

**TESTIMONY OF JUDGE CRAIG MANSON, ASSISTANT SECRETARY FOR
FISH AND WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR,
BEFORE THE HOUSE COMMITTEE ON RESOURCES, SUBCOMMITTEE ON
FISHERIES CONSERVATION, WILDLIFE AND OCEANS, REGARDING
PREPARATIONS FOR THE THIRTEENTH MEETING OF THE CONFERENCE
OF THE PARTIES TO THE CONVENTION ON INTERNATIONAL TRADE IN
ENDANGRED SPECIES.**

September 23, 2004

I appreciate this opportunity to testify before you today regarding the Administration's preparations for the thirteenth Meeting of the Conference of the Parties (COP 13) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). This year's meeting will take place in Bangkok, Thailand, from October 2nd through October 14th. With over 110 species proposals, resolutions and agenda items to be considered during COP13 we anticipate a very productive meeting.

The lead responsibility for implementation of CITES for the United States rests with the Secretary of the Interior, acting through the U.S. Fish and Wildlife Service (Service). This year's delegation will be comprised of representatives from the Departments of the Interior, State, Commerce (NOAA Fisheries, in particular), Agriculture (both the Animal and Plant Health Inspection Service (APHIS) and the U.S. Forest Service), Justice, the U.S. Agency for International Development (USAID), and the Office of the U.S. Trade Representative (USTR). We are also pleased that the delegation will again include a representative of the states, through the International Association of Fish and Wildlife Agencies, and representatives from Congress, including Chairman Pombo and several Committee staff.

CITES, which celebrated its 30th anniversary last year, is the only international treaty specifically designed to control, monitor, and regulate international trade in certain animal and plant species that are now or may become potentially threatened with extinction due to that trade. CITES is a treaty that works. By halting the trade in species threatened with extinction and ensuring that the trade in other vulnerable species is consistent with sustainable management and conservation, CITES is one of the most effective forces in the world for conserving plants and animal species. CITES influence is increasing as reflected by the continuing expansion of its membership; currently 166 countries are Parties to CITES, up from 160 countries at COP12.

Over the past 16 months, the Service has coordinated with other federal and state agencies in preparation for COP13. In addition, the Service has published a series of *Federal Register* notices and held public meetings in which we solicited comments regarding possible species proposals, resolutions, decisions, and agenda items that the United States should consider proposing for COP 13.

In considering these proposals, the Service continues to prioritize submissions to maximize the Convention's effectiveness in the conservation and sustainable use of species subject to international trade. This includes proposed actions that specifically address:

- serious wildlife trade issues that the United States is experiencing as a range country for species in trade, or for those species not native to the United States;
- difficulties encountered by the United States, or other Parties, in implementing or interpreting the Convention; and
- implementation of the Convention by increasing the information quality and expertise used to support decisions by the parties.

The Service completed its consultations and formally transmitted its final proposals to the CITES Secretariat on May 5, 2004. At that time, we also began working on our draft negotiating positions for species listings and other agenda items proposed by other Parties. Attached to this testimony is a copy of the *Federal Register* notice outlining the tentative United States negotiating positions on agenda items, resolutions, and species proposals submitted by other countries and the CITES Secretariat. Although COP13 has fewer and less controversial species proposals than previous meetings, there are a number of resolutions, decisions and agenda items addressing important implementation issues which will be considered.

The remainder of my statement will address some of the high-profile species and implementation proposals to be discussed in Bangkok.

Introduction from the Sea

The United States prepared a draft proposal to bring attention to the issues associated with jurisdictional authority over CITES-listed specimens landed by seafaring vessels. The proposal would amend the permits and certificates resolution to address basic technical procedures, such as which state would issue an introduction from the sea certificate and how it would be completed. It also includes a new resolution to interpret the CITES treaty language "in the marine environment not under the jurisdiction of any State" in a manner consistent with the United Nations (U.N.) Convention on the Law of the Sea and to recommend a basis for making a non-detriment finding for a resource that is managed by more than one country. This proposal was developed through collaboration with the Department of State and NOAA Fisheries in order to take account of current international fishery management practices. We hope that this proposal will foster discussion among the Parties and present methods to standardize trade controls, improve the accuracy of trade data for marine species so as not to impede legal trade, and simplify enforcement.

Synergy between CITES and the Convention on Biological Diversity

A workshop promoting cooperation and synergy between CITES and the Convention on Biological Diversity (CBD) was held April 20-24, 2004, on the Isle of Vilm, Germany. Following this workshop, the Member States of the European Community endorsed in principle the overall objectives of that workshop and recommended a substantive discussion of its report at COP13 with a view to the adoption of some of the recommendations. While we find the intent behind the Vilm workshop supportive of

moving forward toward a better and practical synergy between the two Conventions, we believe that it is premature at this time to incorporate the findings and recommendations of the workshop. The workshop was not officially supported by CITES or the CBD, and few Parties had the opportunity to provide information and insight into the recommendations and conclusions. However, recognizing the effort that went into this workshop, we suggest that a Standing Committee working group could be formed to report to the Parties at COP14 on improving synergy between the two Conventions.

Additionally, Namibia has submitted a draft resolution to promote collaboration between CITES and the CBD concerning the issue of sustainable use. In particular, the draft resolution asks CITES to adopt the definition of sustainable use contained in the Articles of the CBD. The resolution also seeks help from CITES in the dissemination of the CBD's Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity, including their application to making CITES non-detriment findings. We are evaluating the potential implications and relevance of adopting these principles and definitions to CITES operations.

Rhino sport hunted trophies

Both Namibia and South Africa have submitted proposals seeking approval for the establishment of an export quota of adult male black rhinoceros hunting trophies as a way to generate revenues for conservation. The Namibia proposal presents substantive information on their proposed program, however, South Africa's proposal is not as well justified. We are still evaluating the potential impact that adoption of such proposals may have on black rhino conservation in other range countries. We anticipate additional bilateral discussions with both countries before making a final decision on these proposals.

Amendment of the Appendices

Following the revision to the listing criteria for amendments of Appendices I and II at COP9 (Ft. Lauderdale, 1994), there has been considerable controversy over the applicability of the listing criteria to certain taxa. A process to evaluate the criteria was established and received significant attention during COP11 and COP12. The United States was an active participant in the process to review and revise the existing criteria, having served as chair or co-chair of the listing criteria working groups at Plant Committee 13 (Geneva, August 2003), Animal Committee 19 (Geneva, August 2003), and Animal Committee 20 (Johannesburg, March-April 2004). In addition to the excellent work on the criteria done by CITES bodies, the Food and Agriculture Organization of the United Nations convened two Technical Consultations on the Suitability of the CITES Criteria for listing commercially exploited aquatic species. The outputs of these consultations, most of which are included in the current draft document, greatly clarify guidelines for consideration of these taxa. While a final document will not be available before COP 13, we anticipate the content of the document will reflect a comprehensive evaluation of the applicability of the criteria to a wide range of taxa, which has served as a basis for recommendations to revise Resolution Conf. 9.24. Given the open nature of these discussions, it is anticipated that there is general agreement on the recommendations and there will be limited discussions during the meeting.

Ramin

Indonesia has proposed the inclusion of ramin (genus Gonystylus) in Appendix II. Of the six species known to be commercially valuable, the dominant species traded as ramin wood occurs in Indonesia and Malaysia. The vast majority of ramin currently in trade is from Malaysia with smaller amounts from Indonesia. Over the last 30 years, most of the ramin stocks in Indonesia and Malaysia have been depleted. In 2001, Indonesia included all Gonystylus species in Appendix III and subsequently prohibited the export of all ramin logs and saw timber. In 2002, Malaysia imposed a complete ban on the import of all ramin logs from Indonesia. Despite these measures, illegal logging of ramin for the international market still occurs in Indonesia and has resulted in the deforestation of many of the country's national parks. We understand that Indonesia and Malaysia are continuing to negotiate on this proposal and are discussing which parts and products might be included if the proposal is adopted. We are not certain of the position of other range countries, including Malaysia, on inclusion of these species in Appendix II. We are consulting with the range countries, as well as experts and other importing countries to clarify the range of support for, and the anticipated effect of, this proposal.

Great White Sharks

Australia and Madagascar have proposed inclusion of the great white shark (Carcharodon carcharias) in Appendix II with a zero quota. Australia and the United States unsuccessfully proposed this species for listing in Appendix I at COP11. In March 2004, the CITES Animals Committee evaluated an Australian proposal to list white sharks in Appendix I and determined that the species appeared to qualify for Appendix II. The current proposal provides substantial information about the species' decline in various parts of its range, and presents some compelling reasons to list the species in Appendix II. We are concerned that the zero quota contained in the proposal is more restrictive than an Appendix-I listing and would bar any international movement in scientific research samples or other non-commercial, non-detrimental trade. We note that the Fisheries Department of the U.N. Food and Agriculture Organization (FAO) convened a panel of fisheries experts in July 2004, in part to review this proposal. The panel could not ascertain the global status for the species, but indicated that some regional and national populations appeared threatened by unsustainable catches in recent years. Catches in other regions appeared sustainable, while the status of some populations remained uncertain. Given these results, the expected continued demand for white shark products, the species' vulnerability to overexploitation, and the international scope of trade in its parts, we support the adoption of the proposal with some modification to its zero quota.

African Elephants

Namibia has proposed to expand its approved one-off sale of African elephant ivory stocks to allow an annual export quota of raw ivory, trade in worked ivory for commercial purposes, and trade in leather and hair goods for commercial purposes. The United States did not support annual export quotas at COP 12. However, we did support one-off sales of registered stocks from Namibia, South Africa, and Botswana, on the

condition that a monitoring system on illegal killing of African elephants be established before the sales would be allowed to go forward. Those conditions are not yet in place and as such, the consideration of additional commercial ivory trade, especially a sustained annual quota, may be premature.

Additionally, South Africa has proposed to add commercial trade in leather goods to its approved one-off sale of African elephant ivory stocks agreed at COP12. During debate on their proposal and subsequent amendments, commercial trade in leather goods was inadvertently modified to refer to non-commercial trade in leather goods, which was adopted. South Africa has submitted the current proposal to reflect their original intent. The available information suggests that trade in elephant leather and hair products are not linked to illegal poaching. An African Elephant Range States Dialogue will be held just prior to COP13 and this and other elephant issues will be discussed. The United States intends to await the outcome of deliberations by the range countries before making final decisions on the African elephant proposals.

African lions

Kenya has proposed to transfer all Appendix-II populations of African lions to Appendix I (the Asian subspecies is already listed in Appendix I) due to concerns about the overall status of the species. Although African lions have experienced declines due to a number of factors, these appear to be primarily related to loss of habitat, reductions in prey populations, and killing of lions as “problem animals.” International trade in lion specimens, primarily hunting trophies, is limited, and may contribute to the continued conservation of the species in some countries. Kenya has indicated that hunting quotas could be considered, even if the species were to be placed in Appendix I. The United States considers an Appendix I listing as premature given the current available information. However, we do support including the African lion in the Significant Trade Review of the Animals Committee, to review the basis for current trade levels.

Beluga sturgeon issues for CITES and the ESA

Since COP10 the Parties have agreed to several resolutions and decisions on the conservation of, and trade in, sturgeons and paddlefish. Among other things, these documents called for the establishment of national catch and export quotas for all shared stocks, based on agreed regional conservation strategies. The CITES Secretariat will report on the implementation of these initiatives by the various range states at COP13. Article XIV of the Convention confirms that the provisions of the Convention in no way affect the right of Parties to adopt stricter domestic measures regarding the conditions for trade for CITES listed species. On April 21, 2004, the Service listed the beluga sturgeon as threatened, with the effective date delayed by 6 months to allow for the development of a special rule under Section 4(d) of the Endangered Species Act (ESA). A proposed special rule was published on June 29, 2004, and we are currently reviewing the comments received in preparation of a final 4(d) rule.

The proposed special rule links domestic import requirements for beluga sturgeon trade under the ESA to the resolutions and decisions on sturgeon trade agreed at COP12.

However, given the specific criteria of the ESA, this proposal would also improve on the CITES requirements, since it aims to improve transparency of range country actions and requires more specific information than the CITES process. The proposed special rule sets quantitative goals for recovery, with specific targets for range countries to meet in order for domestic entities to continue to import beluga sturgeon products into the United States. The proposed special rule would exempt beluga caviar and meat from additional ESA permit requirements when obtained from fish that are wild-caught or hatchery-reared from range countries that have complied with the rule. In the proposed 4(d) rule, aquacultured specimens (*i.e.*, from commercial captive-breeding operations) from non-range countries, including the United States, and live specimens would not be exempted from ESA permits.

We proposed this approach because there was little available information on how commercial trade in aquacultured specimens from outside the range countries would enhance wild populations as required by the ESA. There is also concern about the impact of disease and competition on native sturgeon posed by culturing live exotic sturgeon species in United States native sturgeon watersheds. Since publication of the proposed rule, we have received significant new information on the extent of the aquaculture activity in the United States with beluga sturgeon, as well as cooperative activities between domestic and range country entities on sturgeon aquaculture. To improve our understanding of domestic sturgeon aquaculture, we met with state officials and representatives of the aquaculture industry, as well as other federal officials, during the open public comment period. This meeting, coupled with information received from the public, will assist us in developing a final rule with appropriate mechanisms for dealing with imports from range countries. This input will also guide our final decisions on how to regulate the trade in aquacultured beluga sturgeon from non-range countries, including the United States.

In closing Mr. Chairman, I would like to thank you and the other Subcommittee Members for your continuing support of the conservation and protection of threatened and endangered species throughout the world. We look forward to reporting back to the Subcommittee the positive outcomes from the meeting in Bangkok. This concludes my written testimony, and I would be pleased to answer any questions you may have about CITES implementation in the United States and our preparations for COP 13 in Bangkok.