

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

Seventy-seventh meeting of the Standing Committee  
Geneva (Switzerland), 6–10 November 2023

ComplianceCompliance matters

## APPLICATION OF ARTICLE XIII IN BANGLADESH

1. This document has been prepared by the Secretariat
2. Article XIII of the Convention stipulates that:
  1. *When the Secretariat, in the light of information received, is satisfied that any species included in Appendix I or II is being affected adversely by trade in specimens of that species or that the provisions of the present Convention are not being effectively implemented, it shall communicate such information to the authorized Management Authority of the Party or Parties concerned.*
  2. *When any Party receives a communication as indicated in paragraph 1 of this Article, it shall, as soon as possible, inform the Secretariat of any relevant facts insofar as its laws permit and, where appropriate, propose remedial action. Where the Party considers that an inquiry is desirable, such inquiry may be carried out by one or more persons expressly authorized by the Party.*
  3. *The information provided by the Party or resulting from any inquiry as specified in paragraph 2 of this Article shall be reviewed by the next Conference of the Parties which may make whatever recommendations it deems appropriate.*
3. In accordance with the *Guide to CITES compliance procedures* contained in the Annex to Resolution Conf. 14.3 (Rev. CoP18) on *CITES compliance procedures*, the approach of CITES towards compliance matters is “supportive and non-adversarial” with the aim of ensuring long-term compliance. Compliance matters are handled as quickly as possible. Such matters are considered by the Standing Committee and ensuing compliance measures are applied in a fair, consistent and transparent manner.

Identification of potential compliance matters

4. In document SC75 Doc. 7.1, the Secretariat drew the Standing Committee’s attention to a potential compliance matter related trade in birds into Bangladesh as follows:

*Before SC74, the Secretariat received allegations related to bird imports into Bangladesh, including species listed on the CITES Appendices being considered to be “non-CITES” species. For instance, CITES-listed parrots appear to be authorized for import as non-CITES species. As requested by the Standing Committee, the Secretariat wrote to the CITES authorities of Bangladesh in August 2022 seeking further information about the transactions’ references and about the trade controls put in place by the CITES authorities of Bangladesh to ensure that specimens of bird species are imported and re-exported in full compliance with CITES requirements.*

5. The Standing Committee agreed that the Secretariat should continue to keep close communication and strengthen its cooperation with Bangladesh (see summary record [SC75 SR](#)). To that end, the Secretariat

sent another letter to the CITES Management Authority of Bangladesh on 12 January 2023 requesting information on the following matters:

- a) What more information can Bangladesh share in relation to the transactions referenced in paragraph 4 above, whereby imports into Bangladesh of CITES-listed birds have been authorised for import as non-CITES species?
  - b) Which trade controls are put in place by CITES authorities to ensure that specimens of bird species are imported and re-exported in full compliance with CITES requirements?
  - c) What information can Bangladesh share in connection with the export of shark products to China via Myanmar from south-eastern Bangladesh which is reported to be taking place in a manner that is not compliant with CITES?
6. In addition to providing written responses on these points, and with a view to increase understanding and cooperation, the Secretariat asked Bangladesh to consider inviting the CITES Secretariat for a technical mission to Bangladesh. Through the technical mission, the Secretariat would verify how the CITES authorities of Bangladesh are satisfied that CITES requirements are being met in the trade in live birds and shark products. The Secretariat also offered to provide in-country assistance to manage identified vulnerabilities, in accordance with Article II, paragraph 1, Articles III, IV and VI and Resolution Conf. 12.3 (Rev. CoP19) on *Permits and certificates*.
7. Bangladesh sent a letter on 5 March 2023 responding to the questions raised in in the letter and set out in paragraph 5 above. The Management Authority also extended an invitation to the Secretariat to conduct a technical mission to Bangladesh, which took place from 27 May to 1 June 2023. During the mission, the Secretariat conducted field visits to the Customs House at Dhaka International Airport, National Botanical Garden (Mirpur, Dhaka), Bhawal National Park, Bangabandhu Sheikh Mujib Safari Park (Gazipur), and two bird facilities importing birds, i.e. Kashvi Enterprise and S. A. International. The Secretariat also visited the fish processing area around the fishery ghat in Chattogram.
8. During the mission, the Secretariat met with the CITES Management Authority (MA) and the Scientific Authorities (SA), the Director of Customs at Dhaka Airport, other law enforcement authorities and officials from the Department of Forests, representatives of the Fisheries authorities, and representatives of the International Union for Conservation of Nature (IUCN), Wildlife Conservation Society (WCS), and academia. The Secretariat also met and interviewed representatives of the two bird farms visited and the Chattogram (Chittagong) Fishery Ghat Business Association. The Secretariat expresses its appreciation to the government for the openness, transparency and technical and logistical support provided in planning and coordinating the visit. The hospitality offered to the Secretariat during the mission was also highly appreciated.

#### Review of the responses provided by Bangladesh in writing and during the technical mission

##### *General considerations*

9. In its response of 5 March 2023, Bangladesh stated that it regulates trade in CITES-listed birds through the “Pet Bird rearing rules, 2020” enacted under the provision of the Bangladesh Wildlife (Conservation & Security) Act, 2012. This Wildlife Act, consisting of 54 sections divided into ten chapters, establishes the Wildlife Conservation and Security Basic Legislation. The MA explained that the aim of these pet bird rules is to monitor and control pet bird trade which “is flourishing nowadays in Bangladesh”, as well as to strengthen efforts to combat illegal bird trade. In this regard, the Bangladesh Forest Department’s (BFD) Wildlife Crime Control Unit (WCCU) leads the combat against wildlife crime in collaboration with other law enforcement agencies, nationally and internationally. Among the challenges highlighted by WCCU, it is worth noting that wildlife offences are not considered as significant or serious offences in Bangladesh. WCCU also mentioned that they do not have arresting powers and that the police cannot arrest perpetrators of wildlife offences, except in relation to tigers and elephants.
10. The MA stated in its response that it has started issuing No Objection Certificates (NOCs) since April 2020. These certificates are the equivalent of an import authorization (import permit) although they do not contain comparable information to what is requested for import permits in Resolution Conf. 12.3 (Rev. CoP19) on *Permits and certificates*. For instance, a NOC does not include information on the source of the specimens nor the purpose of the transactions. The authorities explained in their response that they have faced some difficulties in implementing the NOC system at the beginning, notably regarding identification of CITES-listed

bird species and hybrid species and subspecies as well as the procedure for checking imported CITES-listed species. For these reasons, the MA stated that “a few incidents happened at the time such as NOCs had been issued for the import of CITES-listed bird species as non-CITES bird species unknowingly.”

11. The MA reported that Bangladesh banned the imports of CITES Appendix-I listed *Psittacus erithacus* (Timneh parrots) since 14 July 2021. Timneh Parrots are listed in CITES Appendix I which entails that international trade for commercial purposes is prohibited unless supplied from a CITES-registered facility. The MA further reported that it had conducted several consultations with World Parrot Trust, WCS and other non-governmental organizations to identify potentially problematic species of birds, including parrot species that are in trade, in order to detect the potential fraudulent use of permits obtained for other species.
12. As a result, the MA reported that it had not issued NOCs for birds of Appendix-I listed species in 2021 and 2022. In 2021, birds listed in Appendices II and III were imported mainly from Europe, South Africa and Indonesia. See table below.

**Table: Total number of birds authorized for import in 2020 and 2021 through NOCs as reported by Bangladesh**

Year	Total number of issued NOCs	Total number of imported Appendices II and III listed birds	Countries from where the highest number of Appendices II & III listed birds have been imported
2020	110	17,080 specimens	Cyprus, Netherlands, Portugal, South Africa, Guyana
2021	124	11,380 specimens	Spain, South Africa, Indonesia, Portugal, Belgium

*Actions taken to improve trade controls and compliance with CITES requirements for bird imports*

13. The Secretariat was informed that, in the last three years, four companies were suspended from importing birds. Examples of the reasons for the suspensions included “disobeying the rules, attempt to import birds which were not mentioned in the issued NOCs, etc.” The Secretariat understands that these companies were suspended for a few months or at most a year. The Secretariat is unclear if any of these four companies will be authorized to import birds again after the suspension period is over.
14. A list of registered bird farms/companies is uploaded on the BFD’s website at the following URL: [https://bforest.portal.gov.bd/sites/default/files/files/bforest.portal.gov.bd/page/77fc9183\\_f6d4\\_4795\\_a8ee\\_5dcb56ad5e8/2023-04-27-14-52-be619078b25b3fd3718d29dc874128ae.pdf](https://bforest.portal.gov.bd/sites/default/files/files/bforest.portal.gov.bd/page/77fc9183_f6d4_4795_a8ee_5dcb56ad5e8/2023-04-27-14-52-be619078b25b3fd3718d29dc874128ae.pdf). The MA explained that the aim of making this information available is that Parties exporting birds to Bangladesh could check the names & addresses of the registered bird farms existing in Bangladesh with ease before issuing export permits. All NOCs are posted on the BFD at the following webpage: <https://bforest.gov.bd/site/page/b157e332-0a28-40df-ad1a-3ce19cd45ea4/CITES-Import-NOC>, as well thereby making information available to the private sector, local and international conservation organizations and the general public. The MA declared that this approach has helped to identify weaknesses and errors within the permitting processing and attracted support from the international community.
15. A training was held in August 2022 to enhance capacity for NOC processing. The training was arranged by the US Department of Justice’s International Criminal Investigative Training Assistance Program (ICITAP) for officers of the BFD on the identification of species in shipments of birds.
16. The MA stated that no re-exports of imported CITES-listed birds have occurred yet from Bangladesh.

*Criteria for dealing with NOC applications for bird imports*

17. According to the explanation provided by the authorities of Bangladesh, NOCs for imports are only issued if the following criteria are met:
  - a) the transaction complies with international obligations (CITES);

- b) the transaction meets national policy (e.g., non-native species); and
- c) the transaction does not involve a globally threatened or near-threatened species taken from the wild and/or would not cause an increase in the threat of extinction to a species in the wild (based on global IUCN red list assessments and Birdlife data).

The authorities are planning to introduce random check on importers to assess their facilities.

18. Regarding the trade controls (screening), the authorities verify that the importer has been licensed/registered by BFD. Licenses are renewed annually and have a fee of one thousand Bangladeshi Taka (BDT 1000). If the applicant is not registered, the application is rejected. Considering the amounts of money involved in the bird transactions, the Management Authority may wish to consider an increase in this fee in order to generate revenues to be reinvested into the management system for the permitting (e.g. NOC) process.
19. After ensuring that NOCs are only issued when the CITES requirements and nationally applicable criteria are met, the authorities face a challenge linked to the inspection of shipments on arrival. Staff on the ground struggle to find a balance between the need to verify if the actual birds are those permitted to be imported (species and number) and the need to process the shipment with a minimum of delay as to minimize the risk of injury, damage to health or cruel treatment.
20. It was reported that BFD officers regularly undertake inspections. However, the number of birds entering the country is quite significant and the authorities do not have the capacity to visit every facility. In the NOCs issued to authorize the import of CITES Appendices II and III listed bird species, there is a condition that every shipment will be released from the Hazrat Shahjalal International Airport, Dhaka in the presence of one or two officials from BFD. This allows the Forest Department officials to check the necessary information, i.e., species name, number of specimens, ring number, etc. and compare with the information contained in the NOC. In order to follow up and monitor all types of activities including import/export records, registered farms are being investigated after a certain period by BFD officials as per Pet Bird Rearing rules, 2020.

*Actions taken to improve trade controls and compliance with CITES requirements for sharks*

21. Regarding sharks, Bangladesh reported that it has invested government resources in developing and implementing a strategy on shark and ray species conservation that has been completed recently. The strategy provided for the making of non-detriment findings (NDFs) for sharks under the sustainable forests & livelihoods project (SUFAL).
22. NDFs for silky and smooth hammerhead sharks and mobulid and rhinos rays were elaborated by 22 wildlife and fisheries experts during two workshops and endorsed by the CITES Scientific Authority. The result was a positive NDF for *Carcharhinus falciformis* (silky sharks), with a 200 cm minimum retention length, and a negative NDF assessment for *Sphyrna zygaena* (smooth hammerhead sharks), and mobulid and rhino rays.
23. The MA mentioned the gaps in the monitoring and reporting of international trade in sharks, rays and their products from Bangladesh, including undocumented shipments destined to China via Myanmar. These gaps were addressed in a consultative workshop facilitated by WCS in January 2023 with inspectors from the BFD/Wildlife Crime Control Unit (WCCU), the Department of Fisheries/Fish inspection and quality control (FIQC) unit, and customs.
24. According to the CITES MA, the Department of Fisheries, responsible for providing import / export / trade / processing permits for fish products, is aware of undocumented consignments destined to China passing from the city of Teknaf/Cox's Bazar to Myanmar. Regarding the reporting of trade in sharks, it appears that there is an important discrepancy between imports reported by Hong Kong SAR of China and exports reported by Bangladesh.
25. The discussions held during the technical mission showed a strong interest of the Department of Fisheries in understanding CITES and collaborating with the BFD and customs to improve overall monitoring of shark and ray landings and trade as per CITES requirements. However, the Secretariat observed that one of the critical issues seems to be the ownership of the responsibilities under CITES for marine species as neither Fisheries or BFD have historically accepted ownership of sharks and rays under existing legislations. Finally, the authorities highlighted the challenging situation in the south-eastern region of Bangladesh, particularly owing to the large influx of Rohingya refugees.

### Visit to Hazrat Shahjalal International Airport, Dhaka

26. On 30 May 2023, the Secretariat visited the freight cargo area of the Hazrat Shahjalal International Airport in Dhaka. The Deputy Director of Air Freight Customs explained that the authorization to enter the customs restricted area is granted systemically for the Forest Department every time that a consignment with wildlife is announced and comes to the airport. However, the Secretariat observed that it was difficult for BFD to get access systematically to the restricted area and that normally shipments are sent straight through. The opening hours for customers, traders and brokers is from 9 a.m. to 5 p.m. and the service is closed during the weekend (Friday and Saturday). This creates a major problem for birds and other live animals coming outside regular working hours. In certain cases, the specimens have to wait for clearance for 2 to 3 days under inadequate conditions as the airport does not have facilities dedicated and equipped to receive wildlife specimens. The mortality rates declared during the visit were around 2 to 3%, but this rate may increase during weekends or long waiting hours.
27. During the Secretariat's visit, a consignment of non-CITES listed birds arrived from Mexico via Istanbul, which seems to be major transit route for live animals coming from Africa and Latin America. Customs and wildlife inspectors from the "Wildlife Management and Nature Conservation Division" of the BDF checked the documentation, including the bill of lading, invoice, packing list, NOCs, ring numbers and quarantine certificates and inspected the live specimens using their smartphones and online applications to identify the specimens.
28. Eleven days before the Secretariat's visit, a consignment with several dozens of non-CITES listed birds and over 49 specimens of CITES species (non-declared or mis-declared) arrived at the Hazrat Shahjalal International Airport, Dhaka airport from Belgium via Doha in an aircraft of the company Qatar airways. In a hidden box, the inspectors found three specimens of the species *Anodorhynchus leari* (Lear's macaw) included in Appendix I. As mentioned in document [SC77 Doc. 33.1](#), the Lear's macaw is a Brazilian critically endangered species endemic to the Raso da Catarina region in the Caatinga biome.
29. The three Lear's macaws were seized and sent to the Bangabandhu Sheikh Mujib Safari Park (Gazipur). A fine of over USD 60,000 was imposed on the offender under the Customs Act. After the fine was paid, the birds with valid NOCs were released to the offender and the remaining birds were seized and put under the custody of the CITES MA. The Secretariat was not made aware of any criminal sanction to the importer of those birds nor to any other actor involved in the movement of these animals. It is important to recall that the Wildlife Act (2012) does not provide for penalties, including fines, nor arresting powers.

### Visit to Bangabandhu Sheikh Mujib Safari Park (Gazipur)

30. In the afternoon of the same day, the Secretariat visited the Bangabandhu Sheikh Mujib Safari Park (Gazipur). The park has different sections for a range of species, including big cats (Bengal tigers and lions), zebras, bears, antelopes, giraffes, etc. The park has also a major facility called "Macaw land" with hundreds of CITES-listed birds from around the world. During the visit to the park, the Secretariat was able to see the three seized Lear's macaws and took some photos of them. The Secretariat explained to the authorities that the disposal of illegally traded and confiscated specimens of Appendix-I listed species was a major concern. According to Article VIII of the Convention, Parties shall take appropriate measures *inter alia* "to provide for the confiscation or return to the State of export of such specimens." In the case of confiscation of live specimens, the Convention requires Parties to take measures to ensure that the specimens are returned to the State of export or placed in a designated rescue centre.
31. The Secretariat understands that the range State of origin of this species, i.e., Brazil, was not informed about the seizure. Recently, the Secretariat learned from unofficial sources that the three seized specimens died from causes that have not yet been disclosed by the authorities. The disposal of confiscated specimens generally was one of the major concerns identified during the technical mission.

### Visit to Kashvi facility

32. This facility was established in 2021 and imports birds mainly from Belgium, Cyprus, Guinea (actually under a recommendation to suspend commercial trade of CITES-listed species), Guyana, Italy, the Netherlands and South Africa. One of the main issues raised during the visit to that facility was the time for clearance of the specimens at the airport. Depending on the slow or fast delivery of the specimens after going through customs clearance, mortality rates may increase. The operators inquired about the possibility of an accelerated clearance for live specimens and perishables at the airport freight area or of pre-clearance processes.

33. During the visit, the Secretariat observed an uneven level of understanding of CITES requirements and the lack of capacity and know-how to breed the species. Traders met during the mission appeared to be mainly traders active in the local market and eventually in international markets. At the time of the visit, they did not appear to be involved in mass captive-breeding operations. They mentioned the expectation that they would be allowed to re-export once they develop the capacity to breed the species in captivity. They expect to be able to supply local and international markets in neighbouring countries.
34. After the technical mission, the Secretariat received links to media clippings<sup>1</sup> indicating that 31 birds imported from Cyprus were seized at Hazrat Shahjalal Airport on 30 August 2023. The seized birds included golden parakeets, blue throated macaws, scarlet macaws, military macaws, rubalina macaws, and red and green macaws. According to customs sources, a company named Kashvi Enterprises had attempted to import these birds from Cyprus. The Secretariat shared this information with the CITES MA but has not yet received an official confirmation that this is the same facility visited during the mission. However, reliable sources contacted by the Secretariat confirmed that it was the same facility.
35. According to the media report, customs officials came to know that the consignment containing those birds were without the proper documentation before landing at the airport. Officials in charge checked the documentation, i.e. NOCs that only authorized the import of five birds. Customs seized the remaining 31 birds as they were declared to be imported illegally. The company was fined on charges of illegal import and duty evasion under the Customs Act.
36. When asked about this incident by a local media, a Custom House Commissioner declared that: “We have already received information that these birds are being brought illegally. We are also investigating whether any international gang is connected with it. Customs officials say preliminary investigations have revealed that the birds were illegally flown from Cyprus. The whole incident involved an international smuggling ring. Members of that gang are allegedly also active in the country. These birds were being smuggled to other countries through Bangladesh.”

#### Visit to SA international

37. SA international is an exotic pet import company. This company was established in 2016 and the facility that was visited was established in 2021. Since its establishment to present, this company has requested 26 NOCs for the import of 22 shipments of 2,455 birds in total. Imports originated from Belgium, Cyprus, the Czech Republic, Guyana, South Africa, the United Arab Emirates and the Bolivarian Republic of Venezuela. According to documents provided to the Secretariat by the operator, on 30 November 2021, 17 hybrid specimens of blue, gold macaws and green wing macaws were imported from Belgium as non-CITES species. The company explained that they supply birds to pet stores, online markets, zoo, resorts, etc. They have an online page called Tijara ExPo on Facebook.

#### Visit to Chattogram

38. On 31 May 2023, the Secretariat travelled from Dhaka to Chattogram to verify the enforcement of the annual ban imposed by the authorities on fishing in the exclusive economic zone (EEZ) in the Bay of Bengal to allow fish breeding and promote conservation. The Secretariat visited the fish processing area around the fishery ghat and met the fisheries community and the local fisheries division to hear their concerns about the implementation challenges of the new shark listings and respond to their questions. The Secretariat also visited the Wildlife Management and Nature Conservation Division. The port of Chattogram is Bangladesh's principal seaport and is the busiest port along the coastline of the Bay of Bengal.
39. The Department of Fisheries explained that, like in previous years, the government imposed a 65-day ban (from 20 May to 23 July) on fishing of all kinds of marine species, including sharks and rays, as well as all kinds of crustaceans, including lobsters, shrimps, crabs, wood lice, water fleas and barnacles through commercial trawlers. According to the scientific information shared during the mission, there are 475 species of fish, 36 species of shrimp, 15 species of crab, seven species of squid and cuttlefish, five species of turtle, 56 species of algae, and 301 species of snail and oyster in the Bay of Bengal—of which, 85 to 90 are commercially important.
40. Fisheries is one of the most productive and dynamic sectors in Bangladesh and plays a significant role in income generation, food and nutrition, and earning foreign currency in the economy of Bangladesh. The Marine Fisheries Act (2020) and new Marine Fisheries Rules (2023), in particular Rule 10, make provisions

---

<sup>1</sup> <https://www.prothomalo.com/bangladesh/environment/14kfppedee>

in relation to fisheries, fishing, aquaculture and marine conservation, the functions of the Marine Management Organisation, among other fisheries related matters.

41. The fisheries authorities explained the major challenges that they are facing are concerning the implementation of the shark listings, including the data collection and possible underreporting, the regulation of artisanal fishermen, the difference in the interpretation of relevant provisions about division of competences between fisheries and CITES authorities and potential conflict of laws.

#### Secretariat's compliance assessment

42. Bangladesh appears to have taken initial steps towards a more effective regulation of trade in CITES-listed birds through the "Pet Bird rearing rules, 2020" enacted under the provision of the Bangladesh Wildlife (Conservation & Security) Act, 2012. However, many challenges remain regarding the management and regulation of international, transboundary and local trade in CITES-listed birds. There is an urgent need to modernize the management of the CITES permit system and support and build the capacity of the Management Authority to verify legality and conduct trade controls at traders' facilities, airports, ports, markets and other relevant places. The criteria for dealing with NOC applications for bird imports should be further refined and the template of the NOC may benefit from a revision following the recommendations contained in Resolution Conf. 12.3 (Rev. CoP19) on *Permits and certificates*. A quick search in the trade database reveals import of 130,730 live birds included in Appendices I and II reported by exporting countries.
43. Bangladesh is also facing significant challenges with respect to the effective enforcement of CITES and the fight against wildlife crime. The key gap is the lack of appropriate legislative measures to penalize trade in specimens in violation of the Convention. Other important pending issues are related to the conduct of inspections, the identification of specimens and species in trade, monitoring practices, and the disposal of confiscated specimens should be addressed. There are important legislative gaps regarding enforcement powers that need to be addressed in the existing legislation regulating wildlife conservation and trade. Furthermore, there is a need for capacity-building in terms of criminal intelligence including exchange of intelligence, container controls at sea and airports, risk-based management, wildlife crime investigations, and financial investigations linked to alleged wildlife crime related to CITES-listed birds.
44. Regarding the regulation of trade in CITES-listed marine species and the implementation of the new shark listings, the Secretariat identified an urgent need to strengthen institutional cooperation between the Department of Fisheries, the CITES Management Authority and Customs. There is a need to develop protocols and guidelines for exchange of information, division of tasks, harmonized interpretation of applicable provisions in relevant laws, including the planning of regular meetings and guidance on the final disposal of seized specimens. The aim of the protocols and guidelines is to ensure better coordination between BFD and Fisheries and a shared understanding as to who is responsible for sharks and rays. Once these tools are developed raising awareness and training will be required.
45. Finally, a recent scientific study<sup>2</sup> indicates that Bangladesh is one of the main exporters of exotic birds to neighbouring countries, probably because of the extensive land borders shared with them. In light of the information gathered during the mission, the Secretariat is concerned about the possible existence of undetected trade in CITES listed species between Bangladesh and neighbouring countries. As inferred above, wildlife crime related to CITES listed birds appears to be a prevailing trend manifested in this type of incidents.
46. The Secretariat has identified the following key factors undermining compliance in Bangladesh:
  - a) Legislative gaps: The legislation of Bangladesh is placed in category 2 under the National Legislation Project with respect to the regulation of international trade. This means that there are still some important gaps in the regulatory framework in relation to the functions and roles of the institutions designated as Management and Scientific Authorities, wildlife management, trade controls – notably the steps prior to the authorization of international trade and enforcement powers, e.g., arresting powers for WCCU. There is a lack of ability to prosecute crimes for non-native species under the Wildlife Act 2012 and criminal penalties for wildlife crime appear to be missing. Existing laws contain significant loopholes

---

<sup>2</sup> *Insights from the media into the bird trade in India: an analysis of reported seizures*, available at: <https://www.cambridge.org/core/journals/oryx/article/insights-from-the-media-into-the-bird-trade-in-india-an-analysis-of-reported-seizures/2A2664E8B2FB8BC9A4CD3FEAAF089146>

which are being exploited by companies and individuals operating in the country to maximize the levels of trade without complying with the key requirements of the Convention.

- b) Deficient CITES controls at ports of entry, transit and exit, in particular control of air cargo, as well as control of mailed parcels and container controls at seaports. Increased border control activities, based on a risk-based management approach, are needed. The airport cargo facilities are not equipped to handle live animals under hot and humid weather conditions. The Secretariat suggests the creation of an inspection and/or quarantine facility at the airport. An analysis of the rate of mortality of live specimens at the airports is recommended, including recommendations of measures to be taken to handle live animals at airports and ports. Furthermore, the respective mandates of the different authorities related to CITES enforcement seem to be unclear. For instance, the same Forest Division that authorizes the trade by issuing the NOCs is the one inspecting shipments at the airport. As the Wildlife Crime Control Unit (WCCU) leads the combat against wildlife crime, it would seem more appropriate that they also participate in the inspection of those shipments.
- c) Absence of interconnected information systems: The CITES permit and certificate system is designed to ensure the legality, sustainability and traceability of trade in specimens of CITES species. It was noted that the absence of information systems and electronic tools makes it difficult, if not impossible, to adequately regulate and monitor trade in CITES-listed species. The paper-based system of issuing NOCs as a kind of import permit requires a serious redesign starting with the updating of the template to include missing relevant information. As the present document shows, there is a significant discrepancy between the trade reported by the exporters and importers. Currently, there does not seem to be a way of knowing how many times a NOC has been used and to which specific specimens it is attached.
- d) Poor handling and disposal of seized specimens: The death of the three seized Lear's macaws illustrates well the current lack of adequate capacity to handle seized live animals in a safe manner. There is a need for a uniform national protocol for the marking, recording, handling, storage, and disposal of seized and confiscated wildlife specimens. The authorities also should have informed the range State of the species as soon as the incident occurred to explore the different options of disposing of the seized animals.
- e) Weak national enforcement cooperation and coordination: The national enforcement cooperation and coordination between the CITES Management Authority, the Customs Service, the police, prosecutors and any other relevant authorities seem to be weak. The Secretariat observed that awareness of CITES legislation seems to be low within enforcement agencies.
- f) Lack of capacity to fight transnational organized wildlife crime, in particular regarding criminal intelligence including exchange of intelligence, wildlife crime investigation and prosecution, financial investigations linked to wildlife crime including anti-money laundering and asset recovery.
- g) Neighbouring countries: The Secretariat noted that the conservation of and trade in CITES-listed species are issues that affect not only Bangladesh. Wildlife crime may involve other neighbouring States that appear to be drivers and primary destinations for trade in some of the specimens transiting through Bangladesh. It is important for neighbouring countries to cooperate with Bangladesh to ensure the effective implementation of the Convention and achieve compliance at a subregional level.

## Recommendations

47. In light of the above, the Standing Committee is invited to consider the following recommendations:

- 1. *Regarding management of trade in specimens of CITES-listed birds*
  - a) Parties shall suspend commercial trade in specimens of CITES-listed birds from or to Bangladesh until the Party is in a position to adequately regulate and monitor trade in CITES-listed birds, notably through the following:
    - i) establishment of a reliable and efficient information system, preferably an electronic system, resources permitting, to facilitate the issuance of permits and certificates and the verification of the legal acquisition of specimens in trade;



- ii) up-to-date records of traders, which should facilitate controls, communications, and collaboration;
- iii) liaison and integration with other permitting/certification systems relating to the breeding of and trade in CITES-listed birds, including veterinary documentation, or customs declarations;

## 2. *Regarding legislation and law enforcement*

- b) Bangladesh shall strengthen the regulatory framework in relation to management of and trade in birds, including “Pet Bird rearing rules, 2020” enacted under the provision of the Bangladesh Wildlife (Conservation & Security) Act, 2012, notably to bridge the gaps and close the loopholes that may be generated by the distribution of competences between different divisions, lack of adequate enforcement powers, the No Objection Certificates (NOC) system, lack of adequate penalties for offences related to wildlife crime and the final disposal of confiscated live specimens.
- c) Bangladesh shall strengthen the regulatory framework in relation to CITES-listed marine species and the implementation of the shark listings, notably to strengthen institutional cooperation between the Department of Fisheries, the CITES Management Authority and Customs. Bangladesh shall develop protocols and guidelines for exchange of information, division of tasks, harmonized interpretation of applicable provisions in relevant laws, including the planning of regular meetings and guidance on the final disposal of seized specimens.
- d) Bangladesh shall assess relevant authorities’ law enforcement capacity, their mandates and needs to strengthen the control of trade in CITES-listed species and the fight against transnational organized wildlife crime. Based on the assessment, Bangladesh shall build capacity among law enforcement agencies to strengthen CITES controls, using risk-based management approaches, in particular container controls at airports and seaports, as well as control of mailed parcels and of air cargo; combat transnational organized wildlife crime by strengthening criminal intelligence, exchange of intelligence, controlled delivery, wildlife crime investigation and prosecution, and financial investigations linked to wildlife crime.
- e) Bangladesh shall establish a national platform for enforcement cooperation and coordination between relevant authorities with the aim to strengthen the control of trade in CITES-listed species and to combat transnational organized wildlife crime, in line with paragraphs 9 a) and b) and Annex 3 to Resolution Conf. 11.3 (Rev. CoP19) on *Compliance and enforcement*.
- f) Bangladesh shall scale up efforts to conduct analyses of available information to map out organized crime groups active in the country and convene multidisciplinary investigative teams involving all relevant authorities to work in close collaboration with local authorities in key identified areas, and initiate intelligence-driven operations and investigations, with a particular focus on birds and sharks.

## 3. *Handling and disposal of seized live specimens*

- g) Bangladesh shall take measures to ensure strict implementation of Article VIII of the Convention, taking into account recommendations contained in Resolution Conf. 17.8 (Rev. CoP19) on *Disposal of illegally traded and confiscated specimens of CITES-listed species*, notably by maintaining an inventory of all seized live specimens of CITES-listed birds and by ensuring that confiscated live specimens are returned to the State of export or placed in a designated rescue centre, including the management measures of the specimens in the immediate short term (an initial period that may last between several hours to several weeks) and the longer term (which may often be a ‘permanent’ situation).
- h) Bangladesh shall ensure that adequate control measures are put in place for seized live specimens of CITES-listed birds, and reduce the risk of injury, mortality or theft from the rescue centre. In order to ensure strict application of these measures, Bangladesh shall develop a uniform protocol for the marking, recording, handling and disposal of seized and confiscated live specimens.

## 4. *Scientific Authority and surveys*

- i) Bangladesh shall strengthen its Scientific Authority by building capacity on wildlife issues, and allocating sufficient resources to undertake population surveys that can be used in the making of the non-detriment findings and in the setting of annual export quotas prior to authorizing trade in

specimens of CITES-listed species of fauna and flora, with a particular focus on commercially exploited aquatic species.

48. The Standing Committee is invited to request Bangladesh to report to the Secretariat on progress made on the implementation of the recommendations agreed, 90 days before the 78th meeting of the Standing Committee, in order for the Secretariat to convey this report and its comments to the Standing Committee.