

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



Sixty-sixth meeting of the Standing Committee
Geneva (Switzerland), 11-15 January 2016

Interpretation and implementation of the Convention

Species trade and conservation

Asian big cats

REPORT OF THE WORKING GROUP

1. This document has been submitted by China as Chair of the Standing Committee intersessional Working Group on Asian Big Cats.

Background

2. At its 65th meeting (SC65, Geneva, 2014), the Standing Committee adopted Recommendations a) to p) as below, in which it:
 - a) *requests the Lao People's Democratic Republic, Myanmar, Thailand and Viet Nam to review their implementation of Resolution Conf. 12.5 (Rev. CoP16), and in particular:*
 - i) *paragraph g) under URGES – for Lao People's Democratic Republic, Thailand and Viet Nam; and*
 - ii) *paragraph c) under URGES, and paragraphs a), c) and e) under the first RECOMMENDS – for Myanmar, with a specific focus on its borders with China and Thailand, and the towns of Mong La, Golden Rock and Three Pagodas Pass;*
 - b) *requests China, India and Nepal to take note of the information about the alleged illegal trade in Asian big cats from the seven border towns identified in Annex 1 to the present document [Document SC65 Doc. 38], and to take it into account when developing work programmes and undertaking law enforcement operations;*
 - c) *requests China and Viet Nam to take note of the information about the alleged illegal trade across the Ka Long river at the border between near Mong Cai, Viet Nam, identified in Annex 1 [to document SC65 Doc. 38];*
 - d) *requests China, India, the Lao People's Democratic Republic, Myanmar, Nepal, Thailand and Viet Nam to provide a report to the Secretariat, by 1 October 2015, on activities implemented in relation to recommendations a) to c) above, as applicable, for consideration by the Standing Committee at SC66; and*

* The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat (or the United Nations Environment Programme) concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.

- e) encourages Appendix-I Asian big cat range States, where possible, to promote the elements referred to in Decision 16.70, paragraph a), within existing or planned broader enforcement initiatives in order to implement this part of the Decision in a cost-effective manner, and to invite the Secretariat to support these as instructed by the Conference of the Parties.

Concerning legislative and regulatory measures

- f) encourages Parties to review all relevant national legislation to ensure that national measures restricting internal and international trade in Asian big cats and their parts and derivatives are comprehensive in that, recalling Decision 14.69, parts and derivatives obtained from specimens bred in captivity are included;
- g) recalling Decisions 14.66 (Rev. CoP15) and 14.69, as well as Resolution Conf. 12.5 (Rev. CoP16), requests all Parties where internal and international trade in Asian big cats and their parts and derivatives is permitted, to report at the 66th meeting of the Standing Committee on what legal trade is allowed, the species and trade volume involved, and describe how such trade is monitored and enforced, and to inform about measures taken to prevent illegal exports;

Concerning national law enforcement

- h) encourages Parties to engage with e-commerce trading site companies and to encourage them to ensure that no online advertisements are made for illegal specimens of protected species;
- i) encourages Parties to take note of the recommendations of INTERPOL's 2014 assessment of enforcement responses to tiger crime;
- j) encourages Parties to share images of seized tiger skins with range States with photographic identification databases so as to assist in the identification of the origin of the illegal specimen;

Concerning demand reduction, education and awareness

- k) recalling Resolution Conf. 12.5 (Rev. CoP16), urges Parties to address the growing use of Asian big cats, including as pets, parts and derivatives as luxury items through targeted demand reduction strategies, including behavioural change interventions, and to strengthen demand reduction efforts;

Concerning the prevention of illegal trade in parts and derivatives from breeding facilities

- l) recalling Decision 14.69, urges Parties to develop and implement regulatory controls for Asian big cat breeding facilities to prevent illegal trade, including oversight of any international trade to ensure non-commercial purposes, and monitored destruction of the specimens that die in captivity;
- m) encourages Parties developing DNA registration, photographic identification, other types of identification databases of captive Asian big cats to make this information available outside national borders for law enforcement purposes to assist forensic determination of the origin of seized specimens, and encourages the Secretariat and Parties with financial resources and technical expertise to assist, through in-country activities, Parties that have yet to establish national registries or identification databases for Asian big cats to do so;

Concerning the management of national and privately-held stocks of parts and derivatives

- n) in accordance with Resolution Conf. 12.5 (Rev. CoP16), requests all Parties with national or privately held stockpiles of captive-bred or confiscated Asian big cat body parts and derivatives to report to the Secretariat on the volume of these stockpiles, measures taken to guarantee the security of these stockpiles and, if applicable, actions to destroy such stockpiles with the exception of those used for educational or scientific purposes;

Concerning inter-sessional work

- o) requests the Working Group on Special Reporting Requirements to consider all reporting requirements for individual species and devise a template which would form the basis for consistent reporting across species;
- p) decides to establish an inter-sessional Working Group on Asian Big Cats to identify outstanding issues of concern, assess implementation of these recommendations, Resolution Conf. 12.5 (Rev. CoP16),

and related Decisions, and to make recommendations for further action at the 66th meeting of the Standing Committee.

3. SC65 established the inter-sessional Working Group on Asian Big Cats with China as its Chair and with the following membership: India, Indonesia, Malaysia, the United Kingdom, the United States of America, Viet Nam, IUCN, Asiatic, Born Free Foundation, Environmental Investigation Agency, Elephant Action League, International Fund for Animal Welfare, Panthera, TRAFFIC, Wildlife Conservation Society, Wildlife Protection Society of India and WWF.
4. To assist the Working Group in implementing its mandate, it, with the assistance of the Secretariat, prepared a questionnaire in relation to recommendations f) to n) above, for completion by Parties. The Secretariat made this questionnaire available to Parties as Annex 1 to Notification to the Parties No. 2015/0006 dated 30 January 2015, inviting all Parties to report on the implementation of recommendations f) to n) by August 2015, preferably using the questionnaire to facilitate a standardized approach to reporting.
5. Twelve Parties (China, Greece, India, Italy, Latvia, the Netherlands, New Zealand, Slovakia, Thailand, the United Kingdom, the United States of America, and Viet Nam) responded to the Notification. The fact that only a very limited number of range states and Parties responded should be kept in mind when extrapolating results from this report.
6. The Working Group has conducted several-rounds of discussion and achieved consensus on some issues. However, there remain issues or important issues over which consensus has not been achieved. The key areas of difference are summarized below and, along with other areas, are noted in brackets in relevant sections in the discussion.
 - a) Decision 14.69. Considerable discussion took place about Decision 14.69. Some members of the Working Group including India expressed concern that the Decision had not been implemented despite the length of time and supported a recommendation urging Parties to comply in a time bound manner. The chair was of the opinion that the Standing Committee or the Conference of the Parties of CITES have never endorsed any specific explanations and definitions for the words “level supportive only to conserving wild tigers” and “trade” in the Decision, and “internal trade” and “commercial purposes for internal trade” (only the Secretariat has offered a view on these terms), which makes it difficult to assess progress by Parties in certain areas while he agreed any existing CITES resolutions and decisions should be implemented. The discussion led to a recommendation by some to conduct, should funds be available, an independent assessment of captive breeding of tigers as a whole, including its impact on wild populations, poaching, laundering, and possible adequacy of national legislations. Others rejected such a study on the grounds that it is not part of the Working Group’s mandate, and there was also lack of consensus on the potential scope of the study.
 - b) SC65 Doc. 38 Annex 1 (the “consultant’s report”). Several members of the Working Group accepted the findings of the consultant’s report, wanted the recommendations of the Working Group to be based on it, and acknowledged that the consultant’s report had been adopted by SC65. There were of different opinions as to whether some parts of this document should be admitted for reference purposes as a few members felt that some parts of the report were based on unverified or incomplete information and have flawed findings .
 - c) Recommendations:
 - i) Several Working Group members suggested that Recommendation A should address legislation concerning restricting both internal and international trade and prohibiting commercial trade in all Asian big cats (including non-native specimens and captive bred specimens) in light of paragraph (b) under the heading URGES of Resolution Conf. 12.5 (Rev. CoP16), and the Standing Committee’s recommendations on this point. The chair of the Working Group commented that it is unclear if the suggestion would be beyond the remit CITES documented as it was noted the concerned sentences in paragraph (b) under the heading URGES of Resolution Conf. 12.5 (Rev. CoP16) read “prohibiting international commercial trade” and “voluntarily prohibiting internal trade”, and the sentence in the paragraph f) of the Standing Committee’s recommendations reads “restricting internal and international trade”. Another reason has been described in the paragraph 6. a) above. Therefore, the words “the illegal activities CITES documented on Asian big cats” was used and the issue on non-native species of Asian big cats and “prevention of captive breeding of tigers for trade in their products and derivatives” included. However, some members of the Working Group did not agree with this position.

- ii) Some Working Group members would like to suggest a recommendation regarding a time-bound implementation of Decision 14.69, but the chair thought Parties would face difficulties during their implementation for reasons as discussed in 6. a).
 - iii) Concerns have been raised by some Working Group members that there is no recommendation regarding management of stockpiles. The Working Group notes that Party responses, if any, to Annex 2 of Notification 2015/006 have not been made available to the Working Group at the time of writing. Some members raised concerns, based on the low number reports received, about the reporting burden for Parties and identified the need to explore creative ways to decrease the burden of reporting for Parties. Some other members suggested the issue of stockpiles and lack of reporting to be treated as separate issues subject to further discussion at the 66th meeting of the Standing Committee.
7. From the responses received and in consideration of the reports prepared for SC65 and the Annexes to it, it appears that significant progress has been made by some Parties in implementing legislative and regulatory measures to restrict trade in Asian big cat specimens and to control the international trade in these specimens in accordance with CITES. However, legislative and regulatory measures implemented by Parties restricting internal sale, purchase, utilization and/or possession has been inconsistent and there is a great disparity between Parties in this regard. This presents a challenge for some Parties in effectively combating illegal trade in products derived Asian big cats.
- a) Differences in national legislation to ensure that national measures restricting internal and international trade in Asian big cats and their parts and derivatives are comprehensive: Of the twelve Parties that reported, most prohibit or restrict the sale, purchase and utilization of the parts and derivatives of tigers and other Asian big cats, but implement varying exceptions. These include exceptions for scientific and educational purposes and other special circumstances, as well as exemptions for products obtained from captive breeding operations and of pre-Convention origin. Two of the Parties which responded to the Questionnaire prohibit breeding of tigers as pets and are implementing efforts to phase out and/or limit the activities related to captive breeding of tigers, while others have not provided clear information on this issue. The Working Group has noted circumstances in which the restrictions apply only to native species and subspecies of Asian big cats and not to non-native species and subspecies. This loophole presents a serious obstacle for effective law enforcement, with authorities possibly having no legal basis to investigate, conduct seizures or prosecute cases involving trade in products derived non-native Asian big cat species. [Also, some members of the Working Group pointed out that the exception for products from captive breeding also presents a serious loophole for illegal trade, and is not in consonance with Decision 14.69. The chair thought it difficult to make the assessment for the reason as described in 6. a) because it is unknown which activities should be regarded as the “trade” in the Decision. As noted above, this is an issue that lacks consensus and is being recommended for further deliberations at the 66th meeting of the Standing Committee.]
 - b) Imbalance and/or differences in administrative measures for the restriction: For the exceptions, the Parties have employed different measures such as permit, special marks or labels, records and/or evidence to prevent illegal products from legal activities. Permits are issued at different levels in different Parties, some by a central wildlife authority and some by provincial wildlife authorities. Most Parties conduct monitoring, but the technical measures taken are different in different countries; it appears that some Parties employ DNA sampling as a tool for the monitoring.
 - c) Imbalances and/or differences in penalties imposed on illegal activities: The maximum jail sentences imposed upon illegal activities rank from life imprisonment to 2 years imprisonment while financial penalties rank from unlimited to USD several hundred.
8. Engagement with e-commerce trading site companies to ensure that no online advertisements are made for illegal specimens of protected species. Some Parties have made commendable efforts in filtering and reporting e-commerce trade in and online advertisements on Asian big cats, however it is unclear if similar measures have been conducted elsewhere. More comprehensive data and information is needed to evaluate the status of this online trade globally, including trade taking place on websites and in social media networks.
9. The recommendations of INTERPOL’s 2014 assessment of enforcement responses to tiger crime. The responses by the Parties demonstrate that most of the Parties have distributed the recommendations of INTERPOL’s 2014 assessment of enforcement responses to tiger crime for implementation but there were few Parties who reported systematic and comprehensive plans and measures as responses to the

recommendations. It was unknown if the Parties would report or demonstrate their efforts in more details in accordance with the channel of INTERPOL. In any case, the progress made in the area by Parties seemed to be insufficient.

10. Sharing images of seized tiger skins with range States with photographic identification databases so as to assist in the identification of the origin of the illegal specimen. Although there are several Parties making records of the images and starting photographic identification databases, it is the impression of the Working Group that sharing of images of the seized tiger skins among Parties has made no meaningful progress even though mechanisms for communicating such non-sensitive information, for example through INTERPOL or the CITES Secretariat, are available.
11. Concerning demand reduction, education and awareness, considerable awareness and education programs have been implemented by many Parties over the years. However, there is little systematic and comprehensive research currently available that identifies the drivers, factors and key consumer groups that are fuelling the illegal consumption of Asian big cat products. There is also little research available currently on how to undertake these public awareness and education more effectively, as well as to measure their impact. It is therefore difficult to evaluate the effectiveness of efforts in the area of demand reduction, public awareness and education activities. [Some Working Group members emphasize that the Standing Committee adopted SC65 Recommendation (k) which acknowledges the consultant's report statement that "the growing use of tiger parts and derivatives as luxury items needs to be addressed as a matter of urgency through targeted behavioral change interventions to reduce consumer demand", while others maintain that there is no evidence to determine if the trend is growing, decreasing or occasional.]
12. Concerning prevention of illegal trade in parts and derivatives from breeding facilities, most Parties have imposed different measures for implementation, including permits, records of captive individuals, DNA registration and photographic identification, self-evidence, and/or regular inspection and strict monitoring of disposal by related authorities, among other methods. Formation of a regional DNA database of protected species, including ABC, has been established by a technical group of experts from the governments of Malaysia, Thailand, Viet Nam, and Indonesia. In some countries the measures taken to prevent leakage of the products from captive breeding facilities into internal markets from breeding facilities are unclear based on the information as reported. Even though Decision 14.69 states that "tigers should not be bred for trade", the CITES Trade Database indicates that there have been exports of captive sourced parts of Asian big cats (such as tiger skins and bodies) for commercial purposes.
13. Concerning management of stockpiles, there was little relevant data reported by the Parties. Parties have been requested to report on stockpiles in response to Annex 2 of the Notification No. 2015/006 on Asian big cat stockpiles; however, the responses had not yet been made available for the review of the Working Group at the time of submitting this report. [The chair, based on some information in the received reports of Parties, surmised that, the management of stockpiles a complicated and difficult issue which may be compounded by pre-Convention, law-enforcement, captive-breeding, and permitted exemptions under CITES considerations, among others and, most of Parties who responded reported that law enforcement would investigate should the illegal products of Asian big cats, of any origin be discovered. In any case, there were contentions on the above issues and it is needed to have discussion at the 66th meeting of the Standing Committee.] [Some Working Group members think it necessary to reflect the findings of the consultant's report on the threat posed by growing stockpiles, while some others think it difficult to assess the threat without consideration of national legislative and regulatory measures by the Parties and improvements in law enforcement.]

Outstanding issues of concern

14. Based on the information received and in consideration of the available CITES materials, the Working Group has identified the following outstanding issues of concern in accordance with its mandates for the attention of the CITES Standing Committee:
 - a) Consistently low rates of adequate reporting is significantly hampering efforts in CITES to evaluate progress made on implementing CITES provisions with regard to Asian big cats and informing decisions to address problems encountered by Parties. There is an urgent need to explore a new, creative, approach to the issue of reporting which will not impose additional burdens on Parties but which will ensure timely provision of information to inform decisions aimed at curtailing the illicit trade in Asian big cats.
 - b) [The activities concerning trade could be categorized into international trade and internal sale, purchase, utilization, possession for different purposes while their origins fall under pre-Convention,

captive-breeding, law-enforcement seizures, and/or from wild, etc. There was disagreement among the Working Group members on the impact of trade on wild populations. Some working group members feel that it is self-evident and that the negative effect of trade on wild populations of Asian big cats is well documented. They also pointed out that this is recognized by the Parties, and reflected in the language of the preamble of Res. Conf. 12.5(Rev. CoP16), paragraphs (b), (g) and (h) under heading URGES of Res. Conf. 12.5(Rev. CoP16), and Decision 14.69. Some others do not agree or think there is enough information to analyze and evaluate the impact of each category on wild populations, thereby making it difficult to find measures to effectively curb poaching.]

- c) There is a need to improve legislation, law-enforcement, and monitoring and control. Information provided clearly demonstrates that illegal activities continue to occur in many countries for a variety of differing reasons, including legislative and regulatory loopholes, low law enforcement capacity and lack of resources for regular monitoring. Where lack of resources is identified as an issue, it is very important for the international community to provide the relevant Parties with support to help them implement their CITES objectives.
- d) Unclear targeted groups for public awareness. Although considerable efforts have been contributed to public education, it is still difficult to identify positive results. Some Working Group members think that the lack of comprehensive, systematic and authentic investigation and research to discern the nature of illegal activities and identify key consumer groups may be the reason. Possibly for the same reason, no comprehensive strategies have been developed and implemented by any Parties thus far.
- e) Inadequate implementation of Interpol recommendations. Although the recommendations of Interpol had been distributed in most of Parties, based on reports there has been no significant progress made towards implementation.
- f) Some members of the Working Group were of the opinion that captive breeding for trade in parts and products, and the implementation of Decision 14.69 is a serious concern. However, for the reasons as described in paragraph 6 a), the Working Group was not able to reach a consensus on this issue, although there was no disagreement on implementation of the decision.

Recommendations

15. The Working Group on Asian Big Cats recommends that the Standing Committee:

- a) [Encourage Parties to review and amend when necessary their national legislation to ensure comprehensive measures for effective law-enforcement and strict punishments on the illegal activities CITES documented on Asian big cats, including addressing issues on non-native species of Asian big cats and prevention of captive breeding of tigers for trade in their products and derivatives.] [As described in 6. c). 1), there was no consensus on the above recommendation and the Working Group identified the above recommendation for further deliberation at the 66th meeting of the Standing Committee.]
- b) Encourage Parties that have started DNA registration, photographic identification, and other types of identification databases of captive Asian big cats to share the available information with relevant countries, upon request, for law enforcement purposes and encourages the Secretariat and Parties with financial resources and technical expertise to assist, through in-country activities, Parties that have yet to establish national registries or identification databases for Asian big cats to do so.
- c) Encourages Parties to fully support the establishment of the Southeast Asia regional DNA database of protected species and the continuing work of this Forensics Group.
- d) Where appropriate, encourage Parties to adopt an effective approach to online advertising and trading of illegal products of Asian big cats through websites, social media and other Internet services, working closely with the relevant private sector companies and nongovernmental organizations.
- e) Encourage Parties, working closely with involved communities and/or key groups, to conduct and/or support systematic and comprehensive research on demand for illegal products of Asian big cats and/or factors driving poaching of their wild populations, for deeper understanding and recognition of their actual status, impacts and nature of the illegal activities and key consumers, upon which pertinent actions could be recommended.

f) Parties, international organizations and non-governmental organizations are encouraged provide financial and technical support to Parties requesting for additional capacity and resources to effectively implementation of Resolution Conf. 12.5. Parties are also encouraged to implement the relevant recommendations attempting to address the issue of resources from relevant international forums and tools, including but not limited to the Zero Poaching Symposium outcomes and Zero Poaching toolkit and the relevant GTI/GTF processes addressing resources that are needed to combat poaching, trafficking and illegal trade.

g) A draft Decision submitted to the 17th Meeting of the Conference of the Parties to CITES that:

"INSTRUCTS the Secretariat

a) Subject to the availability of external funds, appoint external consultants to conduct, in consultation with range and consumer States, and in cooperation with partner organizations in the International Consortium on Combating Wildlife Crime and, as appropriate, other experts and organizations, to continue a review of implementation of Resolution Conf. 12.5 (Rev. CoP16) in relation to all Asian big cats and prepare a report providing its findings and recommendations for the 69th meeting of the Standing Committee, in consideration of:

i) legislative and regulatory measures

ii) national law enforcement;

iii) demand reduction, education and awareness;

iv) prevention of illegal trade in parts and derivatives from breeding facilities;

v) management of national and privately-held stocks of parts and derivatives

b) [Building on and drawing from the consultant's report presented to SC65 on implementation of Resolution 12.5 (Rev. CoP16), together with other available information, the report at a) should detail in particular existing evidence of illegal trade in tiger parts and derivatives related to captive breeding facilities, the reasons for it and its consequences;] [A conflict exists here and the suggestion to replace "Building on and drawing from" with "In consideration of" was rejected by the member who proposed the original text. Further a member of the Working Group has objected to a study on the effect of captive breeding for trade of parts and products of tigers on wild populations]

c) on the basis of the report and the comments received from the Parties, partner organizations in the International Consortium on Combating Wildlife Crime and other experts and organizations formulate recommendations for consideration by the Standing Committee.

[There was no consensus on the scope of the review under recommendation G) as some members of the Working Group suggesting incorporating language used in Decision 16.70 to enable a wider consultation.]

16. The Working Group recommends that the Working Group meet during the 66th meeting of the Standing Committee to discuss areas of disagreement and seek consensus at most to consider and propose recommendations to the Standing Committee on:

a) The information contained in the Consultant's report submitted to Standing Committee 65.

b) Progress in implementing Decision 14.69.

c) National legislation relating to commercial trade in parts and products derived from captive tigers and other Asian big cats (Paragraph 7(A)).

d) Legislation relating to both internal and international trade in non-native specimens and captive bred specimens

e) The use of Asian big cats as luxury products (Paragraph 11).

f) The prevention of illegal trade from and through breeding facilities (Paragraph 12)

- g) Stockpiles (Paragraph 13)
- h) The impact of international and internal trade on wild populations of Asian big cats