

# Committee on Resources

## Subcommittee on Fisheries Conservation, Wildlife and Oceans

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### Witness Statement

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**TESTIMONY OF MARSHALL P. JONES ACTING DEPUTY DIRECTOR, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE COMMITTEE ON RESOURCES, SUBCOMMITTEE ON FISHERIES, WILDLIFE AND OCEANS, REGARDING THE RESULTS OF THE ELEVENTH MEETING OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES (CITES)**

September 28, 2000

I appreciate this opportunity to testify before you today regarding results of the Eleventh Meeting of the Conference of the Parties (COP11) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which took place in Nairobi, Kenya, from April 10 through April 20, 2000. The Parties considered 62 species proposals to amend the CITES Appendices, and more than 55 resolutions and other decision documents.

On March 28, just prior to the COP, Donald J. Barry, then Assistant Secretary for Fish and Wildlife and Parks, and Penny Dalton, Director, National Marine Fisheries Service, testified on the status of U.S. preparations for COP11 and specific U.S. negotiating positions on key issues to be taken up during the COP. We appreciate this opportunity to follow up on that testimony, again with our colleagues from the Department of Commerce, to report on the outcome of a number of key issues. As was evidenced at this COP, CITES continues to expand its role as one of the most effective forces in the world today for conservation of fauna and flora, both in halting the trade in species which are threatened with extinction and in ensuring that trade in other vulnerable species is sustainable.

The lead responsibility within the U.S. for the implementation of CITES rests with the Secretary of the Interior, acting through the Fish and Wildlife Service (Service). The Service works closely with the Departments of State, Commerce (National Marine Fisheries Service (NMFS)), Agriculture (both the Animal and Plant Health Inspection Service and the Forest Service), Treasury (Customs), and Justice; the Agency for International Development; and the Office of the U.S. Trade Representative to implement the Convention. This has become increasingly important as the Parties have begun to address international trade in timber and marine species.

The Service also works closely with the States in carrying out our CITES obligations, both in regulating trade in species which are listed in the Appendices and in preparing U.S. submissions for the COP. After COP10, the Service developed an innovative new relationship with the States which allows designated State agency representatives to participate in our CITES deliberations as an equal partner, particularly for issues affecting native U.S. species. I would like to report that this cooperative effort was in full evidence during the COP with the State agency representative serving as a vital member of the U.S. delegation.

At COP11, the U.S. was an active participant, and reaffirmed its leadership within the international

conservation community. Members of the U.S. delegation were involved in every working group established during the COP, chairing several of them at the behest of other Parties. In addition, the U.S. was nominated by the Parties to chair the Budget Committee which, for the first time, was elevated to full committee status, on par with Committees I and II. Of special note, the U.S. was elected Chair of the Standing Committee and Vice-Chair of the Animals Committee. I consider these actions to be, perhaps, the ultimate "barometer" of the high regard held for the U.S. delegation at this Conference, and reflects well on the increased recognition by the "CITES world" of U.S. leadership in global conservation.

## **OUTCOMES FOR RESOLUTIONS AND OTHER IMPLEMENTATION ISSUES**

I would like to highlight the results of a number of key issues of particular importance to the United States in my remarks today, in addition to those addressed by my colleague from Commerce. I would also like to note, for the record, that attached to my testimony is a complete summary of the results of all the various proposals, resolutions and decision documents resulting from the COP. We would be pleased to follow up on any of those results if the Committee has further questions. These results and other information regarding COP11 are available on our web site at <http://International.fws.gov/cop11/results.html>.

## **RESOLUTIONS AND OTHER AGENDA ITEMS**

### **Strategic Plan for the Convention**

One of the most important decisions of COP11 was the adoption by consensus of a strategic vision for the Convention. Following two years of development through a working group of the Parties, which was chaired by the U.S. representing all regions, the Parties unanimously endorsed the Plan and an Action Plan for its implementation. The Strategic Plan focuses on capacity building for CITES implementation in developing countries, improving the scientific basis for its findings and seeking new sources of funding to support these efforts. The U.S. fully supports the long-term vision document, and will continue to be an active participant in its implementation.

### **Movement of Sample Crocodylian Skins**

Because we are committed to streamlining the permitting process for species that have greatly benefitted from CITES controls, thereby reducing the burden on the affected industry, the U.S. submitted a proposal to simplify CITES requirements for the transport of samples of crocodylian skins to and from fashion trade shows. At COP11, the document was amended to include skins from all reptile species listed under CITES. The resolution adopted establishes a process to review the issue and make recommendations for consideration at COP12.

### **Creation of a Bushmeat Working Group**

The growing issue of the bushmeat trade in Africa was the focus of considerable discussion at COP11. It was agreed by the Parties, with broad support from Central and West African countries, that this issue should be considered further, particularly concerning international commercial bushmeat trade in Appendix-I and Appendix-II species and to report to the Standing Committee prior to COP12. The U.S. strongly supports this effort, and will continue to participate actively in the Working Group. The recent announcement of the extinction in the wild of Miss Waldron's colobus monkey highlights the gravity of this issue because reliable reports indicate the bushmeat trade was a primary cause of the species' demise.

## **Bred-in-Captivity**

Trade in Appendix-I species for commercial purposes is generally prohibited by CITES. However, the treaty allows commercial trade in Appendix-I species produced by approved commercial captive-breeding operations. CITES allows exemptions and reduced permitting requirements for these captive-bred animals. There has been contentious debate on this issue at previous Conventions, which continued at COP11. Some consumer countries (particularly the European Union) would like to see the system eliminated, arguing that individual countries should decide whether to allow trade from captive-breeding operations within their borders. Other countries, especially range countries in South and Central America, want the registration system retained because it allows them to evaluate how breeding stock at these operations was originally acquired. After exhaustive working group debate, COP11 adopted a consensus whereby the registration system would be retained, but only for a list of species that are either difficult to breed or keep in captivity, or are highly endangered in the wild.

## **Listing Criteria Review**

The current criteria for amending the CITES Appendices were adopted at COP9 in 1994, after extensive review and debate. The U.S. was a major leader in that effort. At that time, the Parties agreed to review the criteria again at COP12. A procedure was adopted at COP11 to complete this review and present recommendations to COP12. This will be a major focus and priority of U.S. efforts between now and COP12. We have solicited input on this effort from the States, and will also be receiving comments and input from the scientific and conservation communities.

## **OUTCOMES FOR SPECIES PROPOSALS AND OTHER SCIENTIFIC ISSUES**

The U.S. sponsored or co-sponsored 15 proposals at the COP. Of these, 7 were for species native to the U.S. or its territorial waters. Two of these proposals were adopted by the Parties. It is important to note that lack of support for the U.S. domestic species was not based on disagreements over the scientific basis for the proposals. We proposed to down-list the North American population of gyrfalcon (*Falco rusticolus*) from Appendix I to Appendix II, with a zero quota for wild-caught birds. We worked closely with both the States and the public in the preparation of this proposal. Although it received the majority of the votes, opposition from European countries precluded its receiving the required 2/3 majority. Their opposition was not based on science, but rather on fears (unfounded in our view) that illegal trade in gyrfalcons might result.

For the other domestic proposals, again working closely with the States, we evaluated an extensive number of native reptile species as to whether they qualified for inclusion in CITES Appendix II. That consensus process resulted in proposals for the timber rattlesnake (*Crotalus horridus*) and spotted turtle (*Clemmys guttata*). The spotted turtle proposal was rejected (although it also received a slim majority of votes) largely due to European country opposition. Those countries felt that there was not sufficient trade in the species to warrant CITES listing; their opposition was also based on a lack of understanding of the U.S. State/Federal relationship. For those reasons, we withdrew the timber rattlesnake proposal. This is an issue that we will continue to work with the States over the intervening period to COP12 to consider how best to address these concerns.

## **CO-SPONSORSHIP: WORKING WITH OTHER COUNTRIES**

We co-sponsored eight proposals submitted by other countries; in fact, we submitted no proposal for species not native to the U.S. that was not co-sponsored. Of note are our cooperative efforts with developing

countries, for the benefit of species conservation. We worked closely with India, Sri Lanka, and Nepal on several proposals (musk deer, pangolins, and tarantulas), which we believe will stimulate conservation benefit for those species and countries. We co-sponsored proposals to include the *Mantella* frogs of Madagascar, and Asian box turtles, in Appendix II. We worked with the government of Georgia, a newly emerging nation, in the preparation and submission of a proposal for Black Sea bottlenose dolphins. We cooperated closely with Kenya in the preparation and submission of a proposal for the pancake tortoise. Although, for varying reasons, only three of these proposals, the pangolin (with amendments), *Mantella*, and box turtle were adopted, 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 facing these species. Although the proposals to add the species to the Appendices were not approved, the Parties adopted conservation-based decisions on many of these species. These include: the Parties decided to take up the musk deer issue in both the Animals and Standing Committees, which may lead to positive solutions for musk deer conservation; Tanzania made a public commitment to not trade in wild-caught pancake tortoises; the Animals Committee will review the status of the bottlenose dolphins of the Black Sea; and we are continuing to work cooperatively with Sri Lanka and India on tarantula conservation.

### **African Elephants**

A compromise was reached and adopted by consensus, whereby South Africa's population was transferred to Appendix II, with trade allowed 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. This gives the Parties time to improve systems for monitoring elephant populations, poaching and illegal trade. Through our African Elephant Conservation Act grant program, we continue to support certain aspects of these monitoring programs. In particular, our support for the monitoring program in Central Africa, working closely with the Wildlife Conservation Society, was highly praised at the COP.

### **Marine Species Issues**

COP11 marked a turning point in attitudes and approaches to marine conservation in CITES. No less than thirteen proposals (21% of the total) involved marine species of fish, mammals, and reptiles. Three of these proposals were for sharks, which are the first in CITES history. The Parties also initiated their first thorough discussions of marine species entering trade from the high seas-known in CITES as "introduction from the sea." All of these events clearly show that CITES nations are concerned not just with terrestrial ecosystems, but also the important living resources that live in the world's marine ecosystems. As this philosophy matures within CITES, the Service intends to work with our colleagues at NMFS to maintain the U.S.'s exemplary role in international marine conservation.

Introduction from the Sea: Australia submitted a resolution to clarify terms and procedures in the Convention dealing with "introduction from the sea" of specimens taken beyond national jurisdictions on the high seas. A working group, aided by the U.S., Australia, Brazil and others, was established to review the issue and prepare a revised resolution. This compromise resolution was not adopted, but certainly paved the way for future work on this important element of the treaty. The Service remains committed to making "introduction from the sea" a functional and important part of the CITES process.

Sharks: Three proposals were submitted to list species of sharks in the CITES Appendices: an Appendix II listing for the whale shark, submitted by the U.S.; an Appendix I listing for the great white shark, by

Australia and the United States; and an Appendix II listing for the basking shark by the United Kingdom. Many delegations opposed all three proposals on the basis that conservation of marine species should be left to the Food and Agriculture Organization (FAO) of the United Nations and to regional fishery management organizations (although those organizations, while useful and vital, do not regulate international trade). The U.S. and its supporters countered that all of these species clearly met the criteria for inclusion in the Appendices, and that the FAO International Plan of Action for Sharks is a purely voluntary measure. Although none of the shark proposals were adopted by the Parties, all of them gained a majority vote. This shows that a majority of the Parties understand the threats to shark populations, and are willing to seriously consider their protection and regulation under the treaty. The Service will continue to work with our fellow agencies while advancing shark conservation through the CITES forum.

Sea turtles: Cuba submitted proposals to transfer the "Cuban population" of the hawksbill sea turtle from Appendix I to II, with annotations allowing trade in shell to Japan only. The hawksbill sea turtle is a highly migratory species whose biological status cannot be viewed and assessed based on information within the boundaries of a single nation. As a range country for this highly endangered species, we opposed this proposal and were joined by other range countries concerned about the conservation of this species, including the Bahamas, Costa Rica, and Mexico. The proposal was rejected by the Parties, on scientific grounds. The U.S. and other range countries are concerned that any reopening of the hawksbill shell trade will undermine hawksbill conservation efforts not only in the Caribbean, but around the world. The U.S. has urged for cooperation among all the countries of the Wider Caribbean regarding management of hawksbill and for scientific exchange of information about this critically endangered species.

Whales: Japan and Norway submitted four proposals to transfer various stocks of minke and gray whales from Appendix I to Appendix II. This would have effectively re-opened international exploitation and trade in these whale stocks, while simultaneously undermining the authority of the International Whaling Commission (IWC). The U.S. remains firm in its belief that such trade should not be considered until the IWC completes its Revised Management Scheme for international whaling. CITES and the IWC have worked very hard over the past two decades to establish a functional and mutually respectful relationship, and adoption of these proposals would have sent a clear message to the IWC that this relationship had ended. Most significantly, neither proponent could adequately document the existence of national control measures necessary to prevent the global poaching and unregulated whaling that decimated whale populations throughout most of the 20<sup>th</sup> century. As whaling nations continue to push for abandonment of the IWC process and relaxation of CITES protection for whales, the Service will continue to rely on sound science, precautionary management, and open dialogue, to ensure adequate protection of whales.

### **Other Scientific Issues**

Mahogany Working Group: Brazil included bigleaf mahogany as an agenda item for discussion at the COP, which we supported. This provided the Parties an opportunity to discuss progress in the conservation of *Swietenia macrophylla* since COP10. At COP10, during Plenary discussions, Brazil offered to host a mahogany meeting to examine the conservation status of the species, discuss related forest policies and management and international cooperation and trade, and make recommendations accordingly. Brazil submitted a summary report of that meeting, hosted in Brasilia, Brazil, in June 1998, which the U.S. attended. COP11 established an official Mahogany Working Group, which the CITES Secretariat is tasked with convening next year. The State Department has committed funds for the meeting, and we are very excited about this opportunity to foster cooperatively dialogue on this important species. The Working Group will develop a report for submission to COP12.

Annotations: Annotations are "footnotes" in the CITES Appendices which are being used by the CITES Parties for a number of purposes. When species or geographically distinct populations of species are transferred from Appendix I to II, an annotation has been included which specifies that certain parts, products, or specimens are allowed to be traded under Appendix II, while other parts and products are still treated as Appendix I species (as in the case of African elephants and vicuña). Such down listings can serve a conservation purpose, however, we were concerned that there were no criteria or guidelines on how to use, adopt, or amend these annotations. The U.S. participated actively in a Standing Committee working group between COP10 and COP11 on this issue, which developed a proposed resolution. With minor amendments, the resolution was adopted at COP11, and we are very pleased that there are now clear guidelines and criteria for the use of such annotations.

Seahorses: Seahorses occur in the waters of up to 86 countries, including the U.S. Some reports estimate that up to 20 million are harvested per year for use in traditional medicine, the curio trade, and live animals for the aquarium trade. We had considered a proposal to list all seahorses in Appendix II. However, serious implementation, taxonomic challenges and data deficiencies precluded such a submission. Instead, working cooperatively with the government of Australia, we jointly submitted a detailed discussion paper on the conservation and international trade of seahorses. The Parties praised the paper and adopted several decisions directed towards the conservation of seahorses including the organization by the Secretariat of a seahorse technical workshop and a subsequent review with recommendations developed by the Animals Committee.

Freshwater Turtles and Tortoises: The U.S. and Germany co-sponsored a discussion paper on the international trade in freshwater and terrestrial turtles and tortoises, focusing on the trade involving Southeast Asia. Southeast Asia holds the world's greatest diversity of freshwater and terrestrial turtles and tortoises, with over 25% of the known 263 species. This astounding assemblage of biodiversity is increasingly threatened by a largely unregulated harvest for human consumption. The discussion paper was very well received and a working group was convened, involving most of the concerned Asian countries and the U.S., to determine a course of action. The working group drafted a decision document, subsequently adopted by consensus, which called for a number of actions including a technical workshop to be convened by the Secretariat and discussion of scientific aspects in the Animals Committee.

## CONCLUSION

COP11 resulted in several important victories for species conservation, and the defeat of several initiatives which could have substantially weakened the protection for CITES-listed species. Issues of great contention at COP10, such as those relating to trade in African elephant ivory, were considered and decided expeditiously at COP11. For the first time, CITES nations seriously considered adding important marine fish species -- 3 sharks to be specific -- to the appendices of CITES.

The U.S. played a prominent role in the COP, which helped restore some of the prestige and leadership that had eroded in recent Conferences. Results of COP11 provide a solid basis for future cooperation among CITES Parties. Now, the U.S. has an unprecedented opportunity to build on that cooperation in several ways. As Chair of the Standing Committee, the U.S. will provide leadership to CITES between now and COP12, which is tentatively scheduled to be held in Chile in the fall of 2002. Chairing the Standing Committee will also present an opportunity to guide the CITES Secretariat in more fair and transparent decision-making processes, in setting priorities on issues it will address, and in adhering closely to its budget, as they act on behalf of the Parties.

The U.S. is pleased to be hosting a joint meeting of the CITES Animals and Plants Committees, to be held in mid-December 2000 at the Service's National Conservation Training Center in Shepherdstown, West Virginia. A meeting of the Listing Criteria Working Group will be held in conjunction with the Committee meeting. As coordinator of these meetings, the first-ever in the U.S., and Vice-Chair of the Animals Committee, the U.S. will have additional opportunities to continue showing leadership in the interpretation and implementation of the Convention. Many outcomes of COP11 highlighted today will require an extensive commitment of time and resources by the U.S., but we believe those commitments are vital to our efforts to make significant global wildlife resource gains as we move into the 21<sup>st</sup> century.

We look forward to working with the Members of this Committee and with the public in implementing the decisions of this COP and in preparing for the next COP in Chile in 2002. I would be pleased to answer any questions you may have.

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