

Interpretation and Implementation of the Convention

TRADE IN RHINOCEROS SPECIMENS

Report of the Secretariat1. Introduction

In spite of the listing of all the five species of rhinoceroses in Appendix I, in 1977, and in spite of Resolution Conf. 3.11 on Trade in Rhinoceros Horn (New Delhi, 1981) and Resolution Conf. 6.10 on Trade in Rhinoceros Products (Ottawa, 1987), the wild populations of these species have continued to decline dramatically. The world population of rhinoceroses stands at below 12,000 or reduced by more than 90% of its 1970 level. The only populations that have recovered and are now considered to be out of danger are those of the great one-horned rhinoceros *Rhinoceros unicornis* in India and Nepal (about 1,900 animals), and the southern African white rhinoceros *Ceratotherium simum* (about 6,780 animals) located in a few southern African countries, 94% in South Africa alone. The two species had been reduced to near extinction and their recovery owes to the dedication and stringent protection measures taken by the governments of the countries concerned.

The population of the African black rhinoceros *Diceros bicornis* has declined most rapidly since the 1970s by about 95%, to about 2,550 animals in 1993, most of them located in southern African range States. The Sumatran rhinoceros *Dicerorhinus sumatrensis* was once widespread in South-east Asia. In 1984 its population was about 1,000 but by 1994 it was thought to number fewer than 500 animals, located in isolated and unviable pockets in Indonesia and Malaysia. The Javan rhinoceros *Rhinoceros sondaicus*, which once occurred in many countries of south-eastern Asia has been reduced to a population of fewer than 100 animals, with one population in Java and another recently discovered relict population of about 15 animals in Viet Nam, making this species one of the most threatened large mammals in recent times.

While the main threat to African rhinoceroses has been severe poaching pressure for their horn, encouraged by international illegal trade to supply manufacturers of oriental traditional medicines and handles for jambiyas and khanjars in some countries of the Gulf States, the Asian rhinoceroses have suffered not only from this threat (their horn is considered more potent in oriental traditional medicine than that of the African rhinoceroses), but also from severe habitat degradation and reduction. In addition to internal consumption, a 1994 study by TRAFFIC has revealed that patented medicines containing rhinoceros horn ingredient are also exported to markets in Europe, North America and to some countries in other regions where there are large Asian communities.

The Secretariat is not aware of any offer of financial assistance to any range State in response to the recommendation of Resolution Conf. 6.10 and, as a result, no range State is known to have destroyed its stocks of rhinoceros horn within the framework of this Resolution. The volume of government-held stocks has continued to grow, while poaching and illegal trafficking in rhinoceros horn have intensified.

A number of southern African range States believe that other options within the framework of CITES should be explored, including possible trade in rhinoceros horn, under strict controls. The revenue accruing from the sale

of horn would thus be available for the conservation of their rhinoceros populations. Consequently, at the eighth meeting of the Conference of the Parties (Kyoto, 1992), two southern African range States submitted proposals for the transfer of certain of their rhinoceros populations to Appendix II. The proposals were rejected or withdrawn, but the ensuing debate increased the awareness of the precarious conservation status of rhinoceroses. The Conference asked the Standing Committee to find solutions to arrest and reverse the decline of rhinoceros populations and to report on progress at the next meeting of the Conference of the Parties. The following sections provide a brief summary of some of the actions taken by the Standing Committee and other concerned bodies.

2. Measures taken by the Standing Committee and the Animals Committee

The Standing Committee first deliberated on the rhinoceros conservation issues at its 28th meeting (Lausanne, 1992), at which it made several recommendations, including the destruction of rhinoceros horn stocks as recommended in Resolution Conf. 6.10, to be implemented by range States and consumer States. During subsequent meetings, the Committee reviewed progress in the implementation of the decisions taken at its previous meetings.

The supporting statement to the draft resolution on rhinoceros conservation (Doc. 9.35) provides an overview of the decisions taken by the Standing Committee and also of the views of the Animals Committee on the subject. Furthermore, the Parties have been kept informed of actions taken by the Standing Committee through Notifications to the Parties No. 738 on Decisions of the Standing Committee on Rhinoceros and Tiger (29th meeting), and No. 774 on Decisions of the Standing Committee on Trade in Rhinoceros Horn and Tiger Specimens (30th meeting). The decisions taken at the 30th meeting of the Standing Committee are included in this report as Annex 1 for easy reference. Suffice it to note that at its 28th, 29th and 30th meetings the Standing Committee laid emphasis on the implementation of Resolution Conf. 6.10 and, at its 30th meeting, the Committee went as far as recommending to Parties to consider implementing stricter domestic measures up to and including the prohibition of trade with China, including its province of Taiwan, in wildlife species.

At its 30th meeting, the Standing Committee acknowledged that some progress had been made by consumer States to strengthen domestic control of illegal trade in rhinoceros horn, and welcomed the accession of the Republic of Korea to CITES. However, the Committee considered the measures taken by China, including the province of Taiwan, the Republic of Korea, and Yemen to be inadequate. Therefore, the Committee decided on a set of minimum conditions, outlined in Annex 1 to this report, that should be met by these countries before the end of November 1993.

A technical-assistance delegation visited these countries in November/December 1993, to provide advice on the implementation of the minimum conditions before the visit of the high-level delegation, which visited these countries, plus Hong Kong, in January 1994, to assess

progress. The high-level delegation was unable to visit Yemen.

At its 31st meeting (Geneva, March 1994), the Standing Committee reviewed the report of the high-level and technical assistance delegations, as well as the report of TRAFFIC to the Secretariat on a survey of the trade in rhinoceros horn in Oman and the United Arab Emirates. The latter report showed that these countries were also important importers and consumers of rhinoceros horn. These reports were in addition to the report prepared by the Secretariat. The decisions taken by the Standing Committee at that meeting are included in Annex 2.

A number of African range States were represented at the meeting and contributed to the debate on future strategies for the conservation of rhinoceroses within the framework of CITES. The Chairman of the Standing Committee requested the Chairman of the IUCN/SSC African Rhino Specialist Group (AfRSG), who was present as a member of the observer delegation from South Africa, to consult with members of the AfRSG on options for the conservation of rhinoceroses and if possible to prepare a draft resolution on the subject for consideration at the ninth meeting of the Conference of the Parties. The result of that consultation is presented in document Doc. 9.35.

Following the decision at the 31st meeting of the Standing Committee, the Chairman sent letters to the relevant authorities of Oman, the United Arab Emirates and Yemen proposing a visit of a high-level delegation in early June. Omani authorities accepted the visit but proposed that the visit should be at a later date, without, however, suggesting the most convenient dates.

Even before the 31st meeting of the Standing Committee, Yemen had accepted a visit of a CITES delegation which should have taken place early in June. The outbreak of civil war in that country prevented the mission from taking place as planned.

3. Follow-up by the United Nations Environment Programme (UNEP)

In August 1992, UNEP decided to convene a conference on financing the conservation of rhinoceroses, and also sent a special envoy to a number of range States and consumer States to assess the problems facing rhinoceroses and possible solutions.

The Secretariat co-operated closely with the UNEP Secretariat in this undertaking, and assisted in the organization and preparation of the pre-conference meeting, held in Nairobi, in December 1992, and later the conference itself.

The conference was held in Nairobi in June/July 1993, and it brought together rhinoceros range States from Africa and Asia, the major consumer States, and donors. The range States and consumer States presented national action plans outlining strategies, programmes and priorities for rhinoceros conservation. Of the more than USD 55 million in external assistance that was needed for the implementation of the programmes and priorities identified at the conference, donors pledged less than USD 10 million, some of which had already been committed to projects in progress.

The conference made resolutions that, if seriously implemented, could help to reverse the current downward trend of rhinoceros populations in Africa and Asia. These included:

- a) urging the participants in the Global Environment Facility (GEF) to use the biological diversity component of the Facility to fund the protection of rhinoceroses within the context of broadly based projects for the conservation of biological diversity;

- b) reviewing and amending, as necessary, national legislation to ensure the full global conservation of rhinoceros populations, and for donors and UNEP to provide resources for the earliest possible negotiation of regional co-operation measures, including the Lusaka Agreement on Co-operative Enforcement Operations Directed at International Illegal Trade in Wild Fauna and Flora. UNEP was urged to facilitate the negotiation of the draft Lusaka Agreement.

The Agreement, which will remain open for accession by any African State after closure for signature, was concluded and signed in Lusaka, on 9 September 1994, by six African States, namely Kenya, South Africa, Swaziland, Uganda, the United Republic of Tanzania and Zambia. The Depositary is the Secretary General of the United Nations;

- c) encouraging consumer States to explore further measures for bringing illegal trade under control and encouraging range States to explore options for the non-consumptive use of rhinoceroses that both benefit their conservation and enhance the well-being of local communities, as well as the carrying out of studies on the control of the existing illegal trade in rhinoceros horn and poaching, in order to provide objective guidance to governments, donors and other conservation organizations; and
- d) endorsing the establishment of a UNEP Elephant and Rhinoceros Conservation Facility, to cater for both the African and Asian elephants and rhinoceroses.

The Facility has been temporarily functional since April 1994, and has been operating from the UNEP Geneva Executive Centre.

4. Measures taken by range States, consumer States and others

Secretariat reports to the meetings of the Standing Committee provided ample information on measures taken by consumer States to curb illegal imports and internal use of rhinoceros horn. Therefore, this section focuses on measures taken by these States, and others concerned, after the visit of the high-level CITES delegation mentioned in section 2) above, and also after the 31st meeting of the Standing Committee.

China and its province of Taiwan

China: No new actions after the 31st meeting of the Standing Committee have been reported to the Secretariat. However, the Government is expected to report to the ninth meeting of the Conference of the Parties on further progress in implementing the minimum conditions established by the Standing Committee. It may be mentioned, however, that a CITES enforcement training seminar was organized in Beijing by the Secretariat, at the request of authorities in China, following the meeting of the Animals Committee there in May 1994.

Province of Taiwan: Information received in March indicated that Taiwanese authorities had taken the following measures since January 1994:

- a) Creation, in January, of the Wildlife Protection Unit under the Council of Agriculture. Its main task is to undertake undercover operations and to develop contacts with international organizations, wildlife protection authorities and foreign non-governmental organizations for the exchange of information relating to wildlife smuggling. Baggage of returning passengers are being x-rayed.

Contacts have been established with law enforcement agencies of Hong Kong, New Zealand, South Africa, Zambia and Zimbabwe, and it is expected to establish similar co-operation with mainland China and the United States of America. A number of enforcement officers have been sent to the United States to undergo training in undercover operation techniques.

- b) In mid-March, a three-day undercover inspection, by members of the Wildlife Protection Unit, of 516 traditional medicine shops uncovered seven shops selling rhinoceros horn powder. From 19 to 30 April, an island-wide undercover investigation of 5623 traditional medicine stores, 15 were found with rhinoceros powder (349.8 kg).
- c) The procedures for marking and registering rhinoceros horn, other parts and products of endangered species were re-evaluated. In July, the Secretariat learned that a computerized database had been set up, but little progress had been made to register and mark rhinoceros horns with tamper-proof adhesive labels, because owners were reluctant to have their stocks registered for fear of being penalized.

Hong Kong

In June, authorities in Hong Kong reminded the public that possession, import or export of any endangered species or medicine containing or claiming to contain rhinoceros horn was in contravention of the Animals and Plants (Protection of Endangered Species) Ordinance, which would carry a maximum fine of HKD 25,000 for a first offence and HKD 50,000 plus six months imprisonment on subsequent offenses upon conviction.

United States of America

In September 1993, and following the recommendation of the Standing Committee at its 30th meeting for Parties to apply stricter domestic measures, the US Secretary of the Interior certified China and its province of Taiwan, under the Pelly Amendment to Fishermen's Protective Act of 1967. Following the assessment by the Standing Committee at its 31st meeting, and also independently by the Government of the United States of America, in April the President of the United States of America announced an embargo on trade with the province of Taiwan in wildlife specimens and products, because authorities in the province of Taiwan had not yet implemented the actions that they had agreed for the implementation of the minimum conditions set at the 30th meeting of the Standing Committee. The President offered to provide technical assistance to China and the province of Taiwan. The embargo is to be reviewed in December 1994.

Zambia

In response to the letter of May 1994 from the Chairman of the Standing Committee, concerning joint investigations with Zimbabwean authorities on cross-border poaching, the Management Authority of Zambia indicated, in June, that it had consulted other relevant government agencies and was compiling a report on conservation actions for rhinoceros.

It should be mentioned that Zambia hosted the conference that led to the Lusaka Agreement mentioned

in section 3. under UNEP, and took the leading role in its negotiation until UNEP took over.

5. Observations

Authorities in the province of Taiwan, China, have yet to provide a legal framework that will bring under control, register and mark privately-owned stocks of rhinoceros horn. The passage of the revised wildlife legislation is therefore key to resolving this problem. Other measures taken in that province and by authorities in mainland China appear to be satisfactory, given existing operational constraints.

Rhinoceros conservation has been included in GEF-funded projects in Botswana, Cameroon, Indonesia and Malaysia. It is hoped that other range States will take similar action, especially in view of the resolution of the UNEP conference on financing rhinoceros conservation through GEF.

Extant/relict populations of the Asian rhinoceroses are thought to still exist in Bhutan, Myanmar, the Lao People's Democratic Republic and Thailand (a CITES Party), and probably Cambodia. In Africa, there may still be some rhinoceroses surviving in Angola, Chad, Ethiopia, and southern Sudan. The Government of Chad has approached UNEP for financial assistance to verify the existence of rhinoceroses in that country, whose existence would complement the Cameroonian rhinoceros population. Ethiopia requires international financial assistance to survey the south-western corner of the country. At present, the civil strife in the Sudan makes it almost impossible to verify the existence of rhinoceroses either along the border with Ethiopia or along that with the Central African Republic.

The Lusaka Agreement is likely to enter into force within 1994 or early in 1995. The Agreement envisages the creation of an intergovernmental Task Force to combat cross-border poaching and illegal trade in wildlife specimens. With the Task Force in full operation, it can be expected that poaching and illegal trade in African rhinoceros horn and elephant ivory will be reduced to a minimum.

The accession to CITES of the Republic of Korea and Viet Nam is commendable as it makes it easier for the Secretariat to provide technical assistance to these countries, especially to Viet Nam, which has one of the only two known populations of the Javan rhinoceros *Rhinoceros sondaicus*.

Among the non-governmental organizations, TRAFFIC and the IUCN/SSC Rhino Specialist Groups have contributed to our understanding of rhinoceros conservation issues. Their collaboration will still be needed in the future. TRAFFIC plans to continue studies on the use of wild fauna and flora in the pharmaceutical industry and in traditional medicines, and on the impact on the conservation of the species involved. The IUCN/SSC Rhino Specialist Groups will play an even bigger role than before through UNEP Elephant and Rhinoceros Conservation Facility.

Lastly, the effort made by UNEP, through the meetings that it organized on financing rhinoceros conservation, was complementary to the effort of the Standing Committee, and is commendable.

Decisions of the Standing Committee on Trade in Rhinoceros Horn and Tiger Specimens

Brussels (Belgium), 6-8 September 1993

The Standing Committee:

1. notes that, at recent meetings, it has received information on the plight of rhinoceros and tiger populations which, despite listing in CITES Appendix I, have been subject to considerable pressure from poaching, in particular to supply an illegal trade for use in oriental medicines, and has called for reports from the countries which represent the market for these wildlife products;
2. notes the progress that has been made by the authorities in consumer countries to strengthen domestic control of this illegal trade and to educate their communities about the risk which is placed on the survival of rhinoceroses and the tiger from continued demand for parts and derivatives for use in such medicines;
3. notes with approval that the Republic of Korea has, since the 29th meeting of the Standing Committee, acceded to CITES and sought to strengthen its domestic legislation and enforcement action in respect of smuggled rhinoceros products in particular;
4. notes the information received from the Secretariat regarding progress in Yemen, in particular regarding moves to strengthen the capability of the Environmental Protection Agency to enforce the ban on use of rhinoceros horn and regarding the decline in use of rhinoceros horn, but expresses concern that Yemen has not yet taken all necessary steps to accede to the Convention;
5. notes with some concern that the Standing Committee's request made at its 29th meeting, for information on the control of illegal trade in rhinoceros horn and tiger specimens drew an inadequate response from the People's Republic of China;
6. reports concern that the measures taken by the People's Republic of China and the competent authorities in Taipei are not adequate to sufficiently control illegal trade in rhinoceros horn and tiger specimens and failed to comply with measures outlined in Resolution Conf. 6.10. Parties should consider implementing stricter domestic measures up to and including prohibition of trade in wildlife species now;
7. agrees that the minimum criteria to be met for the adequate implementation of protection measures before the end of November 1993 within the consumer countries are as follows:
 - a) identification and marking of stocks of rhinoceros horn;
 - b) consolidation of both rhinoceros horn and tiger bone stocks and their adequate control by the State;
 - c) adoption and implementation of adequate legislative measures; and
- d) provision for adequate enforcement of the above measures;
8. agrees that a letter should be sent from the Chairman of the Standing Committee to the noted consumer countries, to impress upon them the gravity of the situation, advise them of the criteria set down by the Standing Committee to be met for the adequate implementation of protection measures, offer technical assistance on implementation and enforcement and seek their co-operation with the Parties to the Convention;
9. suggests that, within available resources, a technical delegation with a focus on implementation and enforcement be offered to interested consumer countries;
10. agrees that a high-level delegation should be sent to assess progress achieved by consumer countries, as soon as possible after the end of November 1993, and should report to the Standing Committee, which may make further recommendations as appropriate;
11. agrees that a letter should be sent from the Chairman of the Standing Committee to the Russian Federation urging improved implementation of domestic measures to prevent poaching of Siberian tiger and to shut off the illegal transborder movement of tiger specimens into south and east Asia;
12. urges that the draft Lusaka Agreement be refined with the assistance of UNEP and adopted by all African States to improve law enforcement against illegal trade in wild fauna and flora, and further urges other Parties to offer financial assistance with enforcement;
13. agrees that a letter should be sent from the Chairman of the Standing Committee to Zambia urging it to take effective measures with a view to ending the transborder poaching and illegal trade in rhinoceros horn;
14. notes that the UK has undertaken to pursue with the appropriate authorities in Hong Kong the concerns about illegal movement of rhinoceros horn and tiger specimens across its borders, in order to improve the effectiveness of enforcement;
15. agrees that a letter should be sent from the Chairman of the Standing Committee to Myanmar, Viet Nam and the Lao People's Democratic Republic urging adequate control of trade in wildlife and especially of the movement of rhinoceros horn and tiger specimens across their borders, and strengthening of enforcement capabilities accordingly, as well as soonest possible accession to CITES;
16. urges all Parties to fully comply with the measures outlined in Resolution Conf. 6.10 and requests that Parties holding stockpiles report their actions in this regard to the Secretariat.

Decisions of the Standing Committee on Trade in Rhinoceros Horn and Tiger Specimens

Geneva (Switzerland) 21-25 March 1994

The Standing Committee:

1. notes that, at recent meetings, it has received information on the plight of rhinoceros and tiger populations, which, despite listing in CITES Appendix I, have been subject to considerable pressure from poaching, in particular to supply an illegal trade for use in oriental medicines, and has called for reports from the

countries and areas that represent the market for these wildlife products;

2. notes the progress, given the long cultural background to the use of rhinoceros horn and tiger specimens, that has been made by the authorities in a number of consumer countries and areas to strengthen domestic control of this illegal trade and to educate their communities about the risk that is placed on the survival of rhinoceroses and the tiger if control of illegal trade is not achieved;
3. agrees that the minimum requirements established at the 30th meeting of the Standing Committee for determining adequate implementation of protection measures remain in effect, including:
 - a) identification and marking of stocks of rhinoceros horn;
 - b) consolidation of both rhinoceros horn and tiger bone stocks and their adequate control by the State;
 - c) adoption and implementation of adequate legislative measures; and
 - d) provision for adequate enforcement of the above measures;
4. notes with approval the accession of Viet Nam to the Convention and its initial efforts to implement the Convention;
5. notes the results of actions arising from the decisions of the last meeting of the Standing Committee at Brussels (Belgium), 6-8 September 1993, especially the report of the High Level Delegation and the supporting report of the Technical Assistance Mission, and reports prepared by the countries and areas concerned and by TRAFFIC;
6. notes that progress has been made by the Republic of Korea towards meeting the stated minimum requirements but notes as well that further actions are still needed to implement the actions set out in document Doc. SC.31.8.8 and calls upon the Republic of Korea to report to the next meeting of the Conference of the Parties;
7. notes with satisfaction the progress demonstrated by China in meeting the stated minimum requirements but notes as well that further actions are still needed and

recommends that China report on such actions to the next meeting of the Conference of the Parties;

8. expresses concern that the actions agreed by the authorities in Taiwan, China towards meeting the minimum requirements have not yet been implemented and recommends that further clear progress be demonstrated by the time of the next meeting of the Conference of the Parties;
9. agrees that a letter should be sent from the Chairman of the Standing Committee to the United Kingdom on behalf of Hong Kong expressing satisfaction with the actions taken to date, and the need to maintain the demonstrated strict control of trade in rhinoceros and tiger products;
10. agrees that the Chairman of the Standing Committee should maintain a dialogue with the Russian Federation, Viet Nam, Zambia, and the Lao Peoples' Democratic Republic on the matters raised at SC30 and discussed further at SC31 to press for further actions for the conservation of rhinoceroses and tigers, and calls on these countries to report progress to the next meeting of the Conference of the Parties;
11. agrees that a letter should be sent from the Chairman of the Standing Committee to the authorities in Oman, the United Arab Emirates and Yemen expressing concern about the information received about the trade in products of rhinoceroses and calls on the authorities in those countries to accept a mission from a high-level emissary or delegation to explore means of improving the situation in the area;
12. urges Parties and interested organizations to provide increased assistance to range States and consumer States for the implementation of improved conservation and law enforcement measures for rhinoceroses and tigers;
13. urges Parties to take note of the results of and support the Mission Statement arising from the Global Tiger Forum (New Delhi, 3 to 4 March 1994); and
14. recognizes the need for a full discussion of all aspects of matters relating to the conservation of and trade in rhinoceroses and tigers at the next meeting of the Conference of the Parties.

Doc. 9.28.1 and Doc. 9.29.2

Interpretation and Implementation of the Convention

Trade in Rhinoceros Specimens

Trade in Tiger Specimens

ADDITIONAL INFORMATION FROM THE REPUBLIC OF KOREA

The document which follows has been submitted by the delegation of the Republic of Korea.

Doc. 9.28.1 and Doc. 9.29.2

Interpretation and Implementation of the Convention

Trade in Rhinoceros Specimens

Trade in Tiger Specimens

ADDITIONAL INFORMATION FROM THE REPUBLIC OF KOREA

The document which follows has been submitted by the delegation of the Republic of Korea.

**PROGRESS REPORT OF THE REPUBLIC OF KOREA
FOR THE IMPLEMENTATION OF CITES:
TRADE IN RHINOCEROS HORNS AND TIGER SPECIMENS**

1. Introduction

Fully recognizing the urgency of addressing the precipitating trends of the extinction of species caused by indiscriminate human activities, Korea acceded to CITES on July 9, 1993, to participate in the international efforts to protect endangered wild fauna and flora. CITES took effect with respect to Korea on October 7, 1993.

Since its accession, Korea has made strenuous efforts to implement the convention by bringing its laws into conformity with Korea's obligations under CITES and strengthening enforcement efforts, while endeavoring to increase the public awareness. Relevant government agencies have closely coordinated to prevent illegal trade in endangered species and to conserve natural habitats.

In view of the fact that oriental medicine practitioners have used rhinoceros and tiger parts in prescriptions for medicines, the Korean government placed special emphasis on curtailing domestic trade in rhinoceros horn and tiger bone. With the guidance of the CITES Secretariat, which sent technical assistance and high level delegations in December 1993 and in January 1994, respectively, the Korean government has drawn up concrete action plans.

The Standing Committee, at its 31st meeting held in Geneva last March, adopted a decision on rhinoceros horn and tiger specimens, which noted Korea's progress with respect to the trade in these species and their derivatives. At the same time, the Standing Committee called upon Korea to report back to the Conference on the implementation status of the action plan outlined in Document SC 31.8.8.

2. Institutional Adjustments for CITES Implementation

2.1 Policy Coordinating Body

In August 1992, following the Rio Conference, the Korean government established an inter-agency policy coordinating body, namely, the Ministerial Committee for Global Environment. The Committee, which is chaired by the Prime Minister, is the supreme body coordinating and setting up programs related to global environmental protection.

In recognition of the adverse environmental, scientific, and cultural effects of continued extinction of species, measures for CITES implementation was given top priority by the Committee and its subsidiary body, the Inter-ministerial Task Force. To date, a number of measures for CITES implementation have been adopted by the Committee and the Task Force.

2.2 Consolidation of CITES Management Authorities

The management authorities for birds and mammals (except those used for medical purposes), were consolidated into the National Forestry Administration (NFA) on September 25, 1994 to reinforce the certificate issuance process. Previously, the authority to issue CITES certificates were delegated to 15 local Forestry Authorities in order to provide easy access by local applicants.

As a result of this measure, the total number of management authorities in Korea was reduced from 24 to 10. Currently, the Ministry of Environment (MOE), seven Regional Environment Management Offices of the MOE, the Ministry of Health and Social Affairs (MOHSA) and the NFA retain the management authorities.

Korea has four scientific authorities: the MOE, the NFA, the National Fisheries Research and Development Agency and the National Institute of Health. It should be noted that the scientific authority in charge of species used for medical purposes has been transferred from MOHSA to the Herb Drug Standardization Division of the National Institute of Health, as was recommended by the CITES technical assistance delegation.

Among multiple management authorities, the MOE takes the role of a Supreme Authority which oversees activities of other management and scientific authorities, and acts as a focal point for external communications concerning the implementation of CITES. (See Appendix 1)

3. Legislative Measures

Three national laws, which set forth provisions for CITES implementation, were either amended or are currently in the process of amendment. Excerpts of relevant provisions of these laws are attached as Appendix 2.

3.1 Natural Environment Preservation Law

The Natural Environment Preservation Law, which is administered by the MOE, was enacted in 1992 to set forth basic provisions for preserving the natural environment. These basic provisions include legal procedures for controlling the trade in wild fauna and flora.

In July 1994, this law was amended to reinforce the provisions for controlling the international trade in endangered fauna and flora and their derivatives which are listed in CITES Appendices I, II and III. However, the scope of this law does not cover wild birds or mammals, the trade of which is regulated by the Law Concerning the Protection of Wildlife and Game. Similarly, the trade in wild fauna and flora for medicinal purposes is regulated under the Pharmaceutical Affairs Law.

In addition to banning the sale, brokerage, possession and display of illegally imported wildlife, the law also explicitly prohibits the use of illegally imported wildlife and its derivatives for purposes other than those originally endorsed.

When the aforementioned provisions, principles or declarations are violated (i.e., when endangered fauna and flora are imported or exported without permission), a maximum penalty of one year imprisonment or a fine of 3 million Won (approximately US\$ 4,000) shall be imposed.

3.2 Pharmaceutical Affairs Law

The Pharmaceutical Affairs Law, which is administered by MOHSA, was enacted in 1963 and amended in 1993 to introduce provisions for the implementation of CITES. The objective of the law is to regulate all pharmaceutical affairs in such a way that ensures and improves human health.

Several sections of the law stipulate legal trade procedures for the import and export of drugs and raw materials used to manufacture drugs, medicinal and health related products. In this regard, wild fauna and flora used for medicinal purposes fall under the coverage of this law.

With the plight of tigers and rhinoceros having been brought into the international spotlight, the Korean government banned the import of rhino horn and tiger bone through Integrated Import/Export Notice in June 1983 and in October 1993 respectively. Sale, storage or display of medicines which are made from illegally imported wildlife and its derivatives has been prohibited under the law (Article 55). The maximum penalty for such illicit acts is one year imprisonment or a fine of 3 million Won (Article 76).

For the purpose of eliminating trade in rhino horn and tiger bone and strengthening penalties for infractions, a draft amendment to the law has been submitted to the National Assembly for approval during its regular session this year. The draft amendment includes the following specific provisions concerning rhino horn and tiger bone (Article 34-2 and Article 74):

- Import, sale, storage or display of rhino horn or tiger bone shall be prohibited effective from the date of promulgation of the amended law;
- Manufacturing of medicines made from rhino horn or tiger bone shall also be prohibited effective from the date of promulgation of the law (however, this provision will be enforced as of November 1, 1994 by the decision of the Ministerial Committee for Global Environment);
- Sale, storage or display of medicines made from rhino horn or tiger bone shall be prohibited effective March 1, 1995; and
- The maximum penalty for violation of these provisions shall be increased to five year imprisonment or a fine of 20 million Won (approximately US\$ 25,000).

3.3 The Law Concerning the Protection of Wildlife and Game

The Law Concerning the Protection of Wildlife and Game, which is administered by the National Forestry Administration, was enacted in 1986 and amended in 1994 to facilitate CITES implementation. The objectives of this law are to protect wildlife species, regulate hunting and maintain the equilibrium of the natural environment.

The law provides legal procedures for controlling the transaction of wild birds and mammal species, including those listed in CITES Appendices I, II and III. The import or export of endangered birds and mammals and their derivatives requires permission from the National Forestry Administration under the law (Article 25-2). Acquisition, possession, transfer and storage of illegally imported birds and mammals along with the act of brokerage are prohibited (Article 24). When the relevant provisions of the law are violated, a maximum penalty of one year imprisonment or a fine of 3 million Won shall be imposed.

4. Enforcement Activities

4.1 Marking and Registration of Tiger Bone

To effectively control the stock of tiger bone and their derivatives, all such stock was registered, and records of all transactions have been kept.

A total of 943.24 kilograms, of which 90.62 kilograms are bone and 852.62 kilograms are in powder form, was reported for registration in May 1994 by 36 pharmaceutical companies, wholesale dealers, oriental medicine practitioners, pharmacies, etc (See Appendix 3). Of this quantity, it should be noted that over 96% of bone stocks are under the possession of two large pharmaceutical companies in Seoul, which are under close surveillance.

Two different methods were used for marking bone stocks. In the case of bone, a sticker certified and stamped by MOHSA was affixed to the bone and a color photograph was taken to ensure that the sticker would not be removed and reused for unregistered, illegal bone. For the tiger bone powder, stickers are affixed to containers.

4.2 Investigation Activities

Comprehensive and concerted campaigns aimed at strictly enforcing CITES were carried out by all relevant enforcement authorities which included extensive use of undercover operations, and interagency investigative and administrative cooperation.

The Supreme Prosecutor's Office has been conducting its activities with the assistance of informants and undercover agents. Information gathering is focused on the smuggling and illegal marketing of rhino horn and tiger specimens, as well as the sale, storage, display and possession of these parts

or products. These undercover operations will be consistently enforced by the regional Prosecutor's Offices in accordance with their own plans.

Since 1993, relevant enforcement authorities, including MOHSA, the Prosecutor General's Office, municipal and provincial authorities, and the Korean Customs Service, have carried out more than 35,000 investigations on traditional oriental pharmacies, wholesalers and retailers.

Major findings of these efforts are as follows:

- MOHSA investigated 364 shops and clinics in Seoul and Taegu area on January 13 and 14, 1993, in an effort to crack down on traders of rhino horn and their derivatives. Many of these establishments were found to be fraudulently using cow horn instead of rhino horn. From April 14 to 21, 1993, MOHSA conducted an investigation into 626 shops and clinics in Seoul, Pusan, Taegu and Taejon area in cooperation with the Prosecutor General's Office. As a result, a total of 60 grams of rhino horn powder and 32 CSW (Chung Shim Won) balls were detected and confiscated. One practitioner was sentenced to one year imprisonment for illegally using rhino horn and was ordered to close his clinic. Furthermore, written pledges were made at that time by all owners of shops and clinics not to trade, possess, or display rhino horn or their derivatives.
- Since March 15, 1994, the Prosecutor General's Office has been conducting a special collaborative operation along with the National Police Agency and local governments on a continuous basis. In March 1994, MOHSA also conducted investigations of the Kyungdong retail market in Seoul, one of the major oriental herb markets in Korea. No illegal activities were discovered.
- In July 1994, the Prosecutor General's Office seized and confiscated over 1,000 kilograms of "tiger bone" at the port of Pusan. It was later discovered that the bone had been imported one year earlier, and that approximately 80% (800 kilograms) of the bone were actually bones of herbivorous animals (i.e. cow). Among six people who were arrested on charges of fraud was the president of a major pharmaceutical company which manufactures tiger bone products. This incident supports the assumption that a significant portion of alleged tiger bone is, in fact, bone of herbivorous animals.

5. Education

5.1 Education for Enforcement Officials

Training and educating staffs in charge of CITES-related matters is an important means to secure effective enforcement of CITES. For this purpose, the Korean government has been carrying out a number of activities and programs, including the following:

- Guidelines on import/export procedures covering CITES regulated species were distributed to the relevant government agencies in December 1993;
- The Environmental Official's Training Institute established a program for officials of the MOE and local governments entitled the "Global Environment Management Course" from 1993, which included CITES related curricula;
- The Training Department of National Institute of Health initiated a program from 1994 to educate provincial government officials, pharmacists and narcotics inspectors on the procedures and regulations of CITES; and
- CITES Identification Manuals were also distributed to Regional Customs Offices and their staffs were instructed on the contents of these manuals.

5.2 Enhancing Public Awareness

Heightening public awareness of the urgent need to halt the unregulated exploitation of wild fauna and flora is an essential component of protecting endangered species. The following measures have been taken for this purpose:

- The Korean Customs Service changed its customs declaration form to include CITES relevant items (February 1994). In addition, the Korean Customs Service published a separate guidebook for travellers to Korea regarding CITES matters;
- The Passport Office of the Ministry of Foreign Affairs posted a notice indicating that the travellers who bring CITES controlled species into Korea will be subject to penalty under relevant laws, and distributed to all travel agencies bulletins requesting that this notice be given to all travellers (April 1994);
- The MOE distributed tiger conservation posters throughout the nation in cooperation with the Korea Animal Protection Society, a non-governmental organization (April 1994);
- The MOE, in cooperation with the Korean branch of the International Fund for Animal Welfare (IFAW), established a permanent exhibition booth which displays samples of CITES banned species at Kimpo International Airport (September 1994);
- Stickers (see Appendix 4) were affixed to the front doors of oriental medicine shops notifying customers that rhino horn, tiger bone and their derivatives are not sold in these stores (October 1994);
- The Korea Animal Protection Society published an introductory book for children to interest them in the protection of wildlife, and distributed 20,000 copies to kindergartens and elementary schools across the nation; and

- The government is also cooperating with the mass media, periodically releasing press reports on CITES and endangered wildlife. The media in turn has been stirring strong interest and concern for protection of wildlife through television documentaries, newspaper articles, and radio broadcasts.

6. International Cooperation

The Korean government has been closely cooperating with the CITES secretariat, other CITES parties, and NGOs, in particular, TRAFFIC International and the IFAW.

The CITES delegations which have twice visited Korea provided specific guidelines for effectively addressing international concerns in curtailing the trade in rhino horn and tiger specimens. Korea has stayed in constant contact with the Secretariat, notifying it of progress and requesting advice and technical assistance when needed.

The Korean government and the U.S. government agreed that a Korean researcher would be dispatched to the U.S. forensics laboratory to acquire advanced techniques for analysis of rhino horn composition. In a relative development, CSW samples which were collected in Korea by the TRAFFIC International will be sent to the forensics laboratory for such analysis.

The Korean government is currently considering to establish a working relationship with the international tiger conservation initiatives, such as Global Tiger Forum. A representative of the Korean government recently joined other participants from both range states and consumer states at the International Conference to Assess the Status of Tigers which was held in Bangkok in October this year.

The Korean government will host a CITES workshop in Seoul early next February in cooperation with TRAFFIC East Asia. The workshop, to be participated by medical practitioners, government officials, and NGOs, will serve as a platform to develop means for substituting traditional oriental medicines that use endangered wildlife, and exchange techniques for improving enforcement activities.

7. Conclusion

In a remarkably short period of time since its accession to CITES in July 1993, Korea has demonstrated its total commitment to eradicate illegal trade in rhinoceros horn and tiger specimens. As illustrated above, a wide range of institutional and legislative measures and enforcement activities as well as public awareness campaigns have been undertaken. Future efforts will focus on eliminating the demand for such endangered species.

Therefore, the Korean government believes that necessary measures and activities have been successfully taken to fulfill minimum requirements for proper implementation of protection

measures with respect to rhinoceros horn and tiger specimens. It will further reinforce its engagement with efforts of the international community to address urgent need to save these endangered species, in close cooperation with other signatory parties, CITES secretariat and relevant NGOs.

- Appendix:
1. Management and Scientific Authorities
 2. Excerpts of Provisions of the CITES Related Laws
 3. Registered Tiger Bone in Korea
 4. Door-front Sticker

<Appendix 1>

Management and Scientific Authorities

Species	Management Authorities	Scientific Authorities
Mammalia except Cetacean, and Aves	International Cooperation Division, NFA	Forest Protection Division, NFA
Fauna and Flora for Medical Purposes	Pharmaceutical Circulation Division, MOHSA	Division of Herb Drug Standardization, NIH
Flora, Amphibia, Insecta, Arachnida, Annelida, Reptilia except Testudinate and Crocodylia	Ecosystem Conservation Division, MOE; 4 Environmental Management Offices; 3 Regional	Environment Biology Division, NERI
Pisces, Mollusca, Hydrozoa, Anthozoa, Alcyonaria, Cetacean, Testudinate, Crocodylia	Environmental Management Office	Research planning Division, National Fisheries Research & Development Agency

MOHSA: Ministry of Health and Social Affairs

MOE: Ministry of Environment

NERI: National Environment Research Institute

NFA: National Forestry Administration

NIH: National Institute of Health

<Appendix 2>

Excerpts of Provisions in the CITES Related Laws

Pharmaceutical Affairs Law

Article 34-2 (International Trade in Endangered Species of Wild Fauna and Flora)

- (1) Any person who desires to import, export, bring in from high seas medicines made from wild fauna and flora as listed under CITES shall obtain a permit of the Minister of Health and Social Affairs in accordance with the Ordinance of the Ministry of Health and Social Affairs.

Article 55 (Prohibition of Sale, etc.)

- (1) Illegally imported drugs shall not be sold, or stored or displayed for the purpose of sale.

Article 76 (Penalties)

- (1) Any person who has violated the provisions of Article 34-2 or Article 55..... shall be punished by imprisonment for not more than one year or a fine not exceeding 3 million won.

Proposed Amendment to the Pharmaceutical Affairs Law
(Under review at the current regular session
of the National Assembly)

Article 34-2 (International Trade in Endangered Species of Wild Fauna and Flora)

- (2) The following activities shall be prohibited:
 - (i) import, trade, storage or display of rhino horn or tiger bone;
 - (ii) manufacturing or prescription of medicines using rhino horn or tiger bone; and
 - (iii) sale, storage or display of medicines manufactured or prescribed by using rhino horn or tiger bone.

Article 74 (Penalties)

Any person who has violated the provisions of Article 34 -2 shall be punished by imprisonment for not more than 5 years or a fine not exceeding 20 million Won.

Addendum

This amended law shall enter into force on and after the date of its promulgation. However, Article 34-2, Paragraph (2)(iii), shall enter into effect on March 1, 1995.

Natural Environment Preservation Law

Article 2 (Basic Principles for Preservation of Natural Environment)

The basic principles for preserving the natural environment shall be as follows:

3. The habitat and species of wild fauna and flora shall be protected and preserved, and any international trade of endangered fauna and flora shall be strictly controlled.

Article 27 (International Trade of Endangered Wild Fauna and Flora)

- (1) Any person who desires to export, import or introduce from high seas endangered wild fauna and flora (including their parts, derivatives or processed goods, hereafter referred to as "endangered species") shall obtain the approval of the Minister of Environment under the conditions as stipulated by provisions of the Presidential Decree, provided that any endangered species which do not require approval under the Presidential Decree and any medicines, etc. using endangered species, the import of which are permitted under the Pharmaceutical Affairs Law, are excluded.
- (2) Endangered species which are imported or introduced under Paragraph (1) shall not be used for purposes other than those originally endorsed. This does not apply for unavoidable change of use, in which case, an approval from the Minister of Environment must be obtained in accordance with the Presidential Decree.
- (3) No person shall be allowed to knowingly sell, arrange for the sale of, receive, obtain, possess or display endangered wild fauna and flora, which were illegally imported or brought in, without obtaining a permit in accordance with Paragraph (1).

Article 27-2 (seizure and return)

- (1) The Minister of Environment or the head of the administrative agency concerned may take necessary measures, including immediate seizure, when there is an urgent need to conserve the life of endangered wild fauna and flora, with regard to those living wild fauna and flora used for other purposes than originally endorsed or with regard to those illegally imported or brought in wild fauna and flora that are being sold, arranged for the sale of, received, obtained, possessed or displayed, in violation of Article 27, Paragraphs (1) through (3).
- (2) The Minister of Environment or the head of the administrative agency concerned may authorize officials in charge to have access to endangered wild fauna and flora to conduct inspections or have access to related documents.

Article 39 (Penalties)

Any person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than one year or a fine not exceeding 3 million Won:

4. Any person who exports, imports or introduces endangered species without obtaining the permit as stipulated under Article 27, Paragraph (1);
5. Any person who uses endangered species for other purposes than those originally endorsed, in violation of Article 27, Paragraph (2);
6. Any person who knowingly sells, arranges for the sale of, receives, obtains, possesses or displays endangered wild fauna and flora which were illegally imported or introduced, without obtaining a permit in accordance with Paragraph (1);
7. Any person who refuses, hinders or sabotages the access and the investigation by officials in charge, in violation of Article 27-2, Paragraph (2).

The Law Concerning Protection of Wildlife and Game

Article 2 (Definitions)

The terms used in this law shall be defined as follows:

4. "Endangered birds and mammals" refers to endangered wild birds and mammals which the Administrator of the National Forestry Administration designates in consultation with related government ministers among wild birds and mammals, the international trade of which are regulated by the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Article 24 (Poached Birds and Mammals)

- (1) Illegally captured, collected, or imported birds and mammals and their eggs, cubs, and derivatives (hereafter referred to as "poached birds and mammals"), shall not be allowed to be possessed, conceded, transported or deposited, and the arrangements for these deeds shall not be made.
- (2) The poached birds and mammals involved in the deeds stated under with the provision of Paragraph (1) shall be seized and necessary measures may be imposed.

Article 25-2 (Export and Import of Endangered Wild Birds and Mammals)

- (1) Any person who desires to export or import endangered wild birds and mammals and their eggs, cubs, or derivatives, as designated by the Presidential Decree, must obtain a permit of the Administrator of National Forestry Administration in accordance with the provisions of the Ordinance of the Ministry of Agriculture, Forestry and Fisheries.
- (2) Endangered wild birds and mammals and their eggs, cubs, or derivatives, as designated by the Presidential Decree, shall not be exported or imported.
- (3) A permit for export or import granted by the Administrator of National Forestry Administration under the provision of Paragraph (1), is considered to be the same as a permit for export or import granted by the Minister of Environment under the provision of Article 27, Paragraph (1) of the Natural Environment Preservation Law.

Article 28 (Penalties)

Any person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than one year or fine not exceeding 3 million Won:

1. Any person who has violated the provisions of Article 25-2, Paragraphs (1) and (2);

Article 29 (Penalties)

Any person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than six months or a fine not exceeding 1 million won:

1. Any person who has violated the provision of Article 24 Paragraph (1);

<Appendix 3>

Registered Tiger bone in Korea

(Unit : kg)

Holder by District (No.)	May 1994			October 1994		
	Bone	Powder	Sub- total	Bone	Powder	Sub- total
Seoul (16)	17.57	10.00	27.57	6.85	3.50	10.35
Pusan (1)	0.25	0	0.25	0.25	0	0.25
Kwangju (1)	3.00	0	3.00	1.40	0	1.40
Kyonggi (3)	0.45	0.05	0.50	0.37	0	0.37
Chungnam (4)	3.50	0	3.50	1.60	0	1.60
Kangwon (2)	0.98	0	0.98	0.50	0	0.50
Chonbuk (1)	0.08	0	0.08	0	0	0
Chonnam (1)	0.23	0	0.23	0.23	0	0.23
Kyongbuk (1)	0.18	0	0.18	0.18	0	0.18
Kyongnam (2)	0.74	0	0.74	0.60	0	0.60
Cheju (2)	0.24	0	0.24	0.24	0	0.24
Iksu Phm. Co. (1)	63.40	785.00	848.40	63.40	785.00	848.40
Kyungnam Phm. Co. (1)	0	57.57	57.57	0	0	0
Total (36)	90.62	852.62	943.24	75.62	788.50	864.12

Door-front Sticker

