

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

Thirty-second Meeting of the Standing Committee
Fort Lauderdale (United States of America), 5 November 1994
09H00 - 12h30

SUMMARY REPORT

Members:

Oceania:	M.R. Hosking (New Zealand) Chairman
South and Central America and the Caribbean:	N. Nathai-Gyan (Trinidad and Tobago) Vice-Chairman
Africa:	M. A. Kane (Senegal)
Asia:	A. Kunar (India) Alternate
Europe:	S. Johansson (Sweden)
North America:	D. Brackett (Canada)
Depositary Government:	P. Dollinger (Switzerland)
Next Host Country:	M. P. Jones (USA) F. Loy S. Lieberman
Previous Host Country:	H. Kobayashi (Japan) N. Okuda M. Komoda

Observers:

Argentina:	V. Lichtschein
Indonesia:	S. Hartono T. R. Soehartono S. Wirjoatmodjo
United Kingdom TRAFFIC International	R. Sharp J. Thomsen
United Nations Environment Programme:	M. Bjorklund

Secretariat:	I. Topkov J. Berney O. Menghi
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Rapporteurs:	J. Barzdo J. Gavitt
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1. Opening Remarks by the Chairman and the CITES Secretary General

The Chairman opened the meeting, welcoming all Committee members and observers. The Secretary General thanked the representative of the next Host Country for the

arrangements that they had made for the meeting of the Committee. He also expressed the appreciation of the Committee for the efforts by the next Host Country in preparing the ninth meeting of the Conference of the Parties.

The Chairman announced that, because the regional representative of Asia was not able to attend the meeting of the Committee, the alternate representative, from India, would act in his place.

2. Adoption of the Agenda

The Secretary General stated that, as agreed by the Secretariat and the Management Authority of Italy, agenda item number 8, on implementation of CITES in Italy, would be deleted from the agenda. The matter would be re-addressed after the conclusion of a mission by the Secretariat to Italy, to evaluate progress with regard to implementation of CITES there. With this amendment, the agenda was adopted by the Committee.

Note: Because agenda items 3 and 4 pertain to the running of the meeting of the Conference of the Parties the discussion on those items has not been included in the minutes of the Committee meeting.

6. Implementation of CITES in Indonesia

The Secretariat introduced document Doc. SC.32.6, stating that positive measures had been taken by the Government of Indonesia to implement the majority of the recommendations of the Standing Committee to improve CITES implementation in Indonesia. However, the Secretariat continued to be concerned about the lack of penalties for trade in violation of the Convention in specimens of many species that are included in the CITES appendices. Although the Management Authority of Indonesia had provided to the Secretariat a copy of the provisions of Act No. 7 of 1955, concerning the Economic Criminal, the Secretariat was not convinced that the Act was an adequate substitute for government regulations relating to the Act of 1990 that would provide penalties for illegal trade in specimens of CITES-listed species. The Secretariat had recommended that the Management Authority of Indonesia provide information to the Committee concerning penalties that apply to illegal trade in specimens of species listed in the CITES appendices that were believed not to be covered by current legislation. In late October, information in this regard had been received from the Management Authority of Indonesia, too late for its inclusion in the Secretariat's report. The information included details of six cases that had resulted in prosecutions for violations involving specimens of CITES species. Act No. 7 of 1955 had been used as the basis of prosecution in one of the cases, while Act No. 5 of 1990 had been used for the other cases. A task force on smuggling, of which the Head of the Management Authority of Indonesia was a member, had also been established in the country.

After the presentation by the Secretariat, the Chairman thanked the observers from Indonesia for attending the meeting, and noted with appreciation the efforts that Indonesia had made with regard to CITES implementation. He then asked for comments from the observers. The observer from Indonesia stated that Indonesia had made great strides to meet their commitment to CITES during the past seven months. He summarized the measures that had been taken to implement the recommendations made by the Committee at its last meeting. Although the recommendation regarding crocodilian species had not yet been implemented, exports had been suspended until a management plan was in place. The observer indicated that much more needed to be done and that assistance was needed in many areas, in particular in training. The Secretariat noted it planned to hold a CITES implementation seminar in India during 1995, and that the next Host Country was also planning to work with the Secretariat on similar seminars in other Asian countries, including

Indonesia. The observer from Indonesia stressed that his country should not be subject to a trade ban, as such a measure would only cause smuggling to increase.

The observer from Indonesia said that the purpose of Act No. 5 of 1990 was to provide penalties for the illegal taking of specimens of wild fauna and flora, while penalties for illegal international trade were best covered by Act No. 7 of 1955. He presented to the Committee information on 12 cases, in North Sumatra, where Act No. 7 of 1955 was used as the basis for prosecution, and agreed to provide to the Secretariat information about other cases, as well.

When asked by the representative of the next Host Country if Indonesia could implement CITES for all species, the observer from Indonesia stated that it could, but primarily with respect to exports, and not imports. The representative of the next Host Country noted that the problem in Indonesia and other countries concerning weak national legislation for CITES implementation would be addressed during the meeting of the Conference of the Parties, and that the United States intended to explore ways in which assistance could be provided in this area.

The Committee agreed that Indonesia had implemented the recommendations of the Committee from the last meeting, and that no further action was needed unless the Secretariat provided the Committee new information to the contrary in the future.

5. Rhinoceros Horn Trade in Oman

The Secretariat introduced document Doc. SC.32.3, reminding the Committee that, at its thirty-first meeting, the Committee had agreed to a number of decisions concerning trade in rhinoceros horn and tiger specimens, one of which was to call on the authorities in Yemen, the United Arab Emirates and Oman to accept a mission from a high-level delegation to explore means of controlling the trade in rhinoceros products.

Although missions to Yemen and the United Arab Emirates had not been possible, a delegation, composed of the Enforcement Officer of the Secretariat and the Director of TRAFFIC International, had visited Oman from 17 to 19 October 1994. On 18 October 1994, during the visit, Ministerial Decision #16/94 was issued by the Minister of Commerce and Industry, banning the import of rhinoceros horn into Oman. Registration of rhinoceros horn currently in the country and an eventual prohibition on the sale of horn were being considered by Oman, as well as Oman's accession to the Convention. Casual inspections by the delegation of several shops in two Omani markets had revealed a very large number of khanjars, several handles of which were made of rhinoceros horn. The delegation had also observed several khanjar handles made of elephant ivory offered for sale.

The observer from TRAFFIC International stated that, although methods of marking and registration had been discussed with the Omani authorities, no firm decision had been made to mark or register horn. He suggested that the Committee recommend that TRAFFIC International continue to monitor the situation. When asked by the alternate representative of Asia to try to track down the source of the illegal rhinoceros horn, the observer from TRAFFIC International stated that the delegation had not received much information on this matter, although enquiries had been made. The observer stated that, as there were important trade links between the Middle East and East Africa, East Africa could well be the source of the horn. The Secretariat reported that Customs data were not specific enough to lead to firm conclusions concerning the origin of the horn. The representative of the next Host Country recommended that any investigation into this matter be co-ordinated with Interpol.

The Chairman noted the excellent relationship that the Secretariat continued to have with TRAFFIC International.

The Committee agreed to the recommendations of the Secretariat and of the observer from TRAFFIC International in their reports and stated that the previous recommendation of the Committee, concerning the undertaking of high level missions to Yemen and the United Arab Emirates, should remain in effect.

7. CITES Implementation in Nepal

The Secretariat introduced document Doc. SC.32.5, reminding the Committee that it had recommended at its thirty-first meeting that the authorities in Nepal and India should take several measures to control the illegal trade in Nepal in furs, some of which were believed to originate in India. Although the Committee had recommended that the regional representative to the Committee for Asia undertake a mission to both Parties to assist in resolving this problem, the mission had not taken place.

The authorities in Nepal had reported to the Secretariat that they had taken measures in several areas, including organizing a workshop on 23 July 1994 concerning the control of the trade in wildlife products, during which the Department of Forests and the Police Department had promised their co-operation in investigating violations. The Nepalese Government was also developing public awareness campaigns on the illegal fur trade.

The Management Authority of India had not responded to the request by the regional representative of Asia for a meeting on the problem, or to the requests by the Secretariat for information on actions they had taken.

The Secretariat stated that, although positive steps have been taken by the Nepalese Government to shut down the illegal fur trade in Kathmandu, an investigation by TRAFFIC International had indicated that there was still a considerable illegal trade in furs and in other specimens of Appendix-I species. The observer from TRAFFIC International presented a summary of this investigation. During October 1994, three covert surveys were conducted in Nepal, which revealed that, for the most part, furs of protected species were no longer being sold openly in Kathmandu. However, this was not the case in other cities, where open sale of some items of protected species continued. Information from the investigation further revealed that many of the items originated in other countries of the region. Many of the traders involved were Kashmiri, and their statements indicated that many of the furs had been imported into Nepal from India. A large number of such furs of protected species had been secretly offered for sale to the TRAFFIC investigator while he was in New Delhi. The investigation also revealed illegal trade in Nepal in rhinoceros horn and other products, including bear gall bladder and musk, for the medicinal market.

The observer from TRAFFIC International said that it was not clear what provisions the Nepalese law contained regarding the possession or sale of items containing specimens of protected species of wildlife. The Secretariat agreed, stating that Nepalese law required a permit to possess specimens of certain species. However, as such specimens were generally referred to as hunting trophies, it was not clear whether finished items such as fur coats would be included.

The observer from TRAFFIC International stated that the authorities in Nepal had been informed fully by TRAFFIC of their investigation. Steps had been taken by the Nepalese authorities to assist the TRAFFIC investigator in purchasing items of protected species from a major dealer. However, these same authorities refused to proceed further in the investigation when it was determined that the items could not be purchased in a public area. The observer from TRAFFIC international indicated that too close a relationship may exist between the enforcement authorities and certain traders. Inter-departmental communication was also a significant problem.

The Chairman noted that Nepal was not represented at the meeting and that information from that Party would be very important to the discussion.

The Secretariat reported that it might be useful for tourist agencies in importing Parties in Europe to be aware of the illegal trade. The Secretariat noted later that the fur trade might be less significant when compared to other items being offered for sale, such as rhinoceros horn and musk. The observer from TRAFFIC International stated that it was difficult to determine the destination of the furs. Many were undoubtedly purchased by tourists but there was also a traditional use of furs in the region. The representative of Oceania stated that, although only two Parties were involved, she doubted that contacts with tourist agencies would help the situation.

The Chairman then invited the alternate representative of Asia (India) to make a statement. The representative of India apologized for the head of the Management Authority, who was not able to attend the meeting. He said that illegal trade in India was not a problem of inadequate legislation or of the lack of will by the Indian authorities. Although the State of Jammu and Kashmir has its own legislation for the protection of wildlife, the Indian Government had requested that they amend their laws to be on a par with the federal law. He said that items of protected species would not be openly offered for sale to tourists in India. However, controlling the border between India and Nepal was virtually impossible, because of the length of the border and the lack of passport control. He said that the problem of the illegal fur trade was the responsibility of Nepal, whose legislation to control it was severely lacking. He was not aware of any enforcement measures being taken in Nepal outside of the National Parks. He stated that a regional meeting was needed to address this problem. The observer from UNEP supported the idea of such a meeting.

The Secretariat stated that the issue at hand was not to determine which Party was better at implementing CITES. Mutual co-operation between Nepal and India was needed to resolve trade problems occurring between the two countries. Although India had excellent legislation to control illegal trade, this was only a first step. Implementation of such legislation was also critical.

The Committee agreed that trade sanctions were not an option in this case, because legal commercial trade was virtually non-existent. The next Host Country stated that it was sponsoring CITES implementation workshops in countries in Asia, including India, Nepal and Indonesia. These workshops would be co-ordinated with the Secretariat.

The Committee noted their continuing concern on this matter, the need for training in CITES implementation in the countries concerned and the need for discussion by European countries on controlling the import of furs and other specimens of CITES-listed species from Nepal. The Committee agreed that a meeting on this matter, attended by representatives from Nepal, India, the Secretariat and TRAFFIC International, should be held as soon as possible, and before the report of the Secretariat on alleged infractions was discussed in Committee II. The Committee also agreed that the results of that meeting should be reported to Committee II, so that the Parties could be aware of recent developments and consider any further recommendations.

9. Implementation by Parties of the Recommendations of the Animals Committee in Relation to Species Subject to Significant Levels of Trade

The Secretariat introduced document Doc. SC.32.6, noting that, in accordance with Resolution Conf. 8.9, at the end of 1993 the Animals Committee had adopted a number of primary and secondary recommendations for species that had not been considered as a priority. The Secretariat noted that the document under discussion addressed only primary recommendations.

At the tenth meeting of the Animals Committee, there had been indications that some of the species subject to the Committee's recommendations were not truly significant-trade species, and that some of the primary recommendations should have been changed to secondary recommendations. However, the Committee had not made any changes to its original recommendations.

The Secretariat stated that it had reviewed the recommendations of the Animals Committee and, before making its own recommendations, tried to take into account the level of seriousness of the problems identified. For problems believed to be of a minor nature and where discussions were in progress, the Secretariat made no further recommendations for the time being. For problems of greater importance where the recommendations of the Animals Committee had not been implemented, the Secretariat recommended the establishment of cautious export quotas. If such quotas were not established, the Secretariat recommended that imports of the species affected should be suspended.

The Chairman noted that the forthcoming meeting of the Conference of the Parties would be a good time to obtain from the Parties the information that had been requested concerning implementation of the recommendations of the Animals Committee. The representative of the next Host Country noted that it was fully able to implement the recommendations in Notification to the Parties No. 800, and congratulated the Secretariat on its work concerning Resolution Conf. 8.9. She stated that the United States intended to discuss with the Animals Committee trade in specimens of coral species.

The Chairman stated that New Zealand intended to raise the matter of CITES implementation with regard to small islands that lack the resources for scientific assessments of the status of species in trade.

The Committee endorsed the recommendations in the document, again noting that further discussions on the recommendations should take place with the countries concerned.

The agenda items having been completed, the Chairman closed the meeting at 12h30.