

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA

FIRST MEETING OF THE CONFERENCE OF THE PARTIES

Berne (Switzerland), 2 to 6 November 1976

SECRETARIAT AND ITS DUTIES

Report on work of Secretariat

1. Introduction

Through its notification No. 41 dated 30 July 1976, the Secretariat sent to the Parties its first annual report covering the period from 1 July 1975 to 30 June 1976. The present report therefore is a completed and corrected version of the annual report.

Secretariat activities officially started when the Convention entered into force, i.e., on 1 July 1975. In fact, the International Union for Conservation of Nature and Natural Resources (IUCN), which was entrusted by the United Nations Environment Programme with secretariat responsibility, had already accomplished various activities to promote the entry into force and implementation of the Convention.

The functions of the Secretariat are enumerated in Article XII, paragraph 2, of the Convention. The present report aims to inform Parties on work undertaken by the Secretariat within the framework of these functions.

2. Conference of the Parties

The Secretariat should call the first meeting of the Conference of the Parties no later than two years after the entry into force of the Convention, i.e., up until 30 June 1977. On 18 April 1975, (Before entry into force of the Convention), signatory or contracting States were consulted to find out their point of view on the date on which this first meeting should be called.

On receiving their replies, governments fell into two groups, one which required a meeting shortly after the entry into force of the Convention in order to consider numerous problems arising from the implementation of the Convention; the other requested that a sufficiently high number of countries had ratified the Convention or had acceded to it before calling such a meeting. This second group also considered as desirable that a certain experience be acquired before a meeting of the Parties took place.

Finally and with the agreement of UNEP, it was decided to call the first meeting of the Conference of the Parties for the end of 1976.

The Government of the Swiss Confederation, being the Depositary Government and one of the first States to ratify the Convention, was consulted and agreed to host the first meeting on its territory and to participate in the expenses. The Swiss Government charged the Federal Veterinary Office, The Swiss Management Authority of the Convention, to assure the necessary contacts with the Secretariat.

Thus, it was decided that the first meeting of the Conference of the Parties would be held in Berne from 2 to 6 November 1976. Signatory or contracting States were officially informed through their diplomatic agencies. Two notes were sent, with copies to Management Authorities designated by the Parties, on 12 February and 15 April 1976. The first note was accompanied with a provisional agenda, the other with a provisional programme. The States which have not signed the Convention were informed, on 5 May 1976, by the same method, of the possibility for them to accede to the Convention and of their rights to participate at meetings of the Conference of the Parties as observers.

The preparations for the meeting constituted the main activity of the Secretariat since the issue of the first annual report, even though very few States answered the requests contained in the Secretariat's notification Nos. 27 and 28. These requests concerned the working documents the Parties should have sent to the Secretariat to enable them to be examined by the Conference of the Parties.

3. Amendments to Appendices I and II

As indicated in the annual report of the Secretariat on implementation of the Convention in 1975-1976, the Secretariat received numerous proposals for amendments to Appendices I and II and communicated them to the Parties. (See Doc. 1.11 and 1.15).

The Secretariat, in accordance with the provisions of Article XV of the Convention, also communicated to the Parties its own recommendations for amendments. These recommendations, made after numerous consultations with experts, were the subject of Secretariat Notifications to the Parties Nos. 13, 14, 21, 29, 42, 46, 47, 49 and 51 to 54. (See Doc. 1.15).

4. Appendix III

The rôle of the Secretariat is to publish and communicate to the Parties, updated editions of Appendix III, resulting from lists it receives. These tasks were fulfilled regularly, as mentioned in the annual report of the Secretariat on the implementation of the Convention in 1975-1976.

5. Standards for appropriate preparation and shipment of living specimens

The Secretariat did not undertake any particular study in this matter. On the other hand, it established contacts with the International Air Transport

Associations which enforces regulations for the transportation of live animals (IATA Live Animals Regulations) the fifth edition of which was published on 1 June 1976.

The Secretariat attended the International Conference on Transportation of Live Animals by Air organized by IATA and which was held in Geneva on 8 and 9 June 1976. At the end of this Conference, several recommendations had been approved, one of them being a request from governments and airlines to support the objectives of IUCN and WWF with regard to endangered species.

After consultations with various experts and specialised organisations, the Secretariat will communicate its remarks to IATA and express the wish that IATA will consider them for inclusion in the next edition of its regulations.

Furthermore, the Secretariat asked the TRAFFIC Group of the Survival Service Commission of IUCN to examine the IATA regulations and to communicate its comments. (See Doc. 1.35).

6. Reports from the Parties

Through the Secretariat Notification to the Parties No. 25, Parties for whom the Convention has been in force almost a year, were reminded that they should, under the provisions of Article VIII, prepare an annual report containing a summary of the information gathered on trade in species listed in Appendices I, II and III.

Some reports have been sent to the Secretariat since July; i.e., those from Canada, Papua New Guinea, Peru, South Africa, Switzerland and Tunisia. These are not sufficient to permit a comprehensive study.

7. Relations with the Parties and other relations

In addition to the 58 Secretariat Notifications to the Parties sent to the Parties, the Secretariat has had an important exchange of correspondence with the Management Authorities designated by different Parties and with numerous governments, official services, organizations, organisms and private individuals. This correspondence concerned various questions regarding measures to be taken before a State becomes Party to the Convention; various problems arising from the implementation of the Convention; the arrangements for the first meeting of the Conference of the Parties; and any other subject in connection with the trade in threatened species.

8. Correction of errors in the texts of the Convention

The Secretariat examined certified copies in English, French and Spanish and detected several errors in the texts and appendices of the Convention. These errors have been communicated to the Depositary Government, which subsequently submitted them to the signatory or contracting States and proposed a simplified procedure for correction not provided for under the Convention.

Three of the proposed corrections have been the subject of an objection by the United States, a Party to the Convention, and therefore have not been retained. The others have been the subject of a "procès-verbal de rectification" forwarded to signatory or contracting States through a notification of the Swiss Government dated 19 March 1976. Those corrections not acceptable to all States should be examined during the works of the present meeting of the Conference of the Parties. (See Doc. 1.14).

9. Identification book

The Secretariat would have liked to have published as soon as possible an identification book for the use of trade control officers, mainly on importation of specimens. The work that such a publication would entail and the fact that no financial resources are available to the Secretariat, have prevented the compilation of such a book.

Within the framework of the preparation of this book, the Secretariat established lists of common names in English, French and Spanish, of all species included in Appendices I and II except molluscs and flora. These lists, establishment of which represents a considerable volume of work, were communicated to signatory or contracting States in December 1975. These States were requested to send their comments to the Secretariat. A final edition has not yet been published owing to the large amount of comments received until now. The final issue has just been published. It constitutes document Doc. 1.29.

Within the same framework, the Secretariat established a country-by-country listing of species mentioned in Appendices I and II. The compiling of such a list is also a slow and difficult process and there is no doubt that it contains errors, either of omission or mention of species which have never existed in a country or have disappeared. The list will also be circulated before publication and included in the identification book. At that time, it will have certainly undergone numerous alterations, but it might constitute a very useful reference for the control of certain species.

10. Other activities

The tasks of the Secretariat of the Convention being assumed by IUCN, its activities have obviously been integrated with those of the Union, notably those relating to conservation of threatened species.

Without going into details, it is nevertheless necessary to note that the Secretariat collaborated in the preparation of a report on "Certain aspects of the protection of species of wild fauna" carried out by IUCN for the European Economic Community. One part of this report was devoted to problems of implementation of the Convention within countries of the common Market.

11. Conclusion

During its activity, the Secretariat fulfilled its functions entrusted to it in regard to the Endangered Species Convention as well as was possible.

To the furthest extent possible, the Secretariat has tried to answer all requests addressed to it, by the Parties, by States requesting information on the Convention and by all those services, organizations or individuals.

As already stated in the report on the implementation of the Convention, the Secretariat, nevertheless, would have wished closer and more frequent contacts with all the Parties. The Secretariat always remains at the disposal of the Parties.

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA

FIRST MEETING OF THE CONFERENCE OF THE PARTIES

Berne (Switzerland), 2 to 6 November 1976

REVIEW OF THE IMPLEMENTATION OF THE CONVENTION

Report presented by the Secretariat

1. Introduction

Through its notification No. 41 dated 30 July 1976, the Secretariat sent to the Parties its first annual report on the implementation of the Convention which covers the period from 1 July 1975 to 30 June 1976. The present report is, therefore, a completed and corrected version of the annual report.

In accordance with the provisions of paragraph 1 of Article XII of the Convention, a Secretariat was provided upon entry into force of the Convention by the Executive Director of the United Nations Environment Programme. At his request, the International Union for Conservation of Nature and Natural Resources agreed to fulfil the functions of the secretariat.

In accordance with the provisions of Article XXII, paragraph 1, the Convention entered into force 90 days after the date of deposit of the tenth instrument of ratification, acceptance, approval or accession, with the Depositary Government. The tenth instrument was deposited by Uruguay on 2 April 1975 and the Convention consequently entered into force on 1 July 1975.

2. States Parties to the Convention

Since the entry into force of the Convention and, up until the first meeting of the Conference of the Parties, e.g. between 1 July 1975 and 2 November 1976, 22 States became Parties to the Convention, thus bringing the total number to 32. These 32 Parties are the following:

	<u>Date of entry into force</u>
1. United States of America	1. 7.1975
2. Nigeria	1. 7.1975
3. Switzerland	1. 7.1975
4. Tunisia	1. 7.1975

	<u>Date of entry into force</u>
5. Sweden	1. 7.1975
6. Cyprus	1. 7.1975
7. United Arab Emirates	1. 7.1975
8. Ecuador	1. 7.1975
9. Chile	1. 7.1975
10. Uruguay	1. 7.1975
11. Canada	9. 7.1975
12. Mauritius	27. 7.1975
13. Nepal	16. 9.1975
14. Peru	25. 9.1975
15. Costa Rica	28. 9.1975
16. South Africa	13.10.1975
17. Brazil	4.11.1975
18. Madagascar	18.11.1975
19. Niger	7.12.1975
20. German Democratic Republic	7. 1.1976
21. Morocco	14. 1.1976
22. Ghana	12. 2.1976
23. Papua New Guinea	11. 3.1976
24. Federal Republic of Germany	20. 6.1976
25. Pakistan	19. 7.1976
26. Finland	8. 8.1976
27. India	18.10.1976
28. Zaire	18.10.1976
29. Norway	25.10.1976
30. Australia	27.10.1976
31. United Kingdom of Great Britain and Northern Ireland	31.10.1976
32. Iran	1.11.1976

Furthermore, the Union of Soviet Socialist Republics deposited an instrument of ratification with the Government of the Swiss Confederation on 9 September 1976. The U.S.S.R. will henceforth become Party to the Convention on 8 December 1976.

Finally, Italy and Venezuela have fulfilled the legal formalities and the deposit of an instrument of ratification from these countries is expected in the near future.

3. Management Authorities

The provisions of Article IX provide that a State depositing an instrument of ratification, acceptance, approval or accession, shall at the same time inform the Depositary Government of the name and address of the Management Authority authorized to communicate with other Parties and with the Secretariat.

Most of the 33 States who have deposited an instrument of ratification or accession have also communicated the name and address of their appropriate Management Authority. Names and addresses of these Management Authorities were communicated to the Parties in Secretariat Notifications to the Parties. Notifications Nos. 48 and 50 are those presently valid.

Nigeria, United Arab Emirates, Nepal and U.S.S.R., are the only Parties who have not yet communicated the name and address of their Management Authority, in spite of repeated requests of the Depositary Government and the Secretariat. It is still hoped that this important information will be received.

4. Specific reservations

Article XXIII of the Convention enables States to enter specific reservations with regard to species included in Appendices I, II and III. Such reservations shall be entered at the time of the deposition of the instrument of ratification, acceptance, approval or accession.

So far, only Canada and the United Kingdom have entered specific reservations with regard to species included in Appendices I and II. These reservations which were communicated by the Depositary Government to the signatory or contracting States, concern the following species:

CANADA

Appendix I

FAUNA

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MAMMALIA

CETACEA

Eschrichtidae	<u>Eschrichtius robustus (glaucus)</u>
Balaenopteridae	<u>Balaenoptera musculus</u> <u>Megaptera novaengliae</u>
Balaenidae	<u>Balaena mysticetus</u> <u>Eubalaena spp.</u>

CARNIVORA

Ursidae	<u>Ursus americanus emmonsii</u>
Felidae	<u>Felis concolor cougar</u>

ARTIODACTYLA

Bovidae	<u>Bison bison athabasca</u>
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AVES

ANSERIFORMES

Anatidae	<u>Branta canadensis leucopareia</u>
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PISCES

ACIPENSERIFORMES

Acipenseridae	<u>Acipenser brevirostrum</u> <u>Acipenser oxyrinchus</u>
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SALMONIFORMES

Salmonidae Coregonus alpenae

PERCIFORMES

Percidae Stizostedion vitreum glaucum

Appendix II

FAUNA

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MAMMALIA

CARNIVORA

Canidae Canis lupus irremotus
 Canis lupus crassodon

Ursidae Ursus (Thalarctos) maritimus
 Ursus arctos (all North-American subspecies)

Mustelidae Martes americana atrata

Felidae Felis concolor missoulensis

ARTIODACTYLA

Bovidae Ovis canadensis

AVES

ANSERIFORMES

Anatidae Anser albifrons gambelli

FALCONIFORMES

Accipitridae Aquila chrysaetos

Falconidae spp. (all species or subspecies not included
 in Appendix I)

PISCES

ACIPENSERIFORMES

Acipenseridae Acipenser fulvescens

FLORA

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CACTACEAE Cactaceae spp.

ORCHIDACEAE spp. (all species or subspecies not included
 in Appendix I)

UNITED KINGDOM

The specific reservations entered by the United Kingdom are relevant to Hong Kong only.

Appendix I

FAUNA

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MAMMALIA

PROBOSCIDEA

Elephantidea

Elephas maximus

REPTILIA

All species included in Appendix I

Appendix II

FAUNA

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REPTILIA

All species included in Appendix II

5. Appendix III

Under the fundamental principles set out in Article II of the Convention, Appendix III should include all species identified by any Party as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as requiring the cooperation of other Parties in the control of trade.

Up until 12 October 1976, 7 Parties had communicated to the Secretariat a list of species for inclusion in Appendix III. These 7 Parties were Canada, Nepal, Mauritius, Ghana, Tunisia, Uruguay and Costa Rica. These lists were the subject of Secretariat Notifications to the Parties Nos. 1, 2, 5, 9, 16, 22 and 40.

Appendix III as at 28 October 1976 was published and communicated to the Parties through the Secretariat Notification to the Parties No. 58 of 15 October 1976. (See Doc. 1.37).

The list communicated by Canada includes several species mentioned in Appendices I and II, these species being the subject of a specific reservation by Canada. Such circumstances gave rise to a problem not provided for by the Convention, i.e., the listing of a species under two of Appendices I, II or III. This problem should be examined at the present meeting of the Conference of the Parties. (See Doc. 1.12 and 1.12.1).

Under the provisions of Article XVI of the Convention, any Party submitting a list of species for inclusion in Appendix III, shall submit to the Secretariat a copy of all their domestic laws and regulations applicable to the protection of such species. At the present time, only Canada, Costa Rica, and partly Tunisia, have fulfilled this provision. Replies to the Secretariat's requests were not received from the other Parties.

6. Amendments to Appendices I and II

Only Parties to the Convention may propose amendments to Appendices I and II of the Convention. A State not Party to the Convention and desiring to propose an amendment for consideration at a meeting of the Conference of the Parties should deposit its instrument of ratification or accession at least 240 days before the beginning of the meeting in order to respect the provisions of the Convention. Taking this fact into account, the Secretariat suggested, subject to the approval of the Parties, a less compelling procedure. The Secretariat proposed that States intending to become Parties to the Convention before the first meeting of the Conference of the Parties should communicate their proposals for amendments 150 days before this first meeting, i.e., before they have deposited their instrument of ratification or accession.

Parties will have the opportunity to refuse such a procedure at the present meeting of the Conference of the Parties. In such a case, the amendments submitted by States having taken advantage of this procedure

will be considered under the postal voting system as provided for in Article XV of the Convention.

On 5 June 1976, (150 days before the beginning of the first meeting of the Conference of the Parties), 11 States had communicated proposals for amendments to Appendices I and II to the Secretariat. Among these 11 States, 3 used the above-mentioned procedure. The States in question are Mauritius, Canada, Papua New Guinea, Switzerland, Madagascar, the United States of America, Morocco and Peru, Iran, the United Kingdom and Australia.

The proposals for amendments have been the subject of Secretariat Notifications to the Parties Nos. 4, 11, 17, 18, 30 to 36 and 38. (See Doc. 1.15).

Very few comments on these proposals were received from the Parties and therefore, making it impossible to assess the chance of adoption or refusal of the proposed amendments. Comments received were communicated to the Parties through the Secretariat Notification No. 55. (See Doc. 1.15).

Eight-hundred and twenty-nine amendments have been proposed, the majority of them being additions. If most of the proposed amendments are adopted at the present meeting of the Conference of the Parties, Appendices I and II will grow considerably larger.

Even though most of the amendments may be justified, the implementation of the Convention, notably at the import control level, will become more complicated. The Secretariat is seriously considering whether it would be possible to find a simpler and more practical solution.

A solution could perhaps be found by deleting Appendices II and III and substituting a similar obligatory control of trade in all specimens of wild species with several exceptions, if necessary. Trade in the latter could be maintained or increased without risks. Such a solution would need one or more amendments to the Convention. However, it would be in contradiction with the spirit of the Convention.

To avoid amendments of the Convention, Appendix II may be altered so that control does not concern species or even subspecies but families, orders and whole classes instead. Identification problems would become far simpler.

Documents 1.17 and 1.27 cover the above-mentioned problem which will then be considered at the present meeting. This seems essential to the Secretariat, since the future of the Convention may depend on the solution which will be found.

7. Authenticating of permits and certificates

It is clear that unscrupulous smugglers are always ready to contravene the provisions of the Convention. Authorities in charge of the implementation of the Convention therefore should seek every means possible to avoid or at least try to limit the risks of fraud.

Through the intermediary of the Secretariat, an exchange could be carried out between the Parties of stamps, seals or other devices used to auth-

enticate certificates, permits, specimens or consignments of specimens.

With this in mind, the Secretariat sent Secretariat Notification to the Parties No. 8 on 14 November 1975. However, very little information was received and circulation of this proposal to all the Parties was not yet considered to be useful. The Secretariat desires that the present report constitute a reminder and that Parties will communicate the requested information as soon as possible. (See Doc. 1.25).

8. Implementation of the Convention in States Parties to the Convention

At the present time, there is very little information at the disposal of the Secretariat concerning the implementation of the Convention in the States Parties to the Convention. Nevertheless, it is hoped that more information will be received in the annual reports which Parties should communicate to the Secretariat according to provisions of paragraph 7 of Article VIII of the Convention. However, the Secretariat received very few reports and the present meeting should give the opportunity to know more about it.

The Secretariat would have liked more frequent contact with the Parties, as it considers that the implementation of the Convention would give rise to problems which it could have helped to solve. The Secretariat hopes that the absence of contact with the Parties is due to the complete and efficient implementation of the Convention in their countries.

Should this not be the case, the Secretariat reminds Parties that it is at their disposal for assistance with the implementation of the aims and provisions of the Convention.

9. Conclusion

One year and half after entry into force of the Convention, it is unfortunately impossible to assess the extent of its implementation. It will likely be only possible to assess the extent of implementation during the present meeting of the Conference of the Parties.

The fact that 33 States have ratified the Convention or acceded to it is encouraging, but this number is still too low to afford an efficient application of the Convention. Other States have already decided to join these 33, but the Secretariat has no information on several very important countries who are exporters as well as importers. The Secretariat wishes therefore that as many States as possible ratify or accede to the Convention in the next few months, since as the preamble to the Convention recalls, international cooperation is essential for the protection of certain species of wild fauna and flora against over-exploitation through international trade.