

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



Fifty-seventh meeting of the Standing Committee
Geneva (Switzerland), 14-18 July 2008

Interpretation and implementation of the Convention

Compliance and enforcement

ENFORCEMENT MATTERS

1. This document has been prepared by the Secretariat.

Alerts

2. Since the 14th meeting (CoP14, The Hague, 2007) of the Conference of the Parties the Secretariat has issued Alerts on the following subjects:
 - Criminal frauds involving CITES-related documents;
 - Theft of valuable dead specimens in Cuba; and
 - Illicit trade in rhinoceros horn.
3. The Secretariat wishes to remind Parties that Alerts are no longer distributed by mail but are posted on the Enforcement Authorities Forum on the CITES website. It encourages relevant agencies to register on the Forum, to access Alerts and other enforcement-related information. The Secretariat wishes to point out that access to the Forum is restricted to staff of CITES Management Authorities or designated enforcement authorities.

Designation of enforcement authorities

4. Resolution Conf. 11.3 (Rev. CoP14) (*Compliance and enforcement*) recommends that “Parties, as a matter of urgency, inform the Secretariat of contact details of their relevant national law-enforcement agencies responsible for investigating illegal trafficking in wild fauna and flora”. At the time of writing (mid-April 2008), 68 Parties had submitted contact details, which are 9 more Parties than the Secretariat’s report on this matter to CoP14. The Secretariat requests the Standing Committee to encourage more Parties to supply enforcement authority contact details.
5. At its 53rd meeting (Geneva, 2005), the Standing Committee requested regional representatives to report on designation of enforcement authorities at the Committee’s 54th meeting. However, no representative did. The Secretariat suggests that the Committee consider requesting representatives to report at its 58th meeting.

Egypt

6. At previous meetings of the Standing Committee, the Secretariat had expressed concern regarding illegal trade involving Egypt, especially with regard to great apes and ivory. At CoP14, the Secretariat was invited by Egypt to conduct an assessment mission to examine implementation of the

Convention. Such a mission was conducted in November 2007 and the report (in English only) is annexed to this document.

7. The mission report was supplied to the authorities in Egypt in January 2008 and contained a total of 17 recommendations to strengthen implementation of the Convention, particularly its enforcement, and to address the issue of disposal of confiscated live specimens.
8. In early February 2008, the CITES Management Authority of Egypt responded to the Secretariat. It advised that a committee had met twice to consider the report and that the recommendations had been accepted. The committee was prioritizing Egypt's implementation of the recommendations and two sub-committees had been established, one to deal with training and capacity-building and another with awareness-raising. Timetables and budgets were being developed to address the various matters raised by the Secretariat.
9. The CITES Management Authority is to advise the Secretariat of progress and has requested the Secretariat's assistance in reviewing Egypt's policies and in providing training. The Secretariat expects to provide further information in an oral report at the present meeting. As noted in the mission report, the Secretariat is likely to require external funding to support in its capacity-building efforts with Egypt and hopes that the donor community will be willing to assist.

Nigeria

10. Nigeria remains the only Party currently affected by a recommendation for a suspension of trade because of enforcement issues. The Secretariat has been in contact with Nigeria's Management Authority to obtain information regarding progress being made and has been advised that it is hoped that there will be progress to report at the present meeting. That being the case, the Secretariat will provide an oral report.

South Asia Wildlife Trade Initiative

11. On 31 January and 1 February 2008 the Secretariat participated in a meeting held in Kathmandu, Nepal, to discuss the establishment of a South Asia Wildlife Trade Initiative (SAWTI). The following countries participated: Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka. The meeting was facilitated by the South Asia Cooperative Environment Programme (SACEP) Secretariat and TRAFFIC.
12. Delegates agreed that SAWTI would provide a useful forum for wildlife trade to be addressed in a coordinated sub-regional manner. Two documents were adopted for consideration by the Governing Council of SACEP.
13. Although SAWTI is intended to address a wide range of issues related to wildlife trade, considerable attention was given during the meeting to the subject of combating illegal trade in wildlife. A representative of the ASEAN Wildlife Enforcement Network addressed the participants and it is hoped that SAWTI may, in time, help member countries of SACEP to develop their own enforcement network. The CITES Secretariat also provided advice on enforcement-related matters at the meeting.

United States of America congressional hearing

14. On 5 March 2008, the Secretariat attended a hearing of the United States of America's House of Representatives Committee on Natural Resources. This was convened to consider the subject, 'Poaching American Security: Impacts of Illegal Wildlife Trade'. The Secretariat was asked to provide an international perspective to illegal trade in wildlife. A report of the hearing, and the testimony provided by witnesses, can be viewed at the following URL:

http://resourcescommittee.house.gov/index.php?option=com_jcalpro&Itemid=27&extmode=view&extid=147

World Customs Organization

15. The Enforcement Committee of the World Customs Organization (WCO) met in Brussels, Belgium, from 25 to 29 February 2008. During its meeting, the Committee gave special attention to the subject of environmental crime. Two documents were prepared and will be submitted for adoption by the Customs Cooperation Council (the WCO's equivalent of a Conference of the Parties). The first contains a Recommendation, which identified the serious nature of environmental crime and ways in which Customs Authorities can assist in combating it. The other contains an action plan, with steps that authorities could take.
16. The CITES Secretariat was delighted to be invited, prior to the Enforcement Committee meeting, to assist in reviewing the draft documents, and subsequently participated in discussions during the meeting. The Secretariat believes this work by the WCO should help raise awareness of Customs authorities around the world of environmental crime including, of course, illicit trade in wildlife (to which the documents specifically refer).

General observation

17. The Secretariat is aware of instances, albeit limited, where the enforcement or prosecution authorities of one country have built up substantial evidence of wildlife crimes involving the citizen of another country. Being unable to arrest or prosecute that individual in their country, they have passed the evidence to the enforcement or prosecution authorities of the other country. Such evidence, as well as relating to crimes in the first country, also demonstrates violations in the person's State of usual residence. In practice, this usually involves instances of smuggling of specimens of CITES-listed species from the State of residence.
18. In a small number of cases, it appears that no action is taken by the other country, despite repeated requests for information or repeated offers of assistance. This, understandably, causes considerable frustration to the authorities in the first country, which may have spent considerable time and resources to gather evidence and put a case together.
19. The Secretariat is conscious that decisions to prosecute individuals are matters for national authorities. It also acknowledges that evidential requirements and the admissibility of evidence differ greatly from one country to another. Nonetheless, it seems that there may be cases where the lack of response might be reasonably questioned.
20. To date, the Secretariat has not received any formal contact on this subject and no complaint has been made by any Party. It has, however, been asked by one prosecution authority whether such a lack of response could be dealt with through the procedures adopted by the Conference of the Parties in Resolution Conf. 14.3 (*CITES compliance procedures*). Whilst the Secretariat thinks this should be examined on a case-by-case basis, it is of the opinion that it would certainly be within the spirit of Article VIII, paragraph 1, of the Convention that one Party should act upon evidence received from another. Such a response would also appear to be expected in terms of paragraph a), iv), v) and vi) of the first RECOMMENDS of Resolution Conf. 11.3 (Rev. CoP14) (*Compliance and enforcement*).
21. The Secretariat hopes, however, that such cases can be resolved bilaterally and will happily assist communications between relevant Parties, if that is desired.

Final remarks

22. The Secretariat invites the Committee to endorse the recommendations contained in its Egypt mission report and the suggestion in paragraph 5. Otherwise, it asks the Committee to note this document.