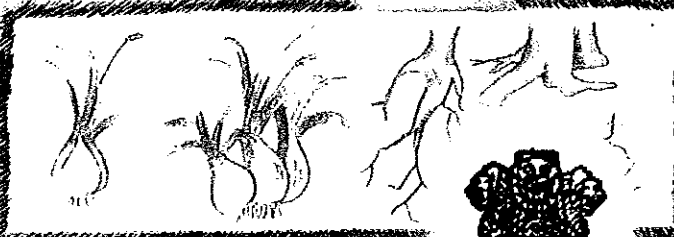




**Pushp Jain**



**Ministry of Environment and Forests  
Government of India**



**World Wide Fund for Nature - India**

**TRAFFIC  
—INDIA—**



The World Wide Fund for Nature - India (WWF-India) has been working to promote harmony between humankind and nature for three decades. Today, it is recognised as a premier conservation NGO in the country dealing with conservation and development issues.

At a time when the Web of Life has come under increasing threats, WWF-India's efforts have been to find and implement solutions for the benefit of present and future generations.

Formerly known as the World Wildlife Fund, WWF-India was established as a Charitable Trust in 1969. With its network of State/Divisional and Field Offices spread across the country. WWF-India's Secretariat functions from New Delhi. The organisation is part of the WWF family with 27 independent National Organisations. The coordinating body, the WWF International, is located at Gland in Switzerland.

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## Foreword

It was at the UN Conference on the Human Environment held at Stockholm in 1972 that the "Wildlife Principle" was unanimously adopted by 113 nations represented there in the following historic words:

"Man has a special responsibility to safeguard and wisely manage the heritage of wildlife and its habitat, which are now gravely imperilled by a combination of adverse factors. Nature conservation, including wildlife, must receive importance in planning for economic development".

It was the leader of the Indian delegation at the Stockholm Conference, Prime Minister Indira Gandhi, who took the initiative in introducing this principle and securing its unanimous adoption. This was the first time that the highest international forum for the consideration of human affairs found time to debate and accept the importance of wildlife and the responsibility of humankind in the matter.

A year later, an international treaty was drawn up to regulate trade in endangered species of wildlife. This was in recognition of the fact that a major factor responsible for the decline of wildlife all over the world is undoubtedly trade and commerce. Illegal trade in wildlife and products thereof is now perhaps as large as the illegal trade in drugs and narcotics. To address this growing menace, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) was conceived and became operational in 1975. This is now the most well recognised inter-governmental treaty to regulate wildlife trade. Its importance can be gauged from the fact that currently 151 national governments are Parties to the Convention.

India ratified CITES in 1976 and has played an active role since. The third meeting of the Conference of CITES Parties was hosted by the Government of India in 1981 at New Delhi. It was described then "as the best attended as well as hosted Conference of the Parties". It was for this meeting that the CITES logo was designed in India, which was then adopted unanimously by the Parties. India's role in the working of the Convention received further recognition when it was elected to chair the Standing Committee, the most important committee of CITES. In fact, from 1981 to 1987 India had the unique distinction of being elected for three consecutive terms in the same capacity; no other country has had this honour so far.



India's strong advocacy of conservation and as the upholder of the basic philosophy of CITES was widely appreciated at the fourth and fifth meetings of the Parties held in 1983 and 1985 and at the close of the fifth meeting about thirty international and national non-government organisations signed and gave to the Indian delegation a memorandum in the following words:

"We wish to express our deep gratitude and appreciation for the diligent efforts of India to uphold the letter and spirit of the Convention, in spite of increasing efforts to weaken the treaty.

Your delegation's untiring work and eloquent spokespersonship in defense of the world's beleaguered fauna and flora are a credit to your country and an inspiration to the world."

Since then, many developments have taken place and now CITES is 25 years old. It is with a view to commemorate this event and to document India's role vis-à-vis CITES through this period that this publication is being brought out. WWF-India is thankful to the Ministry of Environment & Forests, Government of India, for accepting the idea and also for providing the necessary help and support for this purpose.

However, it has to be recognised that wild fauna and flora are at greater risk today than ever before and the challenge before CITES continues unabated. Despite its large coverage and wide acceptability, the effectiveness of CITES is continually being compromised by unscrupulous trading interests who continue to be left scope to operate. This is very unfortunate and a matter of grave concern. To check and reverse the situation, it is vital for the member nations to perform their role under the Convention in the manner expected of them and to ensure that implementation follows both the letter and the spirit of the Convention. Here again, India has a crucial role to play.

Samar Singh  
Former Secretary General,  
WWF-India

## **From the Desk of the CITES Management Authority of India**

India has been at the forefront of wildlife conservation and has always welcomed international cooperation in this endeavour. India became a Party to CITES way back in 1976. It has had a glorious association with CITES, particularly during its formative years. It has been making serious efforts for implementation and enforcement of CITES.

The Wildlife Institute of India has been designated as the fourth scientific authority in India under CITES in 1999. The Wildlife (Protection) Act, 1972 has been amended from time to time as per the requirements of wildlife protection including CITES. It is again under the process of amendment and is expected to incorporate the CITES concerns in a comprehensive manner. Management of CITES in India is being reinforced by creation of few more Assistant Management Authorities.

Numerous seizures of wildlife products made in the country recently, in cooperation with enforcement agencies and NGOs, are indicative of India's intentions to curtail illegal wildlife trade.

This book is a comprehensive document on CITES with special reference to India.

I am sure it would be found useful by one and all.

S. C. Sharma  
Management Authority of CITES in India  
Additional Inspector General Forests (Wildlife)  
Ministry of Environment and Forests  
Government of India  
New Delhi

The Union Ministry of Environment and Forests (MoEF), Government of India contracted TRAFFIC-India, a division of WWF-India to bring out a publication on India's role in CITES on the occasion of completion of 25 years of the Convention. I was assigned the research work for the book.

I began the research for the book looking for background published material which might throw light on the subject. Regrettably, nothing worthwhile was found. It was then decided to consult authorities and experts who had participated and contributed to the CITES process and/or had been or are the Management and Scientific Authority for CITES in India.

People I consulted included Mr Samar Singh, who was the Management Authority for CITES in India in 1980s as well as Chairman of the Standing Committee of CITES from 1981 to 1985; Dr. M. K. Ranjitsinh, who was the Management Authority for CITES in India from mid-1980s to early 1990s as well as the Chairman of the Standing Committee of CITES from 1985 to 1987; Mr. S.C.Dey, who was the Management Authority of CITES in India during 1990s and had participated in several meetings of the CITES Committees and CoPs; Mr. S. C. Sharma, the present Management Authority for CITES in India; Mr Kishore Rao, the then Deputy Inspector General of Forests (Wildlife), MoEF; Mr S. K. Mukherjee, Director, Wildlife Institute of India who had been an Assistant Management Authority for CITES in India during early 1980s; and Mr Manoj Misra, Director, TRAFFIC India, who had participated at the tenth CoP. The process, though cumbersome, helped in finalising the framework for the book and provided quite a good insight to the subject. This further helped me to view the material I later came across, with a proper perspective.

Thanks to the efforts of Mr Kishore Rao, DIG (WL) as well as Mr Surendra Kumar, Assistant Management Authority and Deputy Director for Wildlife Preservation (Northern Region), I had free access to the official files and documents on CITES including the proceedings of the meetings of the CoPs, reports of meetings of the CITES committees, CITES notifications etc. Information therefrom has been used liberally, particularly for Chapters on the Conference of the Parties, the Standing Committee, the Animals and the Plants Committees.

Much insight into the implementation and enforcement or rather lack of it, was brought into focus through my discussions and interactions and communications with the Scientific Authorities for CITES, namely, Dr M Devraj, Director, CMFRI; Dr V. Singh, Director, BSI; Dr A. K. Sanyal, Scientist, ZSI; and Dr P. K. Hajra, former Director, BSI.

Mr Manoj Misra took pain and keen interest in reviewing draft after draft, until the book was finalised. The first draft of the book was reviewed by Mr Kishore Rao, Mr Samar Singh, Mr S. C. Dey, Mr S. K. Mukherjee, Mr Surendra Kumar and Stephen V. Nash of TRAFFIC International. Editorial input from Mr R. K. Jain and Mrs Chitra Narayan, and layout and design by Rahul Dutta were found highly useful. The final shape of the book in fact is the outcome this extensive review and editing processes.

Initially, it was planned the document to give only an overview of CITES and India's role as far the enforcement and implementation of the Convention was concerned. But during the course of the research, it was realised that there was an acute lack of awareness and understanding of CITES among the various stakeholders within the country. Thus it was decided to make the document as comprehensive as possible so that it becomes a source book on the matter.

It is important to point out that while discussing Articles of the Convention, and documents, decisions and resolutions of the CoPs, only the key elements have been referred in the book. A reader is advised to consult the relevant (full) text, if the need arises.

Following points came out strongly during the research of this book which may be considered at the appropriate level for better implementation and enforcement of CITES in the country, including the future role of India in CITES and India's conservation policy:

- Every delegate before attending a CITES Conference, Committee, Seminar or Training should do proper home work and prepare a detailed report on return.
- India needs to have a well thought out and defined policy on CITES and adhere to it.
- There is today a clear polarisation of Parties, amongst those for sustainable use and increasing trade in wildlife and the other favouring total ban and stricter control on trade. India needs to find its own mooring in such a polarised world.

- India for some reasons never produced any document for consideration at any of the CoP. Its proposal for amendment of the Appendices, either for up listing or new listing, were invariably found to be incomplete. Certainly, capacity building among the Scientific Authorities is urgently required.

It is also relevant here to remind the other Parties to the Convention, that the book has been prepared with a particular reference to CITES and India's role there in, and thus the useful role played by many of them in CITES may not find a mention here.

Pushp Jain

## Acknowledgment

At the outset, I must heartily thank Mr Samar Singh and MoEF for providing me with the opportunity for this interesting work. I must specially thank Mr Manoj Misra for his regular advice throughout the Project. Mr Misra kindly spared time from his extremely busy schedule to review several drafts of the book. Special thanks are also due to Mr Kishore Rao and Mr Surendra Kumar for advice on the framework of the book, extension of all the help at the MoEF and reviewing the drafts of the book.

I am sincerely thankful to Mr. S. C. Sharma, Mr. S. C. Dey, Mr. S. K. Mukherjee, Dr. M. Devraj, Dr. V. Singh, Dr A. K. Sanyal, Dr P. K. Hajra, Dr M. K. Ranjitsinh, Mr. Stephen V. Nash, Mr. R. K. Jain, Mrs. Chitra Narayan, Mr. Rahul Dutta and all others who have advised and provided help during the research and writing work for the book.

Of course, finally I must thank all the staff members at TRAFFIC-India, specially Mrs. Sudha Mohan and Mrs. Manorama Goswami for their ever available cooperation, with a smile.

Care has been taken to make a mention of all (Indian) officials who have contributed to the CITES process from India. If due to non-availability of some documents, some omissions might have occurred, they may be excused.

## *Forword*

*From the desk of the CITES Management Authority of India*

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## Abbreviations

AMA	:	Assistant Management Authority of CITES in India
BIDS	:	Bad Ivory Database Systems
BSI	:	Botanical Survey of India
CBD	:	Convention on Biological Diversity
CITES	:	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CoP	:	Conference of the Parties
GEF	:	Global Environment Facility
IUCN	:	World Conservation Union (formerly International Union for Conservation of Nature and Natural Resources)
IWC	:	International Whaling Commission
MA	:	Management Authority
MoEF	:	Union Ministry of Environment and Forests, Government of India
NGO	:	Non-Government Organisation
SA	:	Scientific Authority
S.C.	:	Standing Committee of CITES
S.S.C.	:	Species Survival Commission of IUCN
TRAFFIC	:	Trade Records Analysis of Flora and Fauna in International Commerce
UN	:	United Nations
UNEP	:	United Nations Environment Programme
USA	:	United States of America
USSR	:	Union of Soviet Socialist Republics
WCO	:	World Customs Organisation
WCMC	:	World Conservation Monitoring Centre
WTMU	:	Wildlife Trade Monitoring Unit
WII	:	Wildlife Institute of India
ZSI	:	Zoological Survey of India



## Glossary

Appendix —	:	Appendices of the Convention
Article —	:	Article of the Convention
Com (-.-)	:	Draft resolution prepared by a Committee at the CoP for consideration at the Sessions of the CoP
Conf. (-.-)	:	The resolution of the Conference of the Parties. In the brackets, the number on the left is the number of the CoP and the one on the right is the number of the resolution
Doc. (-.-)	:	Document prepared by Parties, Secretariat, CITES Committees for the consideration of the CoP
Non-Party	:	A country not party to CITES
Party	:	A country for whom CITES has entered into force
Spp	:	All species in a genus/family
State	:	Country

## CHAPTER - I

# INTRODUCTION

### ORIGIN AND EVOLUTION

Humans have always used nature for sustenance. Whether for food, clothing or shelter, nature was the obvious provider. With the passage of time, humans became appropriators and exploiters of nature, especially when natural resources became items of commerce.

Wildlife came to support not just the basic needs of humans but also their requirement of sport, entertainment and, in recent times, that of the fashion needs.

Several oriental systems of medicine (Indian and Chinese in particular) based on wild fauna and flora became popular, far and wide, resulting in an increase in the demand of medicinal plants and animals.

There are ample historical records pointing to the enormous trade in wildlife. The Greek writer, Aristeas, reported, as far back as the seventh century B.C., about the hunters of the endless swamps and forests which stretched from the Urals to the Yennisei river in Siberia, who traded furs with the people of south-eastern Europe.<sup>1</sup>

Wildlife trade has in some cases had an impact on the history and fortunes of several countries. Take the example of Canada. During the 60s, the then Governor of Canada, Jean Talon, an appointee of the King of France, attempted to rein hunters and trappers by insisting on licensing and taxes. Talon negated the proposal of two of the leading French *couvreurs de bois* (runners of the forests), Chouar des Groseillier and Pierre-Esprit Radisson to set up a national French fur trading company in which they would have the supervisory powers. Such was the importance of the fur trade that this decision cost France all of Canada, hundred years later. The duo in association with England formed "The Hudson's Bay Company". The company rapidly increased its influence and by and by encroached upon the French territory. The French could not hold on

before the superior power of the Hudson's. In the Peace of Utrecht (1714) France surrendered claims over a lot of territory. The rest of Canada was later ceded in 1763 to England after the Anglo-French war over North America.<sup>2</sup> The war in Canada was fought chiefly over hunting grounds and fur!

The vulnerability of earth to unfair exploitation of nature and natural resources has been well documented, more so during the twentieth century. Several writers from the field of science, geography, economics, politics and conservation have written extensively on the subject.

A brief sample of the works is indicative of the concern. In the 1930s there were such books and essays as Paul Sears's *Deserts on the March*, Graham Jacks and P.O. Whyte's *The Rape of the Earth*, and Carl Sauer's 'Destructive Exploitation in Modern Colonial Expansion'. Later on Fairfield Osborn's *Our Plundered Planet* (1948), William Vogt's *Road to Survival* (1948), Rachel Carson's *Silent Spring* (1962), Jean Dorst's *Avant que nature meure* (1965), Paul Ehrlich's *The Population Bomb* (1968) and Dennis and Donella Meadows's *The Limits of Growth* (1972) all documented the damage to nature and environment.

Thinking on similar lines but on a particular issue, several enlightened conservationists felt in the late 1950s that the survival of many animals and plants was threatened, in part, due to international trade. There was realisation that though regulating trade might not provide all the protection necessary for a species' survival, it would be impossible to protect most species without controlling international trade in them.

This issue was first discussed in 1960 at the Seventh General Assembly of the International Union for Conservation of Nature and Natural Resources, IUCN, now known as the World Conservation Union. The Assembly urged governments to restrict the import of animals in accordance with the export regulations of the countries of origin.

In 1963, the IUCN General Assembly passed a resolution calling for 'an international convention on regulations of export, transit and import of rare or threatened wildlife species or their skins and trophies'. The first draft appeared in 1964 and at the 1969 General Assembly a list of species to be controlled was presented. Another draft was circulated in 1971.

In 1972, the United Nations Conference on the Human Environment at Stockholm adopted Recommendation 99.3 in response to which a draft

convention at the plenipotentiary conference held in Washington D.C. in February-March 1973 was discussed. On 3 March 1973, 21 countries signed the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which entered into force after the tenth ratification on July 1, 1975.<sup>3</sup>

#### CITES - Milestones

1960	Seventh General Assembly of IUCN highlighted wildlife trade issues
1963	IUCN General Assembly passed a resolution calling for "An international convention on regulations of export, transit and import of rare or threatened wildlife species or their skins and trophies"
1964	IUCN prepares first draft for the convention
1969	IUCN General Assembly prepares a list of species
1971	Second draft of the convention
1972	United Nations Conference on the Human Environment held at Stockholm adopted a recommendation (99.3) for discussion of the convention
1973	88 countries discussed the draft at a conference in Washington DC
1973	21 countries signed the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)
1975	Convention entered into force after the tenth ratification
1976	India becomes the 25th Party

## THE CONVENTION

The Convention on International Trade in Endangered Species of Fauna and Flora (CITES) establishes the international legal framework and procedural mechanism for the prevention of trade in endangered species and for an effective regulation of trade in certain other species. Guidance on interpretation of the Convention (for text of the Convention see Annexure - A) is provided in the many Resolutions of the Conference of the Parties. Two main arms of the Convention are the CITES Secretariat (*Article XII*) for administration and the Conference of the Parties (*Article XI*) to take decisions.

The CITES Secretariat in Geneva, Switzerland, headed by a Secretary-General, acts as a clearing house for the exchange of information and liaisons between the Parties, other authorities and organisations and carry out the work assigned by the Conference of the Parties. On behalf of the CITES Secretariat, data on global trade in wildlife is collected and analysed by the Wildlife Trade Monitoring Unit (WTMU) at the World Conservation Monitoring Centre (WCMC), Cambridge, U.K.

The Conference of the Parties (CoP), held biennially, reviews the implementation of the Convention and makes appropriate recommendations. Financing of Secretariat and meetings of the Conference of the Parties is its direct responsibility. Amendment of Appendices to the CITES is a regular feature of the meetings of the Conference of the Parties.

### Appendices of CITES

There is a system of listing species under stress in the Convention's Appendices. Appendices I, II and III of the Convention list species in decreasing order of threat, respectively (*Article II*).

Appendix I lists species "threatened with extinction, which are or may be affected by trade". Appendix II lists species "which although not necessarily now threatened with extinction but may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilisation incompatible with their survival". Appendix III includes all species which any Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation and needs the cooperation of other Parties in the control of trade.<sup>4</sup>

An important distinction between Appendix III and the other Appendices is that no vote of the Parties is required to list a species on this Appendix. It is done unilaterally at the initiation of the Party to which the species is native.

A guideline for listing of species in various Appendices was provided by the Berne Criteria which was adopted at the first meeting of the Conference of the Parties in 1976 in Berne (Resolutions Conf. 1.1 and 1.2). The Criteria referred to the kind of information to be gathered on biological and trade status for listing of species in Convention's Appendices.

The Criteria provides that a genus should be listed if most of the species in the genus are threatened with extinction and if identification of individual species within the genus is difficult. The same should apply to the listing of any smaller taxa within larger ones. This in effect meant, that, if within a group of species, some but not a majority, are threatened and identification of the different species was difficult, then the Parties might place the broad group within the control of Appendix II while listing only those which are threatened in Appendix I. In some cases the Parties may use even broader taxa such as orders and families. An example of such listing is the 'Primates'.

An amendment of the Appendices amounts to transfer of species from one Appendix to another or addition and removal of species from the Appendices. This is done in accordance with procedures and criteria set forth in the Convention through the resolutions adopted at the Conference of the Parties (Articles XV & XVI).

Over the years, the shortcomings of the Berne Criteria were noticed by the Parties particularly because it did not interpret terms like 'threatened with extinction' or 'affected by trade' besides making it virtually impossible for certain species to be transferred from Appendix I to Appendix II.

In 1994, the ninth meeting of the Conference of the Parties adopted Resolution Conf. 9.24, which contained new criteria for categorising and listing species according to their risk of extinction. There are four different assessment methods in the new criteria and a species can qualify for Appendix I listing by meeting any one of them. The criteria have quantitative guidelines and are simpler and more practical.<sup>5</sup> (See Annexure - C)

## Trade in Specimens of the Species Listed in CITES Appendices

Trade in specimens of species listed in Appendix I is most restrictive while it is least restrictive for those listed in the Appendix III (*Articles III, IV & V*). There is an attempt to match the restrictions on the trade to the degree of danger a species faces. The trade is allowed only when it is not detrimental to the survival of the species. There are specified sets of conditions to be satisfied before legal trade can take place. The trade can be by way of export, re-export, import or introduction from sea of live or dead animals and plants and of parts and derivatives thereof.

Appropriate levels of international trade regulations through a system of permits and certificates (*Article VI*) are prescribed in the Convention.

### Committees

To facilitate the work of the Conference of the Parties, a **Steering Committee** was appointed at the first Conference of the Parties (Berne, 1976). The Committee, at the second Conference of the Parties (San Jose, 1979), was re-formed and named the **Standing Committee**. The main mandate of the Standing Committee was to act on behalf of the Parties in between the meetings of the Conference of the Parties, in accordance with the guidelines and directions given by the Parties. There were several other committees created by the first five meetings of the Conference of the Parties like the **Identification Manual Committee**, the **Technical Committee** etc.

The sixth Conference of the Parties (Ottawa, 1987) streamlined, and formalised a system for the appointment of Committees. It repealed all the resolutions regarding establishment or concerning all the earlier Committees. The objective was to provide precise terms of reference, rules of procedure and proper representation to major geographical regions – Africa, Asia, Central and South America and the Caribbean, North America, Europe, Oceania — on the Committees (Conf. 6.1).<sup>6</sup>

The resolution established or re-established Standing Committee, Animals Committee, Plants Committee, Nomenclature Committee and Identification Manual Committee. These Committees reported to the Conference of the Parties and if requested to the Standing Committee as well.

The Ninth Conference of the Parties (Fort Lauderdale 1994) took a fresh look at the Committees and passed a resolution (Conf. 9.1) which was further revised at the tenth Conference of the Parties (Harare 1997). According to this revised resolution, all the Committees established by the Sixth Conference of the Parties stand re-established. Some changes have been made in objectives, membership, rules and procedures and terms of reference of the Committees (See Annexure - D).

**The Standing Committee** has the status of a senior permanent Committee and reports to the Conference of the Parties. Its mandate is to oversee the execution of the Secretariat's budget, give advice on the matters brought to it by the Secretariat, and act as 'bureau' at the CoPs. The Committee meets regularly, generally twice a year.

**The Animals and the Plants Committees** assist the Nomenclature Committee and the Identification Manual Committee; undertake periodic review of animal and plant species listed in CITES Appendices; prepare draft resolutions for the consideration of the Conference of the Parties etc.

**The Identification Manual Committee** had been operative since the Special Working Session of the Parties in 1977. The main functions of the Committee are to provide guidance and coordination in the preparation of Identification Manual for animal and plant species. The membership of the Committee is voluntary.

**The Nomenclature Committee** also had been operative since the Special Working Session of the Parties in 1977 because of the need for standardised taxonomy in the Appendices of CITES. The main functions of the Committee are to develop and maintain nomenclatorial standard reference for animals and plants, where necessary, up to the level of subspecies and to review the Appendices for the correct zoological and botanical nomenclature. It makes recommendations to the CoP, other Committees, working groups and the Secretariat on nomenclature matters. The membership of the Committee is voluntary.

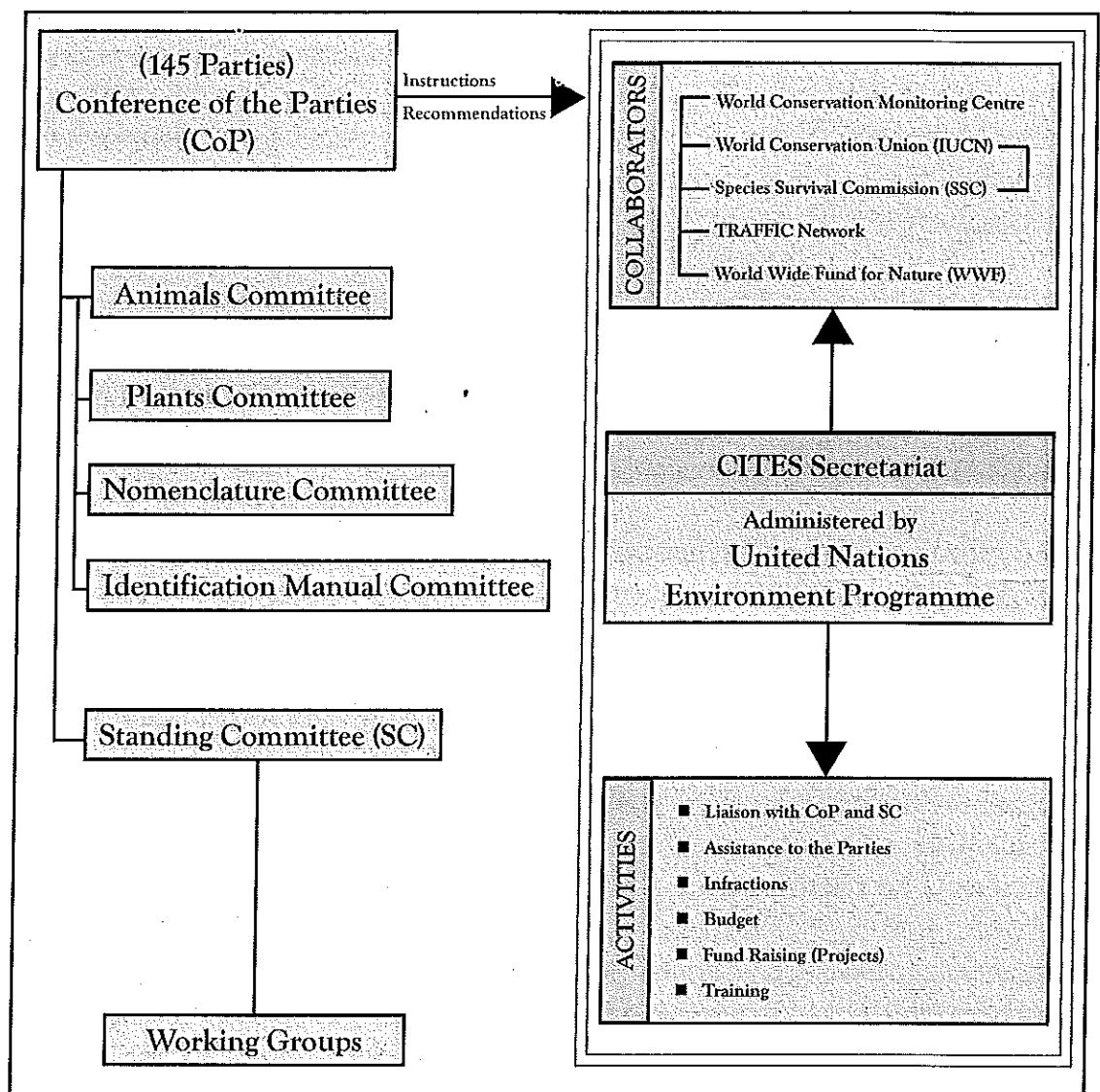
There is provision to appoint additional committees. Furthermore, the CoP or the Standing Committee may appoint working groups, with specific terms of reference as required and to address to the specific problems. For example, Panel of Experts on the African Elephant (Conf. 7.9) and Working Group on Transportation of Live Specimens (Conf. 7.13) were established by the seventh Conference of the Parties.



# CITES - AN OVERVIEW

## Convention on International Trade in Endangered Species of Wild Fauna and Flora

- Date and Place of signing: 3 March 1973 in Washington (USA).
- Entered into force: 1 July 1975.
- Date of accession of India: 18 October 1976.
- Number of Parties: 145 as on 21-02-99.



Source: Adapted from training material prepared by the CITES Secretariat.

## Resolutions & Decisions

At every meeting of the Conference of the Parties, certain resolutions are adopted based on the draft resolutions put forward to the Conference by the Secretariat, which may be prepared by the Parties, Committees or Secretariat (Article XI.3 e). These resolutions deal with the interpretation, implementation, enforcement and improving the effectiveness of the Convention; financing and budgeting of the Secretariat and of the meetings of the Conference of the Parties; and the issues related to conservation and international trade in wild fauna and flora. It is through these resolutions the Conference makes requests, recommendations and suggestions and provide guidance and clarifications to the Parties and even States not-Party. The resolutions furthermore provide instructions, guidance and works to the Secretariat and the CITES Committees etc.

The 'Decisions' of the Conference of the Parties further reinforce the resolutions providing detailed instructions, clarifications and guidance etc. to the Parties, CITES Committees, the Secretariat etc. At the end of the tenth conference there were 144 decisions in force.<sup>7</sup>

## Consolidation of the Resolutions

A total of 164 resolutions had been adopted by the Parties, from the first meeting of the Conference of the Parties (Berne, 1976) to the eighth meeting (Kyoto, 1992) of which 120 were in force. Some resolutions provided short-term instructions in response to a particular need and became irrelevant over time. Others had provided long-term guidance on the application or interpretation of the Convention, and had fully retained their usefulness. In other instances, only specific elements of certain resolutions had remained relevant.<sup>8</sup>

In 1992, the Standing Committee agreed to undertake a review of the then existing resolutions in an effort to facilitate the understanding and implementation of the resolutions. The review involved repealing the resolutions and parts thereof that were no longer useful or relevant, consolidating the resolutions that dealt with the same subject, and removing any parts that were conflicting or duplicative. The ninth meeting of the Conference of the Parties (Fort Lauderdale, 1994) adopted 26 new resolutions, of which 14 consolidated and replaced 69 previous resolutions. There was revision of 16 previous resolutions. The result was that 80 resolutions became in force. These comprised 54 resolutions from the first to eighth meetings (including the 16 revised ones) still in effect and the 26 new resolutions adopted at the ninth meeting.<sup>9</sup>

The exercise of consolidation of Resolutions continued and at the end of the tenth Conference 89 resolutions remained in force.

The main value of the consolidation exercise is that guidance on basic implementation issues and interpretation of the Convention can be found more easily in a single, comprehensive resolution rather than by referring to several, sometimes conflicting, resolutions.

### **The Obligations of the Parties**

A Party is to allow import, export and re-export of listed species only when carried out in accordance with CITES.

A Party has to take appropriate measures to enforce the provisions of CITES and to prohibit trade in violation of the provisions of the Convention. The Convention obligates (*Article VIII*) each Party to adopt or pass domestic legislation incorporating the Convention concerns in the domestic criminal law and establish management and scientific authorities (*Article IX*) for the purpose of implementation of CITES.

It is obligatory for the Management Authorities of the Parties to publish annual report of the trade in the CITES listed species. A particular format is prescribed for the Annual Report. The Parties are also expected to prepare biennial reports on legislative, regulatory and administrative measures taken to enforce the provisions of the Convention.

Specimen of an animal species included in Appendix I bred in captivity for commercial purpose or of a plant species included in Appendix I artificially propagated for commercial purpose is deemed to be specimen of species included in Appendix II. The Parties are recommended to register the captive breeding and artificially propagating operations with the Secretariat for the purpose of international trade.

The Parties are obliged to provide funds to the CITES Trust Fund.

### **Reservations (*Article XXIII*)**

Any Party can enter a specific reservation with regard to any species included in CITES Appendices or any parts or derivatives specified in relation to species included in Appendix III.

In such a situation the Party shall be treated as not-Party as far as the particular species or parts or derivatives specified is concerned.

### **Trade with States not-Party to the Convention (Article X)**

The Convention goes to the extent of regulating the international trade with the States not-Party to the Convention. Parties are expected to undertake trade with not-Party only when comparable documents are issued by the competent authorities in that State which substantially conforms with the requirement of the present Convention for permits and certificates.

### **Amendment of the Convention (Article XVII)**

The first amendment to the Convention was carried out in the first extraordinary meeting of the Parties at Bonn, 22 June 1979 to make provision for financing of the Secretariat and meetings of the Conference of the Parties (Amendment to Article XI (3) (a)).

The second amendment to the Convention was carried out at the second extraordinary meeting of the Parties at Gaborone, Botswana on 30 April, 1983 to regulate the accession to the Convention by regional economic integration organisations like EEC (Amendment to Article XXI). This amendment is yet to be adopted.

### **Landmark Developments**

Financing of the Secretariat and the meetings of the Conference of the Parties: Article XII (1) of the Convention indicated that the Executive Director of UNEP should provide the Secretariat upon the entry into force of the Convention. UNEP contracted IUCN to perform the services of the Secretariat. The UNEP financed the Secretariat and the Meeting of the Conferences of the Parties initially. At the Second Conference of the Parties (San Jose, 1979), the UNEP Executive Director stressed that UNEP's role was catalytic and a successful project like CITES should be able to sustain on its own or with little assistance from UNEP. He told the gathering of the Governing Council of UNEP's decision to phase out its financial obligation to CITES by 1983.<sup>10</sup>

Trust Fund: The Conference of the Parties, in the interim period, worked out a cost sharing arrangement. The Parties decided to contribute to a Trust Fund to finance the Secretariat and the meeting of the Conference

of the Parties. After amending the Convention in 1979 for the purpose, this arrangement has been in force so far.

The Secretariat : The UNEP's Executive Director's contractual arrangement with IUCN for providing the Secretariat services from April 1974 was initially for one year. The contract through extension continued until 1984. In November 1984 the Secretariat was shifted to Lausanne under the direct control of UNEP. Presently, the CITES Secretariat is situated in Geneva, Switzerland.

CoP Quota System for Appendix I Species : In order to strike a balance between the wish of the countries of origin to export leopard skins killed in defense of life and property and to enhance the survival of the species and the refusal of the majority of the Parties to reopen the commercial market for leopard skins, the fourth meeting of the Conference of the Parties (Gaborone, 1983) agreed upon the establishment of a quota system. It was emphasised that the trade cannot be primarily for commercial purpose. Mostly African countries, where leopard was not thought to be endangered took the quota. There has been regular changes in leopard quotas ( also see Conf. 10.14). So far leopard, markhor and cheetah quotas have been adopted by the Conference of the Parties.

An export quota of 6 hunting trophies of Markhor (*Capra falconeri*) for Pakistan per calendar year (Conf. 10.15) was approved at the tenth CoP (Harare, 1997) recognising that Pakistan is actively promoting community-based management of wild resources as conservation tool. It may be noted that Markhor (*Capra falconeri*) was transferred from Appendix II to Appendix I at the Ninth meeting of the CoP ( Fort Lauderdale, 1994).

Quotas for Appendix I species are by annotation in the Appendices or specific resolution, and are therefore set by the Conference of the Parties. The Quota System has been under constant review (Conf. 9.21).

National Quota System for Appendix II and III Species: National quotas are established by some Parties for some species, as a means to manage and regulate their trade. The Secretariat assists exporting and importing Parties by communicating these quotas to the Parties by way of Notifications, and therefore the Secretariat should be informed of the quotas before export permits are issued, and of any changes to the quotas as soon as they are made. Each export permit should include the total number of specimens already exported in the current year (including those covered by the permit in question) and the quota for the species concerned.

Ranching : Ranching is the rearing of specimens of a species taken from wild, in a controlled environment. Ranching operations bring young animals or eggs into the controlled environment, rear them until they are of an exploitable size and then sell the animals or cull them for their products.

At the third Conference of the Parties (New Delhi, 1981) it was resolved (Conf. 3.15) that the national population of a country in which the species listed in CITES Appendix I would be ranched, must be listed in Appendix II. The basic criteria for doing so was that since the species is no more endangered in the country, ranching would have no significant impact on the wild populations and thus not be detrimental to the survival of the species, rather benefiting the species. It was made essential to uniformly mark the ranched products to differentiate them from the other populations of the species in the Appendix I (Conf. 5.16).

At the tenth CoP, a resolution on ranching and trade in ranched specimens recognised the desire of some parties with successful programmes for conservation of certain species to allow specimens of those species into international trade, if doing so would not be detrimental to the survival of their wild population (Conf. 10.18).

#### INDIA AN EARLY ENTRANT

India is one of the twelve mega-diversity countries in the world. Its ten bio-geographic zones represent a broad range of ecosystems from alpine to coastal. India has over 49,200 identified plant species in comparison to world's total of 392,700 plant species (i.e. 12.53 per cent). There are over 81,000 identified species of animals in India in comparison to the world's total of over 1,217,600 identified species of animals (i.e. 6.67 per cent). Fourteen per cent of the world's species of birds are found in India. Of the 1228 species of birds 50 are endemic to India. Furthermore, there are 372 species of mammals, 446 species of reptiles, and 204 species of amphibians identified in India. Of these 37 mammals, 152 reptiles and 85 amphibians species are endemic to India.<sup>11</sup>

In the days gone by, an immense loss of natural habitat to agriculture, habitation, roads, developmental projects etc. took place. The ruthless exploitation of natural resources for sustenance or otherwise had left many ecosystems degraded. Global demand for wildlife, its parts, derivatives and products added to the damage. In fact the rich natural resource base was one of the main attractions for the colonisers of the

country. It's a pity that what, and how much, we have lost on the way is not even known to us.

One interesting example of global trade in Indian medicinal plants is of *Acacia catechu* known as catechu. Till 17th century, the West did not know much about it but when catechu did reach there, it was through re-export from Japan. They considered catechu to be some natural mud of Japan and even named it Terra Japonica! Catechu is an official drug in Britain since 1721 and all of Europe since 1741.<sup>12</sup>

Several species of medicinal, aromatic and ornamental plants of the families Cactaceae (cactus), Cyatheaceae (Tree ferns), cycadaceae (Cycads), Euphorbia (Euphorbias), Aloeaceae (Aloes), Orchidaceae (Orchids) have been traditionally exported from India.

Ivory carving has been an ancient art in India. Ivory artifacts from India were sold the world over.

The skins of the common species of crocodiles, lizards, monitors and snakes were traded in millions, thus endangering many of them. Likewise trade in the skin of tiger, leopard, snow leopard had been in vogue in west until 1970s. Rhino horn, and bear paw and gall bladder were much in demand nearer home in Asia itself.

#### Biodiversity of India

Taxa	Species		Percentage of species in India compared to that in the world	Endemic species
	India	World		
a. Plant	49219	392700	12.53	
Pteridophyta	1022	13000	7.86	200
Angiosperms	17000	250000	6.80	4950
b. Animal	81251	1217645	6.67	
Amphibia	204	5145	3.96	85
Reptila	446	5680	7.85	152
Aves	1228	9672	12.70	50
Mammalia	372	4629	8.03	37

Source: Anonymous, 1998, State of India's Environment - The Citizens' Fifth Report, Centre for Science and Environment, New Delhi

India enacted the Wildlife (Protection) Act in 1972. Several endangered species of fauna were listed in the schedules of the Act and hunting and trade in them was banned. In spite of the Act, illegal trade in the endangered species of fauna and flora continued due to domestic and international demand.

India joined CITES one year after it came into force. It had deposited the instrument of ratification on 20 July 1976 and was the 25<sup>th</sup> Party to the convention getting admitted on 18 October 1976.

India hosted the third Conference of the Parties in New Delhi which was described by the Secretary-General of CITES as "The best attended as well as hosted Conference of the Parties." The Indian delegation besides providing the Chairman for the Plenary Sessions also provided Chairmen for Finance Committee, Technical Expert Committee and Botanical Sub-Group. Eminent ornithologist, Dr Salim Ali was one of the Indian delegates. India was elected Asian regional representative as well as the Chairman of the Standing Committee, the most prestigious body of the Convention.

The CITES logo was in fact designed by India for the third meeting of the Conference of the Parties held in the country. This was liked by the Parties and was accepted as the logo for the Convention itself. India was re-elected Chairman of the Standing Committee at the fourth meeting of the Conference of the Parties at Gaborone, Botswana in 1983. India was again re-elected the Chairman of the Standing Committee at the Fifth meeting of the Conference of the Parties at Buenos Aires, Argentina in 1985.

It was a rare honour that India was elected Chairman of the Standing Committee for three consecutive terms during the evolutionary phase of the Convention. It goes to the credit of Mr Samar Singh, the then Management Authority for CITES in India, that as leader of the delegations at the Conferences of the Parties and as Chairman of the Standing Committee on behalf of India during the period, he was able to induce the faith and trust of the Parties.

Representatives from more than 30 international and national non-government organisations signed and gave the following memorandum at the fifth meeting of the Conference of the Parties at Buenos Aires, Argentina in 1985.



*"To the Delegation of India attending the Fifth Conference of the Parties: We wish to express our deep gratitude and appreciation for the diligent efforts of India to uphold the letter and spirit of the Convention, in spite of increasing efforts to weaken the treaty; Your Delegation's untiring work and eloquent spokesmanship in defense of the World's beleaguered fauna and flora are a credit to your country and an inspiration to the world."* <sup>13</sup>

India took keen interest and was at the forefront of CITES in these formative years, when far-reaching resolutions were passed for improving the effectiveness of the Convention. During the period, CITES emerged as an independent financial entity as well as a strong and separate CITES Secretariat was created. India consistently advocated conservation as opposed to consumption.

### POPULARITY OF CITES

CITES is one of the most important global conservation tools. The Popularity of the Convention can be judged from the fact that from a mere 10 Parties in July 1975 there are 145 Parties to the Convention in February 1999 (See Annexure B).

### POINTS TO PONDER

- India, under the leadership of Mrs Indira Gandhi as the Prime Minister, took conservation seriously. In 1969, IUCN General Assembly met in New Delhi. In 1972, India enacted a national wildlife legislation called the Wildlife (Protection) Act. India actively participated at the United Nations Conference on the Human Environment at Stockholm in 1972. With its well established conservation ethos, why India did not participate in the Plenipotentiary Conference held in Washington D.C. in February-March 1973 which culminated, on 3 March 1973 in 21 countries signing the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is a moot point.
- India hosted the third meeting of the Conference of the Parties in 1981. Since then not even a CITES Committee meeting has been held in India.
- India was elected Chairman of the Standing Committee for three consecutive terms at the third, fourth and fifth Conferences of the Parties (1981, 1983 and 1985). After such a glorious association with CITES, India has not since found membership to CITES Committee (Except as an alternate member of the Standing Committee for 1992-96 and the membership of the Plants Committee for 1992 - 94).

## REFERENCES

<sup>1</sup> Dembeck, Hermann, 1966, *Animals and Men* (Translation from German), Nelson, London, p. 30

<sup>2</sup> *Ibid.*, pp. 131-133

<sup>3</sup> Wijnstekers, Willem, 1992, *The Evolution of CITES*, Third Edition, CITES, Lausanne, Switzerland, p. 1

<sup>4</sup> Wijnstekers, Willem, *op.cit.*, pp. 13-23

<sup>5</sup> Rosser, Alison & Haywood, Mandy (Editors), July 1996, *CITES : A Conservation Tool - A guide to Amending the Appendices to the CITES - Fifth Edition*, IUCN Species Survival Commission, Cambridge, United Kingdom, p. 4-5.

<sup>6</sup> Anonymous, 1989, *Proceedings of the Sixth Meeting of the Conference of the Parties*, Secretariat of the Convention, Switzerland, p. 29

<sup>7</sup> Anonymous, 1997, *CITES Decisions*, CITES Secretariat, Switzerland.

<sup>8</sup> Rosser, Alison & Haywood, Mandy (Editors), *op.cit.*, p. 37

<sup>9</sup> Rosser, Alison & Haywood, Mandy (Editors), *op.cit.*, p. 37

<sup>10</sup> Anonymous, 1980, *Proceedings of the second meeting of the Conference of the Parties*, Switzerland, pp.19-22

<sup>11</sup> Anonymous, 1999, *State of India's Environment - The Citizen's Fifth Report*, Centre for Science and Environment, New Delhi

<sup>12</sup> Krishnamurthy, Dr K. H., 1997, *Coconut, Supari, Kikar and Cattha*, Books For All, Delhi, pp. 94-95.

<sup>13</sup> Singh, Mr. Samar, 1986, *Conserving India's Natural Heritage*, Natraj Publishers, Dehradun, India, p. 200.

## CHAPTER - II

### THE CONFERENCE OF THE PARTIES

*The Conference of the Parties (CoP) is the governing body of CITES under Article XI of the Convention. The meeting of the Conference of the Parties are held biennially. All the Parties to the Convention are members of the Conference. The United Nations, its specialised agencies and International Atomic Energy Agency as well as any State not Party to the Convention, may be represented at the meeting of the Conference as observers, without voting rights. Numerous international and national government and non-government organisations, technically qualified in protection, conservation or management of wild flora and fauna can request permission to attend the Conference as observers, which is generally granted. These observers too have no voting right.*

The main tasks of the Conference of the Parties

- Review the implementation of the Convention and make appropriate recommendation.
- Financing of Secretariat and meetings of the Conference of the Parties
- Amendment of Appendices to the CITES
- Draw and adopt rules of procedures for the meeting of the CoP
- The venue and time of the next meeting

Beginning with the first Conference of the Parties from 2 to 6 November 1976 at Berne, Switzerland so far ten Conferences have taken place, the last one was from 9 to 20 June 1997 at Harare, Zimbabwe (Annexure H). In between, a special working session of the Conference of the Parties took place in 1977 and two extraordinary meetings, first at Bonn, Federal Republic of Germany in 1979 and second at Gaborone, Botswana in 1983, were held.

Here we are outlining the important resolutions, India's role and amendment of Appendices at each Conference. It is important to know here that several of the resolutions were consolidated, revised or repealed at the ninth and the tenth Conferences.

## THE FIRST MEETING OF THE CONFERENCE OF THE PARTIES<sup>1</sup>

The first meeting of the Conference took place at Berne, Switzerland from 2 to 6 November 1976. There were 32 states Party to the Convention at that time. It is interesting to note that there were just 10 Parties to the Convention when it came into force in July 1975. India was represented by Mr R. N. Aga from Embassy of India, Berne, Switzerland.

### Role of India

- India had just become Party to the Convention and the participation was a token representation.
- India had not made any proposal for amendment of Appendices I & II or for inclusion of any species in Appendix III.

### Important Resolutions at the Conference

- **Berne Criteria** for amendment of Appendices to the Convention.
- Establishment of a **Steering Committee** to guide the Secretariat in between the CoPs and to help in organising the Special Working Session in 1977 and the next regular meeting of the Conference of the Parties.

### Amendments of the Appendices Relevant to India

#### Appendix I (Additions, and transfers from Appendix II)

*Lutra lutra* (Common or Indian Otter), *Equus onager khur* (Indian Wild Ass), and *Rhinoceros unicornis* (Great Indian One-horned Rhinoceros); *Aquila heliaca* (Imperial Eagle), *Haliaeetus albicilla* (Whitetailed Sea Eagle), *Falco peregrinus* (Peregrine Falcon) and *Crocodylus palustris* (Marsh Crocodile or Mugger), *Panthera leo persica* (Asiatic Lion), *Caretta caretta* (Loggerhead Turtle) and *Dermochelys coriacea* (Leatherback Turtle).

#### Appendix II

Addition of all the Primates and *Felidae* spp. except those already in Appendix I

## THE SECOND MEETING OF THE CONFERENCE OF THE PARTIES<sup>2</sup>

The Conference took place at San Jose, Costa Rica from 19 to 30 March 1979. Thirty-three of the 51 states then Party to the Convention participated in the meeting together with observers from 16 States not-Party and 54 government and non-government organisations. Mr N. D. Jayal of the Union Ministry of Agriculture, Government of India participated in the meeting.

### Role of India

- The financing of the Secretariat and meetings of the Conference of the Parties was the major issue before the Conference. The delegation from India along with delegates from USA, Denmark, South Africa, Switzerland and Sweden indicated that their governments would make voluntary financial contributions from 1980.
- India joined the Working Group for the financial restructuring of the Convention.
- There was agreement among the Parties for an extraordinary meeting for amending the Convention for financial purposes. India had supported an amendment proposed by U.K. It had also indicated its willingness to provide voluntary financial support during the interim period.
- India made a tentative offer to host the next Conference.
- India was member of the Working Group set up by the Conference for preliminary analysis of the proposal for amending the Appendices.

It was merely incidental that during the course of discussion on document Com. 2.1 on procedure for the exchange of museum and herbarium specimens that the acronym "CITES" was adopted for the Convention.

### Important Resolutions at the Conference

- The Executive director of UNEP was requested to establish a **Trust Fund** for financial support for the Convention for the years 1980 and 1981. Contributions for the Fund were to be received from the Parties to the Convention, which were decided on the UN scale of contributions (Conf. 2.1).
- **Standing Committee**, a high level permanent advisory committee for organising meetings of the Conference of the Parties and for continuous implementation of the Convention was established. The

related resolution (Conf. 2.2) clearly defined the functions of the Standing Committee and its structure. It provided for the nomination of members from all the major geographical regions, namely, Africa, Asia, Central & Southern America, North America, Europe and Oceania.

- In recognition of the need to prepare an identification manual for specimens of the species listed in the Appendices of the Convention, the Conference requested the Secretariat to submit a project proposal for the above to the UNEP and on approval execute it (Conf. 2.4).
- A great deal of anxiety for the conservation of cetaceans was reflected in various resolutions of the Conference.
- An attempt to clearly definite 'Bred in Captivity' and 'Artificially Propagated' was made (Conf. 2.12).
- There was quite a lot of variance in views on the question of use of the subspecies as a taxonomic unit in the Appendices of the CITES. The issue was resolved by the Conference resolution (Conf. 2.20), which outlined that "the subspecies should be proposed for inclusion only if it was generally recognised as valid taxon otherwise the entire species should be proposed for listing with the indication for the record which subspecies were considered to be under actual or potential threat and which were proposed to be included because of the need to effectively control trade in other species or subspecies."
- The Conference dealt with the issue of hybrids. One Conference resolution (Conf. 2.13) said that hybrids forming distinct and stable population in the wild may be included in the Convention Appendices but for hybrids not included in the Appendices of the Convention but one or both the parents are included, then the provisions of the Convention shall be applicable to them as detailed in the resolution.
- In regard to non-commercial loan, donation or exchange of museum and herbarium specimens, the Conference set the guidelines (Conf. 2.14).

#### Amendments of the Appendices Relevant to India

- India had proposed inclusion of *Canis lupus pallipes*, a subspecies to be transferred from Appendix II to Appendix I. Inclusion of subspecies in the Appendices was a subject of debate at the Conference. In the light of discussions on the issue of identifying the subspecies, India proposed a change in its proposal to "*Canis lupus* population of India, Nepal, Pakistan and Bhutan." It was adopted.
- The Indian proposal for listing of *Helarctos malayanus* in Appendix I was adopted.

- The Indian proposal regarding the transfer of *Felis caracal* from Appendix II to Appendix I ran into rough weather. Even the Secretariat asked the plenary to reject it. South Africa objected because the proposal referred exclusively to the Indian population while Switzerland felt the proposal was inadequate. The Indian delegate agreed that the proposal referred to local population. The Secretariat suggested that Parties could use Article XIV of the Convention to apply restrictive measures at the local level.

India agreed to withdraw this as well as similar other proposals it had made which were to be discussed. As soon as it had done so, the delegations from USA, USSR and the IUCN observers came to the aid of India, reminding that the Conference has created a precedence on India's proposal of *Canis lupus* in which it was agreed to include a geographical population in the Appendices. The Indian delegation, in the presence of such support suggested reconsideration of the withdrawals.<sup>3</sup>

After detailed discussions India amended its proposal regarding *Felis caracal* by annotation that the proposal was for Asian population, and it was adopted.

- The Indian proposal for transfer of *Felis lynx isabellina* from Appendix II to Appendix I was amended by India as *Felis lynx* (southwest Asian population) but this was rejected.
- On the other hand India's proposal for transfer of *Felis rubiginosa* from Appendix II to Appendix I was adopted for Indian population.
- India supported U.K.'s proposal for inclusion of all species of cetacea in Appendix II, which was adopted.
- India's proposal for inclusion of *Crocodylus porosus* in Appendix I was adopted with the exception of Papua New Guinea population.

#### Appendix I (Additions, and transfers from Appendix II)

*Canis lupus* (population of Bhutan, India, Nepal and Pakistan); *Helarctos malayanus*; *Felis caracal* (Asian population); *Felis rubiginosa*; *Panthera hodgsoni*; *Catrus wallichii*; *Chlamydotis undulata*; *Crocodylus porosus* (except the population of Papua New Guinea); *Sousa* spp.; *Selenarctos thibetanus*; *Ursus arcotus isabellinus*; *Caloenas nicobarica*; *Athene blewitti*

#### Appendix II

*Cetacea* spp.; *Phonocentrus ruber ruber*; *Falconiformes* spp. (except *Cathartidae*); *Buceros bicornis homrai*; *Strigiformes* spp.; *Ceropegia* spp.; *Frera indica*;

### THE THIRD MEETING OF THE CONFERENCE OF THE PARTIES<sup>4</sup>

India had the opportunity to host the third meeting of the Conference of the Parties in 1981, when the Convention was still in its formative stage. This meeting has been dealt with in a separate chapter of this book.

### THE FOURTH MEETING OF THE CONFERENCE OF THE PARTIES<sup>5</sup>

The meeting was held at Gaborone, Botswana from 19 to 30 April 1983. The meeting was attended by 59 of the 80 States, then Party to the Convention. Three States not-Party and 74 governmental and non-governmental organisations also participated in the meeting as observers. The Indian delegation included Mr Samar Singh (Chairman of the Standing Committee), Mr Duleep Matthai, Mr S.K. Mukherjee and Dr B.K. Tikadar.

#### Role of India

- Mr Samar Singh (India) was the Vice-Chairman for many of the plenary sessions.
- Mr Samar Singh (India) was the Chairman of the Finance Committee.
- New members of the Standing Committee were elected. The Indonesian delegation proposed India for the Asian region. This was supported by Malaysia, Nepal and USSR. Since there was no dissent, India was elected to the Standing Committee.
- India was elected Chairman of the Standing Committee.
- India nominated Nepal as regional coordinator for the Technical Committee. The nomination was supported by Malaysia and Nepal was elected unanimously.

#### Important Resolutions at the Conference

- The accounts for 1981 and 1982 and budgets for 1984 and 1985 were approved. The UNEP Executive Director was requested to continue managing the Trust Fund (Conf. 4.3).
- It was made mandatory that the draft resolutions and documents to be considered by the meeting of the Conference of the Parties needed to be submitted 150 days before the meeting. Only in exceptional situations the Secretariat, if satisfied could accept them after the expiry date (Conf. 4.6).
- The resolution on 'Control of Tourist Souvenir Specimens' tried to



come to grips with the complicated problem. It reminded the Parties that the exemption in respect to tourist souvenir (Article III para 3) did not apply to Appendix I species and urged the Parties to control such imports and exports. It further urged the Parties, in case of Appendix II species, where heavy trade might adversely affect the species to exercise better control on export and import of species (Conf.4.12).

- The Conference recognised that leopard (Appendix I) was in no way endangered in Botswana, Kenya, Malawi, Mozambique, the United Republic of Tanzania, Zambia and Zimbabwe and thus fixed quota for export from these countries and recommended to the Parties to process the import permits for the same according to the conditions set by the Conference (Conf. 4.13).
- The Conference directed the Technical Committee to draw guidelines for controlling the trade in worked ivory (Conf. 4.14).
- The Parties were recommended to inform the Secretariat of operations of captive breeding of the specimens of the species listed in Appendix I for commercial purposes in their territories and also inform the Secretariat if no such operations exist. It further stressed the Parties not accept the documents for the specimens of species originating from operations not registered with the Secretariat (Conf. 4.15).
- The Parties were requested to inform the Secretariat of the existence, adoption or amendment of stricter domestic measures in regard of the species included in the Appendices of the CITES (Conf. 4.22).
- The Conference provided a better interpretation of 'Reservation'. It was pointed out that a Party entering reservation for transfer of a species from Appendix II to Appendix I or on the species listed in Appendix I, it continue treating that species as of Appendix II for all purposes, including documentation and control. The Parties were required to record the trade in their Annual Reports for the purpose of proper monitoring (Conf. 4.25).

#### Amendments of the Appendices Relevant to India

##### Appendix I (Additions, and transfers from Appendix II)

*Pelecanus crispus* (Dalmatian Pelican)

##### Appendix II

*Phoenicopteredae* spp. (Greater Flamingo and Lesser Flamingo) and  
*Tridacna* spp. (Gaint Clams).

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The Third Meeting of the Conference of the Parties,  
New Delhi, India, 1981



The Ninth Meeting of the Conference of the Parties,  
Fort Lauderdale, U.S.A., 1994

## THE FIFTH MEETING OF THE CONFERENCE OF THE PARTIES<sup>6</sup>

The Conference was held at Centro Cultural San Martin, Buenos Aires, Argentina from 22 April to 3 May 1985. Sixty-seven of the 87 States then Party to the Convention participated in the meeting. Four States not-Party, as well as 124 governmental and non-governmental organisations also participated in the meeting as observers. The Indian delegation consisted of the leader, Mr Samar Singh (Chairman of the Standing Committee), Dr B.K. Tikadar, Mr S.K. Mukherjee, Mr Duleep Matthai and Mr Ravi Bangar (Ambassador of India to Argentina). As a matter of tradition the Chairman of the Plenary was provided by the host country. Mr E. Gonzalez Ruiz chaired the meeting.

### Role of India

- The head of the Indian delegation, Mr Samar Singh and head of the Canadian delegation, Mr J. Heppes were appointed Vice-Chairmen of the Conference.
- Mr Samar Singh was also made Chairman of the Finance Committee set by the Conference.
- India was elected Chairman of the Standing Committee for the third time. The Indian delegation while accepting the Chairmanship stated that it had not sought the position and believed that regular rotation of the chairmanship was desirable. It however, thanked the Parties for the rare honour.
- The Indian delegation was concerned at the trade in leopard, an Appendix I species, which was contrary to the spirit of the Convention. India was supported by Panama on this issue. They felt that it was premature to talk of extension or revision of the quotas. The Conference after deliberations continued the quotas. Though the resolution was adopted, India and Uruguay requested that the records should show that they abstained despite the fact that no vote had been taken.<sup>7</sup>
- India actively participated in the discussion on draft resolution (Com. 5.12) on the definition of 'Primarily Commercial Purpose'. It proposed several amendments, which were accepted.
- The Indian delegation proposed amendments to the draft resolution on guidelines for the Secretariat when making recommendations in accordance with Article XV (Com. 5.18). These were accepted.
- India participated in the Technical Committee discussion on "Criteria for Inclusion of Species in Appendix III (Doc. 5.42)" and proposed amendments, which were accepted.

- India's proposals for *Falco jugger* (Falcon) and *Sussurea costus* (Kuth) for transfer from Appendix II to Appendix I were adopted.
- The Indian delegation withdrew proposals for *Kachuga tecta tecta*, *Trionyx gangeticus* and *trionyx hurum* because of insufficient data.
- The delegation from Federal Republic of Germany proposed *Rana hexadactyla* and *Rana tigerina* to be included in Appendix II. It was pointed out that there was a very large volume of trade in the legs of both the species, that populations were declining rapidly and that this was causing serious ecological problems. It was also pointed out that Bangladesh, India, Indonesia and Pakistan were the main range states. Germany told the Conference that there was no data on the status of the species in the wild or on trade, but that the reported decline was sufficient to justify inclusion in Appendix II. This was adopted on vote, to the great relief of India.

### Important Resolutions at the Conference

- There were several resolutions relating to trade records and monitoring. One resolution emphasised the importance of the statistical report (Annual Report) and biennial report on legal and administrative steps taken by a Party for the implementation of CITES (Conf. 5.4).
- There was a resolution for the Annual Report from the Parties, which were members of a regional trade agreement (Conf. 5.5).
- Another resolution urged the Parties to support and fund the trade monitoring by the Secretariat and World Trade Monitoring Union of IUCN (Conf. 5.6).
- The Conference provided the general principles for understanding the term 'Primarily for the Commercial Purpose' (Conf. 5.10).
- Though the issue of the 'pre-convention specimens' was resolved at the fourth Conference, it was found to be deficient. Thus a new resolution defining the term was adopted (Conf. 5.11). This took into consideration the sentiments of the importing Party as well.
- As usual the subject of the African elephant ivory came up as one of the resolutions. It mainly recommended, that each African elephant range state wishing to export ivory should set a quota from December 1985 (Conf. 5.12). Another resolution advised the importing countries on the quota of leopard skins for Botswana, Kenya, Malawi, Mozambique, United Republic of Tanzania, Zambia and Zimbabwe (Conf. 5.13). They were the same countries whose quota was agreed at the last Conference. The total quota agreed to at the Conference was for 1140 skins.

- Several terms such as 'products of the operation', 'product unit', 'uniform marking system' or 'primary container' were specifically explained for the trade in ranched specimens along with details to be submitted with ranching proposals (Conf. 5.16).

## Amendments of the Appendices Relevant to India

### Appendix I (Transfers from Appendix II)

*Falco jugger* (Lagger Falcon) and *Sussurea costus* (Kuth) were agreed for transfer from Appendix II to Appendix I. These were proposed by India.

### Appendix II

*Rana hexadactyla* (Six fingered frog) and *Rana tigerina* (Indian bull frog)

## THE SIXTH MEETING OF THE CONFERENCE OF THE PARTIES<sup>8</sup>

The sixth meeting of the Conference of the Parties took place at the Congress Center, Ottawa in Canada from 12 to 24 July. Eighty-seven of the 95 States then Party to the Convention participated in the meeting, two with the status of "observer only". Four States not Party, as well as 148 governmental and non-governmental organisations also participated in the meeting as observers. The Indian delegation consisted of Dr M. K. Ranjitsinh (leader and chairman of the Standing Committee), Mr S. K. Goyal and Dr M. P. Nayar.

During the Conference it had been the practice to convene various committees and appoint working groups and expert groups to assist the Conference. For the first time, the Conference of the Parties established two sessional committees called Committee I and Committee II to forward the business of the meeting. Committee I was made responsible to make recommendations to the Conference on all proposals to amend the Appendices of the Convention and on any matter of a primarily biological nature. Committee II was to act in relation to all other matters to be decided at the Conference. The Secretariat explained that these Committees were more formal and structured.<sup>9</sup>

The Chairman of the plenary was Mr D. Munro (Canada) and Vice-Chairman Dr M. K. Ranjitsinh (India). The alternate Vice-Chairman was E. Gonzalez Ruiz (Argentina). The Chairman of Committee I was P. Dollinger (Switzerland) and the Chairman of Committee II was Mr J. P. Oriero (Kenya).

## Weaknesses of the Convention

In spite of all that is there in the text of the Convention, for many Parties, particularly the developing States, there exists inadequate coordination and cooperation between the Management Authorities and Scientific Authorities; insufficient understanding of the Convention among the officers directly connected with implementation and enforcement; insufficient forensic laboratory facilities and technical staff at the ports of entry and exit of CITES listed species; and insufficient awareness of CITES among many members of stakeholder groups associated with wildlife trade and use.

Many Parties have neither created practical field identification material for most of the species listed in CITES Appendices for the frontline staff of the enforcement agencies nor circulate whatever little identification material is made available by the CITES Secretariat.

Most of the developing States who are Parties to the Convention, due to resource crunch are neither able to send reasonable size delegation to the CoP meetings and observers to the meetings of the various Committees of the CITES nor carry out research to support their view points while the developed States are able to do all these and thus on occasions able prevail and sway the decisions.

IUCN was sidelined because the Convention stated that the CITES Secretariat would be provided by UNEP. UNEP has since been behaving like the big brother of the CITES though it was only one year old baby when asked to provide the Secretariat for the CITES while the IUCN had conceived the Convention, bearing all the labour pains.

One alarming development at the sixth meeting of the Conference of the Parties (Ottawa, 1987) was the way the Appendices were amended which was a matter of concern for many, including the Committee I Chairman. The Chairman reported at the Plenary that when the discussions on the usual proposals began, the level of debate was lowered to an amazing degree and, in line with some NGO positions, there was a widespread view that proposals for additions should be adopted and those for deletions should be rejected. Although there had been scientific data made available by IUCN, trade data and recommendations from the TRAFFIC Network and recommendations from the Secretariat, most of this information was not even noted by most of the delegations, who were voting in regional blocks, and not on the basis of application of the criteria adopted by the Conference of the Parties. It also appeared in some cases that attempts had been made to bring CITES into line with National legislation. As a result, the Chairman of the Committee I concluded that most of the Recommendations did not have a scientifically sound basis. The observer from IUCN stated that he was extremely concerned about lack of application of the Bernes Criteria for amending the Appendices. The observer of the TRAFFIC Network too voiced similar sentiments. They all hoped that in future decisions would be based on scientific and technical information so as to enhance the work of CITES.

Holding the sessions of the Committees I and II at the meeting of the Conference of the Parties at the same time makes attending of both by single member delegation of some of the developing countries impossible and thus such Parties are not able to provide whatever input possible and deprived of the opportunity. For example, Meetings of the Committees I and II of the sixth meeting of the Conference of the Parties took place at the same time on 14 July 1987. At the seventh meeting of the Conference (Lausanne, 1989), India was represented by one delegate only. In his report the delegate mentioned the difficulty he had in coping with the Committee I, Committee II, and Plant Committee meetings being held simultaneously, besides he had to participate in Credential Committee meeting as well, as India was the member.

It was strange situation at the sixth meeting of the Plants Committee because one of the representatives of the Africa region, Mr Rejdali (Morocco) and both the representatives from Asia, Mr D.Y.Hong (China) and Mr Z. Shaari (Malaysia) excused themselves from providing the feedback, by informing that they had been recently nominated by their countries. Is it not the responsibility of the participating members to apprise themselves of the work done by earlier representatives of their countries?

The first Report of the Chairman of the Animals Committee, Dr Merlin W. Shoesmith, to the seventh meeting of the Conference of the Parties clearly stated, "An active and productive committee cannot develop and operate on the basis of individual dedication, volunteer service and donations for travel assistance alone. For example, the Animals Committee relies heavily on those organisations that compile trade statistics to evaluate listings in the appendices but cannot offer needed financial support to help defray the costs. The Parties must provide adequate financial support if they expect permanent Committees to complete their assigned tasks."

"Funding for meetings (CITES) by vested groups like traders and exporters can some times create a situation unhealthy for reasonable debate and conclusions," according to an Indian delegate. In his views this was what happened in the CITES meeting on Edible-nest Swiflets Conservation held in Indonesia in 1996.

Botanical Survey of India (BSI, Scientific Authority for flora) finds it almost impossible to provide information required for complete proposal, for amendment of Appendix II, for "Inclusion of herbaceous species distributed in higher limits of Himalayas and Western Ghats in India ...because of lack of earlier records on various points like, population status and quantity of trade (both legal and illegal), though the current survey and analyses can certainly establish and justify the percentage of degradation in wild." BSI also feels certain annotations for floral species listed in CITES Appendices, at times, severely limits the conservation benefit of listing.

Zoological Survey of India (Scientific Authority for fauna) notices the difficulty arising in case of species with different status in range States. The difference of opinion in such a situation jeopardises the objectives of the Convention.

One alarming development at the sixth Conference was the way the Appendices were amended for the first time, which was a matter of concern for many including the Committee I Chairman.

The Chairman of Committee I reported to the Plenary that "when the discussions on the usual proposal began, the level of debate was lowered to an amazing degree and, in line with some NGO positions, there was a widespread view that proposals for additions should be adopted and those for deletions should be rejected. Although there had been scientific data made available by IUCN, trade data and recommendations from the TRAFFIC Network and recommendations from the Secretariat, most of this information was not even noted by most of the delegations, who were voting in regional blocks, and not on the basis of application of the criteria adopted by the Conference of the Parties. It also appeared in some cases that attempts had been made to bring CITES into line with national legislations. As a result, the Chairman of Committee I concluded that most of the recommendations did not have a scientifically sound basis."<sup>10</sup>

The observer from IUCN stated that he was extremely concerned about lack of application of the Berne Criteria for amending the Appendices for many species considered at the Conference. The observer of the TRAFFIC Network too voiced similar sentiments. They all hoped that future decisions would be based on scientific and technical information so as to enhance the work of CITES.

The Secretariat's report "Review of Alleged Infraction" was the subject of a hot and bitter debate. The secretariat's explanation that the cases were 'chosen as examples of type of infractions and that no Party should take comfort from not being included in the report' did not set right the ruffled feathers. The Parties, whose name appeared in the report, continued to be annoyed and the Parties not named continued to appreciate the Secretariat's report!

The delegate from Saint Lucia raised a sensitive issue in the closing session of the sixth Conference. He stated that a number of delegations had experienced diplomatic pressure at different times during the meeting. He expressed the view that such undue diplomatic pressure exerted on less-developed countries could not benefit CITES, and urged that politics be left to politicians.<sup>11</sup>



### The role of India

- Pakistan had proposed down-listing of *Saussurea costus* from Appendix I to Appendix II. Dr P. K. Hajra, the director of Botanical Survey of India, who participated in the debate reported, "I opposed the proposal. Before I attended the meeting there was a suggestion for a compromise so that the population of Indian species was kept in Appendix I and some residuary population in Pakistan in Appendix II. As an Indian delegate I opposed that plants do not know international boundaries and it was against the spirit of CITES. The members generally agreed to this and when it was put for voting in the Committee I, we received a supporting vote of 23 against 7 for Pakistan."<sup>12</sup> Incidentally, the Secretariat had recommended the acceptance of this proposal.
- The report of the review of the status of and trade in leopard in sub-Saharan Africa was presented at the Committee I. The authors estimated that 6000 leopards were being killed each year in Africa and that the present quotas were therefore, somewhat irrelevant since they were so much lower than the deaths occurring. The authors also asserted that a safe harvest for leopard populations could be as high as 5 to 10 per cent, and that, even at the lower level, this would produce an income of some US \$ 30 million which was currently being lost by the African community. Finally Dr Martin, one of the authors of the report, pointed out that, with a population of 700,000 leopards in Africa, the species was not on the brink of extinction there and it was inappropriate for it to be listed in Appendix I. The Indian delegation felt that the report represented an important step forward, but they highlighted the problems experienced in the developing countries. While not 'die-hard' protectionists, they were concerned that reports of this nature would be used by governments to establish policies exploiting wildlife. They questioned the validity of the model used and the safety of assuming that, where leopards occurred, they were at maximum density. They further expressed concern that, if the trade in leopard furs were to restart, this would set back the progress in conservation that had been achieved over the past few years.
- The retrospective issuance of CITES documents (Com. 6.2) was discussed at the Committee II meeting. India suggested that permits issued by Management Authorities must carry a date prior to the actual shipment of consignments from the country of origin. Israel supported India on the issue but several African countries opposed. The suggestion was rejected by vote.

### Important Resolutions at the Conference

- The establishment of **permanent committees** of CITES : The Conference re-established the Standing Committee and re-appointed Animals Committee, Plants Committee, Identification Manual Committee and Nomenclature Committee with rules of procedures (Conf. 6.1). These Committees are functional till date.
- The **financial resolution** as usual approved or took note of the accounts, provisional accounts, budget and mid-term budget estimates and requested the Executive Director of UNEP to seek the consent of the UN Secretary General for extension of the Trust Fund until 31 December 1991. The Parties were requested to make payments and the Standing Committee was asked to find ways of reducing the expenditure and finding funds. The observers' participation fee was increased to US \$ 150. They were requested to make larger contribution if they could (Conf. 6.2).
- To enhance the implementation of CITES, the Conference resolved that all Parties should strengthen the control of shipments from producing countries as soon as possible and to strictly verify the documents originating from them with the respective management authorities (Conf. 6.3).
- The Conference lauded the commissioning of the study 'Implementation of CITES in the European Economic Community.'
- **Leopard skin quotas** were agreed to for nine African countries, two additions in the list of earlier quota holders were Central African Republic and Ethiopia. The total quota was 1730 skins (Conf. 6.9).
- **Trade in rhino horn and African elephant ivory** as usual had been the subject of several resolutions of the Conference (Conf. 6.10 to 6.16).
- **Proper and honest use of tags** for Nile and Saltwater Crocodile skins was the subject of another resolution (Conf. 6.17).
- **Ranching** was another usual issue. The Parties were requested to submit annual reports on all aspects of ranching and research (Conf. 6.22).

### Amendment of the Appendices relevant to India

#### Appendix I (Additions, and transfers from Appendix II)

*Cycas beddomei* (Beddomes' cycad), *Nepenthes khasiana* (Pitcher plant) and *Paphiopedilum druryi* (Ladies slipper orchid) appeared in Appendix I. These were all proposed by India.

### Lighter Side of CITES

At the closing of the fifth meeting of the Conference of the Parties, the issue of the venue of the next meeting of the Conference came up. The Secretariat informed that Israel and Rwanda had already expressed their willingness. The delegation of Canada too was willing suggesting of several suitable venues to choose from. United Kingdom offered to host the meeting at a new conference centre in London. The delegations of Monaco as well as Kenya too offered to host the next Conference! In spite of such numerous offers, the delegation of Switzerland to point out that their country maintained its standing offer to host the meeting in Geneva if no other venue is available!

On the question of implementation of June 1997 MoU between the CITES Standing Committee and the Executive Director of UNEP, several members insisted of Annual report from the UNEP. The Chairman was requested by the previous host Country to write to UNEP regarding the MoU being not followed which the Chairman promised to do.

The representative of Europe (Russian Federation) wanted the Committee to approve the letter before it was sent. The representative of the previous host country appealed to his Russian colleague that the Committee should not ask the Chairman to circulate a letter of this nature for comment. It was far different from adding a species to the appendices!

Fourth meeting of the Conference of the Parties was held under a marquee tent because the host Botswana had no facility for such a large gathering.

French proposal for ranching of *Chelonia mydas* did a hat trick of sorts by being rejected at the fourth, fifth and sixth meeting of the Conference of the Parties.

On the instruction of the fifth meeting of the Conference of the Parties, the Secretariat had prepared a "Review of Alleged Infraction". This was subject of much debate at the sixth Conference to the point of turning into an controversy. The situation demanded the Secretariat to intervene with the statement, "Although the Secretariat had details of thousands of cases of alleged infractions in its files, it could not describe all of these in a report and so a number of sample cases were chosen ... The Secretary General was concerned that some participants were using the document as a list of 'bad guys', to be singled out as guilty, among all the Parties. ... (It) reminded the Committee, however, that the cases included in the report were chosen as examples of types of infractions and that no Party should take comfort from not being included in the report."

The report "Review of the status of and trade in the Leopard in sub-Saharan Africa" was prepared by Dr Rowan Martin and Tom de Meulenaer. This was presented the Committee I Meeting of the sixth Conference. This was discussed by the Committee. In the final the Chairman of IUCN/SSC - Cat Specialist Group suggested that there was a need of more studies. In response, the Dr Martin informed his was the fifth study that had been conducted in the recent years on the subject and each time more studies had been called for!

## Appendix II

*Butanitis* spp. and *Teinopalus* spp. of the order Insecta

### THE SEVENTH MEETING OF THE CONFERENCE OF THE PARTIES<sup>13</sup>

The meeting was held in Lausanne, Switzerland from 9 to 20 October 1989. Ninety-five of the 103 States then Party to the Convention participated in the meeting, three with the status of "observers only". Five States not-Party, as well as 144 governmental and non-governmental organisations also participated in the meeting as observers.

Mr M. Surbiguet (France) was the Chairman and Mr J. Heppes (Canada) was the Vice-Chairman of the Plenary. Chairman and the Vice-Chairman of the Committee I were P. Dollinger (Switzerland) and Wang San (China) respectively. Chairman and Vice-Chairman of the Committee II were J. L. Mendoz Arrocha (Venezuela) and V. Koester (Denmark).

As usual, the African elephant and ivory trade as usual were the most important topics of discussion and debate at the Conference from day one. USA, Hungary, Austria, Gambia, Kenya, Tanzania and Somalia had proposed up-listing of African elephant from Appendix II to Appendix I.

There could be no consensus in African Elephant Working Group. The Secretariat was against the proposal explaining that the proposal did not meet the Berne Criteria and the ban on trade of African ivory would not help the species survival. This led to a lot of bitterness, to the extent that the Secretariat was accused of corruption and hobnobbing with ivory traders. Many NGOs demanded the dismissal of the Secretary General.

The Director General of IUCN had suggested shifting most of the populations of the African Elephant to Appendix I while retaining the others in Appendix II subject to certain conditions which included a total moratorium on ivory trade till the next meeting of the Conference.

As fate would have it, neither the original proposal nor the amendment to the proposal, which was proposed by Zimbabwe and Botswana to exclude the South African population from the Appendix I, were accepted. Somalia's suggested amendment of the proposal to include all the African elephant populations in the Appendix I with a provision to set up a group of experts to suggest a reversion of certain populations to Appendix II at the time of the next Conference was accepted.

## Role of India

- India sent only one delegate, Mr S.S.Bist, Assistant Management Authority and Regional Deputy Director (Wildlife Preservation) Northern Region, to the meeting.
- India was elected to the Credential Committee.
- On the issue of up-listing of African Elephant, India took the stand that a via media approach to the problem on the lines suggested by the IUCN would be preferable. India's stand was appreciated by Canada and many NGOs. The Chinese and Japanese delegation also took the same stand.

## Important Resolutions at the Conference

- Parties to take steps that would make it difficult to counterfeit CITES permits/certificates (Conf. 7.3).
- It was recommended that the Parties should use standardised nomenclature for parts and derivatives of a species and the translation of the local names in one of the three languages of the Convention should be given in documents (Conf. 7.5).
- Providing information requested by the Secretariat on the alleged infractions by the Parties within a time frame was made binding. The Parties were requested to provide necessary funding to the Secretariat to carry out the enforcement improvement activities (Conf. 7.5).
- Terms of reference for the Panel of Experts on the African Elephant and Criteria for the Transfer of Certain African Elephant Populations from Appendix I to Appendix II were decided (Conf. 7.9).
- The Conference prescribed the format and criteria for proposals to register the first commercial Captive Breeding Operation for Appendix I animal species (Conf. 7.10).
- The Conference provided for exemption from the provisions of the Berne Criteria to transfer a species from Appendix I to Appendix II where the populations of such species could be demonstrated to be capable for commercial trade if the countries of origin agreed to introduce a quota system approved by the Conference and subject to certain other conditions (Conf. 7.14).
- Quotas for leopard skin of Botswana (100), Central African Republic (40) Ethiopia (500), Kenya (80), Malawi (20), Mozambique (60), South Africa (50), Tanzania (250), Zambia (300), and Zimbabwe (500) were approved by the Conference (Conf. 7.7).
- The subject of formulating guidelines for ranching of marine turtle was referred to IUCN (Conf. 7.11).



## Amendments of the Appendices Relevant to India

- India had made proposals for inclusion of *Rauvolfia serpentina*, *Gentiana kurroo*, *Aristolochia indica*, *Drosera* spp., *Nardostachys grandiflora*, *Aconitum deinorrhizum* and *Gloriosa superba* in Appendix II and *Podophyllum hexandrum* in Appendix I.

All these proposals got adverse comments of the CITES Secretariat and the TRAFFIC Network on the ground that they did not meet the Berne Criteria; details about international trade (legal and illegal) were either missing or inadequate and there was no evidence to indicate that international trade affected their survival; and most of the species in question existed in other countries as well and their opinion had not been sought.

In the Plants Committee the proposals did not receive any support. The Indian delegate withdrew all the proposals and suggested that only *Rauvolfia serpentina* and *Podophyllum hexandrum* should be considered for inclusion in Appendix II. Even this was not accepted by the Committee. On the insistence of the Indian delegation the latter proposal with a little more amendment (excluding the chemical derivatives of the plants) was voted and accepted by Committee I and adopted by the Plenary later.<sup>14</sup>

- India had proposed inclusion of Sloth Bear - *Melursus ursinus*, Otters - *Lutra perspicillata* and *Aonyx cinerea* in Appendix I and Snakes - *Ptyas mucosus*, *Naja naja* and *Ophiophagus hannah* in Appendix II.

The Secretariat and TRAFFIC Network approved of only the *Ptyas mucosus* proposal. As for *Melursus ursinus*, they approved its inclusion in Appendix II and not Appendix I.

At the Committee I meeting, India insisted on *Melursus ursinus* to be included in Appendix I. Due to massive support for the proposal it was accepted and later approved at the Plenary. Similarly all the Indian proposals of snakes were accepted and adopted at the Plenary due to support by a number of Parties. Many Parties at the Committee I did not agree to up-listing of otters because they felt that the protection was already there with Appendix II listing and there was no evidence that they were being traded heavily and were on the verge of extinction. The proposal regarding the otters was thus rejected in voting.

- Japan had proposed the down-listing of *Varanus bengalensis* and *Varanus griseus*. The proposal was withdrawn by Japan as there was no supporting document. The proposal for *Varanus* spp. was based on a survey carried out by World Conservation Monitoring Centre.

*Rauvolfia serpentina*, spp., *Nardostachys oriosa superba* in Appendix I.

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India had expressed its reservation to the Survey in the very beginning. The Survey had concluded that monitor lizards, particularly *Varanus bengalensis* were abundant in the Indian subcontinent and thus there was no need to keep them in Appendix I. The Secretariat supported the proposals. India told the Committee I since Japan had made 'Reservation' for the species it was a not -Party to CITES in this regard and Indian Scientific Authority differed with the findings of the Survey. Bangladesh, Malaysia and many other countries opposed the proposal so Japan agreed to withdraw the proposal till the next Conference.

- Switzerland had proposed inclusion of all the spp. of genus *Buceros* in Appendix II. This amounted to down-listing of Indian sub-species *Buceros bicornis homrai*. India had welcomed the inclusion of all the *Buceros* spp. to Appendix II but did not accept down-listing of its sub-species. The proposal was withdrawn.

#### Appendix I (Additions, and transfers from Appendix I)

*Melursus ursinus*, *Pteropus insularis*, *P. mariannus*, *P. molossinus*, *P. phaeocephalus*, *P. pilosus*, *P. samoensis* and *P. tonganus*, *Paphiopedilum* spp.

#### Appendix II

*Rauvolfia serpentina* and *Podophyllum hexandrum*; *Ptyas mucosus*, *Naja naja* and *Ophiophagus hannah*, *Acerodon* spp. and *Pteropus* spp.

#### THE EIGHTH MEETING OF THE CONFERENCE OF THE PARTIES<sup>15</sup>

The meeting was held at Kyoto, Japan, from 2 to 13 March 1992. One hundred and three of the 112 States then Party to the Convention participated in the meeting, three with the status of "observer only". Six States not-Party, as well as 159 governmental and non-governmental organisations also participated in the meeting as observers.

The following were nominated and elected : Mr N. Akao (Japan), Chairman; and Mr C. James (Trinidad and Tobago) and V. Koester (Denmark), Vice-Chairmen of the Plenary; and Mr M. Holdgate (IUCN) Chairman of the Committee I, Mr M. Jones (USA) Chairman of the Committee II, and Mr M. Hosking (New Zealand) Chairman of the Budget Committee.

Since most of the issues were threshed out in Committees I and II and financial matters were sorted out in the Budget Committee, during the Plenary Sessions, agreed decisions were merely adopted. On rare occasions on certain, controversial issues, some discussion took place.

#### Role of India

- The Indian delegation included Mr Arin K. Ghosh, Mr Ashok Kumar and Dr B.D. Sharma.
- India was elected alternative representative to the Standing Committee from Asian region.
- India was also nominated to the Plants Committee as representative of the Asian Region.
- A draft document on the role of the scientific authority was supported by India.

#### Important Resolutions at the Conference

- The Conference recognised that commercial trade may be beneficial to the conservation of a species and ecosystem and/or to the development of local people when carried out at level that are not detrimental to the survival of the species in question (Conf. 8.3).
- The Conference felt the Scientific Authority of a Party needs to and should play the designated role as specified in detail in the resolution (Conf. 8.6).
- The Conference recommended that the trade with a state not-Party to the Convention should be conducted only if the non-Party is virtually following the Convention (Conf. 8.8).
- The trade in wild-caught animal specimens of Appendix II species was a matter of concern at the Conference. The Conference recommended that the Animals Committee, in co-operation with the Secretariat and experts, continue its systematic review of biological and trade information on Appendix II species with a view to identifying problems and making recommendations with respect to the implementation of Article IV and report to the Conference on the progress of the review and on the measures adopted and those recommended to implement Article IV of the Convention.
- The quota system for the leopard hunting trophies and skins for personal use continued. The quotas of Botswana (100), Central African Republic (40), Ethiopia (500), Kenya (80), Malawi (50), Mozambique (60), Namibia (100), South Africa (75), United Republic of Tanzania (250), Zambia (300) and Zimbabwe (500) were agreed with several strict conditions that an importing country was to follow.



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- The Conference recommended the use of coded-microchip implants for marking the live animals in trade wherever possible and appropriate and without excluding the use of other methods (Conf. 8.13).
- Till 13 March 1992 the Secretariat had registered approximately 60 captive breeding operations of 14 species listed in Appendix I for commercial purposes. Since it was felt that there was a demand for captive breeding for commercial and conservation purposes, the Conference described a clear and comprehensive procedure for qualifying, registering and monitoring such operations (Conf. 8.15).
- The Conference decided to develop new criteria for amending the Appendices. It directed the Standing Committee to undertake, with the assistance of the Secretariat, a revision of the criteria for amending the Appendices to be considered at the next Conference (Conf. 8.20).
- The Conference recommended a system of consultation with the range states by a Party proposing an amendment to Appendices I and II. This resolution provided the range states an opportunity to put forward their comments in advance (Conf. 8.21).

#### Amendments of the Appendices Relevant to India

- There was a proposal to down-listing orchid species, *Didiciea cunninghamii* by Switzerland on the ground that the species was of no interest to trade. India pointed out that the species must be kept in the Appendix I as it was a very rare orchid. India was supported by several delegates and observers. Thus Switzerland withdrew its proposal on condition that India carry out a study on the trade in the species and submit the report at the next Conference.
- There were as many as 19 proposals covering the South-east Asian genera of hornbills. Netherlands had proposed listing of entire genera *Aceros*, *Anorrhinus*, *Anthracoseros*, *Bureros*, *Penelopides* and *Ptilolaemus* in Appendix II. Thailand too had made several proposals but after discussions it insisted on the retention of its proposal of *Aceros nipalensis* and *A. subruficollis* for Appendix I. India along with Malaysia and Nepal supported Thailand. These proposals were adopted.

#### Appendix I (additions and transfer from Appendix II)

*Capra falconei*, *Aceros nipalensis*

#### Appendix II

*Aceros* spp., *Anthracoseros* spp. and *Dionaea muscipula*

## THE NINTH MEETING OF THE CONFERENCE OF THE PARTIES<sup>16</sup>

The ninth meeting of the Conference of the Parties took place in Fort Lauderdale, USA from 7 to 18 November 1994. One hundred and eighteen of the 124 States then Party to the Convention participated in the meeting, six with the status of "observers only". Eight States not-Party, as well as 179 governmental and non-governmental organisations also participated in the meeting as observers.

The Parties elected Mr F. Loy (USA) Chairman and Mr S. C. Dey (India) and G. Dounoube (Central African Republic) Vice-Chairmen for the Conference and Mr E. Ezcurra (Mexico) as Chairman of Committee I and V. Lichtschein (Argentina) Chairman of Committee II and R. Sharp (UK) Chairman of Budget Committee.

### Role of India

- The Indian delegation consisted of Mr S.C. Dey (Head of the Delegation), Dr P.K. Hazra, Dr J.R.B. Alfred, Arin Ghosh, and Mr Ashok Kumar, Director, TRAFFIC-India.
- India was of the view that giving too much emphasis to quantitative data for inclusion of species in Appendices of CITES was against the precautionary approach which is a fundamental principle of CITES. India argued that CITES protection must be given well before the species had reached a critical stage, and planned management and not the crisis management should be the objective. Revised criteria took into account India's suggestions and were adopted.
- India opposed the down-listing of African elephant population of South Africa from Appendix I to Appendix II. India was supported by a number of African countries and USA and European Union. The proposal was consequently withdrawn.
- Another down-listing proposal of Mink Whale from Norway was strongly opposed by India with equally strong points. It pointed out the CoP 2 resolution, Conf. 2.7 and IWC stand and decisions on the question. The down-listing proposal was rejected.
- The proposal for inclusion of Red Panda in Appendix I was submitted by Netherlands. India supported the proposal. Nepal also supported India. Thus the proposal was adopted.
- India took the opportunity of this Conference to put in proper perspective the issue of tiger conservation. A programme on tiger was organised. Mr Arin Ghosh, Director, Project Tiger in India made a presentation regarding the past and present tiger conservation

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### Important Resolutions at the Conference

- The Conference re-established all the earlier committees with minor changes (Conf. 9.1)
- The Conference interpreted that readily recognizable parts or derivatives are to include any specimen which appears from an accompanying document, the packaging or a mark on the label, or from any other circumstances, to be part or derivative of an animal or plant of a species included in the Appendices, unless such part or derivative is specifically exempted from the provisions of the Convention (Conf. 9.6). This resolution repealed Conf. 4.8, 5.9, 5.22 and 6.22.
- A resolution on 'Conservation of and Trade in Tigers' commended the Indian initiative (co-sponsored by UNEP) of convening the first meeting of tiger range states in March 1994 to establish a **Global Tiger Forum**. The resolution also commended Thailand for convening a workshop in October 1994 to map distribution of tigers and the status of their forest habitat in Geographic Information System and to initiate regional co-operative action in this regard. The resolution urged the Parties and not-Parties, especially tiger range and consumer states, which currently lack legislations to properly control illegal killing of tigers and /or the trade in tiger and tiger parts and derivatives, to adopt such measures as a matter of urgency. The measures should address the requirements of the Convention and include penalties adequate to deter illegal trade. The resolution also urged the tiger range and non-range states to support and participate in international tiger conservation programmes including joining the Global Tiger Forum.
- It was recommended that where possible the Parties establish protected habitat with common boundary, and have bilateral or multilateral arrangements for control of illegal trade in tiger and its parts and derivatives. The Conference directed the Standing Committee to continue the review of the tiger trade issue (Conf. 9.13).
- There was a similar resolution on 'Conservation of Rhinoceros in Asia and Africa' The resolution recalled the Appendix I status of all the rhino species. The Conference took note of several resolutions regarding the species, and consideration of the issue by the Standing Committee and Animals Committee several times and their recommendations, as well as the resolutions and recommendations

of the UNEP Conference of the Rhino range states, consumer states and donors on financing the conservation of the Rhino held in Nairobi in 1993.

The Conference thus urged the range states to be vigilant in their law enforcement; all Parties to have legislation aimed at reducing illegal trade; co-operation between range states and the consumer states to work with traditional medicine communities and industries to eliminate the use of and consumption of rhino parts. It also directed the Standing Committee to continue to pursue actions aimed at reducing illegal trade (Conf. 9.14). This resolution repealed earlier resolutions Conf. 3.11 and Conf. 6.10.

- The Conference directed the Secretariat to convene a technical workshop in order to establish conservation priorities and actions for the sustainability of swiftlet-nest harvesting (Conf. 9.15).
- A consolidated resolution on the trade in African elephant ivory was adopted. It recommended that any import, export or re-export of African elephant ivory by a Party be authorised only if the Party was satisfied that the ivory was legally acquired in the country of origin. It defined raw and worked ivory and recommended the marking procedure. The resolution repealed the previous ten resolutions on the subject (Conf. 9.16).
- One detailed resolution (Conf. 9.18) was regarding the **regulation of trade in plants**. This interpreted the term 'artificially propagated' to refer only to plants grown from seeds, cuttings, divisions, callus tissue or other plant tissue, spores or other propagules under controlled conditions. This further described the term 'under controlled conditions', 'parental stock' and conditions for the grafted plants to be considered to be artificially propagated. One section of the resolution was regarding artificially propagated hybrids. The resolution also provided a suggestion to the Parties to consider before preparing the proposals to transfer an individual plant species from a higher-taxon listing in Appendix II to a separate listing in Appendix I.
- There was a special focus on enforcement. It was recommended that the enforcement officers be adequately informed of CITES requirements, procedures necessary for the detection of illegal trade. This resolution repealed completely or partially resolutions Conf. 5.14, Conf. 5.15 and Conf. 8.17.
- The most important resolution of the Conference was regarding the **New Criteria for amendment of the Appendices I and II**. This was set in Conf. 9.24.

There are four different criteria and a species can qualify for

Appendix I listing by meeting any one of them. The Criteria have quantitative guidelines. The guidelines are not really rigid. Estimation, inference and projections can all be used to reach a judgement about whether a species is likely to fall inside the guideline value for any of the four criteria. It is suggested that in case of genuine uncertainty the Parties are to play safe.

#### Amendments of the Appendices Relevant to India

- India strongly opposed the proposal of down-listing *Felis bengalensis* from Appendix I to Appendix II from Switzerland. India was supported by Bangladesh and Thailand. Consequently population in India, Bangladesh and Thailand was retained in Appendix I while the rest was down-listed to Appendix II.
- India's proposal of listing *Berberis aristata* in Appendix II was opposed by Germany on behalf of the member states of European Union because the species did not meet the Berne Criteria. The Secretariat added that the species was not easily identifiable and that the proposal should be referred to the Plants Committee. This view was supported by TRAFFIC Network too. The proposal was rejected in voting.
- *Gentiana kurroo* proposal met with similar objections and had to be withdrawn.
- The Indian proposal on *Pterocarpus santalinus* for listing in Appendix II, was rejected in Committee I in spite of support by TRAFFIC Network and partial support by USA. This was however again debated in the Plenary and was approved.
- *Taxus wallichiana* proposal was amended to exclude end-product medicines on the suggestion of New Zealand and USA and was thus approved.
- *Aquilaria malaccensis* proposal was strongly opposed by Malaysia. It along with Bangladesh, Indonesia and Singapore suggested that India should withdraw the proposal. But there was support from the European Union, USA and TRAFFIC Network and the proposal was finally approved.
- India's proposals for transfer of orchids *Cypripedium cordigerum*, *C. elegans*, *C. himalaicum* and *C. tibeticum* from Appendix II to Appendix I could not be adopted because none of the other range countries supported. Switzerland and UK stated that there was insufficient information on the population sizes and volumes in trade. IUCN also opposed the proposals and felt there was insufficient evidence that the species were threatened.
- For the first time, two species ranging in India were down-listed from Appendix I to Appendix II. These were *Lissemys punctata punctata*, and Orchid *Didickea cunninghamii*.

## Appendix I

*Ailurus fulgens.*

## Appendix II (additions and down-listing from Appendix I)

*Lissemys punctata punctata*, and Orchid *Didickea cunninghamii*;  
*Pterocarpus santalinus*, *Taxus wallichiana* and *Aquilaria malaccensis*

## THE TENTH MEETING OF THE CONFERENCE OF THE PARTIES

The tenth meeting of the Conference of the Parties took place in Harare, Zimbabwe from 6 to 20 June 1997. One hundred and twenty nine States of the 136 States then Party to the Convention participated in the meeting. Three accredited States, not yet Parties, participated with the status of observers. The President of Zimbabwe opened the meeting and the Ambassador of Zimbabwe at Geneva was elected chairman of the meeting.

One of the most important issue at the Conference was the acceptance of down-listing of the African elephant populations of Botswana, Namibia and Zimbabwe subject to various safeguards and pre-inspection and monitoring clauses. This was for trade with Japan. This was interpreted by some as the acceptance of the principle of sustainable utilisation by the CITES.

### Role of India

- The Indian delegation included Mr S. C. Dey (Management Authority of India), Dr J.R.B. Alfred, Dr P. K. Hajra and Mr Vinod Rishi.
- India was chairman of the Credential Committee.
- India's resolution on Tiger to put more responsibilities on consumer countries for enforcing control of illegal sale of tiger bone and its products in such countries was approved.

### Important Resolutions at the Conference

The Conference adopted in all 22 resolutions including some which were the result of consolidation of earlier resolutions. Besides, a number of resolutions adopted at previous meetings of the Conference were substantially amended. They continue to have their original resolution number.



- The Conference found it necessary to pass a resolution on the designation and role of the Scientific Authorities. The resolution reminded the Parties that issuance of permits by a management authority without appropriate Scientific Authority findings constituted a lack of compliance with the provisions of the Convention and seriously undermined species conservation. It recommended that
  1. Management Authorities not issue any export or import permit, or certificate of introduction from the sea, for species listed in the Appendices without first obtaining the appropriate Scientific Authority findings or advice;
  2. The scientific review of available information on the population status, distribution, population trend, harvest and other biological and ecological factors, as appropriate, and trade information related to the species concerned. (Conf. 10.3)
- The Conference welcomed the endorsement of the memorandum of understanding between the CITES Secretariat and Secretariat of the Convention on Biological Diversity (CBD). It called upon the two secretariats to coordinate their programmes, activities and recommended to the CITES Secretariat to become partner in the implementation of appropriate provisions of the CBD. (Conf. 10.4)
- The Conference recommended to the Parties and States not-Party to work with traditional medicine communities to reduce demand for bear parts and derivatives, including the active promotion of research on and use of alternatives and substitutes that do not endanger other wild species; and to increase public awareness regarding the threat to bears. This was with a view to conserve the bears (Conf. 10.8)
- The Conference resolved that consideration of proposals for the transfer of African elephant populations from Appendix I to Appendix II should be subject to review by a Panel of Experts. It laid down detailed terms for the constitution of the Panel of Experts and the process, conditions and considerations for the Panel for the review. The resolution repealed the Conf. 7.9 (Conf. 10.9).
- In view of the transfer of some populations of African elephant from Appendix I to II, the Conference elaborated upon definitions, marking of specimens, control of internal ivory trade, monitoring of illegal hunting and trade in elephant specimens and quotas for trade in raw ivory. The Conference recommended
  1. To those Parties with ivory carving industry and Parties designated as ivory importing countries to register or license all importers, manufacturers, wholesalers and retailers dealing in raw, semi-worked or worked ivory products and introduce recording and inspection procedures to monitor the flow of ivory within the State.

2. The Conference recognised Bad Ivory Database System (BIDS) established by TRAFFIC Network and designated it as the appropriate instrument for monitoring the pattern and measuring the scale of illegal trade in ivory and other elephant specimens.
3. The Conference also suggested monitoring of illegal hunting in both African and Asian elephants range states and data collection and compilation. (Conf. 10.10)
- The Conference again defined terms related to ranching and made recommendations regarding proposals to transfer populations from Appendix I to II for ranching, trade there in and monitoring and reporting of such species. The resolution repealed and amended several earlier resolutions on ranching (Conf. 10.18).

The Conference recognised that wild fauna and flora are used in many forms of traditional medicine and that continued and uncontrolled use of several endangered species in traditional medicine is a matter of concern. It was recommended to the parties:

1. To enforce national legislation to control trade.
2. Strengthen enforcement.
3. Develop techniques like forensic science for identification of parts and derivatives.
4. Develop Substitutes.
5. Artificial propagation and /or captive breeding to relieve pressure on wild populations (Conf. 10.19).

#### Amendments of the Appendices Relevant to India

- India's two proposals of inclusion of Kutki (*Picrorhiza kurroa*) and Jatamansi (*Nardostachys grandiflora*) in the Appendix II were approved.
- Indian bird species – Red Billed Leothrix, Straw headed Bulbul, Green Avadavat and Hill Myana were included in Appendix II.

#### Appendix II

Plants : *Picrorhiza kurroa*, *Nardostachys grandiflora*;

Birds : Red Billed Leothrix, Straw headed Bulbul, Green Avadavat and Hill Myna



### POINTS TO PONDER

- Under the subject "Interpretation and Implementation of the Convention" a report 'Review of Alleged Infraction' of the Convention was prepared by the Secretariat (Doc. 6.19). This was the first time that such a report was presented at the Sixth Conference of the Parties. It was the compilation of some of the cases of implementation problems of the Parties. This was the subject of long debate, tempers ran high, and some delegates felt frustrated others embarrassed. Following infractions related to India were reported : The case listed A12 in the document was regarding the illegal export of 10 tonnes of *Sussurea costus* (Appendix I) roots in 1985 from India to France. Another case, C 1, was export of 660,000 skins of *Ptyas mucosus* from Singapore to Netherlands. Netherlands had seized the consignment and obtained evidence that the skins were of Indian origin.
- The Indian delegate, Mr Arin Ghosh, Director, Project Tiger, at the eighth CoP felt that there was a definite polarisation of Parties. One for sustainable use and trade in wildlife and the other favouring total ban and stricter control in wildlife articles especially belonging to mega-fauna group. According to him fortunately the latter group outnumbered the former.<sup>17</sup>
- India has been consistently supporting listing and up-listings into CITES Appendices and opposing down-listing or any commercial trade of wildlife.
- CITES Secretariat in one of the documents regarding the implementation of CITES had categorised Parties in Category I, II and III based on the domestic legislation for CITES in mid-90s. Sixty per cent of the Parties including India were put in the category II meaning thereby that they had a national legislation but it did not meet all the requirement of implementation of CITES.

### REFERENCES

<sup>1</sup> Anonymous, 1977, Proceedings of the first meeting of the Conference of the Parties, Secretariat of the Convention, Gland, Switzerland.

<sup>2</sup> Anonymous, 1979, Proceedings of the second meeting of the Conference of the Parties, Secretariat of the Convention, Gland, Switzerland.

<sup>3</sup> Ibid., pp. 144-145.

<sup>4</sup> Anonymous, 1982, Proceedings of the third meeting of the Conference of the Parties, Secretariat of the Convention, Gland, Switzerland.

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5 Anonymous, 1984, Proceedings of the fourth meeting of the Conference of the Parties, Secretariat of the Convention, Gland, Switzerland.

6 Anonymous, 1986, Proceedings of the fifth meeting of the Conference of the Parties, Secretariat of the Convention, Lausanne, Switzerland.

7 Ibid., p. 110

8 Anonymous, 1989, Proceedings of the sixth meeting of the Conference of the Parties, Secretariat of the Convention, Lausanne, Switzerland.

9 Ibid., p. 358.

10 Ibid., p. 145.

11 Ibid., p. 151.

12 Hajra, Dr P. K., 1987, Official note, Unpublished.

13 Anonymous, 1991, Proceedings of the seventh meeting of the Conference of the Parties Secretariat of the Convention, Lausanne, Switzerland.

14 Ibid., pp. 162-163, 267-268.

15 Anonymous, 1994, Proceedings of the eighth meeting of the Conference of the Parties, Secretariat of the Convention, Chatelaine-Geneva, Switzerland.

16 Anonymous, 1996, Proceedings of the ninth meeting of the Conference of the Parties, Secretariat of the Convention, Chatelaine-Geneva, Switzerland.

17 Ghosh, Arin, 1992, Official Report, Unpublished, Ministry of Environment and Forests, Government of India, New Delhi

### CHAPTER - III

## THE THIRD CONFERENCE OF THE PARTIES

India became a Party to CITES in 1976. Its presence at the first meeting of the Conference of the Parties (Berne, 1976) was merely token. At the second meeting of the Conference of the Parties (San Jose, 1979), India offered to host the third Conference of the Parties. The offer was accepted by the Parties.

The third meeting of the Conference of the Parties was held at Vigyan Bhawan, New Delhi, from 25 February to 8 March in 1981.

Fifty four of the 67 States then Party to the Convention participated in the Conference, few of them, however, with the status of "observer only" because their formal membership was to take effect only after the meeting. Seventeen States not-Party, as well as 80 governmental and non-governmental organisations also participated in this meeting as observers.<sup>1</sup>

India's Union Minister for Agriculture, Rural Reconstruction and Irrigation, The Honorable Rao Birendra Singh reminded the gathering, "The very raison d'etre of this Convention is the concept of 'Conservation' and India's history, tradition and folklore is steeped in this concept." He informed the Conference of the various steps taken by India for implementation of CITES including, "The Schedules to the central law on wildlife protection have been amended suitably so as to include more species of wild fauna and flora as well as to provide for greater protection and more effective control on trade in this area. This approach is also reflected in the export policy on wildlife and its products, which has introduced general control and regulation in this field. Some live animals or birds or products thereof are totally banned for export, keeping in view their status in the country and the overall implications from the conservation angle."

The speech of the Dr Lee M. Talbot, the Director General of IUCN at the Conference was a moving gesture for India. He stated emotionally, "It is particularly fitting that this third and largest yet meeting of the Conference of the Parties to CITES should be held in India. At the 1972

United Nations Conference on the Human Environment, the Government of India introduced the Wildlife Principle (Man has a special responsibility to safeguard and wisely manage the heritage of wildlife and its habitat, which are now gravely imperiled by a combination of adverse factors. Nature conservation including wildlife must therefore receive importance in planning for economic development), which was unanimously adopted by the 113 nations represented there, as Principle 4."

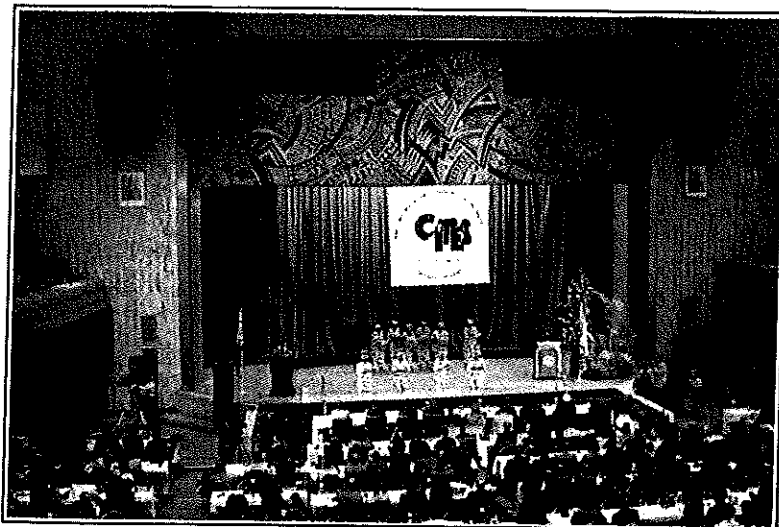
#### RESOLUTIONS

The Conference adopted 21 resolutions of which many were of far reaching consequence and some like Technical Co-operation (Conf. 3.4), International Compliance Control (Conf. 3.9), Trade in Whale Products (Conf. 3.13) and Ranching (Conf. 3.15) have utility till date.

- The Conference revised the mandate of the Standing Committee (Conf. 3.1).<sup>6</sup>
- Regarding 'the Financing of the Secretariat and of the meetings of the Conference of the Parties', the Conference approved the 1980 account, approved the 1982-83 budget, requested the administration of the Trust Fund by the Executive director of UNEP and emphasised to the Parties the importance of making their contributions to the Trust Fund promptly. A Resolution invited funds from other organisations as well. It levied US \$ 50 participation charges on the observer organisations other than UN and its specialised agencies (Conf. 3.2).<sup>7</sup>
- Realising the limitations of developing countries, which are Parties to Convention, the meeting of the Conference of the Parties called for technical cooperation among the Parties by providing technical assistance, special funding and making available qualified staff or execution of Projects on behalf of the Parties (Conf. 3.4).<sup>8</sup>
- In view of several violations of the Convention, the Conference recommended that all Parties ensure strict compliance and control in respect of all mechanisms and provisions of the Convention relating to the regulation of trade in animal and plant species listed in Appendix II and of all provisions ensuring protection against illegal traffic for the species listed in the Appendices (Conf. 3.9).<sup>9</sup>



The Tenth Meeting of the Conference of the Parties,  
Harare, Zimbabwe, 1994



The Tenth Meeting of the Conference of the Parties,  
Harare, Zimbabwe, 1994



- In view of the endangered status of the Rhino and the continuing illegal trade in its horn, the Conference asked the Secretariat to make representations to the non-Parties, where records show they have imported or exported rhino products during the last five years and to request them to prevent import or export of the same (Conf. 3.11).<sup>10</sup>
- The Conference recommended that the trade in African elephant ivory by way of imports, exports or re-exports by a Party be authorised only if the Party is satisfied that the ivory was legally acquired in the country of origin. The related resolution in addition desired that the Parties adopt domestic measures whereby importers, exporters or re-exporter of raw ivory would be subject to license for conduct of such trade (Conf. 3.12).<sup>11</sup>
- The Conference was aware of the special need for the conservation of whales and other cetaceans. Thus it requested that proper attention be given to the documentation required for the trade in the above under the Convention and urged the Parties to adhere to the International Convention for the Regulation of Whaling (Conf. 3.13).<sup>12</sup>
- The Conference resolved that the national population of a species listed in CITES Appendix I where it was to be ranched would be listed in Appendix II. The basic criteria for doing so was that the species is no more endangered in that country, ranching would have no significant impact on the wild populations and is not detrimental to the survival of the species, rather shall benefit the species (Conf. 3.15).<sup>13</sup>
- 'The ten year review of the CITES Appendices' was felt useful to evaluate the status of listed species, to determine if the goals of the Convention were being met. Furthermore, it was necessary, in view of the fact that of approximately 1700 species included in the Appendices, some 1100 were listed prior to the development of the Berne Criteria, and so the Parties did not have scientific background data and that the proposed review would provide a mechanism to collect that data (Conf. 3.20).

#### Role of India

- Mr M. K. Dalvi, Inspector General of Forest, India, was chairman of the Conference.

- ② Two vice-chairmen for the Conference were Mr R. Parsons (USA) Chairman of the Standing Committee, and Mr Samar Singh (India).
- ② The Credential Committee consisted of one delegate each from, France, Mauritius, Costa Rica, USA and India.
- ② The Indian delegation was keen on legal and policy approaches being taken by the various Parties to regulate trade in endangered species so that the best approach could be taken.
- ② A Finance Committee under the chairmanship of Mr Samar Singh was established. The Finance Committee in two sessions finalised its recommendations on the basis of which resolution, Conf. 3.2 was adopted.
- ② India recorded its appreciation of the good work done by the Identification Manual Committee and the Nomenclature Committee and conveyed its willingness to be associated more closely with further works of these Committees.
- ② Canada and USA put up proposals opposing the mass inclusion of species in CITES Appendices for monitoring purposes. The Indian delegation along with observers from Uruguay and IUCN opposed because the proposal was in opposition to the fundamental principle of the Convention and its effective implementation. It further stressed that a ten-year review of the Appendices was being proposed. Finally the proposal was withdrawn.<sup>14</sup>
- ② The Technical Expert Committee met several times and took important decisions. Some sessions of the Committee were chaired by Mr N.D. Jayal (India) while others were chaired by Mr R. Parsons, Chairman of the Standing Committee.
- ② Dr S.K. Jain chaired the Botanical Sub-Group for screening of amendment proposals for plants.
- ② India was elected Chairman of the Standing Committee.



### ACHIEVEMENTS

- The present CITES logo was in fact drawn for the third meeting of the Conference of the Parties by India. This was generally appreciated by the Parties and was accepted as the logo for the Convention itself.<sup>15</sup>
- The transfer of *Physeter catodon* from Appendix II to Appendix I and the inclusion of most of the species from *Psittaciformes* in the Appendix II were of advantage to India.
- India was inspired during the Conference to become a Party to International Convention for the Regulation of Whaling.
- It was heartening for India to hear the French delegate speaking on behalf of the Parties at the Closing Session appreciating the warmth and hospitality and describing the spirit at the meeting as 'New Delhi Spirit of Cooperation'.

### REFERENCES

<sup>1</sup> Anonymous, 1982, Proceedings of the third meeting of the Conference of the Parties, Secretariat of the Convention, Gland, Switzerland, p. 3

<sup>5</sup> Ibid., p. 33-34

<sup>7</sup> Ibid., p. 35-41

<sup>8</sup> Ibid., p. 43

<sup>9</sup> Ibid., p. 55-56

<sup>10</sup> Ibid., p. 59

<sup>11</sup> Ibid., p. 60-61

<sup>12</sup> Ibid., p. 62

<sup>13</sup> Ibid., p. 65-66

<sup>14</sup> Ibid., p. 115-117

<sup>15</sup> Mr. Samar Singh, 1986, Conserving India's Natural Heritage, Natraj Publishers, Dehradun, India, p. 199

## CHAPTER - IV

# STANDING COMMITTEE & ANIMALS AND PLANTS COMMITTEES

### STANDING COMMITTEE

The Standing Committee has the status of senior permanent Committee and reports to the Conference of the Parties. Its mandate is to oversee the execution of the Secretariat's budget, give advice on matters brought to it by the Secretariat, and act as 'bureau' at the CoPs. The Committee meets regularly, generally twice a year.

- The Standing Committee has its roots in the Steering Committee created at the first Conference of the Parties (Berne, 1976) with the resolution Conf. 1.7. The Steering Committee had the mandate to coordinate with the secretariat the work of organising the special working session of the Conference of the Parties and the second meeting of the Conference of the Parties. The Steering Committee was also involved with the question of budget of the Convention. It was considered a provisional Committee.
- The second Conference (San Jose, 1979) with resolution Conf. 2.2 established the Standing Committee with the mandate to provide guidance and advice to the Secretariat on the implementation of the Convention, on the preparation for the meetings of Conference of the Parties and on relations with the government of the host State of the Secretariat headquarters; to act as bureau at the meetings of the Conference of the Parties, in accordance with the rules of procedure; and to perform any other function as may be entrusted to it by the Conference of the Parties. It was resolved that the Committee would consist of no more than nine members to be nominated by the Conference of the Parties, ensuring the representation from the major geographic regions : Asia, Africa, Central and South America, North America, Europe and Oceania. The other members were to be the Depositary government, the present host Party and the next host Party.

- The resolution Conf. 3.1 made minor revisions in the mandate of the Committee. The resolution Conf. 4.1 revised its membership and voting rights to some extent.
- The sixth meeting of the Conference of the Parties (Ottawa, 1987) defined the status of the Standing Committee as a permanent senior Committee.
- At the seventh Conference of the Parties (Lausanne, 1989) it was felt that effectiveness of the Standing Committee is reduced if some members are not able to attend. Thus a provision was made for election of **alternate members** from each region which would attend the meeting in the absence of the member from the region.
- The ninth Conference of the Parties (Fort Lauderdale, 1994) took a fresh look at the Committees and passed resolution Conf. 9.1 which was further revised at the **tenth** Conference of the Parties (Harare, 1997). According to this revised resolution, all the Committees established by the sixth Conference of the Parties stood re-established. The Status of the Standing Committee remained the same. Some changes have been made in objectives, membership, rules and procedures and terms of reference of the Committees. At present, besides the above mentioned mandate, the Standing Committee has to provide general policy and general operation direction to the Secretariat; oversee the development and execution of the Secretariat's budget; provide coordination and advice as required to other Committees and provide direction and coordination to working groups etc. (See Annexure D).

### Meetings of the Standing Committee

At the time of the research for this book, forty-one meetings of the Standing Committee had taken place, generally two per year. Some meetings of the Standing Committee had taken place at the venue of the meetings of the Conference of the Parties just before the beginning and/or after the closing of the Conference. These Standing Committee meetings generally took place to complete some formalities. Thus many of these meetings have not been discussed here.

*Standing Committee (S.C.) meetings between second (San Jose, 1979) and third (New Delhi, 1981) Conference - First, Second and Third Meetings*

The Chairman of the Standing Committee was Richard M. Parsons (U.S.A.). The first and second meeting took place at Bonn, Federal

Republic of Germany, on 22 June 1979 and 29 January 1980 respectively India was member of the Committee in its capacity as host of the next Conference. Mr Nalini D. Jayal, the Management Authority for CITES in India attended these meetings. The third meeting took place at Nairobi Kenya on 26 April 1980. The Indian delegation consisted of Mr Dilli Biswas and Mr Ajai Malhotra. Indian delegations mainly concentrated on discussions regarding the third meeting of the Conference of the Parties to be held at New Delhi in 1981.

The main actions and decisions of the Committee were as follows.

- Preparation for the third Conference - Overseeing the interim activities of various specialised committees and the Secretariat to assure that various issues have been brought either to a recommended conclusion or to a further stage appropriate for discussion by the Parties.
- Prepared the 'Specific Agenda' and 'Provisional Working Programme'
- Financing of the Secretariat decided to be a top priority.
- It was recommended that the Standing Committee should continue with somewhat strengthened mandate.
- Continuation of the Secretariat headquarter in Switzerland was recommended.

*S.C. meetings between third (New Delhi, 1981) and fourth (Gaborone 1984) Conference - Fifth, Sixth and Seventh Meetings*

The Chairman of the Standing Committee during the period was Mr Samar Singh on behalf of India. The fifth, sixth and seventh meetings of the Standing Committee took place in Gland, Switzerland at the CITES Secretariat on 16 July 1981, Christchurch in New Zealand on 21 October 1981 and Gland, Switzerland from 21 to 23 June 1982 respectively. The new Secretary General Mr E. Lapointe took over during the period. The main actions and decisions of the Committee were as follows.

- 'External recruitment procedure' for the post of Secretary General of CITES.
- Selection procedure for the Secretary General of CITES.
- Financial matters.
- Workplan for CITES Committees.
- The next venue of the meeting of the Conference of the Parties Botswana.
- Agenda and working programme for the forthcoming Conference

*S.C. meetings between fourth (Gaborone, 1984) and fifth (Buenos Aires, 1985) Conference - Tenth and Eleventh Meetings*

Mr Samar Singh was the Chairman of the Standing Committee during the period.

Tenth and eleventh meetings of the Standing Committee took place at Gland, Switzerland from 3 to 4 November 1983 and from 3 to 5 July 1984 respectively. The main actions and decisions of the Committee were as follows.

- Financial issues
- Resolution of the issue of the relationship between UNEP-IUCN-CITES : A Working Group was established under the chairmanship of the Kenya to prepare a recommendatory document, on the relationship between UNEP-IUCN-CITES. It was recommended to the Executive Director of UNEP that the Secretary General should be directly responsible for financial matters and function under the supervision of the Executive Director of UNEP; that the Secretariat should find new and independent office accommodation outside the World Conservation Centre; and that the staff of the Secretariat should become UNEP employees. The Executive Director of UNEP responded positively to these recommendations. Thus on 1 November 1984 the Secretariat moved into its new office in Lausanne (Switzerland) and all the staff employed at that date became employees of UNEP.
- Working programme of the Secretariat
- Arrangements for the fifth meeting of the Conference of the Parties: At the last meeting of the Conference of the Parties, Colombia had made a provisional offer to host the fifth Conference but the offer was withdrawn later. A hectic search was made by the Secretariat for a new host and Argentina agreed. The Committee decided to accept Argentina's offer.
- The provisional agenda and working programme for the Conference

*S.C. meetings between fifth (Buenos Aires, 1985) and sixth (Ottawa 1987) Conference - Thirteenth and Fourteenth Meetings*

The thirteenth and fourteenth meetings of the Standing Committee were held in Lausanne, Switzerland from 28 October to 1 November 1985 and Ottawa from 27 to 31 October 1986 respectively. The Chairman of the Committee during the period was Dr M. K. Ranjitsinh on behalf of India. The main actions and decisions of the Committee were as follows.

- Finance the work programme of the Secretariat
- Enforcement related problems : The problem of enforcement of CITES in Bolivia, French Guyana, Free Port of Hamburg, Macau and United Arab Emirates were discussed at length. The Committee decided to refer the case of Bolivia to the Conference while in the other cases suitable measures to be taken were suggested.
- Arrangements, preparations, provisional agenda and provisional work programme for the sixth meeting of the Conference of the Parties
- Suggestions of several amendments to the rules of procedure

*S.C. meetings between sixth (Ottawa 1987) and seventh (Lausanne, 1989) Conference - Seventeenth and Eighteenth Meetings*

Seventeenth meeting took place in San Jose, 25-28 and 31 January 1988 and the eighteenth meeting took place in Lausanne from 27 February to 3 March 1989. U.S.A was the Chairman for these meetings. India was not a member of the Committee. The main actions and decisions of the Committee were as follows.

- Financial matters
- Review of the organisation structure of the Secretariat, the location of the Secretariat
- Review the Operations of the CITES Secretariat : The Standing Committee had formed a Working Group of Canada (Chairman), and Indonesia and the United Kingdom (members) to Review the Operations of the CITES Secretariat . The Group reported that the Secretariat was expected to present a 'long term goals and objectives and evolve some 'performance monitoring system'.
- Procedures for the Secretariat's "alleged infraction report"
- The illegal trade in African elephant ivory especially as it pertains to Burundi and United Arab Emirates : Actions of the Standing Committee, the Secretariat and interested Parties and persons produced favourable results on the problem of illegal trade of African elephant ivory vis-a-vis the role of Burundi and United Arab Emirates. Burundi had joined CITES and pledged full compliance with the CITES ivory trade controls. The Standing Committee agreed to supervise the sale of very specific ivory stocks that have been confiscated by the government of Burundi. The proceeds of the sale were to be used for specified conservation projects in Burundi. The Government of the United Arab Emirates had indicated an interest in becoming a Party to CITES and had taken measures to close down the ivory trade within its borders.
- Crocodile trade problems between Indonesia, Singapore and Japan

- Co-ordination of the organisation and work of the Animals, Plants, Nomenclature and Identification Manual Committees.
- The African Elephant Working Group.
- Arrangements for the seventh meeting of the Conference of the Parties
- The need to amend the Committee's mandate by establishing the position of an alternate regional member for the six major geographical regions.

*S.C. meetings between seventh (Lausanne, 1989) and eighth (Kyoto, 1992) Conference - Twenty-first to Twenty-fourth Meetings*

The twenty-first meeting of the Standing Committee took place at Lausanne, Switzerland from February 5 to 9, 1990. Mr M. K. Manglamurti and Mr O.P.Saharia from the Indian Embassy in Switzerland participated in the meeting as observers. The main actions and decisions of the Committee were as follows.

- Relaxing the provisions of the Convention : Indias requested to 'enter a reservation' and relaxing the provisions of Convention for a year in respect of CITES ban on international trade in African ivory after 18.1.90. The Standing Committee decided that the matter was beyond the mandate of the Committee.
- Detailed guidelines for the review and approval of externally funded projects as well as the inclusion of funding in the core budget for significant trade studies.
- Established a system for the appraisal of the performance of the Secretariat, and the Secretary General in particular.

The twenty-second meeting of the Committee took place at Nairobi, Kenya from August 8 to 10, 1990. The meeting had to be called specially to discuss the very difficult situation that had developed with respect to the decision of the Executive Director of UNEP not to renew the contract of the Secretary General, Mr Eugene Lapointe. The main actions and decisions of the Committee were as follows.

- The representatives of the Standing Committee would be involved in the selection process for a new Secretary General, and that a mechanism would be established to ensure that the Standing Committee contributed inputs into the annual performance appraisal process.
- Malawi, Canada, Japan and Switzerland were chosen to represent the Standing Committee on the Selection Panel. The Selection Panel

met twice to interview candidates for the position of Secretary General. Both times they found at least one candidate qualified for the position. However, the Executive Director of UNEP refused to confirm the appointment of the first candidate qualified by the Selection Panel.

The twenty third meeting of the Committee took place at Lausanne, Switzerland from April 8 to 12, 1991. The main actions and decisions of the Committee were as follows.

- The relationship between the Conference of the Parties, the Standing Committee and UNEP
- Terms of Reference for the Administration of the Secretariat by the UNEP were modified.
- The recommendation of a total ban on CITES trade with Thailand, and directed the Secretariat to notify the Parties of a similar ban with respect to Grenada after 30 days if the situation there did not improve dramatically in line with the undertakings provided by that government.

The twenty fourth meeting of the Committee took place again at Lausanne on 20 and 21 January 1992. The main actions and decisions of the Committee were as follows.

- Preparation of the eighth meeting of the Conference
- Several changes to the Rules of Procedure, changes in the Working Programme, and the nomination of the Chairmen of the meeting and of Committees I and II and the Budget Committee.
- Reconfirmed the continuation of the notifications requesting a ban on CITES trade with Thailand and Grenada.
- The Secretariat to monitor carefully the progress in implementation of the new legislation for CITES in Italy and the country's progress in improving the implementation of the Convention in general. Italy was to be issued a three month deadline to make significant progress, and if such progress was not evident, the Secretariat was given the mandate to issue a notification calling for a ban on all CITES trade with the country.

*S.C. meetings between eighth (Kyoto, 1992) and ninth (Fort Lauderdale, 1994) Conference - Twenty-eighth to Thirty-first Meetings*

The Standing Committee met in Lausanne in June 1992 (Twenty eighth



meeting), Washington D.C. in March 1993 (Twenty ninth meeting), Brussels in September 1993 (Thirtieth meeting) and Geneva in March 1994 (Thirty first meeting).

At the thirty first meeting of the Committee, Mr A.K.Ghosh (India) participated as observer.

Mr Ghosh made a statement on the tiger conservation. He informed the Committee of the International Tiger Symposium held in New Delhi; India's National Tiger Action Plan; launching of the Global Tiger Forum and establishment of its interim Secretariat at New Delhi.

The main actions and decisions of the Committee were as follows.

- A major exercise for the review of Criteria for amendment of the Appendices of CITES: This exercise gave rise to a rare, probably even unprecedented event in the history of the Convention, a joint meeting of the Plants, Animals and Standing Committees in Brussels in September 1993.
- Landmark Review of the Resolutions of the Conference of the Parties : The Committee considered it appropriate to keep a clear trail from old resolutions and old wordings in consolidation exercise.
- Illegal trade in rhinoceros horn and tiger parts : The pressure brought on the traditional consumer States in North-Eastern Asia by the Standing Committee on behalf of the Parties, by individual Parties acting unilaterally and by NGOs have been responsible for major shifts at government level in all the consumer countries, changes in domestic legislation to control the holding of stocks of rhinoceros and tiger specimens and to make domestic and export trade illegal, and for the strengthening of law enforcement capability and effort.

*S.C. meetings at the ninth (Fort Lauderdale, 1994) Conference - Thirty-Second to Thirty-fourth Meetings*

Thirty second meeting of the Standing Committee took place at Fort Lauderdale (USA) on 5 November 1994. The meeting was chaired by Oceania regional representative, Mr M.R.Hosking (New Zealand). Mr A. Kumar from India participated as alternate member.

- Review of the implementation of CITES in Indonesia and Nepal; and Rhino horn trade in Oman

- The Thirty third meeting of the Standing Committee took place at Fort Lauderdale on 17 November 1994. The meeting was chaired by the depository Government representative, P. Dollinger. On behalf of India, Mr S.C.Dey participated as observer.

- Election of the officers : Japan was elected Chairman of the Committee by consensus. The U.K. was approved by the Committee as the Vice-Chairman. The Committee then agreed upon the regional representatives and alternate regional representatives. India was made an alternate member from Asia.

Thirty fourth meeting of the Standing Committee took place at Fort Lauderdale on 18 November 1994.

- How to improve the effectiveness of the Convention.
- Extension of the term of the contract of the Deputy Secretary General of CITES.

*S.C. meetings between ninth (Fort Lauderdale, 1994) and tenth (Harare, 1997) Conference - Thirty-fifth, Thirty-sixth and Thirty-seventh meetings*

The thirty-fifth meeting of the Standing Committee took place at Geneva, Switzerland from 21 to 24 March 1995. The Chairman of the committee was Mr N. Akao (Japan). On behalf of India Mr S. C. Dey participated as observer.

Mr S. C. Dey (India) reminded the Timber Working Group that "it has to be ensured that in the name of sustainable use, reckless working of timber does not take place..."

On the tiger conservation issue India informed the Standing Committee that of the 14 range States, ratification to the Global Tiger Forum has come from India alone.

Mr Dey also intervened on the issue of African elephant suggesting that, "though the issue of conservation is the primary responsibility of the range countries but the issues of disposal of stockpiles of ivory is an international issue and all the range states of elephant including Asian elephant are concerned about this."

He took to task even the members of the Standing Committee, four of whom had not submitted the Annual Report for 1993.

The Indian delegate highlighted that "CITES is a Convention of conservation, and we must not deviate from the precautionary principles in the attempt to harmonise conservation with sustainable use."

- Engaging a consultant for a study on "How to Improve the Effectiveness of the Convention" Setting up a Timber Working Group.
- Tiger trade in the range and consumer States.
- African elephant.
- National legislation for implementation of CITES.
- Late submission of annual reports.
- New project proposals. Environmental Investigation Agency, an NGO, was rejected as donor agency and a small donation it had made was rejected.

The thirty-sixth meeting of the Standing Committee took place in Geneva from 30 January to 2 February 1996.

- The report of the first meeting of the Timber Working Group.
- Enforcement issue.
- The Programme of How to improve the Effectiveness of CITES.
- National legislation for the implementation of CITES.
- African elephant and tiger.
- Working group on relationship between CITES and UNEP .

The thirty-seventh meeting of the Standing Committee took place in Rome, Italy from 2 to 6 December 1996. Mr S.C. Dey, Management Authority for CITES in India attended the meeting as alternate member. Mr Dey told the meeting that once the ivory was taken out of elephant, specially when partly processed, it was very difficult to distinguish at the market point whether the ivory was of Asian or African origin. The problem was further complicated for the Asian elephant because most of the ivory markets were in Asia. The Indian delegate suggested that the issue of disposal of African ivory stockpile should be decided after interaction between Asian Elephant Specialist Group and African Elephant Specialist Group and the range countries.

India was very sensitive to the issue of tiger conservation. In a detailed presentation, one Indian delegate made out a clear case that unless proper alternatives of the use of the parts of tiger were worked out and the global market of tiger controlled, the future of the tiger in the general forest areas of India, where one-third of it exists, would remain vulnerable.

On the issue of sustainable utilisation of species, India suggested taking a calculated decision. It suggested it should be practiced only when 1. Population of the species is adequate, viable and evidently growing; 2. There is appropriate law to control the use, and proper machinery for enforcement of the law; 3. There is proper monitoring of the use when allowed, and its periodic evaluation to assess the impact; 4. There is a mechanism for transparent reporting, and flexibility in changing strategy based on evaluation report; 5. The sustainable utilisation of captive-bred stock should be, started when adequate stock of captive-bred species is available at rationale costs so that in the name of captive stock, wild population is not wiped out.

*S. C. Meetings at the tenth Conference (Harare, 1997) - Thirty-eighth and Thirty-ninth meetings*

The Thirty-eighth meeting of the Standing Committee was held in Zimbabwe on 7 and 8 June 1997 just prior to the meeting of the Conference of the Parties. The meeting was chaired by N. Akao (Japan). On behalf of India, Mr S.C.Dey participated as observer. The Secretariat presented a report on the Effect of Multilateral Environmental Agreements on Trade.

- The bureau for the tenth Conference of the Parties was proposed and accepted (the Chairman apologised for lapses on his part in not consulting all the members of the Committee while deciding the bureau).
- India was proposed the Chairman of the Credential Committee .
- Implementation of CITES in Greece: The observer from Greece assured of several legislative actions planned.
- Illegal export of gray parrots from Cameroon: The observer from Cameroon expressed his country's full commitment to the Convention and told of the reasons for the situation indicated by the Secretariat and assured that steps were being taken to rectify the flaws.
- Recommendation to the Conference 'to instruct the Secretariat to amend the Rules of Procedure to include representatives of all six regions on the Credentials Committee'.

The thirty ninth meeting of the Standing Committee took place just after the conclusion of the tenth Conference and no arrangement had been made for taking formal minutes and the Secretariat was not present in the meeting.

- The election of Chairman (United Kingdom) and Vice-Chairman (Namibia).
- Setting of a Working Group to review annotation of the listings in the Appendices.

*S.C. Meetings between the tenth (Harare 1997) and the forthcoming Conference - Fortieth and Forty-first Meetings*

The fortieth meeting of the Standing Committee was held in London from 3 to 6 March 1998. Mr S. C. Dey and Mr A. Kumar participated in the meeting on behalf of the Global Tiger Forum.

There were several documents on elephant and a presentation was given by the Elephant Co-ordinator. The members suggested that the Regional Meetings should prepare the reports and these may be circulated.

There was a great deal of focus on relationship with other treaties particularly the Convention on Biological Diversity. The Secretariat reported that it was actively pursuing a relationship with CBD especially for the implementation of the Memorandum of Understanding. The Chairman commented that many of the proposals before the Standing Committee involved elements that were not solely the responsibility of CITES and that support and funding from GEF would probably be necessary to implement these proposals. He informed that he was seeking this kind of funding for elephant conservation projects.

The main actions and decisions were as follows.

- Approval of the Projects Survey of Orchids in China and a Study of Pythons in Mali.
- The consolidation of the Decisions and Resolutions : The Secretariat informed that this was the first time the Secretariat had issued books containing all valid Resolutions and Decisions.
- Incorporation of the Appendices of CITES in the training manual.
- Survey of stricter domestic measures adopted by the Parties.
- Formation of a sub-committee consisting of the members of the Standing Committee and other permanent Committees to develop a Strategic Plan for CITES : Several members questioned the need of the sub-committee, its structure and membership.
- Cooperation with Interpol and World Custom Organisation (WCO).
- The bear and tiger issues.
- The TRAFFIC Network Report: Baseline data on registered stockpiles held by the range state governments.

The 41st meeting of the Standing Committee took place in Geneva Switzerland, from 8 to 12 February 1999.

The main actions and decisions were as follows.

- It was agreed that all the conditions in the Decision 10.1, Part A (Harare, 1997) had been met to authorise the experimental commercial trade from Namibia and Zimbabwe to Japan.
- The Committee agreed to recommend that trade in CITES specimen with Egypt and Guyana should be suspended from 30 September 1999 unless the Secretariat in the meanwhile verifies that the countries have enacted a legislation that generally meets the requirements of CITES.
- The Committee agreed that the Secretariat should arrange a study on stricter domestic measures, subject to donor funding.

#### ANIMALS & PLANTS COMMITTEES

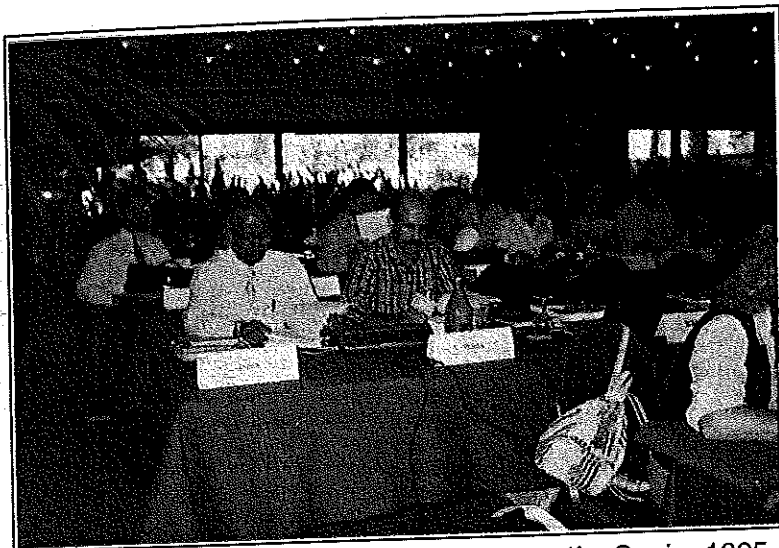
Permanent Animals and Plants Committees were established at the sixth meeting of the Conference of the Parties (Ottawa, 1987 - Conf. 6.1).

The ninth Conference of the Parties (Fort Lauderdale, 1994) took a fresh look at the Committees and passed a resolution (Conf. 9.1) which was further revised at the tenth Conference of the Parties (Harare 1997). According to this revised resolution, all the Committees established by the sixth Conference of the Parties stood re-established. Some change had been made in the objectives, membership, rules, procedures and terms of reference of the Committees (see Annexure D).

#### Main Activities of Animals and Plants Committees

- Assist the Nomenclature Committee and the Identification Manual Committee.
- Undertake periodic review of animal and plant species listed in CITES Appendices respectively.
- Prepare draft resolutions for the consideration of the Conference of the Parties.

Earlier, technical matters related to animals and plants used to be dealt with by the Technical Expert Committee established at the second meeting of the Conference of the Parties (San Jose, 1979 - Conf. 2.5 and 2.6). This Committee was renamed as Technical Committee (Conf. 4.4) at the fourth meeting of the Conference of the Parties (Gaborone 1983).  
**Technical Committee Mandate**



CITES 6th Plants Committee Meet, Tenerife, Spain, 1995



CITES 8th Plants Committee Meet, Pucon, Chile, 1997





- Review of the annual reports;
- Significant trade in Appendix II species;
- Preparation of amendments to the
  - (a) CITES Guidelines for transport and preparation for shipment of live specimens and
  - (b) IATA live animal regulations; Evaluation of ranching projects; Improving the implementation of the Convention for plants;
- Preparing draft resolutions covering the problems of the interpretation and implementation of the Convention.

The Technical Committee and earlier Technical Expert Committee had, from time to time, setup sub-committees and working groups to assist the Committee. For example there were Working Group on Annual Reports, Plants Working Group, Air Transport Working Group and Working Group on Significant Trade in Appendix II Species operative between fourth and fifth meetings of the Conference of the Parties. Evidently the focus was on animals nevertheless the Plant Working Group was a regular feature. India had participated in the meetings of these Committees and Groups from time to time.

- The Technical Committee meeting at Brussels, Belgium, from 25 to 30 June 1984 was attended by Indian delegates Mr S. K. Mukherjee (AMA) and Mr P. Kannan, Deputy Director Wildlife Preservation, Western Region. The delegation made significant contribution in sorting out the problems relating to trade in raw ivory and plants.
- Mr S.K. Mukherjee also attended the Technical Committee meeting at Lausanne, Switzerland from 23 to 27 June 1986 where improving regulation of trade in plants, worked ivory of African elephants and regular review of 'alleged infractions by Parties' were important items on the agenda. India raised the point of non-implementation of CITES at free port of Dubai (UAE) and Japan in respect of musk and bear bile trade.
- The Plant Working Group meeting at Tucson, Arizona, USA from 27 February to 3 March, 1984 was attended by Indian delegates Dr M. P. Nayar (Director, Botanical Survey of India (BSI) - Scientific Authority on Flora) and Mr P. C. Roy Choudhry (AMA).
- The Director, BSI participated in the Plant Working Group meeting from 20 to 22 July 1987 at the sixth meeting of the Conference of the Parties. He was nominated the Chairman for Asia at the Group.

### Meetings of the Animals Committee

The first organisational meeting of the Animals Committee took place in Berne, Switzerland from 7 to 11 November 1988 under the chairmanship of Merlin W. Shoesmith (Canada). Since then, 15 meetings of the Animals Committee have taken place. The 15<sup>th</sup> meeting of the Committee took place in Madagascar from 5 to 9 July 1999.

The Committee receives tremendous support from TRAFFIC Network, IUCN and WCMC by way of reports on the relevant issues and guidance and comments on the issues in consideration at the meetings. Major issues for consideration, discussion and decision at the animals committee meetings have been as follows.

- Significant Trade in Appendix II Species .
- Marking (Ranched specimens, quota species and look-alike species).
- African Elephant.
- Pet Bird Trade.
- Ten-Year Review of Appendices.
- Nomenclature and Identification.
- Marine Turtle Ranching Guidelines.
- Return of Confiscated Specimens.
- Universal Systems for Tagging Crocodilian Skins.
- Review of Appendix III.
- Mega species like Tiger, Elephant and Rhino.
- Evolving new criteria for amendment of the Appendices.
- Consolidation of the old resolutions.
- The status and role of Scientific Authorities in many countries.
- The proposal for amendment of the Appendices.

### Role of India

India's participation and contribution in the Animals Committee has been negligible though India compensated the disadvantage by actively participating in the deliberations on animal species at the meetings of the Conference of the Parties.

### Meetings of the Plants Committee

The first meeting of the Plants Committee took place under the Chairmanship of Dr Bruce MacBryde (USA) at the Royal Botanical Gardens, Kew, U.K. from 2 to 5 November 1988. Since then nine

meetings of the Plants Committee have taken place. The last, the ninth meeting of the Committee took place in Darwin, Australia from 7 to 11 June 1999. In each successive meeting more and more observers from Parties, non-government organisations and international institutions and bodies had participated.

**The Committee had mainly focused on:**

- Nomenclature review.
- Clean-up the Appendices by 10-year Review.
- To assist the Parties as and when necessary to prepare proposals.
- Evolving new criteria to amend CITES Appendices (adopted at the ninth Conference).
- Nursery registration.
- Tropical timber listings.
- Significant trade - plants and medicinal plants.
- Consolidation of old resolutions of the Conferences.
- The proposals for amendment of the Appendices.

#### **Role of India**

- India was elected Asia Region Representative for the Plants Committee at the eighth meeting of the Conference of the Parties (Kyoto, 1992). Since then India has been participating in the meetings of the Plants Committee.
- Dr B.D. Sharma (Director, Botanical Survey of India) on behalf of India represented the Asia Region and participated in the Plants Committee as member at the third (Chiang Mai, Thailand 26 – 28 Oct 1992), fourth (Brussels, Belgium 26 - 28 October 1993) and fifth (San Miguel de Allende, Mexico; 16-20, May 1994) meetings of the Plants Committee. The fifth meeting was also attended by the then, new director of the Botanical Survey of India, Dr P. K. Hajra, as observer from India. These meetings took place between eight (Kyoto, 1992) and ninth (Fort Lauderdale, 1994) Conferences, under the Chairmanship of Dr J. M. Armstrong (Australia).
- The Sixth Plants Committee meeting (Tenerife, Spain; 19 – 23 June 1995) and the seventh Plants Committee meeting had taken place between the ninth (Fort Lauderdale, 1994) and tenth (Harare, 1997) meetings of the Conference. The eighth meeting of the Plants Committee (Pucon, Chile; 3 – 7 November 1997) had taken place after the tenth Conference. Dr P. K. Hajra, the then Director, Botanical Survey of India, had participated in all these meetings on

behalf of India as an observer. A number of plant species of Inc interest as well as several proposals for amendment of the Append prepared by India were discussed at these meetings. The Inc proposals were generally found to be incomplete, without information, comments and identification sheets.

### POINTS TO PONDER

- At the fifth meeting of the Plants Committee, Indian proposals 14 plant species for inclusion in Appendix II were discussed. The Chairman selected two, *Aquilaria malaccensis* and *Pterocarpus santalinus* for detailed discussion. It was found that the information provided was insufficient and thus the Committee decided not to support the draft proposals. The Chairman suggested to India to regard the comments on these species generally applicable to other proposals as well. Indian delegate, Dr P.K. Hajra, Director BSI agreed that India would rework all the proposals and would consider which to present to the next Conference.<sup>1</sup>
- There was discussion on the proposal for down-listing of orchid species, *Didymopanax cunninghamii*. The proponent of the down listing proposal for the species told that virtually there was no trade in artificially propagated or wild specimen of the species. The plant was very rare and already protected under the Indian national legislation. India had opposed this proposal at the eighth Conference (Kyoto 1992) and agreed to carry out research on the trade and conservation status of the species.<sup>2</sup> India failed in its commitment to submit the report on the trade and conservation status of *D. cunninghamii*. Dr B. D. Sharma (India) regional representative for Asia and Dr Hajra could only say that the trade would cause biological extinction of the species in the absence of the requisite report. The Chairman advised the Indian delegation that India could rise to the occasion in enforcing the CITES because the Appendix II listing still enabled the authorities to ensure there is no trade unless it is beneficial to the species.<sup>3</sup> At the subsequent meeting, Dr Hajra agreed to *D. cunninghamii* down listing.<sup>4</sup>
- At the sixth meeting of the Plants Committee, CITES Secretariat inquired about the exact meaning of the term 'unprocessed broken material' used in the annotation of species *Pterocarpus santalinus* which was listed in CITES Appendix II on a proposal made by India. The Secretariat had previously sent numerous queries in this regard to India but failed to get response. Dr P. K. Hajra, observer from India, explained that the wood was exported to Japan to make musical

instruments and the dye was extracted from the wood, some of which was recently exported to Netherlands! The Chairman was not satisfied by this explanation and requested the observer from India to ask the Management Authority for CITES in India to respond to the CITES Secretariat inquiry.<sup>5</sup>

- *Aquilaria malaccensis*, *Taxus wallichiana* and *Pterocarpus santalinus* were included in the Appendix II at the ninth Conference (Fort Lauderdale 1994). The Committee was concerned that India had not provided the identification sheets.<sup>6</sup>
- The Secretariat representative referred to the discussion at the ninth Conference (Fort Lauderdale 1994) where a number of proposals from India on medicinal plants were withdrawn while requesting that these be discussed in the Plants Committee meeting. But India had not provided the requisite trade data and details regarding the form in which trade takes place. The Indian delegation was in no position to oblige the Secretariat with any new information.<sup>7</sup>
- India had been exporting orchids to United Kingdom. In connection with one particular shipment of orchids, including specimens of species of genus *Pleione*, the U.K. representative, Mr McGough informed the sixth Plants Committee that the consignment contained four to five times more plants than indicated on the export permit. Furthermore, all the plants were declared to be artificially propagated but the investigation indicated *Pleione coronaria* was of wild origin. Some years ago, similar shipments had reached Netherlands and USA. The same issue was raised at the fourth meeting of the Plants Committee in Brussels in 1993 also. Mr Van Vliet, representative of the Secretariat informed the Committee that he had regularly brought this problem to the attention of the Management Authority of India, but he never received adequate response and India had not presented any proper solution for the last three years. He indicated that the only solution would be a careful and regular inspection of the exporting nurseries.<sup>8</sup>
- It seems the capacity building of the Scientific Authorities and other enforcement agencies have not kept pace with the listing of Indian species on various CITES Appendices
- Dr Hajra in an interview<sup>9</sup> recently stated, "BSI is short of staff. Sixty posts are lying vacant. The Ecological unit of BSI has only three Scientists. BSI is not in a position to provide population status, or ecological data for all the endangered and threatened plant species." He also felt, "There should be a better coordination between the Management and Scientific Authorities."

## REFERENCES

<sup>1</sup> Roberts, J.A. (Ed.), 1994, 5<sup>th</sup> CITES Plants Committee – Report of the Meeting, Royal Botanical Garden, U.K.

<sup>2</sup> Anonymous, 1994, Proceedings of the eighth meeting of the Conference of the Parties, Secretariat of the Convention, Chatelaine-Geneva, Switzerland.

<sup>3</sup> *Op Cit.* , 5<sup>th</sup> CITES Plants Committee – Report of the Meeting , p.8

<sup>4</sup> Clemente, M. (Ed.), 1995 , Proceedings - Sixth Plants Committee, Tenerife, Espana

<sup>5</sup> *ibid.*, p.28

<sup>6</sup> *ibid.*, p.30

<sup>7</sup> *ibid.*, p.36

<sup>8</sup> *ibid.*, p.43-44

<sup>9</sup> Dr P. K. Hajra, 1998, Interview with the Author, Unpublished, New Delhi

## CHAPTER - V

# CITES – IMPLEMENTATION AND ENFORCEMENT IN INDIA

### CITES MANAGEMENT IN INDIA

When India became Party to CITES in 1976, the Inspector General of Forests and the Joint Secretary (Wildlife) in the Union Ministry of Agriculture were designated CITES Management Authorities for India. Later a separate Department of Environment was created in the Union Ministry of Agriculture. Joint Secretary (wildlife) in the Department of Environment became the sole Management Authority for CITES in India in 1982.

The formation of a separate Union Ministry of Environment and Forests (MoEF) in 1985 from its parent ministry viz., the Union Ministry of Agriculture, was an important step and provided the necessary impetus for conservation of nature and natural resources in the country. There is a separate division for wildlife in the MoEF, headed by the Additional Inspector General of Forests (Wildlife). He is also the CITES MA for India.

### POLICIES AND LAWS CONCERNING CITES IN INDIA

International trade in all wild fauna and flora in general, and the species covered under CITES in particular is regulated jointly through the provisions of the Wildlife (Protection) Act 1972, the Import & Export Policy of Government of India and the Customs Act 1962.

#### The Wildlife (Protection) Act 1972<sup>2</sup>

The Wildlife (Protection) Act 1972 was enacted at a time when hunting was the norm, and in India, forest and wildlife was a State subject. It was the keen interest of the then Prime Minister of India, Mrs Indira Gandhi that the Act was passed by the Parliament and extended to the States (except Jammu and Kashmir, where the Act was enacted in 1978 and

## CITES Management in India

### A. Management Authorities

1. Inspector General of Forests, MoEF, Government of India
2. Director, Wildlife Preservation, MoEF, Government of India

### B. Assistant Management Authorities

1. Deputy Director, Wildlife Preservation (Northern Region), New Delhi  
Jurisdiction : States/Union Territories of Uttar Pradesh, Punjab, Haryana, Jammu & Kashmir, Himachal Pradesh, Delhi and Chandigarh.
2. Deputy Director, Wildlife Preservation (Southern Region), Chennai.  
Jurisdiction : Tamil Nadu, Karnataka, Andhra Pradesh, Kerala, Orissa, Pondicherry, Lakshadweep, and Andaman & Nicobar Islands.
3. Deputy Director, Wildlife Preservation (Eastern Region), Calcutta  
Jurisdiction : States of West Bengal, Bihar, Sikkim, Nagaland, Meghalaya, Arunachal Pradesh, Tripura, Mizoram, Assam, Manipur
4. Deputy Director, Wildlife Preservation (Western Region), Mumbai  
Jurisdiction : States/Union Territories of Maharashtra, Gujarat, Madhya Pradesh, Rajasthan, Goa, Dadar & Nagar Haveli.
5. Deputy Director, Project Tiger, New Delhi  
Jurisdiction : Not specified.

### C. Scientific Authorities

1. Director, Botanical Survey of India (BSI), Calcutta (West Bengal)
2. Director, Zoological Survey of India (ZSI), Calcutta (West Bengal)
3. Director, Central Marine Fisheries Research Institute (CMFRI), Cochin (Kerala)
4. Director, Wildlife Institute of India (WII), Dehradun (Uttar Pradesh)

### D. Wildlife Inspectors

Wildlife inspectors are posted at the customs points at New Delhi, Mumbai, Calcutta, Chennai, Cochin, Amritsar and Tuticorin

### E. Sub-regional Wildlife Preservation Offices

Three sub-regional offices, each under the charge of an Assistant Director, Wildlife Preservation at Amritsar, Cochin and Guwahati have helped in strengthening the enforcement organisation.



that too with some amendments). Hunting of several endangered species was banned and restricted in most cases and severe punishment for infringement was provided for. The Act also provided parameters for the establishment and maintenance of National Parks and Sanctuaries.

During the course of implementation of the Act, over the years, several drawbacks were noticed in the Act. The Act permitted trade of trophies and animal articles of protected scheduled species by the licensed traders. This provision was misused by some unscrupulous traders, thus necessitating an amendment of the Act in 1986. The amendment inserted a new chapter (V-A) in the Act, putting a complete ban on trade and commerce in trophies, animal articles or derivatives of species listed in the schedule I & Part II of Schedule II of the Act.

The need of the changing times and India's commitments under various international wildlife treaties including CITES, demanded that a fresh look at the Act be taken again. The Standing Committee of the Indian Board of Wildlife scrutinised various proposals in this regard and formulated the amendment of the Act, which was carried out in 1991.

#### **Highlights of the Amendment of the Wildlife (Protection) Act in 1991**

- Hunting of virtually all the wild animals was banned. In particular, the amended Act prohibited hunting of all wildlife specified in the Schedules I, II, III and IV of the Act which included all the Indian animals species in CITES Appendix I and most of the ones in Appendix II and III.
- Prohibited collection or trade of Specified Plants (whether alive or dead or part or derivative) listed in Schedule VI from any forest land and any other area specified by notification by the Central government. The Schedule VI lists all the six plant taxa of Indian origin at present included in CITES Appendix I.
- The Act provided for verification and marking with identification stamps of the stocks of licensed wildlife dealers. Many registered dealers had pre-trade ban stocks, particularly of the snakeskins. They had shown little or no reduction in their old stock. It was suspected that some such dealers usually carried on illegal sale of wildlife species in their stock and replenished it with illegal purchase. They could not be caught since they always had a stock and it was impossible to differentiate the old from the new.
- Transportation of wildlife or wildlife products required a permit from the authorised officer which could only be granted after ascertaining that the product had been legally acquired.

- Trade in imported ivory and products carved from such ivory were banned with effect from 2 April 1992.
- Issue of fresh firearms license within 10 km of a sanctuary without the concurrence of the Chief Wildlife Warden of the State concerned was prohibited.
- To further deter the poachers and offenders against the violation of the Act, the vehicles, vessels, weapons etc used for committing an offence under the Act would be seized and become government property.
- Commercial felling and exploitation of flora were banned in wildlife sanctuaries. Earlier this provision was for national parks only.
- For the first time, individuals and NGOs i.e. non-officials, were allowed to take the instances of violations of the Act directly to the Courts.
- The Act provided for setting up of a Central Zoo Authority to ensure sound management of the zoos as they played an important role in the conservation strategy.

#### **Import-Export Policy (1997-2002)**

Import-Export Policy is announced periodically by the Union Minister of Commerce. It contains policy regarding the flora and fauna, their parts and derivatives, which are permitted, regulated or prohibited for export or import. It also contains the conditions (which include compliance with CITES) governing import and export of permissible species. The Policy is decided in consultation with the Management Authority for CITES in India as far as matters related to wild fauna and flora are concerned and is enforced through the Customs Act 1962. The Import-Export Policy is brought out under the provisions of the Foreign Trade (Development and Regulation) Act 1992 and it regulates the import and export of all goods including wildlife.

#### **Import**

Import of animals and their parts and products for zoological parks and circuses or for research purpose may be permitted subject to the provision of CITES and on recommendation of the Chief Wildlife Warden of the States and Union territories under license from the Director General of Foreign Trade (DGFT). Import of plants is also subject to the provision

of CITES. The current policy does not permit commercial import of African ivory in view of the ban imposed by CITES. Import of other derivatives of wildlife is restricted and can be made only with prior permission of DGFT, subject to the conditions prescribed. Import of wild animals as pets in the personal baggage by a passenger is also subject to the provisions of CITES.

### **Export**

The Export Policy permits re-export of commodities except to the extent such exports are regulated by the Negative List of Exports or any other provision of this Policy or any other law in force at the time being. Items prohibited in the Negative List are not permitted to be carried in the personal baggage. Chapter XVI, which covers the Negative List of Exports, has three parts. Part I covers the range of items that are prohibited for export, Part II covers the items that are permitted for export subject to licensing, Part III covers the list of items which are permitted to be exported through canalising agencies. It is worth mentioning that all forms of wildlife including their parts and products are prohibited for export except in cases where it is specifically allowed under different parts of Chapter XVI of the Policy.

### **Special Conditions for Export of Fauna and Flora**

All exports of wild animals and plants are permitted only through the customs points at Mumbai, Calcutta, Chennai, Delhi, Cochin, Tuticorin and Amritsar. The two essential conditions governing the import and export of wildlife, its parts, products and derivatives are (A) Compliance with the provisions of CITES and (B) Inspection of the consignments by the Regional Deputy Directors of Wildlife Preservation at the Customs point. In case of items covered under CITES, an endorsement is made on the relevant CITES export permit.

### **Customs Act, 1962**

Section 3 (2) of the Import and Export (Control) Act 1947 provides that all items (including wild fauna and flora) covered in the import and export policy will be deemed to be covered under section 11 of the Customs Act, 1962. As a consequence, all the cases of violation of the import-export Policy in general and CITES in particular, constitute an offence under the Customs Act and can be dealt with by the Customs officials.

### Some other Relevant Regulations and Legislations

- Rules regarding post parcels and packets from Foreign Post in/out of India
- Prevention of Cruelty to Animals Act 1960
- Marine Products Export Development Authority Act 1972
- Plant/Animal Quarantine Act
- The Foreign Trade (Development and Regulation) Act 1992, which repealed the Imports and Exports (Control) Act of 1947 largely meets the requirement of CITES including baggage rules and sale of articles in the duty free shops.

### SPECIAL LAW FOR CITES

A special law, the Endangered Species (Imports and Exports) Act for the purpose of CITES was under consideration during the late '70s and early '80s. Later on even the assistance of the IUCN Commission on Environmental Policy, Law and Administration and the CITES Secretariat was taken in drafting a legislation. A draft was prepared in the mid-80s. It was considered and commented upon. But nothing came of it. At present, a legislation for CITES is being considered to be incorporated in the national legislation, the Wildlife (Protection) Act, 1972.

### ENFORCEMENT

The Management Authority for CITES in India has delegated its day to day functional powers to the Assistant Management Authorities.

Wildlife inspectors, posted at the designated custom points for import and export of wild fauna and flora, examine all wildlife consignments.

The enforcement of provisions related to CITES at the point of export/import is being carried out by the customs officials and Regional Deputy Directors, Wildlife Preservation, through the Customs Act 1962.

At other places, all over the country, the State Wildlife Departments headed by the Chief Wildlife Wardens (CWLW) enforce the provisions of CITES under the Wildlife (Protection) Act 1972. The CWLW issues licenses, wherever required, to dealers and manufacturers of wildlife articles and products. They or their authorised officers also issue Legal Procurement Certificates (L.P.C.) to the exporters of wild fauna and flora to establish the legality of the consignment. CITES permits are issued generally on the basis of the L.P.C.

## The National Legislation Project

CITES is not a self-executing convention, consequently domestic measures must be in force at national level to provide Parties to the Convention with the authority to:

1. Designation at least one Management Authority;
2. Prohibit trade in specimens in violation of the Convention;
3. Penalize such trade and
4. Confiscate specimens illegally traded or possessed.

In 1992, at the eighth meeting of the Conference of the Parties, held in Kyoto, Japan, Resolution Conf. 8.4 was adopted as a basis for evaluating whether CITES Parties comply with Articles VIII and IX of the Convention. This decision marked the start of the (National legislation) project. Under this project, the Secretariat was assigned the following tasks: verify that Parties have adopted all necessary legislation to implement the provisions of the convention and support countries in reaching their obligations.

In order to facilitate the presentation of the results of its verification, the Secretariat suggested that the legislation of the Parties be classified in three categories, which were agreed upon at the ninth and tenth meetings of the Conference of the Parties (Doc. 9.24(Rev.) and Doc. 10.31 (Rev.)):

- "Category 1: legislation which is believed generally meet the requirements for the implementation of CITES;"
- "Category 2: legislation which is believed generally not to meet all the requirements for the implementation of CITES" and
- "Category 3: legislation which is believed generally not the meet the requirements the implementation of CITES;"

At present, in 1999, the project is in its third Phase (Phase I: 1992-1994; Phase II: 1994-1997). After almost Seven years, the results of the activities are as follows. The analysis and review, or update, of the national legislation of 133 Parties have been performed. The legislation of 33 (25%) of them is currently classified as category 1, of 53 (40%) as category 2 and of 47 (35%) as category 3. These figures do not include six of the Parties that were contacted during Phase III and did not respond to the Secretariat's request for information. It should be noted that nine countries acceded to the Convention after 1996 and are still in the process of adopting new legislation for the implementation of CITES. Also, these results do not highlight the progress made by 19 Parties whose legislation had been first classified in category 2 or 3 and later upgraded to category 1 or 2. This was a consequence of the interest raised by the project in legal matters over seven years of contact and follow-up with the Parties. Indeed, in these particular countries the staff of the relevant ministry collected additional information and/or prepared draft laws that were adopted by the government. Their new laws significantly improved the implementation of CITES by these Parties.

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With regard to the support provided to Parties for the review and drafting of legislation, the Guidelines for Legislation to implement CITES, by Cyrille de Klemm (IUCN, 1993), and the Reference Guide European Community Wildlife Trade Regulation (European Commission/TRAFFIC/WWF, 1998) were sent to many countries. A checklist for reviewing CITES legislation and a questionnaire are now available in English, French and Spanish in order for Parties to perform their own review of the legislation. A Model law in English was prepared for the implementation of CITES by Parties that apply Common Law, and in Spanish for countries in Latin America. A Model Law is currently being formulated for French-speaking Parties in West and Central Africa.

The National Legislation Project is an on-going process in which each Party is consulted and given independent advice tailored to its needs. The project has a clear and immediate objective: to increase the effectiveness of CITES.

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Chief Wildlife Wardens and other authorised officers in the States, the Management and Assistant Management Authorities maintain liaison with the Directorate of Revenue Intelligence (DRI), Central Bureau of Investigation (CBI), the police, Border Security Force (BSF), Indo-Tibetan Border Police (ITBP), Coast Guards etc for controlling illegal trade in wildlife.

#### SEIZURES

WWF India, alarmed and concerned at the growing threat of wildlife trade to the country's plant and animal life established a wildlife trade monitoring unit in 1991. Some months later, the unit was renamed as TRAFFIC India, making it a part of the global wildlife trade monitoring Network. TRAFFIC India has been actively collaborating with government agencies to help in making seizures and controlling the illegal trade in wildlife. TRAFFIC India has been authorised by MoEF to compile the wildlife seizure data. The compilation lists about 1450 seizures during 1986 to August 1998.<sup>3</sup> This is the main compilation of seizure data in the country.

The scanning of data gives a general idea of the wild species in illegal trade. Species often occurring in seizures are - *Mammals*: the cats, tiger (*Panthera tigris*), leopard (*Panthera pardus*), *Felis chaus*, *F. marmorata*, *Felis bengalensis*, *Felis sylvestris*; the canines, jackal (*Canis aureus*), foxes (*Vulpes bengalensis* and *Vulpes vulpes*) and wolf (*Canis lupus*); and to some extent elephant for ivory - raw or carved and mongoose for hair; *Birds*: Munias (*Lonchura* spp. and *Estrilda amadova*), Baya (*Ploceus*

philippinus), Thrushes (*Garrulax* spp.) and Parakeets (*Psittacula* spp.); Reptiles : snakes, rat snake (*Ptyas mucosus*), Cobra (*Naja naja*) and Python (*Python molurus molurus*); monitor lizards (*Varanus* spp.); lizard (*Uromestyx hardwickii*); crocodile (*Crocodylus porosus*); Turtles (*Aspideretes gangeticus*, *trionyx gangeticus* and *Lissemys punctata*); and medicinal plant, Kuth (*Saussurea costus*). During 1996, Butterflies seizures were conspicuous, indicating the increasing awareness of the enforcement agencies and the role being played by NGOs.

The data indicates the noticeable prevalence of illegal fur and birds' trade in Delhi and reptile trade in Calcutta. Illegal snake skin trade was noticeable in Tamil Nadu. Numerous bird seizures were made in Maharashtra also. The data also reveals the decreasing volume of species in seizures in successive years. Certainly, no inference of the overall volume of the illegal wildlife trade can be drawn from the data. Many seizures had been made at Foreign Post Offices, Railway Stations, International Airports and seaports and Delhi's famous Kabootar Bazar at Jama Masjid, Sadar Bazar and Yaswant Place. It's interesting to note that one can book consignments with a false name and address and with a false declaration of contents. Generally the consignment passes through due to the ignorance or indifferent attitude of the officials.

Seizures listed are mainly from Delhi, Madhya Pradesh, Maharashtra, West Bengal and to some extent from Jammu & Kashmir and Rajasthan. There are very few from other states. It should not be inferred from this that the illegal trade does not take place at other places. Sometimes and at many places the prevailing conditions make it difficult to conduct a seizure. There is virtually no seizure data from North-East India, South India and Gujarat in the Western India. At many places the enforcement set up lacks the wherewithal to effectively tackle illegal trade. Another possible reason could be that the regions other than those frequently referred in the TRAFFIC records did not provide data.

The most sensational seizure of the decade was made at Delhi on 30 August 1993 when 8 tiger skins, 283 kg tiger bones, 43 leopard skins besides scores of skins of smaller cats and canines were seized in a joint operation of the Wildlife Preservation office (Northern Region), Delhi Police and WWF India. This was the culmination of several months of efforts by some keen conservationists. They had identified an illegal wildlife trader and offered to buy tiger and leopard skins from him. An advance was given against the order. Here it is important to note that some conservationists criticise the strategy of placing order and giving advance because this could create a demand and a trader would get the

animals killed if the supplies were not available. In any case it did indicate the massive network of illegal wildlife trade. Recently, on 30 August 1998, another seizure was made at Jaipur, Rajasthan by the state police of 185 kg elephant ivory handicrafts, said to be worth 140 million rupees.

Few other noticeable seizures are cited here. One lakh and twenty two thousand snakeskins were seized at Chennai in Tamil Nadu in March 1987. From the same city a smaller consignment of 30000 snakeskins was seized in November 1993.

A seizure in Delhi in March 1988, besides containing a skin each of tiger and leopard, comprised of 1153 skins of *Canis aureus* and 1204 skins of *Felis chaus* and skins in smaller quantities of many other species. Here again in the same month, 4449 skins of *Vulpes vulpes* were seized. About 2000 skins of smaller cats and canines were seized from the Railway Station at Jammu in the state of Jammu & Kashmir in April 1994. In the same state a similar seizure was made from Srinagar in November 1994.

Leopard seems to be much more in illegal trade than generally imagined. A seizure of 16 skins at one go at Delhi in July 1993 is indicative enough. Shatoosh shawls are made of the under wool of a highly endangered wild animal, the Tibetan antelope (*Pantholops hodgsonii*). One shawl may need the wool from several animals. An alarmingly large seizure of 172 shawls was made in Delhi in December 1995.

*Varanus* spp. are indiscriminately hunted in India but the operators are low profile tribals. A consignment of *Varanus* spp. skins of 17000 specimens was seized from a transport company in Calcutta in August 1989.

Bird seizures are frequent in Delhi. Generally species in illegal trade are the ones referred to above in this chapter but the volume of species differed in seizures. One typical big seizure comprised of Munias (*Lonchura* spp. and *Estrilda amadava*) - 1800, Parakeets (*Psittacula* spp.) - 950 and Thrush (*Garrulax* spp.) - 100 was made in Delhi in September 1990.

Among the medicinal plants, *Saussurea costus* has been frequently seized. Three ton was seized in Calcutta in March 1989. Nineteen ton was seized in Delhi in March 1992. Fifteen ton was seized at Bombay, Maharashtra in April 1992. *Taxus wallichiana* too has been seized quite a few times. A consignment of 450 ton of leaf was seized in Sivakasi in Tamil Nadu. Agarwood (*Aquilaria malaccensis*) powder (5 tonnes) was an amazing seizure going by the limited number of trees left in the wild.



There had been seizures at the point of import as well from time to time. According to the information available from the office of the Deputy Director, Wildlife Preservation (Northern Region), a few examples of seizures at the New Delhi Airport are one zebra skin imported from Tanzania on 4 February 1992, one python skin from Iraq on 23 July 1993 and four African elephant tusks brought in as personal baggage on 24 February 1996.

According to one compilation by the MoEF, the countrywide number of such offenses was 3584 during 1991-92, 3719 during 1992-93 and 3292 during 1993-94.

### INDIA'S VIEWS ON IMPROVING ENFORCEMENT OF CITES

The ninth meeting of the Conference of the Parties had assigned the Standing Committee of CITES with the responsibility to conduct a review of the effectiveness and efficiency of the provisions and implementation of the Convention. The Standing Committee had selected an independent consultant, Environmental Resources Management (ERM), to prepare a report on the issue. ERM conducted a survey among the Parties in 1996 to find out their views on the issue. The questionnaire had questions such as "How effective has CITES implementation in other countries been in relations to its overall objectives (Q8)", or "please rank the following aspects of CITES implementations in all other countries in terms of effectiveness (Q10, listing ten heads to be answered)" etc. which could not be unilaterally answered. India, nevertheless, answered the questionnaire.

The Management Authority felt that in India, effectiveness of the Convention could be improved by enhancing in-country control and regulation of non-indigenous species in the Appendices of CITES. The Management Authority revealed that the effectiveness of the CITES in India was hampered to a great extent due to domestic financial limitations, shortage of scientific personnel, shortage of administrative personnel and equipment, field equipment and insufficient scientific information on the status or vulnerability of species. In any case, India agreed that it had gained tremendously from CITES by way of improved conservation status of many species of fauna and flora such as elephant, tiger, crocodiles, snakes, orchids etc.

On the question of the effectiveness of CITES on sustainable utilisation of wildlife, India felt sustainability cannot be ensured in the absence of an effective mechanism for monitoring wild populations (which may not

be possible in most of the developing countries). India feels monitoring the CITES infractions is a useful exercise.

India felt that if more funds were made available to the Trust Fund of the Convention then high priority could be given to training and special and specific projects.

India generally found all well with the Convention and had no complaints. It suggested that growing international trade and economic liberalisation might jeopardise the effectiveness of the Convention, leading to an adverse impact on species conservation. Trade groups are increasingly creating pressure lobbies for re-opening of international trade in endangered species and this move must be effectively countered. Subregional groupings and networking could be encouraged for this purpose. It was also strongly recommended that the 12 'megadiversity' countries should have veto power within CITES to guard against any moves to liberalise trade in endangered species and their parts and products.

#### CASES OF ALLEGED INFRACTIONS OF CITES

The CITES Secretariat produces an 'Alleged Infraction Report' for the Conference of the Parties. This is not a listing of all CITES infraction reported to the Secretariat but only indicative. Cases that best illustrate various types of infractions are reported.

First 'Infraction Report' of the Secretariat to the sixth Conference (Ottawa 1987) listed a few cases related to India. In 1985, about 10 tonnes of root of Appendix I plant, *Saussurea costus* was illegally exported from India to France. Import into France also was illegal since no import permit was issued. The trader claimed the specimens to be artificially propagated. Netherlands in 1985 received 660,000 *Ptyas mucosus* (Rat snake) Appendix III species, from Singapore accompanied by Certificate of Origin issued by the Indian Chamber of Commerce in Singapore specifying the country of origin to be Indonesia. Netherlands became suspicious of the origin, seized the shipments and obtained evidence that the skins were of Indian origin. However, retrospective issuance of documents in Singapore, endorsed by Indonesia on the basis of a fraudulent declaration by the trader, forced Netherlands to release the consignment.<sup>5</sup>

The Infractions Report of the CITES Secretariat to the eighth Conference (Kyoto, 1992) lists a few cases in which India is referred. These, in fact, happen to be in a positive context. An Indian Circus attempting to import

one chimpanzee from Kuwait presented a CITES certificate from Zaire. In November 1989 the Management Authority of India requested confirmation of the certificate which was found to be invalid and not issued by the Zaire authority. Thus the chimpanzee was confiscated.<sup>6</sup>

In another case, on 5 December 1990, Indian Customs seized six tiger skins at New Delhi Airport from two Nepalese who were about to leave for Bangkok. They stated themselves to be couriers. The Secretariat requested information from Nepal and Thailand but neither responded.<sup>7</sup>

The CITES Secretariat in its 'Infractions Report' to the ninth meeting of the Conference (Fort Lauderdale, 1994) listed the fur trade in Kathmandu, Nepal. It was suggested that the reports from investigators indicated that many of the fur items came from India. Although a limited fur trade was allowed in the State of Jammu & Kashmir, it had allegedly become a centre for the laundering of illegal skins from other parts of India. It was felt that smuggling network between the two Parties was a strong possibility. Both the Parties were suggested certain actions to be taken which had to be reported to the Standing Committee but none did so by the stipulated date.<sup>8</sup> Orchid shipments from India were confiscated in USA in 1992. In all cases, at least part of each shipment was of wild origin, although India permits only the export of artificially propagated specimens. The Management Authority of India never responded to the queries of the Secretariat on this issue, it was stated.<sup>9</sup>

The Alleged Infraction Report of the CITES Secretariat at the tenth Conference (Harare, 1997) listed the very first case which was related to India and Nepal. This was "The Fur Trade in Kathmandu, Nepal". This was listed in the earlier Report as well. In this case, Nepal had reported to the Secretariat that it had held a Workshop in July 1994 for controlling the trade in Wildlife products. There was a follow-up meeting in August 1994. The Asian Regional Representative to the Standing Committee had suggested visit by a mission to the two countries to which Nepal had responded but India did not. In October 1994 the Secretariat was informed by TRAFFIC International that although fur of protected species are no longer being openly sold in Kathmandu, but an important illegal market in furs exists and is fed by the illegal trade in specimens originating in India. The Report indicated, "Although the Standing Committee recommended that Indian authorities investigate India's part in the illegal fur trade, neither the regional representative for Asia nor the Secretariat has received any information in this regard from the Management Authority of India."

Another case related to trade in Shahtoosh (Shawls made of the wool of *Pantholops Hodgsonii* (Tibetan Antelope), an Appendix I species). An investigation in France revealed, "Large number of these shawls were being sold in French shops which were imported directly from India or through Hong Kong, often with false customs declarations regarding the value and the description." Customs confiscated 250 shawls. It was found during investigations that these shawls were being sold in other countries as well. Consequently, Belgian customs confiscated 22 shawls and Italian customs seized 40 shawls. Investigations were on in U.K., U.S.A., Canada, Mexico, Australia and Mexico. India was informed of the on going investigations. The Secretariat had also verified that these shawls were commonly sold in Delhi, although the species was fully protected in India. The Report stated, "The Secretariat has not been informed of any measures taken by India to stop these activities although it has been informed of a confiscation there in December 1995 of wool with a value of 300,000 USD."

The infraction case "trade in *Panthera tigris* and other *felidae* products" listed numerous information and seizure reports with the Secretariat. Many of these related to India.

One oft related case was 'Repeated Attempts to illegally Transport Wild-Collected Orchidaceae' from India. It was reported, "In recent years several Parties have confiscated consignments of artificially propagated orchids arriving from India because the specimens were determined to have been collected from wild, and the numbers of specimens have far exceeded the quantities listed on the permits because bundles of plants are tied together to resemble a single plant. Wild collected orchids may not be exported from India and wild collected specimens are apparently declared as artificially propagated to avoid restriction. In February 1996, the Management Authority of Belgium examined a consignment and found it to contain specimens taken from the wild; in April 1996 a consignment of 658 declared plants was found by the Management Authority of Canada to contain 128 bundles, for a total of 1397 specimens. In July 1996 the Secretariat asked the Management Authority of India to explain the measures taken to avoid any re-occurrence of illegal exports of orchid. The Secretariat did not receive a reply."

#### CONTROL OF ILLEGAL TRADE IN WILDLIFE AND WILDLIFE PRODUCTS

##### Subramanian Committee, 1994

The Committee was appointed by the MoEF in 1994 to look into the issues of illegal wildlife trade. The Committee in its report in the same

year made a comprehensive review of the situation and made recommendations to enlist the support of the local people for protection of wildlife, improving the enforcement strategy, motivating the field staff, and prevention of illegal import and export of wildlife and its products. Broadly the suggestions were for strengthening of anti-poaching network, coordination between enforcement agencies, strengthening of wildlife preservation network etc.<sup>10</sup> The report was circulated among the states and their comments were received. The recommendations are in various stages of implementations.

#### National Co-ordination Committee (N.C.C.), 1995

The National Co-ordination Committee for control of illegal wildlife trade was created on 8 August 1995. This was prompted by the discussion at the Policy and Programme Committee of TRAFFIC India in March 1995, wherein it was suggested that an umbrella committee at the national level, consisting of representatives of various law enforcement agencies, which deal with wildlife matters, may be set up. Furthermore such a set up also fulfilled the concerns of the Subramanian Committee on Prevention of Illegal Trade in Wildlife and Wildlife Products.

N.C.C. consisted of representatives of Delhi Police, Central Bureau of Investigation (CBI), Army, Customs, Department of Revenue Intelligence (DRI), Indo-Tibet Border Police (ITBP), Border Security Force (BSF), Railway Protection Force (RPF), Foreign Post Office, TRAFFIC India, CITES Management Authority and MoEF. It was planned that the NCC would meet at least once in every three months. Three meetings of the Committee took place in as many years from 1995 to 1997. From the minutes of the meeting the following could be concluded.

#### Problems recognised by N.C.C.

- The machinery for wildlife crime detection and law enforcement with the state forest and wildlife departments, including the Centre, was rather limited, especially for dealing with offenses which were outside the forest and protected areas such as market places, transit points and ports of export.
- Railway and Postal departments booked consignments with inadequate addresses as a result of which it became impossible to detect the source as well as the forwarding addressee to take any action against the culprits.
- Illegal trade: Sporadic seizures represent only ten per cent of the

magnitude of the trade. Besides, almost ninety per cent of the illegal trade was for export because domestic demand was negligible. DRI made seizures, which included sandalwood, Red Sanders and snakeskins.

- Technical problem of the CBI being not yet empowered to act under Wildlife (Protection) Act.

### *Suggestions*

- ITBP offered help in detection and prevention of wildlife offences near the international borders, where their forces were deployed.
- NGOs could gather information and pass it on to the enforcement agencies. For smooth working, the representatives of each enforcement agency in each state of the country should be identified so that information could be passed to the concerned official.
- Continuous informal meetings and personal rapport between the officials at the field and regional levels was valuable for inter-departmental cooperation and exchange of intelligence.
- The need to institutionalise the inter-departmental cooperation.
- The need to create awareness and identification literature to facilitate the work.
- The enforcement agencies need to guard against premature disclosures which often spoil the effort to bring to book all persons involved in the crime.
- Basic knowledge regarding wildlife conservation should be imparted to the enforcement officials at the time of their regular training. MoEF can arrange to send experts to impart training as well as reputed NGOs like Bombay Natural History Society (BNHS) and TRAFFIC India can help.
- The need to constitute State Level Coordination Committees (SCC).
- The need to regularly report cases detected by each of the organisations.

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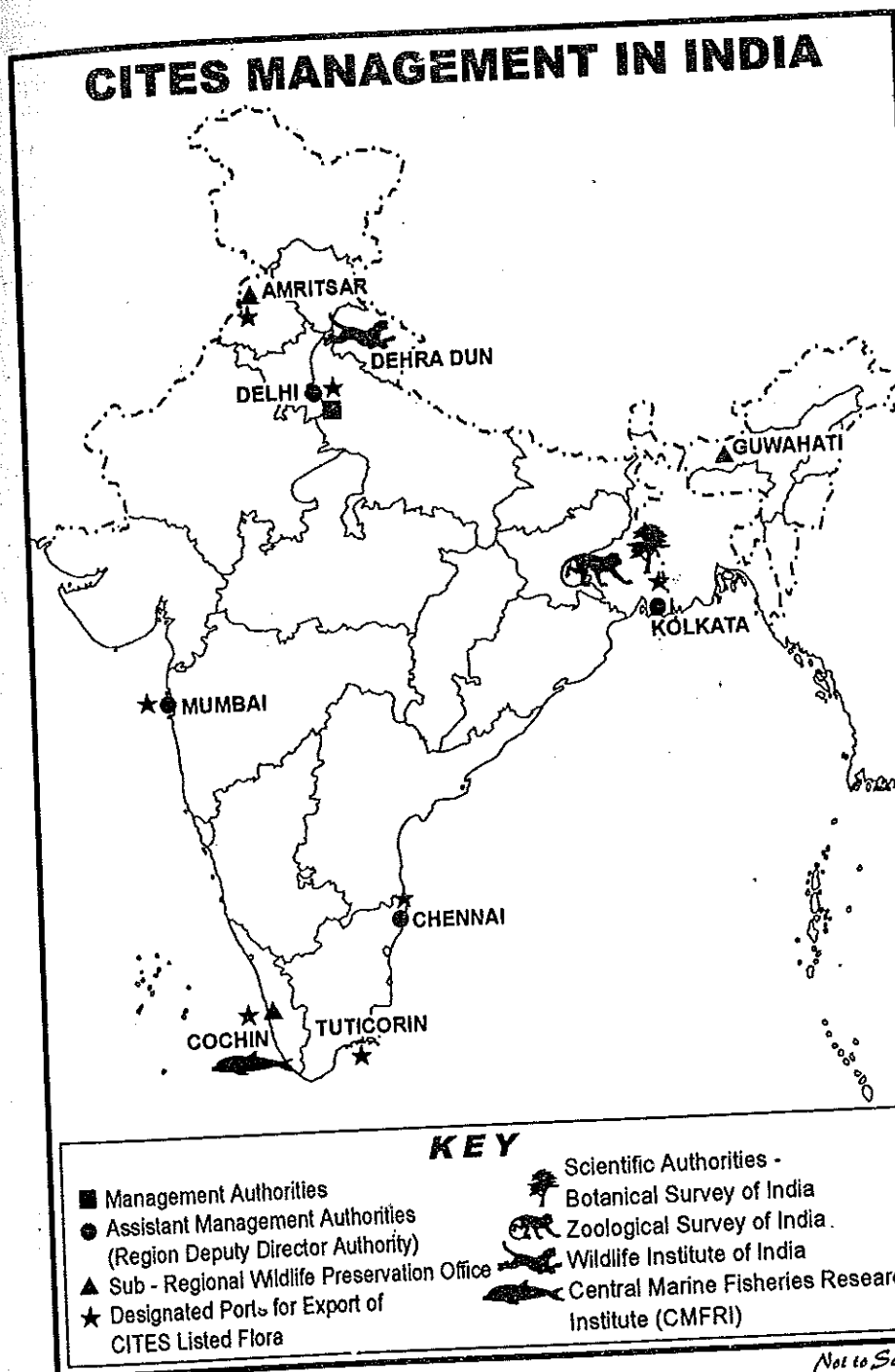
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### REGULAR TRAINING COURSE FOR ENFORCEMENT AGENCIES<sup>11</sup>

- Regular 'One Week Wildlife Enforcement Training Course' has been initiated at the Wildlife Institute of India (WII) with the objective of sensitising enforcement officials to the need of wildlife conservation, and protection and control of illegal wildlife trade. The course content includes lectures on Wildlife (Protection) Act, CITES Convention, forensic tests, identification etc. Participants include officials from forest departments, police, ITBP, BSF, CBI, DRI, Central Forensic Lab, Customs and CITES Management Authority in India. Two courses were conducted in 1995 and 1996 and it was planned to increase the frequency of the course.
- Training was even being imparted to the members of judiciary.
- Training of the parliamentarians is on the cards.
- The induction training of Indian Revenue Service (IRS - Customs and Excise) now has a compulsory 2-week training at the W.I.I. This is desirable to inculcate the need of wildlife conservation and protection. One course was conducted in 1997.

### INDIAN BOARD OF WILDLIFE (IBWL)

A Central Board of Wildlife was created in 1952 to safeguard the wildlife of India. This Board was later re-designated as Indian Board of Wildlife (IBWL) to indicate its National character. The Board comprised of government as well as non-government members. It was supposed to meet once a year. IBWL created a Standing Committee to advise it. IBWL is an apex advisory body for wildlife conservation. The importance of the Board lies in the fact that the Prime Minister of India is its Chairman and Union Minister of Environment and Forests is the Vice-Chairman.

The main functions of the IBWL are

- To devise ways and means for the conservation and control of wildlife through coordinated legislative and practical measures.
- To sponsor the setting of national parks, wildlife sanctuaries and zoological parks.
- To promote public interest in wildlife and its preservation in harmony with the natural and human environment.
- To advise the government on policy in respect of export of wild flora and fauna.
- To prevent cruelty towards animals.
- To review the progress in wildlife conservation.
- To advise the Central Government.



The most important achievement of the IBWL had been the promulgation of the Wildlife Protection Act, 1972 by the Central Government and all the states and union territories except J&K., which enacted the act with some changes later in 1978. Another important achievement was that India became Party to CITES on the recommendation of IBWL.

The IBWL is reconstituted after every four years. After a long gap of almost a decade, it was reconstituted on 24 December 1996. The Board, at present, comprises of 10 non-official members, 5 NGOs, 3 Members of Parliament besides 30 official members.

- After reconstitution, the first meeting of the Board (otherwise XIX meeting) took place on 13 March 1997 under the chairmanship of the then Prime Minister, Mr H. D. Devegowda.<sup>12</sup> Non-official members portrayed a grim picture of wildlife conservation in the country and the Prime Minister listened attentively. Besides the basic management issues, protection problems, finance, staff facilities etc., illegal trade issues were also raised by a few members.
- Dr M. K. Ranjitsinh suggested that "sufficient resources should be devoted to the control of illegal trade in wildlife and the Ministries of External Affairs, Home Affairs, Commerce and the Police Departments should be involved. Dr. R. Sukumar mentioned the lack of intelligence to identify linkages in the poaching and illegal trade network was the most important aspect of conservation. Dr. I. M. Nath urged that special attention needed to be given to Delhi which is emerging as a major centre of wildlife trade.
- Suggestions for sustainable utilisation of species were unanimously rejected by the Board and it even went to the extent of suggesting that people who continued to breed species under captivity, despite instructions to refrain from doing so, should be penalised.
- The Prime Minister assured that he would try to implement the suggestions with the cooperation of the State Governments and also do everything that was possible to save India's wildlife. He agreed to address the nation through the electronic media on the need for conservation and to talk to the Chief Ministers of the States on the subject.
- Another meeting of the IBWL took place on 11 July 1997 merely four months after the previous one.<sup>13</sup> This was on the persuasion of some non-official members of the Board because the Central Government had changed and they desired that the new Prime Minister, Mr I. K. Gujral should be appraised of the issues.
- The main items of discussion were the same as of the previous meeting. An important outcome of the meeting was that the Prime Minister agreed to address the nation on wildlife conservation in the first week of October, which incidentally is celebrated as wildlife week in India.

- One thorny issue had been the question of livelihood of the numerous bird trappers who were jobless due to ban on the bird trade. Here from the CITES point of view it was interesting to note that the Board recommended that breeding and trade in exotic birds could continue. The Board agreed that the export of non-CITES exotic birds might also continue along with limited export of CITES Appendix II exotic species.
- The Standing Committee of the IBWL met on 5 November 1997 after more than a decade!<sup>14</sup> The last meeting of the Committee took place in March 1987. The Committee discussed pressing national conservation issues like, denotification of Protected Areas, Wildlife Tourism Policy, Amendment of the Wildlife (Protection) Act, Impact of the World Bank aided forestry projects etc.
- Mr J. C. Daniel, an acknowledged authority on India wildlife, mentioned that the population of parakeets and munias had gone up considerably causing damage to agriculture and horticulture. He suggested, that the population of these birds could be controlled by allowing their trapping. Mr Daniel's suggestion met with stiff resistance. Since the Committee was not able to sort out the issue another Committee was constituted to consider the issue!

#### NON-GOVERNMENT ORGANISATIONS (NGOs)

Several NGOs in India are playing a leading role in the conservation and preservation of wildlife. They are playing an effective role in creating awareness about wildlife conservation and helping in prevention of illegal trade. They help the Indian government in effective implementation of CITES.

##### WWF-India

- The World Wide Fund For Nature - India (WWF-India), formerly known as World Wildlife Fund - India, was established in 1969 as a charitable trust.
- WWF-India is the country's largest NGO with a network of State/ Divisional and Field Offices spread across the country with Secretariat in New Delhi. The organisation is part of the WWF family with 26 independent National Organisations. The Coordinating body, WWF International, is located at Gland in Switzerland.
- The mission of WWF India is 'Promotion of nature conservation and environmental protection as the basis for sustainable and equitable development.' WWF India attempts to find and implement

solutions environmental problems so that human beings can live in harmony with nature, and leave a world rich in natural resources and natural wonders for future generations.

- WWF-India played a direct role in CITES with its then trustee, Mr Duleep Matthai participating in several meeting of the Conference of the Parties in 1980s, the formative period of the Convention.
- The active participation of Mr Matthai in various Committees at the fourth Conference of the Parties (Botswana, 1983) helped India in attaining the distinction of being re-elected chairman of the Standing Committee of CITES.

### TRAFFIC India

- TRAFFIC - Trade Records and Analysis of Flora and Fauna in Commerce - was basically created to facilitate better implementation of CITES. It's a joint programme of WWF and IUCN. It previews all the documents and proposals for amendments of CITES Appendices by taking into consideration information available from various sources and expertise in various fields and present its findings, suggestions and reports to various CITES Committees and the meetings of the Conference of the Parties. TRAFFIC Network has now spread worldwide and is the largest trade monitoring programme.
- TRAFFIC India is a programme division of WWF-India and a part of the Network. It makes important contribution in the preview process and facilitation of better implementation of CITES in the Indian region. For the tenth Conference (Harare, 1997), TRAFFIC India previewed *Nardostachys grandiflora* and *Picrorhiza kurroa* listing proposals from India and listing proposal of Green Munia by Holland. It had suggested the proposals should be accepted and the Conference agreed. The Bangladesh proposal for down-listing of two *Varanus* spp. was recommended for rejection and the same happened at the Conference. Amendment to the Tiger Resolution by the Conference was facilitated by TRAFFIC India. It was also involved by the Network in consultation process on the Elephant proposals at the Conference.
- The mission of TRAFFIC India is to enhance the conservation of biological diversity in India, through monitoring of trade and other forms of utilisation of animals and plants, their parts and derivatives. TRAFFIC India also aims to identify such utilisation of species that may be detrimental to their survival. TRAFFIC India commissions and executes relevant studies to meet its objectives. Few examples of completed studies are: fur, fresh water turtles, agarwood and edible-nest swift-let.

- TRAFFIC India, on the authorisation of Government of India, maintains wildlife related statistical database drawing on the information from government agencies, TRAFFIC Network and various independent sources. It assists the government enforcement agencies by providing them information regarding illegal trade, which is collected by its under-cover agents.
- Monitoring of wildlife trade by the TRAFFIC-India is a direct help to the enforcement agencies.
- TRAFFIC India is actively involved in creating awareness about the importance of regulation of wildlife trade through print media, literature, workshops and training programmes.
- TRAFFIC India also tries to support the government agencies with legal, technical and co-ordination services.

#### *Legal Recourse*

- Fur and Snake Skin: The Wildlife (Protection) Act, 1972 was amended in 1986 to impose an absolute prohibition on trade and commerce in trophies and animal articles derived from protected species listed in the schedules of the Act. A stay by the High Court of Delhi on a writ petition by skin traders in 1987 on the implementation of the provision rendered the amendment ineffective until in 1992 TRAFFIC India intervened and the stay was vacated in 1993 - Seven years after the amendment!
- Ivory: Wildlife (Protection) Act, 1972 with amendment of 1991 banned the trade in imported African elephant ivory. A stay on the implementation of the provision in a court case rendered this too ineffective. TRAFFIC India intervened in the High Court of Delhi and soon got the stay vacated. The Court later passed an order banning sale, display and carving of African ivory.
- Mr Sansar Chand: In an offense case of 1974, this notorious illegal wildlife trader was imprisoned in 1982 but he managed to remain free with a stay from a higher court. TRAFFIC India intervened in the case in 1993 and finally in 1994 the man was jailed after two decades after his crime!
- Shahtoosh: The J&K High Court ordered the release of a consignment of shahtoosh wool smuggled from Nepal to India and seized by the Customs at Delhi in 1994. The TRAFFIC India moved the highest court of the country, the Supreme Court, challenging the order as it violated the Wildlife (Protection) Act, Customs Act and CITES. The

Supreme Court set aside the J & K High Court order in 1996 and the confiscated consignment was not released. It may be noted that shahtoosh wool is the under wool of highly endangered Tibetan Antelope.

#### INTERNATIONAL COOPERATION

- India has always been interested in training its officers for CITES implementation and enforcement. A few Indian enforcement officials have attended CITES enforcement training in USA. A CITES implementation workshop was also held in New Delhi in partnership with US Fish and Wildlife Service (USA) and CITES Secretariat.
- On the thorny issue of trans-boarder illegal wildlife trade, two meetings were organised with the Nepal authorities, which resulted in some understanding of each other's problems and limitations, and requisite actions were planned.
- A Protocol was signed between India and China to control the illegal trade of tiger, its part and derivatives.

#### Seminar on CITES Enforcement

A Seminar on CITES enforcement was held at Bristol (U.K.) from 27 September to 5 October 1986. Assistant Management Authorities, Mr S. K. Goyal and Mr. K. Chakraborty attended the seminar from India. The Seminar deliberated on the practical hindrances in the effective implementation of CITES. The proceeding provided the basis for substantial progress in improving CITES enforcement.

#### CITES Implementation (Wildlife Inspection) Techniques in USA – A Study Tour (1995)

Mr Surendra Kumar and Mr S.K. Das, Regional Deputy Directors, Northern Region and Eastern Region (from India) respectively participated in the programme. Officers from a number of Asian countries participated in the programme. From India,

The group had an opportunity to visit Los Angeles Zoo to study the Condor Captive Breeding Facility; visit Los Angeles port, airport, air cargo complex to study the CITES implementation activities; visit US Fish and Wildlife Services' (USFWS) Law Enforcement Office at Sanfransisco; visit Oakland Main Post Office to study the mail processing and detection and inspection methods of CITES and non-CITES wildlife products; Barkley University Museum; USDA Animal and Plant Health Service at Sanfransisco; visit California Academy of Science for Study of

the identification resources; visit National Fish and Wildlife Forensic Laboratory at Ashland and see its Morphology, Criminalistics and Serology divisions etc. There were many talks and discussions in between these visits.

Mr Surender Kumar in his official report referred about many US federal laws incorporating the CITES sentiments, licensing of the exporters and importers, procedures and methods for implementation, manpower support, technically qualified officers and subordinates, special undercover agents, infra-structural facilities like sophisticated lab facilities and data base and latest computers, and on top of it illegal importation in US attracts forfeiture and penalties as high as \$ 100,000 for each violation. Mr S.K.Das in his official report provided interesting data of the average wildlife imports in US in a year around the time of the visit. USA was importing 12000 to 14000 live primates, 6 million raw fur skins, 4 to 6 million carved ivory artifacts and 5000 raw tusks, 8 lakh birds, 3 to 5 lakh live reptiles, 2 to 4 million reptile skins and 15 to 20 million reptile skin manufactured products, 125 million ornamental fishes, 12 to 15 million raw shells and 50 million shell manufactured products, 1000 to 1500 tone of raw corals and 2 to 3 million manufactured products, 1 to 2 million cacti plants, 3 lakh to 5 lakh orchids etc!

It is interesting to note here that USA was the first country to sign the CITES Convention. It was the first country which had the legislation for banning any wildlife import in USA, the export of which was illegal in the country of origin – The Lacey Act. USA has apparently the best record of CITES implementation. In spite of all this, they are one of the largest importers of wildlife. Americans believe 'CITES is basically a trade treaty and unless the trade is detrimental to the survival of the species they are not sentimental about it!

#### **CITES Implementation Workshop in India<sup>15</sup>**

- Organisers: USAID and USFWS jointly organised a workshop on CITES implementation in India in partnership with Union Ministry of Environment and Forests, Government of India. CITES Secretariat also joined the partnership.
- Period: The workshop was held in New Delhi from 20 to 24 February 1995.
- Participants: It was attended by 46 participants from MoEF, Customs, Police, Coastal Guard, Border Security Force, TRAFFIC India, Zoological Survey of India, Botanical Survey of India, Central Marine Fisheries Research Institute, Wildlife Institute of India and the National Zoological Park.
- Importance: Ample importance was attached to the workshop as was

evident from the fact that the Minister for Environment and Forests, Mr Kamal Nath inaugurated it and virtually all the top officials of the Ministry participated.

- Objective: The purpose of this workshop was to provide basic, practical training in the provisions of CITES, the reasons for their development and how to implement them.
- Focus: The focus of the training was on CITES history, structure and objectives; global, regional and Indian trade in CITES specimens of species; procedures for utilisation of species listed in various CITES Appendices; Control of trade in artificially propagated and wild collected plants; India's CITES implementing legislation; the permit system; the functions of the Management Authority; the relevance of the Annual Report; wildlife inspection techniques; types of document fraud; types of inspections (for example passenger baggage, air/sea cargo and land/border inspection); smuggler's techniques; safety techniques for inspection; inhumane shipments; and disposition and use of confiscated specimens; law enforcement techniques; criminal investigation; and investigation techniques; species identification and identification of key species of Indian concern.

#### International CITES Law Enforcement Seminar

The Seminar was held in Georgia, USA from 27 November to 8 December 1995. From India, Mr A. K. Raha, Conservator of Forests (Wildlife), West Bengal and Mr P. Kannan, Deputy Director (Wildlife Preservation) and Assistant Management Authority (Southern Region) participated in the Seminar.

#### Training on CITES Law Enforcement Techniques

The training was held at National Conservation Training Centre, Shepherd Town, in West Virginia, USA from 9 to 20 February 1998. Dr S. Panda, Deputy Director (Wildlife Preservation) Western Region, and Mr B.S. Gurm, Assistant Director, Sub-regional office (Amritsar) participated in the training from India. There were representatives from ten other Asian countries.

According to Mr Gurm's report, law enforcement procedures adopted by the US Fish and Wildlife Service were explained, especially the Lacey Act. The trainees were explained, during the law enforcement, the equipment to be used, methods of detection of fraudulent documents, detection of offenses, identification methods and the species in trade.

The importance of undercover agents to gather information and evidences of illegal trade was impressed up the trainees.

During the training, even INTERPOL officials met the trainees and informed about the organisation's role in wildlife conservation and extended all cooperation to the participants whenever approached. Mr B. S. Gurm was interviewed by the Shepherd Town newspaper, *The Journal*. In the article published on the front page of the paper on 19 February 1998, Mr Gurm was extensively quoted for his natural and outright comments about the usefulness of the training and the problem of illegal trade in India.

Mr Gurm gave a talk on the West Virginia Radio Station on 'Conservation of Wildlife in India and Abroad'. He explained CITES and other laws related to illegal trade and poaching. He also explained the policy adopted by India for wildlife conservation.

### **Indo-Nepal Co-operation**

India and Nepal had issued a joint statement at the ninth meeting of the Conference of the Parties stating the joint efforts to be made by the two countries in biodiversity conservation.

### ***The First Trans-boundary Consultative Meeting on Biodiversity Conservation between Nepal and India***

The Meeting was held at Kathmandu, Nepal from 3 to 5 January 1997.<sup>16</sup> The Indian delegation included Mr S. C. Dey, Director Wildlife Preservation, Mr P. K. Sen, Director Project Tiger, U.P. Chief Wildlife Warden, Mr Roopak Dey, Director, Dudhwa Tiger Reserve, Director, Valmiki Tiger Reserve, Chief Wildlife Warden of Bihar, Mr A. K. Rahe Conservator of Forests (Wildlife) West Bengal, and Mr Manoj Misra Director, TRAFFIC India. Nepal government was represented by official from Ministry of Forest and Soil Conservation.

### **Resolutions the First Trans-boundary Consultative Meeting on Biodiversity Conservation between Nepal and India**

- to improve their respective national laws to address the requirement of CITES.
- encourage establishment of trans-boundary protected areas complementary to each other, wherever possible.
- Maintain appropriate database system and share information relevant biodiversity conservation.



- Establish complementary anti-poaching mechanism and units for prevention of crimes related to forest and wild flora and fauna and prevent illegal trade and encroachment of forest.
- Study and monitor the trade routes and species in trade including seasons of trade.

It was decided to hold regular meetings of this consultative committee to review the progress made and improve the future actions based on experience gained.

#### *The Second Trans-boundary Consultative Meeting on Biodiversity Conservation between Nepal and India*

This Meeting was held in New Delhi, India on February 28 and March 1, 1999. There were 14 and 22 participants from Nepal and India respectively.

#### The main points of the declaration made at the Meeting

- Establishment of communication system between trans-boundary Protected Area managers and maintenance of a close dialogue and exchange of information between them.
- Establishment of a protected area in the Trans-Sharda region of Pilibhit district of India, Extension of Koshi-Tappu Wildlife Reserve at Koshi Barrage.
- Ecodevelopment in Nepal bordering Dudhwa and Katarniaghat.
- Funds to PAs on both sides of the border to gather intelligence regarding poaching and illegal trade.
- Providing facilities to allow migration of aquatic fauna in transborder rivers.
- Dissemination of legislations and stringent implementation.
- Harmonisation of the Indo-Nepal Trade Treaty of 1996 with the requirement of CITES and sharing of the Indian experience in the implementation of CITES in protected areas in question, on both sides of the border.

#### Action Plan for implementation of the Declaration

- Protected Area Managers of the PAs on border to be permitted International Straight Dialing (ISD) telephone calls for communication between them.
- Steps to have same wireless frequencies in the adjacent PAs on the border worked out.

- Emphasis has been on regular meeting of the Protected Area Managers of the PAs on border. In case of transport problem, it was decided that WWF Nepal and WWF Tiger Conservation Programme would foot the travel expenses of Protected Area Managers.
- Koshi Barrage to be declared a wildlife reserve. This would be an extension of the existing Koshi Tappu Wildlife Reserve.
- Both the delegations requested the UP State government to establish a protected area in the Trans-Sharda region of Pilibhit district of India. The Indian Government may take up this matter with the UP State Government.
- Laws and regulations regarding conservation to be translated in local languages and disseminated.
- It was agreed that the recently established unit for implementation of CITES by Nepal should be developed further by sharing the Indian experience. Though the Indo-Nepal Trade Treaty is valid up to 2001 steps should be taken to harmonise it with the requirements of CITES.

#### ROLE OF THE SCIENTIFIC AUTHORITY

The CITES had circulated a questionnaire "Role of the Scientific Authority", vide notification no. 863 to the Parties. The questionnaire was in two parts, part one to be responded to by the Management Authority and part two to be responded by the Scientific Authority.

In response, the Assistant Management Authorities (AMA) of the North West and East regions of India indicated that only few permits were being issued for export of wild-caught specimens of species listed in the Appendices of CITES as well as for import of CITES Appendix I species or introduction from the sea. It was stated that whatever permits were issued were not for trade but for scientific or educational purposes. Some captive bred zoo animals were allowed to be exported as a part of exchange programme with overseas zoos or for pets.

Management authorities had generally not consulted the Scientific Authority formally in most of the above cases because the status of the species involved, quantity and the purpose left little doubt for checking with the Scientific Authorities. Most of the cases were known to the Scientific Authorities though informally and they had never objected. It was stated by the AMAs that formal consultations with the Scientific Authorities generally take quite a lot of time and thus genuine permit would be unduly delayed. In cases of captive bred animals and artificially propagated plants they do not have sufficient laboratory facilities.

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Scientific Authorities, ZSI and CMFRI, agreed about the number of permits issued for the above stated purposes. They agreed that in most cases they were not consulted but they had no complaint because of their limitations in responding to the queries of the management authorities at times.

#### INDIA'S ANNUAL REPORTS FOR CITES

An analysis of India's Annual Reports for CITES<sup>17</sup> reveals that from the beginning India had been conservative in issuing export or Import permits. Even the exemption/re-export certificates were issued after the surrender of the export permit or comparable document from the country of import.

It has been emphasised in all the Annual Reports that the Management Authority had been always consulted in framing of the wildlife export policy of the Government of India.

The export of wildlife, their parts and derivatives was mainly to Europe and North America. During the late '70s and '80s re-export of ivory, export of fur garments of small cats and parakeets had been mainly to Federal Republic of Germany. Frog legs were exported mainly to USA.

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India had an established ivory handicraft industry. This used to be a lucrative trade yielding much-needed foreign exchange. In spite of this, in the interest of conservation, India had banned the use of Indian elephant ivory since the species was provided complete protection by listing it in the Schedule I of the Wildlife (Protection) Act, 1972 by an amendment in 1986. The African elephant ivory import was allowed till the species was brought into the CITES Appendix I. Trade in imported ivory and products carved from it, was banned with effect from 2 April 1992. This was done with an amendment of the Wildlife (Protection) Act in 1991.

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Orchids have been regularly exported from India. They are exported as nursery grown specimens of the CITES Appendix II species. Orchid export after peaking at 82,000 in 1984 came down to 480 in 1988. The Management Authority had been time and again trying to impress upon the exporters not to indulge in illegal trade of wild collected specimens. Management Authority created a system of inspection of the nurseries. Orchid trade began to pick up again with the export of 8,207 specimens in 1989. The restrictions and conditions imposed by the Management

Authority resulted in no export of orchids in 1990. Since 1991, export of orchids in moderate quantity remains the main export of India in CITES listed species

Another traditional major export item of India had been snake skin articles. Since 1978, India had completely banned the export of all reptile skins and articles. The cessation of legal export had however not stopped smuggling, particularly of snakeskins. A major difficulty was that large quantities of snake skins (over 10 million) were legally in possession of private dealers at the time of the ban. Besides, snake skin stocks with the customs authorities and other government law-enforcing agencies, seized from smugglers etc. had accumulated to about 3 million. Following a detailed review of the situation, it was recognised that the smuggling of snake skins could be stopped only if the stocks accumulated with the private dealers were liquidated once for all. Hence, the Bharat Leather Corporation Ltd (A government of India undertaking) was authorised in 1983 to take over all the reptile skins legally acquired and declared by the private dealers and those with the government agencies and export the articles made from these. Since November 1983 after the acceptance of India's proposal for listing of seven snake species in Appendix III, India stopped the trade without export permits and thus the trade got recorded in the Annual Reports.

Export of very large quantities of frog legs was a matter of concern for conservationists. Though the species concerned were quite common it was felt that large-scale exploitation could result in endangering even common species. With the help of German CITES Authority, India got the frog species, *Rana tigerina* and *Rana hexotilyala*, listed in CITES Appendix II in 1985. Thus the export data of frozen frog legs of the specimens of species appeared in the Annual Report of 1985. The export was in a very large quantity of about 1 million kg. This helped the Management Authority of India to press for the export ban on frog legs, which materialised from 1 April 1987 and largely restricting the export.

The export of dresses made of furs of jungle cat and desert cat was stopped from 1984.

Since 1991 the import and export of fauna had come down to few specimens for purposes other than commerce and trade. Import of flora had been mainly limited to few species of orchids in moderate quantities to begin with but this increased to 184854 specimens in 1996. Export of flora has been mainly large number of cultivated species of orchids, which

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fill most of the pages of the annual reports. A Large export of live specimens of *Dionea muscipula* was also recorded since 1994. The export of live specimens of *Dionea muscipula* was 398,100 during 1996. Export of 24000 specimens of *Nepenthes mirabilis* recorded in the 1996 Annual Report was noticeable.

The restructuring of the Management Authority was done in 1984. The Deputy Director (Wildlife Preservation) Northern region, who was the Assistant Management Authority, was also delegated the power of the Management Authority for dealing with the Secretariat and the Parties and to issue the permits/certificates. The Deputy Director (Wildlife Preservation) Eastern Region, was designated Assistant Management Authority and empowered to issue permits for orchid export from the Calcutta port.

The wildlife preservation organisation was strengthened in 1987 with the opening of sub-regional offices at Pathankot, Punjab (North), Guwahati, Assam (East) and Cochin, Kerala (South). One more Assistant Management Authority and Deputy Director of Project Tiger was created during 1988. The Sub-Regional Office at Pathankot was shifted to Amritsar in Punjab in mid-1990s realising the strategic location of the latter.

The practice of publishing the statistics table giving consolidated figures of import, export and re-export in the Annual Report was stopped from 1984. The result is that now one has to sift through hundred pages and add up different specimens to figure out the data. Since 1988 the report was slightly modified to included import and export of non-CITES wildlife species as well. This practice continued for a few years.

India has been submitting its Annual Reports regularly to the CITES Secretariat, more or less on time.

### POINTS TO PONDER

- The National Co-ordination Committee (N.C.C.) for control of illegal trade was cited, time and again, in seminars, workshops and research papers, as a cure for India's weak enforcement of CITES. At the time of its inception in 1995 it was decided that the Committee would be meeting every three months. It was ironical that a Committee to which MoEF accorded so much importance had met only thrice in as many years.

- Even in these meetings the response from other enforcement agencies had been lukewarm. Of the ten enforcement agencies, which are members of the Committee, maximum participation in the meetings of the N.C.C had been five agencies. After the first meeting, the participants of most of the enforcement agencies were comparatively junior level. The participants generally felt the need of sufficient specialised training facilities, literature, identification samples and practical field manual. A greater focus in this direction can bear good results.

- Much is made out of the training of the enforcement personnel at the Wildlife Institute of India. So far, only two courses, each of one-week duration have been conducted.

- Role of the Scientific Authorities: The communication between the Management Authority and Scientific Authorities seem somewhat insufficient. It is most conspicuous in the case of the Scientific Authority, CMFRI which has hardly any contact with MoEF.<sup>18</sup> Dr M. Devaraj, the Director, CMFRI had numerous suggestions and proposals for conservation of marine biodiversity, some of which he had sent to MoEF but were not attended to.

Dr Devaraj insisted that CMFRI with 15 research centres including the headquarter and 28 field stations was in a position to address marine species conservation issues in an appropriate manner. He desired that CMFRI be genuinely involved in all the conventions related to Biodiversity including the CITES. He felt sad that the role due to the CMFRI as Scientific Authority of CITES was not being given due importance. He suggested that MoEF could tap the potential of the Institute to have a proper perspective of the marine biodiversity for conservation. He pointed out that marine species conservation was complicated due to the fact that fisheries operation by trawler is not a selective process and catch is whatever comes in. He pointed out the need to develop species specific methods of protection and conservation.

- According to Dr M. Peer Mohamed, Director-in-Charge, CMFRI, some crustaceans and molluscs had suffered due to over harvest and a few fin fishes were threatened. The institute has projects for captive breeding, hatchery development and sea ranching for some such species, which include *P. semisulcatus*, *Xancus phylum*, *Trochus*, *Turbo* and *Tridacna*, Turtles, *Babilonia* and pearl oyster.<sup>19</sup> MoEF is ignorant of the status of such marine species which may need immediate protection by inclusion in the Schedules of the national legislation, export ban or even getting listed in the CITES Appendices.

- The need for capacity building of the Scientific authorities to meet the CITES concerns is also paramount. A case in point is the listing of frogs in CITES Appendix II. India had realised that the large-scale export of frog legs was harmful for the country. The strange situation was that the species was far too common. The Indian Scientific authority could not prepare the proposals. By an informal arrangement, the CITES Management Authority of India is known to have taken the assistance of the German Management Authority. At the Fifth meeting of CoP, on the proposal of the Federal Republic of Germany two species of frogs (*Rana hexadactyla* and *Rana tigerina*) were listed in the CITES Appendix II.<sup>20</sup>
- Management Authority of CITES in India has not been able to concentrate on awareness generation about CITES to the extent required. There is virtually no effort to communicate the Convention's aims and ideals to the stakeholders. In the absence of the identification samples and practical manuals, the enforcement work is hampered.
- Dr Devaraj questions, "What has been done by the Central and State governments to create an awareness about conservation of endangered marine species among the coastal people and fishermen? How could one expect the fishermen to release back to sea the endangered species that are caught in the net unwittingly, since he is not aware of its importance?"
- Dr M. Devaraj, Director, CMFRI felt captive breeding of certain marine species was easy and of economic importance to the country. He was strongly in favour of taking up such actions. On his part, he intended to take up captive breeding of sea cows, dolphins, sea turtles, sand lobster, rock lobster and number of species from mollusca.
- Mr S.K.Das, Assistant Management Authority and Deputy Director (Wildlife Preservation - Eastern Region) in his report of his 1995 tour to USA to study the CITES Implementation Techniques had felt that India should make full efforts in developing captive-breeding of animals and artificial propagation of plants for harvest to meet the social and commercial needs. This in turn would lead to long term survival of the species concerned in the wild.
- India has not taken any export quota nor registered any facility for captive breeding of animals or artificial propagation of plants. Also, India has never taken 'reservation' against any entry in the CITES Appendices. Was there never a need to do so? Has not the Management Authority of CITES in India been shying away from promoting the captive breeding of animals and artificial propagation of plants? Is not there a need to have a fresh look at the issue or, may be, have an open debate?

- In India fruit bats were considered vermin and were included in the Schedule V of the Wildlife (Protection) Act, 1972. At the time of the amendment adopted at the seventh Conference of the Parties to include many of them in Appendix I or II of CITES, India supported the listings. Had the status of fruit bats in India changed overnight?
- Lack of perception of wildlife conservation among the ministries of finance, commerce, home and external affairs and the Planning Commission of India hampers a lot of activities of the MoEF. Proposals are presented to the Planning Commission for suitable allocation of budget and approval of programmes to the ministry of Finance which are turned down by bureaucrats who are little aware of the field realities. An exercise for better perception of wildlife situation by the various ministries is also the need of the hour.
- The Standing Committee of IBWL in its meeting in November 1997 discussed the issue of bird trade. It is interesting to note that Mr J. C. Daniel, an acknowledged authority on Indian wildlife, mentioned that the population of parakeets and munias had gone up considerably causing damage to agriculture and horticulture. He suggested allowing their trapping and trade could control population of these taxa. As was expected, Mr Daniel's suggestion met with stiff resistance. Some members pointed out, "No farmers have complained". The question arises, 'Is there any organised system of looking at the ground reality while framing policy and law?'

#### REFERENCES

- <sup>1</sup> Anonymous, 1998, CITES Annual Report - 1997, Government of India, New Delhi
- <sup>2</sup> Anonymous, 1992, The Wildlife (Protection) Act, 1972 (as amended upto 1991), Natraj Publishers, Dehra Dun, India
- <sup>3</sup> Anonymous, 1998, Seizure Figures (Unpublished), TRAFFIC India, New Delhi
- <sup>4</sup> Anonymous, 1989, Proceeding of the sixth meeting of the Conference of the Parties, Secretariat of the Convention, Lausanne, Switzerland, P. 546
- <sup>5</sup> Ibid. p 549.



<sup>6</sup> Anonymous, 1994, Proceeding of the eighth meeting of the Conference of the Parties, Secretariat of the Convention, Geneva, Switzerland, P. 516

<sup>7</sup> Ibid. p. 528.

<sup>8</sup> Anonymous, 1996, Proceeding of the ninth meeting of the Conference of the Parties, Secretariat of the Convention, Geneva, Switzerland, P. 522-523

<sup>9</sup> Ibid. P 547.

<sup>10</sup> Subramanian, Dr S., *et.al.*, 1994, Report of the Committee on Prevention of Illegal Trade in Wildlife and Wildlife Products, MoEF, New Delhi

<sup>11</sup> Mukherjee, Mr S. K., 1998, Personal Communication with Mr S. K. Mukherjee, Director, Wildlife Institute of India

<sup>12</sup> Anonymous, 1996, Minutes of the XIX Meeting of IBWL (Unpublished), MoEF, New Delhi

<sup>13</sup> Anonymous, 1997, Minutes of the XX Meeting of IBWL (Unpublished), MoEF, New Delhi

<sup>14</sup> Anonymous, 1997, Minutes of the Meeting of the Standing Committee of IBWL (Unpublished), MoEF, New Delhi

<sup>15</sup> Brooks, Mr John; Einsweiler, Sheila; 1995, Report of the February, 1995 CITES Implementation Workshop in India, U.S. Fish and Wildlife Service, VA, U.S.A.

<sup>16</sup> Anonymous, 1997, Resolution of the First Transboundary Consultative Meeting on Biodiversity Conservation Between Nepal and India (Unpublished), Nepal

<sup>17</sup> Anonymous, CITES Annual Reports 1979 to 1996, MoEF, Government of India, New Delhi

<sup>18</sup> Devaraj, Dr D.; 1998; Personal Communication.

<sup>19</sup> Mohamed, M. Peer; 1998; Letter 4-3/98-TC dated 11.9.98; Personal Communication.

<sup>20</sup> Mukherjee, S. K.; 1998; Personal Communication.

## CHAPTER - VI

### LOOKING AHEAD

#### NATIONAL WILDLIFE LEGISLATION

India's national wildlife legislation, the Wildlife (Protection) Act, 1972, is under review.

The review is expected to improve the effectiveness of the Act, by increasing penalties for offences, simpler procedures, legal protection to forest and wildlife staff, and incorporation of the CITES requirements. Presently the draft proposal for amendment of the Act is under consideration of the Inter-State Committee. It is expected to be adopted in the near future.

Some of the specific provisions in the draft amendment proposal are :

- The concept of 'right of life' of wild animals, birds and plants and need of their protection.
- The Indian Board of Wildlife (IBWL), the apex conservation body in the country, is to be made a statutory body.
- The penalties for major wildlife offences are proposed to be increased. The minimum imprisonment is to be 3 year against the existing one year and minimum fine is to be Rs 10000 against the existing Rs 5000.
- Deny grant of bail to a culprit for an offence related to species in Schedule I and Part II of Schedule II and in National Park and Sanctuaries.
- Chief Wildlife Warden of the States are empowered to pay reward of up to Rs 10000 to persons assisting in the detection of an offence or apprehending criminals.
- CITES Implementation: A new chapter added incorporating concerns for implementation of CITES in India and protection of exotic species listed in the CITES appendices. For species appearing in the Act as well as CITES, the provisions of the Act shall prevail.

## COOPERATION AND COORDINATION BETWEEN LAW ENFORCEMENT AGENCIES

Time and again, cooperation and coordination between law enforcement agencies have been pointed out to be crucial for better implementation and enforcement of national legislation and international treaties. The National Coordination Committee was established in 1995. This initiated a dialogue between different agencies in a small way. It was suggested that such coordination committees should be created in all the states as well.

It is noteworthy that, West Bengal State had taken a lead by establishing the State Co-ordination Committee for control of poaching and illegal wildlife trade even before the Union Government's National Coordination Committee in 1994. The first meeting of the Committee resulted in the setting up of two co-ordination committees — one for Calcutta and another for North Bengal. It was felt at the meeting that since most of the wildlife, their parts and derivatives originated in other states they should be alerted. Furthermore it was suggested that the police stations and police posts in wildlife trade sensitive areas needed to be alerted and informed, and identification and legislative literature provided to them to curb the illegal trade.

Not all states have been as active as West Bengal. It is expected that all the States would have similar Coordination Committees.

At the national level, the 'National Coordination Committee' has been upgraded to 'Special Coordination Committee' making it obligatory for top level officials participation from member law enforcement agencies. This Committee has met once. Regular meetings of the Committee would result in action at the field level.

## STRENGTHENING OF CITES MANAGEMENT AUTHORITY IN INDIA

The Subramanian Committee on Prevention of Illegal Wildlife Trade had suggested setting up of a CITES Cell at the Union Ministry of Environment and Forests and increasing the Regional Offices of Wildlife Preservation from the present 4 to 10 and with more staff.

Due to financial constraints, Planning Commission/Union Ministry of Finance had agreed to consider setting up of only two additional Regional offices at Ahmedabad (Gujarat), Hyderabad (Andhra Pradesh) and additional staff at all the Regional Offices. Approval of the proposal in

this regard should result in improvement of enforcement and implementation of CITES in India.

#### **WILDLIFE FORENSIC LABORATORY**

The need of a forensic lab for wildlife was felt time and again when accused were released in the courts of law for lack of forensic evidence. The forensic lab facilities of the other government departments like police had not been of much help due to lack of identification material in their labs.

The setting up of a forensic lab at the Wildlife Institute of India is proving to be a great asset for conserving the wildlife of the country. The Institute has already created identification material for hair and bones of most of the cats. By and by, the lab would be built up to the international standard and provide support to the enforcement of national wildlife legislation and CITES in the field.

#### **BIOLOGICAL DIVERSITY ACT**

India is Party to Convention on Biological Diversity and is obliged to create its national legislation on the subject. The process of creating the Biological Diversity Act is on for quite some time. There has been wide ranging consultations and serious discussion at the national level in various forums on the issue. There has been equally wide ranging differences between government officials, experts and conservationists.

The revised draft Outline of the Proposed Biodiversity Conservation Act under consideration in early 1999 gives the impression that the Act is basically meant for conservation and sustainable use of biological diversity. There is a provision for creation of Heritage Sites — areas important for conservation and sustainable use. National Strategies, plans or programmes to be developed or the existing ones adopted for conservation and sustainable use of biological resources. There is also a provision to notify threatened species and prohibit or regulate their collection for any purpose and take steps to rehabilitate and preserve such species.

The essence of CITES is that international trade in biological resources, wild fauna and flora, should not be detrimental to the survival of a species at present or in future. For sure no sustainable use of biological resources can overlook the survival of a species unless properly implemented.

The critical review at government, non-government level should bring the Act in a shape fit for a practical conservation strategy for the country.

#### INVOLVING PEOPLE IN CONSERVATION

New concepts, like ecodevelopment, joint forest management, village forest protection committees etc are being experimented and implemented for conservation and protection of the biodiversity, particularly in and around the Protected Areas. These steps should increase people's stake in the forest and create a sense of association and in future result in decrease in wildlife poaching and illegal trade.

#### PROTECTION OF WILDLIFE OUTSIDE THE PROTECTED AREAS

About 20 per cent of the forest area of India is under the Protected Areas, i.e., national parks and Sanctuaries. The rest of the area is managed as Protected Forest and Reserved Forest and there is little focus on protection of wildlife or pilferage of the minor forest produce, which constitute much of the medicinal plants collected from the wild. There is increasing realisation of evolving methods of protecting the biodiversity in all types of forests.

Amendment proposal for the Wildlife (Protection) Act 1972 provides for creation of new categories of Protected Areas in such forests. The proposed 'Conservation Reserves' can be declared on any land owned by the government other than Sanctuaries and National Parks. These Conservation Reserves shall act as buffer to the National Parks and Sanctuaries.

National Workshop on 25 years of Project Tiger held in 1998 had one session entirely devoted to integration of wildlife conservation efforts between Protected Areas and Outside. The conclusions and recommendation of the Workshop included :

- Government of India should extend financial assistance to States and Union Territories for conserving wildlife outside the Protected Areas.
- At least 15 per cent of State Plan for Forestry and Wildlife Sector should be earmarked for Wildlife Sector.
- Incentive to Staff for protecting wildlife outside the Protected Areas.
- Chief Wildlife Wardens of the States should review the status of wildlife offences outside the Protected Areas and performance of the forest officers managing the areas.

## POINTS TO PONDER

### INDIA REQUIRES TO PLAN

#### A. Strategy to regain its place of pre-eminence in the CITES by

- Enacting CITES legislation at the earliest.
- Prioritising CITES implementation and establishing a truly representative and effective field offices for CITES implementation in the country.
- Involving the Scientific Authorities in CITES implementation.
- Establishing a mechanism for reviewing CITES issues regularly with the involvement of Scientific Authorities.
- Involving NGOs meaningfully to support India's stand at and between the CoPs.
- Providing suitable CITES implementation models for other countries to follow

#### B. In view of the regional groups like EU and ASEAN prevailing strongly at the CoPs and Committee meetings

- Building up of regional consensus within the countries of South Asia to become an effective voice at the CoPs and the Committees meetings.

#### C. In view of several related international conventions like CBD, Ramsar Convention, WTO

- Devising a mechanism for tandem implementation and actions with the government functionaries responsible for these conventions regularly exchanging views and planning cooperatively.

### POSSIBLE TARGETS

- India enacts a domestic CITES legislation by the year 1999.
- A CITES Cell becomes functional at the MoEF before the eleventh CITES CoP in April 2000.
- A fully functional and professional infrastructure in place for effective implementation of CITES by the year 2002.
- SAARC becomes a unified and an effective voice at the twelfth CoP in 2002.
- India hosts one of the Conferences of the Parties in the first decade of the new millennium.





## ANNEXURE - A

### TEXT OF THE CONVENTION

Convention on International Trade  
in Endangered Species of Wild Fauna and Flora  
Signed at Washington, D.C., on 3 March 1973  
Amended at Bonn, on 22 June 1979

**The Contracting States,**

*Recognizing* that wild fauna and flora in their many beautiful and varied forms are an irreplaceable part of the natural systems of the earth which must be protected for this and the generations to come;

*Conscious* of the ever-growing value of wild fauna and flora from aesthetic, scientific, cultural, recreational and economic points of view;

*Recognizing* that peoples and States are and should be the best protectors of their own wild fauna and flora;

*Recognizing*, in addition, that international co-operation is essential for the protection of certain species of wild fauna and flora against over-exploitation through international trade;

*Convinced* of the urgency of taking appropriate measures to this end;  
*Have agreed* as follows:

#### Article I

##### Definitions

For the purpose of the present Convention, unless the context otherwise requires:

- (a) "Species" means any species, subspecies, or geographically separate population thereof;
- (b) "Specimen" means:
  - (i) any animal or plant, whether alive or dead;
  - (ii) in the case of an animal : for species included in Appendices I and II, any readily recognizable part or derivative thereof; and for species included in Appendix III, any readily recognizable part or derivative thereof specified in Appendix III in relation to the species; and

- (iii) in the case of a plant: for species included in Appendix I, any readily recognizable part or derivative thereof; and for species included in Appendices II and III, any readily recognizable part or derivative thereof specified in Appendices II and III in relation to the species;
- (c) "Trade" means export, re-export, import and introduction from the sea;
- (d) "Re-export" means export of any specimen that has previously been imported;
- (e) "Introduction from the sea" means transportation into a State of specimens of any species which were taken in the marine environment not under the jurisdiction of any State;
- (f) "Scientific Authority" means a national scientific authority designated in accordance with Article IX;
- (g) "Management Authority" means a national management authority designated in accordance with Article IX;
- (h) "Party" means a State for which the present Convention has entered into force.

## Article II

### Fundamental Principles

1. Appendix I shall include all species threatened with extinction which are or may be affected by trade. Trade in specimens of these species must be subject to particularly strict regulation in order not to endanger further their survival and must only be authorized in exceptional circumstances.
2. Appendix II shall include :
  - (a) all species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival; and
  - (b) other species which must be subject to regulation in order that trade in specimens of certain species referred to in sub-paragraph (a) of this paragraph may be brought under effective control.
3. Appendix II I shall include all species which any Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the co-operation of other Parties in the control of trade.
4. The Parties shall not allow trade in specimens of species included in Appendices I, II and III except in accordance with the provisions of the present Convention.

### Article III

#### Regulation of Trade in Specimens of Species Included in Appendix I

1. All trade in specimens of species included in Appendix I shall be in accordance with the provisions of this Article.
2. The export of any specimen of a species included in Appendix I shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met :
  - (a) a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;
  - (b) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora;
  - (c) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and
  - (d) a Management Authority of the State of export is satisfied that an import permit has been granted for the specimen.
3. The import of any specimen of a species included in Appendix I shall require the prior grant and presentation of an import permit and either an export permit or a re-export certificate. An import permit shall only be granted when the following conditions have been met :
  - (a) a Scientific Authority of the State of import has advised that the import will be for purposes which are not detrimental to the survival of the species involved;
  - (b) a Scientific Authority of the State of import is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and
  - (c) a Management Authority of the State of import is satisfied that the specimen is not to be used for primarily commercial purposes.
4. The re-export of any specimen of a species included in Appendix I shall require the prior grant and presentation of a re-export certificate. A re-export certificate shall only be granted when the following conditions have been met :
  - (a) a Management Authority of the State of re-export is satisfied that the specimen was imported into that State in accordance with the provisions of the present Convention;
  - (b) a Management Authority of the State of re-export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and
  - (c) a Management Authority of the State of re-export is satisfied that an import permit has been granted for any living specimen.
5. The introduction from the sea of any specimen of species included in Appendix I shall require the prior grant of a certificate from a

- Management Authority of the State of introduction. A certificate shall only be granted when the following conditions have been met :
- (a) a Scientific Authority of the State of introduction advises that the introduction will not be detrimental to the survival of the species involved;
  - (b) a Management Authority of the State of introduction is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and
  - (c) a Management Authority of the State of introduction is satisfied that the specimen is not to be used for primarily commercial purposes.

#### Article IV

##### Regulation of Trade in Specimens of Species Included in Appendix II

1. All trade in specimens of species included in Appendix II shall be in accordance with the provisions of this Article.
2. The export of any specimen of a species included in Appendix II shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met :
  - (a) a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;
  - (b) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora; and
  - (c) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.
3. A Scientific Authority in each Party shall monitor both the export permits granted by that State for specimens of species included in Appendix II and the actual exports of such specimens. Whenever a Scientific Authority determines that the export of specimens of any such species should be limited in order to maintain that species throughout its range at a level consistent with its role in the ecosystems in which it occurs and well above the level at which that species might become eligible for inclusion in Appendix I, the Scientific Authority shall advise the appropriate Management Authority of suitable measures to be taken to limit the grant of export permits for specimens of that species.
4. The import of any specimen of a species included in Appendix II shall require the prior presentation of either an export permit or a re-export certificate.
5. The re-export of any specimen of a species included in Appendix II shall require the prior grant and presentation of a re-export certificate.

A re-export certificate shall only be granted when the following conditions have been met :

- (a) a Management Authority of the State of re-export is satisfied that the specimen was imported into that State in accordance with the provisions of the present Convention; and
  - (b) a Management Authority of the State of re-export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.
6. The introduction from the sea of any specimen of a species included in Appendix II shall require the prior grant of a certificate from a Management Authority of the State of introduction. A certificate shall only be granted when the following conditions have been met :
- (a) a Scientific Authority of the State of introduction advises that the introduction will not be detrimental to the survival of the species involved; and
  - (b) a Management Authority of the State of introduction is satisfied that any living specimen will be so handled as to minimize the risk of injury, damage to health or cruel treatment.
7. Certificates referred to in paragraph 6 of this Article may be granted on the advice of a Scientific Authority, in consultation with other national scientific authorities or, when appropriate, international scientific authorities, in respect of periods not exceeding one year for total numbers of specimens to be introduced in such periods.

#### Article (V)

#### Regulation of Trade in Specimens of Species Included in Appendix III

1. All trade in specimens of species included in Appendix III shall be in accordance with the provisions of this Article.
2. The export of any specimen of a species included in Appendix III from any State which has included that species in Appendix III shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met :
  - (a) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora; and
  - (b) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.
3. The import of any specimen of a species included in Appendix III shall require, except in circumstances to which paragraph 4 of this Article applies, the prior presentation of a certificate of origin and, where the import is from a State which has included that species in Appendix III, an export permit.

4. In the case of re-export, a certificate granted by the Management Authority of the State of re-export that the specimen was processed in that State or is being re-exported shall be accepted by the State of import as evidence that the provisions of the present Convention have been complied with in respect of the specimen concerned.

## Article VI

### Permits and Certificates

1. Permits and certificates granted under the provisions of Articles III, IV, and V shall be in accordance with the provisions of this Article.
2. An export permit shall contain the information specified in the model set forth in Appendix IV, and may only be used for export within a period of six months from the date on which it was granted.
3. Each permit or certificate shall contain the title of the present Convention, the name and any identifying stamp of the Management Authority granting it and a control number assigned by the Management Authority.
4. Any copies of a permit or certificate issued by a Management Authority shall be clearly marked as copies only and no such copy may be used in place of the original, except to the extent endorsed thereon.
5. A separate permit or certificate shall be required for each consignment of specimens.
6. A Management Authority of the State of import of any specimen shall cancel and retain the export permit or re-export certificate and any corresponding import permit presented in respect of the import of that specimen.
7. Where appropriate and feasible a Management Authority may affix a mark upon any specimen to assist in identifying the specimen. For these purposes "mark" means any indelible imprint, lead seal or other suitable means of identifying a specimen, designed in such a way as to render its imitation by unauthorized persons as difficult as possible.

## Article VII

### Exemptions and Other Special Provisions Relating to Trade

1. The provisions of Articles III, IV and V shall not apply to the transit or transshipment of specimens through or in the territory of a Party while the specimens remain in Customs control.
2. Where a Management Authority of the State of export or re-export is satisfied that a specimen was acquired before the provisions of the present Convention applied to that specimen, the provisions of Articles III, IV and V shall not apply to that specimen where the Management Authority issues a certificate to that effect.

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3. The provisions of Articles III, IV and V shall not apply to specimens that are personal or household effects. This exemption shall not apply where :
- (a) in the case of specimens of a species included in Appendix I, they were acquired by the owner outside his State of usual residence, and are being imported into that State; or
  - (b) in the case of specimens of species included in Appendix II;
    - (i) they were acquired by the owner outside his State of usual residence and in a State where removal from the wild occurred;
    - (ii) they are being imported into the owner's State of usual residence; and
    - (iii) the State where removal from the wild occurred requires the prior grant of export permits before any export of such specimens; unless a Management Authority is satisfied that the specimens were acquired before the provisions of the present Convention applied to such specimens.
4. Specimens of an animal species included in Appendix I bred in captivity for commercial purposes, or of a plant species included in Appendix I artificially propagated for commercial purposes, shall be deemed to be specimens of species included in Appendix II.
5. Where a Management Authority of the State of export is satisfied that any specimen of an animal species was bred in captivity or any specimen of a plant species was artificially propagated, or is a part of such an animal or plant or was derived therefrom, a certificate by that Management Authority to that effect shall be accepted in lieu of any of the permits or certificates required under the provisions of Article III, IV or V.
6. The provisions of Articles III, IV and V shall not apply to the non-commercial loan, donation or exchange between scientists or scientific institutions registered by a Management Authority of their State, of herbarium specimens, other preserved, dried or embedded museum specimens, and live plant material which carry a label issued or approved by a Management Authority.
7. A Management Authority of any State may waive the requirements of Articles III, IV and V and allow the movement without permits or certificates of specimens which form part of a travelling zoo, circus, menagerie, plant exhibition or other travelling exhibition provided that :
- (a) the exporter or importer registers full details of such specimens with that Management Authority;
  - (b) the specimens are in either of the categories specified in paragraph 2 or 5 of this Article; and
  - (c) the Management Authority is satisfied that any living specimen will be so transported and cared for as to minimize the risk of injury, damage to health or cruel treatment.

## Article VIII

### Measures to Be Taken by the Parties

1. The Parties shall take appropriate measures to enforce the provisions of the present Convention and to prohibit trade in specimens in violation thereof. These shall include measures :
  - (a) to penalize trade in, or possession of, such specimens, or both; and
  - (b) to provide for the confiscation or return to the State of export of such specimens.
2. In addition to the measures taken under paragraph 1 of this Article, a Party may, when it deems it necessary, provide for any method of internal reimbursement for expenses incurred as a result of the confiscation of a specimen traded in violation of the measures taken in the application of the provisions of the present Convention.
3. As far as possible, the Parties shall ensure that specimens shall pass through any formalities required for trade with a minimum of delay. To facilitate such passage, a Party may designate ports of exit and ports of entry at which specimens must be presented for clearance. The Parties shall ensure further that all living specimens, during any period of transit, holding or shipment, are properly cared for so as to minimize the risk of injury, damage to health or cruel treatment.
4. Where a living specimen is confiscated as a result of measures referred to in paragraph 1 of this Article :
  - (a) the specimen shall be entrusted to a Management Authority of the State of confiscation;
  - (b) the Management Authority shall, after consultation with the State of export, return the specimen to that State at the expense of that State, or to a rescue centre or such other place as the Management Authority deems appropriate and consistent with the purposes of the present Convention; and
  - (c) the Management Authority may obtain the advice of a Scientific Authority, or may, whenever it consider it desirable, consult the Secretariat in order to facilitate the decision under sub-paragraph (b) of this paragraph, including the choice of a rescue centre or other place.
5. A rescue centre as referred to in paragraph 4 of this Article means an institution designated by a Management Authority to look after the welfare of living specimens, particularly those that have been confiscated.
6. Each Party shall maintain records of trade in specimens of species included in Appendices I, II, and III which shall cover :
  - (a) the names and addresses of exporters and importers; and
  - (b) the number and type of permits and certificates granted;



the States with which such trade occurred; the numbers or quantities and types of specimens, names of species as included in Appendices I, II and III and, where applicable, the size and sex of the specimens in question.

7. Each Party shall prepare periodic reports on its implementation of the present Convention and shall transmit to the Secretariat :
  - (a) an annual report containing a summary of the information specified in sub-paragraph (b) of paragraph 6 of this Article; and
  - (b) a biennial report on legislative, regulatory and administrative measures taken to enforce the provisions of the present Convention.
8. The information referred to in paragraph 7 of this Article shall be available to the public where this is not inconsistent with the law of the Party concerned.

## Article IX

### Management and Scientific Authorities

1. Each Party shall designate for the purposes of the present Convention:
  - (a) one or more Management Authorities competent to grant permits or certificates on behalf of that Party; and
  - (b) one or more Scientific Authorities.
2. A State depositing an instrument of ratification, acceptance, approval or accession shall at that time inform the Depositary Government of the name and address of the Management Authority authorized to communicate with other Parties and with the Secretariat.
3. Any changes in the designations or authorizations under the provisions of this Article shall be communicated by the Party concerned to the Secretariat for transmission to all other Parties.
4. Any Management Authority referred to in paragraph 2 of this Article shall, if so requested by the Secretariat or the Management Authority of another Party, communicate to it impression of stamps, seals or other devices used to authenticate permits or certificates.

## Article X

### Trade with States not Party to the Convention

Where export or re-export is to, or import is from, a State not a Party to the present Convention, comparable documentation issued by the competent authorities in that State which substantially conforms with the requirements of the present Convention for permits and certificates may be accepted in lieu thereof by any Party.

## Article XI

### Conference of the Parties

1. The Secretariat shall call a meeting of the Conference of the Parties not later than two years after the entry into force of the present Convention.
2. Thereafter the Secretariat shall convene regular meetings at least once every two years, unless the Conference decides otherwise, and extraordinary meetings at any time on the written request of at least one-third of the Parties.
3. At meetings, whether regular or extraordinary, the Parties shall review the implementation of the present Convention and may :
  - (a) make such provision as may be necessary to enable the Secretariat to carry out its duties, and adopt financial provisions;
  - (b) consider and adopt amendments to Appendices I and II in accordance with Article XV;
  - (c) review the progress made towards the restoration and conservation of the species included in Appendices I, II and III;
  - (d) receive and consider any reports presented by the Secretariat or by any Party; and
  - (e) where appropriate, make recommendations for improving the effectiveness of the present Convention.
4. At each regular meeting, the Parties may determine the time and venue of the next regular meeting to be held in accordance with the provisions of paragraph 2 of this Article.
5. At any meeting, the Parties may determine and adopt rules of procedure for the meeting.
6. The United Nations, its Specialized Agencies and the International Atomic Energy Agency, as well as any State not a Party to the present Convention, may be represented at meetings of the Conference by observers, who shall have the right to participate but not to vote.
7. Any body or agency technically qualified in protection, conservation or management of wild fauna and flora, in the following categories, which has informed the Secretariat of its desire to be represented at meetings of the Conference by observers, shall be admitted unless at least one-third of the Parties present object:
  - (a) international agencies or bodies, either governmental or non-governmental, and national governmental agencies and bodies; and
  - (b) national non-governmental agencies or bodies which have been approved for this purpose by the State in which they are located.Once admitted, these observers shall have the right to participate but not to vote.

## Article XII

### The Secretariat

1. Upon entry into force of the present Convention, a Secretariat shall be provided by the Executive Director of the United Nations Environment Programme. To the extent and in the manner he considers appropriate, he may be assisted by suitable inter-governmental or non-governmental international or national agencies and bodies technically qualified in protection, conservation and management of wild fauna and flora.
2. The functions of the Secretariat shall be :
  - (a) to arrange for and service meetings of the Parties;
  - (b) to perform the functions entrusted to it under the provisions of Articles XV and XVI of the present Convention;
  - (c) to undertake scientific and technical studies in accordance with programmes authorized by the Conference of the Parties as will contribute to the implementation of the present Convention, including studies concerning standards for appropriate preparation and shipment of living specimens and the means of identifying specimens;
  - (d) to study the reports of Parties and to request from Parties such further information with respect thereto as it deems necessary to ensure implementation of the present Convention;
  - (e) to invite the attention of the Parties to any matter pertaining to the aims of the present Convention;
  - (f) to publish periodically and distribute to the Parties current editions of Appendices I, II and III together with any information which will facilitate identification of specimens of species included in those Appendices;
  - (g) to prepare annual reports to the Parties on its work and on the implementation of the present Convention and such other reports as meetings of the Parties may request;
  - (h) to make recommendations for the implementation of the aims and provisions of the present Convention, including the exchange of information of a scientific or technical nature;
  - (i) to perform any other function as may be entrusted to it by the Parties.

## Article XIII

### International Measures

1. When the Secretariat in the light of information received is satisfied that any species included in Appendix I or II is being affected adversely

by trade in specimens of that species or that the provisions of the present Convention are not being effectively implemented, it shall communicate such information to the authorised Management Authority of the Party or Parties concerned.

2. When any Party receives a communication as indicated in paragraph 1 of this Article, it shall, as soon as possible, inform the Secretariat of any relevant facts insofar as its laws permit and, where appropriate, propose remedial action. Where the Party considers that an inquiry is desirable, such inquiry may be carried out by one or more persons expressly authorized by the Party.
3. The information provided by the Party or resulting from any inquiry as specified in paragraph 2 of this Article shall be reviewed by the next Conference of the Parties which may make whatever recommendations it deems appropriate.

#### Article XIV

##### Effect on Domestic Legislation and International Conventions

1. 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 Appendix I, II or III.
2. The provisions of the present Convention shall in no way affect the provisions of any domestic measures or the obligations of Parties deriving from any treaty, convention, or international agreement relating to other aspects of trade, taking, possession or transport of specimens which is in force or subsequently may enter into force for any Party including any measure pertaining to the Customs, public health, veterinary or plant quarantine fields.
3. The provisions of the present Convention shall in no way affect the provisions of, or the obligations deriving from, any treaty, convention or international agreement concluded or which may be concluded between States creating a union or regional trade agreement establishing or maintaining a common external Customs control and removing Customs control between the parties thereto insofar as they relate to trade among the States members of that union or agreement.
4. A State party to the present Convention, which is also a party to any other treaty, convention or international agreement which is in force at the time of the coming into force of the present Convention and

- under the provisions of which protection is afforded to marine species included in Appendix II, shall be relieved of the obligations imposed on it under the provisions of the present Convention with respect to trade in specimens of species included in Appendix II that are taken by ships registered in that State and in accordance with the provisions of such other treaty, convention or international agreement.
5. Notwithstanding the provisions of Articles III, IV and V, any export of a specimen taken in accordance with paragraph 4 of this Article shall only require a certificate from a Management Authority of the State of introduction to the effect that the specimen was taken in accordance with the provisions of the other treaty, convention or international agreement in question.
  6. Nothing in the present Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to Resolution 2750 C (XXV) of the General Assembly of the United Nations nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction.

#### *Article XV*

##### **Amendments to Appendices I and II**

1. The following provisions shall apply in relation to amendments to Appendices I and II at meetings of the Conference of the Parties :
  - (a) Any Party may propose an amendment to Appendix I or II for consideration at the next meeting. The text of the proposed amendment shall be communicated to the Secretariat at least 150 days before the meeting. The Secretariat shall consult the other Parties and interested bodies on the amendment in accordance with the provisions of sub-paragraphs (b) and (c) of paragraph 2 of this Article and shall communicate the response to all Parties not later than 30 days before the meeting.
  - (b) Amendments shall be adopted by a two-thirds majority of Parties present and voting. For these purposes "Parties present and voting" means Parties present and casting an affirmative or negative vote. Parties abstaining from voting shall not be counted among the two-thirds required for adopting an amendment.
  - (c) Amendments adopted at a meeting shall enter into force 90 days after that meeting for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.
2. The following provisions shall apply in relation to amendments to Appendices I and II between meetings of the Conference of the Parties :
  - (a) Any Party may propose an amendment to Appendix I or II for

consideration between meetings by the postal procedures set forth in this paragraph.

- (b) For marine species, the Secretariat shall, upon receiving the text of the proposed amendment, immediately communicate it to the Parties. It shall also consult inter-governmental bodies having a function in relation to those species especially with a view to obtaining scientific data these bodies may be able to provide and to ensuring co-ordination with any conservation measures enforced by such bodies. The Secretariat shall communicate the findings and recommendations to the Parties as soon as possible.
- (c) For species other than marine species, the Secretariat shall, upon receiving the text of the proposed amendment, immediately communicate it to the Parties, and, as soon as possible thereafter, its own recommendations.
- (d) Any Party may, within 60 days of the date on which the Secretariat communicated its recommendations to the Parties under sub-paragraph (b) or (c) of this paragraph, transmit to the Secretariat any comments on the proposed amendment together with any relevant scientific data and information.
- (e) The Secretariat shall communicate the replies received together with its own recommendations to the Parties as soon as possible.
- (f) If no objection to the proposed amendment is received by the Secretariat within 30 days of the date the replies and recommendations were communicated under the provisions of sub-paragraph (e) of this paragraph, the amendment shall enter into force 90 days later for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.
- (g) If an objection by any Party is received by the Secretariat, the proposed amendment shall be submitted to a postal vote in accordance with the provisions of sub-paragraphs (h), (i) and (j) of this paragraph.
- (h) The Secretariat shall notify the Parties that notification of objection has been received.
- (i) Unless the Secretariat receives the votes for, against or in abstention from at least one-half of the Parties within 60 days of the date of notification under sub-paragraph (h) of this paragraph, the proposed amendment shall be referred to the next meeting of the Conference for further consideration.
- (j) Provided that votes are received from one-half of the Parties, the amendment shall be adopted by a two-thirds majority of Parties casting an affirmative or negative vote.
- (k) The Secretariat shall notify all Parties of the result of the vote.
- (l) If the proposed amendment is adopted it shall enter into force 90 days after the date of the notification by the Secretariat of its

- acceptance for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.
3. During the period of 90 days provided for by sub-paragraph (c) of paragraph 1 or sub-paragraph (l) of paragraph 2 of this Article any Party may by notification in writing to the Depositary Government make a reservation with respect to the amendment. Until such reservation is withdrawn the Party shall be treated as a State not a Party to the present Convention with respect to trade in the species concerned.

## Article XVI

### Appendix III and Amendments thereto

1. Any Party may at any time submit to the Secretariat a list of species which it identifies as being subject to regulation within its jurisdiction for the purpose mentioned in paragraph 3 of Article II. Appendix III shall include the names of the Parties submitting the species for inclusion therein, the scientific names of the species so submitted, and any parts or derivatives of the animals or plants concerned that are specified in relation to the species for the purposes of sub-paragraph (b) of Article I.
2. Each list submitted under the provisions of paragraph 1 of this Article shall be communicated to the Parties by the Secretariat as soon as possible after receiving it. The list shall take effect as part of Appendix III 90 days after the date of such communication. At any time after the communication of such list, any Party may by notification in writing to the Depositary Government enter a reservation with respect to any species or any parts or derivatives, and until such reservation is withdrawn, the State shall be treated as a State not a Party to the present Convention with respect to trade in the species or part or derivative concerned.
3. A Party which has submitted a species for inclusion in Appendix III may withdraw it at any time by notification to the Secretariat which shall communicate the withdrawal to all Parties. The withdrawal shall take effect 30 days after the date of such communication.
4. Any Party submitting a list under the provisions of paragraph 1 of this Article shall submit to the Secretariat a copy of all domestic laws and regulations applicable to the protection of such species, together with any interpretations which the Party may deem appropriate or the Secretariat may request. The Party shall, for as long as the species in question is included in Appendix III, submit any amendments of such laws and regulations or any interpretations as they are adopted.



## Article XVII

### Amendment of the Convention

1. An extraordinary meeting of the Conference of the Parties shall be convened by the Secretariat on the written request of at least one-third of the Parties to consider and adopt amendments to the present Convention. Such amendments shall be adopted by a two-thirds majority of Parties present and voting. For these purposes "Parties present and voting" means Parties present and casting an affirmative or negative vote. Parties abstaining from voting shall not be counted among the two-thirds required for adopting an amendment.
2. The text of any proposed amendment shall be communicated by the Secretariat to all Parties at least 90 days before the meeting.
3. An amendment shall enter into force for the Parties which have accepted it 60 days after two-thirds of the Parties have deposited an instrument of acceptance of the amendment with the Depositary Government. Thereafter, the amendment shall enter into force for any other Party 60 days after that Party deposits its instrument of acceptance of the amendment.

## Article XVIII

### Resolution of Disputes

1. Any dispute which may arise between two or more Parties with respect to the interpretation or application of the provisions of the present Convention shall be subject to negotiation between the Parties involved in the dispute.
2. If the dispute can not be resolved in accordance with paragraph 1 of this Article, the Parties may, by mutual consent, submit the dispute to arbitration, in particular that of the Permanent Court of Arbitration at The Hague, and the Parties submitting the dispute shall be bound by the arbitral decision.

## Article XIX

### Signature

The present Convention shall be open for signature at Washington until 30th April 1973 and thereafter at Berne until 31st December 1974.



## *Article XX*

### **Ratification, Acceptance, Approval**

The present Convention shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of the Swiss Confederation which shall be the Depositary Government.

## *Article XXI*

### **Accession**

The present convention shall be open indefinitely for accession. Instruments of accession shall be deposited with the Depositary Government.

## *Article XXII*

### **Entry into Force**

1. The present Convention shall enter into force 90 days after the date of deposit of the tenth instrument of ratification, acceptance, approval or accession, with the Depositary Government.
2. For each State which ratifies, accepts or approves the present Convention or accedes thereto after the deposit of the tenth instrument of ratification, acceptance, approval or accession, the present Convention shall enter into force 90 days after the deposit by such State of its instrument of ratification, acceptance, approval or accession.

## *Article XXIII*

### **Reservations**

1. The provisions of the present Convention shall not be subject to general reservations. Specific reservations may be entered in accordance with the provisions of this Article and Articles XV and XVI.
2. Any State may, on depositing its instrument of ratification, acceptance, approval or accession, enter a specific reservation with regard to:
  - (a) any species included in Appendix I, II or III; or
  - (b) any parts or derivatives specified in relation to a species included in Appendix III.
3. Until a Party withdraws its reservation entered under the provisions of this Article, it shall be treated as a State not a Party to the present

Convention with respect to trade in the particular species or parts or derivatives specified in such reservation.

#### Article XXIV

##### Denunciation

Any Party may denounce the present Convention by written notification to the Depositary Government at any time. The denunciation shall take effect twelve months after the Depositary Government has received the notification.

#### Article XXV

##### Depositary

1. The original of the present Convention, in the Chinese, English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited with the Depositary Government, which shall transmit certified copies thereof to all States that have signed it or deposited instruments of accession to it.
2. The Depositary Government shall inform all signatory and acceding States and the Secretariat of signatures, deposit of instruments of ratification, acceptance, approval or accession, entry into force of the present Convention, amendments thereto, entry and withdrawal of reservations and notifications of denunciation.
3. As soon as the present Convention enters into force, a certified copy thereof shall be transmitted by the Depositary Government to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations. *In witness whereof* the undersigned Plenipotentiaries, being duly authorized to that effect, have signed the present Convention.  
*Done at Washington this third day of March, One Thousand Nine Hundred and Seventy-three.*

# ANNEXURE - B

## LIST OF THE PARTIES

Convention on International Trade  
in Endangered Species of Wild Fauna and Flora

State	Date of entry into force
United States of America	01.07.75
Nigeria	01.07.75
Switzerland	01.07.75
Tunisia	01.07.75
Sweden	01.07.75
Cyprus	01.07.75
Ecuador	01.07.75
Chile	01.07.75
Uruguay	09.07.75
Canada	27.07.75
Mauritius	16.09.75
Nepal	25.09.75
Peru	28.09.75
Costa Rica	13.10.75
South Africa	04.11.75
Brazil	18.11.75
Madagascar	07.12.75
Niger	14.01.76
Morocco	12.02.76
Ghana	11.03.76
Papua New Guinea	20.06.76
Germany	19.07.76
Pakistan	08.08.76
Finland	18.10.76
India	18.10.76
Zaire	25.10.76
Norway	27.10.76
Australia	

State	Date of entry into force
United Kindgom of Great Britain and Northern Ireland	31.10.76
Iran, Islamic Republic of	01.11.76
Paraguay	13.02.77
Seychelles	09.05.77
Guyana	25.08.77
Denmark	24.10.77
Senegal	03.11.77
Nicaragua	04.11.77
Gambia	24.11.77
Malaysia	18.01.78
Venezuela	22.01.78
Botswana	12.02.78
Egypt	04.04.78
Monaco	18.07.78
France	09.08.78
Panama	15.11.78
Togo	21.01.79
Kenya	13.03.79
Jordan	14.03.79
Indonesia	28.03.79
Sri Lanka	02.08.79
Bhama's	18.09.79
Bolivia	04.10.79
Italy	31.12.79
Guatemala	05.02.80
Tanzania, United Republic of	27.02.80
Liechtenstein	28.02.80
Israel	17.03.80
Japan	04.11.80
Central African Republic	25.11.80
Rwanda	18.01.81
Suriname	15.02.81
Zambia	22.02.81
Portugal	11.03.81
Argentina	08.04.81
China	08.04.81
Liberia	09.06.81
Mozambique	23.06.81
Zimbabwe	17.08.81
Cameroon	03.09.81

State	Date of entry into force
Belize	21.09.81
Philippines	16.11.81
Colombia	29.11.81
Guinea	20.12.81
Bangladesh	18.02.82
Austria	27.04.82
Malawi	06.05.82
Sudan	24.01.83
Saint Lucia	15.03.83
Thailand	21.04.83
Congo	01.05.83
Belgium	01.01.84
Algeria	21.02.84
Luxembourg	12.03.84
Trinidad and Tobago	18.04.84
Benin	28.05.84
Netherlands	18.07.84
Honduras	13.06.85
Hungary	27.08.85
Afghanistan	28.01.86
Somalia	02.03.86
Spain	28.08.86
Singapore	28.02.87
Dominican Republic	17.03.87
El Salvador	29.07.87
Burundi	06.11.88
Saint Vincent and the Grenadines	28.02.89
Chad	03.05.89
Gabon	14.05.89
Ethiopia	04.07.89
Malta	16.07.89
New Zealand	08.08.89
Vanuatu	15.10.89
Burkina Faso	11.01.90
Poland	12.03.90
United Arab Emirates	09.05.90
Cuba	19.07.90
Brunei Darussalam	02.08.90
Guinea-Bissau	14.08.90
Namibia	18.03.91

State	Date of entry into force
	16.04.91
Bulgaria	30.09.91
Mexico	16.10.91
Uganda	01.01.92
Russian Federation	07.05.92
Djibouti	08.06.92
Equatorial Guinea	20.10.92
Estonia	01.01.93
Slovakia	01.01.93
Czech Republic	06.01.93
Greece	09.03.93
Barbados	07.10.93
Republic of Korea	20.04.94
Viet Nam	15.05.94
Saint Kitts and Nevis	16.10.94
Mali	22.01.95
Eritrea	26.01.95
Sierra Leone	19.02.95
Cote d'Ivoire	21.02.95
Comoros	02.11.95
Dominica	08.11.95
Belarus	04.04.96
Mongolia	10.06.96
Saudi Arabia	22.12.96
Turkey	12.05.97
Latvia	27.05.97
Swaziland	22.06.97
Jamaica	03.08.97
Yemen	02.09.97
Myanmar	02.10.97
Cambodia	06.10.97
Antigua	08.10.97
Uzbekistn	29.12.97
Fiji	11.06.98
Mauritania	21.02.99
Azerbaijan	28.11.99
Grenada	

ANNEXURE - C

**CRITERIA FOR AMENDMENT  
OF CITES APPENDICES**

Resolution - Conf. 9.24

*Criteria for Amendment of Appendices I and II*

**RECALLING** that the Conference of the Parties at its eighth meeting, held in Kyoto, Japan, in March 1992, was convinced that the criteria adopted at the first meeting of the Conference of the Parties (Berne, 1976) (Resolutions Conf. 1.1 and Conf. 1.2) did not provide an adequate basis for amending the appendices, and directed the Standing Committee to undertake, with the assistance of the Secretariat, a revision of the criteria for amending the appendices (Resolution Conf. 8.20);

**NOTING** that this review was carried out in consultation with the Parties and on the basis of initial technical work carried out by IUCN in collaboration with other experts;

**NOTING** further that all aspects of this review were addressed by a joint meeting of the Plants and Animals Committees, in association with the Standing Committee, held in Brussels in September 1993;

**CONSIDERING** the fundamental principles in paragraphs 1 and 2 of Article II of the Convention, which specify the species to be included in Appendices I and II;

**RECOGNIZING** that to qualify for inclusion in Appendix I a species must meet biological and trade criteria;

**RECALLING** that Article II, paragraph 2(a), provides for the inclusion of species which may become threatened with extinction in Appendix II, in order to avoid utilization incompatible with their survival;

**RECOGNIZING** that for the proper implementation of this provision it is necessary to adopt appropriate criteria, considering both biological and trade factors;

**RECALLING** that paragraph 2(b) of Article II provides only for the inclusion in Appendix II of species which must be subject to regulation in order that trade in specimens of certain species included in Appendix II in accordance with Article II, paragraph 2(a), may be brought under effective control;

**CONSIDERING**, however, that this provision should also apply where there is a need to bring under effective control trade in specimens of species included in Appendix I;

**RECOGNIZING** that the range States of a species subject to an amendment proposal should be consulted following the procedures recommended by the Conference of the Parties, and that the intergovernmental bodies having a function in relation to that species should be consulted as well;

**NOTING** the competence of certain intergovernmental organizations in relation to the management of marine species;

**RECALLING** that the international trade in all wild fauna and flora is under the purview of the Convention;

**EMPHASIZING** the importance of Resolution Conf. 3.4, adopted at the third meeting of the Conference of the Parties (New Delhi, 1981), regarding the need to provide to developing countries technical assistance in matters relating to the Convention;

**RECOGNIZING** that by virtue of the precautionary principle, in cases of uncertainty, the Parties shall act in the best interest of the conservation of the species when considering proposals for amendment of Appendices I and II;

**THE CONFERENCE OF THE PARTIES TO THE CONVENTION**  
**ADOPTS** the following Annexes as an integral part of this Resolution:

- Annex 1: Biological criteria for Appendix I;
- Annex 2a: Criteria for the inclusion of species in Appendix II in accordance with Article II, paragraph 2(a);
- Annex 2b: Criteria for the inclusion of species in Appendix II in accordance with Article II, paragraph 2(b);
- Annex 3: Special cases;
- Annex 4: Precautionary measures;
- Annex 5: Definitions, notes and guidelines; and
- Annex 6: Format for proposals to amend the appendices;



**RESOLVES** that when considering any proposal to amend Appendix I or II the Parties shall apply the precautionary principle so that scientific uncertainty should not be used as a reason for failing to act in the best interest of the conservation of the species;

**RESOLVES** that, when considering proposals to amend Appendices I and II, the following applies:

- a) any species that is or may be affected by trade should be included in Appendix I if it meets at least one of the biological criteria listed in Annex 1;
- b) a species "is or may be affected by trade" if:
  - i) it is known to be in trade; or
  - ii) it is probably in trade, but conclusive evidence is lacking; or
  - iii) there is potential international demand for specimens; or
  - iv) it would probably enter trade were it not subject to Appendix-I controls;
- c) any species that meets the criteria for inclusion in Appendix II listed in Annex 2a should be included in Appendix II in accordance with Article II, paragraph 2 (a) ;
- d) species should be included in Appendix II under the provisions of Article II, paragraph 2 (b) , if they satisfy the criteria listed in Annex 2b;
- e) species should be included in more than one appendix at the same time, and higher taxa should be included in the appendices, only if the species or higher taxa concerned satisfy the relevant criteria listed in Annex 3;
- f) species of which all specimens in trade have been bred in captivity or artificially propagated should not be included in the appendices if there is no probability of trade taking place in specimens of wild origin;
- g) any species included in Appendix I for which sufficient data are available to demonstrate that it does not meet the criteria listed in Annex 1 should be transferred to Appendix II only in accordance with the relevant precautionary measures listed in Annex 4;
- h) any species included in Appendix II in accordance with Article II, paragraph 2 (a) , that does not meet the criteria listed in Annex 2a should be deleted only in accordance with the relevant precautionary measures listed in Annex 4; and species included in accordance with Article II, paragraph 2 (b) , because they look like the species subject to the deletion, or for a related reason, should also be deleted only in accordance with the relevant precautionary measures; and
- i) the views, if any, of intergovernmental organizations with competence for the management of the species concerned should be taken into account;

**RESOLVES** that proposals to amend Appendices I and II should be based on the best information available and presented in the format in Annex 6, unless otherwise justified;

**RESOLVES** that, to monitor the effectiveness of protection offered by the Convention, the status of species included in Appendices I and II should be regularly reviewed by the range States and proponents, in collaboration with the Animals Committee or the Plants Committee, subject to the availability of funds;

**URGES** Parties and co-operating organizations to provide financial and technical assistance, when requested, in the preparation of proposals to amend the appendices, the development of management programmes, and the review of the effectiveness of the inclusion of species in the appendices. Parties should be open to using other available international mechanisms and instruments for these purposes in the broader context of biodiversity;

**RECOMMENDS** that the text and the annexes of this Resolution be fully reviewed before the twelfth meeting of the Conference of the Parties with regard to the scientific validity of the criteria, definitions, notes and guidelines and their applicability to different groups of organisms; and

**REPEALS** the Resolutions listed hereunder:

- a) Resolution Conf. 1.1 (Berne, 1976) - Criteria for the Addition of Species and Other Taxa to Appendices I and II and for the Transfer of Species and Other Taxa from Appendix II to Appendix I;
- b) Resolution Conf. 1.2 (Berne, 1976) - Criteria for the Deletion of Species and Other Taxa from Appendices I and II;
- c) Resolution Conf. 2.17 (San José, 1979) - Format for Proposals to Amend Appendix I or II;
- d) Resolution Conf. 2.19 (San José, 1979) - Criteria for Addition of Extremely Rare Species to Appendix I;
- e) Resolution Conf. 2.20 (San José, 1979) - The Use of the Subspecies as a Taxonomic Unit in the Appendices;
- f) Resolution Conf. 2.21 (San José, 1979) - Species Thought to Be Extinct;
- g) Resolution Conf. 2.22 (San José, 1979) - Trade in Feral Species;
- h) Resolution Conf. 2.23 (San José, 1979) - Special Criteria for the Deletion of Species and Other Taxa Included in Appendix I or II without Application of the Berne Criteria for Addition;
- i) Resolution Conf. 3.20 (New Delhi, 1981) - Ten-year Review of the Appendices;
- j) Resolution Conf. 4.26 (Gaborone, 1983) - Ten-year Review of the Appendices;

- k) Resolution Conf. 7.14 (Lausanne, 1989) - Special Criteria for the Transfer of Taxa from Appendix I to Appendix II; and
- l) Resolution Conf. 8.20 (Kyoto, 1992) - Development of New Criteria for Amendment of the Appendices.

## Annex I

### Biological Criteria for Appendix I

The following criteria must be read in conjunction with the definitions, notes and guidelines listed in Annex 5.

A species is considered to be threatened with extinction if it meets, or is likely to meet, at least one of the following criteria.

- A. The wild population is small, and is characterized by at least one of the following:
  - i) an observed, inferred or projected decline in the number of individuals or the area and quality of habitat; or
  - ii) each sub-population being very small; or
  - iii) a majority of individuals, during one or more life-history phases, being concentrated in one sub-population; or
  - iv) large short-term fluctuations in the number of individuals; or
  - v) a high vulnerability due to the species' biology or behaviour (including migration).
- B. The wild population has a restricted area of distribution and is characterized by at least one of the following:
  - i) fragmentation or occurrence at very few locations; or
  - ii) large fluctuations in the area of distribution or the number of sub-populations; or
  - iii) a high vulnerability due to the species' biology or behaviour (including migration); or
  - iv) an observed, inferred or projected decrease in any one of the following: the area of distribution; or
    - the number of sub-populations; or
    - the number of individuals; or
    - the area or quality of habitat; or
    - reproductive potential.
- C. A decline in the number of individuals in the wild, which has been either:
  - i) observed as ongoing or as having occurred in the past (but with a potential to resume); or
  - ii) inferred or projected on the basis of any one of the following:
    - a decrease in area or quality of habitat; or
    - levels or patterns of exploitation; or

- threats from extrinsic factors such as the effects of pathogens, competitors, parasites, predators, hybridization, introduced species and the effects of toxins and pollutants; or
  - decreasing reproductive potential.
- D. The status of the species is such that if the species is not included in Appendix I, it is likely to satisfy one or more of the above criteria within a period of five years.

#### **Annex 2a**

##### **Criteria for the Inclusion of Species in Appendix II**

in Accordance with Article II, Paragraph 2(a) The following criteria must be read in conjunction with the definitions, notes and guidelines listed in Annex 5.

A species should be included in Appendix II when either of the following criteria is met.

- A. It is known, inferred or projected that unless trade in the species is
  - subject to strict regulation, it will meet at least one of the criteria listed in Annex 1 in the near future.
- B. It is known, inferred or projected that the harvesting of specimens from the wild for international trade has, or may have, a detrimental impact on the species by either:
  - i) exceeding, over an extended period, the level that can be continued in perpetuity; or
  - ii) reducing it to a population level at which its survival would be threatened by other influences.

#### **Annex 2b**

##### **Criteria for the Inclusion of Species in Appendix II**

in Accordance with Article II, Paragraph 2(b)

Species should be included in Appendix II in accordance with Article II, paragraph 2(b), if they satisfy one of the following criteria.

- A. The specimens resemble specimens of a species included in Appendix II under the provisions of Article II, paragraph 2(a), or in Appendix I, such that a non-expert, with reasonable effort, is unlikely to be able to distinguish between them.
- B. The species is a member of a taxon of which most of the species are included in Appendix II under the provisions of Article II, paragraph 2(a), or in Appendix I, and the remaining species must be included to bring trade in specimens of the others under effective control.

## Annex 3

### Special Cases

#### Split-Listing

Listing of a species in more than one appendix should be avoided in general in view of the enforcement problems it creates. When split-listing does occur, this should generally be on the basis of national or continental populations, rather than subspecies. Split-listings that place some populations of a species in the appendices, and the rest outside the appendices, should normally not be permitted.

For species outside the jurisdiction of any State, listing in the appendices should use the terms used in other relevant international agreements, if any, to define the population. If no such international agreement exists, then the appendices should define the population by region or by geographic co-ordinates.

Taxonomic names below the species level should not be used in the appendices unless the taxon in question is highly distinctive and the use of the name would not give rise to enforcement problems.

#### Higher-Taxa

If all species of a higher taxon are included in Appendix I or II, they should be included under the name of the higher taxon. If some species in a higher taxon are included in Appendix I or II and all the rest in the other appendix, the latter species should be included under the name of the higher taxon, with an appropriate annotation.

## Annex 4

### Precautionary Measures

- A. When considering proposals to amend the appendices, the Parties shall, in the case of uncertainty, either as regards the status of a species or as regards the impact of trade on the conservation of a species, act in the best interest of the conservation of the species.
- B.
  1. No species listed in Appendix I shall be removed from the appendices unless it has been first transferred to Appendix II, with monitoring of any impact of trade on the species for at least two intervals between meetings of the Conference of the Parties.
  2. Species included in Appendix I should only be considered for

transfer to Appendix II if they do not satisfy the relevant criteria in Annex 1. Even if such species do not satisfy the relevant criteria in Annex 1, they should be retained in Appendix I unless they satisfy one of the following criteria:

- a. the species is not in demand for international trade, nor is its transfer to Appendix II likely to stimulate trade in, or cause enforcement problems for, any other species included in Appendix I; or
  - b. the species is likely to be in demand for trade, but its management is such that the Conference of the Parties is satisfied with:
    - i) implementation by the range States of the requirements of the Convention, in particular Article IV; and
    - ii) appropriate enforcement controls and compliance with the requirements of the Convention; or
  - c. an integral part of the amendment proposal is an export quota approved by the Conference of the Parties, based on management measures described in the supporting statement of the amendment proposal, provided that effective enforcement controls are in place; or
  - d. an integral part of the amendment proposal is an export quota approved by the Conference of the Parties for a specified period of time, based on management measures described in the supporting statement of the amendment proposal, provided that effective enforcement controls are in place; or
  - e. a ranching proposal is submitted consistent with the applicable Resolutions of the Conference of the Parties and is approved.
3. No proposal for transfer of a species from Appendix I to Appendix II with an export quota shall be considered from a Party that has entered a reservation for the species in question, unless that Party agrees to remove the reservation within 90 days of the adoption of the amendment.
  4. No species should be deleted from Appendix II if such deletion would be likely to result in it qualifying for inclusion in the appendices in the near future.
- C. The following review procedures shall apply when a species is transferred to Appendix II pursuant to paragraphs B 2.c. and B 2.d. above.
1. Where the Plants Committee, the Animals Committee or a Party becomes aware of problems in compliance with the management measures and export quotas of another Party, the Secretariat shall be informed and, if the Secretariat fails to resolve the matter

satisfactorily, it shall inform the Standing Committee which may, after consultation with the Party concerned, recommend to all Parties that they suspend trade with that Party in specimens of CITES-listed species, and/or request the Depositary Government to prepare a proposal to transfer the population back to Appendix I.

2. If, on review of a quota and its supporting management measures, the Animals or Plants Committee encounters any problems with compliance or potential detriment to a species, the relevant Committee shall request the Depositary Government to prepare a proposal for appropriate remedial action.

D. If the proponent Party wishes to renew, amend or delete a quota established pursuant to paragraph B 2.d. above, it shall submit an appropriate proposal for consideration at the next meeting of the Conference of the Parties. In anticipation of there being no such proposal submitted, the Depositary Government shall submit a proposal for consideration at the next meeting of the Conference of the Parties to impose a zero quota.

- E. Species that are regarded as possibly extinct should not be deleted from Appendix I if they may be affected by trade in the event of their rediscovery; these species should be annotated in the appendices as "p.e." (i.e. possibly extinct) .

## Annex 5

### Definitions, Notes and Guidelines

#### Area of distribution

Area of distribution is defined as the area contained within the shortest continuous imaginary boundary which can be drawn to encompass all the known, inferred or projected sites of occurrence, excluding cases of vagrancy (though inferring and projecting area of occurrence should be undertaken carefully, and in a precautionary manner) . The area within the imaginary boundary should, however, exclude significant areas where the species does not occur, and so in defining area of distribution, account should be taken of discontinuities or disjunctions in the spatial distribution of species. For migratory species, the area of distribution is the smallest area essential at any stage for the survival of that species (e.g. colonial nesting sites, feeding sites for migratory taxa, etc.). For some species in trade where data exist to make an estimate, a figure of less than 10,000 km<sup>2</sup> has been found to be an appropriate guideline (not a threshold) of what constitutes a restricted area of distribution. However,

this figure is presented only as an example, since it is impossible to give numerical values that are applicable to all taxa. There will be many cases where this numerical guideline does not apply.

#### Decline

A decline is a reduction in the number of individuals, or a decrease of the area of distribution, the causes of which are either not known or not adequately controlled. It need not necessarily still be continuing. Natural fluctuations will not normally count as part of a decline, but an observed decline should not be considered part of a natural fluctuation unless there is evidence for this. A decline that is the result of a harvesting programme that reduces the population to a planned level, not detrimental to the survival of the species, is not covered by the term "decline". For some species in trade where data exist to make an estimate, a decrease of 50% or more in total within 5 years or two generations, whichever is the longer, has been found to be an appropriate guideline (not a threshold) of what constitutes a decline. A guideline (not a threshold) of what constitutes a decline in a small wild population could be 20% or more in total within ten years or three generations, whichever is the longer. However, both these figures are presented only as examples, since it is impossible to give numerical values that are applicable to all taxa. There will be many cases where these numerical guidelines do not apply.

#### Extended period

The meaning of the term extended period will vary according to the biological characteristics of the species. Selection of the period will depend upon the observed pattern of natural fluctuations in the abundance of the species and on whether the number of specimens removed from the wild is consistent with a sustainable harvesting programme that is based on these natural fluctuations.

#### Fragmentation

Fragmentation refers to the case where most individuals within a taxon are found in small and relatively isolated sub-populations, which increases the probability that these small sub-populations will become extinct and the opportunities for re-establishment are limited. For some species in trade where data exist to make an estimate, an area of distribution of 500 km<sup>2</sup> or less for each subpopulation has been found to be an appropriate guideline (not a threshold) of what constitutes fragmentation. However, this figure is presented only as an example, since it is impossible to give numerical values that are applicable to all taxa. There will be many cases where this numerical guideline does not apply.



### Generation

Generation is measured as the average age of parents in the population; except in the case of species that breed only once a lifetime, this will always be longer than the age at maturity.

### Large fluctuations

Large fluctuations occur in a number of species where the population size or area of distribution varies widely, rapidly and frequently, with a variation greater than one order of magnitude. For some species in trade where data exist to make an estimate, a figure of two years or less has been found to be an appropriate guideline (not a threshold) of what constitutes a short-term fluctuation. However, this figure is presented only as an example, since it is impossible to give numerical values that are applicable to all taxa. There will be many cases where this numerical guideline does not apply.

### Population

Population is measured as the total number of individuals of the species (as defined in Article I of the Convention). In the case of species biologically dependent on other species for all or part of their life cycles, biologically appropriate values for the host species should be chosen. For some species in trade where data exist to make an estimate, a figure of less than 5,000 individuals has been found to be an appropriate guideline (not a threshold) of what constitutes a small wild population. However, this figure is presented only as an example, since it is impossible to give numerical values that are applicable to all taxa. There will be many cases where this numerical guideline does not apply.

### Possibly extinct

A species is presumed extinct when exhaustive surveys in known and/or suspected habitat, and at appropriate times (diurnal, seasonal, annual), throughout its historic range have failed to record an individual. Before a species can be declared possibly extinct, surveys should take place over a time frame appropriate to the species's life cycle and life form.

### Sub-populations

Sub-populations are defined as geographically or otherwise distinct groups in the population between which there is little exchange. For some species in trade where data exist to make an estimate, a figure of less than 500 individuals has been found to be an appropriate guideline (not a threshold) of what constitutes a very small sub-population. However, this figure is presented only as an example, since it is impossible to give numerical values that are applicable to all taxa. There will be many cases where this numerical guideline does not apply.

### Threatened with extinction

Threatened with extinction is defined by Annex 1. The vulnerability of a species to threats of extinction depends on its population demographics, biological characteristics, such as body size, trophic level, life cycle, breeding structure or social structure requirements for successful reproduction, and vulnerability due to aggregating habits, natural fluctuations in population size (dimensions of time and magnitude), residency/migratory patterns. This makes it impossible to give numerical values for population size or area of distribution that are applicable to all taxa.

## **Annex 6**

### **Format for Proposals to Amend the Appendices**

The following provides information and instructions for the submission of a proposal to amend the appendices and the appropriate supporting statement. Proponents should be guided by the need to provide to the Conference of the Parties sufficient information, of sufficient quality and in sufficient detail (to the extent available), to allow the Conference to judge the proposal against the criteria established for the proposed action. This means that the relevant published and unpublished sources of information should be used, but acknowledges that for some species the amount of scientific information will be limited. Furthermore, this means that it may not be possible to address all elements of the Proposal, Format.

#### A. Proposal

The proponent should indicate the intent of the specific action being proposed and the relevant criteria against which the proposal is to be judged.

- Inclusion in Appendix I
- Inclusion in Appendix II
- in accordance with Article II 2 (a)
- in accordance with Article II 2 (b)  
for reasons of look-alike problems (in this case, the name of the similar species already included in the appendices should be given in section C 7. Additional Remarks)
- for other reasons (such as those referred to in Annex 3 to this Resolution)
- Transfer from Appendix I to Appendix II in accordance with a precautionary measure specified in Annex 4 to this Resolution
- Deletion from Appendix II
- Other action (provide explanation)

## B. Proponent

The proponent may only be a Party to the Convention, in accordance with Article XV of the Convention.

## C. Supporting Statement

### 1. Taxonomy

The proponent should provide sufficient information to allow the Conference of the Parties to identify clearly the taxon that is the subject of the proposal.

#### 1.1 Class

#### 1.2 Order

#### 1.3 Family

#### 1.4 Genus, species or subspecies, including author and year

If the species concerned is included in one of the standard lists of names or taxonomic references adopted by the Conference of the Parties, the name provided by that reference should be entered here. If the species concerned is not included in one of the adopted standard references, the proponent should provide references as to the source of the name used.

#### 1.5 Scientific synonyms

#### 1.6 Common names

The proponent should provide information on other scientific names or synonyms under which the species concerned may be known currently, especially if these names are used in the trade in the species.

#### 1.7 Code numbers

If the species concerned is already included in the appendices, refer to the code numbers in the CITES Identification Manual.

### 2. Biological Parameters

The information required in this section is a summary of the principal results of surveys, literature searches, and other studies. The references used must be listed in section 8. of the proposal. It is understood that the quality of information available will vary a lot. But these instructions indicate the type of information that is required.

#### 2.1 Distribution

Give an estimate of the current range of the species, and specify the references used. Specify the types of habitats occupied and, if possible, the extent of each habitat type over the range of the species. If possible, provide information to indicate whether or not the distribution of the species is continuous and, if it is not, indicate to what degree it is fragmented.

#### 2.2 Habitat availability

Give information on the nature, rate and extent of habitat loss and/or degradation, if possible with information from at least three points in time, and give the basis for future projections.

### 2.3 Population status

Give an estimate of the total population or number of individuals with: i) date and nature of census; and ii) justification for any inferences made about total population size and/or number of individuals. Give the number of sub-populations, where possible their estimated size, and the date and method of census. Give an estimate of, or information on, the size of the population in captivity.

### 2.4 Population trends

Basic, quantitative and referenced information should be provided on whether the population of the species is increasing, stable or declining. The period over which the trend, if any, has been measured should be indicated. If the species naturally undergoes marked fluctuations in population size, information should be provided to demonstrate that the trend transcends natural fluctuations. If generation-time has been used in estimating the trend, state how the generation-time has been estimated.

### 2.5 Geographic trends

Give data on the nature, rate and extent of decrease in range area or number of sub-populations, if possible with information from at least three points in time. Give data on the degree and periodicity of fluctuations in range area or number of sub-populations, if possible with information from at least three points in time.

### 2.6 Role of the species in its ecosystem

Give information about the specific relationship that exists between this species and others living in the same ecosystem. Indicate the possible consequences of depletion of the population of the species proposed for listing, for those depending on or associated with it.

### 2.7 Threats

Specify the nature, intensity and extent of threats (e.g. habitat loss and/or degradation; exploitation; effects of introduced species, competitors, pathogens, parasites, predators, hybridization and the effects of toxins and pollutants; etc) , if possible with information from at least three points in time, and give the basis for future projections.

## 3. Utilization and Trade

### 3.1 National utilization

Give data on the level of exploitation, indicating trends if possible. Specify the purposes of exploitation. Provide details of harvest methods. Assess the importance of the offtake and the relationship between national and international trade.

Provide details of any stockpiles known to exist, and the measures that might be taken to dispose of them.

Where applicable, provide details of commercial captive-breeding or artificial propagation operations for the species in question, including the size of captive stock and the production, and the extent to which these operations are either contributing to a conservation programme or meeting a demand that would otherwise be met by specimens from the wild.

### 3.2 Legal international trade

Quantify the level of international trade, identifying the source of statistics used (e.g. Customs statistics, CITES annual report data, FAO data, industry reports, etc.). Provide justification for inferences made about trade levels. Provide information about the nature of the trade (e.g. primarily for commercial purposes, primarily live specimens, primarily parts and derivatives, primarily of captive-bred or artificially propagated specimens, etc.) and about how the proposed amendment is expected to affect the nature of the trade.

### 3.3 Illegal trade

To the extent possible, quantify the level of illegal trade, including national and international trade, and provide details of the nature of this trade. Assess the relative importance of this trade as it relates to legal offtake for national use or legal international trade. Provide information on how the proposed amendment is expected to affect the nature of the trade.

### 3.4 Actual or potential trade impacts

Comment on the actual or potential trade impacts of the proposed amendment on the species in question, and on the reason for believing that trade might become a threat to the survival of the species in question, or on whether trade may be beneficial to the survival of the species in question. Where applicable, include information on the actual or potential ecological impacts of the change in trade controls.

### 3.5 Captive breeding or artificial propagation for commercial purposes (outside country of origin)

To the extent possible, provide information on the extent of captive breeding or artificial propagation outside the country or countries of origin.

## 4. Conservation and Management

### 4.1 Legal status

#### 4.1.1 National

Provide details of legislation relating to the conservation of the species, including its habitat, either specifically (such as endangered species legislation) or generally (such as legislation on wildlife and accompanying regulations).

Indicate the nature of legal protection (i.e. is the species totally protected, or whether harvesting is regulated or controlled) . Provide an assessment of the effectiveness of this legislation in ensuring the protection and/or wise management of the species.

Provide similar information relating to legislation governing the management of trade in the species in question. Provide an assessment of the effectiveness of this legislation in controlling illegal trade in the species.

#### 4.1.2 International

In preparing proposals to amend the appendices, consult in advance with the relevant competent intergovernmental organizations responsible for the conservation and management of the species, and take their views fully into account.

Provide details of international instruments relating to the species in question, including the nature of the protection afforded by such instruments. Provide an assessment of the effectiveness of these instruments in ensuring the protection and/or wise management of the species.

Provide similar information relating to international instruments relating to the management of trade in the species in question. Provide an assessment of the effectiveness of these instruments in controlling illegal trade in the species.

#### 4.2 Species management

##### 4.2.1 Population monitoring

Provide details of programmes in place in the range States to monitor the status of wild populations and the sustainability of offtake from the wild. Such programmes might be under the auspices of government or through non-governmental organizations or scientific institutions. Indicate the extent to which non-governmental monitoring programmes link to governmental decision-making.

##### 4.2.2 Habitat conservation

Provide details of programmes in place in the range States to protect the habitat of the species in question, both inside and outside protected areas. Provide details about the nature of the protection offered by the programmes in question.

##### 4.2.3 Management measures

Provide details of programmes in place in the range States to manage populations of the species in question (e.g. controlled harvest from the wild, captive breeding or artificial propagation, reintroduction, ranching, quota systems, etc.). Include, where appropriate, details such as

planned harvest rates, planned population sizes, mechanisms for ensuring that the advice of those responsible for management of the species is taken into account, mechanisms and criteria for the establishment of quotas, etc. Where applicable, provide details of any mechanisms used to ensure a return from utilization of the species in question to conservation and/or management programmes (e.g. pricing schemes, community ownership plans, export tariffs, etc.).

#### 4.3 Control measures

##### 4.3.1 International trade

Provide information regarding measures in place, in addition to CITES, to control the movement of specimens of the species in question across international borders. Include information about marking schemes in place, if any.

##### 4.3.2 Domestic measures

Provide information regarding controls in the range States aimed at ensuring a sustainable harvest from the wild of the species in question. Include information on education, compliance and enforcement activities as appropriate and an assessment of the effectiveness of the programmes.

#### 5. Information on Similar Species

Give the names of species of which specimens in trade look very similar, state how they may be distinguished, and explain whether or not it is reasonable to expect an informed non-expert to be able to make a firm identification. Outline measures that would need to be taken to handle potential difficulties in distinguishing between specimens of this and similar species.

If the proposed amendment would be likely to lead to an increase in trade in the species concerned, explain why this would not result in unsustainable trade in similar species.

#### 6. Other Comments

Provide details of the consultation undertaken to secure comments on the proposal from the range States of the species, either through direct contact or via the CITES Secretariat. Comments received from each country should be provided. Where comments were sought but not received in sufficient time to enable their inclusion in the supporting statement, this should be noted, as well as the date of the request.

In cases of consultation with Parties via the CITES Secretariat, information from range States and non-range States should be separated.

In the case of species that are also managed through other international agreements or intergovernmental bodies, provide details

of the consultations undertaken to obtain the comments of those organizations or bodies, and indicate how those comments have been addressed in the supporting statement. Where comments were sought but not received in sufficient time to enable their inclusion in the supporting statement, this should be noted, as well as the date of the request.

7. Additional Remarks
8. References



ANNEXURE - D

**ESTABLISHMENT OF COMMITTEES**

Resolution: Conf. 9.1 (Rev.)

Recalling Resolutions Conf. 6.1 and Conf. 7.1, adopted by the Conference of the Parties at its sixth and seventh meetings (Ottawa, 1987; Lausanne 1989); relating to the establishment of Committees;

Recognizing that Rules of Procedure common to all Committees are an essential requirement for formal meetings;

**The Conference of the Parties to the Convention**

Agrees to formalize a system for the appointment of committees of the Conference of the Parties and to establish procedures to be followed when committees are created;

Resolves that:

- a) there shall be a permanent Standing Committee of the Conference of the Parties, which shall be the senior Committee, and shall report to the Conference of the Parties;
- b) there shall be an Animals Committee, a Plants Committee, an Identification Manual Committee and a Nomenclature Committee, which shall report to the Conference of the Parties at its meetings and, if so requested, to the Standing Committee between meetings of the Conference of the Parties;
- c) the Conference of the Parties may appoint additional committees as the need arises;
- d) the Conference of the Parties or the Standing Committee may appoint working groups with specific terms of reference as required to address specific problems. These working groups shall have a defined lifespan which shall not exceed the period until the next meeting of the Conference of the Parties, at which time it may be renewed if necessary. They shall report to the Conference of the Parties and, if so requested, to the Standing Committee;
- e) the Rules of Procedure to be adopted by the Standing Committee shall apply to other Committees as far as is practicable;

- f) regional representatives shall be elected by the Conference of the Parties as members of the Standing Committee;
- g) to the extent possible, the Secretariat shall make provision for the payment, if requested, of reasonable and justifiable travel expenses of members of the Standing Committee;
- h) all Committees established by the Conference of the Parties shall be listed in Annexes to this Resolution; and
- i) the Secretariat shall, upon request by a Committee Chairman, provide secretarial services when such services can be met within the approved budget of the Secretariat; and

Repeals the Resolutions listed hereunder:

- a) Resolution Conf. 6.1 (Ottawa, 1987) - Establishment of Committees; and
- b) Resolution Conf. 7.1 (Lausanne, 1989) - Membership of the Standing Committee.

#### Annex 1

### ESTABLISHMENT OF THE STANDING COMMITTEE OF THE CONFERENCE OF THE PARTIES

Considering the important role that the Standing Committee plays in steering the work and performance of the Convention in the periods between the meetings of the Conference of the Parties;

Considering the number of wildlife trade problems that occur between the South and the North, and the significant influence of the Standing Committee in deciding the status of the affected species listed in the appendices;

Considering the existing imbalance in the regional representation in the Standing Committee, in that four regions include between twenty and forty-one Parties, while two regions include three or four Parties;

Considering that skewed representation on the Standing Committee could cause unfair assessment in deciding issues of great concern to producer States;

Considering the importance of ensuring that representation of regions in the Convention clearly reflects the participation of the Parties covered by each region;

## THE CONFERENCE OF THE PARTIES TO THE CONVENTION

Resolves to re-establish the Standing Committee of the Conference of the Parties, and to establish Terms of Reference as follows:

within the policy agreed to by the Conference of the Parties, the Standing Committee shall:

- a) provide general policy and general operational direction to the Secretariat concerning the implementation of the Convention;
- b) provide guidance and advice to the Secretariat on the preparation of agendas and other requirements of meetings, and on any other matters brought to it by the Secretariat in the exercise of its function;
- c) oversee, on behalf of the Parties, the development and execution of the Secretariat's budget as derived from the Trust Fund and other sources, and also all aspects of fund-raising undertaken by the Secretariat in order to carry out specific functions authorized by the Conference of the Parties, and to oversee expenditures of such fund raising activities;
- d) provide co-ordination and advice as required to other Committees and provide direction and co-ordination of working groups established by either itself or the Conference of the Parties;
- e) carry out, between one meeting of the Conference of the Parties and the next, such interim activities on behalf of the Conference as may be necessary;
- f) draft resolutions for consideration by the Conference of the Parties;
- g) report to the Conference of the Parties on the activities it has carried out between meetings of the Conference;
- h) act as the Bureau at meetings of the Conference of the Parties, until such time as the Rules of Procedure are adopted; and
- i) perform any other functions as may be entrusted to it by the Conference of the Parties;

### Determines

- a) the following principles for the composition of the Standing Committee:
  - i) the membership of the Standing Committee shall consist of:
    - A) a Party or Parties elected from each of the six major geographic regions consisting of Africa, Asia, Europe, North America, South and Central America and the Caribbean, and Oceania, according to the following criteria:

- a) one representative for regions with up to 15 Parties;
- b) two representatives for regions with 16 to 30 Parties;  
or
- c) three representatives for regions with more than 30 Parties;
- B) the Depositary Government;
- C) the past host Party and the next host Party; and
- D) each Party elected as an alternate member for a member described in paragraph A, to be represented at meetings as a regional member only in the absence of a representative of the member for which it is the alternate; and
- ii) the membership of the Committee shall be reviewed at every regular meeting of the Conference of the Parties. The terms of office of the regional members shall commence at the close of the regular meeting at which they are elected and shall expire at the close of the second regular meeting thereafter;
- b) that the Standing Committee shall adhere to the following procedures:
  - i) all Committee members may participate in Committee business but only the regional members or alternate regional members shall have the right to vote except in the case of a tie vote, when the Depositary Government shall have the right to vote to break the tie;
  - ii) the Chairman, Vice-Chairman and any other necessary executive officers shall be elected by and from the regional members;
  - iii) if an extraordinary meeting of the Conference of the Parties is held between two regular meetings, the host Party of that meeting shall participate in the work of the Committee on matters related to the organization of the meeting;
  - iv) Parties not members of the Committee shall be entitled to be represented at meetings of the Committee by an observer who shall have the right to participate but not to vote;
  - v) the Chairman may invite any person or representative of any other country or organization to participate in meetings of the Committee as an observer without the right to vote; and
  - vi) the Secretariat shall inform all Parties of the time and venue of Standing Committee meetings; and
- c) the following principles for the payment of travel expenses to members of the Standing Committee:
  - i) the Secretariat shall make provisions in its budget for the

- payments, if requested, of reasonable and justifiable travel expenses of one person representing each regional member, to attend one Standing Committee meeting per calendar year;
- ii) members should make every effort to pay their own travel expenses;
  - iii) the Chairman of the Standing Committee may be refunded for all reasonable and justifiable travel expenses for travel undertaken on behalf of the Conference of the Parties, the Standing Committee, or the Secretariat;
  - iv) claims for refunds must be supported by receipts, and be submitted to the Secretariat within thirty days from the completion of the travel; and
  - v) refunds may be provided in U.S. dollars or Swiss francs.

## **Annex 2**

### **ESTABLISHMENT OF THE ANIMALS COMMITTEE OF THE CONFERENCE OF THE PARTIES**

**Realizing** the many problems faced by the Conference of the Parties and individual Parties concerning the lack of biological data and expert knowledge of animal trade and management;

**Recognizing** that an effective method of evaluating whether a species is appropriately listed in the CITES appendices requires a periodic review of its biological and trade status;

**Recognizing** the need to identify those Appendix-II species that are subject to levels of significant international trade and for which scientific information on the capacity of the species to withstand such levels of trade is insufficient to satisfy the requirements of Article IV, paragraph 3, of the Convention;

**Recognizing** that the bulk of the world's biodiversity occurs in Africa, South and Central America and Asia, and also that the majority of animal and plant species listed in the appendices of the Convention are from these regions;

**Aware** that there are only three Parties in the North American region, but more than 40 in Africa, more than 25 in South and Central America and the Caribbean, and 20 in Asia, which, in addition, stretches from Israel in the West to Japan in the East;

## THE CONFERENCE OF THE PARTIES TO THE CONVENTION

Resolves to re-establish the Animals Committee of the Conference of the Parties, and to establish Terms of Reference as follows:

within the policy agreed to by the Conference of the Parties, the Animals Committee shall:

- i) assist the Nomenclature Committee in the development and maintenance of a standardized list of animal names;
- ii) assist the Identification Manual Committee in the preparation of an identification manual on animal species;
- iii) establish a list of those animal taxa included in Appendix II which are considered as being significantly affected by trade, and review and assess all available biological and trade information including comments by the range States on these taxa to:
  - A) exclude all species for which there is adequate information to conclude that trade is not having a significant detrimental effect on their populations;
  - B) formulate recommendations for remedial measures for those species for which trade is believed to be having a detrimental effect; and
  - C) establish priorities for projects to collect information for those species for which there is insufficient information available on which to base a judgement as to whether the level of trade is detrimental;
- iv) assess information on those species for which there is evidence of a change in the volume of trade or for which specific information is available to indicate the necessity for review;
- v) undertake a periodic review of animal species included in the CITES appendices by:
  - A) establishing a schedule for reviewing the biological and trade status of these species;
  - B) identifying problems or potential problems concerning the biological status of species being traded; and
  - C) informing the Parties of the need to review specific species, and assisting them in such reviews;
- vi) make available advice on management techniques and procedures for range States requesting such assistance;
- vii) draft resolutions on animal matters for consideration by the Conference of the Parties;
- viii) deal with the transport of live animals;
- ix) perform any other functions that may be entrusted to it by the Conference of the Parties or the Standing Committee; and

- x) report to the Conference of the Parties and, if so requested, to the Standing Committee, on the activities it has carried out or supervised between meetings of the Conference;

#### Determines

- a) that the membership of the Committee shall consist of:
  - i) a person chosen by each of the major geographic regions consisting of Europe, North America and Oceania;
  - ii) two persons chosen by each of the major geographic regions consisting of Africa, Asia and South and Central America and the Caribbean; and
  - iii) each person chosen as an alternate member for a member described in sub-paragraph i) or ii), to be represented at meetings as a regional member only in the absence of a representative of the member for which it is the alternate;
- b) that Parties shall be entitled to be represented at meetings of the Committee by an observer;
- c) that the Chairman may invite any person or representative of any other country or organization to participate in meetings of the Committee as an observer;
- d) that a Chairman and a Vice-Chairman shall be elected by the Committee; and
- e) that the provisions of paragraph a) shall not have any new financial implications to the Trust Fund in addition to those agreed prior to the ninth meeting of the Conference of the Parties; and

Directs the Secretariat, to the extent possible, to provide funding from outside sources for the production costs of publications prepared by the Committee.

#### Annex 3

### ESTABLISHMENT OF THE PLANTS COMMITTEE OF THE CONFERENCE OF THE PARTIES

Realizing the many problems faced by the Conference of the Parties and individual Parties concerning the lack of biological data and expert knowledge of plant trade and management;

Recognizing that an effective method of evaluating whether a species is appropriately listed in the CITES appendices requires a periodic review of its biological and trade status;

**Recognizing** the need to identify those Appendix-II species that are subject to significant levels of international trade and for which scientific information on the capacity of the species to withstand such levels of trade is insufficient to satisfy the requirements of Article IV, paragraph 3, of the Convention;

**Recognizing** that the bulk of the world's biodiversity occurs in Africa, South and Central America and Asia, and also that the majority of animal and plant species listed in the appendices of the Convention are from these regions;

**Aware** that there are only three Parties in the North American region, but more than 40 in Africa, more than 25 in South and Central America and the Caribbean, and 20 in Asia, which, in addition, stretches from Israel in the West to Japan in the East;

**The Conference of the Parties to the Convention**

**Resolves** to re-establish the Plants Committee of the Conference of the Parties, and to establish Terms of Reference as follows:  
within the policy agreed to by the Conference of the Parties, the Plants Committee shall:

- i) provide advice and guidance to the Conference of the Parties, the other Committees, working groups and the Secretariat, on all aspects relevant to international trade in plant species included in the appendices, which may include proposals to amend the appendices;
- ii) assist the Nomenclature Committee in the development and maintenance of a standardized list of plant names;
- iii) assist the Identification Manual Committee in the preparation of an identification manual on plant species;
- iv) assist and advise Parties in the preparation of publicity material for plants included in the appendices to the Convention;
- v) establish a list of those plant taxa included in Appendix II which are considered as being significantly affected by trade, and review and assess all available biological and trade information including comments by the range States on these taxa to:
  - A) exclude all species for which there is adequate information to conclude that trade is not having a significant detrimental effect on their populations;
  - B) formulate recommendations for remedial measures for those species for which trade is believed to be having a detrimental effect; and



- C) establish priorities for projects to collect information for those species for which there is insufficient information available on which to base a judgement as to whether the level of trade is detrimental;
- vi) assess information on those species for which there is evidence of a change in the volume of trade or for which specific information is available to indicate the necessity for review;
- vii) undertake a periodic review of plant species included in the CITES appendices by:
  - A) establishing a schedule for reviewing the biological and trade status of these species;
  - B) identifying problems or potential problems concerning the biological status of species being traded; and
  - C) informing the Parties of the need to review specific species, and assisting them in such reviews;
- viii) make available advice on management techniques and procedures for range States requesting such assistance;
- ix) draft resolutions on plant matters for consideration by the Conference of the Parties;
- x) serve, if so requested by the Conference of the Parties, as a plants working group;
- xi) perform any other functions that may be entrusted to it by the Conference of the Parties or the Standing Committee; and
- xii) report to the Conference of the Parties and, if so requested, to the Standing Committee, on the activities it has carried out or supervised between meetings of the Conference;

#### Determines

- a) that the membership of the Committee shall consist of:
  - i) a person chosen by each of the major geographic regions consisting of Europe, North America and Oceania;
  - ii) two persons chosen by each of the major geographic regions consisting of Africa, Asia and South and Central America and the Caribbean; and
  - iii) each person chosen as an alternate member for a member described in sub-paragraph i) or ii), to be represented at meetings as a regional member only in the absence of a representative of the member for which it is the alternate;
- b) that Parties shall be entitled to be represented at meetings of the Committee by an observer;
- c) that the Chairman may invite any person or representative of any other country or organization to participate in meetings of the Committee as an observer;

- d) that a Chairman and a Vice-Chairman shall be elected by the Committee; and
- e) that the provisions of paragraph a) shall not have any new financial implications to the Trust Fund in addition to those agreed prior to the ninth meeting of the Conference of the Parties; and

Directs the Secretariat, to the extent possible, to provide funding from outside sources for the production costs of publications prepared by the Committee.

#### **Annex 4**

### **ESTABLISHMENT OF THE IDENTIFICATION MANUAL COMMITTEE OF THE CONFERENCE OF THE PARTIES**

Considering that the accurate identification of specimens of species listed in the appendices to the Convention is of critical importance in the effective enforcement of the Convention;

Appreciating that a standard work of reference is urgently needed for use by the Parties;

**The Conference of the Parties to the Convention  
Resolves**

- a) to re-establish the Identification Manual Committee of the Conference of the Parties, and to establish Terms of Reference as follows:
  - within the policy agreed to by the Conference of the Parties, the Identification Manual Committee shall:
  - i) provide guidance and co-ordination in the preparation of identification manuals for animal and plant species;
  - ii) provide assistance to Parties in the development of national or regional identification manuals;
  - iii) upon request from a Party or the Secretariat, provide advice on the identification of specimens;
  - iv) assist in the preparation of seminars for enforcement officers concerning the identification of species and specimens;
  - v) upon request from the Secretariat, review proposals to amend the appendices put forward by Parties with regard to identification problems; and
  - vi) obtain, from Parties having successfully submitted proposals to include new species in the appendices, appropriate data for inclusion in the identification manuals within one year after acceptance of such additions;

- b) that the membership of the Identification Manual Committee shall be on a voluntary basis;
- c) that a Chairman and Vice-Chairman shall be elected by the Committee; and
- d) that the Committee shall report to the Conference of the Parties and, if so requested, to the Standing Committee, on the activities it has carried out or supervised between meetings of the Conference;

Directs the Secretariat to publish, within its financial capacity, the identification manuals;

Appeals to Parties and organizations to provide funds to ensure the production of the manuals; and

Requests the Parties to promote the use of the identification manuals.

#### **Annex 5**

### **ESTABLISHMENT OF THE NOMENCLATURE COMMITTEE OF THE CONFERENCE OF THE PARTIES**

Recognizing that biological nomenclature of species may differ from country to country;

Noting that such biological nomenclature is not static;

Recognizing that the nomenclature used in the appendices to the Convention will be most useful to the Parties if standardized;

Recalling that Recommendation Conf. S.S. 1.7 adopted at the special working session of the Conference of the Parties (Geneva, 1977) recognized the need for the standardization of appendices' nomenclature;

#### **The Conference of the Parties to the Convention Resolves**

- a) to re-establish the Nomenclature Committee of the Conference of the Parties, and to establish Terms of Reference as follows: within the policy agreed to by the Conference of the Parties, the Nomenclature Committee shall:
  - i) cause standardized nomenclatural references for animal and plant taxa, to the level of subspecies or botanical variety and including synonyms, to be prepared, or propose for adoption existing nomenclatural references, as appropriate, for all species listed in the appendices to the Convention;

- ii) upon its acceptance of a new or updated reference (or part thereof) for a given taxon, present this to the Conference of the Parties for adoption as the standard reference for that taxon;
- iii) ensure that the highest priorities in developing the standard reference lists of plant names and synonyms be:
  - A) species names of plants listed at the species level in the appendices;
  - B) generic names of plants listed at the genus or family level in the appendices; and
  - C) family names of plants listed at the family level in the appendices;
- iv) review the existing appendices with regard to the correct use of zoological and botanical nomenclature;
- v) upon request from the Secretariat, review proposals to amend the appendices to ensure that correct names for the species and other taxa in question are used;
- vi) ensure that changes in nomenclature recommended by a Party do not alter the scope of protection of the taxon concerned; and
- vii) make recommendations on nomenclature to the Conference of the Parties, other Committees, working groups and the Secretariat;
- b) that the membership of the Nomenclature Committee shall be on a voluntary basis;
- c) that the Nomenclature Committee shall establish two subcommittees, one to address nomenclatural issues for animal taxa and the other for plant taxa;
- d) that the Committee shall elect its own Chairman and Vice-Chairman, of which one shall be a zoologist, who shall chair the Animals Subcommittee, and the other shall be a botanist, who shall chair the Plants Subcommittee; and
- e) that the Chairman and Vice-Chairman of the Nomenclature Committee shall co-ordinate and monitor the input needed from specialists in fulfilling the responsibilities assigned by the Parties and report annually on the progress of the respective Subcommittees to the Standing Committee; and

Directs the Secretariat, to the extent possible, to provide funding from outside sources to cover the production costs of publications prepared by the Committee.

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## ANNEXURE - E

### INFRACTIONS OF CITES

The Secretariat of CITES has defined the infractions to be two types

1. Illegal Trade
2. Non-compliance by Parties.

#### What constitute Infraction?

The following are the important infractions (listed under various headings) noticed by the Secretariat. These may not be obvious to many Parties and thus important to understand and take due note of.

#### *Communication with the Secretariat*

- The Parties are to provide detailed information on significant cases of illegal trade (Conf. 9.8). The Secretariat felt many Parties are not implementing this and the information is received on many cases from sources other than the Management Authority.
- The Parties to provide information requested by the Secretariat within one month (Conf. 7.5). This provision was made because some other Party may require information to assist their investigation. Lack of response by Parties in such situations has led to cases being lost or the delay making the information of no use.

#### *Use and Acceptance of Invalid Documents*

- Invalid document is an authentic document (one issued by a competent Management Authority and signed by an authorised officer on the official permit form of the country) but contains incorrect information or does not contain all the required information as described in Resolution Conf. 9.3. Invalid documents continue to be issued and accepted by many Parties. The Secretariat considers that, in many case the customs and maybe the management authority staff do not have adequate training and information on CITES.

#### *Use for Commercial Purposes of specimens of Appendix I*

- Many traders declare that the purpose of import of specimens is non-commercial when the true purpose is commercial (see definition in Conf. 5.10). Parties need to exercise sufficient control to ensure the specimens are not later used for commercial purpose.

#### *Issue of Documents for Appendix III Species*

- The documents for shipment of species listed in Appendix III are at time issued by chamber of commerce, veterinary service etc. The Secretariat advises to accept documents from competent management authority.

#### *Control of Quotas*

- Some Parties routinely issue export permits for more specimens than the established national quota. In most cases it appears that this was due largely to the cancellation of a number of export permits and replacement permits being issued without the balance of the quota being suitably altered. The national quotas fixation should be realistic and in consultation with the Scientific Authorities.

#### *Annual Report*

- Delay or failure in transmitting the Annual Report to the Secretariat is considered an infraction.

#### *Re-export*

- The validity of export permits of countries of origin has to be verified before issue or acceptance of re-export certificates. The secretariat has noticed on several occasions that the quantity of re-export far exceeds the quantity of import. Another typical example of misuse of re-export is poor quality reptile skins are imported with valid documents and on arrival are thrown away. The document then is used later to justify the re-export of skins of good quality that has been illegally imported.

#### *Confirmation of Permit*

- It is important to ensure that the documents are authentic (Issued by

the competent Management Authority, on correct permit form, properly signed and stamped, without modification and valid and corresponds with the specimens being traded). Confirmation of validity of documents is made at the border by customs or another agency, which may not be a part of the Management Authority. The Secretariat has noticed that the border control authority is not aware of all this or the examples of the permits are not conveyed to them. Consequently large number of invalid documents are accepted by many Parties. For confirmation of validity of the Permits, Parties may consult the Secretariat which is the best source to cross-check. It would be interesting to note that the Secretariat examines around 4000 documents per year (mid 1990s) out of which 6 per cent are invalid.

#### *Bred in Captivity*

- Several false declarations as bred in captivity, particularly of Appendix I species has been noticed. Several breeders have obtained their parental breeding stock illegally. Furthermore Appendix I species breeding operations have to be registered with the Secretariat.

#### *Use of false or falsified Documents*

- False or falsified document can be (a) the alteration of existing, genuine documents (b) use of stolen or missing security stamps and blank forms (c) the manufacture of completely false documents (d) false custom documentation to support genuine CITES documents (e) alteration of information of documents (f) Use of photocopies (g) Change of source of specimen.

#### *Trade in Ivory*

- Illegal trade in ivory mainly consists of (a) raw ivory exported from Africa to Asia and the Middle East (b) worked or semi-processed ivory exported direct from Africa to Asia. Often this is sent by parcel post or in commercial shipments, frequently transiting European ports and airports (c) raw ivory circulating between African countries for processing and then being sold to tourists, mostly from Europe.

#### *Trade with Non-Party State*

- The Parties should accept documents from non-Party States only when details of appropriate competent authorities have been published by the Secretariat or after consultation with the Secretariat (Conf. 9.8).

### *Passengers & Crew Members*

- Passengers and crew members are used to smuggle large quantities of species. Tourists carry small items home with them as souvenir, often of ivory or sea turtle. The specimens are packed in hand luggage and checked baggage. False compartments on vehicles and ships are used.

### *Postal Shipments*

- Illegal trade in CITES specimens by mail is increasing. This has been noticed to be cheap, risk-free and effective way of evading controls. Live reptiles, insects, and plants as well as ivory and oriental medicines are at present the most common types of specimens transported this way.

### *Circuses and other Travelling Exhibitions of Live Animals*

- The use of false or invalid documents to illegally transport specimens by circuses and travelling exhibition of live animals is frequent.

### *Trade in Birds of Prey*

- Major problem area in trade in birds of prey has been false declaration that the birds of Appendix I species are bred in captivity.

### *Marking of Specimens*

- Transferring rings on birds by laser cutting or other refined techniques and improper use of tags on crocodilian skins has been noticed by the Secretariat.

### *Diplomatic Immunity*

- The Convention does not exempt persons with diplomatic immunity from its provisions and CITES documents are required for any international movement of specimens of species listed in the Appendices. The Secretariat is concerned about the abuse of diplomatic privileges to facilitate fraudulent movement of such specimens, often for personal gain. The problem is often compounded by the lack of awareness among control staff regarding their national legislation and the requirements of CITES.
- The Parties directed to remind their diplomatic missions and troops serving abroad under the United Nations flag that they are not exempted from the terms of the Convention.



## ANNEXURE - F

### ABSTRACTS OF IMPORTANT SPEECHES AT THE OPENING AND CLOSING

#### THE CONFERENCE OF THE PARTIES

It has been customary that an important member of the Government of the host country for the meeting of the Conference of Parties to deliver the opening address. During the opening ceremony generally important participants e.g. director, UNEP or his representative, Director General of IUCN or his representative and the speech of the Chairman of the Standing Committee set the tone for the meeting. Closing speech is also by important member of the Government of the host country.

Here, the addresses and speeches at various CoPs have been abstracted, which, interestingly reflect the development during the 25 years of CITES.

#### THE FIRST MEETING OF THE CONFERENCE OF THE PARTIES<sup>1</sup>

##### Opening Session

##### *Opening address by Mr Ernst Brugger, Minister of National Economy of Switzerland*

In the welcome address, Mr Ernst Brugger referred to the common dilemma of most of the countries. He said, "On the one hand, in order to protect nature, it is necessary that such trade (international trade in endangered wildlife) be reduced or even prohibited for some species. On the other hand, economic consideration require its maintenance and even its activating." He added, "I am, however, convinced that the conservation of nature, in its broader sense, is an imperious law and that the long term measures taken for this aim may also be proved practical on the economic field."

*Speech of Dr Mostafa Tolba, Executive Director, UNEP*

Mr Peter S. Thacher, Director of UNEP office in Geneva, delivered the speech of Dr Tolba.

He said, "Increasing efficient means of transport and communication, coupled with a demand that seemed impossible to quench, led in recent decades to an increase in the international trade in wild animals that constituted a real threat to the survival of many species and regional populations in practically all parts of the world. The pet trade had come to place a substantive drain on certain wild animal populations. The demand for apes and monkeys by centres of medical and pharmaceutical research became so strong as to constitute a menace to the living supply of a number of species. The marketing of fashion furs from spotted wild cats like leopard, snow leopard, cheetah and ocelot and from aquatic mammals such as seals and otters, and of skins from various species of crocodiles, lizards and snakes, and of such other animals products as ivory and rhino horns has caused serious depletion of the animal populations involved and has led to extermination in some regions." According to him these fact led to the Convention.

**THE SECOND MEETING OF THE CONFERENCE OF THE PARTIES<sup>2</sup>**

Opening Session

*Speech of Dr David A. Munro, Director General of IUCN*

Though the Convention seemed to be on a firm footing, still at the opening session of the Conference, Dr David A. Munro pointed out, "The status of a number of species of plants and animals, some already the subject of this Convention, other not, is deteriorating at a perilous rate. Thus, in spite of the advances that have been made, this is no time for complacency. The fate of species demands serious and continuing attention."

He explained the philosophy of the Convention in establishing a carefully balanced system of trade controls between exporting and importing countries so as to ensure that the immense benefits of trade in the products of wild species can be made to endure and thus provide a solid base for the only kind of development that is really worthwhile – sustainable development.

*Speech by Dr Mostafa K. Tolba, Executive Director, UNEP*

Dr Tolba informed the Parties that the UNEP's Governing Council has designated the preservation of endangered species as priority area of the UNEP activities. This in a way complimented the efforts of the Convention.

Dr Tolba told the gathering that Article XII of the Convention had stipulated that the Secretariat for the Convention should be provided by the Executive Director of UNEP. This was duly done. He reminded the gathering of the catalytic nature of UNEP. Activities initiated by the UNEP support are expected to attract additional financial support if they prove successful, so that within a reasonable time they can continue without relying on UNEP for financial inputs, or with minimal financial involvement of UNEP. He informed the Conference about the decision of the Governing Council of UNEP of phasing out the funding for the Convention Secretariat and meetings of the Conference of the Parties. The Governing Council had called upon the Conference, "to establish an arrangement for sharing the administrative costs of the Secretariat and for gradually reducing the UNEP fund contributions to such costs, and ending them at the earliest possible date, and in any event no later than the end of 1983."

**THE THIRD MEETING OF THE CONFERENCE OF THE PARTIES<sup>3</sup>**

Opening Session

*The opening address by India's Union Minister for Agriculture, Rural Reconstruction and Irrigation, The Honorable Rao Birendra Singh*

Rao Birendra Singh reminded the gathering, "The very raison d'être of this Convention is the concept of 'Conservation' and India's history, tradition and folklore is steeped in this concept."

He informed the gathering, "Steps have been taken to implement the provisions of CITES by setting up a network of national Management Authorities along with four regional offices as well as Scientific Authorities operating in direct communication with each other and with the CITES Secretariat. The Schedules to the central law on wildlife protection have been amended suitably so as to include more species of wild fauna and flora as well as to provide for greater protection and more effective control on trade in this area. This approach is also reflected in the export policy on wildlife and its products, which has introduced general control and

regulation in this field. Some live animals or birds or products thereof are totally banned for export, keeping in view their status in the country and the overall implications from the conservation angle."

Mr Singh also made a reference of the Indian law, Forest Conservation Act 1980, which made diversion of forestland for non-forest purposes difficult. He highlighted the considerable progress made by way of awareness for conservation during 70s, inspired by the repeated exhortations of the then Prime Minister, Mrs Indira Gandhi, whose commitment to the cause of conservation was universally known.

As a final word in his address which gives the idea of India's culture he quoted from *Isohopamishads*

'This universe is the creation of the Supreme Power meant for the benefit of all His creations. Individual species must, therefore, learn to enjoy its benefits by forming a part of the system in close relation with other species. Let not any one species encroach upon the others' rights.'

***Speech of Mr Richard M. Parsons, the Chairman of the Standing Committee***

Mr Richard M. Parsons, the Chairman of the Standing Committee, highlighted the basic structure of the Convention, the progress made during last six year and continuation of the process in the present meeting. He said, "In the six short years, since the Convention came into effect, many countries have become Parties. Scientific and Management Authorities have become established and are developing legislative authorities and operational procedures. We are working on such practical tools as the identification manual, guidelines for transportation of living specimens, a standardised nomenclature for species, and the development of a uniform permit. Thus it is clear that we are well along in the initial phases of implementation."

Mr Parson was thankful of the Government and people of India for providing excellent facilities and for the warm hospitality.

***Speech of the Assistant Executive Director, UNEP, Mr Sven Evtsev, on behalf of the Executive Director of UNEP***

Mr Evtsev reflecting on the time of signing of the Convention on 1973, when "few people foresaw that the newly signed Convention was but the beginning of one of the major global treaties..." He impressed upon the

gathering the urgency of making the financial arrangement for financing the CITES Secretariat and meetings of the Conferences of the Parties. He reminded the gathering of the agreed contributions of the Parties and UNEP to a new Trust Fund created in 1979, for the biennium 1980-81 but due to short fall in the contributions from the Parties the Secretariat is only funded through to the end of April 1981 only. He stressed "the Trust Fund needs your contributions now."

Mr Evteev spoke at length of the UNEP's role in conservation and was happy that UNEP provided the Secretariat for this unique Convention. He offered that the Executive Director is prepared to "provide the Secretariat and to administer the Trust Fund on behalf of the Secretary General if it is Your wish..."

*Speech by the Director General of the IUCN, Dr Lee M. Talbot*

Dr Lee M. Talbot's address to the Conference was a moving gesture for India. He emotionally stated, "It is particularly fitting that this third and largest yet meeting of the Conference of the Parties to CITES should be held in India. At the 1972 United Nations Conference on the Human Environment, the Government of India introduced the 'Wildlife Principle', which was unanimously adopted by the 113 nations represented there as Principle 4 which reads as follows:

'Man has a special responsibility to safeguard and wisely manage the heritage of wildlife and its habitat, which are now gravely imperiled by a combination of adverse factors. Nature conservation including wildlife must therefore receive importance in planning for economic development'

IUCN has had close links with India for some 30 years. India is a State member of IUCN, and we also have two valued Government agencies as members and three non-governmental organisations as members from this country. Our tenth General Assembly in 1969 was opened here in New Delhi with the inaugural address by Prime Minister Gandhi. We have had a number of joint field projects and meetings, the latest of which was the meeting of the IUCN Species Survival Commission held here during the past 10 days. This is particularly relevant to this present meeting since the SSC is the arm of IUCN that is primarily concerned with defining the status of species. From this it should be clear that IUCN regards India as a particularly valued colleague in conservation."

Dr Talbot at length explained the benefit of administration of CITES Secretariat by IUCN. He pointed out, "Because of the prior and on

going work of IUCN in the conservation of endangered species and as a result of the active participation of the international expert groups of the IUCN SSC, this arrangement has probably represented the most rational way of using the limited resources available for a task which is worldwide in scope and continuing in nature."

He added, "...CITES has access to facilities and as necessary to some personnel assistance at our headquarters and far more important, it can utilize the unique worldwide network of expertise which is represented by IUCN's combined governmental and non-governmental membership and the expert network of our Commissions. CITES has been making extensive use of our Species Monitoring Unit located at Kew and Cambridge in the UK along with our Trade Monitoring Unit, and of the Environmental Law Centre at Bonn."

In the end, Dr Talbot re-emphasised, "The importance of CITES within the context of the World Conservation Strategy; the basic message of which is that conservation and economic development are interdependent and mutually reinforcing. On a global basis, conservation cannot succeed without development, and development cannot succeed and be sustainable, without conservation..."

#### THE FOURTH MEETING OF THE CONFERENCE OF THE PARTIES<sup>4</sup>

##### Opening Session

##### *Opening Address by His Excellency the President of Botswana, Dr. Q.K.J. Masire*

Dr Masire was of the view that the contracting Parties were aware of the ever-growing value of the wild fauna and flora. According to him growing membership was the indication of the dynamism of the Convention. He found it encouraging to note that CITES does not prohibit or discourage legalised trade in wild fauna and flora but rather that it aims at controlling the trade so as to ensure the sustainable utilisation of the resources. He emphasised, "Only poachers and other illegal dealers in wild fauna and flora need be apprehensive of this Convention and, indeed, the more apprehensive they are, the better."

##### *Speech by Mr Samar Singh (India) Chairman of the Standing Committee*

Mr Samar Singh (India), Chairman of the Standing Committee in his

speech called the meeting historical because it was being held for the first time in the African Continent, which had then more than one-fourth of the total number of the Parties to the Convention, and also because CITES completed a decade of existence that year. He pointed out, "It was in one of the main 'consumer' countries the Convention was born" and found it "most appropriate that the tenth anniversary is being witnessed here in a region with the largest number of 'producer' states". This he found "very significant because the entire philosophy of CITES is founded on the bed-rock of deep concern and co-operation between the producing countries and the consuming countries of the world." Mr Samar Singh stressed, "Wild flora and fauna are at greater risk today than ever before. Numerous studies commissioned by governments and concerned organisations indicate that if the present trend continue, by the year 2000, about 20 per cent of all the present living species of animals and plants will be extinct. Extinction of this scale is without precedent in human history and the consequences are too staggering to contemplate. In such a situation, CITES has a role of the greatest importance to perform."

He also requested NGOs to endeavour to bring about the frugal use of natural resources.

*Speech by Dr Mostafa K. Tolba, Executive Director, UNEP*

Dr Tolba pointed out, "CITES' rapid maturity has mirrored a similar development in the conservation moment as a whole. Thus today we can say without fear of bias that membership of this Convention is one litmus test of whether a nation is serious about implementing the policy of conservation for development prescribed by the World Conservation Strategy."

He appealed, "...to the governments represented here (Conference) to see to it that much more is done to ensure that these (unscrupulous) traders who exploit the poverty of the poachers are given fines and prison terms commensurate with the damage they cause and the profits they make."

Regarding the financing of the secretariat and the meetings of the Conference of the Parties he said, "UNEP's view is that we have fulfilled a catalytic role; since CITES inception we have contributed US\$ 1.6 million in direct financial support. Our view in UNEP is that this Convention has come of age. Since CITES has so palpably demonstrated its worth to governments, we feel that time has come for the Parties to assume the full burden of regular funding."

He assured of UNEP's willingness to continue managing the Trust Fund if the Conference so decides. He assured the conference that "we will carry on supporting priority activities..."

#### Closing Session

##### *Closing Address by the Botswana Minister of Commerce and Industry, Mr M.P.K.Nwako*

Mr. Nwako was pleased by the meeting because it "formulated its resolutions in the most realistic and pragmatic way possible and that you (Conference) resisted temptation to succumb to the extremist views of the utilitarian and the preservationist lobbies."

He stressed, "It goes without saying that any unnecessarily restrictive resolutions might in some cases devalue the potential conservation benefit that trade confers on wild fauna and flora. Doubtless, certain theoretical perceptions may sometimes be more appealing on their face value than practical considerations."

He appreciated the flexibility in the Convention.

#### THE FIFTH MEETING OF THE CONFERENCE OF THE PARTIES<sup>5</sup>

#### Opening Session

##### *Opening Address by the Vice-President of the Argentina Republic, Dr Victor H. Martinez*

The speech was highly thought provoking and philosophical. He started with quoting the distinguished environmentalist, Lynton Caldwell who had defined that 'the earth include Nature and the human beings which populate it, all of which constitute a physical reality governed by its own laws of behaviour which over rule the human will.

Dr Martinez asked the gathering, "When is a river a river, or when is it destined to be an open-air sewer; or even when is a school of fish a school of fish: Over and above that whether a forest can carry on being called this when we eliminate a complex ecological system composed of thousands of species of fauna and flora, and replace it by few commercial species." He further raised the questions, "Do we recognise that the earth, the root of our very own life, has its own needs? Do we know that if we do not accept this reality we cannot guarantee any development for the present and the future generations."

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In his view, the CITES objectives imply "preserving the quantitative characteristics of wildlife populations, so that they can carry out their ecological role and continue satisfying human necessities.

He warned the Conference, "The effectiveness of the treaty has to be perfected for the good of all, but it will not be possible to improve it if we do not analyse its practice in the light of the North-South relationship". He gave an example, "Notwithstanding the existence of CITES, an annual quantity of approximately 2.5 million yacare skins leave Argentina, Bolivia, Brazil and Paraguay illegally towards the northern countries..."

He advised, "CITES cannot ignore this reality and must initiate a more important and more effective co-operation coming from the countries of the North; for example, with more severe penalties, even if it means putting the penalties on a level with that corresponding to the trafficking of drugs and arms. Once this co-operation, in the form of a more efficient control on the demand for products in the 'consumer' countries is guaranteed, the efforts that can be made in a parallel manner by the 'producer' countries begin to have a meaning."

*Speech by Samar Singh, Chairman, Standing Committee*

Mr Samar Singh was highly gratified by the role he was assigned during the previous two Conferences of the Parties as Chairman of the Standing Committee. He said, "It was my proud privilege to address the opening session of the fourth meeting of the Conference of the Parties held at Gaborone exactly two years ago. I deem it a rare honour to have the same privilege today as I rise, on behalf of the CITES Standing Committee, to extend a warm welcome to everyone present here on this occasion, which marks the start of the fifth meeting of the Conference of the Parties."

He pointed out that the meeting is significant for, "...it is taking place in the region which is not only a major producer of wild fauna and flora but also represents a dozen states, all of whom are now Parties to CITES."

He informed of the two important developments in which the Standing Committee played significant role. The first was strengthening of regional co-operation, which was exemplified by the regional seminars held at Washington, Brussels and Kuala Lumpur.

The second was the move for the setting up of a strong and separate CITES Secretariat, bearing in mind the increase in the number of Parties and the need for providing better services to Parties. This move was rendered possible with the active help and co-operation of UNEP and IUCN.

He reminded the gathering, "It has to be understood that CITES is only a means to an end; the end being human survival and well-being."

*Speech by the Deputy Executive Director of UNEP, Mr Joseph C. Wheeler*

In view of Mr Wheeler, "The value of CITES is that it encompasses both the need to protect endangered species, and the imperatives of national economies." He suggested some vital improvement in the CITES in future like, "Expansion of membership; the commitment of prompt payments by the contracting Parties; a readiness to de-list species once they have been proven to be out of danger -which would be quite consistent with the spirit of this Convention as it has evolved; and most important, stricter enforcement."

*Speech by Director General of IUCN, Dr Kenton R. Miller*

He outlined at length the historical link of the IUCN with the Convention and until the recent past management of the CITES Secretariat by IUCN. He had no bad feeling about the recent change by way of shifting of the management control directly under the UNEP. He assured the meeting by quoting from his communication with IUCN membership on the change, "Whatever institutional forms conservation's vitally important international agreements may take, one thing is certain : IUCN is always ready to place its scientific and technical knowledge at their disposal and to provide unbiased information, informed analysis and realistic policy support to their Parties to help enable them to fulfill their international conservation commitments."

#### THE SIXTH MEETING OF THE CONFERENCE OF THE PARTIES<sup>6</sup>

##### Opening Session

*Opening Speech of the Parliamentary Secretary to the Minister of the Environment of Canada, Mrs Pauline Browes*

Ms Browes outlined at length the Canada's natural heritage and love for wildlife, but added, "Unfortunately, despite our work and the work of all nations belonging to CITES, the threat posed by ecological degradation and over-exploitation of natural resources world-wide remain."

She quoted scientists and naturalists to remind of the devastation being caused. She asked the meeting, "As member not only to CITES but of the human race, we must ask ourselves if that is the world in which we

want to live. Is this the world we wish to leave to our children: stripped of biological diversity and, therefore, of future richness, barren of the life forms so integral to our own quality of life and, indeed, to life itself?"

*Speech of Dr M. K. Ranjitsinh (India), chairman of the Standing Committee*

Dr Ranjitsinh requested the gathering, "I am certain that in such a large gathering with such a diversity of problems and interests, we will have some disagreements and even frustrations, but since we are involved in an international accord for the common cause of conservation of wild species in general and the endangered ones in particular, we will overcome individual difficulties and differences of opinion and CITES will emerge stronger in its endeavour to safeguard the wildlife resources of the world."

He was of the opinion, "We must not overlook nor belittle the role of the non-governmental agencies. In creating, co-ordination, and marshalling public opinion, they have made a major contribution to the world conservation movement of which CITES is one manifestation, and I for one is convinced that if the movement is to continue to have an impetus and if CITES is to continue as a success story, we must heed and carry the public opinion with us."

He also alerted the Parties not to rest on laurels for there is still great scope for improvement and better implementation of the Convention.

*Remarks by the Deputy Executive Director of UNEP, Mr William H. Mansfield III*

Mr Mansfield III pointed out the dichotomy of our times, "On the one hand we have never been so aware of the importance of genetic diversity. On the other hand we are even more recklessly snuffing out the world's living things."

He said that UNEP believed, CITES can help take money out of poachers' pockets, and put it into the pockets of the Third World's rural poor.

He was of the opinion, "Under-existing circumstances, in some parts of the world, preservation by itself will lead to extinction. We Simply cannot enforce a total preservation order on most species."

He explained, "To talk of total preservation in those places where poverty reigns, where population is growing at three or four per cent annually,

where indigenous people survive on threatened or endangered species or where the value system does not encompass absolute preservation is to misjudge the realities and possibilities." He suggested it should rather be a "Campaign against the annihilation caused by unscrupulous traders".

He dealt at length the financial crisis facing the CITES. In no uncertain terms he told the Parties that it would not be possible for the Executive Director to bail out the Convention with the UNEP's Environment Fund. He emphasised, "The solution must come from the Parties." He went to extent of telling the Parties, "We have established a mechanism to conserve endangered species, but the most endangered species in Ottawa today is CITES itself."

#### Closing Session

#### *Closing Address by Berry Turner, M.P.*

He was happy that collapse of CITES, as was being pointed out at the opening of the Conference, has been averted by adoption of a pragmatic budget. He found the new committee structure adopted at the meeting note worthy.

He advised the Parties, "The crocodile, leopard and vicuna are cases where CITES is permitting commercial trade under careful specified conditions, rather than prohibiting it under Appendix I. These should be seen, not as setbacks, but as victories for CITES and for conservation - for a world where mankind and other animals can live alongside each other in harmonious and mutually supportive ways."

He wished that the end of the meeting would be the beginning of the next one.

#### **THE SEVENTH MEETING OF THE CONFERENCE OF THE PARTIES<sup>7</sup>**

#### Opening Session

#### *Opening Address by HRH Prince Bernhard of the Netherlands*

Prince Bernhard felt, "CITES can, and should, take credit for part of the increased awareness and public concern about threats to wildlife and to the natural environment."

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He touched upon the African elephant issue. He agreed, "There is, of course, merit in the argument that those states whose elephant populations can sustain humane harvesting should be allowed to continue trading in ivory. However, the world trade in ivory in the recent years has greatly exceeded the sustainable yield from the whole continent of Africa and poaching of elephant has reduced the total population alarmingly. All of us who support the CITES ivory control system must admit that it has failed to control illegal ivory trade."

He informed the gathering of the WWF's contribution to CITES efforts. He revealed, "WWF spends over two million Swiss Francs annually to support eleven wildlife trade monitoring offices worldwide in its joint TRAFFIC programme with IUCN, and we hope to add three regional offices soon, two in Africa and one in South-East Asia."

He was of the view that CITES credibility is an important issue and advised, "CITES will retain credibility, in my view, by making decisions based on scientific evidence, not political or commercial expedience nor emotions, and by its Secretariat at all times maintaining objectivity and impartiality,"

*Speech by the Secretary of State for International Economic Affairs, Switzerland, Mr Franz Blankart*

Mr Blankart talking of the past said, "The fatal philosophy that says one must 'subdue' the entire world has made us forget the higher responsibility towards creation as an entity." He advised, "We should devote every effort, in the establishment of a synergism between economy and ecology."

*Address by Mr. Ralph Morgenweck, Chairman of the Standing Committee*

He impressed upon the gathering the importance of the significant trade studies. He said, "This work is the live blood of CITES. If we cannot trade Appendix II species at levels that are known to be not detrimental to their survival, then our scientific knowledge is inadequate and our treaty is threatened."

Mr Morgenweck spoke of the failure in controlling illegal trade in African elephant ivory and rhino horn and desired the Parties to rededicate themselves to CITES.

*Statement of the Deputy Executive Director, UNEP, Mr William H. Mansfield III*

Mr Mansfield focussed on the UNEP's close involvement in global initiatives - Sustainable Development and Biological Diversity. According to him, "CITES is one of the corner-stones of our efforts in these fields." In view of the above themes he desired, "CITES can highlight the economic benefits of proper conservation and wise use."

**THE EIGHTH MEETING OF THE CONFERENCE OF THE PARTIES**

Opening Session

*Opening address by Mr Koji Kakizawa Japan's Parliamentary Vice-Minister for Foreign Affairs*

Mr Kakizawa stressed, "For the human race to peacefully coexist with wildlife and try to utilize the latter appropriately on one hand while protecting them on the other, we have to keep "protection" and "utilization" in good balance. This indeed, can be called the basic concept of CITES, which tries to recognise the economic value of wildlife while working towards its protection."

*Speech by Mr Matthew W. Matemba, the Chairman of the Standing Committee*

Mr Matemba informed the meeting that the previous Secretary General of CITES had left in November 1990 and the Secretariat operated without one for quite some time. He introduced the new Secretary General, Ambassador Izgrev Topkov.

He revealed that the Secretariat and the Standing Committee have made every effort to structure this meeting so that it maximise all opportunities to solve problems without side tracking the main issues. He expected a great deal of debate at the meeting and requested, "May I call on all of us to exercise as much restraint as possible."

*Statement by Dr Mostafa K. Tolba, the Executive Director of UNEP*

Dr Tolba's statement began on an alarming note, "CITES is under threat. It is an irony - though not a very funny one - that CITES should be an endangered species."

The statement raised several questions, which he elaborated at length.

The first question was on pure preservation versus the need for economic development. Dr Tolba felt, "Banning trade alone is not going to resolve the issue. One way or another we have to find an economic incentive to preserve ..."

On the question of CITES focus on certain species, Dr Tolba discussed, "Someone once coined the phrase "Charismatic mega-fauna" to describe the hold on the imagination exercised by a few large, noble animals. I am entirely in favour of conserving those species by whatever means necessary. But we must not be mesmerised by the mega-fauna alone. We must learn to look with equal concern at the more representative range of species.... I believe, for instance, that the trade in birds has been dangerously neglected in recent years. The trade in tropical birds is, in many cases, completely unsustainable, and serious attention has to be paid to it. I sincerely hope the debate will reflect that fact, and that future proposals will reflect the broadest possible concerns for the integrity of the world's biological diversity."

The Executive Director was highly concerned at the international trade agreements like GATT. He stressed, "...efforts must be made to make sure that the liberalisation of trade does not compromise efforts to improve the environment and its natural resources. The good work of CITES must not be swept away in the name of free trade." He further disclosed, "UNEP is currently working with GATT to ensure that free trade does not mean the lowest common denominator for environmental protection."

On the issue of enforcement, Dr Tolba was little unhappy and wrote, "We can provide training for national officers to identify CITES protected taxa, but can not give them the legal authority to act. And unless states do more to enshrine the CITES system in national law, then our work - at international level and on training - will be useless."

He highly appreciated the efforts made by the NGOs but questioned, "Why so much attention to these issues - CFCs, carbon dioxide, waste and the status of one species under CITES - and so little attention to trade negotiations that could sweep CITES and other environmental treaties away altogether: Why such concern for one ecosystem, but so little advocacy for concrete commitments in the currently-negotiated biodiversity convention that could save a hundred such ecosystems?"

On the financial matters, as usual, it was a sad commentary. Dr Tolba, stressed "Due to the lateness of contributions paid into the Trust Fund we have been reduced to the absurd position of having to offer CITES staff contracts of just four months (of which two have now gone by) while we wait for funds to trickle in. This not only makes life extremely difficult for the staff members concerned and their families, but also makes long-term planning essentially impossible. I hope that countries will be willing to back up their concerns during the meeting of the Parties with the financial commitments that are badly needed, and sufficient time to enable the smooth functioning of the Secretariat."

*Speech by His Royal Highness Prince Philip, Duke of Edinburgh and President of W.W.F. - International*

The Prince pointed out the distorted focus of the international community. He said, "The African elephant is big news, although the Asian elephant is probably in greater trouble. The African black rhino get a lot of attention, but the Indian, Sumatran, and Javan species are much closer to extinction.... Even less publicity is given to the trade in threatened monkeys and primates, reptiles, birds and fishes. Endangered plant species are hardly given any attention whatever. In most cases the trade continues because of totally inadequate scientific information about the status of the most vulnerable populations."

He advised the Parties, "Whatever the motives that drive people become involved with the conservation of nature, the measures and actions have to be dictated by reason and the realities of the situation. It is obviously very important to have appropriate protective legislation in place, but any proposed legislation must first be shown to be capable of achieving its purpose in practice. Even then, it is a great deal more important - and far more difficult - to ensure that is strictly, efficiently and imaginatively enforced."

The Prince made a terse remark at the end of his speech, "Becoming a Party to the Convention must no longer be seen as a PR exercise and a political convenient way for governments to demonstrate their support for the idea of conserving endangered species; it must become the basis of an active and energetic policy to control an extremely dangerous and criminal threat to the earth's biological diversity, on which all life ultimately depends."



## THE NINTH MEETING OF THE CONFERENCE OF THE PARTIES<sup>9</sup>

### Opening Session

#### *Speech by the Director, US Fish and Wildlife Services, Ms Mollie Beattie*

Ms Beattie felt, "Elephant has captured much attention at past CITES meetings, we must not let it overshadow other more pressing conservation challenges."

She announced that, "within the past month the US Congress passed and President Clinton signed a new law, The Rhino and Tiger Conservation Act, setting up a new fund dedicated to providing financial assistance for the conservation in rhinoceros and tiger range states."

#### *Speech by the Executive Director, UNEP, Ms Elizabeth Dowdeswell*

Ms Dowdeswell outlined some of the recent international treaties in the field of wildlife and environment. She talked of Lusaka Agreement. She said, "On 9 September 1994, six eastern and southern African countries adopted and signed the Lusaka Agreement on Co-operative Enforcement Operations directed at illegal trade in wild fauna and flora."

She talked at length about the Biodiversity Convention, which entered into force on 29 December 1993.

She explained, "While framing this Convention we realised that decisions on conservation or sustainable use of biodiversity must be based on objective criteria." She also added, "When the convention on Biodiversity was developed and negotiated, it was generally understood that the existing conservation conventions should retain their particular field of activities."

She advised, "We must look beyond regulatory measures. We need new and innovative economic instruments, otherwise the dynamics of population growth, poverty and habitat loss, along with sophisticated criminal networks will take their devastating toll."

Regarding the Appendices of CITES, she felt, "The act of listing a species is itself a sign of failure, proving that all other management measures to conserve the species have failed."

She informed of the UNEP stand of taking elephant, rhino and tiger conservation as priority issue.

She also informed, "UNEP also co-sponsored with the Government of India the first meeting of Tiger Range States on the Conservation of the Tiger held in New Delhi in March 1994. This meeting launched the Global Tiger Forum."

She stressed, at the present Conference "debate will be based on genuine scientific and ecological considerations."

***Keynote Address by the Secretary of the Interior of the USA, Mr Bruce Babbitt***

After speaking on the history of CITES, he gave specific example of conservation benefit by way of decrease in poaching of elephants, but was concerned at the slackness of enforcement resulting in black market and smuggling of wildlife again citing specific examples of bear gall bladder and tiger penis soup.

He informed the meeting of the unique action taken by USA by informing the Parties involved in rhino and tiger trade of its intentions to impose sanctions if steps are not taken to control illegal trade. In the absence of significant progress by one of the countries, six months later, USA in fact imposed sanctions. This meant cutting US\$ 23 million in annual trade!

His closing remark is quotable. He said, "CITES is the most success treaty ever for the protection of global natural resources. This statement of fact is more a challenge than a compliment."

**Closing Session**

***Closing remarks by the Secretary General of CITES, Mr Izgrev Topkov***

Mr Topkov felt that the most important achievement of the Conference was the adoption of new criteria for amendment of Appendices and overcoming the one-species image, the mega-fauna complex.

He wished to be allowed a digression. It was, "Many-a-time these days we use the refrain about the 20<sup>th</sup> anniversary of CITES, about its entry into maturity. Fair enough, but for god's sake, tell me what kind of maturity we enter if our teeth are still milk teeth. A being is not mature without strong canines!"

He certainly felt, "We shall have to think about a possible decrease in the number of items to be put on the agenda for CoP10. It is absolutely clear

that more thorough discussion and free from pressure of time is needed to allow all of us - Parties and observers - to present fully any arguments and supporting data at the tenth meeting."

He thanked one and all for their contribution.

#### REFERENCES

- <sup>1</sup> Anonymous, 19
- <sup>2</sup> Anonymous, 1980, Proceedings of the second meeting of the Conference of the Parties, Secretariat of the Convention, Gland, Switzerland.
- <sup>3</sup> Anonymous, 1982, Proceedings of the third meeting of the Conference of the Parties, Secretariat of the Convention, Gland, Switzerland.
- <sup>4</sup> Anonymous, 1984, Proceedings of the fourth meeting of the Conference of the Parties, Secretariat of the Convention, Gland, Switzerland.
- <sup>5</sup> Anonymous, 1986, Proceedings of the fifth meeting of the Conference of the Parties, Secretariat of the Convention, Lausanne, Switzerland.
- <sup>6</sup> Anonymous, 1989, Proceedings of the sixth meeting of the Conference of the Parties, Secretariat of the Convention, Lausanne, Switzerland.
- <sup>7</sup> Anonymous, 1991, Proceedings of the seventh meeting of the Conference of the Parties, Secretariat of the Convention, Lausanne, Switzerland.
- <sup>8</sup> Anonymous, 1994, Proceedings of the eighth meeting of the Conference of the Parties, Secretariat of the Convention, Chatelaine-Geneva, Switzerland.
- <sup>9</sup> Anonymous, 1996, Proceedings of the ninth meeting of the Conference of the Parties, Secretariat of the Convention, Chatelaine-Geneva, Switzerland.
- 77, Proceedings of the first meeting of the Conference of the Parties, Secretariat of the Convention, Switzerland.

# ANNEXURE - G

## INDIAN SPECIES IN THE APPENDICES OF CITES

### Appendix I Fauna MAMMALIA

Order	Family	Species	Common Name	Remarks
PRIMATES	Cercopithecidae	<i>Macaca silenus</i>	Lion tailed macaque	
		<i>Semnopithecus entellus</i>	Common langur	<i>Presbytis entellus</i>
	Hylobatidae	<i>Trachypithecus geei</i>	Golden langur	<i>Presbytis geei</i>
		<i>Trachypithecus pileatus</i>	Capped langur	<i>Presbytis pileatus</i>
		<i>Hylobates hoolock</i>	White browed gibbon or the Hoolock	
LAGOMORPHA				
CETACEA	Leporidae	<i>Caprolagus hispidus</i>	Hispid hare	
	Platanistidae Physeteridae	<i>Platanista gangetica</i>	Gangetic dolphin	
		<i>Physeter catodon</i>	Sperm whale	Includes synonym <i>Physeter macrocephalus</i>

Order	Family	Species	Common Name	Remarks
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Order	Family	Species	Common Name	Remarks
	Phocoenidae	<i>Neophocaena phocaenoides</i>	Little Indian porpoise	
	Delphinidae	<i>Sousa plumbea</i>	Plumbeous dolphin	
	Balaenopteridae	<i>Balaenoptera spp.</i>	Whale	
CARNIVORA				
		<i>Megaptera novaeangliae</i>	Humpback whale	
	Canidae	<i>Canis lupus pallipes</i>	Indian wolf	
		<i>Canis lupus chanco</i>	Tibetan wolf	
	Procyonidae	<i>Ailurus fulgens</i>	Red panda or Cat bear	Before 16.2.95 in App II
		<i>Helarctos malayanus</i>	Malayan Sun bear	
	Ursidae	<i>Ursus thibetanus</i>	Himalayan black bear	<i>Selenarctos thibetanus</i>
		<i>Ursus arctos isabellinus</i>	Himalayan brown bear	
		<i>Melursus ursinus</i>	Sloth bear	
	Mustelidae	<i>Lutra lutra</i>	Common or Indian otter	
	Viverridae	<i>Prionodon pardicolor</i>	Spotted linsang or Tiger civet	
		<i>Acinonyx jubatus</i>	Cheetah or Hunting leopard	
	Felidae	1. <i>Prionailurus bengalensis bengalensis</i>	Leopard cat	1,2,3,4,5, earlier in Genus <i>Felis</i>
		2. <i>Caracal caracal</i>	Caracal	
		3. <i>Pardofelis marmorata</i>	Marble cat	
		4. <i>Prionailurus rubignosa</i>	Rusty spotted cat	

Order	Family	Species	Common Name	Remarks
		5. <i>Catopuma temminckii</i>	Golden cat	
		<i>Neofelis nebulosa</i>	Clouded leopard	
		<i>Panthera leo persica</i>	Asiatic lion	
		<i>Panthera pardus</i>	Leopard or panther	
		<i>Panthera tigris</i>	Tiger	
		<i>Uncia uncia</i>	Snow leopard	<i>Panthera uncia</i>
PROBOSCIDEA				
	Elephantidae	<i>Elephas maximus</i>	Asian elephant	
SIRENIA	Dugongidae	<i>Dugong dugon</i>	Seacow or Dugong	
PERISSODACTYLA				
	Equidae	<i>Equus onager khur</i>	Indian wild ass	<i>E. hemionus khur</i>
ARTIODACTYLA				
	Rhinocerotidae	<i>Rhinoceros unicornis</i>	One-horned rhinoceros	
	Suidae	<i>Sus salvanius</i>	Pygmy hog	
	Moschidae	<i>Moschus moschiferus</i>	Himalayan musk deer	
	Cervidae	<i>Cervus duvauceli</i>	Swamp deer or Barasingha	
		<i>Cervus elaphus hanglu</i>	Hangul or Kashmir stag	
		<i>Cervus eldii</i>	Sangai or Brow-antlered deer or thamin	
	Bovidae	<i>Bos gaurus / frontalis</i>	Indian bison or gaur	
		<i>Bos mutus / grunniens</i>	Wild yak	
		<i>Capra falconeri</i>	Suleman markhor	
		<i>Capricornis sumatraensis</i>	Serow	

Order	Family	Species	Common Name	Remarks
		<i>Nemorhedus goral goral</i>	Grey goral	
		<i>Nemorhedus goral hodgsoni</i>	Brown goral	
		<i>Ovis ammon hodgsonii</i>	Nayan or Tibetan Argali or Great Tibetan Sheep	
		<i>Ovis vignei</i>	Shapu or Urial	
		<i>Pantholops hodgsoni</i>	Tibetan antelope or Chiru	
		AVES		
	</			

Order	Family	Species	Common Name	Remarks
GALLIFORMES				
	Phasianidae	<i>Centurus wallichii</i>	Cheer pheasant	
		<i>Crossoptilon crossoptilon</i>	White eared pheasant	
		<i>Lophophorus impejanus</i>	Himalayan monal	
		<i>Lophophorus sclateri</i>	Sclater's monal	
		<i>Tetrao galus tibetanus</i>	Tibetan snow cock	
		<i>Tragopan melanocephalus</i>	Western tragopan	
		<i>Tragopan blythii</i>	Blyth's tragopan	
GRUIFORMES				
	Gruidae	<i>Grus leucogeranus</i>	Siberian white crane	
		<i>Grus monacha</i>	Hooded crane	
		<i>Grus nigricollis</i>	Blackneck crane	
		<i>Chlamydotis undulata</i>	Houbara bustard	
	Otididae	<i>Ardeotis nigriceps</i>	Great Indian bustard	<i>Choriotis nigriceps</i> Also Genus Houbaropsis
		<i>Eupodotis bengalensis</i>	Bengal florican	
COLUMBIFORMES				
	Columbidae	<i>Caloenas nicobarica</i>	Nicobar pigeon	
STRIGIFORMES				
	Strigidae	<i>Athene blewitii</i>	Forest spotted owl	
CORACIIFORMES				
	Bucerotidae	<i>Buceros bicornis hornrai</i>	Great pied hornbill or Great Indian hornbill	

Order	Family	Species	Common Name	Remarks
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Order	Family	Species	Common Name	Remarks	
REPTILIA TESTUDINATA	Emyidae	<i>Aceros nipalensis</i>	Rufousnecked hornbill		
		<i>Batagur baska</i>	Box tortoise or River terrapin or Tuntong		
		<i>Geoclemys hamiltonii</i>	Spotted black terrapin		
		<i>Kachuga tecta tecta</i>	Indian tent turtle or Indian sawback turtle		
		<i>Melanochelys (Geoemyda) tricarinata</i>	Three keeled turtle		
		<i>Chelonia mydas</i>	Green turtle		
		<i>Caretta caretta</i>	Loggerhead turtle		
		<i>Eretmochelys imbricate</i>	Hawks bill turtle		
		<i>Lepidochelys olivacea</i>	Olive Ridley turtle		
		<i>Dermochelys coriacea</i>	Leathery or leather back turtle		
	Trionychidae	<i>Trionyx gangeticus</i>	Gangetic soft shell turtle	Also Genus Aspideretes	
		<i>Trionyx hurum</i>	Peacock soft shell turtle	Also Genus Aspideretes	
	CROCODYLIA	Crocodylidae	<i>Crocodylus palustris</i>	Marsh crocodile or Muggar	
			<i>Crocodylus porosus</i>	Estuarine crocodile or salt water crocodile	

Order	Family	Species	Common Name	Remarks
RHYNCHOCEPHALIA	Gavialidae	<i>Gavialis gangeticus</i>	Gharial	
	Varanidae	<i>Varanus bengalensis</i>	Common-Indian monitor lizard	
		<i>Varanus flavescens</i>	Yellow monitor lizard	
		<i>Varanus griseus</i>	Desert monitor lizard	
SERPENTES	Boidae	<i>Python molurus molurus</i>	Indian python	
ANURA	Bufonidae	<b>AMPHIBIA</b>		
		<i>Nectophrynoides</i> spp.	Webbed footed or tree toads	
		<b>FLORA</b>		
		<i>Saussurea costus</i>	Kuth	
	Compositae	<i>Cycas beddomei</i>	Beddome's cycad	
	Cycadaceae	<i>Nepenthes khasiana</i>	Pitcher plant	
	Nepenthaceae	* <i>Renanthera imschootiana</i>	Red vanda	* Tissue culture or seedlings excluded
	Orchidaceae	* <i>Vanda coerulea</i>	Blue vanda	
		* <i>Paphiopedilum</i> spp	Ladies slipper orchids	
Note : Names given in the remarks column were used in reports before 1995 & are synonyms				
Appendix-II				
Fauna				
<b>MAMMALIA</b>				
CHIROPTERA	Pteropodidae	<i>Pteropus famulus</i>	Fruit bats	
		<i>Pteropus giganteus</i>	do-	

Order	Family	Species	Common Name	Remarks
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Order	Family	Species	Common Name	Remarks
PRIMATES	Lorisidae	<i>Pteropus melanotus</i>	-do-	
		<i>Loris tardigradus</i>	Slender loris	
	Cercopithecidae	<i>Nycticebus coucang</i>	Slow loris	
		<i>Macaca arctoides (speciosa)</i>	Stump tailed macaque	
		<i>Macaca assamensis</i>	Assamese macaque	
		<i>Macaca fascicularis</i>	Crab eating macaque	
		( <i>Irus umbrosa</i> )		
		<i>Macaca mulatta</i>	Rhesus macaque	*
		<i>Macaca nemestrina</i>	Pig tailed macaque	
		<i>Macaca radiata</i>	Bonnet macaque	
PHOLIDOTA	Manidae	<i>Presbytis johni</i>	Nilgiri langur	
		<i>Presbytis phayrei</i>	Leaf monkey	
		<i>Manis crassicaudata</i>	Indian pangolin	
		<i>Manis pentadactyla</i>	Chinese pangolin	
RODENTIA	Sciuridae	<i>Ratufa indica</i>	Giant squirrel	
		<i>Ratufa bicolor</i>	-do-	
		<i>Ratufa macroura</i>	-do-	
CETACEA	Delphinidae	<i>Delphinus delphis</i>	Common dolphin	
		<i>Orcaella brevirostris</i>	Snub-fin dolphin	
		<i>Lagenorhynchus spp</i>	Broad beaked dolphin	
		<i>Peponocephala electra</i>	Melon head dolphin	
		<i>Pseudorca crassidens</i>	False killer whale	

Order	Family	Species	Common Name	Remarks
	Physeteridae	<i>Stenella</i> spp.	Bridled dolphin	
	Ziphiidae	<i>Tursiops truncatus</i> (aduncus)	Bottle nose dolphin	
		<i>Kogia</i> spp.	Pigmy sperm whale	
		<i>Indopacetus pacificus</i>	Longman's beaked whale	
		<i>Mesoplodon</i> spp.	Beaked whale	
CARNIVORA				
	Canidae	<i>Cuon alpinus</i>	Asian wild dog or Dhole	
	Mustelidae	<i>Aonyx (Amblonyx) cineria</i>	Clawless otter	
	Viverridae	<i>Lutra perspicillata</i>	Smooth coated otter	
	Felidae	<i>Cynogale bennettii</i>		
		<i>Felis libyca</i>	Desert cat	
		<i>Felis viverrina</i>	Fishing cat	
		<i>Felis chaus</i>	Jungle cat	
		<i>Felis manul</i>	Pallas's cat	
		<i>Felis lynx isabellinus</i>	Lynx	
PERISSODACTYLA				
	Equidae	<i>Equus hemionus</i> (kiang)	Tibetan wild ass	
ARTIODACTYLA				
	Bovidae	<i>Budorcas taxicolor</i>	Takin	
		<i>Ovis ammon polii</i>	Marcopolo's sheep	
CICONIIFORMES				
	Ciconiidae	<i>Ciconia nigra</i>	Black stork	
	Threskiornithidae	<i>Platalea leucorodia</i>	White spoonbill	

Order	Family	Species	Common Name	Remarks
ANSERIFORMES	Phoenicopteridae	<i>Phoenicopterus ruber</i>	Greater flamingo	
	Anatidae	<i>Phoenicopterus minor</i>	Lesser flamingo	
FALCONIFORMES	Accipitridae	<i>Sarkidiornis melanotos</i>	Comb duck or Nakta	
		<i>Accipitridae spp.</i>	Vultures, Kites Harriers, Eagles, Buzzards, Hawks and Eagles Falcons	Excluding species covered in App I Except spp covered in App I
	Falconidae	<i>Falconidae spp.</i>		
GALLIFORMES	Pandionidae	<i>Pandion haliaetus</i>	Osprey	
	Phasianidae	<i>Gallus sonneratii</i> <i>Ithaginis cruentus</i> <i>Polyplectron bicalcaratum</i>	Grey jungle fowl Blood pheasant Peacock pheasant	
GRUIFORMES	Gruidae	<i>Grus grus</i> <i>Grus, antigone</i>	Common crane Sarus crane	
	Otididae	<i>Otis tarda</i> <i>Anrhopoides virgo</i> <i>Sypheotides indica</i> <i>Otistetrax orientalis</i>	Great bustard Demoiselle crane Likh or lesser florican Eastern little bustard	
PSITTACIFORMES	Psittacidae	<i>Psittacula eupatria</i>	Large Indian parakeet	

Order	Family	Species	Common Name	Remarks
STRIGIFORMES	Tytonidae Strigidae	<i>P. alexandri fasciate</i>	Red breasted parakeet	
		<i>P. a. abbotti</i>	Andaman red breasted parakeet	
		<i>P. caniceps</i>	Blyth's Nicobar parakeet	
		<i>P. derbyana</i>	Lord Derby's parakeet	
		<i>P. longicauda</i>	Andaman red cheeked parakeet	
		<i>P. cyanocephala</i>	Blossomheaded parakeet	
		<i>P. roseata</i>	Eastern blossomheaded parakeet	
		<i>P. Intermedia</i>	Roths child's parakeet	
		<i>P. himalayana</i>	Himalayan slatyheaded parakeet	
		<i>P. finschii</i>	Eastern slatyheaded parakeet	
		<i>P. columboides</i>	Bluewinged parakeet	
		<i>Loriculus vernalis</i>	Indian lorikeet	
CORACIIFORMES	Bucerotidae	<i>Tytonidae spp</i>	Barn grass owl	
		<i>Strigidae spp.</i>	Owls	
		<i>Aceros narcondami</i>	Narcondam hornbill	
		<i>Anthracoceros</i>		
TESTUDINATA	Testudinidae	<i>coronatus coronatus</i>	Malabar Pied Hornbill	
		<i>Buceros malabaricu</i>	Indian Pied Hornbill	
		<i>Bucers rhinoceros</i>		
		REPTILIA		
		<i>Geochelone elegans</i>	Indian starred tortoise	

Order	Family	Species	Common Name	Remarks
SAURIA	Dermochelyidae	<i>Geochelone emys</i>	Assam land tortoise	In App I before 16.2.95
		<i>Geochelone elongata</i>	Yellow tortoise or	
			Red nosed tortoise	
		<i>Geochelone travancorica</i>	Travancore tortoise	
	Agamidae	<i>Lissemys punctata</i>	India flap shelled turtle	Spinytailed lizard or Sanda
		<i>Uromastix hardwickii</i>		
		<i>Chamaeleo zeylanicus</i>	Indian chameleon	
	Chamelenoidae	<i>Varanus salvator</i>	Water lizard	Regal python
		<i>Python reticulatus</i>		
SERPENTES	Boidae	<i>Eryx conicus</i>	Common sand boas	Red or blunt-tailed sand boas
		<i>Eryx Johnii</i>		
		<i>Elachistodon westermanii</i>	Indian egg eating snake	
	Colubridae	<i>Ptyas mucosus</i>	Rat snake	Cobra
		<i>Naja naja</i>		
	Elapidae	<i>Ophiophagus hannah</i>	King cobra	Six fingered frog
		AMPHIBIA		
ANURA	Ranidae	<i>Rana hexadactyla</i>		Indian bull frog
		<i>Rana tigrina</i>		
LEPIDOPTERA	Papilionidae	INSECTA		The bird wings
		<i>Bhutanitis spp.</i>		
		<i>Ornithoptera spp.</i> (Sensu D' Abrera)		

Order	Family	Species	Common Name	Remarks
VENEROIDA	Tridacnidae	<i>Parnassius apollo</i>	The snow apollo	The bird wings
		<i>Teinopalpus</i> spp.	Kesër-l-Hind	
		<i>Trogonoptera</i> spp. (Sensu D'Abreia)	The bird wings	
		<i>Troides</i> spp. (Sensu D' Abreia) MOLLUSCA		
ANTIPATHARIA		<i>Tridacna</i> spp.	Giant clams	Excluding fossils
		<i>Hippopus hippopus</i> ANTHOZOA	Horse's hoof clam	
SCLERACTINIA		<i>Antipatharia</i> spp.	Black or Thorny corals	
ATHECATA	Milleporidae	<i>Scleractinia</i> spp.	Reef building corals	
		HYDROZOA <i>Milleporidae</i> spp.	Fire corals	-do-
STOLONIFERA		ALCYONARIA		
	Tubiporidae	<i>Tubiporidae</i> spp.	Organ pipe corals	-do-
Apocynaceae Asclepiadaceae		FLORA		
		<i>Rauvolfia serpentina</i> # 2	Sarpagandha	
		<i>Ceropegia</i> spp # 1	Ceropegias	
		<i>Frerea Indica</i> # 1	Shindal makundi	
Araucariaceae		<i>Araucaria araucana</i> # 1	Monkey puzzle tree	



Order	Family	Species	Common Name	Remarks
	Berberidaceae	<i>Podophyllum hexandrum</i> (emodi) # 2	Indian podophyllum	
	Cactaceae	<i>Cactaceae spp</i> # 4	Cactus	Cultivated in India
	Cyatheaceae	<i>Cyatheaceae spp</i> # 1	Tree ferns	Excluding cycas
	Cycadaceae	<i>Cycadaceae spp.</i> # 1	Cycads	beddomei which is in App I
	Dioscoreaceae	<i>Dioscorea deltoidea</i> # 1	Elephant's foot	
	Droseraceae	<i>Dionaea muscipula</i> # 1		
	Euphorbiaceae	<i>Euphorbia spp.</i> # 1	Euphorbias	
	Liliaceae	<i>Aloe spp.</i> # 1	Aloes	Aloe vera also referred as Aloe barbadensis excluded from App II
	Orchidaceae	<i>Orchidaceae spp.</i> # 7	Orchids	Excluding Species covered in App.I
	Leguminosae	<i>Pterocarpus santalinus</i> # 6	Red sanders	16.2.95 onwards
	Taxaceae	<i>Taxus wallichiana</i> # 8	Common yew or Birni leaves	16.2.95 onwards
	Thymelaeaceae	<i>Aquilaria malaccensis</i> # 1	Agarwood	16.2.95 onwards

Appendix-III  
Fauna  
MAMMALIA

Order	Family	Species	Common Name	Remarks
RODENTIA	Sciuridae	<i>Marmota caudata</i>	Marmot	
		<i>Marmota himalayana</i>	Marmot	
CARNIVORA	Canidae	<i>Canis aureus</i>	Jackal	
		<i>Vulpes bengalensis</i>	Common fox	
		<i>Vulpes vulpes griffithi</i>	Red fox	
		<i>Vulpes vulpes montana</i>	Hill fox	
		<i>Vulpes vulpes pusilla (leucopus)</i>	Desert fox	
	Mustelidae	<i>Martes flavigula (gwatkinsi)</i>	Marten	
		<i>Martes foina intermediae</i>	Marten	
		<i>Mustela altaica</i>	Weasel	
		<i>Mustela erminea ferghanae</i>	Ermine	
		<i>Mustela kathiah</i>	Weasel	
VIVERRIDAE		<i>Mustela sibirica</i>	Weasel	
		<i>Arctictis binturong</i>	Binturong or bear cat	
		<i>Paguma larvata</i>	Himalayan palm civet	
		<i>Paradoxurus hermaphroditus</i>	Common palm civet	
		<i>Paradoxurus jerdoni</i>	Brown palm civet	
		<i>Viverra megaspila (civettina)</i>	Malabar civet	
		<i>Viverra zibetha</i>	Large Indian civet	

Order	Family	Species	Common Name	Remarks
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Order	Family	Species	Common Name	Remarks
	Herpestidae	<i>Viverricula indica</i>	Small Indian civet	
		<i>Herpestes auropunctatus</i>	Mongoose	
		<i>Herpestes edwardsi</i>	Mongoose	
		<i>Herpestes brachyurus fusca</i>	Mongoose	
		<i>Herpestes smithii</i>	Mongoose	
		<i>Herpestes urva</i>	Mongoose	
		<i>Herpestes vitticollis</i>	Mongoose	
ARTIODACTYLA				
	Bovidae	<i>Antelope cervicapra</i>	Black buck	App III for Nepal
		<i>Bubalus arnee (Bubalis)</i>	Wild buffalo	-do-
		<i>Tetracerus quadricornis</i>	Four-horned antelope	-do-
		AVES		
GALLIFORMS				
	Phasianidae	<i>Tragopan satyra</i>	Satytr tragopan	App. III for Nepal
COLUMBIFORMES				
	Columbidae	<i>Columba livia</i>	Indian black rock pigeon	App III for Ghana
PSITTACIFORMES				
	Psittacidae	<i>Psittacula krameri</i>	Rose ringed parakeet	-do-
PASSERIFORMES				
	Estrildidae	<i>Lonchura cantans</i>	White throated munia	-do-
SERPENTES		REPTILA		
	Colubridae	<i>Atretium schistosum</i>	Olivaceous keelback	
		<i>Cerberus rhynchops</i>	Dog faced water snake	

Order	Family	Species	Common Name	Remarks
		<i>Xenochrophis piscator</i>	Checkered keelback	Formerly in Genus Natix
	Viperidae	<i>Vipera russellii</i>	Russell's viper	
		<b>FLORA</b>		
	Gnetaceae	<i>Gnetum montanum</i> # 1		App. III For Nepal
	Magnoliaceae	<i>Taliuma hodgsonii</i> # 1		-do-
	Podocarpaceae	<i>Podocarpus nerifolius</i> # 1	Kat bhaluka	-do-

#### NOTE

- #1 Designates all parts and derivatives, except:
- Seeds, spores and pollen (including pollinia); and
  - Seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers.
- #2 Designates all parts and derivatives, except:
- Seeds and Pollen;
  - Seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers; and
  - Chemical derivatives.
- #3 Designates roots and readily recognizable parts thereof.
- #4 Designates all parts and derivatives, except:
- Seeds and pollen;
  - Seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers;
  - Fruits and parts and derivatives thereof or naturalized or artificially propagated plants; and
  - Separate stem joints (pads) and parts and derivatives thereof or naturalized or artificially propagated plants of the genus *Opuntia*.

- #5 Designates saw-logs, sawn wood and veneers.
- #6 Designates logs; wood-chips and unprocessed broken material.
- #7 Designates all parts and derivatives, except:
  - a) Seeds and pollen (including pollinia);
  - b) Seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers;
  - c) Cut flowers of artificially propagated plants; and
  - d) Fruits and parts and derivatives thereof or artificially propagated plants of the genus *Vanilla*.
- #8 Designates all parts and derivatives, except :
  - a) Seeds and pollen;
  - b) Seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers; and
  - c) Finished pharmaceutical products.

# ANNEXURE H

## INDIAN DELEGATES TO THE CITES CONFERENCE OF THE PARTIES

No.	City	Country	Date / Year	Indian representatives
CoP-1	Berne	Switzerland	2 - 6 November 1976	R. N. Aga. Embassy of India, Berne, Switzerland.
CoP-2	San Jose	Costa Rica;	19 - 30 March 1979	Nalini D. Jayal, Min. of Agriculture, New Delhi
CoP-3	New Delhi	India	25 February to 8 March 1981	M.K.Dalvi (Chairman of the Plenary Sessions), Mr Samar Singh, N.D.Bachkheti, K.K. Tiwari, S.K.Jain, E.G.Silas, N.D.Jayal, K.K.Mahajan, J.J.Dutta, V.B.Singh, V.B.Saharia, J.H.Desai, P.J.Ramrakhiani, R.M.Vats, Usha Vohra, Veerendra Singh, Madhu Bhaduri, P. Kannan, Digvijay Singh, Salim Ali, Fatehsingh Rao P. Gaekwad, Duleep Matthai
CoP-4	Gaborone	Botswana	19 - 30 April 1983	Leader of the delegation from India, Mr Samar Singh, Mr S.K.Mukherjee (Deputy Director, Wildlife Preservation), Mr

Duleep Matthai (Member, IBWL), Dr  
P. V. Thind (Secretary)

CoP-5	Buenos Aires	Argentina	22 April - 3 May 1985	Duleep Matthai (Member, IBWL), Dr B.K. Tikadar (Dir BSI) Mr Samar Singh (Chairman of the Standing Committee and leader of the Delegation), Dr B. K. Tikadar, Mr S.K. Mukherjee, Duleep Matthai and Ravi Bangar (Ambassador of India to Argentina)
CoP-6	Ottawa	Canada	12 - 24 July 1987	Dr M. K. Ranjitsinh (leader and Chairman of the Standing Committee), Mr S. K. Goyal and Mr M. P. Nayar
CoP-7	Lausanne	Switzerland	9 - 20 October 1989	Mr S.S. Bist.
CoP-8	Kyoto	Japan	2 - 13 March 1992	Mr Arin K. Ghosh (Representative), and Mr Ashok Kumar and Dr B. D. Sharma (Alternative Representative)
CoP-9	Fort Lauderdale	Florida, USA	7 - 18 November 1994	Mr S. C. Dey (Leader), Dr P.K. Hajra (Director BSI), Dr J. R. B. Alfred (Addl. Director, ZSI), Mr Arin Ghosh (Director, Project Tiger), Mr Ashok Kumar (Director, TRAFFIC India)
CoP-10	Harare	Zimbabwe	9 - 20 June 1997	Mr S. C. Dey (Management Authority of India), Dr J.R.B. Alfred, Dr P.K. Hajra & Mr Vinod Rishi

Special Working Session : Geneva, Switzerland; 17 - 28 October 1977.

## ANNEXURE I

RECORDED IMPORT/EXPORT/RE-EXPORT OF  
CITES LISTED SPECIES OF INDIA

Trade	Particulars	1979	1980	1981	1982	1983	1984
Import	Ivory	5012	5070	8069	5588	5809	12359
Re-Export		12950	10028	7251	6715	9279	11231
Export	Parakeets <i>P. cyanocephala</i> <i>P. eupatria</i> <i>P. alexandri</i>	Not listed in CITES App.	Not listed	10357	15854	12570	5212
Import	Orchids	-	-	-	-	-	-
Export		70466	81198	58728	71000	68500	82246
Export	Fur Articles <i>Felis chaus</i> <i>Felis libyca</i>	5691*	6345*	5638*	7313*	851*	Nil
Export	Snake Skin / Articles Included those of species <i>Ptyas mucosus</i> and <i>Naja naja</i>	National Ban	National Ban	National Ban	National Ban	12436**	52943**
Export	Frog Legs / <i>Rana</i> <i>tigrina</i> and <i>Rana</i> <i>hexadactyla</i>	Not listed in CITES App.	-	-	-	-	-
Export	<i>Saurostea costus</i>	Not listed in CITES App.	-	-	-	-	-



Trade	Particulars	1985	1986	1987	1988	1989	1990
Import	Ivory	12982	9569	3878	2127	6763	455
Re-Export		7870	4354	2934	1778	617	Nil
Export	Parakeets <i>P. cyanocephala</i> <i>P. eupatria</i> <i>P. alexandri</i>	17998	9743	7302	7531	11169	27625 (Including Rose Ringed)
Import	Orchids	-	-	-	-	-	-
Export		69613	71360	52538	480	8207	Nil
Export	Fur Articles <i>Felis chaus</i> <i>Felis libyca</i>	Nil	Nil	Nil	Nil	Nil	Nil
Export	Snake Skin / Articles Included those of species <i>Ptyas mucosus</i> and <i>Naja naja</i>	57240	68156	90162	50583	10980	295000 (Skins) + 3776 (Articles)
Export	Frog Legs / <i>Rana</i> <i>tigrina</i> and <i>Rana</i> <i>hexadactyla</i>	995789	720905	108275 (Export ban from 1.4.87)	10827	14641	29124
Export	<i>Saussurea costus</i>	-	-	-	5000	65800	6000

Trade	Particulars	1991	1992	1993	1994	1995	1996
Import	Ivory	Nil	Nil	-	-	-	-
Re-Export		Nil	Nil	-	-	-	-
Export	Parakeets <i>p. cyanocephala</i> <i>p. eupatria</i> <i>p. alexandri</i>	Nil	Nil	-	-	-	-
Import	Orchids	-	13784	669	4000	45262	184854
Export		18366	21647	37860	27622	50829	32757 + Tablets
Export	Fur Articles <i>Felis chaus</i> <i>Felis libyca</i>	Nil	Nil	-	-	-	-
Export	Snake Skin / Articles Included those of species <i>Ptyas mucosus</i> and <i>Naja naja</i>	Nil	63480 (Re- Exp.)	-	-	-	-
Export	Frog Legs / <i>Rana</i> <i>tigrina</i> and <i>Rana</i> <i>hexadactyla</i>	Nil	Nil	-	-	-	-
Export	<i>Saussurea costus</i>	30000	31950	13000	1035 + Formu- lations	Formulations	Formulations

\* Articles  
\*\* Partial lifting of ban to liquidate the accumulated stock  
Unit: Ivory, frog legs & *Saussurea costus* unit - Kg  
Source: CITES Management Authority in India (Annual Reports)

## ADDENDUM

### The Eleventh Meeting of the Conference of the Parties

The Eleventh Meeting of the Conference of the Parties of CITES was held at Gigiri, Kenya from 10 to 20 April 2000. The Honorable President of Kenya inaugurated the Conference. The main programme at the Conference was the concurrent meetings of Committee I and Committee II followed in the end by the Plenary Session. There were 62 documents and 62 proposal for amendment of Appendices to the Convention, which were discussed and decision taken upon.

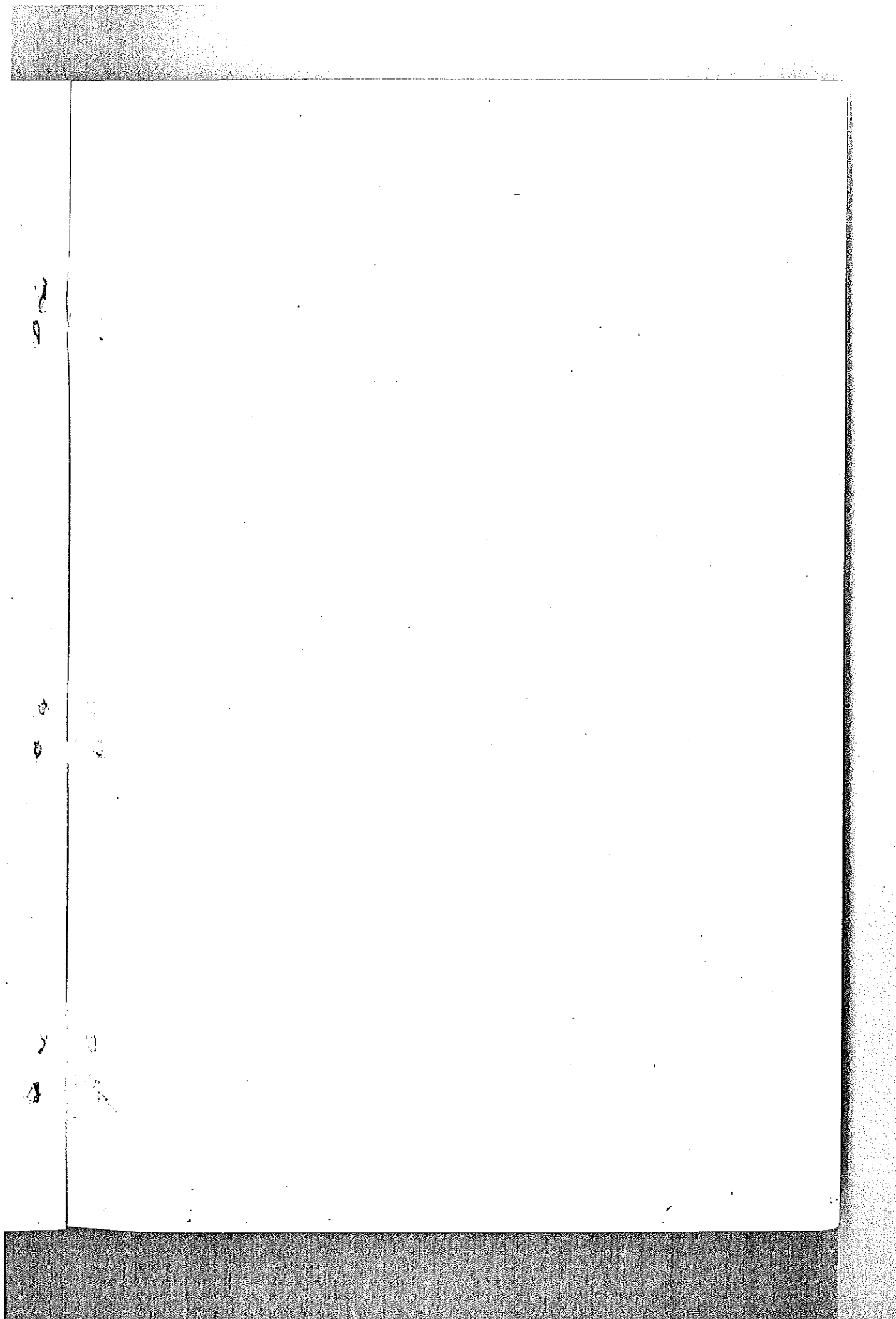
Documents related to tiger, elephant, Tibetan antelope and freshwater turtle and tortoise were of special relevance to India, most important being tiger and elephant.

Regarding tiger, the report of a Political Tiger Mission to India submitted as Annexure 2 to Document 11.30 was of great concern. The Report made unsavory remarks for India as well as its key NGOs, WWF India and TRAFFIC India. The Indian Delegation and the representative of WWF India/TRAFFIC India raised the issue. It was agreed to constitute a working group to look into the matter. The working group found the remarks extremely inappropriate. Finally, the Chairman of the Political Tiger Mission, Mr Rob Hepworth of UK and the Chairman of Technical Tiger Mission, Mr John Sellar regretted their observations in the Report in a Press Conference.

Regarding elephant, one of the proposals for the amendment of the Appendices 'to up list all elephant populations in Appendix II to Appendix I, was moved by Kenya and India, jointly. The discussions and debate was conciliatory in nature and the final outcome of the discussion on documents and proposals on elephant was status quo on ivory trade. There would be no ivory trade till the two monitoring systems, one dealing with illegal killing of elephants (MIKE) and the other dealing with the illegal trade in ivory (ETIS) were fully in place and functional.

There were unanimous resolutions on conservation of and control of trade in Tibetan Antelope as well as musk deer.

Another most important highlight was that India got elected as an alternate member of the Standing Committee and full member of the Plants Committee.





The TRAFFIC Network is the world's largest wildlife trade monitoring programme with offices covering most parts of the world. TRAFFIC (Trade Records Analysis of Flora and Fauna In Commerce) is a joint programme of WWF (World Wide Fund for Nature) and IUCN (The World Conservation Union) to monitor trade in wild plants and animals. It works in close co-operation with the Secretariat of the Convention on International Trade in Endangered Species of wild fauna and flora (CITES).

TRAFFIC-India is a programme division of World Wide Fund for Nature - India and forms part of the worldwide TRAFFIC Network.

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