

**TWELFTH REGULAR MEETING
OF COP12 OF CITES**

OVERSIGHT HEARING

BEFORE THE
SUBCOMMITTEE ON FISHERIES CONSERVATION,
WILDLIFE AND OCEANS
OF THE

COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

February 25, 2003

Serial No. 108-1

Printed for the use of the Committee on Resources



Available via the World Wide Web: <http://www.access.gpo.gov/congress/house>
or
Committee address: <http://resourcescommittee.house.gov>

U.S. GOVERNMENT PRINTING OFFICE

85-178 PS

WASHINGTON : 2003

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2250 Mail: Stop SSOP, Washington, DC 20402-0001

COMMITTEE ON RESOURCES

RICHARD W. POMBO, California, *Chairman*
NICK J. RAHALL II, West Virginia, *Ranking Democrat Member*

Don Young, Alaska	Dale E. Kildee, Michigan
W.J. "Billy" Tauzin, Louisiana	Eni F.H. Faleomavaega, American Samoa
Jim Saxton, New Jersey	Neil Abercrombie, Hawaii
Elton Gallegly, California	Solomon P. Ortiz, Texas
John J. Duncan, Jr., Tennessee	Frank Pallone, Jr., New Jersey
Wayne T. Gilchrest, Maryland	Calvin M. Dooley, California
Ken Calvert, California	Donna M. Christensen, Virgin Islands
Scott McInnis, Colorado	Ron Kind, Wisconsin
Barbara Cubin, Wyoming	Jay Inslee, Washington
George Radanovich, California	Grace F. Napolitano, California
Walter B. Jones, Jr., North Carolina	Tom Udall, New Mexico
Chris Cannon, Utah	Mark Udall, Colorado
John E. Peterson, Pennsylvania	Anibal Acevedo-Vilá, Puerto Rico
Jim Gibbons, Nevada,	Brad Carson, Oklahoma
<i>Vice Chairman</i>	Raúl M. Grijalva, Arizona
Mark E. Souder, Indiana	Dennis A. Cardoza, California
Greg Walden, Oregon	Madeleine Z. Bordallo, Guam
Thomas G. Tancredo, Colorado	George Miller, California
J.D. Hayworth, Arizona	Edward J. Markey, Massachusetts
Tom Osborne, Nebraska	Rubén Hinojosa, Texas
Jeff Flake, Arizona	Ciro D. Rodriguez, Texas
Dennis R. Rehberg, Montana	Joe Baca, California
Rick Renzi, Arizona	Betty McCollum, Minnesota
Tom Cole, Oklahoma	
Stevan Pearce, New Mexico	
Rob Bishop, Utah	
Devin Nunes, California	
VACANCY	

Steven J. Ding, *Chief of Staff*
Lisa Pittman, *Chief Counsel*
Michael S. Twinchek, *Chief Clerk*
James H. Zoia, *Democrat Staff Director*
Jeffrey P. Petrich, *Democrat Chief Counsel*

SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS

WAYNE T. GILCHREST, Maryland, *Chairman*
FRANK PALLONE, JR., New Jersey, *Ranking Democrat Member*

Don Young, Alaska	Eni F.H. Faleomavaega, American Samoa
W.J. "Billy" Tauzin, Louisiana	Neil Abercrombie, Hawaii
Jim Saxton, New Jersey	Solomon P. Ortiz, Texas
Mark E. Souder, Indiana	Madeleine Z. Bordallo, Guam
Rob Bishop, Utah	Nick J. Rahall II, West Virginia, <i>ex officio</i>
Richard W. Pombo, California, <i>ex officio</i>	

C O N T E N T S

	Page
Hearing held on February 25, 2003	1
Statement of Members:	
Faleomavaega, Hon. Eni F.H., a Delegate in Congress from American Samoa	2
Prepared statement of	3
Gilchrest, Hon. Wayne T., a Representative in Congress from the State of Maryland	1
Prepared statement of	1
Pallone, Hon. Frank, Jr., a Representative in Congress from the State of New Jersey	5
Prepared statement of	6
Pombo, Hon. Richard W., a Representative in Congress from the State of California	3
Prepared statement of	4
Statement of Witnesses:	
Lent, Dr. Rebecca, Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, U.S. Department of Commerce	24
Prepared statement of	25
Manson, Hon. Craig, Assistant Secretary for Fish and Wildlife and Parks, U.S. Department of the Interior	6
Prepared statement of	9

OVERSIGHT HEARING ON THE TWELFTH REGULAR MEETING OF THE CONFERENCE OF THE PARTIES (COP12) OF THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES).

**Thursday, February 25, 2003
U.S. House of Representatives
Subcommittee on Fisheries Conservation, Wildlife and Oceans
Committee on Resources
Washington, DC**

The Subcommittee met, pursuant to call, at 2:10 p.m., in room 1324, Longworth House Office Building, Hon. Wayne T. Gilchrest [Chairman of the Subcommittee] presiding.

Present: Representatives Gilchrest, Bishop, Pombo, Pallone, Faleomavaega and Bordallo.

**STATEMENT OF HON. WAYNE GILCHREST, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF MARYLAND**

Mr. GILCHREST. Good afternoon, everyone. The Subcommittee on Fisheries Conservation, Wildlife and Oceans will come to order. We are here today to hear testimony from Judge Manson and Dr. Lent on the most recent CITES meeting in Chile, Santiago. There are a number of issues that we are interested in, a number that we are concerned about. One of the questions among many that we will ask is through your meetings, experiences, is CITES better now than it was its first meeting? Do you see an ongoing relationship between the Nation members and an understanding toward the sustainable and the nature of restoring the natural prodigious bounty of the Earth's resources? Is there less disagreement because there is better science, those kinds of questions.

Thank you for attending here this afternoon. We look forward to your testimony. Mr. Pallone will be here in a few minutes.

[The prepared statement of Mr. Gilchrest follows:]

**Statement of The Honorable Wayne T. Gilchrest, Chairman,
Subcommittee on Fisheries Conservation, Wildlife and Oceans**

Good afternoon, I am pleased to convene today's hearing which will focus on the final results of the twelfth regular meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, commonly referred to as CITES.

CITES is unique as the only international organization whose primary focus is the protection of plant and animal species from unregulated international trade. CITES parties meet every two years and the twelfth regular meeting of Conference of the Parties was held last year in Santiago, Chile from November 3rd through November 15th.

I welcome our two witnesses, the Honorable Judge Craig Manson, Assistant Secretary for Fish and Wildlife and Parks at the Department of the Interior, who attended the CITES conference as the head of the U.S. delegation. In addition, Dr. Rebecca Lent the Deputy Assistant Administrator for Fisheries will discuss issues under the purview of the Department of Commerce that were raised at the CITES meeting.

I look forward to this important discussion and I recognize the ranking Democrat, the Honorable Frank Pallone of New Jersey, for any opening comments he may have in this matter.

Mr. GILCREST. At this point I will recognize Mr. Faleomavaega.

**STATEMENT OF HON. ENI F.H. FALEOMAVAEGA, A DELEGATE
IN CONGRESS FROM AMERICAN SAMOA**

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. Thank you for your leadership in holding this oversight hearing today on the 12th regular meeting of the Conference of Parties on international trade of endangered species.

Mr. Chairman, since the establishment of CITES by the World Conservation Union in 1975, the number of voluntary members has doubled from the 80 original signing countries to over 160 participating parties today. As one of the largest of conservation agreements in existence, the convention has undoubtedly contributed to the fact that a not a single species protected by CITES has gone extinct as a result of trade since the convention went into effect nearly 30 years ago.

CITES has proven itself as a worthwhile endeavor, and I believe that most organizations and citizens concerned with protection and conservation of the world's natural resources support the establishment and continuation of such a global conservation agreement. However, history has shown that all things change through time, and the exploitation of animals and plants and their products has proven to be a dynamic process. This is further confounded by the fact that natural states of populations are inherently variable. In addition, we continue to amass new scientific information on the biological state of our exploited natural resources.

Mr. Chairman, clearly the backbone of any effective conservation program is the criteria used for listing species in need of protection. As part of the oversight process, it is worthwhile to ensure that the current criteria used for the listing of species is consistent with current scientific evidence and conservation biology theory and is subject to ongoing review processes. In this way, Mr. Chairman, while looking through the current lists of protected species, I was somewhat struck by the relative proportions of marine versus terrestrial animals included in the CITES appendices, where terrestrial plants and animals far outnumber marine ones. As a representative who is from a district whose borders are surrounded by ocean and whose economic resources depend largely on the proper management of marine resources, I would like to ensure that these numbers accurately reflect the true status of marine populations.

I would like to personally welcome Judge Manson, the Assistant Secretary for Fish and Wildlife and Parks, and Dr. Rebecca Lent, the Deputy Assistant Administrator for Fisheries at NOAA. Thank you for appearing today, and I look forward to hearing from your testimonies.

Thank you, Mr. Chairman.

Mr. GILCREST. Thank you, Mr. Faleomavaega.

[The prepared statement of Mr. Faleomavaega follows:]

**Statement of The Honorable Eni F.H. Faleomavaega, a Delegate to
Congress from American Samoa**

Mr. Chairman, thank you for your leadership in holding this oversight hearing today on the 12th regular meeting of the Conference of Parties on International Trade of Endangered Species.

Since the establishment of CITES by the World Conservation Union in 1975, the number of voluntary members has doubled from the 80 original signing countries, to over 160 participating parties today. As one of the largest of conservation agreements in existence, the convention has undoubtedly contributed to the fact that not a single species protected by CITES has gone extinct as a result of trade since the convention went into effect nearly 30 years ago.

CITES has proven itself as a worthwhile endeavor, and I believe that most organizations and citizens concerned with protection and conservation of the world's natural resources support the establishment and continuation of such a global conservation agreement. However, history has shown that all things change through time, and the exploitation of animals and plants and their products has proven to be a dynamic process. This is further confounded by the fact that the natural states of populations are inherently variable. In addition, we continue to amass new scientific information on the biological state of our exploited natural resources.

Clearly, the backbone of any effective conservation program is the criteria used for listing species in need of protection. Mr. Chairman, as part of the oversight process, it is worthwhile to ensure that the current criteria used for the listing of species is consistent with current scientific evidence and conservation biology theory, and is subject to ongoing review processes.

In this vein, while looking through the current lists of protected species, I was struck by the relative proportions of marine versus terrestrial animals including in the CITES appendices, where terrestrial plants and animals far outnumber marine ones. As a representative of a district whose borders are surrounded by ocean, and whose economic resources depend largely on the proper management marine resources, I would like to ensure that these numbers accurately reflect the true states of marine populations. Judge Craig Manson, Assistant Secretary for Fish and Wildlife and Parks, and Dr. Rebecca Lent, Deputy Assistant Administrator for Fisheries of NOAA, I thank you for appearing here today. I look forward to your testimonies, and hope you can shed light on some of these concerns.

Thank you, Mr. Chairman.

Mr. GILCREST. I now recognize the Chairman of the full Committee Mr. Pombo, who has been for a number of years very interested in these issues. Mr. Pombo.

**STATEMENT OF HON. RICHARD W. POMBO, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF
CALIFORNIA**

Mr. POMBO. Thank you, Mr. Chairman, and good afternoon. I am pleased that we are having this hearing today and would like to warmly welcome my good friend Judge Manson.

CITES has the distinction of being the only multinational body to govern the international trade in animal and plant species. As such, CITES plays an important role in the conservation of plant and animal species across the globe.

I have had the opportunity to closely witness the CITES process by serving as a member of the U.S. delegation to the last three CITES conferences. Being a member of the delegation and attending these meetings, I have developed a unique perspective on the complexities of the CITES negotiations. I have witnessed firsthand how the various delegations struggle to ensure equitable solutions on a whole range of controversial issues. While the process is far from perfect, every nation works hard to develop the best management solution for its species while coordinating with other affected range states in developing the appropriate protections for literally hundreds of CITES species.

My interest in CITES has come from concern with the growing trend by protectionist groups and like-minded countries to use CITES as a mechanism to prevent the use of plant or animal species by listing them in the CITES appendices without the necessary scientific evidence. The primary role of CITES is to help sovereign nations manage their endangered species and recover those species to sustainable levels. CITES also plays an important role in educating the world community to the value of wildlife. While CITES can be used as a tool to recover species, it should not be used as a restrictive mechanism to limit or stop trade based on emotional arguments. If nations use science to develop management decisions and, when needed, use CITES as an additional conservation measure, then CITES is being used as it was designed.

Mr. Chairman, the dynamics of the CITES conference are quite interesting. Some have likened it to Congress, although not in a complimentary way. The process is viewed as too slow, with endless debate and little action. They may liken CITES to Congress, but I would say that reference is more reflective of the deliberative body on the other side of the Capitol complex.

On that note, Mr. Chairman, I look forward to today's hearing and thank our witnesses for being here with us. In particular I want to again compliment Secretary Manson for his truly outstanding and superb job as head of the U.S. CITES delegation this year.

Mr. GILCHREST. Thank you, Mr. Pombo.

[The prepared statement of Mr. Pombo follows:]

**Statement of The Honorable Richard Pombo, Chairman,
Committee on Resources**

Good afternoon, I am pleased that we are having this hearing today and would like to warmly welcome my good friend the Assistant Secretary of the Interior, Judge Craig Manson.

CITES has the distinction of being the only multinational body to govern the international trade in animal and plant species. As such, CITES plays an important role in the conservation of plant and animal species across the globe.

I have had the opportunity to closely witness the CITES process by serving as a member of the U.S. delegation to the last three CITES Conferences. Being a member of the delegation and attending these meetings, I have developed a unique perspective on the complexities of CITES negotiations. I have witnessed first hand how the various delegations struggle to ensure equitable solutions on a whole range of controversial issues. While the process is far from perfect, every nation works hard to develop the best management solution for its species, while coordinating with other affected range states and developing the appropriate protections for literally hundreds of CITES species.

My interest in CITES has come from concern with the growing trend by protectionist groups and "like-minded" countries to use CITES as a mechanism to prevent the use of plant or animal species by listing them in the CITES Appendices, without

the necessary scientific evidence. The primary role of CITES is to help sovereign nations manage their endangered species and recover those species to sustainable levels. CITES also plays an important role in educating the world community to the value of wildlife.

While CITES can be used as a tool to recover species, it should not be used as a restrictive mechanism to limit or stop trade based on emotional arguments. If nations use science to develop management decisions and when needed use CITES as an additional conservation measure, then CITES is being used as it was designed.

Mr. Chairman, the dynamics of the CITES Conferences are quite interesting. Some have likened it to Congress, although not in a complementary way. The process is viewed as too slow, with endless debate and little action. They may liken CITES to Congress, but I would say that reference is more reflective of the deliberative body on the other side of the Capitol complex.

On that note, Mr. Chairman, I look forward to today's hearing and thank our witnesses for being here with us. In particular, I want to again compliment Secretary Manson for his truly outstanding and superb job as head of the U.S. CITES delegation.

Mr. GILCHREST. Mr. Pallone, any opening statement?

**STATEMENT OF HON. FRANK PALLONE, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF NEW JERSEY**

Mr. PALLONE. Thank you, Mr. Chairman. I just wanted to first congratulate you again on your return as Chairman of what I consider a very important Subcommittee, and want to say we all look forward to working with you and the Republican Members. Since its inception in 1975, CITES has played a crucial role in regulating the international trade of endangered species valued at billions of dollars per year in its work to protect plant and animal species from exploitation while safeguarding the interest of range states in sustainable import and export of key natural resources.

Today CITES boasts 160 member countries and is a powerful international regulatory tool providing varying degrees of protection to more than 30,000 species of animals and plants. This past year the 12th Conference of the Parties met and tackled more than 100 proposals for amendments and resolutions that ranged in scope from revised and new listings of various species of invertebrates, birds, fish and plants to key administrative matters.

And I applaud the work of representatives from of the Federal Government who performed tirelessly at the meeting in Santiago, Chile. Their efforts resulted in several noteworthy achievements. U.S. Proposals were passed to protect all species of seahorses. Also I am pleased that after some early ambivalence at COP12, the Administration decided to continue U.S. Support of the transfer of bigleaf mahogany to Appendix II protection. However, several high-profile issues that were debated at the meetings, such as an approved proposal that will allow a limited renewal in the legal trade of African ivory, have raised considerable controversy. U.S. support of a one-time ivory sale from the countries of Botswana, Namibia and South Africa marks a dangerous approach that could ultimately back illegal ivory sales. Just yesterday wildlife authorities in Kenya made their largest seizure of illegal ivory in the past 3 years. Clearly poaching remains a threat to African elephant populations, and without intensive regulatory efforts, I feel that ivory derived from poaching could easily work its way back into the legally taken stockpile.

It is with this type of concern in mind that we welcome the testimony of Judge Craig Manson from the U.S. Fish and Wildlife Service and Dr. Rebecca Lent from NOAA Fisheries. And I look forward to learning from you about these issues and hearing about future plans for the upcoming standing committee meeting that takes place, I guess, in the next couple months in Geneva. Thank you, Mr. Chairman.

[The prepared statement of Mr. Pallone follows:]

**Statement of The Honorable Frank Pallone, a Representative in Congress
from the State of New Jersey**

Thank you, Mr. Chairman. It is my pleasure to be here this afternoon. Allow me to first congratulate you on your return as Chairman of this important Subcommittee. I look forward to working with you.

Since its inception in 1975, the Convention on International Trade of Endangered Species of Wild Fauna and Flora (CITES) has played a crucial role in regulating the international trade of endangered species, valued at billions of dollars per year. CITES has worked to protect plant and animal species from exploitation, while safeguarding the interests of range states in sustainable import and export of key natural resources.

Today, CITES boasts 160 member countries and is a powerful international regulatory tool, providing varying degrees of protection to more than 30,000 species of animals and plants.

This past year, the 12th Conference of the Parties met and tackled more than 100 proposals for amendments and resolutions that ranged in scope from revised and new listings of various species of invertebrates, birds, fish, and plants to key administrative matters. I applaud the work of representatives from the Federal Government who performed tirelessly at the meeting in Santiago, Chile.

Their efforts resulted in several noteworthy achievements. U.S. proposals were passed to protect all species of seahorses. Also, I am pleased that after some early ambivalence at COP 12, the Administration decided to continue U.S. support of the transfer of bigleaf mahogany to Appendix II protection.

However, several high profile issues that were debated at the meeting—such as an approved proposal that will allow a limited renewal in the legal trade of African ivory—have raised considerable controversy. U.S. support of a one-time ivory sale from the countries of Botswana, Namibia, and South Africa marks a dangerous approach that could ultimately back illegal ivory sales. Just yesterday, wildlife authorities in Kenya made their largest seizure of illegal ivory in the past three years. Clearly poaching remains a threat to African elephant populations. Without intensive regulatory efforts, I fear that ivory derived from poaching could easily work its way into the legally taken stockpile.

It is with this type of concern in mind that we welcome the testimony of Judge Craig Manson, from U.S. Fish and Wildlife and Dr. Rebecca Lent from NOAA Fisheries. We look forward to learning from you about these issues and to hearing about future plans for the upcoming Standing Committee meeting in Geneva, Switzerland. Thank you.

Mr. GILCHREST. Anyone else have an opening statement?

Judge, welcome again to our hearing, and we look forward to your testimony. You may begin, sir.

**STATEMENT OF CRAIG MANSON, ASSISTANT SECRETARY FOR
FISH AND WILDLIFE AND PARKS, U.S. DEPARTMENT OF THE
INTERIOR**

Mr. MANSON. Thank you very much, Mr. Chairman. I appreciate this opportunity to report to you and the members of the Committee on the U.S. participation in the 12th meeting of the Conference of the Parties as you noted held in Santiago last November.

CITES continues to serve as an effective and dynamic tool for protecting species affected by trade. At the meeting the parties continued their efforts to strike the balance between the need to

protect species and the desire to reward countries that have demonstrated a commitment to the sustainable use of wildlife resources. As the lead agency under CITES for the United States, the Department of the Interior, through the Fish and Wildlife Service, worked closely with Federal partners and non-Federal partners to develop U.S. proposals and prepare for the meeting, and I must say that rarely have I seen a level of cooperation between Federal agencies such as I saw in the preparation and the execution of the CITES meeting.

Representatives of the other Federal agencies were active in negotiations and consultations with other parties' delegations, as well as in the U.S. strategy development. Our close relationship with the states on the CITES issues continued at the meeting with a representative of the states serving as a member of the delegation. In addition, nongovernmental organizations based in the United States provided valuable input through our public consultation process for the development of U.S. proposals and positions, and throughout the meeting the U.S. delegation continued to build on successes and good relationships developed over the last several years. We achieved our goals on nearly every issue.

As head of the U.S. delegation, I worked actively with my counterparts from other countries on elephants, mahogany, whales and other issues of importance to the U.S. U.S. leadership was recognized and are serving on and sometimes chairing various working groups formed during the meeting.

At the meeting the parties dealt with 68 agenda items and 60 species proposals. I want to highlight a few of those decisions for you today. A total of six proposals were submitted for consideration at the meeting for African elephants. While recognizing the management successes of some of the range states, we were concerned about the regular ivory trade, and we negotiated with Southern African countries to amend their proposals to allow a one-time sale of ivory. Botswana, Namibia and South Africa will be permitted to conduct a one-time sale of registered government stockpiles of ivory not earlier than May 2004.

We went to the meeting officially undecided on a proposal to include bigleaf mahogany in Appendix II, and we took that position quite deliberately so that we were in a position to facilitate a dialog between the range countries. We used that undecided position to encourage all of the parties to come to a consensus. We spent many hours with the range state countries attempting that consensus, but no broad consensus was reached. We then voted for the listing proposal.

As a major importer of bigleaf mahogany, the United States is committed to making that listing work. The Fish and Wildlife Service has coordinated an interagency effort to put into place an administrative plan on implementation for the listing, which comes into effect on November 14, 2003.

Japan submitted two proposals to downlist virtually all the Northern Hemisphere populations of minke whales and the western North Pacific population of Bryde's whales. We are pleased that the member nations of CITES did not approve those proposals. We do not believe that the proposals qualify for downlisting to Appendix II or that it would be appropriate to resume commercial

trade in whales at this time. We believe it is inappropriate to consider downlisting those two species under CITES until the International Whaling Commission completes its revised management scheme for those species.

With the support of our State and territorial fisheries agencies, the Fish and Wildlife Service and NOAA Fisheries jointly developed a proposal to list all 32 species of seahorses in Appendix II. The proposal was adopted by consensus, but with our suggested delayed implementation date of May 2004. During the 18-month delay, we plan to work with our State partners and foreign governments to ensure that legal sustainable seahorse trade continues smoothly under the Appendix II listing.

With strong support from other countries in our Pacific territories, we introduced a proposal to list the humphead wrasse under Appendix II. Although that proposal failed with a simple majority, we feel this voting pattern shows broad interest in this issue. We plan to consult with other Pacific countries and pursue ways to keep the live reef food trade and humphead wrasse at the forefront of CITES discussions.

For the Patagonian toothfish, also known as Chilean sea bass, the United States helped worked out an agreement between Australia and Chile that will improve international monitoring of harvest and trade of this deepsea fish. The resolution will improve monitoring of harvest and international trade in the species.

At the meeting we negotiated a consensus document with Japan to initiate and complete a Memorandum of Understanding between CITES and the FAO, the Food and Agricultural Organization. This decision was accepted and will be considered by FAO through its Committee on Fisheries in late February. Our colleagues in the Department of State played a critical role in the U.S. Delegation on this issue, and we will reciprocate by working with them and NOAA Fisheries while negotiating the MOU in the Committee on Fisheries. With this exemplary interagency effort we hope to have the agreement in place and functioning well before the next Conference of the Parties in Bangkok.

Last, the parties approved the proposal from Thailand to hold the 13th Conference of the Parties in Bangkok in late 2004 or early 2005. We will begin our preparations for that next meeting later this year by seeking public input on potential United States proposals. We intend to follow a similar strategy leading up to that meeting with a primary focus on native species, collaboration at home and abroad, and a science-based practical approach to the conservation of species and trade.

May I add finally on a personal note that I have rarely had such a personal or professional pleasure as being able to represent the United States of America in an international forum on such important issues as trade, conservation and international diplomacy. It is an experience that will remain with me all of my life.

I would be pleased to answer any questions that you may have with respect to U.S. actions at that meeting.

Mr. GILCHREST. Thank you very much, Judge.

[The prepared statement of Mr. Manson follows:]

Statement of The Honorable Craig Manson, Assistant Secretary for Fish and Wildlife and Parks, U.S. Department of the Interior

Mr. Chairman, and members of the Committee, I appreciate this opportunity to testify before you today and report on U.S. participation in, and the outcome of, the Twelfth Meeting of the Conference of the Parties (COP12 or COP) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which took place in Santiago, Chile, from November 3–15, 2002.

CITES continues to serve as an effective and dynamic tool for protecting species of animals and plants affected by trade, and the number of countries that are parties to the treaty continues to grow. Just since the time of our previous testimony in September 2002, two new Parties—Kuwait and Bhutan—acceded to the treaty, becoming Parties during COP12 and bringing the total number of Parties to 160. In addition, Libya recently acceded to the treaty and it will be the 161st party to CITES in April 2003. At COP12, the Parties continued their efforts to strike a balance between the need to protect vulnerable species and the desire to reward countries that have demonstrated a commitment to the sustainable use of their wildlife resources.

The U.S. lead on CITES matters rests with the Department of the Interior, through the U.S. Fish and Wildlife Service (Service). The Service works closely with the Departments of State, Commerce (NOAA Fisheries, in particular), Agriculture (both the Animal and Plant Health Inspection Service [APHIS] and the Forest Service), Treasury (Customs), Justice, the Agency for International Development, and the Office of the U.S. Trade Representative. All of these Federal agencies participated in the development of U.S. proposals and positions leading up to COP12, and most were also represented on the U.S. delegation to the meeting. Mr. John Turner, Assistant Secretary of State for International Environmental and Scientific Affairs, was able to join the leadership of the U.S. delegation for part of the meeting. Representatives of other agencies were active in negotiations and consultations with other Parties' delegations as well as in U.S. strategy development at the meeting.

Our close relationship with the States on CITES issues continued at COP12, with a representative of the States, Wayne Regelin of the Alaska Department of Fish and Game, serving as a member of the U.S. delegation, as well as through representation as non-governmental observers by several regional associations of fish and wildlife agencies. We worked collaboratively with the States in the development of proposals, particularly those dealing with listings of native U.S. species and trade in their products.

Non-governmental organizations (NGOs) based in the United States provided valuable input through our public consultation process for the development of U.S. proposals and positions for the COP. These organizations played an active role at the COP by attending as observers who, while unable to vote, participate in the discussion of issues in the meeting and also serve as members of ad hoc working groups during the meeting. The participation of NGOs as observers at CITES meetings is advocated by the United States to ensure transparency of CITES processes. They represent a spectrum of viewpoints and expertise that helps to inform delegates and enrich meetings. To ensure that we remained accessible and open to communication with the NGO community during the meeting, we held regular briefings for them at the end of each day's proceedings.

COP12 was one of the most successful CITES meetings ever for the United States. We achieved our goals on nearly every issue, whether it was a species listing or addressing a particular problem with implementation of the treaty. As the head of the U.S. delegation, I worked actively with my counterparts from other countries on elephants, mahogany, whales, and other issue of importance to the United States. U.S. leadership was recognized in our serving on, and sometimes chairing, various working groups formed during the meeting. As Chair of the Standing Committee, the United States was a member of the Bureau, which serves as the "Board of Directors" during the meeting for dealing with administrative matters and resolving disputes. These interactions provided opportunities to work with other countries and NGOs to develop consensus solutions to shared problems.

A key outcome of COP12 were a number of advances for the conservation of marine species subject to international trade, including the listing of whale sharks, basking sharks and seahorses; the development of a framework for collaboration between CITES and the Commission for the Conservation of Antarctic Marine Living Resources on Patagonian toothfish; the adoption of a decision drafted by the United States and Japan to establish formal ties between CITES and the United Nations Food and Agriculture Organization on fisheries issues; and a decision by the Parties to review the trade in sea cucumbers, which are a highly traded, but unregulated, marine resource.

In response to documents submitted by the United States, ad hoc working groups were formed at the COP to address both scientific and implementation issues related to the use of export quotas by the CITES Parties. We chaired a working group formed to consider ways to assist countries in improving the scientific basis for establishing quotas. The working group, which included importing and exporting countries, as well as NGOs, reached a conclusion that the existing training programs of the CITES Secretariat were the most appropriate vehicle for providing technical assistance to Parties on the development of quotas. A decision was adopted to involve the Animals and Plants Committees in the development of training materials, based on sound scientific and management principles. We also submitted a document outlining problems related to implementation of quotas and were successful in getting this issue referred to the Standing Committee for further deliberation.

The Parties also continued their efforts to find alternative approaches for dealing with specimens of CITES-listed species that represent a low conservation risk. Since COP11, we have participated in a working group assigned to investigate ways of streamlining permitting procedures for time-sensitive biological samples for research, diagnosis of disease, and other scientific purposes. The Parties adopted a resolution that simplifies procedures for these types of specimens while retaining sufficient control to ensure that negative impacts on wild populations are avoided. Two listing proposals also eliminated permitting requirements for certain CITES-listed species. Switzerland submitted a proposal to exempt certain artificially propagated cacti from CITES permitting requirements, and the United States submitted a proposal to have certain artificially propagated orchid hybrids exempted. Both of these proposals were adopted.

The Parties dealt with 68 agenda items and 60 species proposals at COP12; we would like to highlight those that we feel are most significant.

RESOLUTIONS AND OTHER AGENDA ITEMS

Budget

The activities of the CITES Secretariat and the permanent committees (Standing, Animals, and Plants) are funded through voluntary contributions of the Parties, augmented by a trust fund. In recent years, expenditures have exceeded the Parties' contributions, resulting in a draw-down of the trust fund. Therefore, a significant amount of time was spent at COP12 on budget matters. Because the demands on the Secretariat for assistance to the Parties and other activities continue to increase and because the trust fund had been drawn down to agreed upon levels, the Secretariat was seeking an increase in the Parties' voluntary contributions. However, based on longstanding U.S. policy, we, with like-minded countries, opposed any increase in the Secretariat's budget. Rather, we advocated seeking greater efficiency in the way work is conducted and the curtailment of low-priority activities. In the end, the parties approved a 6% increase in contributions, based on a desire to maintain capacity-building in developing countries and to assist developing countries to participate in meetings. As Chair of the Standing Committee, we will continue to work with other Parties to contain costs and control the CITES budget.

Consistency in CITES Implementation among Parties

The effectiveness of CITES is directly impacted by Parties' ability to meet their obligations under the treaty. The Parties continue to wrestle with ways to encourage each other to improve their capacity for implementing the treaty and complying with its requirements. Several decisions were taken to move the Parties forward toward more uniform implementation and enforcement of CITES. These included: vesting the Standing Committee with a greater role in implementation; capacity-building initiatives for developing countries; efforts to improve the exchange of law enforcement information to assist investigations; continuing progress on national laws to implement CITES; and the exploration of mechanisms to aid Parties in verification of the authenticity of CITES documents.

Review of the Listing Criteria

The CITES listing criteria form the foundation for all activities under the treaty, since they determine which species are included in the Appendices and on what basis. The criteria were last modified at COP9, in 1994, when a major revision was undertaken. The Parties agreed at that time to review the criteria and make appropriate changes by COP12. Therefore, at COP11, a process was established for a review of the listing criteria through the establishment of a Criteria Working Group. Unfortunately, the process established at COP11 did not result in consensus recommendations from the Criteria Working Group for revision of the criteria, and many Parties adamantly opposed the adoption of any revisions at COP12. An ad hoc working group at the COP, on which NOAA Fisheries participated for the U.S.

delegation, established a framework for continuing this review within the Animals and Plants Committees, with oversight by the Standing Committee. Recommended revisions to the listing criteria are to be submitted to COP13 for consideration by the Parties. We will remain active in the review process to ensure that listing criteria are grounded in science.

SPECIES LISTING PROPOSALS

In preparing for COP12, we developed a strategy focused on native U.S. species as our highest priority. We also gave consideration to foreign species, particularly if the United States was significantly involved in the trade of a species or could play a leadership role in the conservation of the species. However, particularly for species outside our borders, all of our actions were grounded in collaboration with other agencies or governments and consensus building.

We proposed or co-sponsored 16 species listing proposals for COP12. Of these, 7 were for native species; 5 were adopted, one was rejected, and one was withdrawn. We worked closely with and consulted the States and other Federal agencies, including NOAA Fisheries, as well as other Departmental bureaus such as the Bureau of Land Management and the National Park Service, on proposals for native species. The results of the proposals for native species are summarized in the table below.

Doc.	Proposal	COP12 Result	Vote/Decision
Prop 34	Deletion of the orange-throated whiptail lizard (<i>Cnemidophorus hyperythrus</i>) from Appendix II.	Adopted	Consensus
Prop 37	Inclusion of seahorses (<i>Hippocampus</i> spp.) in Appendix II.	Adopted, as clarified	75-24 in Com. I
Prop 38	Inclusion of humphead wrasse (<i>Cheilinus undulatus</i>) in Appendix II.	Rejected	65-42 in Com. I
Prop 46	Transfer of Tonopah fishhook cactus (<i>Sclerocactus nyvensis</i>) from Appendix II to Appendix I.	Adopted	Consensus
Prop 47	Transfer of Blaine's pincushion (<i>Sclerocactus spinosior</i> spp. <i>blaneii</i>) from Appendix II to Appendix I.	Withdrawn	
Prop 48	Transfer of the Santa Barbara Island dudleya (<i>Dudleya traskiae</i>) from Appendix I to Appendix II.	Adopted	Consensus
Prop 53	Deletion of Maguire's bitter-root (<i>Lewisia maguirei</i>).	Adopted	Consensus

All of the U.S. proposals for non-native species were for Asian freshwater turtles and tortoises, and each of them included a range country as a co-sponsor. All of these proposals were prepared at the request of the Parties that attended a CITES-sponsored workshop, hosted by China in May 2002, to address the trade in turtle species in Asia. The workshop resulted in several recommendations by the participants, including specific recommendations to list species being threatened by over-utilization for human consumption. Because the proposals were derived from the workshop with the full endorsement of range countries, they were adopted by consensus at the COP with little debate. A similar workshop resulted in the U.S. submission of a proposal to include seahorses in Appendix II, also with broad support of range countries, which was adopted by a 3-to-1 margin. We believe that the use of such workshops to review the status of highly traded species can preclude contentious and time-consuming debate at a COP, and often result in recommendations other than listings of species in the CITES Appendices to address the conservation needs of the species.

African elephants

A total of six proposals were submitted for consideration at COP12: five that would have allowed regular commercial trade in ivory by the proponent countries—Botswana, Namibia, South Africa, Zambia, and Zimbabwe—and a proposal from India and Kenya to return all African elephant populations to Appendix I, which would prohibit any further commercial ivory trade. The U.S. delegation put substantial effort into negotiations with the proponent countries to reach a compromise on the proposals. While recognizing the management successes of some of the range countries, we were concerned about regular ivory trade and negotiated with the southern African countries to amend their proposals to allow only a one-time sale of ivory. We also worked with other delegations to ensure that the conditions of any sale of ivory included effective safeguards to prevent adverse impacts on elephant populations in other countries.

Three of the southern African nations, Botswana, Namibia, and South Africa, will be permitted to conduct a one-time sale of registered government stockpiles of ivory, no earlier than May 2004. Conditions for the sale include: the sale must be from

existing government stocks from elephants that died from natural causes (Botswana 20 tons, Namibia 10 tons, South Africa 30 tons); trade can occur only with qualifying importing countries that have effective internal law enforcement and controls to prevent illegal trade or the re-export of ivory; revenues from ivory sales must be used for conservation purposes or community development projects in areas within or adjacent to elephant range; and the Monitoring of Illegal Killing of Elephants (MIKE) program, which is designed to provide a baseline of elephant populations and ongoing monitoring, must be expanded and operational.

Zimbabwe's proposal for ivory sales failed, as did Zambia's proposal to downlist its elephant population from Appendix I to Appendix II and to sell its government-held ivory stock. The United States led a majority of countries which did not support Zimbabwe's proposal because of concerns over the current political situation in the country and whether they could adequately control and enforce requirements for a one-time sale of registered government stockpiles of ivory. A majority of the Parties, including the United States, did not support Zambia's proposal because their elephant population has not yet stabilized and they lack the internal mechanisms for enforcement. However, we are reviewing ways to assist Zambia in rectifying these problems through potential funding under the African Elephant Conservation Act.

Mahogany

A proposal to include bigleaf mahogany in Appendix II was submitted by Guatemala and Nicaragua. This was the fourth time such a proposal had been submitted to a COP, and two previous proposals had been co-sponsored by the United States. We came into COP12 officially undecided on the proposal to list bigleaf mahogany in CITES Appendix II. We came prepared to consult quietly with range States, listen to their views on the listing, and take a position that would best support range-State efforts to achieve sustainable harvest and continued trade in mahogany underpinned by implementation of broader sustainable forest management plans across the range.

We facilitated a dialogue between the range countries, and we indicated our commitment, as the largest importer, to maintain healthy trade and our willingness to cooperate with the range States as they seek to strengthen sustainable forest management and mahogany control efforts. We used our undecided position to encourage all parties to come to a consensus on the most effective outcome for conservation and sustainable use of the species.

When the proposal came to a vote, no broad consensus had been reached among all the range countries on an Appendix-II listing. In this case, we were prepared to, and did, vote for the listing proposal. We believe that our vote for Appendix II is a vote for sustainable use and continued trade of bigleaf mahogany. An Appendix II listing under CITES is not designed to discourage trade. Rather it is intended to ensure trade is based on sustainable harvest.

As the major importer of bigleaf mahogany, the U.S. is committed to making this listing work, both at our ports and for the U.S. consumer. We are also committed to working with the range States to make it a success. The Service has coordinated an interagency effort to put into place an administrative plan on implementation for the listing, which becomes effective on November 14, 2003.

Whales

Japan submitted two proposals that would have downlisted virtually all the northern hemisphere populations of minke whales and the western North Pacific population of Bryde's (pronounced "broodis") whales from Appendix I to Appendix II of the convention. We are pleased that the member nations of CITES did not approve these proposals, which would have allowed new significant commercial trade in whales for the first time since 1986 when virtually all whale populations were placed in Appendix I.

Under CITES, a proposal to uplist or downlist a species requires a two-thirds majority vote. Neither of the Japanese proposals garnered even a majority. The United States, under expert guidance from the NOAA Fisheries, strongly stated our position that we do not believe that the species qualify for downlisting to Appendix II or that it would be appropriate to resume commercial trade at this time. We are gratified that other nations agreed with our position and voted to reject the proposals. We also believe it is inappropriate to consider downlisting the two species under CITES until the International Whaling Commission completes its revised management scheme for the species. The IWC currently has in place a moratorium on commercial whaling.

The decision to lower the protection status for species under CITES depends both upon biological factors and whether effective management and enforcement plans

are in place. Currently there is no agreed-upon plan to regulate and enforce commercial whaling, so the two species do not qualify for downlisting.

Other Marine Species

Progress on marine conservation at COP12 was due in large part to unparalleled interagency effort with the Service, NOAA Fisheries, and the Department of State. Staff and leadership from all three departments worked consistently and tirelessly to advocate our positions, develop international consensus, and plan future collaboration. I'd like to spend a few minutes highlighting some of their accomplishments.

Seahorses: With the support of our State and territorial fisheries agencies, the Service and NOAA Fisheries jointly developed a proposal to list all 32 species of seahorses in Appendix II of CITES, to require systematic permitting and monitoring of all international trade in this taxon between CITES nations. Seahorses are vulnerable because of low reproductive potential, habitat degradation, and complex reproductive cycles. Overfishing or population declines are apparent in several nations for at least six species. Other species of seahorses qualify for Appendix II because they closely resemble the most threatened and heavily fished species. The proposal was adopted by consensus, but with our suggested delayed implementation until May 2004. During the 18-month delay, we plan to work with both our State partners and foreign governments to ensure that legal, sustainable seahorse trade continues smoothly under the Appendix-II listing. Issues that need to be addressed include: 1) exporting countries' need for technical assistance in monitoring harvest and restricting exports to sustainable levels; 2) consideration of a global minimum size that will help ensure sustainable harvest; 3) consulting with U.S. State agencies to advise them on future permitting requirements for export; and 4) practical means for addressing bycatch of seahorses. We have already approached seahorse fishery managers in Florida to discuss possible bilateral technical exchanges with other governments in 2003. We are also working with academia and experts in non-governmental organizations to issue a new identification manual for all 32 species, which will be distributed worldwide for use in law enforcement.

Sea cucumbers: Colleagues in NOAA Fisheries developed for COP12 a discussion document on the conservation of and trade in sea cucumbers. Harvest pressure on these species has increased in recent years due to growing international demand. The U.S. proposal, supported by others, requested an intersessional technical workshop to evaluate the conservation status of these species and consider appropriate conservation measures, including regional management, domestic fisheries controls, and possible future CITES listing. Japan, supported by Cuba, China, and Malaysia, opposed any action by the CITES Parties, considering the topic to be under the jurisdiction of FAO and other fisheries organizations. However, the majority of CITES nations accepted the U.S. proposal for a technical workshop and directed the CITES Animals Committee to prepare a discussion paper for COP13 (tentatively scheduled for late 2004) on biological and trade status and conservation needs.

We now plan to provide partial funding for this workshop, which should occur in late 2003 or early 2004. We will also strive to confirm specific terms of reference for this workshop at the next CITES Animals Committee meeting this summer. We envision several key topics to address, including identification of dried specimens in trade, appropriate monitoring protocols, and effective fishery management approaches. We will remain an active participant in this issue through final report submission at COP13.

Humphead wrasse: With strong support from other countries and our Pacific territories, we introduced a proposal to list the humphead wrasse in Appendix II at COP12. The humphead wrasse is one of the largest coral reef fishes, growing to more than 2 meters in length and living more than 30 years. It is heavily exploited for the live reef food fish trade, which supplies luxury restaurants in Hong Kong and other Asian markets. The species can fetch up to \$150 per kilogram, and demand is expected to grow with increasing human populations and affluence in China. Declines or extirpations have been reported throughout the species' range from the Red Sea to the South Pacific shortly after commercial fisheries began. Our Pacific territories have experienced this first-hand. Although the proposal failed with a simple majority approval, we feel that this voting pattern shows broad interest in this issue. We plan to consult with other Pacific countries and pursue ways to keep the live reef food fish trade and humphead wrasse at the forefront of CITES discussions. We will also consider whether to re-propose a listing at COP13.

Toothfish: On the Patagonian toothfish issue, the United States helped work out an agreement between Australia and Chile that will improve international monitoring of harvest and trade of this deep-sea fish, which is threatened by over-harvesting and illegal fishing. The resolution will improve monitoring of harvests and international trade in the species, which is also known as Chilean sea bass. As a

result of the resolution, Australia withdrew a proposal to list the species in Appendix II.

Once again, range states disagreed sharply over the need to protect a species: the Australians wanted to list toothfish in Appendix II while the Chileans were strongly opposed. We quietly conferred with both countries and with other range states to come up with an acceptable proposal establishing a collaborative mechanism between CITES and the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) that will lead to better conservation of the species.

Cooperation between FAO and CITES: For many years, the United Nations Food and Agriculture Organization (FAO) Fisheries Program has been working with CITES Parties on issues of mutual concern. These include the biological criteria for listing marine species in the CITES Appendices and international shark conservation. This work has resulted in a strong desire among member States of both organizations for the two bodies to work more cooperatively on issues of mutual interest. Such work could include scientific review of marine species listing proposals for CITES. At COP12, we negotiated a consensus document with the Japanese asking the Parties to approve the initiation and completion of a formal Memorandum of Understanding (MOU) between the two institutions. This decision was accepted, almost unanimously by the CITES Parties, and will be considered by FAO through its Committee on Fisheries in late February. Our colleagues in the Department of State played a critical role in the U.S. delegation on this issue at COP12, and we will reciprocate by working with them and the NOAA Fisheries while negotiating the MOU in the Committee on Fisheries. With this exemplary interagency effort, we hope to have the agreement in place and functioning well before COP13.

COP13—WHEN AND WHERE

The Parties approved a proposal from Thailand to host COP13 in Bangkok in late 2004 or early 2005, with specific dates to be determined. We will begin our preparations for COP13 later this year by seeking public input on potential U.S. proposals. We intend to follow a similar strategy leading up to COP13, with a primary focus on native species, collaboration at home and abroad, and a science-based, practical approach to the conservation of species in trade.

ATTACHMENTS

Attached are two tables, one listing all of the agenda items and a summary of the outcome for each, and another listing all of the species proposals and the results for each.

I would be pleased to answer any questions you may have about U.S. actions at COP12 and the outcome of any agenda items or proposals not discussed in detail here.

[Attachments to Mr. Manson's statement follow:]



Division of Management Authority
4401 N. Fairfax Dr., Room 700
Arlington, VA 22203

**12th MEETING OF THE CONFERENCE OF THE
PARTIES: RESULTS**

As of February 5, 2003



DRAFT

COP12 Agenda Item	Summary of results of discussion
Strategy and administrative matters	
a) Rules of Procedure	Following clarification on the rule on the right to vote and an amendment to the rule regarding the submission of informative documents and exhibitions, the document was adopted.
b) Revision of the Rules of Procedure (Chile)	Discussion of this document mainly centered on the issues of secret ballots. It was agreed that the Standing Committee would examine the issue.
2. Election of Chairman and Vice-Chairman of the meeting and of Chairmen of Committees I and II	The following nominations were approved by acclamation: Mr. Sergio Bitar of Chile as Chairman of the meeting, and Uganda and the United States as Vice-Chairman; Mr. David Morgan (UK) as Chairman of Committee I and Ms. Ann-Marie Delabunt (Australia) as Chairwoman of Committee II.
3. Adoption of the Agenda	After deleting agenda item 6 since this report would be given orally, the provisional agenda was adopted.
4. Adoption of the Working Programme	Document adopted with amendments.
5. Establishment of the Credentials Committee	The following nominations to the Credentials Committee were approved: Thailand as Chairman, with Botswana, Canada, China and Italy serving as members.
6. Report of the Credentials Committee	A list of Parties whose credentials had not yet been accepted was read out at the fourth session of the Plenary meeting.
7. Admission of observers	With two additions to the list of observers, the document was adopted.
8. Matters related to the Standing Committee	
a) Report of the Chairman	The Chairman of the Standing Committee introduced the document, drawing particular attention to progress regarding sturgeons, possible measures for non-compliance and financial matters. The document was adopted after it was clarified that Thailand's legislation was considered to be in Category 1, not Category 2 as indicated in the report.
b) Election of new regional and alternate regional members	New regional representatives and alternates were elected for Africa, Asia, Central and South America and the Caribbean, and Europe.
9. Financing and budgeting of the Secretariat and of meetings of the Conference of the Parties	
a) Budget for 2003-2005	A budget option requiring six percent increase in Parties' contributions was adopted. It was agreed that budget constraints should not diminish capacity-building in developing countries, participation of developing countries in meetings, nor activities of the Plants and Animals Committees.
b) Procedure for approval of externally funded projects	Draft resolution laying out guidelines and procedures for Parties to follow in developing project proposals was adopted.
10. Committee reports and recommendations	
a) Animals Committee	
i) Report of the Chairman	The Chairman presented his report, highlighting several issues related to marine species.
ii) Election of new regional and alternate regional members	New regional representatives and alternates were elected for Africa, Asia, Europe, and North America.

	Dr. K. Johnson is the alternate representative for North America.
b) Plants Committee	
4) Report of the Chairman	The Chairman presented her report, highlighting particularly financial constraints in carrying out the work of the Committee.
ii) Election of new regional and alternate regional members	New regional representatives and alternates were elected for Africa, Asia, Central and South America and the Caribbean, and Europe.
c) Nomenclature Committee report	Parties agreed that the nomenclature in the <i>Checklist of CITES species</i> and its updates be used in cases of doubt. It was agreed that the Convention should be considered to apply to fungi.
11. Identification Manual	The Secretariat introduced the document drawing attention to the list of Parties that still needed to submit information; it also noted that the manual would be posted on the CITES website, with links to current capacity-building initiatives.
12. Revision of the Action Plan of the Convention	Document was adopted and the Secretariat committed to present another revision at the next COP.
13. Establishment of Committees	
a) Revision of Resolution Conf. 11.1 on establishment of committees (Chile)	Rejected.
b) Enhancing implementation of the Convention (United States of America)	Parties adopted a decision, aimed at evaluation and improved implementation of technical implementation issues with strong Standing Committee role.
c) Review of the committee structure	See 13. b) above.
14. Title of the Convention	Withdrawn.
15. Outcome of the World Summit on Sustainable Development and the discussion on International Environmental Governance: consequences for CITES	It was noted that there had not been a decision on international environmental governance at the WSSD. In discussing the outcome of the WSSD, the Secretariat stressed the willingness of CITES to work with other conventions.
16. Cooperation with other organizations	
a) Cooperation between CITES and the Commission for Conservation of Antarctic Marine Living Resources (CCAMLR) regarding the trade in (Chile)	A draft resolution on cooperation between CITES and CCAMLR was adopted.
b) CITES and FAO	
i) Synergy and cooperation between CITES and FAO (Japan)	A draft decision, prepared jointly by the US and Japan, and amended in Committee II, was adopted. The decision directs the Standing Committee to work with FAO in drafting an MOU.
ii) FAO collaboration with CITES through a Memorandum of Understanding (United States of America)	See 16. b) i) above.
c) Cooperation and synergy with the Inter-American Convention for the Protection and Conservation of Sea Turtles (Ecuador)	Following discussion in Committee II, it was decided not to pursue discussion of this agenda item.
d) Cooperation between CITES and the International Whaling Commission (Mexico)	The representative of the IWC summarized progress made to date under the RMS; a number of delegations expressed their belief that the IWC was against the spirit of sustainable use.
e) Statements from representatives of other convention and agreements	Several representatives from other conventions and agreements, including CMS, Caribbean Environment Programme, CBD, and the United Nations Forum on Forests, made statements on this agenda item.
17. Sustainable use and trade in CITES species (Norway)	A draft resolution developed in Committee II was rejected.
18. Economic instruments and trade policy	A draft resolution developed in Committee II was rejected, but the draft decision directed to the Secretariat (Doc. 18 Annex 2) was adopted.
19. Financing of the conservation of species of wild fauna and flora	A draft decision regarding financing the conservation and sustainable international trade of species of wild fauna and flora was adopted.
20. Reports of dialogue meetings	
a) Results of the African elephant dialogue meeting	The report was accepted, with Kenya expressing its disappointment that consultative meeting had not been more productive. Revised version of Resolution Conf. 10.10, as contained in three Annexes to document Doc. 20.1 and amended in Committee I, was adopted.
b) Results of the wider Caribbean hawksbill turtle dialogue meeting	The report was accepted, and a draft decision contained in Annex 4 to Doc. 20.2

	and amended in Committee I, was adopted.
Interpretation and implementation of the Convention	
Review of Resolutions and Decisions	
21. Review of Resolutions and Decisions	
a) Review of Resolutions	
i) Resolutions to be repealed	Parties agreed to repeal all Resolutions in Annex 1 to document Doc. 21.1.1 except Resolutions Conf. 1.3 and Conf. 10.4, and the second part of paragraph a) of Resolution Conf. 1.5 (Rev.); the draft decision in Annex 2 was adopted.
ii) Resolutions to be revised	Parties adopted a revision to Resolution Conf. 10.2 (Rev.) Permits and certificates.
b) Review of Decisions	
Parties agreed to delete four decisions, transfer the text of 19 decisions to resolutions, and revise one decision.	
Regular and special reports	
22. Report on national reports required under Article VII, paragraph 7, of the Convention	
a) Annual reports	
Adopted amendments to Resolution Conf. 11.17 (on annual reports) as recommended by the Secretariat, with minor modifications, and a decision directing the Standing Committee to review reporting requirements to identify causes of non-compliance; propose ways to turn reports into useful management tools.	
b) Biennial reports	
Secretariat's recommendations approved; Standing Committee tasked to further address the issue.	
23. Appendix-I species subject to export quotas	
a) Leopard	
i) Report on implementation of Resolution Conf. 10.14 on qu	Parties opted to retain Resolution Conf. 10.14, but special reporting requirements were removed.
ii) Amendment of the quota of the United Republic of Tanzania	Adopted. (Increased Tanzania's annual export quota from 250 to 500.)
b) Markhor	
Special reporting requirements were removed from Resolution Conf. 10.15; Pakistan's quota was increased from 6 to 12.	
24. Exports of vicuña wool and cloth	
Report was accepted.	
25. Transport of live animals	
Two decisions were adopted: one directing the Animals Committee <i>inter alia</i> to develop recommendations for transport by road, rail or ship; the other directing the Secretariat, in consultation with the Animals Committee, to develop an MOU with IATA and WAZA.	
General compliance issues	
26. Compliance with the Convention	
Guidelines on compliance sent to the Standing Committee for consideration at its 49 th meeting. Two decisions proposed by Fiji adopted: one on convening a capacity-building workshop for the Oceania region; the other on developing a capacity-building initiative to improve CITES implementation in Fiji.	
27. Enforcement matters	
Decision adopted calls for an expert meeting to consider and identify means to improve exchange of enforcement-related data to assist violation investigations and maintain appropriate levels of confidentiality.	
28. National laws for implementation of the Convention	
Adopted by consensus, along with a decision that the Standing Committee should adjust deadlines for national law implementation for Parties making progress toward that end.	
29. Verification of the authenticity and veracity of CITES permits and certificates (Chile)	
Adopted a resolution and a decision calling on the Secretariat to explore development of a website to aid in verification of the authenticity of CITES documents.	
30. Implementation of CITES in the European Union (Denmark)	
Adopted by consensus.	
Species trade and conservation issues	
31. Trade in bear specimens	
Two decisions adopted: to extend the deadline for submission of reports on actions taken to implement Resolution Conf. 10.8; and to ask the Standing Committee to identify additional legislation and enforcement measures regarding trade in bears.	
32. Conservation of leopard, snow leopard and clouded leopard (India)	
India revised the document to include tigers and other Asian big cat species. Accepted with minor revision.	
33. Conservation of and trade in tigers	
Endorsed report of CITES Tiger Mission Technical Team and see above.	

34. Conservation of elephants and trade in elephant specimens	
a) Illegal trade in ivory and other elephant specimens	TRAFFIC presented ETIS report; noted increase in ivory seizures since 1998.
b) Illegal hunting of elephants	Director of MIKE presented report; identified factors influencing illegal hunting, highlighted importance of local communities for intelligence gathering and need for funding.
c) Revision of Resolution Conf. 10.10 (Rev.) on trade in elephant specimens (India, Kenya)	Amended version became part of African elephant dialogue meeting report. See 20. a)
35. Conservation of and trade in rhinoceroses	Secretariat withdrew recommendation to repeal Resolution Conf. 9.14; report accepted.
36. Conservation of and trade in musk deer	Report on musk deer, along with its recommendation to repeal Decision 11.92, adopted.
37. Conservation of and control of trade in Tibetan antelope	Approved revisions to Resolution Conf. 11.8 and adopted a decision directing the Secretariat to undertake an enforcement-needs assessment mission to China and to provide a training workshop for enforcement personnel.
38. Controlled trade in specimens of abundant cetacean stocks (Japan)	Withdrawn.
39. Conservation of and trade in freshwater turtles and tortoises	Accepted amendments to Resolution Conf. 11.9 and adopted two decisions, one directing Parties authorizing commercial trade in freshwater turtles and tortoises to submit a progress report to the Secretariat prior to COP13; and one directing the Secretariat to evaluate the reports and submit a summary for consideration at COP13.
40. Conservation of and trade in pancake tortoise <i>Malacochersus tornieri</i> (Kenya)	Decision adopted directs Animals Committee, Secretariat, and Management & Scientific Authorities to review <i>inter alia</i> the biology, genetic variability, and conservation status of pancake tortoises; and to advise on training and capacity building needs to manage trade.
41. Conservation of sharks	
a) Conservation and management of sharks (Australia)	A joint document, submitted by Australia and Ecuador, on the role of CITES in the implementation of the IPOA-Sharks was adopted. Instructs the Secretariat to raise concerns with FAO regarding lack of progress, urges FAO to actively encourage development of NPOAs, directs Animals Committee to review progress toward IPOA implementation.
b) Conservation of and trade in sharks (Ecuador)	See above.
42. Conservation of sturgeons and labelling of caviar	
a) Implementation of Resolution Conf. 10.12 (Rev.) on conservation of sturgeons	Secretariat's report accepted with revision that proposed decisions stand only as recommendations.
b) Consolidation of Resolutions relating to sturgeons and trade in caviar	Adopted with some revisions. Extends labelling requirements to domestic as well as international trade and includes re-exports.
43. Conservation of seahorses and other members of the family Syngnathidae	Adopted recommendations and decisions. Parties encouraged <i>inter alia</i> to explore benefits of trade certification options, strengthen cooperation between Management Authorities and fisheries agencies on seahorse management. Animals Committee directed to identify minimum size limit.
44. Conservation of and trade in <i>Dissostichus</i> species (Australia)	Withdrawn, in conjunction with withdrawal of listing proposal.
45. Trade in sea cucumbers in the families Holothuridae and Stichopodidae (United States of America)	Two Decisions adopted; direct the Secretariat to convene a technical workshop and prepare a discussion document; direct the Animals Committee to review the outcomes of the workshop, develop appropriate recommendations and prepare a discussion paper for COP13.
46. Biological and trade status of Harpagophytum	Document adopted; directs range State reporting to Plants Committee and negotiation of sustainable management programs with industry.
47. Conservation of <i>Swietenia macrophylla</i> : report of the Mahogany Working Group	Document adopted; maintains working group, subject to funding, and modifies terms of reference to reflect Appendix II status.
48. Implementation of Resolution Conf. 8.9 (Rev.) on trade in specimens of Appendix-II species taken from the wild	
a) Revision of Resolution Conf. 8.9 (Rev.)	Revisions adopted; clarifies that the Secretariat shall consult with the Standing Committee before notifying Parties of the removal of a species from the review process.
b) <i>Staga tatarica</i> : Summary of the CITES-sponsored workshop in Kaim May 2002 and presentation of the draft conservation action plan (United States of America)	Withdrawn 8/29/02.
49. Nationally established export quotas for Appendix-II species: the scientific basis for quota establishment and implementation (United States)	Decisions adopted supporting the Secretariat's capacity-building program for science-based establishment of and implementation of voluntary national export

of America)	quotas for Appendix II species.
Trade control and marking issues	
50. Management of export quotas	
a) Improving the management of annual export quotas and amendment Resolution Conf. 10.2 (Rev.) Annex 1 on permits and certificates (Ge	Proposed revisions not adopted; document referred to Standing Committee.
b) Implementation and monitoring of nationally established export quota species listed in Appendix II of the Convention (United States of Am	Decisions adopted and document referred to Standing Committee for discussion in a technical working group.
51. Trade in time-sensitive biological samples	
52. Movements of collections of samples	
a) Movement of sample reptile skins and other related products	Moved to Standing Committee to examine procedures for enabling a CITES certificate to serve as an annex to an international customs document.
b) Use of certificates for movements of sample collections, covered by or TIR carnet and made of parts or derivatives of species included in II and III (Switzerland)	As above.
53. Trade regimes for timber species	
Decision deleted on potential uses of silvicultural techniques for establishing trade regimes for listed timber species.	
Exemptions and special trade provisions	
54. Personal effects	
a) Trade in personal effects	Resolution adopted recommending Parties regulate movements of live animals; exempts certain specimens from permitting; advises customs authorities; and encourages Parties to harmonize legislation.
b) Personal effects made of crocodilian leather (Venezuela)	Withdrawn following adoption of above Resolution.
55. Operations that breed Appendix-I species in captivity for commercial purposes	
a) Revision of Resolutions Conf. 8.15 and Conf. 11.14 on guidelines for procedure to register and monitor operations that breed Appendix-I animal species for commercial purposes	Revisions adopted to treat animals and plants differently, as was a decision directing the Animals Committee to simplify procedures for registering breeding operations.
b) Applications to register operations that breed Appendix-I animal species for commercial purposes	UK/Cayman proposal on green turtle farm rejected; South Africa proposal on cheetah facility accepted.
56. Non-commercial loan, donation or exchange of museum and herbarium specimens (United States of America)	
Amended proposal adopted which encourages Parties to register institutions to facilitate exchanges and directs Secretariat to develop a brochure demonstrating registration procedures.	
57. Travelling live-animal exhibitions (Russian Federation)	
Withdrawn: 11/13/02.	
Amendment of the Appendices	
58. Criteria for amendment of Appendices I and II	
Working group failed to reach consensus; document adopted outlining terms of reference for a continuing inter-sessional review process.	
59. Amendment of the Appendices with regard to populations	
This reporting document was noted; no vote was required.	
60. Annotations for medicinal plants in the Appendices	
Relevant decision updated as part of Plants Committee report.	
Other themes and issues	
61. Establishment of a working group to analyse relevant aspects of the application of CITES to marine species (Chile)	
Rejected in secret ballot in Committee and vote affirmed in Plenary.	
62. Bushmeat	
Adopted decisions on continuation of working group.	
63. The rescue of dependent apes from war zones	
Amended to include all CITES species; directs Secretariat to explore options and report to Standing Committee.	
64. Trade in traditional medicines	
Relevant decision deleted.	
65. Publicity materials	
This reporting document was noted; no vote was required.	
Consideration of proposals for amendment of Appendices I and II	
66. Proposals to amend Appendices I and II	
See related table.	
Conclusion of the meeting	
67. Determination of the time and venue of the next regular meeting of the Conference of the Parties	
Thailand's offer to host COP13 was accepted; late 2004 targeted.	
68. Closing remarks	
Meeting closed on time November 15, 2002.	

U.S. Fish and Wildlife Service		CITES COP12: Results of Species Proposals Amendment of Appendices I and II				Division of Scientific Authority	
Doc.	Proposal	Submitted by	US position	COP12 Result	Vote/ Decision	Comments	
Prop 1	Amendment of Annotation #607 to exclude from the provisions of the Convention: a) synthetically derived DNA that does not contain any part of the original; b) urine and feces; c) synthetically produced medicines and other pharmaceutical products such as vaccines that do not contain any part of the original genetic material from which they are derived; and d) fossils.	Switzerland	Support	Withdrawn			
Prop 2	Annotation of taxa <i>Agapornis</i> spp. (lovebirds), <i>Platyercus</i> spp. (rosellas and parakeets), <i>Barnardius</i> spp. (rosellas and parakeets), <i>Cyanoramphus auriceps</i> (yellow-crowned parakeet), <i>Cyanoramphus novaezelandiae</i> (New Zealand parakeet), <i>Psittacula eupatria</i> (Alexandrine parakeet), <i>Psittacula krameri</i> (ring-necked parakeet), and <i>Padda oryzivora</i> (Java sparrow) to consider color morphs produced by captive breeding as domesticated forms and, therefore, exclude them from the provisions of the Convention.	Switzerland	Oppose	Rejected	21-31 in Com. I	Amended to apply only to color morphs deemed "readily recognizable" by the Animals Committee, but still rejected in Com. I.	
Prop 3	Transfer of Black Sea bottlenose dolphin (<i>Tursiops truncatus ponticus</i>) from Appendix II to Appendix I.	Georgia	Support	Amended and adopted	86-26	Amended to include in Appendix-II with a zero quota for commercial trade.	
Prop 4	Transfer of Northern Hemisphere populations of minke whale (<i>Balaenoptera acutorostrata</i>) from Appendix I to Appendix II (except the Yellow Sea, East China Sea, and Sea of Japan populations).	Japan	Oppose	Rejected	41-54 (secret ballot) in Com. I; 53-66 (secret ballot) in Plenary	In Com. I, Japan attempted to amend the proposed annotation by changing to "trade by Parties" instead of "trade between Parties," deemed to be an increase in scope. In Plenary, they reduced to Okhotsk Sea/West Pacific Stock only, and also attempted to change the annotation as in Com. I. Amendment to annotation again deemed inadmissible, and proposal failed.	
Prop 5	Transfer of western North Pacific population of Bryde's whale (<i>Balaenoptera edeni</i>) from Appendix I to Appendix II, with annotation.	Japan	Oppose	Rejected	43-63; secret ballot		
Prop 6	Maintain the Botswana population of the African elephant (<i>Loxodonta africana</i>) in Appendix II, but amend annotations for trade.	Botswana	Oppose	Adopted as amended	59-26 in Com. I	Amended to allow only one-time sale, with conditions.	
Prop 7	Maintain the Namibian population of the African elephant (<i>Loxodonta africana</i>) in Appendix II, but amend annotations for trade.	Namibia	Support	Adopted as amended	65-28 in Com. I	Amended to allow only one-time sale, with conditions.	
Prop 8	Maintain the South African population of the African elephant (<i>Loxodonta africana</i>) in Appendix II, but amend annotations for trade.	South Africa	Support	Adopted as amended	65-24 in Com. I	Amended to allow only one-time sale, with conditions.	
Prop 9	Transfer of Zambian population of the African elephant (<i>Loxodonta africana</i>) from Appendix I to Appendix II, with annotations for trade.	Zambia	Oppose	Rejected	57-54 in Com. I		

Doc.	Proposal	Submitted by	US position	COP12 Result	Vote/ Decision	Comments
Prop 10	Maintain the Zimbabwe population of the African elephant (<i>Loxodonta africana</i>) in Appendix II, but amend annotations for trade.	Zimbabwe	Oppose	Rejected	60-45 in Com. I	
Prop 11	Transfer of populations of <i>Loxodonta Africana</i> currently listed in App. II to App. I.	Kenya and India	Undecided	Withdrawn		The US was not required to take a position on this proposal because it was rendered null by adoption of other proposals.
Prop 12	Transfer of the vicuña (<i>Vicuña vicugna</i>) population in the Province of Catamarca, Argentina, from Appendix I to Appendix II for the exclusive purpose of allowing international trade in wool sheared from live animals, cloth, derived manufactured products, and other handicraft artifacts bearing the label "VICUÑA - ARGENTINA".	Argentina	Support	Adopted	Consensus	
Prop 13	Transfer of the Bolivian populations of vicuña (<i>Vicuña vicugna</i>) in Appendix I to Appendix II for the exclusive purpose of allowing international trade in products made from wool sheared from live animals and bearing the label "VICUÑA - BOLIVIA".	Bolivia	Support	Adopted	Consensus	
Prop 14	Transfer of the population of vicuña (<i>Vicuña vicugna</i>) in the Primera Region of Chile from Appendix I to Appendix II through a modification of annotations *106 and +211.	Chile	Support	Adopted	Consensus	
Prop 15	Transfer of the Chilean populations of lesser rhea (<i>Rhea pennata pennata</i> = <i>Pterocnemis pennata pennata</i>) from Appendix I to Appendix II.	Chile	Support	Adopted	Consensus	
Prop 16	Transfer of the yellow-naped amazon (<i>Amazona aucopalliata</i>) from Appendix II to Appendix I.	Costa Rica	Support	Adopted	Consensus	
Prop 17	Transfer of yellow-headed amazon (<i>Amazona oratrix</i>) from Appendix II to Appendix I.	Mexico	Support	Adopted	Consensus	Switzerland expressed concern about identification of juveniles and subadults in trade.
Prop 18	Transfer of blue-headed macaw (<i>Ara couloni</i>) from Appendix II to Appendix I.	Germany	Oppose	Adopted	Consensus	US expressed concerns that species may not qualify for Appendix I based on biological criteria, but did not block consensus.
Prop 19	Transfer of the South African population of the Cape parrot (<i>Poicephalus robustus</i>) from Appendix II to Appendix I.	South Africa	Support	Withdrawn		
Prop 20	Inclusion of big-headed turtle (<i>Platysternon megacephalum</i>) in Appendix II.	China and US	US proposal	Adopted	Consensus	
Prop 21	Inclusion of Annam pond turtle (<i>Annamemys annamensis</i>) in Appendix II.	China and Germany	Support	Adopted	Consensus	
Prop 22	Inclusion of <i>Hesemys</i> spp. (Arakan forest turtle, <i>H. depressa</i> ; giant Asian pond turtle, <i>H. grandis</i> ; Philippine pond turtle, <i>H. leytensis</i> ; and spiny turtle, <i>H. spinosa</i>) in Appendix II.	China and Germany	Support	Adopted, as clarified	Consensus	Noted that fifth species was not specifically mentioned in the proposal, as were the other four. Therefore, listing will be of four species and not entire genus.
Prop 23	Inclusion of yellow-headed temple turtle (<i>Hieremys annandali</i>) in Appendix II.	China and US	US proposal	Adopted	Consensus	
Prop 24	Inclusion of roofed turtles (<i>Kachuga</i> spp., except <i>K. tecta</i>) in Appendix II.	India and US	US proposal	Adopted	Consensus	
Prop 25	Inclusion of Sulawesi forest turtle (<i>Leucocephalon yuwonoi</i>) in Appendix II.	China and Germany	Support	Adopted	Consensus	
Prop 26	Inclusion of yellow pond turtle (<i>Mauremys mutica</i>) in Appendix II.	China and US	US proposal	Adopted	Consensus	

Doc.	Proposal	Submitted by	US position	COP12 Result	Vote/ Decision	Comments
Prop 27	Inclusion of Malayan giant turtle (<i>Oritia borneensis</i>) in Appendix II.	China and Germany	Support	Adopted	Consensus	
Prop 28	Inclusion of keeled box turtle (<i>Pyxidea mouhotii</i>) in Appendix II.	China and US	US proposal	Adopted	Consensus	
Prop 29	Inclusion of black marsh turtle (<i>Siebenrockiella crassicolis</i>) in Appendix II.	China and US	US proposal	Adopted	Consensus	
Prop 30	Transfer of the population of hawksbill sea turtle (<i>Eretmochelys imbricata</i>) in Cuban waters from Appendix I to Appendix II.	Cuba		Withdrawn before COP		
Prop 31	Inclusion of narrow-headed softshell turtles (<i>Chitra</i> spp.) in Appendix II.	China and US	US proposal	Adopted	Consensus	
Prop 32	Inclusion of giant softshell turtles (<i>Pelochelys</i> spp.) in Appendix II.	China and US	US proposal	Adopted	Consensus	
Prop 33	Inclusion of New Zealand geckos (<i>Hoplodactylus</i> spp. and <i>Naultinus</i> spp.) in Appendix II.	New Zealand	Support	Rejected	30-39 in Com. I	Secretariat and several Parties expressed view that New Zealand could place these in Appendix III to achieve adequate protection.
Prop 34	Deletion of the orange-throated whiptail lizard (<i>Cnemidophorus hyperythrus</i>) from Appendix II.	US	US proposal	Adopted	Consensus	
Prop 35a	Inclusion of the whale shark (<i>Rhincodon typus</i>) in Appendix II.	India and Philippines	Support	Adopted	Failed 62-34 in Com. I, but adopted in Plenary, 81-37.	
Prop 35b	Inclusion of the whale shark (<i>Rhincodon typus</i>) in Appendix II.	Madagascar	Support			Treated with previous proposal.
Prop 36	Inclusion of the basking shark (<i>Cetorhinus maximus</i>) in Appendix II.	United Kingdom	Support	Adopted	Failed 72-38 in Com. I, but adopted in Plenary, 82-36.	
Prop 37	Inclusion of seahorses (<i>Hippocampus</i> spp.) in Appendix II.	US	US proposal	Adopted, as clarified	75-24 in Com. I	Implementation delayed by 18 months. China attempted to re-open in plenary, but failed to achieve necessary support.
Prop 38	Inclusion of humphead wrasse (<i>Cheilinus undulatus</i>) in Appendix II.	US	US proposal	Rejected	65-42 in Com. I	
Prop 39	Incl. of the Patagonian & Antarctic toothfishes (<i>Dissostichus eleginoides</i> and <i>D. mawsoni</i>) in App. II.	Australia	Undecided	Withdrawn		Australia cooperated with Chile, with US participation, to draft joint resolution on cooperation between CITES and CCAMLR.
Prop 40	Inclusion of Sri Lankan rose butterflies (<i>Atrophaneura jophon</i> and <i>A. pandiyana</i>) in Appendix II.	Germany	Support	Adopted	Consensus	
Prop 41	Inclusion of swallowtail butterflies <i>Papilio aristophontesis</i> , <i>P. nireus</i> , and <i>P. sosia</i> in Appendix II.	Germany	Undecided	Withdrawn		
Prop 42	Inclusion of the entire species <i>Araucaria araucana</i> (monkey-puzzle tree) in Appendix I.	Argentina	Support	Adopted	Consensus	
Prop 43	Amend annotation *608 to include all Cactaceae spp. lacking chlorophyll and grafted on <i>Harrisia</i> "Jusbertii," <i>Hylocereus trigonus</i> , or <i>Hylocereus undatus</i> .	Switzerland	Support	Adopted	Consensus	
Prop 44	Deletion of prickly pear cacti (Subfamily Opuntioideae) from Appendix II.	Switzerland	Oppose	Withdrawn		Opposed by range States.

Doc.	Proposal	Submitted by	US position	COP12 Result	Vote/ Decision	Comments
Prop 45	Deletion of leaf-bearing cacti (including all <i>Pereskia</i> spp., <i>Peresklopsis</i> spp., and <i>Qiahenia</i> spp.) from Appendix II. <i>Note: The genus Mathuena has been separated out of the genus Pereskia. However, the CITES Cactaceae checklist has not been updated to reflect this recent change. Proposal should be amended to delete the two Mathuena spp.</i>	Switzerland	Undecided	Withdrawn		Opposed by range States.
Prop 46	Transfer of Tonopah fishhook cactus (<i>Scleroactis nyensis</i>) from Appendix II to Appendix I.	US	US proposal	Adopted	Consensus	Concerns about identification of seeds noted by Switzerland.
Prop 47	Transfer of Blaine's pincushion (<i>Scleroactis spincusior</i> spp. <i>blaneii</i>) from Appendix II to Appendix I.	US	US proposal	Withdrawn		US acknowledged difficulties with taxonomy of this taxon and expressed intent to review entire genus with assistance of other Parties and Plants Committee, if interested.
Prop 48	Transfer of the Santa Barbara Island dudleya (<i>Dudleya traskiae</i>) from Appendix I to Appendix II.	US	US proposal	Adopted	Consensus	
Prop 49	Transfer of Thorncroft's aloe (<i>Aloe thorncroftii</i>) from Appendix I to Appendix II.	South Africa	Support	Adopted	Consensus	
Prop 50	Inclusion in Appendix II of the neotropical populations of bigleaf mahogany (<i>Swietenia macrophylla</i>), including logs, sawn timber, veneer, and plywood.	Guatemala and Nicaragua	Support	Adopted	68-20 in Com. I	See Brazilian statement in Plenary contained in Inf. 43.
Prop 51	Annexation of Orchidaceae spp.	US	US proposal	Adopted as amended	48-20	Amended to include the genus <i>Phalaenopsis</i> only.
Prop 52	Deletion of the annotation to the desert-living cistache (<i>Cistanche deserticola</i>) from Appendix II.	China	Support	Adopted as amended		Proposal amended to have listing annotated by Annotation #1, to be evaluated as to appropriateness by Plants Committee before COP13.
Prop 53	Deletion of Maguire's bitter-root (<i>Lewisia maguirei</i>).	US	US proposal	Adopted	Consensus	
Prop 54	Inclusion of Lignum-vitae (<i>Guaiaacum</i> spp.) in App II.	Germany	Support	Adopted as amended	Consensus	Annotation changed to #2.
Prop 55	Transfer of flat-tailed spider tortoise (<i>Ptyxis planicauda</i>) from Appendix II to Appendix I.	Madagascar	Support	Adopted	Consensus	
Prop 56	Inclusion of dwarf spiny chameleon (<i>Brookesia pararmata</i>) in Appendix I.	Madagascar	Support	Adopted	Consensus	
Prop 57	Inclusion of <i>Brookesia</i> spp. (except for <i>B. pararmata</i>) in Appendix II. <i>Note: No supporting statement was submitted with the proposal.</i>	Madagascar	Support	Adopted	Consensus	
Prop 58	Inclusion of <i>Scaphiophryne</i> spp. frogs (Gottlieb's microhylid frog, <i>S. gottliebi</i> ; Pustulous microhylid frog, <i>S. pustulosa</i> ; <i>S. madagascariensis</i> ; and Marbled rain frog, <i>S. marmorata</i>) in Appendix II.	Madagascar	Support	Adopted	Consensus	
Prop 59	Transfer of Malagasy orchid <i>Aerangis elata</i> (= <i>A. platyphylla</i>) from Appendix II to Appendix I.	Madagascar	Support	Adopted	Consensus	
Prop 60	Inclusion of certain species of palm endemic to Madagascar (<i>Beccarophoenix madagascariensis</i> , <i>Senurophoenix hallexii</i> , <i>Marojejya darani</i> , <i>Ravenea rivularis</i> , <i>R. loweyi</i> , <i>Sarcocolla decussilvae</i> , and <i>Yosonina gerardii</i>) in Appendix II.	Madagascar	Support	Adopted	Consensus	

Mr. GILCREST. Dr. Lent?

STATEMENT OF REBECCA LENT, DEPUTY ASSISTANT ADMINISTRATOR FOR FISHERIES, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE

Dr. LENT. Thank you, Mr. Chairman, members of the Subcommittee. I appreciate the opportunity to come here today to talk about CITES. Also a good chance for me to congratulate Judge Manson for his stellar leadership. It is a big delegation. The issues are tough, and we really made a lot of progress.

In answer to your question, is CITES better, I would answer yes. I think you are going to hear today why that is. As you have noticed, the marine species are getting more visibility at CITES. Some of the same issues that are contentious here at home are contentious at CITES as well, whales, marine turtles and other species. At NOAA Fisheries we take these responsibilities very seriously. We work well with our partners at these meetings, as well between the meetings, to make sure that CITES is being effectively implemented.

At the most recent meeting, a lot of progress was made on marine species. As Judge Manson told you, Japan submitted two proposals to downlist whales. These were defeated. The U.S. opposed it because there is no management measures—no revised management scheme in place for the management of these whales. The IWC has asked us to keep them on Appendix I. The DNA registers that were proposed would not be available for inspectors, whether it is other nations or organizations, and there were a number of enforcement difficulties with the proposals. They were defeated. It was a change from the previous meeting in Nairobi where Japan was able to garner a simple majority.

So are things changing? We think so. For large-scale marine fisheries, one of the exciting areas of progress is that CITES is working better with the regional fishery management organizations already in place. That is the way it should be. The joint resolution by the U.S. and Japan for an MOU with the FAO is a great way to get all of the talents of FAO to help us at CITES with the marine species. As a collaborative process it is going to help us address issues such as IUU, the illegal, unregulated, unreported fishing and building capacity in developing countries.

Also as you heard, the CCAMLR, the Antarctic Treaty Organization, we have got an agreement between CITES and CCAMLR to use their catch documentation scheme and to encourage CITES countries, 160 of them as opposed to, I think—CCAMLR is 40. I will have to get the number for you—a lot more countries involved in using that catch documentation scheme, which is basically the same approach as CITES Appendix II listing getting the trade tracked and monitored.

[Information submitted for the record by NOAA follows:]

NOTE: While Dr. Lent's testimony states CCAMLR has 40 members, the correct number is 24 members.

On the other marine species that were listed, what is important to note here is that these are species that are not covered by a regional fishery management organization. They are also species

for which trade is an important part of the incentive to harvest. So it is really a good result to have an Appendix II listing for the 32 seahorses and historically first two ever whales on CITES Appendix II.

The whale sharks and the basking sharks are easy to catch, they are long-lived, it is easy to overfish them, and we are really pleased that they made it on Appendix II.

We also had an agreement to work on a workshop on sea cucumbers, which is an important part of coral reef ecosystems. They act like earthworms, helping to turn the soil over and therefore increasing productivity of the entire ecosystem. It is not just the cucumbers we are worried about.

So those are some of our very important measures of progress. I should note, too, on sharks that we worked with the other countries to encourage preparations of the national plans of action so that we can move from the international plan of action for sharks to domestic national plan of action. We have one in the United States. Just two other countries have them. So it is important for us to get those plans of action in place.

We continue to work with CITES for improving the criteria for Appendices I and II. This is another part of CITES getting better, taking advantage of new science that we have in the marine world and making sure that both criteria and guidelines are taking the appropriate steps when listing marine species.

It will be another 2 years, I believe, before the parties meet again. The work does not stop when we get home. In fact, the work starts anew with new measures that we have to put in place, and sometimes this involves rulemaking. We will continue to work on that with our partners at DOI, State and others, and we will continue to make these efforts because it is only when we get home and we implement these measures and enforce them that we are really having an effect on these species. I believe that through general progress in marine science that we are making domestically in the United States, and all of our partners at CITES, and through the World Conservation Union, yes, indeed, the more we know, the better we are in terms of figuring out what is going on with these species, whether or not they are going to meet criteria and the guidelines for listing.

I hope that addresses your questions, Mr. Chairman and members of the Committee, and I look forward to your questions.

Mr. GILCHREST. Thank you, Dr. Lent.

[The prepared statement of Dr. Lent follows:]

Statement of Rebecca Lent, Ph.D., Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, U.S. Department of Commerce

Mr. Chairman and members of the Subcommittee, thank you for inviting me to testify before the Subcommittee on the Convention on International Trade in Endangered Species (CITES). I am Dr. Rebecca Lent, Deputy Assistant Administrator for Fisheries for the National Oceanic and Atmospheric Administration (NOAA). I appreciate the opportunity to discuss with you some recent NOAA achievements in the CITES arena. In my testimony, I will describe NOAA's role in the successes achieved by the U.S. government on marine species proposals, resolutions and agenda items at the 12th Meeting of the Conference of the CITES Parties (COP12) that was held November 3-15, 2002.

The United States Fish and Wildlife Service (FWS) of the Department of the Interior is responsible for the implementation and enforcement of CITES for animals,

and the United States Department of Agriculture, Animal and Plant Health Inspection Service, is responsible for enforcement of CITES for plants. NOAA Fisheries has actively participated in FWS' inter-agency collaborative working group to develop United States policy on CITES for marine species.

In contrast to the past, an increasing number of highly visible marine species that are listed in either Appendix I or II of CITES are within the domestic jurisdiction of NOAA, in the Department of Commerce. Prior to COP12, these included the great whales, dolphins, queen conch, giant clams, hard corals and five species of seals. Whale sharks, basking sharks and seahorses were added to Appendix II at the most recent meeting of the CITES Parties. In addition, all marine turtles, whose protection under the Endangered Species Act (ESA) is shared by the two agencies, are listed in Appendix I of CITES. In NOAA, responsibility for protection of these marine species has been delegated to the National Marine Fisheries Service (NOAA Fisheries). In sum, while Interior's trust resources were more at issue in past years, marine species issues under NOAA Fisheries jurisdiction have become increasingly more important.

Some of the most contentious issues discussed in CITES involve marine species. Marine issues at COP12 ranged from efforts to reopen commercial trade in large whales to considering how CITES might be used to promote the conservation and management of marine fishes through regulation of their international trade in CITES Appendix II. In short, NOAA Fisheries plays an integral role in CITES based on our expertise in marine species.

In addition to our contribution to Meetings of the Conferences of the CITES Parties, NOAA has been effective in day-to-day activities to enhance international protection for such CITES species as hard corals, queen conch, marine turtles and whales. One important CITES-related project that NOAA Fisheries initiated with the Caribbean Fishery Management Council and the Department of State is the development of an International Queen Conch Initiative in the Wider Caribbean. This initiative is dedicated to promoting a regional conservation regime for this species, whose significant international trade is regulated by CITES. NOAA and FWS also provided expertise to developing countries in both the Indo-Pacific and Caribbean to assist them in developing sustainable management plans for exports of hard corals and have developed an identification guide that will be used internationally to help countries ensure that their trade is legal and sustainable.

CITES BACKGROUND

CITES is an international wildlife trade regime which will be adding its 161st member country. CITES, therefore, focuses on controlling trade in troubled species. Species are listed in the CITES Appendices according to their conservation status. In order to be listed under CITES, species must meet the test that their population is, or may be, affected by trade. Species listed in CITES Appendix I (such as whales and marine turtles), for which there is no international trade for primarily commercial purposes, are "threatened with extinction." Appendix II species (such as queen conch, sturgeon and stony corals) are "not necessarily threatened with extinction," but may become so unless trade is strictly regulated. This regulation takes the form of a requirement for documentation from the country of export or re-export, monitoring of trade and, in a few cases, national export quotas. Another form of regulation is listing in Appendix III (under which great white sharks from Australia are regulated). A country may unilaterally (without a vote) list in Appendix III any species that is subject to regulation within its jurisdiction for which the cooperation of other Parties is needed. Exporting range countries must issue export or country of origin permits for Appendix III species.

COP12 ACHIEVEMENTS FOR MARINE SPECIES

NOAA Fisheries testified before this Subcommittee last year about the process that we undertake to develop our contributions to the preparation for Meetings of the Conferences of the Parties. We have, in our headquarters and regional offices and in our science centers, the expertise necessary to contribute to United States policy on CITES for marine species under our jurisdiction. At the most recent meeting of the COP, NOAA members of the United States delegation participated in efforts for the conservation of the following marine species:

Northern Hemisphere Minke and Bryde's whales, Balaenoptera acutorostrata and Balaenoptera edeni (Proposals of Japan)

Japan submitted two proposals to downlist 7 northern hemisphere stocks of minke whales and the western North Pacific stock of Bryde's whales from Appendix I to Appendix II, in order to reopen commercial trade. The U.S. opposed the proposals for several reasons: first, because the stocks do not meet the CITES criteria for downlisting since no effective management regime, in the form of a Revised Man-

agement Scheme (RMS) under the International Whaling Commission (IWC), is in place for commercial whaling; second, the IWC, which has management responsibility for whales, has requested that the parties maintain these species on Appendix I; third, the DNA registers proposed by Japan were inadequate because they would be accessible only to the trading countries and not subject to independent verification by other countries or organizations; and fourth, there were noted enforcement difficulties with the proposals.

Both proposals were defeated in the Committee. These votes mark an erosion of support for Japan's whale proposals since COP11 in Nairobi in 2000, when Japan was able to garner a simple majority, but not the necessary two-thirds of the parties.

In a final effort to gain support from the Parties, Japan raised the minke whale downlisting proposal for reconsideration in the closing plenary session, and amended the proposal to include only one stock (Okhotsk–West Pacific stock). The proposal was again defeated by a majority of CITES members.

Seahorses, Hippocampus spp. (Proposal of the United States)

The United States proposed to list all 32 species of seahorses in the genus *Hippocampus* on Appendix II to ensure that international trade does not contribute to the decline and extirpation of seahorse populations. Seahorse populations are being over-exploited to supply a rapidly growing trade for traditional Chinese medicine (TCM) and its derivatives, aquarium pets, souvenirs and curios, with over 70 metric tons (20 million animals) imported into Asia alone for TCM in 2000. Seahorse populations are at risk of localized extinction and some species exhibit a high degree of fragmentation due to overfishing, habitat loss, and bycatch in shrimp and scallop trawls, with threats compounded by their vulnerable life history traits including rarity of and limited reproductive potential. A CITES-sponsored workshop endorsed the need for this listing. The listing passed by a two-thirds vote of the Conference, with a provision for a delayed implementation to allow countries sufficient time to address implementation issues such as the identification of species in trade and making of non-detriment findings.

Whale shark, Rhincodon typus (Proposal of India, the Philippines and Madagascar)

This proposal sought to add the species in Appendix II. NOAA personnel have gathered firsthand information on this extremely rare species, particularly information about the increasing international trade in the Indo-Pacific, with products destined for Taiwan. The species is rare and local, seasonal populations have declined drastically in some areas. Fishing effort has greatly increased due to an increase in price for this species. Sharks are more vulnerable to exploitation than are most other fishes because of their longevity, delayed maturation, and relatively low fecundity. Total population size is unknown, but the species is considered to be rare. Take of whale sharks in Atlantic Ocean waters of the United States is prohibited. The proposal was passed by two-thirds majority of the Conference.

Basking shark, Cetorhinus maximus (Proposal of the United Kingdom on behalf of the European Union)

The European Union proposed to list this species in Appendix II. The main threat to basking shark populations is from fishing operations, both targeted on basking sharks and through incidental or bycatch in other fisheries. The biology of the species makes it especially vulnerable to exploitation: it has a slow growth rate, a long time to sexual maturity (ca. 12–20 years), a long gestation period (1–3 years) and a similar interval between pregnancies, low fecundity (the only recorded litter was of just six very large pups), and probable small populations. Take of basking sharks in Atlantic Ocean waters of the United States is prohibited. This proposal gained passage by a two-thirds vote of the Conference.

Black Sea bottlenose dolphin (Tursiops truncatus ponticus) (Proposal of the Republic of Georgia)

Georgia proposed to transfer specimens of this species in their waters from Appendix II to Appendix I. Threatened by direct hunting, pollution, habitat degradation and bycatch, there are indications that many populations in this region have declined. Despite this, bottlenose dolphins from this area may potentially be taken for export to public display facilities at unsustainable levels. Although the proposal failed to attain the majority necessary for passage, it was amended to retain the species in Appendix II with zero export quota for live specimens from the Black Sea population. A subsequent vote on this amended proposal passed. It is believed that this measure will assist in the conservation of this species by ceasing the international portion of this potentially damaging trade.

Humphead wrasse (Cheilinus undulatus)(Proposal of the United States)

To begin addressing coral reef species that are being unsustainably harvested and captured using destructive fishing techniques (cyanide), the United States proposed the humphead wrasse for inclusion on Appendix II of CITES.

The primary global threats to humphead wrasse is over-harvest to supply for the live reef food fish trade, along with high demand for small "plate-sized" immature fish. Humphead wrasse are vulnerable to overfishing due to their slow growth, long life late maturity, sex change and other biological characteristics. Due to documented declines and extirpations, export bans or minimum size restrictions have been implemented in six countries, but illegal, unregulated and unreported fisheries are common and there is a lack of coordinated, consistent national and regional management.

The U.S. proposal was defeated by a narrow margin.

Application of the United Kingdom, on behalf of the Cayman Islands, to register a captive-breeding operation for the green turtle Chelonia mydas

This proposal, which would have allowed the export of green turtle shells from the Cayman Islands, was opposed by the United States. The proposal failed to gain the necessary two-thirds majority required for passage.

ACHIEVEMENTS IN RESOLUTIONS AND DISCUSSION DOCUMENTS

In addition to listing proposals, the following actions were taken on resolutions and discussion papers concerning marine species:

Resolution on FAO Collaboration with CITES through a Memorandum of Understanding (Joint proposal of the United States and Japan)

This resolution established a framework for cooperation between CITES and the United Nations Food and Agriculture Organization (FAO) for consideration of marine fish for listing in CITES and for implementation of species listed in Appendix II. The Memorandum of Understanding (MOU) would facilitate the implementation of recommendations concerning CITES regulation of international trade in marine fish adopted at the Eighth Session of the FAO Committee on Fisheries' Sub-Committee on Fish Trade, held in February 2002 in Bremen, Germany. The United States recognized the contributions FAO has made in evaluating the CITES listing criteria for marine fish and supported a formal MOU between CITES and FAO to facilitate exchange of information and technical advice between the two bodies regarding commercially exploited fish species, increase the effectiveness of both organizations and build fisheries and CITES enforcement capacity in developing countries. The resolution passed by consensus.

Resolution on Cooperation between CITES and the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) regarding trade in the Patagonian toothfish (Joint proposal of Chile and Australia)

This resolution was considered as a result of a proposal by the government of Australia to list Patagonian and Antarctic toothfish (*Dissostichus eleginoides* and *D. mawsonii*) in Appendix II and a proposal of the government of Chile calling for all countries engaged in the harvest, landing, transshipment, import or export of these species to voluntarily comply with CCAMLR's Catch Documentation Scheme. The United States arrived at COP12 undecided about this issue. After a series of meetings between the proponent countries and the United States, a compromise resolution, which instructs the CITES Secretariat to compile information about the implementation of CCAMLR requirements and to further encourage cooperation between the two bodies, was agreed to. This resolution establishing a mechanism for cooperation between the two bodies passed by consensus.

Resolution on Conservation of and trade in sharks (Joint Proposal of Ecuador and Australia)

A series of Decisions and Resolutions since COP9 prompted international discussion on sharks in both CITES and FAO fora. The net result of this activity was FAO's adoption in 1999 of an International Plan of Action for Sharks (IPOA-Sharks), and ongoing monitoring by the CITES Parties of FAO success in this endeavor. Although the IPOA lays out specific elements for National Plans of Action (NPOAs) to conserve sharks (data collection, monitoring, stock assessment, etc.), it is purely a voluntary measure that has met with limited success in FAO member nations. Out of 87 shark-fishing nations, only two (the United States and Japan) have adopted NPOAs. Fifteen other member nations have committed to developing NPOAs, but often have made this contingent on external assistance and funding. This resolution, which was adopted by consensus, directs the CITES Animals Com-

mittee to review progress of Member Countries and FAO towards implementation of FAO's International Plan of Action for Sharks.

Trade in sea cucumbers in the families Holothuridae and Stichopodidae (Proposal of the United States)

A discussion document was submitted by the U.S. on the biological status of sea cucumbers and conservation concerns arising from international trade. This document requested that the CITES Secretariat, through the Animals Committee and with assistance from the Parties, evaluate the status of populations and the extent of international trade, and determine whether a CITES Appendix II listing can contribute to their conservation.

Sea cucumbers have been harvested commercially for at least 1,000 years, but the demand for this food item in Asian markets worldwide has led to a dramatic increase in international trade for food beginning in the late 1980s and early 1990s, reaching a global annual volume of about 13,000 metric tons (mt) of dried sea cucumber (130,000 mt live) in 1995. Sea cucumbers are sedentary animals that are especially susceptible to over-exploitation because they are large, easily collected, and do not require sophisticated fishing techniques. They are important components of the food chain in coral reefs and associated ecosystems at various trophic levels. Sea cucumbers also play an important role as deposit feeders, ingesting large amounts of sediment, turning over the top layers of sediment in lagoons, reefs, and other habitats, and allowing oxygenation of sediment layers, much like earthworms do on land. This process prevents the build-up of decaying organic matter and may help control populations of pest and pathogenic microorganisms. Over-exploitation has caused a hardening of the sea floor, eliminating habitat for other organisms.

COP12 took a decision which calls on the CITES Secretariat, subject to available funds, to convene a workshop of experts on the biology of and international trade in these species. The CITES Animals Committee will review the outcome of the workshop and prepare a discussion paper for the 13th Meeting of the Conference of the CITES Parties to provide scientific guidance on the actions needed to secure their conservation status, including domestic and regional management provisions, and a possible Appendix II listing.

Criteria for amendment of Appendices I and II

In 1994, CITES revised its criteria for listing species on the CITES Appendices, and also called for an evaluation of whether the revised criteria are workable. NOAA Fisheries has been actively involved in the review process; for marine species, NOAA Fisheries led an interagency task force to evaluate the criteria and participated as part of the U.S. delegation, in consultations on this issue hosted by other organizations, such as the FAO and CITES itself. In fact, many of the recommendations of the interagency task force to refine the listing criteria and guidelines have been incorporated into proposals by FAO and the CITES Criteria Working Group. Although NOAA Fisheries' focus has been on exploited and protected marine species, the interagency task force attempted to develop criteria that could be adapted to all marine species. A resolution was passed by consensus calling for further review of the CITES criteria, based on revisions that have already been considered, including reviews of selected taxa and how the criteria apply to them.

NEXT STEPS

Although Meetings of the Conferences of the CITES Parties are only convened approximately every two years, implementation of their decisions is an on-going process. Many of the decisions taken at COP12 institute long-term processes or require additional work in order to be implemented in the smoothest possible manner. An example of the former will be the development of a collaborative process for CITES and FAO to consider issues of interest to both bodies. NOAA Fisheries has been working with the FWS and the Department of State on preparations for discussion of an MOU to be considered at the 25th Meeting of FAO's Committee on Fisheries (COFI), which began their deliberations yesterday. NOAA Fisheries and FWS have been considering issues to be discussed at the workshop on sea cucumbers and how to convene a workshop to harness the expertise of fishers in Florida to ease the implementation of the Appendix II listing of seahorses. In addition, NOAA Fisheries is committed to continuing to provide our expertise to inter-session meetings, such as those of the CITES Animals and Standing Committee meetings.

Thank you, Mr. Chairman, for your continued interest in this important issue. We look forward to working with other U.S. agencies, partner countries and non-governmental organizations to turn the decisions of the COP12 into concrete conservation accomplishments for marine species.

Mr. GILCHREST. You want to run the lights for the questions? We may run the light for the questions, and we may have a second round of questions, but that will keep us in a progressive, orderly fashion, I think.

Judge, Dr. Lent, would you say that the consensus that you reached as far as the sale of ivory stockpiles is concerned left all the parties, particularly those African countries and India, feeling good about the agreement that was reached? And can you comment on the proposal by Kenya that was adopted by CITES to revise the trade in elephant specimens; and what exactly does that mean, elephant specimens, and what type of specimens are a problem?

Mr. MANSON. Let me say first that I have submitted written testimony that goes into a great deal of detail on all of the issues here. The African elephant decision, I thought, was a very good one for the conservation of African elephants overall. We worked very hard to come up with a proposal that was acceptable, obviously, to the supermajority necessary to pass the proposal. I think that we consulted extensively with Kenya in particular and all of the range states. We also consulted with India. We indicated our commitment to continued conservation efforts in both Africa and Asia.

I think that in the end, Kenya and, to a lesser extent, India came away with a number of concerns. I think that Kenya retains its concern about poaching, and I think that Kenya obviously is strongly against the proposals that were passed. Kenya, I think, made it very clear what their position is on all of these topics; India, as I said, I think to some lesser degree. Your question was if they felt good about it. I don't think the Kenyans felt good about it.

Mr. GILCHREST. How does this work now? There was a consensus, so there is going to be this sale, one-time sale, of ivory stockpiles. Are there ivory stockpiles in Kenya that they may or may not sell then?

Mr. MANSON. Well, the Kenyans didn't ask for permission to sell any ivory that they may have stockpiled.

Mr. GILCHREST. They don't have to?

Mr. MANSON. They don't have to, and they are not authorized. The Botswanans and the Namibians and the South Africans are the only ones that are authorized. There were proposals from Zambia and Zimbabwe to sell government stockpile ivory. We voted against both of those proposals from Zambia and Zimbabwe. Those proposals did not pass because of concerns about the ability of both of those countries, Zambia and Zimbabwe, to adequately manage their elephant populations, and to conduct sales of ivory, and to monitor ivory sales, and to monitor the illegal killing of elephants in such a way that we could be assured that elephants would be adequately conserved in those countries.

Mr. GILCHREST. So this is a one-time sale?

Mr. MANSON. It is a one-time sale.

Mr. GILCHREST. So they would have to sell these stockpiles in a period of a year, so many months?

Mr. MANSON. Well, the standing committee will work out the exact details of when the sale will take place and the conditions under which it will take place. I will say this: The proposals call for the proceeds of the sale to be put back into conservation efforts

and community development. The impact on elephants in these countries is a very significant one. For example, in Botswana, it is estimated that the carrying capacity of the land is something like 50,000 elephants, and there may be as many as 100- or 150,000 elephants in Botswana. The Botswana Land Minister told me that the impact of living with elephants on the human populations is extremely significant, and, in fact, it is so significant that the people are not allies of elephant conservation under those circumstances. And by putting this money back into elephant conservation efforts, we will make allies of people of elephant conservation.

Mr. GILCREST. Thank you, Judge.

Mr. Pallone.

Mr. PALLONE. Thank you, Mr. Chairman.

Judge Manson, I think you are aware that there are many in the conservation community who are wary of allowing any trade of ivory because it will allow cover for possibly illegal trade, and there is sort of a domino effect there that is of concern. I am wondering on what basis the U.S. delegation determined that, you know, the U.S. public or Congress would support U.S. involvement in facilitating commercialization of ivory. In other words, given that concern, why did the U.S. support, if you will, this one-time sale?

Mr. MANSON. I think it is important to understand we are not supporting the general commercialization of ivory. We are supporting the one-time sale of ivory under limited circumstances, with the proceeds targeted for very limited purposes.

Now, with respect to the overall issue of poaching of ivory and the illegal trade in ivory, we have taken a very firm stand against that, and we have committed to put resources into the various protocols, such as the monitoring of the illegal killing of elephants, the elephant trade information system. And at the meeting we took a very stern position with several countries, primarily Asian countries which have inadequate mechanisms for monitoring the ivory trade in those countries. Some of those countries are allies of the United States on a number of other issues and other trade issues, but we both in public and in private took a very firm line with them to let them know that they must improve their systems for monitoring the illegal trade in ivory.

Mr. PALLONE. Isn't there still a sense that maybe certain CITES parties are trying to get around the opposition to an annual commercial ivory quota by just regularly submitting proposals for stockpile sales instead? Isn't there a danger of that happening?

Mr. MANSON. Well, of course it is certainly possible that at the next COP there may be more proposals for the sale of ivory, but we will have to cross that bridge when we come to it.

Mr. PALLONE. My concern would be that if you start getting these stockpiles sales annually, they come to be almost the same thing as an annual quota.

Mr. MANSON. Well, there is no such scheme in place at the present time, and we were very careful and we negotiated very firmly with the countries that were allowed the sales. Right up to the moments before the vote, Assistant Secretary Turner of the State Department and I had the ministers from the Southern African countries in private. They asked us a number of questions, and

we put a number of questions to them, and we crafted a very careful proposal, and that is the proposal that passed.

Mr. PALLONE. I have to be honest and again. I expect you are going to say it is not the case, but there has also been some concern, because you mentioned trade, that on November 4, a few days after the CITES meeting started, the U.S. Trade Representative announced it was negotiating a new free trade agreement with five Southern African nations, including Botswana, Namibia, South Africa. And, of course, those three countries, you know, just happen to be the same three countries whose proposals to resume ivory trade—you know, we supported it just a week later. Is there any relationship between that? And I am sure you are going to tell me no, but I am sure you are aware of fact that there is some concern that that might be the case.

Mr. MANSON. I can tell you that there was no relationship between the free trade agreements and the issue of the one-time sale of ivory. The discussions were conducted independently. The discussions were conducted by people who had no involvement in the other discussions whatsoever, and the issues never came up in the—I don't know about the free trade discussions, but certainly in the ivory discussions, the issue of the free trade agreements were never raised.

Mr. PALLONE. I appreciate that.

You mentioned the Asian nations that you said you had some concerns about. Are they going to be able to import ivory as a result of this one-time sale, those same countries you had concerns about?

Mr. MANSON. I will be specific about the countries I am talking about. We are mostly talking about Japan and China, and they have some serious deficiencies in their schemes for monitoring the illegal trade of ivory.

Mr. PALLONE. Will they be able to import?

Mr. MANSON. It may be that some ivory from the one-time sales may find its way to China and Japan. That is one of the reasons we were very stern with China and Japan about improving their systems for monitoring the importation and trade of ivory.

Mr. GILCHREST. Thank you, Mr. Pallone.

Mr. Pombo.

Mr. POMBO. Thank you.

Just briefly, Mr. Secretary. I have had the opportunity to see the a number of the stockpiles the countries in question have, and they have a serial number that is imprinted on each piece of ivory. You can trace where they got it, where it came from, the method that it was obtained, and that is all legal ivory under CITES and under the laws of those sovereign nations. What they requested was a one-time sale of that legally obtained ivory to be sold and that money to be funneled back into elephant conservation and aid into areas where the elephants actually live.

You have two very different management schemes in Africa. One has been successful. One, there have been increasing numbers. In fact, as you pointed out, in Botswana and a couple of other countries, they are actually over population. They have more elephants than what science tells us is the carrying capacity of those nations. The other has been much more problematic, and that particular

country, Kenya, has had most of the poaching and most of the problems. I believe it can be directly traced back to the management scheme that those countries have. I believe that that is the biggest difference. But I know this will always be controversial.

There are always a lot of questions that people have. I do appreciate a great deal the way that you and the rest of the delegation handled this. You guys actually sat down and talked to all of the range states. You worked your way through and didn't—and Mr. Pallone brought up an annual sale. And a lot of these countries wanted an annual sale. That was their proposal. That is not what was approved. It was a one-time sale of legally obtained stocks, and all of that money would be pumped back into elephant conservation and AIDS. I think you guys handled this extremely well, and I salute you for doing that.

But I would like to move on to the issue of mahogany and the decisions that were made in Chile. Since that time there has been a number of questions that my office has fielded, and I guess the bottom line is that there is a big desire on the part of U.S. businesses and people here to work with you and the Administration in the implementation of this and how it is all going to play out, because they are obviously very worried, and they really don't know what is going to happen in terms of regulation.

How do you intend on working with some of the end users in the U.S. on this to formulate how it is going to be handled here?

Mr. MANSON. Let me say that I certainly appreciate the concern about the uncertainty that some of the end users and importers of mahogany have. Many of them have not been under this type of scheme before, and they are naturally curious and interested and concerned about it. I have met with some of the importers, and we have made a commitment to them that we will involve them along with other members of the public who are interested in helping to create an implementation scheme. We will engage in a very public process as we go down the road to implementation of this. We will use time-honored public input processes, scoping sessions, public meetings and other public devices to give them input. We will consider their input at every step of the process as we develop an implementation scheme, and we have got more than a year to do that. And it is not effective until November 2004—or 2003, I am sorry. We have got less than a year now to do it, and we are going to use that time very productively to engage the public, especially those who have an economic interest in this and those who are otherwise interested in this matter, to help us create the implementation scheme. We are simply not going to develop it behind closed doors and then impose it on the public.

Mr. POMBO. As that meeting schedule is developed, I would appreciate if you would pass that along so I can notify these folks as to exactly how you are going to do it and what the schedule is for the meetings.

Mr. MANSON. We will be very pleased to keep you and the rest of the Committee and all of the public informed of how that process will unfold.

Mr. POMBO. Thank you, Mr. Chairman.

Mr. GILCHREST. Thank you, Mr. Pombo.

Mr. Faleomavaega?

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

I would like to ask Judge Manson, since the establishment of this treaty in 1975 and the participation of some 160 countries, approximately how many plant and animal species have been considered by the CITES for all these years? Does it seem to be in bundles, or do we have a congregate number of plants and species?

Mr. MANSON. The number that have been considered is in the tens of thousands. The number that are actually affected is likewise in the ten of thousands. I think the total number is 32,000. I would have to get to you an exact number, when you consider all the plant and animal species.

Mr. FALEOMAVAEGA. That is a pretty hefty number for 160 nations to review and reassess and see what the situation is. I am very curious of this. We have had some very serious problems; Japan, as you know over the past couple of years, with the International Whale Commission. Can you explain—does CITES give a better bearing on the control and conservation management of whales in this regard than the Commission itself? I suppose you want to work hand in hand with the Commission's efforts, but it seems that Japan is always seeking as much as possible—the idea of killing whales—and, of course, it is a special delicacy among the Japanese people to eat whales.

Mr. MANSON. There is an agreement presently between CITES and the IWC, the bottom line of which is that at least until there is a revised management scheme in place on the part of the IWC for certain species, that CITES is not going to take any action that would undercut the IWC's management scheme. Dr. Lent may know a little bit more about that, but that is the essential bottom line. The Japanese, of course, wanted CITES to do an end run around the IWC process, as they frequently have, and to its credit, the parties declined to do that and stuck with the agreement between CITES and the IWC.

Mr. FALEOMAVAEGA. Dr. Lent, any comments on that?

Dr. LENT. CITES by its very nature can only monitor and some cases regulate or restrict international trade. The IWC has the tougher question of actual management schemes for whales which we are working on actively with the other countries.

Mr. FALEOMAVAEGA. And every time Japan always comes up with the idea that the stats and the data provided are not accurate as far as they are concerned, so it should justify themselves in killing more whales. And every time IWC always comes up with the short end of the stick, I suppose, when there is this contention.

You know, I eat sea cucumbers, but it is a delicacy among my people. What is the status of sea cucumbers? Is it an endangered species for consumption or commercial use or sales? I know the countries in Asia, this is a very popular item for consumption.

Dr. LENT. It is a popular item for consumption and very much a delicacy. I think the concern has to do with its role in the ecosystem. As I said, it is not just the critter itself, but the fact that it plays the role of the earthworm of turning the soil over, the sand over in the bottom of the sea and sustaining the ecosystem in its entirety. But I understand the sea cucumbers are not in good shape, and their stocks are not in good shape. Your consumption alone is not making a difference.

Mr. FALEOMAVAEGA. Couple of years ago we had a very controversial issues concerning sharks. As you know, shark fin soup is the most expensive soup in any restaurant in Asia. And we have gone through this that sharks are indiscriminately killed just for the sake of cutting off their fins and then just destroy the carcass. We passed legislation to put a little more teeth to this whole idea of preventing people from killing sharks, but the killing still goes on. Has CITES addressed this issue seriously in terms of exactly the amount of sharks we have out there, because the controversial issue of this problem is the accurate data in terms of how many sharks are out there.

Dr. LENT. That is one of the good things about an Appendix II listing is we can get a better idea—to the extent these species are traded, once their product is on the market, we can get a better idea how much harvest is going on out there.

One of our concerns is sharks, which is why we took it to the FAO and pushed for an international plan of action or national plans of actions—one of our concerns is that these species are not covered right now under any regional fishery management organization. The Atlantic Tuna Commission doesn't cover them except for data collection. Even there it is difficult to get recommendations on sharing data on shark bycatch. The Tuna Commission in the Pacific is in the process of negotiating its convention, renewing its convention, and trying to get sharks under that organization. It has been a tough go.

The new convention in the Western Pacific I believe does cover sharks. That is the new MHLC, which you know plenty about.

To the extent we can get these regional fishery management organizations to look at sharks, that is going to help us. So many of these sharks are highly migratory. We can't manage them alone in the U.S., and a lot of high seas, bycatch and finning going on—finning is illegal in the United States now, and we are hoping to set an example by taking that step under the guidance of Congress and working through the FAO as well.

Mr. GILCREST. Thank you, Mr. Faleomavaega.

The gentlelady from Guam.

Ms. BORDALLO. Thank you very much, Mr. Chairman, and it is indeed an honor to be on this Subcommittee.

I have a couple of questions. One is closer to home. I am the Congresswoman from Guam. But one, I would like to ask a few questions on the fish, if I could, Judge Manson. With the introduction of the proposal by Australia to list the Patagonia toothfish on Appendix II, a strong ally on global warming and Iraq, the U.S. had the opportunity to exert leadership in assisting their ally's effort to get this fish listed. What effort was exerted by the U.S. on Australia's behalf internationally to gain greater support from other countries for this proposal?

Mr. MANSON. We spent a lot of time consulting with the Australians and the Chileans, who were on opposite sides of this particular issue. We felt that it was in the best interests of all concerned to broker a compromise in this particular case, and that is what we did. The real issue—the issue that Australia was really interested in was finding a way to improve the international monitoring of harvests of the Patagonian toothfish, and we found a way

to do that without putting it on Appendix II. And the way we did that was the agreement is essentially, as Dr. Lent was describing earlier, that CITES countries will use the catch documentation schemes of the CCAMLR convention, and that expands the use of that catch documentation scheme from about 24, 25 countries to 160 nations, and it accomplishes the goal of better monitoring of harvests of the Patagonian toothfish and does so without imposing the trade restrictions or any of the other regulatory aspects of CITES. So it is a good outcome for everybody.

Ms. BORDALLO. So all parties agreed?

Mr. MANSON. Absolutely. And we are quite proud of the fact that we are able to broker that type of agreement.

Ms. BORDALLO. Thank you very much.

One other question I have has to do with fruit bats. I come from Guam, and the fruit bat feeds on fruits and is a delicacy. I am sure our Representative from Samoa knows about the fruit bats. But I was wondering if this has ever been listed on the CITES list or if we have ever discussed it in Fisheries. I am new, so I wouldn't know. But it is extinct on our island, and now we have to import the fruit bats from neighboring islands.

Mr. MANSON. The fruit bat is—has kind of a split status. There are some species of fruit bat that are in Appendix II and some that are in Appendix I of CITES. So some have the most restrictive trade regulation, and some have a less restrictive trade.

Ms. BORDALLO. So we are listed.

Mr. MANSON. They are.

Mr. GILCHREST. Thank you very much, and welcome to the Subcommittee.

Ms. BORDALLO. Thank you, Mr. Chairman.

Mr. GILCHREST. I have a couple more questions, and some of us up here may have a few more questions.

Dr. Lent, the Patagonian toothfish was proposed by Australia to be in Appendix II or Appendix I.

Dr. LENT. II.

Mr. GILCHREST. And who was in collaboration to collect that data to make that kind of a recommendation? Was the U.S. A part of that data collection? What other parties were a part of that group, and did the U.S. agree that the stock assessment of the Antarctic toothfish was such that it probably should have been listed, but because of the controversy, a compromise was struck? Did we agree with Australia that the stock is down?

Dr. LENT. Thank you. My understanding is that when the delegation left for Chile, we were still undecided. And Judge Manson can provide more information on that. We were concerned—we are concerned about toothfish. We are concerned about its status.

Mr. GILCHREST. Who was collecting the data to determine—

Dr. LENT. Data and the science are currently conducted by CCAMLR.

Mr. GILCHREST. So CCAMLR's conclusion was in agreement with Australia?

Dr. LENT. Actually CCAMLR met shortly before CITES, and they passed a measure at their meeting urging that CITES take measures so that CITES members could use the CCAMLR documentation scheme. That was my understanding.

Mr. GILCHREST. Did that take effect?

Dr. LENT. That is indeed the compromise that ended up. So when the delegation got to the meeting, I wasn't there. There were a lot of discussions with U.S., Australia and Chile to talk about a compromise, and the compromise that was reached was that the catch documentation scheme would be used, endorsed and encouraged. CITES members would be encouraged to use it. Take it from the 24 members of CCAMLR to the 161 members of CITES so it becomes much more of a tool.

The important thing about this toothfish, there is so much IUU fishing going on, that to the extent we can track its trade, and it is a heavily traded product, we will know how much fishing is going on.

Mr. GILCHREST. This is the Chilean sea bass?

Dr. LENT. Yes. Actually, we had a Fisheries bilateral with Chile shortly before the CITES meeting, and they were very concerned about the fact that the name Chilean is stamped on it. It was a great marketing trick a few years ago, but now it is giving Chile a bad name. They like to refer to it as toothfish.

We estimate twice as much illegal harvest is going on as opposed to legal harvest. To the extent we can monitor the three main markets, which are U.S., EU and Japan, monitor the imports of toothfish, then we really know how much toothfish fishing is going on, and that contributes to the science in estimating total mortality that is actually going on.

Mr. GILCHREST. The CCAMLR's catch and document system for the Patagonian toothfish will come under that regime, and it will be the next CITES meeting in Thailand that will be discussed again in 2004?

Dr. LENT. That is my understanding.

Judge Manson, do you want to elaborate on that?

Mr. MANSON. It very well likely may be discussed there. I don't know that we have seen any firm proposals on that as of yet; but I can't imagine it will not come up.

Let me say that a lot of parties believe, as we do, that there are threats, potential threats, of overharvesting and illegal fishing that go on with the Patagonian toothfish. Whether or not that rises to the level of threat necessary that would qualify it for an Appendix II listing is another matter.

Mr. GILCHREST. So there is not enough data to make that determination?

Mr. MANSON. I have not seen any conclusion about that, but I think what the outcome in Santiago did was put us in a position to better monitor those potential threats.

Mr. GILCHREST. So there is no timeframe on this monitoring, but it falls within the same regime protocol system that any other species—if it is seen after a year that the Patagonian toothfish, under this catch document system, their stock is dropping, then other measures can be taken? If it is seen that stock is stable or rising, it will just continue under this catch document system?

Mr. MANSON. That is certainly one of the possible outcomes of the use of the catch documentation scheme.

Mr. GILCHREST. What is the range of this fish? Where is it?

Mr. MANSON. It is largely in Antarctic waters.

Mr. GILCHREST. Thank you. We will have to go down there on a boat.

In the catch document system, is there any place or system for observers on fishing vessels?

Dr. LENT. I believe CCAMLR does have an observer program.

Mr. GILCHREST. Thank you.

Mr. Pombo.

Mr. POMBO. Just to follow up on the questions that the Chairman was asking, one of the reasons that this was controversial was that it was a species which was already regulated under an international fisheries body, and there was a great deal of concern amongst the member nations and the outside groups that CITES was pushing its way into regulating fish species that were already regulated under fisheries management schemes.

Are you aware of any other species which have been proposed that were already regulated like this, Dr. Lent?

Dr. LENT. The one that comes to mind is Atlantic bluefin tuna. There was a proposal to list it on Appendix II, and that did not happen. In fact, something similar to a catch documentation scheme was implemented by ICCAT, the regional fisheries management organization, the same type of information, how much fishing is actually going on as evidenced by trade, and ICCAT then changes their science and their data for landings and mortalities based on trade statistics, which ground truth the landing information. That is at least one example that I know of.

Mr. POMBO. Is that a more proper way of dealing with this under these fisheries bodies, to monitor what is happening in that fishery?

Dr. LENT. I guess it would depend on a case-by-case basis. In the case of Atlantic bluefin tuna, the countries that were fishing and the countries that were trading were all members of ICCAT, if I am not mistaken, or at least cooperating parties.

In this case for toothfish, with all of the illegal fishing going on, there are a lot of non-CCAMLR members who might be affected by the encouragement by CITES to use the catch documentation scheme, so it packs a bigger wallop when it goes through CITES.

If this cooperative approach works, we take the numbers of CITES and apply them to the catch documentation scheme of CCAMLR and their science and their annual stock assessment, and by just hooking up in that way, we are getting a bigger bang for the buck, so to speak.

Mr. POMBO. Dr. Manson, we have the upcoming standing committee's meeting. I believe the agenda came out yesterday or today. Can you give us an idea what are some of the issues that are going to be on the table, and the standing committee is chaired by a member of your delegation, Ken Stansel, and he has done an outstanding job during the time he has been in that position. What are some of the major issues that are going to come up?

Mr. MANSON. The standing committee will meet in Geneva the week after Easter. The United States is the Chair of the standing committee, and Ken Stansel of the U.S. Fish and Wildlife Service occupies that chair. He has great confidence of all of the members of the standing committee and of the Conference of the Parties and the Secretariat as well. He has been an outstanding representative

of the United States of America, and has done much to advance the cause of the United States in his position.

A lot of the things that we do and a lot of our successes are due to Ken Stansel's work on the standing committee. One of the things that they are going to address there is the addition of NGO's as observers at standing committee meetings. Historically, the standing committee has not allowed NGO's in as observers. Of course they do participate as observers at the Conference of the Parties.

The standing committee voted to allow NGO's in as observers at their 47th meeting at Santiago, but they need to adopt further rules of procedure with respect to that. The United States' position is in support of NGO participation in standing committee meetings.

Another issue will be the decision on trade on African elephant ivory. The standing committee has to develop a process to ensure that the conditions are met. They have to develop terms of reference for implementing the decision. They have to ensure that the MIKE process, the monitoring of the illegal killing of elephants, is properly implemented, and they have to make other determinations necessary to allow the sale to go forward.

Also, a very important aspect to be discussed at the standing committee meeting is revision of the MOU with the United Nations environmental program. They are the program which provides administrative support to the CITES Conference of the Parties. Other topics are a new MOU with FAO on marine species; the establishment of an export corridor working group; criteria for amendment of the Appendix, that is an extremely important issue; development of budget strategies, that is another issue that the United States is very concerned about as well. Those are some of the important issues that will be before the standing committee in Geneva during the month of April.

Mr. POMBO. Mr. Chairman, thank you.

Mr. GILCHREST. Thank you, Mr. Pombo.

Mr. Pallone, any more questions?

Mr. PALLONE. Mr. Chairman, I wanted to ask a question about mahogany because I know that the United States has a history of supporting Appendix II protection for bigleaf mahogany that goes back more than 10 years. Despite that, the Administration seemed to have a hard time making up its mind about this issue when it came up at the COP12, and I know that caused concern amongst our allies that were looking for our support since they had it for a number of years.

I wondered why the Administration delayed so long in deciding to support this listing when, based on our past policy and statements, it should have been a no-brainer. Why did we go into it not taking a position and basically end up supporting it at the end, the way I understand it?

Mr. MANSON. One thing that has not been understood well is the issue of undecided positions that we went to Santiago with. We went to Santiago with a number of officially undecided positions, of which mahogany was just one. It was not a question of having a difficult time making our minds up. We had a very specific strategy with respect to every issue as to which we were officially undecided. We had a set of instructions; we had a set of protocols that we would go through.

With respect to mahogany, and let me say with respect to a number of the issues for which we were officially undecided, part of that strategy was to enable us to play the role that we played in a number of the issues; that is, one of being able to be the honest broker of consensus solutions, and that was certainly true on the mahogany issue as well.

Having an officially undecided position gave us entree to a number of parties that if we had a hard-and-fast position would not otherwise speak to us. We know that from experience over a number of years that that would be the case. So we went down there officially undecided on mahogany, not literally undecided on mahogany, with the notion that we could broker a consensus among the range states. It gave us the ability to speak to all of the range states, which we did.

And I have to say that the mahogany situation was one of the most frustrating for me personally because we talked to every single one of the range states, some of which favored the Appendix II listing for particular reasons, some of which, like Bolivia and Brazil, objected to the Appendix II listing. We spoke to them individually and collectively. We had one particularly frustrating day where we had all of the range states at a luncheon with the idea that they would all talk to each other and develop consensus solutions for the protection of mahogany while allowing trade to go forward.

Mr. PALLONE. I understand what you are saying, but there is always the danger that the countries that expected us to be supportive of the listing may have misunderstood what we were saying. Did those countries that had traditionally supported Appendix II listing know that we were sort of keeping quiet to the end, or was that part of the strategy, too? As a country that has always relied on the U.S.'s support, and if all of a sudden the United States is taking a neutral position, that can have a counter-productive impact, too.

Mr. MANSON. I think it was clear that the role that we were playing was one that was trying to bring folks together on a consensus approach. I think that that was clear as the processes unfolded. Ultimately we didn't reach that consensus, and ultimately we decided it was in the best interests of the United States to vote for the Appendix II listing.

Mr. PALLONE. Thank you.

Thank you, Mr. Chairman.

Mr. FALEOMAVAEGA. Mr. Chairman, I want to say to my colleague from Guam that we have passed very strict legislation in Samoa to prohibit the killing of bats, or we call it flying foxes.

I remember in Guam they were selling flying foxes at \$30 a pop. I hope after we export some flying foxes to Guam, please advise the local legislature of Guam to pass strict laws not to kill any more flying foxes.

I am just curious, Dr. Manson, on the activities of CITES. Does CITES have an enforcement arm in terms of seeing that countries comply with its dictum?

Mr. MANSON. There are no CITES police, if you will, in the sense that there is no international police force that goes around and acts in that kind of capacity. However, the enforcement mechanisms of

CITES are like the enforcement mechanisms of other international trade agreements in that it relies upon the good faith of all of the parties to act in accordance with the obligations to which they have agreed, and to enforce through their domestic legislation the trade restrictions or prohibitions that accompany the various levels of listing in CITES.

Mr. FALEOMAVAEGA. So countries tell on other countries that are not adhering to the policy?

Mr. MANSON. Right. If something is imported without the proper documentation, in our case it is incumbent upon the USDA or the U.S. Fish and Wildlife Service to not let it into the country.

Mr. FALEOMAVAEGA. Dr. Manson, you mentioned there are some 32,000 species of plants and animals that have come under the purview of CITES.

Mr. MANSON. I don't know that is the exact number.

Mr. FALEOMAVAEGA. Approximately.

Do we have some kind of a data base which indicates which species of plants and animals come under Appendix I, II and III whose origin comes from our country?

Mr. MANSON. Yes, we do.

Mr. FALEOMAVAEGA. Do you have any idea what percentage comes from us alone?

Mr. MANSON. I don't know that as we sit here. If you are interested, we can provide it.

Mr. FALEOMAVAEGA. Mr. Chairman, I would be interested to have that made part of the record.

Mr. GILCREST. Without objection, so ordered.

Mr. FALEOMAVAEGA. How does CITES, with the important work that they do, relate to our own enactment of the Endangered Species Act? Are there conflicts between the two? I guess your role is as the enforcer of the Endangered Species Act?

Mr. MANSON. The Endangered Species Act specifically provides for enforcement of CITES, but they are fundamentally different. They have different purposes, and they are designed to be enforced in different ways and administered in different ways. There are species that are listed under our Endangered Species Act which are not CITES species. There are CITES species which are not listed under our Endangered Species Act, and then there are some that are both. But they have fundamentally different purposes, and they act in very different ways.

Mr. FALEOMAVAEGA. I would like to pose a question to Dr. Lent.

Again, Mr. Chairman, it would be irresponsible if I did not express my congratulations for your continuing as the Chairman of this important Subcommittee; and more importantly, the legislation that we passed in the last Congress to increase the authorization of our National Sea Grant Program, and I hope that we will work closely with the Appropriations Committee to increase the level of funding for this important program.

Dr. Lent, I realize that this question and concern is not related to CITES, but I am always curious, we have just recently built new NOAA research vessels, and I would like to propose a proposal, why Dr. Sylvia Earle has not been considered seriously to have a research vessel named after her. Has NOAA ever taken that under consideration? I think she richly deserves the honor for the

contributions she has made over the years as one of our foremost marine biologists in the world. Can you take that message back, and maybe we can sign a petition on a bipartisan basis that Sylvia Earle should be given full recognition and have a research vessel named after her?

Mr. GILCHREST. Absolutely, and I can tell Members that I have two canoes, and one of them plies the placid waters of the Sassafras River, and I refer to that canoe as Ms. Earle's research vessel.

Mr. FALCOMAVAEGA. Mr. Chairman, I want to say that we were privileged to host her when she visited our island. What a dynamic lady. She still manages to scuba dive, just to show not only her heartiness, but also a very special person to those of us who deal with fishery issues.

Thank you.

Ms. BORDALLO. Mr. Chairman, just one last question to follow up on the question of the gentleman from American Samoa about the monitoring.

I am curious with this many species on your listings, you said that you depended, Judge Manson, on the respective governments to be on the lookout, and I was wondering if you find any of the nations, countries, islands, territories that are not adhering to the rules and regulations of the CITES, then what do you do? What do you do? Do you step in, and in what manner?

Mr. MANSON. If someone is not adhering to the CITES protocols, then ultimately whatever species it is—for example, if it is a single species or in general—they may find themselves isolated from an international trade perspective.

Ms. BORDALLO. So that is the ultimate, they are reported?

Mr. MANSON. Right.

Ms. BORDALLO. Thank you.

Mr. Chairman, I, too, would like to congratulate you. It is an honor to be on the Committee, and I know that Guam and the other Pacific islands will have a lot to say at your meetings.

Mr. GILCHREST. Thank you. I will have to say that I was congratulated on this continuing Chairmanship of the Subcommittee while at a fishery and management meeting in Gloucester, and I learned how to pronounce it while I was there, and during that period of time my membership as a Member of Congress, as I described it to the person that was congratulating me, describing it was like having irritable bowel syndrome. So when we congratulate each other on these appointments, we take the full ramifications of its jurisdiction into consideration.

Judge Manson and Dr. Lent, Mr. Pallone asked me if we could have some follow-up questions. Over the next few days we will send them to you, and continue our conversation about this most important international agreement and treaty, CITES.

Thank you both very much for coming here today. We look forward to working with you in the future. The hearing is adjourned.

[Whereupon, at 3:30 p.m., the Subcommittee was adjourned.]