artificial cavity inserts within three (3) selected recruitment clusters within the Osceola National Forest (OSNF). The recruitment cluster locations will be determined in cooperation with the Applicant, the U.S. Forest Service (USFS) and the Service.

• Artificial cavity inserts will be screened for two (2) weeks and checked twice for leakage and cracks.

• Once the artificial cavities are in place, the single male RCW will be translocated to one of the newly-created recruitment sites. Work within the occupied RCW habitat onsite will be restricted until the single male RCW is translocated. Temporary foraging and roosting habitat will be provided, at a quantity consistent with Service guidelines.

• Monitoring will be conducted for three (3) years or until success is achieved, whichever is less. Success is defined as establishment of new breeding group in any of the newly-created recruitment sites. Two (2) visits to the receiving site will be made weekly for the first two (2) months following translocation of the single male RCW. Surveys of the remaining newly-created recruitment sites will take place four (4) times during the following nesting season to monitor reproductive status and success.

Kallman Tract

The conservation measures proposed to offset impacts are:

• The Applicant will construct and install a minimum of four (4) completed artificial cavity inserts within one (1) selected recruitment clusters within the OSNF. The recruitment cluster location will be determined in cooperation with the Applicant, the USFS, and the Service.

• Artificial cavity inserts will be screened for two (2) weeks and checked twice for leakage and cracks.

• Once the artificial cavities are in place, the single male RCW will be translocated to an existing cluster site at the Ocala National Forest (ONF). Work within the occupied RCW onsite will be restricted until the single male RCW is translocated. Temporary foraging and roosting habitat will be provided, at a quantity consistent with Service guidelines.

• Monitoring of the translocated male RCW will take place the morning following release. Subsequent monitoring will take place one (1) week later. Four (4) visits will be made during the following nesting season, coordinated with ONF staff. Any other monitoring data collected by ONF staff will be reported to the Applicant.

More details on the mitigation and minimization measures are outlined in the Applicants' HCP.

The EA considers the environmental consequences of two alternatives, including the proposed action. The proposed action alternative is issuance of the incidental take permit and implementation of the HCP as submitted by the Applicants.

As stated above, the Service has made a preliminary determination that the issuance of the ITP is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of NEPA. This preliminary information may be revised due to public comment received in response to this notice and is based on information contained in the EA and HCP. An appropriate excerpt from the FONSI reflecting the Service's finding on the application is provided below:

Based on the analysis conducted by the Service, it has been determined that:

1. Issuance of an ITP would not have significant effects on the human environment in the project area.

2. The proposed take is incidental to an otherwise lawful activity.

3. The Applicant has ensured that adequate funding will be provided to implement the measures proposed in the submitted HCP.

4. Other than impacts to endangered and threatened species as outlined in the documentation of this decision, the indirect impacts which may result from issuance of the ITP are addressed by other regulations and statutes under the jurisdiction of other government entities. The validity of the Service's ITP is contingent upon the Applicant's compliance with the terms of the permit and all other laws and regulations under the control of State, local, and other Federal governmental entities.

The Service will also evaluate whether the issuance of a Section 10(a)(1)(B) ITP complies with Section 7 of the Act by conducting an intra-Service Section 7 consultation. The results of the biological opinion, in combination with the above findings, will be used in the final analysis to determine whether or not to issue the ITP.

On Thursday, January 16, 1997, the Service published a notice in the **Federal Register** announcing the Final Revised Procedures for implementation of NEPA (NEPA Revisions), (62 FR 2375–2382). The NEPA revisions update the Service's procedures, originally published in 1984, based on changing trends, laws, and consideration of public comments. Most importantly, the NEPA revisions reflect new initiatives and Congressional mandates for the Service, particularly involving new authorities for land acquisition activities, expansion of grant programs and other private land activities, and increased Endangered Species Act permit and recovery activities. The revisions promote cooperating agency arrangements with other Federal agencies; early coordination techniques for streamlining the NEPA process with other Federal agencies, Tribes, the States, and the private sector; and integrating the NEPA process with other environmental laws and executive orders. Section 1.4 of the NEPA Revisions identify actions that may qualify for Categorical Exclusion. Categorical exclusions are classes of actions which do not individually or cumulatively have a significant effect on the human environment. Categorical exclusions are not the equivalent of statutory exemptions. If exceptions to categorical exclusions apply, under 516 DM 2, Appendix 2 of the Departmental Manual, the departmental categorical exclusions cannot be used. Among the types of actions available for a Categorical Exclusion is for a ''low effect'' HCP/incidental take permit application. A ''low effect'' HCP is defined as an application that, individually or cumulatively, has a minor or negligible effect on the species covered in the HCP [Section 1.4(C)(2)].

The Service may consider the Applicants' ITP request and HCP such a Categorical Exclusion. The Service is soliciting for public comments on this determination. The Service is announcing the availability of the EA since the project's environmental documents were finalized shortly after the NEPA Revisions were released. However, the Service may make a final determination that this action is categorically excluded.

Dated: May 28, 1997.

Noreen K. Clough,

Regional Director.

[FR Doc. 97–14785 Filed 6–5–97; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service, Interior

Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora; Tenth Regular Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice sets forth summaries of the United States negotiating positions on agenda items and resolutions submitted by other countries for the tenth regular meeting of the Conference of the Parties (COP10) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Comments have been solicited and a public meeting has been held to discuss these negotiating positions.

DATES: This notice shall go into effect on June 6, 1997.

ADDRESSES: Please send correspondence concerning this notice to Chief, Office of Management Authority; 4401 North Fairfax Drive, Room 430, Arlington, Virginia 22203. Fax number 703–358–2280.

FOR FURTHER INFORMATION CONTACT: Kenneth B. Stansell or Dr. Susan S. Lieberman, Office of Management Authority, U.S. Fish and Wildlife Service: telephone 703/358–2093; fax: 703/358–2280; E-mail: r9oma__cites@mail.fws.gov.

SUPPLEMENTARY INFORMATION:

Background

The Convention on International Trade in Endangered Species of Wild Fauna and Flora, hereinafter referred to as CITES or the Convention, is an international treaty designed to monitor and regulate international trade in certain animal and plant species which are or may become threatened with extinction, and are listed in Appendices to the treaty. Currently 136 countries, including the United States, are CITES Parties. CITES calls for biennial meetings of the Conference of the Parties (COP) which review its implementation, make provisions enabling the CITES Secretariat (in Switzerland) to carry out its functions, consider amending the lists of species in Appendices I and II, consider reports presented by the Secretariat, and make recommendations for the improved effectiveness of the Convention. The tenth regular meeting of the Conference of the Parties to CITES (COP10) will be held in Harare, Zimbabwe, June 9–20, 1997.

A series of **Federal Register** notices and two public meetings already held, have provided the public with an opportunity to participate in the development of U.S. positions for COP10. A **Federal Register** notice concerning possible U.S. submissions of species amendments and resolutions for consideration at COP10 (with a request for public comments) was published on March 1, 1996 (61 FR 8019). A **Federal Register** notice announcing a public meeting to discuss an international study of the effectiveness of CITES was published on June 14, 1996 (61 FR 30255). A **Federal Register** notice requesting information on the Service's consideration of amendments to the Appendices was published on August 28, 1996 (61 FR 44324). A **Federal Register** notice concerning the provisional agenda of COP10 as well as proposed resolutions and agenda items being considered was also published on August 28, 1996 (61 FR 44332). A **Federal Register** notice concerning proposed U.S. negotiating positions for agenda items and resolutions submitted by other countries was published on April 17, 1997 (62 FR 18777). A public meeting held October 3, 1996 solicited comments on proposed U.S. submissions of species amendments, resolutions, and agenda items for consideration at COP10, and a public meeting held on April 25, 1997 allowed for discussion of U.S. positions on species amendments and resolutions submitted by other CITES Parties, and agenda items leading up to COP10.

Negotiating Positions

In this notice, the Service summarizes the United States positions on agenda items and resolutions for COP10 (other than proposals to amend the Appendices, which will be published in a separate notice), which have been submitted by other countries and the CITES Secretariat. A **Federal Register** notice was published on March 27, 1997 (62 FR 14689) outlining rationales for resolutions and discussion documents submitted by the United States; those issues will not be discussed in detail here. Interested members of the public should refer to those notices for discussion of relevant issues. Numerals next to each agenda item or resolution correspond to the numbers used in the provisional agenda [COP10 Doc. 10.1 (Rev.)] received from the CITES Secretariat.

Some documents have not yet been received from the CITES Secretariat and may not be received until the meeting of the COP itself. Other documents were received only days before this notice was finalized, and therefore insufficient time was available to develop a U.S. negotiating position. A list of documents received by the Service to date is available on request (see **ADDRESSES,** above).

In the discussion that follows, the description of each proposed resolution is followed by a brief rationale explaining the basis of the United States position. The Service outlines these final negotiating positions on agenda items and resolutions submitted by foreign countries for COP10 with the understanding that new information that becomes available during discussions prior to and at COP10 can often lead to modifications of these positions. The U.S. delegation will fully disclose any and all position changes and the rationale(s) explaining them through daily public briefings at COP10.

Negotiating Positions: Summaries

I. Opening Ceremony by the Authorities of Zimbabwe

Comments: No comments received on this issue.

U.S. Negotiating Position: No document will be prepared by the Secretariat on this item. It is traditional that the host country conduct an opening ceremony at a CITES COP.

II. Welcoming Addresses

Comments: No comments received on this issue.

U.S. Negotiating Position: No document will be prepared by the Secretariat on this item. It is traditional that the host country make welcoming remarks at the opening of a CITES COP.

III. Adoption of the Rules of Procedure (This Item Consists of two Subitems)

1. Voting Before Credentials Have Been Accepted [Doc. 10.4]

Comments: No comments received on this subitem issue.

U.S. Negotiating Position: No document has yet been received from the Secretariat on this issue. The United States believes that delegations to international treaty conferences should be able to obtain credentials from their government prior to attending the meeting, and as such should not be entitled to vote until their credentials are approved. However, some flexibility is acceptable in certain circumstances. The United States does not believe that delegates whose credentials are pending should be denied access to meetings or the ability to speak, but decisions on such issues should go through the Credentials Committee at the COP.

2. Adoption of the Rules of Procedure [Doc. 10.3]

Comments: One comment received on this issue. The commenter expressed support for the U.S. government's proposed negotiating position.

U.S. Negotiating Position: A provisional version of the Rules of Procedure, which describe the manner in which a COP is conducted, are distributed prior to all CITES COPs by the Secretariat. The United States supports the provisional version of the Rules of Procedure as received. The

United States is not aware of any changes from previously adopted Rules of Procedure that will be proposed. The United States notes that the Rules of Procedure were modified at COP9 to allow for a simplified procedure for approving secret ballots. Those changes were handled smoothly, and the United States does not believe that this provision should be altered. However, at COP9 many country delegates had problems with the procedure by which the Secretariat issued secret ballots. The United States will work through the Bureau at the COP to simplify this process (which would not involve any modification of the Rules of Procedure), in order to be prepared for any secret ballot vote(s).

IV. Election of Chairman and Vice-Chairman of the Meeting and of Chairman of Committees I and II and of the Budget Committee

Comments: No comments received on this issue.

U.S. Negotiating Position: No document will be prepared for this item by the Secretariat. The United States will support the election of a Conference Chair from Zimbabwe, and a highly qualified Vice-Chair of the Conference and Committee Chairs representing the geographic diversity of CITES.

The Chair of the CITES Standing Committee (Japan) will serve as temporary Chair of the COP until a permanent Conference Chair is elected. It is traditional for the host country to provide the Conference Chair. The Conference Chair will serve as Presiding Officer of the Conference and also of the Conference Bureau, the executive body which manages the business of the Conference: other members of the Conference Bureau include the Committee Chairs (discussed below), the members of the Standing Committee, and the Secretary General.

The major technical work of the CITES is done in the two contemporaneous Committees, and 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 requisite technical knowledge and skills and also reflecting the geographic and cultural diversity of CITES Parties.

V. Adoption of the Agenda and Working Programme [Doc. 10.1 (Rev.); Doc. 10.2; Doc. 10.2.1; Doc. 10.2.2]

Comments: No comments received on this issue.

U.S. Negotiating Position: Provisional versions of the Agenda and the Working Programme for COP10 have been received from the Secretariat. The United States supports those documents, but continues to review whether some issues currently allocated to Committee I (scientific issues) should be moved to Committee II (management and other technical issues), due to subject matter, workload and time. The U.S. believes that similar agenda items dealing with similar issues should be discussed one after the other on the agenda. For example, the issues of illegal trade in whale meat and the relationship between CITES and the International Whaling Commission should be moved on the agenda to be sequential.

VI. Establishment of the Credentials Committee

Comments: No comments received on this issue.

U.S. Negotiating Committee: No document will be prepared by the CITES Secretariat on this agenda item. The United States supports the establishment of the Credentials Committee.

The establishment of the Credentials Committee is a pro forma matter. The Credentials Committee approves the credentials of delegates to the COP by confirming that they are official representatives of their governments, thereby affording them the right to vote in Committee and Plenary sessions. The United States was a member of the Credentials Committee at COP9.

VII. Report of the Credentials Committee

Comments: No comments received on this issue.

U.S. Negotiating Position: No document will be prepared by the Secretariat on this agenda item. The United States supports 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 COP.

Adoption of the report is generally a pro forma exercise. Representatives whose credentials are not in order should be afforded observer status as provided for under Article XI of the Convention. If there is evidence 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. Greater vigilance is necessary however in cases of close votes, or decisions to be made by secret ballot.

VIII. Admission of Observers [Doc. 10.5]

Comments: No comments received on this issue.

U.S. Negotiating Position: Support admission to the meeting of all technically qualified non-governmental organizations and oppose unreasonable limitations on their full participation at COP10.

Non-governmental 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 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 COPs, as is standard CITES practice. The United States has approved 49 organizations as observers to COP10, and will fully support their accreditation and active participation in the meeting. The United States also supports flexibility and openness in approval of documents produced by non-governmental organizations, and the dissemination of these documents to delegates; such information sharing is vital to decision-making and scientific and technical understanding at a CITES meeting.

IX. Matters Related to the Standing Committee (This Item Consists of Three Subitems)

Comments: No comments received on this issue.

U.S. Negotiating Positions:

1. Report of the Chairman [Doc. 10.6]

No document has yet been received. The United States will fully support the presentation of a report by the Chairman of the Standing Committee (Japan) regarding the execution of the Committee's responsibilities and its activities that accurately reflects the discussions and decisions of the Committee. A U.S. negotiating position on the Chair's report is pending receipt of the document.

2. Regional Representation [Doc. 10.7]

At COP9 membership in the Standing Committee was increased for those CITES regions with a large number of Parties. Current membership on the Standing Committee is as follows: Chair (Japan), two representatives for Asia (Japan and Thailand), three representatives for Africa (Namibia, Senegal, and Sudan), two representatives for Europe (Russian Federation and United Kingdom), one representative for North America (Mexico), one representative for Oceania (Papua New Guinea), two representatives for Central, South America, and the Caribbean (Argentina and Trinidad and Tobago), Depositary Government (Switzerland), Previous Host Country (United States), and Next Host Country (Zimbabwe). Doc. 10.7 was not received in time from the Secretariat to be considered in this notice.

There have been further discussions in the Standing Committee since COP9 on the division of responsibilities among regional representatives. Discussions focused on the question of which subregions and topical areas each Regional representative would speak on and officially represent. The issue of clarifying the responsibilities of the Regional representatives has also been discussed at meetings of the Animals and Plants Committees. The United States will support a division of responsibilities as decided independently by each Region.

3. Election of New Regional and Alternate Regional Members

The United States encourages membership which will continue the active role of the Standing Committee. The Regional Representative for North America from COP9 until the present has been Mexico. Discussions will take place at the beginning of COP10 among the three North American CITES Parties (United States, Mexico, and Canada) on which country should be the regional representative between COP10 and COP11.

X. Reports of the Secretariat (This Item Consists of Three Subitems)

Comments: No comments received on this issue.

U.S. Negotiating Positions: The United States considers the issues which the documents cover essential and important matters. However, either documents have not yet been received for any of the three subitems or were not received in time from the Secretariat to be considered in this notice.

1. Secretariat Report [Doc. 10.8]

2. Strategic Plan [Doc. 10.9]

The United States notes that the strategic plan of the Secretariat adopted at COP9 was a beginning, but was in need of much improvement. In order to improve the effectiveness of strategic planning for CITES, the United States supports the recommendation of the ''Study of the Effectiveness of the Convention'' (see item, XIII.1., below) that the Secretariat should develop a strategic plan to guide its work. As stated in the Study of the Effectiveness of the Convention, produced by Environmental Resources Management (ERM), the ''. . . plan should include programme and policy requirements with a priority set of actions to be undertaken by the Parties, Standing Committee and Secretariat.'' The United States believes that a strategic plan must be developed in consultation with the Standing Committee and the Parties, and as such anything submitted by the Secretariat for consideration at COP10 will need close scrutiny by the Parties. The United States has no objection in principle to the Secretariat seeking or contracting with outside organizations or persons for assistance in drafting this plan, but any action by the Secretariat, including candidates and the final selection should be openly and completely discussed in the Standing Committee, and final approval of any outside entities to perform work in this regard should rest with the Standing Committee.

3. Working Plan [Doc. 10.10]

The United States looks forward to a detailed analysis of the working plan of the Secretariat. The Secretariat must be guided by the COP in its work plan for the period between COP10 and COP11, and as such it is up to the COP to review the draft working plan and decide on the work and structure of the Secretariat that it deems most appropriate, in line with the priorities of the Parties. The United States believes that discussion of the working plan and strategic plan must be in concert with discussions in the Budget Committee, and in full recognition of any budgetary implications. The U.S. has received this document, but has not yet completed its review. There are serious concerns about some of the budgetary implications in the document, however.

XI. Financing and Budgeting of the Secretariat and of Meetings of the Conference of the Parties (This Item Consists of Four Subitems)

Comments: Two comments were received on this issue. One commenter referred to this issue in general terms, noting that the U.S. should closely scrutinize the Secretariat's rationale for increasing COP attendance fees, and questioned whether the Secretariat was commingling funds remaining from COP9 (and any future excess funds from COP10) with ''general operating funds'' between the COPs. Another commenter stated that the United States ''should not shirk its obligation to provide promised funds so that CITES may continue to ensure that this [wildlife] trade does not cause a detriment to wildlife populations everywhere.'' This organization urged the Service to impress upon the Department of State the importance of CITES and suggested that CITES'' core budget ''be reduced if some items in the budget could become ''projects'' subject to external funding.''

U.S. Negotiating Position: The United States advocates fiscal responsibility and accountability on the part of the Secretariat and the COP. The United States plans to be an active participant in discussions in the Budget Committee at COP10. The United States will endeavor to explore whether any funds are being commingled. The United States has fulfilled its 1997 pledge to the CITES Trust Fund. Relevant documents were not received in time from the Secretariat to be considered in this notice.

1. Financial Report for 1994, 1995 and 1996 [Doc. 10.11]

U.S. Negotiating Position: Issues associated with the financial report of the Secretariat will be fully discussed at COP10 and the United States will closely scrutinize and analyze the relevant documents.

2. Anticipated Expenditures for 1997 [Doc. 10.12]

U.S. Negotiating Position: Issues associated with anticipated 1997 expenditures of the Secretariat will be fully discussed at COP10 and the United States will closely scrutinize and analyze the relevant documents.

3. Budget for 1998–2000 and Medium-term Plan for 1998–2002 [Doc. 10.13]

U.S. Negotiating Position: The United States will closely scrutinize and analyze the document(s) when received. The United States believes that it is important to coordinate Budget Committee discussions with discussions in Committees I and II that may have budgetary implications. For example, when a resolution with budgetary implications is approved by Committee I or II (and then sent to Plenary for adoption), it should be conveyed to the Budget Committee in time for it to be

factored into the budget. There have been cases at previous meetings of the COP where the Budget is already approved, and the Committees are taking decisions that may have financial implications. The United States will work through the Bureau at the COP to deal with this issue.

4. External Funding [Doc. 10.14]

U.S. Negotiating Position: External funding refers to the financial support by Party governments and non-governmental organizations for projects that have been approved as priorities for CITES by the Standing Committee under a previously established procedure. 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 recipient. These externally funded projects are outside of the CITES Trust Fund. It has been decided by the Standing Committee that under no circumstances are any UNEP overhead costs to be assessed on these projects.

The United States continues to contribute external funding to Standing Committee-approved projects including delegate travel to the COP, support for committee meetings, CITES enforcement and implementation training, and biological studies of significantly traded species, when funds are available.

XII. Committee Reports and Recommendations (This Item Consists of Four Subitems)

Comments: One comment was received on sub-item No. 3; see below.

1. Animals Committee

(a) Report of the Chairman [Doc. 10.15]

U.S. Negotiating Position: The United States fully supports the presentation of a report by the Chairman of the Animals Committee regarding the execution of the Committee's responsibilities and its activities that accurately reflect the discussions and decisions of the Committee. A position on that report is pending receipt of the document.

(b) Regional representation [Doc. 10.17]

U.S. Negotiating Position: The United States supports the active role of the Animals Committee in scientific and management issues pertaining to animal species listed in the CITES Appendices. We encourage membership which will continue the active role of the Animals Committee, and selection of a Chair with a strong commitment to a proactive Animals Committee committed to conservation. The United States has always participated actively in the work of the Animals Committee, and will continue to be an active participant in all Committee functions.

At COP9 membership on the Animals Committee was increased for those regions with a larger number of Parties. Current membership includes: Africa (two representatives), Asia (two representatives), Europe (one representative), North America (one representative), Oceania (one representative), Central, South America, and the Caribbean (two representatives). The Regional representatives are selected by their respective regional caucuses at the COP. The Chair and Vice-Chair will be selected by the new Animals Committee, during a meeting to be held at the close of COP10.

During recent discussions in the Animals Committee the issue of increased representation for the European Region was discussed, since the Region now has 31 countries and was not given additional representation at COP9. Consequently, at COP10, there may be a recommendation to increase the number of representatives for the European Region to two. The United States supports an increase of one additional representative for the European Region.

The United States has submitted a resolution ''Establishment of Committees'' (Doc. 10.27) for the purpose of amending Res. Conf. 9.1, Annexes 2 and 3. This resolution discusses the designation of members of the Animals and Plants Committees. It recommends that the official members should be Party governments, not individuals. The United States strongly believes that Party countries, not individuals, are members of CITES, and therefore proposed this change to be consistent with standard international practices, and to avoid potential, perceived, or real conflicts of interest. Individual countries would be asked to name qualified individuals as contact points for committee matters, but the members themselves would be the governments.

(c) Election of New Regional and Alternate Regional Members

U.S. Negotiating Position: No document will be prepared by the Secretariat on this issue. Currently, Dr. Charles Dauphine of Canada is the North American regional representative on the Animals Committee. The United States anticipates adoption of our proposed resolution that will change the regional representative to a country rather than an individual (as discussed above). At COP10, the United States, Canada, and Mexico will meet to decide which country should be the regional Animals Committee representative between COP10 and COP11. At that time, the country will nominate an individual to serve as contact point. If that individual cannot continue serving for any reason, the country selected will nominate another individual.

The other CITES geographic regions will also meet and decide on their Animals Committee representatives. Those decisions are made by the individual regions. The United States position will be to encourage regions to nominate countries that are committed to full participation in the work of the committees. Doc. 10.15 was not received in time to be considered for this notice.

2. Plants Committee

(a) Report of the Chair [Doc. 10.16]

U.S. Negotiating Position: The United States welcomes the presentation of a report by the Chair of the Plants Committee regarding the execution of the Committee's responsibilities and its activities, that accurately reflects the discussions and decisions of the Committee. A position on that report is pending evaluation of the document. Doc. 10.16 was not received in time to be considered for this notice.

(b) Regional Representation [Doc. 10.7]

U.S. Negotiating Position: At COP9, as with the Animals Committee, membership on the Plants Committee was increased for those regions with a larger number of Parties. Current membership includes: Africa (two representatives), Asia (two representatives), Europe (one representative), North America (one representative), Oceania (one representative), and Central, South America, and the Caribbean (two representatives). The Regional representatives are selected by their respective Regional caucuses at COP10, and a Chair and Vice-Chair will be selected by the new Plants Committee, during a meeting to be held at the close of COP10. Doc. 10.7 was not received in time from the Secretariat to be considered in this notice.

(c) Election of New Regional and Alternate Members

U.S. Negotiating Position: No document will be prepared by the Secretariat on this issue. Currently, Dr. Bruce MacBryde of the Service's Office of Scientific Authority is the North American Regional representative to the Plants Committee. The United States anticipates adoption of our proposed resolution that will change the regional representative to a country rather than an individual (as discussed above under Animals Committee). At COP10, the United States, Canada, and Mexico will

meet to decide which country should be the regional Plants Committee representative between COP10 and COP11. At that time, the selected country will nominate an individual to serve as its contact point. If that individual cannot continue serving for any reason, the country selected will nominate another individual.

The other CITES geographic regions will also meet and decide on their Plants Committee representatives. Those decisions are made by the individual regions. The United States position will be to encourage regions to nominate countries that are committed to full participation in the work of the committees.

3. Identification Manual Committee [Doc. 10.17]

Comments: One comment received on this issue expressed strong support for the ''continuing development of animal and plant identification manuals for use by port and border enforcement authorities.'' This commenter encouraged the Service ''to sponsor, or seek private funding for, the production of identification manuals for CITES-listed herptiles in trade...''

U.S. Negotiating Position: No document has yet been received. The United States will continue to support the continuing development of animal and plant identification manuals for use by port and border enforcement authorities, in providing a standard of reference for the identification of CITES species, within available resources and priorities. The United States particularly applauds the United Kingdom's efforts in developing the general CITES guide to plants in trade. The United States plans to assess alternatives presented by the Secretariat for updating animal sections of the Identification Manual, and encourages and will consider all comments from other Parties as to the value of the Identification Manual. The United States also believes that the posting of the Identification Manual on the Internet to facilitate access by all CITES Parties should be explored and discussed, considering all the costs and benefits of so doing.

The United States believes that enforcement officers of the Parties must be equipped with guides which are accurate, realistic, and helpful in the identification of the many CITES species and products found in trade throughout the world. Toward this end, the United States supported the efforts of the Canadian government in producing a series of extremely useful and highly professional identification manuals for certain CITES species in international trade.

4. Nomenclature Committee

U.S. Negotiating Position: Doc. 10.18 and Doc. 10.19 was not received in time from the Secretariat to be considered in this notice.

(a) Report of the Chairman [Doc. 10.18]

(b) Recommendations of the Committee [Doc. 10.19]

XIII. Evolution of the Convention (This Item Consists of Two Subitems)

1. How to Improve the Effectiveness of the Convention

Comments: Comments were received from four organizations on this general issue, some of which were directly related to the points raised in the ERM Study, while others were not. One commenter agreed with the draft U.S. position that the ERM study demonstrated that the majority of CITES Parties believe that the actual text of the Convention should not be changed. This commenter also called for greater cooperation between CITES and the Convention on Biological Diversity, as discussed in the ERM findings, and stated that such cooperation or ''consultation'' include other ''relevant organizations such as the SSN [Species Survival Network].'' This commenter also urged the U.S. to approach ERM recommendation 5C on stricter domestic measures ''with trepidation,'' and urged the U.S. to ''promote steadfastly the primacy of CITES over other international trade regimes.'' Another commenter, in discussing findings in the ERM study, stated that the U.S. should promote ''meaningful discussion'' of CITES'' ''failure to accommodate sustainable use, and the abuse of stricter domestic measures to prevent trade,'' and called on the U.S. to advocate that stricter domestic measures only be applied by Parties in consultation with range states when such measures affect ''a species beyond the borders of the country imposing the measures.'' This commenter also stated that the U.S. ''should support a continued self-evaluation of the functions and effectiveness of CITES.'' Another commenter stated that the ERM Study should ''continue in the appropriate form,'' but added that the Parties should defer development of a resolution on sustainable use. One commenter supported the ''continuation and expansion of the review process'' subject ''to the condition that the contractor be afforded adequate time and funds to complete the process in a systematic and orderly fashion.''

(a) Comments From the Parties and Organizations on the Study [Doc. 10.20]

U.S. Negotiating Position: At the Ninth Meeting of the COP to CITES in Fort Lauderdale, Florida, November 1994 (COP9), the COP decided to assign the CITES Standing Committee the task of conducting a review of the effectiveness of the provisions and implementation of the Convention, and to report its findings to the next meeting of the COP.

The CITES Standing Committee appointed a team to undertake the review including an independent consultant and two individuals chosen by the Committee for the information gathering portion of the project. On December 21, 1994, the CITES Secretariat published Notification to the Parties No. 831, which contained a call for proposals from prospective consultants to conduct the study on the effectiveness and implementation of the Convention. The firm of Environmental Resources Management (ERM), based in London, United Kingdom, was ultimately selected for the task. That selection was made by a Monitoring Committee of CITES Parties, including several representatives to the CITES Standing Committee. The Monitoring Committee, which was selected by the Standing Committee, was made up of representatives of the following governments: Argentina, Canada, Japan, Namibia, New Zealand, and the United Kingdom. The study itself and the report that was produced were reviewed by the same Monitoring Committee, and the report was presented to the December 1996 meeting of the CITES Standing Committee. The CITES Standing Committee selected Jaques Berney (retired Deputy Secretary General of CITES) and Marshall Jones (Assistant Director for International Affairs, U.S. Fish and Wildlife Service) or Dr. Susan Lieberman (Chief, CITES Operations Branch, Office of Management Authority, U.S. Fish and Wildlife Service), as the technical advisors on the project.

The initial phase of this review was designed to collate information including but not necessarily limited to the following: the stated and implied objectives of the Convention and their continued relevance to the conservation of wild fauna and flora; the degree of effectiveness of conservation for representative species listed in the three Appendices of CITES and the extent of this degree of conservation that can be attributed to the implementation of the Convention; the relationship of the Convention to other global or regional conservation treaties or agreements and

how the objectives of the Convention may be enhanced or hindered by the existence and implementation of these treaties or agreements; the ease and effectiveness of implementation, including enforcement, of the Convention in Party states; and the anticipated and actual roles of various participants in the implementation of the Convention, including Party states, non-Party states, national and international conservation organizations, and national and international trade and development organizations.

ERM, the contractor on the study, transmitted a questionnaire to all CITES Parties (132 countries at the time), as well as international non-governmental organizations. In addition, representatives of ERM met in person with several governments, in order to obtain more detailed responses to the questionnaire and in order to assist ERM in preparing its report on the effectiveness of the Convention. ERM was not able to meet with all Parties to the Convention while preparing their report, due primarily to time constraints inherent in the project. Therefore, ERM invited other countries in the region of the Party it was visiting to attend the meetings in question for group as well as private consultations (discussed in greater detail, below).

Each country that was visited was asked by ERM to independently decide how to consult with neighboring countries, as well as with non-governmental organizations; the questionnaire sent to the Parties recommends broad consultation. The United States supported an exceedingly broad, transparent, and consultative process, with active input from all non-governmental organizations interested in the effectiveness of CITES and the conservation of species subject to international trade. ERM stated that it was limited in the countries it planned to visit, based on time and funding constraints.

The Monitoring Committee mentioned above worked with ERM to plan the country visits. As outlined in the ERM Study, national consultations, headed by either ''core team members'' of the ERM Study or ERM regional office staff, were held in the following regions and countries (the consultations in question were variable in levels of contact and depth as indicated in the ERM Study): Africa (Egypt, Kenya, Namibia, Senegal, South Africa and Zimbabwe); Asia (India, Japan and Thailand); Europe (separate consultations with members of the European CITES Committee and the Russian Federation); North America (Canada, Mexico and the United States); Oceania (Australia); and South America, Central America and the Caribbean (Argentina, Brazil, Chile, Colombia, Costa Rica and Trinidad and Tobago).

In addition to these consultations, ERM held meetings with CITES Secretariat staff and international non-governmental organizations (the World Conservation Union-IUCN, the World Wide Fund For Nature/World Wildlife Fund-WWF, Trade Records Analysis of Fauna and Flora In Commerce-TRAFFIC, and the World Conservation Monitoring Centre-WCMC). ERM also indicated that they consulted with the Secretariats of the International Tropical Timber Organization, Convention on Biological Diversity (CBD), Ramsar Convention on Wetlands of International Importance, Convention on the Law of the Sea, International Convention on the Regulation of Whaling (IWC), and the Convention on Migratory Species of Wild Animals.

The United States appreciates that ERM produced a final report within the allotted time constraints, and met and consulted with many governments, non-governmental organizations, and other bodies during preparation of the study. Although the views of countries were obtained from questionnaire responses and the in-country meetings arranged by ERM, the United States regrets that the time constraints placed on ERM in conducting this study precluded substantive, detailed discussions with the majority of the Parties. In addition, the United States is concerned that the ERM questionnaire did not specifically pose questions which directly addressed issues related to enforcement issues of the Convention. Nevertheless, ERM has produced a highly professional report despite these problems.

(b) Consideration of the Recommendations Arising From the Study [Doc. 10.21]

U.S. Negotiating Position: The United States believes that the ERM study has produced a great quantity of meaningful recommendations and findings, but concurrently believes that some of these could prove controversial. Nevertheless, some of the recommendations of the ERM study could be implemented either directly by the Secretariat or Standing Committee, or adopted by the COP with little controversy. Therefore, we believe that the Parties must take direct but cautious steps to properly review the recommendations and findings of the report, and act deliberately to advance the interests of the Convention.

The United States recommends that the Parties adopt the report and use it as a valuable reference in future decision-making. The ERM report provides a useful perspective on the views of the Parties on a number of issues. The report is to be commended for focusing on majority versus minority viewpoints, which should be used by the Parties in assessing priorities for action that could result from the study.

The United States notes that the findings of the ERM report demonstrated quite conclusively that the majority of the Parties of the Convention believe that the text of the Convention should not be amended. This perspective is complemented by ERM highlighting the high monetary costs and logistical requirements which would be incurred in attempting to conduct any such textual amendments. The United States strongly concurs with this view, and hopes that this will discourage efforts to amend the treaty or alter its fundamental objectives.

The United States notes that according to the report, the majority of the Parties (including the United States) and international organizations believe there is no reason why the application of CITES should exclude any taxonomic group. The study goes on to say that a minority of the Parties oppose inclusion of commercial fish in the CITES Appendices on the grounds that it is premature to consider such listing until consultations have been held with the relevant inter-governmental bodies charged with managing these species and that there is often insufficient information available to allow adequate listing proposals to be developed.

While the United States supports many of the ERM recommendations, we disagree with others and find some unclear for a variety of reasons. For example, the United States supports the consolidation of resolutions, provided their original text and preamble are maintained to preserve their original intent. The Secretariat has submitted a document evaluating some of the recommendations. The U.S. supports most of the Secretariat's suggestions, including the development of a financial and strategic plan. The U.S. opposes the Secretariat's suggestion to simplify resolutions; the U.S. strongly opposes the suggestion that the Secretariat should play a role in determining resolution language. This is a responsibility given to the Parties by the Convention. The Secretariat's role should be advisory only, and not unilateral for action. The U.S. supports the drafting of explanatory memorandums by the Parties and a simple guide to implementation of the Convention however. The U.S. does not support the linkage of the simplification of CITES resolutions with the

consolidation of resolutions. In its document, the Secretariat suggests a role for it in editing documents submitted by Parties; while recognizing the need for minor editing by the Secretariat for uniformity, the U.S. is concerned that political pressures could impact the editing of working documents.

Other recommendations could be acted on by the Secretariat, Standing Committee, or the meeting of the COP. Many of the recommendations in the ERM report could be acted on without the introduction of resolutions. In response to a request from the CITES Standing Committee and a Notification to the Parties, the United States submitted detailed comments on the ERM report on March 14, 1997, including comments on all recommendations in the report; those comments are available by contacting the Service's Office of Management Authority (see ADDRESSES, above).

(c) Co-Operation/Synergy With Other Conservation Conventions and Agencies

U.S. Negotiating Position: The United States supports the concept and practice of cooperation between CITES and other conservation entities, and supports cooperation with the Convention on Biological Diversity (CBD) as being potentially useful and relevant to CITES. Representatives of other conservation conventions and agencies should be invited to attend CITES COPs as observers, including; the CBD, Convention on Migratory Species, Ramsar, World Heritage Convention, Convention on Desertification and Drought, Convention on the Law of the Sea and regional agreements as appropriate.

The United States agrees that cooperation with the CBD is potentially useful and relevant to the purposes of CITES. It is not clear however that it is necessary to negotiate a comprehensive agreement between the Secretariats. Cooperation between Conventions will be most effective if it evolves out of recognition of the contribution each can make to the other. It may be best to let the relationship between the two conventions evolve as the CBD matures, rather than to mandate cooperation. Mandated cooperation without a clear sense of how each Convention will benefit may result in more work for each Secretariat and less focus on the goals central to the interests of the Parties to each Convention. It is up to governments to consider the integration of their obligations under respective Conventions.

2. Relationship between CITES and UNEP [Doc. 10.23]

Comments: No comments were received on this issue.

U.S. Negotiating Position: No document has yet been received. The United States believes that the current state of the relationship between the United Nations Environment Programme (UNEP) and CITES is not only unclear, but potentially quite damaging to the Convention. The United States strongly supports the examination of this relationship, and the renegotiation of the 1992 Agreement between the CITES Standing Committee and UNEP. The thirty-sixth meeting of the CITES Standing Committee established a Working Group to evaluate the relationship between CITES and UNEP. The United States is actively involved as a member of that Working Group. The thirty-seventh meeting of the Standing Committee charged the same Working Group with producing a revision of the Agreement between CITES and the United Nations Environment Programme (UNEP). The existing Agreement was signed on 26 June 1992 by the Chairman of the Standing Committee (Murray Hosking, New Zealand), and on 28 June 1992 by the Executive Director of UNEP (Dr. Mostafa Tolba). The decision to revise that existing Agreement between the CITES Standing Committee (on behalf of the CITES Parties) and UNEP was made by the Standing Committee, in response to the report submitted to it by the Working Group. That report, adopted by the Standing Committee, has been circulated to the CITES Parties in Notification to the Parties Number 961. Reports of the Working Group will be presented to the Parties at COP10. The Working Group negotiated a revised Agreement between CITES and UNEP, at a meeting held in Washington, DC in March, 1997. That meeting was attended by members of the Working Group and UNEP. UNEP has since provided additional changes to the negotiated revised Agreement, some of which are acceptable and some are not. The United States looks forward to a productive dialogue on these issues, and to reaching consensus on a revised Agreement at COP10.

XIV. Interpretation and Implementation of the Convention (This Item Consists of Forty-Eight Subitems)

1. Review of the Resolutions of the Conference of the Parties

(a) Consolidation of Valid Resolutions [Doc. 10.24]

Comments: Comments were received from two organizations on this issue. One commenter supported the resolution consolidation process, provided that ''the content of individual measures is not lost or weakened'' by such action. Another commenter, whose comments were jointly endorsed by two organizations, urged the Service to ''ensure that this [consolidation] process is carried out with extreme caution, so as not to delete relevant measures * * *.''

U.S. Negotiating Position: The United States has been supportive of the process of consolidation of valid resolutions, since its inception after COP8 as a Standing Committee project. At the 36th meeting of the Standing Committee the United States provided comments on proposed consolidations of resolutions regarding cetaceans. At the 37th meeting of the Standing Committee the United States supported the Secretariat's efforts to consolidate the resolutions pertaining to cetaceans. The United States recognizes all of these extant resolutions as current and valid. The Standing Committee agreed to this consolidation. The Committee was presented a draft consolidation on ranching resolutions by the Secretariat. The United States supported the consolidation, with the exception of the Secretariat's proposal to include marine turtle ranching (Resolution Conf. 9.20) in the consolidation. The Standing Committee agreed with the United States, and it is the U.S. position for COP10 that the consolidated ranching resolution should not include the marine turtle ranching resolution from COP9 (Conf. 9.20).

At the 37th meeting of the Standing Committee the Secretariat noted that it would produce additional draft resolutions consolidating previous resolutions for COP10. These drafts have not yet been received from the Secretariat. The United States expressed support for the consolidation process, and continues to do so. These consolidations are procedural, and do not involve renegotiation of any previously adopted text. The United States would not support any renegotiation of previously-adopted text under the guise of a consolidation; that would require a new draft resolution to be submitted by a Party.

The position of the United States is to fully support the continuing effort to consolidate existing resolutions of the COP provided that the consolidation process provides a more ''user-friendly'' product and does not create consolidated resolutions which impinge on the validity of resolutions which are still sound. Doc. 10.24 was not received in time to be included in this notice.

(b) Index of Resolutions of the Conference of the Parties [Doc. 10.25]

Comments: One comment was received on this issue, of which the text was jointly endorsed by the commenter and one additional organization. These commenters supported the creation of an index of resolutions without any further detail.

U.S. Negotiating Position: This resolution, submitted by Australia, recommends and proposes an alphabetical index of resolutions of the COP from Res. Conf. 1.1 to Res. Conf. 9.26 (all resolutions adopted from the first CITES COP, through COP9 held in Ft. Lauderdale, Florida).

The United States considers the Index of Resolutions to be a very good idea that could be an effective tool to assist Parties in executing their responsibilities under the Convention. The index could serve as a guide to all resolutions and a historical record of resolutions in force, repealed, and amended. However, the United States does not support the document as drafted. Considerable work needs to be done on the index and input from the Parties gained during its development. The index needs to be revised to reference all resolutions that pertain to a subject and reviewed to ensure that the information is accurate. In addition, the index would be more useful with some format changes, such as alphabetizing categories under each major heading and converting lengthy phrases to key words. The United States is contacting Australia to discuss this document and suggest we would work with them and other interested Parties between this COP and the next to complete the document. If the Parties agree to this approach at COP10, the document once completed could be forwarded to the Standing Committee for review and, if accepted, to the Secretariat for distribution to the Parties and interested non-governmental organizations (prior to COP11).

2. Report on National Reports Under Article VIII, Paragraph 7, of the Convention [Doc. 10.26]

Comments: One commenter suggested that the ''Service propose measure for improving the timeliness of the submission of annual reports.''

U.S. Negotiating Position: 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 the Convention 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 report data are essential to measure the impact of international trade on species, and can be a useful enforcement tool, particularly when comparing imports into a given country, contrasted with exports from other countries. The United States is current in its Annual Report obligations. Doc. 10.26 was not received in time to be included in this notice. One aspect of that document has been reviewed however, and the U.S. supports the Secretariat's recommendation that the Parties should take measures to develop a standard format for permit numbers. The U.S. will propose modifications to the Secretariat's recommended format for permit numbers, however.

3. Amendment to Resolution Conf. 9.1 on Establishment of Committees [Doc. 10.27]

Comments: Six organizations commented on this resolution, two of which jointly endorsed one submission. One commenter stated that regions should ''be afforded the flexibility to appoint anyone of their choice'' to CITES committees, calling the proposal an infringement on national sovereignty and that the U.S. should withdraw this resolution, instead substituting a resolution that ''representatives should be selected upon their credentials and their ability to contribute to the process.'' One set of comments, which was jointly endorsed by two organizations, supported this resolution noting that the appointment of countries, rather than persons to all CITES committees is the standard practice of the CITES Standing Committee. Another commenter called on the U.S. to withdraw the resolution and stated that Regions and countries should ''be able to put anyone of their choice in the seat, whether or not that person works for a government.'' One commenter, in opposing this resolution, stated that restricting committee representatives only to CITES Parties would ''stymie the open exchange or information and expertise and could have the similarly detrimental effect of creating a parallel conference comprised solely of NGOs.'' This commenter called for continued NGO participation and increased participation by CITES Parties. Another commenter opposed this resolution stating that the ''status quo is preferable'' and stated that the ''designation of Parties [as representatives to committees] will introduce a politic element in the Committees * * *'' This commenter called for greater NGO participation in the work of the Animals and Plants Committees.

U.S. Negotiating Position: This is a U.S.-sponsored resolution. See **Federal Register** notice of March 27, 1997 [FR 14689], for a rationale explaining the U.S. submission of this resolution. In response to the comments, the United States regrets any misunderstandings, in that some commenters appear to have misunderstood that the U.S. proposed resolution calls for countries to be members of the Committee (as with the Standing Committee), but of course individual countries should appoint a qualified individual as their contact point for the work of the committees. The United States believes that this proposed resolution does not infringe on national sovereignty, as claimed, and allows the Party selected by the Region to appoint whomever it chooses as the Committee member. The United States is aware that the work of the committees involves policies and views of governments (such as what draft resolutions would be supported), and as such there must be accountability to Party governments in the work of the committees. The United States emphatically endorses the vigorous, active participation of non-governmental organizations in the work of the committees (and the COP).

4. Enforcement

(a) Review of Alleged Infractions and Other Problems of Implementation of the Convention [Doc. 10.28]

Comments: One comment was received on this issue, expressing the opinion that a comprehensive Infractions Report ''would help facilitate meaningful and constructive discussion by the Parties on alleged infractions, and result in the identification of mechanisms to reduce or eliminate the problems included in the report.'' The United States agrees.

U.S. Negotiating Position: Article XIII of the Convention provides for COP review of alleged infractions. The Secretariat prepares an Infractions Report for each COP, which details instances that the Convention is not being effectively implemented, or where trade is adversely affecting a species.

The United States supports this biennial review of alleged infractions by the Parties, and necessary and appropriate recommendations to obtain wider compliance with the Convention. The United States supports an open discussion at COP10 of major infractions, and the enforcement of the laws and regulations implementing the Convention.

The United States received a draft copy of the Infractions Report to be presented at COP10 from the Secretariat and made comments on all matters concerning the United States. A final version of the report has not been received, nor has the anticipated second section of the report which contains explanatory and other substantive sections. When final versions of both sections are received they will be closely scrutinized by the United States.

The United States supports the hard work of the Secretariat in assembling the Infractions Report. However, the United States is concerned that the draft report did not demonstrate a special focus on high priority infractions and violations of the Convention. For example, some cases of technical errors or document irregularities received more attention than major criminal cases involving smuggling of Appendix I species and cooperation among the enforcement agencies of several governments. For example, one case in the draft report [with limited discussion] refers to the sentencing of a major parrot smuggler in the United States to almost 7 years in prison and a significant fine; this case involved excellent cooperation with several other governments, and the crimes involved caused serious potential harm to macaw populations in South America. Many other countries have also prosecuted significant violators since COP9, and the United States has urged the Secretariat to highlight such cases in the final Infractions Report.

The first draft of the Infractions Report contained numerous such alleged infractions. As with previous Infraction Reports, there is a great difference in the depth of reporting of different alleged infractions, due to what appear to be a variety of reasons, but primarily because Parties to the Convention have not communicated sufficient information to the Secretariat regarding these matters. It appears that, as with previous infraction reports, a large number of alleged infractions may be caused by a lack of training, personnel or knowledge on the workings of CITES. These are matters that can be addressed and significantly improved. The majority of the alleged infractions highlighted in the draft Infractions Report for COP10 should be issues of major concern to the Parties as they have serious consequences for the effectiveness of the Convention, and thereby for conservation.

(b) Working Group on Illegal Trade in CITES Specimens [Doc. 10.29]

Comments: Seven organizations commented on this issue, two of which jointly endorsed one submission. One commenter supported this resolution, noting that the creation of an Illegal Trade Working Group ''offers a double benefit because in addition to helping curtail illegal trade in endangered species, providing advice and training on enforcement techniques, smuggling, identification, document fraud and marking techniques will also benefit those of us who engage in legal trade of such specimens.'' The United States agrees. Another commenter called on the U.S. to withdraw this proposal and stated that ''existing [enforcement] mechanisms'' are preferable. One set of comments, which was jointly endorsed by two organizations, supported the resolution submitted by the U.S. in creating an Illegal Trade Working Group, and noted that the proposal would implement the recommendations in Resolution Conf. 9.8. The United States agrees. Another commenter stated that instead of an Illegal Trade Working Group, the coordination of enforcement activities through the Secretariat, or bilateral international coordination is preferable. This commenter believed the Working Group proposed would operate ''outside the law, review data in camera, and be responsible to no sovereign power.'' One commenter opposed the resolution, mistakenly noting that it was submitted under a different name by the U.S. at COP9. This commenter stated that enforcement of the Convention is the responsibility of the Secretariat and Parties, and called for greater enforcement capabilities for the Secretariat, independent of other entities. Another commenter stated that ''law enforcement should be supported by existing national law enforcement mechanisms . . . rather than the development of independent entities to detract from sovereign responsibilities.''

U.S. Negotiating Position: This is a U.S.-sponsored resolution. See **Federal Register** notice of March 27, 1997 for a rationale explaining the U.S. submission of this resolution. In response to comments, above, the United States notes that it did not submit a resolution to COP9 on establishment of an enforcement working group; rather, the United States supported such an initiative by the United Kingdom. The proposed Illegal Trade Working Group would be an adjunct to the efforts of the Secretariat and Parties; it would be responsible to the countries that are sovereign Parties to the Convention. The United States urges interested organizations to read the draft resolution that was submitted by the United States, which elaborates the work of the Working Group; it would not enforce laws, but provide enforcement technical support to Parties and the Secretariat.

(c) Inspection of Wildlife Shipments [Doc. 10.30]

Comments: Comments were received from five organizations, two of which jointly endorsed one submission. One commenter, without either endorsing or stating opposition to the proposed resolution, wrote about inspections that they ''must be rational and not unduly burden legitimate trade or cause harm to live specimens.'' One set of comments, which was jointly endorsed by two organizations, stated support for the resolution without giving specifics as to the reasons for their support. Another commenter, without either endorsing or stating opposition to the proposed resolution, called for the U.S. to ''seek a reasonable balance on inspection of shipments . . . and not to use stiffer enforcement as an indirect tool to deny markets for the sustainable use of wildlife.'' One commenter expressed support for the resolution ''in so far as it reflects the current practice of the U.S. Fish & Wildlife Service and other responsible parties to the Convention * * * we support the government's interest in encouraging other parties to be diligent in inspecting wildlife shipments.''

U.S. Negotiating Position: This is a U.S.-sponsored resolution. See **Federal Register** notice of March 27, 1997, for a rationale explaining the U.S. submission of this resolution. In response to comments, the United States notes that this draft resolution transmits a resolution adopted by the last IUCN General Assembly.

5. National Laws for Implementation of the Convention [Doc. 10.31]

(a) Analysis of the national legislation of Parties

(b) Measures taken by Parties to improve their legislation

(c) Measures to be taken with regard to Parties without national legislation

(d) Technical assistance provided to Parties

Comments: No comments were received.

U.S. Negotiating Position: No documentation has been received on any of the topics under this sub-item.

The United States is strongly supportive of the COP8-initiated review of national laws for the implementation of the Convention; such laws are required of Parties under Article VIII of CITES. The Service has in the past provided funding for this Secretariat-sponsored activity, and has received reviews of national legislation for several countries. The U.S. strongly believes that the Convention's effectiveness is undermined when Parties do not have national laws and regulations in place for implementing CITES, particularly those which authorize the seizure and/or forfeiture of specimens imported or exported in contravention of the Convention, as well as penalties for such violations (as required by Article VIII of the Convention).

The project, adopted by the Parties at COP8, will identify deficiencies and highlight those Parties in need of improvements in their national CITES implementing legislation. Parties which are identified as not having adequate legislation are required under a decision reached at COP9 to have initiated efforts to enact such laws. At the 37th meeting of the Standing Committee Doc. SC.37.10 on this topic was discussed, and the U.S. noted that action is needed at COP10 to address those countries that have made no progress enacting relevant laws, and have not even communicated with the Secretariat or initiated any efforts towards that end.

6. Training [Doc. 10.32]

Comments: Two comments were received, one of which was jointly endorsed by two organizations. One commenter wrote that it ''strongly supports the initiative and ongoing participation by the United States in training CITES enforcement officials in various Parties, otherwise lacking appropriate technical expertise.'' Two organizations expressed support for the Secretariat's and Parties' efforts to provide training to other Parties in need of assistance.

U.S. Negotiating Position: The United States has provided training on CITES enforcement and/or implementation since COP9 in: Bangladesh, China, Honduras, India, Indonesia, Mexico, Nepal, the Philippines, Russia, and Taiwan. The United States is currently planning several more training programs for the coming years, and considers this a very high priority activity. Doc. 10.32 was not received in time to be considered in this notice.

The United States supports all efforts by the Secretariat and other Parties to the Convention to provide training in CITES implementation and enforcement to Parties that request it. The Parties concur that training is of the highest priority, as evidenced in the ERM Report on the Effectiveness of the Convention. The United States will endeavor to ensure that this high priority on training will be reflected in the CITES budget adopted at COP10.

7. Implementation of the Convention in Small Island Developing Nations [Doc. 10.33]

Comments: No comments were received.

U.S. Negotiating Position: No document has yet been received. Some small island developing nations, particularly those in Oceania, have been unable to accede to CITES because of the substantial resources which they feel are needed to fully implement and enforce the Convention. Of particular concern is the need to name Management and Scientific Authorities. Therefore, under a plan supported by the government of New Zealand, those countries would be permitted to share the services of a multi-national Management and/or Scientific Authority. The United States supports full international membership in CITES and continues to support the plan advanced by New Zealand, and believes it is an excellent avenue towards helping small island developing nations accede to the Convention.

8. Relationship With the International Whaling Commission [Doc. 10.34]

Comments: Comments were received from seven organizations, two of which jointly endorsed one submission. One commenter supported the proposed U.S. position with regard to ''Japan's misguided resolution calling for the repeal of Res. Conf. 2.9 * * * The IWC must remain the competent authority for international whale management.'' Another commenter called for the U.S. to oppose this resolution, writing that repeal of Conf. 2.9 ''could bring CITES and the IWC into direct conflict, which would not be in the best conservation interests of whale species'' and further stated that repeal of Conf. 2.9 would ''contradict Res. Conf. 9.12, in which the CITES Parties pledged to coordinate measures with the IWC to reduce illegal whaling.'' Another commenter called for the U.S. to support the resolution and stated that CITES' ''relationship with the IWC should be one of consultation and exchange of information.'' One set of comments, which was jointly endorsed by two organizations, expressed opposition to the proposed resolution, stating that it ''would require CITES to interfere with operations of another treaty [and] violates the spirit of [the Convention's] Article XV [and] contradicts the will of Parties as expressed in Resolution 9.12.'' These organizations also stated in their comments that changing ''the present relationship [between CITES and the IWC] would set the two Conventions on independent and potentially conflicting paths.'' The U.S. agrees. Another commenter implied that it did not support the proposed U.S. negotiating position on this resolution, but restricted its comments more to the subject of the proposed down listings of various whale species. One commenter stated strong support for the repeal of Conf. 2.9, noting that the linkage of CITES to the IWC through that resolution, ''could hamper its credibility, effectiveness and independence.''

U.S. Negotiating Position: This resolution, submitted by Japan, calls for the repeal of Conf. 2.9, which recommends that ''the Parties 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.'' In 1978 the International Whaling Commission (IWC) passed a resolution requesting that CITES ''take all possible measures to support the International Whaling Commission ban on commercial whaling for certain species and stocks of whales as provided in the Schedule to the International Convention on the Regulation of Whaling .''

At the time the 1978 IWC Resolution was passed, some populations of whales were listed in Appendix I and some in Appendix II. From 1979 to 1983, as zero catch limits were set in the ICRW Schedule for additional populations of whales, the CITES Conference of Parties added those populations of whales to Appendix I. Most importantly, at the Fourth meeting of the COP in 1983, CITES decided that ''All cetaceans for which the catches are regulated by the IWC and for which the Commission has set catch limits for commercial whaling (except for the West Greenland population of minke whales) and not already on Appendix I would be transferred to that Appendix in 1986, when the IWC decision to implement a pause in commercial whaling comes into effect.'' This action by CITES COP4 established a strong relationship between the two organizations whereby CITES has agreed to reflect IWC decisions in its Appendices.

The IWC has not lifted the moratorium, although some nations, such as Japan and Norway, have called

for the lifting of the IWC moratorium. The IWC continues to work on activities that the United States believes must be completed before any consideration can be given to a resumption of commercial whaling. These elements include development of a scientific scheme for setting quotas and development of an observation and monitoring program to ensure that quotas are not exceeded. Japan continues to circumvent the letter of the ICRW by allowing increasingly high catches of whales for ''research'' purposes in the Antarctic, and more recently, in the North Pacific. Norway, has since 1993, openly defied the moratorium, by setting its own quota for the take of whales in the North Atlantic. At the most recent meeting (37th) of the CITES Standing Committee, Conf. 2.9 was incorporated into a proposed consolidated resolution for consideration by COP10, although Japan objected.

In consideration of the process related to this issue to date, the United States strongly opposes this resolution.

9. Revision of Resolution Conf. 9.3 on Permits and Certificates [Doc. 10.35]

Comments: Three organizations commented, two of which jointly endorsed one submission. One commenter supported the proposed U.S. negotiating position, citing a ''need for a clear and consistent permit process.'' Another set of comments, which was jointly endorsed by two organizations, also supported passage of this resolution without stating a specific rationale.

U.S. Negotiating Position: This is a U.S. sponsored resolution. See **Federal Register** notice of March 27, 1997, for a rationale explaining the U.S. submission of this resolution.

10. Interpretation of Article II, Paragraph 2(b), and Article IV, Paragraph 3 [Doc. 10.36]

Comments: Comments were received from five organizations, two of which jointly endorsed one submission. One commenter disagreed with the proposed U.S. support of this resolution, and wrote that ''listing lots of look-alikes creates significant enforcement and reporting burdens.'' Another commenter supported the proposed U.S. opposition to this resolution writing that it ''joins the United States in opposing this subversive French resolution to reduce protection for Appendix II species listed * * * for reasons of similarity of appearance.'' One set of comments, jointly endorsed by two organizations, stated opposition to the resolution without stating a specific rationale(s). One organization supported the proposed resolution stating that the ''issue of look-alikes has been a major issue when it comes to bobcat and other species.''

U.S. Negotiating Position: This resolution, submitted by France, recommends that Parties be exempt from the requirements in Article IV, paragraph 3 of the Convention, a) to monitor exports of species listed in Appendix II for reasons of similarity of appearance, in order to control the trade in other listed species, and b) to mark such specimens in trade with a special identification tag.

The United States opposes this resolution for several reasons. Listing under Article II.2.b. of the CITES treaty is a very important tool to provide the necessary protection to other species listed in Appendices I and II. The listing in Appendix II for similarity-of-appearance purposes allows for the detection of shifts in the market toward species listed for reasons of similarity of appearance (which could put those species at risk as well). In the case of species listed for reasons of similarity of appearance, it is important to sufficiently monitor their international trade to obtain data which could indicate increased levels of trade or conservation concerns.

11. Interpretation of Article XIV, Paragraph 1 [Doc. 10.37]

Comments: Comments were received from seven organizations, two of which jointly endorsed one submission. One commenter supported the U.S. proposed opposition to this resolution by writing that this resolution would impose ''additional restrictions upon rights specifically protected in the body of the Convention [and thus] this resolution represents and infringement upon state sovereignty.'' Another commenter, which called on the U.S. to support the French proposed resolution, stated that ''stricter domestic measures should be reserved for extreme circumstances'' and that the adoption of such ''negates the effectiveness of the Treaty, tests its credibility as an internationally accepted regulatory mechanism, and hinders range states conservation programs.'' One commenter called on the U.S. to support this proposal, and stated because ''some countries * * * do not allow transactions with non-indigenous species that are legal under CITES * * * conservation programs are often hindered when the ''use of the species is an important part of the conservation of the species.'' Another commenter stated that it was ''extremely pleased that the U.S. will ''strongly oppose adoption'' of France's submission to weaken a Party's ability to set stricter domestic measures to control importation of CITES-listed species. National sovereignty must not be sacrificed, especially in relation to the strong U.S. laws acknowledged by the [U.S. Fish & Wildlife] Service * * *.'' One set of comments, which was endorsed by two organizations, agreed with the proposed U.S. negotiating position in opposition to the resolution and stated that the ''draft resolution would violate the language of the Convention [and it would] restrict a sovereign right of Parties that is specifically not restricted by the Convention text.'' The United States agrees.

U.S. Negotiating Position: This resolution, submitted by France, recommends that Parties to the Convention not adopt stricter domestic measures for non-native species, and only institute such steps for indigenous taxa when illegal trade is present. The resolution also recommends that Parties increase their consultation with other range states if enacting stricter domestic measures for non-native species.

The United States strongly opposes adoption of this resolution on the grounds that it is contrary to the text of the Convention and represents an infringement on state sovereignty. As Article XIV, paragraph 1 of CITES states: ''The provisions of the present Convention shall in no way affect the right of parties to adopt: (a) stricter domestic measures regarding the conditions for trade, taking possession or transport of specimens of species included in Appendices I, II and III, or the complete prohibition thereof; or (b) domestic measures restricting or prohibiting trade, taking possession, or transport of species not included in Appendices I, II or III.''

The resolution submitted by France ignores the series of resolutions adopted at previous COPs, as well as numerous decisions of the Standing Committee, calling for CITES Parties to adopt stricter domestic measures to improve the effective implementation of the Convention for the conservation of species of global concern, regardless of whether the taxa in question were native or non-native to any particular country. It should also be noted that consultations with range states do occur when Parties are considering listing non-native species in the CITES Appendices. Therefore, range states are consulted and their views and data considered prior to any listing of species in the Appendices.

Many countries have adopted a large number of laws and regulations which are stricter domestic measures with regard to imports and exports of CITES-listed species and non-CITES species.

Such laws in the United States include the Wild Bird Conservation Act (16 U.S.C. 4901 *et seq.*), the African Elephant Conservation Act (16 U.S.C. 4201 *et seq.*), the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*), the Migratory Bird Treaty Act (16 U.S.C. 73 *et seq.*), and the Endangered Species Act (16 U.S.C. 1531–1544). The United States has also adopted stricter domestic measures under authority of the Pelly Amendment to the Fisherman's Protective Act (22 U.S.C. 1978).

12. Revision of the Definition of ''Primarily Commercial Purposes'' [Doc. 10.38]

Comments: Seven organizations commented, two of which jointly endorsed one submission. The set of comments which were endorsed by two organizations, supported the proposed U.S. negotiating position and stated "'primarily commercial'' cannot be defined according to the use of funds earned without violating the treaty [and] acceptance [of the resolution] could lead to exports of large stocks of Appendix I specimens for commercial purposes in violation of * * * Article III.'' Another commenter agreed with the proposed U.S. position and stated that ''this resolution could create loopholes for trade in specimens of Appendix I species. * * *'' This commenter also stated that the proposed resolution would ''impose an impossible burden of proof upon importing nations by requiring them to assess the exporting nation's reasons for taking of the specimen in question. The determination of ''primarily commercial purposes'' should be based on the ultimate end of the specimens in trade in the importing country, not activities in the exporting country.'' One commenter stated that the definition of ''primarily commercial purposes'' in the draft resolution were ''unacceptable'' and that the resolution, if passed, ''could create loopholes facilitating illegal trade in Appendix I species, most notable elephant ivory.'' The commenter further stated that the ''resolution contradicts the spirit of Article II (1) and Conf. 5.10 which seek to strictly limit commercial sale of Appendix I species * * * Clearly submission of this resolution is another devious attempt to commercialize stockpiled ivory and put a huge wedge in the door to resuming the full-scale trade in elephant products.'' Another commenter recommended that paragraph 5 of the draft be amended ''to make it clearer * * * that the Convention prohibits trade in Appendix I specimens when commercial components are involved only when the purposes of import are primarily commercial.'' One commenter stated that the U.S. should 'seriously consider [this proposed definition] and [the draft resolution] should be supported by the U.S.' This commenter stated that the ''definition of 'primarily commercial purposes' needs to be approached with an understanding that appropriately controlled trade in products from well-managed conservation programs can be beneficial both the people and to wildlife conservation.''

U.S. Negotiating Position: This resolution, submitted by Namibia, would amend portions of Conf. 5.10, thus revising the Parties' interpretation of the term ''primarily commercial purposes'' in CITES. Conf. 5.10 was developed to help countries apply the terms ''primarily commercial purposes'', ''commercial purposes'', and ''non-commercial''. The Parties recognized that interpretation of the provisions of Article III, paragraphs 3(c) and 5(c) varied significantly between Parties. The key to understanding both the treaty and Conf. 5.10 however is the fact that the decision on whether or not an import permit is contingent upon the finding of the importing country that the import is for non-commercial purposes.

Under this proposed resolution, the ''primarily commercial purposes'' decision would be based on activities in the exporting country, rather than the importing country (as specified in the treaty), such that transactions with Appendix I specimens or derivatives would not be interpreted as being for ''primarily commercial purposes'' despite commercial components if the following conditions are met: (1) the specimens and derivatives result from routine conservation and management programs, which are owned and controlled by a government of a Party and (2) the transaction is (*a*) conducted under the direct and full control of both the importing and exporting governments and is open to inspection by the CITES Secretariat or any body agreed to by both governments and the CITES Secretariat; (*b*) the exporting country allocates all net income from the transaction to conservation and management programs for the species concerned, its habitat, education and awareness programs, and to the development of communities directly involved in the management and conservation programs; (*c*) the importing country certifies that the imported specimens will be used in a cultural and traditional manner and will not be re-exported; (*d*) the exporting government certifies that the export will enhance the status of the species; and, (*e*) the transaction receives prior approval by the Standing Committee.

The United States opposes this resolution as written, conditions notwithstanding, as it potentially could create loopholes for trade in specimens of Appendix I species, resulting in commercialization that could lead to the extirpation or extinction of a species. It would also weaken the intent of CITES, which was to strictly regulate trade in specimens of Appendix I species (Article II, paragraph 1). The resolution is not in accordance with the treaty. The United States is sympathetic to the concerns of the proponent country and its conservation efforts; however, the resolution, as written, is inconsistent with the intent of the Convention and could open up loopholes for trade in Appendix I species, that are at a higher risk of exploitation.

13. Criteria for Granting Export Permits in Accordance With Article V, Paragraph 2 [Doc. 10.39]

Comments: No comments were received.

U.S. Negotiating Position: This agenda item refers to the decision of COP9 directing the Standing Committee to prepare a draft resolution containing criteria for granting export permits in accordance with Article V, paragraph 2 of the Convention. The United States believes that such criteria are not necessary, particularly in light of the adoption of Resolutions Conf. 9.3 and 9.25.

14. Illegal Trade in Whale Meat [Doc. 10.40]

Comments: One set of comments was received, which was jointly endorsed by two organizations. These organizations stated that ''efforts to halt this illegal trade is contingent on the continued cooperation of CITES and the IWC'' and that because ''all whales are listed on CITES Appendix I * * * it is important that discussions about the illegal international trade in whale meat continue to occur within the CITES forum.'' The United States agrees.

U.S. Negotiating Position: This is a United States sponsored discussion paper. See **Federal Register** notice of March 27, 1997, for a rationale explaining the U.S. submission of this issue. The United States wishes to facilitate discussions of methods of how to better enforce the Convention, as we believe that this is still a significant problem. The U.S. is very concerned about illegal trade in whale products, especially after the recent case of 4–6 tons of meat that were illegally shipped from Norway to Tokyo, Japan. A similar case of whale meat smuggled from

Norway to Japan occurred in 1993. A resolution was adopted by the Parties at COP9, which called for further cooperation between CITES and the IWC in order to stop illegal international trade in whale products. In 1995 the IWC passed a resolution which calls for all governments and other entities with a history of practicing whaling to determine if they have any remaining stockpiles of whale meat. This agenda item will allow for discussion of these issues.

15. Illegal Trade in Bear Specimens [Doc. 10.41]

Comments: Two comments were received on this issue, one of which was jointly endorsed by two organizations. One set of comments ''wholeheartedly endors[ed] the resolutions'' adopted by the Animals and Standing Committees and urged the U.S. ''to continue its leadership by doing everything in its power to ensure that the Parties agree to a global moratorium on all trade in bear parts and products.'' Another set supported the draft U.S. position and stated that they hoped that ''the United States will join China at COP10 and call for a global moratorium on the international trade in these valuable bear parts.'' The comments which were endorsed by two organizations stated that they favored a global moratorium of the bear parts trade and urged the Service promote initiatives to increase law enforcement activities related to illegal wildlife trade, particularly focused on illegal bear gall bladders.

U.S. Negotiating Position: Discussions at COP10 of the illegal trade in bear specimens will probably follow from previous discussions held at the last meetings for the Animals and Standing Committees. In response to the serious problems of conservation of bear populations throughout the world caused by the illegal trade in bear parts and products of Appendix I species, the United States placed this issue on the agenda of the Animals and Standing Committees.

One important decision of the Animals Committee recognizes that ''bears are native to Asia, Europe, North America, and South America, and as such the problem of conservation of bears caused by illegal trade in their parts and products is a global one.'' The United States believes that this decision is important in that it reflects an awareness that problems of illegal trade are not limited to one region of the world, but affect all populations and all geographic regions. Again, this points to the need for both domestic and multilateral solutions to these problems.

Upon request from the Animals Committee, the CITES Secretariat issued Notification to the Parties #946 which stressed the serious problems of bear conservation and illegal trade, and requested that Parties submit for discussion at COP10 information on wild bear populations, trade, threats, legislative and/or regulatory controls on bear harvesting, enforcement, interdiction, and prosecution efforts related to illegal trade, the kinds of bear derivatives and products available on the open market, efforts to promote the use of substitutes in traditional medicines, and information on public education and outreach efforts. The purpose for this notification, and the compilation of information, was to ascertain what the real problems are, what efforts have been made by countries, and what solutions could benefit bear conservation. The United States responded to this notification and provided information on its bear populations, and trade and enforcement activities.

The Secretariat will be compiling and reviewing the responses received from the Parties in response to this notification, and preparing a report for discussion at COP10. Upon evaluating this report, the United States will review it closely and develop a policy position. The United States intends to stay deeply engaged with CITES efforts for the conservation of bear populations. Some possible outcomes that the U.S. would support include: 1) Working with key consumer countries to seek solutions to curtailing the illegal trade in bear parts, including adoption of effective legislation and regulation; 2) Increased efforts to obtain biological data for Asian bear populations, along with assessments of the scope and impact of illegal and legal trade; 3) Increased cooperative law enforcement efforts, including bilateral and multilateral law enforcement efforts, including sharing of intelligence information, forensics identification, and training. The issue could indeed be placed on the agenda of the [proposed] Illegal Trade Working Group; 4) Continuation and strengthening of ongoing efforts for cooperation with traditional medicine communities, to increase public awareness and industry knowledge about the conservation concerns associated with the bear trade, and the need for stronger trade controls and conservation measures. Efforts to find substitutes and alternatives should be encouraged; and 5) If the Parties recommend a voluntary suspension of trade in bear products (gall bladders, bile, other organs), support such a suspension of trade, provided it is coupled with the above efforts. The U.S. could implement such a multilateral decision, if it is based on the fact that any commercial trade in gall bladders or bear bile products (even from Appendix II species) is potentially detrimental to endangered bear populations. Such a suspension should not include trophies of bears, particularly those included in Appendix II; that trade is not believed to pose a conservation or illegal trade problem. Doc. 10.41 was not received in time from the Secretariat to be considered in this notice.

16. Exports of Leopard Hunting Trophies and Skins [Doc. 10.42]

Comments: One comment was received on this issue. This commenter ''strenuously opposes any actions which may facilitate trade in leopard hunting trophies and skins or weaken the requirements for engaging in such trade.''

U.S. Negotiating Position: Doc. 10.42 was not received in time from the Secretariat to be considered in this notice.

17. Trade in Tiger Specimens [Doc. 10.43]

Comments: Two comments were received on this issue. One commenter stated that ''it is hoped the United States will not only maintain the beneficial conservation activities it has already taken, but increase them.'' The other set of comments which were endorsed by two organizations urged the Service ''to advocate whatever measures are necessary to achieve full implementation of Conf. 9.13 by the U.S. and other Parties.''

U.S. Negotiating Position: Doc. 10.43 was not received in time from the Secretariat to be considered in this notice.

At the 36th meeting of the Standing Committee, all Parties were asked to provide information at the Committee's 37th meeting on their efforts to end trade in tiger parts and products, reduce poaching of wild tigers, and implement Conf. 9.13 (Conservation of and Trade in Tigers) passed at COP9. The United States provided such documents to the Secretariat for the 36th and 37th meetings of the Standing Committee. At the 37th meeting of the Committee the United States reported on the following issues: efforts to interdict illegal shipments coming into the United States; training in Asia on CITES enforcement and implementation; progress made by the Service's National Fish and Wildlife Forensics Laboratory, including analysis of levels of arsenic, mercury, and other chemicals found in

patented traditional Asian medicinal products; the Service's education and outreach program with the Asian community in the United States and a similar outreach program with the traditional Asian medicine practitioner community; the Rhinoceros and Tiger Conservation Act passed by the U.S. Congress and the Service's review of grant proposals under the Act; and funding through the National Fish and Wildlife Foundation for such grants.

On March 13, 1997, the Service announced the awarding of the first-ever grants issued under authority of the Rhinoceros and Tiger Conservation Act of 1994. The Act provides monies to fund projects that will enhance sustainable development programs to ensure effective long-term rhino and tiger conservation. Congress had authorized $200,000 in funding for fiscal year 1996 and $400,000 for fiscal year 1997. Ten projects receiving funding were announced, including two specifically targeted on tiger conservation efforts in India, Indonesia, and Nepal, while two additional projects benefiting both tigers and Asian rhinos were funded in India and Indonesia. Combined awards for these projects total $96,300. Additional monies were allocated to grants for rhino conservation projects (see discussion under item 19). The Service also serves on the council which administers the National Fish & Wildlife Foundation's Save The Tiger Fund, a grant program funded by primarily by Exxon to assist with the conservation of tigers.

18. Trade in African Eelephant Specimens

(a) Revision of Resolution Conf. 9.16 [Doc. 10.44]

Comments: Comments were received from one organization on this specific sub-item, which stated that the U.S. ''should heed the warnings in the most recent Panel of Experts report concerning proposed elephant down listings by Zimbabwe, Botswana and Namibia.'' This commenter further stated that ''sufficient trade controls and regulatory enforcement mechanisms—especially in Zimbabwe—are not in place. The commenter added that ''the United States should promote ongoing respect for the Panel of Experts procedure and its efforts.''

U.S. Negotiating Position: Doc. 10.44 was not received in time from the Secretariat to be considered in this notice. The U.S. supports the Panel of Experts process, and supports detailed review, evaluation, and consideration of the conclusions of the panel.

(b) Revision of Resolution Conf. 7.9 [Doc. 10.45]

Comments: Comments were received from three organizations on this specific sub-item, of which two organizations endorsed one submission. One commenter stated that the U.S. should support this resolution but ''should consider amending Section M * * * to call upon the Parties to take into account the potential impact upon elephant populations in non-proponent range states.'' The other set of comments, jointly endorsed, supported the Panel of Experts procedure and endorsed some of the changes to Conf. 7.9 proposed by the Standing Committee. These comments also urged the Service ''to note * * * at COP10 that it was inappropriate for the Secretariat to have expressed its opinion that there is no need for a special procedure for considering proposals to transfer populations of African elephant from Appendix I to Appendix II * * *''.

U.S. Negotiating Position: At the 37th meeting of the Standing Committee discussions were held pertaining to the implementation of Conf. 7.9, which establishes the Panel of Experts process for review of proposals to transfer African elephant populations from Appendix I to II. At that meeting the Secretariat recommended repeal of Conf. 7.9 for several reasons, including their view that the new CITES listing criteria (Conf. 9.24) are sufficient. The United States continues to believe that the Panel of Experts review is important and provides an independent assessment that should be retained. The United States recalls that several African elephant range states at the last meeting of the Standing Committee strongly supported continuation of the Panel of Experts process. The United States continues to advocate that the panel review should be expanded to include review of specific ivory importing countries, if so identified in a proposal. The United States believes that the Standing Committee should not make a recommendation to the COP on repeal of Conf. 7.9, but rather should leave that discussion and decision up to the COP. The United States fully intends to evaluate the analyses in the most recent Panel of Experts report, and to take those analyses into consideration in the development of its positions on proposed transfers of certain African elephant populations to Appendix II.

(c) Stockpiles of Ivory [Doc. 10.46]

Comments: Two comments were received on this sub-item, one of which was jointly endorsed by two organizations. One commenter stated that ''it is vital that the Service recognize that allowing sale of stockpiles, no matter how seemingly rigid the restrictions on such sales may be, will ultimately provide a laundering loophole for illegal ivory...[which] will undoubtedly lead to a renewed elephant slaughter.'' The two organizations jointly endorsed one set of comments, agreed with the proposed U.S. position, and stated ''no single option regarding ivory stockpiles should be endorsed * * * since countries should be able to evaluate all options.''

U.S. Negotiating Position: COP9 asked the Standing Committee to evaluate issues pertaining to ivory stockpiles, and make recommendations to the Parties. At the 37th meeting of the Standing Committee, representatives of Africa reported on a meeting held in Dakar, Senegal of African elephant range states (the United States provided financial assistance for the meeting). At that meeting, several options were presented and agreed upon by the range states. The U.S. position at the Standing Committee meeting was that no single option should be endorsed by the Standing Committee, as long as the options are fully in accordance with the provisions of the CITES treaty, since countries should be able to evaluate all options. The United States continues to support that position. Doc. 10.45 was not received in time from the Secretariat to be considered in this notice.

19. Trade In and Conservation of Rhinoceroses

Comments: One set of comments was received which dealt with rhino conservation in general terms. This commenter ''agrees with the Service that [Standing Committee Doc. SC.37.17] should not be supported'' as it ''would be an unconscionable waste of scarce resources * * * to conduct an [sic] study on indicators, when there is not enough resources to provide on-the-ground protection of rhinos in the wild and elimination of rhino horn markets through outreach activities.''

Background: The 37th meeting of the Standing Committee agreed to support the continued efforts of the IUCN/SSC African Rhino Specialist Group (AfRSG) (Doc. SC.37.17), and agreed to endorse efforts by that group to develop indicators to measure the impact(s) of the CITES listing of the species. While endorsing the efforts, the document prepared by the AfRSG was not adopted or accepted by the Committee. The United States agreed with the Standing Committee's endorsement of the efforts of the AfRSG, but supported the position of the Committee in not adopting the document. The U.S. would

not support any funding from the CITES Trust Fund for those efforts.

On March 13, 1997, the Service announced the awarding of the first-ever grants issued under authority of the Rhinoceros and Tiger Conservation Act of 1994. The Act provides monies to fund projects that will enhance sustainable development programs to ensure effective long-term rhino and tiger conservation. Congress had authorized $200,000 in funding for fiscal year 1996 and $400,000 for fiscal year 1997. Four projects were funded, which directly benefit African rhino conservation, two in Kenya, and one each in South Africa and Zaire. An additional five projects were funded, which directly benefit Asian rhinos: two projects are in India and two in Indonesia. Two projects were funded which will benefit both tiger and Asian rhino conservation. Combined awards for these projects totaled $154,221.

(a) Implementation of Resolution Conf. 9.14 [Doc. 10.47]

Comments: No comments were received on this specific sub-item.

U.S. Negotiating Position: Doc. 10.47 was not received in time to be considered in this notice.

(b) Trade in Live Rhinoceroses From South Africa [Doc. 10.48]

Comments: One comment was received on this specific sub-item. This commenter stated that ''[r]emoval of the annotation without uplisting to Appendix I will be a clear sign that future rhino horn trade is imminent, undermining CITES long-term interest in rhino conservation.''

U.S. Negotiating Position: Doc. 10.48 was not received in time to be considered in this notice. At COP9, South Africa's population of the white rhinoceros was transferred to Appendix II, with an annotation to allow only trade in live rhinoceroses and sport-hunted trophies. South Africa will submit a report to COP10 on its implementation of this down listing. The U.S. interpretation of the proceedings at COP9 was that there would be a proposal from the Depositary Government (Switzerland) to transfer the population back to Appendix I, submitted to COP10, as well as a proposal from South Africa to retain the population back to Appendix II (if it wanted to do so). The Secretariat's interpretation differed, and it informed the United States that no such procedure is necessary. South Africa has submitted a proposal to ''amend'' its annotation for this species. The United States believes that this proposal constitutes a new species proposal, one which would transfer the population to Appendix II, and as such must be evaluated in the context of the CITES listing criteria in Resolution Conf. 9.24, and be subject to all of the procedures relevant to species listing proposals. The United States believes that these annotations bring up important issues that will be addressed once a document is received on this agenda item.

20. Exports of Vicuña Cloth [Doc. 10.49]

Comments: Two comments were received on this issue, one of which was jointly endorsed by two separate organizations. One commenter stated in general terms that the ''annotated downlisting [for vicuña wool] has proved problematic and the Parties should revert to the pre-COP9 annotation which only allowed trade in finished vicuña products. International trade in raw wool must be prohibited.'' The jointly endorsed comments strongly urged the U.S. ''to propose that Parties reinstate the wording of the vicuña annotation adopted at COP6, which permitted vicuña in carefully designated areas of Peru and Chile to be downlisted from Appendix I to Appendix II * * * with an annotation to allow the export of fabric and garments made from wool sheared from live vicuña and marked prior to export. Trade in raw wool was prohibited.''

U.S. Negotiating Position: Doc. 10.49 was not received in time to be considered in this notice.

21. Conservation of Edible-nest Swiftlets of the Genus *Collocalia* [Doc. 10.50]

Comments: No comments were received on this proposed resolution.

U.S. Negotiating Position: At COP9, in response to submission of a proposal to include these species in CITES Appendix II, a decision was adopted to convene an international scientific and management workshop on the conservation of edible-nest swiftlets in the genus Collocalia. This agenda item will discuss the results of that workshop, held in Indonesia in 1996. The United States did not attend the workshop. Doc. 10.50 was not received in time for inclusion in this notice.

22. Biological and Trade Status of Sharks [Doc. 10.51]

Comments: No comments were received on this issue.

U.S. Negotiating Position: The United States has actively participated in the implementation of Conf. 9.17 which directs the Animals Committee to report to COP10 on the biological and trade status of sharks. The Animals Committee prepared a discussion paper in this regard. Conf. 9.17 also requested that the Food and Agriculture Organization (FAO) of the United Nations and international fisheries management organizations establish programs to collect and assemble the necessary biological and trade data on sharks species, and that such information be distributed to the Parties at COP10. The recommendations contained in the Animals Committee discussion paper call for continued cooperation between the FAO, international fisheries organizations, and CITES. In addition, many questions were raised concerning technical and practical aspects of implementation concerns associated with inclusion of marine fish species which are subject to large-scale commercial harvesting and international trade, and also listed on the CITES Appendices. Doc. 10.51 was not received in time for inclusion in this notice.

In order to provide a framework for this and other activities that CITES will undertake to implement Con. 9.17, the United States has introduced a resolution for consideration at COP10 concerning the formation of a Marine Fishes Working Group. See the **Federal Register** notice of March 27, 1997, for a rationale explaining the U.S. submission of this resolution.

23. Trade in Plant Specimens

Comments: No comments were received on any of the sub-items related to this issue.

Background: Relevant documents were not received in time for inclusion in this notice.

(a) Implementation of the Convention for Timber Species [Doc. 10.52]

U.S. Negotiating Position: At the 37th meeting of the Standing Committee, the Deputy Secretary General of CITES, acting as Chair of the Timber Working Group (TWG), introduced document Doc. SC.37.13, which sought the direction of the Committee on recommendations to be made to the Parties at COP10. (As noted at this meeting, the Secretariat planned to re-introduce this document, unchanged, to COP10 for consideration by the Parties.) At the Standing Committee meeting, the United States noted the positive, productive, and cooperative tone which characterized the TWG meetings. The United States also noted that the document submitted by the TWG (Doc. SC.37.13) was assembled by the technical experts who attended the Group's meetings.

The United States agreed that the resolutions drafted by the TWG should

be submitted to COP10, except the one entitled Regarding Appendix III Listings (TWG.02.Concl.04 (Rev.)). The United States supports all of the draft resolutions, except for that one; the United States opposed the proposed amendment of Conf. 9.25, and will continue to do so at COP10. That draft resolution concludes that limiting an Appendix III listing to geographically separate populations would not necessarily result in enforcement difficulties for Parties; the U.S. disagrees. The draft does not take into account implementation and enforcement concerns, especially for species other than timber tree species. The United States believes that the draft resolution is a misinterpretation of the Appendix III provisions of the CITES treaty.

The topic of extending the term of the TWG was also discussed by the Group itself and reported at the Standing Committee meeting. The TWG recommended that extending the term of the working group be considered, if technical issues need to be addressed, with the same membership, but be convened only at the request of the Standing Committee, to discuss specific issues. The United States supported that recommendation, with the caveat that the Terms of Reference of the TWG remain the same. With regards to United States financial support for future TWG meetings, the United States position is that any such funding is dependent on Federal agency budgets, about which information is not currently available.

(b) Amendment to the Definition of ''Artificially Propagated'' [Doc. 10.53]

U.S. Negotiating Position: Doc. 10.53 was not received in time for inclusion in this notice.

(c) Disposal of Confiscated Live Plants [Doc. 10.54]

U.S. Negotiating Position: Doc. 10.54 is still under review by the United States. The United States has established a system of Plant Rescue Centers for the placement of confiscated live plants. The Service's Office of Management Authority and the United States Department of Agriculture, Animal and Plant Health Inspection Service (APHIS) work together closely on the implementation of this rescue center program. There are currently 54 active plant rescue centers in the United States. During 1996, 416 shipments containing 12,633 live plants were confiscated upon import into the United States in violation of CITES. The five families of CITES plants most confiscated were Orchidaceae (8,908 plants), Bromeliaceae (1,280 plants), Cactaceae (926 plants), Primulaceae (815 plants), and Euphorbiaceae (409 plants). Four hundred fourteen (414) of these shipments containing 12,174 plants were assigned to plant rescue centers. The United States supports the development of CITES guidelines on how to deal with disposal of live confiscated plants, and agrees generally with the Guidelines produced by the Plants Committee working group. However, the United States does not agree with the sale of confiscated specimens to traders, commercial propagators, or others involved in commercial activities. This could encourage potential illegal trade and possibly enable the original importer of the confiscated plants to reobtain these plants, or otherwise too easily benefit from the illegal import; it also violates existing agreements with the U.S. Plant Rescue Centers. The U.S. will discuss the operations of the U.S. Plant Rescue Center Program at the COP.

24. Significant Trade in Appendix II Species

Comments: One general comment was received on this issue, which was jointly endorsed by two separate organizations. These comments supported the Service's position and stated: ''We believe that the Significant Trade Process is being undermined by the use of consultations with range states in lieu of forwarding specific primary or secondary recommendations.'' These comments highlighted several ''weaknesses'' in the Significant Trade Review process including ''vaguely worded'' recommendations, the Secretariat being ''far too easily satisfied that * * * actions taken have fulfilled * * * recommendations,'' and a new procedure instituted by the Animals Committee ''whereby the Conf. 8.9 process is avoided in favor of Committee member consultations with the Party of concern, which eliminates penalties to Parties for not complying with recommendations.''

(a) Animals [Doc. 10.55]

U.S. Negotiating Position: Doc. 10.55 was not received in time for inclusion in this notice.

At the 12th meeting of the Animals Committee, the review of species slated for examination in 1995 under the Significant Trade Review process (Conf. 8.9) was discussed at length and recommendations to the Secretariat from each of the CITES Regions were made through the Committee Chair. Prior to the 13th meeting of the Committee it was not clear whether the Secretariat had fully followed through with primary and secondary recommendations made to range states which are developed in this process. In reviewing the species slated for examination in 1996, the United States recommended that an assessment of the progress made to date by IUCN on developing a target list be conducted, and the United States advocated a rapid completion of the task if it were not yet complete. In addition, the United States stressed the need for field projects to study significantly traded species in the wild, rather than extensive revision of lists in the Significant Trade Review process.

The United States shares concerns that the Significant Trade Review process, particularly regarding recommendations made to the Secretariat for transmission to the range states, is neither specific enough nor sufficiently ''action-oriented.'' The U.S. also shares other concerns regarding consultation with range states, and looks forward to discussions on these issues at COP10. Except for corals and conch (both species under review in this process), the Secretariat has transmitted primary and secondary recommendations on the 1995 species significant trade review to range States.

During discussions at the 13th meeting of the Animals Committee of the 1996 review of taxa in the Significant Trade Review process, there was confusion about the timing of the review cycles used in this process. The United States supports an agreement not to initiate another round of reviews (the 1996 reviews), but to complete the 1995 cycle between that meeting and COP10, and then devote efforts to evaluating the outcomes of previously reviewed species, especially involving Parties receiving primary recommendations from the review process. The United States agrees that insufficient resources are being applied to field studies and that this aspect of the Significant Trade Review process suffers if new species are reviewed before adequate follow-up, such as field studies, have been implemented for previously reviewed species.

The United States introduced a draft resolution on reporting and identification of corals in trade, at the request of the 12th meeting of the Animals Committee. As this is a United States sponsored resolution, see **Federal Register** notice of March 27, 1997, for a rationale explaining the U.S. submission of this resolution.

(b) Plants [Doc. 10.56]

U.S. Negotiating Position: Doc. 10.56 was not received in time for inclusion in this notice. The United States

supports the recommendations of the working group on significant trade of the Plants Committee. The recommendations are non-controversial, and accomplish a fine-tuning of the process for plants that is already underway for animals. Such an adjustment is needed to accommodate the greater number of higher-taxon listings of plants in Appendix II of the Convention. The United States believes that this process is a generally effective approach, as has been demonstrated, for example, with tree ferns, where entire families are listed.

25. Sale of Tourist Items of Appendix I Species at International Airports, Seaports, and Border Crossings [Doc. 10.57]

Comments: One comment was received on this issue, which was jointly endorsed by two organizations. These organizations supported the U.S. submission of this draft resolution, stating that the ''sale of Appendix I tourist items encourages illegal trade and hampers enforcement [and] [b]order crossings are ideal places to educate travellers [sic] about the Convention.'' The U.S. agrees.

U.S. Negotiating Position: This is a United States sponsored resolution. See **Federal Register** notice of March 27, 1997, for a rationale explaining the U.S. submission of this resolution.

26. Trade in Specimens of Species Transferred to Appendix II Subject to Annual Export Quotas [Doc. 10.58]

Comments: No comments were received on this issue.

U.S. Negotiating Position: Doc. 10.58 was not received in time for inclusion in this notice.

27. Trade in Alien Species [Doc. 10.59]

Comments: Comments were received from three organizations on this issue, one set of which was jointly endorsed by two organizations. One commenter stated that this issue ''should remain outside the scope of CITES'' and since the Convention ''is experiencing significant problems fulfilling its current 'obligations * * *' involvement in invasive species issues should be avoided. Another set of comments, jointly endorsed by two separate organizations, ''fully supports this document and discussions on the need to prevent the introduction to the wild of live exotic animals and plants that are traded internationally.''.

U.S. Negotiating Position: This topic is addressed in an issue document co-sponsored by the United States and New Zealand. See **Federal Register** notice of March 27, 1997, for a rationale explaining the U.S. submission of this document. In response to comments, the United States stresses that CITES is indeed the appropriate forum for the discussion of introductions of invasive species deriving from international trade in live specimens of these species. Alien [nonindigenous] species have been identified as the second largest threat to biological diversity globally after habitat loss and degradation. The U.S. submitted a discussion paper asking that this issue be discussed at COP10. The intent of the United States is to: (1) heighten international awareness of the threats alien species pose to the conservation of biodiversity and focus attention on finding practical solutions to the alien species problems; (2) encourage cooperation and collaboration between CITES and the Convention on Biological Diversity on threats to biodiversity from the introduction of alien species through international trade in these species; and (3) encourage Parties to pay particular attention to these issues when developing national legislation and regulations, when issuing export or import permits for live specimens of potentially invasive species, or when otherwise approving exports or imports of live specimens of potentially invasive species.

28. Establishment of a Working Group for Marine Fish Species [Doc. 10.60]

Comments: Comments were received from twelve organizations on this issue, one set of which was jointly endorsed by two organizations. One organization stated that it ''applaud[ed] U.S. efforts to ensure that CITES trade rules are fully coordinated with conservation and management rules under other international agreements''; they did express concern for the ''open-ended'' jurisdiction of the proposed Working Group and the lack of ''indication who would be chosen to serve on this working group.'' Two organizations, in opposing this draft resolution, expressed the view that marine species management and conservation issues should be dealt with only by the United Nations Food and Agriculture Organization (FAO) and either coastal nations or regional fisheries management organizations. Another commenter, whose submission was jointly endorsed by two organizations, supported the draft resolution, and noted that the proposed Working Group ''would serve similar function to the [CITES] Timber Working Group''. One commenter, a foreign government, stated in opposition to the draft resolution, that not only should only the FAO and coastal nations be solely responsible for marine species management and conservation, but that this draft resolution is unacceptable because of the increased workload it would cause for CITES, and the absence of scientific evidence ''of verification of the 'extinction level' to be considered by CITES.'' Another foreign commenter, in opposing this draft resolution, stated that the U.S. submission of this proposal was ''inconsistent with its position committed * * * at the [22nd meeting of the] FAO Fisheries Committee,'' specifically with regard to the conservation and management of shark species. One other foreign organization, in opposition to the draft resolution, stated that ''issues pertaining to marine fishes should be promoted by more appropriate organizations such as the * * * FAO of the United Nations.'' This commenter also stated the formation of such a working group would complicate ''the present thinking on marine living resources [and] might cause unnecessary confusion.'' Another foreign organization, requesting that the U.S. withdraw the draft resolution specifically because of its involvement in shark management and conservation, expressed concerns that ''CITES to a large extent is a relic of the past,'' and that the draft resolution ''perpetuates the scatter-gun, confrontational approach.'' This organization favored FAO management of shark species. One commenter, expressed the opinion that the submission of the draft resolution was ''premature and potentially counterproductive to the conservation and management of ocean fisheries.'' This commenter also stated that it was ''debatable'' that several marine species qualify for listing under CITES, that the tasks of the proposed working group would be ''overwhelmingly complex,'' that ''regional fishery organizations and coastal nations are responsible for managing and conserving ocean fisheries,'' that the control of harvests is the ''most effective means of conserving marine fish,'' and that the proposed Working Group's tasks would be ''redundant'' to the work of the FAO. Another commenter opposed the draft resolution as ''costly, useless and inefficient in nature * * * premature, redundant and overlapping.'' This organization also stated that the working Group's creation would ''create another financial and administrative burden for the Convention,'' and that ''it is a utopian idea to try to manage a few selected fish species without managing the totality of the marine species, including the marine mammals.''

U.S. Negotiating Position: This is a United States sponsored resolution. See

Federal Register notice of March 27, 1997, for a rationale explaining the U.S. submission of this resolution. In response to comments received, the United States notes that this proposed working group is modeled after the Timber Working Group established at COP9, and will complement but not in any way supersede efforts of international fishery management organizations. The purpose of the Working Group is not to propose marine fish species for listing, or deal with listing issues in any manner, but rather to investigate concerns associated with inclusion in the CITES Appendices of marine fish species subject to large-scale commercial harvesting and international trade, and develop recommendations on approaches to address identified issues with the FAO and other fishery organizations. In addition, this proposed working group will facilitate liaison between the CITES Animals Committee and the FAO and other international fisheries organizations, in order to complete the implementation of Resolution Conf. 9.17. The United States regrets the misunderstanding, reflected in some comments received, that the proposed working group would take on the work of management of commercial fisheries, which is not within CITES' purview. Rather, if a commercially fished marine species becomes depleted to the point that it qualifies for inclusion in the CITES Appendices, the efforts of this working group will be a vital component of effective implementation of such a CITES listing.

29. Scientific Justification for National Export Quotas [Doc. 10.61]

Comments: Two comments were received on this issue, one of which was jointly endorsed by two separate organizations. One commenter stated that the U.S. should oppose this draft resolution as ''burdensome and unnecessary.'' Other comments received, which were jointly endorsed, supported the draft resolution stating that it ''would strengthen Resolution Conf. 9.3'' by requiring scientific justification for CITES export quotas.

U.S. Negotiating Position: This resolution, submitted by Israel, discusses the publication and distribution of CITES export quotas by the Secretariat and recommends the provision of relevant scientific evidence and non-detriment findings by Parties when transmitting their own national export quotas for Appendix II species to the Secretariat.

The resolution raises many concerns which the United States shares and provides for interesting points in need of additional consideration and study by the Parties. It brings forth a valid point with respect to the need for non-detriment findings in support of export quotas submitted by many Parties. Since CITES requires Parties to make a non-detriment finding when issuing an export permit, providing documentation of such a finding to the CITES Secretariat should not be burdensome to Parties that are effectively implementing the Convention. There have been problems with the quota system where quotas were established and implemented without a scientific justification.

The United States supports the preparation of scientific non-detriment findings and justifications by all Parties for the export of indigenous Appendix II species before authorizing or otherwise issuing export permits, as required by the Convention. Quotas submitted to the Secretariat should be supported by scientific documentation in the exporting country, and the Secretariat and Parties should be active in utilizing the Significant Trade Process to make determinations as to whether Parties are appropriately addressing the scientific needs inherent in issuing realistic and appropriate non-detriment findings. However, this resolution refers to those quotas that are determined by individual exporting countries, and not those quotas that are approved by the COP. At present, the United States is evaluating whether the draft resolution submitted by Israel is needed in order to interpret the Convention, but is currently leaning towards opposing this document.

30. Disposal of Stocks of Dead Specimens of Appendix I Species [Doc. 10.62]

Comments: Three comments were received, one of which was jointly endorsed by two separate organizations. One commenter supported the proposed U.S. negotiating position. One stated that ''adoption of this resolution would create significant loopholes in enforcement of trade of Appendix I species.'' This commenter further stated that ''an unqualified expansion of the utilization of Appendix I species violates the intent of CITES...which strictly restricts trade in specimens from Appendix I species.'' Comments which were jointly endorsed by two organizations opposed this draft resolution, stating that it would ''weaken Resolution Conf. 9.10 [and] allow use of confiscated specimens giving value to illegally traded specimens, parts and products.'' Another commenter stated that the U.S. should investigate new approaches to the disposal of stock of dead Appendix I specimens without either endorsing or opposing the proposed U.S. negotiating position.

U.S. Negotiating Position: The draft resolution would modify Conf. 9.10 in that it recommends that confiscated dead specimens of Appendix I species not be destroyed, but utilized for useful purposes in accordance with the Convention, in particular for educational, research or scientific activities, but also for ''the cultural and artistic heritage'' (translation provided by the Embassy of France). The resolution makes no reference to the enforcement obligation of Parties to CITES as enumerated in Article VIII, but instead cites economic and social development provisions of the Convention on Biological Diversity.

The United States will strongly oppose this resolution and believes that Conf. 9.10 as adopted by the Parties is effective as written. The United States believes that this draft resolution, if adopted, would create a number of enforcement problems, not the least of which would involve the large stockpiles of African elephant ivory currently maintained in a number of range states. By opening the door to the cultural and artistic utilization in international trade of stockpiles of Appendix I species, there would be a serious problem of distinguishing between illegal trade and ''cultural'' trade. The United States is concerned that such use of these specimens for cultural or artistic purposes could result in increased consumer demand for other such specimens.

In addition, the United States believes that this resolution, if adopted, would detrimentally impact controls on seized Appendix I plants and plant materials. The United States recognizes that there may exist many appropriate cultural or artistic uses of accumulated dead specimens of Appendix I animals and plants. However, the United States also recognizes that establishing appropriate mechanisms to ensure that these specimens are only used in the proper context will be very difficult to achieve.

31. Marking of CITES Specimens [Doc. 10.63]

Comments: One set of comments was received, which was jointly endorsed by two separate organizations. These organizations disagreed with the proposed U.S. negotiating position and strongly urged the U.S. to oppose this draft resolution. These commenters stated that the proposed changes would allow ''secondary products'' to ''enter international trade without marking'' and expressed concern that the draft resolution's provisions ''pose a

significant threat to species which are not currently ranched but may be so in the future.''

U.S. Negotiating Position: This document was submitted by the CITES Secretariat on behalf of the Animals Committee. The Animals Committee discussed problems of implementation of Conf. 5.16 which lays out the requirements for trade in ranched specimens listed in the Appendices to the Convention. The proposed resolution submitted by the Secretariat seeks to amend the marking requirements to reflect uniform marking only of items of primary economic importance. The resolution also recommends that any ranching proposal include details of the marking system, a list of all specimens of primary economic importance, and a current inventory of such stocks.

The resolution was submitted due to the general belief that the previously designed marking requirements were overly burdensome, unenforceable by national authorities, and otherwise impractical. The United States supports this resolution to create a marking regime which is not only practical and enforceable, but institutes necessary marking controls to implement the ranching requirements that are implemented under the authority of the Convention.

32. Universal Tagging System for the Identification of Crocodilian Skins [Doc. 10.64]

Comments: No comments were received on this issue.

U.S. Negotiating Position: The United States supports universal tagging of crocodilian skins. Doc. 10.64 was not received in time for inclusion in this notice.

33. Identification of Corals and Reporting of Coral Trade [Doc. 10.65]

Comments: One comment was received on this issue. This commenter supported this U.S. proposal stating that identification and reporting of quantities of coral in international trade ''has plagued the trade for many years. The proposed resolution addresses the reporting issues and provides a pragmatic solution for handling recognizable coral...under CITES.''

U.S. Negotiating Position: This is a United States sponsored resolution. See **Federal Register** notice of March 27, 1997, for a rationale explaining the U.S. submission of this resolution, at the request of the Animals Committee.

34. Implementation of Article VII, Paragraph 2: Pre-Convention Specimens [Doc. 10.66]

Comments: No comments were received on this issue.

U.S. Negotiating Position: This is a United States sponsored resolution. See **Federal Register** notice of March 27, 1997 for a rationale explaining the U.S. submission of this resolution.

35. Captive Breeding

(a) Implementation of Article VII, Paragraphs 4 and 5 [Doc. 10.67; Doc. 10.68; Doc. 10.69]

Comments: Comments were received from seven organizations on this issue, one of which was jointly endorsed by two separate organizations. One commenter stated that the draft resolution ''is so restrictive and over-bearing that it is a disincentive to captive-breeding.'' Another organization encouraged the Service ''to amend its resolution * * * to allow additional animals, eggs, or gametes from the wild to be added to the breeding stock to prevent deleterious in-breeding * * *'' This commenter also suggested that there was insufficient time to guarantee that ''more good than harm will result'' from consideration of this resolution, and requested that consideration be ''postponed.'' One commenter stated that birds ''taken before some CITES designation should be exempt'' and added further that ''laws should encourage the redistribution of bloodlines to facilitate the maintenance of the most genetically diverse populations.'' Another set of comments expressed support for the U.S. submission, but urged the deletion of language which ''permits the augmentation of parental breeding stock with the 'occasional addition of animals, eggs or gametes from wild populations.' '' This commenter stated opposition to the placement of confiscated live animals in captive breeding facilities. One commenter expressed opposition to the importation of animals, eggs, or gametes for captive breeding, and also suggested ''postponement of discussions'' of these issues until after COP10 because Parties ''have not had sufficient time to review any documents that may be submitted by the Secretariat * * *'' Another organization supported the Service's ''efforts to design a comprehensive set of standards and requirements for captive-breeding facilities and applaud their proposal in so far as it establishes a thorough program for registration of facilities.'' One organization stated its concern with the U.S. draft resolution's ''unnecessarily restrictive definition of F2'' but stated that ''this proposal serves to further reinforce the need to establish an exemption for 'special circumstances' species such as Asian elephants.'' This commenter opposed the resolution ''in so far as it is more restrictive with regard to application of the definition of captive-bred'' but supported the resolution ''in so far as it paves the way for a limited, narrowly tailored exemption for species with special circumstances.''

The United States submitted documents on captive breeding, and these documents are discussed in the March 27, 1997, **Federal Register** notice.

Doc. 10.67, 10.68.1, and 10.68.2 were not received from the Secretariat in time for inclusion in this notice. At COP9, the Parties directed the Secretariat, working with the Animals Committee, to prepare a new resolution consolidating the various extant resolutions dealing with the determination of whether a specimen is bred-in-captivity, and captive breeding of Appendix I animals for commercial purposes. The United States is closely evaluating the document from the Secretariat, and will provide detailed information, views, and positions throughout COP10. The United States is concerned however that discussions in the Animals Committee and indeed by the Secretariat in its proposed resolution, may go beyond the direction given to the Secretariat and the Animals Committee at COP9.

(b) Proposals to Register the First Commercial Captive-Breeding Operation for an Appendix I Animal Species

Comments: No comments were received on this specific sub-item.

U.S. Negotiating Position: No document has yet been received. Under Conf. 8.15, Parties must submit proposals for inclusion of operations breeding Appendix I species in captivity for commercial purposes. The Secretariat maintains a register of those facilities. Proposals are submitted to the Secretariat, which circulates them to the Parties. When a Party objects to inclusion of a facility in the Secretariat's register, and the objection cannot be resolved by the interested Parties, the proposal is discussed and voted upon by the COP (if the proponent country so wishes). This agenda item will include discussion of any pending proposals.

36. Hybrids

(a) Amendment to Resolution Conf. 2.13 [Doc. 10.70]

Comments: Two comments were received on this specific sub-item, one of which was jointly endorsed by two

separate organizations. One commenter supported the proposed U.S. opposition to this draft resolution, stating that it would weaken Conf. 2.13 ''by allowing commercial trade in captive-bred hybrids of CITES-listed species without CITES regulation * * * These changes are contrary to the spirit of the Convention and will weaken species protection and enforcement efforts.'' The comments that were jointly endorsed by two separate organizations also supported U.S. proposed opposition to this draft resolution noting that the proposal ''would weaken Conf. 2.13 by allowing commercial trade in captive-bred hybrids of CITES-listed species without CITES regulation.''

U.S. Negotiating Position: This resolution was submitted by Australia and seeks to clarify the situation of animal hybrids. In accordance with Conf. 2.13, some hybrids may be subject to CITES provisions, even though they may not be specifically included in the Appendices to the Convention, if one or more of the parents' taxa are listed. Accordingly, if the parents are included on different Appendices, then the requirements of the more restrictive appendix apply. The proposed resolution would modify this system significantly, by recommending that a hybridized specimen only be considered as an Appendix I species if it was the progeny of one or more wild-caught Appendix I specimens. Hybridized specimens which do not meet the criteria would be treated as Appendix II species, and progeny from hybridized parental stock would be treated as if they were not included on any Appendix to the Convention.

The United States opposes this resolution. The United States believes that Conf. 2.13 is effective as written, well balanced in scope, effect, and intent, and needs no revision. By modifying Conf. 2.13 in the proposed manner, additional layers of complexity and confusion would be added to the issue of trade in hybrid animal species. It could significantly increase illegal trade and risk to wild populations. In addition, these important conservation concerns arise from modifying Conf. 2.13 pursuant to the proposed resolution: (1) Full species in trade could erroneously be declared as hybrids by traders, in which case, effective law enforcement could be difficult. This could be especially significant regarding the trade in birds because of plumage that is highly variable, which may not accurately reflect the parentage of a particular specimen; (2) A captive-breeding facility may require supplementation of wild-caught parental stock in order to maintain a given level of hybrid specimen productivity; (3) The demand for pure Appendix I specimens will still require the acquisition of wild-caught stock, which may promote the laundering of wild-caught specimens under the guise of being captive-born or captive-bred hybrids; and (4) If hybrids are not protected by the more restrictive Appendix, deliberate hybridization could increase and serve to dilute available blood lines, thereby increasing pressure on wild populations to provide additional genetic material. Australia, the author of the proposed resolution, has concerns over specific species in that country and feels this issue could be satisfactorily addressed with a modification to Conf. 2.13. The United States disagrees with Australia, and strongly prefers that such concerns be addressed in a specific listing proposal.

(b) Regulation of Trade in Animal Hybrids [Doc. 10.71]

Comments: One set of comments was received on this specific sub-item. This commenter stated that this draft resolution represented ''a reasonable approach to the issue of hybrids and the U.S. should support the proposal.''

U.S. Negotiating Position: Doc. 10.71 was not received in time to be included in this notice. The United States supports the consensus reached by the Animals Committee at its last meeting on this issue, and hopes the Secretariat's document reflects that consensus.

37. Shipments Covered by Customs Carnets [Doc. 10.72]

Comments: Comments were received from three organizations, two of which jointly endorsed one submission. One organization supported the ''spirit of the resolution in so far as it encourages improved education and training for customs officials, as well as increased awareness of relevant requirements for shipments of wildlife,'' but expressed concern about the meaning of the draft resolution as it related to the legal force of customs carnets versus CITES permits and certificates, noting that these two different types of documents are ''mutually exclusive under current law and practice.'' The comments which were jointly endorsed supported the draft resolution without providing specifics.

U.S. Negotiating Position: This is a United States sponsored resolution. See **Federal Register** notice of March 27, 1997, for a rationale explaining the U.S. submission of this resolution.

38. Frequent Transborder Movements of Personally Owned Live Animals [Doc. 10.73]

Comments: Comments were received from four organizations, two of which jointly endorsed one submission. One commenter, supporting the proposed U.S. position, stated that the draft resolution ''represents a most practical and logical solution to the problems facing private owners of legally acquired and possessed Appendix I species who seek to temporarily transport their animals across international borders * * *'' This organization stated that this draft resolution would have very positive effects in gaining captive-bred status for captive-born Asian elephants. The set of comments jointly endorsed by two separate organizations also supported the proposed U.S. negotiating position, and recommended ''that the certificate either be presented on re-entry or, if the animal cannot be returned, documentation to that effect be supplied to the * * state of residence.'' These comments also stated that their support of the resolution was contingent on the acceptable of amendments being proposed by the United States. Another organization also supported the U.S. proposed position by noting that this proposed resolution ''aims at correcting some inconsequential actions.''

U.S. Negotiating Position: This resolution, jointly submitted by Switzerland and Germany, calls for the creation of a certificate of ownership to accompany CITES-listed, personally-owned, live animals frequently crossing international borders. The United States interprets the term personal or household effects in Article VII, paragraph 3, to include personally owned live animals that were acquired in the owner's state of usual residence. Other countries have not included live animals in their interpretation of this exemption, and the Secretariat maintains that position based on Conf. 4.12. The issuance of separate permits to people with personally owned live animals that frequently cross international borders (falconry practitioners, pet owners who travel, etc.) poses technical and administrative burdens. In addition, the Service is concerned with the number of retroactive permits it has had to issue, since the United States recognizes the exemption while other countries do not.

The United States will support the provisions of this resolution. Adoption of this resolution will reduce the administrative burdens to the animal owner and the countries to which the owner enters and exits, while ensuring

marking and monitoring of movement to prevent illegal activities. However, despite general support for the provisions of this resolution, the United States believes that there remains a need to clarify the following elements in the resolution: (a) the animals must be accompanied by the owner; (b) the certificate of ownership must be validated by a Party's Customs or other appropriate authorities on import and re-export; and (c) the information on numbers of certificates issued by species must be recorded in each Party's annual report. In addition, the United States supports adoption of this resolution only if paragraph (n) is adopted. This provision is to ensure that the owner not sell or transfer a live animal while outside the owner's usual state of residence under the certificate of ownership.

39. Live Animals in Traveling Circuses [Doc. 10.74]

Comments: Five comments were received on this issue, with one submission endorsed by two separate organizations. One commenter opposed this resolution noting that its provisions ''would present opportunities for fraud, for laundering Appendix I animals, and engaging in other illegal activities that would deleteriously affect wild populations as well as the integrity of the Convention.'' This commenter also stated that the consideration of the passport issue should be ''held over for COP11.'' Another commenter expressed support for the ''general concept'' of '' 'passports' to facilitate movement of privately owned animals,'' but expressed concerns with ''the resolution's limited application to government-owned or sponsored exhibitions, and the fact that the resolution as drafted does not address the concerns of other parties over appropriate safeguards to prevent illegal activity.'' One commenter stated that they oppose ''this extremely vague resolution'' and stated that ''animal acts'' do not ''constitute an art form''. This commenter also expressed doubts as to the feasibility of the passport provisions as drafted. Another set of comments, jointly endorsed by two organizations, opposed the draft resolution as ''extremely vague and confusing'' and stated that it ''attempts to amend the treaty by creating a new category of exemption under Article VII.''

U.S. Negotiating Position: Under CITES Article VII, paragraph 7, a Management Authority may waive the permit requirements for the movement of live animals that are part of a traveling live animal exhibition if the exporter or importer is registered, the animals qualify as pre-Convention or captive-bred, and the animals are humanely transported and maintained. At COP8, the Parties adopted Conf. 8.16 to correct technical problems and prevent fraud in the movement of animals that are part of traveling exhibitions. Conf. 8.16 recommends that Parties issue a pre-Convention or captive-bred certificate for each animal as proof that the animal was registered. The certificates could be issued for three years and would not be collected at the border to allow for multiple shipments. Parties are expected to mark or identify each specimen.

This proposed resolution, submitted by the Russian Federation, considers a circus to be part of a nation's culture which does not use its animals for primarily commercial purposes. The resolution would grant circuses which are owned or funded by governments a ''Certificate of Circus Animal.'' This certificate could not be issued to private or commercial circuses. The Certificate of Circus Animal would be proof that the circus is registered; that its specimens had been acquired in accordance with CITES; and that an Appendix I specimen that is born to the circus or for an animal acquired by the circus before transfer from Appendix II to Appendix I are of legal origin. This Certificate would be valid for all legal specimens, not just for pre-Convention or captive-bred specimens.

The resolution is an attempt to resolve a number of technical problems encountered by circuses. Currently, circuses can obtain certificates for three years under Conf. 8.16 for pre-Convention or captive-bred animals. But they need to obtain other permits and certificates under Articles IV and V for Appendix II and III wildlife when pre-Convention or captive-bred requirements are not met. The second problem concerns progeny born to circuses that strictly do not meet Conf. 2.12, which is of particular concern for traditional circus species, such as the Asian elephant, that are long-lived and slow-maturing which have not had time to achieve sufficient F2 specimens. The third problem is the continued use of animals that were owned by circuses when a species is listed in Appendix II and then the species is transferred to Appendix I as happened with the African elephant. Some of these animals that are in the possession of a circus do not qualify as pre-Convention under Conf. 5.11 and so may no longer be used by circuses when traveling to other countries.

The United States will oppose this resolution. The United States does not believe that the CITES Parties should treat circuses owned or funded by a country's government differently from circuses that are privately owned. Although the United States recognizes that animals being moved by circuses are to stay in their possession and are not to be sold while the circus is outside its state of usual residence, the United States considers circuses to be conducting activities that are primarily commercial. The United States also does not agree that circuses should be exempted from the requirements of CITES as long as the Management Authority finds that the animals were legally acquired. This broad general exemption from the provisions of CITES could have serious implications for the conservation of some species.

On the other hand, the United States supports the use of a passport-type certificate similar to the Annex presented in the proposed resolution. The United States also recognizes that there are additional technical issues in Conf. 8.16 that could be clarified and looks forward to opportunities to explore these various issues.

40. Transport of Live Specimens [Doc. 10.75]

Comments: Four comments were received on this issue, one of which was jointly endorsed by two separate organizations. One commenter referenced the activities of the Animals Committee Working Group focusing on this issue, and stated that the U.S. should not seek any further amendments to the group's recommendations. Another commenter wrote extensively on the IATA live animal transport guidelines, stating that ''many of the IATA requirements will greatly contribute to the death or unnecessary abuse of birds in transit.'' This commenter called on the U.S. to abandon the IATA shipping guidelines. One commenter expressed general concern with the knowledge and expertise of Service wildlife inspectors, and stated that the Party's should ''work together to develop a more comprehensive set of guidelines and resources for use by current inspection authorities.'' Another set of comments, jointly endorsed by two separate organizations, supported the Service's submission without giving detailed comments.

U.S. Negotiating Position: This is a United States sponsored resolution on behalf of the Animals Committee. See **Federal Register** notice of March 27, 1997, for a rationale explaining the U.S. submission of this resolution. The United States agrees that the consensus document prepared by the Animals

Committee should be adopted without major revisions, while at the same time retaining the essential portions of Conf. 9.23. The CITES Parties have endorsed the IATA Live Animals Regulations, as an international industry standard for the transport of live animals. The United States supports this endorsement, and will work for their implementation and enforcement, while also working to modify the IATA Regulations, when appropriate for the health and welfare of live animals in international trade.

41. Designation of Scientific Authorities [Doc. 10.76]

Comments: One comment was received, which was jointly endorsed by two separate organizations. These comments support the U.S. draft resolution.

U.S. Negotiating Position: This is a United States sponsored resolution. See **Federal Register** notice of March 27, 1997, for a rationale explaining the U.S. submission of this resolution.

42. Standard Nomenclature [Doc. 10.77]

Comments: No comments were received on this specific issue.

U.S. Negotiating Position: Doc. 10.77 was not received in time for inclusion in this notice.

43. Information on the Population Status and Threats to Ovis vignei [Doc. 10.78]

Comments: Two comments were received on this issue, one of which was jointly endorsed by two separate organizations. One commenter stated that the U.S. ''should oppose the recommendations of the Nomenclature Committee to consider all of the urial as listed on Appendix I.'' This commenter suggested that the U.S. propose a split-listing ''which recognize the conservation programs of range states involving international sport hunting.'' Another set of comments, which was jointly endorsed, urged the Service to support the finding of the Nomenclature Committee which recommended that all subspecies of Ovis vignei be considered as listed on Appendix I. These commenters stated that they ''reject plans by IUCN/SSC Caprinae Specialist Group and others to promote trophy hunting of these rare sheep, which are declining in the wild.'' This commenter supported ''non-consumptive'' uses of these animals, such that they can ''remain in the population where they can continue to contribute to the gene pool of these rare subspecies.''

U.S. Negotiating Position: This is an information document submitted by the Government of Germany discussing the population status and threats to *Ovis vignei*. The United States supports the effort to resolve the listing status of *Ovis vignei* and thanks the Government of Germany for presenting this document. The United States supports the recommendations of the Nomenclature Committee on this issue.

44. Traditional Medicines and CITES [Doc. 10.79 and Doc. 10.80]

Comments: Two comments were received, one of which was jointly endorsed by two separate organizations. One commenter was ''pleased to see that the United States is willing to promote discussion of the use of threatened and endangered species in traditional medicine.'' This commenter added, however, that discussions including the traditional medicine community ''should not be an examination of ways to facilitate the regular, legal use of these at-risk species in medicine, but rather, a cooperative effort to promote conservation of these animals concomitant with promotion of alternatives to endangered animal remedies.'' The other comments, which were jointly endorsed, expressed no position.

U.S. Negotiating Position: One of the two documents in this item (Doc. 10.80) is a U.S.-submitted discussion paper, ''Flora, Fauna and the Traditional Medicine Community: Working With People To Conserve Wildlife.'' See **Federal Register** notice of March 27, 1997, for a rationale explaining the U.S. submission of this document. The other discussion paper, ''Traditional Medicine and CITES: A Discussion of Traditional East Asian Medicine,'' was submitted by the United Kingdom (Doc. 10.79).

The United States supports the Annex to Doc 10.79, submitted by the United Kingdom and most of its recommendations. The United States strongly supports cooperative educational efforts, working with consumer communities to increase understanding of the impacts of the wildlife trade and wildlife conservation, and facilitating the use of substitutes and alternatives to endangered species products, while respecting the value of traditional medicines and the cultures and communities that use them. However, it continues to believe that understanding of the relationship between traditional medicine and endangered species is best worked out with the full involvement of each country's traditional medicine practitioners, a process that requires consensus building among members of that community. This involvement is critical if long-term change is to occur in patterns of traditional medicine use.

The United States supports several of the recommendations in Doc 10.79, including the following: (1) a resolution on traditional medicines containing wild species, with the caveat that representatives of traditional medicine communities must be intricately involved in the process; (2) directing the Animals Committee to include within the implementation of Resolution Conf. 8.9, a review of significant trade in animal species for medicinal use, with the understanding that representatives of traditional medicine communities should be asked to provide significant information; (3) directing the CITES Secretariat to convene a technical workshop to establish priority actions for addressing the complex problems of utilization of CITES-listed species in traditional East Asian medicines. The United States supports this recommendation in principle, but believes that such a workshop may be premature. The real work of addressing traditional medicine issues needs to be carried out within countries at local and regional levels, and led by community representatives. The United States recommends that the traditional medicine community and its affiliated industries convene any such technical workshop that is proposed so as to ensure that discussion and consensus reaches the appropriate levels in the community; (4) including within the continuing implementation of Resolution Conf. 8.4, of a review of measures taken by Parties in their national legislation to control the import/export of medicinal products containing CITES-listed species; and (5) strongly encouraging Parties to effectively implement Resolutions Conf. 9.13 and 9.14.

45. Financing of the Conservation of Biodiversity and Development of Sustainable Use of Natural Resources [Doc. 10.81]

Comments: Four comments were received, one of which was jointly endorsed by two separate organizations. One organization opposed this draft resolution and stated that conservation funds should be generated ''through sustainable use programs, such as sport hunting.'' Another commenter stated strong opposition, and urged the U.S. to ''firmly oppose this study and urge parties and NGO's to raise needed funds through sustainable use programs and through their own government appropriations process.'' One organization wrote that the U.S. ''should strenuously oppose any proposal to conduct a feasibility study on taxing the wildlife trade and the issuance of eco-certificates in order to provide

conservation funds for biodiversity'' and instead recommended that range state sustainable use programs could generate conservation funds. Two commenters also opposed this draft resolution stating that its recommendations are ''beyond the scope of the treaty [and] would require the Standing Committee to involve itself in the internal finances of Parties.''

U.S. Negotiating Position: In order to ensure the sustainable use of wildlife resources and to conserve biodiversity, this draft resolution would mandate that the Standing Committee, in liaison with the Convention on Biological Diversity (CBD), the Global Environmental Facility (GEF), the World Conservation Union (IUCN), and each Party, study the terms and conditions under which the establishment of a tax on wildlife specimens could be implemented and the allocation of such taxes. It recommends that the issuance of labels on wildlife and its products be subjected to the payment of such a tax.

While being supportive of biodiversity conservation and the sustainable use of wildlife, the United States opposes adoption of this resolution. The United States opposes the establishment of an international tax on wildlife use. The text of CITES neither obligates or authorizes Parties to levy any tax, whether direct or indirect, on the trade in animal or plant species that are included in the Appendices to the Convention. Nor is there a mechanism provided in CITES that would administer any funds generated from a tax on trade in a manner that would ensure sustainable trade and habitat conservation. Because the text of the Convention does not address the issue of taxation, the United States must oppose the draft resolution on Constitutional grounds. The Congress of the United States, which has exclusive jurisdiction over the passage of any legislation that would levy taxes on United States entities engaged in international trade, has not authorized such taxes to be imposed as part of the implementation of CITES.

46. Development of an Information Management Strategy [Doc. 10.82]

Comments: No comments were received on this issue.

U.S. Negotiating Position: The development of an information management strategy by the Secretariat was an item of discussion at the 37th meeting of the Standing Committee. The Secretariat presented a document for consideration by the Committee and described its proposal which involved the World Conservation Monitoring Centre. The United States supports the Secretariat's efforts to develop a better communication system between its offices and the Parties to facilitate the distribution of Notifications to the Parties and other pertinent information. At the Standing Committee meeting, the United States requested that the Secretariat prepare a list of Parties and their computer needs to assist developing countries in obtaining the necessary computer equipment for an information management system to be put in place.

Doc. 10.82 was not received in time for inclusion in this notice. However, the United States will encourage the Secretariat and Parties to find the most cost effective yet efficient solution to these problems, and work with existing internet providers. The United States would not support a costly feasibility study, if other solutions were readily available. The U.S. will continue to urge the Secretariat to assess the computer and other information management needs of the Parties.

47. Inclusion of Higher Taxa [Doc. 10.83]

Comments: Four comments were received, one of which was jointly endorsed by two separate organizations. One commenter supported the proposed U.S. opposition to this draft resolution and stated that ''its passage could lead to numerous split-listings which will ultimately make CITES enforcement difficult. [The resolution] is highly illogical and inconsistent with the language of the Convention itself and the new listing criteria adopted at COP9.'' Another organization commented that the U.S. should oppose this draft resolution as ''confusing, unnecessary'' as it would ''vastly complicate the listing process * * * [and] lead to a proliferation of split-listings.'' One organization disagreed with the proposed U.S. position, as the resolution would ''avoid negative consequences * * * on conservation programs'' if adopted. Other comments, which were jointly endorsed by two separate organizations, opposed the draft resolution as it ''would effectively make listings of higher taxa almost impossible by requiring separate annotations for each species [and] may interfere with management programs * * *''

U.S. Negotiating Position: This resolution, submitted by Namibia, recommends that the listing of higher taxa on the Appendices to the Convention not be made without considering negative consequences to geographically distinct populations. It also recommends the use of annotations on the Appendices to the Convention so that generalized indicators would be presented according to the conservation status and most appropriate management program for each listed species.

The United States opposes this resolution, but hopes that some of the issues raised can be addressed in the Nomenclature Committee. The United States believes that this resolution presents a system which would lead to a proliferation of confusing split-listings. There is already adequate flexibility in the Convention for Parties to make decisions as to how they manage populations of native species listed on the Appendices. In addition, the new listing criteria (Conf. 9.24, Annex 3) already adequately address the issues associated with split-listings, and in general, discourage their use. This subject was addressed at length at COP9, and the submission of this newer resolution does not allow for a fair amount of time for the Parties to implement the terms of Conf. 9.24. The Parties agreed at COP9 that reconsideration of the listing criteria should not occur until COP12, so that there is adequate experience gained with the use of the new listing criteria in Conf. 9.24.

48. Proposals Concerning Export Quotas for Specimens of Appendix I or II Species [Doc. 10.84]

Comments: Two comments were received on this issue, one of which was jointly endorsed by two organizations. Both comments were on the markhor (*Capra falconeri*) proposal. One commenter stated that the U.S. should support the proposal to establish quotas as the program which would authorize the export of hunting trophies under this plan ''is related to a sustainable use program designed to involve rural villages in the management and conservation of wildlife.'' Another set of comments, which was jointly endorsed, urged the U.S. to oppose this draft proposal for several reasons: it ''is inconsistent with Article III, para 2(d)'' because it would permit ''the exporting country to issue an export permit prior to the issuance of an import permit; ''is inconsistent with Article III, para 3(c) * * * because it defines 'primarily commercial purposes' * * * in terms of the conditions at export; ''is inconsistent with Resolution Conf. 2.11 (Rev.) because it removes the authority of the importing country to make an independent finding of non-detriment even if new data becomes available; ''is inconsistent with Resolution Conf. 9.21 which requires that a request for a quota for an Appendix I species must be made by a proposal, not a resolution;'' and because non-consumptive uses of

markhor specimens will ''ensure that animals remain in the population where they can continue to contribute to the gene pool of these rare subspecies.''

U.S. Negotiating Position: The U.S. supports some aspects of Pakistan's proposed resolution containing both a proposed annual export quota for 6 markhor (*Capra falconeri spp.*) sport-hunted trophies, and an accompanying management plan. Countries can impose export quotas that they believe are needed to protect their wildlife resources and more easily enable them to make the required non-detriment findings. Export quotas on Appendix I species are limited to imports for non-commercial trade, including sport hunting trophies. The process is established in Resolution Conf. 9.21. The United States stated at COP9 that if a quota were adopted by the Parties and the United States felt that it should or could not comply with (*e.g.,* the species was listed under Endangered Species Act and required separate findings, or the United States was not convinced of the biological or trade control information presented), the United States would stipulate to that effect at the time of the relevant COP action. While Pakistan could approve the export of trophies of Appendix I species without obtaining concurrence on a quota from the CITES Parties, having a quota (1) assures the community that such trophies will be accepted by importing countries, and (2) provides the exporting country some additional support to control the level of offtake at the regional level. The biological and implementation information in the proposal appear to be adequate to support the very limited offtake requested in this resolution. The background document submitted provides information on the distribution, status, threats, and conservation measures relating to the markhor in Pakistan.

The United States does not oppose the Pakistan resolution, as the proposed quota of 6 markhor appears to be a conservative harvest level. Furthermore, with some modifications, the conservation plan is very positive. The United States notes that the subspecies *Capra falconeri chialtanensis = Capra aegagrus* (Chiltan markhor) is listed as endangered under the Endangered Species Act, although does not appear to be covered by the resolution. However, the straight-horned markhor (*Capra falconeri magaceros*) is also endangered under the ESA, and the finding of enhancement required for imports of endangered species may preclude issuance of permits for their import, even if the resolution is adopted.

XV. Consideration of Proposals for Amendment of Appendices I and II (This Item Consists of Four Subitems)

1. Proposals submitted pursuant to Resolution on Ranching [Doc. 10.85]
2. Proposals resulting from reviews by the Animals and Plants Committees [Doc. 10.86]
3. Proposals concerning export quotas for specimens of Appendix I or II species [Doc. 10.87]
4. Other proposals [Doc. 10.88]

The Service's summary of comments on proposals to amend the appendices and negotiating positions on these proposals will be presented in a separate **Federal Register** notice.

XVI. Conclusion of the Meeting

Comments: No comments were received on this issue.

1. Determination of the time and venue of the next regular meeting of the Conference of the Parties [Doc. 10.89]

U.S. Negotiating Strategy: No documents have been received from the Secretariat regarding candidates as host government for COP11. The United States favors holding COP11 in a country where all Parties and observers will be admitted without political difficulties. The United States will support the holding of COPs on a biennial basis, or, as in the case of COP10, after an interval of approximately two and one half years.

Other Comments Received

Numerous comments were received on a variety of issues not directly related to issues on the provisional Agenda of COP10, and are not summarized here. However, information and comments were received regarding the issue of annotations of the CITES appendices for the purpose of transferring a species from Appendix I to II. The U.S. is currently considering whether to submit a draft resolution on this issue, and this issue is still under internal review. One set of comments submitted related to this issue, which was jointly endorsed by another organization as well. These organizations expressed concern that the ''lack of guidelines to supervise the use of such annotations may cause many problems that could detrimentally effect [sic] species. For example, the Parties could transfer a species from Appendix I to Appendix II in a two-step process without any of the controls the Parties have adopted to ensure that species are not harmed by increased trade.'' In addition, these commenters expressed concern that there is currently no resolution in force that ''supervises the use of product annotation, nor do the Parties have a review mechanism to ensure that a product annotation is not detrimental to the survival of the species.''

The U.S. is concerned about the lack of guidance given to Parties on this issue due to the lack of an interpretive resolution to date. The U.S. believes that there is a very limited number of situations in which a product annotation may be useful, primarily in cases where multiple parts of a given species may be in trade, with a very wide disparity of value for the different parts and the products subsequently manufactured from them. The U.S. believes that trade in the lower value items may not always be a serious conservation concern, but that clear criteria and guidelines for their use are critical.

Authors: This notice was prepared by Bruce J. Weissgold and Dr. Susan S. Lieberman, Office of Management Authority, U.S. Fish and Wildlife Service.

Dated: June 2, 1997.

John G. Rogers,

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

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DEPARTMENT OF THE INTERIOR

U.S. Fish and Wildlife Service

Klamath River Basin Fisheries Task Force; Meeting

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), this notice announces a meeting of the Klamath River Basin Fisheries Task Force, established under the authority of the Klamath River Basin Fishery Resources Restoration Act (16 U.S.C. 460ss *et seq.*). The meeting is open to the public.

DATES: The Klamath River Basin Fisheries Task Force (TF) will meet from 8:00 a.m. to 4:30 p.m. on Thursday, June 26, 1997 and from 8:00 a.m. to 4:30 p.m. on Friday, June 27, 1997.

PLACE: The meeting will be held in the Klamath Lake Room at the Shiloh Inn, 2500 Almond Street, Klamath Falls, Oregon.

FOR FURTHER INFORMATION CONTACT: Dr. Ronald A. Iverson, Project Leader, U.S. Fish and Wildlife Service, P.O. Box 1006 (1030 South Main), Yreka,