

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

Fiftieth meeting of the Standing Committee
Geneva (Switzerland), 15-19 March 2004

Interpretation and implementation of the Convention

ENFORCEMENT MATTERS

1. This document has been prepared by the Secretariat.

Nigeria

2. At its 49th meeting (Geneva, April 2003), the Standing Committee noted the Secretariat's concerns relating to the implementation of the Convention by Nigeria and regarding instances of serious illicit trade that had occurred. The Committee agreed that, by the end of June 2003, Nigeria should provide to the Secretariat a formal response to the recommendations the Secretariat had made in a report prepared after a mission to that Party in February 2003. The Committee also agreed that, by the end of October 2003, Nigeria should provide to the Secretariat an action plan outlining how it intended to implement the recommendations. It was agreed that, should Nigeria fail to meet either of these deadlines, the Secretariat should issue a Notification to the Parties recommending a suspension of trade with Nigeria in specimens of CITES-listed species.
3. Nigeria met both of the deadlines established by the Committee. The Secretariat has commented on the action plan prepared by Nigeria and has encouraged it to strive to implement some of the identified actions sooner than indicated in the plan. To support Nigeria, the Secretariat has offered to provide training assistance in early 2004 and awaits confirmation from Nigeria that it will organize an appropriate event. The Secretariat also suggested that Nigeria should continue its policy of prohibiting commercial trade in wildlife until it enacts new legislation and that the Parties should be advised of the ongoing prohibition through a Notification to the Parties.

Paraguay

4. At its 49th meeting the Standing Committee was advised of concerns expressed by a number of Parties regarding the implementation of the Convention by Paraguay and, in particular, whether exports of wildlife were being managed in a sustainable manner. The Committee agreed that the Secretariat should undertake a mission to the region to investigate these concerns.
5. The mission took place between 15 and 19 September 2003 and the Secretariat visited Argentina and Paraguay. The mission was led by the Secretary-General, accompanied by two other staff of the Secretariat and a member of the Scientific Authority of Spain. The Secretariat is grateful to Spain for supplying a scientific expert and for helping to fund the mission, and to the Government of Germany for providing financial assistance.

6. Four working days were spent in Paraguay, primarily in meeting a large range of officials and visiting different agencies. The people met with included: CITES Management and Scientific Authority staff; the Minister for the Environment; the Minister of Foreign Affairs; the Minister of Defence; the Vice-Minister of the Interior; the Director General of Customs; the Attorney General; a Senator who is chairman of the parliament's environment committee; representatives of the environment committee of the House of Deputies of Paraguay's parliament; and the head of the Interpol National Central Bureau. Meetings were also held with traders and two tanneries were visited.
7. It was widely acknowledged by all those encountered that Paraguay has suffered through many changes of its Government. This has caused a serious lack of continuity and also a lack of knowledge in specific areas (such as CITES). The team found inadequate awareness of the requirements of the Convention and even of basic administration (such as permit issuance). The team also learned of instances of significant illicit trade, which enforcement and prosecution authorities had difficulty in responding to adequately because national legislation was also found to be inadequate, in particular lacking sufficient penalties.
8. Whilst the Secretariat's mission revealed that concerns regarding the implementation of the Convention in Paraguay were justified, it believes there was little, if any, evidence of unsustainable exports of wildlife, although the management of export quotas requires to be refined.
9. Nevertheless, following discussions between the team and senior government officials, Paraguay decided to impose a voluntary moratorium on all trade in wildlife and Notification to the Parties No. 2003/058 was issued on 29 September 2003 to communicate this decision.
10. The Secretariat, assisted by the member of Spain's Scientific Authority, is continuing to provide advice and technical assistance to Paraguay. Contact has been made with other sources of possible support, such as the IUCN Crocodile Specialist Group. It also hopes to provide capacity building assistance and training to staff responsible for CITES implementation in Paraguay.
11. Once the Secretariat and Paraguay are jointly satisfied that sufficient remedial action has been taken, the moratorium on trade in wildlife will be removed. An action plan has also been agreed between the Secretariat and Paraguay, identifying the areas that require attention.

Communication of enforcement-related information

12. At its 12th meeting, the Conference of the Parties adopted Decisions 12.88 and 12.89 as follows:

12.88 The Secretariat shall convene a meeting of experts, including representatives of the CITES Tiger Enforcement Task Force, ICPO-Interpol and the World Customs Organization, to: identify measures to improve the flow of enforcement-related data to and from relevant international, regional and national law enforcement organizations, CITES Management Authorities and the CITES Secretariat; to assist the coordination of investigations regarding violations of the Convention; and to help maintain appropriate levels of confidentiality regarding law enforcement information.

12.89 The Secretariat shall report to the Standing Committee on the outcome of the meeting, so that recommendations may be made for consideration at the 13th meeting of the Conference of the Parties.

13. The United States of America has offered to host such a meeting and will provide accommodation for participants at its National Conservation Training Center in West Virginia. The meeting will be held from 2 to 6 February 2004. The dates of the meeting mean that it will be held after the deadline for submission of documents for the 50th meeting of the Standing Committee. Consequently, the Secretariat will either request the Committee to accept a written report after the deadline or will provide an oral report to the Committee.

Recommendations

14. The Secretariat proposes that the Standing Committee adopt the following recommendation:

The Secretariat should continue to monitor the progress made by Nigeria and Paraguay in implementing their action plans and should report to the Standing Committee on such progress. In considering such reports, the Standing Committee will decide whether additional measures are required. In the case of non-compliance, these may include recommendations to restrict the commercial trade in specimens of CITES-listed species with these Parties.