

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

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Seventh Meeting of the Conference of the Parties

Lausanne (Switzerland), 9 to 20 October 1989

Interpretation and Implementation of the Convention

Review of Alleged Infractions

REPORT FROM THE SECRETARIAT

INTRODUCTION

- 1) Article XIII of the Convention stipulates that the Conference of the Parties must examine all information relating to cases where the Secretariat considers that the provisions of the Convention are not being effectively implemented. In addition, Article XII provides a broad mandate for the Secretariat to request information, collect data on matters such as alleged infractions, and to report accordingly to the Conference of the Parties.
- 2) At its fifth meeting, the Conference of the Parties agreed that the Secretariat should submit a separate report on "alleged infractions" for consideration at the sixth (and subsequent) meetings. Moreover, it was recognized that the Secretariat would not be in a position to report on all cases because of the sheer volume of work involved and the number of such cases. In document Doc. TEC. 2.12, the Secretariat informed the Technical Committee of the basic criteria which it anticipated using in selecting cases to be included in the report.
- 3) At the sixth meeting of the Conference of the Parties, the Secretariat presented an initial report on alleged infractions (Doc. 6.19). Due to lack of time, Committee II was not able to proceed to an in-depth consideration of this document. The meeting decided to hold a debate and finally accepted to make note of the document (document Plen. 6.6).
- 4) At its 17th session, the Standing Committee recommended and the Secretariat agreed that the initial draft report on alleged infractions should be sent to all Parties three months before the meeting of the Conference of the Parties; those Parties who wished to submit their comments to the Secretariat would do so at least one month before the meeting in order to leave time for the preparation of a final report to be distributed at the opening of the said meeting.
- 5) By means of Notification to the Parties No. 553 dated 20 July 1989, the draft version of this report was transmitted to the Parties for comments. The following Parties sent in their observations: Argentina, Belgium,

Canada, Denmark, the Dominican Republic, France, the Federal Republic of Germany, Italy, Japan, Niger, Panama, the Philippines, Singapore, Switzerland and the United Kingdom.

Observations of a general nature were simply taken into account without any particular indications.

Where comments related to a particular case and provided complementary information, they were incorporated into the presentation of the said case.

We should note that, on analyzing the information received, certain cases were shown not to constitute infractions and were consequently withdrawn from the report.

At the suggestion of the Parties the Secretariat added two new cases (F21 and I4).

Argentina submitted some general comments which are reprinted as Annex 2.

- 6) The main aims behind the presentation of this report are as follows:
- a) to provide the Parties with a record of instances where it appears that significant attempts (successful or unsuccessful) have been made to violate or evade the provisions of the Convention; and
  - b) to stimulate constructive discussions of these problems, identify those of major concern or those requiring special attention and seek mechanisms or solutions to reduce or eliminate them.
- 7) This report is deliberately aimed to cover as broad a field as possible. However, the volume of work involved is such that only a small proportion of the information available can be presented and it has proven necessary to impose some restrictions on the overall scope in the following manner:
- a) any violation or attempted violation of the provisions of the Convention is considered an alleged infraction;
  - b) non-compliance with Resolutions has not normally been dealt with, except where the Secretariat believes legally interpretive recommendations to be particularly important;
  - c) the period covered runs from May 1987 to 1989 (cases having occurred prior to May 1987 are excluded, even if they became known after that time);
  - d) cases subsequently demonstrated not to be violations are excluded;
  - e) some cases have been included as examples in fields where several similar cases occurred but cannot all be included;
  - f) some cases have been at least partly included because they particularly serve to illustrate the subjects under discussion under other items on this meeting's agenda; and
  - g) most infractions regarding ivory were omitted from this report, as they have been included in document Doc. 7.21 Annex 2.

- 8) It should be noted that this report includes only those cases where the Secretariat has been involved in one way or another. Numerous other cases have naturally been dealt with by the Parties without the Secretariat being aware of them.
- 9) It is probable that some important cases have been involuntarily excluded during the preparation of this report. The Secretariat apologizes for these omissions and emphasizes that these are not deliberate and that objectivity has been paramount in selecting cases for inclusion.
- 10) The Secretariat chose from among 400 alleged infractions which had come to its knowledge.
- 11) In noting the document presented to the sixth meeting Parties considered that the next report on alleged infractions should take into account several factors:

the need for criteria for the inclusion of cases;

a verification procedure before acting on allegations; and

the necessity to avoid offending the Parties.

The Secretariat decided to take responsibility for implementing these considerations.

- 12) Before mentioning an alleged infraction, the Secretariat made sure that it was in possession of confirmed information or undeniable proof.
- 13) Nearly all Parties, with very few exceptions, might well appear in this report. The Secretariat notes however that for some of these Parties, the frequency of the alleged infractions has reached alarming proportions. The Secretariat has directly contacted such countries.
- 14) In the previous report, certain Parties regretted having being mentioned despite their non-involvement in the infraction. In such cases, the present report will not mention their name but the region involved, except where the name of the country involved is important in order to understand the nature of the infraction.
- 15) Some Parties felt that the mention of their name was not justified, given that the Management Authority was not to blame. The Secretariat wishes to stress that it is the State which constitutes the Party to the Convention and this implies that all State services must work towards the application of the Convention. For example, the forging of a fraudulent permit by an individual cannot be imputed to the State, but the export of goods without valid documents is linked to the ineffectiveness of customs controls.
- 16) The Secretariat is well aware of the fact that the Parties who actively enforce the Convention and who regularly inform the Secretariat of the infractions discovered, run the risk of appearing more often than those who either do not provide adequate enforcement or do not inform the Secretariat of infractions. The Secretariat therefore wishes to thank certain Parties for the effectiveness of their activities and the quality of the information provided - in particular Australia, Belgium, Ghana, Japan, the Netherlands, Peru, Switzerland, the United Republic of Tanzania and Venezuela.

- 17) The Secretariat has noted that the large majority of the infractions resulted from involuntary mistakes on the part of Management Authorities. Besides the fact that to err is human, most of the mistakes stemmed from:
- lack of training of personnel;
  - insufficient means (personnel or equipment); and/or
  - poor circulation of information transmitted by the Secretariat or the other Parties.

It is therefore desirable, when an infraction is discovered, that the Parties should take measures to avoid it being repeated and should therefore carry out a precise analysis of the causes.

- 18) The Secretariat has to point out that there are still cases where an infraction is deliberate and is due to domestic policy, economic reasons or even corruption.
- 19) Many countries do not reply - or only rarely so - to the requests for information made by the Secretariat on the basis of Article XIII. Others reply so late that their response can no longer be used in resolving the problem at issue. This situation is abnormal and seriously damages the effectiveness of CITES.
- 20) The problem of forged documents has become increasingly widespread over the past few years. This is probably due to the fact that the CITES goods checks have been reinforced, which has rendered smuggling more difficult - a form of infraction which called for no documents at all.
- 21) The Secretariat has initiated in-depth research into this phenomenon and plans to publish the results of this study at a later date. The co-operation of the Parties was requested (by Notification to the Parties No. 499) but the results have so far been poor.
- 22) It is important to note that the Secretariat has only recorded a single instance of forged security stamps. The imitation was so crude (no perforations, different colours...) as to make it difficult to miss. However, it should be noted that photocopying and fax transmission made it more difficult to detect the forgery than would otherwise have been the case.

One must therefore conclude that the security stamp appears to deserve its name. Cases of fraud have however been detected in the form of a permit carrying a security stamp previously affixed to another permit.

- 23) In general terms, the Secretariat considers that the control of the trade in plants listed in the CITES appendices is insufficient. Several Parties implement important control measures worth mentioning (particularly the Netherlands and the United States of America) but in most countries the control is poor or non-existent.
- 24) An analysis of the 1985 and 1986 comparative tabulations appears to reveal a considerable number of infractions. The Secretariat was not able to proceed to a detailed analysis of suspect cases due to lack of resources. The current report has therefore not taken them into account.
- 25) In August and September 1988, the Secretariat requested the Parties to provide information on discrepancies appearing in the 1985 comparative tabulations regarding operations involving Appendix I species. The

Secretariat regrets the fact that it has received very few replies. Naturally, the Secretariat recognizes the difficulties involved in checking operations carried out 3 years previously, but it nevertheless wishes to draw the attention of the Parties to the following points:

- the lack of respect by many Parties of the submission deadlines for annual reports seriously delays the publication of the comparative tabulations; and
  - the 1985 comparative tabulations were transmitted to the Parties in October 1987. Research into the discrepancies should have been carried out from that date.
- 26) The vast majority of the infractions included in this report were discovered thanks to the vigilance of the Parties. The Secretariat wishes to thank the Parties concerned.
  - 27) As regards the transport conditions of live animals, the Secretariat is in possession of numerous details regarding the fact that the Guidelines on the Transport of Live Animals and/or the IATA Live Animals Regulations are not being adhered to. Due to lack of resources, the Secretariat has been unable to undertake a thorough scrutiny of the cases brought to its attention.
  - 28) The Secretariat points out that, to its knowledge, none of the Parties apply Resolution Conf. 6.14 regarding the transport of live specimens.
  - 29) Many of the problems relating to the annual reports have been excluded from the cases presented. They are partly dealt with in documents Doc. 7.18 and Doc. 7.19.
  - 30) It is crucial to recall that one of the fundamental principles of CITES is the existence of a double control at the exportation and importation stages. While shortcomings may occur at one of these points, they can be compensated for at the other point. Enforcement of CITES and therefore the decrease in the number of infractions, depend on international collaboration.
  - 31) It is important to note that a significant number of alleged infractions were discovered through checking procedures carried out during transit. While it is true that Article VII, paragraph 1, of the Convention provides that "the provisions of Articles III, IV and V shall not apply to the transit or transshipment ...", nevertheless Resolution Conf. 4.10 explicitly recommends that "valid export documentation as required under the Convention or satisfactory proof of its existence be available for inspection by the authorities of the country of transit".  
  
Parties are therefore justified in checking CITES goods in transit and, where their national legislation allows, in confiscating any shipment in breach of the Convention.
  - 32) The Secretariat felt it useful to include (in Annex 3) a list of certain sentences handed down for violations of CITES or related legislation in certain Party states and communicated to the Secretariat.
  - 33) Some Parties have also communicated to the Secretariat a list of seizures they have made. Two examples (Belgium and France) are provided in Annexes 4 and 5.

- 34) Certain causes of infraction occur frequently or have major consequences. In the hope that this report will produce concrete results, the Secretariat is submitting a draft resolution (Annex 1).
- 35) Each case described in this document has been placed in one of the following categories:
- A INFRACTIONS OF CITES OBLIGATIONS OTHER THAN THOSE REGARDING TRADE IN LISTED SPECIES
  - B LACK OF RESPONSE TO THE SECRETARIAT UNDER ARTICLE XIII
  - C IRREGULAR ISSUE OF PRE-CONVENTION CERTIFICATES
  - D IRREGULAR ISSUE OF "BRED IN CAPTIVITY" OR "ARTIFICIALLY PROPAGATED" CERTIFICATES
  - E IRREGULAR TRADE IN APPENDIX I SPECIES
  - F IRREGULAR TRADE IN APPENDIX II SPECIES
  - G NON-APPLICATION OF RESOLUTIONS OF THE CONFERENCE OF THE PARTIES (other than on ivory)
  - H FALSE DOCUMENTS, INVALID DOCUMENTS
  - I LARGE-SCALE OR ELABORATE FRAUDS
- 36) THE SECRETARIAT AGAIN WISHES TO STRESS THAT THIS REPORT HAS BEEN COMPILED IN AS OBJECTIVE A MANNER AS POSSIBLE. ALL REASONABLE CARE HAS BEEN TAKEN TO TRY TO ENSURE THAT IT IS ACCURATE AND UNBIASED. INEVITABLY, IT WILL CONTAIN ERRORS AND PERHAPS SOME UNINTENTIONAL BIAS. THE SECRETARIAT REQUESTS THAT THE PARTIES EXAMINE THE CONTENTS IN THE SPIRIT IN WHICH THE REPORT IS PRESENTED, THAT IS AS A MEANS TO IDENTIFY PROBLEMS AND FIND WAYS TO IMPROVE CITES IMPLEMENTATION. DEFENSIVE REACTIONS AND "COUNTER-ACCUSATIONS", BOTH OF WHICH HAVE OCCURRED AT PREVIOUS MEETINGS, ARE COUNTER-PRODUCTIVE AND WILL NOT FURTHER THE CAUSE OF THE CONVENTION. THE SECRETARIAT THEREFORE APPEALS TO THE PARTIES TO AVOID SUCH REACTIONS.

ONCE AGAIN, THE SECRETARIAT IS AWARE OF THE DIFFICULT WORKING CONDITIONS FACING SOME MANAGEMENT AUTHORITIES, PARTICULARLY IN DEVELOPING COUNTRIES. IT DOES NOT WISH, BY MENTIONING INFRACTIONS, TO QUESTION THE GOOD WILL AND IN SOME CASES THE REAL DEVOTION SHOWN BY THE STAFF OF MOST MANAGEMENT AUTHORITIES.

#### PRESENTATION OF ALLEGED INFRACTIONS

##### A INFRACTIONS OF CITES OBLIGATIONS OTHER THAN THOSE REGARDING TRADE IN LISTED SPECIES

Among the obligations to which the Parties are subject, three are still not being observed by certain States.

They are as follows:

- a) to take the measures necessary for the application of the Convention particularly the legal sanctions (Article VIII - 1);

b) to make an annual report on the operations of international trade of listed specimens (Article VIII - 7a); and

c) to designate one or several scientific authorities (Article IX - 1b).

A1 The Secretariat considers that most Parties do not have sufficient national legislation to fully and properly implement the Convention in all aspects.

A2 The lack of submission of an annual report is a serious contravention of the Convention. It hampers the work of all Parties that wish to improve their own implementation of the Convention as well as the work of the Secretariat. The following Parties have not provided any annual report since joining CITES:

- Benin
- Egypt
- Israel (with refusal to submit a report)
- Trinidad and Tobago

The following Parties did not submit their annual reports for 1984, 1985, 1986 and 1987:

- Brazil
- Iran (Islamic Republic of)
- Jordan (1987 report sent)

The following Parties did not submit their annual reports for 1985, 1986 and 1987:

- German Democratic Republic
- Seychelles
- Zambia

The following Parties did not submit their annual reports for 1986 and 1987:

- Afghanistan
- Guinea
- Papua New Guinea
- Rwanda
- Sudan
- Venezuela

The following Parties did not submit their 1987 annual report:

- |             |              |
|-------------|--------------|
| - Cyprus    | - Liberia    |
| - Ecuador   | - Mozambique |
| - Gambia    | - Peru       |
| - Honduras  | - Somalia    |
| - Indonesia | - Thailand   |

Secretariat Recommendation: Parties should make the punctual preparation and submission of their annual reports a priority.

A3 The Secretariat notes that the following Parties have not provided the Secretariat with the references of a Scientific Authority:

- |                              |              |
|------------------------------|--------------|
| - Afghanistan                | - Mauritius  |
| - Bahamas                    | - Nepal      |
| - Chad                       | - Norway     |
| - Ethiopia                   | - Panama     |
| - Gabon                      | - Rwanda     |
| - Guinea                     | - St. Lucia  |
| - Hungary                    | - Seychelles |
| - Iran (Islamic Republic of) |              |

Secretariat Recommendation: Parties concerned should make known the names and addresses of their Scientific Authorities by the end of 1989.

B LACK OF RESPONSE TO THE SECRETARIAT UNDER ARTICLE XIII

B1 The Secretariat notes that the following Party has not replied to any requests for information:

- Egypt

B2 The Secretariat considers that the following Parties, among others, have rarely replied in a satisfactory manner to the Secretariat's requests:

- Ecuador
- Italy
- Senegal
- Spain
- Thailand

Italy considered that it should not have been listed here. Nevertheless, the Secretariat thinks that its inclusion in this listing is justified.

Secretariat Recommendation: Adoption and implementation of the draft resolution presented in Annex 1.

C IRREGULAR ISSUE OF PRE-CONVENTION CERTIFICATES

C1 In October 1988, France was presented with a certificate for the re-export from Singapore of 250 kgs. of Chelonia mydas shell which was declared as pre-Convention. No country of origin was mentioned and there was no date of acquisition. Singapore did not respect Resolution Conf. 5.11. France refused importation.

C2 In March 1989, a European country intercepted three cargos of Python reticulatus skins coming from Singapore and destined for Spain. They were accompanied by pre-Convention certificates that did not fulfil the conditions set out in Resolution Conf. 5.11. It should be pointed out that Spain had issued an import permit on the basis of these documents.

C3 Numerous cargos originating from Singapore were seized or held in Europe. These cargos were accompanied by pre-Convention certificates issued by Singapore. These certificates did not contain the information required by Resolution Conf. 5.11; in particular, the date of acquisition. At the request of the Secretariat, Singapore stopped issuing certificates for Caiman crocodilus crocodilus from the beginning of 1988. However, it seems



that such certificates continue to be issued for other specimens such as pythons. The Secretariat recommends that Singapore cease issuing pre-Convention certificates that do not conform to Resolution Conf. 5.11.

Reply from Singapore: "We respected Resolution Conf. 5.11. As pre-Convention stocks were imported into the country prior to Singapore's accession to CITES, records of their country of origin and date of acquisition were not available. Therefore, we were being honest when we do not mention the country of origin or date of acquisition on our pre-Convention certificates. While we respected Resolution Conf. 5.11, we were not able to comply fully with it."

Secretariat Comments: The Secretariat does not contest Singapore's response. However, even if the import of such stocks were legal in Singapore, which at the time was not a Party to CITES, it is still the case that the skins were exported without valid documents from countries who were Parties and that these goods are illegal in relation to CITES, except where shipments were seized by the authorities (in this case, Resolution Conf. 4.17 may be applied). Singapore should not issue pre-Convention certificates for these goods if they are intended to be sent to states who were already Parties on 28.02.87 when the Convention came into force in Singapore.

Secretariat Recommendation: The Secretariat recommends, pursuant to Resolution Conf. 5.11, that Parties should no longer issue permits for pre-Convention stocks, except to countries having become Parties after the date of entry into force of the Convention within their own country, or to non-Party states.

- D IRREGULAR ISSUE OF 'BRED IN CAPTIVITY' OR 'ARTIFICIALLY PROPAGATED' CERTIFICATES
- DI In October 1987, Switzerland seized a cargo of 20 Discocacti accompanied by phytosanitary documents from the Federal Republic of Germany declaring that these cacti were artificially propagated. An examination showed that this was not the case. An inquiry showed that these plants were imported from Denmark and that they had probably been harvested in the wild in Brazil.

According to Denmark, the Danish importer received a shipment of Discocacti in 1985, accompanied by Brazilian documents indicating that they were the result of artificial propagation. This shipment was examined by experts from the Management Authority and there seems to be no doubt that the plants did not come from a natural environment. The Danish importer then re-exported the Discocacti to the Federal Republic of Germany with a Danish certificate of artificial propagation but, as the Danish Management Authority noted: "it is impossible to check exactly which plants are included in the shipment after they have been mixed in a nursery". Denmark very rightly wished to know whether the plants imported into Switzerland were the same as those listed on the Danish certificate.

Comments from the Federal Republic of Germany: "A German company had imported the Discocacti of Brazilian origin and exported them to Switzerland. On request this company declared that a small nursery in Brazil would cultivate Cactaceae but did not provide a concrete list of species being artificially propagated in the nursery. No further information on this case is available."

Comments from Switzerland (extract selected by the Secretariat): "We did not pursue the matter further, because we had no doubts about these plants being taken from the wild and illegally shipped. Our decision was obviously never questioned by the importer and furthermore the Danish firm did not exist anymore."

Secretariat Comments: Careful scrutiny of the documents would appear to indicate that, at a given time, plants originating in the wild and probably illegally imported were included in shipments covered by valid documents. Did this happen in Denmark or in the Federal Republic of Germany? We will probably never know.

Secretariat Recommendation: Parties should carefully check plants declared to have been artificially propagated, both on import and export.

- D2 At the end of June 1988, Australia exported to the Netherlands a cargo of 1100 orchids accompanied by a CITES permit indicating that they had been artificially propagated. An examination by the Dutch authorities showed that most of the specimens had been collected in the wild. It turned out that the Australian authorities had issued the permit on the basis of the exporter's declarations. After checking into the matter, however, they concluded that the majority of the orchids present in the reproduction centre had been collected in their natural environment but for reasons of internal law, could not revoke the permit. The Dutch legal authorities decided, therefore, that the plants should be returned to the importer. The Secretariat recommends that all Parties take the necessary precautions before issuing certificates for artificially propagated plants. The Secretariat also takes this opportunity to congratulate the Parties involved in this case on their co-operative attitude towards resolving a difficult situation.

Secretariat Recommendation: See D1.

- D3 In August 1988, Brazil exported to the Netherlands a shipment of plants that were declared to have been artificially propagated. After inspection of the shipment, the Dutch Scientific Authorities determined that at least a part of the shipment had been collected in the wild.

Taking into account the difficulties faced by exporting countries to distinguish between what is 'artificially propagated' and what is not, the Dutch authorities suggested establishing five categories for this shipment, covering all of the possible origins of the plants; from those that had undoubtedly been artificially propagated to those whose origins were undeniably wild.

Having done this, the wild plants were taken out of the shipment.

Brazil was informed of the case. The Secretariat has been subsequently informed, however, that a similar type of shipment not accompanied by the appropriate CITES documents was confiscated.

Secretariat Recommendation: See D1.

## E IRREGULAR TRADE IN APPENDIX I SPECIES

- E1 In May 1987, two gorillas arrived in Japan from Spain with a certificate indicating that the animals had been born in captivity in 1983 and 1984, in a circus.

Having asked the Spanish authorities for confirmation of the permit's validity, Japan issued an import permit. An examination of the animals (particularly their weight) showed that they could not have been born on the dates indicated. The Secretariat then asked the Spanish authorities to provide proof that the animals had been born in captivity; Spain sent two veterinary certificates. On the basis of the dates and numbers of these certificates, though, the Secretariat contested their validity. The matter was referred to the Spanish courts where the certificates were declared valid.

Spain informed the Secretariat of its intention to cancel the export permit but, because of the legal decision, this was never carried out.

The Secretariat found itself in a very difficult situation: on the one hand, it had put forward strong evidence that the imported gorillas could not have been those referred to on the veterinary certificates; and, on the other hand, a court of law had recognized the certificates as valid (and it is not the Secretariat's business to contest a legal decision of a sovereign state without absolute proof). Moreover, for reasons of internal legislation, Japan could not cancel the import permit if Spain did not cancel its export permit.

The Secretariat proposed that a test of genetic prints should be carried out. This proved impossible because the Secretariat received proof that the parents of record had never existed.

It is regrettable that, despite the efforts of Japan to resolve the problem, this affair went on for so long. During this time the gorillas remained at the dealer's in inadequate conditions.

Comments from Japan: See Annex 6.

Secretariat Recommendations: Parties should ask for the Secretariat's advice before accepting the import of Appendix I live specimens declared as bred in captivity (a procedure adopted by Japan since February 1988). The adoption and implementation of the draft resolution in Annex 1 would represent an important improvement.

- E2 In May 1987, the Secretariat informed the CITES authorities of the Dominican Republic that the Austrian authorities had confiscated 14 specimens of Cyclura cornuta. The Dominican Republic confirmed that the reptiles had left the country illegally and asked the Austrians to return them. The Secretariat does not know what investigations were carried out by the Dominican Republic.

Comments from the Dominican Republic: "Regarding the confiscation in Austria of 14 specimens of Cyclura cornuta, originating in the Dominican Republic, we wish to state that these animals were returned to our country and, following an acclimatization period in the National Zoological Park, were set free on 21 February 1988 in the South-West of the country, near Cabo Rojo. This information was sent to TRAFFIC Austria in August 1988."

Secretariat Recommendation: Parties should inform the Secretariat of the follow-up to various affairs, particularly when the Secretariat has intervened in the case.

- E3 In July 1989 (not 1987 as erroneously indicated in the draft document), the Secretariat learned that Peru had issued a CITES permit covering species of Psittaciformes, which are protected in the strictest manner by

this country (Notification to Parties No. 389, which mentions the list of Psittaciformes that can be exported), as well as three specimens of Ara macao (Appendix I). The export was destined for Japan. Japan disregarded the above-mentioned Notification and asked the Peruvian authorities for confirmation of the permit in question. Peru confirmed its validity. The Secretariat raised the question with the Japanese authorities. Apparently, all the parrots except the Ara macao were imported.

The Peruvian authorities are now trying to clear up this matter with the help of Japan. The Secretariat looks forward to receiving further information that will allow the formulation of a recommendation on this case.

Comments from Japan: "Under the Japanese system, an import permit must be obtained for Psittaciformes (Appendix I), and also prior confirmation (Appendix II). There is no evidence of the issue of prior confirmation documents or import permits in the year 1987 (after May). The Japanese Government is, therefore, certain that there were no imports of the Psittaciformes mentioned." (Note from the Secretariat: These comments are not applicable due to the above-mentioned error in dates.)

Secretariat Comments: The parrots covered by a CITES permit from Peru, including three specimens of Ara macao, should not have been exported as they were not included in the Peruvian list of parrots authorized for export (Notification to the Parties No. 389). According to our information, the CITES Management Authority of Japan simply refused entrance to the Ara macao (Appendix I) and authorized the import of the 13 other macaws covered by the permit.

- E4 In October 1987, Panama informed the Secretariat that it had confiscated 1,776 kilos of Lepidochelys olivacea skins that had been imported illegally into Panama from Ecuador. These skins were burned on 26.8.87.

Comments from Panama: Inquiries carried out by both countries produced no results, as the Ecuadorian exporters had used false identities. The enquiry was not pursued.

Secretariat Recommendation: When specimens are seized, Parties should do all they can to identify and convict those responsible.

- E5 In October 1987, acting on a lead from TRAFFIC South America, the Argentinian authorities confiscated 19 Anodorhynchus hyacinthinus in a North-eastern province of the country. The batch of 40 macaws, of which 21 had died of maltreatment, were destined for Europe and belonged to a well-known Dutch trafficker who heads a big live-animal trafficking ring in the region. The trafficker was not apprehended.

A magnificent example of collaboration between the Argentinian court of justice, the Brazilian Embassy in Buenos Aires, TRAFFIC South America and the CITES Secretariat led to these very rare birds (now included in Appendix I) being returned to their country of origin, Brazil. The repatriation of the macaws was successfully carried out by TRAFFIC South America. The birds were given to the Sao Paulo Zoo with a view to re-introducing them eventually into the wild.

- E6 In November 1987, France discovered a batch of nearly 200 parrots, most of them species listed in Appendix I, in transit from Colombia to an Asian country. Following rapid action (it was a Friday evening) and contacts between France, Colombia, and the Secretariat, the birds were returned to

Colombia on Sunday evening. Up until now, nearly half of them have been released into their natural habitat. The Secretariat congratulates these two Parties on their efficient collaboration.

- E7 In December 1987, a European country received a batch of items made of Python sebae and Varanus griseus skins that were accompanied by a permit from Egypt indicating Egypt as the country of origin. However, Python sebae is not a species that is found in Egypt and Varanus griseus is listed in Appendix I. Egypt did not reply to the Secretariat.

Secretariat Recommendation: Parties should verify the origin and the species of specimens for which they issue documents, in order to avoid permits being issued for Appendix I species when the transaction is a primarily commercial one and no import permit has been previously issued.

- E8 In May 1988, Japan received CITES permits with security stamps affixed for chimpanzees from Ghana. An inquiry showed that the security stamps had been previously affixed to permits destined for the United States for some birds and two python handbags. A thorough inquiry was initiated but the Secretariat has not been informed of the results.

Comments from Japan (summarized by the Secretariat): On the basis of information provided by the Secretariat, Japan did not accept the import. It is awaiting the results of the enquiry carried out by Ghana.

Secretariat Recommendation: When it informs a Party of the fraudulent use of documents from its country, the Secretariat would like to see enquiries carried out relating to the possible instigators of the crime (calling on Interpol where necessary). The results should then be sent to the Secretariat.

- E9 In June 1988, Italy intercepted a cargo of 10 Probosciger aterrimus from Singapore that were destined for a European country. The birds were sent back to Singapore. The Secretariat has not been able to obtain any further information about the fate of these birds.

Comments from Singapore: "We received the telex informing us that a consignment of Probosciger aterrimus was being sent back from Italy only 16 days after the consignment was supposed to have arrived in Singapore. We were unable to trace the consignment. Our investigation showed that no consignment of Probosciger aterrimus was imported from or exported to Italy. There was no reply to our request to the Italian Management Authority for more information to assist us in our investigation. We were unable to proceed further."

Secretariat Comments: Parties should inform the Secretariat if another Party has not responded to their requests for information. The Secretariat wishes to insist on the importance of the co-operation between the Parties in the field of enforcement. As Singapore had not given its agreement (as appears to be the case), Italy should not have sent the birds back.

Secretariat Recommendations:

- 1) Live specimens should only be sent back to their country of origin with the following guarantees:
  - a) that the consignee country has agreed to this operation;
  - b) that there is no risk of animals or plants being diverted in the course of the return trip;

- c) that there are good chances of survival for specimens during this prolonged travel; and
  - d) that the competent authorities are in a position to receive and take care of the animals or plants.
- 2) Containers should be sealed and the transport companies concerned should be specifically informed of the nature of the shipment.
  - 3) The Secretariat should be informed of this kind of problem, either immediately or as quickly as possible.

E10 In June 1988, Hong-Kong intercepted a shipment of two baby tigers Panthera tigris and two bear cubs Selenarctos thibetanus and Helarctos malayanus on board a ship. They came from Thailand and were destined for a zoo of Taiwan. They were not accompanied by any documents. Thailand furnished no information to the Secretariat about this affair.

Secretariat Recommendation: Adoption and implementation of the draft resolution in Annex 1.

E11 In July 1988, the Netherlands seized a female Asian elephant and a Malaysian bear aboard a ship. They were in transit from Viet Nam to Czechoslovakia via Singapore. The shipment was not accompanied by any CITES documents but did have various phytosanitary and veterinary certificates, including a veterinary certificate issued by Singapore. The elephant was in deplorable condition (skin completely dry and the only food available was sugar cane). Further information is required about this case.

Comments from Singapore: "As required by Animal Health regulations, the consignment in transit was inspected and the animals found to be in satisfactory condition. A veterinary certificate was issued to that effect. In accordance with Article VII, paragraph 1, consignments in transit are not subject to CITES regulations. As the shipment was from Viet Nam (exporting country) to Czechoslovakia (importing country), the name of Singapore should not be mentioned."

Secretariat Recommendation: Parties should apply Resolution Conf. 4.10 and in particular paragraph a) ii).

E12 In July 1988, a European country seized a cargo of 368 reptiles, including 6 Acrantophis madagascariensis, from Madagascar. The shipment was only accompanied by a veterinary certificate. The animals were in a deplorable state and the boas were infested with parasites. The crates contained seven cardboard boxes and three of them held jute sacks in which two species of snake were together. A live Phelsuma and 50 scorpions roamed freely in the main crate. The animals listed in the CITES appendices were seized and legal action taken against the importer.

Secretariat Recommendation: Madagascar should strengthen its export controls, particularly with regard to live reptiles (see also E18).

E13 In September 1988, Spain intercepted a cargo of 39 parrots (Ara militaris, Ara rubrogenis, Amazona vinacea, Pianopsita pileata) from Paraguay on information received from the Secretariat. The crates had been put aside to be examined but instead were loaded on a plane to Portugal. Spain asked that the shipment be returned before unloading for a more thorough examination of their contents and this was done (five parrots had already

died). The air waybill indicated that Portugal was the final point of destination. The Secretariat congratulates Portugal for its rapid action and the manner in which the Secretariat was informed. On the other hand, it regrets that Spain did not demonstrate the same efficiency. The birds were kept in a Spanish zoo and should have been entrusted to a protection centre for participation in a breeding programme. Unfortunately, that was not possible because of the high price asked by the Madrid zoo. Several people of other nationalities seemed to have been involved in this affair. The Secretariat does not know the results of the inquiries.

Secretariat Recommendation: Adoption and implementation of the draft resolution in Annex 1.

- E14 In September 1988, the Secretariat became aware of the existence of a specimen, in the Dominican Republic, of Cyanopsitta spixii that was destined to be re-exported to Spain. As the Secretariat had doubts about the legal status of the specimen, it asked the Dominican Republic for a copy of the document from the European country confirming the legality of the bird.

The CITES authorities in the Dominican Republic furnished all the information they possessed on the subject. The Secretariat does not know if the macaw was re-exported to Spain or not.

Whether the transaction took place or not, the Secretariat feels obliged to inform the Parties that, based on persistent rumours from reliable sources, this specimen of C. spixii was in fact the female with one cut wing that belonged to the last three examples of this species living at liberty in Brazil and that, in fact, she replaced the specimen that was in the Dominican Republic and which was declared dead by its keeper on 30 August 1987.

Comments from the Dominican Republic: We wish to take up the issue raised to the Secretariat in the letter dated 2 September 1988. This Management Authority carried out an inspection of the premises of the company involved (Caribbean Wildlife Preservation Trust) on 23 January 1985. On 10 September 1986, we noted the presence of two Cyanopsitta spixii. In August 1987, one of them died. During the inspections carried out on 26 May and 25 July 1988, we only noted the presence of one specimen of this type. Consequently, we do not understand, if the dead macaw was replaced by another, how there could only have been one specimen instead of the original two. Finally, the last remaining specimen was re-exported (Dominican permit no. 158/88 dated 21.11.1988) to the Federal Republic of Germany, and not to Spain, on 22 November 1988. This exportation was verified by the Management Authority and, in accordance with Article III of the Convention, the FRG issued an import permit OSE 681/88 on 31 August 1988.

Secretariat Recommendation: See E13.

- E15 In March 1989, the Secretariat communicated information to Algeria concerning a business dealing in goods made from animals that are registered in the appendices of the Convention, including Appendix I. Some of these animals could only have been imported fraudulently. Algeria informed the Secretariat of the results of its inquiry, which confirmed the fraud, and of the measures it took. The Secretariat wishes to congratulate Algeria for its rapid action.

E16 In May 1989, a cargo of tropical fish arrived in Norway from Nigeria. While it was in transit, one of the crates broke open in the Federal Republic of Germany and a Crocodvlus niloticus and 270 frogs were discovered. The shipment was sent on its way and Norway seized the crocodile, which is now in a zoo.

E17 In May 1989, France checked a vehicle, which had come from Spain, at the French-German border. Instead of the spare tire they discovered a hiding place specially equipped for transporting birds (with a hole to let in air and partitions) with 5 drugged specimens of Falco peregrinus. One of the passengers admitted that he had taken them from their nests in Spain. He also confessed that he had stolen five falcon eggs in April 1989 and had brought them back in an incubator plugged into the car battery. The French Customs sent a complete file on this case (including photos).

Secretariat Recommendation: When particular fraudulent methods are discovered, Parties should, as in this case provide details, clearly specifying what should remain confidential and what parts can be transmitted to other Management Authorities and to the general public.

E18 In June 1989, as the result of an inspection in which a dog was used, the French discovered a shipment of Geochelone radiata on board a boat that had arrived at Reunion Island from Madagascar. A more thorough examination of the boat revealed the presence of a large quantity of drugs.

Comments from France: "The inspection of a boat coming from Madagascar and on its way to La Reunion enabled us to uncover a double infraction by the occupants of the craft: the first in accordance with the Washington Convention, led to the seizure of 300 Geochelone radiata. The second, in accordance with legislation on narcotics, led to the seizure of 1,370 kg. of marijuana.

The tortoises were temporarily entrusted to the Chaudron zoo in Saint-Denis de la Réunion."

Secretariat Comments: Besides the connection existing between illegal trade in drugs and animals, this case also underlines the value of using dogs in order to detect specimens of smuggled animal species.

E19 A meticulous inquiry in Uganda showed that at least ten chimpanzees had been exported from Zaire to Uguanda and that some have been re-exported to the United Arab Emirates. These chimpanzees had been accompanied with documents from Zaire such as veterinary certificates, a simplified export declaration, a boarder-traffic inspection report, etc. The export of these animals listed in Appendix I without CITES documents is unacceptable.

#### F IRREGULAR TRADE IN APPENDIX II SPECIES

F1 In October 1987, the Secretariat informed the CITES authorities in Ecuador of the existence of heavy illegal trafficking in wild animals to a European country. All the cases concerned shipments with false declarations. Moreover, the Secretariat gave the Ecuadorian authorities information on the exporters. Ecuador has still not replied.

Secretariat Recommendation: Adoption and implementation of the draft resolution in Annex 1.



- F2 In March 1988, the Secretariat informed the Spanish authorities that a large shipment of different animal skins had entered Spain illegally a few months before, apparently from a freeport of the Federal Republic of Germany. The Secretariat also gave them all the necessary information about the place where the skins were stored. Two weeks later, Spain informed the Secretariat that they had confiscated around 60,000 different animal skins, the majority of which appeared to be of Bolivian origin.

Unfortunately, the importer took legal action and the Secretariat was subsequently informed that the trial ended with a withdrawal of the case, which led to the skins being returned to the importer.

The Secretariat has asked the Spanish authorities not to give re-export certificates for these skins. However, it believes that it is very likely that they would leave Spain illegally.

- F3 In April 1988, 2 rose-crested cockatoos arrived in a European country from Thailand accompanied only with a health certificate. It turned out that the birds had been exported illegally. The Secretariat is not aware of further action in this case.

Secretariat Recommendation: See Fl.

- F4 In May 1988, the authorities of the Netherlands seized 8 specimens of Psittinus cyanurus hidden in a secret compartment in the middle of other birds. They had come from Singapore without any documents. As the name of the exporter was known, the Authorities of Singapore were able to have him sentenced.

- F5 In May 1988, the Secretariat was informed that the Federal Republic of Germany had confiscated a shipment of Cactaceae from Bolivia, which was not accompanied by any CITES document. Moreover, the document which did come with the shipment indicated that the Cactaceae had been artificially propagated, whereas they had really been taken from their natural habitat. This particular shipment was put in an appropriate institution so that it could be taken care of properly.

Secretariat Recommendation: All Parties should strengthen their control on trade in plants.

- F6 In May 1988, the Federal Republic of Germany exported a large cargo of reptile skins to Mexico from the free port of Hamburg. The shipment was only accompanied by certificates from the German Chamber of Commerce and veterinary certificates. According to these documents, the skins originated from Paraguay, Bolivia and Brazil. The load was seized in Mexico.

Comments from the Federal Republic of Germany: "Up to 1 August 1985, in accordance with Article VII (1) of the Convention, no documents were required in the cases of storage in the free port of Hamburg. The reptile skins in question had been stored in the free port before this date. Therefore, export in 1988 was permitted. Nonetheless, the Federal Republic of Germany informed the Secretariat about the shipment to Mexico. The seizure by the Mexican authorities has been removed."

Secretariat Comments: The Secretariat deplores the fact that skins with clearly illegal origins are continuing to circulate without any major problems.

Secretariat Recommendation: The Federal Republic of Germany should provide the Secretariat with an inventory of specimens being held in the free port of Hamburg and acquired before 1985. As did Switzerland in a similar case (see I1), the FRG should require the departure of these specimens within a given time limit, under pain of seizure.

- F7 In June 1988, a load of 2000 (or 1500 ?) young crocodilians from Panama was stopped in Spain on its way to Taiwan. It was accompanied by a certificate of origin from Colombia. A large number of them had died but the Secretariat was not able to find out how many of the animals were still alive. A person representing the Madrid Zoo took possession of 50 of the animals but, from the information it received, the Secretariat does not know what became of them nor even what species of crocodilian they were. The inquiry undertaken in Panama and Colombia was not successful as the documents were false. Spain has given no complementary information despite the Secretariat's request.

Secretariat Recommendation: See F1.

- F8 In July 1988, a load of 6000 young crocodilians was sent to Taiwan via Panama, Spain and Switzerland. The only document that the Secretariat could get hold of was the airway bill. It seemed that the shipment had come from Colombia, perhaps via Honduras. No information could be obtained concerning the dealers or the species involved.

Secretariat recommendation: Parties should regularly analyse air-cargo lists and airway bills to be able to carry out the necessary checks, particularly concerning the transport of live animals.

- F9 In July 1988, the Netherlands confiscated a suitcase containing 9 Epicrates cenchria, 4 Corallus enydris, 10 Corallus caninus, 5 Boa constrictor, and 7 Dendrobates azureus coming from Suriname. The traveller pretended that the suitcase had been given to him by a stranger and that he was meant to give it to another person unknown to him. The Secretariat is not aware of any actions that might have been taken in this case.

Secretariat Recommendation: See F1.

- F10 In July 1988, Morocco exported 106 Testudo graeca tortoises. The shipment, carried in a Moroccan-registered vehicle, crossed Spain without being checked. The animals, which were not accompanied by any documents, were seized by France.

- F11 In July 1988, a European country received a shipment of belts and handbags accompanied by a re-export certificate issued by Egypt. Varanus griseus, a species listed in Appendix I, was mentioned on this certificate. The Sudan was listed as the country of origin but there was no permit number. Egypt did not reply to the Secretariat's questions. Several days later, the exporter presented another certificate issued by Egypt for the same products but indicating Varanus niloticus (which was in fact correct) based on a permit from the Sudan. The Sudan confirmed the validity of its permit, but Egypt never confirmed the validity of its second certificate.

Secretariat Recommendation: See E7.

- F12 In October 1988, during a meeting of falconers, three birds of prey (of which at least two were royal eagles) were exported from France without an export permit. Hungary did not check if the birds had proper documents because they felt that the fact that they were ringed was sufficient. One

of the eagles died in Hungary. The other two birds were re-exported from Hungary without a certificate. Following the drafting of an official statement, a legal claim was filed against the falconer.

The Secretariat Recommendation: It is essential that Parties have domestic legislation enabling them to require permits for this kind of export and import.

- F13 In November 1988, the Netherlands checked a shipment of 1500 Psittacus erithacus erithacus that was on route to the United States of America via the Federal Republic of Germany. It was accompanied by a permit for 400 specimens from Guinea (where the subspecies erithacus does not exist). The Dutch were unable to seize the cargo and informed the Federal Republic of Germany and the United States. Only 400 birds were present on the arrival of the shipment. It has proven impossible to date to discover where and when the other 1100 birds disappeared.

Comments from the Federal Republic of Germany: "No further information on the 1100 birds which disappeared is available. On 17 November 1988 the shipment had been reloaded at Frankfurt Airport without further control as they were on transit. The Dutch inquiry on the shipment is dated only 8 December 1988."

- F14 In November 1988, France was presented with a permit from Senegal for 1 kg of Moschus moschiferus musk. Senegal was declared as the origin of the merchandise which was listed as personal effects (its value on the market is US\$ 30,000 to 50,000 a kilo!). Senegal later stated that it was musk that had been brought back from the U.S.S.R. in 1975 (therefore pre-Convention). The Secretariat considers that it was a commercial operation and that the permit should have clearly stated that it was a matter of re-exporting pre-Convention specimens. An inquiry led by France suggests that there will be further developments in this case.

France's comments: "For this kilo of Moschus moschiferus musk seized by the customs, a settlement signed by the offender led to a penalty and the abandoning of the seized merchandise, which has been entrusted to a museum."

Secretariat Recommendation: The Parties should carefully verify the origin of specimens before issuing permits for non-indigenous species.

- F15 In December 1988. Australia brought to light an illegal mail order business dealing in Ornithoptera. A postal packet containing 35 Ornithoptera victoriae-regis from the Solomon Islands was addressed to a well-known dealer. The same individual was arrested in March 1988 because he tried to import some coleopteron insects he had in his baggage and along which he had hidden 2 Troides pratorum. The Secretariat should be informed of the conclusion of this case.

Secretariat Recommendation: Adoption and application of the draft resolution in Annex 1.

- F16 In January 1989, a European country checked a crate from Argentina that was destined for Taiwan. The crate (1 m x 51 cm x 41 cm!) contained 60 Amazona aestiva, 90% of which were not even old enough to feed themselves. There was nothing for them to drink. What is more, Argentina had issued an export permit and a veterinarian had signed a health certificate: according to Article IV, paragraph 2, a permit should not be issued unless:

"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".

These conditions were not met in this case and the permit should not have been issued.

The Secretariat has singled out this case not only because of its exemplariness, but also to point out the quality of the report presented by the Swiss about this affair.

Secretariat Recommendations: The Secretariat encourages the Parties to send it a detailed report (including photos if possible) about any cases involving deplorable transport conditions for live animals. This information will also be useful to the Working Group on the Transport of Live Specimens. The Secretariat recommends that the Parties pay very particular attention to the terms of the Convention when it comes to shipments of living specimens.

F17 In March 1989, a European country submitted to the Secretariat a Chilean permit for 100 Geochelone chilensis, a species that does not exist in Chile. An inspection of the document showed that they had probably come originally from a neighbouring country and were being re-exported. The Secretariat asked Chile for further information about this permit but Chile has not yet replied. In any case, as the permit does not mention any export permit number, the Secretariat has recommended that it be refused.

F18 In March 1989, a cargo of supposedly 70 tonnes of ivory left the United Republic of Tanzania for Dubai. Thanks to the United Republic of Tanzania's rapid reaction and the support of Interpol, the ship was identified on its arrival in Dubai, and the ivory seized. The boat carrying the ivory was much smaller than originally feared and the amount of ivory involved was only 2 tonnes. Unfortunately no laws were broken in Dubai and the local legal system did not allow the permanent confiscation of the ivory, which was returned to its owner. The United Arab Emirates are presently studying a draft new legislation with the assistance of the Secretariat.

F19 In March 1989 Belgium seized a shipment of about 1000 frogs (Dendrobates auratus, D. granuliferus, D. pumilio and Phyllobates lugubris) from Costa Rica via Spain. The importer produced a letter from a zoological museum in the Federal Republic of Germany attesting that he was conducting research. He declared that he had already imported Dendrobates several times without having the slightest problem with the customs, claiming that this kind of frog was not protected. Costa Rica and the Federal Republic of Germany have not replied to Belgium's requests for information.

F20 In May 1989, while checking a crate from Gabon destined for the Republic of Korea that was supposed to contain personal effects, Belgian authorities discovered fifteen elephant tusks (a total weight of 180 kgs). The merchandise, which had no accompanying CITES documents, was seized. The Secretariat commends the Belgian authorities on their vigilance.

Secretariat Recommendation: The Parties should not be too lax when applying the exemption for personal effects.

F21 In May 1989 CITES officials in Belgium informed the Secretariat that a shipment of caiman skins with an Argentine CITES permit was in transit through Belgium bound for Italy. The Secretariat asked that an inspection

be carried out. The shipment consisted of several thousand caiman skins, including sides and whole skins, and not just tails, underbelly skins and feet as stated in the Argentine permit. The shipment was confiscated by the Belgian authorities who subsequently informed the Argentine and Italian authorities. The Secretariat has received no further information in this case.

In its comments, Argentina considers that this case should not appear in the report because it is similar to case I3.

The Secretariat does not share this opinion. This case was singled out because it illustrates particularly well the problem of shipments that actually had authentic documents; although the species indicated was exact, the description of the specimens was not. This case also illustrates the importance and the relevance of checking shipments in transit.

- F22 In May 1989 a certain European country was presented with a re-export certificate for 925 gr. of Moschus moschiferus musk. The certificate in question made reference to a Hong-Kong permit issued on the basis of a USSR permit. The USSR informed the Secretariat that the certificate with the reference number quoted had in fact been issued for 5 seals.

Secretariat Recommendation: The Parties should be particularly vigilant regarding documents concerning very valuable shipments.

- F23 In June 1989 the Secretariat received information concerning 2 permits issued by Senegal within the space of 5 days, one for 237 Psittacus erithacus timneh and the other for 237 Psittacus erithacus erithacus. Both of these documents were for the same shipment addressed to North America. The second of these documents was purported to have been issued because the birds in question belonged to the subspecies erithacus. Both documents mentioned re-export of the shipment, that was claimed to originate from Guinea. However, the subspecies erithacus does not exist in Guinea which has only the subspecies timneh. When the Secretariat asked Senegal for additional information there was no reply. The birds were thus confiscated when in transit through a European country.

Secretariat Recommendation: Adoption and implementation of the draft resolution in Annex 1.

G NON-APPLICATION OF RESOLUTIONS OF THE CONFERENCE OF THE PARTIES (other than on ivory)

- G1 In 1987 Japan imported 20 tonnes of Varanus bengalensis and Varanus flavescens skins from Bangladesh. All of these skins were considered to be from illegal sources and were exported fraudulently. Many of them were declared as "fabric samples", "business documents", "jute bags" and "salted fish" when exported from Bangladesh.

Japan had entered reservations concerning these two species and is considered as a non-Party regarding trade in them.

Comments from Japan: The Government of Japan has proposed that Varanus bengalensis be transferred from Appendix I to Appendix II, on the basis of a study done at the request of the Secretariat (Luxmoore and Groombridge), suggesting that there is no biological reason to continue to list Varanus bengalensis in Appendix I.

Representatives of the Management Authority of Japan visited Bangladesh in November 1988 and July 1989 to seek solutions with regard to Japan's reservation on Varanus species with the Management Authority of Bangladesh.

The measures to be adopted after the transfer of V. bengalensis to Appendix II were also discussed at both meetings. If the proposal is approved the Government of Japan is prepared to co-operate with the Management Authority of Bangladesh to solve problems related to reservations concerning two Varanus species and to establish a sound management system for trade in them.

If V. bengalensis is transferred to Appendix II, illegal exports could, then, be stopped.

Secretariat Comments: Like Bangladesh, the Secretariat strongly believes that a Party's use of a reservation, which results in encouraging illegal trade from another Party, is contrary to the spirit of the Convention and to Resolution Conf. 4.25.

- G2 In April 1988 CITES officials in Japan, TRAFFIC Japan and the Secretariat warned Chilean authorities about an apparently forged Chilean permit (No. 0098), "issued" on 15 November 1987 for 57,120 Caiman crocodilus skins. The Chilean authorities confirmed that the document was a forgery.
- G3 Between January and July 1988 a certain amount of trade in Caiman crocodilus skins was carried out between Japan and Thailand, and between Taiwan and Thailand.

The Secretariat received information concerning the theft of 2 Thai re-export certificates (for goods coming from Singapore) bearing false signatures and stamps and referring to 20,000 and 15,000 C. crocodilus skins from Colombia. The original permits had in fact been issued for a Cacatua moluccensis to be exported to the United States and for snakeskin shoes to be exported to France.

When the Japanese authorities sought authentication of these two documents from Thai officials, they are purported to have received confirmation of their validity by telex. According to information obtained by the Secretariat the telex was also a forgery.

Colombia for its part confirmed that it had not exported any Caiman crocodilus skins to Singapore since 1973.

Singapore could still be termed as having "pre-Convention" status with regard to this case, since CITES came into force there in 1987. This is not the case however for Japan and Thailand where the Convention came into force in 1980 and 1983 respectively.

Secretariat Recommendation: The Secretariat calls upon all Parties to comply with the terms of Resolution Conf. 5.11.

- G4 In April 1988 a European country checked a consignment of 780 parrots on their way to Canada. The Swedish export permit covering the shipment did not indicate that it was a case of re-export or that the birds had been bred in captivity. In addition, it is unlikely that certain of the species involved could have been bred in captivity in Sweden for export in such large numbers. The Swedish permit was therefore considered incorrectly filled out.

**Secretariat Recommendation:** The Secretariat recommends that the Parties fill in their CITES documents with the upmost care.

- G5 In May 1988 a cargo of live Geochelone sulcata from Mauritania headed for the United Kingdom passed in transit through France. As there were no accompanying documents and transport conditions were unacceptable the specimens should rightly have been confiscated. In spite of this the Geochelone sulcata completed their voyage. The UK authorities it appears even issued an import permit retrospectively, in spite of the Secretariat's recommendations, and in spite of this being contrary to Resolution Conf. 6.6.

**Comments from the United Kingdom:** "Our records indicate that the application to import those specimens was initially made to the UK Management Authority on 28 March 1988, prior to their arrival in the UK; we were subsequently supplied with export documentation to support the application. In the circumstances, it is considered that UK import documentation could not reasonably have been withheld in this instance on the basis of Resolution Conf. 6.6."

**Secretariat Comments:** The Management Authority declared by fax on 15 June 1988 "we authorized the importation on 25 May on the clear understanding that the necessary permits would be delivered. On this date, the United Kingdom's Management Authority had not yet issued an import permit. We were waiting for proof of birth in captivity and/or Mauritanian export permit.

On 31 August, the Management Authority informed the Secretariat by fax that it had issued an import permit.

On 15 September 1989, the Secretariat received a faxed copy of the Mauritanian document that had been accepted by the United Kingdom. This document did not meet the conditions required by Resolution Conf. 3.8 for a 'comparable' document. The Secretariat has serious doubts that the animals in question were bred in captivity. Moreover, the Mauritanian document does not explicitly affirm that the exported animals were born in captivity.

- G6 In June 1989 a European country informed the Secretariat that it had just seized 10 Panthera pardus skins originating from Botswana. Although this species is included in Appendix I, Botswana authorities issued an export permit without first demanding to see a corresponding import licence. Moreover, in accordance with Resolution Conf. 6.9, only one skin may be exported per year per person. As well, the transaction appears to have been above all for commercial purposes, which is unacceptable for a species listed in Appendix I.

#### H FALSE DOCUMENTS, INVALID DOCUMENTS

- H1 In July 1987 the Secretariat sought to check the validity of a permit issued by Zaire for 997 elephant ivory items. Confirmation was received by telex. But the telex was false, the codes normally given on transmission and which enable the sender to be identified having been omitted. A second telex was received by the Secretariat some time after this, and it also proved to be false. The Secretariat has recommended that all trade in ivory with Zaire be suspended until difficulties relating to the ivory quota and the operation of the Ivory Trade Control System in that country are resolved.

**Secretariat Recommendation:** The Parties should carefully check the telexes they receive to confirm the validity of permits. They must ensure that the numbers and information that appear on the telex correspond with those indicated in the CITES Directory. The Secretariat points out that several times it has received telexes sent from public booths.

- H2 In November 1987 the authorities of a European country informed the Secretariat of the arrival of a shipment of 115 birds from Bhutan accompanied by a false export permit. The authorities requested the Secretariat to get in touch with the Bhutan authorities to arrange for the birds to be sent back there. Bhutan then informed the Secretariat that the birds in question were not from Bhutan and that they were not prepared to take them back.

The Secretariat conveyed this reply to the authorities of the European country requesting them to dispose of the birds as they saw fit.

- H3 In January 1988 CITES officials in the Netherlands confiscated 152 specimens of Psittaciformes, most of which were endemic to Mexico. The accompanying Nicaraguan export permit mentioned quite different species. The seizure was made possible by information passed on by CITES officials in Belgium. The whole operation was set up by a notorious Belgian trafficker. When Nicaraguan authorities were informed, they confirmed that the export permit was forged.

Since the species in this case were from Mexico, the Secretariat informed the Mexican authorities, who subsequently asked for the birds to be returned. The Dutch authorities, after letting the birds recuperate from their exhausting voyage, sent them back to Mexico, and the Mexican authorities have since informed the Secretariat that the birds were set free in their natural habitat. The Secretariat has however no information as to whether the Nicaraguan authorities were able to prosecute the traffickers involved.

- H4 In February 1988 the Secretariat requested information from the Chilean authorities concerning CITES permit No. 00286, issued on 17 February 1988, for 24,000 Caiman crocodilus skins to be exported to Thailand. According to the information given in this document the skins were re-exports originating from Venezuela. The indicated number of the Venezuelan document was 00519 and when consulted, the Venezuelan authorities confirmed that this permit had not yet been used and that they still had the original copy.

The Chilean authorities in turn confirmed that permit No. 00286 was false: Chili printed new, modified CITES permits on 1 October 1988.

The Secretariat recommends that Parties request to the Secretariat confirmation of the validity of all Latin-American re-export certificates. It is concerned about a large number of Caiman crocodilus skins exported with forged documents.

Comments from Japan: "The Japanese Management Authority requested the Thai authority to provide confirmation of the validity of the re-export certificate issued by the Thai authority, and received confirmation that the certificate was issued on the basis of a Chilean re-export certificate (no. 00286) originating from Venezuela.

However, the Venezuelan and Chilean Authorities, stated that no such permit No. 00286 had been issued. Therefore, the Japanese Authority did not permit the importation of the skins."



- H5 There have also been at least 7 most dubious cases of transactions carried out between Thailand and Taiwan concerning about 18,000 sq. feet of Caiman crocodilus skins. The Singaporean re-export permit gave the country of origin of the goods as "unknown", even though the Thai re-export permit for Taiwan gave Singapore as the country of origin of the goods!

The Secretariat wonders if these are not the skins refused by Japan that were referred to in the preceding case, and that this is how they were marketed.

Secretariat Recommendation: The importing Parties concerned are earnestly requested to help Latin America to put an end to this illegal international trade.

- H6 In April 1988 a European country confiscated a shipment, covered by 3 Senegalese CITES documents, that included 61 Psittacus erithacus, 1 Agapornis pullaria, 9 Poicephalus robustus. In the case of the Psittacus erithacus, the document was a re-export certificate that gave Guinea as the country of origin of the goods. However the subspecies concerned does not exist in Guinea. In addition the Guinean export permit number was not mentioned. As well, the certificate appears to have been issued retroactively. The second of the documents had a torn security stamp and bore the imprint of two different stamps. Senegal never responded to the Secretariat's request for explanations.

- H7 In May of 1988, the Federal Republic of Germany sent the Secretariat copies of two Bolivian permits issued in 1984, the validity of which had been recognized by Japan at a time when the terms of the Convention were very imperfectly applied in that country. These documents had been presented to the FRG authorities during an application for a re-export permit. The Secretariat requested the FRG authorities to refuse the import permit, which they did.

The Secretariat raised the question with the Japanese authorities so as to avoid the repetition of such practices and also informed the Bolivian authorities.

Comments from Japan: "A Japanese firm re-exported watch-bands, made from Caiman crocodilus skins imported from Bolivia in 1984 to the Federal Republic of Germany.

However, the Bolivian Authority stated in reply to an inquiry from the FRG authority that the permit involved had not been issued by it.

The Government of Japan had established a rule requiring presentation of the original export permit in the case of an application for re-export certificates, and this rule was complied with this case as well.

The Government of Japan will exercise the greatest possible care for the issue of re-export certificates."

Secretariat Comments: The Secretariat has taken note of Japan's reply; however, it is surprised that the original copy of the export permit was required before the re-export certificate could be delivered. In fact, pursuant to Article VI, paragraph 6, the original must be kept by the Management Authority itself, who can then refer to it before issuing a re-export certificate.

H8 In May 1988 CITES officials of the Federal Republic of Germany consulted the Secretariat to check the validity of a Guatemalan CITES permit issued on 4 April 1988 for 2,120 specimens of Boa constrictor imperator.

When informed, Guatemala confirmed that the document was illegal and asked for the reptiles to be returned. No further information has been received by the Secretariat on this case.

Comments from the Federal Republic of Germany: "In accordance with information provided by the Secretariat that the documents were falsified no import permit has been applied for and no import has taken place."

Secretariat Comments: Many Parties ask the Secretariat to confirm permits without indicating whether the merchandise has arrived or not. When false documents are presented to Management Authorities, it is recommended that they immediately question the person presenting the document to discover where the merchandise is.

The Secretariat is worried to note that, generally, when it confirms to a Party that a document is false, the Party merely contents itself with refusing to import the goods.

Secretariat Recommendation: When a Party is presented with a false document, it should do everything in its power to find out where the merchandise is and where the false document originated.

H9 In June 1988, Israel sought confirmation of the validity of a Nigerian permit for 12,000 monitor lizard skins. The Secretariat immediately informed Israel that the permit was forged and demanded that the consignment be confiscated or that an investigation should be carried out to find out what had become of the skins. Israel never replied, but it turned out that the skins were in fact accepted for entry in Israel since Israel issued a re-export permit for them to be shipped on to a European country. The Secretariat then asked the Israeli authorities for additional information. Israel replied that not more than 300 skins had been imported on the basis of the forged permit for 12,000 skins. The Secretariat expressed surprise, and requested Israel to carry out a thorough investigation and also to send the Secretariat copies of certain documents. The Secretariat has so far received nothing from Israel.

H10 In September 1988, CITES officials in Japan sent the Secretariat a copy of a Brazilian export permit for 40,000 Caiman crocodilus skins. When informed of this, Brazil confirmed that the document in question had indeed been issued by Brazilian CITES officials but for cacti exported to the Netherlands. The Secretariat is unaware whether serious investigations were undertaken by Brazil into this case, but the Brazilian authorities did inform the Secretariat that these 40,000 skins may perhaps have been part of an illegal consignment of 100,000 caiman skins stocked somewhere in the country while awaiting the necessary CITES "documents" for their further shipment to Europe and Japan.

With help from Japan, the CITES Secretariat made available for the Brazilian authorities all the information at its disposal on the Brazilian trader, but it did not receive any answer.

H11 At the beginning of 1989, several shipments of orchids included in the CITES appendices reached Europe from China. The accompanying documents stated that the orchids were "artificially propagated". China declared that these documents were forgeries particularly since the forms used had been out of date for a year.

Secretariat Recommendation: The Parties should check with the Secretariat when they have doubts about the validity of permits accompanying suspect shipments.

- H12 In April 1989, Switzerland issued a re-export certificate for 12 tins of Chelonia mydas soup. The permit had "Cayman Islands, Federal Republic of Germany" as the country of origin of the goods and a permit number dating from 1982. The Secretariat considers that this certificate was improperly issued by Switzerland.

Comments from Switzerland: "We do not agree with the judgement of the Secretariat, because we are of the opinion that CITES Resolutions are not to be applied retrospectively. The primary letter from which the soup mentioned is fabricated has been exported from the Cayman Islands to the Federal Republic of Germany under Cayman permit no. 2701454 issued on 25 May 1981.

Most likely, the turtles from which the meat derives have hatched at a time when Appendix I was not yet applicable to the species.

At the time of import into the FR Germany, as well as at the time of the subsequent re-export to Switzerland, trade in captive-bred specimens was regulated only under the Convention and the recommendations contained in Resolution Conf. 2.12. Neither the Resolution Conf. 4.15 requesting the registration of captive breeding operations, nor Resolution Conf. 5.10 introducing the F2 element as a criterion, were in existence at the time when the transactions took place."

Secretariat Comments: Contrary to what Switzerland indicates, the F2 generation notion was not introduced in Resolution Conf. 5.10, but in Resolution Conf. 2.12. Moreover, Resolution Conf. 5.11, paragraph h, provides for the application of the provisions of Article III to specimens of the species transferred from Appendix II to Appendix I.

- H13 In May 1989, a person arrested in Australia was found to be in possession of a dozen Taiwanese permits, veterinary certificates and blank certificates of origin that were nevertheless already stamped and signed. All of these documents were forged.

The Secretariat's Recommendations: To prevent this type of fraudulent activity, the Parties should not fill in permits unless it is necessary.

- H14 Forged Nigerian permits have been presented in different European countries (United Kingdom, France, Sweden, Netherlands, Spain and Italy). There was no proof that the goods were in fact from Nigeria. The Secretariat was very satisfied with the attitude taken by Nigeria, where every effort has been made to stamp out this practice. The Secretariat is however surprised that other countries have not reported the use of such forged permits and trusts that such forged documents have not been accepted elsewhere.

It should be stressed that two of the forged permits sent to the Secretariat had crudely imitated security stamps although the forgeries could be difficult to detect in photocopies or fax copies.

- H15 There have been reports on many occasions of the presentation of documents issued by Liberia for Psittacus erithacus. The form used was on each occasion identical to a CITES permit form, but was in fact an "Other Certificate" issued for internal use only.

Secretariat Recommendation: To avoid abusive or fraudulent use, the Parties should not use forms for their internal certificates that are identical to CITES forms.

H16 Checks of permits from Zaire have revealed that this country has issued a great number of permits for species included in Appendix I (in particular chimpanzees) without respecting the provisions of the Convention which require the prior grant and presentation of a corresponding import permit. In addition, certain of these exports were most probably for purely commercial purposes.

Secretariat Recommendation: Parties should exercise particular care of the text of the Convention when considering the granting of an export permit for specimens of species listed in Appendix I.

H17 The Secretariat has learned of forged or illegal permits bearing the names of the following countries:

Argentina	Jordan
Bolivia	Mozambique
Brazil	Nicaragua
Cameroon	Nigeria
Central African Republic	Peru
Chili	Philippines
China	Singapore
Ecuador	Spain
Ghana	Thailand
Guatemala	Zaire

#### I LARGE SCALE OR ELABORATED FRAUDS

H11 An investigation carried out in France has revealed that, between October 1986 and October 1987, several consignments of musk were shipped from Geneva to Paris without being accompanied by the necessary CITES re-export certificates. The investigation carried out by the Swiss authorities proved that 22 kilos of musk grain had indeed been stocked at the bonded warehouse in Geneva in 1985 without a CITES permit. On 12 July 1988, there were still 7.9 kilos of musk stocked in the warehouse. Swiss authorities thus demanded that the importer obtain the necessary CITES documents from the country that had exported the goods or that he re-export the goods and furnish them with the name of the country accepting the goods. On 15 December, having had quite a few problems, the importer declared to the Swiss authorities that the musk had been re-exported to Taiwan. The Secretariat is pleased that collaboration between France and Switzerland proved so effective, but hopes that Switzerland will take steps to provide the means for more thorough checks on specimens of CITES species stocked in Swiss bonded warehouses.

Comments from Switzerland: "In addition to the information already provided to the Secretariat about this case, including the information concerning the legal base about controls of shipment to be stored at Swiss bonded warehouses, we would like to point out that from fall 1981 until spring 1982 a thorough clean-up has been made in the Swiss bonded warehouses. As a result of this, tens of thousands of furs and reptile skins had to be exported on very short note or were destroyed.

Although from then on controls are carried out regularly according to the law at the time of storing we cannot control and discover every small shipment. For efficiency reasons we prefer with small shipments to

concentrate our activity on these cases, where illegal goods have been discovered in connection with an export."

12 In December 1987 the Secretariat found out that an South American country had re-exported to Italy, on the basis of a Spanish re-export permit, several thousand Caiman crocodilus skins originating from Bolivia. After tracing the history of these transactions, the Secretariat was able to ascertain the following facts:

- 1) In 1985 the French Management Authority consulted the Secretariat in order to check the validity of export permit No. 00344, issued by Bolivia on 28 February 1985. At that time the Secretariat recommended that France refuse the document in view of the serious doubts about its validity. France did so (apparently without cancelling the document).
- 2) Some time later the Spanish authorities consulted the Secretariat (on their own initiative, for at the time Spain was not a Party to the Convention) to check on the validity of the same Bolivian document. Once again the Secretariat recommended that the document be refused. Only later was it discovered that Spain did not heed this advice.
- 3) Spain acceded to the Convention on 30 May 1986. At the end of 1987 Spain issued a re-export permit for a South American country covering 7,923 caiman skins from Bolivia and referring to Bolivian permit No.00344. The Spanish document was accepted by the South American country. Some time later the South American country issued a re-export permit covering part of a shipment of skins from Spain, this time for Japan. Japan in turn consulted the Secretariat to check the validity of the South American document. The Secretariat recommended that it should be refused considering that the previous Bolivian permit was not valid. Japan refused the importation.
- 4) The Secretariat informed the South American country of the situation. The authorities disagreed violently with the position adopted by the Secretariat, pointing out that their permit had been issued on the basis of a valid Spanish permit, and that their country had no reason to doubt the validity of a bona fide document issued by a member country. The Secretariat expressed its understanding of this point of view, and replied that, in the absence of any precise directives on the subject, the problem would have to be discussed by the Conference of the Parties.
- 5) In May 1988 the Secretariat was consulted, this time by the Italian CITES officials seeking confirmation of the validity of a re-export permit from the same South American country issued once again on the basis of a genuine Spanish permit. The Secretariat once again recommended that it be rejected while at the same time recognizing the legitimacy of that country's position. Italy then consulted the EEC. The EEC informed the Secretariat that the Spanish permit was valid because it covered "pre-Convention" skins. The Secretariat therefore advised the Italian CITES authorities and the importer that in view of the CEE interpretation the document could be accepted. However, the Secretariat made it clear at the same time that if Italy re-exported items made from the skins covered by Bolivian permit No. 00344, and if the country importing these items consulted the Secretariat as to the validity of the Italian document, the Secretariat would reply that, even though the permit in question was valid, the skins were still of illegal origin.

In view of the seriousness of the case and the absence of precise directives on the subject, the Secretariat proposed that the case and its general implications should be discussed at the meeting of the Conference of the Parties (for more details on the subject consult Doc. 7.34, "Treatment of genuine re-export certificates for illegal specimens").

In its comments, Japan confirmed the Secretariat's analysis concerning its country.

- 13 In November 1988 the Secretariat devoted considerable time to clearing up serious doubts held by the Secretariat as to re-exports of Caiman crocodilus skins of Paraguayan origin and it analyzed in details all the Argentinian transactions concerning this species carried out between 23 January 1986 and 15 September 1988.

On the basis of this analysis the Secretariat sent a telex to the Argentine Management Authority summing up the situation. The text of this telex with minor changes is as follows.

Ref. Re-exports of Caiman crocodilus yacare skins from Argentina during the period 23.1.1986 - 15.9.1988.

- 1) In a telex from the Secretariat of 20 January 1986, the Argentine Management Authority received the text of a telex from the Paraguayan Minister of Agricultura y Ganadería, the CITES Management Authority for Paraguay, regarding stocks of skins of different species held in Argentina, including of caimans of Paraguayan origin.
- 2) In reply to this telex (point No. 1), the Argentine Management Authority sent the Secretariat a letter, dated 31 January 1986, giving full details of all the stocks of skins of various species duly registered with the Management Authority. Enclosed were copies of all the Paraguayan documents proving, by the dates on them, that these skins had been imported into Argentina before 28 July 1982, after which date Paraguay had banned all exports of flora and fauna.
- 3) The letter mentioned in point No. 2 above indicated that as of 31 January 1986, 18,270 caiman skins had been duly registered with the Argentine Management Authority. The figure quoted was later corrected and increased to 23,058 as of 24 April 1986.
- 4) In a further letter dated 8 October 1986 the Argentine Management Authority informed the Secretariat that as of 30 September 1986 19,624 caiman skins were still registered with the Management Authority.
- 5) On analyzing all the permits issued by Argentina between 1986 and 1988, and thanks to close collaboration with Management Authorities in France, Italy, Japan and Switzerland, the Secretariat finally concluded that the "pieces" (trozos) of skin mentioned in the Argentine CITES permits were in fact "sides" (costados), as the Secretariat was able to see for itself during a chance inspection in one of the importing countries. Two sides making up a complete skin, the final implication was that total Argentine exports of approximately 570,231 pieces during the above-mentioned period were in fact of 570,231 sides; that is to say 285,115 skins. After deduction of the skins registered with the Management Authority (19,624), there remained 265,491 skins of unknown origin.

In December 1988, the Secretariat visited Argentina in order to present the case to the Vice-Minister of External Affairs and to explain to him in detail the situation. The case is at present in the hands of the Argentine justice system.

Comments from Argentina: Concerning case I3, the Management Authority regrets the inclusion of its country's name, but realizes that it is necessary. It congratulates the Secretariat on its detection of this alleged infraction and finds that the expert and administrative analysis of this affair is of interest to all member countries, and will help them to apply the Convention more satisfactorily. Therefore, it agrees to its inclusion according to paragraph 5a and 5b of the introduction to document Doc. 7.20. It would like to add the following observations:

- a) It recommends to the Secretariat and to the seventh meeting of the Conference of the Parties that the Animals Committee be asked to establish standards that will allow the Management Authorities to establish a relationship between the weight of the skins and the number of animals, at least for the order Crocodylia species. In fact, this zoological group often seems to be involved in infractions implicating countries from all five continents.
- b) It asks the Secretariat that the names of individuals or companies linked with various alleged infractions not be mentioned during the Committee's meetings, with a view to avoiding the types of disagreeable situations referred to by the Secretariat in paragraph 3l of the introduction to document Doc. 7.20.
- c) Taking into account the above-mentioned, it reiterates to the Secretariat its full agreement with the principles exposed in paragraphs 5a and 5b of the introduction to document Doc. 7.20.

Comments from Japan: "The Secretariat informed on November 1988 that Argentina was re-exporting more caiman crocodile skins than were being imported to Argentina from Paraguay. In Japan, prior confirmation is required for the import (whether direct or indirect) of caiman crocodile skins from Paraguay, and the Japanese Authority grants import permission only after obtaining confirmation from the Secretariat. Japan has not permitted imports since the Secretariat raised the matter of the above discrepancy at the end of September 1988.

The Government of Japan urges most strongly that there should be universally accepted standard definitions of the figure and practice for the items listed on export permits."

The Secretariat's Recommendations: Adoption and application of the draft resolution in Annex 1.

- 14 In November 1986 a Presidential decree banned exports of coral from the Philippines. In spite of this, throughout 1987 and above all 1988, most European countries and the United States of America received shipments of coral from the Philippines. Investigations revealed that all these consignments were illegal and could be divided into 2 categories:

- authentic permits signed by officials empowered to do so but in illegal circumstances. These permits were issued by 2 regional offices which seemed to have suffered from lack of communication between the central authorities and regional authorities;

- forged permits. The Secretariat compiled a list of at least 20 forged permits.

Many countries accepted imports of these corals before the affair was resolved in spite of a Notification to the Parties sent out by the Secretariat on 11 August 1986, which confirmed the ban on exports and stipulated that existing stocks could be exported up until 30 April 1987.

Acting on a request from the Government of the Philippines, the Secretariat put out a new Notification to the Parties, and the Philippines took the necessary steps to put a stop to these illegal exports.

France must be pointed out as having accepted a shipment of coral in spite of the fact that the permit was declared a forgery by the Philippines, via the Secretariat. France subsequently considered that "the importer was able to produce documents applicable to the goods" (in the case an import permit issued by France). The Secretariat considers that the necessity for an import permit is the result of stricter provisions applied by the EEC and that the provisions of the Convention require the presentation of a valid export permit. Therefore, despite the fact an import permit was issued, as the export permit in question was a forgery the Secretariat considers that the Convention was not respected in this case.

Comments from France: "As soon as the Secretariat made it known that permits were being falsified, imports were immediately prohibited.

Concerning the imports that already had been made, the Director General of Customs Investigations was asked to make a thorough inquiry to determine whether the French importer has knowingly committed fraudulent acts. The inquiry did not bring to light any evidence that the importer has acted in bad faith; it was difficult to envisage bringing legal action against a dealer when no actual proof against him could be produced."

15 In November 1987, France uncovered a particularly elaborate fraudulent procedure. Some Caiman crocodilus skins without CITES documents arrived from Argentina. The importer did not immediately ask for customs clearance but had a permit for transit to a warehouse issued. He then had a second transit permit issued, this time for transferring the skins to a customs office. He then presented a French import permit issued on the basis of an Israeli re-export certificate (origin Bolivia). It had obviously become rather difficult to see that the merchandise had actually come from Argentina. The cargo was seized. The inquiry that followed showed that several shipments had already followed the same route and that the procedure had been repeated several times. The affair was brought to justice.

The Secretariat was not able to find out if the skins from Bolivia had really been imported by Israel and, if this were the case, if they had been re-exported by Israel.

The Secretariat can only note that the skins entered Argentina illegally and also left it illegally.

The French dealer claimed that the skins had been sent to France directly from Bolivia to avoid the transport costs of sending them via Israel. If this were the case, one cannot understand how Israel could have issued re-export certificates for merchandise that it had never imported.



There are still some points to be cleared up and the Secretariat hopes that the Parties concerned will soon be able to supply further information.

It should be pointed out that Colombia intercepted a shipment of caiman skins on its way from Asunción to France that was accompanied by a copy of one of the Israeli permits previously used in France. The skins were seized.

Comments from France: "The very serious case of illegal importing of South American crocodile skins has known further development which have led to the following convictions:

- customs fines to the value of 4.2 million French francs
- confiscation to the value of 3.33 million French francs."

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Enforcement

CONVINCED that enforcement of the Convention must be a constant concern of the Parties if they are to succeed in fulfilling the objectives of the Convention;

INSISTING on the need of close co-operation between the Parties;

RECOGNIZING the important role the Secretariat can play in the enforcement process, and the means provided by Article XIII of the Convention;

CONSCIOUS that the data carried on the permits and certificates must supply maximum information, as much for export as for import, to allow a verification of the conformity between the merchandise and the document;

CONSIDERING that Article XIII does not specify a time-limit for a Party to respond to a request for information from the Secretariat, and that such a deadline is necessary in order that the absence of response not be interpreted as a refusal to respond;

NOTING the contention between certain Parties as to the proof of "bred in captivity" for certain live faunal specimens;

CONSIDERING that the use of certain terms to designate the parts and derivatives of wildlife may give rise to certain offences;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) that in designating the CITES parts and derivatives, the Parties use a standardized nomenclature established by the Secretariat;
- b) that when the parts and derivatives are designated in a language other than one of the three working languages of the Convention, the translation into one of these three languages be also given using the standardized nomenclature established by the Secretariat;
- c) that the Secretariat establish a draft nomenclature and submit it to the Parties, who will have 60 days in which to present their observations, that the Secretariat then establish the definitive nomenclature, and that the same procedure be applied to modify the nomenclature;
- d) that, as far as possible, the Secretariat distribute index-cards specifying the definition of certain terms;
- e) when, in application of Article XIII, the Secretariat requests information on an alleged infraction, Parties reply within a time-limit of one month or, if this is impossible, acknowledge within the month and indicate a date, even an approximate one, by which they consider it will be possible to provide the information requested;

- f) when, within a one year time-limit, the information requested has not been provided, Parties provide the Secretariat with justification of the reasons for which they have not been able to respond; and
- g) that when the Management Authority is in possession of the necessary information it should indicate on any export permit or re-export certificate for live Appendix I specimens bred in captivity:
  - i) references to the owners of the parents;
  - ii) the identity of the parents (the marking reference where appropriate); and
  - iii) whether a biological 'finger print' test has been carried out.



*Ministerio de Economía*

*Secretaría de Agricultura, Ganadería y Pesca*

Doc. 7.20  
Annex/  
Annexe/ 2  
Anexo

**OBSERVACIONES DE LA AUTORIDAD DE APLICACION DE LA CONVENCION CITES EN LA REPUBLICA ARGENTINA AL PROYECTO DE DOCUMENTO 7.20 RELATIVO AL EXAMEN DE LAS SUPUESTAS INFRACCIONES;**

A partir del 14 de julio último ha habido un recambio de autoridades en el organismo de aplicación de CITES en la República Argentina, hecho conocido por la Secretaría de la Convención.

Las nuevas autoridades del organismo de aplicación cuentan, como también conoce la Secretaría, con el consenso tanto de la comunidad científica nacional e internacional como de las organizaciones nacionales de conservación de la naturaleza y de una parte muy importante del sector empresarial vinculado al aprovechamiento comercial de la fauna silvestre, así como de las autoridades provinciales de manejo de recursos naturales.

Las nuevas autoridades del organismo de aplicación lamentan, en este contexto, la reiterada mención de la Argentina en el Proyecto de Documento 7.20 (en adelante; p.D.7.20). En base al contacto directo entre Argentina y la Secretaría, en concordancia con el párrafo 11 de la introducción al p.D. 7.20, las nuevas autoridades del organismo de aplicación se han comprometido a trabajar denodadamente en todo lo atinente al cabal respeto y cumplimiento de la Convención en lo que haga a la República Argentina.

La autoridad de aplicación de la Convención en la República Argentina reitera a la Secretaría su compromiso de administrar para conciliar los distintos intereses en conflicto en relación alterna, teniendo como eje la solidaridad con la fauna silvestre de la Argentina.

Asimismo, desea transmitir a la Secretaría, su total adhesión a los objetivos del p.D. 7.20, mencionados en el párrafo 5, a y b, de su introducción y muy especialmente al contenido del párrafo 31 de la misma.

- En lo atinente al párrafo H 16, la autoridad administrativa argentina reitera a la Secretaría que ha redicado una denuncia ante un Juzgado en lo Penal Económico sobre la existencia de permisos falsos, no habiéndose expedido aún la justicia al respecto.

List of some Sentences for Infractions of CITES  
or Related Legislation Communicated by the Parties

- Australia

- \* illegal import of birds: 5 years imprisonment  
(maximum according to Australian law)  
disregard for hygiene regulations: 2 years imprisonment  
(the two sentences to be served concurrently)
- \* illegal import of birds: 12 months imprisonment  
attempt to export: 2 years imprisonment  
(sentences to be served concurrently)
- \* attempt to export Appendix II birds: 2 years imprisonment  
attempt to export indigenous reptiles: 2 years imprisonment  
(sentences to be served concurrently)  
use of false passport: 6 months imprisonment

- Singapore

- \* sale of tiger skins: fine of US\$ 600 plus confiscation of the skins
- \* attempt to export 12 aras: US\$ 300 fine per bird (amounting to US\$ 36,000) plus confiscation of the birds
- \* sale of tiger skins: US\$ 500 fine plus confiscation of the skins

- Botswana

- \* illegal trade in ivory and rhinoceros horns: fine of US\$ 2,500 plus confiscation of the goods (US\$ 544,700) and vehicle (US\$ 125,000)

- Ghana

- \* for having attempted to export 2,000 Psittacus erithacus, six persons were condemned to:
  - 5 years with hard labour plus fine
  - 3 years with hard labour plus fine
  - 2 years imprisonment plus fine
  - 2 years imprisonment plus fine
  - 9 months with hard labour; deported after serving sentence
  - 6 months imprisonment

- Somalia

- \* illegal ivory trade: 7 years imprisonment and confiscation of 3 tonnes of ivory

- Switzerland

- \* illegal importation of a Lynx canadensis coat: fine of SFr. 1031 (US\$ 650)

- \* false declaration of shoes and handbags having reptile-skin parts (Python molurus bivittatus, Varanus salvator, Ptyas mucosus): fine of SFr. 1096 (US\$ 690)
- \* illegal import of 6 Ara ararauna and 5 Amazona amazonica: fine of SFr. 1291 (US\$ 810)
- \* illegal import of 25 ivory carvings: fine of SFr. 1621 (US\$ 1000)
- \* illegal import of 3 ivory carvings: fine of SFr. 1980 (US\$ 1250) and confiscation of the items
- \* illegal import of a piece of raw ivory and a whale tooth: fine of SFr. 6371 (US\$ 4000) and confiscation of the items.

- United States of America

- \* falsification of CITES document relating to polar bears: 10 months imprisonment and US\$ 50,000 fine
- \* illegal importation of leopard skins, rhinoceros horns and weapons/arms: 65 years imprisonment

NOTE: each \* denotes a separate case

Saisies réalisées par le Service belge  
de l'inspection vétérinaire

Année	Espèce animale	Nombre de saisies	Type de marchandise	Quantités
1987	Ouistiti à toupet blanc	2	spécimens vivants	4
	Ouistiti à pinceau noir	2	spécimens vivants	3
	Sapajou jaune	2	spécimens vivants	9
	Chat léopard du Bengale	1	spécimens vivants	2
	Cacatoès à huppe rouge	4	spécimens vivants	18
	Grand cacatoès à huppe jaune	1	spécimens vivants	6
	Cacatoès à huppe jaune	1	spécimens vivants	4
	Cacatoès à huppe blanche	1	spécimens vivants	5
	Perroquet gris à queue rouge	2	spécimens vivants	11
	Perroquet à ventre orange	1	spécimens vivants	20
	Coryllis à tête bleue	1	spécimens vivants	11
	Lori (différentes espèces)	2	spécimens vivants	21
	Calao rhinocéros	1	spécimens vivants	2
	Fouette queues	1	spécimens vivants	2
	Varan des steppes	1	spécimen vivant	1
	Python royal	1	spécimens vivants	27
1988 jusqu' en juin	Eléphant d'Afrique	3	défenses brutes ou polies	37 pièces/ 196 kg
			ivoire travaillé	80 pièces/ 24 kg
	Rhinocéros	1	cornes	19 pièces
	Faucon lanier	1	spécimen vivant	1
	Perroquet gris à queue rouge	1	spécimens vivants	3
	Perroquet à ventre orange	1	spécimen vivant	1
	Ara hyacinthe	1	spécimens vivants	2
	Tortue de mer	1	carapaces	114
	Tortue grecque	1	spécimen vivant	1
	Phelsume	1	spécimens vivants	4
	Varan du Nil	1	spécimen vivant	1
	Varan du désert	1	spécimen vivant	1
			spécimen naturalisé	1
	Boa de Madagascar	1	spécimens vivants	6
Boa constrictor	1	peaux brutes	10'000 pcs.	

Saisies réalisées par la Douane belge

1987	Léopard	2	peaux	2 pièces
	Tigre	1	peau	1 pièce
	Baleine	1	conserves	96 boîtes
	Eléphant d'Afrique	7	ivoire travaillé	13 pièces
	Perroquet gris à queue rouge	1	oiseaux vivants	3
	Tortue de mer	3	tortue naturalisée	1
			carapaces de tortue	2

1988 jusqu' en juin	Féliné/Chat de Geoffroy	1	peaux	450 pièces
	Eléphant d'Afrique	6	ivoire travaillé	16 kg
				62 pièces
				135 pièces
				76 kg
	Tortue de mer	1	carapace	1
	Python de seba	1	peaux	2
	Caiman	1	peaux	5
	Téju	1	peaux	10
	Dracène de la Guyane	1	peaux	3
	Faux cobra du Brésil	1	peau	1



CONSTATATIONS EFFECTUEES PAR LA DOUANE FRANCAISE  
PRESENTANT UN INTERET PARTICULIER  
1986 - 1989

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Date de la constatation Nature du produit	Quantité Valeur Origine/Provenance	1. Annexe CW concernée 2. Mécanisme de fraude/observations 3. Destination de la marchandise
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Contrôle immédiat  
Opérations commerciales

16/03/1986 Reptile (Boa)	1 1 500 FF Guyane française	1. Annexe II 2. Colis postal 3. Collection privée
19/04/1987 Reptile (Crotale)	1 3 000 FF Etats-Unis	1. Annexe II 2. Absence de permis CITES Colis postal 3. Collection privée
07/03/1988 Peaux de reptiles	5 000 flancs 800 000 FF Gabon	1. Annexe II 2. Permis CITES inapplicable 3. Tannerie
21/09/1988 Gouras	4 200 000 FF Indonésie	1. Annexe I 2. Absence de permis CITES Nom scientifique utilisé : TRUGON TERSTRE Modification de l'aspect des animaux 3. Collection privée

Contrôle immédiat  
- Surveillance -

16/12/1986 Perroquets	1	1. Annexe I
Singes ouistitis	12	2. Contrebande par la voie aérienne (bagage accompagné)
Calmans	4	3. Parc zoologique
Tortues	4	
Lézards	4	
	165 000 FF Guyane française	

Date de la constatation Nature du produit	Quantité Valeur Origine/Provenance	1. Annexe CW concernée 2. Mécanisme de fraude/observations 3. Destination de la marchandise
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28/04/1988 Tortues grecques	130 25 000 FF Grèce	1. Annexe I 2. Absence de certificat CITES Importation en contrebande Contrôle à la circulation et visite domiciliaire chez le destinataire 3. Animalerie
15/12/1988 Chimpanzé	1 50 000 FF Indéterminée	1. Annexe I 2. Absence de document CITES Détenion sans titre (article 215 CD) Contrôle à la circulation Mauvais traitement à animal 3. Parc zoologique
16/01/1989 Varans du Nil Crocodiles tetrapsis	2 (a) 3 (b) 20 000 FF Indéterminée	1. (a) Annexe II (b) Annexe I 2. Absence de document CITES Détenion sans titre (article 215 CD) Contrôle à la circulation 3. Exposition zoologique itiné- rante
21/05/1989 Rapaces (faucons immatures)	5 48 000 FF Espagne	1. Annexe I 2. Détenion sans titre (article 215 CD) Animaux dissimulés dans l'em- placement de la roue de secours du véhicule. Dénichage 3. Elevage privé
24/05/1989 Tortues de terre (Geochelone radiata)	300 300 000 FF Madagascar	1. Annexe I 2. Importation en contrebande dans l'île de la Réunion Animaux découverts ainsi que des stupéfiants, par une équipe cynophile lors de la visite d'un navire 3. Animalerie

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ANEXO

Date de la constatation Nature du produit	Quantité Valeur Origine/Provenance	1. Annexe CW concernée 2. Mécanisme de fraude/observations 3. Destination de la marchandise
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Contrôle a posteriori  
- (enquêtes) -

18/06/1986 Ecaillies de tortues marines	278 kg 417 000 FF Indonésie	1. Annexe I 2. Absence de permis CITES Utilisation du code informatique d'exclusion de la C.W. 3. Ebénisterie
04/09/1986 Chimpanzé	1 20 000 FF Côte d'Ivoire	1. Annexe I 2. Importation en contrebande Information concernant la dé- tention irrégulière reçue par la Police et retransmise à la Douane 3. Parc zoologique
31/10/1986 Ecaillies de tortues marines	353 kg 247 000 FF Indonésie	1. Annexe I 2. Absence de permis CITES Utilisation du code informatique d'exclusion de la C.W. 3. Ebénisterie
19/01/1987 Peaux de caïmans	9 225 677 000 FF Bolivie Colombie	1. Annexe II 2. Permis CITES du Guyana inappli- cables Fausse déclaration d'origine 3. Tannerie
22/11/1987 Ecaillies de tortues marines	230 kg 219 000 FF Cuba Ile Fidji	1. Annexe I 2. Absence de permis CITES Utilisation du code informatique d'exclusion de la C.W. 3. Lunetterie
20/05/1987 Chimpanzé	1 50 000 FF Gabon	1. Annexe I 2. Importation en contrebande Saisie effectuée sur information communiquée par un vétérinaire 3. Animalerie

Date de la constatation Nature du produit	Quantité Valeur Origine/Provenance	1. Annexe CW concernée 2. Mécanisme de fraude/observations 3. Destination de la marchandise
18/07/1987 Perroquets	359 225 000 FF Equateur	1. Annexe II 2. Absence de permis CITES Utilisation du code informatiqu d'exclusion de la C.W. 3. Animalerie
07/03/1988 Peaux de crocodiles	4 836 peaux 9 964 francs 3 600 000 FF Paraguay	1. Annexe II 2. Permis CITES inapplicable (reex- portation d'Israël) Fausse déclaration du pays de provenance 3. Tannerie
10/05/1988 Musc de chevrotin en grains	47 kg 5 897 000 FF Hong-Kong Chine	1. Annexe II 2. Absence de permis CITES Utilisation du code informatiqu d'exclusion de la C.W. 3. Parfumerie
20/06/1988 Racines de Saussurea Lappa	10 000 kg 515 000 FF Union Indienne	1. Annexe I 2. Absence de permis CITES Fausse dénomination d'espèce des marchandises 3. Parfumerie
05/08/1988 Cuisses de grenouilles	28 000 kg 800 000 FF Bangladesh	1. Annexe II 2. Absence de permis CITES Utilisation du code informatiqu d'exclusion de la C.W. 3. Alimentation humaine
11/10/1988 Perroquets Singe	3 1 13 000 FF Mali	1. Annexe II 2. Absence de permis CITES 3. Vente (par annonce dans la presse)
08/11/1988 Corail	1 000 kg 40 000 FF Philippines	1. Annexe II 2. Absence de permis CITES 3. Aquariophilie

The Japanese Opinion on Gorillas Imported from Spain

August 1989

The Japanese Management Authority  
Ministry of International  
Trade and Industry

The two gorillas were imported as captive-bred from Spain to Japan in May 1987 and afterwards the suspect that they should be wild gorillas was submitted. The Japanese Government and CITES Secretariat inquired to Spanish Government again and again. We had received no clear response, but finally we received a formal reply from Spanish Management Authority, in September 1987 saying that according to the Court's Judgement, the veterinary certificate is valid, so Spanish export was perfect legal.

However, we received the letter from CITES Secretariat, that according to CITES Secretariat's investigation in Spain, it was found out that these two gorillas were wild-caught.

It is a great pity that such a matter happened in Japan, but we would like to comment as follows:

1. First of all, we think that the current situation that these two gorillas belong to the trader's facilities is not favorable in the gorillas welfare, and so these gorillas should be early transferred to a proper zoo according to CITES Secretariat's recommendation.

We are discussing about this matter with <sup>Environment Agency</sup> ~~Agency of Environment~~ and the Japanese Association of Zoological Gardens and Aquariums (JAZGA).

2. The Japanese Management Authority permitted import according to Convention Article VI, paragraph 5 as we regarded export permit issued by Spanish H.A. as a certificate of this paragraph. In the Japanese system; in case of imports of Appendix I species of captive-bred by Article VI, we require import permits (import quota certificates) and we confirm the authenticity of documents issued by exporting country by inquiring to exporting country before issuing import permits.

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As for the Resolution Conf. 2.12, it is the M.A. of exporting country to judge the specimens as captive-bred and so that should be the responsibility of exporting country in CITES procedure, if the fact that the specimens is not captive-bred, is found afterwards. In this case, we consider that our import permit met the conditions of procedure required by Convention and its Resolution.

In addition, we are making a double check, that is, issuing import permit and prior confirmation of export permit with an exporting country. And so we are not to blame for the procedure of CITES.

3. The Japanese M.A. has closely contacted with CITES Secretariat and TRAFFIC JAPAN and has coped with this issue in consistency with CITES as well as possible, for example inquiry to the Spanish M.A., age appraisal by experts.

Especially we introduced prior confirmation of Appendix I apes to the CITES Secretariat since January 1988, based on the recommendation of CITES Secretariat.

4. Unfortunately it is impossible to cancel this import permit under the Japanese Law, because the import was already completed and not illegal.

However, when these gorillas are transferred to a proper zoo, Environment Agency consider these gorillas as wild and is scheduled to require permit under procedure of Internal Law.

5. We are informed that JAZGA has deeply recognized that conserving and breeding of wild-life in danger of extinction are the expected roles and social duties of zoological gardens and aquariums. JAZGA established its Code of Ethics, which provides observance of CITES, and the Species Survival Committee Japan, which promotes breeding plan of endangered species, for example studbook of gorillas in captivity and breeding loan of gorillas.

The Japanese M.A. highly appreciates for these JAZGA activities and hope JAZGA to involve these gorillas in the breeding plan. From this point of view, these two gorillas should be transferred to the proper zoological gardens.

We will be more careful to prevent such a case from occurring in the future in cooperation with CITES Parties and Secretariat.

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