

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

Fifty-third meeting of the Standing Committee
Geneva (Switzerland), 27 June-1 July 2005

Interpretation and implementation of the Convention

ENFORCEMENT MATTERS

1. This document has been prepared by the Secretariat, which is required by Resolution Conf. 11.3 (Rev. CoP13) to submit a report on enforcement matters to each meeting of the Standing Committee.

Matters arising from the 13th meeting of the Conference of the Parties (CoP13, Bangkok, 2004)

2. At CoP13 the Conference of the Parties adopted the following enforcement-related Decisions.

Directed to Parties

13.84 Parties should submit to the Secretariat, by 31 May 2005, contact details of each of their relevant national law enforcement agencies responsible for investigating and prosecuting illegal trafficking in wild fauna and flora. The Secretariat shall distribute, via a Notification to the Parties, a form to facilitate the submission of this information.

Directed to the Standing Committee

13.85 The Standing Committee, at its 54th meeting, shall consider a report from the Secretariat on compliance by the Parties with Decision 13.84.

3. In Notification to the Parties No. 2004/077 of 9 December 2004, the Secretariat brought Decision 13.84 to the attention of the Parties and distributed a form to facilitate the submission of this information.
4. At the time of writing (April 2005), the Secretariat had received enforcement authority details from only 18 Parties. The CITES Enforcement Expert Group identified the lack of readily-available enforcement authority contact details as one of the primary reasons why the exchange of information, the collaboration between enforcement agencies and the coordination of cross-border investigations continue to be a major problem for the Convention.
5. Despite the Secretariat having explained why information for all relevant enforcement agencies should be submitted, some Parties have simply provided the contact details for their Management Authority and have asked that all contact be made with that body. The Secretariat wishes to emphasize that Customs officers are often required to use only Customs contact points and the police are often required to use only police (or other national law enforcement agency) contact points. It is not necessarily easy for Customs or police agencies to readily access contact information for their counterparts around the world. Having the contact details for such agencies in every Party available on the CITES website would be of considerable assistance. For example, the capital cities of most countries will have a Customs or police headquarters manned 24 hours a day and that would make an ideal contact point for notification to the Secretariat.

Eleventh United Nations Congress on Crime Prevention and Criminal Justice

6. This event took place in Bangkok, Thailand, from 18 to 25 April 2005. Illicit trafficking in endangered species was part of the agenda item on transnational organized crime. The UN Office on Drugs and Crime, which is the Secretariat for the Congress, arranged for the CITES Secretariat to provide a presentation to delegates as part of a side event. An oral report on the outcome of the Congress will be provided to the Standing Committee.

Cambodia

7. In late 2004, the Secretariat received information from a non-governmental organization of an alleged illegal import to Cambodia of several specimens of *Pongo pygmaeus* (orang-utan). It was suspected that these animals had subsequently been received by a zoo or safari-type facility, primarily for public entertainment purposes. The Secretariat requested the CITES Management Authority of Cambodia to investigate this allegation. A similar request was passed via Interpol channels, since it was alleged that the import might have been authorized by a government agency of Cambodia, although not the CITES authority.
8. The Secretariat understands that an investigation has been conducted by the CITES authorities in Cambodia but it is awaiting news of the result. The Secretariat has recently been advised, by a separate source, that the number of animals involved may exceed 30. This is clearly a very serious incident of illicit trade and the Secretariat hopes to provide further information orally to the Standing Committee. If no progress report has been received, the Secretariat is likely to make a recommendation to the Committee regarding this matter.

Nigeria

9. At its 49th and 50th meetings, the Standing Committee noted reports from the Secretariat expressing concern regarding the implementation of the Convention and the serious incidents of illegal trade in wildlife in Nigeria. Nigeria had submitted an action plan to the Secretariat, outlining how it intended to address these issues. The Secretariat subsequently noted that progress in implementing the action plan appeared to be slow.
10. Following the 50th meeting of the Committee (Geneva, March 2004), the Secretariat issued Notification to the Parties No. 2004/026, of 30 April 2004, recommending that no export permit or re-export certificate issued by Nigeria should be accepted until its validity and authenticity had been confirmed by the Secretariat.
11. At the time of writing (April 2005), the Secretariat had not received any recent report from Nigeria on its progress in implementing the action plan. This causes the Secretariat considerable concern, since the plan envisaged, among other elements, that: deployment of specialized staff to ports would take place by late 2003; training of relevant staff would take place by early 2004; workshops for Customs and police would be held by early 2004; and the drafting of legislation would be completed by late 2004.
12. In early February 2005, the Secretariat became aware of an incident regarding illicit trade in primates involving Nigeria. It appears that live animals, including six chimpanzees, were smuggled out of the country. The animals were subsequently seized in Kenya. An investigation is apparently underway but it is of concern that such a significant number of Appendix-I listed species could apparently leave the country undetected. This appears to illustrate that border controls continue to be inadequate. However, the Secretariat awaits full details of the incident and subsequent investigation.

Saudi Arabia

13. Saudi Arabia, in common with several other countries in the Middle East, has been recognized for a considerable time as a country of destination for illicit trade in falcons. However, in recent months the Secretariat has also received several reports, from various sources, of the apparent ready availability of specimens of CITES-listed species for sale domestically in Saudi Arabia, which are likely to have been imported illegally. For example, information has been received regarding species such as *Panthera tigris* (tiger) and *Pongo pygmaeus*. The information, which in some cases has

included details of the persons and premises allegedly involved, has been communicated to the CITES Management Authority of Saudi Arabia. However, the Secretariat has not received any information regarding whether investigations have been conducted or, if they have, the results.

14. Despite several reminders over several years, Saudi Arabia has yet to provide to the Secretariat contact details of its Scientific Authority.

Recommendations

15. The Secretariat recommends that the Standing Committee instruct all regional representatives to contact Parties in their region and encourage them to submit information, as requested in Notification to the Parties No. 2004/077, using the form distributed by the Secretariat. It also recommends that compliance with both Decision 13.84 and the Standing Committee's instruction be reported upon in the reports of the regions to the 54th meeting of the Standing Committee. The Secretariat will also report on this issue.
16. Owing to what appears to be slow progress on the part of Nigeria and the continuing illegal trade of a serious nature, the Secretariat believes that it is now appropriate for the Standing Committee to issue a recommendation that the Parties should not accept any imports of specimens of CITES-listed species from Nigeria and should not authorize any exports or re-exports of specimens of CITES-listed species to Nigeria. It further suggests that such a recommendation should remain in effect until Nigeria enacts adequate legislation to implement the Convention and that the recommendation should be withdrawn only after the Secretariat has confirmed, by *in situ* verification, that the Convention is being adequately implemented in Nigeria.
17. The Secretariat has advised the Management Authority of Saudi Arabia that it intends to raise the issues indicated above with the Standing Committee. Should the Standing Committee not receive reassurance from Saudi Arabia that it is adequately and demonstrably enforcing the Convention, the Secretariat recommends that the Standing Committee request Saudi Arabia to cooperate with the Secretariat to enable it to conduct an *in situ* verification mission to assess such enforcement.