

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



Fifty-fourth meeting of the Standing Committee
Geneva (Switzerland), 2-6 October 2006

Interpretation and implementation of the Convention

General compliance issues

ENFORCEMENT MATTERS

1. This document has been prepared by the Secretariat, which is required by Resolution Conf. 11.3 (Rev. CoP13) to submit a report on enforcement matters at each meeting of the Standing Committee.

CITES Falcon Enforcement Task Force

2. The Task Force met in Abu Dhabi, United Arab Emirates, from 21 to 23 November 2005. It was formed by representatives of Canada, China, Kazakhstan, Kuwait, Mongolia, Qatar, the Russian Federation, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland and the Secretariat. Kyrgyzstan, although not a Party to CITES, also participated by invitation because of its experience of serious incidents of illicit trade.
3. The meeting allowed participants to exchange information and intelligence relating to the illegal taking of falcons, smuggling routes, concealment techniques and consumers. The information is being collated by the Canadian Wildlife Service and the Secretariat and will be published, with the incorporation of guidance on the identification of falcons and distinguishing between wild-caught and captive-bred birds, in a manual that will be distributed to border-control and other relevant law-enforcement authorities.
4. The Secretariat is very grateful to the Government of the United Arab Emirates for its generosity in hosting the meeting and for funding the travel and accommodation expenses of many participants. It also wishes to acknowledge the financial assistance provided by the United Kingdom, which enabled interpretation to be provided. The Secretariat wishes to record its appreciation for the support provided by the Falcon Hospital of Abu Dhabi during the meeting and in the provision of expert advice for the manual. Lastly, the Secretariat wishes to acknowledge the support of the Canadian Wildlife Service in preparing the manual.

Participation in enforcement-related meetings

5. In recent years, the Secretariat has convened several meetings and workshops, including CITES Enforcement Task Forces, which have had a particular emphasis on the practical enforcement of the Convention. These are often intended to facilitate networking between 'front-line' enforcement officials, provide specialized training for such officials, but also offer an important opportunity for officers to exchange operational intelligence in a confidential and restricted manner. This is in keeping with the recommendation of the CITES Enforcement Expert Group, endorsed at the 13th meeting of the Conference of the Parties (CoP13, Bangkok, 2004), which encouraged a greater degree of professionalism in wildlife law enforcement.

6. Invitations to such events will normally be sent to CITES Management Authorities, with the request that appropriate law enforcement officials be nominated to attend. These invitations are often accompanied by the offer of funding to cover the costs of participants from developing countries or countries with economies in transition.
7. However, it is common for the Secretariat to receive, in reply, nominations of persons who are from the Management Authority itself and whose routine work is often not connected with law enforcement in the field, investigations, border control or the other activities normally associated with such matters.
8. Whilst the Secretariat will usually have no hesitation in accepting nominations of Management Authority staff, if these are in addition to those of law enforcement officials, it is not in keeping with the purpose of such events (and is an inefficient use of what is often external funding support), to accept only Management Authority personnel to represent countries. Not only may inappropriate representatives be unable to contribute usefully to discussions at such meetings, but the Secretariat has experience of Management Authority representatives attempting to move discussions away from enforcement-related topics and thus distracting from the aim of the meeting. A reluctance to nominate law enforcement officials also misses an excellent opportunity to develop working relationships, for example through pre- and post-meeting briefings, between national CITES authorities and their law enforcement counterparts, and an opportunity for the latter to learn more about the Convention.
9. The Secretariat hopes that the Standing Committee will assist by encouraging Management Authorities to nominate the appropriate persons to attend specialized meetings. An alternative approach, although the Secretariat believes this is less preferable, would be for invitations for specialized enforcement-related meetings to be issued through such organizations as ICPO-Interpol or the World Customs Organization, instead of being sent to CITES Management Authorities.

Regional wildlife law enforcement network

10. In his opening address at CoP13, the Prime Minister of Thailand, H.E. Dr Thaksin Shinawatra, called upon Parties to increase their efforts to combat illegal trade in wildlife and proposed the establishment of a regional network to combat wildlife crime.
11. Since CoP13, the CITES authorities in Thailand have engaged in considerable discussions with their counterparts in the Association of Southeast Asian Nations (ASEAN) with a view to creating such a network. This led to the ASEAN Wildlife Enforcement Network (ASEAN-WEN) being formally launched by ASEAN Ministers on 1 December 2005 at a meeting in Bangkok, Thailand. Officials from a range of agencies, including CITES Management Authorities, Customs, immigration services and the police, came together for the first ASEAN-WEN meeting in Bangkok from 22 to 25 May 2006.
12. The network will facilitate the establishment of national task forces or committees to bring a multi-agency response to wildlife crime and, in turn, national ASEAN-WEN focal points will help coordinate a sub-regional response. ASEAN-WEN will also liaise with law enforcement agencies in other parts of the world, the CITES Secretariat, and regional and international law enforcement networks and organizations, such as ICPO-Interpol, the Lusaka Agreement Task Force and the World Customs Organization.
13. The Secretariat congratulates the Government of Thailand for bringing an idea voiced at CoP13 to fruition and hopes that other regions or sub-regions will follow this example. It believes that it is also appropriate to record the assistance (financial, technical or both) provided by the State Department of the United States of America, the U.S. Fish and Wildlife Service, the U.S. Department of Justice, the ASEAN Secretariat, the International Law Enforcement Academy, Bangkok, and the non-governmental organizations TRAFFIC and WildAid.

Secretary-General's Certificate of Commendation

14. The fourth occasion on which the Secretary-General's Certificate of Commendation was given was on 23 March 2006. Certificates were awarded to the Royal Chitwan National Park Authority and to

the Royal Nepalese Army to recognize their exemplary efforts to combat poaching and illegal trade in endangered species, in particular the leopard, the rhinoceros and the tiger.

15. During 2004 and 2005, officers from both the Authority and the Army arrested over 30 people for wildlife crimes and many of them were subsequently sentenced to prison. They also seized rhinoceros horns, tiger skins, and tiger and leopard bones, and confiscated illegal earnings as well as vehicles, weapons and ammunition.
16. The certificates were presented during a ceremony at the offices of the CITES Secretariat and were accepted on behalf of the Authority and the Army by His Excellency The Royal Ambassador and Permanent Representative of the Kingdom of Nepal to the United Nations and other international organizations at Geneva. In deciding to award the certificates, the Secretary-General took special account of the fact that such exemplary wildlife law enforcement was conducted during a difficult period for Nepal, when law enforcement agencies faced many other demands upon their time and resources.

Matters arising from the 13th meeting of the Conference of the Parties

17. At CoP13, the Conference of the Parties adopted the following enforcement-related Decisions.

Directed to Parties

13.84 Parties should submit to the Secretariat, by 31 May 2005, contact details of each of their relevant national law enforcement agencies responsible for investigating and prosecuting illegal trafficking in wild fauna and flora. The Secretariat shall distribute, via a Notification to the Parties, a form to facilitate the submission of this information.

Directed to the Standing Committee

13.85 The Standing Committee, at its 54th meeting, shall consider a report from the Secretariat on compliance by the Parties with Decision 13.84.

18. At its 53rd meeting (SC53, Geneva, June – July 2005), the Committee noted the poor level of compliance by Parties with Decision 13.84 and requested that regional representatives encourage compliance and that this issue be included in regional reports submitted at the 54th meeting of the Committee. At the time of writing (July 2006) the Secretariat noted that the enforcement contact details of 53 Parties have been included in the CITES Directory and on the website. The number of Party's details was 18 at the time of SC53.

Operation Dove

19. The Investigations Division, Office of Internal Oversight Services, United Nations (ID/OIOS), and the CITES Secretariat have developed a project, titled Operation Dove, to provide a more effective response to the abuse of their status by diplomats, United Nations officials and United Nations peacekeeping forces. It is designed to provide a reaction to cases involving the cross-border movement of prohibited or restricted goods (such as firearms, cultural items and specimens of CITES-listed species) that are detected by Customs authorities.
20. Where abuse is detected involving wildlife, the Secretariat will, through CITES Management Authorities and diplomatic channels, encourage action to be taken against those involved. Meanwhile, ID/OIOS will, where appropriate, encourage disciplinary action under UN procedures. In non-wildlife cases, only the ID/OIOS will take action.
21. Operation Dove received endorsement from the Enforcement Committee of the World Customs Organization (WCO) at its meeting in February 2006 and the WCO Secretariat is publicizing the operation. It has also been publicized via a CITES Alert. The Secretariat intends to bring it to the attention of the Interpol Wildlife Working Group.

Illicit trade in sturgeons

22. During SC53, several delegations expressed concern regarding the significant levels of illicit trade in caviar that continue to occur. The European Commission volunteered to examine this issue and a special session of the European Union Wildlife Trade Enforcement Group, devoted to this topic, was held in Brussels, Belgium, on 11 November 2005. This enabled Member States of the Union to discuss, among other issues, the labelling of caviar, as required by Resolution Conf. 12.7 (Rev. CoP13) (Conservation of and trade in sturgeons and paddlefish). A regulation requiring the labelling of caviar in trade has now entered into force in the European Union.
23. It was also agreed at the session that the European Commission would host an international meeting devoted to the illegal trade in caviar. This was held in Brussels from 27 to 29 June 2006. Representatives of sturgeon range States, consumer States, non-governmental organizations and the caviar industry attended. The European Commission is preparing a summary report of the meeting and this will be made available to the Standing Committee at its 54th meeting.

Cambodia

24. In document SC53 Doc. 32, the Secretariat advised the Standing Committee of its concern regarding a significant incident of illegal trade in orang-utans involving Cambodia. Although the company that operated the facility where these animals were being kept was apparently fined a substantial sum, it appeared that the specimens had not been seized. The Secretariat has since learned that many of these animals have apparently been moved from the facility but it is not clear where and whether they are under the control of the authorities. Requests for information to the CITES Management Authority go unanswered. Cambodia has also failed to respond to repeated requests that it allow a joint CITES/GRASP mission to examine the illicit trade in orang-utans in the country and the enforcement of the Convention. The Secretariat learned of the discovery of another orang-utan in Cambodia in June 2006, which it is presumed was imported illegally since there is no record in the CITES trade database of any import permits ever having been issued for this species. It has requested further details of the incident. The animal was in a poor state of health and apparently died shortly after being seized by the authorities.
25. If the Secretariat continues to experience a lack of cooperation on the part of the authorities of Cambodia and is unable to conduct an *in situ* assessment, it suggests that this should be reported at the 14th meeting of the Conference of the Parties and that it would, at that time, propose that a recommendation for a cessation of trade to and from Cambodia be issued by the Conference of the Parties until such an assessment was conducted.

China

26. During its enforcement-related mission to western China in 2003 to study poaching of and illicit trade in the Tibetan antelope, the Secretariat noted with concern the open sale of clothing incorporating skin of Asian big cat species. It raised this matter with the authorities in China and was assured that action would be taken.
27. However, since that time the Secretariat has learned of a number of studies conducted by non-governmental organizations that have shown that the wearing of and trading in such clothing appears to be widespread in the Tibet Autonomous Region and neighbouring provinces. The open sale of whole skins of Asian big cats, particularly the leopard, the snow leopard and tiger, has also been noted. There also appears to be an active trade in otter skins, many of which seem to have been illegally imported from India.
28. On 14 September 2005, the Secretariat wrote to the CITES Management Authority of China, pursuant to Article XIII of the Convention, drawing attention to this situation and pointing out that this trade was adversely affecting Asian big cat species and that it appeared that the provisions of the Convention were not being implemented effectively. The Secretariat emphasized its belief that this domestic trade was fuelling the serious levels of poaching of Asian big cats that is taking place, particularly in India and Nepal.

29. China responded and stated that it was forming a multi-agency committee to investigate the trade, that it would undertake surveys in the areas where such trade was taking place and that it intended to engage in major public education campaigns to reduce demand and discourage the wearing of such clothing. The Secretariat acknowledged this response but indicated that it believed, alongside such efforts, that a special emphasis should be placed on enforcement not only at borders but also in domestic markets and with regard to those wearing such skins. It suggested to China that it would be important for it to report to the Standing Committee on enforcement activities.
30. Depending on the information it receives from China prior to the present meeting of the Standing Committee, the Secretariat will decide what recommendation, if any, it will make regarding this matter.

Egypt

31. Egypt has, for many years, been a destination for illicit trade in primates. The Secretariat, in an oral report at SC53, described an incident involving Egypt, Kenya, Nigeria and the Sudan where several primates were finally seized but the person(s) responsible appears to have avoided any judicial action. Egypt was apparently intended to be the final destination in this incident and it has assured the Secretariat that it has put in place measures to respond more effectively to smuggling of this nature in the future.
32. However, the Secretariat has also received information regarding more than 10 gorillas and chimpanzees that are currently in Egypt, apparently having been imported illegally. These animals appear to have been placed in rescue centres but it is not clear whether such centres are appropriate for the long-term housing of primates. The Secretariat has seen photographs that illustrate one 'rescue centre' to be basically a collection of bare cages. The Secretariat is aware that Egypt's significance as a country involved in the illicit trade in primates is to be the subject of a television documentary that is likely to criticize the effectiveness of Egypt's response and also the effectiveness of the Convention.
33. In May 2006, the Secretariat met with a representative of the Permanent Mission of Egypt to the United Nations and other international organizations in Geneva and handed over a copy of information that it had received regarding the disposal of confiscated primates. It encouraged the Government of Egypt to consider making more use of repatriation, sanctuaries in primate habitat or rescue centres that may be better equipped to provide long-term care for such animals, since facilities of this type appear to be very limited in Egypt. The Secretariat also encouraged Egypt to seek its assistance, should this be thought useful. The Secretariat will report further orally on this subject at the present meeting.

Indonesia

34. The Secretariat believes that the report of the CITES/GRASP Orang-utan Technical Mission to Indonesia in May 2006 indicates that this species is being adversely affected by illicit trade. It believes this situation is serious and the Secretariat sent the mission report to the authorities in Indonesia pursuant to Article XIII of the Convention.
35. The Secretariat will report orally to the Committee on Indonesia's response. The response will also determine whether the Secretariat makes any specific recommendations for action by the Committee.

Nigeria

36. At SC53, the Standing Committee noted the lack of progress by Nigeria in implementing its action plan to improve the implementation of the Convention and its plan to enact new legislation. The Committee issued a recommendation to suspend trade in specimens of CITES-listed species to and from Nigeria. This decision was publicized in Notification to the Parties No. 2005/038 of 19 July 2005. The Secretariat has contacted the CITES Management Authority of Nigeria and the Permanent Mission of Nigeria to the United Nations and other international organizations at Geneva and has requested an update regarding progress. At the time of writing (July 2006), no response had been received.

Saudi Arabia

37. At SC53, the Standing Committee was advised of the Secretariat's concerns regarding illicit CITES trade in Saudi Arabia. The delegation of Saudi Arabia advised the Committee in an oral report that its authorities were taking enforcement actions and that a written report on such work would be submitted to the Secretariat. Saudi Arabia also said that it would welcome a mission by the Secretariat to research the country's implementation of the Convention. Despite sending several reminders to the CITES Management Authority of Saudi Arabia, the Secretariat has yet to receive such a report or an invitation to visit the country. The Secretariat has learned, however, that the authorities in Saudi Arabia have confiscated an orang-utan that had been traded illegally and this animal is being repatriated to Indonesia.
38. The Secretariat requests that the Standing Committee encourage Saudi Arabia to issue a formal invitation for a mission by the Secretariat, so that it may report on this matter at the 14th meeting of the Conference of the Parties.

Thailand

39. Because of its geographical position and its biodiversity, Thailand has historically been an important location for illicit trade in wildlife and for wildlife trade in general. It is also an important transit State for illegal wildlife shipments. Thailand has amended its legislation to implement the Convention in recent years and an analysis conducted under the National Legislation Project has placed it in Category 1.
40. However, the Secretariat has noted a number of high-profile illegal trade cases that have occurred in Thailand in the past two to three years and is concerned that the response may not always have been adequate. For example, in one case involving a large number of orang-utans that were found to have been illegally imported, it was apparently not possible to prosecute the person or persons responsible and the animals were simply surrendered by their owner.
41. The Secretariat has requested additional information regarding Thailand's legislation but, from discussions with law enforcement officers in Thailand, it seems that one hurdle that they encounter is that possession of an illegally-imported specimen is not an offence in itself. Apparently, in order for a prosecution to be possible, the accused must be shown to have been personally responsible for an illegal import, export or re-export. This, of course, may not be easy to demonstrate, particularly if the specimen in question has been in the country for some time or if the owner has changed.
42. The Secretariat also remains concerned by the trade in ivory in Thailand and this is discussed further in document SC54 Doc. 26.1.
43. The Secretariat is aware that surveys and research conducted by non-governmental organizations and representatives of the media in Thailand have shown that ivory of questionable legal origin and shawls made from the wool of the Tibetan antelope are readily available. It also appears that illegal trade in wildlife is common in some locations at Thailand's borders. This apparently includes the illegal cross-border movement of live elephants.
44. Whilst domestic trade in wildlife is not generally a matter for CITES, such trade clearly has implications for the Convention since many specimens may have been imported in violation of CITES or may be intended for export or re-export in violation of the Convention. The Secretariat is aware that the Royal Thai Police are increasingly involved in the enforcement of wildlife legislation and are providing important support to the CITES authorities. It is also conscious that Thailand now has the opportunity to work more effectively with neighbouring countries through the ASEAN-WEN. However, it has encouraged the CITES Management Authority of Thailand to do its utmost to ensure that wildlife crime is tackled effectively and, if necessary, revise its legislative provisions if these are found to be inadequate. The Secretariat intends to monitor the situation in Thailand closely and will raise this matter again should it feel that it would be appropriate for the Standing Committee to take action. It has also encouraged Thailand to report on this subject at the present meeting.

Final remarks

45. It will be seen from both this document and some of the species-specific matters to be discussed at the present meeting that illegal trade in wildlife, and the illegal harvesting that goes before it, remain of significant concern. What is particularly disappointing is that, in the case of several species, illegal activities are preventing what could otherwise, if properly regulated, be potentially sustainable trade that could benefit local communities. Instead, local people are regularly exploited by criminal groups and are recruited as poachers and smugglers.
46. Whilst there are many examples around the world of excellent enforcement work, good multi-agency collaboration and commendable initiatives, such as ASEAN-WEN, the priority allocated to wildlife law enforcement continues to be generally low. The Secretariat in its field missions continues to encounter many dedicated and enthusiastic law-enforcement officials who are regularly frustrated by a lack of support from their governments, policy-makers and senior management. This was also the finding of the CITES Enforcement Expert Group in February 2004 in Shepherdstown, United States of America, and the Secretariat has seen relatively little evidence of improvement since that time.
47. A major hurdle to improvement continues to be the fact that in relatively few countries are offences against wildlife legislation seen to be part of serious, high-value, 'mainstream' crime and, therefore, the enforcement resources (human, technological or forensic science assistance) are either absent or difficult to access.
48. In revising Resolution Conf. 11.3 (Rev. CoP13) (Compliance and enforcement), at its 13th meeting, the Conference of the Parties inserted the following text, addressed to all Parties, as paragraph ii) of the first RECOMMENDS:

consider formulating national action plans, incorporating timetables, targets and provisions for funding, designed to enhance enforcement of CITES, achieve compliance with its provisions, and support wildlife-law enforcement agencies.
49. The Secretariat believes this to be excellent advice and encourages Parties to follow this recommendation. It does not, however, suggest that the formulation of such plans should be mandatory or that this issue should be monitored or scrutinized at all, since this will simply add to the existing burden upon the Parties, the Standing Committee and the Secretariat.
50. It is aware, however, of several Parties that have engaged in this type of activity, including using criminal intelligence services to prepare country risk-assessments. Such assessments help governments and law-enforcement management determine the seriousness of the problem facing them and plan appropriate responses. In conducting such reviews, it is essential to include all relevant officials and departments, such as Ministries of Interior and Justice, and this offers an excellent opportunity for such departments to realize the seriousness of illicit trade in wildlife.
51. The Secretariat encourages the Parties that have already conducted such work to make their plans or assessments available as examples to others. Aware that there may be issues of confidentiality related to such plans and assessments, the Secretariat is planning to establish a restricted-access Internet forum where such information could be shared.