

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

Sixth Meeting of the Conference of the Parties

Ottawa (Canada), 12 to 24 July 1987

Interpretation and Implementation of the Convention

IMPLEMENTATION OF THE CONVENTION IN CERTAIN COUNTRIES

This document has been prepared by the Secretariat since there is a need to discuss problems of CITES implementation in certain countries which appear to be of too general a nature to be included in document Doc. 6.19, "Review of Alleged Infractions". Therefore, the Secretariat has selected four cases where serious general problems of CITES implementation (or lack thereof) seem to exist. As with document Doc. 6.19, the Secretariat's intention is to stimulate constructive discussion of the problems in the hope that mechanisms can be found which will resolve the problems or lead to significant improvements. The Secretariat urges the Parties to discuss this document in the spirit in which it is submitted, i.e. with the aim of improving the mutual co-operation which is fundamental to the philosophy of the Convention.

A. The United Arab Emirates (UAE)

In document Doc. 6.19, the Secretariat outlined briefly the problems of lack of CITES implementation in UAE. It is not necessary to repeat here the information previously discussed in the 1985 Standing Committee meeting, nor to go into any specific detail on the problem. It is acknowledged that UAE has not been implementing CITES, that large quantities of CITES specimens have been traded into and through that country in violation of CITES and that UAE has now decided to withdraw from the Convention.

The Secretariat has been unable to determine the precise reasons for UAE's withdrawal. News of the decision reached the Secretariat shortly after a letter from the UAE Management Authority informing that greater efforts were being initiated to implement CITES, including better instructions to the enforcement agencies. Thus, the timing of UAE's withdrawal was surprising and the reasons behind it were obscure. It has been suggested that UAE's withdrawal was effected for financial reasons. However, since UAE had never paid its contributions, and since the sum involved is absolutely minute in terms of the UAE economy, this explanation cannot be taken seriously. Therefore, the Secretariat concludes that UAE's withdrawal was motivated by its desire to maintain the wildlife trade which, if it remained a CITES Party, it would be obliged to eliminate. In other words, UAE appears to have withdrawn because it disagrees with the principles of CITES and wishes to continue to make financial profits from the plunder of developing countries' wildlife resources.

The Conference of the Parties is now faced with the situation where an intransigent Party state has decided to withdraw from the Convention and will, undoubtedly, continue to allow the illegal wildlife trade to flourish. UAE will remain one of the most important havens for such trade and will, therefore, continue to be a serious threat to the objectives of CITES and to wildlife conservation.

The Secretariat can see no option other than for the Conference of the Parties to condemn UAE's action and to recommend the strongest possible action against UAE. International trade is probably the most important section of UAE's economy in the long term. The Conference of the Parties should discuss what possibilities exist to exert pressure on this area of UAE's interests in order to persuade UAE to revise its attitude to CITES and to international co-operation.

B. French Guiana

During a routine mission to South America, the Secretariat paid a short visit to French Guiana in October 1986, i.e. approximately 5 months after the French Government had passed a new decree on wildlife protection in French Guiana.

For several years, French Guiana has been considered a turn-table of illegal trade in wildlife. The border with the nearby countries, Suriname and, in particular Brazil, is virtually impossible to control; this facilitates an important trade in live animals and products which, shipped from French Guiana, are declared as originating from this French department when entering the EEC. Because French Guiana is a French territory, CITES does not apply to trade to metropolitan France, as this is not international trade. In addition, French Guiana is included in the EEC and, therefore, bound by the EEC regulation on CITES implementation. This regulation considers the EEC as effectively one country and treats international trade as being importation into or (re-)exportation from the EEC.

The Secretariat has believed for several years that French Guiana is a serious loophole in the implementation of CITES in South America and its short mission provided confirmation of this.

The Service of Agriculture with its two managements, the Departmental Directorate of Agriculture and the Directorate of the Veterinary Service, is under the control of the Ministry in charge of the environment in metropolitan France, although the veterinary services seem to be the most active agency in implementing CITES.

The illegal trade involves mainly parrots, monkeys, reptiles (especially caiman) and peccaries, although other no less important mammals, like wild cats, are also involved.

This traffic utilizes sea, air and ground transportation.

- a) The sea route: involves several countries of the Amazon basin and is taken by small boats that arrive at Cayenne harbour; there the products are transferred to larger ships that are heading for Le Havre and, so, arrive in metropolitan France or continue their way to Hamburg (Federal Republic of Germany).
- b) Transportation by air: is with small aircraft which fly to Brazil and come back with their loads of live animals or products.

- c) Ground transportation: is mainly through the Oiapoque River in the Brasilian State of Amapa or from Suriname, in which Saint-Laurent-du-Maroni seems to play a significant part in the traffic of wild fauna and flora from that country.

Once they have entered French Guiana, products are "re-exported" by air and sea, some going by boats to Fort-de-France where they are distributed to metropolitan France, the West Indies and, apparently in small quantities, the United States of America.

In view of the geographical situation of this territory, it would perhaps not be realistic to think that the laws in force, including CITES, could be applied effectively, but the small area of dense population and the control of the harbour and the airport do make it possible to limit the currently very worrying illicit trade. If, at the same time, better controls could be established in metropolitan France and elsewhere in Europe, one could reasonably expect the decrees of May 1986 concerning French Guiana to become effective.

During this short visit, the Secretariat was able to ascertain that the authorities in charge of CITES implementation were not at all aware of the information sent to the Parties by the Secretariat. They did not have the current CITES appendices, they did not receive any of the Notifications to the Parties, not even those related to the CITES situation in other Latin-American countries (they were not aware of Brazil and Paraguay applying a total ban on their trade in wild species), they knew nothing about the Identification Manual and did not even have copies of the CITES documents utilized by other countries of Latin-America to be able to compare them with those presented. There is no information to indicate that this situation has changed since the Secretariat's visit.

Gendarmes, police and customs should be informed and trained in CITES matters and in implementation of the EEC regulation, which these institutions are almost totally unfamiliar with. Obviously, to improve controls at Orly airport, at Le Havre, Fort-de-France and Pointe-à-Pitre and, in particular, to increase the supervision of the stocks held by the four or five well-known traders of Cayenne and the surrounding areas would be essential steps, as well as suppressing the current derogation which allows everyone to take two parrots to metropolitan France, when the exportation of Psittaciformes is prohibited.

Despite the decrees of May 1986, the situation in French Guiana is still very worrying and is a constant source of concern for the Secretariat and for all countries in that region.

C. Bolivia

1. During the eight years since Bolivia ratified the Convention in 1979, the efforts made to implement the provisions of CITES in the country were almost totally unsuccessful.
2. The governmental agency in charge of CITES implementation in that country is the Centro de Desarrollo Forestal of the Ministerio de Asuntos Campesinos y Agropecuarios.
3. The Centro de Desarrollo Forestal (CDF) was unable to develop any conservation programme to manage wildlife species for the sustained benefit of Bolivian society. All members of the CDF staff are professionally trained in forestry but there are no professional

wildlife biologists. This lack of professionals trained in wildlife has severely affected Bolivia's efforts to set up a programme for the management of Bolivian wildlife resources.

4. In view of the current situation, Bolivia is unable to determine what the impact of its exports has been on populations of Appendix II species. Without a proper management programme, Bolivia cannot establish proper implementation of CITES.
5. Closely monitored exports of wildlife could represent for Bolivia an important source of income in foreign exchange, depending on the species and the quality of the products exported. Caimans, for example, are among Bolivia's most valuable wildlife resources, economically speaking, but such a species has never been exploited on a sustained-yield basis to determine how many can be harvested without damaging the populations. If such mismanagement continues, the Bolivian caiman hide industry will inevitably collapse. The "caiman problem" may extend to all other wildlife species occurring in Bolivia.
6. During the last meeting of the Conference of the Parties in 1985 in Argentina, the Bolivian situation was discussed at length by the Parties and a Resolution was adopted (Conf. 5.2) to give Bolivia the opportunity to improve the situation. The political conditions, together with the practical difficulties inherent in the Resolution itself, precluded the possibility of implementing the Resolution properly.
7. At the Standing Committee meeting of October 1985 the Bolivian situation was discussed extensively and the US Government offered the Bolivian delegation its assistance to start implementation of the Convention in their country. This offer was welcomed by the Bolivian delegation at that meeting (Report of the Standing Committee meeting document SC 13).
8. At the 14th meeting of the Standing Committee, held in Canada in October 1986, the Bolivian problem was raised once again and, taking into account the situation, the Standing Committee advised the Secretariat to recommend that all Parties establish a ban on the importation of all wildlife exports coming from Bolivia, due to the lack of capability of that country to implement CITES properly. The recommendation made by the Standing Committee was communicated to all Parties by Notification No. 413 of 28 November 1986.
9. In July 1986, by Decreto Supremo No. 21312, Bolivia established a total ban on trade in wildlife for a period of three years with the sole exception of 50,000 caiman skins per year which were allocated to ASICUSA, the legitimate Bolivian association of saurian skin traders.
10. In December 1986, the CITES Secretariat decided to visit Bolivia with the purpose of meeting with the President of the Republic of Bolivia to find a solution to the implementation of CITES in Bolivia.
11. The President of the Republic, Víctor Paz Estenssoro met twice with officials from the CITES Secretariat in January 1987. The Secretariat explained in detail to the President the serious problems concerning CITES from the time Bolivia ratified the Convention in 1979 to this date.

12. For the first time and at the highest level, the situation was carefully analyzed. The Secretariat reached the following agreement with the President of the Republic to ensure proper implementation of CITES in Bolivia.
13. On 2 April 1987, the agreement was officially confirmed by the Minister of Asuntos Campesinos y Agropecuarios. It consists of the following two closely linked phases.
14. First phase: This consists of carrying out an inventory of all wildlife stocks already in possession of legitimate Bolivian traders which are members of ASICUSA, a recognized traders' national organisation duly established in Bolivia. Such an inventory could be carried out by Dr. F. Wayne King and Mr. Juan Villalba, Director of TRAFFIC South America, both representing the Secretariat, as well as by a representative of the Bolivian Management Authority and a representative of the National Academy of Sciences of Bolivia. Once the inventory is carried out, Bolivia will proceed to export all inventoried specimens of Appendix II species (caiman skins). The second phase of this project will not be carried out before the successful completion of phase one. It is necessary to inventory all skins to be exported from Bolivia before the second phase begins. This means that once all stocked skins have been exported, trade will be temporarily closed until the second phase is implemented.
15. This first phase started on 18 May 1987.
16. Second phase: Commencing 1 September 1987, a Secretariat consultant will be working with the Bolivian Management Authority for a period of one year, probably to be extended to two years, for the purpose of establishing an appropriate CITES implementation system. This will include training of personnel at the Management Authority and revision of internal procedures, laws, decrees, resolutions, etc. concerning CITES.
17. The funds required to carry out this consultancy will be provided by the Government of the United States in accordance with the offer made to the Bolivian Government at the 13th Standing Committee meeting.
18. On 8 April 1987, the Secretariat sent a letter to all Standing Committee members explaining in detail the agreement reached with the Bolivian President. To date, only the Federal Republic of Germany has suggested that approval regarding the export of caiman and peccary skin stocks in possession of the legal traders of Bolivia (first phase of the Agreement) be granted by the Conference of the Parties.
19. Objectives of the second phase of the project:
 - a. To revise the Bolivian wildlife legislation.
 - b. To co-operate in the drafting of the new wildlife legislation needed or to draft regulations to implement the present laws on Bolivian wildlife.
 - c. To implement CITES at a national level, including the establishment of a National CITES Scientific Authority.
 - d. To train CDF staff in CITES matters and procedures.

- e. To establish a link between the central CDF in La Paz and other regional CDF offices in Bolivia, as well as to provide training in CITES procedures to all regional CDF offices.
 - f. To develop and implement a management programme for the sustained-yield utilization of species of economic value included in CITES Appendix II.
 - g. To identify priorities in ecological studies.
 - h. To draw up a long-term management programme and establish a data base on priority species.
 - i. To establish monitoring programmes in support of a quota system for exports of live animals and products where appropriate.
 - j. To train customs officials in monitoring of trade exports from Bolivia.
 - k. To create a Bolivian traders' programme that would ensure co-operative implementation and enforcement of CITES.
20. Based on the offer of assistance made by the US Government to Bolivia (see above), the CITES Secretariat has presented a project proposal to USAID in Bolivia for the second phase, in the hope of obtaining financial support for the successful completion of a project which will certainly improve CITES implementation in a country which needs international help in the rational utilization of its wildlife resources. In addition, the project will have a major impact at international level as Bolivia has been considered a major problem for CITES since 1980.

D. Paraguay

By Decree No. 18796 of 4 November 1975, the Paraguayan Government established a total ban on wildlife exports. This measure was never implemented properly until July 1982, when the Government of Paraguay decided to initiate full implementation of the above-mentioned Decree, with the help of the CITES Secretariat. New CITES Paraguayan export/re-export/import permits were printed by the Secretariat, of which a few have been issued for scientific purposes. At least on paper, no international wildlife trade operations have taken place from Paraguay since 28 July 1982.

Recently, by Decree no. 13806 of 17 February 1986, Paraguay lifted the existing ban to allow only hunting, and trade in skins made from Boa constrictor and Eunectes murinus. This was notified to all Parties by Notification No. 388 of 7 May 1986. For all other species, the 1975 Decree is still in force.

We should mention that in the recent case of illegal trade of two Cyanopsitta spixii (Appendix I) from Brazil to Paraguay (see document Doc. 6.19, A.16.), the Secretariat received the full co-operation of the Paraguayan CITES Management Authority, which allowed recovery of the birds, which were returned to their country of origin.

Despite these encouraging signs from the Paraguayan Management Authority, Paraguay's illegal trade continues. Huge shipments of skins leave the country without CITES documents and find their way into importing countries, where they become "legal".

Regarding Paraguay, the Secretariat recommends that the problem should be approached from two directions:

a) In Paraguay

To implement CITES is not only a question of issuing CITES documents, but also of establishing effective controls on what leaves the country when a CITES permit has been issued [in fact, this control is not being carried out by many exporting countries (see for example document Doc. 6.19, F.17.)] and, besides, the customs offices should be instructed by the Management Authority to check all kinds of suspicious shipments when the airwaybills give such vague descriptions as "wild skins", "cows and sheep skins", etc. By using such declarations, Paraguayan traffickers have been able to export thousands of skins which have eventually reached the importing countries.

The CITES Secretariat has denounced this illegal trade from Paraguay several times and has gained the impression that the importing Parties have not taken effective action to prevent it from continuing. In fact, the only exception appears to be Uruguay, which took appropriate measures to control any shipment from Paraguay passing through Montevideo airport, action which has resulted in the confiscation of several illegal shipments, the final destinations of which were Japan and the Federal Republic of Germany.

b) Importing Parties

Paraguay has obtained little help from importing countries, and the CITES Secretariat knows very well that the implementation of the Convention is perfect nowhere. However, there are some countries, like Paraguay, that need special attention and assistance from the major importing countries. The Secretariat strongly believes that these importing countries should establish complete control on imports from Paraguay and, for instance, require that their own airlines conveying the illegal shipments from Paraguay check all shipments from that country.

Because of their particular socio-economic situations, most developing countries experience major difficulties in establishing appropriate CITES controls. Paraguay is no exception. However, this does not prevent such countries from making every possible effort to establish effective controls. The Secretariat feels that Paraguay must make such efforts. On the other hand, the importing countries have the obligation to assist and co-operate with such countries in their attempts to eliminate illegal wildlife trade. Such co-operation is the most fundamental obligation of CITES Parties. Therefore, the Secretariat recommends that the importing Parties must increase their controls on imports from Paraguay to ensure that the illegal traffic is stopped and that they must also liaise closely with the Paraguayan authorities and the Secretariat and ensure maximum exchange of information for enforcement purposes. Unless such improvements are made, this problem will continue to remain a major loophole in CITES implementation.

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DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES *

Implementation of the Convention in Bolivia

ACKNOWLEDGING the concern on the international control, mentioned in Resolution Conf. 3.9 adopted at the third meeting of the Conference of the Parties (New Dehli, 1981);

ANSWERING to Bolivia's request to implement and effectively accomplish the requirements of the Convention as it is mentioned in Resolution Conf. 5.2, adopted at the fifth meeting of the Conference of the Parties (Buenos Aires, 1985), including the reduction of wildlife exports to 50% until studies on the population and on the environment impact have been completed, and the management programmes established;

NOTING that, as indicated in Doc. 6.20 on the Implementation of the Convention in Certain Countries, prepared by the Secretariat, Bolivia has not been able to effectively implement the Convention, even though the support obtained from the highest levels of government;

CONSIDERING that since the fifth meeting of the Conference of the Parties, (Buenos Aires, 1985), the Government of Bolivia had made administrative changes in its wildlife departments, in a continuous effort to put together a programme for the implementation of CITES and its rules;

ACKNOWLEDGING that in a partial compliance of Conf. 5.2, some research on caiman and spotted cats populations has been started under an agreement of co-operation between the Centro de Desarrollo Forestal of Bolivia and the CITES Secretariat;

KNOWING the fact that it is agreed to welcome a consultant suggested by the CITES Secretariat to assist in the development of a CITES programme, it is an example of Bolivia's willingness to fully implement the Convention;

ACKNOWLEDGING that the Bolivian law allows only the hunting of Caiman crocodilus yacare provided it is more than 1.5 m long, which produces a belly hide of that length or two flank hides of 80 cm or longer;

* This document was prepared and submitted by the countries of the Latin-American and Caribbean region.

ACKNOWLEDGING also that the Bolivian law prohibits the export of raw skins or semi-finished caiman skins and only allows the export of finished skins and derived products (fully tanned, dyed and glazed) by the recognized tanning industries;

ACKNOWLEDGING the decision of the ASICUSA members to assist the Parties of the Convention in the identification of legal exports of caiman skins from Bolivia, by marking the reverse side of the skins with the name of the tannery in which it was processed; and once the CITES permits are obtained to have the export certified and sealed shipments by the Société Générale de Surveillance;

AWARE that Bolivia cannot implement CITES unless the Parties to the Convention actively support its efforts, denying the entry of the shipments of exported skins in contravention to the Bolivian laws and the provisions of CITES;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that all Parties that receive wildlife products from Bolivia, make sure that each shipment be accompanied by CITES export permits as required under the provisions of the Convention and in the case of caiman skins, as an additional guarantee that the shipment was exported legally, the importing country will have to:

- 1) allow only the entry of caiman skins and derivated products of caiman skins already finished (tanned, dyed and glazed);
- 2) allow only the entry of shipments that are accompanied by the certificate given by the Société Générale de Surveillance; and
- 3) assure that the shipment originated from one of the members of the Asociación de Industriales de Cueros de Saurios (ASICUSA);

URGES the neighbouring countries to prohibit to illegal traders of wildlife to operate openly within their jurisdictions; and

URGES the Parties to the Convention not to encourage illegal trade by prohibiting illegal imports of wildlife from their neighbouring countries.