

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

Eighth Meeting of the Conference of the Parties

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Interpretation and Implementation of the Convention

REVIEW OF ALLEGED INFRACTIONS AND OTHER PROBLEMS  
OF ENFORCEMENT OF THE CONVENTION

Report from the Secretariat

INTRODUCTION

No agreement can be effective without compliance with its provisions by all parties involved. As certain populations of species of wild fauna and flora throughout the world come under increased pressure of exploitation, the importance of implementation of the Convention for the purpose of regulating international trade in those populations also increases. Article XIII of the Convention stipulates that the Conference of the Parties must examine all information relating to cases where the Secretariat considers that the provisions of the Convention are not being effectively implemented. In addition, Article XII, paragraphs 2(d) and 2(g), provide a broad mandate for the Secretariat to request information, collect data on matters which relate to implementation of the Convention, and to report accordingly to the Conference of the Parties. In order to provide additional assistance to the Parties, this report also addresses matters which do not necessarily result in direct infractions of the Convention, yet are still of concern with regard to its enforcement. It also summarizes positive enforcement actions which have resulted in significant prosecutions or seizures of illegally traded specimens of CITES species.

The period covered in this report is from 1 June 1989 to 1 October 1991. However, any additional information received between 1 October 1991 and 1 January 1992, regarding the alleged infractions initially covered by the report, has been included. The primary objectives of this report are as follows:

1. To provide the Parties (including CITES enforcement authorities) with a record of instances where it appears that significant attempts (successful or unsuccessful) have been made to violate or evade the provisions of the Convention;
2. To identify other problems of enforcement that are not directly associated with infractions of the Convention, but may have direct bearing on compliance to its principles;
3. To stimulate constructive discussion by the Parties of problems noted in this report, and seek mechanisms or solutions to reduce or eliminate them.

By means of Notification to the Parties No. 656, dated 2.12.91, a draft version of Part 2 of this report, containing summaries of alleged infractions and matters of enforcement concern, was transmitted to the Parties for comments. The following Parties responded: Argentina, Austria, Bangladesh, Chile, Belgium, Denmark, France, Germany, Hong Kong, the Netherlands, Panama, Philippines, Portugal, Japan, Sweden, Switzerland, and the United States of America. Observations of a general nature were taken into account without any specific amendments to the report. Where comments related to a particular case and provided complementary information, they were incorporated into the presentation of the case.

This report is presented in two parts. Secretariat comments and recommendations are detailed in Part 1 of this report, and divided into sections, as follows:

<u>Section</u>	<u>Description</u>
1	Infractions of CITES Obligations Other than those Regarding Trade in Listed Species

2	Non-Response by Parties to the Secretariat
3	Irregular Issuance of Pre-Convention Certificates
4	Irregular Issuance of Certificates of Captive-Breeding
5	Irregular Issuance of Certificates of Artificial Propagation
6	Non-Application of Resolutions
7	Invalid Documents
8	Large Scale or Elaborate Fraud
9	Conditions of Transport
10	Significant Prosecutions or Seizures
11	Other Implementation Problems

Summaries of alleged infractions and other problems of enforcement of the Convention are presented in categories in Part 2 of this document, as follows:

<u>Section</u>	<u>Description</u>
1	Major Cases
2	Trade in Appendix-I Live Mammals
3	Trade in Appendix-II or III Live Mammals
4	Trade in Appendix-I Mammal Products
5	Trade in Appendix-II or III Mammal Products
6	Trade in Appendix-I Live Birds
7	Trade in Appendix-II or III Live Birds
8	Trade in Appendix-I Live Reptiles
9	Trade in Appendix-II or III Live Reptiles
10	Trade in Appendix-I Reptile Products
11	Trade in Appendix-II or III Reptile Products
12	Trade in Amphibians, Fish and Invertebrates (all appendices)
13	Trade in Plants (all appendices)
14	Other

This report includes only those cases where the Secretariat has either been involved or has received information regarding a case and has determined it to be of significance to the Parties. Numerous other cases have naturally been dealt with by the Parties without the Secretariat being aware of them. As a result, several important cases are undoubtedly not included in this report.

The Secretariat is well aware that the Parties which regularly inform the Secretariat of the infractions discovered are likely to appear in this report more often than those which not inform the Secretariat of such occurrences. The Secretariat wishes to thank those Parties in the former category, for the effectiveness of their activities and the quality of the information provided, including the Management Authorities of Argentina, Australia, Belgium, Canada, Denmark, France, the Netherlands, Paraguay, South Africa, Switzerland, and the United States of America.

It is important for the Parties to remember that proper implementation of the Convention depends on the existence of a dual system of controls, covering both the export and import stages of trade. Improved enforcement of CITES, resulting in a decrease in the number of infractions, depends on the continued international co-ordination of enforcement efforts between the Parties.

In general terms, the Secretariat believes that the control of the trade in specimens of CITES species by many Parties is inadequate. Specific recommendations for improving this state of affairs are contained in Part 1 of this report. Despite the serious problems noted in this document, however, the Secretariat is also aware of the significant strides that have been made by many other Parties, with regard to implementation of the Convention.

PART 1: SECRETARIAT COMMENTS AND RECOMMENDATIONS

Section 1: Infractions of CITES Obligations Other than those Regarding Trade in Listed Species.

A) Annual reports

Article VIII, paragraph 7(a), of the Convention requires that Parties make an annual report on all trade in specimens of species listed in the CITES appendices. The lack of submission of an annual report by a Party is a serious contravention of the Convention, as it results in the omission of significant trade information which might otherwise assist the Parties in improving implementation of the Convention.

The following chart indicates Parties that did not submit annual reports for the years 1987, 1988, and 1989. The symbol "XXXX" indicates that a Party did not submit a report for that particular year. A blank space means that a Party did submit a report for that particular year. The symbol "----" indicates that the country was not a Party to the Convention during that particular year, and thus an annual report would have not been required.

PARTY	1987	1988	1989
Afghanistan (AF)	XXXX	XXXX	XXXX
Algeria (DZ)			XXXX
Bahamas (BS)			XXXX
Belize (BZ)		XXXX	XXXX
Benin (BJ)	XXXX	XXXX	XXXX
Brazil (BR)	XXXX	XXXX	
Burundi(BI)	----		XXXX
Cameroon (CM)		XXXX	
Chad(TD)	----	----	XXXX
Cyprus (CY)	XXXX	XXXX	XXXX
Ecuador (EC)			XXXX
Egypt (EG)	XXXX	XXXX	XXXX
El Salvador (SV)	XXXX	XXXX	XXXX
Ethiopia (ET)	----	----	XXXX
Gambia (GM)	XXXX	XXXX	XXXX
Guatemala (GT)		XXXX	
Guyana (GY)			XXXX
Honduras (HN)	XXXX	XXXX	XXXX
Israel (IL)	XXXX	XXXX	XXXX
Liberia (LR)			XXXX
Mozambique (MZ)	XXXX	XXXX	XXXX
Papua New Guinea (PG)			XXXX
Peru (PE)	XXXX	XXXX	XXXX
Philippines (PH)		XXXX	
Rwanda (RW)	XXXX		
Saint Lucia (LC)			XXXX
Saint Vincent/Gren. (VC)	----	----	XXXX
Seychelles (SC)	XXXX	XXXX	XXXX
Somalia (SO)	XXXX	XXXX	XXXX
Sudan (SD)	XXXX	XXXX	
Thailand (TH)	XXXX	XXXX	XXXX
Uruguay (UY)			XXXX
Zambia (ZM)			XXXX

Annual reports for 1990 were due on 31 October 1991. However, a significant number of annual reports for 1990 had not been submitted at the time of writing this document (December 1991). As 1990 annual reports received later than 31 October 1991 would be considered late, instead of missing, the Secretariat has not included 1990 information in the above table.

## Recommendations

1. In order to better enable a determination of levels of trade in specimens of CITES species, Parties must make the punctual preparation and submission of their annual reports a greater priority.
2. The Parties should consider adoption of either the draft resolution contained in Annex 1 of Part 1 of this document, or of a similar document that addresses the problems surrounding the lack of annual reports from the Parties, as described in this section, as well as in the text of the draft resolution.

### B) Non-designation of Scientific Authorities and lack of trade monitoring of specimens of Appendix-II species

The Secretariat notes that the following Parties have not informed the Secretariat of the designation of a Scientific Authority: Afghanistan, Belize, Islamic Republic of Iran, Poland and Rwanda.

The Parties concerned should advise the Secretariat as soon as possible of the names of their Scientific Authorities. Under Article III, paragraph 2(a), and Article IV, paragraph 2(a), of the Convention, a Scientific Authority must determine that trade in specimens of CITES species is not detrimental to the survival of the species. When the name of a Scientific Authority is not provided by a Party, the other Parties and the Secretariat can not assume that such a determination has been made.

Article IV, paragraph 3, of the Convention requires that the Scientific Authority in each Party monitor exports of specimens of Appendix-II species, in order to limit the trade to sustainable levels. In spite of the designation of Scientific Authorities by the majority of Parties, many Parties are not adequately assessing the impacts of trade on wild populations of their Appendix-II fauna and flora. There may be several reasons for this problem:

1. A Scientific Authority exists, but only on paper (for example, a committee is named, but has no members).
2. The Scientific Authority is technically incompetent or has only limited competence. For example, it may have only zoologists and no botanists.
3. The Scientific Authority is not consulted.
4. There is a lack of funding for proper functioning of the Authority. For example, the Authority may have no funds available for travel or to conduct population studies of CITES species within a region.
5. There is a poorly organized CITES structure, or a lack of commitment by the government to implement the Convention. For example, in some cases, the same official or officials are in charge of both the Management and Scientific Authorities.

It should be clear to all Parties that continued commercial trade in specimens of Appendix-II species requires sufficient scientific evidence to demonstrate that the trade is sustainable. Without the proper establishment and functioning of Scientific Authorities, this is not possible, nor is it possible to make the non-detriment finding required by Article IV, paragraph 2(a), of the Convention.

## Recommendations

1. Those Parties which have not yet designated a Scientific Authority should do so as soon as possible. All Parties should make every effort to ensure that the permitted levels of trade in specimens of CITES species are based on scientific evidence that such levels are sustainable.
2. The Parties should adopt the draft resolution attached to document Doc. 8.37 or similar text which addresses the lack of designation of Scientific Authorities by some Parties and, where Scientific Authorities have been designated, the specific responsibilities of those Authorities in the monitoring of trade in specimens of CITES species.
3. The Parties should also consider directing the Secretariat to carry out a survey of the current structure and functions of the Scientific Authority within each Party, in order to better determine the actual role of each Authority in meeting the objectives of the Convention.

### C) Lack of domestic legislation to implement the Convention

Article VIII, paragraph 1, of the Convention states that the Parties shall take appropriate measures to enforce the Convention, which shall include a provision for penalties for violations of the Convention. However, penalties can not exist without the existence of domestic legislation for enforcing the Articles of the Convention. Unfortunately, many Parties continue to lack such legislation, leading to weak CITES enforcement. As an example, lack of appropriate CITES legislation was a major consideration in the recommendation to ban CITES trade with Thailand (see summary no. 11 in Part 2; Lack of CITES Implementation in Thailand). The absence of effective domestic legislation is also a contributing factor to many of the alleged infractions which are detailed in Part 2 of this document.

#### Recommendation

The Secretariat continues to urge all Parties which lack proper legislation for implementation of the Convention, to make every effort possible to pass such legislation as soon as possible. For those States which have been Parties to the Convention for several years, the Secretariat believes that the lack of legislation is no longer a valid excuse for poor implementation.

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Please note that many of the remaining sections in Part 1 of this document will reference, by number, specific summaries of alleged infractions or enforcement concerns of the Convention which are presented in Part 2.

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### Section 2: Non-Response by Parties to the Secretariat

Article XIII, paragraph 2, of the Convention requires that the Parties respond to any enquiry from the Secretariat regarding CITES species that are being adversely affected by trade, or when provisions of the Convention are not being properly implemented. Resolution Conf. 7.5 recommends that the Parties reply to enquiries from the Secretariat regarding alleged infractions within one month. Lack of response from the Parties gives rise to the following problems:

1. Burden on the Secretariat. Lack of response from a Party creates an additional administrative and financial burden on the Secretariat. The Secretariat must re-send the original enquiry by mail or fax, and again request a response from the Management Authority in question. If the enquiry is at the request of another Party, and no response is received, the Party making the enquiry must also be contacted by the Secretariat and advised accordingly.
2. Burden on the Parties. The Secretariat can not adequately co-ordinate the implementation of the Convention without a co-operative effort from the Parties. Any breakdown in communications results in significant information regarding infractions of the Convention not reaching concerned Parties within a reasonable period.
3. Inaccurate information. When the Secretariat receives information from various sources regarding CITES implementation problems within a Party, the information may be lacking in factual content, or even misleading. The Secretariat makes every attempt to contact the Party concerned, in order to make a proper determination of the facts. When the Party does not respond to the enquiry, the Secretariat must base its determination and recommendations on the limited information received.

#### Recommendation

Parties should comply with Resolution Conf. 7.5, by responding to enquiries from the Secretariat regarding alleged infractions as soon as possible, but within one month at the latest.

#### Examples in Part 2

NUMBERS: 1, 7, 8, 9, 11, 15, 19, 23, 26, 29, 30, 32, 34, 35, 37, 38, 39, 40, 41, 48, 56, 66, 80, 94, 97, 98, 101, 103, 105, 106, 109, 110, 112, 113, 114, 117, 118, 122, 124, 126.

### Section 3: Irregular Issuance of Pre-Convention Certificates

Despite Resolution Conf. 5.11, some Management Authorities continue to issue pre-Convention certificates for specimens which do not correspond to the pre-Convention definition contained in that Resolution.

In some cases, it is merely indicated on the certificates that the specimen or specimens are pre-Convention, and as no date of

acquisition is given in such cases, it is impossible for the importing country to verify that the specimen or specimens correspond to the definition in Resolution Conf. 5.11.

#### Recommendations

1. Parties should fully implement Resolution Conf. 5.11 and, before issuing pre-Convention certificates, verify that, for each specimen:
  - a) a date of acquisition is noted; and
  - b) proof of the date of acquisition is provided by the exporter.
2. Parties should refuse to accept pre-Convention certificates:
  - a) which do not specify the date of acquisition of the specimen; and
  - b) if the date of acquisition of the specimen is subsequent to the date for which the Convention applies to the specimen.

#### Examples in part 2

NUMBERS: 25, 123.

#### Section 4: Irregular Issuance of Certificates of Captive-Breeding

A major form of fraud, perhaps secondary only to that involving re-export certificates, is the use of certificates declaring that specimens are bred in captivity, when the specimens do not correspond to the definition in Resolution Conf. 2.12.

The most common example is when specimens of CITES species that are taken directly from the wild are declared as bred in captivity. This is particularly serious for specimens of species listed in Appendix I, but it is also a matter of concern when "bred in captivity" certificates are used for the re-export of Appendix-II specimens from a country that had imported wild specimens illegally.

Another case is when a certificate is issued for an animal that has simply been born in captivity, and not bred in captivity, as defined by Resolution Conf. 2.12. This occurs most often with first-generation (F1) specimens which are from a parental breeding stock that is not managed in a manner capable of producing second-generation (F2) offspring in a controlled environment.

Finally, animals have been declared as "bred in captivity" when, in fact, they:

1. have been captured on very large "ranches" in a natural environment, which can not be considered a "controlled environment"; or
2. come from breeding operations which capture large numbers of specimens from the wild to maintain their breeding stock.

One particular problem has been raised: the distinction between breeding for "commercial purposes" and for "other purposes", for specimens of species included in Appendix I. For trade in animals that are bred in captivity for commercial purposes, Article VII, paragraph 4, of the Convention requires the issuance of an export permit, and Resolution Conf. 4.15 demands that the commercial breeding operation be registered by the Secretariat.

The Secretariat has observed that large numbers of specimens of species included in Appendix I and declared as "bred in captivity" are sold commercially on a regular basis by non-registered breeding operations. In particular, there is a great deal of trade in specimens belonging to the species of psittacines listed in Appendix I, very easily and commonly reproduced in captivity, although no operation has been registered by the Secretariat. The majority of the time, these birds are produced in small quantities by private individuals and marketed by wholesalers. A basic problem is that criteria are lacking for defining the term, "bred in captivity for commercial purposes".

#### Recommendations

1. Before issuing a "bred in captivity" certificate, the Parties should require the applicant to provide indisputable evidence

that a specimen comes from a breeding operation that complies with the criteria laid down by Resolution Conf. 2.12. In particular, that the specimen is either second-generation offspring or, if the specimen is first generation (F1), the operation regularly breeds second-generation offspring or the breeding stock is managed in a way which has been proved to reliably produce two generations in a controlled environment. These criteria should be applied strictly, particularly in the case of specimens that are not present in a wild state in the country concerned.

2. Where all specimens of an Appendix-I species from a particular country originate only from breeding operations, the Animals Committee should recommend either the deletion of that particular species from the appendices, or the transfer of the species from Appendix I to Appendix II.
3. The Parties should direct the Animals Committee to provide, for the next meeting of the Conference of the Parties, recommendations for a draft resolution which would better define the term "breeding for commercial purposes".

#### Examples in Part 2

NUMBERS: 1, 3, 4, 11, 14, 17, 19, 20, 46, 65, 91, 101, 102.

#### Section 5: Irregular Issuance of Certificates of Artificial Propagation

As in past years, many countries continue to permit the export of wild-collected Appendix-I and Appendix-II plants, with documents stating that these plants were artificially propagated. Several countries have confiscated consignments containing up to 1500 wild-collected orchids or cacti, accompanied by documents referring to artificial propagation. In many cases, requests, either by the Secretariat or importing countries, to exporting countries for additional information were left unanswered for at least several months. In other instances, the exporting country indicated that the nursery was artificially propagating these plants. This statement was many times based only on a statement made by the nursery. In other cases, the exporting country indicated that the outgoing shipment had been inspected, but it turned out later that this had not been the case, or that the inspector was not skilled enough to distinguish between wild-collected plants and artificially propagated ones.

Because of the delay in receiving responses to enquiries, and despite experts' opinions that the plants were wild-collected, the importing country was forced, as a result of judicial proceedings, to release the plants to the importer. However, in many other cases, the whole shipment or part of it, was confiscated by the authorities of the importing country.

Because of the very high volume of trade in artificially propagated plants, several countries use the phytosanitary certificate as a certificate of artificial propagation, in accordance with Resolution Conf. 4.16. However, some traders, in particular those who trade frequently in legally imported wild-collected plants, also use this certificate for the re-export of these wild-collected plants, instead of a re-export certificate, as required.

In accordance with Resolution Conf. 4.16, the Secretariat has received information on the valid use of the phytosanitary certificate as a certificate of artificial propagation from Belgium (Notification No. 315), Denmark (Notification No. 351), Germany (Notification No. 490), Italy (Notification No. 363), Luxembourg (Notification No. 600), and the Netherlands (Notification No. 325). However, the Secretariat has received information that phytosanitary certificates are also used for exports from other countries. This was possibly encouraged by importers from the countries which use the phytosanitary certificate for the export of these CITES plant specimens.

#### Recommendations

Regarding exports of artificially propagated plants:

1. Parties should regularly verify claims of artificial propagation by nurseries, and pay special attention to the definition of 'artificial propagation' in Resolution Conf. 2.12.
2. Parties should consult the Secretariat in case of doubt regarding the correct interpretation of Resolution Conf. 2.12 and other Resolutions pertaining to the CITES trade in plants, or the validity of export and re-export documents.
3. Exporting Parties should ensure that, in their national legislation, measures are included to allow nurseries to be either prosecuted or stopped from future exporting when they have exported wild-collected plants which are claimed to be artificially propagated.

4. Exporting Parties should only issue export documents certifying plants as "artificially propagated" only after inspection of the shipment concerned.
5. Exporting Parties should respond immediately, and with all necessary detail, to requests for information from other countries, in order to facilitate efforts by importing countries which are attempting to assist the exporting countries in the protection of their native flora.

Regarding the use of phytosanitary certificates:

6. Parties should consider permitting the use of phytosanitary certificates only when they have a very large volume of artificially propagated plants for export.
7. Parties should immediately inform the Secretariat about the use of phytosanitary certificates and provide specimens of documents, seals and/or stamps used.
8. Parties should determine which nurseries or traders are regularly importing wild-collected plants, and verify that they do not abuse phytosanitary certificates for the re-export of these wild-collected plants.
9. If a Party does not, as a matter of policy, use phytosanitary certificates for the export of CITES plant specimens, the Management Authority should inform the Plant Health Service of that country accordingly, in order to prevent the export of the plants without proper CITES documentation.

Examples in Part 2

NUMBERS: 124, 126.

Section 6: Non-Application of Resolutions

A) Trade in live animals

Resolution Conf. 7.3, adopted unanimously, recommends that Parties include on the CITES documents they issue for live animals the statement, "this document is only valid if the transport conditions conform to CITES Guidelines for the Transport of Live Animals or, in the case of air transport, to the IATA Live Animals Regulations". The reason for this is to increase the possibility for importing Parties (and countries of transit), even if they do not have adequate national legislation on conditions of transport, to confiscate live animal shipments which are not transported under proper conditions. Such confiscation would be based on the fact that the shipment was not accompanied by valid documents.

However, to the Secretariat's knowledge, no more than a dozen Parties have applied this recommendation, despite its having been adopted without objections.

B) Consulting the Secretariat before printing new permits

Resolution Conf. 7.3 advises Parties to consult the Secretariat before printing or modifying their permit and certificate forms. Few Parties have consulted the Secretariat on this matter.

C) Changes made to CITES documents

Resolution Conf. 7.3 recommends that Parties not accept CITES documents which have been altered, modified, or crossed out in any manner, unless the latter have been authenticated by a stamp and a signature.

Despite this recommendation, some Parties have altered, modified, or crossed out documents without authenticating these modifications with a stamp and a signature, and some of these documents have been accepted by other Parties.

Examples in Part 2

NUMBER: 113.



D) Transit

Article VII, paragraph 1, of the Convention provides that Articles III, IV, and V shall not apply to specimens in transit or transshipment. However, in the interest of encouraging the passage of stricter domestic measures, Resolution Conf. 7.4 recommends that Parties inspect shipments in transit, confirm the presence of valid documentation and adopt legislation allowing authorities to seize and confiscate transit shipments unaccompanied by such documentation.

As in the past (see report on alleged infractions, Doc. 7.20), the Secretariat has observed that a large number of shipments contravening the Convention have been discovered during transit controls. This demonstrates the importance of the application of the resolution by the Parties. Despite this, the Secretariat has been informed that many illegal transit shipments have crossed the territory of Parties without being controlled or, when an inspection has been carried out, have continued their journey because the Party concerned did not have a sufficient legal basis for seizing the shipment.

With the exception of Parties which had adequate national legislation for control of transit in 1989, only Switzerland and Hong Kong have informed the Secretariat of new transit legislation and regulations.

Examples in Part 2

NUMBERS: 2, 4, 6, 7, 10, 18, 22, 23, 25, 27, 30, 35, 36, 41, 52, 54, 56, 62, 66, 68, 75, 77, 87, 90, 91, 93, 96, 99, 104, 108, 119, 127.

E) Retrospective issuance of CITES documents

Although not as great a problem as in prior years, the retrospective issuance of CITES permits and certificates continues to occur without proper justification, resulting in abuses in the system of documents provided by the Convention. Resolution Conf. 6.6 generally recommends that CITES permits and certificates not be issued retrospectively, and adds specific criteria which apply to the few exceptions to this recommendation. Principal among these criteria are that Management Authorities of both the importing and exporting countries must be in agreement regarding the issuance of such a document, the reasons for its retrospective issuance be given, and that any error(s) which resulted in the issuance of the document not be attributable to the traders involved. The Resolution further recommends that the Secretariat be provided a copy of the document for monitoring purposes.

The system of permits and certificates under CITES provides for a series of checks, prior to the actual shipping of the goods. Retrospective issuance of documents, except under the conditions noted above and in Resolution Conf. 6.6, negates the benefits of these checks, and results in a Management Authority "legalizing" a shipment that would have otherwise been illegal. The Management Authority of the importing country is placed in the difficult position of having to return seized goods to the importer. Unless strictly controlled, the issuance of retrospective CITES documents by a Party could create a dangerous precedent, whereby exporters would ignore the requirements of the Convention when trading in CITES specimens. In case their goods were seized, the traders involved could depend on a retrospective document then being issued by the Management Authority of export.

Recommendation

All Parties should strictly apply the criteria of Resolution Conf. 6.6, before considering issuing retrospective permits or certificates.

Examples in Part 2

NUMBERS: 25, 69, 95, 109, 115, 120.

F) Control of Appendix-I tourist souvenirs

Resolution Conf. 4.12 urges that the Parties vigorously enforce the provisions of Article III of the Convention, with regard to tourist souvenirs of Appendix-I specimens.

On several occasions, staff members of the Secretariat on mission have seen specimens of Appendix-I species in shops, which were evidently destined for the tourist market. Examples of such specimens on sale include:

1. Ivory in Thailand, Spain, Senegal, and Macao;

2. Sea-turtle shell or products of sea turtle in Indonesia and the Dominican Republic;
3. Cat skins in Guinea;
4. Handbags and other products containing *Crocodylus niloticus* in Togo and Burkina Faso;
5. *Paphiopedilum* (originating in Thailand, Myanmar and Lao People's Democratic Republic) on the Bangkok flower market.

While the internal trade in CITES specimens is not regulated by CITES, it is clear that Appendix-I specimens are many times sold to tourists. As a result, a violation of the Convention occurs when the specimens are shipped, unaccompanied by CITES documentation, from the country of origin to the country of residence.

#### Recommendations

A Party that permits the domestic sale of Appendix-I parts or products should notify tourists by widespread publicity, of the illegality of exporting the items from the country. This can be accomplished through media campaigns, posted notices in Customs entry locations, and the tagging of Appendix-I parts and products with a warning that their export is prohibited by the Convention without proper CITES import and export documents.

#### G) Trade with non-Parties

Resolution Conf. 3.8 discusses the risks of trade with countries that are non-Parties to the Convention, and recommends that documents issued by non-Parties not be accepted unless they contain information that is comparable to that required in permits and certificates issued by Parties to the Convention.

In addition to comparable documentation, non-Parties are occasionally required to provide additional information to the Secretariat or importing Parties, before a shipment of CITES specimens can be accepted. This is particularly true for live specimens that are being sold as captive-bred or artificially propagated. The Secretariat is aware of numerous "zoos", "breeding facilities", and "nurseries" that have been determined to be nothing but laundering facilities for wild-caught or wild-collected specimens of Appendix-I species. In addition, non-native Appendix-II specimens of wild origin have also been claimed as captive-bred or artificially propagated, in order to conceal the fact that they have been smuggled from other countries.

#### Recommendations

1. All Parties should strictly apply the criteria of Resolution Conf. 3.8, before trading in specimens of CITES species with non-Parties.
2. The recommendations contained in the draft resolution, "Trade with States not party to the Convention" (document Doc. 8.54) should be given the highest consideration by the Parties.
3. Parties should regularly check with the Secretariat the acceptability of documents provided by non-Parties for CITES trade.
4. To prevent abuses of the exemption for captive-bred or artificially propagated specimens provided by the Convention, the provisions of Resolution Conf. 2.12 should be strictly applied to trade in such specimens with non-Parties.

#### Examples in Part 2

NUMBERS: 2, 3, 4, 14, 20, 23, 46, 53, 63, 69, 70, 73, 81, 94, 99, 119, 131.

#### Recommendation for all Subsections of Section 6

The Parties should not continue to adopt resolutions (often without objections) when they have prior knowledge that the majority of the Parties are either unable or unwilling to implement the recommendations contained in the resolutions.

## Section 7: Invalid Documents

Several Parties regularly consult the Secretariat regarding the validity of the permits and certificates which they receive. Although this is an additional workload for the Secretariat, these requests have enabled the Secretariat to discover that some Parties:

1. regularly issue documents which do not comply with the Convention or with the Resolutions of the Conference of the Parties, while others occasionally issue such documents for obscure reasons. The issuance of invalid documents is many times a result of:
  - a) inadequate knowledge of the text of the Convention and Resolutions, or of species included in the CITES appendices;
  - b) inadequate information provided by the exporter; or
  - c) possible corruption or political and administrative pressure.
2. accept documents which do not comply with the Convention or with the Resolutions of the Conference of the Parties. The acceptance of such documents is either intentional, because CITES authorities did not carry out a thorough enough inspection of the documents, or arises because photocopies of the documents were initially accepted in order to issue an import authorization, and authorities later failed to check the original documents that were submitted with the shipment.

The decision by Parties to consult the Secretariat regarding the validity of permits has revealed the existence of illegal trade networks that are organized on an international scale, as trade controls in a single Party are many times insufficient to discover the depth and complexity of such networks. With this knowledge the Secretariat has been able to assist the Parties in curtailing the illegal activity. In addition, such consultations have enabled the Secretariat to discover that documents refused by one Management Authority were subsequently presented to a second Management Authority. In spite of these benefits to CITES implementation, however, some major importing Parties consult the Secretariat only very rarely. A later examination of the annual reports of these Parties has sometimes revealed that large numbers of invalid documents have been inadvertently accepted.

Some Parties consult the Secretariat about the validity of permits only after the goods have been imported. When the Secretariat informs such Parties that the document is invalid, no further action can be taken, as national legislation does not provide for confiscation of the goods after they have been imported.

### Recommendations

1. When requested by the Secretariat, the Parties should regularly send copies of all export permits they have issued, in order to make permit confirmation by the Secretariat more efficient. This is already being done by several Parties in South America and Africa.
2. When requested by a particular Party or the Secretariat, other Parties should ask for confirmation of the validity of all export permits issued by that particular Party or a Party specified by the Secretariat.
3. Parties which import specimens covered by the Convention or inspect shipments while in transit, should immediately inform the Secretariat when any CITES documents accompanying the shipment are discovered to be false or otherwise invalid.

### Examples in Part 2

NUMBERS: 1, 2, 3, 4, 6, 7, 11, 12, 13, 21, 22, 25, 26, 32, 50, 53, 55, 56, 58, 59, 63, 67, 68, 70, 72, 73, 81, 94, 105, 106, 107, 110, 111, 112, 113, 114, 115, 117, 118, 128, 130, 133, 134.

## Section 8: Large-Scale or Elaborate Fraud

### A) Reptile skins from Nigeria

Given the fact that the Management Authority of Nigeria has not, except on very rare occasions, issued any valid export permits for reptile skins, and that the commercial export of reptile skins has been forbidden for a number of years, it is likely that the majority of merchandise for which Nigeria is indicated as the country of origin is illegal. The only exception would be where stocks of reptile skins have been confiscated by certain countries (such as France) and, in accordance with the Convention and the Resolution Conf. 4.18, have been auctioned by the governments concerned.

#### Recommendation

Parties should consult the Secretariat before accepting or issuing a re-export certificate that indicates the country of origin as Nigeria. If the original Nigerian export permit that is indicated on the re-export certificate is found to be illegal, the Parties should refuse to accept or issue such a document.

#### Examples in Part 2

NUMBERS: 7, 12.

### B) Caiman skins from Bolivia

Despite the fact that the Secretariat cited a case of illegal trade involving the use of a Bolivian permit (no. 344) in the Report on Alleged Infractions to the last meeting of the Conference of the Parties, the skins indicated in this invalid document continued to enter into trade. Due to inadequate inspections of both the documents and the shipments, the number of these skins documented as having been unlawfully entered into trade has actually increased. The technique of "laundering" illegal specimens (particularly from non-Parties), by combining them with legally traded specimens, can result in a highly sophisticated form of trafficking.

#### Recommendations

1. Parties should examine the techniques of fraud presented in this report and inform their CITES enforcement authorities accordingly, in order to ensure that these techniques have not been used in recent trade and will not be successfully utilized in the future.
2. Parties should refuse to issue or accept re-export certificates which indicate Bolivian permit no. 344 as the original export document.
3. Parties should consult the Secretariat before issuing any re-export certificates that indicate Bolivia as the country of origin.

#### Example in Part 2

NUMBER: 6.

### C) Fraud by post

The Secretariat has often informed the Parties of infractions involving the use of the postal system. Through the vigilance of some countries, many cases involving live plants and animals, as well as their products, have been uncovered, including the first evidence of illegal shipments of live animals by express courier service. The Management Authority of Denmark recently held a training seminar for postal employees working at a Customs centre for international mail and, the following week, a consignment was confiscated. The Secretariat is convinced that the cases discovered account for only a tiny fraction of the shipments of CITES specimens that are unaccompanied by valid documents and are shipped via the postal systems and express courier services.

#### Recommendations

1. When training postal employees and those agents responsible for checking express consignments, Parties should include information on infractions of CITES and their detection.

2. Parties should reinforce controls on parcel post and express consignments, particularly through the use of X-ray machines, where available.

#### Examples in Part 2

NUMBERS: 8, 76, 84, 86.

### Section 9: Conditions of Transport

Although at every meeting the Conference of the Parties has adopted resolutions on the conditions of transport for live animals, a great many Parties still fail to respect the obligations of the Convention (Articles III, IV, V and VII) to issue CITES permits only if the Management Authority is satisfied that the live specimens will be prepared for transport and shipped in such a way as to minimize the risk of injury, damage to health or cruel treatment.

Resolution Conf 7.13 was unanimously adopted at the seventh meeting of the Conference of the Parties but, to the Secretariat's knowledge, the number of Parties actually implementing points b) - h) of the Resolution is very small. As some of these points only reflect the actual text of the Convention, the Secretariat is very concerned that they have not been effectively applied.

Many Parties have advised the Secretariat that point c) of the Resolution (use of a container checklist) raises technical, legal and financial problems which are difficult, if not impossible, to resolve. The Secretariat understands only too well the objections of these Parties. However, if this is the case, Parties should abstain from adopting resolutions or provisions that they know they can not implement.

Certain airline companies, generally those that have made the most effort in applying the IATA Live Animal Regulations, have recently decided to refuse to transport some, or even all, categories of live animals. As a result, other airlines not accustomed to handling this type of freight, and which appear to pay very little attention to the IATA regulations, are transporting live animals, sometimes in quite appalling conditions.

The transport of live animals on aircraft as accompanied baggage also often causes problems. In practice, it is the airlines and not the passengers, that are usually provided with information concerning IATA regulations. Therefore, IATA recently reminded its members that the regulations also apply to this type of transport.

#### Recommendations

1. Parties should ascertain, before issuing a CITES permit or document, that the preparation for shipment and the conditions of transport for live animals comply with the provisions of the Convention. Anyone requesting a CITES document for the shipment of live specimens should supply a detailed description of the manner in which the live specimens will be prepared for shipment and transported.
2. Parties should seize and confiscate immediately any shipment of live specimens not transported in conditions that comply with the provisions of the Convention and the Resolutions of the Conference of the Parties.
3. Parties should strictly apply Resolution Conf. 7.13. If they determine that implementation of any part of this Resolution is not possible by the majority of the Parties, they should amend it accordingly.

#### Examples in Part 2

NUMBERS: 27, 30, 52, 54, 62, 64, 71, 75, 90, 91, 93.

### Section 10: Significant Prosecutions or Seizures

Through information received from the Parties and other sources, the Secretariat has been made aware of enforcement efforts by CITES authorities that have resulted in significant prosecutions or seizures. The Secretariat is encouraged by the fact that the courts in certain States consider CITES violations to be of a serious nature and, as a result, violators have received significant penalties.

Unfortunately, information the Secretariat receives on successful prosecutions is greatly outweighed by information on cases

where defendants either receive light penalties or where no prosecution occurs, in spite of the serious nature of the violations. In many cases, this problem is a direct result of the lack of national legislation to implement the Convention in a particular country. Compliance with CITES can not be expected to occur in the absence of penalties for those individuals who violate its provisions. Highly sophisticated smugglers base their illegal operations in countries where the lack of CITES legislation creates an opportunity to continue their activities at minimal or no risk.

#### Recommendations

1. Parties should continue to advise the Secretariat of investigations which have resulted in seizures of illegally traded specimens of CITES species or prosecutions of individuals involved in CITES violations.
2. Parties lacking legislation for implementation of the Convention should make their legislatures aware of the non-existent penalties for violations of CITES.

#### Examples in Part 2

NUMBERS: 8, 24, 28, 33, 35, 36, 37, 39, 42, 43, 45, 47, 49, 61, 78, 89, 96, 98, 99, 100, 104, 121, 122, 125, 135.

### Section 11: Other Implementation Problems

#### A) Circuses and other travelling exhibitions

The Secretariat has observed that, in the case of circuses, infractions of the Convention and disregard for the Resolutions have reached alarming proportions. Most countries apply few CITES controls to circuses and, as a result, they have been able to travel between European countries without undergoing Customs inspections of any CITES specimens and accompanying documents. This problem appears to be spreading; since August 1991, the Secretariat has been notified of more than a dozen infractions involving circuses.

#### Recommendation

The Parties should consider adoption of either one of the draft resolutions contained in Annexes 2 and 3 of Part 1 of this document, or of a similar document that addresses the problems concerning the international movement of live animals in circuses and other travelling exhibitions. The draft resolution in Annex 2 is submitted by the Animals Committee, and the draft resolution in Annex 3 contains certain changes, suggested by the Secretariat, to the draft resolution presented in Annex 2.

#### Examples in Part 2

NUMBERS: 4, 13, 17, 21, 22, 25, 93.

#### B) National quotas

The Preamble of the Convention is very clear when it says that States are and should be the best protectors of their own wild fauna and flora, and that international co-operation is essential for the protection of certain species from over-exploitation through international trade.

Several Parties, in accordance with the provisions of Article IV, paragraph 3, of the Convention, establish national export quotas for some of their species included in Appendix II (or Appendix III), in order to maintain viable wild populations of these species throughout their national ranges.

The Secretariat has observed that most of these countries have not informed the importing countries or the Secretariat of their established national export quotas for certain species. This lack of communication results in the inability of the Secretariat and other countries to assist in the enforcement of these conservation measures.

#### Recommendations

1. All Parties which establish national export quotas for a species included in Appendix II or Appendix III should communicate the quota information for that species to the Secretariat and, whenever possible, to the main importing countries.

2. For any CITES export permit that indicates a species having a national quota, the total quota for the species should be noted, as well as the total number of specimens exported during the quota year. See document Doc. 8.34 Annex, recommendation j), regarding the presentation of quota information in the recommended model for a new CITES permit form.

C) Exchange of intelligence

By its very nature, international wildlife smuggling involves trade and transit through several countries. CITES enforcement authorities must effectively co-ordinate their activities in apprehending suspects involved in violations of the Convention, using various intelligence information that may be only available from several Parties. Many of the successful CITES enforcement efforts undertaken since the last meeting of the Conference of the Parties have been a direct result of such co-ordination. The Secretariat is greatly encouraged by these efforts, and is also convinced that they can be increased by the Parties. This is particularly true in cases where shipments are seized or confiscated by an importing Party. It is essential that the (re-)exporting Party be notified of the illegality of the shipment as soon as possible, and be provided with all relevant information.

The Secretariat provides information on alleged infractions of the Convention in two main ways. First, information that is received that involves current (ongoing) infractions is considered "active" information, and is immediately disseminated to appropriate CITES authorities for enforcement action. Any subsequent investigation by the Parties is monitored by the Secretariat, and considered for inclusion in the report on alleged infractions at the next meeting of the Conference of the Parties. Secondly, information on illegal activities of suspects is also retained at the Secretariat, in order to provide background information to CITES enforcement personnel, should the Secretariat receive an enquiry on a particular individual or firm.

The Secretariat has been concerned that information that it has received, requiring rapid enforcement action by the Parties, has not been reaching the appropriate authorities in a timely manner. In April 1991, the Secretariat distributed Notification to the Parties No. 630, asking that the Parties consider the designation of enforcement contacts to which the Secretariat could refer such information (as well as to the Management Authorities). Only seven Parties responded to this request and provided this additional information. Therefore, the Secretariat must assume that the vast majority of Management Authorities wish to assume sole responsibility for distribution of CITES enforcement information that is received from the Secretariat.

Recommendation

Whenever possible, Parties are urged to provide the Secretariat with available information regarding violations of the Convention and suspects involved in such illegal activities. CITES authorities are also encouraged to query the Secretariat for background information about individuals or firms which are suspected of being involved in violations.

Examples in Part 2

Almost every summary in Part 2 has involved a co-ordinated enforcement effort, either directly between the Parties or by one or more Parties with the Secretariat.

D) Re-exports

Resolution Conf. 7.3 recommends that Parties indicate on their re-export certificates the country of origin of the specimens, the original export permit number and the date of issue of that permit. In addition, it recommends that the country of last re-export, the number of the re-export certificate of that country and the date of issue of that certificate be indicated. Finally, the Resolution recommends that, if the information requested above is not available, the reason for its omission be given.

During the period covered by this report, the Secretariat has received a large number of re-export certificates which name the country of origin of the specimens, but which also specify a permit number which can not be correct for that country. It was determined that, in these cases, either:

1. the country of origin indicated was, in reality, the country of last re-export;
2. the export-permit number provided was actually the number of the re-export certificate of the country of last re-export; or

3. the export-permit number provided was actually the number of an import permit.

In several cases, a re-export certificate appeared to have been issued on the basis of a re-export certificate of another country, which contained incorrect information.

The Secretariat is also concerned about the volume of trade involving re-export certificates that are based upon old original export permits. In spite of the fact that specimens on the re-export certificate are traded in high volume and reach their final destination in trade rapidly, some certificates are based upon original export permits that are several years old. As the age of an export permit increases, so does the potential for unscrupulous traders to use the document as a basis for laundering illegally obtained specimens of CITES species. Neither the Secretariat nor the Parties currently have the capability for tracking the history of re-export certificates that are based upon a single export permit. Therefore, many Management Authorities are unknowingly issuing re-export certificates that are based upon an export permit for CITES specimens, particularly for Caiman spp. or Varanus spp., that long ago reached their final destination in trade. At times, the type of specimens involved in the re-export may even be totally different from those on the original export permit noted on the certificate.

#### Recommendations

1. Re-export certificates should closely follow the recommendations made in Resolution Conf. 7.3. Parties should reject certificates which do not comply with these recommendations.
2. As re-export is probably the type of trade most subject to fraud, it is essential that all Parties check the validity of the re-export certificate they accept. Before issuing re-export certificates, Management Authorities should be satisfied that the original export permit noted on the certificate is for the same specimens of CITES species that have been previously imported by the re-exporting Party.
3. Parties should check with the Secretariat when there are doubts about the validity of a particular original export permit noted on a re-export certificate.
4. Parties should demonstrate caution before accepting re-export certificates that are based on old export permits. In addition, Parties should ask for additional information when specimens on the re-export certificate have been re-exported several times for unclear reasons.

#### Examples in Part 2

NUMBERS: 2, 4, 6, 12, 19, 25, 56, 58, 63, 65, 68, 69, 92, 94, 95, 106, 109, 112, 120.

#### E) Use of internal documents which are based on other international treaties, conventions, or agreements

In previous reports, the Secretariat has pointed out to the Parties the possible illegal use of these internal documents which are based on other international treaties, conventions, or agreements, particularly when they are very similar to CITES documents. The Secretariat is especially concerned about the use of EEC certificates. These documents, which generally bear no date of expiry, are issued by Management Authorities in the EEC, in order to establish the legal origin of specimens (in accordance with EEC regulations on CITES) and to allow free circulation of such specimens within the European Economic Community.

As these are internal documents, the Secretariat would not normally be concerned with their use within the European Economic Community. However, implementation of the Convention is affected because some of these certificates have been presented for import into non-EEC countries. These documents should not be accepted, as they are not valid for trade outside of the EEC.

Member States of the EEC are obliged to recognize the validity of documents issued by any other EEC member State, except for pre-Convention certificates. EEC certificates can therefore be presented to any EEC Management Authority, as a basis for obtaining CITES certificates for re-export to a non-EEC country. There have been several instances where certificates for illegally obtained specimens have been issued by one EEC country and the same documents used to obtain, sometimes successfully, CITES re-export certificates from one or more EEC countries.



### Recommendation

The Parties must take the necessary preventative measures to ensure that no documents issued on the basis of another international treaty, convention, or agreement are used to certify any aspect of the legality of a specimen without sufficient proof. In this manner, such documents are not used to "legalize" the re-export of CITES specimens which were, in fact, obtained illegally.

### Examples in Part 2

NUMBERS: 12, 14, 26, 27, 102, 103, 112, 138.

#### F) Internal controls

The degree of control of international trade in CITES specimens often depends on the presence of national legislation which controls internal trade. Such legislation augments the capability of a Party to enforce the Convention, as it applies to goods that have already entered the country. Full investigative authority for CITES officers at non-border locations, including the powers of search and seizure at businesses and residences, is often quite beneficial to CITES enforcement.

Several Parties have legislation that prohibits possession of specimens that have been imported contrary to the provisions of the Convention. The laws that provide for such prohibition are sometimes specific to CITES, while in other cases (normally provided by Customs laws) may apply to goods that have entered the country in violation of any domestic legislation.

Regulations which control the possession of all CITES specimens by traders also assist the Parties in enforcing the Convention. Such regulations require traders, who may maintain large quantities of CITES specimens in their businesses, to provide documentation which shows that the specimens were legally imported.

### Recommendations

1. Parties should enact legislation which prohibits the possession of CITES specimens that have been traded contrary to the Convention.
2. National legislation for internal control of CITES specimens should also provide for enforcement powers to officers who are specifically concerned with CITES implementation. Legislation that might contain wide-reaching measures for CITES enforcement will never reach its full potential, unless authority to enforce the legislation is given to appropriate personnel.

Examples in Part 2 [both strong and weak internal controls; see also Part 1, Section 6(F), Control of Appendix-I tourist souvenirs]

NUMBERS: 1, 4, 11, 24, 31, 42, 50, 78, 92, 104, 118, 127, 131, 132.

#### G) Return of live specimens

Article VIII, paragraph 4(b), states that specimens confiscated by an importing State shall, after consultation with the State of export, be either returned to that State, a rescue centre, or to another location to which the importing country deems to be appropriate.

Resolution Conf. 7.6 further recommends that live specimens of Appendix-II or Appendix-III species arriving in a country without proper CITES permits be confiscated, or returned to the Management Authority of the country of origin or re-export. If confiscation is not possible, the Resolution recommends that, only under certain conditions should the specimens be returned immediately to the (re-)exporter.

Prior to live CITES specimens being returned to the country of (re-)export, the importing and (re-)exporting Parties should consult with each other as needed, in order to comply with the text of the Convention, as well as the recommendations provided by Resolution Conf. 7.6 and other related Resolutions. In some instances, this has not been the case.

### Recommendations

1. CITES specimens that have either been confiscated or refused entry by an importing country should not be returned to the country of (re-)export without prior arrangements being made with the Management Authority of that country.
2. (Re-)exporting Parties should respond promptly to enquiries from an importing Party, regarding the return of live CITES specimens.

### Examples in Part 2

NUMBERS: 27, 64, 90.

### H) Reservations

Resolution Conf. 4.25 recommends that any Party having entered a reservation regarding a species transferred from Appendix-II to I should treat that species as if it remained in Appendix II for all purposes, including documentation and control. The Resolution further recommends that Parties should maintain records of such trade, as part of their annual reports. If it does not disclose the level of trade in specimens of Appendix-I species, a reserving Party serves as an access point for illegal trade from countries that have not entered a similar reservation. Such trade may continue for several years without ever being discovered.

### Recommendations

1. Parties that have entered reservations on Appendix-I species should strictly follow the guidelines of Resolution Conf. 4.25.
2. Parties that have entered reservations on Appendix-I species should, on a regular basis, evaluate the need for such reservations, as well as their effects on implementation of the Convention by other Parties.

### Example in Part 2

NUMBER: 103.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Submission of Annual Reports

NOTING that Article VIII, paragraph 7(a), of the Convention, requires the Parties to provide an annual report of all trade in specimens of species which are listed in the CITES appendices;

NOTING that Resolution Conf. 2.16, adopted at the second meeting of the Conference of the Parties (San José), recommends that annual reports be submitted no later than 31 October of the year following the year for which a report was due;

RECALLING that several past Resolutions have addressed the importance of the submission of annual reports by the Parties, in order to monitor the levels of such trade effectively;

CONCERNED that, in spite of recommendations by the Parties and the Secretariat for the submission of annual reports on time and following guidelines for the preparation of such reports, certain Parties have not done so, resulting in incomplete or inaccurate annual trade information being provided to the Parties;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

DECIDES

- a) that, beginning with the 1991 annual report, the Secretariat will communicate to the Parties, no later than 60 days after the deadline fixed in Resolution Conf. 2.16, the list of Parties which have not submitted their annual reports, unless an extension has been granted; and
- b) that the Secretariat can approve a valid request from a Party for a reasonable extension of time to the deadline for the submission of annual reports fixed in Resolution Conf. 2.16, provided a Party submits such a request, containing adequate justification, to the Secretariat before that deadline; and

RECOMMENDS

- a) that Parties not accept any CITES documents, including import permits, export permits, or re-export certificates, from Parties which have not submitted annual reports, as communicated by the Secretariat, with the exception of those Parties which have been granted an extension, until the extension expires; and
- b) that, within 30 days of receiving an annual report from a Party listed by the Secretariat as not having submitted an annual report, the Secretariat will notify the Parties that the recommendation noted in a) of this section no longer is in effect for that Party.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Travelling Wildlife Exhibitions

CONSIDERING that Article VII, paragraph 7, of the Convention provides that a Management Authority of any State may waive the requirements of Articles III, IV and V and allow the movement without permits or certificates of specimens which form part of a travelling zoo, circus, menagerie, plant exhibition or other travelling exhibition provided that:

- a) the exporter or importer registers full details of such specimens with that Management Authority;
- b) the specimens are in either of the categories specified in paragraph 2 or 5 of Article VII; and
- c) the Management Authority is satisfied that any living specimen will be so transported and cared for as to minimize the risk of injury, damage to health or cruel treatment;

NOTING that the application of these measures poses problems of a technical nature and is a source of fraud;

CONSCIOUS that, taking into account the special character of these establishments, it is not always desirable to submit them to all of the procedures provided for in Articles III, IV and V of the Convention;

DESIRING, however, that permissible exemptions not be taken advantage of to avoid the necessary measures for the control of international trade in specimens listed in the appendices to the Convention;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) that each Party issue to travelling wildlife exhibitions based in its State and wishing to travel to other State, a pre-Convention certificate or a bred-in-captivity certificate, as appropriate, for each individual specimen of animal travelling to another State;
- b) that pre-Convention and bred-in-captivity certificates issued for travelling wildlife exhibitions be valid for a period of five years to allow multiple imports, exports and re-exports of the individual specimens of a wildlife exhibition;
- c) that Parties consider such pre-Convention of bred-in-captivity certificates proof that the individual specimens have been registered with the issuing Management Authority and allow the movement of such specimens across their borders;
- d) that Parties not collect the pre-Convention or bred-in-captivity certificates issued for each specimen of the travelling wildlife exhibitions at their borders but allow the documents to remain with each specimen and be considered valid for export or re-export from each Party;
- e) that Parties check these establishments closely, both for export and for import and note especially whether live specimens are transported and cared for in a manner that minimizes the risk of injury, damage to the health or cruel treatment;
- f) that Parties require that specimens be marked with microchip implants when appropriate or other source methods to mark and identify the Appendix-I or Appendix-II specimens used in travelling exhibition or circus; and
- g) that when, during a stay in a State, an animal or plant in possession of an establishment dies or gives birth, the Management Authority of the State where the event occurs shall be notified and in the case of birth shall issue the appropriate CITES document. In the case of death, the certificate shall be returned to the issuing Management Authority.

PROPOSED AMENDMENTS TO THE DRAFT RESOLUTION  
ON TRAVELLING EXHIBITIONS

The amendments are shown with red line (for addition) or ~~deletion~~

Travelling ~~Wildlife~~ Animal Exhibitions

CONSIDERING that Article VII, paragraph 7, of the Convention provides that a Management Authority of any State may waive the requirements of Articles III, IV, and V and allow the movement without permits or certificates for ~~of~~ pre-Convention or bred in captivity specimens which form part of a travelling zoo, circus, menagerie, ~~plant exhibition~~ or other travelling animal exhibition (hereinafter referred to as an exhibition) provided that:

- a) the exporter or importer registers full details of such specimens with that Management Authority;
- b) the specimens are in either of the categories specified in paragraph 2 or 5 of Article VII; and
- c) the Management Authority is satisfied that any living specimen will be so transported and cared for as to minimize the risk of injury, damage to health or cruel treatment;

NOTING that the application of these measures poses problems of a technical nature and is a source of fraud;

~~CONSCIOUS that, taking into account the special character of these establishments exhibitions, is not always desirable to submit them to all of the procedures provided for in Articles III, IV and V of the Convention;~~

DESIRING, however, that ~~permissible~~ exemptions provided by the Convention not be ~~taken advantage of~~ used to avoid the necessary measures for the control of international trade in specimens listed in the appendices to the Convention;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) that each Party issue to ~~travelling wildlife~~ an exhibition based in its State and wishing to travel to ~~another States~~, a pre-Convention certificate or a bred in captivity certificate, as appropriate, for each individual specimen of animal travelling to ~~another States~~. The certificate should include in box 5, or another box if the standard permit form is not used, the following language: "The specimen covered by this certificate belongs to a travelling animal exhibition. If the specimen leaves the possession of the exhibition, this certificate must be immediately returned to the issuing Management Authority";
- b.1) that pre-Convention and bred-in-captivity certificates issued for ~~travelling wildlife~~ exhibitions be valid for a period of ~~five~~ three years to allow multiple imports, exports and re-exports of the individual specimens of an ~~wildlife~~ exhibition;
- b.2) that, in order to avoid any problem concerning the implementation of Resolution Conf 5.11, pre-Convention certificates for exhibitions be issued only when the specimens have been acquired before 1 July 1975 or before the date of inclusion of the species concerned in any of the appendices to the Convention;
- c) that Parties consider such pre-Convention or bred in captivity certificates as proof that the individual specimens have been registered with the issuing Management Authority and allow the movement of such specimens across their borders;
- d) that Parties not collect the pre-Convention or bred in captivity certificates issued for each specimen of the ~~travelling wildlife~~ exhibitions at their borders but allow the documents to remain with each specimen and be considered valid for export or re-export from each Party;
- e) that Parties check ~~establishments~~ exhibitions closely, both for export and for import and note especially whether live specimens are transported and cared for in a manner that minimizes the risk of injury, damage to health or cruel

treatment;

- f) that Parties require that specimens be marked in accordance with Resolution Conf. 8.XX (document Doc. 8.33 Annex); ~~with microchip implant when appropriate or other secure methods to mark and identify the Appendix I or Appendix II specimens used in a travelling exhibition or circus;~~
- g) that when, during a stay in a State, an animal ~~or a plant~~ in possession of an ~~establishment dies or~~ exhibition gives birth or is no longer a possession of the exhibition (death, sale, theft, etc.), the Management Authority of the State where the event occurs should ~~shall~~ be notified. In ~~and in~~ the case of birth that Management Authority should ~~shall~~ issue the appropriate document for each new specimen to be used in the exhibition. ~~In the case of death~~ Where the animal is no longer a possession of the exhibition, the original certificates should ~~shall~~ immediately be returned to the issuing Management Authority;
- h) that when, during a stay in a State, a pre-Convention or bred-in-captivity certificate for an exhibition is lost, stolen or accidentally destroyed, only the Management Authority which has issued the document can issue a duplicate. This duplicate will bear the same number and the same date of validity as the original document, and contain the following statement: "This certificate is a true copy of the original"; and
- i) hat the Parties include in their annual reports a list of all pre-Convention and bred-in-captivity certificates issued for exhibitions.

PART 2: SUMMARIES OF ALLEGED INFRACTIONS  
AND OTHER ENFORCEMENT PROBLEMS

Section 1: Major Cases

NUMBER: 1  
REFERENCE: 50003  
TITLE: REPTILES FROM THE NETHERLANDS TO OTHER PARTIES

As a result of an investigation that began in 1989, search warrants were executed by Dutch authorities on the premises of two Dutch reptile dealers. Information gained from the searches indicated that the two dealers had been heavily involved in illegal CITES trade throughout Central and South America, Indonesia, Malaysia, Africa, and Europe. A great deal of documentary evidence was made available to the Secretariat, which sent it to the countries concerned: the Philippines, Sierra Leone, Ghana, Germany, Cuba, the United Republic of Tanzania, Malaysia, Pakistan, Indonesia, and the United Kingdom. The Secretariat asked each country to investigate any potential CITES violations, based upon the documents presented.

The Secretariat received no response from Cuba, Germany, Indonesia, Malaysia, Pakistan, the Philippines, the United Republic of Tanzania or the United Kingdom.

Sierra Leone answered that they had investigated the activities of a person allegedly involved in illegal trade, but they had obtained no evidence of such activity.

The Management Authority of Ghana sent details of companies in that country which had exported wildlife.

In spite of the concern by the Management Authority of the Netherlands to provide relevant information regarding illegal CITES trade and to co-ordinate its investigations with those of other Parties, the Secretariat is not aware of any substantial effort by the Parties involved to actively pursue leads that were provided.

Comments from the Parties

Germany replied that their authorities knew about the reptile dealers before the Secretariat informed the Parties concerned, and that investigations had been made and seizures had taken place, with German and Dutch authorities working together closely.

The Management Authority of the Netherlands replied that it was aware of only the United Kingdom as a Party which actively pursued leads that were provided on this investigation. That effort did not produce results. As the follow-up was considered inadequate for proper implementation, the offer by the Netherlands to submit, at the request of the Parties, all available additional information concerning specific cases still stands.

Secretariat Response

The efforts made by the German authorities in this investigation are greatly appreciated. However, Germany did not inform the Secretariat in a timely manner.

NUMBER: 2  
REFERENCE: 50009  
TITLE: GREY PARROTS FROM MALI TO HUNGARY

In March 1990, the Management Authority of Hungary informed the Secretariat that a Hungarian dealer had asked for authorization to import 50 African grey parrots (*Psittacus erithacus*; Appendix II) from Mali. To support his request, he had presented a Malian re-export certificate, issued to an Austrian trader, which indicated Côte d'Ivoire as the country of origin. As the Management Authority of Hungary refused to authorize the import, the dealer returned two hours later with a copy of an export permit from Mali issued to the Hungarian dealer. On this document, the birds were declared as originating in Mali. The document had been sent by telefax by the Austrian trader.

The birds arrived in Hungary from Mali. The air waybill specified Mali as the country of origin and Belgium as the country of transit. The export permit number was CI 89-5132, which is a Côte d'Ivoire number. The form used was written in German and was believed to be false. The Hungarian Management Authority confiscated the birds and was ready to send back them to Mali.

The Secretariat then contacted the authorities in Mali by telephone. Mali officials declared that the administration which had apparently issued the export document presented in Hungary was not authorized to issue CITES documents, that all CITES documents from Mali were completed in French (not German) and that, as *Psittacus erithacus* does not occur in Mali, they did not want the birds sent back. All the relevant documents were sent to Mali by the Secretariat, but no official reply was received.

Prior to discovering the route taken by the shipment, the Secretariat informed the Austrian Management Authority of the case, in order to ascertain whether the Austrian trader had imported *Psittacus erithacus* from Mali or from Côte d'Ivoire and whether the shipment had been seen in transit in Austria. The Austrian Management Authority replied that they had no records of a shipment of *Psittacus erithacus* from Mali or Côte d'Ivoire.

One and a half months later, the Austrian Management Authority reported that they do not control shipments in transit. The Secretariat asked them to find out whether the Austrian trader had in his possession blank permit forms or a stamp from Mali. The Secretariat also sent to Austria all the relevant documents, except the first permit presented to Hungary which had not been kept by the Hungarian Management Authority. However, no additional information was received from Austria.

As it appeared that permit no. CI 89-5132 had been issued in Côte d'Ivoire for 100 *Psittacus erithacus*, the Secretariat contacted all European Management Authorities to ask if they had any information about this permit. The following was determined:

1. A Côte d'Ivoire permit, CI 89-5132, issued on 11 December 89 had been presented to the Management Authority of Germany, to obtain authorization for the import of 200 *Psittacus erithacus* (175 birds were imported in January 1990).
2. A Côte d'Ivoire permit, CI 89-5132, issued on 13 December 89 (believed to be a false document) had been presented to the Management Authority of Belgium to obtain authorization for the import of 100 *Psittacus erithacus*, naming Mali as the destination.
3. A re-export certificate from Mali had been presented to Belgium to obtain authorization for the import of 100 *Psittacus erithacus*. The certificate cited Côte d'Ivoire as the country of origin, with export permit no. CI 89-5132 (70 birds had been imported in March 1990).
4. A Côte d'Ivoire permit CI 89-5132 had been presented to the Management Authority of the United Kingdom and bore the address of a German trader. This permit appeared to be the same one presented to the Management Authority of Germany. No import was allowed.

The Secretariat is grateful to the Management Authority of Hungary, which was very helpful in clarifying the circumstances relating to this case, and also to the other European Management Authorities. It is nonetheless unfortunate that, so far as the Secretariat is aware, no legal action has been taken against the perpetrator of this fraud.

#### Comments from the Parties

Germany replied that the original export permit CI 89-5132 for the export of 200 specimens of *Psittacus erithacus*, had been presented to German authorities. On 26 January 1990, 175 (not 75; number corrected in summary) specimens were imported. As the original and copy of the export document presented were in accordance with sample comparable documents from Côte d'Ivoire, there was no reason to conduct an investigation against the importer.

Austria replied that the Management Authority tried to obtain specimens of relevant documents from Hungary, but received no response. The Austrian trader involved was brought before the Administrative Court in Austria, but was found not guilty, due to lack of evidence.

#### Secretariat Response

The Secretariat had sent Austria copies of all relevant documents available. If original documents were required for prosecution purposes, and if Austria had received no reply from Hungary for such documents, the Secretariat should have been consulted for assistance. In addition, the Secretariat requested, but was not provided, the result of Austria's investigation into this matter.



NUMBER: 3  
REFERENCE: 50026  
TITLE: PSITTACINES FROM GRENADA

After the re-establishment of Grenada Zoo in 1989, the Secretariat had reason to believe that illegal trade in psittacines from Grenada markedly increased. In some cases, birds allegedly smuggled from Guyana or other countries were illegally re-exported. The Secretariat also had documentation indicating that smuggled birds were certified as captive-bred at the Grenada Zoo and then re-exported both to Parties and to non-Parties. Exports and re-exports from Grenada, similar to those described above, increased in 1990 and 1991 to the point where, on 11 February 1991, the Secretariat again wrote to the Grenadian Government, this time addressing the letter to the Permanent Secretary for the Ministry of Agriculture. The Secretariat detailed its concerns regarding the fact that, while a non-Party, Grenada was not respecting the goals of CITES. The Secretariat warned that CITES trade sanctions against Grenada were being considered. No response to the letter was received by the Secretariat. At the twenty-third meeting of the Standing Committee, the Committee recommended that Notification to the Parties no. 637 be issued, calling for trade restrictions by the Parties in all CITES trade with Grenada. This recommendation was to remain in effect until the Secretariat was satisfied that the Government of Grenada had provided evidence that Grenada, as a non-Party engaged in CITES trade with Parties to the Convention, agreed to respect the philosophy and objectives of CITES.

Since the date of the Notification, actions by the Government of Grenada have been very encouraging. Wildlife at the Grenada Zoo has been confiscated by authorities in that country and strong legislation has been passed regarding exports of wild birds from that country. The Secretariat acknowledges and appreciates the efforts made by authorities from the Grenadian Government, the Management Authority and the Scientific Authorities of the United States of America, and several NGOs, including the Grenada SPCA and the Raptor Rehabilitation and Propagation Project.

NUMBER: 4  
REFERENCE: 50149  
TITLE: CHIMPANZEES FROM UGANDA TO EUROPE

In September 1990, the Management Authority of the USSR informed the Secretariat that it had received a request for an import permit for four chimpanzees from Uganda and that, before any document had been issued, the animals had been imported into the USSR. Considering that no import permit had been issued, the Secretariat recommended that the animals be confiscated and that the authorities in Uganda be informed. It appears that the transaction had been organized by a Swedish trader operating from Denmark in a deal to exchange the four chimpanzees for one tiger. The primates had been held in an orphanage in Uganda after being confiscated from a smuggler. Although the Ugandan administration wanted to follow the provisions of the Convention, they were instructed to issue an export permit quickly. The document they issued, however, could not be considered as valid because it did not meet the requirements of Article X of the Convention nor the criteria in Resolution Conf. 3.8, had no number, did not indicate the date of expiry and falsely indicated that the specimens were bred in captivity.

All this information was communicated to the Management Authority of the USSR, which decided to confiscate the animals but, because of internal legislation problems, could not implement the decision. Therefore, they instructed the importer to place the animals in a rescue centre while awaiting a final decision. However, this may never have occurred.

Information from the USSR Management Authority indicated that the importer was a US-Soviet joint commercial venture and that the animals were destined for a circus. All the information on the American traders concerned was sent to the Management Authority of the United States of America, but the Secretariat received no response.

The USSR Management Authority has continued, without success, to solve its legislative problems with regard to implementation of the Convention.

The Secretariat contacted the Management Authorities of Denmark, and Sweden and INTERPOL in order to help initiate a prosecution of the Swedish trader. However, there is so far no evidence that he broke the laws in those countries and consequently no further action took place.

In August 1991, the Management Authority of the USSR informed the Secretariat that the four chimpanzees had illegally left the country and that, according to the USSR police, the animals had reached Italy through Yugoslavia. In addition, information indicated that the animals were located in a circus in Rome.

The Secretariat immediately informed the Management Authority of Italy, requesting that an inspection was made and that, if the animals were found, they be seized.

Thanks to TRAFFIC-Europe (Italy office), the Italian authorities rapidly located the four chimpanzees and arranged their seizure. Two gibbons were also seized at the same location. All the animals were then placed in Rome Zoo.

It was discovered that the animals had been illegally imported into Italy, without presentation of any CITES documentation or an EEC import permit (which is required by EEC regulations). In spite of this, at the end of July 1991, the Management Authority of Italy had issued a certificate for the re-export of these four chimpanzees and two gibbons to the United States of America. The re-export certificate stated that the animals were bred in captivity in a zoo in Russia, and were to be re-exported on the basis of an attestation from the zoo. As a 'bred in captivity' certificate is acceptable only when issued by the appropriate Management Authority, which is not the case in this instance, the Italian re-export certificate was not valid.

In a telephone conversation with the Secretariat in September 1991, the Management Authority of Italy stated that, at the time of issuance of the re-export certificate, they had known that the animals had been imported illegally into Italy, and that the documents presented were not acceptable. However, the Management Authority of Italy stated that the re-export certificate was issued in order for the United States of America to confiscate the animals at the time of import into that country. When the Secretariat asked why the Management Authority of the United States of America and the Secretariat had not been immediately informed of this plan, the Management Authority of Italy replied that it was due to "a lack of time". The head of the Italian Management Authority made no mention of the re-export certificate during a meeting at the CITES Secretariat offices on 13 August 1991.

The Italian authorities proceeded to seek confiscation of all six animals, but it was determined that confiscation was not possible. The Italian judge in charge of the case made the following findings:

- The six animals (four chimpanzees and two gibbons) had been imported into Italy contrary to the Convention and the EEC regulations. However, as there was no basis in Italian law for penalising these infringements, judicial action could proceed no further.
- Although there no CITES or EEC documents had accompanied the shipment, the animals were not contraband, as they had not been smuggled into Italy. They had been presented to and cleared by Italian Customs authorities and properly inspected by the veterinary services.

The judge ruled that the animals be released to their owner. This was the same person who from the US-Soviet joint business which had imported the four chimpanzees into the USSR from Uganda.

Information received at the Secretariat indicates that this person had asked the Management Authority of the USSR to return the original export permit from Uganda, but this request was refused. During court proceedings, this same person gave the Italian judge who was hearing the case a copy of the Italian re-export certificate. Later, when the Management Authority of Italy cancelled this certificate the person allegedly provided a copy of the Ugandan export document.

During this period, the Secretariat spent a considerable amount of time attempting to co-ordinate activities in this case with the Management Authority of Italy. As it eventually proved to be very difficult to obtain or provide information in this manner, diplomatic channels were used to communicate information to the Italian justice system. Thanks to TRAFFIC-Europe (Italy office) the Secretariat was able to obtain the latest information about the investigation on a daily basis. The Management Authority of the United States of America and the US Embassy in Rome also provided much needed assistance with co-ordination of information.

The animals were released to their owner on 13 September 1991. The Management Authority of Italy advised him that their re-export from Italy was prohibited. Italian Customs authorities were alerted to not allow the animals to leave Italy.

On 14 September, the owner obtained authorization from Italian Customs authorities in Rome to re-export the animals to the USSR via Austria and Hungary. On 16 September, the animals left Rome, to a post in northern Italy, at the Italy-Austria border.

On 17 September, the animals left Italy and entered Austria in transit to Hungary. No CITES documents were shown to the Austrian Customs authorities.

On 18 September, the Management Authority of Italy informed the Secretariat that the animals had left Italy, travelling with a circus, the day before. The Secretariat immediately informed the Management Authorities of Austria, Hungary and the USSR and asked them to stop the shipment and to confiscate the animals. All three Management Authorities offered their assistance in notifying police and Customs authorities.

On 19 September, the Management Authority of Hungary informed the Secretariat that the animals had been declared at a Customs post at the border between Austria and Hungary on the evening of 18 September, and had been stopped there by Hungarian Customs authorities. As it was late, the circus was detained for the night pending an inspection the next day. However, during the night, the chimpanzees and the gibbons were moved to another truck, which left immediately for the USSR.

On 20 September, the Management Authority of Austria confirmed that the animals had crossed that country into Hungary. However, because CITES specimens in transit are not controlled, the animals could not be seized by Austrian authorities.

During the night of 20 September, the Management Authority of Hungary informed the Secretariat that the animals had been stopped at the border between Hungary and the USSR. The animals had been seized and transferred to a zoo. Hungarian law allows for confiscation within a period of two weeks.

A veterinarian from the Jane Goodall Institute inspected the animals and found them in good condition.

Once confiscation occurs, in accordance with a recommendation from the Secretariat, the two gibbons will be placed in a rescue centre in Hungary and the four chimpanzees will be sent to a rescue centre in Uganda.

The Secretariat is very grateful to the Management Authorities of Hungary and the USSR, and to TRAFFIC-Europe (Italy office) for their significant efforts with regard to this matter. The Management Authority of Hungary, in particular, demonstrated a high level of responsibility and rapid response to an ever-changing situation.

The Secretariat is also grateful for the contributions made by the Management Authority of the United States of America, the United States Embassy in Rome, the Jane Goodall Institute, and the Management Authority of Uganda, to ensure that this case reached a successful conclusion.

NUMBER: 5  
REFERENCE: 50160  
TITLE: PROPOSED SALE OF RHEA AND CAIMAN SKINS IN PARAGUAY

In February 1990, the CITES Secretariat obtained a copy of Resolution 393 of the national legislation of Paraguay, issued by the Management Authority, allowing to buy 35,236 skins of spectacled caiman (*Caiman crocodilus*; Appendix II) and 3,480 skins of greater rhea (*Rhea americana*; Appendix II in Uruguay; subspecies *albescens* is Appendix I). According to the Resolution, the skins had been confiscated by the Ministerio de Agricultura y Ganadería of Paraguay (the CITES Management Authority).

The CITES Secretariat responded immediately and sent a telefax to the Minister, asking about the validity of the resolution and warning him that no export permit should be issued until the CITES Secretariat had inspected all the documents and obtained details concerning the alleged confiscation. The CITES Secretariat also indicated that, without this information, it could not endorse the export of the skins covered by that Resolution. The telefax was never answered.

In April 1990, a new resolution was issued, cancelling Resolution 393 and announcing a decision to burn all the skins it had covered. The CITES Secretariat believes that the skins referred to never existed and that the purpose of the earlier resolution had been to launder illegal skins from Brazil and/or Bolivia.

As a result of the new resolution, a legal battle started between the person who had "bought" the confiscated skins in accordance with Resolution 393 and the Ministerio de Agricultura y Ganadería. The CITES Secretariat informed the Authorities that, until this matter was fully clarified, the Secretariat would suspend all co-operation with Paraguay. On 6 August, the Director of TRAFFIC South America went to Paraguay and gave a press conference in which the matter was disclosed publicly. A few weeks later a new Minister of Agriculture and Livestock was appointed.

This case was the event that finally gave way to a major reaction at the highest political level in Paraguay. As a result, during missions to that country in November 1990 and May 1991, the Secretariat had positive meetings with the new Minister of Agriculture and Livestock and the President of the Republic. The CITES Secretariat believes that, in spite of all the past problems concerning the implementation and enforcement of CITES in Paraguay, a new era has started for the Convention in that country.

NUMBER: 6  
REFERENCE: 50283  
TITLE: CAIMAN SKINS FROM BOLIVIA TO THE UNITED STATES OF AMERICA, OTHER PARTIES

In January 1991, Japan and Switzerland asked the Secretariat to confirm the validity of two re-export certificates issued by Hong Kong for skins of spectacled caiman (*Caiman crocodilus crocodilus*; Appendix II). They were reported to have originated in Argentina, exported on permits 5253, 5254 and 5255, and to have been re-exported to Hong Kong by the United States of America, on re-export certificate no. 751889.

As it appeared that the Argentine permits had been issued for species other than caiman, and to countries other than the United States, the Secretariat asked the United States to send copies of the Argentine permits. The export permit numbers mentioned on the United States re-export certificate were those of Mexican documents. (After the numbers, the United States had added "MX".)

The Secretariat carefully studied all the documents and reached the following conclusions.

1. On the basis of a Bolivian export permit, no. 344, believed to be non-valid (see alleged infraction report of seventh meeting of the Conference of the Parties [Doc. 7.20]), Spain accepted a large shipment of caiman skins.
2. The skins were re-exported from Spain to Argentina.
3. In June 1989, 2,942 belly-skins, 2,942 tails and 5,884 flanks of caiman were re-exported from Argentina to Mexico on re-export certificate no. 10690. This certificate referred to Bolivian permit no. 344.
4. In November 1988, 3,000 flanks of caiman (equivalent to 4,500 square feet) were exported from Venezuela to the United States on Venezuelan export permit no. 595.
5. In May 1989, "200 pieces of finished leather" of caiman were re-exported to Mexico from the United States under certificate no. 738323. This certificate was based on Venezuelan export permit no. 595.
6. In June 1990, three shipments, each of 1,000 square feet of caiman skins, were re-exported from Mexico to the United States with re-export documents (nos. 5253, 5254 and 5255) that were based on Argentine permit no. 10690 (see [3] above) and on United States re-export certificate no. 738323 (see [5] above).
7. In August 1990, 3,000 skins were re-exported from the United States to Hong Kong, under re-export certificate no. 751889. This re-export certificate indicated Argentina as the country of origin and incorrectly cited the numbers of Mexican documents (see [6] above) as the numbers of the export permits from Argentina.
8. In December 1990, Hong Kong issued a re-export certificate for 1,310 skins to Japan. In February 1991, Hong Kong issued a re-export certificate for 750 skins to Switzerland. Both re-export certificates named the United States as the country of previous re-export (re-export certificate no. 751889 noted in [7] above) and Argentina as the country of origin, using the same Mexican permit numbers noted in (6) and (7) above.

Considering the illegal origin of the Bolivian skins, the Secretariat recommended to Japan and Switzerland not to accept the shipment and to Hong Kong not to issue new documents for these skins.

9. According to the documents described above:
  - a) Argentina re-exported skins, tails, and flanks to Mexico.
  - b) Venezuela exported flanks to the United States of America.
  - c) The United States re-exported "finished leather" to Mexico.
  - d) Mexico re-exported skins to the United States (the quantity being in square feet).
  - e) The United States re-exported skins to Hong Kong.
  - f) Hong Kong attempted to re-export skins to Japan and Switzerland.

### Comments from the Parties

The United States of America replied that, as Mexico was not a Party to the Convention in 1989, the US would not have been aware of export permit no. 344 when it accepted the re-export of caiman flanks from Argentina. When Mexico re-exported the skins to the United States of America in 1990, it did not, as a matter of practice, indicate the country of origin for the skins. Had Mexico listed the country on which the permit was based, it would have been Argentina and not Bolivia. With regard to the re-export of skins to Hong Kong, the United States of America was in error in listing the Mexican permit numbers as those of the country of origin. Copies of all documents were provided to the Secretariat. Finally, the Secretariat stated that it had not received any information on any action taken by the United States of America. The United States of America is uncertain as to what information was requested by the Secretariat, as the shipments involved were in the possession of other Parties.

Hong Kong replied that the local trader had been advised to not accept any additional re-export permits which were based upon US re-export certificate no. 751889.

Argentina replied that should be stressed that it was Spain that initially accepted a false export permit from Bolivia, and then issued valid re-export certificates to Argentina.

### Secretariat Response

The Secretariat agrees with the United States of America that Mexico may not have been aware of the nature of export permit no. 344. Nor is it reasonable to assume that, relying on the documents from Mexico, US authorities would have been aware of the country of origin of the specimens. However, this stresses the importance of requiring that re-export certificates from Parties or that comparable documentation from non-Parties indicate the countries of origin and last re-export, as recommended in Resolution Conf. 7.3. The Secretariat would like to acknowledge the full co-operation of US authorities in providing detailed information pertaining to this matter. With regard to further action on the part of the United States of America, the Secretariat recommends that authorities investigate as to how, from a permit authorizing the import of 3,000 square feet of caiman skins, 3000 caiman skins were then re-exported (unless each skin measured one square foot).

NUMBER: 7  
REFERENCE: 50409  
TITLE: REPTILE SKINS FROM NIGERIA TO CANADA

In early September 1989, the Management Authority of the Netherlands informed the Secretariat that a shipment which included 500 *Python* spp. skins and 300 skins of *Varanus niloticus* from Nigeria was in transit through the Netherlands to Canada. The shipment was accompanied by a copy of a document not acceptable for CITES purposes. The Secretariat indicated that the shipment was probably illegal. It was however allowed to continue to Canada whose Management Authority was informed of the destination. It was intercepted in Canada in October 1989.

The Management Authority of Canada later informed the Secretariat that it had received information from a confidential source that a shipment of reptile skins from Nigeria would soon arrive in Canada. The source stated that the shipment would be accompanied by a false export document from Nigeria.

In fact, two shipments were intercepted in Canada, both of which also contained crocodile skins from Nigeria (*Crocodylus* spp.; Appendix I) that were not indicated on the documents. The export document was forged. It was accompanied by a possibly genuine Hides and Skins Health and Origin Certificate that had been issued by the Ministry of Agriculture and Natural Resources, Veterinary Division, Kano, Nigeria and a forged telex from the "Federal Ministry of Agriculture".

New forged telexes purportedly from the Management Authority of Nigeria were received by the Management Authority of Canada, congratulating Canada in its efforts in investigating the authenticity of its document, again confirming the authenticity, and advising that the Decree prohibiting trade in such species had been amended. The telexes further advised that the Director of Forestry had been authorized to sign CITES export permits, as long as the number of skins involved did not exceed 500. The Secretariat was able to discover that the telexes were sent from a public booth that was not authorized to send governmental messages.

In November, the Secretariat received by telefax, and even via express mail services, forged "Secret" letters on letterhead paper that were allegedly from the Minister of Agriculture, Water Resources and Rural Development, confirming the genuineness of the export permit and explaining that permits issued "for less than 1000 pieces are termed as commercial samples on which security stamps are not normally used" (there were no security stamps on the permit). Information received by the Secretariat from an express mail service revealed that the correspondence sent via that company had been

sent by a private individual and the charges paid in cash.

There were also telephone calls purportedly from the Ministry and the Management Authority (but obviously from the traders involved), asking for immediate release of the shipment.

The Management Authority of Nigeria was immediately informed by the Secretariat of developments in this matter, and was forwarded copies of all relevant documents. The Secretariat further asked for an immediate response.

In the absence of reaction from the Management Authority of Nigeria, the Secretariat also fully informed the Nigerian Embassy in Switzerland.

In early December, the Secretariat received by telefax sent from Kano a new forged "Secret" letter from the Office of the Director General of the above-mentioned Ministry, advising that the Government had set up a Committee on the amendments to the 1985 Decree regarding the wildlife trade ban, and that the report had not yet been approved. The letter confirmed also that the CITES permit "was issued on merit", as a result of the trader breeding the species involved in large quantities. This letter was accompanied by another letter, purportedly from an official of the Management Authority of Nigeria, but with an obviously false signature.

In mid-December 1989, the Secretariat received a copy of a letter from the Management Authority of Nigeria to the Management Authority of Canada, confirming that the document was a fake document and that the 1985 Decree had not been amended in any manner.

In January 1990, the Management Authority of Nigeria informed the Secretariat that it had received the information sent by the Secretariat at the end of November, but the correspondence had been placed in "a wrong file". The Secretariat was also informed that the case had been reported to the Nigerian police for investigation. Later on, the Management Authority of Nigeria requested, via the Secretariat, that Interpol be contacted with regard to the details of this matter.

The Secretariat has not received any further information on any conclusions of this case, either from the Management Authority of Canada or the Management Authority of Nigeria.

This is a case which clearly illustrates the extent to which some illegal traders are willing to involve themselves in fraudulent activities, in order to ensure that their goods can be sold.

NUMBER: 8  
REFERENCE: 50437  
TITLE: IVORY FROM HONG KONG TO FRANCE

In December 1989, the Secretariat was informed by the Management Authority of France that the French Customs Service had confiscated 120 statuettes of ivory in 13 parcels, at a postal sorting office near Paris. The attention of a Customs officer had been attracted by the similarity of the 13 packages destined for different people in or near Paris. The parcels originated in Hong-Kong and the declaration stated "Plastic toys". The addressees were interviewed and several of them said that they knew a trader located in Paris whom, they imagined, had asked the Hong Kong trader to send the parcels to his friends.

Later, French Customs officers went to an exhibition where this trader was present and confiscated 254 pieces of ivory from him.

A total of 374 pieces of ivory were confiscated from the same trader, with a value of more than FFr 2,000,000 (about USD 400,000.) The Secretariat has received no further information from Hong Kong.

#### Comments from the Parties

Hong Kong replied that it had communicated directly with the French Customs Service in this case.

#### Secretariat Response

It would be very helpful for the Secretariat to know the results of Hong Kong's investigation into this matter, including whether any prosecution had actually been initiated.

NUMBER: 9  
REFERENCE: 50439  
TITLE: CORAL FROM PHILIPPINES TO FRANCE

In March 1990, France informed the Secretariat of the results of an investigation conducted by the Customs Service. It had been discovered that several shipments of coral had been imported into France from the Philippines, in 1987 and 1988, without any CITES documents. In order to avoid the specimens being checked by Customs, the trader had used a Customs code in his Customs declarations which exempted them from inspection.

The Secretariat communicated the names of the companies involved to the Management Authority of the Philippines but has not received any information on the results of action taken by the Philippines.

NUMBER: 10  
REFERENCE: 50492  
TITLE: IVORY FROM THE UNITED ARAB EMIRATES TO SINGAPORE VIA BELGIUM

In June 1989, Customs officials at Zaventem, Belgium seized 14 cartons of semi-worked ivory weighing 558 kg, in transit to Singapore. The ivory had been illegally shipped from the United Arab Emirates (UAE) and was described as "fashion jewellery" on the air waybill. The exporter from UAE had instructed a Belgian Customs broker to designate a French-based company as the shipper on the Belgium-Singapore air waybill and to conceal the UAE origin of the ivory.

Further investigation uncovered that ten similar consignments had passed in transit through Zaventem between March and June 1989, altogether weighing 5.1 tonnes, worth about USD 1 million. Documents (air waybills and other receipts) accompanying these consignments declared Belgium as the country of origin of the merchandise.

Based on information from the Belgian Management Authority, the Secretariat alerted Singapore about the June seizure and provided all the necessary background information on the consignors and the consignees of the previous shipments, with a request to investigate and to take appropriate action.

The Singapore importer was fined only SGD 10,000 (about USD 5,800) for making a false declaration and was allowed to keep the ivory. Singapore undertook not to issue re-export permits for the ivory but did not indicate how it intended to monitor its use and final destination. Singapore does not keep records of worked ivory.

NUMBER: 11  
REFERENCE: 50527  
TITLE: LACK OF CITES IMPLEMENTATION IN THAILAND

At the twenty-third meeting of the Standing Committee, held in Lausanne from 8 to 12 April 1991, the Secretariat, presented a detailed report which focused on Thailand's failure to implement the Convention during the period January 1988 through March 1991. This report was based on documents compiled from the files of the Secretariat and TRAFFIC International, including a recent mission to Thailand by the Enforcement Officer of TRAFFIC International. The Secretariat proposed in the report that the Standing Committee support a recommended ban by the Parties on all trade in specimens of CITES species with Thailand. The Standing Committee fully endorsed the proposal.

From a review of records contained at the Secretariat and TRAFFIC-International, it is evident that there are several aspects to the lack of implementation of the Convention in Thailand. These aspects are similar to those described in Richard Luxmoore's 1989 report for WWF and are summarized below:

1. Lack of effective legislation: Thailand continues to lack effective legislation for implementation of CITES. Although not unique in this respect, Thailand's other domestic legislation is not sufficient to compensate for its absence of laws regulating CITES trade. Thailand has been advised on numerous occasions about this problem.
2. Enquiries by the Secretariat: The CITES Management Authority of Thailand has repeatedly been unresponsive to enquiries from the Secretariat on CITES matters, particularly with regard to enforcement of the Convention.
3. Annual reports: Thailand's neglect in submitting annual reports is a matter of grave concern. With the country's large volume of legal and illegal trade, the Secretariat receives numerous requests from other Parties to confirm the validity of CITES re-export certificates which cite Thailand as the country of origin. The Secretariat can not provide confirmation without contacting the Thai authorities, thus greatly delaying the confirmation process.

4. Controls on trade in species:

- a) Crocodylian trade: Due to its poor legislation and the ease of re-exporting illegally obtained specimens that have been "laundered" in the country, Thailand continues to be a primary centre of the illegal caiman skin trade.
- b) Plant trade: Thailand continues to export large quantities of both native and non-native CITES Appendix-I plants that have been taken from the wild, and are claimed to be artificially propagated.
- c) Primate trade: Although improved enforcement has resulted in confiscations of primates by the authorities and some prosecutions, primate smuggling in Thailand still goes on.
- d) Bird trade: Thailand remains a central laundering area for trade in CITES species of birds (particularly psittacines) smuggled into the country from neighbouring countries and other areas throughout the world.
- e) Other species: Thailand's illegal trade in several other CITES species continues to be documented.

Consequently, in Notification to the Parties No. 636 (22 April 1991), the Secretariat urged that Parties immediately take all possible measures to prohibit trade with Thailand in any specimens of species included in the CITES appendices. This trade ban is to remain in effect until the Secretariat is satisfied that adequate measures have been taken in Thailand to implement the Convention.

The response from the Government of Thailand has been quite positive. Several large seizures of illegal shipments of CITES species have been made by the Thai authorities since the date of the Notification. Legislation for implementation of the Convention has been drafted and is believed to be currently in the process of review. The Secretariat sincerely hopes that the ban can be lifted in the near future.

NUMBER: 12

REFERENCE: 50494

TITLE: MONITOR LIZARD SKINS FROM NIGERIA TO EUROPE

**Case 1: Skins from Nigeria exported to France and subsequently imported by other countries in Europe**

In March 1991, Argentina requested the Secretariat to confirm the validity of an Italian re-export certificate for 20,000 monitor lizard skins (*Varanus niloticus*; Appendix II) originating in Nigeria. Responding to an enquiry from the Secretariat, the Management Authority of Italy stated that the skins had been imported from Spain, having been imported there from France. Based upon the information detailed below, the Secretariat recommended to Argentina to confiscate the shipment and, if this were not possible, to send back the skins to Italy for confiscation. (On 15 September 1991 the skins were still in Argentina).

1. Between 27 October and 8 December 1982, a French trader imported several shipments of skins of *Varanus niloticus* from Nigeria, totalling 234,411 skins. No export permit from Nigeria was presented at the time of import.
2. On 8 December 1983, the Management Authority of France requested that the trader present the original export documents.
3. On 21 December 1983, the trader passed to the Management Authority of France two documents: a "hides and skins health and origin certificate" for 234,411 skins; and a "free disposal permit" issued in Kano in 1982 (nos. 134 and 135) for 100,000 skins.
4. On 8 June 1984, France issued EEC import permit no. I-84514 for 234,411 skins of *Varanus niloticus*. This import permit did not include the number of a Nigerian export permit (as required) but did indicate, as the source of the skins, "pre-Convention, 11 1983" (although the "11" was unclear and may have been "12"). The Convention entered into force in France on 9 August 1978 and in Nigeria on 1 July 1975. The species had been listed in the appendices since 1973. Therefore, there appears to be no reason to have considered the skins as pre-Convention.
5. On 19 June 1984, France issued re-export certificate no. E-843520 for the re-export of 132,743 skins of *Varanus niloticus* to Spain. No Nigerian permit number was indicated on the certificate, nor the source of the skins. According to a letter written by the trader, this re-export certificate was issued on the basis of import permit I-84514, noted above.
6. On 24 July 1984, the Management Authority of France cancelled import permit no. I-84514 because, they said, it had



been issued "by mistake".

7. On 31 July 1984, the Management Authority of France informed the Customs Service that import permit no. I-84514 had been cancelled, and requested them to prevent any import with this permit. This was inconsequential because the skins had already been in France since 1982.
8. In spite of the cancellation of import permit no. I-84514, on 5 September 1984 the Management Authority of France issued, to the same trader, two certificates for re-export to Spain, nos. E-845311 and E-84512 for 16,179 and 85,489 skins, origin Nigeria. No Nigerian export permit number was given on the certificates but it was clear that they were based on import permit no. I-84514. The source indicated on the certificates was "wild", and they included the statement "skins under control of Customs since 1982".
9. The three French re-export certificates thus accounted for all the skins that had been imported on import permit no. I-84514.

On the basis of this information, the following conclusions are made:

10. The skins were exported from Nigeria contrary to the Convention, the Management Authority having not issued an export permit for them. The skins were also imported into France contrary to the Convention.
11. It is unclear why France, after cancelling import permit no. I-84514, subsequently issued two certificates for re-export of skins.
12. The three re-export certificates issued by France were not valid, not only because the original import of skins from Nigeria was contrary to the Convention, but also because the re-export certificates did not indicate a Nigerian export permit number.
13. In 1987 Spain permitted the re-export of 104,500 skins, origin Nigeria, on the basis of French EEC certificate no. E-843520, as follows:

41,800 skins to the United Kingdom (certificates CEE AA39/87 and AA40/87);  
62,700 skins to Germany (certificates CEE AA41/87, AA42/87 and AA43/87).

The EEC certificates mentioned, as country of origin, "Nigeria re-exportation from France no. E-843520", and gave the date of acquisition as 19.6.84.

14. In September 1987, the Management Authority of Italy accepted an import from Spain of 20,900 skins with EEC certificate no. AA 42/87. This EEC certificate (stamped by the Management Authority of Italy) was then used in order to re-export skins to Austria, although such a document can not legally be used for re-export from the EEC, and the Austrian trader wanted to re-export the skins to the USA in July 1991. (The Secretariat informed the Management Authority Austria but did not receive a response).

In 1988, the Management Authority of Italy accepted a further import from Spain of 20,900 skins with EEC certificate no. AA39/87.

15. In July 1989, Italy accepted yet another import of 20,900 skins from Spain, with EEC certificate AA41/87. On the basis of this document, on 4 April 1991 the Management Authority of Italy issued EEC certificate no. RC/1991/MI/0-921, for 9,989 skins. This was used to export the skins to Switzerland although EEC certificates may not legally be used for export from the EEC. It specified as the country of origin "Nigeria del 19.6.84". It also gave 12.7.89 as the date of acquisition, which was incorrect.

#### Comments from the Parties

Argentina replied that it would check with the Secretariat the validity of any permits for the export of skins of *Varanus niloticus* from Italy to Argentina, in order to avoid a situation where skins that are processed into products in Argentina would not be accepted by other Parties, once they were ready for re-export. The current case demonstrates the internal weaknesses in some countries of the EEC which have resulted in harm to trade in Argentina.

## **Case 2: Skins from Nigeria and Sudan imported by Italy from Spain**

1. On 19 April 1991, Italy issued a certificate for re-export to Argentina of 20,000 skins of *Varanus niloticus*, origin Sudan, date of acquisition 4 January 1981. This re-export certificate named Spain as the country of previous re-export but no number of the Sudanese permit was given. The exporter and the importer named were the same as on the certificate for 20,000 skins of Nigerian origin issued previously (see above). At the request of the Secretariat, the Management Authority of Italy supplied copies of the Spanish certificates, but none of them mentioned any Sudanese export permit number.
2. When the Secretariat asked the Management Authority of Spain for copies of the Sudanese document, the reply was that the export authorization had been issued in 1981 when Sudan and Spain were not yet Parties. The document issued by Italy was therefore not valid because it did not specify the number of the document of the country of origin but the original entry of the skins into Europe seemed to have been legal.
3. In August 1991, the Italian Management Authority proposed to the Secretariat the cancellation of its re-export certificate to Argentina for 20,000 skins (origin Nigeria), and to replace it by a new re-export certificate for 20,000 skins, with origin Sudan.

The justification given was:

- the impossibility of distinguishing *Varanus* skins of Nigerian origin from those originating in Sudan; and
- to avoid having the skins sent back from Argentina to Italy.

The Secretariat reminded the Management Authority of Italy that the information on a CITES document must accurately reflect the reality and advised that this proposed "solution" was absolutely unacceptable.

### Comments from the Parties

Argentina replied that information for this case, as well as for the first case presented above, is the result of effective communication with the Secretariat by the Management Authority of Argentina. Before the appearance of the second Italian permit for the identical number of skins (this time from Sudan), Argentina had consulted the Secretariat before allowing any importation. Argentina considered it to be very strange for Italy to propose the substitution of a permit, indicating origin Nigeria, with another permit which would indicate the country of origin as Sudan. Argentina completely shared the Secretariat's viewpoint that the proposal from Italy to change the country of origin was unacceptable.

## **Case 3: Skins from Nigeria re-exported from the United States of America to Switzerland and Italy**

1. In 1989, Italy accepted at least two shipments of skins of *Varanus niloticus* (Nigerian origin) from Switzerland. As the previous country of re-export had been the United States of America, the Secretariat asked that country for information about the re-export certificate they had issued and the number of the corresponding Nigerian document.
2. According to the reply from the Management Authority of the United States, from 1984 to 1991 the United States exported 7,092 items of *Varanus niloticus*, mainly manufactured products. In the majority of cases, there was no information about the numbers of the original Nigerian CITES documents.
3. Only one United States re-export certificate included skins, this being number 678 182, issued in April 1984 for the re-export of 258 skins to Switzerland.
4. The Italian EEC permit for subsequent import of skins from Switzerland referred to an export permit of Nigeria but gave the number as 678 182, the number of the United States certificate. Moreover, the Italian permit was for 262 skins rather than the 258 permitted for export by the United States.
5. The Secretariat is continuing its inquiry with the Management Authorities of Italy and Switzerland.

### Comments from the Parties

The United States of America replied that it did not have any information as to where Italy received the five additional skins indicated in 4) above. In 1984, it was not a common practice for the United States of America to list the permit number from the country of origin on re-export certificates; thus, the permit number of the document from Nigeria would not have been

listed. Finally, the United States of America was not aware of any additional enquiry from the Secretariat on this matter (original text amended above).

#### **Case 4: Skins from Nigeria traded within the EEC**

1. In January 1987, France issued EEC certificate no. KIT127 which was used for the import into Italy of 346 skins of *Varanus niloticus*. The countries of origin were recorded as Mali and Nigeria, and the respective export permit numbers and dates of acquisition as no. 33EFIBD (1 October 1983), and no. 5008 (11 February 1984). However, Nigeria has never issued an export permit no. 5008. The skins were therefore believed to be of illegal origin.
2. In April 1991, Italy issued certificate no. 276/91-MO, for re-export to Switzerland of 1,300 skins of *Varanus niloticus*. The country of origin indicated was Nigeria and the export permit of that country no. 139 of 28 March 1985. The country of previous re-export was France, with certificate no. KET 6185 of 26 September 1985. However, Nigeria has never issued an export permit no. 139. The skins were therefore believed to be of illegal origin.

#### Comments from the Parties

France regretted that an older case such as this was being presented, as implementation of the Convention had improved greatly in that country since the time of the import of the skins. Further, it would be interesting to know if it could be proved that the skins which were in trade during 1991 were the same as those imported in 1982.

#### Section 2: Trade in Appendix-I Live Mammals

NUMBER: 13  
REFERENCE: 50113  
TITLE: CHIMPANZEES FROM ZAIRE TO INDIA

In November 1989 the Management Authority of India requested confirmation of the validity of a "CITES certificate" issued in Zaire for the export of one chimpanzee (*Pan troglodytes*; Appendix I). The certificate had been presented when an Indian circus attempted to import the animal from Kuwait. No comparable document from a competent authority in Kuwait, a non-Party, was presented to CITES authorities in India. The Secretariat recommended that the animal be confiscated, as the Zaire document was not a CITES export permit and had not been issued by the Zaire Management Authority. The India Management Authority subsequently informed the Secretariat that action had been taken to confiscate the animal.

Copies of the Zaire documents were sent to the Zaire Management Authority for action. The Zaire Management Authority confirmed that the documents were not valid and that they had not been issued by Zaire.

NUMBER: 14  
REFERENCE: 50120  
TITLE: ASIAN ELEPHANTS FROM MYANMAR TO THE NETHERLANDS

In August 1990, the Secretariat was informed that seven Asian elephants (*Elephas maximus*; Appendix I) had been imported into the Netherlands from Myanmar by a trader. A document which accompanied the shipment stated that the animals were "bred in captivity". On request, the Management Authority of the Netherlands confirmed this information to the Secretariat, adding that, in 1989 17 Asian elephants had been imported and that the Secretariat had been consulted prior to the Netherlands authorizing the imports.

The Secretariat reminded the Management Authority of the Netherlands that in March 1990 the Secretariat had asked for more information about Asian elephants reportedly being imported into Netherlands. Unfortunately no reply was received.

In addition, the Secretariat stated that, according to the available information, it had been consulted once in 1987 about an import into Europe of eleven Asian elephants from Myanmar. The Secretariat had stated at that time that there was no objection to the import, in particular because the animals were destined for recognized institutions. The Secretariat had indicated that, if further imports were planned, it would be necessary to seek further information. It had also recommended that the Management Authority of the Netherlands consult the Secretariat before any additional imports were authorized. The position of the Secretariat at that time was detailed in a telex sent by the EEC Commission on 20 August 1987.

The Secretariat has expressed the view to the Management Authority of the Netherlands that, according to information provided by IUCN and WWF (particularly a detailed report on the status of the elephant in Myanmar), more than 100 animals are taken from the wild each year for the breeding operation (from a quota of 200). The WWF report considers 75

to be the maximum acceptable number. Those criteria suggest that the breeding operation could not be considered as "not detrimental to the survival of the species in the wild".

Resolution Conf. 2.12 allows for the introduction of animals of wild origin into a captive-breeding operation but only "to prevent deleterious inbreeding". According to the information available, there was no such restraint applied in Myanmar. Consequently, the Secretariat believes that Resolution Conf. 2.12 was not satisfied.

Even if the animals were bred-in-captivity, considering the number of animals exported and the fact that the sale of animals is important for the financial balance of the operation, the breeding operation appeared to be for commercial purposes. Therefore, if the specimens were exempted from the provisions of Article III, they were most appropriately subject to the provisions of Article VII, paragraph 4. According to Resolution Conf. 4.15 the Secretariat should be consulted before importing such specimens from a non-Party country.

The Management Authority of the Netherlands contested the validity of the scientific information provided by WWF and IUCN and provided information supplied by the trader involved in the transactions. The Management Authority of the Netherlands also stated that, at the time of the import, the WWF information was not known to that Authority. They proposed sending a scientific mission to Myanmar, to include a staff member of the Secretariat, to clarify the status of the elephants bred in and exported from that country. While not changing its view, the Secretariat agreed to participate in the proposed mission if funding were to be provided.

The Management Authority of the Netherlands decided not to allow any further import of Asian elephants, and the proposed mission has not yet been planned.

Several countries requested the advice of the Secretariat on the import of some of the elephants which were in the Netherlands. In each case, the Secretariat recommended that they not be accepted. Mexico (which was a non-Party at the time) refused such an import, while Switzerland and France accepted some animals.

#### Comments from the Parties

France replied that, as the import of the elephants had been authorized by the Management Authority of an EEC country, it would have been impossible to reject the import, even had France been reluctant to do so.

The Netherlands made a very lengthy reply regarding this case, as well as making a general comment that this document as a whole was found to be "tinged and partial". A summary of the comments follows:

As the Management Authority of the Netherlands had doubts about a captive-breeding operation for Asian elephants in Myanmar meeting the requirements of Resolution Conf. 2.12, it consulted the Secretariat about this matter in 1987. The applicant had supplied the Management Authority with a great deal of information about the programme involving the use of elephants in logging camps in Myanmar. A preliminary report on the status of populations and breeding programmes in that country was apparently available, yet not known at that time to the Management Authority and the Secretariat. As the importer was threatening legal action unless the import of the elephants in question was authorized and the Secretariat could provide no information to support the rejection of such an import, a permit was issued. It is suggestive for the Secretariat to state that it had no objections to the first import because the elephants were destined to scientific institutions, as all later imports also had the same category of destinations. After the first import, the Secretariat was contacted via telephone about later imports and, as with the first import, no concrete information was offered by the Secretariat as a basis for rejecting these subsequent imports. Therefore, the imports were allowed. In 1990, in spite of the fact that a preliminary WWF report on the status of elephant populations and captive-breeding operations had been available since 1987 (officially published in 1990), the Secretariat suddenly became aware of the information provided in the report. This awareness by the Secretariat was not a result of a request for information by the Management Authority, but criticism and pressure from outside sources. It is not true that the Netherlands contested the validity of the WWF report; no additional import permits were issued after the information was made available. The proposal to send scientists to Myanmar had never been to contest the validity of the report. Due to intervention from the Secretariat, eleven elephants are still being held at the premises of the importer, in less than ideal conditions, and the co-operation of the Secretariat in finding an appropriate destination for the animals would be appreciated. By not telling the whole story, the Secretariat persuades other countries to not allow the import of specimens that have already been acquired in conformity with the provisions of the Convention. However, as a result of the problems that the Netherlands, Belgium, and other countries had with the Secretariat concerning the import of captive-bred specimens of elephants, the CITES Committee of the EEC has decided that, for the time being, no import of such specimens will be allowed unless the Secretariat declares that satisfactory evidence has been submitted that the specimens have been bred in captivity, in accordance with Resolution Conf. 2.12.

A copy of the entire text of the response by the Netherlands is available from the Secretariat, upon request by any Party.

#### Secretariat Response

The Secretariat maintains the view that, after the first import in 1987, the Management Authority of the Netherlands did not consult the Secretariat about additional imports of elephants. Further, as the animals do not meet the criteria of Resolution Conf. 2.12, the only position available to the Secretariat is to recommend that Parties not allow the import of the animals.

NUMBER: 15  
REFERENCE: 50186  
TITLE: OFFER TO SELL APPENDIX-I SPECIMENS FROM THE UNITED REPUBLIC OF TANZANIA

In October 1990, the Secretariat sent to the Management Authority of the United Republic of Tanzania a price list of a Tanzanian trader, which included several Appendix-I live specimens (e.g. *Acinonyx jubatus*, *Pan troglodytes*, *Loxodonta africana*, *Panthera pardus*, etc.). A few days later, the Management Authority replied, "We have directed the trader to withdraw all Appendix-I species from their price list immediately and to refrain from negotiating any sale in the future until we advise them otherwise."

The Secretariat was surprised that no enquiry had apparently been made, in order to discover whether the trader had already sold some of the specimens and whether they were of legal origin.

NUMBER: 16  
REFERENCE: 50197  
TITLE: GIBBONS FROM THAILAND TO FRANCE

In October 1990, a Frenchman and a Thai woman were stopped before boarding a flight at Bangkok Airport, and found to be hiding three baby gibbons (*Hylobates* spp.; Appendix I). Thai officials confiscated the animals but, unfortunately, let the smugglers board the plane and leave. The gibbons were placed with the Wildlife Fund Thailand, but two of them died. At the time of seizure, they had all been suffering from various physical disorders.

The Secretariat believes that the lack of penalties and/or strict enforcement was the reason why two smugglers were allowed to leave Thailand without being charged.

#### Comments from the Parties

France replied that, as the Management Authority of Thailand had never provided the names of the smugglers, no further action could be taken in France.

NUMBER: 17  
REFERENCE: 50240  
TITLE: CHIMPANZEES FROM HUNGARY TO FRANCE

In November 1990, the Management Authority of France requested confirmation of the validity of an export permit from Hungary for four chimpanzees (*Pan troglodytes*; Appendix I) declared as "bred in captivity".

To confirm the "bred in captivity" claim, the Secretariat requested information from the Management Authority of Hungary which replied that the owner of a circus had been working with the animals for more than four years and that they were therefore considered as pre-Convention. Two of the chimpanzees were said to be of second generation and the origin of the parents of the other two animals was unknown.

Considering that there was no evidence of the chimpanzees being bred in captivity and that, to be considered as pre-Convention for France, they must have been acquired before August 1978, the Secretariat recommended to France not to accept the import.

The French importer then copied to the Management Authority of France and the Secretariat a veterinary certificate and documents in Hungarian which seemed to be attestations from the owner that the animals had been born in captivity.

The Secretariat re-confirmed its view to France and recommended that the import not be accepted.

The Secretariat is not aware of whether the import was authorized or the current location of the animals.

### Comments from the Parties

France replied that the recommendation of the Secretariat was followed, and the import of the chimpanzees was not allowed.

NUMBER: 18  
REFERENCE: 50252  
TITLE: PRIMATES FROM INDONESIA THROUGH THAILAND

On 20 February 1990, three large wooden crates, marked "Birds", arrived in transit at Don Muang Airport, Thailand, from Singapore. The shipment had originated in Indonesia, and its final destination was Yugoslavia. Due to the size and weight of the shipment, the airport staff became suspicious and decided to inspect its contents with X-ray equipment. The shipment contained six baby orang-utans (*Pongo pygmaeus*; Appendix I) and two siamangs (*Hylobates syndactylus*; Appendix I). The animals were seized by Thai authorities.

On 21 February, a five year old chimpanzee (*Pan troglodytes*; Appendix I) arrived undeclared at Don Muang Airport, and was also seized. It is suspected that the orang-utans were destined for Moscow, and then the United States of America. Several suspects have been identified as having allegedly taken part in the smuggling scheme. A German animal dealer with worldwide connections paid a fine of approximately USD 1200 in Singapore for his participation, but the Secretariat is aware of no other prosecutions in this matter. In June 1991, the Secretariat asked the Director of the US Fish and Wildlife Service about the status of any investigation going on in the United States. A response was received on 5 August, advising that details of the investigation into the primate smuggling could not be disclosed at that time.

The Secretariat continues to be greatly concerned over the apparently ineffective co-ordination between Parties in vigorously pursuing criminal investigations of illegal trade in CITES specimens. A great deal of information regarding this incident has been provided by a non-governmental organization to authorities in the countries involved and/or where suspects resided. However, to date only one relatively minor prosecution has occurred, where one of the suspects voluntarily returned to Singapore to face charges.

NUMBER: 19  
REFERENCE: 50325  
TITLE: CHIMPANZEES FROM EGYPT TO JAPAN

In February 1991, Japan requested the verification of permits issued by Egypt for the re-export of one male and one female chimpanzee (*Pan troglodytes*; Appendix I). The chimpanzees had been exported to Egypt from Zaire, apparently for scientific exchange purposes according to the Zairian permit. The Secretariat advised Japan not to authorize the import until more information had been provided by Egypt and Zaire on the origin of the animals.

The Management Authority of Egypt confirmed that it had issued the re-export certificate, further stating that the importer was not associated with any research institution. Zaire confirmed that it had issued the original export permit, stating that the animals were born at the Institute of Zoological Gardens in Kinshasa. The Management Authority requested that the director of the Institute provide the Secretariat with proof of the claim that the animals were born in captivity (which does not mean bred in captivity).

It has not been confirmed whether the animals were bred in captivity (in accordance with Resolution Conf. 2.12). Moreover, although the Zaire permit was issued to allow export for scientific purposes, it appears that the intention of the importer in Egypt was to use the animals for trade.

### Comments from the Parties

Japan replied that it followed the recommendation of the Secretariat and did not allow the import of the animals, in spite of the fact that the re-export certificate from Egypt was confirmed by the Management Authority of that country as valid. Japan also requested that the Secretariat change the title of the summary, to reflect the fact that the chimpanzees were not imported by Japan.

### Secretariat Response

The titles of the summaries sometimes only reflect trade that was intended to occur. Further, as in this instance with regard to Japan, the name of a country in the title of a summary is not an indication of any fault on the part of that country.

NUMBER: 20  
REFERENCE: 50423  
TITLE: ASIAN ELEPHANT AND CLOUDED LEOPARD FROM VIET NAM

In December 1989, the Management Authority of France consulted the Secretariat about an application to import two Asian elephants (*Elephas maximus*; Appendix I) from Viet Nam, declared as bred in captivity. As the documents were not in accordance with Article X of the Convention, the Secretariat recommended to France not to allow the import. France refused the import and would have retained the original document from Viet Nam, but only a copy had been presented.

One month later, Belgium consulted the Secretariat about the import of two Asian elephants and two clouded leopards (*Neofelis nebulosa*; Appendix I) from Viet Nam. The documents presented for the elephants were exactly the same as those which had been presented to France. The documents for the leopards were quite similar. At the request of the Secretariat, Belgium tried to obtain the original permits but found it impossible to do so.

This case reflects the importance of consulting the Secretariat when there is doubt about the validity of a document. After the rejection of the export document by France and Belgium, the trader would have continued to try to find a country that would accept the import. As the Secretariat was consulted by both Management Authorities, it was possible for it to inform all European Management Authorities of the attempted illegal trade.

However, the Secretariat has not been informed of any other attempt and does not know if any country finally accepted the export permit.

#### Comments from the Parties

France replied that the recommendation of the Secretariat was followed, and no animals were authorized for import into France. The original permit from Viet Nam was never seen by the Management Authority of France.

NUMBER: 21  
REFERENCE: 50426  
TITLE: ELEPHANTS FROM SWEDEN TO DENMARK

In September 1990, the Secretariat requested information from the Management Authority of Denmark about an application for the import of two Indian elephants (*Elephas maximus*; Appendix I) and one African elephant (*Loxodonta africana*; Appendix I) to Denmark from Sweden, for a circus. The animals were accompanied by two Polish export permits which were unacceptable for the export from Sweden.

The Secretariat learned that, when the application was presented in Denmark, it was rejected. Following an intervention by Norway through the Royal Norwegian Embassy in Denmark (because the circus was participating in a programme for promotion of tourism in Norway), a senior member of the Danish Government told the Management Authority that the import into Denmark should be allowed. Accordingly, the Management Authority of Denmark issued an import permit under a special dispensation.

The origin of the elephants was never determined. The Secretariat does not know on what basis Sweden allowed the import and the subsequent re-export of these animals, nor to which country they were re-exported from Denmark.

#### Comments from the Parties

Sweden replied that the elephants in question (unknown origin) were imported from Poland, for circus purposes, under a licence issued in April 1990. On 5 September 1990, a licence was issued for the export of the animals to Copenhagen, Denmark for a circus performance. It was unknown if the animals were actually exported and, if export occurred, the disposition of the elephants after the performance in Copenhagen. The matter was being investigated by the Customs Investigations Service, but the results of the investigation are unknown.

Denmark replied that the elephants were imported from Sweden under Swedish permit no. 48 3363/90, issued in September 1990, and were then re-exported to Sweden under Danish permit no. F14N/F119N, also issued in September.

#### Secretariat Response

The Secretariat is concerned that Sweden apparently did not know that the elephants were returned to Sweden. The

Secretariat would appreciate being informed by Sweden of the results of the investigation, as this incident occurred in 1990.

NUMBER: 22  
REFERENCE: 50432  
TITLE: ELEPHANTS FROM HUNGARY TO FRANCE

In April 1991, France requested confirmation of the validity of a Hungarian export permit for two elephants (one *Elephas maximus*, one *Loxodonta africana*; both Appendix I) declared as originating in Belgium but of unknown 'source'. No Belgian export document number was given on the Hungarian document and the African elephant was recorded as listed in Appendix-II. Dates of birth were indicated as 1961 for the Asian elephant and 1984 for the African elephant. The Secretariat contacted the Management Authority of Hungary which replied that the documents concerning the origin of the animals were in the possession of the trader.

Although France had not issued an import permit, the animals arrived at the French/Italian border and were stopped; then, for animal welfare reasons, they were allowed to pass.

In June 1991, Hungary sent to the Secretariat:

- For the African elephant:

a copy of a contract between the Hungarian owner and a Belgian trader for one female African elephant of "about 155 cm". The contract was not dated but it mentioned a first payment in 1982 and stated that, "the elephant will be delivered in 1986 after the full payment has been received". This statement gave cause to doubt whether the animal mentioned on the export document was born in 1984; and a copy of a re-export certificate issued by Belgium on the basis of an export permit from South Africa, indicating that the animal was of wild origin.

As the species is listed in Appendix-I and it is a live animal of wild origin, an import permit must be issued before the issuance of a re-export certificate (Article III of the Convention). This did not happen for the import to France.

- For the Asian elephant:

an EEC certificate (which may not be used for export from the EEC) indicating that the date of acquisition was 1970 and that the source was unknown. This document was thus for a pre-Convention Asian elephant although there was no proof that the animal was the one referred to in the document.

Nevertheless, as the re-export certificate from Hungary named Belgium as the country of origin, the Hungarian document could not be considered as valid.

The Secretariat asked Italy to determine what checks had been made at the time the animals entered and left that country in transit to France. However, Italy could not locate any record of the elephants.

#### Comments from the Parties

France replied that, although the original re-export certificate was not presented to the French authorities, the animals were authorized for import for humanitarian reasons, with the agreement of the Secretariat. However, after their import, the elephants were re-exported from France to another country, without proper re-export documentation. The matter is being investigated by Customs authorities.

NUMBER: 23  
REFERENCE: 50463  
TITLE: ORANG-UTAN FROM INDONESIA TO TAIWAN

In August 1989, the Management Authority of Hong Kong informed the Secretariat that in July an orang-utan had been found on board a ship in transit from Indonesia to Taiwan. The chief cook of the vessel admitted that the animal was kept by him as a pet and was only passing through Hong Kong in transit. No CITES documents accompanied the animals. Since the orang-utan was in transit in Hong Kong, no action could be taken by the Hong Kong Management Authority and the animal was allowed to continue its journey to Taiwan. The Management Authority of Indonesia was informed but did not respond.



NUMBER: 24  
REFERENCE: 50474  
TITLE: CHIMPANZEES IN FRANCE

In July 1990, TRAFFIC Europe (Italy office) sent to the Secretariat an advertisement for hair-removal cream, which had been published in a popular Italian magazine for women. The advertisement showed a pygmy chimpanzee (*Pan paniscus*; Appendix I) which is rare in captivity. TRAFFIC Europe sent the name and address of the owner of the chimpanzee and of the French company which had taken the photographs.

All the information was communicated to France where the Customs Service conducted an inquiry. This revealed that the owner of the pygmy chimpanzee was unable to prove the legal origin of the animal which was alleged to have been a gift from "somebody" eight years previously. The owner was fined for illegal possession of CITES specimens because he was unable to prove that they had been legally imported. However, as the pygmy chimpanzee had been well integrated into a group of chimpanzees (*Pan troglodytes*) and nobody was prepared to accept this animal (a male), it was decided, with the agreement of the Secretariat, to leave it with its owner and to prohibit its sale.

NUMBER: 25  
REFERENCE: 50524  
TITLE: ASIAN ELEPHANT FROM GERMANY TO SWEDEN VIA DENMARK AND NORWAY

In September 1991, the Secretariat was informed that two Asian elephants (*Elephas maximus*; Appendix I), belonging to a circus, had left Germany, destined for Norway through Denmark. According to the information available, neither the Danish Customs nor the Norwegian Customs authorities saw the elephants. The animals were covered by an EEC certificate issued in Berlin on 12 March 1991, indicating that they were of "wild" source and that the country of origin was India, but no Indian document number was given. In addition, the certificate stated that the animals had been acquired before the Convention entered into force in Germany, but the "date of acquisition" box was blank.

After arriving in Norway, the animals were exported to Sweden, apparently without any Customs control. When the Swedish authorities finally discovered the specimens, Norway issued a re-export certificate. This was not issued on the basis of any previous export permit or re-export certificate and was issued contrary to Resolution Conf. 6.6 on retrospective issuance of documents. When informed of this by the Secretariat, Norway cancelled its re-export certificate. The Secretariat has not yet received information from Sweden about the current status of the animals.

In this case, an EEC certificate was issued by a local Management Authority in Germany without checking the legal origin of the animals or at least without obtaining the information required for correct issuance of the document.

The Secretariat has received a great deal of information about illegal imports of live animals into the German Democratic Republic in the months before 3 October 1990. Many people are allegedly trying to legalize these specimens by obtaining EEC certificates. It is possible that the elephants fall into this category.

The animals were exported from Denmark to Norway without any export permit or re-export certificate, contrary to the EEC Regulation on CITES. They were imported into Norway on the basis of an EEC certificate indicating that the specimens were pre-Convention, but with no date of acquisition given, thus contrary to Resolution Conf. 5.11. They were then exported from Norway to Sweden without any CITES document. It is not yet known whether the animals were of legal origin.

#### Comments from the Parties

Germany replied that local authorities in Berlin had issued an EEC document for two specimens of *Elephas maximus* that belonged to a circus of the former German Democratic Republic. As the elephants had been imported before the Convention entered into force, no date of acquisition was indicated on the EEC document. As the document was only valid within the EEC, CITES was not affected, and it was not the Secretariat's task to examine whether stricter domestic measures under Article XIV were enforced by a Party. Further, it may only be alleged that the specimens could have been exported from Germany without the necessary CITES permits.

Germany further advised that there may have been illegal imports of live animals into the former German Democratic Republic before 3 October 1990. For this reason, the Management Authority carefully examines cases involving specimens which allegedly originate from the area of the former German Democratic Republic.

Sweden replied that facts contained in the summary were not known to the Management Authority; and that there were no

licences issued for the import of elephants during the period in question. A copy of a single permit, for the transit of circus animals (including three elephants) from Norway to Poland, via Sweden, had been provided to the Secretariat. An investigation into this matter by the Customs Investigations Service was continuing.

Denmark replied that, after it sent enquiries to Norway on 1 October and 11 November 1991, the Management Authority of Norway advised that there was no evidence to indicate that the elephants in question had been in transit through Denmark, or that they had been cleared by Customs in Denmark. Further, Denmark was advised by Norway that the case was still under investigation.

#### Secretariat Response

Norway and Sweden were informed of this case in a Secretariat training seminar, during which representatives from the Management Authorities of both Parties were present.

In order to re-export the elephants from Germany to Norway (a non-EEC country), a valid pre-Convention certificate was required from the German Management Authority, and not a local authority. Further, Resolution Conf. 5.11 recommends that pre-Convention certificates either mention the date of acquisition of the specimen concerned or certify that the specimen was acquired before a certain date.

NUMBER: 26

REFERENCE: 50525

TITLE: RHINOCEROSES FROM THE UNITED STATES OF AMERICA TO FRANCE VIA GERMANY

In April 1990, the Secretariat was informed that the arrival in France of two rhinoceroses had created problems because the animals had become extremely destructive and the owner was not able to solve the problem. With the help of the Secretariat the animals were transferred to a zoo.

The Secretariat, obtaining details of the origin of the animals, discovered that:

1. On 5 October 1989, the United States of America had issued export permit no. 740415 for four rhinoceroses bred in captivity, destined for a zoo in Germany.
2. On 23 January 1990, Germany issued an import permit (no. E 31/90) for four rhinoceroses, based on US permit 740415.
3. On 18 February 1990, two rhinoceroses were exported from the United States to Germany, based on the above-mentioned US export and German import permits. All the documents were correct and stamped by Customs to confirm the number of animals.
4. These animals had originally been intended to go to France but were actually re-exported from Germany to Pakistan.
5. On 27 February 1990, Germany issued an import permit (no. E 108/90), for two rhinoceroses (originating from the same breeding operation in the United States). The import permit did not mention any United States permit number. According to the Management Authority of Germany it had been issued for the two rhinoceroses originally covered by US permit no. 740415 but which had not been exported in the first shipment.
6. On 4 April 1990, the local Management Authority of Hanover (Germany) issued an EEC certificate for two rhinoceroses, giving the country of origin as the United States of America and no. E 108/90 as the US permit number (although this was in fact the number of the German import permit). This EEC certificate was issued before the import took place, on the basis of an import permit which did not mention any US export permit number and which had no Customs stamp. Nevertheless, it certified that the animals had been imported into the EEC legally!
7. On 6 April 1990, a United States veterinarian issued a health certificate for two rhinoceroses, naming France as the final destination (although the French trader had not yet bought the animals).
8. On 8 April 1990, two rhinoceroses left the United States for Frankfurt. The air waybill mentioned a US export permit no. 746927 and German import permit no. E 108/90.
9. On 9 April 1990, the United States trader issued a bill which stated that the animals were sold for DM 40,000 to the French trader.

10. On 10 April 1990, Customs authorities in Germany stamped the German import permit.
11. On 11 April 1990, the animals arrived in France. It was shortly after this that the Secretariat was informed about them. Since the aggressiveness of the animals was believed to have been caused by them being kept in crates for six days, the French authorities filed a complaint for cruelty to animals.

In addition to animal welfare concerns, and although there has been no apparent infraction of the Convention, this case has been selected because it demonstrates the problems of abuse of EEC certificates, especially in Germany where EEC certificates are issued by more than 100 local authorities. These local authorities do not seem to be well informed about CITES regulations and sometimes issue documents without the necessary checks. But under the EEC Regulation on CITES, all other EEC Member States are obliged to recognize the validity of these certificates and often issue re-export certificates on the basis of them. In this case, an EEC certificate was issued on the basis of an import permit which was not valid because it did not bear the number of the export permit of the country of origin, and did not indicate that the import had occurred. It is perfectly possible to obtain several certificates by applying to different local authorities. This also means that a CITES specimen can be covered by several documents and that, from one CITES document, several re-export certificates can be obtained.

The Secretariat requested additional information from Germany but no response was received. However, detailed information was obtained from the French Customs service, which conducted a thorough inquiry.

#### Comments from the Parties

Germany replied that, although some irregularities with documents had occurred, there had been no violation of the Convention. Authorities had responded to one request from the Secretariat for information. A second request had not been answered because no additional information was available. Finally, EEC certificates are issued for trade only within the EEC; trade with countries outside the EEC must be authorized by one of the two Federal Management Authorities.

France replied that they shared the Secretariat's viewpoint with regard to this case. The importer received a Customs fine.

The United States of America replied that it was named in the summary title, but it was not involved in any alleged infractions.

#### Secretariat Response

The second request from the Secretariat to Germany asked only for additional information (a copy of the export permit and the date of export) that would have already been available to the Management Authority of Germany.

The fact that a country is named in either the title or the text of a summary of an alleged infraction or other enforcement problem does not necessarily mean that it was at fault.

### Section 3: Trade in Appendix-II or -III Live Mammals

NUMBER: 27  
REFERENCE: 50183  
TITLE: PRIMATES AND PSITTACINES FROM NIGERIA TO TURKEY VIA SWITZERLAND

In June 1989, the Management Authority of Switzerland informed the Secretariat that the baggage of a Nigerian passenger arriving from Lagos (Nigeria) in transit to Istanbul (Turkey) had been inspected in Zurich airport.

In a crate, 62 x 62 x 62 cm, were tightly packed 33 monkeys: 10 grivet monkeys (*Cercopithecus aethiops*; Appendix II), 3 l'Hoest's monkeys (*Cercopithecus lhoesti*; Appendix II), 10 mona monkeys (*Cercopithecus mona*; Appendix II) and 10 patas monkeys (*Erythrocebus patas*; Appendix II). There was no food and no water in the crate.

All the monkeys were juveniles, some of them still infants that needed to be fed every three hours. Some of them were injured and all of them were stressed and undernourished.

Two further crates, 45 x 60 x 45 cm and 45 x 45 x 23 cm, were stuffed with 60 and 23 African grey parrots (*Psittacus erithacus*; Appendix II) respectively.

In his report, the border veterinarian stated that this was the worst infringement of the animal welfare law he had ever witnessed. The investigating police officer spoke of this case as unprecedented in his 20 years of experience.

The shipment was accompanied by a health certificate from Nigeria which stated that the shipment had been inspected and released.

In spite of intensive and expert care, 13 parrots and seven monkeys died. Two more monkeys had to be destroyed.

All the remaining animals were shipped back to Nigeria after the Management Authority of Nigeria was informed by telex. But that Authority did not reply and never acknowledged receipt of the shipment. According to a confidential source, no one from the Management Authority was present when the aeroplane arrived in Nigeria and the airline gave the shipment to the exporter.

Several days later, the Swiss police stopped the Nigerian who had shipped the crates, on his way back from Turkey. He was charged with violations of Swiss animal welfare and health legislation. As he had travelled to Turkey several times, it was suspected that these were not his first wildlife shipments.

NUMBER: 28  
REFERENCE: 50346  
TITLE: FISHING CATS FROM INDONESIA TO THE UNITED STATES OF AMERICA

In December 1990, the Secretariat received information from the Management Authority of the Netherlands about an illegal shipment of wild cats destined for a company in Chicago, United States of America. The United States Management Authority was immediately notified of the flight on which the animals were allegedly being shipped. Upon inspection of the shipment, the United States authorities found two wild fishing cats (*Felis viverrina*; Appendix II) from Indonesia, without CITES permits. The cats were sent to the San Antonio Zoo for care. The investigation in the United States continued, and the importer was eventually convicted on three counts of violation of United States wildlife laws. He was fined a total of USD 530, and an assessment of USD 75. The animals are currently part of a captive-breeding project being conducted in the United States.

#### Comments from the Parties

The United States of America replied that this was an excellent example of Parties and the Secretariat working together to halt illegal activity. In a very short time, the Secretariat and two Management Authorities co-ordinated information, in order for US authorities to meet the plane and make the seizure.

NUMBER: 29  
REFERENCE: 50459  
TITLE: MOUSTACHED MONKEY FROM CONGO TO FRANCE

In August 1990, the Secretariat was consulted on a permit from Congo for one moustached monkey (*Cercopithecus cephus*; Appendix II). It seemed certain that the document was false. The Secretariat contacted the Management Authority of Congo in order to obtain confirmation of the falsification and, as the name of exporter was available, to prevent the shipment from taking place.

The Secretariat never received any answer from the Congo.

NUMBER: 30  
REFERENCE: 50460  
TITLE: PRIMATES AND PSITTACINES FROM NIGERIA TO GERMANY

In March 1990, the Management Authority of Germany informed the Secretariat that, while inspecting airline transfer baggage, German Customs officers had picked up a large pasteboard box and noticed a movement inside. The box had no ventilation holes and no indication that it contained animals. When opened, it was found to contain a wire mesh cage holding 23 monkeys and 33 parrots. The animals were not accompanied by CITES documents and were therefore seized by German Customs.

The shipment had come from Nigeria and, as the name of the exporter was known, all the relevant information was communicated to the Management Authority of Nigeria. However, they never notified the Secretariat of any action taken.

NUMBER: 31  
REFERENCE: 50469  
TITLE: MARMOSETS FROM BRAZIL TO SWITZERLAND

In September 1989, the Management Authority of Switzerland informed the Secretariat that a Swiss citizen returning from Brazil had smuggled four common marmosets (*Callithrix jacchus*; Appendix II) into Switzerland. This was discovered some time after the import and the three remaining animals had been confiscated.

The investigation of the case revealed that, during a vacation, the Swiss citizen had stayed at Recife where marmosets were offered for sale to tourists on the beach. Deciding to bring some animals back to Switzerland, the man was guided by a hotel employee to a shop where about 30 marmosets were offered for sale.

He was told that they were all captive-bred. When he decided that health certificates might be useful, a hotel employee guided him to a veterinarian, who issued the certificates. The four marmosets were transported in a small crate as passenger baggage.

The Swiss Management Authority had reasons to believe that several other tourists on the same plane carried a total of seven or eight common marmosets with them.

There were no CITES export permits for the animals. Furthermore, two of the four animals died shortly after their import. Investigation by the Institute of Bacteriology of the University of Zurich revealed that they had been carrying salmonella type B, which is pathogenic for humans. The two remaining animals were still infants which in the wild would still have been fed by their mothers. It was only possible to keep them alive by giving them expert care and a specially prepared diet.

#### Section 4: Trade in Appendix-I Mammal Products

NUMBER: 32  
REFERENCE: 50154  
TITLE: MAMMAL SKINS FROM BOLIVIA TO PORTUGAL

In September 1990, the CITES Management Authority of Portugal consulted the Secretariat regarding the validity of a Bolivian permit covering skins of jaguar (*Panthera onca*; Appendix I), white-lipped peccary (*Tayassu pecari*; Appendix II) and Brazilian tapir (*Tapirus terrestris*; Appendix II). The CITES Secretariat confirmed that this document was not valid. In fact, the document used was on the type of permit form used in 1982, and no longer valid. (Because of the abuses committed with this form, the CITES Secretariat and the Bolivian CITES Management Authority had decided to print new CITES permits on security paper in Switzerland.) After the CITES Management Authority of Bolivia was duly informed, authorities in that country confirmed that the documents were forged and that an investigation had been initiated.

NUMBER: 33  
REFERENCE: 50170  
TITLE: RHINO HORNS AND IVORY FROM SOUTH AFRICA TO TAIWAN

In October 1990, South African authorities executed a surprise raid on a smuggling ring in that country, confiscating 110 rhino horns and seven elephant tusks. Three Taiwanese and one South African citizen were arrested as a result of the investigation. Two of the suspects were preparing 81 rhino horns for mailing to Taiwan. Officials were convinced that at least 40 rhino horns had already been mailed to Taiwan. The South African authorities co-ordinated their investigation with authorities in Taiwan. However, the Secretariat is unaware of what leads were produced as a result of the investigation, or whether any court case was initiated in Taiwan.

NUMBER: 34  
REFERENCE: 50203  
TITLE: SALE OF APPENDIX-I SKINS OF FELIDAE IN NEPAL

In November 1990, the Secretariat received a copy of a report which had been written by an American citizen on the illegal trade in garments made from Appendix-I cat skins in Kathmandu, Nepal. The Secretariat requested and received additional information from the author. Believing that this was a matter of great concern, the Secretariat wrote to the CITES Management Authority in Nepal in December 1990, enclosing a copy of the report and asking for comments on this matter. Receiving no response, the Secretariat sent another letter to the Management Authority in Nepal, asking that the issue be

discussed at the meeting of the Standing Committee in April 1991. At that meeting, the member of the Committee from Nepal stated that he had received both letters sent by the Secretariat. He said that he would investigate the matter immediately upon his return and report to the Secretariat any actions taken. To date, the Secretariat has received no response.

NUMBER: 35  
REFERENCE: 50249  
TITLE: TIGER SKINS FROM NEPAL TO THAILAND

On 5 December 1990, Indian Customs authorities seized six semi-tanned tiger skins, at New Delhi airport, from two Nepalese citizens who were about to leave for Bangkok. They stated that the skins were destined for a shop in Bangkok, and that they were only couriers. They had been given the tiger skins, money and air tickets by another Nepalese citizen. In December 1990 the Secretariat wrote to the Management Authority of Nepal asking for further information on any investigation being conducted on its part. The Secretariat has received no reply to date. In December 1990 the Secretariat also wrote to the Management Authority of Thailand asking for information about the shop concerned, but no reply was received.

NUMBER: 36  
REFERENCE: 50273  
TITLE: IVORY FROM SUDAN TO THE UNITED STATES OF AMERICA VIA CHINA

In January 1991, the Secretariat received information from the United States Department of the Interior concerning a company that pleaded guilty to illegal imports of elephant ivory, in violation of the African Elephant Conservation Act.

The company had been charged for illegally importing 13 African elephant (*Loxodonta africana*; Appendix I) ivory carvings having a value of approximately USD 210,000. The company admitted that it had provided a false bill of lading to the United States Fish and Wildlife Service and the United States Customs Services, indicating that the goods had been consigned before 9 June 1989, which was the effective date of the United States of America implementation of an ivory trade ban. The company was fined USD 100,000. The ivory had allegedly originated in Sudan and had been shipped to the United States via China.

NUMBER: 37  
REFERENCE: 50299  
TITLE: IVORY FROM THE UNITED REPUBLIC OF TANZANIA TO THE UNITED ARAB EMIRATES

In December 1990, the Tanzanian police intercepted and seized a cargo containing 68 raw ivory tusks, worth USD 128,717, at the depot of a French-owned clearing and forwarding company in Dar es Salaam. The ivory was being smuggled out to Dubai in the United Arab Emirates by two South Koreans. Further investigation uncovered a stock of 318 tusks valued at about USD 165,385 in Morogoro, some 200 miles inland, which was suspected to be the origin of the 68 tusks. In January 1989, the same company had been involved in handling cargo containers containing 184 tusks for a high official of the Indonesian Embassy. The two South Koreans and two Tanzanians implicated in this smuggling attempt were held under Tanzania's Economic and Organized Crime Control Act.

Despite enquiries by the Secretariat, no response has been received from the United Republic of Tanzania.

NUMBER: 38  
REFERENCE: 50301  
TITLE: MUSK FROM ARGENTINA TO HONG KONG

In January 1991, the Management Authority of Argentina informed the Secretariat (as well as the Management Authority of China) that it had been approached by a Chinese trader who requested an export permit for 4 kg of musk from musk deer (*Moschus* spp.) A "reward" was offered for the permit. The destination was China, via Hong Kong. A Chinese import permit had been submitted to the authorities in Argentina. The Management Authority of Argentina refused to issue an export permit, as the issuance of such a permit would have been fraudulent. In addition, no *Moschus* spp. exists in South America.

From additional information received, it appeared that the document would have been used to launder illegally obtained musk, thought to be held in Hong Kong, having originated in the Soviet Union. Once an export permit was issued, the musk was to be sent from Hong Kong to a medicinal company in China for processing. The medicines containing the musk were then to be returned to Hong Kong.

Management Authorities in China and Hong Kong were informed by the Secretariat. The Management Authority of Hong Kong advised that the company involved would be investigated. The Secretariat was later informed that the company was found to be trading in frozen meat and other foods, but that no evidence of any illegal trade in musk could be found. The Management Authority of China failed to respond to the Secretariat's enquiry. The Secretariat does not know if the Management Authority of China responded to a similar enquiry from the authorities in Argentina.

#### Comments from the Parties

Argentina made several comments which are reflected in the above amended text. Argentina also requested that it be made clear that there had been only one attempt by the traders involved to obtain a fraudulent permit.

NUMBER: 39  
REFERENCE: 50365  
TITLE: IVORY SEIZED BY JAPAN

On 1 April 1991, 62 elephant tusks, weighing 869 kg, were seized in Japan during an inspection of a Philippine boat. Two Philippine and one Korean crew members were arrested. This information appeared in the Swiss press and was confirmed to the Secretariat by TRAFFIC Japan. Two Japanese citizens and one Korean were also arrested at a later stage of the investigation. During a visit to Japan in June 1991, a representative from the Secretariat asked the Management Authority of Japan to provide detailed information about this case, including information about marks on the tusks. The Management Authority was also requested to provide information to the Philippine authorities in order to allow them to investigate the case in that country. These requests were confirmed by letters sent on 24 June. On the same date, the Secretariat also wrote to the Management Authority of the Philippines to provide additional information received, and to Cameroon, as at least part of the ivory was suspected to have been illegally exported from that country to the Philippines, either by or for Korean traders. The Secretariat did not receive any official response from the Management Authorities of Japan, the Philippines and Cameroon.

#### Comments from the Parties

Japan replied that, although the country of origin is unclear, the bags containing the ivory were marked with a Cameroon sign. According to experts, the ivory originated from southern Africa. The port of export was Douala in Cameroon. The tusks were marked in two ways; those from Cameroon with an alphabetic designation and weight (i.e. A-15 10.3) and those marked in the Philippines with a circled number and weight (i.e. 115 [circled] 10.25 Kg). The Management Authority of the Philippines was contacted on this matter. As it had now responded to the Secretariat's request for information, Japan requested that its name be deleted from the last sentence of the summary.

#### Secretariat Response

Although appreciated, a response from a Party that is received after the initial draft of this report was distributed does not change the fact that a Party did not respond to an initial request by the Secretariat.

NUMBER: 40  
REFERENCE: 50410  
TITLE: GORAL TROPHIES FROM NEPAL TO SPAIN

In April 1990, the Management Authority of Spain asked the Secretariat to confirm the validity of a CITES export permit from Nepal for hunting trophies of goral (*Nemorhaedus goral*; Appendix I). The Secretariat asked the Management Authority of Nepal to confirm the validity of the document, which appeared to be genuine. The Secretariat also asked the Management Authority of Spain whether it had previously issued an import permit, as foreseen by Article III of the Convention. The Secretariat stated that, in the absence of such an import permit, the shipment should not be accepted. The Secretariat also recommended that all safari organizers in Spain be informed of CITES requirements regarding the import of hunting trophies.

In the absence of any reaction from the Management Authority of Nepal, the Secretariat repeated its request for confirmation. It also recommended that measures be taken to prevent the issuance of export permits for Appendix-I hunting trophies without prior presentation of an import permit.

The Secretariat did not receive any answer from the Management Authority of Nepal, and does not know whether Spain authorized the import of the goral trophies.

NUMBER: 41  
REFERENCE: 50421  
TITLE: PRIMATES FROM CONGO TO JAPAN

In December 1989, the Secretariat received a copy of export permit no. 106 from Congo. This permit had been issued for the export of dead specimens of several species, including Appendix-I-listed primates, to a scientist in Japan. The specimens included skulls of gorilla (*Gorilla gorilla*) and chimpanzee (*Pan troglodytes*), (both Appendix-I species). Therefore, the Secretariat contacted the Management Authority of Japan, to ask whether an import permit had been granted, and the Management Authority of Congo, to ask on what basis the export permit had been issued.

The Management Authority of Japan replied that the scientist concerned had never applied for an import permit and that none had been issued. The Congo Management Authority answered in February 1990 that they had issued the export permit on the basis of a request of the "Ministère des enseignements secondaire et supérieur chargé de la recherche scientifique" based on an "authorization for research" issued by the cabinet of the Ministry. The Congo Management Authority also indicated that the scientist had already exported the specimens from Congo and had travelled to Japan by Ethiopian Airlines via Kenya.

In April 1990, the Japanese Management Authority stated that, having not yet received an import application from the scientist, they contacted him to confirm whether or not the import had taken place. Japan later replied that, as the application for the import of skulls of gorilla was not approved, the specimens were shipped back to Congo by the scientist concerned.

#### Secretariat Response

When responding to an enquiry by the Secretariat, it would be appreciated if the Parties concerned could provide information as soon as possible on the disposition of any specimens seized or returned as a result of an enforcement action. The Secretariat has no information regarding the disposition of the specimens, once they were returned to Congo.

NUMBER: 42  
REFERENCE: 50493  
TITLE: IVORY FROM ZAIRE TO SOUTH AFRICA VIA ZAMBIA AND SWAZILAND

In 1991, investigations by South Africa's Endangered Species Protection Unit revealed that tusks from elephants poached in Zaire were being smuggled into Zambia where they were cut into blocks before being taken to South Africa through Swaziland, a non-Party to CITES.

As a result of these investigations, in August 1991 members of an ivory smuggling syndicate were arrested and 57 kg of ivory were seized.

Part of the same consignment was impounded a week later, when a raid on a jewellery shop in Johannesburg yielded 2,097 blocks (158 kg) of ivory valued at about Rand 2,5 million (USD 800,000). The ivory was estimated to have been cut from about 230 tusks of about 8 kg each. A Taiwanese was arrested in connection with the hoard.

Two of the smugglers were sentenced to pay R 60,000 (USD 25,000) or to six years imprisonment for smuggling and a further R 100,000 (USD 41,667) each to cover the value of the elephants.

#### Section 5: Trade in Appendix-II or -III Mammal Products

NUMBER: 43  
REFERENCE: 50061  
TITLE: IVORY TO SOUTH AFRICA

In August 1989, a South African citizen had presented a false export permit from Zaire to authorities in South Africa, allegedly in order to import 95 pieces of worked African elephant ivory (Appendix II at the time) weighing 710 kg. When inspected, the shipment was found to contain 79 raw ivory tusks weighing 385 kg, valued at about USD 100,000. The importer was arrested and charged with fraud and violation of the Nature Conservation Ordinance. The court case was postponed several times, until it was finally heard in May 1990. The fraud charge was dismissed, on the basis that it could not be determined when the alteration of the permit had occurred. The charge of violating the Nature Conservation Ordinance was also dropped, as apparently the Ordinance dealt only with goods that had actually been imported illegally,



and not with attempted import. However, the ivory remained seized.

NUMBER: 44  
REFERENCE: 50434  
TITLE: MUSK FROM FRANCE TO THE UNITED STATES OF AMERICA

In December 1989, the French Customs Service communicated to the Secretariat the result of an inquiry regarding a French company. It appears that this company had re-exported to the United States of America, the following quantity of musk of *Moschus sifanicus* (Appendix II), declared as originating in China: 27 kg in 1985; 7 kg in 1986; 5 kg in 1987. The value of the 39 kg has been estimated to be about FFr 5 million (USD 1 million). The musk was exported to the United States not as grains but in dye.

According to the French Customs Service, US Customs authorities were informed, but no additional information has been received by the Secretariat from French Customs.

#### Comments from the Parties

The United States of America replied that the Management Authority was not aware of this matter, and was not contacted by the Secretariat. Full details were requested, in order for an investigation to proceed.

#### Secretariat Response

Under the assumption that France was co-ordinating the investigation with the United States of America, the Secretariat did not forward a request for investigation to the United States of America. The Secretariat has now communicated the information received from France to the US Management Authority.

### Section 6: Trade in Appendix-I Live Birds

NUMBER: 45  
REFERENCE: 50022  
TITLE: BIRDS FROM BRAZIL TO MEXICO

In February 1990, a well known Mexican scientist was stopped in Manaus, Brazil while attempting to smuggle fourteen Appendix-I birds (Cracidae spp. and Psittacidae spp.) to Mexico. Information transmitted by the CITES Secretariat to authorities in Brazil and the co-ordinated effort of INTERPOL and TRAFFIC was instrumental in beginning a chain of events that led to the apprehension. Although the scientist was formally charged with bird smuggling, he declared that he had acted legally and had been expecting the appropriate documents from Brazil when he was arrested. To the Secretariat's knowledge, there has been no final decision in this case.

NUMBER: 46  
REFERENCE: 50214  
TITLE: ST VINCENT PARROTS FROM BARBADOS TO SWITZERLAND

In March 1989, the Secretariat received information from the Prime Minister of St Vincent and the Grenadines that four allegedly captive-bred specimens of St Vincent parrots (*Amazona guildingii*; Appendix I) had been shipped from Barbados to the United Kingdom. The Prime Minister stated that there was strong reason to believe that the birds were not captive-bred; it was believed that they had been illegally shipped from St Vincent and transhipped through Barbados. The Prime Minister requested that all CITES Parties withhold the issuance of authorization to trade in captive-bred *Amazona guildingii* unless accompanied by DNA fingerprinting evidence and a letter from St Vincent authorizing such trade.

In October 1990, the Secretariat received a request from the Swiss CITES Management Authority to confirm the validity of a permit from Barbados for the export of six live specimens of *Amazona guildingii*. The Secretariat requested the Management Authority of Barbados to confirm the validity of the permit, and received this confirmation in November 1990. Whilst relaying this confirmation by telefax to the Management Authority of Switzerland, the Secretariat stated that, although it did not doubt the captive-bred status of the birds in question, it did consider the breeding stock for the species in Barbados to have been established illegally. Therefore, the Secretariat added that it could not recommend the acceptance of the transaction. The Secretariat was advised by the Management Authority of Switzerland that the current practice in Switzerland did not consider offspring of illegally imported birds as also being illegal. Thus, the birds were imported into Switzerland in January 1991.

On 6 June 1991, the Secretariat received another request from the Management Authority of Switzerland for the verification of a permit to import an additional four specimens of *Amazona guildingii* from Barbados, also said to be captive-bred. The Secretariat strongly recommended that the permit not be accepted because, in April 1991, the Management Authority of St Vincent had written to the Management Authority of Switzerland, stating that there was reason to believe that the birds previously imported and those subject to the permit application were not captive-bred, and requesting that an investigation be initiated to check this. The Secretariat recommended that the persons involved in the trade agree to DNA testing of the birds in question. However, no positive response to this proposal was received from the Government of Barbados or the Management Authority of Switzerland.

In November 1991, an officer from the CITES Secretariat met with authorities in Saint Vincent and government officials in Barbados regarding this and other matters. A visit was also made to the breeding facility in Barbados. Based upon discussions and observations made during this mission, the Secretariat continued to recommend that no further trade occur with specimens of *Amazona guildingii* from Barbados, until this matter was resolved. In December 1991, after receiving information that the owner of the breeding facility in Barbados wished to close down the facility, the Secretariat sent a letter through diplomatic channels to the Minister of Labour, Consumer Affairs, and the Environment, proposing that a final solution be found with regard to the disposition of the birds. As of 28 January 1992, the Secretariat had not received a response.

#### Comments from the Parties

Switzerland replied that the Secretariat had confirmed the validity of a "bred in captivity" certificate for the birds in question. Furthermore, the Secretariat had initially stated that the breeding stock for the species in the Barbados had been established illegally. However, in a memo to the Management Authority of Switzerland, dated 2 December 1991, the Secretariat reported that the Head of the Management Authority had stated that the specimens originally exported to Barbados to the original breeder were the results of a legal transaction that occurred many years ago. In the same memo, the Secretariat stated that there was no definitive evidence that the breeder had laundered wild birds through his facility. In view of the criticism that Switzerland has received over this matter which has proven to be unjustified and/or irrelevant, this information should not be withheld from the Parties. In view of the Secretariat's recommendation of 2 December 1991, no additional permits for the import of *Amazona guildingii* have been issued.

#### Secretariat Response

Until meeting with officials from the Management Authority in Saint Vincent in November 1991, the Secretariat was of the belief that the original breeding stock obtained by Barbados from Saint Vincent had been illegally obtained. After a professional staff member returned from an official mission to Barbados and Saint Vincent, the Secretariat advised the Management Authority of Switzerland that this was apparently not true, in a memo dated 2 December 1991. Switzerland is also correct that the memo stated that there is no proof that the current breeding project has laundered wild-caught birds through the facility. However, the Management Authority of Saint Vincent continued to express great concern that wild-caught birds were being laundered through the facility. In its conclusions, this same memo also stated: a) that the breeding facility had not been adequately monitored by government officials in Barbados; b) the breeder in question had refused to permit DNA analysis of the birds he wished to export, in order to refute any accusations of laundering; c) the Minister of Labour, Consumer Affairs, and the Environment had advised that, if the breeder did not wish to co-operate, then he (the breeder) would not be allowed to export any more birds from Barbados; and d) during a visit to the breeding facility, the owner made statements that he was attempting to trap wild specimens of *Amazona guildingii* that were on the island, and would continue to do so. As a result, the Secretariat maintains its recommendation that no specimens of *Amazona guildingii* from Barbados be accepted for import by another Party, and that the import of any progeny allegedly produced in the future from the facility should not be permitted until the Ministry of Labour, Consumer Affairs and the Environment in Barbados has demonstrated that the facility is being adequately monitored by Ministry officials.

NUMBER: 47  
REFERENCE: 50322  
TITLE: PSITTACINES FROM COLOMBIA TO BELGIUM AND PORTUGAL

From November 1990 to June 1991, Belgian authorities made seven seizure of live parrots. The birds arrived from Colombia and had been brought to Belgium on cargo vessels of a Yugoslavian ship-owning company. Four ships were involved and had been chartered by a British shipping company which had rented them out to a Dutch trading company. The latter imported bananas from Colombia and employed a Belgian shipping agent. The cargo vessels were registered in Yugoslavia and all the crew members were Yugoslav citizens. A return trip from Europe to Colombia takes about one month. The cases mentioned below coincided with the arrivals in Antwerp of these ships.

A total of 260 South American parrots have been seized to date in Belgium. These include 160 specimens of Appendix-II *Amazona* species, 50 specimen of Appendix-II *Ara* species and 19 specimens of Appendix-I *Ara* species. Circumstantial evidence and evidence received from Belgian traders suggests that far more parrots have been brought into the country by the same route. It is not known for how long this smuggling had been going on before the first seizures took place in November 1990.

It has been established that parrots were purchased in Colombia by Yugoslav crew members on a regular basis and were retailed in Belgium through members of the Yugoslav community in Antwerp and one or more Belgian bird dealers.

In May 1991, the Management Authority of Portugal informed the Secretariat that it had confiscated 23 parrots (including two scarlet macaws (*Ara macao*; Appendix I), one ocelot (*Felis pardalis*; Appendix I) and one monkey on a cargo vessel from Colombia, in transit through Lisbon to Antwerp. The vessel was one of those from which the Belgian authorities had made its confiscations.

This case clearly demonstrates the importance of Parties immediately informing the Secretariat when an infraction is discovered, in order for the investigation to be co-ordinated with other Parties.

NUMBER: 48  
REFERENCE: 50487  
TITLE: BIRDS FROM ARGENTINA TO EUROPE VIA CHILE

In December 1990, the CITES Management Authority of Argentina informed the Secretariat of illegal trade in birds that were being exported from Argentina to Chile and then re-exported to Europe. Argentina confirmed that no CITES permits were issued for the export of any live birds to Chile. The CITES Secretariat immediately informed the Chilean CITES Authorities of the illegal trade to and from that country, and provided a letter from the Chilean trader concerned which verified that the trader was receiving bird specimens of CITES species from Argentina. To date, the Secretariat has received no information from Chile on this case.

#### Section 7: Trade in Appendix-II or -III Live Birds

NUMBER: 49  
REFERENCE: 50056  
TITLE: KEAS FROM NEW ZEALAND TO THAILAND

On 13 June 1990, after an extensive investigation, officers from the New Zealand Department of Conservation and Customs intercepted a person attempting to export eight keas (*Nestor notabilis*; Appendix II). The birds, one of which had already died, were to be smuggled to Bangkok and sold there by a well known animal dealer. The birds were stuffed into lengths of plastic tubing packed in two suitcases, and carried by a German citizen carrying a false Swiss passport. Two other people, both from New Zealand, were involved in the smuggling attempt. The birds are said to be worth approximately USD 10,000 each to private collectors in Asia, North America, and Western Europe. The German was sentenced to a total of six months jail for travelling to and from New Zealand on a false passport, and being in possession of a prohibited drug. He paid only NZD 7,000 plus court costs for the attempted smuggling of the keas.

NUMBER: 50  
REFERENCE: 50103  
TITLE: BLUE-CHEEKED AMAZONS FROM GUYANA TO THE UNITED KINGDOM

In February 1990, a shipment of 11 blue-cheeked amazons (*Amazona dufresniana dufresniana*; Appendix II) from Guyana was seized by authorities in the United Kingdom, on the suspicion that the Guyanese permit was a forgery. A check with CITES authorities in Guyana and a subsequent search of the importer's premises confirmed that the permit had been altered. As a result of a trial held in August 1991, the importer was found guilty on one count of bird smuggling and one count of forgery, but received a minor fine of £250 and court costs of £250. The birds were confiscated.

NUMBER: 51  
REFERENCE: 50133  
TITLE: PSITTACINES FROM ARGENTINA TO AUSTRIA

In August 1990, the CITES Secretariat was informed that a shipment of parrots from Argentina to Austria contained more

specimens than those authorised in the Argentine CITES permit. The species concerned was subject to an annual export quota. The Austrian Management Authority was consulted and confirmed that there were 21 parrots more than those indicated in the permit. This number of parrots was therefore confiscated. The Management Authority of Argentina was surprised and disappointed that the entire shipment was not confiscated.

#### Comments from the Parties

Argentina added that it had sought the co-operation of authorities in Germany (through the Secretariat) to inspect the two shipments while they were in transit through Frankfurt. German authorities confirmed that there were more specimens in the shipments than authorized by the permits accompanying the shipments. This was particularly serious as the specimens of the species that were seized were subject to an export quota.

NUMBER: 52  
REFERENCE: 50137  
TITLE: PSITTACINES FROM SINGAPORE TO ITALY

In August 1990, authorities in Belgium seized a consignment of live parrots, in transit from Singapore to Italy through the national airport at Brussels. The shipment was destined for an Italian trader who allegedly had a large number of parrots on sale, many of which were priced at less than half of the current market price. Twenty eclectus parrots (*Eclectus roratus*; Appendix II) were transported with no CITES documents, in a crate that had a hidden bottom compartment. The (visible) top compartment held ten hornbills of a non-CITES species. The entire shipment was confiscated and the birds were transferred to Antwerp Zoo. During the quarantine period, 13 parrots died of a virulent infection with *Salmonella typhimurium*. For health reasons, the birds and the box used for the transport were destroyed.

In January 1991 the Secretariat was informed by the Management Authority of Singapore that the company that had exported the parrots without CITES permits was fined SGD 2,000 (USD1180) for the offence.

#### Comments from the Parties

Belgium replied that photographs supplied by the Management Authority of Belgium were used by Singapore to prosecute the individuals involved in these violations.

NUMBER: 53  
REFERENCE: 50141  
TITLE: FALCONS FROM CZECHOSLOVAKIA TO BELGIUM

In July 1990, the Management Authority of Belgium informed the Secretariat of the confiscation of six goshawks (*Accipiter gentilis*; Appendix II), which had been imported into Belgium with an altered Czechoslovak export permit. Comparing this document with a copy of the original permit sent by Czechoslovakia, it appeared that the name of the consignee and the number of birds had been changed. On the original export permit, the birds had been destined for a British falconer. The Management Authority of the United Kingdom informed the Secretariat that this falconer had applied for an import permit and it had been refused. The Czechoslovak document rejected by the United Kingdom had been modified, with the intention to use it in Belgium.

In August 1990, the Management Authority of the United Kingdom informed the Secretariat that it had received an application for an import permit for one goshawk, of Czechoslovak origin. The application was accompanied by a copy of an export permit from Czechoslovakia altered in a similar way to that previously presented in Belgium but with a different number of birds and a different consignee in Belgium. The application was refused.

NUMBER: 54  
REFERENCE: 50148  
TITLE: BIRDS FROM THE UNITED REPUBLIC OF TANZANIA TO THE UNITED STATES OF AMERICA VIA KENYA

In August 1990, part of a shipment of several thousand birds, including Appendix-II psittacines (*Agapornis* spp. and *Poicephalus* spp.) in 100 crates was seized at Jomo Kenyatta International Airport, Kenya, while in transit from the United Republic of Tanzania to the United States of America. The overcrowded crates had been off-loaded by Lufthansa Airlines and left in the sun for a long period without food or water. Over 1250 dead birds were removed and 14 crates were detained by the Kenyan officials. The birds that were still alive in these crates were in very poor condition and were put under the care of the Kenya Society for the Protection and Care of Animals. However, most eventually died. Although accompanied

by trophy export certificates, no proper CITES documents accompanied the shipment.

After a long period of silence on this matter, the United Republic of Tanzania informed the Secretariat that it had carried out an investigation. According to the Management Authority, shipments to other destinations had been transferred on time to other carriers upon arrival at Nairobi, but the shipment to the United States had been left unattended for several days. The United Republic of Tanzania blamed the negligence of the cargo handling personnel at the airport in Nairobi and said it had arranged to have its representative from the Kilimanjaro Region carry out inspections of all future shipments, prior to loading onto carriers.

#### Comments from the Parties

The United States of America replied that, although it was named in the title of the summary, the birds which were seized in Kenya never reached its borders. Therefore, the United States of America was never involved in this infraction.

#### Secretariat Response

The fact that a country is entered in either the title or the text of a summary of an alleged infraction or other enforcement problem does not necessarily mean that a country was at fault or even involved. In this case, the United States of America is mentioned only because it was the final destination for the birds, before they were seized in Kenya.

NUMBER: 55  
REFERENCE: 50171  
TITLE: GREY PARROTS FROM ZAIRE TO KENYA

In October 1990, during a mission to Kenya, the Secretariat was informed by the Management Authority of Kenya that large numbers of African grey parrots (*Psittacus erithacus*; Appendix II) were allegedly being smuggled by a trader from Zaire to Kenya, accompanied by Inter-Territorial Movement Permits that had been issued by Uganda. No CITES permits accompanied any of the shipments. The Secretariat asked the Management Authority of Zaire to investigate this allegation, providing a copy of a 1987 permit from Uganda as an example. The Management Authority of Zaire said that it would look into the matter. On 12 July 1991, it informed the Secretariat that no information could be obtained on the activities of the trader involved in the alleged activity.

NUMBER: 56  
REFERENCE: 50281  
TITLE: GREY PARROTS FROM NIGERIA VIA NIGER

In August 1990, Niger issued a certificate for re-export to an unidentified address in France of 10 African grey parrots (*Psittacus erithacus*; Appendix II). The birds had been imported there from Nigeria by a German using a "free disposal permit" (not a CITES document), apparently issued by the Zonal Forestry Officer of Sokoto. The Secretariat requested Niger and Nigeria to confirm the authenticity of the documents concerned, and to investigate the matter if the documents were found to be false or invalid. France was also advised not to authorise importation of the specimens concerned.

Nigeria stated that no records of the document were found in the office in Sokoto, and no officer had signed any paper for the exporter. Similar permits obtained in Benin and Togo had been intercepted. Only the office of the CITES Management Authority issues export permits for wildlife and wildlife products in Nigeria and any document mentioning another office must be considered invalid. Niger has not responded to the Secretariat's communication.

#### Comments from the Parties

France replied that the recommendation of the Secretariat was followed and no imports of the specimens were allowed.

NUMBER: 57  
REFERENCE: 50282  
TITLE: GREY PARROTS FROM TOGO TO ZIMBABWE

In February 1990, the Management Authority of Zimbabwe informed the Secretariat that a trader had been given authorization to import specimens of African grey parrots (*Psittacus erithacus*; Appendix II) from Ghana. The first consignment came, however, from Togo with an appropriate CITES document issued by that country. The exporter was a Ghanaian whose business was based in Kumasi, Ghana, and in Lome, Togo. Doubting both the legality of the shipment and the assumption that Togo had an exploitable population of this species, Zimbabwe initiated an investigation commencing

with a request for the verification of the export document from Togo. A second consignment, also from Togo, arrived before the results of the inquiry. Earlier, Ghana, which had imposed a ban on the export of grey parrots, had complained to the Secretariat of illegal trafficking in this species across its border with Togo, maintaining that there are few, if any, grey parrots in Togo. The Secretariat requested confirmation from Togo of the origin of the specimens exported to Zimbabwe, and information on the exporter. In July 1991, a member of the Secretariat staff raised the issue with the authorities of Ghana and Togo during an official visit to these countries, only to discover that the exporter had disappeared from the scene.

The Management Authority of Togo has maintained that the species occurs over its territory and that a thorough investigation is carried out before granting an export document. The authorities were not aware of the connection of the exporter with Ghana. They invited the Secretariat to undertake a survey of the population of grey parrots, in order to settle the issue. A survey was conducted, but due to socio-political disturbances in Togo during that time, it was considered unsafe for the consultant to carry out the field survey in that country. It should be noted that the consultant found little, if any, evidence of populations of grey parrots on the Ghana side of the border with Togo.

NUMBER: 58  
REFERENCE: 50300  
TITLE: GREY PARROTS FROM SENEGAL TO PORTUGAL

In February 1991, the Wildlife Trade Monitoring Unit (WTMU), in the United Kingdom, discovered that in 1989 Senegal had issued a certificate for the re-export of ten African grey parrots (*Psittacus erithacus*; Appendix II) to a trader in Portugal. In April 1991, WTMU discovered that two additional Senegal certificates had been issued for the re-export of 90 and 300 specimens of African grey parrots to Spain. The specimens had been imported to Senegal from Zaire under a false permit of the type which had been withdrawn and replaced since 1988, as noted in Notification to the Parties No. 503, of 5 September 1988. Zaire had also imposed a ban on commercial export of specimens of *P. erithacus* as stated in that Notification. The Management Authorities of Spain and Portugal authorized the importation of the birds on the basis of the Senegalese re-export certificate.

NUMBER: 59  
REFERENCE: 50304  
TITLE: PSITTACINES FROM GUYANA TO THE UNITED STATES OF AMERICA

As a result of a request from the Management Authority of Guyana, the US Fish and Wildlife Service conducted an investigation in early 1990 on a person who was found to be importing Appendix-II psittacines from Guyana with United States permits that prohibited commercial sale. It was found that, using a variety of names of exporters, the person was applying for CITES export permits for psittacines claimed to be pet birds. However, the birds would then be sold commercially in the United States. In order for a prosecution of this person to proceed in the United States, information was required to indicate that the laws of Guyana were being broken. However, the information requested from Guyana on its domestic legislation was never provided.

#### Comments from the Parties

The United States of America replied that authorities in that country are still waiting for information regarding the laws of the Government of Guyana, before any prosecution can proceed.

NUMBER: 60  
REFERENCE: 50313  
TITLE: CONFISCATION OF PSITTACINES IN ITALY

As a result of several months of investigations by TRAFFIC Europe's Italy office, the Forest Corps and Finance Guard of Italy discovered the activities of a notorious parrot smuggler. In March 1991, Italian authorities confiscated several illegally obtained parrots from the smuggler, most of them from Brazil. The CITES Secretariat immediately informed the Brazilian authorities in order that arrangements could be made for the return of those birds which are endemic to that country and suitable for such shipment. The CITES Secretariat assumes that talks between both governments regarding this issue have been initiated, but has received no further information.

NUMBER: 61  
REFERENCE: 50329  
TITLE: PSITTACINES FROM BOLIVIA TO ARGENTINA

In April 1991, authorities in the Province of Córdoba, Argentina, confiscated 70 macaws (*Ara* spp.) at the bus station of Córdoba City, illegally exported from Bolivia. Argentina, in collaboration with the CITES Management Authority of Bolivia and TRAFFIC South America, agreed to return the birds to the Santa Cruz Zoo in Bolivia, for recovery purposes.

#### Comments from the Parties

Argentina replied that, thanks to the collaboration of the organizations mentioned above, a proposal to leave the birds with a private zoo in the province of Córdoba did not go forth, as suggested by some scientists. Even today, some research centres propose non-appropriate solutions for disposal of confiscated wild animals.

NUMBER: 62  
REFERENCE: 50366  
TITLE: BIRDS FROM THE UNITED REPUBLIC OF TANZANIA TO BELGIUM

In May 1991, a shipment of birds arrived in Brussels, Belgium, having come from the United Republic of Tanzania through Cairo. The final destinations of the birds were the Netherlands and Portugal. As the birds seemed to be in poor condition, an animal welfare organization filed a complaint with the local prosecutor, who then ordered the seizure of the birds for animal welfare reasons. As the original animal welfare organization did not have sufficient facilities for the care and feeding of the birds, they were distributed between eight other organizations. At least 3000 birds were in the shipment (4500, according to the animal welfare groups), including lesser flamingos, ibises, bustards, parrots, rollers, touracos and waxbills. Several birds were dead on arrival in Brussels. Photographs sent to the Secretariat suggest that the crates were not in accordance with the IATA Live Animals Regulations.

CITES export permits and certificates of origin from the United Republic of Tanzania accompanied the shipment. These documents appeared to be correct although the Management Authority of the United Republic of Tanzania did not reply to a request for confirmation from the Secretariat. The Management Authority of Belgium was informed of the case two days later by the press.

The owner of the birds urged the public prosecutor to return them as there was no legal basis for the seizure. This viewpoint was confirmed by the Belgian justice department which ordered that the birds be returned to Brussels National Airport, in order to ensure that the birds continued their travel to their final destination. However, the animal welfare groups refused to comply, and the birds are still in Belgium.

This case illustrates the fact that interventions by NGOs in matters related to violations of the Convention can be potentially damaging to official investigations and prosecutions, unless actions by the NGOs are co-ordinated effectively with Management Authorities and enforcement officials.

NUMBER: 63  
REFERENCE: 50408  
TITLE: FLAMINGOS FROM CUBA TO CANADA AND JAPAN

In November 1989, the Management Authority of Canada asked the Secretariat to confirm the validity of documents from Cuba that accompanied a shipment of 62 flamingos (*Phoenicopterus ruber*; Appendix II). The Secretariat responded that the documents should not be accepted as they were not comparable to CITES documents and had not been issued by the authority considered as competent in Cuba. In spite of the Secretariat's recommendation, the Management Authority of Canada allowed the shipment to enter the country.

Later in November 1989, the Management Authority of Japan questioned the Management Authority of Canada regarding the validity of the certificates issued by Canada for the re-export of 34 flamingos of Cuban origin. The Management Authority of Canada explained that the Cuban documents were acceptable, as it considered Resolution Conf. 3.8 was not contravened. It stated that documents issued by a government department in Cuba may be acceptable, even if not mentioned on the Secretariat list of competent authorities, in spite of the fact that there were no numbers on the documents.

The Secretariat recommended to the Management Authority of Japan to reject the application. The Management Authority of Canada contested the Secretariat recommendation on the grounds stated above, further advising that the Canadian importer was informed of the list of competent authorities "only after Customs had allowed entry and the matter brought to

our attention". The Secretariat replied that it was not in a position to recommend to the Management Authority of Japan to accept specimens it had recommended earlier for Canada to reject, making reference to the decision of the Parties relating to document Doc. 7.34 of the seventh meeting of the Conference of the Parties. The Secretariat also stated that it must base its decisions about competent authorities on the most recent information that is officially communicated by non-Parties to the Convention.

The Management Authority of Japan advised the Secretariat that it did not authorize the import of flamingos from Canada.

NUMBER: 64  
REFERENCE: 50425  
TITLE: BIRDS FROM THE UNITED REPUBLIC OF TANZANIA TO FRANCE

In October 1989, two shipments of birds, including CITES species, arrived from the United Republic of Tanzania at the airport of Roissy near Paris, France. The veterinarian stated that the first shipment contained 1,040 birds and that:

- there was no original of the veterinary certificate but only a copy;
- the number of animals in the shipment was not in accordance with the documents (the discrepancy being particularly noteworthy in the case of the parrots);
- there were too many animals in each box;
- the design of the boxes did not allow the identification of several birds nor determination of the number.

In the case of the second shipment, the veterinarian stated that it contained 331 birds and that:

- there was no original of the veterinary certificate;
- the boxes were not in accordance with IATA Live Animals Regulations.

Consequently the border veterinarian refused the shipments and requested that the airlines, the importers and their Customs agents care for the animals which should be returned to the country of export. However, this request was not met and the veterinarian had to care for the birds. Meanwhile, the importers were pressuring the veterinary service for authorization to import the birds. Four days after the arrival of the birds, in view of the number of birds which had died, the health of the remaining birds, and the fact that the importers had done nothing, it was necessary to destroy all the birds.

#### Comments from the Parties

France replied that the border veterinarian at the airport refused to be held "hostage" by unscrupulous importers. Prosecutions have been initiated. The airport now has adequate live animal holding facilities.

NUMBER: 65  
REFERENCE: 50430  
TITLE: CROWNED PIGEONS FROM SINGAPORE TO BELGIUM AND SWITZERLAND

In October 1989, the Management Authority of Belgium consulted the Secretariat on the validity of a re-export certificate from Singapore for eight common crowned pigeons (*Goura cristata*; Appendix II), declared as "bred in captivity" in Taiwan. Since no information about any breeding operation for this species was available, and since, according to the international studbook records, only three *Goura cristata* had been hatched and raised in captivity in Taiwan between 1987 and 1989 among 34 institutions, the Secretariat recommended against accepting the import.

In December 1990, the Secretariat was informed that more than 80 crowned pigeons had been re-exported from Singapore to Switzerland, declared as "bred in captivity" in Taiwan. The Management Authority of Switzerland confirmed that in 1990 it had accepted 82 *Goura cristata* and Victoria crowned pigeons (*Goura victoria*; Appendix II) in a total of three shipments.

NUMBER: 66  
REFERENCE: 50431  
TITLE: PSITTACINES FROM INDONESIA TO EGYPT

In December 1989, the Secretariat was informed by the Australian Management Authority of an Egyptian-registered bulk



grain carrier that had berthed at Port Kemble in October 89. Included among the ship's papers was a shipmaster's bond declaring 15 parrots (*Cacatua* and *Lorius* species). Some members of the crew questioned by Australian Customs officers stated that they had purchased the birds in an Indonesian market. No CITES documentation from Indonesia was presented.

Some of the crew had offered to sell the birds to a pet shop but no transaction took place.

As the birds were declared on the shipmaster's bond on arrival in an Australian port, they were considered, under Australian law, to be "in transit" to the vessel's country of destination, Egypt, provided that the birds remained on board the vessel. No action could therefore be taken by Australian officials.

In January 1990, the Australian Management Authority informed the Secretariat that the vessel had left Australia and would arrive in Egypt at the end of January. All the above information was sent to the Management Authority of Egypt. Egypt has not sent any information to the Secretariat on their investigation into this matter.

NUMBER: 67  
REFERENCE: 50436  
TITLE: BLUE CRANES FROM SOUTH AFRICA TO BELGIUM

In May 1989, a shipment of 12 blue cranes (*Anthropoides paradisea*; Appendix II) arrived in Brussels, Belgium, from South Africa. An import permit had already been issued on the basis of a telefax of a South African export permit for six pairs of this species. Although the original export permit did not accompany the birds, the veterinarian of the airport allowed the import for reasons of animal welfare and on the condition that the original document would be submitted to him as soon as possible.

When the original export permit was examined by the Bolivian authorities on 11 May 1989, it was discovered that it had been issued for six birds instead of the 12 mentioned on the copy.

As it was clear that the quantity had been altered on the copy, the Belgian Management Authority seized six of the birds. The importer, a Dutch trader, claimed that the copies had been altered by the exporter. The Belgian Management Authority contacted the Management Authority of South Africa, which carried out an inquiry. The exporter claimed that the alteration had been made by the importer in order to obtain an import permit from Belgium for 12 cranes, because the exporter was to send six cranes from South Africa, with South African permits, and six others with Botswana permits which had been obtained (which was not true). The exporter also stated to the South African Management Authority that the importer admitted to having falsified the document.

The Belgian Management Authority stated however that the original telefax proved that the falsification had been made by the exporter. Thanks to the information from Belgium, South Africa could prosecute the exporter.

As in several cases, the Belgian Management Authority has submitted a complete file of this story to the Secretariat, which has proved to be very useful.

NUMBER: 68  
REFERENCE: 50470  
TITLE: COCKATOOS FROM SINGAPORE TO SWITZERLAND

In September 1989, the Management Authority of Switzerland informed the Secretariat that a shipment had arrived at Zurich airport from Singapore, in transit to Italy. The shipment contained 60 citron-crested cockatoos (*Cacatua sulphurea*; Appendix II) and medium-crested cockatoos (*Cacatua galerita*; Appendix II) and 680 birds of unprotected species. The unprotected birds could be easily seen and checked but the parrots were in a closed-in plywood compartment.

On the documents which accompanied the shipment, three different addresses for the same consignee were indicated, two in Switzerland and one in Italy. The two re-export permits noted Switzerland as the country of destination.

The two CITES re-export permits from Singapore were for 170 specimens of four species of parrot but at the time of re-export they were checked and stamped by Customs to indicate that only 20 *Cacatua sulphurea* and 20 *Cacatua galerita* were re-exported.

An enquiry to the Italian Customs Service revealed that they were in possession of an Italian EEC import permit for 40 cockatoos. It is not clear why Italy had issued an EEC import permit on the basis of a Singapore certificate naming Switzerland as the country of destination (even though the consignee was Italian).

The shipment was eventually returned to Singapore.

NUMBER: 69  
REFERENCE: 50471  
TITLE: GREY PARROTS FROM COTE D'IVOIRE TO THE UNITED STATES OF AMERICA, ITALY AND GERMANY VIA SENEGAL

In May 1990, the Management Authority of Germany requested the Secretariat to confirm the validity of Senegal re-export certificate no. 12777, issued on 20 April 1990 for 150 African grey parrots (*Psittacus erithacus*; Appendix II). This certificate named Côte d'Ivoire as the country of origin, citing export permit no. 90.046 issued on 2 March 1990.

A similar request from Italy was received in June 1990 regarding Senegal re-export certificate no. 12781, issued on 25 April 90 for 145 grey parrots, based on the same export permit.

The Secretariat sought confirmation of the validity of the documents from Côte d'Ivoire (a non-Party) and Senegal. Côte d'Ivoire answered that all copies of permits issued before the end of March 1990 had disappeared and, as serious doubts existed about their validity, they had decided to consider all documents issued before 15 March 1990 as invalid. On this basis, the Secretariat recommended to Germany and Italy not to accept the re-export certificate from Senegal.

In mid-July, the Management Authority of Senegal sent to the Secretariat a copy of Côte d'Ivoire-export permit no. 90.046, issued for the export of 500 grey parrots to Senegal. Senegal also stated that re-export certificate no. 12781 had been issued for 45 and not 145 grey parrots. Apparently the trader had altered the number on this document.

Consequently the Secretariat reconfirmed its recommendation to Italy not to accept the Senegalese document and asked Senegal not to issue any more re-export certificates on the basis of the Côte d'Ivoire permit.

At this time, the EEC decided to ban all imports of grey parrots from Senegal. The trader apparently decided to look for other destinations for his birds.

In September 1990, the United States of America asked for confirmation of the validity of Senegal re-export certificate no. 11184, issued on 14 August 1990 for 110 *Psittacus erithacus*, based on a Côte d'Ivoire permit also numbered 90.046.

Responding to a request from the Secretariat, the Management Authority of Senegal confirmed the validity of its re-export certificate and sent a copy of the second Côte d'Ivoire permit. Copies of all permits issued by Côte d'Ivoire after 15 March 1990 were sent to the Secretariat. It was then possible to see that the export permit sent by Senegal was similar to the copy the Secretariat had received from Côte d'Ivoire.

In August 1991, the Secretariat noted the similarity in the export permit numbers and discovered that the second permit had been retrospectively issued to replace the first one. Côte d'Ivoire had failed to inform the Secretariat about this, while Senegal had accepted the replacement document for an import which had taken place long before. (The shipment presumably arrived in Senegal before 20 April 1990.)

The Management Authority of Senegal provided further information indicating that they had issued the following certificates for re-export based on the second Côte d'Ivoire-export permit 90.046:

- certificate no. 11184 for 110 *Psittacus erithacus* (to the United States)
- certificate no. 11169 for 300 *Psittacus erithacus* (to the United States)
- certificate no. 11179 for 300 *Psittacus erithacus*, 100 of which were based on Côte d'Ivoire-export permit 90.046 (to the United States)

Senegal had thus accepted a retrospective export permit, contrary to Resolution Conf. 6.6, and issued re-export certificates for a total of 610 birds on the basis of an export permit for only 500.

#### Comments from the Parties

The United States of America replied that it had requested from the Secretariat confirmation of the validity of a permit from Côte d'Ivoire in September 1990, and had received a response that the permit was valid. Over a year later, the Secretariat

informed the United States of America that the shipment was based on an inappropriately issued retrospective permit. Further, the United States of America had informed the Secretariat that no records could be found to indicate that Senegalese re-export certificates nos. 11169 or 11179 were used to import grey parrots into the US.

NUMBER: 70  
REFERENCE: 50472  
TITLE: GREY PARROTS FROM COTE D'IVOIRE TO ITALY

In June 1990, Italy requested confirmation of the validity of document no. 90-071 from Côte d'Ivoire (a non-Party) for the export of 150 African grey parrots (*Psittacus erithacus*; Appendix II), issued on 13 March 1990. On 14 June, Côte d'Ivoire had already asked that all documents issued before 15 March 1990 be considered as invalid. The Secretariat therefore recommended that Italy not accept the document. It was also noted that, according to the copy of the Côte d'Ivoire document sent by Italy, the birds had been exported on 20 June.

On 17 July 1990, the Management Authority of Italy informed the Secretariat that it was difficult to accept the Secretariat's recommendation because:

- an EEC import authorization had been granted before the problems of Côte d'Ivoire came to light (in spite of an EEC agreement made on 5 May 1990 to prohibit imports of *Psittacus erithacus* from Côte d'Ivoire);
- the shipment had been accompanied by an attestation by the officials of the Forestry Service at the airport of Abidjan which stated that all documents issued before the end of March 1990 were valid until the date of expiry, and consequently, that permit no. 90-071 was valid; and
- it is difficult in Italy to cancel an EEC import authorization even when the export permit has been declared invalid.

On 25 July, the Secretariat replied to Italy that the Forestry Service statement made at the airport of Abidjan, even if authentic, contradicted the information provided by officials in Côte d'Ivoire authorized to issue CITES permits, and reconfirmed that the shipment should not be accepted.

The Secretariat also sent to Côte d'Ivoire a copy of the document from the Forestry Service. The Côte d'Ivoire authorities commented that the document had been signed contrary to the decision of the Government and that the civil servant responsible had been dismissed. They added that the shipment had left Côte d'Ivoire illegally.

All this information was communicated to the Management Authority of Italy on 7 August 1990 with a request for information on the legal status of the shipment which had arrived at the end of June.

In August 1990, Italy requested confirmation of the validity of Côte d'Ivoire permit no. CI-90-08-88, issued that month for the export of 150 specimens of *Psittacus erithacus*. Having checked the copy, the Secretariat confirmed the validity.

Then, on 18 September, the Italian Management Authority replied to the Secretariat's telefax of 25 July, stating that, as the Secretariat had confirmed the validity of document CI-90-08-88, the import which had arrived in June was consequently authorized.

The Management Authority of Italy clearly contravened the Convention in legalising a shipment that had been exported illegally and with invalid documents. It is also noteworthy that it used the confirmation of a permit by the Secretariat in order to accept another permit which covered an illegal shipment.

NUMBER: 71  
REFERENCE: 50526  
TITLE: PSITTACINES AND PRIMATE FROM ZAIRE TO PORTUGAL

In May 1991, just after a CITES seminar on trade in live animals, the Portuguese authorities confiscated a crate, transported as accompanied luggage, containing six African grey parrots (*Psittacus erithacus*; Appendix II) and one monkey, arriving from Zaire without any CITES documents. The animals were in poor condition.

This case is included in this report to place on record that some airlines continue to accept live animals as accompanied luggage without checking if the IATA Live Animals Regulations are fulfilled, in spite of the recent reminder from IATA that these regulations also apply to accompanied luggage.

NUMBER: 72  
REFERENCE: 50414  
TITLE: PSITTACINES FROM GERMANY TO MALTA

In June 1990, the Management Authority of Malta informed the Secretariat that a German citizen wanted to import to Malta two live parrots; one red-lored amazon (*Amazona autumnalis*; Appendix II) and one African grey parrot (*Psittacus erithacus*; Appendix II) under the personal effects exemption, and had presented a document issued by the Embassy of Germany in Malta stating that the birds did not need any permit for export from Germany.

The Management Authority of Germany confirmed to the Secretariat that the Embassy document was not valid for CITES transactions and that, under the German law, the personal effects exemption is not applicable to live animals.

NUMBER: 73  
REFERENCE: 50424  
TITLE: GOLDEN EAGLE FROM USSR TO SAUDI ARABIA

In April 1990, the Secretariat was informed that a falsified document from the USSR had been presented in Germany. The permit had originally been issued for the export of 150 squirrel skins and one wolverine (*Gulo gulo*) skin to the United States of America. However, the document presented to Germany was for a golden eagle (*Aquila chrysaetos*; Appendix II), destined for a Prince of Saudi Arabia and "in care of" a German falconer.

The Secretariat has received no more information about this case.

NUMBER: 74  
REFERENCE: 50453  
TITLE: BIRD QUOTAS FROM SENEGAL

Senegal has established national quotas for the export of live birds. Most of the species concerned are either not listed in the CITES appendices or are listed in Appendix-III for Ghana.

In 1990, quotas were set for two CITES species:

-13,000 Senegal parrots (*Poicephalus senegalus*; Appendix II); and

-4,000 African grey parrots (*Psittacus erithacus*; Appendix II), although this species does not occur in Senegal.

However, the 1990 export statistics for these species produced by the Management Authority of Senegal were:

-*Poicephalus senegalus*: 38,524  
(one trader alone exported more than 150 % of the quota); and

-*Psittacus erithacus*: 17,405.

NUMBER: 75  
REFERENCE: 50529  
TITLE: BIRDS FROM BENIN TO THE LIBYAN ARAB JAMAHIRIYA VIA MALTA

In January 1990, the Management Authority of Malta informed the Secretariat that the Maltese authorities had confiscated a shipment of 23 birds (seven African grey parrots [*Psittacus erithacus*; Appendix II], and various birds of prey, Appendix II). The animals had been in transit from Benin to the Libyan Arab Jamahiriya. They were being carried on a flight from Cotonou to Moscow, via Malta.

No CITES documents accompanied the shipment. In addition, the birds were contained in two round cages made of wire, 50 cm high and 53 cm diameter. Each cage was divided into three horizontal compartments (about 15 cm high) and each compartment was further sub-divided into four partitions, each housing one bird.

One of the birds had both legs broken and a broken wing. All the birds were severely stressed.

This case was discovered because Air Malta, noting that the IATA Live Animals Regulations had not been fulfilled, refused

the shipment. The Secretariat congratulated Air Malta for its vigilance.

NUMBER: 76  
REFERENCE: 50530  
TITLE: DEAD BIRDS FROM ARGENTINA TO DENMARK VIA POST

In September 1991, the Management Authority of Denmark informed the Secretariat that two envelopes, originating in Argentina, had been confiscated in the central post office because they contained carcasses of birds listed in Appendix II. They were destined for a well known taxidermist in Denmark. The Management Authority of Denmark had recently organised an information session for post office employees on CITES implementation and enforcement. As a result, the attention of one employee was drawn by the thickness of these envelopes. When they were opened, the staff discovered plastic bags containing the carcasses. On each bag was a label with the name of a species not listed in the CITES appendices. On further inspection, it was found that the names were not correct.

There was no shipper's name or address on the envelopes. The envelopes had been stamped in a town in Argentina. All the information was communicated to the Management Authority of Argentina.

NUMBER: 77  
REFERENCE: 50359  
TITLE: GOSHAWKS FROM HUNGARY TO SPAIN VIA FRANCE AND PORTUGAL

In June 1991, the Secretariat was informed by the Management Authority of France that a shipment of six goshawks (*Accipiter gentilis*; Appendix II) was in a Paris airport, in transit to Portugal and destined for Spain. Export permits from Hungary accompanied the birds.

The export permits had been modified and, although a stamp of the Management Authority validated the modifications, there was no validating signature, as requested by Resolution Conf. 7.3. The export permits had not been stamped by the Hungarian Customs Service. Nevertheless, Hungary confirmed the authenticity of the documents.

*Accipiter gentilis* is listed in CITES Appendix II but is treated by EEC Member States as Appendix I. For this reason, no import can be accepted for commercial purposes. Moreover, the EEC law requires that a permit be issued, prior to import of the specimens.

On receiving the above information, the Secretariat contacted the Management Authorities of Spain, Portugal and Hungary, and learned the following:

1. Twelve birds of this species had been exported from Hungary, destined for Spain.
2. A crate of six birds had been sent by plane, as accompanied luggage, in transit to Paris, then in transit to Lisbon where the Customs Service checked the Hungarian export permits, and where the birds were transferred to a car for the journey by road to Spain. It has not been confirmed whether the Hungarian export documents were presented to the Spanish Customs.
3. A second crate of six birds had been sent from Hungary to Paris by plane and, because of a mistake by the French airlines, was sent to the French Antilles. When the mistake was discovered, the birds were sent back to Paris where the veterinary service discovered them in transit. These were the birds mentioned in the first paragraph above.
4. The Management Authority of Spain had not been aware of the arrival of the first six birds, had not issued an import permit for any of the 12 birds and, in view of the stricter measures of the EEC regulations, would have refused to do so.

According to the French Customs Service, it was difficult to seize the birds. Since it would be useful to identify and interview the people who were to collect the birds at their final destination, it was agreed by the Management Authorities of France and Portugal and the Secretariat to let them continue to Lisbon.

In Lisbon the birds were confiscated and two students were intercepted. They had been paid by a German trader to collect the birds at Lisbon airport and to transport them to Spain by car. The trader had explained to them in detail how to smuggle the birds across the border. The Secretariat sent to the Spanish Management Authority the name and address of the alleged importer of the birds but has never received any response.

## Section 8: Trade in Appendix-I Live Reptiles

NUMBER: 78  
REFERENCE: 50330  
TITLE: REPTILES FROM MADAGASCAR TO GERMANY

In January 1991, Customs control officers at Munich Airport checked the hand baggage of a "tourist" returning from Madagascar. In his hand baggage they found 10 Madagascar boas (*Acrantophis madagascariensis* and *Sanzinia madagascariensis*; Appendix I) which were confiscated. Further investigations were made which led to the confiscation of 28 more Madagascar boas and other reptiles, including 18 Appendix-I and -II tortoises, located in the apartments of the suspected smugglers.

Investigations showed that there had been a smuggling ring consisting of at least eight people, two of them being the organizers and the remainder acting as couriers. Altogether, they had smuggled at least 58 Madagascar boas and 33 tortoises, in three different incidents. During the final smuggling attempt, one of the organizers tried to leave Zurich airport to take the train to Munich when he was checked by Swiss authorities. Customs officers found a Madagascar boa weighing 2.9 kg wrapped around his body.

A non-governmental organization paid for the repatriation of the reptiles.

### Comments from the Parties

Germany replied that the members of the smuggling ring had been known to German authorities, and that legal action had been brought against them.

NUMBER: 79  
REFERENCE: 50442  
TITLE: CROCODILES FROM BENIN TO GERMANY

After receiving additional information from the Management Authority of Germany, the Secretariat has withdrawn this case.

NUMBER: 80  
REFERENCE: 50454  
TITLE: TURTLE EGGS FROM SURINAME

In May 1990, the Management Authority of Suriname informed the Secretariat that they had contacted the authorities in French Guiana to seek co-operation in dealing with trade in sea turtle eggs illegally taken from the wild in Suriname. The Secretariat supported the Suriname request and asked the Management Authority of France to send all available information on this problem to the Suriname Management Authority and the Secretariat. No response was ever received from France.

### Comments from the Parties

France replied that local authorities in French Guiana had been informed of this matter. However, humanitarian concerns resulting from the political situation in Suriname required that this investigation not be given a current high priority.

NUMBER: 81  
REFERENCE: 50422  
TITLE: REPTILES FROM YEMEN TO JAPAN

In February 1990, a Swiss trader wanted to import into Japan several live reptiles from Yemen (a non-Party). He presented to the Secretariat a document from Yemen, written in Arabic, which mentioned trade in, amongst other species, "*Varanus* sp". The trader claimed that he had requested the species to be described in this way because it was a newly discovered species and had not yet been named. The Secretariat believed that it was impossible to know whether the document met the requirements of Article X of the Convention and Resolution Conf. 3.8. Therefore it recommended to Japan not to accept the document unless an official translation were presented and the requirements of Resolution Conf. 3.8 were met. Therefore, the Management Authority of Japan did not authorize the import. The Secretariat also recommended that the monitor lizards not be accepted because, as there are Appendix-I species in the genus *Varanus*, it was necessary to provide a name for the species concerned, and one that would be acceptable to the Nomenclature Committee.

NUMBER: 82  
REFERENCE: 50531  
TITLE: CROCODILES FROM NIGERIA TO THE UNITED STATES OF AMERICA

On 16 September 1991, the Secretariat received information from the United States Fish and Wildlife Service about the seizure of 47 yearling crocodiles from Nigeria at J.F.K. Airport. According to the information received, the shipment had been exported by a trader from Lagos to an import company in New Jersey.

The total shipment of 50 boxes was declared to Customs authorities at the airport as containing tropical fish. However, inspection revealed that two of the boxes actually contained 47 young specimens of Nile crocodile (*Crocodylus niloticus*; Appendix I) and dwarf crocodiles (*Osteolaemus tetraspis*; Appendix I) and that there were no accompanying CITES permits. Sixteen of the specimens were dead upon arrival and the 31 survivors were sent to the Columbus Zoo, pending arrangements for their return to Nigeria. The United States Management Authority offered to return the animals at its own expense. The Secretariat also requested that the Nigerian Management Authority take all appropriate measures to prosecute the exporter involved.

On 24 September 1991, final arrangements were made between the Management Authorities of Nigeria and the United States for the return of the remaining 31 young crocodiles to Nigeria. The Secretariat is not yet aware of any action taken by either Management Authority against the exporter and the importer involved in this illegal activity.

#### Comments from the Parties

The United States of America replied that the defendants who smuggled the crocodiles to the United States were being prosecuted, with final disposition still pending. Most of the specimens were returned to Nigeria, at the expense of the United States of America, to be used in captive-breeding projects or for return to the wild.

#### Section 9: Trade in Appendix-II or -III Live Reptiles

NUMBER: 83  
REFERENCE: 50037  
TITLE: REPTILES FROM NETHERLANDS TO INDONESIA

In January 1990, the Management Authority of the Netherlands informed the Secretariat that a well known Dutch smuggler was in Indonesia. On his previous visit to Indonesia he had returned with 180 illegally held specimens of protected snakes, including green tree-pythons (*Chondropython viridis*; Appendix II) in his suitcase. The Secretariat informed the Management Authority of Indonesia and a few days later they reported that he had been caught by the Police at Jakarta Airport with 70 live specimens of (*Chondropython viridis*) in a suitcase.

NUMBER: 84  
REFERENCE: 50058  
TITLE: REPTILES FROM SOUTH AFRICA TO SWITZERLAND

In March 1990, the Management Authority of Switzerland informed the Secretariat that three parcels had arrived in Zurich by express mail from South Africa. The contents of the parcels were declared as "documents", which was printed on the air waybill. For security reasons, the parcels were x-rayed and spinal columns were seen. It was suspected that the parcels contained live animals and they were transferred to the animal room of the airport.

One parcel contained angulated tortoises (*Chersina angulata*; Appendix II). Another contained specimens of *Chersina angulata* and armadillo girdled lizards (*Cordylus cataphractus*; Appendix II). The third parcel contained additional specimens of *Chersina angulata* as well as three spitting cobras which were free in the box. A fourth snake in the parcel was thought to be a black mamba.

No CITES documents accompanied the shipment. All the animals were confiscated and the Swiss Management Authority sent to the Management Authority of South Africa all the relevant information, including the name of the exporter.

NUMBER: 85  
REFERENCE: 50102  
TITLE: REPTILES FROM SOUTH AFRICA TO THE NETHERLANDS

In July 1990 a shipment from South Africa containing venomous snakes arrived at Amsterdam Airport in the Netherlands. The crate containing the snakes was packed in three layers. The top layer contained one loose venomous snake to deter further inspection. The second layer contained 16 highly venomous snakes. On the bottom of the layer there was a warning that the third layer contained poisonous cobras from Africa whose bite would cause death in 20 minutes. Once opened, however, the layer was found to contain 30 giant girdled lizards (*Cordylus giganteus*), an Appendix II species. The shipment was seized by the Dutch authorities. Subsequently, the importer presented a copy of a South African CITES permit authorizing the export of the specimens of *Cordylus giganteus*. However, as import regulations had been violated, the shipment remained seized and was later confiscated.

#### Comments from the Parties

The Netherlands replied that information received from South Africa indicated that, as a result of information received from the Netherlands, authorities in South Africa cancelled the permit for the export of the girdled lizards. However, it was still unclear whether or not South Africa had an export ban for wild specimens of the species concerned.

NUMBER: 86  
REFERENCE: 50107  
TITLE: REPTILES FROM INDONESIA TO THE NETHERLANDS

In July 1990 the Management Authority of the Netherlands informed the Secretariat that an individual in Indonesia had sent four parcels containing green tree-pythons (*Chondropython viridis*; Appendix II) by parcel post to Amsterdam. The contents of the parcels had been falsely identified. As there were reasons to believe that a resident of Amsterdam and known reptile dealer was the exporter of these parcels, the Secretariat asked the Management Authority of Indonesia to investigate the matter. The Management Authority of Indonesia never replied to the Secretariat's request.

NUMBER: 87  
REFERENCE: 50116  
TITLE: REPTILES FROM MOROCCO TO THE NETHERLANDS

In December 1989, French Customs officers stopped a car on the motorway arriving from Spain. They found several frogs and toads in the vehicle. Continuing their search, they found a secret compartment containing 257 specimens of spiny-tailed lizards (*Uromastix* spp.) and 115 other lizards of Appendix-II species. The animals were confiscated. The driver was a Belgian who said that he had bought the animals in Morocco and had intended to deliver them to a trader in the Netherlands.

The Secretariat communicated to the Management Authorities of Belgium and the Netherlands all the information contained in a price list found in the car but has not received any additional information.

#### Comments from the Parties

The Netherlands replied that the involvement of the Dutch trader could not be proven. Therefore the case was not brought to court. The Belgian citizen was later taken into custody in the Netherlands and all animals found in his vehicle were seized. All available information on this case had been presented to the Secretariat, as well as at a CITES seminar in May 1991 in Lisbon, Portugal.

NUMBER: 88  
REFERENCE: 50193  
TITLE: REPTILES FROM PAKISTAN TO THE UNITED KINGDOM

The Secretariat received information that a company in Pakistan was continuously involved in illegal CITES trade. The CITES Management Authority of Pakistan informed the Secretariat that the company had previously been prosecuted for illegal wildlife exports, and asked for additional information on any trade in CITES specimens by the company with other countries. In November 1990, as a result of a request by the Secretariat, the Commission of the European Communities asked the CITES Management Authorities in the EEC about trade involving this company. Soon after, the Management Authority of the United Kingdom replied that it had received 18 applications from the company for CITES trade in Appendix-II and non-CITES species of reptiles in the previous three years, all of which had been refused. On 9 January



1991, the Secretariat provided this information to the CITES Management Authority of Pakistan, but has not yet received the results of any investigation.

NUMBER: 89  
REFERENCE: 50259  
TITLE: SEIZURE OF REPTILES IN BELGIUM

In December 1990, the Belgian Police, with the assistance of authorities from the Netherlands, confiscated 275 Hermann's tortoises (*Testudo hermanni*; Appendix II) and spur-thighed tortoises (*Testudo graeca*; Appendix II), 10 specimens of *Boidea* species, and other reptiles, from a shop in Belgium. All these animals had been imported illegally into Europe. The value of the shipment was between 500,000 and 1 million Belgian francs.

NUMBER: 90  
REFERENCE: 50310  
TITLE: PANCAKE TORTOISES FROM THE UNITED REPUBLIC OF TANZANIA TO THE UNITED STATES OF AMERICA VIA THE NETHERLANDS

In March 1991, a shipment of 511 pancake tortoises (*Malacochersus tornieri*; Appendix II) and 307 leopard tortoises (*Geochelone pardalis*; Appendix II) from the United Republic of Tanzania was seized at Schiphol Airport (Amsterdam), the Netherlands, while in transit to the United States of America, because of inhumane shipping conditions. The animals were packed in layers on top of each other in six crates; 50 tortoises were already dead and it was feared that at least another 400 would not survive. The shipment was accompanied by an appropriate CITES document.

The CITES Management Authority of the Netherlands informed both the Secretariat and the Management Authority of the United Republic of Tanzania, and suggested that the live specimens be returned to the United Republic of Tanzania.

The United Republic of Tanzania informed the Secretariat that the CITES export permit accompanying the shipment had actually been issued for birds and not for tortoises, and that an investigation was to be undertaken in order to prosecute those individuals responsible. The United Republic of Tanzania also requested that the animals be returned, and had arranged for their rehabilitation and return to the wild. The results of the investigation have not been sent to the Secretariat.

#### Comments from the Parties

The Netherlands replied that, due to the lack of co-operation by the country of origin, it had not been possible to return the tortoises to the United Republic of Tanzania by January 1992. The costs for housing and care have exceeded 150,000 Dutch guilders, paid by the Government of the Netherlands.

#### Secretariat Response

The Secretariat agrees that the lack of response from the United Republic of Tanzania has created an unnecessary burden, both administrative and financial, on the Netherlands.

NUMBER: 91  
REFERENCE: 50373  
TITLE: TORTOISES FROM TOGO TO JAPAN VIA THE NETHERLANDS

In January 1991, authorities in the Netherlands inspected a shipment from Togo, in transit to Japan, allegedly containing 40 specimens of African spurred tortoise (*Geochelone sulcata*; Appendix II), and 40 specimens of helmeted turtle (*Pelomedusa subrufa*; Appendix III [Ghana]). However, some specimens of black side-necked turtle (*Pelusios niger*; Appendix III [GH]) had apparently been substituted for the *P. subrufa* without this being recorded on the export permit. The shipment also included Bell's hinged tortoises (*Kinixys belliana*; Appendix II), serrated hinged tortoises (*Kinixys erosa*; Appendix II) and Home's hinged tortoises (*Kinixys homeana*; Appendix II) the adult specimens of these species being packed on top of juveniles. The *G. sulcata* were in very poor condition, two with broken carapaces, some were bleeding and a number were missing legs. The specimens were estimated to be about 50 to 80 years old and, according to information on the export permit, were captive-bred. The *G. sulcata* specimens were seized and the others allowed to proceed to Japan. The Secretariat and the Management Authority of Togo were informed about this seizure.

A staff member of the Secretariat discussed this case with the Management Authority of Togo during an official visit there in July 1991. The Management Authority was not convinced that the seizure was legal. It should be noted, however, that there is no large-scale captive-breeding of *G. sulcata* to account for the number of specimens of this species exported by

Togo to Europe and elsewhere. Togo maintains that the specimens were captive-bred and that the shipment had been prepared in accordance with the IATA Live Animals Regulations, and would like the specimens returned to the exporter.

#### Comments from the Parties

The Netherlands replied that there was sufficient proof that the specimens seized from Togo were not captive-bred and their shipment had not complied with IATA regulations. Further, in a telefax dated 22 August 1991 to the Management Authority of the Netherlands, the Secretariat (as a result of a recent mission to Togo) had concluded that the farms for African spurred tortoises in Togo did not meet the criteria of Resolution Conf. 2.12.

#### Secretariat Response

The Secretariat agrees with the comments presented by the Netherlands.

NUMBER: 92  
REFERENCE: 50412  
TITLE: CITES SPECIMENS USED IN TRAVELLING EXHIBITIONS

In May 1990, the Secretariat was informed that a French travelling exhibition of live reptiles was being set up in Geneva, Switzerland and that it might be used for illegal export and import of CITES specimens.

From the Secretariat's initial enquiries, it appeared that the French owner of the exhibition had asked the Management Authority of France for an export permit for live specimens of several species of reptiles. The Management Authority of France refused to issue permits for those specimens for which the country of origin was unknown. However, for those animals of known origin, six permits were issued. Two of the permits bore the same number.

On the basis of the permits issued by France, the Management Authority of Switzerland issued an import authorization, at the request of a Swiss trader. This trader had previously sold reptiles to a relative of the French exhibition owner, who then imported them illegally into France.

An authorization for exhibition in Geneva was also issued for the reptiles specified on the French permits and for reptiles belonging to the Swiss trader.

After the issuance of these authorizations, the originals of the French permits were sent by post to the French owner of the exhibition, who did not receive them before the animals left France. Consequently, the exhibition crossed the border between France and Switzerland with only copies of the original permits.

Switzerland, considering that the originals had been presented previously, accepted the import on the basis of the copies on the condition that the originals would be presented later.

At the time of export from France and import into Switzerland, no inspection of the animals (including determination of the species) was made.

The Secretariat communicated this information to the Management Authorities of France and Switzerland and requested that no re-export certificate be issued before the originals of the French export permits had been presented, and that a thorough inspection of the shipment be carried out at the time of its re-export from Switzerland to France.

Switzerland replied that, as the exhibition would probably leave during a holiday weekend, it would be impossible to inspect the shipment carefully. Authorities with French Customs agreed to carry out the inspection with a reptile specialist available for identification.

The Management Authority of Switzerland issued a re-export certificate, although the original French export permits were not possessed by the Swiss Management Authority. However, the Swiss re-export certificates never reached the owner of the exhibition. The Swiss Management Authority then issued duplicates of these certificates without informing the Secretariat. The Secretariat then discovered that the exhibition had crossed the border and was in France, although French Customs were still waiting for the import.

It appears that the exhibition was re-exported from Switzerland without any inspection, and duplicates of the re-export certificates were used. In addition, the exhibition was imported into France through a border post which is not authorized for import of CITES specimens.

Consequently, it is impossible to be sure what specimens were imported to and exported or re-exported from Switzerland. The original French export permits and Swiss re-export certificates do not contain a Customs stamp from either country.

NUMBER: 93  
REFERENCE: 50417  
TITLE: REPTILES FROM MADAGASCAR TO FRANCE

In February 1991, a European Management Authority informed the Secretariat that a shipment of live reptiles from Madagascar had been inspected, while in transit to France. The shipment contained 570 specimens of CITES species of reptiles (70 specimens of chameleons (*Chamaeleo* spp.; Appendix II), 500 day geckos (*Phelsuma* spp.; Appendix II) and specimens of several non-CITES species. The documents from Madagascar were authentic and indicated that the shipment had been checked at the time of export by a Customs inspector and an official veterinary surgeon. The animals were in eight boxes, and their shipment did not comply with the IATA Live Animals Regulations. The boxes were made of wood, without any insulation (which was of importance, it being winter in Europe) and contained perches for birds. The temperature at the location of interception was seven degrees below zero and the European veterinary surgeon transported the boxes to a warm place. Several of the animals were already dead.

Because all the documents were valid, it was impossible for the European country concerned to confiscate the shipment. The animals were sent to their final destination after having been repacked.

NUMBER: 94  
REFERENCE: 50457  
TITLE: CAIMANS FROM BARBADOS TO JAPAN

During a mission to Guinea in July 1991, a staff member of the Secretariat discovered that in April a person from Conakry had imported from Barbados (a non-Party), for re-export to four destinations in Japan, 1,150 live juvenile spectacled caiman (*Caiman crocodilus*; Appendix II; a species which does not occur in Barbados). They were allegedly from a crocodile farm. The Management Authority of Guinea had issued five re-export certificates, mentioning only Barbados as the country of origin, but not the number of the export document issued by that country. The export document was not retained, cancelled, or photocopied but was, instead, attached to the re-export certificates.

In summary, Guinea did not seek to verify the validity of the document issued by Barbados, nor was the document cancelled and retained. The Management Authority of Guinea explained that it had not been sure about the procedures to follow regarding re-exports.

On 30 July the Secretariat requested the CITES Management Authority of Japan to verify the importation of the specimens, but Japan replied that the specimens had not been imported.

In September, a CITES consultant working on a project in Guinea was requested to look into this case. He reported that the exporter had tried to ship the caimans through France but that the Customs there refused to authorise the transit. He had then tried to ship the specimens directly to Japan but Customs there had refused entry of the specimens and had them returned to Guinea. Most of the animals had not survived the journey to Japan and back. The CITES consultant was shown 15 of the surviving specimens in a small depression; four others had reportedly escaped into the wild. The Management Authority warned the exporter not to allow any more specimens to escape and that they were seeking an appropriate way to deal with the animals.

Neither the Management Authority of Guinea nor the exporter was able to trace the original export documents issued by Barbados.

Also in September, the Secretariat asked the competent authorities of Barbados to confirm the existence of the crocodile farm and the issuance of the export permit for the specimens concerned. The Management Authorities of France and Japan were requested to confirm the actions reportedly taken by their Customs authorities. Neither Authority confirmed to have any knowledge of the attempted transit or import of the animals. However, in November 1991, a source in Guinea provided the Secretariat with copies of documents from Barbados, authorizing the export of the caimans. In December 1991, the Secretariat provided Barbados with copies of the documents. In January 1992, Barbados replied that at least one of the documents was false, and an investigation was being conducted into the matter.

### Comments from the Parties

Japan replied that, as it requires the re-export certificate to indicate the country of origin and the original export permit number, it did not allow the animals to enter the country. The importers voluntarily returned the animals to Guinea.

### Secretariat Response

The Secretariat would appreciate knowing from Guinea the disposition of the hatchlings, once they were returned to that country.

### Section 10: Trade in Appendix-I Reptile Products

NUMBER: 95  
REFERENCE: 50131  
TITLE: SEA TURTLE SOUP FROM FRANCE TO JAPAN

In August 1990, the Management Authority of France informed the Secretariat that a French company had requested the issuance of a retroactive certificate for the re-export to Japan of sea turtle soup, because Japanese Customs had stopped several shipments which had been without any CITES documentation. The French Management Authority added that an inquiry by French Customs had revealed a large number of exports of sea turtle soup by this company, valued at FF 800,000 (USD 160,000).

The request of the company was based on three points:

- if they had requested a re-export certificate before the re-export, it would have been issued;
- if the certificate were not issued, this would be detrimental to the survival of the company; and
- the stock of sea turtle soup had been disposed of, so that there would be no further re-export.

The Management Authority of France asked for the view of the Secretariat which was:

1. According to information held by the Secretariat, the stock of this company had originated in the Cayman Island Turtle Farm and had passed through several European countries. The species concerned was *Chelonia mydas*, listed in Appendix I, and the Cayman Island Turtle Farm can not be considered as a captive-breeding operation for this species, nor as a ranching operation. In the report on alleged infractions presented to the seventh meeting of the Conference of the Parties, a similar case (Doc. 7.20, case H12) was presented and the recommendation of the Secretariat was approved. Therefore, unless new information is made available that changes the circumstances, no re-export certificate may be issued by France.
2. Resolution Conf. 6.6 recommends that no retrospective documents be issued unless it is proved that the fault had been that of a Management Authority and that the trade had been in accordance with the Convention. Clearly that is not the situation in this case.

Finally, the Secretariat reminded France that, in February 1989, it had sent information on the same company which had exported sea turtle soup to Australia without CITES documentation and that no reply had been received from France.

The Secretariat has not received any information from France about its final decision whether to issue a retrospective export document, nor any further information concerning the export of turtle soup to Australia.

### Comments from the Parties

France replied that the recommendation of the Secretariat was followed, and no retroactive documents were issued. Results from a Customs investigation into all activities of the company concerned are not yet available. Japan replied that the import of sea turtle soup into Japan requires an import permit, and no such authorization was given.

NUMBER: 96  
REFERENCE: 50188  
TITLE: SEA TURTLES FROM INDONESIA TO HONG KONG

In July 1990, Hong Kong Customs Officers seized 52 stuffed sea turtles, brought from Jakarta, Indonesia. The Indonesia vessel transporting the turtles was in transit through Hong Kong to the Republic of Korea. The Management Authority of Hong Kong further advised the Secretariat that stuffed sea-turtle specimens are occasionally seized from passengers entering Hong Kong from Indonesia.

NUMBER: 97  
REFERENCE: 50415  
TITLE: BLACK CAIMAN SKINS TO ITALY

In April 1991, the Secretariat was informed that a large volume of skins of black caiman (*Melanosuchus niger*; Appendix I) was present in an Italian tannery. The Secretariat informed the Italian Management Authority, requesting that an inspection of the tannery be carried out as soon as possible, as the skins might soon be moved from the known location. Five months later, the Secretariat discovered that no inspection had been conducted, nor had a response to the request been received. This lack of action is of serious concern.

NUMBER: 98  
REFERENCE: 50418  
TITLE: TORTOISES AND SEA TURTLES FROM PHILIPPINES TO FRANCE

In November 1989, the Secretariat learned from a newspaper report that French Customs officers had confiscated 3,522 stuffed tortoises and 656 stuffed sea turtles. The value of the specimens was estimated to be about FF 130,000 (USD 26,000). At the request of the Secretariat, France provided information about this case, including the name of the company which had exported the specimens from the Philippines. The Secretariat communicated this information to the Management Authority of the Philippines, but has never received any response from that Authority.

#### Comments from the Parties

The Philippines replied that it did not have any information on this case.

#### Secretariat Response

The Secretariat has a copy of a letter from the Management Authority of the Philippines, acknowledging receipt of the information by the Philippines dated 23 February 1990. The information on the case was re-submitted to the Philippines by the Secretariat.

NUMBER: 99  
REFERENCE: 50445  
TITLE: CROCODILE SKINS FROM COTE D'IVOIRE TO SWITZERLAND

In December 1989, the Management Authority of Switzerland informed the Secretariat that a shipment of skins of Nile crocodile (*Crocodylus niloticus*; Appendix I), originating in Côte d'Ivoire, had arrived at a Swiss border post with an export permit from Côte d'Ivoire. The population of this species in Côte d'Ivoire is listed in Appendix I and Switzerland had not issued an import permit. Switzerland confiscated the shipment.

NUMBER: 100  
REFERENCE: 50468  
TITLE: OFFER OF CAIMAN SKINS FROM BRAZIL

In August 1990, the Secretariat was informed that a trader in Brazil had offered for sale 750 skins of broad-snouted caiman (*Caiman latirostris*; Appendix I) and had provided a telefax number for response by potential buyers. At the Secretariat's request, an offer for the skins was made by a fictitious French company and a response received immediately. The Secretariat informed the Management Authority of Brazil and an investigation plan was developed. The bogus French company requested an appointment for its representative in Brazil to see the skins. A Brazilian policeman posed as the buyer but the trader said the skins were in a warehouse in Montevideo. The Secretariat therefore contacted the Management Authority of Uruguay which obtain the co-operation of the Customs and police of Uruguay for further action.

The warehouse was inspected and 800 caiman skins were seized, as well as other contraband including electrical goods.

In this case, the Secretariat benefited from the co-operation of TRAFFIC South America and the French Federation of Nature Protection Societies (FFSPN).

NUMBER: 101  
REFERENCE: 50477  
TITLE: SEA TURTLE PARTS AND PRODUCTS FROM THE CAYMAN ISLANDS

In October 1990, the Secretariat was informed by TRAFFIC Europe (Italian office) that for several years Italy had permitted the import of many tons of sea turtle oil from the Cayman Islands. The Secretariat ascertained that this trade had amounted to 1080 kg in each of the years 1984, 1986, 1988 and 1989.

The Secretariat asked the Management Authority of Italy for information about these imports. Italy did not provide all the information requested but stated that all the imports had been approved by the Commission of the European Communities. The Secretariat therefore wrote to the Commission whose response was:

"The fact that Italy imports turtle products from the Cayman Islands is not different from the fact that the United Kingdom does the same.

The import takes place on the basis of Article VII.4 of the Convention without taking Resolutions on that Article into account. That is not illegal under the Convention.

As far as the Community is concerned, captive breeding is not defined (this will be repaired with our proposal for a new regulation). The imports are therefore not contrary to Community legislation at the present time."

#### Comments from the Secretariat

- In 1985, at the fifth meeting of the Conference of the Parties, the Parties rejected a draft resolution recommending that the products of the Cayman Turtle Farm be considered as Appendix-II specimens in accordance with Article VII.4 of the Convention. They also rejected a proposal to place the Cayman Islands population of green turtles *Chelonia mydas* in Appendix II for ranching.
- As Cayman Turtle Farm is breeding Appendix-I turtles for commercial purposes, the most appropriate exemption from the provisions of Article III of the Convention is that provided by Article VII.4. Resolution Conf. 4.15 recommends that this exemption be permitted only where trade is from a captive-breeding operation registered by the Secretariat. However, Cayman Turtle Farm is not registered.
- The Commission of the EEC is generally very strict in ensuring that the recommendations of Resolution Conf. 2.12 are applied and has stated its intention to place the definition of "bred in captivity" from this Resolution into future Community legislation. It is therefore unclear why the Resolution should not be strictly implemented in the case of the Cayman Turtle Farm.
- As, in accordance with Article XIV.3 of the Convention, CITES provisions need not be implemented with respect to trade between Member States of the EEC, sea turtle products imported into Italy from the Cayman Islands may circulate within the EEC without any CITES re-export certificate.

NUMBER: 102  
REFERENCE: 50478  
TITLE: TURTLE SOUP FROM CAYMAN ISLANDS TO THE UNITED KINGDOM

During an inquiry in 1990, French Customs sent to the Secretariat, for verification, copies of EEC certificates issued by the Management Authority of the United Kingdom for sea turtle soup originating in the Cayman Islands and from animals declared as "bred in captivity". The following information was given on the certificates:

ERA 133 Appendix I, permit from Cayman Islands no. 59, date of acquisition 30 October 1984.  
1155A001 Appendix I, no Cayman Islands permit number, no date of acquisition.  
5545A003 Appendix II, no Cayman Islands permit number, date of acquisition 30 October 1984.

11545A005 No Appendix, no Cayman Islands permit number, date of acquisition 30 October 1984.

14722A001 Appendix I, Cayman Islands permit no. 59, date of acquisition 30 October 1984.

22002A004 Appendix I, Cayman Islands permit no. 59, date of acquisition 30 October 1984.

The French trader who imported 8,400 cans of sea turtle soup presented the original of one of the above EEC certificates but copies of the others.

Some of the information on the certificates is clearly incorrect; for example, *Chelonia mydas* is listed in Appendix I, not Appendix II. Some essential information is also missing, such as the permit numbers of the Cayman Islands.

When the Secretariat checked the 1984 annual report of the Cayman Islands (submitted by the United Kingdom), it was discovered that permit no. 59 was an export permit for parrots.

Answering a request from the Secretariat, the Management Authority of the United Kingdom said that it had made a mistake and that the permit number of Cayman Islands indicated on the certificates was the number of an import permit from the United Kingdom, for *Chelonia mydas* meat coming from Germany, originating in the Cayman Islands.

On the basis of information held at the Secretariat, the Secretariat believes that this soup was that re-exported to Japan and Australia (see summary no. 95, Part 2 of this document).

NUMBER: 103

REFERENCE: 50489

TITLE: SEA TURTLE SKINS FROM PANAMA TO JAPAN

In February 1991, TRAFFIC Japan informed the Management Authority of Panama that, according to Japanese Customs statistics, in July 1990, 10 tonnes of olive ridley sea turtle skins (*Lepidochelys olivacea*; Appendix I) had been imported into Japan from Panama. Panama replied immediately to TRAFFIC Japan confirming that no export permit for this Appendix-I species had been issued by Panama. At the same time, Panama informed the Secretariat, protesting strongly about this illegal trade. The CITES Secretariat contacted the Japanese Management Authority but no reply has been received.

Subsequently, the Management Authority of Panama referred the matter to the Japanese Embassy in Panama to obtain an explanation. In August 1991, after consultation with the Japanese Management Authority, the Embassy of Japan responded, explaining that the transaction had been legal because Japan had entered a specific reservation regarding this species. Furthermore, they attached to their reply: an invoice dated 2 July 1990 for 7,600 pairs of sea turtle skins mentioning an enterprise in Panama; and a copy of a bill of lading issued in Guayaquil, Ecuador, on 12 July 1990 from Transportes Navieros Ecuatorianos. The latter document was stamped "Incoming in transit country Panama". The authorities of Panama are investigating whether the enterprise named on the invoice exists.

Following discussions with the Management Authority of Panama, and doubting that the enterprise in Panama existed, the Secretariat suspected that the sea turtle skins might be from Ecuador. After the CITES Management Authority of Ecuador was duly informed, the authorities in that country advised the Secretariat that an investigation had been initiated, and that the Government of Ecuador had taken actions to prevent similar trade from occurring in the future. In January 1992, Panama confirmed that the firm involved in the sale was a fictitious one.

Although the shipment may have been technically legal in Japan, Resolution Conf. 4.25 recommends that "... any Party having entered a reservation with regard to any species listed on Appendix I treat that species as if it were listed on Appendix II for all purposes, including documentation and control ...". Failure to implement this Resolution, as well as any other adopted by the Conference of the Parties, undermines the goals of CITES. The fact that the shipment was illegal in Panama evidences the way in which disregarding this Resolution subverts the conservation laws of other countries.

#### Comments from the Parties

Japan replied that the import of olive ridley sea turtle has been banned since April 1991, and that the Government of Japan planned to withdraw the reservation before the eighth meeting of the Conference of the Parties.

## Section 11: Trade in Appendix-II or -III Reptile Products

NUMBER: 104  
REFERENCE: 50045  
TITLE: CAIMAN SKINS FROM PARAGUAY THROUGH ARGENTINA

In April 1990 a large illegal shipment from Paraguay was seized by Argentine border authorities in Formosa, a province on the border of Argentina and Paraguay. The shipment was being carried by truck and, besides the cow hides declared to Customs, contained approximately 73,000 skins of caiman (*Caiman crocodilus*) and 1,000 Felidae skins, with an estimated value of USD 5 million. In September 1990, after long discussions between the Secretariat and the CITES Management Authorities of Argentina and Paraguay and five months after the shipment was seized, it was burned, as proposed by the Management Authority of Argentina.

According to information received in the Secretariat, two similar truckloads had passed through the Argentine border previously, bound for northern Chile. From Chile, the consignments were then sent to Asia.

The success of this investigation was primarily attributed to the National Gendarmería of Argentina, with assistance from the Management Authorities of Argentina and Paraguay, TRAFFIC South America, Fundación Vida Silvestre Argentina and the Sociedad Protectora de Animales y Plantas of Paraguay, who also worked together to prevent any sale of the seized shipment.

NUMBER: 105  
REFERENCE: 50140  
TITLE: REPTILE PRODUCTS FROM THE PHILIPPINES TO THE UNITED STATES OF AMERICA

In August 1990, the Management Authority of the Philippines contacted the Secretariat because it had been informed that a Philippine exporter had sent shoes and bags made of Appendix-II specimens to the United States with forged CITES permits. The shipments concerned were confiscated in the United States. The Management Authority of the Philippines sent several requests to the Management Authority of the United States for copies of all the documents concerning these shipments, for use in court in the Philippines. After the Philippines did not receive any response, the Secretariat also contacted the Management Authority of the United States with regard to this matter. The outcome of the investigation is unknown.

### Comments from the Parties

The Philippines replied that, on 4 February 1990, a staff member of the Management Authority of the Philippines, while on an official mission in the State of Hawaii, United States of America, visited the airport at the city of Honolulu. While at the airport, he noticed a false CITES permit from the Philippines that had been received by a Wildlife Inspector for processing. The permit did not bear a control number, the CITES permit number was typewritten (instead of a 5-digit inked stamp), the signatures of the approving officials were forged, and the permit had no security stamp. On 16 February 1990, the Management Authority of the Philippines wrote to the US Fish and Wildlife Service, Division of Law Enforcement in Honolulu, Hawaii confirming that no export permit had been issued to the individual in question, and asked for certified copies of any documents which had accompanied the shipment in question, as well as any other shipments from that person to Hawaii. No response was received. The Management Authority of the Philippines advised the Secretariat that similar requests were forwarded on several subsequent occasions, for use in the current investigation and in the filing of appropriate charges. However, no response was received from the United States of America. On 23 August 1990 and 14 September 1990, the Management Authority of the Philippines contacted the Secretariat to seek its assistance in gaining the relevant information. The Philippines replied that strict domestic measures have been implemented in the port of Manila to prevent the future illegal shipment of wildlife with fraudulent documents.

The United States of America replied that it did in fact seize several shipments from the individual in question, after receiving information from the Philippines that the permits involved were false. All ports of entry were notified about the false permits and shipments and, as a result, there have been other discoveries of false permits. On 26 September 1990, the US Fish and Wildlife Service, Division of Law Enforcement, mailed all relevant documents to the Philippines. On 1 October 1990, the Undersecretary of the Department of Environment and Natural Resources in the Philippines acknowledged the receipt of the documents and thanked the US Fish and Wildlife Service for its co-operation. (The US has provided the Secretariat with a copy of the letter).



NUMBER: 106  
REFERENCE: 50190  
TITLE: CAIMAN SKINS FROM BOLIVIA TO THE UNITED STATES OF AMERICA

Details of illegal trade in skins of spectacled caiman (*Caiman crocodilus*; Appendix II) that had originally been exported from Bolivian in 1985 were included in the Report on Alleged Infractions (Infraction no. I2) at the seventh meeting of the Conference of the Parties. This report details continuing attempted trade in these skins.

In February 1985, a permit was issued in Bolivia for the export of 9,100 skins of *Caiman crocodilus crocodilus* to Spain. The Secretariat determined that the permit was illegal, as the individual who was to export the skins was not listed by the Management Authority of Bolivia as a business or person authorized to commercially trade in wildlife. The Secretariat repeatedly asked for confirmation from Bolivia that the permit was invalid, but never received a reply.

Intensive communications were conducted with several countries who were involved with the re-exports of the above skins (i.e. Spain, France, Argentina, Japan, Italy). Throughout those communications, the Secretariat maintained its stance that the skins were illegally obtained, but also admitted that there were problems in assigning liability to the importing countries when valid re-export certificates had been received.

At the seventh meeting of the Conference of the Parties, this issue was brought up for discussion by the Secretariat in Doc. 7.34. At that meeting, the Parties concluded that, in spite of valid re-export certificates having been issued by a re-exporting country, the Secretariat should always advocate rejection of a shipment containing illegally obtained specimens.

In early 1990, a large volume of caiman skins from the original Bolivian shipment noted above were to be imported into the United States of America, at entry points in New York and Texas. The US Fish and Wildlife Service, Division of Law Enforcement, requested and received from the Secretariat details of the history of the Bolivian shipment, in order to conduct an investigation of individuals and/or businesses involved in the attempted import. The Secretariat has not yet received information on the results of the investigation or on the disposition of any skins that were seized.

#### Comments from the Parties

The United States of America asked if Bolivian export permit no. 344 had actually been proven as false, as originally alleged by the Secretariat and, if false, why the Secretariat had not notified the Parties accordingly.

Based upon an initial statement from the Secretariat referring to the "illegal" shipment from Bolivia, a large shipment of caiman skins that were re-exported from Mexico to the United States of America were seized. Details of the history of Bolivian export permit no. 344 were subsequently received from the Secretariat. From this information, it was learned that the Government of Bolivia had never confirmed the fact that the permit in question as illegal and, criminal or civil prosecution was declined. The skins were returned to the importer.

#### Secretariat Response

The United States of America is correct that Bolivian permit no. 344 has never been confirmed by the Government of Bolivia to be non-valid. The Secretariat has asked the Government of Bolivia to confirm or deny the validity of export permit no. 344, and has never received any official response. The Secretariat has copies of a communication, from Bolivia to Spain in March 1985, advising that the permit was valid. However, the exporter named on permit no. 344 was never included on the list of authorized exporters for 1985, supplied to the Secretariat by the Management Authority of Bolivia. The Secretariat maintains its view that the Parties should reject any specimens which have originated from this export permit. However, the Secretariat also realizes that, due to the lack of a clear statement from the Government of Bolivia regarding this permit, confiscation of such specimens may be impossible. Although the Secretariat did not send a Notification to the Parties about this particular permit, it has mailed several Notifications to the Parties (Nos. 401, 413, 478, and 493) regarding CITES trade problems and restrictions in Bolivia.

NUMBER: 107  
REFERENCE: 50215  
TITLE: CAIMAN SKINS FROM PARAGUAY TO ITALY

In December 1990, the Secretariat was informed that a shipment of spectacled caiman skins (*Caiman crocodilus*; Appendix II) from Paraguay had been imported into Italy. The shipment was not accompanied by a CITES permit, only by a document stating that "the skins can be exported because they are not covered by the CITES Convention". This document, together with the air waybill, was sent to the CITES Management Authority of Paraguay. Further information obtained by the

Secretariat suggested that the shipment may have been transferred from Paraguay to Buenos Aires airport by truck and been flown from there to Italy. The Italian authorities seized the shipment. After carrying out an inquiry, the Management Authority of Paraguay confirmed that the Paraguayan document which accompanied the shipment was false. The exporter named on the document did not exist. The case is still under investigation in Paraguay.

The CITES Secretariat has information indicating that other illegal shipments covered by the same kind of document had previously entered Italy.

NUMBER: 108  
REFERENCE: 50225  
TITLE: CROCODILE SKINS FROM PAPUA NEW GUINEA TO SINGAPORE

In November 1990, the Secretariat received detailed information from the Management Authority of Australia concerning a recent illegal attempt to export of 52 crocodile skins from Papua New Guinea. The skins, six of which were too large or too small to be permitted for export, were destined for a company in Singapore and accompanied by Papua New Guinea certificates of origin describing the shipment as "spare parts". That same month, the Management Authority of Papua New Guinea asked the Management Authority of Singapore for confirmation that it would take legal action against the company involved in the export, as it was believed to be the seventh such illegal shipment. In January 1991 the Secretariat received a letter from the CITES Management Authority of Singapore stating that they were investigating the alleged illegal shipments of crocodile skins, and had requested more information from the Management Authority of Papua New Guinea.

The Secretariat heard nothing about the investigation in Singapore until, in March 1991, information was received about Singapore's response to Papua New Guinea. The Management Authority of Singapore stated that, of six shipments investigated, as requested by Papua New Guinea, three shipments contained spare parts and the other three were in transit to Japan and France and accompanied by CITES permits. The Secretariat considers this response from the Management Authority of Singapore inadequate, as it does not address the shipment that had been identified as illegal, nor the meaning of "spare parts" in the other shipments.

NUMBER: 109  
REFERENCE: 50292  
TITLE: REPTILE PRODUCTS FROM FRANCE TO THE UNITED STATES OF AMERICA

In April 1990, enforcement officers from the US Fish and Wildlife Service seized one of four handbags being imported to the United States of America from a company in France, declared on the French re-export certificate as made with skins of alligator (*Alligator mississippiensis*; Appendix II), but actually containing skins of New Guinea crocodile (*Crocodylus novaeguineae*; Appendix II) and monitor lizard (*Varanus* spp.). A violation notice was issued to the company involved. In July 1990, another re-export certificate from France was presented by the same company to the United States authorities. The company stated that the certificate had been issued retrospectively by the Management Authority of France, and included the species not named on the original re-export certificate.

In July 1990, a shipment arrived in the United States from a second company in France, containing 43 belts of Nile monitor (*Varanus niloticus*; Appendix II). The CITES certificate accompanying the shipment authorized the re-export of only 40 belts. A violation notice was issued to the company. In August 1990, this company presented another French re-export certificate to the United States authorities, authorizing the re-export of 43 belts of *Varanus niloticus*. This company too stated that the certificate had been issued retrospectively by the Management Authority of France.

The Secretariat received a request from the Management Authority of United States (Law Enforcement Division) to investigate this matter, as the retrospective issuance of permits was contrary to Resolution Conf. 6.6. Responding to an enquiry from the Secretariat, the Management Authority of France stated that they had issued the re-export certificates at the request of the companies involved, and that the exporters had given no indication that the permits were to be used for skins from shipments that had already been re-exported to the United States. The French Management Authority also stated that there had apparently been fraud involved, as the "retrospective" permits had never been stamped by Customs.

The Secretariat recommended to the United States Management Authority (Law Enforcement Division) that the products remain seized and that the importer be interviewed regarding a conspiracy to violate both CITES and national laws in the United States. The Secretariat also asked the Management Authority of France to investigate the matter further and to keep it informed of any action taken. Since then the Secretariat has heard nothing further from either Management Authority regarding this matter.

## Comments from the Parties

France confirmed that the traders involved misled the Management Authority, in order to obtain retrospective documents. A Customs prosecution has been initiated against the traders.

The United States of America replied that it had prosecuted both importers, and the products that had been unlawfully imported were confiscated. In both cases, the retrospective permits issued by France were not accepted, and the original permits were used as the basis for legal proceedings.

NUMBER: 110  
REFERENCE: 50446  
TITLE: CAIMAN SKINS FROM BOLIVIA TO ITALY

In April 1991, Italian authorities sent information to the Secretariat regarding the inspection of an enterprise which had illegally imported skins originating in Paraguay (see no. 107, Part 2 of this document). During the inspection, the authorities also discovered documents from Bolivia which the Secretariat considered to be false. The documents were sent immediately to the Bolivian Management Authority which replied in August, confirming that the documents were false (seals and signatures). They also asked for the latest news of the investigation in Italy, including the name of the consignee in that country. They added that Bolivia had started a thorough investigation of this case and promised to send the results to the Secretariat as soon as they were available.

The Secretariat copied the Bolivian reply to the Italian Management Authority but the Secretariat has not received any further information on this case.

NUMBER: 111  
REFERENCE: 50458  
TITLE: REPTILE SKINS FROM SPAIN TO ITALY

In June 1989, through a confidential source, the Secretariat saw a forged EEC certificate from Spain, of a very high quality. Unfortunately, the Secretariat could not obtain a copy.

At about the same time, the Secretariat obtained a copy of another Spanish document which was recognized as false by the Management Authority of Spain.

Strongly suspecting that the documents were being used to cover specimens illegally imported into the EEC, the Secretariat immediately informed all EEC countries of the possible use of these documents, and requested that they check with the Management Authority of Spain before accepting any Spanish documents. Almost immediately, the Italian Management Authority sent copies of four false Spanish EEC certificates (two having already been accepted). The Management Authority of Spain sent a strong protest to the Secretariat, stating that the Secretariat had no evidence of the existence of false documents and asserting that the request of the Secretariat had created trouble for the Management Authority and had a damaging effect on the image of the Spanish traders.

The Secretariat believes that few countries had checked the validity of all the Spanish EEC certificates, as very few false documents being used for trade were discovered.

NUMBER: 112  
REFERENCE: 50521  
TITLE: CAIMAN FLANKS FROM VENEZUELA TO SWITZERLAND VIA ITALY

On 9 July 1991, the Swiss Management Authority requested the Secretariat to confirm the validity of a re-export certificate issued by Italy for 10,350 flanks of *Caiman crocodilus* (4,700 square feet). The certificate had been issued on the basis of Venezuelan export permit no. 00524.

The Secretariat, working closely with the Venezuelan Management Authority, regularly receives copies of all CITES documents issued by that country. Venezuelan CITES permit no. 00524, covered 1,506 kg of legs (not flanks) of *Caiman crocodilus*. The Italian Management Authority was consulted on this matter but the reply received was unsatisfactory. The Secretariat informed the Swiss Management Authority of this. The latter replied that the goods had been seized pending the receipt of a satisfactory response from Italy.

NUMBER: 113  
REFERENCE: 50427  
TITLE: REPTILE SKINS FROM CAMEROON TO BELGIUM AND SPAIN

On several occasions, in 1990 and 1991, documents from Cameroon, having been modified after their issuance, have been sent to the Secretariat for authentication. The modifications appeared to have been made by the Management Authority of Cameroon but were not confirmed by a stamp and a signature (as recommended by Resolution Conf. 7.3). Cameroon has not responded to requests from the Secretariat or from other Parties to confirm the validity of the alterations. The following are examples.

On permits Nos. 224 and 226, for export to Belgium, the number of animals indicated had been modified using white paste. Cameroon did not reply to several requests for information, by the Management Authority of Belgium, nor to the Secretariat. Cameroon finally confirmed that the permits had been signed by an authorized person but they did not comment on the modifications.

On permit no. 0086, for export to Belgium, the name of the importer had been modified using white paste.

On permit no. 263, for export of reptile skins to Spain (via transit in Togo), the species and quantity had been typed (5,000 skins of *Varanus niloticus*) but, in handwriting:

-the name of the importer had been crossed out and a new name written;  
-the name of the exporter had been changed;  
-5,000 skins of "*Varanus exantimaticus*" (sic) and 5,000 skins of "*Piton sebae*" (sic) had been added;

In addition the security stamp had not been cancelled by a stamp and a signature.

Togo accepted the transit of the shipment covered by this document but it is not yet clear whether Spain accepted the document.

NUMBER: 114  
REFERENCE: 50456  
TITLE: ORIENTAL RAT SNAKE SKINS FROM BANGLADESH TO ITALY

In May 1990, the Management Authority of Italy asked for confirmation of the validity of an export permit from Bangladesh for 35,000 skins of oriental rat snake (*Ptyas mucosus*; Appendix II). The permit did not conform to the permit model used by Bangladesh, did not bear a security stamp and was not signed by an authorised person.

It is highly probable that the permit was false and, accordingly, the Secretariat recommended to Italy not to accept the document and sent a copy to the Management Authority of Bangladesh. The latter never responded to confirm the validity of the document and has not sent to the Secretariat the results of any inquiry.

#### Comments from the Parties

Bangladesh replied that the copy of the permit was never received from the Secretariat. However, no permits for the export of snake skins were issued by the Government of Bangladesh in 1990.

#### Section 12: Trade in Amphibians, Fish and Invertebrates (all Appendices)

NUMBER: 115  
REFERENCE: 50112  
TITLE: CORAL FROM INDONESIA TO THE UNITED STATES OF AMERICA

In July 1990 the Secretariat informed the Management Authority of Indonesia that two shipments of Appendix-II raw coral, with permits, had been detained by United States of America authorities in Los Angeles, California. According to the permits, inspections of the shipping containers had been performed by the Indonesian authorities on 11 July 1990. However, it was determined that neither container was actually in Indonesia on that date.

The Secretariat was subsequently advised by the United States Management Authority that another shipment of raw coral had been detained in Los Angeles. The accompanying permit authorized the export from Indonesia of 7,666 raw pieces of

Appendix-II coral, but Indonesian Customs authorities had indicated on the permit that 570 coral skeletons had been inspected on 30 May 1990 and authorized for export. In spite of the alleged inspection, the shipment actually contained 759 coral skeletons. The shipment exceeded the number authorized for two genera on the original permit and included coral from eight genera which were not cited on the permit. The Secretariat concurred with the United States decision not to clear the shipment.

#### Comments from the Parties

The United States of America replied that two shipments of coral from Indonesia (July 1990) had been refused entry and ordered to be returned to Indonesia. The third shipment, allegedly inspected by authorities in Indonesia on 30 May, was seized by authorities in the United States of America and eventually forfeited to the government.

NUMBER: 116  
REFERENCE: 50121  
TITLE: CORAL FROM SINGAPORE TO ITALY

In July 1990, the Secretariat was informed that a shipment of Appendix-II coral had been imported into Italy from Singapore without any CITES documents.

The Secretariat informed the Management Authority of Singapore of the violation of the Convention. The Secretariat was informed by Singapore that, in October 1990, the company involved in the export from Singapore had been fined SGD 500 (USD290) for the infraction.

NUMBER: 117  
REFERENCE: 50130  
TITLE: CORAL FROM THE PHILIPPINES TO THE NETHERLANDS

In July 1990 the Management Authority of the Netherlands asked the Secretariat to confirm the validity of an export permit for Appendix-II coral from the Philippines. The issuance of the permit was inconsistent with the Notification to the Parties No. 514, which informed the Parties of a ban on the export of coral from that country. While attempting to resolve the matter, the Secretariat recommended that the Netherlands not accept any permits for export of coral from the Philippines. After several enquiries from the Secretariat, the Management Authority of the Philippines responded that the permit was false and that the original permit had been for clam shells. A copy of the permit in question was sent to the Management Authority of the Philippines for prosecution purposes, but the Secretariat heard nothing further about any investigation in the Philippines.

NUMBER: 118  
REFERENCE: 50191  
TITLE: ASIAN BONYTONGUES FROM INDONESIA TO JAPAN

The Secretariat received information that during 1990, at least three different false permits from Indonesia were presented to the Japanese authorities, for importation of Asian bonytongue (*Scleropages formosus*), a species for which limited exports from Indonesia are allowed under quota (Indonesian population only is Appendix II; other populations are in Appendix I). In two instances, Japanese Customs clearance was obtained. In the last case, 100 specimens of *Scleropages formosus* were confiscated at Itami International Airport in Japan, having come from Jakarta international airport. The Japanese authorities searched a shop belonging to the owner of the fish and confiscated another 50 specimens that were for sale.

In November 1990, the Secretariat asked the Management Authority of Indonesia whether it was conducting any investigation into the matter of false permits and the exceeding of the established quotas of *Scleropages formosus*. However, the Secretariat has received no further information about this from Indonesia, and is also unaware of the disposition of the two additional cases in Japan.

#### Comments from the Parties

Japan replied that 350 specimens of Asian bonytongue were illegally imported in the first two shipments described above. However, a subsequent prosecution occurred, and 46 specimens were confiscated. In October 1990, a system for prior confirmation of permits with Indonesia was introduced.

NUMBER: 119  
REFERENCE: 50337  
TITLE: CLAM MEAT FROM SOLOMON ISLANDS TO AUSTRALIA

In April 1991, a shipment of about four tonnes of giant clam meat (*Tridacna gigas*; Appendix II) from the Solomon Islands, without export permits and without the prior grant of an Australian import permit, was seized by Australian authorities in Brisbane. The shipment had been exported by air from Honiara to Australia, and was imported in violation of the Wildlife Protection Act of 1982 of Australia. Once the shipment was seized, the importer claimed that the actual purpose of the shipment was for transshipment to Taiwan. However, as no buyer in Taiwan had been arranged, the importer then stated that he wished to tranship the meat to Hong Kong.

The competent authority of the Solomon Islands telexed the Australian Management Authority requesting them to investigate and hold up the shipment.

In mid-April 1991, the Management Authority of Australia received a letter from the Department of Foreign Affairs and Trade in the Solomon Islands, requesting that the consignment be released and re-exported to Hong Kong. The Australian Management Authority refused to release the meat.

The Secretariat fully supports the Management Authority of Australia in its decision.

NUMBER: 120  
REFERENCE: 50407  
TITLE: INDIAN BULL FROGS FROM BANGLADESH TO THE UNITED STATES OF AMERICA AND CANADA

On 11 October 1990, the Management Authority of the United States of America (Law Enforcement Division) questioned the validity of a Bangladesh permit issued on 5 December 1989 for the export of 45,000 lbs of legs of Indian bullfrog (*Rana tigerina*; Appendix II), as a ban on the export of frog legs from Bangladesh was believed to have been established on 1 October 1989. The Management Authority also indicated that, since their arrival in the United States, the frog legs had been re-exported to Belgium, then to Canada, and from Canada were to be shipped back to United States.

The Secretariat asked the Bangladesh Management Authority to confirm the validity of its export document, noting that it indicated that the shipment had left Bangladesh on 29 September 1989 (one day before the ban). The date of the permit was 5 December. Therefore the export permit was issued retrospectively by the Management Authority of Bangladesh, contrary to Resolution Conf. 6.6. The Secretariat also asked Bangladesh for confirmation of the ban. The Bangladesh Management Authority confirmed the authenticity of its document and stated that the ban was still in force. It did not make any comments on the retrospective issuance of the permit. This information was communicated to the Management Authority of the United States.

In writing to the Management Authority of the United States, the Secretariat referred to the retrospective issuance of the permit, asked whether the shipment had been accepted the first time it came to United States, and asked whether a re-export certificate had been issued and whether other documents had been issued subsequently by Belgium and Canada. The reply was that: 1) the original shipment had been accepted and a certificate had been issued for its re-export to Belgium; 2) that subsequent re-export documentation from Belgium and Canada was presumably based on the United States re-export certificate; 3) inconsistency of dates would not have been apparent to those countries; 4) the Management Authority was revising its CITES implementation regulations and policy guidelines to more clearly address cases where retrospective permits or certificates had been issued.

The Secretariat does not know the disposition of the shipment of frog legs.

#### Comments from the Parties

The United States of America replied that the frog legs had been allowed to enter that country with a permit that had been issued after the shipment had left Bangladesh. This was contrary to US policy, and should not have occurred. After the frog legs were re-exported to Belgium, then Canada, and then back to the United States of America, the specimens were seized by US Food and Drug authorities for a non-CITES violation and were later destroyed.

Bangladesh replied that the application for the export of 45,000 pounds of *Rana tigerina* reached the Management Authority after 30 September, the last day for the valid export of specimens of that species from Bangladesh. Therefore, no permit was issued initially. However, as the result of an appeal from the exporter, the Management Authority was later

ordered by the Government of Bangladesh to issue a permit, as the goods had already been shipped on 29 September. Postal delays were the primary cause of the problem which, in this case, was unintentional and unavoidable.

NUMBER: 121

REFERENCE: 50435

TITLE: CORAL FROM THE PHILIPPINES TO BELGIUM VIA THE UNITED STATES OF AMERICA

In September 1990, Belgian authorities confiscated a shipment in the harbour of Antwerp, which had arrived from the United States of America. Part of the shipment consisted of raw Appendix-II corals (150 cardboard boxes containing a total of 600 pieces) and shells. The corals were not covered by CITES documentation. All the shells and some of the corals were wrapped in newspapers from the Philippines, from the years 1987, 1988 and 1989. All the other items were wrapped in American newspapers, dated July and August 1990. Several brochures of the company from the United States which had exported the specimens accompanied the shipment, and included offers of several CITES species.

#### Comments from the Parties

The United States of America replied that it was not aware of this seizure, and asked for additional information. The Secretariat has responded to this request.

NUMBER: 122

REFERENCE: 50438

TITLE: CLAM SHELLS FROM THE PHILIPPINES TO AUSTRIA

In December 1989, the Secretariat was informed by the Management Authority of Austria that they had confiscated 15 specimens of clam shells (*Tridacna* spp.; Appendix II), in a shipment of various other marine invertebrates originating in the Philippines, without any documents. Information on the seizure was sent to the Management Authority of the Philippines but no response was received.

#### Section 13: Trade in Plants (all Appendices)

NUMBER: 123

REFERENCE: 50319

TITLE: TRADE IN ALERCE

At the sixth meeting of the Conference of the Parties, in Ottawa, 1987, the Parties adopted a proposal to list all populations of alerce (*Fitzroya cupressoides*) in Appendix I. Chile was the only Party that entered a reservation with regard to the listing. Since the Appendix-I listing, many countries have continued to import the wood of this species (all from wild sources) with export documents from Chile listing the wood as pre-Convention or Appendix-II. (Some countries do not allow the import of pre-Convention wood of this species under their national legislation.) The reason for this continuing trade was that the wood was imported through different ports of entry than those used for normal trade in live plants. Therefore officials were not aware of the controls on trade in wood of this species.

As a result of information received from the CITES Secretariat in 1990, importing countries have taken appropriate action in several instances to terminate these imports. Such action has included the confiscation of illegally imported stocks of alerce and subsequent prosecution of the importer. The Secretariat has, however, not received the results of any investigations, notably from Belgium. Italy replied that the importer has been prosecuted, but was not found guilty, as the 1926 decree under which he was charged was not applicable to the offence.

#### Comments from the Parties

Chile replied that the country strictly controls the trade in Alerce, and issues export documents for that species, as required by the Convention.

#### Secretariat Response

The Secretariat agrees fully with the viewpoint expressed by Chile. Many of the infractions made by the importing countries have been discovered because of the accurate reporting of trade in alerce and co-operation with the Secretariat by the Management Authority of Chile.

All Parties should investigate the methods in which CITES-listed specimens of plants are entering their country, and ensure

that all authorities involved in the plant controls are informed about the species listed in the CITES Appendices, as well as the products which are traded.

NUMBER: 124  
REFERENCE: 50378  
TITLE: CYCADS FROM SOUTH AFRICA

In 1988, the Management Authority of South Africa authorized the export to Portugal of 698 full-grown specimens of 35 species of cycads (*Encephalartos*; Appendix I). These plants were described as wild-collected/cultivated in South Africa's annual report of 1988. The shipment contained several very rare species, including one specimen of a species only discovered in 1985. Portugal has not reported on any plant trade in its 1988 annual report, nor has it answered any request for information from the Secretariat as to whether they have permitted the import.

An investigation carried out by a special commission appointed by the Government of South Africa concluded that the export had been in contravention of CITES, as no import permit had been presented by the country of destination prior to the issuance of the export permit, the Scientific Authority had not been consulted about the export, and the origin of the specimens was incorrectly stated. However, the Secretariat is not aware of any further measures taken by the Management Authority of South Africa nor whether the country of import was informed. The specimens may still potentially be re-exported because the South African Management Authority has not cancelled the original export documents.

A second case relates to an export in 1989. The Management Authority of South Africa permitted the export of 480 mature specimens of at least 23 species of *Encephalartos* to Japan. The annual report indicated that these specimens were all artificially propagated. The Secretariat has determined that at least the mature specimens of several of the rarer species concerned could not have been artificially propagated. The purpose of the export was indicated as "scientific", but it not clear why scientific research requires 77 mature specimens of one Appendix-I species. The Secretariat consulted the Management Authority of Japan which stated that the imports had taken place in 1990. They also sent copies of the export permits from South Africa. On these, the source was stated as 'O' (Other) and in answer to a request for confirmation by the Management Authority of Japan, South Africa answered that the plants were all pre-Convention. The copies of the export documents, received from Japan, indicate that the actual export took place on 23-02-1990, more than a month after the date of validity of the export permit (16-1-1990). Therefore, South Africa provided incorrect information in its annual report, and did not demonstrate adequate controls for exports. South Africa has not answered any correspondence from the Secretariat about these infractions.

In the last few years a very lively national trade in specimens of *Encephalartos* has developed in South Africa. It seems that most of the plants are taken from the wild, though from privately owned land. The Secretariat has photographic evidence that large stocks of wild-collected plants are held in private, registered nurseries. The specimens of rare species have a value of up to USD 7,000. Some nurseries now sell the plants priced by stem length. Many populations have been seriously depleted because of this collecting.

#### Comments from the Parties

Portugal informed the Secretariat that the Regional Management Authority of Madeira (responsible for CITES on Madeira) permitted the import noted above, without consulting the Management Authority in Lisbon. The import permit declared the specimens as being from an Appendix-II species, and of unknown origin. In addition, the destination of the plants indicated on the permit was the Botanic Garden of Madeira, yet all plants were actually planted on private property. Finally, the import was never recorded in Portugal's annual report, because Madeira had never confirmed the arrival of the plants. There is no possibility for the National CITES Management Authority of Portugal to confiscate the plants on Madeira, but it has assured the Secretariat that no re-export certificates will be issued.

Regarding the export to Japan, South Africa confirmed that incorrect entries were made in 1989's annual report. Instead of 'artificially propagated', entries should have been made as 'pre-Convention'. With regard to the purpose of the export, South Africa informed the Secretariat that parts of the shipment were destined for a scientific institute, an exhibition and a trader.

#### Secretariat Response

The Secretariat hopes that South Africa will be more accurate regarding its data entry for future annual reports. In addition, the Secretariat still wonders how South Africa determined that all of the specimens were acquired before 13.10.75, in accordance with Resolution Conf. 5.11. With reference to the first case, the Management Authority of South Africa should inform the country of import of all information regarding 1988 shipment of *Encephalartos*, and explore the possibility of having the illegally exported specimens returned. If return of the specimens is not possible, the Management Authority of



South Africa should ask the country of import to not to issue any re-export permits. South Africa should also evaluate its national legislation regarding the protection of *Encephalartos*, and assess the potential for illegal trade in that species, as well as the actual level of artificial propagation actually occurring in that country. Finally, the Management Authority should consult with the Scientific Authority regarding any exports of any Appendix-I specimen of wild origin.

NUMBER: 125  
REFERENCE: 50565  
TITLE: CACTACEAE FROM CHILE TO THE UNITED KINGDOM

In July 1990, a well known Chilean botanist was stopped by Customs authorities of the United Kingdom while trying to enter the country with a collection of Cactaceae, which included specimens of at least 18 Appendix-II species. The botanist was prosecuted and fined.

NUMBER: 126  
REFERENCE: 50389  
TITLE: TRADE IN WILD-COLLECTED PLANTS CLAIMED AS ARTIFICIALLY PROPAGATED

#### Orchids from the Philippines to the Netherlands

In April 1989 the Netherlands confiscated 835 specimens of Appendix-I and -II species of *Orchidaceae* originating in the Philippines. All the plants were wild-collected but the export document stated that they were artificially propagated. During legal proceedings, the Haarlem District Court of the Netherlands asked the CITES authorities in the Philippines to provide details about inspection procedures related to the export of CITES-listed plants. Based upon the detailed response from the Management Authority of the Philippines, the judge concluded that the plants had been duly inspected by proper authorities in the Philippines. Therefore, he released the plants to the importer. However, in June 1991 the Philippines confirmed to the Secretariat that some of the more critical inspection procedures described in their letter to the court in the Netherlands had only been implemented after the seizure took place in the Netherlands.

#### Paphiopedilum from Hong Kong

A nursery in Hong Kong, with a branch in China, has regularly exported wild-collected specimens of Chinese *Paphiopedilum* (Appendix I since January 1990; Appendix II prior to that date) from Hong Kong. The shipments were accompanied by Chinese re-export permits of a type which have not been used officially for many years. These documents stated that the plants in question were artificially propagated. Upon receiving information from the Secretariat on this matter, the authorities in Hong Kong took immediate action, resulting in the owner of the nursery being convicted of three separate offences related to the unlawful re-exports. However, many importing countries had meanwhile accepted shipments that were accompanied by these false documents, without requesting the Secretariat confirm to their validity.

The Management Authority of China has not responded to the Secretariat's request to investigate the activities of the nursery's branch, located in that country.

#### Cycads from Sri Lanka

In 1989, the Netherlands confiscated one large shipment of *Cycas circinalis* (Appendix II) exported from Sri Lanka, with documents stating that the plants were artificially propagated. A prior shipment could not be seized, due to a lack of sufficient evidence. The plants had not been propagated in accordance with the definition in Resolution Conf. 2.12, and were claimed to have been collected from abandoned plantations. Sri Lanka informed the Secretariat that, as of May 1991, it would no longer allow the export of specimens of *Cycas circinalis* from this source.

#### Comments from the Parties

The Netherlands replied that it would have appreciated being informed by the Secretariat of the ban by Sri Lanka on the export of cycads that were collected from abandoned plantations and claimed as artificially propagated.

#### Orchids from Brazil

During 1989 and 1990, several nurseries in Brazil were exporting wild-collected Appendix-I and -II orchids that were identified by the nurseries as artificially propagated. Wild specimens would sometimes be shipped exclusively, or at other times would be mixed with specimens that were truly artificially propagated. This was occurring on a large scale, in spite of the fact that Brazil does not allow the export of wild-collected plants. Shipments containing plants of wild origin in Brazil

were confiscated in several countries, including Germany, the Netherlands, and the United States of America.

Visits to the Brazilian nurseries by representatives from the Secretariat and the Management Authority of Brazil allowed determination of the level of artificial propagation in each nursery. As a result, those nurseries dealing exclusively in wild-collected plants were no longer issued export permits. In addition, the countries of import were requested to validate the export documents issued by the Brazilian Management Authorities, by inspections of the shipments upon arrival.

Although the nurseries concerned were informed about these controls, they continued to export wild-collected plants, resulting in many more shipments being partially or completely confiscated after inspections occurred in the countries of import.

At present, Brazil still does not have adequate national legislation to control this problem.

#### Succulents from South Africa

From various sources the Secretariat has received information that succulent plants (including Appendix-II *Pachypodium* and *Euphorbia*) are exported from South Africa with documents stating that the plants are artificially propagated whereas they are clearly of wild origin. Even certificates of artificial propagation were used for these exports. A great number of importing countries has accepted these documents without inspection of the shipments. In many cases, these wild-collected plants were taken from private grounds. It has generally been admitted to experts visiting South Africa that many of the succulents were of wild origin. In one case, 2000 mature plants of *Pachypodium bispinosum* (Appendix II) were exported to Germany in 1989, declared as artificially propagated. The exporter admitted that the plants were wild-collected but that they had come from a site which had been cleared for the building of a new town. This town was not within the natural distribution range of the species. The plants were imported into Germany, apparently without any inspection. South Africa has never responded to any request for information about this from the Secretariat.

NUMBER: 127

REFERENCE: 50138

TITLE: PRIVATE COLLECTORS OF RARE CACTI AND OTHER PLANTS

#### Appendix-I and II Cacti from Mexico

Mexico does not allow the collecting of wild cacti without special permits.

In February 1990, Customs officers in the Netherlands confiscated two suitcases filled with wild-collected cacti from Mexico, from two German citizens who had just returned from there. Some weeks later, another suitcase full of wild-collected Mexican cacti was found abandoned in the baggage reclaim area of Schiphol airport (Amsterdam, NL).

In May 1990, another German national was arrested in Mexico while collecting cacti. The authorities confiscated 123 specimens.

An Austrian has been organizing special trips to Mexico for citizens of various countries, for the specific purpose of collecting rare specimens of cacti. The plants would subsequently be smuggled back to the countries of residence in the luggage of the travellers. The Austrian organizer, together with three other Austrians, was arrested in Mexico in May 1990. A total of 878 cacti of Appendix-I and -II species were confiscated. The Austrian authorities initiated an investigation into this matter, but the outcome is not known to the Secretariat.

In May 1990, a United States resident was arrested in Mexico while collecting wild cacti and other succulents. A total of 28,624 cacti, 653 other succulent plants, and 330 kg seeds were confiscated. The person used falsified Mexican documents and collecting permits during the smuggling attempt.

In July 1990, four Belgians were arrested in Mexico. A total of 1,548 cacti of Appendix-I and -II species were confiscated, as well as 33 kg of seeds. The Belgian authorities conducted an investigation but were not able to determine whether cacti being held in Belgium by the suspects had imported after 1 January 1984, the date of Belgium's ratification of CITES.

In March 1991, three Italian citizens and one German were arrested in Mexico for collecting wild cacti. The outcome of investigations by German and Italian authorities into the activities of these persons is not known.

### Comments from the Parties

The Netherlands replied that, in spite of requests to Germany for information about the two private collectors involved, no new information has been provided. The cacti in question have been confiscated.

### Appendix-II Orchids from Papua New Guinea

In September 1990, a group of orchid enthusiasts visited Papua New Guinea, after attending the seventh World Orchid Conference. During this trip, several of them collected or bought orchids of wild origin, which were exported without proper CITES export permits. Trip participants came from several countries. After receiving information from various sources, New Zealand authorities confiscated plants which had been illegally imported by their citizens, and the plants were consequently returned to Papua New Guinea. Canadian Authorities initiated an investigation, upon receiving information from the Secretariat. However, the outcome of any legal actions against persons involved in the orchid smuggling has not yet been received from Canada by the Secretariat.

### Section 14: Other

NUMBER: 128  
REFERENCE: 50110  
TITLE: TRANSFER OF SECURITY STAMP IN MADAGASCAR

In July 1990 the Management Authority of the Netherlands questioned the validity of an export permit from Madagascar, as one of the security stamps was obviously taken from a previous document. The Management Authority of Madagascar confirmed the authenticity of the document, although the stamp had indeed been transferred from another permit.

In no circumstances should a CITES security stamp be reused after it has been affixed to a CITES document, even when such document has been cancelled.

NUMBER: 129  
REFERENCE: 50248  
TITLE: "ASIAN ELEPHANT" PRODUCTS FROM THAILAND

On 30 July 1990 the Secretariat received from a non-governmental organization a memo about an investigation which had been carried out into the sale of Asian elephant leather in Thailand. Subsequent investigation by several other sources reporting to the Secretariat revealed that, in the majority of cases, articles which were made of cow or buffalo skins had been marked as elephant leather. Many times, in spite of its illegal nature and despite the fact that prices for such products were quite similar to those for cow leather products, shopkeepers in Thailand were apparently insistent that the products stamped as elephant leather were from elephants.

It should be noted that, although correspondence and observations from others indicate that the majority of the "elephant" leather products in Thailand are, in fact, from domestic cow or buffalo, it does not diminish the enforcement problem created when Thailand's large volume of products that are stamped as "Genuine Elephant Leather" are seized by authorities of importing countries, and confiscation procedures are initiated. This problem was particularly acute in Germany.

NUMBER: 130  
REFERENCE: 50267  
TITLE: PERMITS FOR PSITTACINES FROM ARGENTINA TO EUROPE

The CITES Secretariat detected the existence of several false CITES permits from Argentina, all of them for parrots included in Appendix-I or II. The false permits were created by altering photocopies of original permits that had been issued by the Management Authority. The trader would then send, via telefax, a copy of the altered permit, and demand advance payment for the export. There was apparently no intent on the part of the exporter ever to ship any specimens. The Secretariat discovered the permits because it was consulted about their validity when the importer presented them to the Management Authority of his country, in order to obtain import authorization. The Management Authority of Argentina was consulted in these cases and collaborated closely with the Secretariat in carrying out an inquiry into this matter, which is not yet completed.

The Argentine CITES Management Authority asked, via the Secretariat, whether the Management Authorities of the importing countries involved could obtain proof from the "cheated customers" that they had advanced the money to the

Argentine trader. This information was of overriding importance for the Argentine justice department to consider prosecution in these cases. Unfortunately, in some instances, this information has not been made available, and the Secretariat wonders whether some customers in the importing countries were actually cheated.

A case in France, however, was co-ordinated with more satisfactory results. In this instance, the Secretariat was able to discuss the problems with the importer involved and obtained copies of documents which proved that a transfer of money had taken place prior to the expected shipment of parrots. This information was immediately sent to the Argentine CITES Management Authority, who passed it on to the Justice Department.

In February 1991, in order to prevent repetition of similar fraud which had occurred in South Africa, France and Germany, importing countries were requested, in Notification to the Parties No. 614, to ask the Secretariat for confirmation of permit validity, prior to accepting exports of parrots from Argentina. Argentina then sent copies of all CITES export permits to the Secretariat, for reference, in order to avoid unnecessary delays that would hurt the business of legal exporters in the country.

On 18 December 1991, the Management Authority of Germany informed the Secretariat about a firm in Argentina which was offering to sell captive-bred specimens of parrot species. As there are currently no captive-breeding facilities for parrots in Argentina, the information was sent to the Management Authority of Argentina for further investigation.

The present case involving Argentina is not an isolated one; many countries are subjected to practices of this sort. Therefore, the confirmation of the validity of an export permit, directly with the Management Authority of the country of origin or through the CITES Secretariat, is very important.

NUMBER: 131  
REFERENCE: 50318  
TITLE: SALE OF APPENDIX-I SPECIMENS IN EQUATORIAL GUINEA

Through Notification to the Parties No. 494 (September 1988) the Secretariat recommended that the Parties ban all trade in CITES-listed species with Equatorial Guinea, or at least do not accept import from that country without carefully checking its legitimacy. In March 1991, the Secretariat received a letter from a non-governmental organization that was very concerned about illegal shipments continuing to be exported from a company in Equatorial Guinea. The person who was involved in this illegal activity was from a well known European family. One member of the same family had opened a zoological company in a country in Europe in order to facilitate this illegal trade.

The Secretariat had received copies of correspondence from the company in Equatorial Guinea which clearly stated an intent to sell Appendix-I birds and primates, snakes, lizards, gorillas, chimpanzees, crocodiles, etc. In the letters, it is explained that one of the members of the family has a five-year contract with the Government of Equatorial Guinea. Unfortunately, Equatorial Guinea is not a Party to CITES.

The Secretariat is very concerned about the possibility of Parties continuing to permit trade in illegally obtained CITES specimens with Equatorial Guinea, particularly in Europe.

NUMBER: 132  
REFERENCE: 50356  
TITLE: SALE OF CITES SPECIMENS IN THE UNITED ARAB EMIRATES

On 5 October 1990, Gulf News published an article illustrating the illegal wildlife trade in Sharjah (United Arab Emirates). A few days later a representative of the Secretariat, during an official mission to the United Arab Emirates, had the opportunity to visit the location of the market in Sharjah and to verify the article's information. Many CITES bird species, including a peregrine falcon, were exhibited for sale in very poor conditions. The Secretariat wrote to the United Arab Emirates Management Authority, but did not receive any answer.

In April 1991, the Secretariat received additional information which indicated that the situation was still the same, if not worse. Clouded leopards (*Neofelis nebulosa*; Appendix I) and various species of bear, deer and primates were seen for sale in the market. The Secretariat was also informed of clandestine trade in ivory, rhino horn, musk and furs. The Secretariat wrote again to the Management Authority of the United Arab Emirates without receiving any answer.

On 1 June 1991, Gulf News published another article that detailed the sale of cat species covered by CITES in Sharjah pet shops. The Secretariat sent a copy of the article to authorities in that country, asking for a response. At the same time, the Secretariat requested comments on an import, apparently without any CITES control, of 100 specimens of African grey parrots (*Psittacus erithacus*; Appendix II) by a Sharjah shop, which would be receiving "special treatment" from a high

dignitary of Dubai, UAE. Again, the Secretariat did not receive a response.

NUMBER: 133  
REFERENCE: 50473  
TITLE: INVALID DOCUMENTS FROM THE CONGO

During 1990, the Secretariat received copies of the permits issued by the Congo for that year. The permits were in a large number of cases incorrectly issued or issued contrary to the Convention or to Resolutions of the Conference of the Parties. The types of problems included the following:

- "*Varanus flavescens*" (Appendix I) was named on an export permit, although this species occurs only in Asia;
- some species which are not listed in the appendices were indicated as being in Appendix II;
- some species listed in Appendix II were indicated as being Appendix I;
- permits had been issued for *Crocodylus cataphractus* without the tag numbers being given. (The Congo has a quota of 600 and, according to Resolutions Conf. 5.16, Conf. 5.21 and Conf. 7.14, each skin must bear a tag and the number must be indicated on the permit);
- no scientific name is given;
- export permit were issued for Appendix-I specimens without prior issuance of an import permit;
- export permits for ivory of African elephant were issued without prior issuance of an import permit and indicated that the species was listed in Appendix-II;
- export permits were issued without any indication of the importer or the country of destination;
- export permits were issued for stuffed specimens of dwarf crocodile (*Osteolaemus tetraspis*; Appendix I) for which the Congo had a zero quota.

In each of these cases, the Secretariat recommended to the importing country not to accept the export document but it has never been informed whether the import was rejected or what happened to the specimens concerned.

The Secretariat sent its comments in each case to the Management Authority of Congo which has taken into account most of the comments of the Secretariat and the issuance of permits appears to have greatly improved in that country.

NUMBER: 134  
REFERENCE: 50485  
TITLE: CITES SPECIMENS FROM BOLIVIA TO PORTUGAL

In September 1990, with the co-operation of the Portuguese CITES Management Authority, the CITES Secretariat discovered a false Bolivian permit which had been used to try to import skins of Appendix-I and -II species into Portugal. All the information was sent to Bolivia so that the Management Authority there could initiate an investigation. The skins were not confiscated because the false permit had been presented for approval in Portugal before the arrival of the shipment.

NUMBER: 135  
REFERENCE: 50488  
TITLE: CONFISCATIONS OF ILLEGAL FAUNA IN PARAGUAY

The new CITES Management Authority of Paraguay, which is working in very close co-operation with the CITES Secretariat, has carried out several successful operations against illegal trade. The following are particularly noteworthy.

- a) On 21 June 1991, 2,000 kg of illegally trade skins, confiscated by the Paraguayan Government, were burned. Most of them came from species in Appendix I, including *Panthera onca*, *Felis pardalis mitis* and *Boa constrictor occidentalis*.
- b) In July 1991, the Management Authority confiscated several live wild animals of Appendix-I and -II species, including psittacines of species endemic to Brazil. In close co-operation with the Sao Paulo Zoo and TRAFFIC South America,

they decided to return the animals to Brazil.

These actions, among others taken by the new CITES administration of Paraguay, reinforce the point that, besides needing dedicated scientists and administrators, the adequate implementation of the Convention depends on support from high levels in government.