

**TESTIMONY OF JUDGE CRAIG MANSON, ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE COMMITTEE ON RESOURCES, SUBCOMMITTEE ON FISHERIES, WILDLIFE AND OCEANS, REGARDING U.S. PREPARATIONS FOR THE TWELFTH MEETING OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES (CITES)**

September 17, 2002

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## INTRODUCTION

I appreciate this opportunity to testify before you today regarding the Administration's preparations for the twelfth Meeting of the Conference of the Parties (COP12) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which will take place in Santiago, Chile, from November 3<sup>rd</sup> through November 15<sup>th</sup> of this year.

CITES is a treaty that works. At COP-11, 150 countries were parties to the treaty. Since then, 8 more countries have become parties. Kuwait and Bhutan will do so during COP-12, bringing the total to 160 countries. It has become one of the most effective forces in the world today for conservation of plants and animals, both in halting the trade in species which are threatened with extinction and in ensuring that trade in other vulnerable species is consistent with sustainable management and conservation. The lead responsibility within the United States for implementation of CITES rests with the Secretary of the Interior, acting through the U.S. Fish and Wildlife Service (Service). The Service works closely with the Departments of State, Commerce (National Marine Fisheries Service, in particular), Agriculture (both the Animal and Plant Health Inspection Service (APHIS) and the U.S. Forest Service), Treasury (Customs), Justice, the Agency for International Development, and the Office of the U.S. Trade Representative in implementing the Convention.

In addition, the States play a key role in the implementation of CITES, and the Service works closely with them in carrying out our CITES obligations, both in regulating trade in species which are listed in the Appendices and in preparing our submissions for the COP. In fact, after COP10, the Service developed an innovative new relationship with the States which allows designated State agency representatives to participate in our CITES deliberations on an equal basis with other Federal agencies for issues affecting native U.S. species. Non-governmental organizations also participate actively in CITES domestically, through an extensive public participation process, as well as internationally during the COPs themselves. During our COP12 preparations, we have published five *Federal Register* notices, held two public meetings, placed regular updates of CITES information on the Service's worldwide web pages, and undertaken countless informal consultations with interested groups representing every point of view.

As the Service testified in September 2000, we were pleased with the overall outcome of COP11. We met our goals on many key issues and reaffirmed the United States' leadership within the international conservation community. At COP11 the United States was elected Chair of the Standing Committee, Vice-Chair of the Animals Committee and was nominated by the Parties to chair the Budget Committee, which was elevated to full committee status for the first time. The United States was also selected to serve as Chair for many of the temporary working groups during the COP itself.

Included among the successes at COP11 were the rejection of attempts to reopen commercial trade in

several whale and sea turtle species and the adoption of several initiatives the United States strongly supported. Our cooperative efforts with developing countries, for the benefit of species conservation, were very productive. We worked closely with India, Sri Lanka and Nepal on several proposals including one that resulted in further protection for 3 species of pangolin (*Manis* spp.), a small mammal used for leather, food and medicine. We also successfully co-sponsored proposals to include the *Mantella* frogs of Madagascar and Asian box turtles (*Cuora* spp.) in Appendix II, both of which are heavily traded for use as pets.

A Bushmeat Working Group was created at COP11 to address the commercial bushmeat trade in Africa. The Parties, with broad support from Central and West African countries, agreed to address the need for improved enforcement of CITES provisions with regard to this trade which impacts a large array of Appendix I and Appendix II species. We supported this effort at the COP and have contributed funding to enable the working group to meet several times since COP11. The Bushmeat Working Group has facilitated communication between Central African directors of wildlife and protected areas, developed an action plan, and secured funding to implement the plan.

We also supported the establishment of a Mahogany Working Group at COP11, comprised of all range States for bigleaf mahogany (*Swietenia macrophylla*) as well as principal importing countries, including the United States. We contributed funding and actively participated in the Mahogany Working Group meeting held in Bolivia in October 2001. The Secretariat has prepared and submitted the report and recommendations of the Mahogany Working Group for consideration at COP12.

Attached to this testimony is a copy of the *Federal Register* notice that summarizes the proposals that the United States submitted for consideration at COP12. The Service held a public meeting on September 10<sup>th</sup> to receive comments on other country's proposals. We are currently in the process of drafting our negotiating positions and we anticipate that those draft positions will be published in the *Federal Register* in the next few weeks. As in the past, we will fully discuss the progress of negotiations during daily public briefings for American observers and non-governmental organizations attending COP12.

Of the numerous issues to be addressed at COP 12, there are several that we would like to highlight.

## **RESOLUTIONS AND OTHER AGENDA ITEMS**

### **Contributions Made by Observers at COPs and the Rules of Procedure**

CITES is unique because the text of the Convention allows non-governmental observers the right to participate in meetings and to speak on issues of interest to them. We support admission to the meeting of all technically qualified non-governmental organizations. We also support flexibility and openness in approval of documents produced by NGOs and the dissemination of these documents to delegates.

### **Review of the Listing Criteria**

The current criteria for listing species on the CITES Appendices were adopted at COP9 in 1994, after extensive debate and review. The United States was a leader in that effort. At that time, the Parties agreed to review the criteria again at COP12 and a procedure was adopted at COP11 to complete this review and present recommendations to COP12. This review, aimed at maintaining scientific credibility and ensuring applicability of the criteria to the various groups of plants and animals on the appendices, has been a major priority for us. We have solicited input from the States and the scientific and conservation communities. We also hosted a meeting of the Listing Criteria Working Group (CWG), in conjunction with a joint meeting of

the CITES Animals and Plants Committees, in December 2000, at our National Conservation Training Center in Shepherdstown, West Virginia.

Not surprisingly, the new draft criteria and the process to develop them have become very controversial. Although the terms of reference for the review of the listing criteria specifically called for a consensus report to be developed by the Chairs of the Animals and Plants Committees for COP12, the Chairs were unable to reach consensus on the revisions. The Secretariat has submitted a document that includes a proposed resolution to amend the existing listing criteria.

We believe that the draft criteria reflect significant effort and thought on behalf of the Chairmen and the Parties, and explore many important aspects of the current listing criteria. It is our position that the Parties should seek to retain the aspects of the review that can garner the support of a majority of Parties.

## **SPECIES LISTING PROPOSALS**

Of the 16 proposals sponsored or co-sponsored by the United States, 8 are for taxa native to the United States or its waters. For native species, we worked closely with both the States and other Federal agencies, to ensure that our proposals met the CITES criteria. We also co-sponsored several proposals submitted by other countries. Since our priority is to focus on North American species first, we submitted no proposals for species not native to the United States that were not co-sponsored with a range country. We worked closely with China and India in developing several proposals to address the threat to freshwater turtles in southeast Asia. These cooperative conservation efforts reflect scientific cooperation with our colleagues throughout the world, in order to deal with and find solutions for complex conservation problems.

I will discuss a few of the key species proposals. Commercially valuable species, like whales, elephants, and mahogany, are often the most controversial as well. Please see the attached *Federal Register* notices for a comprehensive list of proposals.

### **African elephants**

Trade in African elephant parts and products has been a contentious issue at every COP. In the spring of 1989, concern that African elephant populations were being devastated to supply a largely illegal ivory trade resulted in major importing countries, including the United States and the European Union, declaring a moratorium on ivory imports. All African elephants were subsequently uplisted from Appendix II to Appendix I at COP7 that same year. At COP10, elephants in Botswana, Namibia, and Zimbabwe were downlisted from Appendix I to

Appendix II and a one-time sale of ivory stockpiles was authorized. The COP10 decision also called for the establishment of systems to monitor poaching and illegal ivory trade. The Secretariat and Standing Committee, working with the World Conservation Union (IUCN) established two systems: MIKE (Monitoring Illegal Killing of Elephants), and ETIS (Elephant Trade Information System). At COP11, the Parties reached a compromise that was adopted by consensus, where South Africa's population was transferred to Appendix II, allowing trade in certain parts and products, but not ivory; Zimbabwe, Botswana, and Namibia withdrew their proposals for increased ivory trade; and Kenya and India withdrew their proposal to return all populations to Appendix I. The intent was to allow time for the Parties to improve systems for monitoring elephant populations, poaching and illegal trade. The United States continues to support aspects of these monitoring programs through our African Elephant Conservation Act grant program administered by the Service.

For COP12, Botswana, Namibia, and Zimbabwe have proposed to amend the terms of their existing downlisting annotations, which currently do not allow any further ivory trade, with annual quotas of ivory for commercial export. South Africa proposes to amend their downlisting annotation to allow for an initial sale of the Kruger National Park stockpile of ivory, and a subsequent annual quota. In addition, Zambia has proposed to transfer its elephant population from Appendix I to Appendix II, with an annotation to permit trade in up to 17,000 kg of whole tusks owned by Zambia's Wildlife Authority. Kenya and India, on the other hand, propose to return all Appendix II populations of elephants to Appendix I. We continue to believe that Botswana, Namibia, South Africa, and Zimbabwe deserve much credit for maintaining healthy elephant populations, particularly in comparison to the elephant declines that have occurred in most other African countries. However, because the monitoring systems have not yet provided significant data on the effects of the ivory trade, we remain very concerned about the potential effects any further trade could have on elephants in other countries in Africa and in Asia.

## **Mahogany**

Bigleaf mahogany is currently listed in Appendix III by several range countries, in the Americas including: Costa Rica, Bolivia, Brazil, Mexico, Peru and Colombia. Species listed in

Appendix III can be traded commercially. Once a species is added to Appendix III, the countries that list the species are required to issue permits and ensure that specimens are legally acquired; non-listing range countries must issue certificates of origin; and importing countries are required to ensure that all shipments are accompanied by the appropriate CITES documents. The issuance of Appendix III documentation is dependent on legal findings and does not include the biological determinations that are required for export of Appendix II listed species.

Proposals to include this species in CITES Appendix II were submitted at COP8 and COP10 with the United States as a co-sponsor with Costa Rica and Bolivia, respectively, and at COP9 by the Netherlands. In our April 18, 2002, *Federal Register* notice (67 Fed.Reg. 19207) we indicated that we did not plan to submit a proposal for this species, although we had received a recommendation to do so. This decision was taken after extensive discussion within the United States' government, and in light of the previously unsuccessful efforts to list the species in Appendix II. However, bigleaf mahogany is a species of concern for us. It is being exploited at what some scientists and non-governmental organizations believe is an unsustainable rate, illegal trade in the species is suspected to be substantial in some countries, and the U.S. is the largest importer of bigleaf mahogany timber. As a Party to CITES, and in support of the President's emphasis on combating illegal logging, we have been actively engaged in working with Brazil, in particular, to ensure that shipments of bigleaf mahogany imported into the United States are legal under CITES.

Guatemala and Nicaragua have submitted a proposal for consideration at COP12 to include the neotropical populations of bigleaf mahogany (*Swietenia macrophylla*), including logs, sawn timber, veneer, and plywood, in Appendix II. The purpose of the proposal is to promote sustainable management of bigleaf mahogany in order to help ensure its conservation and maintain trade for the future. We are evaluating the proposal, particularly for any advantages that might be gained beyond the current listing in Appendix III. An interagency task force has been created to evaluate the Appendix II proposal, determine its impact, and consider how best to work with range countries in the conservation of this species.

## **Whales**

Japan has submitted two proposals to downlist stocks of both Bryde's whales and minke whales from

Appendix I to Appendix II. Japan has also submitted a proposed resolution that would repeal Resolution Conf. 11.4, which outlines a cooperative relationship between the International Whaling Commission (IWC) and CITES, and would establish, among other provisions, that any trade in whale species downlisted to Appendix II should be limited to trade among IWC Members. If adopted, these proposals would re-open international commercial trade in whale products, and could foster increased poaching of protected whale species. Similar proposals were defeated at the last three COPs.

The United States continues to be strongly opposed to the downlisting of whale species subject to the commercial whaling moratorium of the IWC. We believe that CITES should honor the request for assistance in enforcing the moratorium which was communicated by the IWC to CITES in 1978. In addition, we believe that the close cooperation of IWC and CITES must continue in order that the conservation needs of whale species - both for management and control of international trade - will be met. While the scientific committee of the IWC has developed the Revised Management Procedure (RMP) for setting quotas if commercial whaling were to resume, the IWC has not completed the development of a complementary and necessary Revised Management Scheme (RMS) for monitoring catch and trade of whale products. Mexico has submitted a proposed resolution that would reaffirm the complementary relationship between CITES and the IWC as a crucial element for the conservation of whale stocks. The resolution would retain whale species in the CITES appendices as they are currently listed while work continues on developing the RMS. We also note that, independent of the IWC issue, these whales do not meet several of the CITES criteria for downlisting to Appendix II.

### **Other Marine Species**

In addition to whales, there is growing concern over the status of some commercially exploited marine species. This is reflected in the proposals submitted for consideration at COP12. There are proposals to list the whale shark (*Rhincodon typus*) and basking shark (*Cetorhinus maximus*) on Appendix II. The United States has submitted proposals to list seahorses (*Hippocampus spp.*) and humphead wrasse (*Cheilinus undulatus*) in Appendix II. A rapidly growing trade in seahorses for traditional medicines, as aquarium pets, and for curios, compounded by large-scale habitat loss, has resulted in overexploitation of many coastal seahorse populations. Humphead wrasse, extremely vulnerable to overfishing because of late maturity and other biological characteristics, are heavily exploited for the destructive live reef fish trade, primarily to supply restaurants in Hong Kong and other Asian markets.

We will be discussing this and other impacts on coral reefs and trade in coral-related species at the Coral Reef Task Force meeting on October 2<sup>nd</sup> and 3<sup>rd</sup>. I anticipate that we will develop a consensus among the Federal, State and territorial members of the Task Force as to where we should go in the future regarding coral and coral-related trade, and we will communicate that to the Parties in order to assist both in making decisions on individual species and in guiding future actions.

We anticipate that Patagonian toothfish (*Dissostichus spp.*) will be the subject of considerable debate as the Parties consider whether or not the status of this Antarctic fish would be improved by a CITES Appendix II listing. Patagonian toothfish are managed under the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) to which the United States is a Party. Because of the high market value of toothfish, also known as Chilean sea bass, and the difficulty in detecting and halting illegal fishing in remote Antarctic waters, illegal harvest is lucrative and relatively low-risk. If agreed to by the Parties, this would be the first Appendix II listing for a marine fish species that attempts to combine the regulatory regime of a regional fishery management organization with that of CITES. The Parties would need to decide on many

complex implementation issues, including how the two permitting systems might work together and how to address the difficulties in making scientific findings for high seas species. These matters and others related to potential listings of high seas marine fish species have not been fully explored and such proposals have not succeeded at previous COPs.

This concludes my written testimony and I would be pleased to answer any questions you may have about CITES implementation and our preparations for COP12 in Santiago.

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