercise of consolidation, the Secretariat was requested to give priority to technical resolutions in Decisions in a document to be presented at the 42nd meeting of the Standing Committee.

#### Decision 10.62

The Chairman drew attention to the need for a decision on this point. He referred to the suggestions of several participants on the need to convene a Finance Subcommittee at future meetings. He asked the Committee whether this should be discussed first and then a subcommittee be established or whether to wait to establish a subcommittee at the start of each new meeting.

The representative of Europe (Russian Federation), drawing on experience from other conventions, said that if a meeting of the Finance Subcommittee took place the day before the first day of the Standing Committee, then it would be possible to review the accounts. This was supported by the Chairman and the representative of Central and South America and the Caribbean (Argentina), who added that there were two important points: the establishment of a subcommittee to analyse and provide a link and the opportunity for in-depth discussion with the Secretariat and UNEP of budgetary matters not made clear in documents.

The representative of Asia (Japan) concurred with the last comments but said that Japan would have difficulty with the date because the expert would come from Tokyo. Japan would therefore prefer the subcommittee meeting to be on the preceding Friday. The Chairman pointed out that this would be a problem owing to the costs involved in an extra three days.

The observer from the United States of America voiced support for the establishment of a Finance Subcommittee and recommended that the composition should be small enough to ensure efficiency, but broad enough to cover all regions and therefore a representative of each region should be a member.

The representative of the Depositary Government, in reply to the comments from the representative of Japan, suggested that now that decisions had been made with regard to elephant issues, the next Standing Committee only needed to meet for four days. Therefore, the Finance Subcommittee could meet on Monday and the meeting of the Standing Committee could begin on Tuesday.

The observer from the European Commission asked whether there was to be a link to the Budget Committee established by the Conference of the Parties and suggested that the

subcommittee be formed by the members that also serve on Budget Committee. The Chairman reminded participants that the participation in committees at meetings of the Conference of the Parties is open to all Parties.

The Chairman proposed that the Standing Committee agree to establish a Finance Subcommittee and that it be convened the day before the meeting of the Standing Committee, which would then be limited to four days. He suggested that this be tried out at the 42nd meeting. This was agreed. With regard to the composition of the Finance Subcommittee, the observer from the United States of America suggested the participation of one member from each region. The Depositary Government as representative of the country that hosts the Secretariat also asked to participate in the Committee.

The Chairman invited each region to inform the Secretariat later which country would participate and to include the representation of alternates provided that this did not lead to additional costs to the Trust Fund.

The representative of Central and South America and the Caribbean (Argentina) suggested that the Finance Subcommittee should be relatively informal, and one representative per region plus the representative of the Depositary Government should be sufficient, but this could be reviewed if necessary. The representative of Europe (Italy) agreed and that participation should be open for alternates if they are willing to participate without adding to the cost.

The representative of Oceania (New Zealand) said that she would find an appropriate person from her region. She added, however, that there was a problem with participation from her region at CoP 11 as Oceania had only one or two delegates and sometimes the Budget Committee takes three days. This would therefore leave a member of the Scientific Authority to cope alone as the member from the Management Authority must attend the meeting of the Budget Committee. She said that making it clearly a suggestion that there is continuity could solve this and leave it to the region to ensure there is a competent person at the meeting of the Conference of the Parties.

The Chairman's proposal was adopted.

## 8. Issues relating to species (continuation)

### b) Tigers

The Secretariat introduced document Doc. SC.41.7 on technical and political missions to tiger range and consumer States, to assist in developing strategies for improving control of tiger trade and related activities. They apologized sincerely for omitting Canada from a list of countries visited by the team, in paragraph 4. Moving to paragraph 5, they pointed out that the Global Tiger Forum meeting had been moved to March 1999. They then explained that the technical team would be transiting through the Republic of Korea, but would not be formally visiting this country.

The Secretariat stated that the first stage had begun, and a ceremony was held at the London Zoo with the Minister of Environment and the Foreign and Commonwealth Minister of State of the United Kingdom. Representatives of the 14 countries that the team intended to visit were present at the launch and there was an extremely large media presence. They reported that the first phase went well, with visits to the Canada, the Netherlands, the United Kingdom and the United States of America. Many suggestions had been made which the team could adapt to help enforcement officers, the general public and educational facilities.

The Secretariat announced that the second phase - visits to China, India and Japan, Nepal and the Russian Federation - was to begin on 15 March 1999. The Enforcement Officer informed the meeting that unfortunately this phase would have to be postponed as he urgently required surgery and was unable to undertake the mission. He added that it was impossible to replace him with another staff member of the Secretariat. Phase 2 had been postponed until June 1999.

The third phase would include visits to Cambodia, Indonesia, Malaysia, Myanmar and Viet Nam. The Secretariat said that the technical team would submit its report to the Chairman of the Standing Committee. Finally, they remarked that, in paragraph 6 of the document, it was suggested that Parties be encouraged to participate and that there had been a tremendous response. It was clear that this subject was taken very seriously.

The Chairman paid tribute to the Secretariat and TRAFFIC for supporting the mission and ensuring maximum impact in both consumer and range States.

The representative of Europe (United Kingdom) thanked the Secretariat for their comments. He stated that the United Kingdom took tiger conservation very seriously and had put in considerable effort at both the national and international levels. One aspect of this was the development of a poster, which they hoped would be distributed by the Secretariat to all Parties. Its production had been a collaborative project involving China, the Russian Federation, the United Kingdom, members of the Chinese community in the United Kingdom and TRAFFIC.

The representative of Asia (Japan) welcomed the Tiger mission to Japan at any time. He then read a statement indicating that there had been no imports to Japan of tiger bone in medicinal preparations since 1993.

The observer from the Netherlands stated that the mission was an essential step and was pleased to welcome it to the Netherlands in January. There was no clear evidence in the Netherlands that there was a demand for tiger products, but he raised the possibility that as in the case with Appendix I orchids, it is a problem of labelling. He explained that labels are removed or names of ingredients scratched away, so that there is still a need for forensic studies. He thanked the United Kingdom for the initiative and development of the poster.

The representative of Oceania (New Zealand) reported that her region regards this as a very serious matter, saying that both the plight of the tiger and trade is significant. In New Zealand, the interception rate of Chinese traditional medicine that includes tiger products was escalating and was characterized by smaller consignments.

The representative of Europe (Italy) suggested that television was the best medium to spread the message, as leaflets were usually discarded. He suggested hiring a private agency to produce advertisements promoting the elimination of consumption of products containing tiger products.

The observer from the Republic of Korea offered assistance in practical arrangements for the Mission's transit through Korea.

The European Commission referred to the question from Japan regarding a 'seal of approval' and asked whether there was a mechanism for use of the CITES logo on acceptable products. The Chairman asked the Commission and Japan to discuss this bilaterally.

The Chairman drew the discussion to a close, saying that he was pleased to hear the interventions and expression of welcome to the Mission. He noted that the timetable would now be quite tight with the second phase taking place in early May, the third phase mid-May to early June and then a high-level political mission in late June to early July. The final Mission would go to selected countries. The Mission would then report back at the 42nd meeting of the Standing Committee. In addition, the Interim Secretary-General would attend the Global Tiger Forum meeting in New Delhi in early March. The Chairman said that this was a good time for the Standing Committee to emphasize the importance of the Tiger Mission to all countries in the way that they think best.

Before closing the session, the Chairman announced that the executive summary would be discussed immediately after lunch. He agreed that Panama could take five minutes before the lunch break to address a query from the region of Central and South America and the Caribbean.

Taking into account the little time remaining for discussion in the final session of the meeting, the Chairman proposed to postpone discussion of Agenda item 12 (Approval of new projects) and asked the participants to consider submitting comments to the Secretariat to be discussed at the 42nd meeting. The Chairman also said that Agenda Item 11b) (Review of the criteria for amendment of Appendices I and II) was not a matter for the Standing Committee to decide, but that the Chairmen of the Animals and Plants Committees should be asked to address it.

The representative of Central and South America and the Caribbean (Argentina) made a counterproposal. She explained that there were one or two proposals from her region and she would now have to explain that they had not been discussed. She said that she would prefer not to discuss the more general items such as Agenda items 13) (Cross-border movement of live animals), 15) (CITES Implementation Manual) and 16) (Synergy between the biodiversity-related conventions and other organizations). The Chairman listed the Agenda items that were included only for information. He added that he would ask the Secretariat to produce a list of Agenda items that require a decision from the Standing Committee.

The representative of Africa (Namibia) suggested that if some of the projects were not to be looked at before the next meeting of the Standing Committee then perhaps the Animals and Plants Committees could comment on them. The observer from the United States of America agreed and added that the representatives and alternates might also be asked to submit comments on the proposals.

The observer from the European Commission pointed out that the Commission was under heavy pressure to spend its budget as soon as possible and not to carry over unspent funds to next year. He was concerned that the funds might have to be spent before the Secretariat's projects were approved. The Chairman replied that he did not propose to drop Agenda item 12.

The representative of Europe (United Kingdom) also agreed that projects should be looked at first by the Animals and Plants Committee and suggested including this in an extension to the executive summary.

The observer from France requested ten minutes to discuss elephants. The Chairman suggested that he do this during consideration of the executive summary.

The representative of Central and South America and the Caribbean (Panama) drew attention to a crocodile project which had been presented at the 36th meeting of the Standing Committee. He explained that the Standing Committee considered that it had too high a budget and the European Commission and Depositary Government had objected to it. At the suggestion of the United States of America, the budget had to be redone and the proposal brought to the 37th

meeting of the Standing Committee meeting. At that time the Secretariat agreed to send the budget for project 108 to Standing Committee members. The representative of Central and South America and the Caribbean (Panama) asked the Secretariat whether the project had been discussed and whether they were going to be in touch with members of the Crocodile Specialist Group. The Chairman asked the Secretariat to respond to this question after lunch.

The Secretariat confirmed that all credentials but two had been accepted, however, the participants concerned had not contributed to the debate so this was not a problem.

#### Tenth Session: 12 February 1999: 14h00 – 17h30

The observer from France insisted on having an answer to her request that the Secretariat should carry out an evaluation to ascertain whether the Japanese control of the ivory market is working well six months after the arrival of the ivory stock in Japan. Following a discussion, this proposal was put to a vote and rejected.

The Chairman asked the Secretariat to respond to the question raised by the representative of Central and South America and the Caribbean (Panama) at the end of the previous session.

The Secretariat confirmed that project 108 (crocodiles) had been approved in principle at the 37th meeting of the Standing Committee, subject to approval of the budget. They explained that for a number of reasons a revised budget had never presented to the Standing Committee for approval. It was agreed that the seven countries participating in the project, not the Secretariat, would prepare a revised budget. The Chairman asked that this be recorded, especially the need for donor assistance for this project.

There was a short discussion on the draft executive summary of decisions and a few minor adjustments to it were agreed.

#### 8. Issues relating to species (continuation)

##### c) Bears

The Chairman reminded the Committee that no formal proposal on bears had been received. The Secretariat introduced document Doc. SC.41.8. They drew attention to the last sentence in paragraph 2 of the document and reported that Parties had now made contact with the Secretariat and it had become apparent that many importing countries view trophies as personal effects, not subject to CITES regulations.

The Chairman thanked the Secretariat for their work on this subject, agreeing that the trade in bears should continue to be monitored.

##### d) Significant trade

The Secretariat introduced document Doc. SC.41.9. Paragraph 5 lists countries for which the Standing Committee has recommended that Parties suspend imports of specimens of the species indicated. He drew attention to the project proposal from China regarding *Ptyas mucosus*. The Chairman asked the Standing Committee whether they could accept the recommendation in paragraph 9.

The representative of Europe (United Kingdom) considered that the proposal should first be presented to the Animals Committee, but the Secretariat explained that the correct procedure in Resolution Conf. 8.9 does not involve the Animals Committee.

The representative of the Depositary Government asked for guidance in this instance regarding confirmation of permits. He requested criteria concerning when confirmation should be required.

The Chairman asked the Secretariat to consider this request when reviewing existing Notifications to the Parties. He suggested that permit confirmation should be needed only when there were doubts.

The observer from the United States of America stated that they had concerns with regard to checking a permit for skins that were taken from the animal over five years before. The observer from Indonesia wished to assure the Committee and the observer from the United States of America that the skins were acquired before CITES came into force and that the stockpiled skins were all now registered. The observer from the United States also noted that she was concerned with the request from Indonesia, since the skins may have been obtained in a manner detrimental to the survival of the species in the wild.

The representative of Central and South America and the Caribbean (Argentina) stated that trade in skins is permitted and confirmation is the responsibility of the countries concerned. She also stated that Argentina could confirm that the number of skins match the number on the permits issued.

The representative of the Depositary Government noted that approximately 1000 leather articles could be made from the skins, but as long as re-exports were approved, then he saw no problem with the recommendation.

The Chairman asked whether there was any objection to Indonesia selling its stockpiles of skins or whether the wording of the recommendation should be changed. No one objected and the recommendation was approved.

The Secretariat turned to paragraph 10, regarding the *Lynx lynx* project in Latvia. The Secretariat's recommendation that Latvia be deleted from the list referred to in paragraph 5 of the document was approved.

With reference to *Strombus gigas*, discussed in paragraph 12, the Chairman asked whether there was any objection to the Secretariat's recommendation in paragraph 13. This recommendation was approved.

The Chairman and the Secretariat suggested that the following list of Agenda items be excluded from debate during this meeting and deemed for information only:

- Item 9c) Progress report on the National Legislation Project (Doc. SC.41.12)
- Item 9f) Designation of Management and Scientific Authorities (Doc. SC.41.15)
- Item 9g) Late submission of annual reports (Doc. SC.41.16)
- Item 11b) Review of the criteria for amendment of Appendices I and II (Doc. SC.41.19 and Doc. SC.41.19.1)
- Item 11c) Timber Working Group (Doc. SC.41.20)
- Item 13) Cross-border movement of live animals
- Item 15) CITES Implementation Manual.

At the request of the observer from the United States of America the Chairman agreed that that comments on the above information items should be submitted directly to the Secretariat. It was noted that there were no decisions regarding any proposed actions in the documents relating to the information items.

With regard to Agenda item 15, the observer from the European Commission stated that he intended to include the book Evolution of CITES as part of the Implementation Manual and also make it available on the CITES website.

#### 9. Implementation of the Convention in individual countries (continuation)

##### d) Stricter domestic measures (Decision 10.103)

The Chairman directed the Committee to the recommendations in paragraphs 12 and 13 of document Doc. SC.41.13 and asked whether they were acceptable.

The observer from the United States of America stated that his country did not agree with the recommendation in the document, preferring that the Secretariat undertake a survey of stricter domestic measures as discussed at the 10th meeting of the Conference of the Parties.

The representative of Europe (United Kingdom) expressed support for the study but not the working group at this stage. The observer from France agreed with these comments and those of the observer from the United States of America.

The representative of Europe (Russian Federation) informed the Standing Committee that the Russian Federation was trying to improve its domestic legislation and had the support of WCMC.

The representative of the Secretariat noted that the proposed study would cost CHF 50,000. The Chairman stated that there was money in the budget and asked whether anyone objected to the study.

The observer from the United States of America pointed out that Decision 10.103 referred to a survey and not a study and stated that the United States would be willing to help with a survey, but did not believe that it would cost CHF 50,000. The Chairman said that they should bear in mind staffing requirements and other considerations.

The observer from the United States of America expressed concern that the Secretariat's document contains observations regarding the implications of Decision 10.103 that went beyond the scope of the Decision or the responsibilities of the Secretariat. The observer from the United States of America stated that they did not see the need either to expand the review of the national legislation of Parties or to convene a working group for the express purpose of analysing the impact of stricter domestic measures when the authority for the enactment of such measures by Parties is firmly established in the Convention. The United States of America considers this recommendation from the Secretariat to be a misinterpretation of Decision 10.103, which calls only for a survey of stricter domestic measures, but not for a review of the impacts of such measures.

The Secretariat responded that simply to send out a questionnaire and then report the results of the responses would not work. They said that what was needed was an investigative study and this would require a reasonable budget. The Chairman concurred, adding that, in order to have an accurate and comprehensive account, containing sensitive information, it might be necessary to contract consultants and possibly an independent law

centre. The observer from the European Commission agreed, adding that the European Union had implemented stricter domestic measures and a copy of these was available.

The representative of Oceania (New Zealand) clarified that the Chairman was asking the Committee to approve two things. With regard to the establishment of stricter domestic measures by means of a survey, she agreed. With regard to the allocation of funds, she had concerns. She explained that if New Zealand were being asked to allocate money either for countries trying to implement their national legislation or for implementation of stricter domestic measures, then they would allocate funds to the former.

The Chairman felt that the Committee did not support the allocation of funds. Therefore, donor funding was required in order for the consultancy to begin and an appeal would be included in a Notification to the Parties.

The representative of the Previous Host Country stated that he was convinced that CITES was becoming more and more complex and suggested that maybe some of the tasks directed to the Secretariat could be delegated to the regional representatives. He recommended that this study should be made by the regional representatives without going through a consultancy, which would require a large budget.

The observer from France asked to what extent the IUCN Environmental Law Centre could help and suggested that each country could provide a law student to the centre and that information could then be brought back to the country.

The Chairman noted the various views on how to proceed. With regard to the comments of the representative of the Previous Host Country, he felt that the suggestion of the dispersal of responsibility to the regional representatives would not be practical. With regard to the comments of the observer from France he suggested that IUCN be asked to undertake the work using resources they already had. If no funding was available, perhaps IUCN would undertake to acquire the necessary funds.

The Standing Committee agreed that the Secretariat should arrange a study of stricter domestic measures, subject to external funds being available. However the Secretariat's suggestion to conduct an analysis of the impact of stricter domestic measures was not agreed.

#### e) Enforcement matters

The Secretariat announced that document Doc. SC. 41.14 (Enforcement matters) was for information only and document Doc. SC. 41.14.1 (Customs procedures) concerned significant information on future intentions of the World Customs Organization. The Secretariat indicated that no decision was required at this meeting.

The Chairman recommended that the Secretariat transmit this information back to the authorities of each Party and region, particularly to Customs specialists. He added that their comments on this issue may be needed regarding what CITES can do about a process that can not be stopped. He suggested that this issue be considered at the 42nd meeting of the Standing Committee on the basis of any comments from Parties.

## 10. Future meetings of the Conference of the Parties (continuation)

### b) Organizational and procedural arrangements

This was an information item. The Chairman asked that any comments be sent directly to the Secretariat.

## 11. Issues relating to the appendices

### b) Review of the criteria for amendment of Appendices I and II

The Chairman noted that there had been discussion of this issue by an informal group of participants prior to it coming up on the agenda, and a draft decision with terms of reference was submitted to the meeting. It was generally agreed that the review of the criteria should be a CITES-driven process, with leadership and direction from the Animals and Plants Committees. The Standing Committee agreed to request the Chairmen of the Animals and Plants Committees to prepare terms of reference for undertaking the review of the criteria for amending Appendices I and II, pursuant to Resolution Conf. 9.24, and report these terms of reference to the Conference of the Parties at its 11th meeting. It was further agreed to request the Chairmen of the Animals and Plants Committees to jointly oversee this review, and to complete it in time to consider the findings and develop any recommendations for consideration at the 12th meeting of the Conference of the Parties. Both Committees were encouraged to consult with international technical bodies, such as FAO and COFI, whilst ensuring that the work plan for the review remains a CITES process.

The observer from the Netherlands stated that there were no problems with the review. As a point of information, he reported that WCMC had now finished a report on tree species as a contribution to the evaluation of the criteria.

### a) Use of annotations in the appendices (Decision 10.70)

The representative of the Depositary Government explained that on the first day of this meeting, a working group (Argentina, Canada, Germany, Namibia, United States of America and the Secretariat) reviewed the draft Resolution of the Conference of the Parties on the use of annotations in the Appendices and had reached a consensus on a draft resolution.

The Chairman thanked the working group for the document and for the work undertaken to gain a consensus. The Standing Committee agreed with the text in the draft resolution, and agreed to submit it for consideration at the 11th meeting of the Conference of the Parties

## 12. Approval of new projects

The Secretariat announced that projects and proposals for new donors had been received and were listed in document Doc. SC.41.21. The Secretariat suggested that, in view of the shortage of time, the members of the Standing Committee should inform the Secretariat in writing of the proposals of which they disapprove. The Chairman asked the Standing Committee whether anyone had any objection to including any of the proposals on the approved list.

The representative of the Depositary Government asked for clarification of the status of project regarding *Mantella* since a study had already been sponsored by the Depositary Government regarding *Mantella* in Madagascar. The Secretariat said they would check the status of the project to which he referred. The Chairman suggested that the current proposal should not be approved, pending the outcome of enquiries.

The observer from the United States of America said that they had no objections in principle to projects 1 - 4, but did have some specific technical and other concerns with the proposed methodology, which would be forwarded to the Secretariat.

The representative of Europe (United Kingdom) stated that they had some concerns with project S-99/07-P, genetic identification of species of the genus *Crocodylus* in Colombia.

The representative of Central and South America and the Caribbean (Argentina) asked for clarification regarding the proposal from Colombia. She said that she had been informed that Colombia was sending two project proposals but only one was presented here. She asked whether the other had been received.

The Secretariat replied that the project proposal on crocodiles had been received. They said that they had discussed the proposal with the authorities of Colombia who had agreed to it being presented at the 42nd meeting of the Standing Committee.

The representative of Central and South America and the Caribbean (Panama) requested clarification on the other proposal from Colombia included in Annex 8 of document Doc. SC.41.21.

The Secretariat explained that the information on project proposals had been distributed in November 1998, but the document from Colombia with the second project proposal did not arrive until January 1999.

With regard to document Doc. SC.41.21, Annex 8, the observer from the European Commission said that it was impossible to commit funding unless there was a full project proposal. The Chairman drew attention to the fact that this related to a request for donor approval, not project approval. The proposal for a new donor (Doc. SC.41.21, Annex 8) was approved.

The representative of Central and South America and the Caribbean (Argentina) pointed out that Colombia had submitted two crocodile proposals, one concerning genetic identification and the other concerning conservation management, but only one was included in the table in document Doc. SC.41.21. She asked whether there could be discussion of the proposal regarding genetic identification.

The Chairman added that it was difficult to determine the relevance to CITES and whether, if carried out alone, it met the established criteria; if so, then it could be approved. It was approved and the Committee members were requested to submit comments to the Secretariat as soon as possible.

The Chairman briefly returned to the executive summary. A few comments were noted.

## 17. Organization of work of the Committee until CoP11

### Time and venue of the next meeting

The Chairman asked the Secretariat whether they had received any proposals for the date of the next meeting of the Standing Committee and suggested that if not, his proposal would be for the week beginning 27 September 1999.

The observer from Portugal announced that Portugal wished to host the meeting. The Chairman, supported by the observer from France, thanked Portugal for its generous offer.

## 18. Any other business

### a) Letterhead on CITES Notifications

The representative of Asia (Japan), who had earlier raised this question, expressed surprise that the CITES letterhead had been changed without consultation and expressed concern that UNEP was given importance over CITES, the letterhead made CITES appear to be a United Nations organization and languages other than the working languages of the Convention appeared on the letterhead. There was concern that the basic principles of the relationship stated in the Memorandum of Understanding had not been respected. The representative of Japan pointed out that CITES is not a United Nations organization and is not a member of the United Nations family. He requested an explanation for the change and the present state of affairs. The representative of Central and South America and the Caribbean (Argentina) supported these comments.

The Interim Secretary-General intervened to provide background information. He mentioned that he had received a letter from the Depositary Government on this subject, which he had referred to UNEP Headquarters. The Executive Director of UNEP had instructed all convention secretariats administered by UNEP, as well as parts of the UNEP Secretariat, to use the new UNEP letterhead. He assured the Standing Committee that the Executive Director of UNEP had no bad intention when he gave the instruction. The Interim Secretary-General stated that when he referred the correspondence of Japan and the Depositary Government to UNEP Headquarters, the question was reviewed by the legal office of UNEP, which saw no difficulties with the Executive Director's decision.

The observer from the United States of America agreed with the representative of Asia (Japan), noting that CITES is not a United Nations convention. While recognizing the importance and value of UNEP's administrative support to the CITES Secretariat, the United States of America stressed that although the convention calls upon UNEP to provide administrative support, it is not appropriate to subsume CITES under UNEP.

The Chairman suggested that the UNEP letterhead be used when linkage with the United Nations is useful.

The observer from the United States of America suggested that the old letterhead was sufficient for purposes of linkage because it included the UNEP logo.

The representative of Central and South America and the Caribbean (Panama) said that in his view the new letterhead had been imposed by UNEP.

The representative of Africa (Namibia) argued in favour of redesigning the letterhead.

The representative of Asia (Saudi Arabia) remarked that a trivial question had become a complicated question of policy.

The representative of the Depositary Government declared that the question was very delicate, because of conflicting interests of UNEP and CITES. He was opposed to unilateral decisions and felt that it was legitimate for CITES to have an independent identity.

The representative of Oceania (New Zealand) requested closure of the debate, but pointed out that the Standing Committee should not decide this question without legal counsel.

This led to a discussion of interpretation of the motion to close debate with interventions by representatives of Asia (Japan) and Europe (the Russian Federation and the United Kingdom). The Chairman followed the Rules of Procedure by putting to a vote the proposal to close the debate. The result of the vote was four in favour and five against and the proposal was thus rejected.

The representative of Central and South America and the Caribbean (Argentina) proposed using the old letterhead for all external communications and the UNEP letterhead for internal communications. She found the action of UNEP to be offensive and suggested that the Interim Secretary-General could act as an intermediary.

The Chairman suggested that the Secretary-General Designate be asked to transmit views to UNEP. In the meantime the Committee agreed to the proposal of Argentina. Thus The Standing Committee agreed that this issue would be discussed further at the 42nd meeting of the Standing Committee, and possibly at CoP11. Until that time, for all correspondence with the Parties, including Notifications, the Secretariat should use the old letterhead; for correspondence with UNEP and the general public, the Secretariat should use the new letterhead. UNEP was asked to provide its legal opinion on its authority regarding the use of the new letterhead.

#### b) Bushmeat report

The representative of Europe (United Kingdom) asked members to note the contents of the report on the bushmeat trade prepared by the Ape Alliance and circulated to the meeting earlier in the week. The report made important recommendations about the impact of the timber trade in Africa and called for traders to sign up to a code of conduct to protect endangered species.

### 19. Closing remarks

The Chairman drew the 41st meeting of the Standing Committee to a close. He remarked that it had been the most pleasant and constructive Standing Committee meeting in recent years and this had been reflected particularly in the decisions with regard to elephant trade measures. He said that he was sorry that there had been any vote at all on this issue, but on other substantive issues decisions had been made by consensus.

The Chairman thanked the members of the Standing Committee, the observers, the technical advisers of IUCN and TRAFFIC and the Secretariat for guidance and help behind the scenes and on the podium. He thanked the working groups, interpreters and translators. He expressed his gratitude to the Executive Director of UNEP and to the Interim Secretary-General for stepping into the breach when CITES was at a low ebb, reiterating the achievements with regard to finance. He wished to pay a special tribute to the rapporteurs for recording the discussions and finally he thanked Portugal for the generous offer to host the next meeting of the Standing Committee.

The Chairman closed the meeting at 17h30.

Statement by Mr Willem Wijnstekers, Secretary-General Designate  
to the 41st meeting of the Standing Committee

Dear colleagues

I hardly need to say how glad I am with this appointment, but I am above all extremely proud to from now on to be allowed to play an active role in the evolution of CITES instead of just writing the book.

I am confident that you and I can make CITES play a decisive role in the conservation and sustainable exploitation of our natural resources into the next century. Together we must make CITES work for animals, for plants and thus for people and I should like to assure you of my total commitment to that objective.

You may wonder what my intentions are and you are obviously entitled to an answer. I should like to briefly outline which main management issues I intend to tackle in directing the Secretariat. This can of course not be exhaustive and some of the points I'll make are already in hand and may even be well on the way to being resolved.

One of the first things to do concerns the situation within the Secretariat. You will agree that past events have severely damaged individual people and the relationship between staff. They even affected the Standing Committee, the interests of the Parties and the Convention as a whole. One of the first things to do therefore is to complete the re-establishment of the Secretariat as a strong, confident, professional and efficient entity in which you are able to believe. This requires the restoration of staff confidence, loyalty, solidarity, team spirit, job-satisfaction and motivation. It also requires an attitude and commitment from the staff, commensurate with their position as United Nations officials. There may still be some tough decisions to take and I shall require the full backing of the Standing Committee in taking them.

Related to this is also the need to rethink the activities of the Secretariat. I know that most of these are laid down by the Convention and by the Parties, but I also know that many of them exist for a very long time and may have become a self-perpetuating purpose. There may also be better ways to do things. Certainly, time spent on unnecessary activities should be used for a higher quality of services to the Parties.

An important task of the Secretariat, which I feel has been increasingly neglected, is to give direction to the Convention, to guide the Parties, to initiate and take the lead on major policy issues. This active role should be restored and further developed in all CITES fora. As part of this more active role, the Secretariat should also take up its responsibilities as "watchdog" of the Convention and for example become more effective in preventing undesirable effects and consequences of decisions of the Conference of the Parties and its committees. Further, we should not just consolidate old recommendations, but critically look at their contribution to the current needs of the Convention and its Parties. The number of recommendations must be reduced in order to make those that really matter better identifiable, understood and implemented.

This complex area can be summarised in one sentence:

The Secretariat should become a Secretariat with a capital S again.

An equally important area, which will get my undivided attention is the Secretariat's relationship with the Parties and its other partners. We need to urgently restore the confidence of the Parties - and of the Standing Committee in particular - in the Secretariat.

Together with the Parties and the Standing Committee, I will also work towards an optimal relationship with UNEP and the other international Conventions it administers.

I'll bring along my existing good relationship with the Secretariat's key technical partners (IUCN, WCMC, TRAFFIC, WCO, Interpol, etc) and will intensify cooperation and coordination with them. Where necessary, I hope to replace an atmosphere of competition with one of collaboration and shared responsibility.

At last, but certainly not the least, point on the issue of the Secretariat's external relationships concerns the NGO-community. Many NGOs have a keen interest in our Convention and its purposes and they cover a wide range of interests that are affected by our decisions. NGOs are also the main source of information of the press and the general public. They can do a lot of good or a lot of damage. I believe they have reason to feel ignored. This leads to frustration and makes it very unlikely to obtain a constructive NGO contribution to our work, even where we have obvious common goals. I therefore intend to intensify the Secretariat's structural contracts with major international NGOs in all areas of interest to the Convention. This is not to say that whatever NGOs have to tell us must influence our policy. I have a long experience with all kinds of lobbies and you may rest assured that I will be no less frank and open in my contacts with them than I have been so far. In fact many of them know that I am not afraid to disagree, but appreciate the fact that I am willing to listen.

Transparency will be another key word in my activities. I intend to enhance policy transparency through a permanent, well-presented and accessible flow of information from the Secretariat to the Parties and others on activities and results. For that purpose, the Secretariat will need to improve its overall communication capacity and capabilities and make better use of the latest available technologies. I believe there is scope for an increase in the speed and timeliness of informing the Parties in general and in relation to meetings of its major committees in particular. This is crucial in both the preparation and the implementation of decisions.

I don't need to remind you of the continuing budgetary difficulties. I will want to discuss with you further about ways and means to remedy the late and non-payment of dues. Independent thereof, however, we should increase the level of realistic forecasting, planning and reporting and make more structural and consistent efforts to obtain external funding. I find it quite unrealistic to make important policy areas depend upon external funding. It only creates false expectations and is as frustrating as basing the planning of your house-hold on winning the lottery.

A final remark concerns an important principle and an idea in relation to it that I should like you to think about. There is a statement in the current Strategic Plan that the Secretariat "cannot serve only the interests of any one Party or a group of Parties". I don't think this is necessarily true. I rather think that the guiding principle for decisions should be that different Parties in different regions have different needs, interests and problems. They may thus require a different response, different mechanisms, tools and solutions. Wherever possible - and of course without harming other major interests - CITES policy should form a large and solid common foundation, which should leave room for offering individual solutions to individual problems.

Again, because of time constraints alone, this could not be a complete overview of my plans and intentions. They can in addition not be more than plans and intentions either. Calling them more than that would contradict what I have just said and be against my sincere commitment

to dialogue, openness and transparency vis-à-vis you and the Secretariat staff. I sincerely hope that commitment will be reciprocal. One thing the Convention can do without is a repetition of the intrigues that have polluted the atmosphere and damaged CITES so much.

Dear colleagues, I am sure that in our individual and collective contacts we will not always agree on all issues from the outset and I am sure that is not something you would expect from me. I am convinced, however, that we will agree by the time we take decisions. You have your responsibilities and I will have mine, but there should be no divergence in the aims we pursue.

An appropriate United Nations motto - and I had better get used to that - to describe what I intend to do would probably be: "*Restore Confidence*".

Thank you very much.

Written statement from the United States of America regarding Agenda Item 8

As the members of the Standing Committee are aware, the United States was unable to support the proposed downlisting of these three populations and the experimental one-off sale, because of concerns that poaching and illegal ivory trade could increase in other range countries, and more specific concerns over the lack of agreed procedures among the Parties about the adoption and implementation of annotations. However, after the downlisting was approved, the US publicly stated that we respected the decision of the Parties and would constructively with all interested Parties to see the decision of 10.1 and Resolution Conf. 10.10 implemented properly. The US stated then, and continues to assert, that effective implementation of this decision is critical to the future of African and Asian elephant conservation and vital to the continued effective implementation of CITES.

Since the June 1997 decision, the US has invested \$350,000 in support of the Range States Dialogue, the AESG, and the IUCN process, to develop the proposed Conf. 10.10 elephant monitoring system. More significantly, since June 1997 as well, the US has provided over \$1.5 million in bilateral projects in range countries for on-the-ground elephant conservation projects throughout Africa, including anti-poaching assistance. In addition, the US has \$400,000 in new funding for this year to provide support for Asian elephant conservation projects as well. We would be very interested in hearing from other donor countries on their comparable commitments.

Although the US accepts the decision of the Parties, we remain concerned about the implementation of this decision and we urge the Standing Committee to consider the following:

1. The Standing Committee should recognise that the monitoring system proposed under Conf. 10.10 can be a significant step in addressing long-term elephant conservation, and the US is prepared to continue its commitment to its development. However we believe that such a system in general, and MIKE in particular, cannot be expected to demonstrate a causal relationship between ivory trade and poaching in the time frame envisioned by the conditions outlined in Decision 10.1 paragraph g), nor under the best of circumstances, be adequately sensitive within the time frames envisioned by paragraph g) to trigger remedial actions as required.
2. We support the continued development and refinement of a monitoring system but believe its development should be considered apart from meeting the other requirements specified in Decision 10.1. The US is prepared to continue its significant commitment to the development of a monitoring system but ONLY if the necessary funding is provided from external sources, and not through the Trust Fund. We stress that this monitoring system, while vital, should in no way detract from other conservation priorities identified by the Parties for expenditures from the Trust Fund. The US would be interested in hearing from other developed countries, particularly Japan which will benefit from a limited re-opening of ivory trade, and the European Union, which participated in the development of the COP decision, as to what their specific financial commitments will be to the monitoring process.
3. Based on our evaluation, the monitoring system cannot in the short term provide information to demonstrate that a certain level of poaching was or was not caused by the re-opening of ivory trade. The monitoring system, over the long-term should provide useful information on trends in elephant populations and poaching of elephants, but cannot be expected to provide statistically significant conclusions as to causality, within the time frames envisioned by Decision 10.1. The system needs further scientific review and evaluation. therefore, pending the full implementation of an agreed monitoring system we

believe that the Standing Committee must determine what level of increased poaching of elephants, either globally, regionally, or for local populations, would trigger the implementation of safeguards as outlined in the decision in paragraph g) and make a commitment to the Parties to expeditiously enforce such safeguards. We would urge the Standing Committee to formally endorse the recommendation of the Deputy Secretary General presented this morning as the "trigger" mechanism to invoke the requirements of Decision 10.1 paragraph g).

4. Further, we believe that the generic problem of procedures for developing and implementing annotations to the Appendices I and II is of the highest priority, for both the Standing Committee and the next meeting of the Conference of the Parties. The current annotations and associated decisions for the African elephant are confusing at best, and possibly non-implementable in some cases. The highest priority should be placed on refining the process of using annotations when transferring species or populations from Appendix I to II, including implementation and interpretation of such annotations and related decisions. The US has participated in the small informal working group on this issue, whose report will be discussed under Agenda item 11. We look forward to discussion of that issue later this week.

In conclusion, the US is committed to effective implementation of the decisions and resolutions adopted by the Parties at COP10. We also share the concerns expressed by delegates from a number of Asian and African elephant range states that poaching may increase significantly if the Standing Committee approves this one-time sale. It is due to these concerns that we so strongly support effective monitoring of populations and poaching of elephants, and the rapid response of the Standing Committee if poaching increases as required by Decision 10.1 part B. If this one-time sale is approved by the members of the Standing Committee, its impacts must be fully evaluated over sufficient time, before any further downlistings of the species are considered. Caution on the part of the Parties might indeed suggest that COP11 would be too soon for any such proposals.

A written record of the IUCN/TRAFFIC responses to questions on the design of the system for monitoring the illegal killing of elephants (MIKE) raised during discussion at the 41<sup>st</sup> CITES Standing Committee Meeting (Geneva, 8– 12 February 1999)

During the 41<sup>st</sup> CITES Standing Committee Meeting a number of questions were raised regarding the general statistical design and function of the proposed monitoring system for illegal killing of elephants (MIKE). At the request of the Chair, IUCN and TRAFFIC were called upon to answer questions raised from member and observer governments in the meeting room. Additionally, the Chair entertained a request from IUCN that the opportunity might be taken to address any additional or more detailed questions outside the meeting room during the course of the formal Standing Committee meeting. Accordingly, delegates met with IUCN and TRAFFIC throughout the week.

This text provides written answers given to delegates attending the Standing Committee meeting either inside or outside the meeting room and serves as a formal record of IUCN and TRAFFIC's responses to the questions raised.

1. The methodology used for site selection

1.1 A number of concerns voiced suggest that the methods used in the site selection process have not been well understood. The criteria used for selection are explained in Section 3.2 of the MIKE proposal (Doc. SC. 41.6.3, Annex 1). The statistical process used to apply these criteria to the final selection of sites is explained in Annex 4 of the MIKE proposal. Though this presentation of the methodology is very technical, there is no simple, lay explanation of the complex process employed. The main point is that the requirements of CITES Resolution Conf. 10.10 (Annex 2) are met, in particular with regard to selecting a representative sample of sites across Africa and Asia.

1.2 Some concern was expressed regarding the inclusion or exclusion of particular sites. In answer to this, it was explained that the sites were drawn from a pool of proposed sites prepared and vetted by the IUCN/SSC's African and Asian Elephant Specialist Groups. Further, it was reiterated that the process of final site selection from the pool of proposed sites was objective and anonymous, so as to avoid the introduction of any bias, unconscious or otherwise. The final selection of sites was the product of a process that followed logically from (a) the list of candidate sites in Africa and Asia, (b) the selection criteria and (c) the application of the method adopted.

1.3 There were also a number of questions concerning the related issue of the power or sensitivity of the MIKE system to detect a real change. The estimates presented on page 9 of the MIKE proposal document *must be read in the context of the assumptions and simplifications* that were necessary to produce them. These are clearly stated in the document, in particular in the third paragraph on p. 67. It is worrying to IUCN that the caveats and provisos on this power issue, although adequately mentioned in the main text of the proposal, and emphatically stated again in Annex 4, are apparently being ignored. The estimates presented are necessarily very rough *but conservative* and are based on some very broad assumptions and simplifications. Their main purpose was to provide a basis for comparison of three, proposed sampling scenarios. The method adopted has been widely used and recommended elsewhere (See Green (1994) for statistical details and justification).

## 2. Analysis of MIKE Data

2.1 A number of questions on data analysis within the MIKE system have arisen during discussion. This is likely the result of the MIKE proposal, as submitted to the 41<sup>st</sup> Standing Committee meeting, providing few details of the statistical techniques to be applied to the MIKE data during the analysis phase. This omission, in fact, was not because the details of the possible analyses had not been discussed in the MIKE development process but because they were not required in the contract between the CITES Secretariat and IUCN which followed from a decision made at the 40<sup>th</sup> Standing Committee meeting in March 1998 “to develop a plan for the long-term, site-based monitoring of illegal killing” (Notification No. 1998/09) for consideration at the 41<sup>st</sup> Standing Committee meeting in February 1999. This proposal was to include an unbiased representative sample of monitoring sites in Asia and Africa as well as an indicative budget for the implementation of MIKE (i.e. including the initial set up costs and five years of subsequent running costs).

Although precise details of the analytical methodology will only be settled after the initial phase of implementation, the section below outlines the most likely analysis scenario.

2.2 Before any detailed analysis of data, it is always sensible to use methods of exploratory data analysis (EDA), especially with data as complex as those to be produced by the MIKE system. The purpose of the EDA phase is to highlight the main features of the data, eliminate or investigate anomalous data points and to suggest hypotheses and modelling approaches. EDA depends heavily on interactive graphical methods, and powerful packages for such analyses are readily available.

2.3 At the simplest level, MIKE output will require descriptive summaries of data and derived indicators. These summaries consist of tables of counts, means, totals, percentages and rates (accompanied by graphical representations where appropriate). Modern techniques of *data smoothing* will also be used, especially for highlighting *trends* in time series data. Examples of these methods are LOESS and kernel smoothing, which are very powerful tools for revealing underlying trends in highly variable data (Venables & Ripley, 1997).

2.4 Particular hypotheses will be investigated by means of a process of statistical modelling. The modelling framework used will most probably be as follows. Generalised linear models (GLMs), in particular, the Poisson regression (allowing for over-dispersion), almost certainly will form the backbone of the analysis of population data and carcass count data (McCullagh & Nelder, 1989). The models used will have to extend the usual GLM in two ways: firstly, to account for serial correlations, i.e. taking account of the longitudinal nature of monitoring data (Diggle, Liang & Zeger, 1994). Secondly, the hierarchical structure of the sampling process (sampling sites and then locations within sites, etc.) imposes the need for multi-level modelling (Goldstein, 1995). It is possible that spatial correlations will also have to be taken into account; but this may not be necessary, unless some of the sampled sites are close to one another. These methods, especially in combination, are quite complex, and indeed are close to the cutting edge of modern applied statistical research.

2.5 The issue of “causality” is discussed at some length in Section 3, below, but comments in the context of the proposed data analysis are presented here. Modelling the data using multi-level statistical models will enable the effect of a factor that operates at one level of the data hierarchy to be assessed at other levels. By “factoring out” the effects of all possible external variables, further analysis of the residuals should provide a sensitive measure of the effect of changes in the status of the African elephant in CITES.

### 3. The issue of establishing “causality” in the short and long-term

- 3.1 It is important to understand the design of the MIKE system in the context of its intended function. While Decision 10.1, Part A, g) does require “the establishment of a mechanism to halt and immediately transfer the Appendix I populations back to Appendix II in the event of [...] the escalation of illegal hunting of elephants and/or trade in elephant products owing to the resumption of legal trade” it was never intended that this be a function of the long-term, international monitoring system, now known as MIKE.
- 3.2 It was recognised by IUCN early on that the lack of baseline or benchmark data precluded this possibility and the 40<sup>th</sup> Standing Committee (London, March 1998) was informed of these limitations. As a result, reporting systems were established through the use of the incident report and national reporting forms by the CITES Secretariat. The CITES Standing Committee has now established a process for using these reporting systems to assist in any decisions regarding the re-transfer of the three populations should this become necessary (Doc. SC. 41.6.4 (Rev. 2)).
- 3.3 However, none of this invalidates the use or value of the long-term monitoring process. The MIKE system is designed to meet the specifications of a long-term monitoring system incorporating the scope and methodology and directions for data collection and compilation stipulated in Resolution Conf. 10.10 (Annex 2) and called for in Decision 10.1, Part A, i).
- 3.4 In common with countless other fields of conservation policy, MIKE represents an attempt to address the problem of decision making in the face of uncertainty. Ultimately, the decisions to be taken by the Parties to CITES will be the result of the careful weighing of evidence and informed judgement. A good monitoring system will strive to supply the best possible information required to make this judgement. The information outputs of the system will consist of robust indicators of the processes being monitored at the site level: elephant population numbers and trends, mortality from illegal killing, levels of law enforcement activity. The system will also assess the extent to which these parameters are correlated with factors likely to influence them and will provide statistical measures of the *reliability* of this information. The monitoring system is thus a tool to help us understand the dynamics of the underlying process and to provide measured information as the basis of decision making.
- 3.5 It is necessary to regard the so-called “causality” issue in this context. The monitoring system will help us to understand the process being monitored and hence to make *judgements* on causal relationships, including the effect of any future decisions to allow legal trade, on the incidence of illegal killing that may be made once the monitoring system is in place. To “prove” that the resumption of legal trade, or any other change in the status of the African elephant within CITES, has led to an increase in mortality from poaching is not something that any monitoring system could ever achieve regardless of its design. The most that can be achieved is to statistically assess the evidence relating or correlating legal trade with elephant mortality. MIKE is designed to make such assessments.
- 3.6 Care is needed in interpreting some of the language of the COP10 Decision 10.1, Part A, g) and in Resolution Conf. 10.10 the section, “Regarding monitoring of illegal hunting of and trade in elephant specimens, sections a) and b)”. There has been a tendency to incorrectly assume that the agreed international monitoring system needs to provide a deterministic mechanism for: (a) triggering any future decision to transfer the African elephant back to Appendix I, under specified conditions and (b) the establishment of causality between the change in status of the African elephant within CITES and changes in the level and trends of illegal killing of elephants. If the interpretation of the COP decisions and resolutions are taken too literally, it could be construed that what is proposed is not a monitoring system but an *expert system*, i.e. an automated, “data in/answer out” system that makes the decision for us. There is no claim that

MIKE is designed to be used as an expert system, nor was it the intention of the Parties that an expert system be designed.

#### 4. Factoring in the role of ivory price

4.1 IUCN and TRAFFIC were asked why the price of ivory was not included as an explanatory or independent variable in the proposed monitoring systems. It was explained that, in principle, there is no reason ivory price should not be utilised as a variable although it is much more appropriately tracked in the context of the Elephant Trade Information System (ETIS) than within MIKE. However, it was explained that the relationship between price and poaching is complex and data are often unreliable. These factors would have to be incorporated in the overall analysis linking the two systems. It was further explained that several important points regarding the pricing of ivory need to be considered.

4.2 Most ivory price data collected in the past have been derived from the declared value of imports under a legal trade regime; such data are now no longer available.

4.3 The fact that much (if not most) of the available price data fails to pinpoint a specific place in the chain of trade (for example, the price paid to the poacher, the price paid for raw ivory to middlemen, the price of raw ivory paid by carvers, the price of worked ivory at the retail level, etc.) constrains the explanatory power of any analysis. The stage at which price is recorded can be critical to any meaningful analysis. For example, an analysis of the rhinoceros horn trade showed that while the price paid to rhino poachers remained at a fairly constant low-level throughout the period examined, at other levels of the trade, profit margins increased dramatically. This is likely to also be the case for elephant ivory as well.

4.4 Factors determining the price of ivory are complex and depend on a variety of forces. These include:

- ◆ the quality and, hence, the commercial value of ivory (for example, larger tusks are usually more valuable than smaller pieces of ivory, while ivory which is discoloured, cracked, dry, old, bleached or otherwise in poor condition generally commands far lower prices);
- ◆ the circumstance of the sellers and buyers (for example, how quickly someone wants to get rid of their ivory stock; whether or not there are ready buyers on the black-market within Africa or developed connections with end-use buyers; and a variety of other such factors); and
- ◆ the problem of price distortion. In some instances, ivory price data have been distorted due to entrapment or "sting"-type operations on the part of the relevant law enforcement authorities.

4.5 TRAFFIC has received funding to undertake a detailed and comprehensive assessment of ivory price data from 1989 to the present.

4.6 It was pointed out that Question 12 of the ETIS Seizures Data Collection Form, which was circulated by the CITES Secretariat in Notification to the Parties 1998/10 on 31 March 1998, requests information on the value of the ivory seized.

Compiled by:

R.W. Burn and H. T. Dublin (on behalf of IUCN) and T. Milliken (on behalf of TRAFFIC)

## References

- Diggle, P.J., Kung-Lee, Y. and Zeger, S.L. 1994. *Analysis of Longitudinal Data*. Clarendon Press, Oxford.
- Goldstein, H. 1995. *Multilevel Statistical Models (second edition)*. Arnold, London.
- Green, R.H. 1994. Aspects of power analysis in environmental monitoring; in Fletcher D.J. & Manly.
- McCullagh, P. and Nelder, J.A. 1989. *Generalized Linear Models (second edition)*. Chapman & Hall, London.
- Venables, W.N. and Ripley, B.D. 1997. *Modern Applied Statistics with S-PLUS (second edition)*, Springer, New York.

Written statement from Japan regarding Agenda Item 8 (b) - Tigers

1. Overview

In recent years, there has been increasing discussion at various meetings under the Washington Convention concerning trade in wild plants and animals for use in traditional Chinese medicines. In particular, attention has been focused on the use of tiger parts in traditional Chinese medicines and the problem of protection.

Investigative reports from some environmental protection organizations have stated that the distribution of preparations containing tiger bone is still occurring in Japan.

2. Past response

It has been confirmed that all of the preparations containing tiger bone which are being sold in Japan were imported from China, and that all of these were manufactured from tigers obtained prior to the application of the Washington Convention.

However, the Ministry of Health and Welfare has taken the following steps in response to statements from NGOs and so on.

- a) There are five business which deal in such preparations in Japan. In accordance with the voluntary control standards enacted by the industry, they report on their inventories every six months, and these reports indicate that the business have no inventory of such preparations.
- b) A statement was received from EIA (and NGO) to the effect that several pharmacies and drugstores in Tokyo and Kanagawa were selling preparations containing tiger bone. The Ministry of Health and Welfare conducted a questionnaire survey of 2,500 pharmacies and drugstores in these regions, and learned that only 34 stores were dealing in preparations containing tiger bone.
- c) The Ministry of Health and Welfare performed on-site investigations of pharmacies and drugstores which have been surveyed by EIA in January 1999, and confirmed that the preparations containing tiger bone were being sold with the CITES seal of approval affixed to the exterior of the packages in every case, abiding by the voluntary control standards.
- d) Base on the Pharmaceutical Affairs Law, businesses dealing in preparations containing tiger bone, no imports of which have been recorded for more than three years, wee instructed to submit an approval processing report (return of approval permit).
- e) There are no manufacturers which hold permits to manufacture preparations containing tiger bone in Japan.
- f) Efforts are being made to improve awareness by displaying CITES posters (prepared by the Environment Agency) in pharmacies and drugstores with the cooperation of those establishments.

3. Conclusion

In China, which had previously been the source of imported preparations containing tiger bone in Japan, the domestic sale, import, and export of such preparations have been prohibited since

1 December 1993. In Japan, there are no import records since 1993, and there are no manufacturers which hold permits to manufacture such preparations in Japan. In view of these facts, it is considered that the distribution of preparations containing tiger bone will come to and end in the near future.