

authority in section 1115(a) of the Act; (2) the procedures we expect States to use in involving the public in the development of proposed demonstration projects under section 1115; and (3) the procedures we ordinarily will follow in reviewing demonstration proposals. We are committed to a thorough and expeditious review of State requests to conduct such demonstrations.

As part of our procedures, we publish a notice in the **Federal Register** with a monthly listing of all new submissions, pending proposals, approvals, disapprovals, and withdrawn proposals. Proposals submitted in response to a grant solicitation or other competitive process are reported as received during the month that grant or bid is awarded, so as to prevent interference with the awards process.

II. Listing of New, Pending, Approved, Disapproved, and Withdrawn Proposals for the Month of February 1997

A. Comprehensive Health Reform Programs

1. New, Pending, Approved, Disapproved, and Withdrawn Proposals

We did not receive any new proposals or approve or disapprove any proposals during the month of February nor were any proposals withdrawn during that month. Therefore, pending proposals for the month of January 1997 published in the **Federal Register** of March 31, 1997, 62 FR 15187, remain unchanged.

B. Other Section 1115 Demonstration Proposals

1. New, Pending, Approved, Disapproved, and Withdrawn Proposals

We did not receive any new proposals or approve or disapprove any Other Section 1115 Demonstration Proposals during the month of February nor were any proposals withdrawn during that month.

Pending proposals for the month of January 1997 found in the **Federal Register** of March 31, 1997, 62 FR 15187 remain unchanged, except for the addition of the Minnesota Long Term Care Facility Waiver (a new proposal that was received in January).

III. Requests for Copies of a Proposal

Requests for copies of a specific Medicaid proposal should be made to the State contact listed for the specific proposal. If further help or information is needed, inquiries should be directed to HCFA at the address above.

(Catalog of Federal Domestic Assistance Program, No. 93.779; Health Financing Research, Demonstrations, and Experiments.)

Dated: March 21, 1997.

Barbara Cooper,

Acting Director, Office of Research and Demonstrations.

[FR Doc. 97-9918 Filed 4-16-97; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Council; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of June 1997:

Name: Maternal and Child Health Research Grants Review Committee

Date and Time: June 18-20, 1997, 9:00 a.m.

Place: Conference Room "J", Parklawn Building, 5600 Fishers Lane, 3rd Floor, Rockville, Maryland 20857. Open on Wednesday, June 18, 1997, 9:00 a.m.-10:00 a.m. Closed for remainder of meeting.

Agenda: The open portion of the meeting will cover opening remarks by the Director, Division of Science, Education and Analysis, Maternal and Child Health Bureau, who will report on program issues, congressional activities and other topics of interest to the field of maternal and child health. The meeting will be closed to the public on June 18 at 10:00 a.m. for the remainder of the meeting for the review of grant applications. The closing is in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., and the Determination by the Director, Office of Policy and Information Coordination, Health Resources and Services Administration, pursuant to Public Law 92-463.

Anyone requiring information regarding the subject Council should contact Gontran Lamberty, Dr.P.H., Executive Secretary, Maternal and Child Health Research Grants Review Committee, Room 18A-55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301)443-2190.

Agenda Items are subject to change as priorities dictate.

Dated: April 11, 1997.

J. Henry Montes,

Director, Office of Policy and Information Coordination.

[FR Doc. 97-9875 Filed 4-16-97; 8:45 am]

BILLING CODE 4160-15 P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4207-C-02]

NOFA for Rental Assistance for Persons With Disabilities in Support of Designated Housing Allocation Plans and Establishment of Preferences for Certain Section 8 Developments; Correction

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of funding availability (NOFA); correction.

SUMMARY: On April 10, 1997, at 62 FR 17672, the Department published a Notice of Funding Availability (NOFA) part of which concerned Rental Assistance for Persons With Disabilities in Support of Preferences for Certain Section 8 Developments. The limit on rental assistance requested, as contained in that NOFA, inadvertently omitted the maximum number of units for which an HA could apply. The following correction adds a 200 unit limitation.

In the notice document 97-9334, beginning on page 17672 in the issue of Thursday, April 10, 1997, make the following correction:

On page 17674 in the second and third columns the paragraph headed "(3) Limit on Rental Assistance Requested" should be changed to read:

(3) Limit on Rental Assistance Requested. An HA may apply only for the number of units needed to house those non-elderly disabled families who are on the waiting list of an owner of a Section 8 project-based development, identified in paragraph B.(1) above where the owner elected to provide preferences to elderly families and to house other non-elderly disabled families residing in the community who would qualify for one- or zero-bedroom units, but for not more than 200 units.

Dated: April 11, 1997.

Camille E. Acevedo,

Assistant General Counsel for Regulations.

[FR Doc. 97-9873 Filed 4-16-97; 8:45 am]

BILLING CODE 4210-33-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

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

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of information, Notice of meeting.

SUMMARY: This notice sets forth summaries of the proposed United States negotiating positions on agenda items and resolutions for the tenth regular meeting of the Conference of the Parties (COP10) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Comments or other relevant information have been solicited and a public meeting was held (October 3, 1996) regarding the submission of resolutions and species proposals for COP10 by the United States. This notice announces the proposed United States negotiating positions on all agenda items and resolutions submitted by other countries, and solicits comments or other relevant information from the public regarding these proposed positions. This notice also announces a public meeting to be held April 25, 1997, from 10:00 am–1:00 pm to receive public comments on these issues, as well as on issues pertaining to species proposals submitted by other countries.

DATES: Information and comments received through May 9, 1997 will be considered in formulating the final U.S. negotiating positions.

ADDRESSES: Comments should be sent to the Acting Director, U.S. Fish and Wildlife Service, c/o Kenneth Stansell, Chief, Office of Management Authority, 4401 N. Fairfax Drive, Room 430, Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: Kenneth Stansell or Dr. Susan S. Lieberman, Office of Management Authority, U.S. Fish and Wildlife Service: telephone 703/358–2093; fax 703/358–2280; E-mail: r9oma_cites@mail.fws.gov.

SUPPLEMENTARY INFORMATION:

Public Meeting

The public meeting will be held on Friday, April 25, 1997, from 10:00 am–1:00 pm. The meeting will be held at the Department of the Interior: Room 7000, 18th and C Street, NW, Washington, DC. Please note that the room is accessible to the handicapped. Persons planning to attend the meeting who require interpretation for the hearing impaired should notify the Office of Management Authority as soon as possible. This meeting will provide the public an opportunity to comment on U.S. positions leading up to COP10. The Service will discuss U.S. positions on the Agenda for COP10, as well as resolutions and species listing proposals by other countries, and any other item

of interest to the public in relation to CITES COP10.

Electronic Access

Comments may also be sent via E-mail to: r9oma_cites@mail.fws.gov.

Background

The Convention on International Trade in Endangered Species of Wild Fauna and Flora, hereinafter referred to as CITES or the Convention, is an international treaty designed to monitor and regulate international trade in certain animal and plant species which are or may become threatened with extinction, and are listed in Appendices to the treaty. Currently 135 countries, including the United States, are CITES Parties. CITES calls for biennial meetings of the Conference of the Parties which review its implementation, make provisions enabling the CITES Secretariat (in Switzerland) to carry out its functions, consider amending the lists of species in Appendices I and II, consider reports presented by the Secretariat, and make recommendations for the improved effectiveness of the Convention. The tenth regular meeting of the Conferences of the Parties to CITES (COP10) will be held in Harare, Zimbabwe, June 9–20, 1997.

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

by other CITES Parties, and agenda items leading up to COP10.

Proposed Negotiating Positions

In this notice, the Service summarizes the proposed U.S. positions on agenda items and resolutions for COP10 (other than proposals to amend the Appendices, which are presented in this edition of the **Federal Register** as a separate notice) which have been submitted by other countries and the CITES Secretariat. A separate **Federal Register** notice will be published shortly announcing proposed U.S. positions on species listing proposals submitted by other countries. A **Federal Register** notice was published on March 27, 1997 (62 FR 14689) outlining rationales for resolutions and discussion documents submitted by the United States. Those issues will not be discussed here. Interested members of the public should refer to those notices for discussion of relevant issues.

Numerals next to each agenda item or resolution correspond to the numbers used in the provisional agenda [COP10 Doc. 10.1 (Rev.)] received from the CITES Secretariat. However, documents for a number of the agenda items and resolutions have not yet been received from the Secretariat: they will be available on request from the Office of Management Authority after they have been received from the Secretariat.

Some documents may not be received until the meeting of the COP itself. A list of documents received by the Service to date is available on request from the Service's Office of Management Authority (see **ADDRESSES**, above).

In the discussion that follows, the description of each proposed resolution is followed by a brief rationale explaining the basis of the U.S. position. The Service will endeavor to publish a **Federal Register** notice in early June 1997 that details final negotiating positions on all issues (resolutions, species amendments, and other agenda items) pertaining to COP10, with the understanding that new information that becomes available during discussions at COP10 can often lead to modifications of these positions. The U.S. delegation will fully disclose any and all position changes and the rationale(s) explaining them through daily public briefings at COP10.

Agenda (Provisional) [Doc. 10.1 (Rev.)]

I. Opening Ceremony by the Authorities of Zimbabwe

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

II. Welcoming Addresses

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

III. Adoption of the Rules of Procedure (this item consists of two subitems)

1. Voting before credentials have been accepted [Doc. 10.4]

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

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

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

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

No document will be prepared for this item by the Secretariat. The United States will support the election of a Conference Chair from Zimbabwe, and a highly qualified Vice-Chair of the Conference and Committee Chairs

representing the geographic diversity of CITES.

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

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

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

Provisional versions of the Agenda and the Working Programme for COP10 have been received from the Secretariat. The United States supports the provisional version of both documents as received from the Secretariat, but continues to review whether some issues currently allocated to Committee I (scientific issues) should be moved to Committee II (management and other technical issues), due to subject matter, workload and time.

VI. Establishment of the Credentials Committee

No document will be prepared by the CITES Secretariat on this agenda item. The United States will support the establishment of the Credentials Committee.

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

VII. Report of the Credentials Committee

No document will be prepared by the Secretariat on this agenda item. The

United States supports adoption of the report of the Credentials Committee if it does not recommend the exclusion of legitimate representatives of countries that are Parties to CITES. The United States will encourage timely production of Credentials Committee reports at the COP.

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

VIII. Admission of Observers [Doc. 10.5]

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

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

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

1. Report of the Chairman [Doc. 10.6]

No document has yet been received. The United States fully supports the presentation of a report by the Chairman of the Standing Committee (Japan) regarding the execution of the Committee's responsibilities and its activities that accurately reflects the discussions and decisions of the

Committee. A position on that report is pending receipt of the document.

2. Regional Representation [Doc. 10.7]

No document has yet been received. At COP9 membership in the Standing Committee was increased for those CITES regions with a large number of Parties. Current membership on the Standing Committee is as follows: Chair (Japan), two representatives for Asia (Japan and Thailand), three representatives for Africa (Namibia, Senegal, and Sudan), two representatives for Europe (Russian Federation and United Kingdom), one representative for North America (Mexico), one representative for Oceania (Papua New Guinea), two representatives for Central, South America, and the Caribbean (Argentina and Trinidad and Tobago), Depositary Government (Switzerland), Previous Host Country (United States), and Next Host Country (Zimbabwe).

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

3. Election of New Regional and Alternate Regional Members

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

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

The United States considers the issues which the documents cover essential and important matters. However, no documents have yet been received. Positions on these matters are pending receipt of documents.

1. Secretariat Report [Doc. 10.8]

2. Strategic Plan [Doc. 10.9]

The United States notes that the strategic plan of the Secretariat adopted

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

3. Working Plan [Doc. 10.10]

The United States looks forward to a detailed analysis of the working plan of the Secretariat. The Secretariat must be guided by the Conference of the Parties in its work plan for the period between COP10 and COP11, and as such it is up to the COP to review the draft working plan and decide on the work and structure of the Secretariat that it deems most appropriate, in line with the priorities of the Parties. The United States believes that discussion of the working plan and strategic plan must be in concert with discussions in the Budget Committee, and in full recognition of any budgetary implications.

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

No document has yet been received. The United States advocates fiscal responsibility and accountability on the part of the Secretariat and the Conference of the Parties. The United States plans to be an active participant in discussions in the Budget Committee at COP10.

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

No document has yet been received. Issues associated with the financial report of the Secretariat will be fully discussed at COP10 and the United States will closely scrutinize and analyze the relevant documents.

2. Anticipated Expenditures for 1997 [Doc. 10.12]

No document has yet been received. Issues associated with anticipated 1997 expenditures of the Secretariat will be fully discussed at COP10 and the United States will closely scrutinize and analyze the relevant documents.

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

No document has yet been received. The United States will closely scrutinize and analyze the document(s) when received. The United States believes that it is important to coordinate Budget Committee discussions with discussions in Committees I and II that may have budgetary implications. For example, when a resolution with budgetary implications is approved by Committee I or II (and then sent to Plenary for adoption), it should be conveyed to the Budget Committee in time for it to be factored into the budget. There have been cases at previous meetings of the COP where the Budget is already approved, and the Committees are making decisions that may have financial implications. The United States will work through the Bureau at the COP to deal with this issue.

4. External Funding [Doc. 10.14]

External funding refers to the financial support by Party governments and non-governmental organizations for projects that have been approved as priorities for CITES by the Standing Committee under a previously established procedure. This procedure is designed to avoid any conflicts of interest or even the appearance of a conflict when approving projects and channeling funds between the provider and recipient. These externally funded projects are outside of the CITES Trust Fund. It has been decided by the Standing Committee that under no circumstances are the UNEP overhead costs to be assessed on these projects.

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

biological studies of significantly traded species.

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

1. Animals Committee

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

No document has yet been received. The United States fully supports the presentation of a report by the Chairman of the Animals Committee regarding the execution of the Committee's responsibilities and its activities that accurately reflect the discussions and decisions of the Committee. A position on that report is pending receipt of the document.

(b) Regional Representation [Doc. 10.17]

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

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

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

The United States has submitted a resolution "Establishment of Committees" (Doc. 10.27) for the purpose of amending Res. Conf. 9.1,

Annexes 2 and 3. This resolution discusses the designation of members of the Animals and Plants Committees. It recommends that membership should be for Parties only, and cannot be awarded to individuals. The United States strongly believes that Party countries, not individuals, are members of CITES, and therefore proposed this change to be consistent with standard international practices, and to avoid potential, perceived, or real conflicts of interest.

(c) Election of New Regional and Alternate Regional Members

Currently, Dr. Charles Dauphine of Canada is the North American regional representative on the Animals Committee. The United States anticipates adoption of our proposed resolution that will change the regional representative to a country rather than an individual (as discussed above). At COP10, the United States, Canada, and Mexico will meet to decide which country should be the regional Animals Committee representative between COP10 and COP11. At that time, the country will nominate an individual to serve as contact point. If that individual cannot continue serving for any reason, the country selected will nominate another individual.

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

2. Plants Committee

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

No document has yet been received. The United States welcomes the presentation of a report by the Chair of the Plants Committee regarding the execution of the Committee's responsibilities and its activities, that accurately reflects the discussions and decisions of the Committee. A position on that report is pending receipt of the document.

(b) Regional Representation [Doc. 10.7]

At COP9, as with the Animals Committee, membership on the Plants Committee was increased for those regions with a larger number of Parties. Current membership includes: Africa (two representatives), Asia (two representatives), Europe (one representative), North America (one representative), Oceania (one representative), and Central, South America, and the Caribbean (two

representatives). The Regional representatives are selected by their respective Regional caucuses at COP10, and a Chair and Vice-Chair will be selected by the new Plants Committee, during a meeting to be held at the close of COP10.

(c) Election of New Regional and Alternate Members

Currently, Dr. Bruce MacBryde of the Service's Office of Scientific Authority is the North American Regional representative to the Plants Committee. The United States anticipates adoption of our proposed resolution that will change the regional representative to a country rather than an individual (as discussed above under Animals Committee). At COP10, the United States, Canada, and Mexico will meet to decide which country should be the regional Plants Committee representative between COP10 and COP11. At that time, the selected country will nominate an individual to serve as its contact point. If that individual cannot continue serving for any reason, the country selected will nominate another individual.

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

3. Identification Manual Committee [Doc. 10.17]

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

The United States believes that enforcement officers of the Parties must be equipped with guides which are

accurate, realistic, and helpful in the identification of the many CITES species and products found in trade throughout the world. Toward this end, the United States supported the efforts of the Canadian government in producing a series of extremely useful and highly professional identification manuals for CITES species in international trade.

4. Nomenclature Committee

No document has yet been received. The United States will examine any documents received from the Secretariat on this agenda item, and formulate any further necessary position(s) at that time.

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

b) Recommendations of the Committee [Doc. 10.19]

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

1. How to Improve the Effectiveness of the Convention

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

At the Ninth Meeting of the Conference of the Parties to CITES in Fort Lauderdale, Florida, November 1994 (COP9), the Conference of the Parties decided to assign the CITES Standing Committee the task of conducting a review of the effectiveness of the provisions and implementation of the Convention, and to report its findings to the next meeting of the Conference of the Parties. The terms of reference are found in COP9 document number Com. 9.10 which is a draft decision of the COP, later directed to the Standing Committee as a final decision of the COP.

The CITES Standing Committee appointed a team to undertake the review including an independent consultant and two individuals chosen by the Committee for the information gathering portion of the project. On December 21, 1994, the CITES Secretariat published Notification to the Parties No. 831, which contained a call for proposals from prospective consultants to conduct the study on the effectiveness and implementation of the Convention. The firm of Environmental Resources Management (ERM), based in London, United Kingdom, was ultimately selected for the task. That selection was made by a Monitoring Committee of CITES Parties, including several representatives to the CITES Standing Committee. The Monitoring Committee, which was selected by the Standing Committee, was made up of representatives of the following

governments: Argentina, Canada, Japan, Namibia, New Zealand, and the United Kingdom. The study itself and the report that was produced were reviewed by the same Monitoring Committee, and the report was presented to the December 1996 meeting of the CITES Standing Committee. The CITES Standing Committee selected Jaques Berney (retired Deputy Secretary General of CITES) and Marshall Jones (Assistant Director for International Affairs, U.S. Fish and Wildlife Service) or Dr. Susan Lieberman (Chief, CITES Operations Branch, Office of Management Authority, U.S. Fish and Wildlife Service), as the technical advisors on the project.

The initial phase of this review was designed to collate information including but not necessarily limited to the following: the stated and implied objectives of the Convention and their continued relevance to the conservation of wild fauna and flora; the degree of effectiveness of conservation for representative species listed in the three Appendices of CITES and the extent of this degree of conservation that can be attributed to the implementation of the Convention; the relationship of the Convention to other global or regional conservation treaties or agreements and how the objectives of the Convention may be enhanced or hindered by the existence and implementation of these treaties or agreements; the ease and effectiveness of implementation, including enforcement, of the Convention in Party states; and the anticipated and actual roles of various participants in the implementation of the Convention, including Party states, non-Party states, national and international conservation organizations, and national and international trade and development organizations.

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

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

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

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

The United States appreciates that ERM produced a final report within the allotted time constraints, and met and consulted with many governments, non-governmental organizations, and other bodies during preparation of the study. Although the views of countries were obtained from questionnaire responses and the in-country meetings arranged by

ERM, the United States regrets that the time constraints placed on ERM in conducting this study precluded substantive, detailed discussions with the majority of the Parties. In addition, the United States is concerned that the ERM questionnaire did not specifically pose questions which directly addressed issues related to enforcement issues of the Convention. Nevertheless, ERM has produced a highly professional report despite these problems.

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

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

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

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

The United States notes that according to the report, the majority of the Parties (including the United States) and international organizations believe there is no reason why the application of CITES should exclude any taxonomic group. The study goes on to say that a minority of the Parties oppose inclusion of commercial fish in the CITES Appendices on the grounds that it is

premature to consider such listing until consultations have been held with the relevant inter-governmental bodies charged with managing these species and that there is often insufficient information available to allow adequate listing proposals to be developed.

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

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

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

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

of their obligations under respective Conventions.

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

The United States believes that the current state of the relationship between UNEP and CITES is not only unclear, but potentially quite damaging to the Convention. The United States strongly supports the examination of this relationship, and the renegotiation of the 1992 Agreement between the CITES Standing Committee and UNEP. The United States is actively involved with the Working Group of the Standing Committee that is charged with examining this Agreement. A report of the Working Group will be presented to the Parties at COP10.

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

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

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

No document has yet been received. The United States has been supportive of the process of consolidation of valid resolutions, since its inception after COP8 as a Standing Committee project. At the 36th meeting of the Standing Committee the United States provided comments on proposed consolidations of resolutions regarding cetaceans. At the 37th meeting of the Standing Committee the United States supported the Secretariat's efforts to consolidate the resolutions pertaining to cetaceans. The United States recognizes these extant resolutions as current and valid. The Standing Committee agreed to this consolidation. The Committee was presented a draft consolidation on ranching resolutions by the Secretariat. The United States supported the consolidation, with the exception of the Secretariat's proposal to include marine turtle ranching (Resolution Conf. 9.20) in the consolidation. The Standing Committee agreed with the United States, and it is the U.S. position for COP10 that the consolidated ranching resolution should not include the marine turtle ranching resolution from COP9 (Conf. 9.20).

At the 37th meeting of the Standing Committee the Secretariat noted that it would produce additional draft resolutions consolidating previous resolutions for COP10. These drafts have not yet been received from the Secretariat. The United States expressed support for the consolidation process, and continues to do so. These consolidations are procedural, and do

not involve renegotiation of any previously adopted text.

The tentative position of the United States is to fully support the continuing effort to consolidate existing Resolutions of the Conference of the Parties provided that the consolidation process provides a more "user-friendly" product and does not create consolidated resolutions which impinge on the validity of resolutions which are still sound.

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

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

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

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

No document has yet been received. The United States proposes to support efforts to encourage all Parties to submit annual reports, for all species of fauna and flora, consistent with their domestic legislation. Each Party is required by the Convention to submit an annual report

containing a summary of the permits it has granted, and the types and numbers of specimens of species in the CITES Appendices that it has imported and exported. Accurate report data are essential to measure the impact of international trade on species, and can be a useful enforcement tool, particularly when comparing imports into a given country, contrasted with export quotas from other countries. The United States is current in its Annual Report obligations.

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

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

4. Enforcement

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

Article XIII of the Convention provides for COP review of alleged infractions. The Secretariat prepares an Infractions Report for each COP, which details instances that the Convention is not being effectively implemented, or where trade is adversely affecting a species. The United States proposes to support the Secretariat's biennial review of alleged infractions by the Parties, and necessary and appropriate recommendations to obtain wider compliance with the terms of the Convention. The United States also proposes to support an open discussion at COP10 of major infractions, and the enforcement of the laws and regulations implementing the Convention.

The United States received a draft copy of the Infractions Report to be presented at COP10 from the Secretariat and made comments on all matters concerning the United States. A final version of the report has not been received. When it is received from the Secretariat, it will be closely scrutinized by the United States, and comments provided to the Secretariat if necessary.

The United States supports the hard work of the Secretariat in assembling the Infractions Report. However, the United States is concerned that the draft report did not demonstrate a special focus on high priority infractions and violations of the Convention. For example, some cases of technical errors or document irregularities received more attention than major criminal cases involving smuggling of Appendix I species and cooperation among the enforcement agencies of several governments. For example, one case in

the draft report refers to the sentencing of a major parrot smuggler in the United States to almost 7 years in prison and a significant fine; this case involved excellent cooperation with several other governments, and the crimes involved caused serious potential harm to macaw populations in South America. Many other countries have also prosecuted significant violators since COP9, and the United States has urged the Secretariat to highlight such cases in the final Infractions Report.

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

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

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

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

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

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

(a) Analysis of the National Legislation of Parties

(b) Measures Taken by Parties to Improve Their Legislation

(c) Measures to be Taken With Regard to Parties Without National Legislation

(d) Technical Assistance Provided to Parties

No documentation has been received on any of the listed topics under this sub-item. The United States will

examine any documents received from the Secretariat on these topics, and then formulate any further necessary position(s).

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

The project, which was approved by the Parties at COP8, will identify deficiencies and highlight those Parties in need of improvements in their national CITES implementing legislation. Parties which are identified as not having adequate legislation are required under a decision reached at COP9 to have initiated efforts to enact such laws. At the 37th meeting of the Standing Committee Doc. SC.37.10 on this topic was discussed, as the current project has categorized the adequacy of Parties' national CITES legislation with numerical assignments of 1, 2, and 3 (3 representing the most inadequate legislation). The U.S. noted at this meeting that action is needed at COP10 to address those countries that have made no progress enacting relevant laws, and have not even communicated with the Secretariat or initiated any efforts towards that end.

6. Training [Doc. 10.32]

No document has yet been received. The United States has provided training on CITES enforcement and/or implementation since COP9 in: Bangladesh, China, Honduras, India, Indonesia, Mexico, Nepal, the Philippines, Russia, and Taiwan. The United States is currently planning several more training programs for the coming years, and considers this a very high priority activity.

The United States supports all efforts by the Secretariat and other Parties to the Convention to provide training in CITES implementation and enforcement to other Parties who are in need of such. The Parties concur that training is of the highest priority, as evidenced in the ERM Report on the Effectiveness of the Convention. United States will endeavor

to ensure that this high priority on training will be reflected in the CITES Budget adopted at COP10.

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

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

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

This resolution, submitted by Japan, calls for the repeal of Res. Conf. 2.9; that resolution recommends that "the Parties agree not to issue any import or export permit or certificate" for introduction from the sea under CITES for primarily commercial purposes "for any specimen of a species or stock protected from commercial whaling by the International Convention for the Regulation of Whaling." In 1978 the International Whaling Commission [IWC] passed a resolution requesting that CITES "take all possible measures to support the International Whaling Commission ban on commercial whaling for certain species and stocks of whales as provided in the Schedule to the International Convention on the Regulation of Whaling."

At the time the 1978 IWC Resolution was passed, some populations of whales were listed in Appendix I and some in Appendix II. From 1979 to 1983, as zero catch limits were set in the ICRW Schedule for additional populations of whales, the CITES Conference of Parties added those populations of whales to Appendix I. Most importantly, at the Fourth Conference of the Parties in 1983, CITES decided that "All cetaceans for which the catches are regulated by the IWC and for which the Commission has set catch limits for commercial whaling (except for the West Greenland population of minke whales) and not already on Appendix I would be

transferred to that Appendix in 1986, when the IWC decision to implement a pause in commercial whaling comes into effect." This action by CITES COP4 established a strong relationship between the two organizations whereby CITES has agreed to reflect IWC decisions in its Appendices.

At the most recent meeting (37th) of the CITES Standing Committee, Res. Conf. 2.9 was incorporated into a proposed consolidated resolution for consideration by COP10, although one Party in attendance at the Standing Committee meeting objected to this.

The IWC has not lifted the moratorium, although some nations, such as Japan and Norway, call for the lifting of the IWC moratorium. The IWC continues to work on activities that the United States believes must be completed before any consideration can be given to a resumption of commercial whaling. These elements include development of a scientific scheme for setting quotas and division of an observation and monitoring program to ensure that quotas are not exceeded. Japan continues to circumvent the letter of the Treaty by allowing increasing high catches of whales for "research" purposes in the Antarctic, and more recently, in the North Pacific. Norway, has since 1993, openly defied the moratorium, by setting its own quota for the take of whales in the North Atlantic.

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

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

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

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

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

The United States proposes to oppose this resolution for several reasons. Listing under Article II.2.b. of the CITES treaty is a very important tool to provide the necessary protection to other species listed in Appendices I and II. The listing in Appendix II for similarity-of-appearance purposes allows for the detection of shifts in the market toward

species listed for reasons of similarity of appearance (which could put those species at risk as well). In the case of species listed for reasons of similarity of appearance, it is important to sufficiently monitor their international trade to obtain data which could indicate increased levels of trade in them.

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

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

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

The resolution submitted by France ignores the series of resolutions adopted at previous COPs, as well as numerous decisions of the Standing Committee, calling for CITES Parties to adopt stricter domestic measures to improve the effective implementation of the Convention for the conservation of species of global concern, regardless of whether the taxa in question were native or non-native to any particular country.

It should also be noted that consultations with range states do occur when Parties are considering listing non-native species in the CITES Appendices. Therefore, range states are consulted and their views and data considered prior to any listing of species in the Appendices.

Many countries have adopted a large number of laws and regulations which are stricter domestic measures with regard to imports and exports of CITES-listed species and non-CITES species. Such laws in the United States include the Wild Bird Conservation Act (16 U.S.C. 4901 *et seq.*), the African Elephant Conservation Act (16 U.S.C.

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

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

This resolution, submitted by Namibia, would amend portions of Conf. 5.10, thus revising the Parties' interpretation of the term "primarily commercial purposes" in CITES. Conf. 5.10 was developed to help countries apply the terms "primarily commercial purposes", "commercial purposes", and "non-commercial". The Parties recognized that interpretation of the provisions of Article III, paragraphs 3(c) and 5(c) varied significantly between Parties. Several examples were provided in order to help the Parties address situations that could arise when evaluating whether an import could be considered "primarily commercial" or not. The key to understanding both the treaty and Conf. 5.10 however is the fact that the decision on whether or not an import permit is contingent upon the finding of the importing country that the import is for non-commercial purposes.

Under this proposed resolution, the "primarily commercial purposes" decision would be based on activities in the exporting country, rather than the importing country (as specified in the treaty and Conf. 5.10), such that transactions with Appendix I specimens or derivatives would not be interpreted as being for "primarily commercial purposes" despite commercial components if the following conditions are met: (1) the specimens and derivatives result from routine conservation and management programs, including the recovery of natural populations, which are owned and controlled by a government of a Party and (2) the transaction is (a) conducted under the direct and full control of both the importing and exporting governments and is open to inspection by the CITES Secretariat or any body agreed to by both governments and the CITES Secretariat; (b) the exporting country allocates all net income from the transaction to conservation and management programs for the species concerned, its habitat, education and awareness programs, and to the development of communities directly involved in the management and conservation programs; (c) the importing country certifies that the

imported specimens will be used in a cultural and traditional manner and will not be re-exported; (d) the exporting government certifies that the export will not be prejudicial to the species, but will enhance the status of the species; and (e) the transaction receives prior approval by the Standing Committee.

The United States proposes to oppose this resolution as written, conditions notwithstanding, as it potentially could create loopholes for trade in specimens of Appendix I species, resulting in commercialization that could lead to the extirpation or extinction of a species. It would also weaken the intent of CITES, which was to strictly regulate trade in specimens of Appendix I species (Article II, paragraph 1). The resolution as drafted is not in accordance with the treaty.

The United States is sympathetic to the concerns of the proponent country and its conservation efforts; however, the resolution, as written, is inconsistent with the intent of the Convention and could open up loopholes for trade in Appendix I species, that are at a higher risk of exploitation. The draft resolution inappropriately focuses on the purpose of the take of the animal, versus the ultimate use of the animal or specimen.

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

No document has yet been received. This agenda item refers to the decision of COP9 directing the Standing Committee to prepare a draft resolution containing criteria for granting export permits in accordance with Article V, paragraph 2 of the Convention. The United States has previously held the position, in agreement with the Secretariat, that such criteria are not necessary, particularly in light of the adoption of Resolutions Conf. 9.3 and 9.25. This position advocated and advanced by the United States was adopted by the Standing Committee at its 37th meeting.

The United States will examine any documents received from the Secretariat on this agenda item, and formulate any further necessary position(s) at that time.

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

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

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

No document has yet been received. Discussions at COP10 of the illegal trade in bear specimens will most likely follow from previous discussions held at the last meetings for the Animals and Standing Committees. In response to the serious problems of conservation of bear populations throughout the world caused by the illegal trade in bear parts and products of Appendix I species, the United States placed this issue on the agenda of the Animals and Standing Committees.

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

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

The Secretariat will be compiling and reviewing the responses received from the Parties in response to this notification, and preparing a report for discussion at COP10. Upon receiving this report, the United States will review it closely and develop a policy position. The United States intends to

stay deeply engaged with CITES efforts to protect bear populations.

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

No document has yet been received. When relevant documentation is received from the Secretariat, the United States will evaluate it and formulate a policy position.

17. Trade in Tiger Specimens [Doc. 10.43]

No document has yet been received. When relevant documentation is received from the Secretariat, the United States will evaluate it and formulate a policy position.

At the 36th meeting of the Standing Committee, all Parties were asked to provide information at the Committee's 37th meeting on their efforts to end trade in tiger parts and products, reduce poaching of wild tigers, and implement Conf. 9.13 (Conservation of and Trade in Tigers) passed at COP9. The United States provided such documents to the Secretariat for the 36th and 37th meetings of the Standing Committee.

At the 37th meeting of the Committee the United States reported on the following issues: efforts to interdict illegal shipments coming into the United States; training in Asia on CITES enforcement and implementation; progress made by the Service's National Fish and Wildlife Forensics Laboratory (Division of Law Enforcement, Ashland, Oregon), including analysis of levels of arsenic, mercury, and other chemicals found in patented traditional Asian medicinal products; the Service's education and outreach program with the United States Asian community and a similar outreach program with the United States traditional Asian medicine practitioner community; the Rhinoceros and Tiger Conservation Act passed by the United States Congress and the Service's review of grant proposals under the Act; and funding through the National Fish and Wildlife Foundation for such grants. (Copies of this document are available through the Service's Office of Management Authority.)

On March 13, 1997, the Service announced the awarding of the first-ever grants issued under authority of the Rhinoceros and Tiger Conservation Act of 1994. The Act provides monies to fund projects that will enhance sustainable development programs to ensure effective long-term rhino and tiger conservation. Congress had authorized \$200,000 in funding for fiscal year 1996 and \$400,000 for fiscal year 1997. Ten projects receiving funding were announced, including

three specifically targeted on tiger conservation efforts in India, Indonesia, and Nepal, while two additional projects benefiting both tigers and Asian rhinos were funded in India and Indonesia. Combined awards for these projects total \$96,300. Additional monies were allocated to grants for rhino conservation projects (see discussion under item 19). The National Fish & Wildlife Foundation also administers the Save The Tiger Fund, a program funded by Exxon to assist with the conservation of tigers by providing grants to a wide variety of applicants.

18. Trade in African Elephant Specimens

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

No document has yet been received. When relevant documents are received from the Secretariat the United States will review them and develop a policy position.

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

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

(c) Stockpiles of Ivory [Doc. 10.46]

No document has yet been received. At COP9, the Conference of the Parties asked the Standing Committee to

evaluate issues pertaining to ivory stockpiles, and make recommendations to the Parties. At the 37th meeting of the Standing Committee, representatives of Africa reported on a meeting held in Dakar, Senegal of African elephant range states (the United States provided financial assistance for the meeting). At that meeting, several options were presented and agreed upon by the range states. The United States position at the Standing Committee meeting was that no single option should be endorsed by the Standing Committee, as long as the options are fully in accordance with the provisions of the CITES treaty, since countries should be able to evaluate all options. The United States continues to support that position. The United States will evaluate the document being prepared by the Secretariat, and develop its position on it subsequently.

19. Trade in and Conservation of Rhinoceroses

No document has yet been received. When relevant documents are received from the Secretariat the United States will review them and develop a policy position. At the 37th meeting of the Standing Committee, the Committee agreed to support the continued efforts of the IUCN/SSC African Rhino Specialist Group (AfRSG) (Doc. SC.37.17), and agreed to endorse efforts by that group to develop indicators to measure the impact(s) of the CITES listing of the species. While endorsing the efforts, the document prepared by the AfRSG was not adopted by the Committee. The United States agreed with the Standing Committee's endorsement of the efforts of the AfRSG, but supported the position of the Committee in not adopting the document.

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

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

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

No document has been received on this issue. At COP9, South Africa's population of the white rhinoceros was transferred to Appendix II, with an annotation to allow only trade in live rhinoceroses and sport-hunted trophies. South Africa is expected to submit a report to COP10 on its implementation of this down listing. The United States interpretation of the proceedings at COP9 was that there would be a proposal from the Depositary Government (Switzerland) to transfer the population back to Appendix I, submitted to COP10, as well as a proposal from South Africa to retain the population back to Appendix II (if it wanted to do so). The Secretariat's interpretation differed, and the Secretariat has informed the United States that no such procedure is necessary. The United States notes that South Africa has submitted a proposal to "amend" its annotation for this species. The United States believes that this proposal constitutes a new species proposal, one which would transfer the population to Appendix II, and as such must be evaluated in the context of the CITES listing criteria in Resolution Conf. 9.24. The United States believes that these annotations bring up important issues that will be addressed once a document is received on this agenda item.

20. Exports of Vicuña Cloth [Doc. 10.49]

No document has yet been received. The United States will develop its position after the document is received.

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

This document has not yet been received from the Secretariat. At COP9, in response to submission of a proposal to include these species in CITES Appendix II, a decision was adopted to convene an international scientific and management workshop on the conservation of edible-nest swiftlets in the genus *Collocalia*. This agenda item will discuss the results of that workshop, held in Indonesia in 1996. The United States did not attend the workshop, and will develop its position after the document is received.

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

No document has yet been received. The United States has actively participated in the implementation of

Conf. 9.17 which directs the Animals Committee to report to COP10 on the biological and trade status of sharks. The Animals Committee prepared a discussion paper in this regard. Conf. 9.17 also requested that the Food and Agriculture Organization (FAO) of the United Nations (UN) and international fisheries management organizations establish programs to collect and assemble the necessary biological and trade data on sharks species, and that such information be distributed to the Parties at COP10. The recommendations contained in the Animals Committee discussion paper call for continued cooperation between the FAO, international fisheries organizations, and CITES. In addition, many questions were raised concerning technical and practical aspects of implementation concerns associated with inclusion of marine fish species which are subject to large-scale commercial harvesting and international trade, and also listed on the CITES Appendices.

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

23. Trade in Plant Specimens

No document has yet been received. The United States will develop its position after the document is received.

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

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

The United States agreed that the resolutions drafted by the TWG should be submitted to COP10, except the one entitled Regarding Appendix III Listings (TWG.02.Concl.04 (Rev.)). The United

States strongly opposed this recommended amendment of Conf. 9.25, and proposes to continue to do so at COP10. That draft resolution concludes that limiting an Appendix III listing to geographically separate populations would not necessarily result in enforcement difficulties for Parties; the U.S. disagrees. The draft does not take into account implementation and enforcement concerns, especially for species other than timber tree species. The United States believes that the draft resolution is a misinterpretation of Appendix III.

The topic of extending the term of the TWG was also discussed by the Group itself and reported at the Standing Committee meeting. The TWG recommended that extending the term of the working group be considered, if technical issues need to be addressed, with the same membership, but be convened only at the request of the Standing Committee, to discuss specific issues. The United States supported that recommendation, with the caveat that the Terms of Reference of the TWG remain the same.

With regards to United States financial support for future TWG meetings, the United States position is that any such funding is dependent on Federal agency budgets, about which information is not currently available. However, continued financial support from the United States for future TWG meetings should not be considered likely given expected budgetary pressures.

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

No document has yet been received. The United States will develop its position after the document is received.

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

No document has yet been received. The United States will develop its position after the document is received. The United States has established a system of Plant Rescue Centers (PRC) for the placement of confiscated live plants. The Service's Office of Management Authority and the United States Department of Agriculture, Animal and Plant Health Inspection Service (APHIS) work together closely on the implementation of this rescue center program.

24. Significant Trade in Appendix II Species

(a) Animals [Doc. 10.55]

No document has yet been received. When relevant documents are received from the Secretariat the United States

will review them and develop further policy positions as warranted.

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

There was considerable discussion about the Significant Trade Review process, particularly regarding concerns that recommendations made to the Secretariat for transmission to the range states are neither specific enough or sufficiently "action-oriented." (The United States endorsed this point.) Concerns were also discussed regarding consultation with range states in lieu of forwarding specific primary or secondary recommendations to the Secretariat, as this was believed to be a misuse of the Significant Trade Review process. Except for corals and queen conch (both species under review in this process), the Secretariat has transmitted primary and secondary recommendations on the 1995 species significant trade review to range States.

During discussion at the 13th meeting of the Animals Committee of the 1996 review of taxa in the Significant Trade Review process, there was confusion about the timing of the review cycles used in this process. It was clarified that each cycle should correspond to an interval between meetings of the CITES Conference of the Parties. The United States supported an agreement not to initiate another round of reviews (the 1996 reviews), but to complete the 1995 cycle between that meeting and COP10, and then devote efforts to evaluating the outcomes of previously reviewed species, especially involving Parties receiving primary recommendations from the review process. It was also agreed, and the United States supported the concern, that insufficient resources

were being applied to field studies and that this aspect of the Significant Trade Review process suffers if new species are reviewed before adequate follow-up, such as field studies, have been implemented for previously reviewed species.

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

(b) Plants [Doc. 10.56]

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

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

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

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

No document has yet been received from the Secretariat. The United States will develop its position after the document is received.

27. Trade in Alien Species [Doc. 10.59]

This topic is addressed in an issue document co-sponsored by the United States and New Zealand. See **Federal Register** notice of March 27, 1997, for a rationale explaining the United States submission of this document.

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

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

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

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

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

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

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

The draft resolution would modify Conf. 9.10 in that it recommends that confiscated dead specimens of Appendix I species not be destroyed, but utilized for all useful purposes in accordance with the Convention, in particular for educational, research or

scientific activities, but also for "the cultural and artistic heritage" (translation provided by the Embassy of France). The resolution makes no reference to the enforcement obligation of Parties to CITES as enumerated in Article VIII, but instead CITES economic and social development provisions of the Convention on Biological Diversity.

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

In addition, the United States believes that this resolution, if adopted, would detrimentally impact controls on seized Appendix I plants and plant materials. The United States recognizes that there may exist many appropriate cultural or artistic uses of accumulated dead specimens of Appendix I animals and plants. However, the United States also recognizes that establishing appropriate mechanisms to ensure that these specimens are only used in the proper context will be very difficult to achieve. In addition, Conf. 9.10 makes a specific reference to the disposition of accumulated dead specimens of Appendix I plant species. The proposed resolution addresses the disposition of specimens of Appendix I species, making no distinction between animal and plant species. This element of the proposed resolution increases the United States' concern regarding the establishment of appropriate mechanisms to ensure that these specimens are only used in the proper context, and fully in accordance with the Convention.

31. Marking of CITES Specimens [Doc. 10.63]

This document was submitted by the CITES Secretariat on behalf of the Animals Committee. The Animals Committee held discussion related to problems of implementation of Conf. 5.16 which lays out the requirements for trade in ranched specimens listed in the

Appendices to the Convention. The proposed resolution submitted by the Secretariat seeks to amend the marking requirements to reflect uniform marking only of items of primary economic importance. The resolution also recommends that any ranching proposal include details of the marking system, a list of all specimens of primary economic importance and a current inventory of such stocks.

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

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

No document has yet been received. The United States believes this document will discuss implementation of the resolution on the universal tagging of crocodilian skins, which the United States generally supports. However, the United States will not formulate a final policy position on this issue until the documents are received from the Secretariat.

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

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

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

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

35. Captive Breeding

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

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

No additional documents have yet been received. At COP9, the Parties directed the Secretariat, working with the Animals Committee, to prepare a

new resolution consolidating the various extant resolutions dealing with the determination of whether a specimen is bred-in-captivity, and captive breeding of Appendix I animals for commercial purposes. When relevant documents are received from the Secretariat, the United States will review them and develop further policy positions as warranted.

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

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

36. Hybrids

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

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

The United States proposes to oppose this resolution. The United States believes that Conf. 2.13 is effective as written, well balanced in scope, effect, and intent, and needs no revision. By modifying Conf. 2.13 in the manner outlined in this resolution, additional layers of complexity and confusion would be added to the issue of trade in hybrid animal species. In addition,

some other important conservation concerns arise from modifying Conf. 2.13 pursuant to the proposed resolution. First, full species in trade could erroneously be declared as hybrids by traders, in which case, effective law enforcement could be difficult. This could be especially significant regarding the trade in birds because of plumage that is highly variable, which may not accurately reflect the parentage of a particular specimen. Second, it is apparent that a hybrid captive-breeding facility may require supplementation of wild-caught parental stock in order to maintain a given level of hybrid specimen productivity. Third, the demand for pure Appendix I specimens will still require the acquisition of wild-caught stock, which may promote the laundering of wild-caught specimens under the guise of being captive-born or captive-bred hybrids. Lastly, if hybrids are not protected by the more restrictive Appendix, deliberate hybridization could increase and serve to dilute available blood lines, thereby increasing pressure on wild populations to provide additional genetic material. Australia, the author of the pending resolution proposal, has concerns over specific species in that country and feels this issue could be satisfactorily addressed with a modification to Conf. 2.13. The United States believes that such concerns could be addressed in a specific listing proposal.

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

No document has yet been received. When relevant documentation is received from the Secretariat, the United States will evaluate it and formulate a policy position.

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

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

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

This resolution, jointly submitted by Switzerland and Germany, calls for the creation of a certificate of ownership to accompany CITES-listed animals frequently crossing international borders. The United States interprets the term personal or household effects in Article VII, paragraph 3, to include personally owned live animals that were acquired in the owner's state of usual residence. Other countries have not

included live animals in their interpretation of this exemption, and the Secretariat maintains that position based on Conf. 4.12. The issuance of separate permits to people with personally owned live animals that cross international borders frequently (i.e., falconry practitioners, pet owners who travel, etc.) poses technical and administrative burdens. In addition, the Service is concerned with the number of retroactive permits we have had to issue since the United States recognizes the exemption while other countries do not.

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

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

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

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

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

The United States proposes to oppose the basic premises of this resolution. The United States does not believe that the CITES Parties should treat circuses owned or funded by a country's government differently from circuses that are privately owned. Although the United States recognizes that animals being moved by circuses are to stay in their possession and are not to be sold while the circus is outside its state of usual residence, the United States considers circuses to be conducting activities that are primarily commercial. The United States also does not agree

that circuses should be exempted from the requirements of CITES as long as the Management Authority finds that the animals were legally acquired. This broad general exemption from the provisions of CITES could have serious implications for the conservation of some species.

On the other hand, the United States supports the use of a passport-type certificate similar to the Annex presented in the proposed resolution. The United States also recognizes (61 FR 44332) that there are additional technical issues in Conf. 8.16 that could be clarified and looks forward to opportunities to explore these various issues.

40. Transport of Live Specimens [Doc. 10.75]

This is a United States sponsored resolution on behalf of the Animals Committee. See **Federal Register** notice of March 27, 1997, for a rationale explaining the United States submission of this resolution.

41. Designation of Scientific Authorities [Doc. 10.76]

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

42. Standard Nomenclature [Doc. 10.77]

No document has yet been received. When relevant documents are received from the Secretariat, the United States will review them and develop a policy position.

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

This is an information document submitted by the Government of Germany discussing the population status and threats to *Ovis vignei*. The United States proposes to support the effort to resolve the listing status of *Ovis vignei* and thanks the Government of Germany for presenting this document.

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

One of the two documents in this item is a United States submitted discussion paper, "Flora, Fauna and the Traditional Medicine Community: Working With People To Conserve Wildlife." See **Federal Register** notice of March 27, 1997, for a rationale explaining the United States submission of this document. The other discussion paper, "Traditional Medicine and CITES: A Discussion of Traditional East Asian

Medicine," was submitted by the United Kingdom.

The United States supports the United Kingdom's discussion points as adjuncts to its own. It is uncertain, however, that a resolution on trade in traditional medicines containing wild species is necessary at this time. The United States agrees with the recommendation advocating traditional medicine community participation in CITES both nationally and internationally. The United States specifically endorses the involvement of traditional medicine communities at the national level in discussions pertinent to traditional practices. The United States also endorses the items which support effective enforcement, research and use of substitutes and alternatives, development of authentication tools for semi-processed and processed medicines, conservation awareness programs, and international commitment to conservation, regulatory and ethical issues. Likewise, the United States supports the United Kingdom's positions on (1) encouraging more effective implementation of Conf. 9.13 and 9.14, (2) encouraging donor support for these issues, and (3) including under Conf. 8.4 the review of measures taken by Parties in their national legislation to control the import, export, possession, sale and use of medicinal products containing animal and plant species.

The United States, however, does not intend to support the recommendation of this resolution calling for the convening of a technical workshop to establish priority actions for addressing CITES-species use within the context of traditional medicine. The United States believes that priorities should first be identified at a national level between representatives of traditional medicine communities and animal and plant enforcement and CITES authorities. After the identification of national priorities, identified concerns could then be elevated for discussion within the context of the Conference of the Parties.

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

In order to ensure the sustainable use of wildlife resources and to conserve biodiversity, this draft resolution would mandate that the Standing Committee, in liaison with the Convention on Biological Diversity (CBD), the Global Environmental Facility (GEF), the World Conservation Union (IUCN), and each Party, study the terms and conditions under which the establishment of a tax on wildlife specimens could be

implemented and the allocation of such taxes. It recommends that the issuance of labels on wildlife and its products be subjected to the payment of such a tax.

While being supportive of biodiversity conservation and the sustainable use of wildlife, the United States intends to oppose adoption of this resolution. The United States opposes the establishment of an international tax on wildlife use. The text of CITES neither obligates or authorizes Parties to levy any tax, whether direct or indirect, on the trade in animal or plant species that are included in the Appendices to the Convention. Nor is there a mechanism provided in CITES that would administer any funds generated from a tax on trade in a manner that would ensure sustainable trade and habitat conservation.

Because the text of the Convention does not address the issue of taxation, the United States must oppose the draft resolution on Constitutional grounds. The Congress of the United States, which has exclusive jurisdiction over the passage of any legislation that would levy taxes on United States entities engaged in international trade, has not authorized such taxes to be imposed as part of the implementation of CITES.

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

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

No documents have yet been received from the Secretariat. However, the Secretariat has indicated that it will be preparing a document for COP10 which will include the financial implications of putting this system into place.

47. Inclusion of Higher Taxa [Doc. 10.83]

This resolution, submitted by Namibia, recommends that the listing of

higher taxa on the Appendices to the Convention not be made without considering negative consequences to geographically distinct populations. It also recommends the use of annotations on the Appendices to the Convention so that generalized indicators would be presented according to the conservation status and most appropriate management program for each listed species.

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

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

No document has yet been received. When relevant documentation is received from the Secretariat, the United States will evaluate it and formulate a policy position.

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

1. Proposals Submitted Pursuant to Resolution on Ranching [Doc. 10.85]
2. Proposals Resulting from Reviews by the Animals and Plants Committees [Doc. 10.86]
3. Proposals Concerning Export Quotas for Specimens of Appendix I or II Species [Doc. 10.87]
4. Other Proposals [Doc. 10.88]

Proposal to amend the appendices have been received, and tentative U.S. negotiating positions on these proposals

are presented in a separate **Federal Register** notice.

XVI. Conclusion of the Meeting

1. Determination of the Time and Venue of the Next Regular Meeting of the Conference of the Parties [Doc. 10.89]

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

2. Closing remarks
Request for Information and Comments

With this notice, the Service invites information and comments on the proposed negotiating position on COP10 agenda items. (Comments on amendments to the Appendices of the Convention should be based on the **Federal Register** notice of the same date as this notice). Information and comments on this present notice should be submitted to the Service no later than May 9, 1997. Interested Parties can also make verbal or submit written comments to the Service at the Public Meeting of April 25, 1997 (See Public Meeting, above).

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Dated: April 11, 1997.

Jay L. Gerst,

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

[FR Doc. 97-9925 Filed 4-16-97; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO-350-1430-00; OMB Approval Number 1004-0011]

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The Bureau of Land Management (BLM) has submitted the proposed collection of information listed below to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). On March