## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); Eleventh Regular Meeting; Proposed U.S. Negotiating Positions for Agenda Items and Species Proposals Submitted by Foreign Governments and the CITES Secretariat; Public Meeting

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice.

**SUMMARY:** This notice announces the provisional agenda for the eleventh regular meeting of the Conference of the Parties (COP11) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The description of each proposed agenda item is followed by a brief explanation of the proposed U.S. negotiating position for that item. Proposals submitted by the United States are not covered in this notice. This notice contains only summaries of the proposed U.S. negotiating positions on agenda items, resolutions, and species proposals submitted by other countries and the CITES Secretariat for COP11. This notice also announces the time and place for a public meeting on these issues.

**DATES:** In developing the final U.S. negotiating positions on these issues, we will consider information and comments that you submit if we receive them by Friday, March 31, 2000. The public meeting will be held on March 13, 2000, from 1:30 to 4:00 pm.

**ADDRESSES:** *Comments:* You should send comments pertaining to proposed resolutions and agenda items to the Office of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 700, Arlington, VA 22203, or via E-mail at: r9oma__cites@fws.gov. You should send comments pertaining to species proposals to the Office of Scientific Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 750, Arlington, VA 22203, or via E-mail at: r9osa@fws.gov. Comments and materials that we receive will be available for public inspection, by appointment, from 8 a.m. to 4 p.m., Monday through Friday, at either the Office of Management Authority or the Office of Scientific Authority.

*Public Meeting:* The public meeting will be held in rooms 7000A and B, Department of the Interior, 1849 C Street, NW, Washington, D.C. Directions to the building can be obtained by contacting the Office of Management Authority or the Office of Scientific Authority (see **FOR FURTHER INFORMATION CONTACT,** below). Please note that the room is accessible to the handicapped, and all persons planning to attend the meeting will be required to present photo identification when entering the building. Persons planning to attend the meeting who require interpretation for the hearing impaired should notify the Office of Management Authority as soon as possible.

**FOR FURTHER INFORMATION CONTACT:** (1) For information pertaining to proposed resolutions and agenda items: Teiko Saito, Chief, U.S. Fish and Wildlife Service, Office of Management Authority, tel. 703–358–2095, fax 703–358–2298, E-mail at: r9oma__cites@fws.gov. (2) For information pertaining to species proposals: Dr. Susan Lieberman, Chief, U.S. Fish and Wildlife Service, Office of Scientific Authority, tel. 703–358–1708, fax 703–358–2276, E-mail at: r9osa@fws.gov.

**SUPPLEMENTARY INFORMATION:**

## Background

The Convention on International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249, referred to below as CITES or the Convention, is an international treaty designed to control and regulate international trade in certain animal and plant species that are now or potentially may be threatened with extinction. These species are listed in Appendices to CITES, copies of which are available from the Office of Management Authority or the Office of Scientific Authority at the above addresses, from our World Wide Website http://international.fws.gov, or from the official CITES Secretariat Website at http://www.cites.org/CITES/eng/index.shtml. Currently, 148 countries, including the United States, are Parties to CITES. CITES calls for biennial meetings of the Conference of the Parties, which review issues pertaining to CITES implementation, make provisions enabling the CITES Secretariat in Switzerland to carry out its functions, consider amendments to the list of species in Appendices I and II, consider reports presented by the Secretariat, and make recommendations for the improved effectiveness of CITES. Any country that is a Party to CITES may propose and vote on amendments to Appendices I and II (species proposals), resolutions, decisions, discussion papers, and agenda items for consideration by the Conference of the Parties. Accredited nongovernmental organizations may participate in the meeting as approved observers, and may speak during sessions, but may not vote or submit proposals. The eleventh regular meeting of the Conference of the Parties (COP11) will be held in Gigiri, Kenya, April 10–20, 2000.

This is our sixth in a series of **Federal Register** notices that, together with announced public meetings, provide you with an opportunity to participate in the development of the United States' negotiating positions for the eleventh regular meeting of the Conference of the Parties to CITES (COP11). We published our first **Federal Register** notice on January 30, 1998 (63 FR 4613), and with it we requested information and recommendations on potential species amendments for the United States to consider submitting for discussion at COP11. You may obtain information on that **Federal Register** notice, and on species amendment proposals, from the Office of Scientific Authority at the above address. We published our second **Federal Register** notice on September 4, 1998 (63 FR 47316), and with it we requested information and recommendations on potential resolutions and agenda items for the United States to consider submitting for discussion at COP11. You may obtain information on that **Federal Register** notice, and on proposed resolutions and agenda items, from the Office of Management Authority at the above address. We published our third **Federal Register** notice on February 26, 1999 (64 FR 9523), and with it we announced the time and place of COP11, announced the times and places for the next meetings of the CITES Animals and Plants Committees, and announced a public meeting to discuss issues that were to be raised at those committee meetings. We published our fourth **Federal Register** notice on July 8, 1999 (64 FR 36893), and with it we listed potential proposed resolutions, agenda items, and proposed amendments to the CITES Appendices that the United States was considering submitting for consideration at COP11; invited your comments on these potential proposals; announced a public meeting to discuss the potential proposals; and provided information on how nongovernmental organizations based in the United States can attend COP11 as observers. You may obtain information on that **Federal Register** notice from the Office of Management Authority (for information pertaining to proposed resolutions and agenda items) or the Office of Scientific Authority (for information pertaining to proposed amendments to the Appendices) at the above addresses. We

also published a correction in the **Federal Register** on August 13, 1999 (64 FR 44234), correcting a paragraph regarding Atlantic swordfish on page 36909 of our July 8 **Federal Register** notice (64 FR 36893). We published our fifth **Federal Register** notice announcing resolution and agenda items and species proposals submitted by the United States to COP11 on February 17, 2000 (65 FR 8190). You may locate our regulations governing this public process in 50 CFR 23.31–23.39. Before COP11, we will announce any changes to the proposed negotiating positions contained in this notice and any undecided negotiating positions by posting a notice on our Internet website (http://international.fws.gov/global/cites.html). Pursuant to 50 CFR 23.38 (a), the Director has decided to suspend the procedure for publishing a notice of negotiating positions in the **Federal Register**, because time and resources needed to prepare a formal **Federal Register** notice would detract from essential preparation for COP11, and because the information on negotiating positions will otherwise be available on the internet. After the meeting of the COP, we will publish a notice in the **Federal Register** announcing the amendments to CITES Appendices I and II that were adopted by the Parties at the meeting, and requesting comments on whether the United States should enter reservations on any of these amendments.

We held public meetings on May 6, 1999 (to discuss issues before the CITES Animals and Plants Committees), and on July 28, 1999 (to discuss species proposals and resolutions and agenda items submitted by the United States to COP11). We will discuss U.S. positions on species amendments and resolutions submitted by other CITES Parties, and other agenda items leading up to COP11, at the public meeting on March 13, 2000.

**Proposed Negotiating Positions**

In this notice we summarize the proposed U.S. negotiating positions on agenda items and resolutions and proposals to amend the Appendices, which have been submitted by other countries and the CITES Secretariat. (Proposals submitted by the United States are covered in the **Federal Register** notice of February 17, 2000 [65 FR 8190]; see Background, above. We will not cover those issues in this notice. If time permits, they can be discussed at the public meeting on March 13, 2000). Numerals next to each agenda item or resolution correspond to the numbers used in the provisional agenda (Doc. 11.3), posted on the CITES Secretariat's Internet website (http://www.cites.org) and distributed through CITES Notification to the Parties No. 1999/96, issued on November 30, 1999. However, when we completed this notice, we still had not received documents for a number of the agenda items and resolutions from the Secretariat, nor have they been posted on the Secretariat's website. They will be available from the Office of Management Authority after they have been received from the Secretariat, or you may obtain them directly from the Secretariat's website when they are posted.

Some documents may not be received or posted until COP11 begins on April 10, 2000, or later during the Conference. A list of documents that we have received is available upon request from the Office of Management Authority (see **ADDRESSES,** above).

In the discussion that follows below, we have included a brief description of each proposed resolution, agenda item, or species proposal submitted by other countries or the CITES Secretariat, followed by a brief explanation of the proposed U.S. negotiating position for that item. Before COP11, we will announce any changes to the proposed negotiating positions contained in this notice and any undecided negotiating positions by posting a notice on our Internet website (http://international.fws.gov/global/cites.html). However, new information that may become available at COP11 could lead to modifications of these positions. The U.S. delegation will fully disclose any and all position changes and the explanations for those changes through daily public briefings at COP11.

**Agenda (provisional) [Doc. 11.3]**

*Opening Ceremony and Welcoming Addresses*

The Secretariat will prepare a document on these agenda items. According to tradition the host country conducts an opening ceremony and makes welcoming remarks at a meeting of the COP. Since COP11 is being hosted by the United Nations Environment Programme (UNEP), not the Government of Kenya, we understand that the opening ceremony and welcoming remarks will be conducted by UNEP.

*Strategic and Administrative Matters*

1. Rules of Procedure [Doc. 11.1]

The Secretariat, on behalf of the Standing Committee, distributes a provisional version of the Rules of Procedure, which describe the manner in which a COP is conducted, prior to all CITES COPs. The CITES Standing Committee may recommend modification to the Rules of Procedure for the work of the meeting of the COP. However, the COP discusses those proposed modifications, if any, and adopts Rules that guide the work of the Conference for the 2 weeks that it meets. Following COP 10, the Management Authority of Spain, with the cooperation of the CITES Secretariat, prepared a draft revision of portions of the Rules of Procedure. The United States prepared comments on this draft revision in preparation for the 42nd meeting of the Standing Committee, in Lisbon, September 28–October 1, 1999. At this meeting the Standing Committee reviewed the draft Rules of Procedure and made several significant proposed additions to the rules before agreeing that they should be forwarded to COP11 for adoption. One significant addition would provide the possibility for unofficial documents to be circulated at the COP and would give the Bureau the right to decide on appropriate action in the case of complaints from participants. Another significant proposed modification would establish a ''dispute resolution'' procedure, giving the Bureau authority to expel from the meeting any participant that ''vilifies'' a Party or brings the Convention into ''disrepute.'' The United States has noted previously our preference (U.S. response to Notification to the Parties 1998/18) that, on a species proposal or other issues before the Conference, the use of a secret ballot should be more restrictive than the current provision in Rule 25. However, in the interest of building consensus, we do not intend to propose any modifications to Rule 25.

The United States proposes to support most aspects of the provisional version of the Rules of Procedure as received from the Secretariat, with the following exceptions: Rule 12, paragraph 1, would allow a simple majority of the Parties present and voting to close from the public any session of the plenary or Committee I or II. This rule is in contrast to the rules that were in effect at COP 10, which allowed such action only ''in exceptional circumstances,'' and only with a two-thirds majority vote of Parties present and voting. The United States feels that transparency of the CITES process at a COP is of the utmost importance and would not support any effort to potentially reduce that transparency.

In Rule 29, the language in paragraph 3 allows significant interpretation in determining what ''abuses or vilifies a party, or brings the Convention into disrepute.'' Clear guidelines should be established for use in determining if a document is offensive, since this

determination could ultimately result in an organization being refused admission to the COP, or a formal complaint being made to a Party. In addition, the language in paragraph 4 that enables the Bureau to decide on appropriate action appears to be in conflict with Article XI paragraph 7 of the treaty that states that the Conference of the Parties is the body that can object to the participation of observers. The authority rests within the Plenary of the COP to decide if an individual observer should be no longer admitted to the meeting. One of the great strengths of CITES is its explicit provisions for observer participation.

2. Election of Chairman and Vice-Chairmen of the meeting and of Chairmen of Committees I and II and of the Budget Committee [no document]

The Secretariat will not prepare a document for this agenda item. The United States will support the election of a highly qualified Conference Chair, Vice-Chair of the Conference, and Committee Chairs representing the geographic diversity of CITES.

The Chair of the CITES Standing Committee (United Kingdom) will serve as temporary Chair of the meeting of the COP until a permanent Conference Chair is elected. According to tradition the host country provides the Conference Chair. Since there is no host country, the Standing Committee and UNEP will jointly recommend a suitable Chair to the Conference of the Parties. The Conference Chair will serve as Presiding Officer of the meeting of the COP and also of the Conference Bureau, the executive body that manages the business of the COP. Other members of the Conference Bureau include the Committee Chairs (discussed below), the members of the Standing Committee, and the Secretary General of CITES.

The major technical work of CITES is done in the two simultaneous Committees, thus, Committee Chairs must have great technical knowledge and skill. In addition, CITES benefits from active participation and leadership of representatives of every region of the world. The United States will support the election of Committee Chairs and a Vice-Chair of the Conference having the required technical knowledge and skills and also reflecting the geographic and cultural diversity of CITES Parties.

3. Adoption of the Agenda [Doc. 11.3]

The United States has reviewed the Provisional Agenda provided by the CITES Secretariat for COP11. The United States' discussion paper ''Recognition of the important contribution made by observers to the CITES process at meetings of the Conference of the Parties,'' which was submitted for consideration in Plenary session under agenda item #7 (Admission of Observers), has instead been assigned under a separate agenda item (#16), causing its consideration to be delayed by 2 days and limiting its initial audience to Committee II. The United States' discussion paper includes six recommendations which, if adopted by the Parties, would ensure the active participation of observers at future meetings of the Conference of the Parties. For many of the issues submitted for discussion at meetings of the COP, the greatest level of expertise lies within the community of nongovernmental organizations (NGOs) that attends meetings of the COP as observers. CITES recognizes this fact by explicitly providing for the active participation of observers at meetings of the COP in Article XI. Given the importance of observers, and in light of the difficulties they encountered while attempting to actively participate at COP10, the United States believes all policy documents concerning observers should be considered on the first working day of the meeting of the COP in Plenary. The United States recently wrote to the Secretariat to ask why that discussion paper was not scheduled for consideration under agenda item 7, as the United States had originally requested. If the United States does not receive a satisfactory response from the Secretariat and the matter remains unresolved, the United States may decide to oppose this aspect of the provisional agenda when it comes up for consideration at COP11.

4. Adoption of the Working Programme [Doc. 11.4]

The United States has received and continues to review the Provisional Working Programme for COP11 provided by the Secretariat. The United States generally supports the Provisional Working Programme, however, the United States is concerned that the discussion paper that the United States submitted on observers (see agenda item #3, above) has not been assigned as an earlier agenda item of the Provisional Agenda for COP11. In addition, the United States notes that on the afternoon of April 12th, Committee I is scheduled to consider agenda items regarding marine species, while Committee II is scheduled to consider interpretation and implementation of the Convention as it relates to the issuance of certificates of introduction from the sea. The United States is concerned that considering these issues simultaneously in different committees may present a scheduling conflict for many Parties, as their staff who cover marine species would probably also cover issues associated with certificates of introduction from the sea. The United States believes this scheduling conflict could be averted by changing the order in which Committee II considers its agenda items that afternoon, moving introduction from the sea to the final item for consideration.

5. Establishment of the Credentials Committee [no document]

A document will not be prepared by the CITES Secretariat on this agenda item. The United States will support the establishment of the Credentials Committee.

The establishment of the Credentials Committee is a standardized matter. The Credentials Committee approves the credentials of delegates to the meeting of the COP by confirming that they are official representatives of their governments, giving them the right to vote in Committee and Plenary sessions. The Credentials Committee consists of representatives from no more than five CITES Party governments nominated by the Standing Committee. The United States was a member of the Credentials Committee at COP10.

6. Report of the Credentials Committee [no pre-meeting document]

The Secretariat will not prepare a document on this agenda item prior to COP11, but one will be available at the Conference. The United States will support adoption of the report of the Credentials Committee if it does not recommend the exclusion of legitimate representatives of countries that are Parties to CITES. The United States will encourage timely production of Credentials Committee reports at the meeting of the COP.

Adoption of the report of the Credentials Committee is generally a standardized exercise. Representatives whose credentials are not in order should be given observer status as provided for under Article XI of the Convention. If evidence is provided that credentials are forthcoming but have been delayed, representatives can be allowed to vote on a provisional basis. A liberal interpretation of the Rules of Procedure on credentials should be adhered to in order to permit clearly legitimate representatives to participate. Exclusion of Party representatives whose credentials are not in order could undermine essential cooperation among Parties. However, greater vigilance is necessary in cases of close votes, or decisions to be made by secret ballot.

7. Admission of Observers [Doc. 11.7]

When we completed this notice, we still had not received a document on this agenda item from the Secretariat. The United States supports admission to the meeting of all technically qualified nongovernmental organizations, and the United States opposes unreasonable limitations on their full participation as observers at COP11. Nongovernmental organizations (NGOs) are admitted as observers if their headquarters are located in a CITES Party country, and if the national government of that country approves their attendance at the meeting of the COP. International NGOs are admitted by approval of the CITES Secretariat. After being approved as an observer, an NGO is admitted to the meeting of the COP, unless one-third of the Parties present objects.

Nongovernmental organizations representing a broad range of viewpoints and perspectives play a vital and important role in CITES activities and have much to offer to the debates and negotiations at a meeting of the COP. Their participation is specifically provided by Article XI of the Convention. The United States supports the opportunity for all technically qualified observers to fully participate at meetings of the COP, as is standard CITES practice. The United States also supports flexibility and openness in approval of documents produced by nongovernmental organizations and the dissemination of these documents to delegates. This information sharing is vital to decision-making and scientific and technical understanding at a CITES meeting.

8. Matters Related to the Standing Committee

The Standing Committee directs the work of the Convention during the period between meetings of the COP. Its work includes: (1) providing general policy and operational direction to the CITES Secretariat concerning the budget and other matters; (2) providing coordination and advice to other CITES Committees and working groups; (3) drafting resolutions for the Parties to consider at meetings of the COP; and (4) carrying out activities on behalf of the Parties. The Standing Committee will meet on April 9, 2000, the day before COP11 begins, to nominate the chairs of COP committees and provide guidance needed to conduct the meeting of the COP.

1. Report of the Chairman [Doc. 11.8]

When we completed this notice, we still had not received a document for this agenda item from the Secretariat. The United States fully supports the presentation of a report by the Chairman of the Standing Committee (United Kingdom) regarding the execution of the Committee's responsibilities and its activities that accurately reflects the discussions and decisions of the Committee. The United States will develop a position on that report after receipt of the document.

2. Election of new regional and alternate regional members [no document]

The Parties are represented on the Standing Committee by region. Regions with many countries may have more than one representative, based on a formula approved by resolution at previous meetings of the COP. Of the six geographic regions, one has three representatives (Africa); three have two representatives (South/Central America and the Caribbean, Europe, and Asia); and two have one representative (North America and Oceania). Parties from each geographic region meet early during the meeting of the COP to select new regional representative(s) and alternates to the Standing, Animals, and Plants Committees, in addition to reviewing other issues.

The United States encourages membership that will continue the active role of the Standing Committee. The Regional Representative for North America from COP9 until now has been Mexico. Discussions have taken place among the three North American CITES Parties (Canada, Mexico, and the United States) on which country should be the regional representative between COP11 and COP12, and those discussions will continue and be finalized at COP11. Resolution Conf. 9.1 (Rev.) specifies that ''the terms of office of the regional members shall commence at the close of the regular meeting at which they are elected and shall expire at the close of the second regular meeting thereafter.''

9. Reports of the Secretariat

1. Annual report of the Secretariat [Doc. 11.9.1]

2. Staffing of the Secretariat [Doc. 11.9.2]

These two reports are essential to ensure that the Secretariat continues to perform its functions assigned under Article XII of CITES. However, when we completed this notice, we still had not received these documents from the Secretariat. When we receive these documents from the Secretariat, the United States will evaluate them and develop negotiating positions.

10. Financing and Budgeting of the Secretariat and of Meetings of the Conference of the Parties

The Secretariat submits its financial report and budget for approval at each meeting of the COP. The Parties may choose to modify the budget before approving it. Financial support for the Secretariat comes from a Trust Fund consisting of voluntary annual contributions from Party governments, based on a United Nations scale. Additional support for CITES activities is provided through extra contributions from governments and nongovernmental organizations, and is used for projects approved by the Standing Committee. This ''external funding'' is not part of the Secretariat's budget.

The United States is currently reviewing the budget documents of the Secretariat. The United States advocates fiscal responsibility and accountability on the part of the Secretariat and the Conference of the Parties. The United States plans to be an active participant in discussions in the Budget Committee at COP11.

1. Financial report for 1997, 1998 and 1999 [Doc. 11.10.1]

Issues associated with the financial report of the Secretariat will be fully discussed at COP11, and the United States will closely review and analyze the relevant documents.

2. Estimated expenditures for 2000 [Doc. 11.10.2]

Issues associated with anticipated 2000 expenditures of the Secretariat will be fully discussed at COP11. The United States will review the documents carefully, bearing in mind the need to balance tasks assigned to the Secretariat with available resources.

3. Budget for 2001–2002 and Medium-term Plan for 2001–2005 [Doc. 11.10.3]

The United States believes that coordinating Budget Committee discussions with discussions in Committees I and II that may have budgetary implications is important. The Budget Committee needs to have time to consider the financial and budgetary implications of resolutions approved by Committees I and II. Ideally, the Committees would not take decisions with budgetary implications until the budget is approved. The United States will continue to work through the Bureau at the meeting of the COP to deal with this issue. The United States believes that the Budget Committee should be in a stronger position to deal with these important issues if the meeting of the COP approves the new status of the Budget

Committee, reporting directly to the meeting of the COP as a full committee of the plenary.

4. External funding [Doc. 11.10.4]

External funding refers to the financial support by Parties and nongovernmental organizations for projects that have been approved as priorities for CITES by the Standing Committee. This procedure is designed to avoid any conflicts of interest or even the appearance of a conflict when approving projects and channeling funds between the provider and the recipient. These externally funded projects are outside the CITES Trust Fund.

The United States, through the Department of the Interior and the Department of State, continues to contribute external funding to Standing Committee-approved projects including delegate travel to the meeting of the COP, support for Committee meetings, CITES enforcement and implementation training, and biological studies of significantly traded species.

11. Committee Reports and Recommendations

1. Animals Committee

(a) Report of the Chairman [Doc. 11.11.1]

The current Chair (Mr. Robert Jenkins of Australia) will report on the activities of the Animals Committee since COP10. Since COP10, the Animals Committee held two meetings, the first (May 25–29, 1998) in Caracas, Venezuela, and the second (July 5–9, 1999) in Antananarivo, Madagascar. The Regional Representative from North America on the Animals Committee is Dr. Susan Lieberman of our Office of Scientific Authority, who has led the U.S. delegations to each of the Animals Committee meetings since COP10. The United States is an active participant in Animals Committee meetings, working groups, and activities. When we completed this notice, we still had not received a copy of the Chair's Report. You may obtain information regarding Animals Committee meetings from the Office of Scientific Authority at the address above (see **FOR FURTHER INFORMATION CONTACT**).

(b) Election of new regional and alternate regional members [no document]

The six CITES regions are represented on the Animals Committee by one or two persons, according to the number of countries in each region. This process was established in CITES Resolution Conf. 9.1 (Rev), which is available on the Secretariat's web page. The representatives are individuals, and not governments. Parties within each CITES region meet during the meeting of the COP to elect new Animals Committee members to represent them. The current North American regional representative on the Animals Committee is Dr. Susan Lieberman, Chief of our Office of Scientific Authority, on behalf of the United States. Dr. Lieberman also serves as Vice Chair of the Committee. The United States, Mexico, and Canada have discussed our representation for the interval between COP11 and COP12, and we will meet and finalize the region's selections for representative and alternate during the first week of COP11.

2. Plants Committee

(a) Report of the Chairman [Doc. 11.11.2]

The current Chair (Dr. Margarita Clemente of Spain) will report on the activities of the Plants Committee since COP10. Since COP10, the Plants Committee held two meetings: the eighth meeting of the Plants Committee (November 3–7, 1997) was in Pucon, Chile, and the ninth meeting (June 7–11, 1999), in Darwin, Australia. The United States sent a delegation to both of those Plants Committee meetings and has participated actively in Plants Committee activities. When we completed this notice, we still had not received a copy of the Chair's Report. You may obtain information regarding the Plants Committee from the Office of Scientific Authority at the address above (see **FOR FURTHER INFORMATION CONTACT**).

(b) Election of new regional and alternate regional members [no document]

The six CITES regions are represented on the Plants Committee by one or two persons, according to the number of countries in each region. This process was established in CITES Resolution Conf. 9.1 (Rev), which is available on the Secretariat's web page. The representatives are individuals, and not governments. Party countries within each CITES region meet during the meeting of the COP to elect new Plants Committee members to represent them. The current North American regional representative on the Plants Committee is Dr. Bertrand von Arx, on behalf of Canada. The United States, Mexico, and Canada have discussed our representation for the interval between COP11 and COP12 and will meet and finalize the region's selections for representative and alternate during the first week of COP11.

3. Identification Manual Committee [Doc. 11.11.3]

The Identification Manual Committee develops materials, such as manuals and data sheets, to help CITES Parties identify CITES-listed species. The current Chair is Dr. Ruth Landolt of Liechtenstein; the current Vice-chair is Dr. Chris Schurmann of the Netherlands. The report highlights those countries that have not yet submitted the required identification sheets under Resolution Conf. 9.1. The United States will attempt to fulfill this requirement after COP11. However, we are also actively involved in other identification efforts, and the publication of other more interactive or useful identification materials. We will continue to focus our identification efforts and limited resources on the production of materials most useful to our Wildlife Inspectors and Customs Inspectors and other enforcement personnel in the United States and abroad.

4. Nomenclature Committee

The Nomenclature Committee reviews nomenclature (scientific name) and taxonomic (scientific classification) issues that apply to species listed in the CITES Appendices. The Committee also prepares and adopts checklists for the various taxa (classifications) listed in the CITES Appendices.

(a) Report of the Chairmen [Doc. 11.11.4.1]

The Nomenclature Committee does not have regional representatives and meets only as needed, usually during the meetings of the Plants and Animals Committee. The United States participates in all activities of the Nomenclature Committee. The current Co-chairs are Dr. Marinus Hoogmoed (of the Scientific Authority of the Netherlands) for fauna (animals), and Dr. Noel McGough (of the Scientific Authority of the United Kingdom) for flora (plants). Drs. Hoogmoed and McGough have submitted their report for consideration at COP11 in this document. We note with praise the excellent work of Drs. Hoogmoed and McGough on all of these issues. For fauna, the report details several notable enquiries from the Parties on nomenclatural issues, along with recommendations for standard references for the following groups (taxa): crocodiles, turtles, tortoises, and tuataras; chamaeleons; Cordylid lizards; and fishes. For flora, the report summarizes existing checklists and a proposed work plan for the families Cactaceae, Orchidaceae, and Euphorbiaceae, various bulb genera, carnivorous plants, and the genera *Aloe* and *Pachypodium*.

(b) Recommendations of the Committee [Doc. 11.11.4.2]

This document contains recommendations of the Nomenclature Committee, as discussed in Doc. 11.11.4.1. We are still reviewing the budgetary requests and standard references (proposed in Doc. 11.39). We have not fully evaluated all of these taxonomic references. However, the United States tentatively proposes to support their adoption, pending input during this public comment process. We invite the review of these reports by experts in these taxa. The United States proposes to support all of the recommended annotations to and nomenclatural changes in the Appendices in the report (names used for wild populations of *Bos garus* and *Bos mutus,* names for genera of chameleons, names for species of *Tupinambis,* and *Brachypelma* nomenclature).

12. Evolution of the Convention

1. Action plan to improve the effectiveness of the Convention [Doc. 11.12.1]

Document SC.42.7, prepared by the Secretariat, is a report of actions taken to implement the Decisions in the Action Plan adopted by COP10. The report, which was presented and discussed at the 42nd meeting of the Standing Committee (SC42), held in late September 1999 in Portugal, addresses all the issues related to the ''Action Plan,'' including those directed to the Conference of the Parties, the Parties, the Animals and Plants Committees, UNEP, and the Secretariat.

At SC42, the Committee recommended that the Secretariat continue its work on refining the document, taking into consideration the comments made during the SC42. When we completed this notice, we still had not received the document for this agenda item from the Secretariat. When we receive the document from the Secretariat, the United States will evaluate it and develop a negotiating position.

Although when we completed this notice we still had not received the refined document from the Secretariat for this agenda item, the United States supports the activities and recommendations that were described in Document SC.42.7, and we anticipate that the United States will support its adoption by the Parties.

2. Strategic Plan for the Convention [Doc. 11.12.2]

At the 42nd meeting of the Standing Committee, the Draft Strategic Plan (SC42.5, Annex 1) was presented for discussion. The Draft Strategic Plan presents a long-range vision focused on broad goals and objectives to guide the Parties in achieving CITES' mission. The comments prepared by the Animals and Plants Committees (Annex 2 and 3, respectively) were also made available for review and comment. The Working Group revised the Draft Plan during SC42, taking into consideration the comments made by the Animals and Plants Committees, in addition to those from delegates and observers. Doc. SC.42.5 Annex 1 (Rev.) was presented and approved by the Standing Committee for circulation to the Parties. The Standing Committee also agreed that the Strategic Plan Working Group should continue its work on refining the document.

After the meeting, the Secretariat on behalf of the Standing Committee distributed to the Parties Doc. SC.42.5 Annex 1 (Rev.) in addition to a draft Action Plan to implement the goals and objectives identified in the Strategic Plan (Notification to the Parties No. 1999/76, issued on October 21, 1999). The Working Group met in early December to further refine the Strategic Plan as well as the Action Plan based on comments received from the Parties in response to the Notification. When we completed this notice, we still had not received the documents from the Secretariat for this agenda item. However, the United States as Chair of the Working Group, strongly supports the goals and objectives in the Strategic Plan and supplemental Action Plan and will work towards their adoption at COP11.

3. Co-operation and synergy with the Convention on Biological Diversity and other biodiversity-related conventions [Doc. 11.12.3]

At the 42nd meeting of the Standing Committee Doc. SC.42.17 (''Synergy Between the Biodiversity-related Conventions and Relations With Other Organizations'') was prepared by the Secretariat, discussed, and noted. When we completed this notice, we still had not received the document for this agenda item from the Secretariat. Once we receive it, we will develop a negotiating position.

4. Improvement of the effectiveness of the Convention: financing conservation of species of wild fauna and flora [Doc. 11.12.4]

The Government of France has submitted this draft Resolution on financing the conservation of wild species. However, when we completed this notice, we still had not received the official translation of this document from the Secretariat. Once we receive the official translation, the United States will develop a negotiating position.

13. Terms of Reference of Permanent Committees [Doc. 11.13]

At its 42nd meeting, the Standing Committee formally requested the Secretariat to review the terms of reference of existing inter-sessional Committees and to submit proposals to the Parties at COP11 regarding the structure, remit, and resources of each Committee, consistent with the goals and objectives of the CITES Strategic Plan, and allowing sufficient flexibility for the operation of each Committee. We expect Doc. 11.13 to cover this issue. Once we receive this document from the Secretariat, the United States will develop a negotiating position.

14. Synergy with the United Nations Food and Agricultural Organization [Doc. 11.14]

This document was sponsored by the United States, and our reason for submitting it is discussed in the **Federal Register** notice of February 17, 2000 [65 FR 8190]. The United States will work for adoption of the document and its recommendation by the Parties.

15. International Whaling Commission

1. Relationship with the International Whaling Commission [ Doc. 11.15.1]

If adopted, this resolution would direct CITES to make decisions regarding international trade in whales and whale products under ''their own criteria set forth in Conf. 9.24, taking into account (i) scientific information from the IWC Scientific Committee and other sources and (ii) consistency with scientific requirements for the listing of other species in the Appendixes [sic].'' The United States notes that this is a requirement of the treaty and needs no reinforcement from a resolution. The United States also notes that the criteria include not only the biological status of candidate species, but also other elements, *e.g.,* the measures specified in paragraph 2 of Annex 4 of Resolution 9.24. Thus, according to Annex 4 of its own criteria, CITES should consider the IWC's progress on management measures in making decisions on Appendix listings.

The draft resolution also ''urges that the Parties apply the provisions for international trade in listed species as laid down in the Convention.'' This is also an obligation of all Parties to the Convention and, thus, this part of the resolution is also unnecessary.

Because the operative parts of this resolution call on the Parties to do things that are already requirements of the implementation of CITES, the United States opposes this resolution.

In addition, the United States has noticed an error in Doc. 11.15.1. The sixth preambulatory paragraph reads as follows:

Noting that a resolution, adopted at the 51st annual meeting of the IWC held in May 1999 in Grenada by 15 votes in favor, 10 votes against and 9 abstentions, objected for the time being the downlisting of any whales because the moratorium was still in effect;

Page 36 of the Chairman's Report of the 51st Annual Meeting (IWC, 1999) indicates that the resolution passed by a far wider margin, specifically stating, ''The resolution . . . was then adopted, with 21 votes in favour, 10 against and 3 abstentions.''

The United States has drawn the attention of the CITES Secretariat to this error and requested that corrected text be sent to the Parties.

The United States believes that CITES should honor the request for assistance in enforcing the moratorium on commercial whaling, which was communicated by the IWC to CITES in 1978. This request was answered by the CITES Parties in Resolution Conf. 2.9, which calls on the Parties to ''agree not to issue any import or export permit or certificate'' for introduction from the sea under CITES for primarily commercial purposes ''for any specimen of a species or stock protected from commercial whaling by the International Convention for the Regulation of Whaling.'' These complementary actions established a strong relationship between the two organizations, whereby CITES has agreed to reflect IWC decisions in its Appendices. The United States has proposed a resolution (Doc. 11.15.2) that encourages the continued cooperation between CITES and the IWC. The United States prefers this approach to the issue.

2. Reaffirmation of the synergy between CITES and the International Whaling Commission [Doc. 11.15.2]

This document was submitted by the United States, and our reason for submitting it is discussed in the **Federal Register** notice of February 17, 2000 [65 FR 8190]. The United States will work for adoption of the document.

16. Recognition of the important contribution made by observers to the CITES process at meetings of the Conference of the Parties [Doc. 11.16]

This document is a discussion paper submitted by the United States, and our proposed negotiating position is discussed in the **Federal Register** notice of February 17, 2000 [65 FR 8190]. The United States will work for adoption of the document and its recommendations by the Parties.

*Interpretation and Implementation of the Convention*

17. Consolidation of Valid Resolutions [Doc. 11.17]

This resolution includes the work of the Secretariat to consolidate existing Resolutions and Decisions of the Conference of the Parties on conservation of cetaceans, trade in cetacean specimens and relationship with the International Whaling Commission, enforcement and compliance; and non-commercial loan, donation or exchange of museum and herbarium specimens. This work was mandated by Decision 10.60.

Conservation of cetaceans—The United States notes that since the Standing Committee is obligated to do this consolidation, comments by some Parties that this consolidation effort should not be forwarded to the Conference of the Parties were ruled out of order. Two draft consolidated resolutions have been presented—a draft consolidated resolution that includes the original text and preamble of the resolutions, without textual changes, and a revised version of the draft consolidated resolution proposed by the Secretariat that takes the comments of some Parties into account. The choice is between the two resolutions. The United States is continuing to discuss this consolidation effort both internally and with other Parties in developing our proposed negotiating position.

We support the consolidation of various enforcement resolutions, and see no substantive changes or negative effects from the proposed consolidation of the enforcement resolutions.

When we completed this notice, we still had not received a document on this agenda item from the Secretariat. We are continuing to review the sections (3 and 3b) on the consolidation of resolutions concerning non-commercial loan, donation, or exchange of museum and herbarium specimens. At the 42nd meeting of the Standing Committee we supported the consolidation of resolutions and still do, provided the new version is ''user friendly'' and does not ''impinge on the validity'' of existing resolutions.

18. Interpretation and Implementation of Article III, Paragraph 5, Article IV, Paragraphs 6 and 7 and Article XIV, Paragraphs 4, 5 and 6, Relating to Introduction From the Sea [Doc. 11.18]

Australia submitted a resolution to provide a practical basis for implementing CITES when listed species are taken on the high seas outside the jurisdiction of any country. The Convention refers to this as ''introduction from the sea,'' but is silent on how Parties should specifically implement trade controls in such situations. The Australian resolution clarifies the term ''introduction from the sea,'' recommends a number of measures to assist Parties in the monitoring of trade in listed marine species, and suggests appropriate standards for documenting specimens that enter trade from areas not controlled by any country. The resolution addresses provisions of Article XIV concerning the relationship between the Convention and other related international agreements that entered into force before CITES went into effect and requests that Parties submit information in their annual reports about specimens introduced from the sea under Article XIV. The resolution incorporates the current provisions of Resolution Conf. 10.2 on permits and certificates and Resolution Conf. 9.7 on transit and transhipment. The resolution directs the Secretariat to develop an appropriate mechanism to accurately record transactions involving specimens that are introduced from the sea and requests that the Secretariat, working with the Animals Committee and relevant intergovernmental fisheries organizations, monitor implementation of the measures of the resolution. To ensure effective international cooperation and achieve effective implementation of the resolution, the Secretariat is directed to communicate the provisions of the resolution to the Food and Agriculture Organization, other intergovernmental organizations, and the Secretariat of the U.N. Convention on the Law of the Sea.

The United States strongly supports the adoption of a resolution that provides a standard interpretation of introduction from the sea, as well as develops basic measures for implementation (see our **Federal Register** notice of February 17, 2000 [65 FR 8190] ). This draft resolution submitted by Australia lays a solid framework for the Parties to discuss and consider the issue. However, a number of technical issues remain unanswered in this document. These issues include, among others, prior granting of a certificate before landing, information required on an introduction-from-the-sea certificate, how to anticipate type and quantity of catch to make a non-detriment finding and issue a certificate in advance of specimen collection, clarification of procedures for transit, and the issuance of certificates for shipments that are split and/or transferred to vessels that did not harvest the specimens. The United

States intends to support this resolution as a way to define and frame the issue of introduction from the sea, while recognizing that developing a mechanism to address the remaining technical implementation issues is critical. The United States would support broadening operative paragraphs of the draft resolution to ensure these issues are adequately addressed.

19. Report on National Reports Required Under Article VIII, Paragraph 7(a), of the Convention [Doc. 11.19]

When we completed this notice, we still had not received a document on this agenda item from the Secretariat. The United States supports efforts to encourage all Parties to submit annual reports, for all species of fauna and flora, consistent with their domestic legislation. Each Party is required by CITES to submit an annual report containing a summary of the permits it has granted and the types and numbers of specimens of species in the CITES Appendices that it has imported and exported. Accurate annual report data are essential to measure the impact of international trade on CITES-listed species, and it can also be an effective enforcement tool, particularly when imports into a given country are compared to export quotas from other countries. The United States intends to meet our obligation to submit our annual report by the opening of COP11.

20. Enforcement

1. Review of alleged infractions and other problems of implementation of the Convention [Doc. 11.20.1]

Article XIII of CITES provides for a review of alleged infractions by the Conference of the Parties. The Secretariat prepares an Infractions Report for each meeting of the COP, which details instances in which the Convention is not being effectively implemented, or where trade is adversely affecting a species. The United States proposes to support the Secretariat's biennial review of alleged infractions by the Parties and any necessary or appropriate recommendations to obtain wider compliance with the terms of the Convention. When we completed this notice, we still had not received a copy of the infractions report from the Secretariat, but the United States will closely review it when received, and provide comments to the Secretariat if necessary.

2. Implementation of Resolutions [Doc. 11.20.2]

At COP10 Decision 10.120 was adopted which directed the Secretariat to prepare a list of Resolutions in effect so that Parties could assess their level of implementation and determine where they faced difficulties implementing them. The Secretariat prepared a list which was distributed with Notification to the Parties No. 987, and requested information on implementation of resolutions. The Secretariat received limited responses to their request and therefore cannot complete the directed analysis for the COP. The Secretariat is proposing in this document to continue the analysis of resolutions and their implementation difficulties, and present this analysis to the Standing Committee in 2001. We support the analysis by the Secretariat of resolution implementation and recognizing the difficulties encountered with specific resolutions, will support the proposed change in this document.

21. National Laws for Implementation of the Convention

1. National legislation project [Doc. 11.21.1]

The Secretariat prepared this document which provides a report on the progress of the National Legislation Project, which was initiated pursuant to Resolution Conf. 8.4. This document also outlines a legal capacity-building strategy proposed by the Secretariat to assist the Parties in the development of national legislation for the implementation of CITES. This strategy, including the possibility to recommend suspensions of trade, was endorsed by the Standing Committee at its 42nd meeting. Building the capacity for Parties to create solid national laws with full implementation and enforcement provisions is critical. The U.S. supports efforts to assist Parties in the development of adequate measures to implement the Convention, while continuing efforts begun at COP8 (with strong U.S. support) to ensure that all Parties adequately implement Article VIII of the CITES treaty, regarding adoption of implementing legislation with adequate enforcement provisions. The U.S. prefers that priority be given to the Secretariat's efforts to complete its legislative review of the remaining Parties for which this has not been done, and conduct a review of the national legislation of any new Parties that accede to the Convention. Our hope is that the excellent work that has gone into this project will continue to provide encouragement to those Parties without adequate legislation to fulfill their obligations under Article VIII. In implementing the strategy the U.S. supports the Secretariat's intent to conduct activities within existing funding levels and as donor funds become available. We believe that priority should be given to those Parties identified as having inadequate measures to implement the Convention and which also have a high volume of trade. The U.S. believes that the Secretariat should also prioritize efforts to develop model provisions that can be incorporated into national laws.

2. Measures to be taken with regard to Parties without adequate legislation [Doc. 11.21.2]

The Secretariat prepared this document which provides an update on the seven Parties that have been engaged in significant trade and whose legislation at COP10 failed to meet the requirements for implementing CITES. It also provides a draft decision on measures that could be taken in relation to four Parties engaged in high volumes of trade whose legislation was analyzed and determined to be inadequate. The proposed decision lays out the need for the affected Parties to adopt adequate legislation by October 2001. It also proposes that other Parties with inadequate legislation whose trade volume is not high adopt adequate legislation before COP12. We support the review of national laws and strongly believe that CITES' effectiveness is undermined when Parties do not have adequate national laws in place for implementing the Convention. We also fully support the recommendation of taking necessary measures when Parties continue to fail to adopt adequate legislation to implement CITES.

22. Reporting of Seizures [Doc. 11.22]

Israel has proposed this resolution, which recommends that Parties provide, in a timely manner, detailed information on any interceptions or seizures to the country of origin/export and the enforcement unit of the Secretariat, as well as detailed information on arrests and prosecutions. The United States strongly supports the concept of communication with other Parties on seizures, arrests, and prosecutions. The United States routinely provides seizure information as part of its annual report to the CITES Secretariat and information to originating or exporting countries on a case-by-case basis. However, the United States does not believe that Parties have the resources to communicate details on each seizure, arrest, or prosecution. Instead, the United States would propose to encourage Parties to communicate details as soon as possible for all Appendix I species and major

commercial seizures of any CITES species, as well as any related arrests or prosecutions.

23. Persistent Offenders [Doc. 11.23]

This resolution, submitted by Israel, recommends that the CITES Secretariat compile a master list of persistent offenders and circulate the list to each Party, and that national Management Authorities decline to honor any CITES permit listing one or more of these persistent offenders. While the United States recognizes that the issuance of CITES permits to persons or businesses that continually violate the Convention undermines both conservation and enforcement efforts, by our laws, the United States would be unable to provide such a list of persistent offenders, or prevent the importation of any shipments with authentic and valid permits. Alternatively, the U.S. would urge Parties to seek other national solutions to remedy this problem. In the U.S. an applicant may be denied U.S. permits if convicted, or if they have pleaded guilty, for a felony violation of several domestic laws, including the Lacey Act Amendments of 1981.

24. Use of Annotations in the Appendices [Doc. 11.24]

Annotations are ''footnotes'' in the CITES Appendices that are being used by the CITES Parties for a number of purposes. In recent years, they are increasingly used when species or geographically distinct populations of species are transferred from Appendix I to II with an annotation; the annotation specifies that certain parts, products, or specimens are allowed to be traded under the provisions of Appendix II, while other parts and products are still treated as Appendix I species. Such downlistings can serve a conservation purpose, but the United States is quite concerned that no criteria or guidelines are in place for the Parties on how to use, adopt, or amend these annotations. At COP10, the Parties adopted Decision 10.70, which directed the Standing Committee to consider ''ways and means of clarifying legal and implementation issues related to the use of annotations in the appendices'' and present a report to COP11. To explore this issue and develop a draft resolution for submission to COP11, the Standing Committee established a working group in which the United States participated, along with Switzerland (Chair), Argentina, Canada, Germany, and Namibia. The Standing Committee endorsed the consensus report of that working group, and agreed to submit it to COP11. The United States notes that several proposals submitted by countries for consideration at COP11 involve such annotations, making such a clarifying resolution that much more necessary. The United States proposes to support the document submitted by the Standing Committee.

25. Procedure for the Review of Criteria for Amendment of Appendices I and II [Doc. 11.25]

The criteria for amending the CITES Appendices were adopted at COP9 in 1994, in Resolution Conf. 9.24, titled ''Criteria for Amendment of Appendices I and II.'' That resolution recommends the following: ''that the text and the annexes of this Resolution be fully reviewed before the twelfth meeting of the Conference of the Parties with regard to the scientific validity of the criteria, definitions, notes, and guidelines and their applicability to different groups of organisms.'' The Standing Committee, with input from the Animals and Plants Committees, and assistance of the Secretariat, has developed a proposed procedure for the Parties to use to fulfill this recommendation. When we completed this notice, we still had not received the final document. The United States supported the procedure developed in consultation with the Animals, Plants, and Standing Committees, and we expect that the United States will support this procedure. The United States looks forward to input from international organizations with management competence for certain organisms, such as marine fish and tropical trees, but the United States considers it of the highest importance that any revision of the CITES listing criteria remain a CITES-driven process.

26. Definition of the Term ''appropriate and acceptable destinations'' [Doc. 11.26]

This draft resolution was submitted by Kenya and addresses concerns that have resulted from annotations applied to the downlisting of the southern white rhinoceros in South Africa and African elephant populations in Botswana, Namibia, and Zimbabwe to Appendix II. Under these annotations, international trade in live animals was allowed to ''appropriate and acceptable destinations.'' However, the annotations included no guidelines on how to determine if a destination was ''appropriate and acceptable'' and gave no indication of whether the exporting or importing country was responsible for making such a determination, or if the animals could be subsequently reexported. This draft resolution provides a definition of ''appropriate and acceptable destinations'' as those where the animals will be humanely treated, free to exhibit normal behavior, and able to contribute to the conservation of their species in the wild, with priority being given to other range states. Only export would be allowed, not reexport, and the Management Authority of the exporting country would be responsible for determining that the terms of the annotation had been met. The draft resolution also includes guidelines to assist the Management Authority of the exporting country in making that determination.

The United States agrees that the wording of these annotations is unclear and believes an effort toward clarifying when a destination is ''appropriate and acceptable'' is needed. While generally supportive, the United States is concerned about some aspects of the draft resolution and continues to evaluate it.

27. Recognition of Risks and Benefits of Trade in Wildlife [Doc. 11.27]

This document is a draft resolution prepared by Kenya. The United States supports the idea that, when effectively managed, international trade in wildlife specimens may provide important benefits to local communities and may serve an important management need. The United States also agrees that achieving sustainable levels of trade can be difficult and that illegal trade may pose a serious threat to a species' survival. The United States agrees that these are important considerations but is undecided on whether to support this resolution as drafted.

28. Quotas for Species in Appendix I

1. Leopard [Doc. 11.28.1]

This document, prepared by the Secretariat, reports on the use of export quotas for *Panthera pardus* (leopard), under the provisions of Resolution Conf. 10.14. The document discusses the requirement in the resolution that the Secretariat recommend to the Parties to suspend imports of leopard hunting trophies from any country with an export quota that has not met the reporting requirements of the resolution. The Secretariat believes that the reporting requirements of the resolution should be changed, however. The United States is still considering this issue.

2. Markhor [Doc. 11.28.2]

When we completed this notice, we still had not received this document, which is to be prepared by the Secretariat, on the implementation of Resolution Conf. 10.15, ''Establishment of Quotas for Markhor Hunting

Trophies,'' which deals with trophy export quotas for *Capra falconeri* (markhor) from Pakistan. The resolution requires a report from the Secretariat on implementation of this resolution by Pakistan, including the submission of a report. The United States will evaluate the document when it is received and develop a negotiating position.

29. Trade in Bear Specimens [Doc. 11.29]

This report was prepared by the Secretariat in response to Decision 10.65 which required a report on progress made in controlling illegal trade in bear parts and derivatives (Resolution Conf. 10.8). Decision 10.44 requested that Parties and non-Parties document and quantify domestic demand for bear parts and derivatives. The information in these reports, from CITES annual reports and other reports provided by law enforcement agencies, provided the basis for the Secretariat's report. Doc. 11.29 outlines findings on consumer demand, legislation, enforcement factors, education and reduction of demand, and conservation. The Secretariat believes that the guidance and recommendations of Resolution Conf. 10.8 remain valid and relevant. However, it does not believe that illegal trade in bear parts and derivatives will have been significantly reduced by COP11. The Secretariat suggests that range and consumer countries still need to follow the recommendations of the resolution and that the subject of conservation of and trade in bears should continue to be discussed by the Parties. The Secretariat recommends that a report be required for COP12 and that Decision 10.44 be repealed and a new decision be agreed upon at COP11.

The United States proposes to support the Secretariat's report and recommendations in Doc. 11.29.

30. Conservation of and Trade in Tigers

1. Implementation of Resolution Conf. 9.13 (Rev.) [Doc. 11.30.1]
2. Implementation of Decision 10.66 [Doc. 11.30.2]

When we completed this notice, we still had not received either of these documents from the Secretariat for these agenda items. When we receive these documents from the Secretariat, the United States will evaluate them and develop negotiating positions.

In January 1999, we hosted the CITES Tiger Missions Technical Team in Los Angeles, California, as part of its investigations of tiger range and consumer states. This visit provided us as well as other relevant Federal agencies, an opportunity to meet with the members of the technical team and outline law enforcement and public outreach efforts with regard to tiger conservation in the United States. The team prepared a report of its mission, which was presented at the 42nd meeting of the Standing Committee. The United States looks forward to participating in the next step of developing an action plan for improving the control of trade in specimens of tiger and related activities.

In October 1998, Congress passed the Rhinoceros and Tiger Conservation Act of 1998. This Act amended the 1994 Act of the same name by inserting the following: ''To prohibit the sale, importation, and exportation of products intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger.'' The Act also directs the U.S. Fish and Wildlife Service to develop and implement an educational outreach program in the United States for the conservation of rhinoceros and tiger species. We are currently developing a draft interim educational outreach plan and, in the near future, will present it to the public for comment in a **Federal Register** notice. In the notice announcing our draft plan, we will also be seeking partnerships in carrying out the activities of the final plan, once it is developed. The Service also continues to be active in providing funding for tiger conservation worldwide through the Rhinoceros and Tiger Conservation Fund.

31. Conservation of and Trade in Elephants

1. Experimental trade in raw ivory of populations in Appendix II [Doc. 11.31.1]

When we completed this notice, we still had not received the document for this agenda item from the Secretariat. When we receive the document from the Secretariat, the United States will evaluate it and develop a negotiating position.

2. Monitoring of illegal trade and illegal killing [Doc. 11.31.2]

When we completed this notice, we still had not received the document for this agenda item from the Secretariat. When we receive the document from the Secretariat, the United States will evaluate it and develop a negotiating position.

3. Revision of Resolution Conf. 10.10 [Doc. 11.31.3]

The document for consideration was submitted by Kenya and India. The document emphasizes a need to revise Resolution Conf. 10.10 due to apparent inconsistencies in the requirements of Resolution Conf 10.10 as they related to Decision 10.1.

The United States is undecided on whether it will support the proposed resolution from Kenya and India. The United States is continuing to evaluate this issue, and develop a policy position on this proposed resolution.

4. Non-commercial disposal of ivory stockpiles [Doc. 11.31.4]

The document was submitted by Kenya. The document emphasizes the need to revise the process for the noncommercial disposal of ivory stockpiles that was established under the terms of Decision 10.2. We are undecided on whether the United States will support this proposed resolution, and we will continue to consider it and gather relevant information in order to develop a negotiating position.

32. Conservation of and Trade in Rhinoceroses [Doc. 11.32]

The Secretariat prepared this document. The United States agrees with the decision taken at the 42nd meeting of the Standing Committee not to fund the work outlined in the report on the workshop to develop standardized indicators to measure the success of rhinoceros conservation measures in the context of CITES Resolution Conf. 9.14. The United States, however, strongly supports Resolution Conf. 9.14. Furthermore, the United States continues to support efforts in both range states and consumer states to control the illegal trade in rhinoceros horn.

From 1996 through 1999, the U.S. Fish and Wildlife Service, through the Rhinoceros and Tiger Conservation Fund, awarded 80 grants (totaling US$1,437,000) in 12 countries for rhino and tiger conservation. Through this fund, we will continue to support critical international conservation efforts in nations whose activities directly affect rhinoceros and tiger populations. With regard to the Secretariat's recommendation in Doc. 11.32, the United States does not feel that it would be appropriate to repeal Resolution Conf. 9.14. However, the United States believes that revising this resolution along the lines of the revisions made to Resolution Conf. 9.13, with regard to the conservation of and trade in tigers at COP10, would be appropriate.

33. Exports of Vicuña Wool and Cloth [Doc. 11.33]

At COP6, certain populations of the vicuna (*Vicugna vicugna*) in Chile and Peru were transferred from Appendix I

to II. The remaining Peruvian populations were transferred to Appendix II at COP9, with an annotation allowing export only of cloth products, wool sheared from live animals, and the Peruvian stockpile of 3,249 kilograms of wool remaining in November 1994. At COP10, certain vicuna populations of Argentina and Bolivia were also transferred from Appendix I to II with an annotation for specially marked products.

When we completed this notice, we still had not received a document on this agenda item from the Secretariat. When we receive this document from the Secretariat, the United States will evaluate it and develop a negotiating position. At COP10, the United States supported the transfer of certain vicuna populations to Appendix.

34. Conservation of and Control of Trade in Tibetan Antelope [Doc. 11.34]

The People's Republic of China submitted this document as part of their ongoing efforts to promote international cooperation to conserve the Appendix I-listed Tibetan antelope (*Pantholops hodgsonii*). Wild populations of Tibetan antelope on the Tibetan Plateau have been subjected to heavy poaching for their wool, called shahtoosh, which is smuggled to India, woven into high-fashion shawls in the State of Jammu and Kashmir, and illegally exported around the world. An International Workshop on the Conservation and Control of Trade in Tibetan Antelope was held in Xining, China, in October 1999. Participants of the International Workshop, including two representatives of the Fish and Wildlife Service, adopted a consensus declaration, the ''Xining Declaration,'' which, among other things, calls for COP11 to adopt a resolution urging all Parties to strengthen law enforcement to control trade in parts and derivatives of Tibetan antelope, especially shahtoosh. An early draft of this resolution was presented to participants of the International Workshop for comment. The draft more or less reflects the content of the ''Xining Declaration'' and, if adopted and implemented, would contribute positively to conservation of wild populations of the Tibetan antelope. The United States intends to support an appropriately edited version of this Resolution at COP11.

35. Trade in Freshwater Turtles and Tortoises to and in Southeast Asia [Doc. 11.35]

This document is a discussion paper that was cosponsored by Germany and the United States, and our reason for submitting it is discussed in the **Federal Register** notice of February 17, 2000 [65 FR 8190]. The United States will work for adoption of the document and its recommendations by the Parties.

36. Trade in Seahorses and Other Members of the Family Syngnathidae [Doc. 11.36]

This document is a discussion paper and was cosponsored by Australia and the United States. Our proposed negotiating position is discussed in the **Federal Register** notice of February 17, 2000 [65 FR 8190]. The United States will work for adoption of the document and its recommendations by the Parties.

37. Identification and Reporting Requirements for Trade in Specimens of Hard Coral [Doc. 11.37]

When we completed this notice, we still had not received a document on this agenda item from the Secretariat. At COP10 the United States submitted a resolution on coral identification and reporting at the request of the Animals Committee. The proposed resolution was not adopted by the Parties. The issue remained a concern of the Animals Committee and a working group, which included the United States, was formed to develop solutions to the problem of recording coral sand, gravel, and live rock in international trade, as well as the identification of these commodities. The United States strongly supports efforts to simplify the coral identification and reporting process, however, the United States is concerned that some of the proposed solutions in this resolution merely eliminate CITES controls on certain commodities. The United States is firmly engaged in the issue of coral reef conservation, including the role of trade, and proposes to support only those efforts that do not weaken CITES controls for coral.

38. Timber Species

1. Report from the Secretariat [Doc. 11.38.1]

When we completed this notice, we still had not received a document on this agenda item from the Secretariat. At COP10 the Parties adopted several Decisions on timber species. Decision 10.130 requires the Secretariat to investigate the reasons for non-reporting by Parties on CITES timber trade, particularly by importing countries, to investigate the extent to which Parties have informed the timber traders in their countries of CITES procedures, and to report back on these issues at COP11. The United States supports this process. The United States reports U.S. trade in CITES timber species in our CITES annual reports, and we have worked with the U.S. Department of Agriculture (USDA) over the last several years to inform timber traders and producers in the United States and abroad of CITES procedures and requirements. For example, at the 9th meeting of the Plants Committee in June 1999, the USDA's Forest Service presented a draft brochure that it prepared with the help of the Service, the U.S. Department of State, and the International Wood Products Association, aimed at providing timber traders and producers worldwide with a better understanding of CITES.

Under Decision 10.134, the Secretariat will also report at COP11 on the implementation of the special procedures regarding time validity and change of destination for permits issued for timber species and provide recommendations on whether or not these special procedures should be maintained. We have reviewed our annual report records on U.S. timber species trade since COP10, and we have determined that no CITES documents with a change in destination or a change in the time validity were presented for clearance at U.S. ports of import during this time period. If the Secretariat's report shows that the other Parties also have not cleared any CITES timber documents showing a change in destination or a change in the time validity, then the United States would support not maintaining these special procedures for timber species.

2. Progress in the conservation of *Swietenia macrophylla* (bigleaf mahogany) [Doc. 11.38.2]

Brazil has proposed including bigleaf mahogany as an agenda item for discussion. This inclusion will provide the Parties an opportunity to discuss progress in the conservation of *Swietenia macrophylla* since COP10. At COP10, during discussions in Plenary, Brazil offered to host a Mahogany Working Group meeting that would examine the conservation status of the species, including related forest policies and management and international cooperation and trade, and make recommendations accordingly. Brazil submitted Doc. 11.38.2, a summary report of the meeting of the Mahogany Working Group, hosted in Brasilia, Brazil, in June 1998. We will work closely with other Federal agencies and intend to develop for submission an informational document outlining the United States' views on the issue, actions under way to conserve the species, and some useful recommendations. The United States appreciates Brazil's efforts and looks forward to increased efforts to foster the

conservation of this species, both generally and in the CITES context specifically.

39. Standard Nomenclature [Doc. 11.39]

This document was prepared by the Secretariat based on the reports of the co-Chairs of the Nomenclature Committee (Documents 11.11.4.1 and 11.11.4.2). The document is a draft resolution on standard nomenclature. The draft resolution adopts additional standard references for crocodiles, turtles, tortoises, tuataras, snakes, chameleons, lizards in the family Cordylidae, *Tupinambis* species, fish, and plants in the genera *Aloe* and *Pachypodium.* We have not fully evaluated all of these taxonomic references. However, the United States tentatively proposes to support their adoption, pending input during this public comment process. We invite the review of these references by experts in these taxa.

40. Assistance to Scientific Authorities for Making Non-detriment Findings [Doc. 11.40]

The CITES treaty requires scientific non-detriment findings for all exports and introductions from the sea for CITES-listed species, and for all imports of Appendix I species. It is vital for species conservation that scientifically based non-detriment findings are provided prior to issuance of permits, and that these findings are based on biologically sound information. The Parties have recognized, and the United States agrees, that the conservation of species subject to international trade would benefit greatly from increased attention to the issuance of non-detriment findings. Towards that end, we worked closely with the IUCN—the World Conservation Union, which convened two international workshops to ''Develop Guidance on the Making of Non-Detriment Findings,'' held in Hong Kong in October 1998 and the United Kingdom in October 1999. The United States provided funding for the workshops through the U.S. Department of State annual funding to IUCN. Our Office of Scientific Authority was an invited participant at both workshops, as a representative on the Animals Committee, as were several representatives from the Animals and Plants Committees and Scientific Authorities from several countries. This was the first-ever opportunity to develop an international consensus on the CITES scientific decision-making process. The workshops were very productive and produced several useful documents, including a report, checklist for the Parties, and material to be used in training. When we completed this notice, we still had not officially received the document on this agenda item, but we have seen and commented on the drafts, and we anticipate that the United States will fully support it.

41. Significant Trade in Appendix-II Species

1. Implementation of Resolution Conf. 8.9 [Doc. 11.41.1]

This issue pertains to the implementation of Resolution Conf. 8.9, ''The Trade in Wild-caught Animal Specimens.'' This ongoing process is carried out by the Animals Committee, whereby trade in selected Appendix II, wild-caught animal species subject to high levels of international trade is reviewed for sustainability. Based on analyses of biology and trade, the Animals Committee consults with range countries and makes recommendations such as trade quotas, request for non-detriment findings, or field studies. Affected Parties must report their progress in satisfying the recommendations to the Secretariat. Unsatisfactory compliance may result in a recommendation from the Secretariat to the Standing Committee for implementing strict measures such as trade suspensions. The essence of this resolution and this process is implementation of CITES Article IV, specifically dealing with the required non-detriment findings. This process has been an extremely successful, resulting in benefits for species conservation. When we completed this notice, we still had not received this document, which we surmise will be a report of the Secretariat on implementation of this resolution since COP10.

2. Revision of Resolution Conf. 8.9 [Doc. 11.41.2]

The Animals and Plants Committees have cooperated closely since COP10 to develop proposed amendments to Resolution Conf. 8.9 that will both include plants in the process and improve implementation. The Plants Committee submitted several proposed amendments for consideration by the Animals Committee, which provided its views and input to the Plants Committee and the Secretariat. This document was prepared by the Secretariat on behalf of the Animals and Plants Committees and contains draft revisions to Conf. 8.9. We provided detailed comments and suggestions on these proposed revisions of this vital resolution. The document also contains a proposed Decision that will direct the work of the Animals and Plants Committee in implementing this resolution. We have not yet fully reviewed the document, but the proposed U.S. position is to support it, possibly with some minor technical amendments.

42. Trade in Specimens of Species Transferred to Appendix II Subject to Annual Export Quotas [Doc. 11.42]

This document refers to populations of species transferred to Appendix II with a quota on exports, as a precautionary action. Parties are required to report on their exports under these COP-approved quotas, and this document provides the Secretariat an opportunity to comment on which Parties have and have not submitted the required reports. When we completed this notice, we still had not received this document. The United States will develop its position after the document has been received and reviewed.

43. Amendment of Resolution Conf. 5.10 on the Definition of ''primarily commercial purposes'' [Doc. 11.43]

This draft resolution, submitted by the Republic of South Africa, would amend parts of Resolution Conf. 5.10 and change the interpretation by Parties of the term ''primarily commercial purposes.'' Article III of the Convention requires that a Management Authority of the importing country issue an import permit or certificate of introduction from the sea for specimens of Appendix-I species only if satisfied that the specimens are not to be used for primarily commercial purposes. In 1985, the Parties, recognizing that interpretation of this term varied significantly among Parties, adopted Resolution Conf. 5.10 to help Parties evaluate whether an import could be considered ''primarily commercial.'' It defined the term ''commercial'' and provided general principles and examples to guide the Parties in assessing the commerciality of intended use of specimens to be imported.

The proposed resolution changes the definition of the term ''primarily commercial purposes.'' The proposed resolution requires a consideration of the benefits of a transaction to the exporting country when evaluating the commercial nature of an import permit for Appendix I specimens. It allows Parties to consider an import ''not for primarily commercial purposes'' even if it is commercial, if there is a conservation benefit in the exporting country. Parties would be asked to consider the translocation of wild specimens of Appendix-I species to private lands, such as game farms and ranches, as not primarily commercial if

the interest for conservation is demonstrated and predominant.

While the United States is sympathetic to the need to provide resources for conservation of species in the wild, this proposed resolution is not consistent with CITES, and the United States proposes to oppose it. This resolution would create loopholes for commercial trade in specimens of Appendix-I species, which violates the treaty and could lead to significant harm to populations in the wild. Article II, paragraph 1 of CITES states, in regard to Appendix-I species, ''Trade in specimens of these species must be subject to particularly strict regulation in order not to endanger further their survival and must only be authorized in exceptional circumstances.'' This resolution is not consistent with that article of the treaty. As drafted, the resolution also does not comply with Article III of the treaty, which requires that the importing Management Authority be satisfied that the purpose of the import is not for primarily commercial purposes. Whether a conservation benefit exists for the species is part of the ''non-detriment'' finding made by the Scientific Authorities of the exporting and importing countries, not part of the determination as to whether a transaction is for primarily commercial purposes.

44. Bushmeat as a Trade and Wildlife Management Issue [Doc. 11.44]

This document is a discussion paper submitted by the United Kingdom. The United States recognizes that the illegal international commercial trade in African bushmeat poses a serious threat to the survival of numerous protected species, including elephants and the great apes. Further, commercial-level bushmeat hunting threatens both CITES and non-CITES species. Because much of the illegal commercial trade involves CITES-listed species and occurs between CITES member countries, CITES is an appropriate forum for discussing this issue. However, the United States believes that it is important to limit this discussion to the aspects of the larger bushmeat issue that can be addressed within the scope of CITES. Therefore, the United States supports the idea of a discussion on the issue of commercial African bushmeat trade but believes that the United Kingdom's document is too broad. We appreciate that the United Kingdom is calling attention to this issue, and we anticipate being actively involved in discussions on the topic at COP11.

45. Amendment of Resolution Conf. 9.6

1. Concerning diagnostic samples, samples for identification, research and taxonomic purposes and cell cultures and serum for biomedical research [Doc. 11.45.1]

This proposed amendment to Resolution Conf. 9.6 on trade in readily recognizable parts and derivatives was submitted by Switzerland, Germany, and the United Kingdom. If this resolution is adopted, the Parties would agree that certain tissues are not readily recognizable. These tissues include extracted and purified DNA; samples of blood, hair, feather, and other tissues (fresh or preserved, not including live gametes and embryos) sent to laboratories for diagnostic, identification, research, and taxonomic purposes, with the aim of species' conservation, in quantities required to properly perform DNA analyses, sexing of individual specimens, and *in vivo* or *post mortem* veterinary diagnoses; and cell cultures and serum for biomedical research and the production of immunological products. This designation would allow such samples to be shipped across international boundaries without any CITES documents.

The United States recognizes that the timely movement of scientific research specimens can benefit the conservation of protected species and acknowledges that CITES permitting requirements should be simplified for these type of samples. However, the United States plans to oppose this amendment of Resolution Conf. 9.6, but work toward other approaches that could be considered (see next paragraph). The United States is concerned that this proposed resolution uses the purpose of the trade as the basis for whether specimens are considered readily recognizable, rather than limiting such a determination to characteristics of the specimens themselves. To treat such samples as not readily recognizable parts and derivatives could set a precedent that could potentially undermine the effectiveness of the Convention and species' conservation. The resolution does not address whether samples from wild specimens have been collected legally and in conjunction with the conservation agencies in the country of origin, or whether they were collected by persons with appropriate expertise to ensure that collection methods do not pose an unnecessary risk to animals, especially Appendix-I species. It apparently would allow the import of such Appendix I specimens for commercial purposes. Resolution Conf. 5.10, recommends that trade in biomedical specimens be subject to close scrutiny and presumed to be commercial. If adopted, the proposed resolution could eliminate controls on this commercial trade in Appendix-I species for all specimens except live animals. In addition, the resolution raises implementation issues. It does not define ''other tissues'' and does not address how a country would determine that samples meet the circumstances outlined in the resolution, that is, ensure that the samples to be traded are exempted tissues, are being used for one of the specified purposes, and are in quantities appropriate for the type of analysis.

The United States is evaluating a number of provisions the Parties could consider to assist in streamlining the movement of biological tissue samples. First, the Parties could agree to exempt from CITES requirements synthetically derived DNA that contains no part of the original template. This action would differentiate between DNA extracted directly from blood or tissue samples and synthetically derived DNA, but would not open the discussion to other parts and products that could be exempted from CITES requirements. Second, the Parties could consider whether to amend Resolution Conf. 2.14 on the noncommercial loan, donation, or exchange of museum and herbarium specimens to include preserved samples to be used for diagnostic, identification, research, or taxonomic purposes when between registered institutions. The Parties would need to consider a number of practical implementation issues, such as whether samples could be completely destroyed during analysis or whether a portion of each sample would need to be maintained for future scientific reference. The Parties could also consider treating serial cultured cell lines as a form of asexual propagation that could qualify for the exemptions of Article VII, paragraphs 4 and 5, even for biomedical purposes. Whether other types of specimens could also qualify as artificially propagated or bred in captivity could also be investigated. The United States welcomes suggestions on other approaches that could be considered for the movement of tissue samples.

2. Concerning final cosmetic products containing caviar [Doc. 11.45.2]

This resolution, submitted by Germany and Switzerland, recommends that Resolution Conf. 9.6 (Trade in Readily Recognizable Parts and Derivatives) be amended to eliminate CITES controls for cosmetic products containing caviar. The United States opposes this proposed amendment to

Resolution Conf. 9.6 and is concerned about this attempt to eliminate controls on commodities that may contain only small quantities of wildlife by considering that they are not readily recognizable. The precedent that could be set by adoption of this amendment could extend beyond the legal movement of Appendix II sturgeon caviar. There is no apparent difference in the recognition of this type of commodity than for any other cosmetic product or other processed products including medicinal or food items that contain small quantities of CITES-listed wildlife or plants. The United States proposes that Parties work on streamlining the permitting and control process regulating the international trade in these products rather than eliminate CITES controls.

46. Cross-border Movements of Live Animals for Exhibition [Doc. 11.46]

When we completed this notice, we still had not received a document on this agenda item from the Secretariat. As outlined in our **Federal Register** notice of February 17, 2000 (65 FR 8190), the United States has a strong interest in making the current resolution on transborder movements of live-animal exhibitions (Resolution Conf. 8.16) work better. When we receive the relevant document from the Secretariat, the United States will review it and develop a negotiating position.

47. Revision of Resolutions on Ranching and Trade in Ranched Specimens [Doc. 11.47]

At its 15th meeting (July 1999), the Animals Committee agreed upon a draft resolution that would amend Resolution Conf. 10.18 on ranching and trade in ranched specimens, by incorporating the remaining elements of Resolution Conf. 5.16 (Rev.), on the marking of ranched specimens in trade. This text will be submitted to the meeting of the COP by the Secretariat, on behalf of the Animals Committee. Participants at that meeting raised concerns about the many different management techniques used in ranching and their implications for non-detriment findings, the need for increased monitoring of specimens released into the wild, and interpretation of the terms ''uniform marking system'' and ''year of production.''

When we completed this notice, we still had not received a document for this agenda item from the Secretariat. When we receive the document from the Secretariat, the United States will evaluate it and develop a negotiating position.

48. Registration of Operations Breeding Specimens of Appendix I Species in Captivity for Commercial Purposes [Doc. 11.48]

At COP10 the Parties discussed the issue of registration of facilities breeding Appendix I species in captivity for commercial purposes and if a need exists to amend or revise Resolution Conf. 8.15. This issue pertains to implementation of Article VII of the treaty. At COP10 the Parties adopted Decision 10.77, which instructed the Animals Committee to ''examine the effectiveness of and the need for the existing registration system for operations breeding specimens of Appendix I species in captivity for commercial purposes.'' The same Decision also called upon the Animals Committee to consider the proposed definition of ''bred in captivity for commercial purposes.'' In addition, Resolution Conf. 10.16 asked the Animals Committee to develop a list of species that are commonly bred in captivity to the second or following generations. These issues have been very controversial, as a great deal of misunderstanding has occurred. They were all discussed at great length at the 14th and 15th meetings of the CITES Animals Committee. The U.S. Government, through our offices, has worked actively on these issues since COP10.

In terms of the registration of facilities (Resolution Conf. 8.15), the United States' views and comments on this issue have focused on practical solutions to problems related to the registration of commercial breeding operations, including streamlining the process when feasible, allowing for and encouraging range state consultation, and defining breeding for commercial purposes, while at the same time supporting range countries and their concerns, particularly regarding the legality of origin of the founder stock of captive animals. Some countries support repealing the registration requirement altogether. After consultations with Mexico and Canada, we note that all countries in North America support retention of some registration procedure, particularly to provide opportunities for range state input.

In terms of the ''commonly bred'' list of species, a great deal of misunderstanding has developed concerning the meaning of paragraph (b)(ii)(C)(2)(a) of Resolution Conf. 10.16. This refers to species commonly bred in captivity throughout the world, and we are asked to determine which species, on a global basis, meet the bred-in-captivity criteria of Resolution Conf. 10.16 and qualify for the exemption of Article VII, paragraph 5. A working group of the Animals Committee was established on this issue, chaired by Chile, and the United States has been an active participant in the working group. We have not yet seen the final document on this issue. The United States proposes to support not developing a list of species commonly bred in captivity. Based on the United States' collective experience at the last two meetings of the Animals Committee, agreement on a list, and even the meaning of the list, is probably not possible. Continued efforts to produce a list will probably not advance the cause of global conservation. That is, the United States agrees with the idea of deleting paragraph (b)(ii)(C)(2)(a) of Resolution Conf. 10.16 in its entirety, but only as long as paragraph (b)(ii)(C)(2)(b) is retained, and the rest of the text in Resolution Conf. 10.16 remains virtually the same.

The Chair of the Animals Committee will submit a document outlining all of the discussions on this complex issue. Although the United States commented on earlier drafts, when we completed this notice, we still had not received the final document.

49. Animal Hybrids: Amendment of Resolution Conf. 10.17 [Doc. 11.49]

When we completed this notice, we still had not received this document, which we assume is a document that will be prepared by the Secretariat. We assume as well that this document will deal with aspects of Resolution Conf. 10.17, ''Animal Hybrids,'' that refer to the ''recent lineage'' of hybrid animals. The resolution uses the term ''recent lineage,'' but does not define the term. The Animals Committee evaluated the issue, and recommended that the term ''recent lineage'' of a hybrid animal should be understood to mean the previous four generations of its lineage. The Secretariat has made this recommendation to the Parties in Notification No. 1998/28, dated 30 June 1998. We assume that this document will recommend amending Conf. 10.17 to clarify this point since such a determination is up to the Conference of the Parties, ultimately, and not the Animals Committee or the Secretariat. If that is the case, the United States proposes to support the recommendation.

50. Use of Microchips for Marking Live Animals in Trade [Doc. 11.50]

At the 15th meeting of the Animals Committee (Madagascar, July 1999), a document was presented by the Chair of

the working group (Czech Republic) considering this issue under Resolution Conf. 8.13 (''Use of Coded-microchip Implants for Marking Live Animals in Trade''). At the Animals Committee meeting, however, participants determined that the document contained recommendations that were ''not realistic.'' Therefore, the Animals Committee decided the issue should be referred to a smaller working group with the same Chair. This document (Doc. 11.50) was prepared by the Secretariat on behalf of the Animals Committee. It contains draft amendments to Resolution Conf. 8.13, based on discussions at the 15th meeting of the Animals Committee and recommended amendments endorsed by the Committee. The document also contains additional proposed amendments recommended by the Czech Republic, as Chair of the working group, based on discussions within the working group. The United States proposes to support the recommended amendments to Resolution Conf. 8.13 from the Animals Committee. The United States is still evaluating the subsequent proposed amendments from the Czech Republic.

51. Universal Tagging System for the Identification of Crocodilian Skins [Doc. 11.51]

When we completed this notice, we still had not received this document from the Secretariat, although at the 15th meeting of the Animals Committee, the United States participated in drafting the proposed changes to Resolution Conf. 9.22, which this document proposes to amend. We expect the changes discussed in Doc. 11.51 to include the clarification of export procedures for specimens subject to quotas and standards to ensure that skins subject to quotas are tagged before export permits are issued (ensuring that unused tags are destroyed or not reissued) and deleting a section referring to unused stocks of tags that do not conform with the resolution. The proposed Animals Committee amendments are small adjustments to a resolution that has been very helpful in monitoring trade in crocodilian skins. If the final document reflects the changes agreed to at the Animals Committee, the United States proposes to support the changes.

52. Movement of Sample Crocodilian Skins [Doc. 11.52]

This document is a draft decision submitted by the United States. Our proposed negotiating position is discussed in the **Federal Register** notice of February 17, 2000 (65 FR 8190). The United States will work for adoption of this document by the Parties.

53. Universal Labeling System for the Identification of Sturgeon Specimens (caviar)—[Doc. 11.53]

Resolution Conf. 10.12 (''Conservation of Sturgeons'') directs the Secretariat, in consultation with the Animals Committee, to explore the development of a uniform marking system for sturgeon parts and derivatives to assist in identification of the species. The resolution recommends that this marking system be developed in consultation with appropriate experts in fisheries and industry and in collaboration with range States.

A working group created at the 14th Meeting of the Animals Committee drafted recommendations for the creation of a universal marking system for sturgeon. This document was then discussed at the 15th Meeting of the Animals Committee. The members of this working group, which included the United States, discussed at length the draft document on sturgeon marking and submitted a report on their conclusions. The group concluded that, initially, developing a marking system for caviar only would be most feasible. The group further recognized that a marking system should be recommended for the export of caviar from producing countries (primarily exporting countries) to the initial importing country. It was further agreed that the marking system should be as compatible as possible with those marking systems already in place in some caviar-producing countries.

When we completed this notice, we still had not received the document for this agenda item from the Secretariat. When we receive the document from the Secretariat, the United States will evaluate it and develop a negotiating position. The United States supports efforts to more effectively monitor the international movement of caviar of Caspian Sea sturgeon species. If the marking system outlined in this document can be easily implemented, and is also adequate to provide the necessary information, the United States is prepared to support it.

54. Transport of Live Animals [Doc. 11.54]

Resolution Conf. 10.21 (''Transport of Live Animals'') requests that Parties record and report to the Secretariat mortality data for CITES-listed species in trade and instructs the Secretariat to report on Parties that do not submit information. Very few Parties have complied. In Notification to the Parties No. 1999/43, the Secretariat requested that the Parties incorporate into their domestic legislation the IATA (International Air Transport Association) Live Animals Regulations (LAR), and that they report on their progress in doing so; ten Parties reported to the Secretariat in response to this Notification. We have incorporated the IATA LAR for mammals and birds into our humane transport regulations, and we are in the process of incorporating the IATA LAR for reptiles and amphibians into our humane transport regulations. At its January 1999 meeting, the Transport Working Group of the Animals Committee developed a simplified mortality/injury reporting form and asked the Parties to report data on selected species. Again, very few Parties have reported.

When we completed this notice, we still had not received the document for this agenda item from the Secretariat. When we receive the document from the Secretariat, the United States will evaluate it and develop a negotiating position. Although this document is not yet available, we expect it to focus on data reporting problems and improved monitoring of live animal transport. The United States is monitoring, at its ports of entry, the trade in these 10 species as recommended on this form and will report this data.

55. Definition of the Term ''prepared'' [Doc. 11.55]

This document is a draft resolution submitted by Kenya. The resolution emphasizes that the term ''prepared,'' as used in Articles III, IV, and V of CITES, regarding the shipping of live CITES specimens, has not been defined by the Parties but is generally considered to mean the act of packing live animals for shipment and export. The resolution proposes to define the term ''prepared'' to include all processes from the time of capture of live specimens to the point of export. The United States proposes to support this resolution from Kenya.

This proposed definition is consistent with conditions that the United States uses on permits issued under stricter domestic legislation, such as the Endangered Species Act and the Wild Bird Conservation Act (WBCA). Many permits issued under the WBCA include the following condition: ''Furthermore, you should provide a description of collection methods, including measures taken to prevent incidental take (i.e, removal of more specimens from the wild than are actually requested for import).''

56. Trade in Traditional Medicines [Doc. 11.56]

Decision 10.82 directs the Animals Committee to review the trade in animal species for use in traditional medicines, in order to assess its implications for wild populations. At the 15th meeting of the Animals Committee, it became clear that the Committee could not carry out Decision 10.82 without basic information on the many ingredients and uses of CITES-listed species parts or derivatives in traditional medicines, worldwide. The use of many CITES-listed species in traditional medicines remains undocumented, and information is sketchy or not available for entire geographic regions, such as Africa. For similar reasons, at its 42nd meeting, the Standing Committee moved to redraft Decision 10.143, which directs the Secretariat to review the roles of national legislation, law enforcement, forensics identification, and captive breeding, in regulating the trade in traditional medicines that contain parts or derivatives of CITES-listed species, and to report its findings at COP11.

When we completed this notice, we still had not received the document for this agenda item from the Secretariat. When we receive the document, the United States will evaluate it and develop a negotiating position.

57. The Information Management Strategy [Doc. 11.57]

When we completed this notice, we still had not received a document on this agenda item from the Secretariat. In order to effectively implement the Convention, CITES authorities must manage, interpret, and use relevant trade, law enforcement, and biological information. The CITES community generates large volumes of useful data, but the data does not always reach those who need it. At its 37th meeting, the Standing Committee proposed an Information Management Strategy to coordinate the delivery of such data, and to help improve the information management capacity of Parties that require assistance. At COP10, the World Conservation Monitoring Centre (WCMC) submitted a document at the request of the Secretariat that included an Information Management Strategy. The Parties adopted this document, which directed the Secretariat (under Phase 1 of the Strategy) to develop electronically accessible information and to commission a pilot study in one CITES region (Africa was selected) to identify requirements for improving electronic communications among the Parties and the Secretariat. The United States supported the Information Management Strategy adopted at COP10 and continues to support progress toward developing and improving the electronic accessibility of information worldwide.

The United States assumes that document Doc. 11.57 will include the Secretariat's report on the Phase 1 pilot study, as well as some projected costs for funding Phase 2. Phase 2 of the Strategy directs the Secretariat to establish a program of workshops to cover all CITES regions, develop a system to fulfill the needs of Parties identified in Phase 1, and maintain up-to-date standardized products to support the Parties' implementation of CITES. The United States will support the continuance of the Information Management Strategy at COP11.

58. Potential Risk of Wildlife Trade to the Tourism Industry [Doc. 11.58]

This document is a draft resolution submitted by Kenya. The document discusses the potentially detrimental effects of wildlife poaching, and subsequent enforcement actions, on the ecotourism industry. It also cautions that poorly planned wildlife tourism can be harmful to both local economies and the ecosystem. This resolution urges the Parties to recognize the potential economic benefits of appropriately planned wildlife tourism, and it further recommends that the Parties work to minimize the social, cultural and ecological impacts when developing wildlife tourism programs. The United States agrees that these are important considerations but at this time is undecided on whether to support this resolution as drafted.

**Consideration of proposals for amendment of Appendices I and II**

59. Proposals to Amend Appendices I and II [Doc. 11.59]

In this section, we present the proposed U.S. negotiating positions on species amendment proposals submitted by other countries. Sixty-two species amendment proposals have been submitted for consideration at COP11, including 15 submitted or cosponsored by the United States. A complete list of all proposals, including those submitted or cosponsored by the United States, follows. They are listed in order of the proposal number (''Prop.'') assigned to them by the CITES Secretariat; the proposals will be considered in this order at the meeting of the COP, with the exception that all plant proposals will be discussed first. Only a brief discussion and reason are provided for proposals the United States supports. A more in-depth discussion and reasons are provided for proposals the United States opposes. Proposals for which the United States is undecided are so indicated, as is the basis for our indecision. Proposals submitted or cosponsored by the United States are listed but are not discussed here. Please refer to our **Federal Register** notice February 17, 2000 (65 FR 8190) for a discussion of these proposals and our reasons for submitting or co-sponsoring them.

1. Proposals resulting from the periodic review by the Plants Committee [Doc. 11.59.1]

We note that Proposals 11.1 through 11.11 were discussed at the ninth meeting of the Plants Committee in Darwin, Australia (June 7–11, 1999). The Plants Committee, under Resolution Conf. 9.1, Annex 3, regularly reviews plant species included in the CITES Appendices. We reviewed the status of several native U.S. species at the request of the Plants Committee. Many of these species are not in recorded international trade in wild specimens, and the Plants Committee considered and decided to recommend their deletion from the Appendices or transfer from Appendix I to II. This recommendation is based on the view that species not in international trade in wild specimens should not be included in the Appendices, and that the conservation of species native to one country should be addressed through domestic management and trade control measures. The United States has submitted one such proposal (see Prop. 11.57, below). However, some of these species are listed on the U.S. Endangered Species Act, or are protected under State laws in the United States. In several cases, demand for wild specimens exists, and their inclusion and retention in the CITES Appendices is important, especially since CITES listing strengthens enforcement of trade restrictions by bringing the import controls of other countries to bear.

The United States believes that if a CITES-listed species, whether in Appendix I or II, is not in international trade, the species should not necessarily be removed from the Appendices, if trade demand exists. Indeed, the lack of trade could mean that a Scientific Authority of the range country could not make the required non-detriment finding, and the Management Authority, therefore, could not issue permits. In such cases, the lack of trade means that CITES is being effectively implemented. For many of these species, the United States objects to their deletion or downlisting, and so informed the

Secretariat and Chair of the Plants Committee. Switzerland has submitted the proposal at request of the Plants Committee. You may obtain more information about some of these species and the United States' reviews for the Plants Committee on our web site (http://international.fws.gov/global/plantpro.html). The United States supports the activities and actions of the Plants Committee, but also believes that the wishes of range countries should receive the highest consideration in decisions on these proposals.

Prop. 11.1. Deletion of *Ceropegia* spp. from Appendix II. Submitted by Switzerland. Proposed U.S. position: Support, with possible exception of *C. armandii*.

This genus consists of about 200 species, which are widely distributed in tropical and subtropical areas from western Africa to eastern China. Most are not traded internationally, or are traded in very small numbers. In general, threats to these species are from habitat destruction and local use. Ninety-eight percent of the international trade that does occur is in artificially propagated plants. However, in 1985, one shipment involving 40,000 individuals of artificially propagated *C. armandii*, an endangered species, was recorded. In view of the potential for large-scale trade in this species, the United States is considering supporting this proposal with the exception of *C. armandii*.

Prop. 11.2. Deletion of *Frerea indica* from Appendix II. Submitted by Switzerland. Proposed U.S. position: Support.

This species is endemic to India. Only a few individuals exist in the wild. It is highly endangered by fire, grazing, natural disaster, and insects. International trade does not appear to affect this species as it is not collected from the wild for export. *F. indica* appears in trade only in small numbers, and as artificially propagated specimens. It is easily propagated through seeds and stem cuttings. To the United States' knowledge, India has not expressed opposition to this deletion.

Prop. 11.3. Deletion of *Byblis* spp. from Appendix II. Submitted by Australia. Proposed U.S. position: Support.

Most of the five species of *Byblis* are found in remote locations in Australia and are of little horticultural value, though some are sought by carnivorous plant enthusiasts. Limited trade in wild-collected specimens of this taxon has occurred since it was originally listed. Small quantities of seed are permitted to be harvested from State lands in Australia each year. At least four, if not all, of the species of this genus are annual and easily propagated by seed. In spite of unsubstantiated reports of illegal collection from the wild in Australia, these species are considered secure and adequately protected as the only serious concern for this genus regards the southern form of *Byblis gigantea*, which would remain subject to export controls, according to Australian law.

Prop. 11.4. Transfer of *Disocactus macdougalli* from Appendix I to II. Submitted by Switzerland. Proposed U.S. position: Support.

This species, endemic to Mexico, has been found to be more abundant than once thought. It is not threatened by international trade as it is not of interest to collectors. In addition, Mexico prohibits the export of all wild-collected specimens of this species, so Appendix II listing would provide the same amount of protection to this species as it has currently. International trade in this species is negligible and is solely limited to artificially propagated plants. It is easily grown from seed. Habitat destruction is the main threat to this species.

Prop. 11.5. Transfer of *Sclerocactus mariposensis* from Appendix I to II. Submitted by Switzerland. Proposed U.S. position: Oppose.

This species is native to the United States. It is listed as Threatened under the U.S. Endangered Species Act (ESA), in part due to the significant reduction and extirpation of sites of this taxon by amateur and commercial collectors. The U.S. Recovery Plan for the species specifically recommends that CITES protection be maintained at the highest possible level. International demand for this species is documented in U.S. CITES Annual Report data for the years 1994–1997, which indicate an average of 48 export shipments of artificially propagated seeds of *Sclerocactus mariposensis* per year, with an average of 2,225 seeds per shipment, primarily to Europe and Japan. The Management Authority of Switzerland has provided us with additional information on the distribution and abundance of *S. mariposensis* in Mexico, where it is apparently more secure than once thought. In addition, the results of a recent study of *S. mariposensis*, which came to our attention since we conducted our review of this species, suggest that its classification under the Endangered Species Act may warrant reconsideration. The United States will consider proposing to transfer this species to Appendix II in the future, pending continued monitoring of trade and clarification of its status in the wild. The United States believes that such an action would be premature at this time, however, particularly since strict control of trade is currently recommended for recovery. The United States has already informed the Plants Committee and the CITES Secretariat of its opposition to this proposal.

Prop. 11.6. Deletion of *Cephalotus follicularis* from Appendix II. Submitted by Australia. Proposed U.S. position: Support.

Estimates of the frequency and abundance populations of *Cephalotus follicularis*, a carnivorous plant endemic to southwestern Australia, suggest that there are many hundreds of populations each consisting of many thousands of individuals. This species is commonly cultivated by insectivorous plant enthusiasts and commercial nurseries in Australia, as it is easily propagated from small segments of rhizomes. Trade data indicates that the limited international trade in this species is confined to artificially propagated plants. This species is adequately protected in its area of endemism. Australian law will continue to regulate collection from the wild and impose export controls.

Prop. 11.7. Transfer of *Dudleya stolonifera* and *Dudleya traskiae* from Appendix I to II. Submitted by Switzerland. Proposed U.S. position: Oppose.

These species are native to the United States. *Dudleya stolonifera* is listed as Threatened under the Endangered Species Act. It has an extremely restricted range and is considered Endangered by the World Conservation Union (IUCN). The majority of *D. stolonifera* populations appear to be declining due to habitat loss and collection. The Pacific Northwest Regional Office of the U.S. Fish and Wildlife Service ''strongly supports continued inclusion in Appendix I for reasons of limited species distribution, accessibility, and interest in this species from collectors and the nursery trade.'' *Dudleya traskiae* is listed as Endangered under the Endangered Species Act, and is considered Endangered by the IUCN. *D. traskiae* populations are at least stable and may be increasing, but are so restricted in their distribution that any collection could lead to extirpation. The Recovery Plan for *D. traskiae* recognizes collection as a major risk for this species. Though these species are not known to be in legal international trade at this time, potential international demand exists for all *Dudleya* species. The United States believes current CITES protections should be maintained for these species, and that they continue to meet the criteria for retention in Appendix I, under Resolution Conf. 9.24. The United States has already

informed the Plants Committee and the CITES Secretariat of its opposition to this proposal.

Prop. 11.8. (a) Change the listings of Cyatheaceae spp. to *Cyathea* spp. and (b) Change the listing of Dicksoniaceae spp. to *Dicksonia* spp. (the Americas only) and *Cibotium barometz*. Submitted by Switzerland. Proposed U.S. position: Support both (a) and (b).

Tree ferns are found throughout the tropics. About 60 species appear in international trade, 10 of which are traded in significant numbers. All of the species in the Cyatheaceae family that are traded on a relatively large scale are members of the genus *Cyathea*, which would still be protected by CITES if this proposal is adopted. Since identifying the products of *Cyathea* spp. found in trade to the species level is difficult, protection for the entire genus should be maintained. Due to look-alike reasons, the United States supports maintaining listing for all *Dicksonia* spp. in the Americas in order to ensure protection for *Dicksonia sellowiana*, a species from South America of conservation concern. Trade in other species of *Dicksonia* originates in Australia and New Zealand where these species are adequately protected. The United States also supports maintaining protection for *Cibotium barometz*, which is widely traded for medicinal purposes. All species of tree ferns native to the United States are in the genera *Cyathea* and *Dicksonia* and would still be protected under CITES.

Prop. 11.9. Deletion of *Shortia galacifolia* from Appendix II. Submitted by Switzerland. Proposed U.S. position: Undecided; need to consult further with relevant States.

This species is native to the United States. Populations of *Shortia galacifolia* have been lost in the past due to horticultural collection and multiple dam construction projects. This species has a very limited distribution, but is locally common where it is found. It is listed as Endangered in the States of Georgia and North Carolina, and is considered Vulnerable by the IUCN. However, *S. galacifolia* is fairly widely cultivated and not known to be internationally traded. For these reasons, the United States could possibly support the recommendation of the Plants Committee to remove this species from Appendix II. The United States does, however, need to consult the States prior to making a decision on this proposal. The United States has already informed the the Plants Committee and the Secretariat of its concerns.

Prop. 11.10. Deletion of *Lewisia cotyledon*, *Lewisia maguirei*, and *Lewisia serrata* from Appendix II. Submitted by Switzerland. Proposed U.S. position: Oppose.

These species are native to the United States. *Lewisia cotyledon* is apparently secure, but factors exist to cause some concern regarding this species. The U.S. Forest Service cites collection from the wild for the horticultural trade as one of the primary activities that could pose a threat to this species. In addition, the Forest Service has documented specific, though limited, instances of collection pressure on some varieties of this species (especially *Lewisia cotyledon* var. *heckneri*). This taxon is found in international trade, but it is also fairly widely grown, and most *L. cotyledon* plants and seeds for sale come from cultivated sources. *Lewisia maguirei* has a very limited range and is considered Endangered by the IUCN. However, it is protected from most threats, including collection pressures, by its remote habitat. *L. maguirei* is considered of interest to alpine plant enthusiasts, so potential international demand exists for this species, though it is very rarely cultivated and not known to be in trade at this time. *Lewisia serrata* is considered Very Rare and Endangered throughout its range by the California Native Plant Society and Vulnerable by the IUCN. Though monitoring indicates that some populations are currently stable, the Forest Service reports that horticultural collection is a potential threat, and that at least one population is suspected to have been extirpated by illegal collection for this purpose.

The Forest Service's Interim Management Guide for *Lewisia cantelovii* and *Lewisia serrata* cites poaching of *L. serrata* by private or commercial collectors as a potential threat to its existence. *L. serrata* is likely to be cultivated to a limited extent and traded internationally on a small scale, though no exports have been recorded in recent years. Due to the potential for international trade in specimens collected from the wild, the United States believes that Appendix II offers these three species valuable protection, even though no legal trade in wild-collected individuals of these species has been recorded in recent years. The United States has already informed the Plants Committee and the Secretariat of its opposition to this proposal.

Prop. 11.11. Deletion of *Darlingtonia californica* from Appendix II. Submitted by Switzerland. Proposed U.S. position: Oppose.

This species is native to the United States. Although it is generally not known to be declining in distribution or abundance, the Forest Service has informed us that collection is a definite threat to this species and that many of the plants in trade are likely to have been collected from the wild. International demand for *Darlingtonia californica* clearly exists due to documented international trade in artificially propagated specimens. Though no legal trade in wild-collected plants has been recorded in recent years, this species is still subject to collection from the wild for international trade. Therefore, we consider Appendix II to be appropriate at this time, although we intend to review this species for possible delisting prior to COP12. The United States has already informed the Plants Committee and the Secretariat of its opposition to this proposal.

2. Proposals concerning export quotas for specimens of species in Appendix I or II [Doc. 11.59.2]

Prop. 11.12. Maintenance of the Tanzanian population of *Crocodylus niloticus* (Nile crocodile) in Appendix II, with an annual export quota of 1,600. Submitted by Tanzania. Proposed U.S. position: Undecided.

We are continuing to evaluate this proposal, pending our evaluation of the results of discussions at the Crocodile Specialist Group meeting in Cuba in January 2000.

3. Other proposals [Doc. 11.59.3]

Prop. 11.13. Transfer of *Manis crassicaudata*, *Manis pentadactyla*, and *Manis javanica* (Asian pangolins) from Appendix II to I. U.S. proposal cosponsored by India, Nepal, and Sri Lanka.

Prop. 11.14. Transfer of *Tursiops truncatus ponticus* (Bottlenose dolphin, Black Sea/Sea of Azov population) from Appendix II to I. U.S. proposal cosponsored by Georgia.

Prop. 11.15–11.18. Transfer of following stocks of whales from Appendix I to Appendix II: Eastern North Pacific stock of *Eschrichtius robustus* (gray whales), and Southern Hemisphere, Okhotsk Sea -West Pacific, and North-east Atlantic and North Atlantic Central stocks of *Balaenoptera acurostrata* (minke whales). Submitted by Japan and Norway. U.S. position: Oppose.

The United States opposes the downlisting of these populations of whales, which are subject to the International Whaling Commission (IWC) moratorium on commercial whaling. The United States continues to believe that it is inappropriate to consider these species for downlisting until the IWC completes the revision of its management regime in order to bring all whaling under effective IWC control, as discussed below. The United States

also believes that these species do not qualify for transfer to Appendix II, under Annex 4 of Resolution Conf. 9.24. The discussion that follows relates to all four of these proposals.

The United States believes that CITES should honor the request for assistance in enforcing the moratorium which the IWC communicated to the CITES Parties in a resolution passed at the Special Meeting of the IWC in Tokyo, December, 1978. This request was answered by the CITES Parties in Resolution Conf. 2.9 (''Trade in Certain Species and Stocks of Whales Protected by the International Whaling Commission from Commercial Whaling''), which calls on the Parties to ''agree not to issue any import or export permit or certificate'' for introduction from the sea under CITES for primarily commercial purposes ''for any specimen of a species or stock protected from commercial whaling by the International Convention for the Regulation of Whaling.'' Resolution Conf. 2.9 was overwhelmingly reaffirmed by the Parties at COP10, by the defeat of a draft resolution proposed by Japan to repeal this resolution. At the 50th meeting of the IWC subsequent to COP10, the IWC passed a resolution that expressed its appreciation for the reaffirmation of this link between the IWC and CITES. IWC Resolution IWC/51/43 also welcomes the CITES COP10 decision ''to uphold CITES Resolution Conf. 2.9.'' Support for these requests of the IWC necessitate opposition to any proposal to transfer whale stocks to Appendix II.

Additionally, according to Resolution Conf. 9.24, Annex 4, *Precautionary Measures,* paragraph 2.B. a. ''Even if such species do not satisfy the relevant criteria in Annex 1, they should be retained in Appendix I unless * * * the species is likely to be in demand for trade, but its management is such that the Conference of the Parties is satisfied * * * with I) implementation by the range States of the requirements of the Convention, in particular Article IV; *and* ii) appropriate enforcement controls and compliance with the requirements of the Convention.'' Unfortunately, these ''appropriate enforcement controls,'' as part of a Revised Management Scheme, have not yet been adopted by the IWC. These whale stocks do not qualify for transfer to Appendix II, under Resolution Conf. 9.24.

The assumption in the downlisting proposal for these populations of minke whales and gray whales is that the differences within species are discrete, occur in all individuals, and can be readily differentiated by forensic DNA methods. The United States disagrees scientifically with the statement that the precautionary measures of Resolution Conf. 9.24 Annex 4 are fulfilled because DNA analysis techniques allow for the identification of whale stocks, and even individual whales. This is not the case, as the experts who have developed these methods will attest and the scientific literature reinforces. While clear markers differentiate species, finding forensic markers for all individuals within a population or stock is much more problematic. Doing so is usually possible only when the population distinctiveness approaches that of species. Moreover, the use of Japanese and Norwegian DNA registers that are not available for scrutiny by other whale DNA experts is counter to all principles of forensic identification. Only when there is agreement on DNA markers, tested against adequate sample sizes of the whale stocks in question, could they be utilized for verification purposes. This research may show significant evolutionary units within some stocks, and it may also show significant gene flow between stocks making forensic identification of a meat sample to a particular stock impossible.

The previous IWC management regime was not effective in managing the whaling industry. While it was in place, the whaling industry drastically depleted whale stocks until many became threatened with extinction. Since the establishment of the moratorium on global whaling, coupled with the CITES Appendix I listings, the Commission has continued to work on activities that the United States believes must be completed before commercial whaling can even be considered. This management regime must include devising an observation and monitoring program to ensure that quotas are not exceeded. Thus, the United States opposes even considering the downlisting of any whale species until the IWC has taken steps to create and institutionalize a revised management regime that brings all whaling under effective IWC monitoring and control.

Prop. 11.15. Transfer of the Eastern North Pacific stock of *Eschrichtius robustus* from Appendix I to II. Submitted by Japan. Proposed U.S. position: Oppose.

The gray whale's range previously encompassed the Atlantic and Pacific Oceans. The Atlantic population was hunted to extinction by the early 1900s, restricting the gray whale to shallow waters of the Pacific Ocean. Two stocks are recognized in the North Pacific, the western stock or Korean stock, which ranges along the Siberian coast and in the southern Chukchi and northern Bering Seas, and the eastern or California stock, which ranges from the Russian Federation past Canada and the United States to Mexico. The United States opposes this proposed downlisting for the following reasons. As a range state, Japan consulted the United States on their draft of this proposal, and the United States provided Japan its comments and opposition to this proposal. You may obtain that correspondence on our web site. Japan noted the United States' opposition in its proposal but did not elaborate on the United States submission. The United States understands that Mexico, as a range state as well, also provided its comments in opposition to the draft proposal, although they were not incorporated or even noted by Japan in the final proposal. In addition to the above comments, the United States notes that the proposal states that the species should be transferred to Appendix II because the United States removed the species from our domestic Endangered Species Act. This action, in itself, it not adequate justification for CITES downlisting, especially since the grey whale remains fully protected by our Marine Mammal Protection Act.

Prop. 11.16. Transfer of the Southern Hemisphere stock of *Balaenoptera acutorostrata* from Appendix I to II. Submitted by Japan. Proposed U.S. position: Oppose.

According to this proposal, range States for this population are Argentina, Australia, Brazil, Chile, Comoro, Congo, Ecuador, Fiji, France, Gabon, Indonesia, Kenya, Madagascar, Mauritius, Mozambique, Namibia, New Zealand, Papua New Guinea, Peru, Seychelles, South Africa, Tanzania, the United States, the United Kingdom, Uruguay, and Vanuatu. The United States opposes this proposal. The United States disagrees scientifically with the statement in the proposal that ''DNA analysis technique advanced enough to distinguish individual whales are already available and will be used to track and control the movements of the whale specimens.'' No such techniques are available, and full transparency and publication of all DNA sequences by the Government of Japan is vital to fully evaluate this contention. As a range state, Japan consulted the United States on their draft of this proposal, and the United States provided Japan its comments and opposition to this proposal. You may obtain that correspondence on our web site. Japan noted the United States' opposition in its proposal but did not elaborate on the United States' submission.

Prop. 11.17. Transfer of the Okhotsk Sea—West Pacific stock of *Balaenoptera acutorostrata* from Appendix I to II.

Submitted by Japan. Proposed U.S. position: Oppose.

According to this proposal, range States for this population are Canada, the People's Republic of China, Indonesia, Korea, Marshall Islands, the Philippines, the Russian Federation, and the United States. The United States opposes this proposal. As a range state, Japan consulted the United States on their draft of this proposal, and the United States provided Japan its comments and opposition to this proposal. You may obtain that correspondence on our web site. Japan noted the United States opposition in its proposal but did not elaborate on the United States' submission.

Prop. 11.18. Transfer of the North-east Atlantic stock & the North Atlantic Central stock of *Balaenoptera acutorostrata* from Appendix I to II. Submitted by Norway. Proposed U.S. position: Oppose.

According to the Norwegian proposal, range States for these populations are Belgium, Denmark (including the Faroe Islands and Greenland), France, Germany, Iceland, Ireland, the Netherlands, Norway, Portugal, the Russian Federation, Spain, Sweden and the United Kingdom. The United States opposes this proposal. The United States is concerned scientifically with the statement in the proposal that ''Norway has established a trade control system based on DNA analysis techniques with samples taken from each individual whale.'' No such system is available, and full transparency and publication of all DNA sequences by the Government of Norway is vital to fully evaluate this contention.

Prop. 11.19. Deletion of *Parahyaena (Hyaena) brunnea* (Brown hyaena) from Appendix II. Submitted by Namibia and Switzerland. Proposed U.S. position: Support.

The brown hyaena is not found in significant numbers in international trade. It was transferred from Appendix I to Appendix II at COP9, with the ultimate goal of removing the species entirely from the Appendices after trade was monitored for at least two intervals between meetings of the Conference of the Parties (in compliance with precautionary measures provided in Annex 4 of Resolution Conf. 9.24). According to trade data in the proposal, less than three live specimens and four dead specimens were traded annually from 1994 through 1997. The United States agrees with the proponents that the species does not satisfy the criteria for listing or retention in Appendix II.

Prop. 11.20. Transfer the South African population of *Loxodonta africana* (African elephant) from Appendix I to II, with annotations for trade. Submitted by South Africa. Proposed U.S. position: Undecided.

South Africa has proposed the transfer to Appendix II of its population of elephants, allowing for: (1) trade in raw ivory under a quota of 30 tonnes of whole tusks of government-owned stock originating from Kruger National Park; (2) trade in live animals for reintroduction purposes; (3) trade in hides and leather goods; and (4) trade in hunting trophies for noncommercial purposes. The United States is continuing to evaluate this proposal, in the context of all species proposals relevant to the African elephant (11.20–11.25), and other relevant documents (Documents 11.26, 11.31.1, 11.31.2, 11.31.3, and 11.31.4). These issues are very complex, particularly since this proposal requests an annotation that allows for commercial ivory trade. When we completed this notice, we still had not received all of the relevant documents to be evaluated at COP11 dealing with ivory trade, and the United States is continuing to evaluate the impact of decisions and proposals adopted at COP10.

Prop. 11.21. Maintain the Botswana population of *Loxodonta africana* (African elephant) in Appendix II, with annotations for trade. Submitted by Botswana. Proposed U.S. position: Undecided.

Botswana's population was transferred to Appendix II at COP10, with an annotation that, among other aspects, allowed for a one-time sale of ivory stocks to Japan. Botswana has proposed to amend that annotation to allow for commercial trade in government-owned stocks of ivory to ''CITES-approved trading partners who will not re-export and subject to an annual quota of 12 tonnes (12,000 kg) of ivory.'' The United States is continuing to evaluate this proposal, in the context of all proposals relevant to the African elephant (11.20–11.25), and other relevant documents (Documents 11.26, 11.31.1, 11.31.2, 11.31.3, and 11.31.4). These issues are very complex, particularly since this proposal requests increased commercial ivory trade. When we completed this notice, we still had not received all of the relevant documents to be evaluated at COP11 dealing with ivory trade, and the United States is continuing to evaluate the impact of decisions and proposals adopted at COP10.

Prop. 11.22. Maintain the Namibia population of *Loxodonta africana* (African elephant) in Appendix II, with annotations for trade. Submitted by Namibia. Proposed U.S. position: Undecided.

Namibia's population was transferred to Appendix II at COP10, with an annotation that, among other aspects, allowed for a one-time sale of ivory stocks to Japan. Namibia has proposed to amend that annotation to allow for commercial trade in government-owned registered stocks of raw ivory (whole tusks and pieces), to ''trading partners that have been verified by the CITES Secretariat to have sufficient national legislation and domestic trade controls to ensure that ivory imported from Namibia will not be re-exported and will be managed according to all requirements of Resolution Conf. 10.10 concerning domestic manufacturing and trade,'' with an annual quota of 2,000 kg ivory. The United States is continuing to evaluate this proposal, in the context of all species proposals relevant to the African elephant (11.20–11.25), and other relevant documents (Documents 11.26, 11.31.1, 11.31.2, 11.31.3, and 11.31.4). These issues are very complex, particularly since this proposal requests increased commercial ivory trade. When we completed this notice, we still had not received all of the relevant documents to be evaluated at COP11 dealing with ivory trade, and the United States is continuing to evaluate the impact of decisions and proposals adopted at COP10.

Prop. 11.23. Maintain the Zimbabwe population of *Loxodonta africana* (African elephant) in Appendix II, with annotations for trade. Submitted by Zimbabwe. Proposed U.S. position: Undecided.

Zimbabwe's population was transferred to Appendix II at COP10, with an annotation that, among other aspects, allowed for a one-time sale of ivory stocks to Japan. Zimbabwe has proposed to amend that annotation to allow for commercial trade in stocks of raw ivory (whole tusks and pieces), ''to trading partners with adequate controls and enforcement measures,'' with an annual quota of 10,000 kg ivory. The United States is continuing to evaluate this proposal, in the context of all species proposals relevant to the African elephant (11.20–11.25), and other relevant documents (Documents 11.26, 11.31.1, 11.31.2, 11.31.3, and 11.31.4). These issues are very complex, particularly since this proposal requests increased commercial ivory trade. When we completed this notice, we still had not received all of the relevant documents to be evaluated at COP11 dealing with ivory trade, and the United States is continuing to evaluate the impact of decisions and proposals adopted at COP10.

Prop. 11.24. Transfer to Appendix I all populations of *Loxodonta africana*

(African elephant) currently listed in Appendix II. Submitted by India and Kenya. Proposed U.S. position: Undecided.

The United States is continuing to evaluate this proposal, in the context of all species proposals relevant to the African elephant (11.20–11.25), and other relevant documents (Documents 11.26, 11.31.1, 11.31.2, 11.31.3, and 11.31.4). When we completed this notice, we still had not received all of the relevant documents to be evaluated at COP11 dealing with ivory trade, and the United States is continuing to evaluate the impact of decisions and proposals adopted at COP10.

Prop. 11.25. Amend the annotation concerning Appendix II populations of *Loxodonta africana* (African elephant), regarding the destination of live animals. Submitted by Switzerland. Proposed U.S. position: Undecided.

The United States is continuing to evaluate this proposal, in the context of all proposals relevant to the African elephant (11.20–11.25), and relevant documents (Documents 11.26, 11.31.1, 11.31.2, 11.31.3, and 11.31.4). The United States believes that this proposal should be considered together with Document 11.26, submitted by Kenya, and also dealing with the conditions of live animals in trade under an annotation that specifies that commercial trade is allowed to ''suitable and acceptable destinations.'' The United States also supports Doc. 11.24, ''Use of Annotations in the Appendices,'' which was drafted and adopted as a consensus document of the Standing Committee (see discussion, above). That document recommends that the Parties not include live animals in these annotations. The United States believes that the meeting of the COP must evaluate and discuss and decide on this issue, prior to discussion of either this proposal or Doc. 11.26. The United States believes that when a species is transferred from Appendix I to Appendix II with substantive annotations, commercial trade in live animals that requires findings on the part of the importing country or determinations of conditions in the importing country should not be included in the annotation.

Prop. 11.26. Transfer the Australian population of *Dugong dugon* (Dugong) from Appendix II to Appendix I. Submitted by Australia. Proposed U.S. position: Support.

Dugongs were once widely distributed in the tropical and subtropical coastal areas of the Indian Ocean and the southwest Pacific. The species' range extends from eastern Africa and Madagascar east to the eastern coast of Australia and Vanuatu, and north to the Ryukyu Archipelago, Japan. The species has been extirpated or is extremely rare in much of its former range, largely because of over hunting. All subpopulations of dugong, other than the one inhabiting coastal Australia, are currently listed in Appendix I. Australia currently protects its dugong population through domestic commercial harvest prohibitions, and researchers estimate stock size at 85,000 individuals. Some regional populations near the southern Great Barrier Reef have dropped by more than 50 percent in the last decade, but in general the Australian stock is considered to be stable and among the most abundant known.

Although Australian dugongs may not qualify for inclusion in Appendix I on the basis of trade threats or population status, Australia and two regional range countries (Indonesia and Madagascar) believe that transferring the Australian population to Appendix I will assist in regional law enforcement and antipoaching efforts, and simplify CITES permit issuance. Eight other range countries consulted by Australia (Brunei, Cambodia, China, Philippines, Singapore, Solomon Islands, Vanuatu, and Yemen) also support the proposed transfer. In addition, Resolution Conf. 9.24, adopted by the CITES parties in 1997, specifically recommends that ''split-listings'' (those involving multiple populations of a species listed in different Appendices) should be avoided where possible. For these reasons, the United States supports the Australian proposal.

Prop. 11.27. Transfer all Bolivian populations of *Vicugna vicugna* (Vicuna) that are in Appendix I to Appendix II. Submitted by Bolivia. Proposed U.S. position: Support, with zero quota for trade in cloth from newly downlisted populations. See discussion under Prop. 11.28.

Prop. 11.28. Delete the zero quota for trade in cloth from Bolivian *Vicugna vicugna* (Vicuna) populations in Appendix II. Submitted by Bolivia. Proposed U.S. position: Support provisional quota for three populations downlisted in 1997, with the quota reevaluated at the next CITES Conference of the Parties.

Three vicuna populations were transferred from Appendix I to Appendix II at COP10, with a zero quota for trade in fiber or fiber products. Bolivia appears to have the necessary legal mechanisms in place to control harvest and trade in fiber, and this proposal describes what appears to be an adequate control and monitoring system to minimize illegal harvest and ensure that illegally obtained fiber does not enter legal trade. However, Bolivia has not yet started to harvest fiber from its vicuna populations. Thus, there is no evidence that the control and monitoring systems they describe are actually working. A provisional quota for the three populations downlisted in 1997 will give Bolivia the opportunity to put its system into operation, evaluate its effectiveness, and make any necessary changes prior to implementing a country-wide harvest program. During debate at COP11, the United States will suggest that Bolivia take this measured approach.

Prop. 11.29. Transfer to Appendix I all *Moschus* spp. (Musk deer) populations currently listed in Appendix II. U.S. proposal cosponsored by India and Nepal.

Our proposed negotiating position is discussed in the **Federal Register** notice of February 17, 2000 (65 FR 8190). The United States will work for adoption of this document by the Parties.

Prop. 11.30. Include in Appendix I all subspecies of *Ovis vignei* (Urial) not yet listed in the Appendices. Submitted by Germany. Proposed U.S. position: Undecided.

The United States is continuing to review information contained in the proposal, and the relevant literature and information available on this species. *Ovis vignei vignei* is currently included in Appendix I, and other subspecies are unlisted. The United States' initial scientific evaluation questions whether all subspecies qualify for inclusion in Appendix I, or whether some should be included in Appendix II. The United States does believe, however, that all unlisted subspecies should be included in one of the two Appendices. We are leaning toward a split listing on the basis of country populations rather than subspecies.

Prop. 11.31. Transfer Argentine populations of *Rhea pennata* (*Pterocnemia pennata pennata*) (Lesser rhea) from Appendix I to II. Submitted by Argentina. Proposed U.S. position: Support.

The United States believes that this species does not meet any of the criteria in Annex 1 of Resolution Conf. 9.34, but does meet the criteria of Annex 4, B.2.b. Based on survey data from one of the four provinces where the subspecies occurs naturally, Argentina estimates that 1,687,253 lesser rheas exist in the entire country. Density estimates have increased in recent times from 0.2 to 2.2 adults per square kilometer. Argentina's proposal would allow trade in specimens only from rhea farms registered with Argentinian authorities (19 farms are now registered) and located within the subspecies natural

range. No individuals will be removed from the wild, except for eggs needed as parental stock. All animals will be individually identified using microchips. Argentina developed a ''Conservation and Management Program for the Patagonian Rhea'' in 1996. As part of this management program, Argentina intends to conduct annual or biennial surveys of rhea populations. Three of the four Argentinian provinces where the subspecies occurs have laws regulating the establishment of rhea farms and the sustainable management of *Pterocnemia pennata pennata,* and the fourth province (Neuquen) is currently drafting such a law. Other subspecies of the rhea appear to be distinguishable through physical traits. Chile, the only other range state, supports Argentina's proposal.

Prop. 11.32. Transfer the North American population of *Falco rusticolus* (Gyrfalcon) from Appendix I to II, with a zero quota for export of wild birds. U.S. proposal.

Our proposed negotiating position is discussed in the **Federal Register** notice of February 17, 2000 (65 FR 8190). The United States will work for adoption of this document by the Parties.

Prop. 11.33. Transfer *Eunymphicus cornutus cornutus* from Appendix II to I. Submitted by France. Proposed U.S. position: Support (comments below, under Prop. 11.34).

Prop. 11.34. Transfer *Eunymphicus cornutus uveaensis* from Appendix II to I. Submitted by France. Proposed U.S. position: Support.

At the request of New Caledonia, France has submitted these two proposals to transfer the two subspecies of horned parakeet, *Eunymphicus cornutus cornutus* and *E. c. uveaensis,* to Appendix I from Appendix II. A similar proposal, to transfer only *E. c. uveaensis* to Appendix I, was submitted by Germany for consideration at COP10, but was withdrawn. The United States had opposed the transfer of only one subspecies to Appendix I, resulting in a split-listing, because of difficulties in distinguishing between the two subspecies in trade. However, transfer of the entire species to Appendix I would eliminate this problem, and the United States is considering supporting these proposals pending the receipt of recently published information to help assess the status of the species.

Prop. 11.35. Inclusion of *Garrulax canorus* in Appendix II. Submitted by China. Proposed U.S. position: Support.

The People's Republic of China has submitted this proposal to include *Garrulax canorus* (the hwamei) in Appendix II. The hwamei is a passerine species primarily kept as a songbird in China, although the species had been exported up until August 1998. Although the majority of specimens are traded domestically (estimated 1.7–1.8 million birds annually), over 125,000 birds were authorized for export during 1990–1997. The species is one of the more common species in China, where it exists in a dozen provinces, as well as on Hainan Island and Taiwan, and it also occurs in Vietnam and Lao PDR. Although the United States is considering supporting this proposal, the United States is seeking any additional information that might be available on the status of this species in the wild and the impact of trade on the species, and, in particular, the value of an Appendix-II listing for the conservation of this species.

Prop. 11.36. Inclusion of *Cuora* spp. (Southeast Asian box turtles) in Appendix II (*Cuora amboinensis, Cuora flavomarginata, Cuora galbinifrons* and *Cuora trifasciata* under II.2.a.; *Cuora aurocapitata, Cuora mccordi, Cuora pani, Cuora yunnanensis,* and *Cuora zhoui* under II.2.a. or II.2.b. Submitted by Germany and cosponsored by the United States.

Our proposed negotiating position is discussed in the **Federal Register** notice of February 17, 2000 (65 FR 8190). The United States will actively work towards adoption of this proposal at COP11.

Prop. 11.37. Inclusion of *Clemmys guttata* (spotted turtle) in Appendix II. U.S. proposal.

Our proposed negotiating position is discussed in the **Federal Register** notice of February 17, 2000 (65 FR 8190). The United States will actively work towards adoption of this proposal at COP11.

Prop. 11.38. Transfer of *Geochelone sulcata* (African spurred tortoise) from Appendix II to I. Submitted by France. Proposed U.S. position: Support.

The United States supports this proposal, as the species satisfies the criteria of Annex 1, C.i) and C.ii) of Resolution Conf. 9.24. The total wild population has declined from an estimated 100,000 African spurred tortoises in 1950 to just 18,000–20,000 currently. According to the World Conservation Monitoring Centre (WCMC), import of wild specimens has also increased from 461 animals in 1990 to 5,097 in 1996; many of these were exported from three non-range countries: Togo, Ghana, and Cameroon.

Prop. 11.39. Transfer of *Malacochersus tornieri* (Pancake tortoise) from Appendix II to I. Submitted by Kenya and cosponsored by the United States.

Our proposed negotiating position is discussed in the **Federal Register** notice of February 17, 2000 (65 FR 8190). The United States will actively work towards adoption of this proposal at COP11.

Prop. 11.40. Transfer the ''Cuban population'' of *Eretmochelys imbricata* (Hawksbill sea turtle) from Appendix I to II, with annotation for: (1) export of registered stocks (6,900 kg) to Japan only, and (2) the export each year thereafter, to Japan or to other Parties with equivalent controls, which will not reexport, up to 500 specimens. Submitted by Cuba and Dominica. Proposed U.S. position: Oppose.

Although the United States recognizes and appreciates the considerable efforts made by Cuba to conserve sea turtles in the Caribbean, the United States cannot support this proposal. As a range country, the United States provided comments to Cuba, based on the information provided to us in a proposal summary dated September 27, 1999; those comments are available on our web site. Existing information shows that the Caribbean regional population of hawksbill sea turtle is composed of genetically distinct stocks. Analyses of genetic samples taken from hawksbill turtles on foraging grounds across the region have revealed conclusively that these genetically distinct stocks are mixed on their feeding grounds. Samples collected from hawksbill turtles inhabiting foraging grounds in Cuba reveal that 30 percent to 58 percent of these individuals did not originate on Cuban nesting beaches. The United States is particularly concerned with the harvest of turtles in Cuban waters that are genetically aligned with source nesting populations in Puerto Rico and the U.S. Virgin Islands. Detailed systematic surveys that can begin to assess nesting trends in Cuba have only recently started, the extent to which the Cuban harvest has impacted populations outside of Cuba is also largely unknown, and the United States is concerned that the current (and proposed) harvest is unsustainable, and threatens hawksbills throughout the Caribbean. Hawksbill populations are declining or depleted in 22 of the 26 geopolitical units in the Wider Caribbean area for which some status and trend information is available. Globally, the species has experienced a decline of 80 percent in the last 3 generations (105 years), and it is unlikely that more than 15,000 females nest annually. The species has therefore been categorized by the IUCN as critically endangered.

Based on our current understanding of the status of the hawksbill in the

Caribbean, the United States does not believe it prudent for any range country to be harvesting hawksbills for domestic or international consumption. The United States is very concerned that any reopening of the hawksbill shell trade will undermine hawksbill conservation efforts not only in the Caribbean, but around the world. Based on CITES annual report data and other information, the illegal trade of hawksbill turtle products, as well as other sea turtle species, is the highest volume, most widespread, most long-term, and persistent illegal trade of any CITES Appendix I species in the Convention's 25-year history. The United States is unable to confirm that adequate enforcement controls are in place to prevent illegal trade in hawksbill turtle (or other sea turtle) specimens from Cuba or other hawksbill sea turtle range states in the Wider Caribbean, if an Appendix II listing were adopted by the meeting of the COP. The species does not qualify for transfer to Appendix II under Conf. 9.24: it both satisfies the biological criteria of Annex 1 for inclusion in Appendix I (particularly paragraphs C and D), and does not satisfy the precautionary measures in Annex 4 paragraph B.2.b. of Conf. 9.24.

Prop. 11.41. Transfer the ''Cuban population'' of *Eretmochelys imbricata* (Hawksbill sea turtle) from Appendix I to II, with annotation allowing export in one shipment of registered stocks (6,900 kg) to Japan only. Submitted by Cuba. Proposed U.S. position: Oppose.

Please see the discussion under Prop. 11.40; all comments are the same. The United States notes further that Cuba has submitted two proposals, that specify different sets of proposed annotations for the same species. The United States believes that, for a Party to submit more than one proposal for the same species or population, somehow hedging its bets that if the Parties do not adopt the first they might adopt the second, is not appropriate. The Rules of Procedure of the meeting of the COP allow a Party to amend a proposal, prior to voting, and that is the more appropriate avenue. The United States believes that a more appropriate course of action is for Cuba to decide which proposal it would like the meeting of the COP to consider, and to withdraw the other. This procedural view is independent of the United States' position on the specifics of this proposal.

Prop. 11.42. Transfer *Crocodylus moreletii* (Morelet's crocodile) populations of Sian Ka'an, Quintana Roo, Mexico from Appendix I to II. Submitted by Mexico.

Mexico has formally withdrawn its proposal to transfer a population of Morelet's crocodile (*Crocodylus moreletii*) from Appendix I to II. Mexico informed us that they withdrew the proposal on January 24, 2000. Mexico withdrew this proposal in response to recommendations made by the IUCN Crocodile Specialist Group during its January 17–20, 2000 meeting in Varadero, Cuba.

Prop. 11.43. Transfer of *Varanus melinus* from Appendix II to I. Submitted by Germany. Proposed U.S. position: Support.

This species is currently affected by increasing levels of trade and also meets the biological criteria in Annex 1 of Resolution Conf. 9.24. The wild population has a restricted area of distribution on several islands of the Sula Archipelago in Indonesia, the quality of habitat within its range has decreased, due to commercial logging. Furthermore, the species is particularly attractive to the pet trade due to its attractive coloration, its ''tameness,'' and manageable size. Finally, a decline in the number of individuals is projected, based on a decrease in the area and quality of habitat, and an increased level of exploitation for the pet trade.

Prop. 11.44. Inclusion of *Crotalus horridus* (Timber rattlesnake) in Appendix II. U.S. proposal.

Our proposed negotiating position is discussed in the **Federal Register** notice of February 17, 2000 (65 FR 8190). The United States will actively work towards adoption of this proposal at COP11.

Prop. 11.45. Deletion of *Bufo retiformis* (Sonoran green toad) from Appendix II. U.S. proposal.

Our proposed negotiating position is discussed in the **Federal Register** notice of February 17, 2000 (65 FR 8190). The United States will actively work towards adoption of this proposal at COP11.

Prop. 11.46. Inclusion of *Mantella* spp. (Mantella frogs) in Appendix II (*Mantella aurantiaca* is already in Appendix II). Jointly submitted by The Netherlands and the United States.

Our proposed negotiating position is discussed in the **Federal Register** notice of February 17, 2000 (65 FR 8190). The United States will actively work towards adoption of this proposal at COP11.

Prop. 11.47. Inclusion of *Rhincodon typus* (Whale shark) in Appendix II. U.S. proposal.

Our proposed negotiating position is discussed in the **Federal Register** notice of February 17, 2000 (65 FR 8190). The United States will actively work towards adoption of this proposal at COP11.

Prop. 11.48. Inclusion of *Carcharodon carcharias* (Great white shark) in Appendix I. Submitted by Australia and cosponsored by the United States.

Our proposed negotiating position is discussed in the **Federal Register** notice of February 17, 2000 (65 FR 8190). The United States will actively work towards adoption of this proposal at COP11.

Prop. 11.49. Inclusion of *Cetorhinus maximus* (Basking shark) in Appendix II. Submitted by the United Kingdom of Great Britain and Northern Ireland. Proposed U.S. position: Support.

The Basking Shark is widely distributed in coastal waters and on the continental shelves of temperate zones in the northern and southern hemisphere. The species is planktivorous (feeds on plankton), ovoviviparous (bears a small number of live young), and is the second largest fish in the world. The biology of the species makes it especially vulnerable to exploitation. It has a slow growth rate, a long time to sexual maturity (approximately 12–20 years), a long gestation period (1–3 years) with a similar interval between pregnancies, low fecundity, and probably small populations. Traditionally, basking sharks have been hunted for their liver, which yields an oil rich in squalene. This market is now largely superseded, but the demand for the fins has increased. The IUCN lists *C. maximus* as Vulnerable in the 1996 IUCN Red List based on past records of declining populations, due to overexploitation of fisheries, slow recovery rates, and the potential for similar declines to occur in the future due to targeted and by-catch fisheries.

There are no directed fisheries for basking sharks in the United States. Since 1997, fishing for and retention of basking sharks has been prohibited by regulation in Atlantic waters. The prohibition was implemented as a precautionary measure to ensure that directed fisheries would not develop. Basking sharks are not regulated in a Fisheries Management Plan (FMP) in U.S. Pacific waters, but the Pacific Fishery Management Council is considering the development of an FMP for highly migratory species in the area the Council covers.

This species meets the criteria listed for inclusion of species in Appendix II in Conference Resolution 9.24, Annex 2a, Bi, that ''it is known, inferred and projected that harvesting of specimens from the wild for international trade has, or may have, a detrimental impact on the species by exceeding, over an

extended period, the level that can be continued in perpetuity.''

Prop. 11.50. Inclusion of *Latimeria* spp. (Coelacanth) in Appendix I. Submitted by France and the Federal Republic of Germany. Proposed U.S. position: Support.

The species *Latimeria chalumnae* was included in Appendix I in 1989. Coelacanths (*Latimeria spp.*) are the sole survivors of the ancient Devonian lineage of crossopterygian fish, which played a pivotal role in the evolution of land-living tetrapods. According to the latest IUCN Red List of Threatened Animals, the global status of the species *Latimeria chalumnae* is Endangered, due to its small population size and limited distribution. Only a small breeding population exists off two islands of the Comoros Archipelago in the western Indian Ocean. The same must be assumed for *Latimeria menadoensis,* considering that only two specimens have been caught so far. Without protection in Appendix I, trade in this genus (excluding *L. chalumnae*) is possible and likely to exist if specimens become more available. *Latimeria* is probably one of the most sought after fish genera for collectors and scientists and, when occasionally offered in trade, may be confused with a deep sea grouper sought in Traditional Chinese Medicine. Due to a small population size and a limited distribution, any commercial trade in coelacanths will likely damage the existing population seriously. Inclusion in Appendix I would prohibit commercial trade and tightly regulate trade for scientific, educational, or public display purposes.

Prop. 11.51. Inclusion of *Latimeria menadoensis* (Menado coelacanth) in Appendix I. Submitted by Indonesia. Proposed U.S. position: Support if Prop. 11.50 is not adopted.

This proposal will be unnecessary if the proposal to list the *Latimeria* spp. is approved. However, the United States proposes to support this proposal if the *Latimeria* spp. listing proposal is not adopted.

Prop. 11.52. Inclusion of *Poecilotheria* spp. (Eastern hemisphere tarantulas) in Appendix II. U.S. proposal cosponsored by Sri Lanka.

Our proposed negotiating position is discussed in the **Federal Register** notice of February 17, 2000 (65 FR 8190). The United States will actively work towards adoption of this proposal at COP11.

Prop. 11.53. Harmonize exemptions for medicinal products: combine current annotation #2 for *Podophyllum hexandrum* and *Rauvolfia serpentina* with annotation #8 for *Taxus wallichiana.* Submitted by Switzerland. Proposed U.S. position: Support.

This proposal offers a more precise and consistent definition of those parts and derivatives of selected medicinal plant species that are exempted from the controls of the treaty. The United States expects that standardizing annotations will facilitate enforcement of CITES for medicinal plants. The United States is not aware of any negative conservation implications of this proposal.

Prop. 11.54. Inclusion of *Panax ginseng* (Ginseng) roots in Appendix II. Submitted by Russian Federation. Proposed U.S. position: Support.

Historically, the species was found in China, Korea, and Russia. However, the species is now believed to be extinct in China and Korea. The amount (by weight) of wild ginseng harvested and exported from Russia has decreased substantially during the 1990s. The official harvest quota decreased from 100 kg in 1993 to 0 kg in 1998, but poaching has increased. The species is currently listed as endangered under the Red Book of the Russian Federation. Currently, an export permit issued by the Russian Federation Trade Ministry is needed. American and Siberian ginseng are almost indistinguishable.

Prop. 11.55. Transfer of the Argentine population of *Araucaria araucana* from Appendix II to Appendix I. Submitted by Argentina. Proposed U.S. position: Support.

Populations of *Araucaria araucana,* a pine tree found in Chile and Argentina, are restricted and highly threatened in Argentina. This species qualifies for inclusion in Appendix I. Appendix I listing would assist in regulating international trade in seeds of this species, which have been confiscated in large volumes in recent years. It would also harmonize the listing for this species with the Chilean population, which is already in Appendix I. This listing would make enforcement of CITES easier and more effective for this species. This action also supports Resolution Conf. 9.24, which states that split-listings should be avoided whenever possible.

Prop. 11.56. Exempt up to three specimens of rainsticks (Cactaceae, *Echinopsis* and *Eulychnia*) per person from CITES controls. Submitted by Chile. Proposed U.S. position: Oppose.

Cacti rainsticks are products manufactured from dead specimens of several species of columnar cacti, including Chilean species in the genera *Echinopsis* and *Eulychnia.* All species in these two genera are listed in Appendix II of CITES. The raw material from these cacti, called ''normata,'' are dead and dried skeletal parts of these plants collected in the wild and then processed in Chile into the products known as rainsticks (or musical sticks). The dried skeletal parts of Chilean *Echinopsis* and *Eulychnia* species make excellent specimens for manufacturing this type of handicraft because they have central cavities ideal for filling and producing the characteristic musical effect, which sounds like falling rain.

The primary market for rainsticks is as novelty items for sale in gift and souvenir shops, both in Chile and in other countries to which the rainsticks have been exported (including the United States). The international trade in cacti rainsticks is in part commercial, for the gift shop market, and in part noncommercial, as personal effect souvenirs purchased by tourists.

The trade in rainsticks was an issue for discussion at the past several meetings of the CITES Plants Committee. At the 9th meeting of the Plants Committee in June 1999, the Committee recognized the problem of tourists purchasing cacti rainsticks as souvenirs in countries that they are visiting and then having them confiscated when they return to their home countries because they did not obtain CITES permits for the export of these Appendix II items. To address this problem, Chile recommended preparation of a proposal to exempt shipments of up to three units of Chilean *Echinopsis* and *Eulychnia* cacti rainsticks from the provisions of CITES, specifically when being transported by tourists as long as the tourists had the products with them. The Plants Committee agreed that such an exemption did not pose a conservation problem for the species involved, since the skeletal parts used to produce the rainsticks are collected from specimens in the wild that are already dead and dried, and supported the proposal by Chile. Chile has subsequently submitted a proposal to COP11 to exempt up to three specimens of *Echinopsis* and *Eulychnia* cacti rainsticks per person from CITES controls.

The United States agrees with the Plants Committee's assessment that such an exemption would not pose a conservation problem for the species involved. However, the United States does not agree that this exemption should be proposed to the Conference of the Parties via an annotation to the CITES Appendices, as Chile has done by submitting its proposal. CITES Article VII, paragraph 3, already allows the imports and exports of Appendix II cacti rainsticks as personal effects and, therefore, including a personal effects exemption as an annotation to a listing would circumvent or overrule those

Parties that have deliberately chosen not to recognize personal effects exemptions under their domestic legislation.

The United States believes that the appropriate avenue for such an exemption to be considered by the Parties is through a proposed resolution. Inclusion of the exemption as a recommendation in a resolution would allow Parties the option of implementing the exemption or not implementing it. A precedent already exists in Resolution Conf. 10.12, regarding conservation of sturgeon, which includes a recommendation for a personal effects exemption for caviar for up to 250 grams per person, similar to the cacti rainstick exemption being proposed by Chile.

The United States believes that Chile's rainstick exemption proposal should be considered via a proposed amendment to CITES Resolution Conf. 9.18 (Rev), regarding regulation of trade in plants. This resolution already includes a section recommending an exemption for flasked seedlings of orchid species listed in Appendix I, and the rainstick exemption could be added as another recommendation.

Should this exemption be adopted as an amendment to Conf. 9.18 (Rev.), the United States is concerned whether plant inspection officials at ports of import and export will be able to differentiate *Echinopsis* and *Eulychnia* rainsticks from rainsticks made from other species. The United States plans to investigate this matter with plant inspectors of the U.S. Department of Agriculture prior to the United States formulating its final negotiating position on this proposal.

Prop. 11.57. Deletion of *Kalmia cuneata* (White wicky) from Appendix II. U.S. proposal.

Our proposed negotiating position is discussed in the **Federal Register** notice of February 17, 2000 (65 FR 8190). The United States will actively work towards adoption of this proposal at COP11.

Prop. 11.58. Inclusion of *Camptotheca acuminata* in Appendix II. Submitted by China. Proposed U.S. position: Support.

This tree, once widely distributed throughout southern China, has been significantly reduced in its distribution and abundance primarily by habitat destruction and harvest for Camptothecin, an alkaloid used to treat AIDS and some types of cancer. This species is widely artificially propagated, though not on a commercial scale outside of China. No synthetic substitute exists for Camptothecin. China is, therefore, the sole source of Camptothecin for the international market. Estimates of average annual Camptothecin production in China suggest that at least 500,000–750,000 trees per year are affected. Appendix II listing could benefit this species if it pertains to all parts and derivatives of the plant.

Prop. 11.59. Inclusion of *Cistanche deserticola* in Appendix II. Submitted by China. Proposed U.S. position: Support.

This species is a parasitic herb native to China that is used to improve kidney function and treat impotence. The main threats to it are overexploitation from the wild for its medicinal value and the destruction of its host plants, *Haloxylon ammondendron* and *H. persicum. Cistanche deserticola* has been severely impacted by over collection from the wild in certain areas, especially in the Inner Mongolia Autonomous Region. It is now listed in the Red Data Book of China Plants and as a State Protected Species. International trade in this species grew to an estimated 120 tons per year in the 1980s, but has since declined due to supply restrictions. It is primarily exported to Japan, Hong Kong, and Southeast Asia. This species is difficult to cultivate due to its parasitic nature and is not artificially propagated on a commercial scale.

Prop. 11.60. Inclusion of *Harpagophytum procumbens* and *Harpagophytum zeyheri* in Appendix II. Submitted by Germany. Proposed U.S. position: Support.

These species are found in several countries in southern Africa, but mainly in Namibia and Botswana. A decline in wild populations of *Harpagophytum procumbens* has been recorded in both these countries. A main threat to *H. procumbens* is the large-scale harvest of its secondary storage tubers using detrimental harvesting techniques, primarily for international markets. Export of *H. procumbens* from its main range states is significant and strongly increasing and has led to its overexploitation in Botswana and some parts of Namibia. The material in trade originates exclusively from the wild. Most of it is exported to Europe. *H. zeyheri* is also traded internationally for its medicinal value and is difficult to distinguish from *H. procumbens.* Grazing also presents a threat to these species.

Prop. 11.61. Inclusion of *Adonis vernalis* in Appendix II (potted live plants to be excluded). Submitted by Germany. Proposed U.S. position: Support, with the exception of the exclusion of live potted plants.

This species, primarily used for medicinal purposes but also valued as an ornamental plant, is distributed throughout the steppe and grassland ecosystems of central and eastern Europe. It mainly occurs in isolated, fragmented populations today. It is considered to be threatened and is included in most red data books of its range countries. The many threats to this species include overexploitation for international trade and detrimental harvesting techniques. Bulgaria, Hungary, Romania, Ukraine, and Russia are the main exporters of this species. The main importers are Germany and France. Restrictions on harvest have been established in Bulgaria and Hungary. Almost all plant material in trade originates from wild stock. Regarding the proposed exclusion of potted live plants, we sympathize with the intent, but do not believe it is allowed by the treaty. CITES Article I paragraph (b)(iii) states that, for plants, a specimen is defined as: ''for species included in Appendix I, any readily recognizable part or derivative thereof; and for species included in Appendices II and III, any readily recognizable part or derivative thereof specified in Appendices II and III in relation to the species.'' Therefore, the listing of a plant species in Appendix II can specify (or exempt) certain recognizable parts or derivatives. The listing cannot, however, exempt whole plants that are in pots, which is not a part or derivative.

Prop. 11.62. Transfer of *Guaiacum sanctum* (Holywood lignum vitae) from Appendix II to Appendix I. U.S. proposal.

Our proposed negotiating position is discussed in the **Federal Register** notice of February 17, 2000 (65 FR 8190). The United States will actively work towards adoption of this proposal at COP11.

**Conclusion of the Meeting**

60. Determination of the time and venue of the next regular meeting of the Conference of the Parties [Doc. 11.60]

When we completed this notice, we still had not received a document from the Secretariat regarding candidates as host governments for COP12. The United States favors holding COP12 in a country where all Parties and observers will be admitted without political difficulties. The United States proposes to support the holding of the meetings of the COP on a biennial basis, or, as in the case of COP10, after an interval of approximately 2½ years.

61. Closing remarks [no document]

**Future Actions**

Before COP11, we will announce any changes to the proposed negotiating

positions contained in this notice and any undecided negotiating positions by posting a notice on our Internet website (http://international.fws.gov/global/cites.html). After the meeting of the COP, we will publish a notice in the **Federal Register** announcing the amendments to CITES Appendices I and II that were adopted by the Parties at the meeting, and requesting comments on whether the United States should enter reservations on any of these amendments.

Dated: March 3, 2000.

**Jamie Rappaport Clark,**

*Director, U.S. Fish and Wildlife Service.*

[FR Doc. 00–5617 Filed 3–3–00; 4:32 pm]

BILLING CODE 4310–55–P