



## Great apes exported from Guinea to China from 2009 to 2011

January, 2014

Several individuals have been engaged over a period of time in a campaign directed at the CITES Secretariat, the CITES Standing Committee and various intergovernmental bodies, national CITES Management Authorities and others in relation to trade in live great apes from Guinea to China that took place between 2009 and 2011.

The Secretariat is issuing this statement to provide the factual background on this important matter, which the Secretariat first drew to international attention in 2011.

### Secretariat reports and notifications

The Secretariat has formally reported on this matter to the Standing Committee at three meetings between 2011 and 2013. These meetings were open to all Parties and registered intergovernmental and non-governmental organizations and each report was posted on the CITES website.

The Secretariat issued two formal Notifications to the Parties to the Convention on this matter; one in 2011 and one in 2013 - both of which were posted on the CITES website.

### Communications with Guinea

In late 2010, the Secretariat's attention was drawn to what appeared to be increasingly regular exports of chimpanzees from Guinea, which were declared on export permits as 'captive-bred'.

The Secretariat expressed its concerns about this trade to relevant Management Authorities in early 2011, including those in China and Guinea. Being dissatisfied with the responses received from Guinea, the Secretariat requested permission from that country to conduct a mission on its territory. Formal missions are subject to the agreement of the relevant country. As no agreement was forthcoming from Guinea, the Secretariat raised the matter with the Standing Committee at its 61st meeting, in August 2011 (see paragraph 39 of document SC61 Doc. 30<sup>1</sup>).

Following that meeting, the Secretariat was invited to Guinea and the Chief of Enforcement Support at that time and the Senior Scientific Support Officer (Fauna) conducted a mission to Conakry in September 2011. The Secretariat's team identified significant problems with the manner in which CITES was being implemented in Guinea. Consequently, a comprehensive list of recommendations was formulated by the Secretariat in consultation with relevant Guinean authorities.

Based on the findings made during this mission, the Secretariat issued a Notification to the Parties in September 2011,<sup>2</sup> drawing the attention of all Parties to its concerns with regard to the authenticity and validity of permits, certificates and other documentation apparently issued by the Management Authority of Guinea. In its Notification, the Secretariat advised all Parties that no commercial captive-breeding of specimens of CITES-listed species currently occurred in Guinea, or had taken place in the past, contrary to what was indicated on numerous fraudulent Guinean CITES permits for a range of species.

During the 2011 mission, the team requested the Guinean Management Authority to provide copies of all the permits and certificates that it had issued since 2009. The Guinean Management Authority provided copies of 126 export permits, issued between March 2009 and March 2011. These included a permit for the export of 2 live specimens of *Pan paniscus* (bonobo) to Armenia. None of the 126 permits that were handed over to the Secretariat by Guinea related to chimpanzees or gorillas.

<sup>1</sup> <http://www.cites.org/eng/com/sc/61/E61-30.pdf>

<sup>2</sup> <http://www.cites.org/eng/notif/2011/E040.pdf>

Mr John Caldwell, an independent consultant was contracted by the Secretariat to analyze the permits and Guinea's CITES trade data (*Guinea – an analysis of recent wildlife trade*; 2012). This analysis had been commissioned by the Secretariat to assist it in preparing its report<sup>3</sup> on related compliance issues at the 62nd meeting of the Standing Committee (July, 2012), and was not intended for external publication.

After the 16th meeting of the Conference of the Parties (Bangkok, March 2013), the Secretariat was urged by certain individuals to make Mr. Caldwell's report publicly available. As the analysis had been produced for internal purposes only and contained references to specific Parties to the Convention, the Secretariat consulted with relevant Management Authorities before publishing the analysis on the CITES website.<sup>4</sup>

### **Compliance measures taken by the CITES Standing Committee**

Following a recommendation of the Secretariat, and in accordance with instructions from the Standing Committee at its 62nd meeting, the Secretariat issued a formal warning to Guinea on 17 September 2012 concerning its implementation of CITES, and provided the country with a set of minimum corrective actions that should be undertaken.

Guinea was requested to provide a detailed report to the Secretariat by 31 December 2012 on steps taken to implement the minimum actions. The Standing Committee asked the Secretariat to evaluate Guinea's compliance with these actions and to make a recommendation at its 63rd meeting (SC63), in March 2013.

Guinea did not provide the detailed reporting requested by the Standing Committee and, at SC63, the Standing Committee unanimously supported the Secretariat's recommendation that all commercial trade in CITES-listed species with Guinea be suspended.<sup>5</sup>

In May 2013, the Secretariat issued a Notification to the Parties<sup>6</sup> containing the recommendation of the Standing Committee to suspend commercial trade in specimens of CITES-listed species with Guinea. This recommendation will remain in effect until all outstanding issues have been adequately addressed.

### **Communications with China**

The Secretariat raised the issue of suspected illegal trade in great apes with the Chinese Management Authority on a number of occasions, including when it met with the 21 Branch offices of the Management Authority at a National CITES Retreat and Training session held in Jilin Province, China, in July 2013.

China brought its own concerns about trade in great apes from Guinea to the attention of the Secretariat, and decided to suspend all imports from Guinea immediately after the Notification was issued in 2011, and prior to SC63.

In its communications to the Standing Committee and Secretariat, China indicated that it had met all the requirements of the Convention in relation to trade in CITES specimens from Guinea, including great apes, and that it had included data on the imports of such apes in its annual reports submitted to the Secretariat.

China further noted that it had issued import permits for great apes only after receiving formal written verification and confirmation of the validity of each export permit from the Management Authority of Guinea. China indicated that it regarded as legal the importations of great apes from Guinea, which it had authorized through the issuance of import permits.

The legal implications for the importing country of learning about apparently corrupt and fraudulent actions involved in the issuance of CITES export permits after an importation has taken place are determined by government authorities in the importing country pursuant to relevant national law.

### **National law enforcement power**

Neither the Secretariat nor the Standing Committee is a law enforcement authority, and the mandate and responsibility to investigate alleged criminal activity within any country lies with the relevant national law enforcement authorities of that country.

<sup>3</sup> See paragraphs 22 onwards of SC62 Doc. 29. <http://www.cites.org/eng/com/sc/62/E62-29.pdf>

<sup>4</sup> [http://www.cites.org/eng/com/sc/62/Caldwell\\_Report.pdf](http://www.cites.org/eng/com/sc/62/Caldwell_Report.pdf).

<sup>5</sup> <http://www.cites.org/eng/com/sc/63/E-SC63-16.pdf>.

<sup>6</sup> <http://www.cites.org/eng/notif/2013/E-Notif-2013-017.pdf>.

Whilst on mission in Guinea, Secretariat staff brought suspected irregular activities to the attention of the Head of the anti-corruption unit and the INTERPOL National Central Bureau of Guinea.

### **Requests for public access to permits and certificates**

Regarding individual permits and certificates for great apes, the Secretariat reiterates that it has no mandate<sup>7</sup> to make such documents public, whether or not it receives or collects copies thereof. Summary trade information from these permits and certificates is submitted through the annual reports of Parties and is contained in the CITES Trade Database, which is publicly available on the CITES website.

Requests for access to individual permits or certificates issued by Management Authorities must be directed to such national authorities, which will process the requests in accordance with their national legislation.

In some countries, national legislation protects the rights of people to have their business or personal information kept confidential. As a result, Management Authorities may refrain from supplying the names of exporters and importers in response to any request for such information.

### **Secretariat responses to campaign messages**

In response to frequent campaign messages from certain individuals about the great ape trade from Guinea to China, the Secretariat has met with these individuals face-to-face, introduced them to relevant CITES Authorities, assisted them with searching the CITES Trade Database, and replied comprehensively to their lengthy emails.<sup>8</sup>

The Secretariat has dealt with suspected illegal trade in CITES-listed species from Guinea in a thorough and concerted manner and in accordance with its mandate. It has drawn international attention, through the Standing Committee, to the serious problems that it identified.

The significant actions taken by the Secretariat and the Standing Committee in this matter demonstrate the effective use of CITES compliance procedures.

Allegations by campaigners that the Secretariat is not taking appropriate action to combat illegal trade in great apes or is involved in a “cover-up” are inconsistent with the facts and defamatory of the Secretariat and its staff, both past and present.

### **Secretariat support to Parties**

The Secretariat will continue to help ensure that Parties trade in CITES-listed fauna and flora in compliance with the provisions of the Convention, and increase their efforts to combat illegal trade in wildlife, including great apes. It will provide technical assistance and support to the extent possible, and within its mandate and available resources.

CITES Secretariat, January, 2014

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<sup>7</sup> Under paragraph 6 (a) of Article VIII of the Convention, Parties are required to maintain records of the names and addresses of exporters and importers. This information, which can be useful for domestic monitoring and enforcement purposes, is not required to be included in Parties' annual reports. The Convention does not require Parties to provide the Secretariat with copies of the permits and certificates that they issue, and none of the 179 Parties to the Convention generally does so.

<sup>8</sup> The Secretariat also responded to a question on trade in great apes from Guinea raised at the Second Council Meeting of the Great Apes Survival Partnership (GRASP), held in Paris, France, in November 2012, and a similar question raised at the Great Apes Summit held in Jackson Hole, Wyoming, United States of America, in September 2013.