

Interpretation and Implementation of the Convention

Enforcement

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

Part 1 – Introduction

1. Proper implementation of the Convention can not be achieved without collective efforts by all Parties to comply with all of its provisions. When measures are not taken by the Parties to improve CITES implementation in areas where significant weaknesses occur, the effectiveness of the Convention is seriously undermined.
2. Article XIII of the Convention stipulates that the Conference of the Parties shall review cases where the Secretariat has notified a Party that the provisions of the Convention are not being effectively implemented. In addition, Article XII, paragraphs 2(d) and 2(g), provides a broad mandate for the Secretariat to request information, to collect data on matters that relate to the implementation of the Convention, and to report on these to the Conference of the Parties. When infractions of the Convention are detected by the Secretariat, it may recommend that Parties take certain remedial measures to implement the Convention properly. These recommendations are often heeded by the Parties concerned and the matter may be concluded successfully. However, in other cases, the recommendations of the Secretariat are not implemented. If matters of non-compliance by Parties are of a serious and ongoing nature, the Secretariat may present them to the Standing Committee for further consideration, as provided by Resolution Conf. 7.5.
3. Implementation and enforcement are not the same thing. Implementation of the Convention is in general the responsibility of the Management Authority and the Scientific Authority of a Party. Enforcement is one element of implementation and is often taken to refer to measures that are imposed to ensure that trade in specimens of CITES-listed species does not occur without being covered by valid permits or certificates. Such measures are often linked with national legislation that provides for penalties for non-compliance in cases when an infraction has taken place. The term "infraction" in reality covers two different types of problem:
  4. – illegal trade, in general with criminal intent and often without documents, or sometimes with false or falsified documents. This type of infraction is commonly committed by individuals and is similar to fraud in other fields such as drugs, weapons, etc. across the world. While restrictions exist in many areas, there will always be those who seek to profit from their abuse. Control of this abuse can only be achieved by reinforcing controls and increasing the efficiency of properly resourced enforcement officers. A particular area of concern in this area involves persons who obtain documents which appear to be valid but cover illegal specimens.
  5. – non-compliance by Parties with the provisions of the Convention either directly or as interpreted by Resolutions. This can include the issuance and acceptance of invalid CITES documents and not implementing of basic requirements of the Convention (such as the designation of Management and Scientific Authorities or the requirement to produce annual and biennial reports). In cases such as this, the Party concerned must bear the responsibility.
6. This report covers both of the above types of infraction and provides a summary and an analysis of some of the most important aspects of implementation and enforcement of the Convention.
7. The purpose of this report is that it should be used by Parties with the goal of improving implementation of CITES. It is not intended to criticize any Party perceived to be at fault in particular cases.
8. Parties that regularly take positive steps to enforce the Convention and who properly inform the Secretariat of the infractions they have detected are likely to be named in this report more often than those Parties that do not provide such information. Furthermore, there are numerous cases that have been dealt with by Parties without the Secretariat's knowledge and such cases do not appear in the report. There are also many other cases of which the Secretariat is aware but which have not been included in the report, either because they are similar to cases that have been included or because they are considered not to be of sufficient overall importance for review by the Parties.
9. In general terms, the Secretariat believes that control of the trade in specimens of CITES species by many Parties is improving but continues to be inadequate in many instances. CITES enforcement authorities are often lacking in proper infrastructure to monitor trade effectively, thus preventing the system of dual controls from working properly in importing and exporting countries. National legislation often does not contain provisions to penalize illegal trade and to allow for the confiscation of illegally traded goods. Unfortunately, governments often either fail to realize or choose to ignore the potential long-term economic and intrinsic value of their native wildlife or that of other countries.
10. Countries in the developed world are to be blamed as much as developing countries for ignoring the requirements for implementation of CITES. A poor economy may be a plausible excuse for inadequate CITES controls in a developing country, but inadequate controls in the developed world are more likely to be the result of a lack of political will.
11. The Annex to this report gives a selection of infraction cases notified to the Secretariat covering the period 1 April 1994 to 31 August 1996. By means of Notification to the Parties No. 950, a draft version of the Annex was transmitted to the Parties for their comments. Several Parties responded to the Notification before the deadline of 4 March 1997 and their comments have been dealt with in two ways:
  12. – Additional information received from Parties updating particular cases has now been incorporated into the case summary.
  13. – Comments from Parties relating to particular cases have been added to the Annex at the end of the summaries concerned. Some comments have

been shortened to save space, however the full text submitted by the Parties may be obtained from the Secretariat.

14. Finally, it should be stressed that this document is simply a "Review of Alleged Infractions and Other Problems of Implementation of the Convention" and

contains a selection of cases designed to be used by Parties for analysis of problems. The inclusion of any case does not imply that the Party concerned is responsible for any infraction. Additionally, the inclusion of a case in the summary in no way reflects its importance, as the Annex is intended merely as a "reference book" for the use of Parties.

## Part 2 – Implementation of the Convention

### The Role of Management Authorities

#### COMMUNICATION WITH THE SECRETARIAT

15. Resolution Conf. 9.8 recommends that Parties provide detailed information on significant cases of illegal trade but it is clear that many Parties are not implementing this and the Secretariat has received information on many cases from sources other than the Management Authority. If the Secretariat is to assist Parties in properly enforcing the Convention it is vital that as much information as possible is communicated to the Secretariat as a matter of urgency. Parties are reminded that infractions will almost invariably involve other countries and the Secretariat will often be able to assist in co-ordinating in particular cases. It is worthy of note that in most cases when the Secretariat has been in a position to assist in this way, significant successes have been achieved.
16. Resolution Conf. 7.5 recommends to Parties that, when the Secretariat requests information in relation to alleged infractions, the Party reply within one month. Nevertheless, many Parties do not respect this recommendation and the Secretariat still experiences considerable difficulties caused by the lack of response to requests for information or assistance. Increasingly, the enforcement role of the Secretariat includes a co-ordination function in relation to current cases being investigated by a Party which may urgently require information to assist their investigation and there have been occasions when either a lack of response to requests for assistance from Parties has led to cases being lost or when a reply has been delayed for so long that the information has been of no use.
17. Notwithstanding this, the Secretariat has received information and assistance from Management Authorities and enforcement agencies throughout the period of this report, which has assisted greatly in its enforcement efforts. In particular, the Secretariat would like to express its thanks to Argentina, China, Costa Rica, the Czech Republic, France, Hong Kong, Italy, Mexico, Paraguay, Russian Federation, Slovakia, Spain, the United Kingdom and the United States of America.

#### USE AND ACCEPTANCE OF INVALID DOCUMENTS

18. An invalid document is an authentic document (one issued by a competent Management Authority and signed by an authorized officer on the official permit form of the country) but contains incorrect information or does not contain all the required information as described in Resolution Conf. 9.3 and in particular Annex 1 to that Resolution.
19. Invalid documents continue to be issued and accepted by many Parties. The Secretariat considers that, in many cases, border control officers do not have adequate training and information on CITES documents but also believes that the same can apply to Management Authority staff. The Secretariat encourages all Parties to increase their efforts in confirming the validity of permits and certificates (see below) before accepting shipments of specimens.

(summaries 1-6f,j,l; 1-9; 21-m; 2-2; 4-12a,c; 4-20c; 5-10; 6-1; 8-4; 8-6; 8-9; 8-10; 8-24; 9-2.)

#### USE FOR COMMERCIAL PURPOSES OF SPECIMENS OF APPENDIX I

20. Many traders declare that the purpose of an import of specimens is non-commercial when the true purpose is commercial as defined in Resolution Conf. 5.10.
21. The Secretariat has noted in many cases that, when Parties have issued an import permit for Appendix I specimens, there is insufficient control exercised to ensure that the specimens are not later used for commercial purposes. (summaries 2-1a,d,g,h,j,s; 2-2; 2-9; 3-10; 4-1b; 4-23c; 7-18)

#### REGULATION OF TRADE IN APPENDIX III SPECIMENS

22. Cases reported to the Secretariat show that there are still concerns regarding the issuance of documents for shipments of Appendix III specimens by non-competent authorities, such as chambers of commerce and veterinary services. Before accepting documents for Appendix III specimens, Parties are encouraged to ensure that they have been issued by a competent Management Authority. (summaries 4-11d; 6-1; 6-2; 8-13.)

#### CONTROL OF QUOTAS

23. Some Parties routinely issue export permits for more specimens than the established national quota. In most cases it appears that this was due largely to the cancellation of a number of export permits and replacement permits being issued without the balance of the quota being suitably altered.
24. However, some more serious cases were noted. For example, in 1996 export permits for more than 23,000 specimens of *Psittacus erithacus* were issued by Cameroon although the export quota was only 12,000, and it is clear that several Parties clearly do not take account of declared quota figures when issuing or accepting permits. The Secretariat was able to detect the problems, to initiate discussions with appropriate Management Authorities and to progress such cases as a result of requests made by Parties for assistance in confirming the validity of permits.
25. Some Parties communicated quotas to the Secretariat which were without proper justification for the quota and which were either entirely unrealistic, or without first consulting their Scientific Authorities. The Secretariat discussed the matter with all Parties concerned, and some issue remain to be resolved. Further information regarding quotas is contained in document Doc 10.61.

#### DESIGNATION OF A SCIENTIFIC AUTHORITY

26. Article IX of the Convention requires Parties to nominate a Management Authority and a Scientific Authority. While all Parties have, with one exception (Comoros) now designated Management Authorities, several Parties have so far failed to nominate Scientific Authorities. These Parties are Afghanistan, Belize, Comoros, Eritrea, Panama, Rwanda, Saudi Arabia, and the United Arab Emirates.

## NATIONAL LEGISLATION

27. Article VIII of the Convention requires Parties to take certain measures regarding their national legislation. Experience has shown that Parties which lack adequate effective legislation regarding enforcement of the Convention are unable to deal effectively with infractions.
28. The Secretariat is continuing to progress the National Legislation Project. Full details of the Project and of Parties' legislation, together with measures proposed by the Secretariat are contained in document Doc. 10.31.

## ANNUAL REPORTS

29. Article VIII of the Convention requires that Parties transmit to the Secretariat an annual report and Parties are reminded that failure to provide a report therefore constitutes an infraction. There are several Parties that have failed to send reports to the Secretariat and full details are contained in document Doc. 10.26.

## RE-EXPORTS

30. The Secretariat is seriously concerned that the validity of export permits of countries of origin is not being verified before Management Authorities issue or accept re-export certificates. Simple discrepancies are routinely noted by the Secretariat, for example the quantity of specimens re-exported exceeding the quantity imported.

### Other Problems of Implementation of the Convention

## BORDER CONTROLS

31. All specimens subject to the provisions of the Convention, when traded, must cross at least two borders and many infractions are detected as a result of border controls.
32. It is however clear that infractions are going undiscovered as a result of border controls not being applied properly. The Secretariat believes this can be due to many reasons, principally lack of staff and resources, lack of training, lack of willingness on the part of staff and agencies. A number of infractions could have been avoided had border controls been applied more thoroughly, although the Secretariat is aware that controls are affected by outside factors such as the volume of traffic (for example on land borders between Eastern Europe and the EU), patterns of traffic and geographical difficulties such as a lengthy coastline or many small islands in a particular country (for example in Melanesia or the Caribbean), as well as other difficulties such as lack of effective legislation, etc.
33. **It is important for Parties to remember that controls at the border should be applied equally at points of export as well as import and in many cases export controls can be more important.**
34. Finally, it should be noted that many infractions are discovered as a direct result of border controls being applied and the Secretariat has noted that greater results are often achieved when properly trained CITES enforcement staff are deployed at seaports, airports and other border crossings. The Secretariat strongly encourages all Parties to consider the introduction of designated enforcement teams where appropriate in order that greater use may be made of staff resources.
35. The Secretariat wishes to express its appreciation to all control staff for their efforts, sometimes under difficult circumstances and particularly to congratulate the following border control staff on the excellent

results achieved during the period covered by this report; Argentina (Buenos Aires Airport); Belgium (Brussels Zaventem Airport); Cuba; France; Germany; Hong Kong; Italy; New Zealand; Republic of Korea; the Russian Federation (Moscow Sheremetyevo Airport); Spain; the United Kingdom Customs CITES Enforcement Team at London Heathrow Airport. (summaries 1-1; 1-2; 1-3; 1-6a; 1-8; 2-1f; 2-4b; 2-7; 3-1; 3-2; 3-4a; 3-5a,b; 3-9; 3-10; 4-1; 4-2; 4-5a,c; 4-11i; 4-15b; 4-20b,c,e; 4-26; 5-4; 5-6; 5-10; 5-11; 5-12; 7-2d; 8-8; 8-10c,j,l; 8-23; 9-12; 9-13; 9-15; 9-16; 9-19.)

## CONTROL OF SHIPMENTS IN TRANSIT

36. A large number of infractions reported to the Secretariat have involved the transit of specimens through countries en route to their final destination. It is pleasing that many Parties are applying Resolution Conf. 9.7 in an effective way, often in relation to breaches of regulations governing the shipment of live animals.
37. However, the Secretariat is still concerned that some Parties are either unwilling or unable to properly control shipments in transit. In particular, lack of appropriate national legislation is a problem, and although some Parties do take proper action, there are many cases where Parties fail to inform the other countries involved as well as the Secretariat of infractions committed.
38. The control of shipments in transit is an additional level of control on many shipments which may be applied without causing undue delay to legitimate shipments and the Secretariat would encourage all Parties to increase controls regarding shipments in transit. (summaries 2-1d,q,r,t; 2-7; 3-2d,k,r,s,w,z; 4-3; 4-6a; 4-11f,g,h; 4-12; 4-15a; 4-20; 4-26; 5-3; 5-5; 7-2; 8-10r; 8-15; 8-18; 8-20; 8-22; 8-23; 9-13; 9-15; 9-17.)

## CONFIRMATION OF PERMITS

39. Control of the validity of permits and certificates is crucial as it is the only way to ascertain that a particular transaction is in accordance with the Convention. Before any permit or certificate is accepted by a Party it is vital to ensure that the document is **authentic**. That is, it must be issued by a competent Management Authority on the correct permit form, which has been properly signed and stamped and should be without modification (unless properly signed and stamped). The document must also be **valid** – it must be issued in accordance with the Convention and the relevant resolutions and be within its period of validity. Finally, the document must also correspond to the specimens being traded.
40. One problem that the Secretariat has noted is that, particularly for Appendix I and II species, the control of the validity of documents is made at the border by Customs or another agency, which may not be a part of the Management Authority. Often, such staff do not have access to the necessary documentation to ensure the validity of the documents presented, and often control also suffers from inadequate staff training. Examples of permit forms used by Parties are communicated to all the Parties but the Secretariat has frequently noted that officers on border control duties have no access to these copies. This also applies to the list of Parties that use security stamps, and Notifications to the Parties giving details of missing or stolen security stamps and permits.
41. In order to be able to verify the validity of permits, Management Authorities receive a great deal of information from the Secretariat but it is clear from missions undertaken by Secretariat staff that many Parties do not keep this material regularly updated. In

addition, some cases require detailed knowledge which may not be available to Management Authorities such as data on range states, national regulations, temporary prohibition of exports, etc.

42. Consequently, some Parties do not verify the validity of permits and it is clear that a large number of invalid documents are accepted by Parties. In addition to not fulfilling the provisions of the Convention serious problems often occur if specimens are re-exported and the importing Party attempts to confirm the validity of the certificate.
43. In order to strengthen their control of documents accepted, several Parties have established stricter domestic measures and require an import permit or authorization for some or all imports (e.g. the Czech Republic, countries of the European Union, Japan, the Russian Federation, the United States of America), that allows control over the validity of the document before the import takes place.
44. On occasions, in order to verify the validity of permits, Parties may ask the opinion of the issuing authority, but in reality this will only confirm the authenticity of the document as the issuing authority will almost always consider a document that it issues as being valid. However, the Secretariat is aware that on several Parties have issued invalid documents because of a lack of internal controls or ignorance of the provisions of the Convention or because national legislation does not provide for issuance to be refused when it should be under the Convention or regulations. Regrettably, in a few rare cases, corruption may also be involved.
45. In order to confirm the validity of documents, Parties may consult the Secretariat, which has additional

resources available. Furthermore, the Secretariat may request additional information from the issuing authority and in practice is the only PLACE where the information may be cross-checked with several countries.

46. In order to improve its service to the Parties, the Secretariat has recently established new procedures for checking permits and has established a computer database which will provide better information and will allow the Secretariat to decrease the time taken to reply to Parties. Currently, the Secretariat examines around 4,000 documents a year and in about 6% of cases it recommends that the document should not be accepted. It should be noted that one of the main causes of delays in the Secretariat's response is often lack of response from Parties.
47. Parties should note that a substantial number of infractions have been detected through requests from Parties to the Secretariat to confirm the validity of documents.
48. It is important to note, in relation to the acceptance of documents, that the Secretariat can only make recommendations and the final decision rests with the Parties. In the great majority of cases the Secretariat's recommendation is followed, other than when national legislation prevents the Party from doing so.
49. The Secretariat wishes to express its gratitude to all Parties that regularly send to the Secretariat copies of all permits issued and to those which allow the Secretariat access to their own permit databases. The Secretariat also wishes to thank those Parties that respond quickly to requests for information.

### Part 3 – Infractions Relating to Fraud

#### RE-EXPORT

50. The use of re-export procedures is undoubtedly the most common method of laundering specimens of illegal origin. The Secretariat has noted that traders are able to import illegal specimens and subsequently re-export them by using as a basis an export permit that was valid for other specimens of the same species. (summaries 1-6d,i; 1-7; 1-8; 1-9; 2-1a,g,h,j; 2-3; 2-9; 3-2t; 4-8b; 4-12a,c; 4-15b; 4-17; 4-23; 4-26; 5-7; 5-10; 7-7; 7-15; 8-1; 8-3; 8-4; 8-6; 8-7; 8-9; 8-10a,c,d,h,i,l,n; 8-11a,g; 8-12; 8-14; 8-24; 9-3.)
51. The following are typical examples:
52. – poor quality reptile skins are exported with a valid document and on arrival are thrown away. The document can then be used later to justify the re-export of skins of good quality that have been illegally imported.
53. – Live animals are imported with a valid document and sold in the internal market. The document may then be used to justify the re-export of specimens smuggled into the country.
54. – Animals from wild origin are imported with a valid document and are later "exported" (in fact re-exported) as bred in captivity.

#### BRED IN CAPTIVITY

55. A number of infractions in this report relate to specimens falsely declared as bred in captivity, particularly of Appendix I species. This type of fraud is extremely important, especially as regards live animals, and Parties should always verify all facts very carefully before issuing any export permit for captive bred specimens or a certificate of captive breeding.

Parties must ensure that the specimens comply with the criteria established in Resolution Conf. 2.12 (Rev.). Some Parties, simply because a species is commonly bred in captivity, make no checks or controls on applications for permits. The Secretariat finds this practice unacceptable when trade in wild specimens does exist.

56. The Secretariat also has concerns that several breeders have obtained their parental breeding stock illegally and use these animals to trade in large quantities of offspring.
57. The Secretariat is concerned about the trade in Appendix I birds bred in captivity for commercial purposes by operations not registered with the Secretariat.
58. Finally, several problems have arisen related to the interpretation of Resolution Conf. 2.12 (Rev.) and Resolution Conf. 8.15. These issues are addressed elsewhere. (summaries 2-1a,g,o; 2-2; 2-4; 2-9; 4-5b; 4-8a; 4-13; 4-23a,b,c; 4-24; 4-25; 4-26; 8-10g,h; 8-11h; 8-13; 8-24; 8-25.)

#### THE USE OF FALSE OR FALSIFIED DOCUMENTS

59. The number of cases detected involving the use of false or falsified documents is still increasing. False documents may be described as documents not issued by a Management Authority and/or using a forged form while falsified documents are documents that were issued by a Management Authority on the appropriate form but which have been altered or modified in some way.

60. Infractions noted by the Secretariat include:

61. – the alteration of existing, genuine, documents (with the standard of alteration ranging from crude to professional);
62. – use of stolen or missing security stamps and blank forms;
63. – the "manufacture" of completely false documents. These are often prepared to order by sophisticated methods;
64. – false customs documentation to support genuine CITES documents;
65. – alteration of information on documents (e.g. names and addresses, species, numbers, etc.);
66. – use of photocopied (including colour) documents;
67. – change of source of specimen.
68. The Secretariat is especially concerned about the increasing acceptance of photocopied documents by some Parties, which makes the submission of falsified documents easier. (summaries 1-6c; 1-7; 1-8; 1-9; 2-1p; 3-1; 3-5b; 4-1a; 4-11c; 4-15c; 4-23; 5-13; 7-12; 8-10; 8-11; 8-12; 8-23.)

#### CONDITIONS OF TRANSPORT OF LIVE ANIMALS

69. The lack of implementation of the provisions of the Convention and the Resolutions relating to the transport of live animals continue to give cause for concern. Although some Parties have achieved successes in controlling the trade and in dealing with infractions, a large number of Parties are apparently failing to properly implement Resolution Conf. 9.23 and several serious cases have been notified to the Secretariat. (summaries 2-1k, p; 8-13; 8-15; 8-16; 8-17; 8-18; 8-21; 8-24; 9-11.)

#### TRADE IN IVORY

70. The illegal trade in ivory continues at a very high level and shows signs of increasing further. The Secretariat is concerned that it seems only a small part of this trade is being detected by Parties, for example it is known that recently around 300 elephants have been killed in the Congo and their tusks removed. As far as is known, none of this ivory has been discovered in trade. (summaries 1-6e; 3-2; 8-1.)
71. There seems to be three main types of illegal trade currently:
  72. – raw ivory exported from Africa to Asia and the Middle East;
  73. – worked or semi-processed ivory exported direct from Africa to Asia. Often this is sent by parcel post or in commercial shipments, frequently transiting European ports and airports;
  74. – raw ivory circulating between African countries for processing and then being sold to tourists, mostly from Europe. There is concern particularly over quantities in trade in west Africa where elephant populations are at their lowest.

#### TRADE IN PARROTS

75. Parrots represent the group of live animals subject to the largest amount of illegal trade. There are two types of fraud involving parrots, one being the trade in rare species, while the other is trade in large quantities of other species. Many methods of fraud are used, including smuggling, false declarations of bred in captivity and laundering by re-export being the most common. (summaries 1-6a,b,e,i,k,l; 1-7; 1-8; 1-9; 2-1; 4-5; 4-8; 4-9; 4-11; 4-13; 4-23c; 8-8; 8-10j,o,q; 8-17; 8-18; 9-20.)

#### TRANSIT

76. It is clear to the Secretariat that some traders use the transit procedure in order to commit fraud. In particular there have been several cases in the European Union with the use of the transit document T1. (summaries 2-1d,q,r,t; 2-7; 3-2d,k,r,s,w,z; 4-3; 4-6; 4-11f,g,h; 4-12b; 4-15a; 4-20c; 4-26; 5-3; 5-5; 7-2b; 8-10q; 8-15; 8-18; 8-20; 8-22; 8-23; 9-13; 9-15; 9-17.)

#### TRADE WITH NON-PARTY STATES

77. Resolution Conf. 9.8 recommends to Parties that they should accept documents from non-Party States only when details of appropriate competent authorities have been published by the Secretariat or after consultation with the Secretariat. In addition, documents from non-Party States should only be accepted when they contain certain specified information. The Secretariat continues to recommend against acceptance of documents issued by non-competent authorities and also against acceptance of re-export certificates issued by Parties on the basis of export permits issued by non-competent authorities of non-Party States. The Secretariat is aware of a number of Parties routinely accepting such invalid documents without prior consultation with the Secretariat as recommended in Resolution Conf. 9.8. (summaries 5-7; 8-7; 9-3)

#### PASSENGERS & CREW MEMBERS

78. A significant number of infractions concern the smuggling, often of live specimens, without documents by passengers and crew members of ships and aircraft. Although the individual quantities carried by each person may be small, the value of the specimen may be high. Additionally there are certainly a large number of people who smuggle in this way and the total quantities of specimens involved is high.
79. A further aspect to this problem specifically concerns tourists. Many tourists carry small items home with them a small souvenir – often of ivory or sea turtle – and many Parties confiscate sizeable quantities over a period of time.
80. Methods of smuggling used have included carrying specimens on the body, packing in hand luggage and checked baggage, and the use of false compartments on vehicles and ships. The Secretariat has noted an increasing use of drugs administered to live specimens in order to subdue them before transport in order to avoid detection.
81. Several Parties have achieved significant successes in discovering smuggled specimens in baggage by the use of X-ray machines and it should be remembered that very often airport security checks may be useful for detecting specimens being carried in baggage. (summaries 1-6a,b,e,g,m; 2-1c,f,p,r,t; 2-4a; 3-2g,i,k,n, p,q,r,s,u,w,y; 3-4a; 3-11; 4-1a,b; 4-3; 4-5a,d; 4-6b; 4-9; 4-11 b; 4-14; 4-15c; 4-20a,b; 5-4; 5-6; 7-2c; 7-9; 7-10; 9-11.)

#### POSTAL SHIPMENTS

82. The Secretariat is aware that the illegal trade in CITES specimens by mail continues to increase. The volume of express mail is growing constantly and the level of controls being applied is continually diminishing. The result is that this method of smuggling is seen as a cheap, risk-free and effective way of evading controls. Live reptiles, insects and plants as well as ivory and oriental medicines are at present the most common types of specimens transported in this way. (summaries 4-22; 9-12.)

## CIRCUSES AND OTHER TRAVELLING EXHIBITIONS OF LIVE ANIMALS

83. Resolution Conf. 8.16 is still not being properly applied by Parties in many cases and problems are still being encountered because of a lack of control over the use of permits. The main problems concern the use of false or invalid documents to illegally transport specimens and in many cases there is little control over circuses and travelling exhibitions at the import or export, often because ATA carnets are used. (summaries 1-6j; 2-3; 8-23; 8-24; 8-25.)

## BIRDS OF PREY

84. Trade in birds of prey remains a problem, especially regarding illegal trade from the republics of the CIS. The Secretariat has received considerable information and intelligence regarding this trade but regrettably no specific direct evidence has yet been produced to allow proper investigations to be initiated.

85. In addition, the Secretariat has been recently informed that authorities in Thailand have seized a number of birds arriving from China but so far detailed information has not been provided.

86. A major problem is the making of false declarations that birds of Appendix I species are bred in captivity, in order to allow trade. The main destinations of birds appear to be falconry and zoos. (summaries 2-2; 8-10h; 9-9.)

## HUNTING TROPHIES

87. Current information shows that the main problem areas concern brown bear and ovis species. Information has been given by the Secretariat to several Parties and a number of investigations are currently under way. (summaries 3-8; 5-13; 8-9; 8-11a.)

## MARKING OF SPECIMENS

88. Several frauds relating to the marking of specimens have been noted. There are two areas of concern to the Secretariat.

89. One relates to rings on birds being transferred to other birds either by being cut, for example by laser, or the changing of a closed ring from one specimen to another by use of refined techniques. These frauds are possible because control over the integrity of the ring

and the checking of a ring number on each specimen is time consuming, not easy and in practice is not often done.

90. The other concern was over fraud relating to tags on crocodilian skins. Control of these tags is often minimal at the time of export and in some cases the tags have been included in a plastic bag accompanying the shipment rather than being attached to the skins, or were attached to the skins by adhesive tape.

91. The Secretariat has not been informed of any frauds concerning the use of microchips on live animal specimens and it would seem that for the time being this may be the most secure method in use. However, Parties still need to remain vigilant to ensure that the microchips are not transferred from one animal to another.

## TRADE IN MEAT FROM AFRICA

92. It appears to the Secretariat that there is a recent significant increase in quantities of meat – particularly from primates and reptiles – being exported from Africa by passengers. In addition, the meat is also being sold in some African restaurants in Europe.

## INFRACTIONS INVOLVING DIPLOMATS

93. The Convention does not exempt persons with diplomatic immunity from its provisions and CITES documents are required for any international movement of specimens of species listed in the appendices. The Secretariat is still concerned about the abuse of diplomatic privileges to facilitate fraudulent movement of such specimens, often for personal gain. The problem is often compounded by the lack of awareness among control staff regarding their national legislation and the requirements of the Convention.

94. By Decision of the Conference of the Parties No. 18 Directed to the Parties adopted at the ninth meeting of Conference, Parties were urged to remind their diplomatic missions and troops serving abroad under the United Nations flag that they are not exempt from the terms of the Convention. The Secretariat has not been informed of any action taken by any Party to implement this decision. (summaries 1-6k; 3-2z; 4-11h; 8-1.)

## Part 4 – Report by the Secretariat on Implementation of Resolution Conf. 9.8

95. In Resolution Conf. 9.8 Parties are urged to provide additional funding for enforcement purposes for the Secretariat's Enforcement Project. France, Hong Kong, Italy, Japan, Switzerland, the United Kingdom and the United States of America have all responded. In addition, some governmental and non-governmental organizations have provided funding; these include the Conservation treaty Support Fund, the European Commission, GEF, the German Marshall Fund, Humane Society International, the Humane Society of Canada and the World Wide Fund for Nature. The Secretariat has used this funding to enhance its programme of training and technical assistance and has provided enforcement assistance to Colombia and Madagascar.

96. In particular, the Secretariat wishes to acknowledge the assistance of Hong Kong and Japan for funding for general enforcement activities of the Secretariat. These funds are not allocated to specific projects and therefore the Secretariat has some flexibility in its use of the money for enforcement matters.

97. Regrettably, the funding provided so far has been insufficient to allow for the appointment of additional enforcement staff in the Secretariat.

98. Resolution Conf. 9.8 requested the Secretariat to increase its co-operation with ICPO-Interpol and the World Customs Organization (WCO). Consequently, the Secretariat has signed Memoranda of understanding (MOUs) with Interpol (2 January 1996) and the WCO (4 July 1996).

99. Both these MOUs establish the basis for co-operation with the Secretariat, covering the following areas;

100. – exchange of information and intelligence; and

101. – co-operation in the training of police and customs officers;

102. An annual programme of common activities has been established, depending on funding available. For 1997 the planned programme is:

103. – production of a brochure for customs officers on wildlife and customs controls jointly produced by WCO and CITES;

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| <p>104. – a special issue of ICPO-Interpol International Criminal Police Review magazine on CITES;</p> <p>105. – preparation of WCO/CITES guidelines for co-operation between Management Authorities and customs authorities;</p> <p>106. – publication of a joint ICPO-Interpol/CITES brochure on co-operation between Management Authorities and police authorities;</p> <p>107. – joint development and publication of a CITES/ICPO-Interpol/WCO enforcement directory; and</p> | <p>108. – establishment of a common intelligence database between the Secretariats of WCO and CITES (with a possibility of Interpol joining).</p> <p>109. <u>Resolution Conf. 9.8</u> also urges Parties to offer secondment of enforcement officers to assist the Secretariat in addressing law enforcement issues. So far, the United Kingdom has seconded an experienced enforcement officer to the Secretariat and the Party is thanked for this initiative.</p> |
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**Part 5 – Response by the Secretariat to Specific Comments of Some Parties**

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| <p>110. Three Parties (the Netherlands, Switzerland and the United Kingdom) have expressed some concerns that in preparing the summaries of alleged infractions (the Annex to this report), the Secretariat has taken into consideration Resolutions adopted by the Conference of the Parties.</p> <p>111. It should be noted that although the Resolutions of the Conference of the Parties are 'soft law' and are not binding on Parties, they are binding on the Secretariat. Therefore, when making recommendations to Parties or when preparing documents the Secretariat must take into consideration all extant Resolutions.</p> <p>112. Many Resolutions are designed to provide interpretation of the provisions of the Convention, without which it would be difficult to properly implement the Convention. Resolutions also give definitions regarding the terms used in the Convention (bred in captivity, artificially propagated, pre-Convention, etc), which is essential to guarantee that certain minimum standards are applied by Parties to achieve the objective of the Convention. Furthermore, a common interpretation of the Convention by Parties helps to avoid the creation of problems for those involved in legitimate trade.</p> | <p>113. If the Parties have problems in implementing the Resolutions, and especially if there are legal reasons why they are difficult or impossible to implement, it is the duty of the Secretariat to present problems to the Conference in order that it may take appropriate measures, such as modifying the Resolution.</p> <p>114. Almost all Resolutions are adopted by the Conference of the Parties without opposition and the Secretariat reminds Parties of its recommendation made in previous meetings (documents Doc. 8.19 and 9.22) that if Parties do not intend to implement Resolutions, they should refrain from adopting them.</p> <p>115. In order to enhance implementation of the Convention as interpreted by Resolutions, the Secretariat considers that it would be helpful if Parties were to include in their biennial reports (Article VIII) a list of all current resolutions relevant to them, clearly showing how Parties have implemented them or why they have been unable to implement them, for example because of a lack of appropriate legislation. This would also allow the Secretariat to determine where problems are likely to be encountered by Parties, and if necessary, to propose appropriate measures at the next meeting of the Conference of the Parties.</p> |
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**Part 6 – Conclusion**

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| <p>116. Improved implementation of CITES, resulting in a decrease in the number of infractions, depends greatly on continually increasing the co-operation between Parties and co-ordination with the Secretariat. The Secretariat hopes that this report will result in constructive discussion by the Parties regarding the problem areas to which attention is drawn, and that Parties will continue to seek to reduce or eliminate these problems.</p> <p>117. The Secretariat has carefully reviewed the recommendations it made in the reports on alleged infractions presented at the seventh, eighth and ninth meetings of the Conference of the Parties. The Secretariat considers that <b>ALL</b> recommendations made in those reports are still valid and regrettably it is clear from current trends in infractions that many Parties still have not fully implemented the recommendations made by the Secretariat over the past six years.</p> <p>118. The Secretariat therefore proposes the adoption of the following draft decisions of the Conference of the Parties:</p> | <p style="text-align: center;"><u>Decision directed to the Parties</u></p> <p>119. Parties should include in their biennial reports prepared under Article VIII, paragraph 7(b) of the Convention, a list of all current Resolutions relevant to the respective Party and details of how they have been implemented or reasons why they are unable to implement them.</p> <p style="text-align: center;"><u>Decision directed to the Secretariat</u></p> <p>120. The Secretariat shall:</p> <p>121. a) distribute to all Parties a list of recommendations made by the Secretariat in its reports on alleged infractions at the seventh, eighth and ninth meetings of the Conference of the Parties; and</p> <p>122. b) report at the 11th meeting of the Conference of the Parties with an analysis of implementation by Parties of those recommendations.</p> <p>123. The Secretariat feels it would not be useful to make any further recommendations in this report other than those listed above and instead would encourage all Parties to take steps to fully implement its recommendations made previously.</p> |
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## Summaries of a Selection of Cases Notified to the Secretariat

This Annex contains summaries of a selection of infraction cases that have been notified to the Secretariat between the period 1 April 1994 to 31 August 1996.

The summaries are arranged as follows:

Section	Description
1	Major Cases
2	Trade in Appendix-I Live Animals
3	Trade in Appendix-I Animal Parts and Derivatives
4	Trade in Appendix-II Live Animals
5	Trade in Appendix-II Animal Parts and Derivatives
6	Trade in Appendix-III Animals
7	Trade in Plants (all appendices)
8	Other Trade Problems
9	Other Successful Enforcement Actions

**NOTE:**

Section 1 of the Annex focuses in general on problems of weak implementation of CITES by certain Parties. It should be noted, however, that throughout the Annex many of the summaries present examples of problems that apply not only to the Parties specified but to other Parties as well.

Note: Words have been abbreviated in this Annex as follows:

M.A. = Management Authority

S.A. = Scientific Authority

Sp. = one species in the taxon indicated

Spp. = more than one species in the taxon indicated

In addition, the first time a country is mentioned in a summary its full name is given, followed by the two-letter ISO code in parentheses. For the remainder of the summary only the ISO code for the country is indicated.

**Section 1: Major Cases**

SUMMARY No.: 1-1

TITLE: THE FUR TRADE IN KATHMANDU,  
NEPAL

REFERENCE: 50203

Problems of the illegal fur trade in Nepal (NP) were reported by the Secretariat to the Standing Committee at its thirty-first meeting (March 1994). The Standing Committee urged the Government of NP to take measures to control the illegal trade, including passing new legislation; requiring proof of origin of furs of species included in the CITES appendices being offered for sale or intended for commercial markets; ensuring that items containing fur of Appendix-I species offered for sale are not exported or re-exported contrary to Article III of the Convention; and displaying at international airline arrival and departure points notices to warn tourists not to export items containing furs of species protected either by national legislation or by CITES, and alerting Customs officers at airports in this regard. The Standing Committee urged the governments of NP and India (IN) to conduct border checks and to investigate illegal fur markets.

On 2 September 1994 the Secretariat received from the Director General of the Department of National Parks and Wildlife Conservation in NP a report on measures which had been taken to control the illegal fur trade in Kathmandu. These included a workshop that had been organized on 23 July 1994 on controlling the trade in wildlife products. During this workshop, which was attended by the authorities of several governmental bodies responsible for the protection of the environment and for law enforcement, the Department of Forests agreed that they were responsible for taking the necessary actions to stop the illegal trade in wildlife products in Kathmandu, but they required additional funding and manpower and co-operation from the Police Department. The Police Department stated that they would assist the Department of Forests in their investigations of shops selling illegal wildlife items, and the Department of National Parks and Wildlife Conservation stated that they would try to raise, through NGOs, additional funds for enforcement.

During a follow-up meeting on 18 August 1994, officers from the Nepalese Department of Forests agreed to take immediate enforcement action by hiring informants to locate stocks of wildlife items being sold or possessed in contravention of Nepalese law, and the Immigration Department had been requested to issue public notices to discourage tourists from buying wildlife items illegally offered for sale. In a series of public notices, shopkeepers had been warned not to sell wildlife items in contravention of national law, or they could face a high fine and/or prison term. The notices also offered a reward for giving information on persons dealing in such items.

In his letter to the Secretariat, the Director General of the Department of National Parks and Nature Conservation stated that, as a result of these measures, items of wildlife protected by national law were no longer being sold openly in Kathmandu. However, if strong enforcement measures were not taken by the Department of Forests, it was clear that the items would reappear on the market. Finally, he stated that the authorities in IN should also take strong steps to stop this illegal trade because many of the items were believed to originate in the State of Jammu and Kashmir. On 9 September 1994, the regional representative for Asia reported to the Secretariat that on 5 April 1994 he had sent letters to the Nepalese and Indian authorities with a view to undertaking a mission to both countries. The Director General of National Parks and Wildlife Conservation in NP replied to this request, however no reply was received from the Management Authority of IN and the Secretariat understands that no mission was made. During the week of 17 October 1994 the Secretariat was informed by TRAFFIC International of its continuing investigation into the illegal fur market in Kathmandu and that, although furs of protected species are no longer being openly sold in Kathmandu, an important illegal market in furs and other specimens of Appendix-I species exists and is fed by the illegal trade in specimens originating in IN. An important issue in the report was that the investigation revealed illegal trade in NP in rhinoceros horn, bear gall bladder and musk.

The Secretariat notes that while positive steps have been taken by the Nepalese Government to shut down the illegal



fur trade in Kathmandu, an investigation by TRAFFIC International indicates that the current situation is still quite serious. Although the Standing Committee recommended that the IN authorities investigate India's part in the illegal fur trade, neither the regional representative for Asia nor the Secretariat has received any information in this regard from the M.A. of IN. In 1994 the delegation of IN stated that there would be a high-level meeting in the near future to address the problem. The Secretariat understands that this meeting is due to take place in February 1997. It is clear that the illegal fur trade in Kathmandu, fed by specimens from IN, has continued for far too long. Substantial illegal trade in other specimens of Appendix-I species is also present. The Conference of the Parties may need to call for strong action to be taken by the Parties concerned to resolve these problems.

#### Comments from the Parties

The M.A. of IN states, "A meeting was held between IN and NP authorities in Kathmandu from 3-5th January 1997 wherein several issues including illegal fur trade in Kathmandu were discussed and a resolution was passed indicating approach and common understanding for further course of action between the two countries."

SUMMARY No.: 1-2

TITLE: CITES IMPLEMENTATION IN GREECE  
REFERENCE: 50822

During its thirty-first meeting, the Standing Committee considered matters relating to the general implementation of CITES in Greece (GR). Concern over problems with implementation of the Convention in GR led the Secretariat to undertake a mission to Greece from 25 to 29 September 1995 to evaluate the progress made by that country in the implementation of the Convention. The Secretariat met with the staff of the MA and with representatives of Customs and the NCB of INTERPOL. The problems encountered in Greece are that the legislation to enforce the Convention is inadequate and in particular there are no penalties for violations of CITES; there are insufficient border controls, owing to very poor communication between the Management Authority and Customs, insufficient knowledge of CITES procedures by the MA and Customs, and insufficient training of MA and Customs personnel; and there is a lack of personnel and resources in the MA. The Standing Committee urged the Greek Government to immediately take the appropriate measures to properly enforce the Convention, and to adopt the necessary legislation. In July 1996 a note from the Secretariat was sent to the Mission of Greece in Geneva. In September 1996 the Government of Greece responded that an amendment to their legislation had been submitted to the Parliament that would provide for the full adoption of the Convention into Greek law and furthermore, a draft CITES law has been prepared and is being reviewed internally before it will be submitted to the Parliament in early 1997. The Secretariat replied to the MA of GR stating that, although some progress had been made, the concerns of the Secretariat had not been satisfied. The Secretariat then requested the Standing Committee to consider this matter at its 37th meeting in December 1996. The Standing Committee considered the problems of CITES implementation by GR at its 37th meeting. The Committee noted the continuing problem that GR had not enacted any new law implementing CITES, and that the problems of Greek-language permits and poor controls remained. The Standing Committee determined to convey its serious concern to GR, asking GR to improve its implementation of the Convention. The Standing Committee further agreed to contact the EU and request that it treat the implementation of CITES in GR as a priority. The Standing Committee further directed the Secretariat to continue its dialogue with

GR and report to the 38th Meeting, so that the Committee may consider taking appropriate action if improvements do not occur before that meeting.

SUMMARY No.: 1-3

TITLE: CITES IMPLEMENTATION IN ITALY  
REFERENCE: 50705

In June 1992, at its 28th meeting, the Standing Committee decided to recommend to Parties not to issue documents for re-export to Italy (IT) and not to accept any document issued in IT until an adequate legislation had been adopted and correctly implemented, adequate border controls had been established, a correct procedure for the issuance of re-export certificates had been established, and the competence of the different Management Authorities had been clarified. By a postal procedure, the Standing Committee, considering that substantial progress has been made, agreed to suspend the recommendation on 19 February 1993.

The Secretariat has maintained close contact with the authorities in IT and has provided, on request, technical support and appropriate training. During the week of 6 to 10 March 1995, the Secretariat undertook a mission to IT and conducted a thorough review of its implementation of the Convention. The Secretariat was very impressed by the quality of the work and the motivation of the staff of the Forest Corps (Corpo forestale dello Stato) resulting in a very high standard of achievement, including a number of successful investigations. The Secretariat concluded that the legislation adopted by Italy (including regulations) is completely adequate for the implementation of the Convention and the Secretariat is satisfied that the Convention is being fully implemented. The Secretariat recommended the Standing Committee withdraw the recommendation adopted at its twenty-eighth meeting and suspended on 19 February 1993, that all Parties adopt stricter domestic measures in accordance with Article XIV, paragraph 1, of the Convention in order not to issue any CITES documents for specimens consigned to Italy or accept any CITES documents issued by Italy. The Standing Committee agreed, and the Secretariat issued Notification to the Parties No. 842 announcing the withdrawal of the Standing Committee's earlier recommendation.

SUMMARY No.: 1-4

TITLE: CITES IMPLEMENTATION IN  
INDONESIA  
REFERENCES: 51000, 51007

At the 30th meeting of the Standing Committee (September 1993) the Secretariat reported on problems of CITES implementation in Indonesia (ID) and the recommendations in its report were endorsed by the Committee. The Secretariat reported again to the Committee at its thirty-first meeting (March 1994) on Indonesia's implementation of these recommendations. After considering the report of the Secretariat, the Committee made further recommendations on measures to implement the Convention that should be taken by ID by 1 February 1995. The Committee also recommended that at its 32nd meeting in November 1994 the MA of ID should provide evidence that each of the measures had been implemented or were expected to be implemented by 1 February 1995, and if the Committee would not be convinced of this, it would recommend to the Parties a one-year suspension of trade with ID. At its 32nd meeting, the Standing Committee noted Indonesia's improvement in the implementation of the Convention and agreed that ID had implemented the recommendations of the Committee from the last meeting. The Committee decided that no further action was needed by the Standing Committee on this matter.

SUMMARY No.: 1-5

TITLE: THEFT OF *GEOCHELONE YNIPHORA*  
IN MADAGASCAR

REFERENCE: 51598

In May 1996 a theft of 74 *Geochelone yniphora* (Madagascar tortoise; Appendix I) occurred from a breeding station in Madagascar (MG). The M.A. of MG and the police have launched an investigation of this theft. The specimens are presumed to have been smuggled to Europe and Asia. This theft represents the loss of 45 percent of the captive gene pool for this critically endangered species, and will likely delay the start of a re-introduction programme by several years. Investigations are continuing.

SUMMARY No.: 1-6

TITLE: ILLEGAL TRADE IN PRIMATES

REFERENCES: (see below)

A recurring problem is the illegal trade in primates. The most frequently encountered infraction involving primates is trade without valid CITES documents, with either no documents presented or false or falsified documents presented to Customs authorities. The Secretariat is concerned that the majority of its requests for information on the outcome of cases remains unanswered.

- a) In May 1994 Customs authorities in Gibraltar (GI) inspected a ship that had sailed from Equatorial Guinea (GQ), bound for Spain (ES) that had already off-loaded a cargo of timber in ES. Customs authorities seized three *Pan troglodytes* (chimpanzee; Appendix I) along with 34 *Psittacus erithacus* (grey parrot; Appendix II) and various products made from reptiles. The Attorney General from GI informed the Secretariat that seven GQ nationals pleaded guilty to the charge of illegal importation (though the defendants were released and no penalties were applied, as they were very poor), the specimens were forfeited and the live specimens were sent to zoos in ES. Reference 51150
- b) In June 1994 the M.A. of the United Republic of Tanzania (TZ) informed the Secretariat that in April 1994 its officers had intercepted six young *P. troglodytes* and 66 *Psittacus erithacus* (grey parrot; Appendix II) and had charged a Tanzanian national and a Zairian national with illegal possession. The M.A. of TZ asked the Secretariat for information concerning trade in these species from Zaire (ZR) and the Secretariat responded. The Secretariat has not been informed of the outcome of this case. Reference 51316
- c) In June 1994 a national from Angola (AO) attempted to import one *Cercopithecus ascanius* (*Black-cheeked White-nosed monkey*; Appendix II) into Spain (ES) without a valid CITES permit, presenting instead another document, possibly forged, from Zaire (ZR). The specimen was handed over to a rescue centre. Reference 51260
- d) In August 1994 two European Union (EU) certificates from Germany (DE) were presented to the M.A. of Argentina (AR) for the purpose of obtaining an import permit for two *Pongo pygmaeus* (orangutan; Appendix I). The specimens were destined for a zoo. The Secretariat informed the M.A. of AR that EU certificates are only valid for the movement of specimens within the countries of the EU and that a valid re-export certificate from the M.A. of DE would be required. The Secretariat later requested information on whether original EU certificates were presented or only copies, whether appropriate documentation was provided at a later date, and if so, were the specimens sent to AR. The Secretariat has not received a response from AR but the M.A. of DE has confirmed

that the original EU certificates were returned to the M.A. of DE. Reference 51336, 51426

- e) In December 1994 the Secretariat received information from the Wildlife Conservation Society and the International Primate Protection League that several *P. troglodytes* were to be flown from the Congo (CG) to the Russian Federation (RU), via Cameroon (CM) and Malta (MT). The Secretariat immediately contacted the airport authorities in CM, and after inspection one *P. troglodytes* and four unidentified parrots (*Psittaciformes*) were taken from one passenger and 59 unidentified parrots from another passenger. However, four *P. troglodytes* may have been offloaded in CM before the authorities could intervene. The flight continued, and on arrival RU authorities seized two *Cercopithecus aethiops* (vervet monkey; Appendix II) and another small primate from a staff member of the CG embassy. Two ivory carvings from *Loxodonta africana* (African elephant; Appendix I) were confiscated from another passenger, which were said to have been purchased in Zaire (ZR). The Secretariat was informed that three *P. troglodytes* and one *Gorilla gorilla* (gorilla; Appendix I) were confiscated by authorities in CG from passengers awaiting the same flight to RU several days later. Reference 51400
- f) In March 1995 the M.A. of Hungary (HU) consulted with the Secretariat on the validity of two United States of America (US) pre-Convention certificates for one *P. troglodytes* and one *P. pygmaeus* belonging to a travelling exhibition, presented to the M.A. of HU to obtain an import permit. The Secretariat recommended these documents not be accepted as they appeared to be false, falsified or at least invalid, and contacted the M.A. of US concerning these documents. The M.A. of US confirmed the documents had been altered and were therefore invalid. The original documents had been issued for two *P. troglodytes* with different dates of birth and characteristic features. The Secretariat is unaware of the outcome of any action taken against the travelling exhibition in this case. Reference 51425
- g) In April 1995 the Secretariat received information from the M.A. of the Philippines (PH) that it had seized from two nationals of Pakistan (PK) a shipment of primates involving one *G. gorilla*, two *Papio leucophaeus* (drill; Appendix I), two *Erythrocebus patas* (patas monkey; Appendix II), four *Cercopithecus aethiops* (vervet monkey; Appendix II) and one unidentified baboon. These specimens were carried as checked baggage on a flight originating in PK. No CITES documentation accompanied the shipment but a trophy permit from Nigeria (NG) was presented. The Secretariat repeatedly contacted the M.A.'s of PK and NG asking that this matter be investigated. The M.A. of PK informed the Secretariat in May 1995 that an investigation had been started but the results of this investigation are not known. The M.A. of NG has not responded to either the requests of the Secretariat or PH. The specimens are still in PH but in October the *G. gorilla* died. The Secretariat regrets the poor response from NG and PK, which has hampered attempts to repatriate the animals. Reference 51478
- h) In May 1995 the M.A. of Israel (IL) informed the Secretariat that three *Pan troglodytes* were confiscated in IL. In May and June the Secretariat requested information on these confiscations from the M.A. of IL and in January 1997 received information that the animals had been housed in a rehabilitation centre in GB. Two persons were fined. Reference 51525
- i) In July 1995 the Secretariat received a re-export certificate issued by the M.A. of Chad (TD) for a specimen of *P. troglodytes* and 24 specimens of

*Psittacus erithacus* (grey parrot; Appendix II) from Nigeria (NG), destined for the Russian Federation (RU). The Secretariat informed the M.A. of TD that the re-export certificate was invalid as the addresses of the exporter and importer were incomplete and asked the M.A. of TD to confirm whether the re-export, if it had occurred, had been in accordance with Article III of the Convention. The Secretariat asked for copies of the NG export permits, and if the specimens were still in TD to hold them until the legality of the shipment could be determined. In September 1995 the M.A. of TD replied that the importer did not have valid CITES export documents from NG and that in error a re-export certificate was issued contrary to the provisions of Article III. The M.A. of TD determined the *P. troglodytes* was apparently being kept in Cameroon (CM) while the 24 *Psittacus erithacus* had been sent to the RU; possibly none of the specimens actually entered TD. Reference 51470

- j) In August 1995 the M.A. of Italy (IT) informed the Secretariat that in February 1995 it had seized one *P. troglodytes* being kept by a circus in IT. The specimen had been moved from Luxembourg (LU) with an invalid document. The M.A. of IT requested to the M.A. of LU, also through the Secretariat, to cancel the invalid document in order to be able to bring the case to court. The M.A. of LU did so, and the owner of the illegal animal was sentenced to one year's suspended jail sentence and a fine of 100 million Italian lira. Reference 51781
- k) In October 1995 the Secretariat was informed by the Government of Zambia (ZM) that a diplomat from Zaire (ZR) had illegally exported one *P. troglodytes* and three *Psittacus erithacus* (grey parrot; Appendix II) back to ZR. The Government of ZM has tried to recover the animals, but this has been hampered by the diplomatic immunity status of the importer. The M.A. of ZR informed the Secretariat that an investigation would be undertaken and the responsible persons would be dealt with accordingly. However, the Secretariat has not been informed of the outcome of this investigation, and any actions which may have been taken. Reference 51472
- l) In February 1996 the authorities in Benin (BJ) confiscated one *P. troglodytes*, six *Cercopithecus* spp. (vervet monkey; Appendix II) and 50 *Psittacus erithacus* (grey parrot; Appendix II) from a passenger arriving from Equatorial Guinea (GQ) and destined for the Russian Federation (RU). The documents accompanying the shipment were invalid and the specimens were seized. The GQ national involved was fined 100,000 CFA. The M.A. of GQ responded that a permit was issued to the person concerned for the specimens, though it was signed by a person not authorized to issue CITES documents. The Secretariat considers such a document invalid, and notes that the export permit was issued for an Appendix I-listed species before an import permit was issued by the importing country, in contravention of Article III of the Convention. Furthermore, the documents that were used in this case were forgeries loosely based on the original document (which listed all three species as Appendix III). The Secretariat asked the M.A. of RU to investigate the intended recipient, but no further information has been received. Reference 51487
- m) In May 1996 the Secretariat received information from the M.A. of the Russian Federation that two *P. troglodytes* from Cameroon (CM) had been confiscated from a passenger arriving in RU. A NGO agreed to provide funding for the return of the specimens to Zambia (ZM) and a primate rescue

centre undertook to receive the two animals.  
Reference 51674

SUMMARY No.: 1-7

TITLE: FALSIFIED PERMITS FROM GUINEA USED IN LARGE SCALE EXPORT OF *VARANUS NILOTICUS*, *V. EXANTHEMATICUS* AND *PYTHON SEBAE* SKINS TO SPAIN

REFERENCE: 51203

In August 1995 the Secretariat was asked by the M.A. of Argentina (AR) for its assistance in confirming the validity of a re-export certificate issued by the M.A. of Italy (IT) for skins of *Varanus niloticus* (Nile monitor; Appendix II). The re-export certificate referred to a European Union (EU) re-export certificate issued by Spain (ES) in 1994 for specimens of *V. niloticus* that had originally been exported by Guinea (GN) in 1990. The Secretariat discovered that the GN export permit referred to in the ES re-export certificate had originally been issued for one specimen of *Poicephalus senegalus* (Senegal parrot; Appendix II), and not for skins of *V. niloticus*. Subsequent examination of documents provided to the Secretariat by the M.A.'s of GN and ES revealed that a large number of GN export permits had been falsified between 1987 and 1992 for the export of *V. niloticus*, *V. exanthematicus* (African savannah monitor; Appendix II) and *Python sebae* (African rock python; Appendix II) skins to ES. In October 1995 the Secretariat asked the M.A. of ES to conduct an inventory of skins remaining from the falsified GN permits, to take measures to confiscate the skins, to inform the Secretariat of all re-export certificates and intra-EU certificates issued on the basis of the falsified GN permits and of legal measures taken against those responsible for this illegal trade. In February 1996 the M.A. of ES provided information on its re-exports and informed the Secretariat that it had completed an investigation of this case and had passed on its findings to the state court for prosecution, and that re-export of goods made from specimens imported from GN on falsified permits was stopped. No further information has been received by the Secretariat on this case.

SUMMARY No.: 1-8

TITLE: FALSIFIED PERMITS FROM MALAYSIA USED IN LARGE SCALE EXPORT OF *VARANUS SALVATOR*, *PYTHON RETICULATUS*, *P. MOLURUS* *BIVITTATUS* SKINS AND OTHER SPECIES TO SINGAPORE

REFERENCE: 51439

In December 1994 the M.A. of Italy (IT) requested the assistance of the Secretariat in confirming the validity of a 1994 re-export certificate from Singapore (SG) for 1,365 skins of *Python reticulatus* (reticulated python; Appendix II) originating from Malaysia (MY). In the course of verifying the re-export certificate, the Secretariat noticed the original Malaysian export permit had not been recorded in Malaysia's annual report. A comparison was made between annual report data on trade between MY and SG, whereby numerous serious discrepancies were identified involving the same Malaysian security stamp numbers being reported for different species, and security stamp numbers in use which had not been listed in the annual reports. An investigation into the matter by the M.A. of MY uncovered 7 missing security stamps and 25 missing numbered permit forms. Most of these have been used to fraudulently export *P. reticulatus* and *Varanus salvator* (water monitor; Appendix II) skins to SG. Further investigations by the M.A.'s of MY and SG and the Secretariat has uncovered 13 cases in 1990 where MY export permits issued for small numbers of reptile skins have been modified and used to

export much larger quantities of skins to SG. Between 1990 and 1994 the total number of falsified or forged MY export permits so far detected is 47, in which the number of illegally exported skins is 284,910 *V. salvator*, 101,345 *P. reticulatus*, and 45,620 *P. m. bivittatus*. Furthermore, the same methods were used in 1991 and 1992 to illegally export a total of 2,400 *Loriculus galgulus* (blue-crowned hanging-parrot; Appendix II), 600 *Psittinus cyanurus* (blue-rumped parrot; Appendix II), 600 *Psittacula longicauda* (long-tailed parakeet; Appendix II), and 500 *Geochelone platynota* (Burmese starred tortoise; Appendix II). The present whereabouts of these specimens is unknown to the Secretariat. When the first evidence of falsified permits began to appear in December 1994 and January 1995, the M.A. of MY undertook a complete review of its stocks of permit forms and security stamps and alerted Customs authorities. The M.A. of MY requested the M.A. of SG consider the specimens concerned as having been obtained without a valid permit and to treat the specimens accordingly. The M.A. of MY reduced the period of validity of permits for consignments bound for SG to 14 days, and copies of the documents are telefaxed in advance to the M.A. of SG. Since these actions have been taken there have not been any further reported cases of falsified or forged MY export permits to SG.

SUMMARY No.: 1-9

TITLE: FALSIFIED PERMITS FROM GUINEA-BISSAU AND SENEGAL USED IN LARGE-SCALE RE-EXPORT OF *PSITTACUS ERITHACUS*

REFERENCE: 51652

In July 1996 the Secretariat uncovered, through the confirmation of permits, a large scale fraud involving a large number of *Psittacus erithacus* (grey parrot; Appendix II) re-exported from Senegal (SN), allegedly originating from Guinea-Bissau (GW). The three permits of GW that were used to import approximately 4,000 specimens of *P. erithacus* into SN were false and the Secretariat has reason to believe these forged documents were produced in SN. Some of the specimens have been re-exported from SN to Mali (ML) and re-exported again from ML. Over 22 export certificates were issued by SN on the basis of forged GW documents, usually for 100 or more specimens each, with the countries of destination including Portugal (PT), Malta (MT), Germany (DE), France (FR), Poland (PL), South Africa (ZA), the Netherlands (NL), Belgium (BE), Spain (ES), the Czech Republic (CZ), the United States of America (US), the Libyan Arab Jamahiriya (LY), and the United Kingdom (GB). The Secretariat has contacted the Parties concerned to enquire whether the certificates have been accepted, and if so, to confiscate the specimens or at least not to allow their re-export. The M.A. of DE replied that 2 SN re-export certificates had been accepted and all birds involved had subsequently been sold. However, since the information had been received from the Secretariat two further applications for import had been refused. The M.A.

of FR did not reply, although 3 requests for information were sent by the Secretariat. The Secretariat is aware of 16 invalid re-export certificates from SN to FR. The M.A. of GB replied that although one re-export certificate was accepted it was never used. The M.A. of ES replied that 5 SN re-export certificates had been accepted and the birds involved had since been sold. The M.A. of MT replied that no applications for import had been received. The M.A. of PT replied that they had accepted 9 SN re-export certificates but in two cases as the subspecies had been different, the birds had been confiscated. At the time, however, they did not inform the Secretariat regarding the seizures or to request confirmation of the validity of the permits but would consult their legal service regarding cancellation of the import permits. The M.A. of US replied that they had alerted ports of entry regarding one SN re-export certificate. In August 1996 the Secretariat asked the M.A. of ML to confiscate all *P. erithacus* imported from SN on the basis of the false GW documents. The Secretariat noted that the M.A. of ML issued an additional three re-export certificates based on the invalid SN re-export documents. In addition, the M.A. of ML authorized the re-export of 200 *Poicephalus senegalus* (Senegal parrot; Appendix II) based on a SN re-export certificate which did not include this species. The Secretariat asked the M.A. of ML to provide it with information on all re-export certificates it has issued based on the invalid SN permits, to indicate how many specimens have been re-exported and to confiscate remaining specimens, to cancel the re-export certificates it has issued for all specimens concerned, and to inspect the premises of the traders and seize CITES specimens for which valid documents are lacking. The M.A. of ML replied saying that action had been taken and the remaining specimens had been confiscated and that legal actions have been taken against the exporter. However, the Secretariat wrote to the M.A. of ML to seek clarification on this matter. The Secretariat has been informed by the M.A. of SN that actions taken against the exporter involved include the suspension of his trade licence and the confiscation of 1000 *P. erithacus* as well as several other CITES-listed bird species.

#### Comments from the Parties

The M.A. of NL states, "Within the European Union the import of *Psittacus erithacus* originating from Guinea-Bissau is not allowed, unless on the (re-)export document the full name of the subspecies, i.e. *Psittacus erithacus timneh* is mentioned. In the Netherlands imports of the species concerned have been refused because the re-export certificates of other African countries only mentioned the species name, i.e. *Psittacus erithacus*. I assume that in other Member States of the European Union the same policy has been applied."

The M.A. of CZ has stated that 70 specimens had been imported from SN during 1996 with apparently legal permits and that the CZ importer was unaware of the illegal origin of the birds.

## Section 2: Appendix-I Live Animals

SUMMARY No.: 2-1

TITLE: ILLEGAL TRADE IN APPENDIX-I PSITTACINES

REFERENCES: (see below)

The Secretariat is concerned by the number of cases involving trade in Appendix I-listed psittacines, and notes the difficulty Parties are experiencing in determining whether the purpose of the trade is primarily commercial or non-commercial. The Secretariat considers trade in Appendix I-listed specimens for the purpose of breeding to obtain offspring that will be sold to be primarily commercial

in nature. Trade in true captive-bred specimens (i.e. in accordance with the definition of Resolution Conf. 2.12 (Rev.) for commercial purposes may only occur in accordance with Article VII, paragraph 4, of the Convention. The commercial breeding operation should be registered with the Secretariat, as recommended by Resolution Conf. 8.15. In order to assist Parties, the Secretariat issued Notification No. 913 in April 1996.

- a) In January 1994 the M.A. of the United States of America (US) received an application to export *Ara militaris* (military macaw; Appendix I) and *A. rubrogenys* (red-fronted macaw; Appendix I) to the

Netherlands (NL). As the birds did not meet the requirements of Resolution Conf. 2.12 (Rev.), the US explained to the M.A. of NL that it could export the specimens as source "F" under the provisions of Article III, with the specimens to be used for breeding purposes. The M.A. of NL agreed but issued an import permit listing the specimens as code "C", as the computerized permit system in NL was not yet programmed to use the code "F" described in Resolution Conf. 8.5. The M.A. of US then issued its export permit on the basis of the NL import permit. In September 1995 the M.A. of NL issued a re-export certificate for two of the *A. militaris* specimens to Japan (JP), listing the specimens as source "C". The Secretariat believes the M.A. of US should not have accepted the NL import permit because it contained incorrect information on the source of the specimens, and the M.A. of NL should not have issued the re-export certificate to JP listing the source as "C", because the original export permit indicated the source code as "F". The Secretariat recommended to the M.A. of JP to not accept the NL re-export certificate, and asked the M.A. of NL to not issue re-export certificates for specimens originating from the US without first checking the original US documentation to ensure the correct source code and any other conditions upon which the exchange occurred. Reference 51327

#### Comments from the Parties

The M.A. of NL states, "The species in question is not difficult to breed at all. Therefore, when of the species in question the first generation offspring in captivity has been produced, it is just a question of time before the second and more generation offspring will be produced. Therefore, for this species a parental breeding stock which produces first generation offspring can be considered as being managed in a manner to maintain the breeding stock indefinitely. This means that the criteria of Resolution Conf. 2.12 (Rev.) have been met perfectly. Furthermore, the reference to Resolution Conf. 8.15 here no longer makes sense, because according to the interpretation of the CITES Secretariat as presented in a draft resolution at the last meeting of the Animals Committee and in Notification 940 of 4 September 1996 the re-export document of the Netherlands can be considered as a certificate in accordance with Article VII, paragraph 5. In accordance with the opinion of the Secretariat as expressed in the above mentioned draft resolution and notification in a case like this it even does not matter at all whether the origin or the destination of the specimens in question is commercial or not. The position of the Secretariat completely contradicts the position of the Secretariat as expressed in Notification 913 of 24 April 1996. Therefore, it should be mentioned that the position of the Secretariat, in the opinion of the Netherlands, in cases like this has not always been consequent. Contradictory explanations by the Secretariat have damaged the credibility of the Secretariat in the Netherlands seriously, even before the Administrative Courts. Furthermore, it should be pointed out that because of the interference of the Secretariat the, according to the opinion of the Netherlands, completely legal transaction between a Netherlands citizen and a consignee in Japan could not take place."

#### Response of the Secretariat

The Secretariat considers the purpose of the import into NL to be commercial in nature. In addition, the M.A. of US determined the export was made under Article III and decided that the specimens did not qualify as captive bred under Resolution Conf. 2.12 (Rev.). The M.A. of NL have no authority to change the status of the birds after this decision has been made by another Party and the import permit using source code "C" should not have been issued.

- b) In January 1994 the M.A. of Hungary (HU) informed the Secretariat that it had seized 39 specimens from a national of Yugoslavia (YU), arriving from Singapore (SG) via the Russian Federation (RU). The specimens were not covered by CITES documents. The shipment contained three *Ara rubrogenys* (red-fronted macaw; Appendix I), one *Amazona vinacea* (vinaceous amazon; Appendix I), 20 *A. tucumana* (tucuman amazon; Appendix I) and 11 *A. dufresniana rhodocorytha* (red-topped amazon; Appendix I), as well as four *A. xanthops* (yellow-faced amazon; Appendix II). Reference 51787
- c) In August 1994 the M.A. of Italy (IT) contacted the M.A. of Switzerland (CH) to provide information on a case involving the international smuggling of psittacines. The M.A. of IT informed the M.A. of CH that a shipment of illegal psittacines had left Romania (RO) for CH with specimens of *Ara rubrogenys* (red-fronted macaw; Appendix I), *Anodorhynchus hyacinthinus* (hyacinth macaw; Appendix I), *Aratinga guarouba* (golden conure; Appendix I), *Amazona brasiliensis* (red-tailed amazon; Appendix I), *A. tucumana* (tucuman amazon; Appendix I), and others, concealed in vehicles. The M.A. of IT asked the M.A. of CH to seize the specimens as it could be proven the specimens were of illegal origin. The M.A. of CH later responded that it had immediately inspected the premises where the presumed importer maintained aviaries and found only specimens that, as the local veterinarian claimed, had been there for some time and which did not pertain to the species mentioned by the M.A. of IT. Unfortunately, new information about where the illegal specimens had been relocated to could not be relayed to the investigating team, and no further action could be taken. The specimens in question were later seized in IT by IT authorities (see Case 51500). Reference 51356
- d) In September 1994 the M.A. of the Philippines (PH) requested the advice of the Secretariat concerning an application to import 52 *Ara macao* (scarlet macaw; Appendix I) from Suriname (SR). The Secretariat recommended against the import from SR as the importer in PH is a commercial operation and that the purpose of the import appeared to be primarily commercial in nature (to produce offspring for sale), and therefore contrary to Article III and Resolution Conf. 5.10. The M.A. of PH allowed the import, explaining that the purpose of the import was captive breeding aimed at propagating a Suriname population of this species, and that the import was non-commercial in nature. Reference 51436

#### Comments from the Parties

The M.A. of NL states "In no way the provisions of CITES itself have been violated." "This case concerns a transit from Suriname to the Philippines through the Netherlands. The transit through the Netherlands has been allowed, because the Netherlands shares the opinion of the Philippines as expressed here in the report. The consignee is known as a successful breeder of psittacines. Therefore, the purpose of import in the Philippines being breeding purposes seems reasonably fair. The fact that the breeder in question in accordance with Resolution Conf. 8.15 has been recognized and registered as a commercial breeder for other parrot species than the species concerned here is not relevant. He has not been recognized as a commercial breeder for the species in question and therefore should not be treated as such. A passage that the Netherlands allowed transit and the reasons therefore should be added to the case in the report. But, as indicated before, I would prefer the whole case to be deleted."

### Response of the Secretariat

The Secretariat is aware that the breeder in this case is one of the major exporters of Appendix I parrots in the Philippines. At the 8th meeting of the Conference of the Parties PH made a proposal to register this breeder's establishment as a commercial breeding operation for *Ara macao* but this proposal was subsequently withdrawn. The Secretariat is also aware that since then, the establishment has sold a number of birds all over the world. In addition, neither the M.A. of PH or the Secretariat have been able to obtain any evidence regarding the legal origin of the parental breeding stock.

- e) In September 1994 the M.A. of Spain (ES) informed the M.A. of Cuba (CU) and the Secretariat that in July and August 1994 it had confiscated two specimens of *Amazona leucocephala* (Cuban amazon; Appendix I) arriving from CU without CITES documents. The Secretariat has no further information on this case. Reference 51807
- f) In March 1995 the M.A. of Germany (DE) informed the Secretariat that it had seized from two DE nationals two *Amazona leucocephala* (Cuban amazon; Appendix I) being smuggled from Cuba (CU). The specimens had been wrapped with sticky tape and hidden in cloth bags concealed under the clothes of the smugglers. A search of the smugglers' luggage revealed a prepared head of a sea turtle (Cheloniidae; Appendix I), several pieces of coral (Scleractinia; Appendix II) and 19 shells of *Strombus gigas* (queen conch; Appendix II). DE Customs authorities searched the residences of the smugglers and found a skin of *A. leucocephala* and an additional sea turtle head. Reference 51801
- g) In June 1995, during an investigation into the illegal trade in parrots, the M.A. of Italy (IT) discovered two *Ara glaucogularis* (caninde macaw; Appendix I) covered by a European Union (EU) document issued by the M.A. of the United Kingdom (GB). The Secretariat contacted the M.A. of GB and asked for the documents relating to these specimens. The M.A. of GB replied that the specimens were part of a shipment of 29 originally imported from the United States of America (US), and that a GB import permit had been issued in accordance with Article III of the Convention, as the M.A. of GB considered the import was not for primarily commercial purposes. The Secretariat observed that the M.A. of US had issued an export permit for 29 *A. glaucogularis* to GB in March 1995 under the provisions of Article III, but had listed the source code as "C" when it should have been "F", as the M.A. of US could not confirm that the specimens were bred in captivity in accordance with Resolution Conf. 2.12 (Rev.). The US computerized permit system was not yet programmed to allow the use of code "F" as recommended by Resolution Conf. 8.5. The import permit issued for these specimens by the M.A. of GB also wrongly listed the source as "C". However, the specimens went to a commercial trader who sold or re-exported most of the birds that were imported. At least two of the birds were sold to a person in another country who was neither a qualified scientist nor a representative of a zoological institution; thirteen of them were sold to a bird dealer in NL who then attempted to re-export two of them to JP as bred in captivity in NL. The M.A. of NL is investigating the matter. The Secretariat considers the GB import in this case to have been for primarily commercial purposes and contrary to the provisions of Article III, which require that the M.A. in the importing country, before issuing an import permit, must be satisfied that the specimens are not to be used for primarily commercial purposes. The M.A. of GB maintains that the GB

importer was acting as an agent, and as such the import was not for primarily commercial purposes. Reference 51482

### Comments from the Parties

The M.A. of GB states, "The UK's position on this case has not changed since we last replied to the Secretariat." "Under UK law, natural justice demands that applicants be allowed the opportunity to show that they are able to comply with the requirements of Article 7(5). Conference Resolutions are not binding in law and there are circumstances other than those described in Conf. 5.10 where the use of commercial agents may be justified. Powers are also available to restrict the sale and subsequent movement of Appendix I specimens. In this way we can be sure that we will know who the ultimate recipient will be and whether they intend to use the specimens for primarily commercial purposes. This was specifically recognised by the Secretariat in their recommendation at paragraph 11 of Notification 913. We therefore cannot agree with your conclusion that these birds were imported contrary to Article III."

The M.A. of NL states, "As far as this case is concerned I am not sure whether code C or code F makes a difference. Although I know that a second generation offspring of this species has been obtained in the Netherlands, according to specialists this species is not as easily bred in captivity as other similar species. Therefore, just to be sure, code F could have been put on the relevant documents. As far as the Netherlands is concerned the export permit for Japan was based on a mistake by the applicant. The applicant had no criminal intentions whatsoever. Furthermore, I completely agree with the opinion of the United Kingdom. In a case like this the importer can be considered as an agent in accordance with Resolution Conf. 5.10, because in the EC internal trade prohibitions are applicable (Article 6 and 13 of [EC] Regulation 3626/82)." "But, as indicated before, the issuance of the export document of the Netherlands was based on a simple mistake and I am convinced that the applicant had no criminal intentions whatsoever. Although the export document of the Netherlands did not reflect the actual origin of the specimens concerned and this could be regarded as an infraction against the provisions of CITES itself, in the end no harm has been done, because Japan followed the advice of the Secretariat and did not allow the import. The very important fact that the issuance of the export document in the Netherlands was no more than a simple mistake and that thanks to the attentiveness of the Japanese authorities and the Secretariat in the end no harm was done, should be added to the report."

### Response of the Secretariat

In this case, there is no doubt that the birds which were imported into GB allegedly for non-commercial purposes were sold or re-exported. In addition, a commercial agent was used during this transaction. The purpose of the import, therefore, was clearly commercial in nature.

- h) In August 1995 the M.A. of Japan (JP) requested the Secretariat to confirm whether it had any objection to the import of four *Ara militaris* (military macaw; Appendix I), source "C", originating from the United States of America (US) and re-exported by Belgium (BE). The Secretariat informed the M.A. of JP that the specimens concerned had been exported from the US to BE as source "F" following the provisions of Article III, and therefore the specimens should not be re-exported from BE for commercial purposes and in particular these should not be listed as source "C". Consequently, the Secretariat recommended the BE re-export certificate not be accepted and that the import of the specimens into JP not be authorized. Reference 51554

- i) In September 1995 the M.A. of the Netherlands (NL) consulted the Secretariat concerning an application to import two *Ara rubrogenys* (red-fronted macaw; Appendix I) and two *A. ambigua* (Buffon's macaw; Appendix I) from the Philippines, and re-export the specimens to Belgium (BE). As the exporter in PH is considered to be a commercial operation and is not registered with the Secretariat for the captive breeding of the species concerned, the Secretariat recommended the PH permit not be accepted and the import not authorized. Reference 51591

#### Comments from the Parties

The M.A. of NL states, "The exporter in the Philippines should not be considered as a commercial breeder for the species involved, because for these species he is not approved as such and he is not registered as such in accordance with the recommendations of Resolution Conf. 8.15. Furthermore, it should be added that in the eyes of the Netherlands a perfectly legal transaction has been hampered by the interference of the Secretariat and that such actions damage the generally broad support for CITES under aviculturalists in the Netherlands."

#### Response of the Secretariat

The response of the Secretariat for summary 2-1 d) are also valid in this case.

- j) In October 1995 the M.A. of the Czech Republic (CZ) informed the M.A. of Thailand (TH) and the Secretariat that it had confiscated two *Probosciger aterrimus* (palm cockatoo; Appendix I) arriving by air from TH. The shipment was not accompanied by CITES documents and did not meet IATA transport regulations. Investigations by the MA of CZ suggested that two Dutch nationals were involved and that the specimens were probably destined for the Netherlands (NL). The MA of CZ forwarded details to the MA of NL. The Secretariat has no further information on this case. Reference 51770
- k) In November 1995 the M.A. of the Czech Republic (CZ) received an application to import 30 *Ara militaris* (military macaw; Appendix I) from a foundation in the Netherlands (NL) and asked the Secretariat for information on the foundation and the origin of the specimens. The Secretariat contacted the M.A. of NL, who confirmed the foundation was not registered with the M.A. and was in fact a person operating from a private address. When the M.A. of CZ requested additional information on the specimens from the applicant he withdrew his application. Reference 51567

#### Comments from the Parties

The M.A. of NL states, "The private person involved here is a fantasist and in my opinion he will never be able to lay hands on 30 *Ara militaris* and organize the transport of these birds to the Czech Republic. The importer in the Czech Republic has simply been fooled by this fantasist. The case should better be deleted from the report. If not, it should be indicated that this case is of no relevance at all."

#### Response of the Secretariat

In this case no infraction has been committed. However, the case has been included in the report to highlight an example of traders who circulate offers for sale for animals that, in fact, they are unable to provide. Although the majority of these offers are bogus, nevertheless the Secretariat would encourage Parties to investigate the circumstances surrounding such "dealers".

- l) In February 1996 the M.A. of the United States of America (US) received an application to export Appendix I-listed macaw specimens to Indonesia (ID),

comprising ten *Ara macao* (scarlet macaw; Appendix I), four *A. militaris* (military macaw; Appendix I), four *A. rubrogenys* (red-fronted macaw; Appendix I), two *A. ambigua* (Buffon's macaw; Appendix I), two *Anodorhynchus hyacinthinus* (hyacinth macaw; Appendix I), and one *A. macao-A. ararauna* hybrid. The M.A. of ID issued an import permit using the source code "C", despite the M.A. of US having explained that the specimens could only be exported using the source code "F". The M.A. of US issued the export permit using code "F", asking the M.A. of ID to provide a corrected permit. A corrected permit from ID has not been issued, and the Secretariat considers the US permit invalid as it was issued incorrectly against an incorrect ID import permit, and the importation of the specimens into ID is not in accordance with the Convention. Furthermore, the M.A. of ID has not replied to the repeated requests from the Secretariat for information on this case. Reference 51589

- m) In February 1996 authorities in Italy (IT), while inspecting a ship flying the flag of the Russian Federation (RU), discovered on board two *Ara macao* (scarlet macaw; Appendix I), one *A. ambigua* (great green macaw; Appendix I), six *A. ararauna* (blue-and-gold macaw; Appendix II) and ten *A. chloropterus* (green-winged macaw; Appendix II) without CITES documents. At the request of the State Forestry Corps of Genoa, the Consulate of the Russian Federation and the CITES Secretariat, permission was obtained for the IT authorities to confiscate the specimens. The specimens are believed to have been obtained in Colombia (CO) and Venezuela (VE). Reference 51591
- n) In March 1996 the M.A. of Belgium (BE) asked the Secretariat to confirm the validity of an export permit from the Netherlands Antilles (AN) for specimens of *Amazona barbadensis* (yellow-shouldered amazon; Appendix I) and *Ara macao* (scarlet macaw; Appendix I) which were alleged to have been captive-bred. The Secretariat recommended that BE not accept the specimens, as only an approximate date of birth was given for the specimens and there was no indication that the specimens were of second generation (F2) or that the breeding operation was able to produce such specimens. The importer in BE had taken legal action to allow the import but the Secretariat is not aware of the outcome of this action. Reference 51678

#### Comments from the Parties

The M.A. of NL states, "Both species are quite easily bred in captivity. This means that, if a first generation offspring has been obtained, it is just a question of time before the second generation offspring will be obtained. In such case the relevant recommendations of Resolution Conf. 2.12 (Rev.) have been met perfectly. Therefore, the Secretariat advised Belgium not to allow the import on the wrong grounds."

#### Response of the Secretariat

The mere fact that a species is commonly or easily bred in captivity does not necessarily mean that all specimens born in captivity meet the criteria set down in Resolution Conf. 2.12 (Rev.). It is the duty of the Management Authority before issuing a certificate of captive breeding to ensure in **each case** that a specimen declared as "bred in captivity" complies with **all** the requirements of Resolution Conf. 2.12 (Rev.) particularly regarding the origin of the parental breeding stock, the capability of the operation to produce F2 generation and that the breeding stock may be maintained without additions from the wild.

- o) In May 1996 CITES authorities in the Russian Federation (RU) intercepted a passenger arriving by

air from Peru (PE) who was transporting various psittacine specimens including *Ara macao* (scarlet macaw; Appendix I), *A. ararauna* (blue-and-gold macaw; Appendix II), *Pionus menstruus* (blue-headed parrot; Appendix II) and *P. sordidus* (red-billed parrot; Appendix II). The passenger claimed to have started from Bolivia (BO) and the only document was a false BO permit. In July 1996 the Secretariat asked the M.A.'s of PE and BO to investigate how this may have happened and to provide stricter control on flights from BO to PE and from PE to RU. Reference 51671

- p) In 1995, the Secretariat received information from TRAFFIC South America that a shipment of Appendix-I psittacines, including *Anodorhynchus hyacinthinus* (hyacinth macaw; Appendix I) was seized in Chile (CL) from a national of Uruguay (UY), in transit to the Russian Federation (RU). The Secretariat requested additional information on this seizure from the M.A. of CL, mentioning that the two birds were repatriated to UY. The Secretariat has received no further information about this case. Reference 51599
- q) In June 1996 the Secretariat was informed by the M.A. of France (FR) that it had seized two *Anodorhynchus leari* (Lear's macaw; Appendix I) in transit between Brazil (BR) and Singapore (SG), being carried by a SG trader as hand luggage. One of the specimens died shortly afterwards. In July 1996 the M.A. of SG inspected the premises of the trader and seized an additional two *A. leari*, and started an investigation into how the specimens entered SG. In July 1996 the M.A. of BR requested the M.A. of FR to return the specimens to BR. The M.A. of FR immediately returned the live and dead specimens to BR. Reference 51208
- r) In July 1996 the M.A. of the United States of America (US) provided the Secretariat with copies of its correspondence with the M.A. of the Netherlands (NL) concerning an application by a commercial breeder in the NL to import two *Ara macao* (scarlet macaw; Appendix I) and two *A. rubrogenys* (red-fronted macaw; Appendix I), source code "F". The Secretariat commented to the M.A. of NL that as the birds were source "F", they had to be treated the same way as if they were code "W", i.e. the trade must be carried out in accordance with Article III. The information received concerning the importer suggested the purpose of import would be commercial, as the purpose of the breeding was to sell the offspring. The Secretariat asked the M.A. of NL to not issue import permits for the specimens until it could be shown the trade would not be primarily commercial in nature and in conformity with Article III. Reference 51676

#### Comments from the Parties

The M.A. of NL states, "Once more in this case no provisions of CITES itself have been violated. Therefore, if this case will not be deleted completely, it should be dealt with in a separate Annex. Furthermore, it is not up to the Secretariat to consider whether or not the breeder in the Netherlands is a commercial breeder, because the breeder in question is not approved and registered as such in accordance with the recommendations of Resolution Conf. 8.15. The definition of commercial breeder given here by the Secretariat (the purpose of the breeding is to sell offspring) is in accordance with Notification 913 of 24 April 1996 but is completely contradictory to the definition in a draft resolution which has been presented by the Secretariat at the last meeting of the Animals Committee (a similar draft has now been proposed for the next Conference by the USA) and it is also contradictory to Notification 940 of 4 September 1996. It should be clear that such contradictory advices by the Secretariat seriously

undermine the credibility of the Secretariat and hamper a consequent policy of issuing import permits in the Netherlands. In this case, because of the interference of the Secretariat, and in the opinion of the Netherlands Management Authority a completely legal deal between a breeder in the United States and a breeder in the Netherlands has been made impossible. Due to the interference of the Secretariat the United States refused to issue the export document. Such wrongful interference by the Secretariat damages the broad acceptance of CITES by aviculturalists in the Netherlands. If this case will not be deleted from the report completely, a passage to these effects should be added here in the report."

#### Response of the Secretariat

The Secretariat is unable to ascertain any contradictions between the definitions given in the summary above and Notifications 913 and 940 (which provides a list of registered breeding operations). Regarding an apparent contradiction with a draft resolution presented to the Animals Committee it should be noted that this was solely a draft and therefore has no standing.

- s) In August 1996 the M.A. of the Netherlands (NL) informed the Secretariat that a *Ara macao* (scarlet macaw; Appendix I) was confiscated from a passenger while in transit from the United States of America (US) to the Czech Republic (CZ). There were no CITES documents accompanying the specimen. The Secretariat requested the M.A.'s of US and CZ to investigate this matter. In October 1996 the M.A. of US informed the Secretariat of the results of its investigation and confirmed that the specimen had been exported illegally. The MA of US confirmed that the specimen was illegally exported without CITES documents and the MA of CZ subsequently fined the importer. Reference 51590

SUMMARY No.: 2-2

TITLE: ILLEGAL TRADE IN APPENDIX-I BIRDS  
OF PREY

REFERENCE: 51517

In September 1995 the United Kingdom (GB) issued an import permit for a *Haliaeetus albicilla* (white-tailed eagle; Appendix I) from the Russian Federation (RU). Subsequently the M.A. of RU issued an export permit number 5194. Because the source was not clear, the Secretariat recommended the M.A. of the UK not to accept this permit and the M.A. of RU to cancel it. In its place, the M.A. of RU issued export permit number 5212, indicating the source as 'F'. The M.A. of GB asked the Secretariat to comment on the validity of this new document and as this export permit wrongly listed the Appendix of the species and included other errors, the Secretariat recommended the M.A. of GB not to accept it. In addition, the Secretariat questioned the fact that the purpose of the import was not commercial as the permits were issued to a trader that the M.A. of GB considered to be only an "agent." It was discovered that the S.A. of GB had issued an opinion on the basis that the bird was captive bred in accordance with Resolution Conf. 2.12 (Rev.) (Source Code 'C') and therefore the Secretariat considered that the import permit was issued contrary to the requirements of Article III paragraph 3. The bird was imported and was seized by GB customs but was subsequently released. Reference 51517

#### Comments from the Parties

The M.A. of GB has stated that prior to issuing the import permit, enquiries had been made to confirm that the bird was required for breeding and falconry and would not be used for commercial purposes. The bird had been confiscated as there were doubts as to whether it was the same it was the same bird as the permit had been applied



for. Assurances from the M.A. of RU, together with DNA tests had proved that it was the same bird, and it was returned to the importer.

#### Response of the Secretariat

The Secretariat maintains its position that the import permit was issued contrary to the requirements of Article III because the S.A. of GB was consulted regarding a bird with source 'C' and not 'F' as shown on the RU export permit. In addition, the purpose of the import should have been considered as commercial in accordance with Resolution Conf. 5.11 as it involved a known dealer as importer, even if this dealer was not the final destinée of the bird.

SUMMARY No.: 2-3

TITLE: ATTEMPTED RE-EXPORTS FROM THE  
RUSSIAN FEDERATION OF *ELEPHAS*  
*MAXIMUS* AS PART OF TRAVELLING  
CIRCUS

REFERENCE: 51063

In June 1994 the Secretariat was asked by the United States of America (US) to confirm the validity of re-export permits from the Russian Federation (RU) for two *Elephas maximus* (Asiatic elephant; Appendix I) originating from Myanmar (MM), for a travelling circus. The Secretariat informed the M.A. of US that the two specimens were imported into RU contrary to the Convention (see Doc 9.22, Summary 2-14), and recommended the M.A. of US not accept the specimens. The M.A. of US denied the importer an import permit, an action against which the importer twice appealed, unsuccessfully. In November 1995 the Secretariat became aware that the M.A. of Japan (JP) was considering an application to import the same two specimens from the same circus in RU. The Secretariat recommended that JP not accept the specimens and JP followed the recommendation of the Secretariat. The Secretariat also asked the M.A. of RU to ensure that the circus in question not propose the re-export of the specimens concerned.

#### Comments from the Parties

The M.A. of RU states, "The M.A. [of RU] does not agree to the Secretariat's position interpreting the purchase of elephants in Myanmar as the Convention violation. The Secretariat was informed about the case in detail: the corresponding documents testified that the elephants had been bought in December 1991 in Myanmar, i.e. before the adoption of Resolution Conf. 8.8 in March 1992, and their import was legal. The M.A. [of RU] considers that recommendations of the Secretariat not to accept the Russian export permits for these elephants are not well proved and contradict the Convention."

#### Response of the Secretariat

This case was previously highlighted in the Alleged Infractions Report to both the eighth and ninth meetings of the Conference of the Parties (Documents 8.19 and 9.22). Prior to the import of these elephants from MY, RU was informed by the Secretariat that they were not bred in captivity in accordance with Resolution Conf. 2.12 (Rev.). As a result, these animals were not imported into RU in accordance with Article III and therefore the re-export from RU to US should not have been authorized. In addition, the purpose of any re-export should be non-commercial, in accordance with Article III, which is not the case in this instance.

SUMMARY No.: 2-4

TITLE: SEIZURES OF *SCLEROPAGES*  
*FORMOSUS* BEING TRADED WITHOUT  
CITES DOCUMENTS

REFERENCES: (see below)

- a) In October 1994 the M.A. of Indonesia (ID) informed the M.A. of Singapore (SG) and the Secretariat that it had seized 1,820 specimens of *Scleropages formosus* (Asian bonytongue; Appendix I) from an exporter that was attempting to smuggle the specimens to SG without CITES documents. The exporter claimed the specimens were to be given microchips in SG and exported as captive-bred specimens from SG. The M.A. of SG responded that the alleged importer was a food fish importer that did not deal in *S. formosus*, nor had the importer requested any specimens from ID. Reference 51435
- b) In June 1996 the M.A. of Hong Kong (HK) informed the Secretariat that HK Customs had seized 183 specimens of *S. formosus* on arrival from Thailand (TH). The specimens were not accompanied by CITES documents. The Secretariat requested from the M.A.'s of HK and TH additional information on this attempted import. The M.A. of TH is currently prosecuting the case but the Secretariat has not received a response from HK. Reference 51668

SUMMARY No.: 2-5

TITLE: SEIZURE IN SPAIN OF *DYSCOPHUS*  
*ANTONGILII* SHIPPED FROM  
MADAGASCAR

REFERENCE: 51798

In March 1995 the M.A. of Spain (ES) notified the M.A. of Madagascar (MG) and the Secretariat that in December 1994 ES authorities had seized five *Dyscophus antongilii* (tomato frog; Appendix I) arriving from MG with other CITES-listed specimens. The other specimens were covered by a MG export permit but the permit did not include the specimens of *D. antongilii*.

SUMMARY No.: 2-6

TITLE: SMUGGLING OF REPTILES FROM  
MADAGASCAR TO GERMANY VIA  
FRANCE

REFERENCE: 51780

In January 1996 Customs authorities in France (FR) informed the Secretariat that it had stopped two nationals from Germany (DE) arriving from Madagascar (MG) while in transit to DE. Concealed in their luggage were 16 *Sanzinia madagascariensis* (Madagascar tree boa; Appendix I), 21 *Geochelone radiata* (radiated tortoise; Appendix I) and eight *Pyxis arachnoides* (spider tortoise; Appendix II).

#### Comments from the Parties

The M.A. of DE states, "Preliminary proceedings have been started against both persons for alleged smuggling of reptiles. They belong to a relatively large group of persons involved in the illegal importation of reptiles, in particular from Madagascar and Indonesia."

SUMMARY No.: 2-7  
TITLE: APPENDIX-I PSITTACINES FROM THE  
PHILIPPINES THROUGH BELGIUM TO  
JAPAN  
REFERENCE: 51506

In June 1995 the M.A. of Japan (JP) asked the Secretariat to confirm the validity of a re-export certificate from Belgium (BE) for two *Ara ambigua* (Buffon's macaw; Appendix I) originating in the Philippines (PH), source "C". The Secretariat responded that the PH export permit was for the export of Appendix-I specimens bred in captivity for commercial purposes and originating from a breeding operation not registered by the Secretariat for the species concerned, and recommended against the acceptance of the BE re-export certificate. The Secretariat informed the M.A. of BE that the specimens of Appendix-I psittacines imported from PH were imported contrary to Resolution Conf. 8.15, and recommended that re-export certificates not be issued for them. The specimens concerned were four *A. ambigua*, two *A. rubrogenys* (red-fronted macaw; Appendix I), two *A. militaris* (military macaw; Appendix I), two *Anodorhynchus hyacinthinus* (hyacinth macaw; Appendix I) and three *Cacatua moluccensis* (salmon-crested cockatoo; Appendix I).

SUMMARY No.: 2-8  
TITLE: GORILLA AND BONOBO IN LISBON  
ZOO  
REFERENCE: 51651

In April 1996 the Secretariat was informed by the M.A. of Portugal (PT) that one specimen of *Gorilla gorilla* (Gorilla; Appendix I) and one *Pan paniscus* (Bonobo; Appendix I) had been given to the Lisbon Zoo and requested information on legalizing the animals. The Secretariat replied that according to information it had received, the two animals had entered PT illegally without CITES documents and recommended to the M.A. of PT that it should confiscate the animals and investigate the case. The M.A. of PT replied that although the police would investigate, they wished to transfer the animals after legalization. The Secretariat repeated that if the animals had been imported without valid CITES documents, if the court allowed it they should be seized and the animals could then be considered for transfer to another zoo on welfare grounds on the condition that the animals remained the property of the PT government. Moreover, the Secretariat asked the M.A. of PT about the meaning of the word "legalization" stating that in their view only a court could decide on the legal status of the animals concerned. No further information was received.

### Section 3: Appendix-I Animal Parts and Derivatives

SUMMARY No.: 3-1  
TITLE: TRADE IN SHAHTOOSH  
REFERENCE: 51402

In February 1994, the Secretariat was informed that shops in France (FR) were selling shawls made from shatoosh, which is the trade name for the wool of the *Pantholops hodgsonii* (Tibetan antelope; Appendix I) and consequently requested the MA of FR to initiate an investigation. French Customs were responsible for this investigation and established that large quantities of these shawls were being sold in French shops at a high price (between USD 8,000 and 30,000) and were being imported direct from India (IN) or through Hong Kong (HK), often with false Customs declarations regarding the value and the description. On some occasions no Customs declaration was made.

Customs confiscated 250 of these shawls and discovered during the investigation that these shawls were also being sold in other countries. The Secretariat communicated this information to the relevant Management Authorities and to enforcement agencies through the World Customs Organization (WCO) and ICPO-Interpol. As a result, Belgium Customs confiscated 22 shawls, the MA of Italy (IT) confiscated 40 shawls and British Customs commenced an investigation. Additionally it appeared that several shawls had been exported from FR and HK to the United States of America (US) and information was communicated to the Management Authorities of US and HK. Investigations are still pending in these countries. Related investigations are now being undertaken in Australia (AU), Canada (CA), South Africa (ZA) and Mexico (MX).

One of the difficulties encountered during the French investigation was to establish the relationship between the trade name and the species and later to demonstrate that the shawls were made from wool of this species. On the first point, the M.A.'s of Nepal (NP) and India (IN) provided the necessary assistance. On the second point, the forensic laboratory of French Customs, with the assistance of the French Natural History Museum and the forensic laboratory of the Italian Police established criteria to identify the wool of the Tibetan antelope in comparison with wool of other species of antelope or goats. These results were communicated to concerned countries through Interpol and

WCO and a sheet for the CITES Identification Manual was prepared. The USFWS Forensic Laboratory has also conducted some research on this subject.

As all these shawls originated in IN, the Secretariat informed the MA of IN of the investigation. The Secretariat was able to verify that these shawls were commonly sold in shops in Delhi, although the species was fully protected in India. It appears that the wool originates in China and is smuggled into Kashmir where the shawls are made. The Secretariat met the Minister of Environment of IN and representatives of the traders. The Secretariat has not been informed of any measures taken by IN to stop these activities although it has been informed of a confiscation there in December 1995 of wool with a value of USD 300,000.

The Secretariat has also held fruitful discussions with the MA of China (CN) in order to establish measures to be taken to stop the poaching and the smuggling of this species. The MA of CN informed the Secretariat in September 1996 that 61 poachers had been arrested and 300 skins confiscated.

The Secretariat wishes to express its appreciation to French Customs and the Italian Forest Corps for their supportive action in this matter. French Customs have donated several shawls to other enforcement agencies for reference and training purposes. The case has been discussed several times in the Wildlife Crime Sub-group of ICPO-Interpol and in the Enforcement Committee of the WCO.

#### Comments from the Parties

The M.A. of IN has stated that the information they received from FR authorities regarding export of shahtoosh shawls was forwarded to the wildlife authorities of the state concerned. The Chief Wildlife Warden of Punjab has informed the M.A. that the firm involved has stated in writing that they have not exported any shahtoosh shawls for the last 3-4 years. Information from other states is being collected.

SUMMARY No.: 3-2

TITLE: TRADE IN IVORY

REFERENCES: (see below)

The Secretariat is concerned at the number of cases involving the smuggling of ivory, and at the lack of information supplied by Parties about the outcome of ivory seizures.

- a) In March 1994 a national from Italy (IT) purchased in South Africa (ZA) items made from elephant ivory (Elephantidae; Appendix I) and tried to bring these items back to IT. IT Customs authorities and the M.A. enforcement unit seized the items on arrival and informed the M.A. of ZA. The M.A. of ZA investigated the matter and found the shop that had sold the ivory was not certified to do so, and would be prosecuted for the infraction. The M.A. of ZA informed the M.A. of IT that the purchaser had appealed, and if the M.A. of IT issued an import permit ZA would retrospectively issue an export permit. The Secretariat is unaware of the outcome of this case. Reference 51257
- b) In April 1994 the M.A. of South Africa (ZA) informed the Secretariat that it had seized a number of elephant ivory tusks (Elephantidae; Appendix I), and was in the process of determining the countries of origin of the tusks. The Secretariat has no further information on this case. Reference 51250
- c) In July 1994 authorities in Zambia (ZM) confiscated 216 elephant ivory tusks (Elephantidae; Appendix I) concealed in a military vehicle. An investigation by the ZM Government revealed that the ivory had originated in Angola (AO), and was destined for Malawi (MW). Four persons were charged with various offences in this case. However, the Secretariat is not aware of the outcome of the court case or further details regarding the investigation. Reference 51373
- d) In August 1994 the Secretariat received information that a shipment of over 100 kg of elephant ivory pieces, followed by several other shipments totalling over 60 kg of ivory pieces disguised with paint to resemble wood, were seized in Belgium (BE) while in transit from Zaire (ZR) to China (CN). This is the same *modus operandi* observed in earlier seizures in BE (see Summary 3-16, document Doc. 9.22). Reference 51354
- e) In October 1994 Customs authorities in the Province of Taiwan, China, seized more than 400 elephant ivory pieces (Elephantidae; Appendix I) from a ship container declared as containing lumber, arriving from Hong Kong (HK). The Secretariat has no further information on this case. Reference 51431
- f) In October 1994 the Secretariat was informed that 63 kg of ivory (Elephantidae; Appendix I) was seized in Belgium (BE) in mail parcels arriving from Zaire (ZR). The M.A. of ZR initiated an investigation but the Secretariat is not aware of the results of this investigation. Reference 51765
- g) In December 1994 the M.A. of Italy (IT) informed the Secretariat that its officers had confiscated from a passenger three suitcases containing 28.8 kg of ivory (Elephantidae; Appendix I), obtained in Hong Kong (HK). The passenger worked for firms in IT and Switzerland (CH). The Secretariat informed the M.A. of CH of the seizure and asked the M.A. to investigate the CH firm to determine if importation of ivory had occurred, and to inform the Secretariat of the results of the investigation. The M.A. of CH responded that an investigation carried out by investigation officers had revealed that the said firm was not involved in any ivory trade. Reference 51397
- h) In December 1994 the M.A. of Italy (IT) informed the Secretariat it had seized 13 ivory objects (Elephantidae; Appendix I) weighing in total 5.6 kg and one skin of *Panthera pardus* (leopard; Appendix I) packed in a crate of personal items arriving from Angola (AO). Under a false bottom of the crate an additional two tusks, weighing in total 63 kg, were found. Reference 51398
- i) In December 1994 and January 1995 Customs authorities in Spain (ES) seized from two passengers a total of five tusks of *Loxodonta africana* (African elephant; Appendix I) that were not accompanied by CITES documents. Reference 51796
- j) In February 1995 Customs authorities in France (FR) seized 3 ivory tusks and three carved ivory tusks (Elephantidae; Appendix I) that were concealed in shipments of melons arriving from Chad (TD). In June 1995 the Secretariat requested the M.A. of TD undertake an investigation of the persons and company involved to determine the origin of the ivory and if previous shipments had been made, and to keep the Secretariat informed of the results. The Secretariat has not received a response and has no further information on this matter. Reference 51494
- k) In March 1995 the M.A. of Malta (MT) notified the M.A.'s of Italy (IT) and Romania (RO) that a passenger, in possession of two ivory tusks (Elephantidae; Appendix I) and various crocodile skin products but without CITES documents, was in transit in MT and was to fly onwards to RO via IT. Acting on this information, the M.A. of IT informed Customs authorities, and the specimens were confiscated from the passenger. Reference 51480
- l) In April 1995 the Secretariat became aware that more than 200 kg of ivory (Elephantidae; Appendix I) was seized from four persons in Italy (IT) after an undercover investigation of more than three months duration by the Finance Guard. The Secretariat asked the M.A. of IT to provide information on this case but the M.A. recommended the Secretariat contact the Finance Guard directly. The Secretariat has no further information on this matter. Reference 51479
- m) In April 1995 the M.A. of France (FR) provided statistics on seizures of wildlife and wildlife products for 1994. During that year it seized 119 pieces of raw ivory (424 kg) and 1,657 pieces of worked ivory (232 kg) of *Loxodonta africana* (African elephant; Appendix I), comprising 42.8 percent of all wildlife seizures by Customs in FR that year. The ivory items arrived from Cameroon (CM), Côte d'Ivoire (CI), Gabon (GA), Zaire (ZR) and Nigeria (NG). The 1994 total of 656 kg seized is similar to the figure of 683 kg of ivory seized by FR Customs in 1993. Reference 51788
- n) In May 1995 Customs authorities in Mexico (MX) seized a quantity of elephant ivory from a MX national arriving from Japan (JP). The Secretariat requested additional information from the M.A. of MX concerning this seizure, but has not received a response. Reference 51529
- o) In May 1995 Customs authorities in Hong Kong (HK) seized 33.5 kg of ivory carvings and 2.5 kg of ivory pieces (Elephantidae; Appendix I) from a ship arriving from Macau (MO). No prosecution was initiated as the consignee of the ivory could not be located. Reference 51531
- p) In June 1995 Customs authorities in Hungary (HU) seized from two nationals of Yugoslavia (YU) ten carvings made from ivory (Elephantidae; Appendix I) that had originated from Nigeria (NG). Reference 51507

- q) In August 1995 authorities in Macau (MO) seized four elephant ivory (Elephantidae; Appendix I) items imported from China (CN) without CITES documents, and a fine was imposed. On 27 November 1995 four ivory items imported from CN without CITES documents were also seized. In addition, the M.A. of MO informed the Secretariat of the seizure of 0.5 kg of elephant skin within the territory. Reference 51582
- r) In October 1995 the M.A. of Switzerland (CH) notified the Secretariat that it had seized 50.7 kg of ivory items (Elephantidae; Appendix I) from a passenger in transit to Lebanon (LB). The items were not accompanied by valid CITES documents and are believed to have been obtained in Zaire (ZR). An additional 14.6 kg of ivory (eight tusks) and a *Panthera pardus* (leopard; Appendix I) skin were seized from another passenger travelling from ZR to LB, and two worked ivory tusks were seized from another passenger, in transit between Congo (CG) and LB. Reference 51775
- s) In December 1995 Customs authorities in Switzerland (CH) confiscated eight ivory (Elephantidae; Appendix I) items (two uncarved tusks and six carved tusks) from two United States of America (US) nationals in transit to the US from Equatorial Guinea (GQ). The specimens, received as gifts from the GQ Government, were not accompanied by CITES documents. The embassy of GQ in US lodged a complaint with the CH embassy against the seizure of the specimens, and asked that the specimens be returned to GQ or to one of its embassies. However, CH law does not allow seized objects subject to the provisions of CITES to be returned to the country of origin. Reference 51640
- t) In January 1996 the M.A. of France (FR) issued a re-export certificate to the United States of America (US) for two ivory specimens claimed to be pre-Convention. The date of acquisition of the specimens was given as 1978. However, the Convention entered into force in FR in 1978, and in accordance with the requirements of Resolution Conf. 5.11, the specimens could only be exported to the US under the provisions of Article VII, paragraph 3 if they were acquired before 1 July 1975 (for ivory from the Asian elephant) or before 12 February 1976 (for the African elephant). In July 1996 the M.A. of US asked the M.A. of FR to clarify the pre-Convention status of the specimens. The Secretariat asked the M.A. of FR for a copy of their reply, but has so far not received any further information. Reference 51642
- u) In March 1996 the M.A. of Switzerland (CH) notified the M.A. of the Philippines (PH) and the CITES Secretariat that CH Customs had seized 17 tusks from *Loxodonta africana* (African elephant; Appendix I) from a passenger travelling from Malta (MT) to PH via CH, as the passenger did not have any CITES documents for the specimens. The specimens apparently originated from the Libyan Arab Jamahiriya (LY). Reference 51576
- v) In April 1996 the Secretariat received information on the sale of ivory products (Elephantidae; Appendix I) in India (IN), reportedly illegally imported from African countries. The Secretariat informed the M.A. of IN and asked that this matter be investigated. The Secretariat has no further information on this case. Reference 51578
- w) In May 1996 the M.A. of the Russian Federation (RU) notified the M.A. of Japan (JP) that a national of Nigeria (NG), carrying four tusks, four ivory carvings and a tail of *Loxodonta africana* (African elephant; Appendix I) and two tusks of *Hippopotamus amphibius* (hippopotamus; Appendix II), without CITES docu-

ments, had arrived from NG and was in transit to JP. Acting on this information and information from the World Customs Organisation (WCO), the M.A. of JP informed Customs and the specimens were confiscated on arrival in JP. Reference 51548

- x) In July 1996 the Secretariat was informed that Customs authorities in the Province of Taiwan, China (CN), seized a shipment of ivory (Elephantidae; Appendix I) hidden in 15 crates labelled as wooden furniture and arriving from Nigeria (NG) via Hong Kong (HK). The shipment contained six tusks, 455 pieces of semi-worked ivory and 430 ivory name-seal blocks, with a total estimated weight of between 1,100 and 2,000 kg. Reference 51708
- y) In August 1996 the M.A. of Canada (CA) informed the Secretariat that a national from the Philippines (PH) was convicted for attempting to illegally import into CA six ivory tusks from *Loxodonta africana* (African elephant; Appendix I) originating from Zaire (ZR), and was sentenced to 22 days imprisonment. Reference 51737
- z) In July 1994 the Secretariat became aware that in December 1993 three nationals of Indonesia (ID) with diplomatic status were stopped in France (FR) in transit between Cameroon (CM) and ID, and four ivory tusks of *Loxodonta africana* (African elephant; Appendix I), 33 ivory items, and 52 articles made from reptile skin were abandoned to FR Customs. Reference 51305

SUMMARY No.: 3-3

TITLE: BEAR BILE ON SALE TO FOREIGN  
TOURISTS IN CHINA

REFERENCE: 51707

In July 1996 the Secretariat was informed by TRAFFIC East Asia that bear bile (Ursidae; Appendix I-II) was on sale in a major international airport in China (CN) and that it was packaged in a manner that suggested the product was aimed at foreign buyers. As the export of such specimens without valid CITES documents would be an infraction of the Convention, the Secretariat asked the M.A. of CN to keep it informed of measures taken to prevent activities that appear to be contrary to Resolution Conf. 4.12 (Rev). The Secretariat has not yet received a response on this matter.

SUMMARY No.: 3-4

TITLE: TRADE IN *MOSCHUS* SPP.  
DERIVATIVES

REFERENCES: (see below)

- a) In June 1994 the M.A. of the Republic of Korea (KR) informed the Secretariat that KR Customs authorities had stopped an attempt by two nationals of the Russian Federation (RU) to smuggle approximately three kg of musk (derived from *Moschus* spp.; musk deer; Appendix I-II). The musk was confiscated and the two persons involved were arrested on charges of not having obtained an import permit and tax evasion. The Secretariat is not aware of the outcome of this case. Reference 51315
- b) In June 1996 the M.A. of Hong Kong (HK) informed the Secretariat that a defendant was convicted for possessing 115 kg of musk without a licence and fined HKD 150,000. In July the Secretariat understands that the musk was forfeited after conviction. Reference 51580
- c) In July 1996 the Secretariat was informed by the M.A. of the Republic of Korea (KR) that an investigation was underway concerning shipments of body parts of

*Moschus* spp. (musk deer; Appendix I-II) to KR from Singapore (SG), possibly originating in Cambodia (KH). One shipment of 89 kg of musk was seized in KR in April 1996 and other shipments may be involved. The Secretariat is currently assisting the M.A.'s of KR and SG in the continuing investigation of this case. Reference 51706

SUMMARY No.: 3-5

TITLE: TRADE IN *PANTHERA TIGRIS* AND  
OTHER FELIDAE PRODUCTS

REFERENCES: (see below)

- a) In June 1994 the Secretariat received information that several skins of *Panthera tigris* (tiger; Appendix I) were on board a ship that had left the Russian Federation (RU) for Japan (JP). The Secretariat contacted the M.A. of JP and provided them with the details and the M.A. of JP notified its Customs authorities. However, the Secretariat has no further information on this case. Reference 51313
- b) In July 1994 the Secretariat received information concerning a shipment of *Panthera tigris* (tiger; Appendix I) bones from Singapore (SG) to the Republic of Korea (KR) and informed the M.A.'s of SG and KR. The M.A. of KR investigated and later confirmed that approximately 200 kg of the 1,000 kg shipment were bones from *P. tigris*. The specimens were seized by Customs authorities on arrival. The M.A. of KR informed the Secretariat in July 1994 that actions would be taken against the importers, who at that time had fled. The M.A. of SG started their investigation, and in September 1996 notified the Secretariat that in July 1996 the head of the company and its managing director were charged and convicted for exporting tiger bones without a permit and each were fined SGD 5,000. The company was fined an additional SGD 1,000 for false declaration of the contents of the consignment. Reference 51338
- c) In September 1994 the Secretariat was informed that authorities in India (IN) had seized three skins of *Panthera tigris* (tiger; Appendix I), 50 kg of *P. tigris* bone and a skin of *P. pardus* (leopard; Appendix I). Reference 51428
- d) In November 1994 the Secretariat received information concerning the confiscation in India (IN) of a large number of skins and mounted heads of Appendix I and Appendix II listed specimens, including *Panthera tigris* (tiger; Appendix I) and *P. pardus* (leopard; Appendix I). The Secretariat has no further information on this case. Reference 51446
- e) In December 1994 the Secretariat was provided with information that a shipment containing a quantity of *Panthera tigris* (tiger; Appendix I) bone was sent from Hong Kong (HK) to the Republic of Korea (KR) in November 1989. The Secretariat informed the M.A. of HK, which responded that it had investigated the matter and found that the bones had not likely been from *P. tigris*, but had been shipped under that name to satisfy the importer. The M.A. of HK could take no legal action against the exporters, but had placed them under surveillance. No illegal activity was detected during surveillance and the case was closed. Reference 51448
- f) In May 1995 the Secretariat was informed that two skins of *Panthera pardus* (leopard; Appendix I) from Cameroon (CM) were seized in Switzerland (CH). The Secretariat has no further information on this seizure. Reference 51504

- g) In October 1995 the Secretariat received information on a seizure from a dealer in India (IN) of one *Panthera tigris* (tiger; Appendix I) skin and ten kg of bones and one *P. pardus* (leopard; Appendix I) skin and six kg of bones, which in turn led authorities to seize from another dealer an additional four *P. pardus* skins and 9.5 kg of bones, and two sets of *P. tigris* claws. Reference 51571

SUMMARY No.: 3-6

TITLE: SEIZURE OF *VICUGNA VICUGNA*  
CLOTH SHIPPED FROM PERU TO  
FRANCE VIA THE UNITED STATES OF  
AMERICA WITHOUT CITES  
DOCUMENTS

REFERENCE: 51536

In April 1996 the Secretariat was informed that a consignment of cloth made from *Vicugna vicugna* (vicuna; Appendix I-II) had been exported from Peru (PE) and entered the United States of America (US) in June 1994 and left in July 1994 to France (FR) apparently without CITES documents. The Secretariat contacted the M.A. of US and asked that this matter be investigated. The M.A. of US responded in August 1996 that while the shipping documents mentioned vicuna, the Customs tariff code that was used may have been one not recognized as possibly being wildlife products. The M.A. of FR seized the cloth, and the M.A. of US is still investigating this case, as well as the M.A. of PE.

SUMMARY No.: 3-7

TITLE: *PANTHOLOPS HODGSONII* TROPHY  
SHIPPED FROM CHINA TO SPAIN  
WITHOUT IMPORT PERMIT

REFERENCE: 51595

In May 1996 the Secretariat learned from a conservation magazine that a hunting trophy specimen of *Pantholops hodgsonii* (Tibetan antelope; Appendix I) had been exported to Spain (ES). The Secretariat confirmed the details from reviewing annual reports. The Secretariat asked the M.A. of ES to investigate the import of the specimen, and the M.A. of ES replied that it had not issued an import permit for the specimen. The M.A. of CN provided the Secretariat with a copy of its export permit, and in September 1996 the Secretariat provided to the M.A. of ES information on the importer so that it may continue its investigation.

SUMMARY No.: 3-8

TITLE: WHALE MEAT CONCEALED IN FISH  
SHIPMENT FROM NORWAY TO JAPAN

REFERENCE: 51577

In April 1996 the Secretariat received information that ten tons of whale meat (Cetacea spp.; Appendix I) from Norway (NO), disguised as mackerel, had been intercepted in Japan (JP). In May 1996 the Secretariat contacted the M.A.'s of NO and JP and asked for additional information on this case, including information on penalties that may have been imposed. The M.A. of NO answered that they had requested the Ministry of Fisheries, as the responsible authority for whaling, to inform them about the incident, and that the Embassy in JP was also looking into the matter. The M.A. of NO added they would inform the Secretariat when further information becomes available, but no further information on this matter has been received. The M.A. of JP answered that Customs authorities had discovered approximately five tons of whale meat mixed with approximately ten tons of fish which entered JP. The M.A. of JP indicated that they had not yet received additional details from Customs.

SUMMARY No.: 3-9  
TITLE: FRAUDULENT CONCEALMENT OF  
COMMERCIAL QUANTITIES OF  
*ERETMOCHELYS IMBRICATA* FROM  
THE DOMINICAN REPUBLIC  
REFERENCES: 51365

In July 1994 the Secretariat received information that in March 1994 Customs authorities in Japan (JP) seized 587 kg of *Eretmochelys imbricata* (hawksbill turtle; Appendix I) shell illegally imported from the Dominican Republic (DO). The consignment had been declared as "horn and ox hoof", and the *E. imbricata* shells were concealed within the consignment. The Secretariat informed the M.A. of the DO of this case, and it responded that it had no information on this case but that it would investigate and inform the

Secretariat of its findings. The Secretariat has no further information. Reference 51365

SUMMARY No.: 3-10  
TITLE: SMUGGLING OF *LEPIDOCHELYS*  
*OLIVACEA* EGGS FROM EL SALVADOR  
TO THE UNITED STATES OF AMERICA  
REFERENCE: 51643

In June 1995 the M.A. of the United States of America (US) informed the Secretariat that a national of El Salvador (SV) was convicted for conspiracy to smuggle sea turtle eggs, after attempting to illegally import 3,780 eggs of *Lepidochelys olivacea* (olive ridley; Appendix I). The defendant was sentenced to six months imprisonment.

#### Section 4: Appendix-II Live Animals

SUMMARY No.: 4-1  
TITLE: ILLEGAL TRADE IN *DENDROBATES*  
SPP. TO GERMANY  
REFERENCES: (see below)

- a) In September 1995 Customs authorities in French Guyana (GF) stopped a national from Germany (DE) carrying 80 *Dendrobates tinctorius* (Guyana poison-arrow frog; Appendix II) and a false European Union (EU) import permit supposedly issued by DE. The M.A. of DE confirmed to the M.A. of France (FR) that the document was false. The Secretariat has no further information. Reference 51510

##### Comments from the Parties

The M.A. of DE states, "According to informal sources of information both persons were sentenced to 3 years prison. However, both persons are back in Germany again. In both cases the German Customs Investigation Office is continuing investigations on the grounds of alleged illegal trade in dendrobates."

- b) In October 1995 the M.A. of Colombia (CO) informed the Secretariat that a national from Germany (DE) had illegally collected large quantities of *Dendrobates lehmani* (poison-arrow frog; Appendix II) and had exported them to DE without CITES documents. The Secretariat passed on the documentation of this case to the M.A. of DE and the request from the M.A. of CO that the specimens, said to be stored in a museum in DE, be returned to CO. The Secretariat is not aware of the outcome of this case. Reference 51196

##### Comments from the Parties

The M.A. of DE states, "Investigations have not been completed as yet. The examination of this case revealed that 11 specimens of *Dendrobates lehmanni* were imported to Germany on 3 July 1990 for non-commercial purposes. However, due to lapse of time prosecution is barred by the statute of limitations. So far the investigation of this case has not provided any conclusive results with regard to the animals' fate and the legal possibilities of confiscating and, perhaps repatriating them."

SUMMARY No.: 4-2  
TITLE: TROCHILIDAE FROM PERU TO THE  
NETHERLANDS  
REFERENCE: 51281

In February 1994 the M.A. of the Netherlands (NL) issued an import permit for 40 *Amazilia amazilia* (*Amazilia* hummingbird; Appendix II) which arrived in April 1994 from Peru (PE) via Belgium (BE), possibly on the basis of an export permit from PE that had expired. Also, the NL import

document does not specify the PE export permit number. Although the Secretariat was informed that the MA of NL was investigating the matter it is not aware of the outcome.

##### Comments from the Parties

The M.A. of NL states, "This alleged shipment is supposed to have arrived from Peru in Belgium. If this is the case, the shipment has not been controlled sufficiently or not at all in Belgium as the first port of entry in the EC. Investigations in the Netherlands revealed that the importer was in possession of an import document and an export document for the birds in question, but that the import permit had not been verified by Customs. The birds in question were not found. It is not even certain if the birds in question have been imported at all. This information should be added to this case."

SUMMARY No.: 4-3  
TITLE: ATTEMPTED SMUGGLING OF  
TROCHILIDAE FROM BRAZIL TO  
BELGIUM  
REFERENCE: 51277

In April 1994 the M.A. of Belgium (BE) notified the Secretariat that two well-known collectors of hummingbirds (Trochilidae; Appendix II) were active in Brazil (BR), and asked for assistance in notifying BR and possible transit countries. Shortly afterwards the BR authorities stopped one of the collectors, a BE national, trying to board a flight with 130 hummingbird specimens of four species. The collector was imprisoned and the 126 surviving specimens released. The Secretariat has no further information on this case.

SUMMARY No.: 4-4  
TITLE: *TAURACO PERSA* FROM GUINEA TO  
FRANCE  
REFERENCE: 51302

In June 1994 the Secretariat became aware that in 1993 authorities in France (FR) confiscated seven *Tauraco persa* (Guinea turaco; Appendix II), for which no CITES documents were available, from the premises of an importer. The importer claimed specimens of a non-CITES species had been ordered from Guinea (GN) and the *T. persa* were delivered instead. The Secretariat asked the M.A. of FR for additional details and informed the M.A. of GN, but no further information on this case was received.

##### Comments from the Parties

The M.A. of GN has stated that when cases such as this arise, it would be better to inform the exporting country as soon as possible in order that anti-fraud measures could be taken.

## Response of the Secretariat

The comments from GN are appropriate.

SUMMARY No.: 4-5

TITLE: SMUGGLING OF PSITTACINES FROM AUSTRALIA

REFERENCES: (see below)

- a) In October 1994 Customs authorities in Australia (AU) seized 29 psittacine eggs being carried by a national from the United Kingdom (GB). This seizure led authorities to more eggs about to be carried by air to GB. GB authorities were alerted and an investigation and subsequent seizure of psittacine specimens and documents in 1995 indicated there had been a systematic smuggling of AU psittacine eggs to GB and *Ara* spp. (macaw; Appendices I and II) eggs from GB to AU. The principal AU species targeted were *Calyptorhynchus banksii* (red-tailed black cockatoo; Appendix II), *C. baudinii* (white-tailed black cockatoo; Appendix II) and *C. funereus* (yellow-tailed black cockatoo; Appendix II). Three convictions in AU led to sentences of 18, nine and six months, and five convictions in GB led to sentences of eight months, two months, six weeks, and two sentences of 200 hours of community service. References 51449, 51575
- b) In September 1995 the Secretariat was informed by the M.A. of the Netherlands (NL) of a large-scale investigation into parrot and parrot egg smuggling from Australia (AU) to NL. The investigation started in 1993 after NL authorities noted specimens of *Calyptorhynchus* spp. (black-cockatoo; Appendix II) at one dealer's premises during an inspection. The investigation lasted ten months and seven persons were charged as a result. In February 1994 the court actions ended in acquittals for all defendants, but these rulings were appealed by the Public Prosecutor. The Court of Appeal convicted two of the defendants for participation in a criminal organisation, with one of these charged with illegal importation as well, resulting in sentences of 12 months imprisonment (six suspended) for one defendant and 18 months imprisonment for the other. The other defendants were acquitted. These sentences were appealed, but the Supreme Court upheld the ruling in May 1995. Reference 51773

## Comments from the Parties

The M.A. of NL states, "It should be added that this case has been handled in close co-operation between the Netherlands and Australia. Furthermore, it could be added that this case influenced the legislative process in the Netherlands in a considerable manner. Parliament amended the Endangered Exotic Animals and Plants Act in such a way that the other defendants, which were acquitted now, in a future case can be convicted. In future cases the holder has to present proof that the specimens in question have been obtained legally, i.e. have been imported in accordance with the provisions of CITES or have been bred in captivity. The burden of proof rests with the holder of the specimens and not with the Public Prosecutor."

- c) In December 1995 the Customs authorities of Australia (AU) discovered an attempt to smuggle two *Cacatua leadbeateri* (Major Mitchell's cockatoo; Appendix II) and five *C. roseicapilla* (galah; Appendix II) to Viet Nam (VN), packed in plastic tubes inside a false-bottomed box. Information suggests there may have been a number of previous shipments. The Secretariat asked the M.A. of VN to investigate the VN importer identified on the box and to provide the Secretariat with details of any previous shipments involving that

importer. The Secretariat is still awaiting a response. Reference 51584

- d) In 1996 the last of fifteen United States citizens convicted of smuggling more than 800 cockatoo eggs from wild nest sites in Australia to the United States over a period of eight years was sentenced. Many of the defendants received sentences of incarceration and fine, including the leader of the conspiracy who was ordered to serve five years in jail and pay a fine of USD 10,000.

SUMMARY No.: 4-6

TITLE: SMUGGLING OF PSITTACINES FROM INDONESIA

REFERENCES: (see below)

- a) In October 1994 the M.A. of Portugal (PT) seized from a merchant ship a shipment of 52 psittacine specimens from Indonesia (ID), including *Cacatua alba* (white-crested cockatoo; Appendix II) and *Lorius garrulus* (chattering lory; Appendix II), possibly in transit to Ukraine (UA). The specimens were not accompanied by CITES documents, but health certificates had been issued by the Department of Agriculture for the specimens. The Secretariat asked the M.A. of ID to investigate the matter. The M.A. of ID responded that a mistake had occurred and that quarantine officials had been notified of the correct procedures. Reference 51395
- b) In June 1995 the Secretariat received information that a seizure of psittacines from Indonesia (ID) had been made by CITES authorities of the United Kingdom (GB) off a ship from Ukraine (UA). The shipment was reported to include *Probosciger aterrimus* (palm cockatoo; Appendix I), *Cacatua moluccensis* (salmon-crested cockatoo; Appendix I) and *C. sulphurea* (lesser sulphur-crested cockatoo; Appendix II). Action taken by GB was confined to seizure of the birds. Reference 51532
- c) In January 1996 the State Forest Corps of Italy (IT) discovered four *Cacatua moluccensis* (salmon-crested cockatoo; Appendix I), eight *C. galerita triton* (citron-crested cockatoo; Appendix II) and one *Eclectus roratus* (red-sided eclectus; Appendix II) in a false-bottomed crate arriving by air from Indonesia (ID). The investigation by the M.A. of IT is on-going. Reference 51486
- d) In May 1996, in answering a letter from the Secretariat about a possible illegal trade in *Eos histrio talautensis* (red-and-blue lory; Appendix I) between Indonesia (ID) and the Philippines (PH), the CITES authorities in PH indicated they had intercepted a shipment of five *Lorius lory* (black-capped lory; Appendix II), 22 *L. garrulus* (chattering lory; Appendix II), 36 *Eclectus roratus* (red-sided eclectus; Appendix II), 33 *Eos squamata* (violet-necked lory; Appendix II) and 19 *Cacatua galerita* (sulphur-crested cockatoo; Appendix II) at the port of Manila. The Secretariat requested additional information concerning this seizure but has not yet received a response from the M.A. of PH. Reference 51702

SUMMARY No.: 4-7

TITLE: SEIZURE OF PSITTACINES AND HORNBILL IN HONG KONG

REFERENCE: 51351

In May 1995 the M.A. of Hong Kong (HK) notified the Secretariat that it had seized eleven *Psittacula derbyana* (Derbyan parakeet; Appendix II), one *P. eupatria* (Alexandrine parakeet; Appendix II), six *Cacatua galerita*

(sulphur-crested cockatoo; Appendix II), three *Eclectus roratus* (red-sided eclectus; Appendix II), 31 *Agapornis* spp. (lovebird; Appendix II) and three *Anthracoeros* spp. (hornbill; Appendix II), for which no CITES documents were presented. An investigation was undertaken by the M.A. of HK and four people were fined.

SUMMARY No.: 4-8

TITLE: TRADE IN *ARA COULONI*

REFERENCES: (see below)

a) In March 1996 the M.A. of the Netherlands (NL) informed the Secretariat that a private breeder had presented a copy of a Czech Republic (CZ) export permit for four specimens of *Ara couloni* (blue-headed macaw; Appendix II), source code "F", and was applying to import the specimens. The M.A. of NL, after consultation with experts, could not find any documented evidence that this species has been bred in captivity. The Secretariat informed the M.A. of CZ that this species has a very limited range, and the range States prohibit its export. The Secretariat asked the M.A. of CZ to verify the legal presence of parental birds at the premises of the exporter, and until proof is obtained that the specimens to be exported were hatched in captivity from legally imported parents, not to allow the export and to cancel the export permit. The Secretariat also asked the M.A. of CZ to investigate the presence of this species in CZ. The M.A. of CZ replied that it had verified to its satisfaction and to the S.A. of CZ that the specimens had been captive-bred (though not in accordance with Resolution Conf. 2.12 (Rev.), hence the source "F") from specimens obtained before the Convention came into force in CZ. The Secretariat responded that while the specimens belonging to the parental breeding stock are legally held in CZ, they were most probably exported from their country of origin contrary to the Convention and therefore must be regarded as illegal, and it recommended that the M.A. of CZ not issue export documents for the specimens, and recommended to the M.A. of NL that it not accept CZ documents for the specimens in question. The M.A. of NL refused the shipment. The NL importer appealed this action in court, and the Secretariat reiterated its view to the M.A. of CZ that no evidence existed to prove that the specimens had not been smuggled into CZ, and that the specimens had most probably been illegally exported from the country of origin and were of illegal origin as far as the Convention is concerned. The Secretariat is not aware of the outcome of the importer's appeal. Reference 51488

#### Comments from the Parties

The M.A. of CZ states, "... exporters proved that the parrots were at least born in captivity (F1) from the birds which were in the Czech Republic prior to 1992 (the year of CS [Czechoslovakia] accession to the CITES). Because of lack of legislation, the M.A. had no legal power to refuse the export licences." "According to some Czech parrot breeders, there are up to 100 couples of *Ara couloni* in the Czech Republic which were imported during several last years reportedly mostly via Russia."

The M.A. of NL states, "It should be added that the appeal of the importer in the Netherlands before the Administrative Court was not successful, in spite of a letter of the Management Authority of the Czech Republic addressed to the Management Authority of the Netherlands urging that the Netherlands should allow the import for breeding purposes. The Management Authority of the Czech Republic did write this letter in spite of all the comments of the Secretariat regarding this case and the demand by the Secretariat that the Czech export permit had to be

withdrawn immediately. The Czech Management Authority presented a copy of this letter to the Czech exporter and this Czech exporter presented this copy to the importer in the Netherlands who at his turn presented this copy to the court. In spite of this most unfortunate action of the Czech Management Authority the appeal of the importer in the Netherlands has been denied. It should be clear, and this should be mentioned in this case, that such interference in legal procedures in the Netherlands by the Czech Management Authority caused considerable annoyance and that such actions are highly inappropriate and therefore should be averted."

- b) After examining a comparative tabulation on trade in *A. couloni*, the Secretariat learned in April 1996 of two specimens in Bulgaria (BG) that had been imported from CZ (then Czechoslovakia) in 1993, before the Convention entered into force in BG. The M.A. of BG confirmed a re-export certificate issued in 1993 for the birds had never been used. The Secretariat considers these specimens to be of illegal origin, and recommended to the M.A. of BG that it investigate the current location of the specimens and, if possible under national legislation, confiscate them. The Secretariat is not aware of the results of this investigation. Reference 51593
- c) In December 1995, the M.A. of Netherlands (NL) informed the Secretariat of the seizure of two juveniles of *Ara couloni*. The M.A. of NL also informed that they learned from a reliable source that this species has very recently entered into international trade. A German trader offered some specimens of this species for sale in 1994 and apparently has a list of animals (including *A. couloni*) which are surplus from a zoo in Lima, Peru (PE). The Secretariat sent all of this information to the M.A. of PE. In January 1996, the M.A. of PE replied that *A. couloni* is a species occurring in the forest region of Peru and by decree, its capture, trade and export have been totally banned since 3 October 1973. They also requested more detailed information on this case. The Secretariat sent this request to the M.A. of NL in January 1996 but has received no further information. Reference 51204.
- d) In April 1995 the M.A. of the Czech Republic (CZ) informed the Secretariat it had confiscated two *Ara couloni* (blue-headed macaw; Appendix II) and six *Psittacus erithacus* (grey parrot; Appendix II) together with non-CITES species being carried from the Russian Federation (RU) to Germany (DE) without CITES documents. The M.A. of CZ informed the M.A. of RU about the matter but the Secretariat has no further information. Reference 51766.

SUMMARY No.: 4-9

TITLE: SEIZURE IN THE RUSSIAN  
FEDERATION OF SMUGGLED  
*POICEPHALUS SENEGALUS* FROM  
MALI

REFERENCE: 51805

In February 1996 the M.A. of the Russian Federation (RU) notified the M.A. of Mali (ML) that it had confiscated 47 *Poicephalus senegalus* (Senegal parrot; Appendix II) that had been smuggled by a RU national on a flight arriving from ML.



SUMMARY No.: 4-10

TITLE: FORGED LETTERS PURPORTING TO BE FROM THE CITES SECRETARIAT AND THE PHILIPPINES MANAGEMENT AUTHORITY FOR THE EXPORT OF *TROIDES* SPP

REFERENCE: 51324

In July 1994 the Secretariat received from the M.A. of the United States of America (US) copies of forged letters of support purporting to be from the Secretariat and the M.A. of the Philippines (PH), sent by a PH company wishing to export *Troides* spp. (birdwing butterflies; Appendix II) to the US. The Secretariat received from the M.A. of Canada (CA) a similar forged support letter supposedly from the M.A. of PH, sent by the same PH company. The Secretariat and the M.A. of PH confirmed the documents were forgeries, and this serious matter was investigated in the Philippines. The Secretariat has not learned of the outcome of this investigation.

SUMMARY No.: 4-11

TITLE: TRADE IN *PSITTACUS ERITHACUS*

REFERENCES: (see below)

- a) In May 1994 the Secretariat received a copy of a forged export permit from Ghana (GH) that had supposedly been presented to the authorities in Italy (IT) for the import of 100 *Psittacus erithacus* (grey parrot; Appendix II). The M.A. of IT investigated and found that the permit had never been presented and the import had never taken place. The M.A. of GH also investigated this case but the outcome of this investigation is not known. Reference 51312
- b) In June 1994 the M.A. of Israel (IL) confiscated 50 *Psittacus erithacus* (grey parrot; Appendix II) from a ship that had arrived from Côte d'Ivoire (CI). IL intended to send the specimens to a rehabilitation centre within the species' natural range but it was discovered that the birds were diseased which precluded this. Fifteen of the birds subsequently died and the remainder were sent to zoos in IL. The M.A. of IL has informed the Secretariat that the case was dealt with by IL police as the ship was also found to be carrying drugs, and understands that two persons were charged. In September 1996 a similar case occurred, involving the smuggling of 33 *Psittacus erithacus* when 12 died and the remainder were rehoused in IL. On this occasion no charges were laid. Reference 51367
- c) In August 1994 the Secretariat received information concerning illegal trade in *Psittacus erithacus* (grey parrot; Appendix II) from Zaire (ZR) to Kuwait (KW) via the United Arab Emirates (AE). On the basis of this information the authorities of the AE intercepted and seized a shipment of 275 *P. erithacus* arriving from Zaire (ZR) and destined to KW. The specimens were accompanied by a false ZR permit based on a ZR permit issued to export 100 *P. erithacus* to France (FR) via Belgium (BE). The M.A.'s of FR and BE confirmed that they had not received any application for import based on the original ZR permit. The M.A. of ZR made the exporter financially responsible for the return of the specimens to ZR, and the exporter was to be liable to other penalties. The Secretariat has no further information on the outcome of this case. Reference 51383
- d) In September 1994 the M.A. of Poland (PL) advised the Secretariat it had confiscated a shipment of birds from Mali (ML) that had arrived without valid CITES documents. The shipment contained 58 *Psittacus*

*erithacus* (grey parrot; Appendix II) and various Appendix III-listed finches. Reference 51355

- e) In November 1994 the Secretariat was informed by the M.A. of Zambia (ZM) that it had confiscated 24 *Psittacus erithacus* (grey parrot; Appendix II) that had been illegally imported from Zaire (ZR). Reference 51444
- f) In November 1994 the Secretariat received information that authorities in Zambia (ZM) had seized 24 *Psittacus erithacus* (grey parrot; Appendix II) from a national from Zaire (ZR) who had attempted to sell the specimens in ZM without any CITES documentation. The M.A. of ZM announced that all *P. erithacus* not in transit for which a ZM import permit has not been obtained will be confiscated. Reference 51350
- g) In February 1996 the M.A. of the Russian Federation (RU) informed the M.A. of Cameroon (CM) and the Secretariat that it had confiscated 43 *Psittacus erithacus* (grey parrot; Appendix II) from two CM nationals that could not present CITES documents for the specimens. Two of the specimens had died in transit. Two weeks later, from the same flight RU authorities confiscated another *P. erithacus* carried by a RU national arriving from Guinea (GN). Reference 51805
- h) In March 1996 the Secretariat was informed by the M.A. of Italy (IT) that in August 1995 40 specimens of *Psittacus erithacus* (grey parrot; Appendix II) in transit from Nigeria (NG) to Kuwait (KW) were seized, and that in November 1995 a second consignment of 49 *P. erithacus* in transit from NG to KW, involving the same exporter and importer, was seized. In December 1995 the Secretariat sent a diplomatic note to KW, informing the Government of the recent illegal trade to KW and expressing concern that KW was becoming a conduit for illegal trade. The Secretariat has not received a reply from KW. Also in December 1995, IT authorities seized 32 *P. erithacus* in transit from NG to India (IN) carried in hand luggage, and in February 1996 an additional 114 *P. erithacus* in transit from NG to IN were seized. These shipments were not accompanied by CITES documents. Reference 51485
- i) In May 1996 Customs authorities in the Russian Federation (RU) confiscated 3 *Psittacus erithacus* (grey parrot; Appendix II) from a RU national arriving by air from Guinea (GN). Reference 51626

SUMMARY No.: 4-12

TITLE: INVALID EXPORT PERMITS FOR REPTILES FROM EGYPT

REFERENCES: (see below)

- a) In January 1994 the Secretariat recommended to the M.A. of Italy (IT) that it not accept an export permit from Egypt (EG) for live reptiles, as the permit was not one of the permits issued under a special Ministerial exemption for the export of live reptiles to the United States of America (US) and Japan (JP). The Secretariat also noted an export permit from EG to Belgium (BE) in which the same permit number was used in 1993, and two EG re-export certificates based on an invalid Sudanese (SD) export permit for live reptiles, destined for BE and JP; the Secretariat recommended the permits concerned not be accepted. Reference 51252
- b) In August 1995 the M.A. of the Netherlands repacked a shipment of 221 *Testudo graeca* (spur-thighed tortoise; Appendix II) in transit from Egypt (EG) to Japan (JP) as it did not conform with IATA regulations. The

consignment was accompanied by an EG export permit for 200 specimens only. Reference 51782

- c) In April 1996 the M.A. of Hungary (HU) was considering issuing a re-export certificate for live *Uromastyx aegyptus* (Egyptian spiny-tailed lizard; Appendix II) and *T. graeca* originating from EG. Upon examination of the two EG export permits concerned, the Secretariat found on one permit that the full address of the importer was missing and the export endorsement was not completed, and that both permits contained species that are prohibited from export by Egypt. The Secretariat informed the M.A. of HU that the original EG permits were invalid and should not have been accepted, and recommended the specimens not be re-exported. Reference 51637

SUMMARY No.: 4-13

TITLE: FORGED SENEGALESE PERMITS  
ACCOMPANYING PSITTACINES AND  
*PARADISAEA DECORA* SHIPPED FROM  
THAILAND TO ISRAEL

REFERENCE: 51646

In June 1996 the M.A. of Israel (IL) informed the Secretariat a shipment of avian specimens arrived from Thailand (TH), apparently originating in Singapore (SG), and asked the Secretariat to confirm the validity of the accompanying SG CITES document which stated the contents as four captive-bred *Cacatua sanguinea* (bare-eyed cockatoo; Appendix II) and two *Ecliptus roratus* (ecliptus parrot; Appendix II). The M.A. of SG confirmed it had not issued the permit and that this was a forgery. The Secretariat recommended to the M.A. of IL that it refuse the shipment. As the specimens were already in IL, IL authorities confiscated the specimens. The content of the shipment was identified and found to contain ten *E. roratus*, four *C. ducorspii* (Ducorps's cockatoo; Appendix II), two *Cacatua* spp. (cockatoo; Appendix I-II), and four *Paradisaea decora* (Goldie's bird of paradise; Appendix II). Only photocopies of the documents were presented to IL authorities and it remains unclear if the specimens were ever in SG. The Secretariat has been informed that the case is still in progress. The birds were transferred to a zoo in IL.

SUMMARY No.: 4-14

TITLE: ATTEMPTED SMUGGLING OF *LIASIS*  
*BOA* FROM PAPUA NEW GUINEA TO  
THE UNITED STATES OF AMERICA

REFERENCE: 51441

In October 1994 the Secretariat received information that 11 *Liasis boa* (barred python; Appendix II) were seized in Papua New Guinea (PG) from two passengers, one from PG and the other from the United States of America (US), about to embark on a flight to Australia (AU) and who were believed to be destined for the US. The specimens were concealed under the passengers' clothing. The Secretariat has no further information on this case.

SUMMARY No.: 4-15

TITLE: SEIZURES OF *CHAMAELEO* SPP. AND  
*PHELSUMA* SPP. FROM MADAGASCAR

REFERENCES: (see below)

- a) In December 1994 the M.A. of Belgium (BE) notified the M.A. of Madagascar (MG) that it had examined a consignment of *Chamaeleo* spp. (chameleon; Appendix II) and *Phelsuma* spp. (day gecko; Appendix II) in transit from MG to the Netherlands (NL). Upon examination of the consignment it was found that for three of four *Phelsuma* species the quantities were in excess of those stated on the permit,

and the *Phelsuma* specimens were seized. The M.A. of BE expressed the wish to return the *Phelsuma* specimens to MG as soon as possible. The Secretariat has no further information on this case and is not aware if the specimens were returned to MG. Reference 51451

- b) In June 1994 the Customs authorities in Spain (ES) seized ten *Phelsuma laticauda* (gold-dust day gecko; Appendix II), ten *P. bimaculata* (day gecko; Appendix II) and four *P. madagascariensis* (Madagascar day gecko; Appendix II). From documents presented to ES authorities at the time, it appears these specimens were from a shipment imported to the United States of America (US) in March 1994. However, none of the specimens seized in ES was covered by a CITES re-export certificate from the US to ES. In July 1994 the M.A. of US was asked to explain how the specimens were allowed to be re-exported without a valid CITES re-export certificate. The M.A. of US has now responded saying that the specimens were not declared on export and left US illegally. Reference 51325
- c) In June 1996 the Secretariat was informed that the police in the Netherlands (NL) had seized 149 specimens of *Chamaeleo* spp. (chameleon; Appendix II) and *Phelsuma* spp. (day gecko; Appendix II) from Madagascar (MG) that were being smuggled into the NL. For the export from MG an export permit was issued for scientific exchange with an institute in Slovakia (SK). The M.A. of SK confirmed the institute named on the permit did not exist. The use of a false institute may have been to circumvent a ban on the import of *Phelsuma* into the European Union, and the Standing Committee's recommendation, under Resolution Conf. 8.9, against the import of most species of *Chamaeleo* and *Phelsuma* from MG. Reference 51568

SUMMARY No.: 4-16

TITLE: *CHAMAELEO MONTIUM* FROM  
CAMEROON TO THE UNITED STATES  
OF AMERICA

REFERENCE: 51625

In May 1996 the M.A. of the United States of America (US) asked the M.A. of Cameroon (CM) to confirm the validity of a CM export permit issued for 200 *Chamaeleo quadricornis* (four-horned chameleon; Appendix II). The M.A. of US noted the permit was not validated upon export, and upon inspection the shipment was found instead to contain 158 *C. montium* (mountain chameleon; Appendix II). The Secretariat asked the M.A. of CM to provide to it a copy of its response to the M.A. of US. The Secretariat is unaware of any response on this matter by the M.A. of CM. The specimens in the US were seized.

SUMMARY No.: 4-17

TITLE: RE-EXPORT OF *GEOCHELONE*  
*SULCATA* USING FRAUDULENT  
EXPORT PERMIT FROM GHANA

REFERENCE: 51256

In May 1994 the M.A. of Spain (ES) requested the assistance of the Secretariat in confirming the validity of a re-export certificate issued by the M.A. of Ghana (GH) for ten specimens of *Geochelone sulcata* (African spurred tortoise; Appendix II) from Mali (ML). In August 1994 the M.A. of GH provided the Secretariat with the export certificate from ML and after an exchange of correspondence with the M.A. of ML the Secretariat confirmed to the M.A. of GH that the ML export permit was forged or issued by an unauthorized office, and that the

specimens were illegally exported from ML or some other Sahelian country. The Secretariat recommended the M.A. of ES not to authorize the import of the specimens and asked the M.A. of GH to investigate this matter and to inform it of the results and the actions to be taken concerning the specimens in question. The Secretariat has not received a response from the M.A. of GH and is not aware of the outcome of this case.

SUMMARY No.: 4-18

TITLE: SEIZURE IN SPAIN OF *ERYX COLUBRINUS* SHIPPED FROM EGYPT WITHOUT CITES DOCUMENTS

REFERENCE: 51261

In June 1994 the M.A. of Spain (ES) notified the M.A. of Egypt (EG) that it had seized ten specimens of *Eryx colubrinus* (Kenya sand boa; Appendix II) that had arrived from EG without CITES documents. The Secretariat is not aware of any action taken by the EG authorities against the exporter in this case.

SUMMARY No.: 4-19

TITLE: SEIZURE IN ITALY OF *NAJA NAJA* SHIPPED FROM THAILAND WITHOUT CITES DOCUMENTS

REFERENCE: 51802

In January 1995 the M.A. of Italy (IT) informed the Secretariat that it had seized a shipment of 93 *Naja naja* (Asiatic cobra; Appendix II) arriving from Thailand (TH) without CITES documents. A national of Slovenia (SI) claimed the shipment and was arrested.

SUMMARY No.: 4-20

TITLE: TRADE IN *UROMASTYX* SPP. and *TESTUDO* SPP

REFERENCES: (see below)

- a) In May 1994 the Secretariat was informed by the M.A. of Denmark (DK) that it had confiscated 33 *Uromastyx acanthinurus* (black spiny-tailed lizard; Appendix II) from a national of Sweden (SE) who attempted to smuggle the specimens from Morocco (MA) into DK. The Secretariat is not aware of the outcome of this case or of any further actions taken. Reference 51251
- b) In September 1994 the M.A. of Italy (IT) notified the M.A. of Germany (DE) and the Secretariat that its Forest Corps and Customs authorities had seized 33 *Testudo hermanni* (Hermann's tortoise; Appendix II), 29 *T. graeca* (spur-thighed tortoise; Appendix II), 12 *T. marginata* (marginated tortoise; Appendix II) and six *T. graeca-T. marginata* hybrids from a DE national arriving from Greece (GR). The M.A. of DE investigated the DE national but prosecution was not possible because there was no information of any importation to DE. They communicated the results to the M.A. of IT. The Secretariat has no further information on this case. Reference 51394
- c) In May 1995 the Secretariat was notified by Customs authorities of the United Kingdom (GB) that a consignment of 214 *Uromastyx ornatus* (spiny-tailed lizard; Appendix II), 199 *U. aegyptus* (Egyptian spiny-tailed lizard; Appendix II), 200 *U. ocellatus* (spiny-tailed lizard; Appendix II) and 100 *Testudo graeca* (spur-thighed tortoise; Appendix II) was in transit from Egypt (EG) to the United States of America (US), for which the documentation appeared invalid. On behalf of GB Customs authorities the Secretariat alerted the M.A. of US, who seized the consignment upon arrival. The

M.A. of EG confirmed that the export of the species in question was not permitted. Reference 51523

- d) In August 1995 the M.A. of Belgium (BE) seized from the premises of a dealer 53 *Testudo graeca* (spur-thighed tortoise; Appendix II) and one *Geochelone carbonaria* (wood tortoise; Appendix II) that lacked CITES documents. The M.A. of BE intended to return at least the *T. graeca* to their country of origin. The Secretariat has no further information on this case. Reference 51807
- e) In August 1995 the M.A. of the United Kingdom (GB) notified the Secretariat that GB Customs authorities boarded a ship from Poland (PL) and found 674 specimens of *Testudo graeca* (spur-thighed tortoise; Appendix II). The specimens, believed to have originated in Morocco (MA), were seized. Reference 51783

SUMMARY No.: 4-21

TITLE: EXPORT OF FROZEN MEAT OF *STROMBUS GIGAS* FROM TURKS AND CAICOS TO MEXICO VIA UNITED STATES OF AMERICA

REFERENCE: 51699

In July 1996, the competent authorities of Turks and Caicos (TC), a non-Party, informed the Secretariat that 18,000 lb. (8165 kg) of frozen meat of *Strombus gigas* (queen conch; Appendix II) had been shipped from Providenciales (TC) in contravention of local laws to Miami (US) and then to Vera Cruz, Mexico (MX). No CITES comparable documentation was issued. The Secretariat communicated this information to the M.A.'s of MX and US. The M.A. of MX informed the Secretariat that the ship transporting the product was stopped in Miami and that the illegal frozen meat of *S. gigas* had apparently been seized by the US authorities. The Secretariat has now been informed by the M.A. of US that the seized shipment was returned to TC.

SUMMARY No.: 4-22

TITLE: REPTILES SMUGGLED BY POST FROM AUSTRALIA TO THE UNITED STATES OF AMERICA

REFERENCE: 51740

In January 1996 several specimens of *Aspidites melanocephalus* (black-headed python; Appendix II) were discovered by US authorities in Federal Express and Australian Post packages being sent from Australia to private individuals in the US. Subsequent investigation revealed that a group of four individual reptile collectors had shipped hundreds of reptiles, including tens of the CITES specimens noted above, in this manner over the course of several years, in conjunction with trips to Australia during which they would illegally remove the animals from the wild. Prosecutions in the United States are continuing.

SUMMARY No.: 4-23

TITLE: FALSE CLAIMS OF CAPTIVE BREEDING FOR APPENDIX-II PSITTACINES

REFERENCES: (see below)

- a) In April 1996 the M.A. of Israel (IL) received an application to import 20 captive-bred *Cacatua sulphurea* (lesser sulphur-crested cockatoo; Appendix II) from Singapore (SG), and requested information from the Secretariat concerning the breeding of this species in SG. The M.A. of IL informed the Secretariat that IL has a prohibition on the import of all wild caught birds. The Secretariat contacted the

M.A. of SG, which was not aware of any captive breeding of this species by the exporter but confirmed a re-export certificate to IL had been issued in March 1996 to the exporter for 20 wild-caught specimens from Indonesia (ID). The Secretariat requested from the M.A. of IL copies of the relevant documents, as it appears the importer or exporter, or possibly both, were trying to circumvent the IL prohibition. The Secretariat has not received a response from IL. Reference 51575

- b) In July 1994 the M.A. of the United States of America (US) received an application to import a captive-bred *Cacatua goffini* (Goffin's cockatoo; then Appendix II, now Appendix I) from Indonesia (ID), and asked the Secretariat for information on the captive-breeding facility named in the application. The Secretariat determined the name of the captive-breeding facility was the local name of a large wild-bird market, and recommended the import not be accepted. The M.A. of US refused the import. Reference 51372
- c) In August 1994 the Secretariat received copies of two import permits issued by the M.A. of Mozambique (MZ), for the import of 900 *Psittacus erithacus* (grey parrot; Appendix II) from Zaire (ZR) and 900 *Poicephalus gularis* (Jardine's parrot; Appendix II), 850 *P. senegalus* (Senegal parrot; Appendix II) and 500 *Chalcopsitta* spp. (lory; Appendix II) from Papua New Guinea (PG), all captive-bred specimens. The Secretariat requested copies of the export permits from ZR and PG from the M.A. of MZ, but the M.A. of MZ had not received any documents from the importer and determined the import had not occurred. The M.A. of PG confirmed that no permit was issued by their office and that no commercial bird breeding operation existed in PG, while no response was received from the M.A. of ZR. Reference 51376

SUMMARY No.: 4-24  
TITLE: *HELODERMA SUSPECTUM* FROM THE UNITED STATES OF AMERICA TO JAPAN  
REFERENCE: 51526

In May 1995 the Secretariat received information that authorities in Japan (JP) had stopped a person who was selling specimens of *Heloderma suspectum* (gila monster; Appendix II) believed to have been obtained from the United States of America (US). The M.A. of JP informed the Secretariat the person in question was charged because he did not have permission to breed the species. The M.A. of JP was not able to find out about the source of the specimens, as they had been purchased domestically. The M.A. of JP noted there were five imports of *H. suspectum* from the US in 1994. On examination of the documents, the Secretariat observed one US export permit for five male and

five female captive-bred specimens was issued three days before the stated hatching date. In June 1995 the Secretariat asked the M.A. of US to explain the circumstances for issuing such a permit, and the M.A. of US replied that due to an error in the checking of the application the permit had been issued erroneously.

SUMMARY No.: 4-25  
TITLE: MISUSE OF SOURCE CODE "C" FOR *GEOCHELONE* SPP  
REFERENCE: 51387

In accordance with Notification to the Parties No. 786 on Trade in *Geochelone* spp., the Secretariat was asked by the M.A. of Japan (JP) in August 1994 to confirm an export permit issued by the M.A. of the United States of America (US) for *Geochelone sulcata* (African spurred tortoise; Appendix II) and *G. pardalis* (leopard tortoise; Appendix II) with the source code marked as "C". The M.A. of US explained the specimens were not bred in captivity in accordance with Resolution Conf. 2.12 (Rev.) , but that the computerized permit system in use in the US was not programmed to allow the use of the source codes of Resolution Conf. 8.5, which for this case should have been "F" instead of "C". The Secretariat could not recommend the acceptance of this permit, as the source code indicated on the permit did not conform with Resolution Conf. 8.5. The computerized permit system now stands corrected.

SUMMARY No.: 4-26  
TITLE: SEIZURE OF LIVE *IGUANA IGUANA* IN THE UNITED KINGDOM FROM THE UNITED STATES IN TRANSIT TO ISRAEL  
REFERENCE: 51695

In May 1996, the M.A. of the United Kingdom (GB) informed the Secretariat that a consignment of captive bred *Iguana iguana* (common iguana; Appendix II) in transit from the United States (US) to Israel, was examined at London Heathrow Airport. The US CITES re-export document indicated that the specimens were captive bred with Guatemala (GT) as country of origin, however as some of the specimens appeared to be under a year old, and some of them were clearly adult, there was doubt regarding whether the document matched the specimens. The Secretariat contacted the M.A. of GT in order to obtain more information regarding the specimens described on the Guatemalan export permit mentioned in the US re-export permit. In June 1996, the M.A. of GT informed the Secretariat that the Guatemalan export permit was not presented at export and an investigation was being initiated to establish how the export took place. The Secretariat has no further information, although the investigation is continuing. The specimens were seized by GB customs.

### Section 5: Appendix II Animal Parts and Derivatives

SUMMARY No.: 5-1  
TITLE: LIVE SPECIMENS OF *URSUS ARCTOS* CONFISCATED IN POLAND  
REFERENCE: 51683

In July 1996 the Secretariat was informed that the M.A. of Poland (PL) had confiscated two live specimens of *Ursus arctos* (brown bear; Appendix I-II) in March 1996. The Secretariat requested details of this confiscation from the M.A. of PL, but has not yet received a response.

SUMMARY No.: 5-2  
TITLE: SEIZURE IN CANADA OF A *CANIS LUPUS* SKIN IN TRANSIT TO BELGIUM  
REFERENCE: 51495

In March 1995 the M.A. of Canada (CA) informed the secretariat it had seized a skin of *Canis lupus* (grey wolf; Appendix II-Canadian population) that was included inside a package destined to Belgium (BE) containing a *Ursus maritimus* (polar bear; Appendix II) skin. While the *U. maritimus* skin was covered by a CITES permit, the *C. lupus* skin was not. Action by CA was confined to seizure of the *C. lupus* skin.

SUMMARY No.: 5-3  
TITLE: CANIS LUPUS COAT FROM SWEDEN  
THROUGH BULGARIA TO BELGIUM  
REFERENCE: 51539

In February 1996 the M.A. of Bulgaria (BG) informed the Secretariat that in January a BG national transported a fur coat made from *Canis lupus* (grey wolf; Appendix I-II) to France (FR) without a CITES permit, and it was later held by Customs in Belgium (BE) at the BE-Luxembourg (LU) border when the BG national attempted to cross the border to BE. An investigation by the M.A. of BG indicated the coat was imported from Sweden (SE) the previous year without a CITES permit. In April 1996 the M.A. of SE informed the secretariat that its Customs authority was investigating the matter. The Secretariat has no further information on the outcome of this case.

SUMMARY No.: 5-4  
TITLE: CORAL SHIPPED WITHOUT CITES  
DOCUMENTS FROM VIET NAM  
THROUGH ITALY TO THE CZECH  
REPUBLIC  
REFERENCE: 51416

In August 1994 CITES authorities in Italy (IT) confiscated two tonnes of *Pocillopora* spp. pieces (coral; Appendix II) arriving without CITES documents from Viet Nam (VN) and destined for the Czech Republic (CZ). Apparently previous similar shipments had transited through Germany (DE). In October 1994 the Secretariat asked the M.A. of VN to investigate this matter and inform the Secretariat on actions taken. The Secretariat has not yet received a response, and has no further information on this trade.

SUMMARY No.: 5-5  
TITLE: CORAL FROM THE PHILIPPINES TO  
ITALY VIA THE UNITED STATES OF  
AMERICA AND THE CAYMAN ISLANDS  
REFERENCE: 51390

In January 1994 a tourist from Italy (IT) was stopped by IT Customs and was found to be carrying two pieces of *Scleractinia* spp. (coral; Appendix II) purchased in the Cayman Islands (KY). The dealer in KY claimed the specimens were imported from the Philippines (PH) via the United States of America (US). The Secretariat asked the M.A. of the United Kingdom (GB) to investigate this matter, and in February 1995 the M.A. of GB informed the Secretariat it would investigate and keep the Secretariat informed. The Secretariat has not received any additional information on this case.

#### Comments from the Parties

The M.A. of GB has stated that an investigation revealed that the specimens exported to US were from old stock. The M.A. of GB also states, "The situation is further complicated by the fact that the Cayman Islands Management Authority has since written to traders and the Chamber of Commerce to advise them that proper documentation should accompany each shipment and that the trade in hard corals is restricted. Customs Authorities have also been informed."

SUMMARY No.: 5-6  
TITLE: RE-EXPORTS FROM THE UNITED  
STATES OF AMERICA OF SPECIMENS  
FROM NON-PARTY STATES  
REFERENCE: 51701

In April 1996 the M.A. of Japan (JP) asked the Secretariat for assistance in confirming the validity of re-export certificates from the United States of America (US),

regarding skin products of *Manis javanica* (Malayan pangolin; Appendix II) originating from the Lao People's Democratic Republic (LA) and live specimens of *Tridacna squamosa* (fluted clam; Appendix II) from the Marshall Islands (MH). As neither of these countries have notified the Secretariat of authorities competent to issue comparable documentation, the Secretariat advised the M.A. of JP to refuse the import of the specimens. The Secretariat made repeated requests to the M.A. of US for an explanation regarding the acceptance of permits from LA and MH and the subsequent issuance of the re-export certificate. The M.A. of US replied that they were unable to refuse entry on a shipment solely because a non-Party had not designated a competent authority. They also said they considered that Resolutions were non-binding on Parties and that the shipments appeared to be in full compliance with the Convention.

#### Comments from the Parties

The M.A. of US states, "The U.S. has provided information previously to the Secretariat regarding the inability to enforce a resolution especially when the documentation meets the requirements of the CITES treaty itself. The Secretariat was unable to provide any information regarding the illegality of the specific exports other than non-compliance with a resolution that could substantiate a seizure. The U.S. is well aware that other Parties have the ability to enforce this resolution and may seize the shipments on re-export."

SUMMARY No.: 5-7  
TITLE: SEIZURES OF PYTHON SEBAE AND  
VARANUS SPP. ITEMS FROM SENEGAL  
REFERENCES: 51242, 51785

In April 1994 the Secretariat received information that items made from reptile skins were to be exported from Senegal (SN) to Italy (IT) for sale at various fairs, and informed the M.A. of IT. In June 1994 the M.A. of IT informed the Secretariat that on the basis of the information received it had seized 44 items made with skins of *Python sebae* (African rock python; Appendix II) from a SN national. In August 1994, the M.A. of Spain (ES) notified the M.A. of SN that between February and June 1994 it had confiscated 68 items made from *P. sebae*, along with 16 bags made from *Varanus* spp. (monitor; Appendix II).

SUMMARY No.: 5-8  
TITLE: PTYAS MUCOSUS FROM INDIA TO THE  
UNITED KINGDOM  
REFERENCE: 51477

In March 1996 the M.A. of India (IN) informed the Secretariat it had been contacted in August 1995 by a firm in the United Kingdom (GB) asking it to confirm the authenticity of an IN export permit issued in 1990 for 175,000 *Ptyas mucosus* (Oriental rat snake; Appendix II) skins that, now tanned, were with the firm in GB. The firm wished to export the skins to the United States of America (US). As the original IN export permit was for the export of the skins to Germany (DE), the M.A. of India asked the Secretariat to investigate the matter to ensure there was no misuse of the original permit. The Secretariat contacted the M.A.'s of GB, DE and US to obtain copies of the original documents relating to this case. The Secretariat determined the original IN permit was issued in September 1990, along with a second permit for an additional 120,000 skins, both for export to DE, but the 295,000 skins did not reach DE. The M.A. of GB issued in December 1990 two import permits, one for 175,000 skins and the other for 120,000 skins, despite the country of destination on both permits being DE and apparently without the presentation of the original IN export documents. Neither of the import permits

mentioned the IN export permit numbers. However, as there was no Customs endorsement on the import permit for 175,000 skins and no record of import of the skins in GB annual report, the Secretariat believes the document might not have been used. However, some skins, allegedly portions of the original shipment have been circulating within EU countries, accompanied by the invalid GB import licence, and others are believed to be with the company in GB. The Secretariat therefore believes the skins were illegally imported into GB, and that portions of these skins have been illegally re-exported within the EU. The Secretariat understands that the investigation is currently in abeyance because of lack of further information.

SUMMARY No.: 5-9  
TITLE: *PYTHON SEBAE* SKINS FROM NIGERIA  
TO THE RUSSIAN FEDERATION  
WITHOUT CITES DOCUMENTS  
REFERENCE: 51628

In April 1996 the Customs authorities of the Russian Federation (RU) seized 46 skins of *Python sebae* (African rock python; Appendix II) and some finished reptile leather items from a passenger arriving from Nigeria (NG). The specimens were not accompanied by a CITES permit.

SUMMARY No.: 5-10  
TITLE: IMPORTATION OF *DRACAENA  
GUIANENSIS* SKINS INTO THE UNITED  
STATES OF AMERICA USING  
FRAUDULENT PERMITS  
REFERENCE: 51552

In September 1995 the Secretariat was informed by the M.A. of the United States of America (US) that two persons had been charged with selling skins of *Dracaena guianensis* (Guianan caiman-lizard; Appendix II) using fraudulent Mexican (MX) export permits and US CITES documents. The investigation of the M.A. of US resulted in the forfeiture of finished and semi-finished products made from approximately 13,800 *D. guianensis* skins. This case is still being investigated.

SUMMARY No.: 5-11  
TITLE: FRAUDULENT TRANSPORT OF *PAPIO  
HAMADRYAS* HUNTING TROPHIES  
FROM BENIN TO FRANCE  
REFERENCE: 51392

In October 1994 the M.A. of Benin (BJ) informed the Secretariat that it had uncovered a false document used to export various hunting trophies, possibly including *Papio hamadryas* (baboon; Appendix II) and other CITES-listed specimens, to France (FR). The Secretariat informed the M.A. of FR that the specimens were likely still in Customs in FR and recommended their confiscation. The Secretariat is not aware of the outcome of this case.

#### Section 6: Appendix-III Animals

SUMMARY No.: 6-1  
TITLE: INVALID CERTIFICATES OF ORIGIN  
FROM HONG KONG FOR  
*GRACULA RELIGIOSA*  
REFERENCE: 51404

In January 1995, the M.A. of Denmark (DK) informed the Secretariat that it had received two certificates of origin issued by the Chamber of Commerce of Hong Kong (HK) for the export of specimens of *Gracula religiosa* (hill myna; Appendix III) to France (FR) and Belgium (BE). The M.A. of HK confirmed to the M.A. of DK that the certificates were not to be considered valid CITES documents, and the Secretariat asked the M.A.'s of FR and BE to investigate whether these or similar certificates have been used to obtain import certificates and if so, to communicate the relevant details. The M.A. of FR immediately notified the Secretariat that it would investigate the matter, and it notified the M.A. of BE that the specimens would not be allowed on FR territory without valid documents. No further details are available.

SUMMARY No.: 6-2  
TITLE: EXPORT OF *PSITTACULA KRAMERI*  
FROM PAKISTAN WITHOUT CITES  
DOCUMENTS  
REFERENCE: 51645

In May 1996 the M.A. of Malaysia (MY) asked the Secretariat for assistance in confirming the validity of a document from Pakistan (PK) for the export of 240 *Psittacula krameri* (rose-ringed parakeet; Appendix III). The Secretariat contacted the M.A. of PK, who confirmed the document was not issued by the competent authority. The Secretariat advised the M.A. of MY to refuse the shipment and in case the shipment had already arrived in MY, to confiscate it. The Secretariat also asked the M.A. of PK to investigate this case and inform it of any results. Despite repeated requests for information, the Secretariat is not aware of the outcome of this case.

#### Section 7: Plants (All Appendices)

SUMMARY No.: 7-1  
TITLE: *FITZROYA CUPRESSOIDES* FROM  
CHILE SEIZED IN THE NETHERLANDS  
REFERENCE: 51419

In December 1994 the Secretariat received information that a shipment of *Fitzroya cupressoides* (alerce; Appendix I) was being exported from Chile (CL) to Switzerland (CH), via Belgium (BE), without valid CITES documents. A phytosanitary certificate and certificate of origin listed the contents of the shipment as *Quercus ilex*, while the bill of lading listed the contents as *F. cupressoides*. The Secretariat contacted the M.A. of BE and asked them to inspect the shipment on arrival. The shipment of *F. cupressoides*, however, did not arrive in Belgium, but was

detected by the NL authorities in the port of Rotterdam and confiscated. The M.A. of CL informed the Secretariat that it has further improved its control mechanisms to ensure that timber of Alerce can not leave the country undetected.

SUMMARY No.: 7-2  
TITLE: TRADE IN CACTACEAE FROM MEXICO  
REFERENCES: (see below)

a) In March 1995 the Secretariat received information that specimens and seeds of *Geohintonia mexicana* (Cactaceae; Appendix II) and *Aztekium hintonii* (Cactaceae; Appendix II) from Mexico (MX) were being offered for sale in Japan (JP). The Secretariat informed

the M.A. of JP of this and asked that an investigation be made to find out how these specimens entered JP and how many were taken from the wild. The Secretariat has not received a response from the M.A. of JP on this matter. Reference 51330

#### General Comments from the M.A. of CZ

In the first half of 1996, the M.A. of CZ was informed by the German authorities, that some Czech cacti traders were offering for sale also the newly described species of *Geohintonia mexicana* and *Aztekium hintonii*. The subsequent investigation by the M.A. of CZ proved, that seeds of these cacti were imported directly from original localities in the wild in Mexico. Both Czech and German citizens were involved. These species were regarded to be CITES Appendix II so that the import was legal according to the CITES. The M.A. of CZ twice allowed export of artificially propagated specimens to Malta (MT) (export of *Geohintonia mexicana* seeds, and *Geohintonia mexicana* and *Aztekium hintonii* plants).

b) In March 1995 the Secretariat was informed that two nationals from Germany (DE) were in Mexico (MX) most likely to illegally collect and export cactus specimens (Cactaceae; Appendix I-II). The Secretariat alerted the M.A.'s of DE, the Netherlands (NL) and Switzerland (CH) of the impending return of these persons, asking that they be intercepted in transit or on arrival and their luggage inspected. The Secretariat also asked the M.A. of DE to inspect the personal collections of the suspects. The inspection of their collections revealed 576 specimens of protected cacti taken from the wild in MX and evidence that a large number of plants had been smuggled in from MX since the early 1980s. Reference 51424

#### Comments from the Parties

The M.A. of DE states, "Investigations were initiated following information from the CITES Secretariat. A large number of cactus specimens that had been illegally collected in Mexico were confiscated. The Public prosecutor has requested high penalties and confiscation of the specimens, pending court decision. Investigation of this case triggered further investigations, and a large quantity of cacti was confiscated. Substantial fines were imposed in individual cases while some other proceedings are pending. Preliminary investigations have shown that a large and closely networked international group of persons is involved."

The M.A. of CZ states, "The M.A. of CZ succeeded to prove one illegal import of seeds of *Turbincarpus* sp. (Appendix I) from Germany by a Czech citizen. The Czech was fined and the German authorities were notified about the name of the exporter in Germany. At the end of 1996, two groups of Czech illegal cacti collectors were detained in Mexico by Mexican authorities. In February 1997, two Czech citizens were detained at Prague airport when trying to illegally import tens of cacti collected by them in Argentina. The plants were confiscated. The cases are still under investigation."

c) In April 1995 the Secretariat informed the M.A. of Austria (AT) that two AT nationals had been stopped in Germany (DE) while attempting to smuggle 1,801 specimens of cacti (Cactaceae; Appendix I-II) from Mexico (MX), of which 391 specimens were from species listed in Appendix I. The Secretariat asked the M.A. of AT to investigate whether the two persons had other illegally obtained specimens in their collections. Their investigation led to the further seizure of 649 cacti from another AT national, who was fined and the specimens were confiscated. The DE authorities have tried to arrange the return of the 1,801 confiscated

cacti back to MX but the return of the specimens has not yet occurred. Reference 51423

#### Comments from the Parties

The M.A. of DE states, "Repatriation of these cactaceae specimens was concluded successfully in summer 1996. Unfortunately, about 300 specimens died despite intensive care so that only around 1500 specimens were returned to Mexico."

d) In July 1995 the M.A. of France (FR) notified the Secretariat that 439 cactus specimens (Cactaceae; Appendix I-II) from Mexico (MX) seized by Customs in February 1993 were returned to Mexico in March 1995. References 51329, 51422

e) In January 1996 the M.A. of Germany (DE) contacted the M.A. of Mexico and informed them that two DE nationals were currently in MX to illegally collect cacti specimens and their seeds for illegal export back to DE, and asked that MX authorities investigate the activities of the persons concerned. Unfortunately these persons were not found by the MX authorities and no inspection could take place. Reference 51561

#### Comments from the Parties

The M.A. of DE states, "Court action was taken on the grounds of illegal importation and illegal trade with cacti. A fine of DM 8000 was imposed on the defendant. The cacti found in his possession were confiscated and taken to Botanical Gardens."

SUMMARY No.: 7-3

TITLE: WILD-COLLECTED CACTACEAE FROM PERU  
REFERENCE: 51134

In July 1995 CITES authorities in Italy (IT) seized 1,030 cacti specimens (Cactaceae; Appendix I-II) arriving from Peru (PE). The specimens were accompanied by a CITES export permit issued by the M.A. of PE for artificially propagated specimens, but upon examination by experts in IT the specimens were determined to have been taken from the wild. The Secretariat requested from the M.A. of IT a full listing of the contents of the shipment, so that it could take up the matter with PE authorities but did not receive a reply. The Secretariat is aware the M.A. of PE has requested the return of the specimens but that it did not received a response from IT.

SUMMARY No.: 7-4

TITLE: PERMITS FOR *PERICOPSIS ELATA* FROM CAMEROON TO FRANCE AND SWITZERLAND, ACCEPTED IN JAPAN  
REFERENCE: 51334

In May 1994 the Secretariat examined copies of permits issued by several African countries and used for the import of *Pericopsis elata* (afromosia; Appendix II) into Japan (JP). When comparing these with copies received from the exporting countries it was noted that two permits, one from Cameroon (CM) with France (FR) as the country of destination and another from CM with the country of destination Switzerland (CH), were both accepted by JP for the import of *P. elata*. In August 1994 the Secretariat asked the M.A. of JP to provide an explanation but the Secretariat has not received a reply on this matter.

SUMMARY No.: 7-5

TITLE: WILD-COLLECTED *STANGERIA*  
*ERIOPIUS* FROM SOUTH AFRICA TO  
THE UNITED KINGDOM

REFERENCE: 51427

In September 1994 the M.A. of the United Kingdom (GB) informed the M.A. of South Africa (ZA), Cape Province that it had confiscated 17 specimens of *Stangeria eriopus* (Stangeriaceae; Appendix I) arriving from ZA, as the permit stated the specimens were artificially propagated and upon examination these were found to have been collected from the wild. The M.A. of ZA, Cape Province, provided information suggesting the specimens were covered by a permit issued to another trader, allowing the collection of the specimens from the wild. In April 1995 the Secretariat asked the M.A. of ZA, Cape Province, to explain why it had issued an export permit for the specimens as artificially propagated and if the consignment was inspected before export. As the Secretariat had received information regarding other instances of wild-collected specimens entering trade as artificially propagated specimens, it requested copies of export permits issued for the previous year. The Secretariat has not received a response to its requests.

SUMMARY No.: 7-6

TITLE: WILD-COLLECTED *EUPHORBIA*  
*BUPLEURIFOLIA* FROM SOUTH AFRICA  
TO ITALY

REFERENCE: 51501

In February 1995 the Secretariat was informed that a consignment of 100 specimens of *Euphorbia bupleurifolia* (Euphorbiaceae; Appendix II) from South Africa (ZA) was confiscated in Italy (IT) after it was determined the specimens were of wild origin. The Secretariat also learned that the authorities in ZA were investigating the case. However, the Secretariat has no information on the outcome of this investigation.

SUMMARY No.: 7-7

TITLE: *GALANTHUS IKARIAE* FROM GEORGIA  
TO TURKEY WITHOUT VALID CITES  
DOCUMENTS

REFERENCE: 51389

In August 1994 the M.A. of the Netherlands (NL) requested the assistance of the Secretariat in confirming the validity of an export permit issued by Georgia (GE) for the export of 2,400,000 bulbs of *Galanthus ikariae* (Amaryllidaceae; Appendix II). The Secretariat recommended the permit not be accepted, as under the agreement between GE and the Russian Federation (RU), only the M.A. of RU is authorized to issue permits for the export of CITES specimens from GE. However, in September 1994 the Secretariat learned that this consignment along with another of 2,750,000 bulbs were exported from Georgia (GE) to Turkey (TR) without valid CITES documents. The Secretariat advised the M.A. of RU that it could not issue a re-export certificate for the specimens to NL, as they were exported in contravention of the Convention. The Secretariat has since been informed that the importer in NL appealed but this was denied and the import into NL was not allowed.

SUMMARY No.: 7-8

TITLE: ORCHIDACEAE BY MAIL BETWEEN  
INDONESIA AND BELGIUM

REFERENCE: 51149

In June 1994 the Secretariat notified the M.A. of Indonesia (ID) that the M.A. of Belgium (BE) had intercepted a mail parcel containing ten specimens of *Vanda* spp.

(Orchidaceae; Appendix I-II) and ten specimens of *Arachnis* spp. (Orchidaceae; Appendix II), accompanied by only a phytosanitary certificate. The M.A. of ID investigated the exporter and found it was not registered with the M.A. for the export of plant specimens, and fined the exporter. The Secretariat has no information on the amount of the fine.

SUMMARY No.: 7-9

TITLE: ATTEMPTED SMUGGLING OF  
ORCHIDACEAE FROM COSTA RICA TO  
THE NETHERLANDS

REFERENCE: 51420

Acting on information provided by the S.A. of Costa Rica (CR), the authorities in the Netherlands (NL) intercepted and seized 95 Appendix II-listed specimens of Orchidaceae from a passenger returning from CR. The specimens were not accompanied by CITES documents. The Secretariat has no further information on this case.

#### Comments from the Parties

The M.A. of NL states, "... it should be added that the passenger in question is not a private individual but a trader, that he is a recidivist and that the authorities in both Costa Rica and in the Netherlands keep a special close eye on him. The seized plants had been hidden in the cloth the importer was wearing."

SUMMARY No.: 7-10

TITLE: ATTEMPTED SMUGGLING OF  
ORCHIDACEAE FROM AUSTRALIA TO  
THE NETHERLANDS

REFERENCE: 51557

In August 1995 the M.A. of Australia (AU) informed the Secretariat that two nationals from the Netherlands (NL) had been detained for illegally exporting AU native plants, including specimens of orchids (Orchidaceae; Appendix I-II). The Secretariat contacted the M.A. of NL who in turn passed on information on the suspects to the M.A. of AU. The Secretariat is not aware of the outcome of this case.

SUMMARY No.: 7-11

TITLE: ATTEMPTED SMUGGLING BY MAIL OF  
WILD-COLLECTED *PAPHIOPEDILUM*  
SPP. FROM THAILAND TO POLAND

REFERENCE: 51388

In September 1994 the M.A. of Thailand (TH) notified the Secretariat it had confiscated 760 specimens of wild-collected *Paphiopedilum* spp. (Orchidaceae; Appendix I) being sent by air mail to Poland (PL). The specimens included species native to other Asian countries. The Secretariat asked the M.A. of PL investigate this matter and to inspect the premises of the intended recipient of the consignment. The M.A. of PL notified the police and customs authorities and indicated that investigations would follow. The Secretariat is not aware of the outcome of these investigations.

SUMMARY No.: 7-12

TITLE: FALSE DECLARATION OF HYBRIDS OF  
ORCHIDACEAE FROM INDONESIA

REFERENCE: 51476

In August 1995 the Secretariat contacted the M.A. of Indonesia (ID) concerning strong suspicions that specimens of Orchidaceae reported in trade as artificially propagated hybrids (Appendix II) from ID in 1995 were in fact wild-collected specimens. This concern was due to reported trade in several highly unlikely crosses involving new, as yet unnamed species and between ground orchids and



between leafless species bearing minute flowers for which the time-consuming task of making hybrids would serve no horticultural interest. The M.A. of ID initiated an investigation of the main exporter involved and temporarily stopped the operation of the exporter. No further information is available.

SUMMARY No.: 7-13

TITLE: REPEATED ATTEMPTS TO ILLEGALLY  
TRANSPORT WILD-COLLECTED  
ORCHIDACEAE FROM INDIA

REFERENCE: 51563

In recent years several Parties have confiscated consignments of artificially propagated orchids (Orchidaceae; Appendix I-II) arriving from India (IN) because the specimens were determined to have been collected from the wild, and the numbers of specimens have far exceeded the quantities listed on the permits because bundles of plants are tied together to resemble a single plant. Wild-collected orchids may not be exported from IN and wild-collected specimens are apparently declared as artificially propagated to avoid this restriction. In February 1996 the M.A. of Belgium (BE) examined a consignment and found it to contain specimens taken from the wild; in April 1996 a consignment of 658 declared plants was found by the M.A. of Canada (CA) to contain 128 bundles, for a total of 1,397 specimens; in May 1996 the M.A. of the United Kingdom (GB) informed the M.A. of IN that it would no longer issue import permits for orchids from IN due to the incidents of wild-collected specimens declared as artificially propagated and the practice of packaging the specimens in bundles to disguise exports well in excess of the stated quantities. In July 1996 the Secretariat asked the M.A. of IN to explain the measures taken to avoid any re-occurrence of illegal exports of orchids. The Secretariat did not receive a reply from the M.A. of IN. In September 1996 the M.A. of GB announced it would resume issuing import permits for plants arriving from IN, and that all such imports will be carefully inspected upon arrival.

#### Comments from the Parties

The M.A. of IN states, "A meeting was held recently with the officials and orchid exporters in Kalimpong discussing the problems of illegally exporting wild variety of orchids. In the meeting the authorities have been instructed to comply with the requirement of the Convention and also ensure that only the artificially propagated specimens are to be allowed for export."

SUMMARY No.: 7-14

TITLE: TRADE IN SALEP  
REFERENCE: 51558

In December 1995 a CITES staff member on mission in Italy (IT) purchased a packaged food product made with salep, a product made from the subterranean pseudobulbs of terrestrial European orchids (Orchidaceae; Appendix II). In January 1996 the Secretariat informed the M.A. of IT concerning the sale of this product in IT, as the salep was most likely imported without CITES documentation. The Secretariat asked the M.A. of IT to investigate this matter, particularly to determine whether any CITES permits had been issued for the trade in this product, the quantities imported annually, whether the product is re-exported to other countries and whether the company concerned trades in salep products obtained from other sources. As the origin of the product listed on the packaging was in Israel (IL), the Secretariat asked the M.A. of IL to investigate the origin of

the orchid bulbs used in the production of salep and salep products, the quantities and species involved and the quantities exported annually, to confirm whether CITES permits have been issued for trade in this product, and to provide information on the countries of destination for re-exports. In February 1996 the M.A. of IL informed the Secretariat the manufacturer of the product imported the salep in powdered form from Germany (DE), with the source of the bulbs being countries in south eastern Europe. The manufacturer imported 500 kg of the powdered salep annually, exporting 1,500 kg of the finished product annually. The M.A. of IL was to arrange for the inspection of CITES permits before the orchid product arrives in IL and to issue re-export permits only when imported in accordance with the Convention. In March 1996 the Secretariat contacted the M.A. of DE and provided them the name of the company identified as a source of powdered salep. As the Secretariat has been unable to trace any legally issued CITES documents for salep, it asked the M.A. of DE to investigate the trade in salep and to provide copies of any CITES documents issued for trade in this product or, if none were issued, along with all other relevant information. The Secretariat did not receive a response from the M.A. of DE.

#### Comments from the Parties

The M.A. of DE states, "Following relevant communications from the CITES Secretariat, preliminary proceedings were initiated against the company concerned. However, investigations revealed that it only sold the finished powdered product which it had purchased on the domestic market. Nevertheless this investigation also revealed who was the actual importer. Corresponding investigations have not been completed as yet. The available certificates of origin show that the crude product did not come from Southeastern Europe but from the People's Republic of China."

SUMMARY No.: 7-15

TITLE: ILLEGAL TRADE IN WILD-COLLECTED  
SUCCULENTS FROM MADAGASCAR  
TO THE NETHERLANDS

REFERENCE: 51562

In January 1996 the Secretariat was informed by the M.A. of Switzerland (CH) that a regular trade was occurring in mature CITES-listed succulent plants of wild origin from Madagascar (MG) to the Netherlands (NL). The Secretariat contacted the M.A. of NL and asked for information concerning the source and size of specimens being offered for sale in NL but has not received a reply.

SUMMARY No.: 7-16

TITLE: SEIZURE IN SWITZERLAND OF  
UNDECLARED *EUPHORBIA* SPP. FROM  
MADAGASCAR TO FRANCE

REFERENCE: 51771

In January 1995 the M.A. of Switzerland (CH) informed the M.A.'s of Madagascar (MG) and France (FR) that it had inspected a consignment of Appendix II-listed plant specimens arriving from MG, with the final destination in FR. The CH authorities found the consignment to contain specimens of *Euphorbia* spp. not listed in the accompanying documents, possibly *E. tulearensis* or *E. parvicynthophora* (Euphorbiaceae; Appendix I). The Secretariat has no further information on this case.

SUMMARY No.: 7-17

TITLE: SEIZURE IN UNITED STATES OF AMERICA OF WILD-COLLECTED *DIONAEA MUSCIPULA* AND *SARRACENIA* SPP. INTENDED FOR THE NETHERLANDS

REFERENCE: 51565

In January 1996 authorities in the United States of America (US) seized a shipment of 8,190 *Dionaea muscipula* (venus

flytrap; Appendix II), 130 *Sarracenia purpurea* (pitcher plant; Appendix II) and one *S. rubra* (pitcher plant; Appendix II) destined for the Netherlands (NL). All these specimens were collected from the wild. The plants were placed in the care of a government agency and will be re-planted in the wild after the final disposition of the case is settled. The Secretariat informed the M.A. of the Netherlands of this case, and asked for information concerning a commercial nursery identified as the intended recipient of the plants. The Secretariat has not received a reply to its enquiry.

### Section 8: Other Trade Problems

SUMMARY No.: 8-1

TITLE: TRADE IN FELIDAE AND OTHER CITES SPECIMENS IN DJIBOUTI

REFERENCE: 51314

In May 1994 the Secretariat was informed by an NGO that in Djibouti (DJ), skins from *Panthera pardus* (leopard; Appendix I), possibly from Ethiopia (ET), daggers with rhinoceros horn (Rhinocerotidae; Appendix I) handles, possibly from Yemen (YE), ivory, and specimens of other Appendix-I species, many of which could not have originated in DJ were openly for sale. These items were reportedly being bought by French (FR) tourists and military personnel. Furthermore, the Secretariat was informed a regiment of French troops stationed in DJ had a number of *Acinonyx jubatus* (cheetah; Appendix I) as mascots, and that these had been transported to FR and back several times, unaccompanied by CITES documents. In July 1994 the Secretariat sent diplomatic notes to DJ and FR, outlining the situation and expressing its concern over these issues. The Secretariat urged the Government of DJ to apply its existing legislation forbidding the internal sale of Appendix I-listed specimens, to enforce CITES provisions for the import, export and re-export of specimens, to display notices in the ports and airports advising tourists and military personnel about the prohibition of exports of species protected by national laws or CITES, and to notify Customs of these actions. The Secretariat urged the Government of FR to inform military personnel assigned to DJ about Appendix I listed specimens sold in DJ, and to inspect shipments of personal goods belonging to FR military personnel before these leave DJ and on arrival in FR. In both notes the Secretariat asked to be kept informed of measures and actions taken. The Government of FR responded that its military personnel had been informed of the matter and instructed to follow the recommendations of the Secretariat to ensure such trade would no longer occur. The Government of DJ did not respond. The Secretariat has no further information on this case.

SUMMARY No.: 8-2

TITLE: FURS OF FELIDAE FROM ITALY TO URUGUAY WITHOUT CITES DOCUMENTS

REFERENCE: 51481

In May 1994 the Secretariat became aware of a shipment of furs of Appendix I and Appendix II listed species was exported from Italy (IT) to Uruguay (UY) in 1994, via Austria (AT) and France (FR). These included furs of *Neofelis nebulosa* (clouded leopard; Appendix I), *Panthera onca* (jaguar; Appendix I) and *Felis silvestris* (wild cat; Appendix II), sent as samples for a trade fair. Apparently these specimens were not accompanied by CITES documents and the exporter claimed that these were subsequently stolen in UY. The Secretariat asked the M.A. of IT to confirm whether permits for these specimens were issued. The Secretariat has no further information on this case.

SUMMARY No.: 8-3

TITLE: INCOMPLETE AND IRREGULAR PERMITS USED IN REPEATED ATTEMPTS TO IMPORT REPTILE SKIN SPECIMENS FROM FRANCE TO SWITZERLAND

REFERENCE: 51513

In July 1995 the M.A. of Switzerland (CH) informed the M.A. of France (FR) and the Secretariat that it had refused a shipment of 16 watchstraps of which 15 were made from *Caiman crocodilus fuscus* (brown caiman; Appendix II) and one of *Alligator mississippiensis* (American alligator; Appendix II), as on the FR re-export certificate the country of origin for *C. crocodilus fuscus* was in error, and there was an error concerning the *A. mississippiensis* as well. In August 1995 the CH authorities were presented with two more FR re-export certificates for the same consignment, for which *A. mississippiensis* was correct but the country of origin for *C. crocodilus fuscus* was still in error, and the consignment was again refused. Later in the month another FR re-export certificate was presented for the same consignment, but this time only mentioning watchstraps of *A. mississippiensis*. As the consignment also contained the *C. crocodilus fuscus* watchstraps, the consignment was again refused. Later in August 1995 the importer presented another FR re-export certificate, which this time corresponded to the shipment, and the specimens were imported into CH. The Secretariat advised the M.A. of CH that the consignment should have been seized when it was first presented as the permit did not correspond to the shipment. The Secretariat believes the M.A. of CH should have contacted the M.A. of FR when the consignment was presented a second time, if not before, as Resolution Conf. 9.3 recommends that when a Party refuses an export or re-export certificate, it immediately inform the exporting or re-exporting Party. The Secretariat has no further information on this case.

SUMMARY No.: 8-4

TITLE: NON-CITES DOCUMENT USED TO RE-EXPORT *CACATUA SULPHUREA* FROM BULGARIA TO THE UNITED KINGDOM

REFERENCE: 51680

In August 1996 the Secretariat received from the M.A. of Bulgaria (BG) a copy of a re-export certificate to the United Kingdom (GB) for one specimen of *Cacatua sulphurea* (sulphur-crested cockatoo; Appendix II) originating from Bahrain (BH). The Secretariat considered the re-export certificate invalid and issued contrary to the requirements of Article IV, as the export document from BH referred to in the BG re-export certificate is a veterinary health certificate and not a valid CITES document. The Secretariat recommended that the M.A. of BG cancel the permit.

SUMMARY No.: 8-5  
TITLE: *URSUS ARCTOS* SKIN FROM THE  
RUSSIAN FEDERATION TO AUSTRIA  
BY USE OF ALTERED PERMIT  
REFERENCE: 51681

In May 1996 the Secretariat received a request from the M.A. of Austria (AT) for the verification of an export permit issued by the Russian Federation (RU) for a skin of *Ursus arctos* (brown bear; population from RU-Appendix II). The M.A. of AT determined the import was illegal as the RU permit had been altered. Criminal proceedings against the importer were instituted and the importer was fined.

SUMMARY No.: 8-6  
TITLE: *TESTUDO GRAECA* FROM  
KAZAKHSTAN THROUGH TURKEY AND  
THE UNITED STATES OF AMERICA TO  
SPAIN BY USE OF IRREGULAR RE-  
EXPORT CERTIFICATES  
REFERENCE: 51635

In July 1995 the M.A. of the United States of America (US) requested confirmation of a re-export certificate from Turkey (TK) for 100 specimens of *Testudo graeca* (spur-thighed tortoise; Appendix II) from Kazakhstan (KZ). The Secretariat recommended the re-export certificate from KZ not be accepted as the permit number from the original export was missing and no document had been issued by the M.A. of the Russian Federation on TK's behalf for *T. graeca*. The M.A. of Spain (ES) contacted the Secretariat in May 1996 regarding a re-export certificate issued by the M.A. of US for the specimens as the country of origin was marked TK and it believed the certificate to be incorrect. The M.A. of ES contacted the M.A. of US, and the US responded that its re-export certificate had been incorrectly issued and that the source of the specimens was KZ, and that it could re-issue a corrected permit. The Secretariat maintains its view that the TK document was invalid and considers the specimens to have been imported into the US contrary to the provisions of the Convention. The M.A. of ES refused to allow the import of the specimens.

SUMMARY No.: 8-7  
TITLE: ISSUANCE OF A RE-EXPORT  
CERTIFICATE BEFORE IMPORTATION  
OF THE SPECIMENS  
REFERENCE: 51597

In May 1996 the M.A. of Italy (IT) asked the Secretariat to confirm the validity of a re-export certificate from Mali (ML) concerning 22 *Eclactus roratus* (red-sided eclectus; Appendix II) and 22 *Cacatua ducorpsii* (Ducorps's cockatoo; Appendix II) originating from the Solomon Islands (SB), a non-Party State. The Secretariat learned from the M.A. of ML that the re-export certificate was issued before the importation took place and was therefore contrary to the provisions of the Convention, and advised the M.A. of IT to not accept the document and, if the specimens were already in IT, to confiscate them.

SUMMARY No.: 8-8  
TITLE: DISCREPANCY IN CUSTOMS  
ENDORSEMENT  
REFERENCE: 51559

In August 1995 the M.A. of Suriname (SR) issued an export permit for 142 *Pionus menstruus* (blue-headed parrot; Appendix II) to the Netherlands (NL), for which the export endorsement box was completed for only 14 specimens exported. At the time of arrival in NL, CITES authorities counted 142 specimens as stated in the export endorse-

ment box on the original permit. The Secretariat asked the M.A. of SR to explain why its office copy was different. The Secretariat has not yet received a reply.

SUMMARY No.: 8-9  
TITLE: INVALID RE-EXPORT CERTIFICATES  
FOR HUNTING TROPHIES  
REFERENCE: 51677

In July 1996 the M.A. of Hungary (HU) requested the advice of the Secretariat concerning the re-export of hunting trophies from the United Kingdom (GB) to HU. Several specimens of *Loxodonta africana* (African elephant; Appendix I) and *Diceros bicornis* (black rhinoceros; Appendix I) were pre-Convention, but the date of acquisition was lacking on two of the GB re-export documents, and the Secretariat recommended to the M.A. of GB that these be cancelled. For one specimen of *Panthera pardus* (leopard; Appendix I), the date of the export permit from the United Republic of Tanzania (TZ) and the skin tag number were lacking, and the Secretariat recommended that this certificate be cancelled as well. The M.A. of GB recalled all incorrect permits and re-issued new permits with correct information.

SUMMARY No.: 8-10  
TITLE: USE OF INVALID CITES DOCUMENTS  
REFERENCES: (see below)

The Secretariat notes with concern the frequent use and acceptance of invalid CITES documents. The following are examples in addition to cases mentioned elsewhere in this document.

- a) In July 1994 the M.A. of Canada (CA) issued a re-export certificate for one skin of *Arctocephalus pusillus* (Afro-Australian fur seal, Appendix II) from the Russian Federation to Hong Kong (HK). The certificate did not include information concerning the export permit of the country of origin and its date of issue as recommended at the time by Resolution Conf. 8.5, nor did the certificate include a reason why this information was lacking. Furthermore, the Russian Federation was not a range state for the species. The Secretariat recommended to the M.A. of HK that the certificate not be accepted. The M.A. of CA explained the specimen had been imported from Germany (DE) in 1987. The Secretariat responded that the DE re-export certificate was also not valid due to the erroneous country of origin and asked DE that no further specimens from the original shipment be re-exported. Reference 51382

#### Comments from the Parties

The M.A. of DE states, "The certificate erroneously stated the Russian Federation as the country of origin. It was not possible to ascertain the actual country of origin since these furs stemmed from a bankrupt's assets and – according to the exporting firm – had been imported to Germany in 1981. 1981 import data relating to such products are not available to the M.A. of Germany."

- b) In July 1994 the Secretariat informed the M.A. of France that a re-export certificate it had issued for 144 specimens (watchstraps) of *Alligator mississippiensis* (American alligator; Appendix II) to the United States of America (US) was invalid. The specimens had originated in Switzerland (CH) and this fact along with the CH re-export permit number were missing from the re-export certificate. Also, there were several modifications to the certificate that were not validated by a stamp and signature, and while a stamp indicated it had been cancelled by FR Customs, the quantities upon export were not specified. Furthermore, the document had been presented for import into CH; CH

authorities refused the import. The Secretariat asked the M.A. of FR to cancel its re-export certificate and to ensure the specimens are returned to FR before any other re-export certificates are issued for the same specimens, and to remind Customs authorities that the Customs endorsement box must be filled in upon import or export. Reference 51349

- c) In September 1994 the M.A. of the United States of America (US) asked the Secretariat to confirm the validity of a re-export certificate from the United Kingdom (GB). The re-export certificate was for an unspecified quantity of photograph frames made from skins of *Alligator mississippiensis* (American alligator; Appendix II) previously imported from the US by another importer. The Authorities in the US determined the frames to be made from skins of *Crocodylus* spp. and not *A. mississippiensis* and the items were seized. The M.A. of GB explained that the absence of a listed quantity was an oversight on the part of the exporter, who had obtained a partly filled-in pre-cleared permit for the shipment, but could not explain why the contents of the shipment did not match the original import. The Secretariat recommended to the M.A. of US that the GB re-export certificate not be accepted, and to the M.A. of GB that the exporter be interviewed. No further information is available. Reference 51391
- d) In February 1995 the M.A. of Italy (IT) asked the Secretariat to confirm the validity of an export permit from Hungary (HU) for two specimens of *Accipiter gentilis* (goshawk; Appendix II). The Secretariat confirmed the document was invalid as, amongst various problems, the document lacked the complete address of the importer and both import and export boxes were ticked. Reference 51496
- e) In February 1995 the Secretariat notified the M.A. of the United States of America (US) concerning a re-export certificate issued for 12,800 *Varanus salvator* (water monitor; Appendix II) skins originating from Indonesia (ID) and 349 *Caiman crocodylus fuscus* (brown caiman; Appendix II) skins from Colombia (CO). The Secretariat noted a number of irregularities in the certificate and requested copies of the documents accepted by the US for the import of the specimens and asked the M.A. of US to confirm if the re-export took place. The M.A. of US has since responded that the re-export certificate was cancelled and not used for re-export purposes because of the numerous errors and a requested change in quantity by the exporter. Reference 51491
- f) In May 1995 the M.A. of Italy (IT) received two export permits from Namibia (NA) for trophies of *Equus zebra hartmannae* (Hartmann's mountain zebra; Appendix II) in which the time of validity was extended well beyond the six-month validity. Reference 51258
- g) In September 1995 the M.A. of the United Kingdom (GB) asked the Secretariat to confirm the validity of an export document from Barbados (BB) issued in lieu of a CITES export permit, for captive-bred specimens of *Geochelone carbonaria* (wood tortoise; Appendix II). As the document was not issued by the designated M.A. of BB and the species is said to be extinct in that country, the Secretariat recommended to GB that it refuse the import. The Secretariat asked the M.A. of BB for clarifications regarding this case, but has not yet received a reply. Reference 51484
- h) In November 1995 the Secretariat recommended to the M.A. of France (FR) that it refuse seven documents issued by the M.A. of Hungary (HU) for captive-bred birds of prey, because the documents were both re-export and import documents, and all lacked the address of the consignee and the dates of

the FR documents. The Secretariat requested copies of the FR documents from the M.A.'s of FR and HU but no response has been received. Reference 51515

- i) In January 1996 the Secretariat received from the M.A. of Bulgaria (BG) a copy of a re-export certificate issued for a pre-Convention specimen of *Python reticulatus* (reticulated python; Appendix II) from the Russian Federation (RU) and three specimens of *Callorhinus ursinus* (northern fur seal; not listed) from Ukraine (UA), destined for Morocco (MA). The Secretariat noted the *P. reticulatus* specimen could not be considered pre-Convention as the Convention was in force in RU at the time the specimen was acquired. UA is given as the country of origin for the *C. ursinus* specimens, yet at the time a re-export certificate from the RU would have been necessary. The Secretariat remarked that as the specimens were not imported into BG with valid documents, these could not be re-exported. The Secretariat is not aware if the specimens were re-exported. Reference 51544
- j) In February 1996 the Secretariat was informed that 25 *Psittacus erithacus* (grey parrot; Appendix II) concealed in cargo from Cameroon (CM) were seized in the Russian Federation (RU). During the Customs check one CM export permit numbered 103 and issued on 6 February 1996 was presented to cover 10 specimens. Approximately one month later CM export permit numbered 262 and also said to be issued on 6 February 1996 was presented to cover 15 specimens. After examination of the permits the Secretariat believed one and possibly both were falsified and contacted the M.A. of CM for confirmation. In March 1996 the M.A. of CM confirmed the permit for 15 specimens was authentic. However, the Secretariat has not received confirmation that the M.A. of CM had issued the second permit, and as both permits did not comply with the requirements of Resolution Conf. 9.3, it recommended both permits be considered invalid and the specimens be confiscated. Reference 51534
- k) In March 1996 the M.A. of Denmark (DK) informed the Secretariat that a permit from Cameroon (CM) was presented to them for the import of reptile specimens. The permit included several names for species which do not exist, as well as specimens of a genus that is endemic to South America. The Secretariat recommended the permit not be accepted, and the M.A. of DK informed the M.A. of CM that it would not accept the permit. The Secretariat asked the M.A. of CM for the basis on which the permit was issued, or, if the permit was false, to investigate the matter and keep the Secretariat informed. The Secretariat has not received a reply from the M.A. of CM on this matter. Reference 51592
- l) In March 1996 the Secretariat became aware of a number of instances where irregular permits were accepted for import into Poland (PL). These include a re-export certificate from Belgium (BE) which lacked the date of the export permit of the country of origin; a European Union (EU) certificate that was used to import a specimen from the Netherlands (NL), though these may only be used for export to another EU country; three documents issued by the United Kingdom (GB) that were not stamped by Customs at the time of export; and an export permit from Denmark (DK) lacking the sentence concerning the transport of live animals required under Resolution Conf. 9.3. The Secretariat contacted the M.A. of PL concerning their acceptance of these documents but has not yet received a satisfactory response. Reference 51641

#### Comments from the Parties

The M.A. of NL states, "It should be made more clear that the acceptance by Poland of a certificate for intra community traffic within the EC is an infraction on the account of Poland and not on the account of the Netherlands."

- m) In March 1996 an application was made to the M.A. of Hungary (HU) for the import of four pre-Convention *Elephas maximus* (Asiatic elephant; Appendix I) from Germany (DE), on the basis of four European Union (EU) certificates. On the basis of the documents the Secretariat informed the M.A. of HU that one and possibly two of the specimens could not be considered pre-Convention and that, in any case, EU certificates could not be accepted for imports into HU. The Secretariat contacted the M.A. of DE for information on the source of the two specimens but no reply was received. Reference 51546
- n) In March 1996 the M.A. of Germany (DE) issued a re-export certificate for a shipment of skins of *Tayassu tajacu* (peccary; Appendix II) from Peru (PE) to Hungary (HU). On the certificate the date of issuance of the export permit of the country of origin (PE) was missing, and the date of acquisition was included instead. Reference 51670
- o) In May 1996 the M.A. of the Czech Republic (CZ) asked the Secretariat to confirm the validity of a re-export certificate for 31 specimens of *Psittacus erithacus* (grey parrot; Appendix II) originating from Zaire (ZR) and Cameroon (CM), re-exported by Belgium (BE). The Secretariat could not confirm the validity of the certificate as the re-export certificate of BE did not comply with Resolution Conf. 9.3 regarding the information about the date of issuance of the export permit of the country of origin, and therefore should have been refused by the M.A. of CZ. The M.A. of BE provided the M.A. of CZ with the missing dates, and the specimens were re-exported from CZ to ES in August 1996, on a correct permit. Reference 51634

#### Comments from the Parties

The M.A. of CZ states, "The parrots were confiscated and the importer was fined. The police investigated the case as possible criminal offence of forgery, but it was not possible to establish who forged the documents. Because of the poor Czech language on the documents we think that the documents were forged by a foreigner."

- p) In June 1996 the Secretariat was asked by the M.A. of Hungary (HU) to review a re-export certificate it was considering issuing, based on an export permit issued by the Central African Republic (CF). The Secretariat noted that the CF export permit included non-CITES species indicated as Appendix II, several scientific names of species that do not exist, and several alterations not authenticated by the issuing M.A. by a stamp and signature. The document is therefore not valid and the specimens were illegally imported into HU, and in accordance with Resolution Conf. 9.3, paragraph o), a re-export certificate can not be issued. The Secretariat asked the M.A. of HU if specimens imported into HU without valid documentation can be confiscated but did not receive a response. Reference 51631
- q) In October 1995 the M.A. of the Czech Republic (CZ) informed the M.A.'s of Spain (ES) and the Netherlands (NL) as well as the Secretariat that a shipment of psittacines from NL to ES had recently transited CZ. The shipment contained two *Psittacus erithacus* (grey parrot; Appendix II), 14 *Agapornis* spp. (lovebird; Appendix II), eight *Psephotus haematonotus* (red-rumped parrot; Appendix II) and two *Platyercus*

*elegans* (crimson rosella; Appendix II). Only the specimens of *Psittacus erithacus* were covered by a NL certificate, but this certificate was invalid because the permit holder's name was removed. The M.A. of CZ informed the M.A.'s of ES and NL that unfortunately the shipment was cleared by mistake in CZ, and provided the details on the exporter in NL and the importer in ES. The M.A. of CZ also requested that the legality of the specimens be determined. The Secretariat has no further information on this case. Reference 51772

#### Comments from the Parties

The M.A. of NL states, "This case involves intra community trade within the EC and therefore CITES is not competent in this case (Article XIV, paragraph 3, of CITES). The EC decided some years ago that certification of Appendix II psittacines bred in captivity on a large scale, while no imports occurred for many years, is just superfluous bureaucracy. Therefore, for the other species than *Psittacus erithacus*, no certificates were available while these birds were in transit in the Czech republic. Of course, the holder of the certificate should not have removed his name and address from the certificate for the 2 *Psittacus erithacus*. However, even with the name and address of the holder removed the certificate proves that the specimens in question have been obtained in accordance with the provisions of EC Regulation 3626/82 and that therefore no provisions of CITES have been violated. Although CITES is not competent in this case, this case should not be deleted. This case should be presented as an example that within the EC for intra community trade other provisions apply than under CITES and that Party States outside the EC should respect these provisions and should not hold up such perfectly legal intra community shipments in transit, as has been done in this case by the Czech Republic."

#### Response of the Secretariat

The M.A. of NL is correct to state that this particular trade does not require CITES documents as it is internal EU trade. However, in this particular case CZ was also correct in controlling the transit of a shipment through its territory. This case highlights the specific problem regarding control of shipments which may be classed as internal trade but actually transit through a third country. Other examples are trade between US and Alaska which transits through Canada, EU trade between IT and DE through CH, and trade between the Kaliningrad region and RU through Lithuania and Belarus.

SUMMARY No.: 8-11

TITLE: USE OF FALSE OR FALSIFIED CITES DOCUMENTS

REFERENCES: (see below)

False CITES documents include forged permits and forged signatures, while falsified documents include authentic documents that have been altered after issue. The Secretariat notes with concern the number of cases involving such documents.

- a) In February 1994 the M.A. of Liechtenstein (LI) asked the Secretariat to confirm an export permit from the Russian Federation (RU) for a hunting trophy of *Ursus arctos* (brown bear; Appendix II-RU population) to cover the re-export of the specimen from Austria (AT). Subsequently the Secretariat informed the M.A. of LI that the permit had been falsified. It had originally been issued with Austria (AT) as the country of destination, and the importer or exporter had added "Liechtenstein" as another country of destination. The M.A. of LI would not accept the specimen, and the M.A. of AT informed the Secretariat it would not issue a re-export certificate.

The Secretariat is not aware of any actions taken, if any, against the importer/exporter. Reference 51228

- b) In June 1994 the Secretariat was informed by the M.A. of Italy (IT) that a permit issued by the M.A. of Thailand (TH) for the export of 6 *Vanda* and *Ascocenda* hybrids (Orchidaceae; Appendix II) had been altered to export 106 specimens. A further inspection of the consignment by IT authorities revealed 268 specimens of over six varieties (including *Vanda* spp., *Dendrobium* spp., and *Paphiopedilum* spp.). Both the M.A. of IT and the M.A. of TH were investigating the matter and the M.A. of IT confiscated the specimens. However, the Secretariat is not aware of the outcome of these investigations. Reference 51335
- c) In July 1994 the Secretariat passed to the M.A. of France (FR) copies of two permits used to export orchids (Orchidaceae; Appendix I-II) to Austria (AT) that appeared irregular. The M.A. of FR confirmed the permits were forgeries and that the export occurred without valid permits. The M.A. of FR started an investigation into the matter, but the results of this investigation are not known. Reference 51326
- d) In July 1994 the Secretariat was asked by the M.A. of Italy (IT) to confirm the validity of two permits issued by the M.A. of Zaire (ZR) for the export of *Pericopsis elata* (afromosia; Appendix II). The Secretariat noted that the quantities of both permits had been altered. The Secretariat asked the M.A. of IT to take appropriate measures and to inform the Secretariat of its actions, however the Secretariat is not aware of the outcome of this case. Reference 51328
- e) In January 1995 the Secretariat assisted in uncovering a forged import permit from the Czech Republic (CZ) used for the import of ten *Cacatua goffini* (Goffin's cockatoo; Appendix I) and four *C. moluccensis* (salmon-crested cockatoo; Appendix I) from Singapore (SG). Reference 51539
- f) In September 1995 the Secretariat notified the M.A. of Italy (IT) that a permit from Ghana (GH) presented to them was falsified, as a different security stamp was used and different species appeared on the form than on the original GH permit issued by the M.A. of GH. Reference 51483
- g) In May 1996 the M.A. of Italy (IT) asked the Secretariat to confirm the validity of a re-export certificate issued by the M.A. of the United States of America (US) to replace a previous re-export certificate for finished leather products made from *Python reticulatus* (reticulated python; Appendix II), *Tupinambis rufescens* (Argentine teju; Appendix II) and *Alligator mississippiensis* (American alligator; Appendix II). The M.A. of US investigated and found the document to have been forged. The Secretariat asked the M.A. of IT to investigate the circumstances and the case is continuing. The specimens were returned to US. Reference 51572
- h) In May 1996 the M.A. of China (CN) requested the Secretariat confirm the validity of an export permit from Sarawak (Malaysia-MY) for 200 live captive-bred *Crocodylus porosus* (estuarine crocodile; Appendix I), submitted to the M.A. of CN in application for an import permit. On the permit the specimens were listed as Appendix II, and the transport statement was missing. In July 1996 the M.A. of MY-Sarawak confirmed the permit was false, and the Secretariat asked the M.A.'s of MY and CN to investigate this matter. The investigation is continuing. Reference 51579

SUMMARY No.: 8-12

TITLE: USE OF A FALSE EXPORT PERMIT FOR MONETARY FRAUD

REFERENCE: 51573

In June 1996 the M.A. of the United Kingdom (GB) informed the Secretariat it had received a copy of a falsified GB export permit used by a GB company to defraud a company in Japan (JP) of £10,000 in advance payment for 50 live specimens of *Crocodylus johnsoni* (Australian crocodile; Appendix II). The specimens, and possibly the GB company, did not exist. The original document had been issued by the M.A. of GB for the import of 80 *Iguana iguana* (common iguana; Appendix II) from Colombia (CO), re-exported by the United States of America.

SUMMARY No.: 8-13

TITLE: WILD APPENDIX III BIRDS FROM GUINEA TO THE NETHERLANDS AND GERMANY VIA BELGIUM SHIPPED AS CAPTIVE-BRED

REFERENCES: 51280, 51284

In May 1994 the Secretariat became aware of a large shipment of Appendix III listed bird specimens sent by air from Guinea (GN) to the Netherlands (NL) via Belgium (BE), using a BE carrier. The GN export permits included 400 *Amadina fasciata* (cut-throat), 150 *Lagonosticta rubricata* (African firefinch), 150 *L. senegala* (red-billed firefinch), 200 *Estrilda melpoda* (orange-cheeked waxbill), 100 *E. astrild* (common waxbill), 60 *E. bengala* (red-cheeked cordon-bleu), 300 *Serinus mozambicus* (yellow-fronted canary), 10 *Pytilia phoenicoptera* (red-winged pytilia), 6 *Nesocharis capistrata* (grey-headed oliveback), 10 *Musophaga violacea* (violet turaco), and other species, possibly erroneously identified. All of these specimens are given the source "W", but the shipment was accompanied by a certificate of captive breeding issued, signed and stamped by the veterinary service of GN, which states the specimens are from an officially recognised breeding centre monitored and controlled by authorized veterinarians. Also in May 1994 the Secretariat became aware of a similar shipment from GN to Germany (DE) on the same air carrier, involving 110 *T. violacea*, 12 *Crinifer piscator* (western grey plantain-eater), and other Appendix III species. The Secretariat believes these certificates were used to circumvent restrictions on the transport of wild-caught birds applied by certain air carriers.

#### Comments from the Parties

The M.A. of DE states, "The data of relevance for the treatment of consignments of live animals under CITES are those provided on the CITES documents. The contents of the veterinarian documents are not communicated to the German M.A. However, it cannot be excluded that certain consignments of wild-caught birds actually are declared as captive-bred in order to circumvent restrictions on the transport of wild-caught birds applied by certain air carriers, restrictions which in exporting practice mean considerably longer transport hours."

The M.A. of GN has stated that when cases such as this arise, it would be better to inform the exporting country as soon as possible in order that anti-fraud measures could be taken.

#### Response of the Secretariat

The comments from GN are appropriate.

SUMMARY No.: 8-14  
TITLE: CITES DOCUMENTS LISTING  
INCORRECT COUNTRIES OF ORIGIN  
REFERENCE: 51754

In July 1994 the M.A. of Switzerland (CH) contacted the M.A. of France (FR) concerning the issuance of two FR re-export certificate on which the country of origin was unlikely to be correct. One certificate was for 15 items made from *Caiman crocodilus crocodilus* (spectacled caiman; Appendix II), with the United States of America (US) as the country of origin though it is not a range State, and the second certificate included 350 items made from *Varanus salvator* (water monitor; Appendix II), with Singapore (SG) as the country of origin. While SG is a range State for this species, SG does not have harvestable populations and is rather a major importer of this species from neighbouring countries. The Secretariat is not aware of further details on this case.

SUMMARY No.: 8-15  
TITLE: HIGH TRANSIT MORTALITY OF  
*MANTELLA* SPP. FROM MADAGASCAR  
REFERENCE: 51405

In December 1994 a shipment of 100 *Mantella aurantiaca* (golden mantella; Appendix II) and 100 *M. cowani* (mantella; Appendix II) from Madagascar (MG) arrived in Switzerland (CH) with 75 percent mortality. Another shipment in December from the same exporter included 350 specimens of various *Mantella* spp., with a transit mortality of 23 percent. The cause of the mortality was apparently lack of moisture in the containers. The M.A. of CH notified the M.A. of MG that it would no longer allow the import of specimens from that importer until the conditions of transport were improved. The M.A. of MG announced that it had warned the exporter that if another case of poor transport conditions occurred, the operations of the exporter would be suspended.

SUMMARY No.: 8-16  
TITLE: NON-COMPLIANCE WITH IATA LIVE  
ANIMAL REGULATIONS IN SHIPMENT  
OF *ANTHROPOIDES VIRGO* FROM THE  
RUSSIAN FEDERATION TO FRANCE  
REFERENCE: 51675

In June 1996 the Russian Federation (RU) exported 50 *Anthropoides virgo* (demoiselle crane; Appendix II) to France (FR). As the specimens were transported in containers that were not in accordance with the IATA Live Animals Regulations, the import was refused and the specimens were returned to RU. The Secretariat asked the M.A. of RU to ensure the specimens were not returned to the exporter and as two other RU export permits had been issued for the same specimens, to ensure the conditions of transport were in accordance with the IATA regulations.

SUMMARY No.: 8-17  
TITLE: HIGH MORTALITY IN TRANSPORT OF  
*PSITTACUS ERITHACUS* FROM ZAIRE  
REFERENCE: 51346

In July 1994 the Secretariat became aware that a shipment of 100 *Psittacus erithacus* (grey parrot; Appendix II) from Zaire (ZR) had, upon arrival in Belgium (BE), suffered fifty percent mortality. An investigation by BE authorities identified a ventilation problem, possibly accidental, as the cause of the mortality, but noted the shipment did not conform to the IATA guidelines for their transport of live animals, as water and food were lacking, the name of the intended recipient was missing, and the crates were not

indicated as containing live animals. The Secretariat asked the M.A. of ZR to remind exporters and carriers that the IATA live animal regulations apply to all CITES species.

SUMMARY No.: 8-18  
TITLE: MORTALITY IN TRANSIT OF  
PSITTACINES FROM THE SOLOMON  
ISLANDS  
REFERENCE: 51736

In August 1996 the M.A. of the United Kingdom (GB) informed the Secretariat it had detained 20 *Eclectus roratus* (eclectus parrot; Appendix II) and 20 *Cacatua ducorpsii* (Ducorps's cockatoo; Appendix II) from the Solomon Islands (SB) in transit to Spain (ES) as the conditions of transport did not conform with the IATA Live Animals Regulations, and four specimens had died. The Secretariat recommended seizure of the specimens and in September 1996 the M.A. of GB confirmed their seizure.

SUMMARY No.: 8-19  
TITLE: NON-COMPLIANCE WITH IATA LIVE  
ANIMAL REGULATIONS IN SHIPMENT  
OF *TERRAPENE CAROLINA* FROM THE  
UNITED STATES OF AMERICA TO  
FRANCE  
REFERENCE: 51778

In April 1995 the M.A. of the United States of America (US) informed the M.A. of France (FR) and the Secretariat that a consignment of *Terrapene carolina* (eastern box turtle; Appendix II) had been cleared in error for export to FR, as the consignment was not shipped in accordance with IATA regulations and though the permit was issued for *T. carolina major*, there were likely to be specimens of *T. carolina triunguis* also in the shipment. The M.A. of US asked the M.A. of FR to take whatever actions appropriate considering the health and welfare of the specimens. The Secretariat, however, is not aware of actions taken, if any, by the M.A. of FR concerning this shipment.

SUMMARY No.: 8-20  
TITLE: NON-COMPLIANCE OF IATA  
REGULATIONS IN SHIPMENT OF  
REPTILES FROM GHANA TO SPAIN  
REFERENCE: 51264

In July 1994 the M.A. of Switzerland (CH) notified the M.A.'s of Ghana (GH) and Spain (ES) that a consignment of 100 *Python regius* (royal python; Appendix II), 150 *Chamaeleo gracilis* (graceful chameleon; Appendix II) and 50 *Varanus exanthematicus* (African savannah monitor; Appendix II) from GH in transit to ES did not comply with the IATA live animals regulations. The Secretariat is not aware of actions taken by the M.A.'s of GH and ES in this matter.

SUMMARY No.: 8-21  
TITLE: HIGH MORTALITY IN A SHIPMENT OF  
PRIMATES FROM TANZANIA TO THE  
RUSSIAN FEDERATION  
REFERENCE: 51403

In December 1994 the Secretariat received information that a shipment of primates from the United Republic of Tanzania (TZ) had recently been sent to the Russian Federation (RU). Out of the 100 live animals transported, 42 were said to have been dead on arrival. The Secretariat requested from the M.A. of RU details on this case, as well as the relevant documentation for the shipment. The M.A. of RU responded that three shipments of *Cercopithecus aethiops* (vervet monkey; Appendix II) from TZ and Kenya (KE) were received in October, November and December

1994, and out of the first shipment of 100 specimens one died, out of the second shipment of 119 specimens ten died (the flight was delayed ten days), and out of the third shipment of 300 specimens, five arrived dead.

SUMMARY No.: 8-22  
TITLE: HIGH TRANSIT MORTALITY IN *MACACA FASCICULARIS* BETWEEN THE UNITED STATES OF AMERICA AND JAPAN  
REFERENCE: 51768

In June 1995 the Secretariat was informed by the M.A. of the United States of America (US) that a consignment of 18 live *Macaca fascicularis* (crab-eating macaque; Appendix II) was sent to Japan (JP) via Germany (DE), but that 16 specimens arrived dead. The reasons for this incidence of high mortality is not known.

#### Comments from the Parties

The M.A. of US states, "When the shipment was cleared by the U.S. Fish and Wildlife Service Division of Law Enforcement each animal was individually inspected, and was healthy, and the shipment was shipped in accordance with the IATA Live Animals Regulations. We received information about the shipment from Lufthansa Airlines, but have still received no further information or any inquiry from the Management Authority of Japan."

SUMMARY No.: 8-23  
TITLE: TRANSIT OF CIRCUS BEARS TO THE RUSSIAN FEDERATION WITH A FALSIFIED PERMIT  
REFERENCE: 51489

In August 1995 eight *Ursus arctos* (brown bear; Appendix II-RU population) were exported from the Russian Federation (RU) to Tunisia (TN), as part of a travelling circus. The circus met with unforeseen circumstances and had to return to RU. A ferry was taken from TN to Italy (IT), where Customs authorities stopped the bears. The specimens were accompanied by a falsified RU import permit. The M.A. of RU agreed to take action against the circus, and for humane considerations IT allowed the specimens to return to RU. The Secretariat is unaware of any actions taken against the circus.

SUMMARY No.: 8-24  
TITLE: INVALID EXPORT / PRE-CONVENTION CERTIFICATE ISSUED FOR CIRCUS SPECIMENS BY AUSTRIA  
REFERENCE: 51332

In July 1994 the M.A. of Austria (AT) issued a CITES document for five pre-Convention *Elephas maximus* (Asiatic elephant; Appendix I), one pre-Convention *Loxodonta africana* (African elephant; Appendix I) and one captive-bred *Ceratotherium simum* (white rhinoceros; Appendix I). The document combined export and re-export, lacked the dates of acquisition of the pre-Convention specimens, lacked the statement concerning compliance with IATA transport guidelines for live animals and contained an erroneous statement about compliance of the shipment with Resolution Conf. 8.16. The Secretariat regarded the document as invalid for re-export. In August 1994 the Secretariat was made aware that a *C. simum* belonging to an Italian circus had been re-exported to AT with a re-export certificate that had been cancelled by the M.A. of IT and replaced with another permit. The Secretariat requested the M.A. of AT to verify which permit was used, and if the cancelled permit was used, to confiscate the animal. The Secretariat is unaware of the outcome of this case.

SUMMARY No.: 8-25  
TITLE: CIRCUS PRIMATES FROM HUNGARY AND THE CZECH REPUBLIC TO BELGIUM AND FRANCE  
REFERENCE: 51499

In April 1995 the M.A. of Belgium (BE) received an application for an European Union (EU) certificate for two captive-bred specimens of *Pongo pygmaeus* (orangutan; Appendix I) from the Czech Republic (CZ) and one *Pan troglodytes* (chimpanzee; Appendix I) from Hungary (HU), destined for a zoo in Yugoslavia (YU). The M.A. of BE determined the *P. troglodytes* to be a female, while the HU export permit was issued for a male specimen. Furthermore, the specimens may have entered EU territory illegally from YU. The M.A. of BE refused to issue the document and contacted the M.A. of France (FR) on this matter, who began an investigation and requested information from the Secretariat on the origins of the specimens. The M.A. of CZ confirmed the validity of the permit for the two *Pongo pygmaeus*, and provided information on the parents of the specimens. The M.A. of HU informed the Secretariat the female *Pan troglodytes* was also captive-bred, though it did not understand why a female specimen was sent instead of the male. The M.A. of FR recommended the specimens be seized. The Secretariat has no further information on this case.

### Section 9: Other Successful Enforcement Actions

SUMMARY No.: 9-1  
TITLE: SEIZURE AND PROSECUTION IN ITALY REGARDING CORALS AND TRIDACNIDAE SHIPPED FROM THE PHILIPPINES WITHOUT VALID CITES DOCUMENTS  
REFERENCE: 51070

In 1993 the M.A. of Italy (IT) seized six containers of corals (Scleractinia; Appendix II) and shells of giant clams (Tridacnidae; Appendix II) arriving from the Philippines (PH) without valid CITES documents (see Summary 1-5, Doc. 9.22). In January 1995 the M.A. of IT informed the Secretariat the defendant received a fine of 50 million lira and all the goods were confiscated.

SUMMARY No.: 9-2  
TITLE: LARGE-SCALE SEIZURES IN THE UNITED KINGDOM OF PARTS, DERIVATIVES AND MEDICINES PURPORTING TO CONTAIN DERIVATIVES OF CITES-LISTED SPECIES  
REFERENCE: 51769

In February 1995 the Metropolitan Police of London in the United Kingdom (GB), together with other GB police forces, launched an initiative against the illegal trade in endangered species called 'Operation Charm'. This initiative has led to seven separate searches of 20 pharmacies and supermarkets in London, Birmingham and Manchester. To date, nine prosecutions have been initiated, resulting in eight convictions and one caution. Over 20,000 medicinal



products have been seized so far, plus raw materials such as sacks of bones from *Panthera tigris* (tiger; Appendix I) and *Selenarctos thibetanus* (Asiatic black bear; Appendix I); rhinoceros horn (Rhinocerotidae; Appendix I); bear bile (Ursidae; Appendix I-II), Operation Charm is an on-going initiative.

SUMMARY No.: 9-3  
TITLE: SEIZURE IN SINGAPORE OF  
PSITTACINES RE-EXPORTED FROM  
THE MALDIVES WITHOUT CITES  
DOCUMENTS  
REFERENCE: 51309

In May 1994 CITES authorities in Singapore (SG) seized a shipment of 20 *Cacatua moluccensis* (salmon-crested cockatoo; Appendix I), 16 *C. alba* (white-crested cockatoo; Appendix II) and eight *Eclectus roratus* (red-sided eclectus; Appendix II) arriving by air from the Maldives (MV) without CITES documents. The listed recipient claimed to not be aware of the shipment. The M.A. of SG asked the Secretariat for help in contacting authorities in MV to determine the origin of the specimens, as it is a non-Party State. In July the Ministry of Planning, Human Resources and Environment of MV responded that the specimens had been imported from SG in April, from the same SG trader. The seized birds were sent to a rescue centre in SG.

SUMMARY No.: 9-4  
TITLE: INVESTIGATION BY UGANDA OF  
PSITTACINES SMUGGLED FROM  
ZAIRE  
REFERENCE: 51629

In June 1996 the Secretariat received information that Uganda (UG) had made several investigations of smuggling of psittacines from Zaire (ZR). The Secretariat asked the M.A. of UG to confirm the accuracy of the report and to provide details on confiscations, persons involved, and the disposal of confiscated specimens. The Secretariat is awaiting a reply.

SUMMARY No.: 9-5  
TITLE: UNITED KINGDOM SENTENCES  
TRADER IN *PITHECOPHAGA JEFFERYI*  
AND OTHER APPENDIX I AND  
APPENDIX II SPECIMENS  
REFERENCE: 51583

In May 1996 a court in the United Kingdom (GB) gave a sentence of three years (reduced to two years on appeal) to a Netherlands (NL) national convicted of illegally trading in preserved specimens of *Pithecophaga jefferyi* (Philippine eagle; Appendix I) and Appendix II-listed birds from the Philippines (PH), to be served concurrently with a 18 month sentence for illegally trading in specimens of *Panthera tigris* (tiger; Appendix I), *Babyrousa babyrussa* (babirusa; Appendix I), *Lemur catta* (ring-tailed lemur; Appendix I) and *Spheniscus humboldti* (Humboldt's penguin; Appendix I) and a 12 month sentence for trade in specimens of *Macaca fascicularis* (crab-eating macaque; Appendix II), *M. nemestrina* (pigtail macaque; Appendix II), *Nycticebus coucang* (slow loris; Appendix II) and *Allenopithecus nigroviridis* (swamp monkey; Appendix II).

SUMMARY No.: 9-6  
TITLE: CITES DERIVATIVES FROM ZIMBABWE  
TO THE CZECH REPUBLIC WITHOUT  
CITES DOCUMENTS  
REFERENCE: 51638

In June 1996 a shipment of nearly 100 articles made from skins of CITES listed specimens was stopped in the Czech Republic (CZ). No valid CITES documents accompanied the shipment. Because CZ does not have legislation that allows the seizure of CITES specimens, the shipment was refused and sent back to Zimbabwe (ZW) via the Netherlands (NL). The Secretariat informed the M.A. of NL of this shipment and asked that it be confiscated, and also informed the M.A. of ZW of the case. No further information was received by the Secretariat.

SUMMARY No.: 9-7  
TITLE: SEIZURE IN THAILAND OF SPECIMENS  
FROM INDONESIA  
REFERENCE: 51586

In June 1996 authorities in Thailand (TH) seized from a ship arriving from Indonesia (ID) four *Goura* spp. (crowned pigeon; Appendix II) 60 *Cacatua galerita* (sulphur-crested cockatoo; Appendix II) and 80 *Crocodylus porosus* (estuarine crocodile; Appendix II-ID population), which were not accompanied by CITES documents. The TH Government is currently prosecuting this case.

SUMMARY No.: 9-8  
TITLE: SEIZURES OF CITES SPECIMENS IN  
VIET NAM  
REFERENCE: 51587

In July 1996 the Secretariat became aware of several important seizures of CITES specimens in Viet Nam (VN) destined for China (CN). These specimens were reported to have included *Macaca* spp. (macaque; Appendix II), *Manis* spp. (pangolin; Appendix II), *Varanus* spp. (monitor lizard; Appendix II) and Testudinidae (tortoises; Appendix II). The Secretariat requested information on these seizures from the M.A. of Viet Nam, but has so far not received a reply.

SUMMARY No.: 9-9  
TITLE: SEIZURE OF BIRD SKINS IN MALTA  
REFERENCE: 51799

In January 1995 the M.A. of Malta (MT) informed the M.A. of Denmark (DK) and the Secretariat that it had seized from a DK national a series of prepared bird skins that included ten CITES listed species, mainly birds of prey. The DK national was found guilty in court and was deported from MT. All the specimens were seized. The Secretariat understands that the authorities in DK were informed and were investigating the case, however no further information has been received.

SUMMARY No.: 9-10  
TITLE: SEIZURE IN SLOVAKIA OF PRODUCTS  
MADE FROM REPTILE SKINS FROM  
NICARAGUA  
REFERENCE: 51784

In July 1995 the M.A. of Slovakia (SK) informed the Secretariat it had confiscated a consignment of products (bags, shoes etc.) made from reptile skins that had arrived from Nicaragua (NI) without CITES permits. The consignment was returned to NI.

SUMMARY No.: 9-11  
TITLE: SMUGGLING OF REPTILES FROM  
MADAGASCAR TO THE UNITED  
STATES OF AMERICA, GERMANY AND  
CANADA  
REFERENCE: 51767

In August 1996 the Secretariat was informed by the M.A. of the United States of America (US) that six persons were charged with conspiracy to smuggle *Geochelone radiata* (radiated tortoise; Appendix I), *Pyxis arachnoides* (spider tortoise; Appendix II) and *Acrantophis madagascariensis* (Madagascar tree boa; Appendix I) from Madagascar (MG) to Canada (CA) and the US. According to the indictment, the conspirators smuggled the Madagascan reptiles from that country to Germany (DE) each year and then hired paid smugglers to transport the animals from DE to CA and the US. No CITES permits were obtained for the animals, which were concealed in passenger luggage during shipment. The indictment alleges that hundreds of the reptiles were illegally removed from the wild in MG and smuggled to DE, CA and the US for sale in the pet trade during the conspiracy. The six individuals named in the federal indictment, including four German citizens, one Canadian citizen and one South African citizen, were indicted on felony conspiracy, smuggling, money laundering and Lacey Act charges. Of the four persons indicted, two are presently in custody in the US and have pleaded guilty to multiple felony charges.

Comments from the Parties

The M.A. of DE states, "One German citizen was sentenced to 3 years and 10 months prison in the United States. Extensive investigations have been initiated against a second German citizen. Investigations are continuing."

SUMMARY No.: 9-12  
TITLE: SEIZURE IN AUSTRALIA OF REPTILES  
BEING SENT BY POST  
REFERENCE: 51440

In November 1994 the Secretariat received information that Customs authorities in Australia (AU) seized 11 lizards that were being sent by post to Europe. Two persons were arrested as a result, resulting in the seizure of an additional 22 lizards. The Secretariat has no further information on this case.

SUMMARY No.: 9-13  
TITLE: SUCCESSFUL PROSECUTION OF  
EXPORTER SMUGGLING CAIMAN  
CROCODILUS SKINS FROM  
ARGENTINA TO ITALY VIA BELGIUM  
REFERENCE: 51196

In April 1989 a consignment of skins of *Caiman crocodilus* (spectacled caiman; Appendix II) arrived in Belgium (BE) from Argentina (AR), in transit to Italy (IT). BE Customs authorities inspected the shipment and found that instead of 500 skins declared in the AR CITES permit, there were 460 large skins, 1,566 small skins, and 3,922 flanks (see document Doc.7.20, Case F21). This case led to an investigation in AR of the exporter and in March 1995 the exporter was convicted on charges of smuggling and falsification of documents and sentenced to three years imprisonment and the company was closed down.

SUMMARY No.: 9-14  
TITLE: SEIZURE IN PARAGUAY OF CAIMAN  
SPP. AND TAYASSUIDAE SPP. SKINS  
REFERENCE: 51200

In April 1995 the M.A. of Paraguay (PY) informed the Secretariat of seizures of illegal skins made in various parts of the country in March 1995. These included one seizure of 70 bales of *Caiman* spp. (caiman; Appendix I-II) skins and 75 bales of skins of Tayassuidae spp. (peccary; Appendix II), another seizure that included 28 bales of *Caiman* skins and 127 bales of peccary skins, another that included 27 bales of peccary skins, 12 bales of *Caiman* skins and two chalecos (partial skins) of *Melanosuchus niger* (black caiman; Appendix I).

SUMMARY No.: 9-15  
TITLE: SEIZURE IN BELGIUM OF REPTILE  
SKIN ITEMS IN TRANSIT FROM  
NIGERIA TO POLAND WITHOUT CITES  
DOCUMENTS  
REFERENCE: 51454

In January 1995 Customs authorities in Belgium (BE) intercepted a shipment of reptile skin handbags that were in transit from Nigeria (NG) to Poland (PL), including ten bags containing *Python sebae* (African rock python; Appendix II), 21 containing *Varanus niloticus* (Nile monitor; Appendix II), and one containing *Crocodylus niloticus* (Nile crocodile; Appendix I); the shipment was not accompanied by CITES documents. The Secretariat notified the M.A. of PL, who confirmed the importer did not apply for an import permit for the goods. The Secretariat asked the M.A. of NG to investigate this matter and to inform it of the results. The Secretariat did not receive a reply from the M.A. of NG.

SUMMARY No.: 9-16  
TITLE: SEIZURE IN NEW ZEALAND OF PTYAS  
MUCOSUS ITEMS IMPORTED  
WITHOUT CITES DOCUMENTS  
REFERENCE: 51437

In October 1994 the Secretariat received information that authorities in New Zealand (NZ) had seized 516 articles made from snake skins. The M.A. of NZ confirmed the items, made from *Ptyas mucosus* (Oriental rat snake; Appendix II) had entered NZ in April 1992, and the importer had been notified of the CITES permit requirements. The importer abandoned the consignment and it was released to the M.A. from Customs Bond in June 1994.

SUMMARY No.: 9-17  
TITLE: LIVE REPTILE SPECIMENS  
CONFISCATED IN EGYPT FROM  
RUSSIAN FEDERATION CITIZEN  
BOUND FOR BULGARIA  
REFERENCE: 51511

In October 1995 the Secretariat received information that authorities in Egypt (EG) confiscated 62 live animal specimens (including CITES-listed species) from a national from the Russian Federation (RU) in transit to Bulgaria (BG), and asked the M.A. of EG to provide information on this case, including the identification of the specimens and the means of transport. The M.A. of EG responded the shipment included 14 *Uromastix ocellatus* (spiny-tailed lizard; Appendix II), 14 *Chamaeleo* spp. (chameleon; Appendix II), and two *Vulpes zerda* (fennec; Appendix II).

SUMMARY No.: 9-18  
 TITLE: SEIZURE IN GERMANY OF LIVE  
*VARANUS NILOTICUS* FROM NIGERIA  
 REFERENCE: 51485

In April 1996 the M.A. of Germany (DE) informed the Secretariat it had recently confiscated 47 live young *Varanus niloticus* (Nile monitor; Appendix II) arriving from Nigeria (NG) without CITES documents. No importer was traced and the specimens were placed in several zoological gardens in DE.

SUMMARY No.: 9-19  
 TITLE: SEIZURE BY RUSSIAN FEDERATION  
 OF LIVE REPTILE SPECIMENS FROM  
 PERU  
 REFERENCE: 51696

In July 1996, the M.A. of Russian Federation (RU) informed the Secretariat that during routine customs control on a flight from Lima, Peru (PE), a shipment was seized which contained a number of live specimens of *Iguana iguana* (common iguana; Appendix II), *Caiman crocodilus crocodilus* (spectacled caiman; Appendix II), *Podocnemis unifilis*, yellow-headed sideneck turtle; Appendix II) and *Boa constrictor* (boa constrictor, Appendix II). A Russian citizen accompanied the shipment but because of bad travel conditions some specimens of *Iguana iguana* and *Caiman c. crocodilus* perished. The Secretariat communicated this information to the M.A. of PE requesting that special attention be paid to flights from Lima to Moscow as this case was not an isolated one. The M.A. of PE replied informing the Secretariat that an investigation would be initiated.

SUMMARY No.: 9-20  
 TITLE: SENTENCING OF PARROT SMUGGLER  
 IN THE UNITED STATES OF AMERICA  
 REFERENCE: 51741

In November 1996 a court in the United States of America (US) sentenced a US citizen to serve 82 months imprisonment, pay a fine of USD 100,000 and perform 200 hours of community service for his role in a multi-year conspiracy during which a number of people smuggled or attempted to smuggle psittacines and other CITES birds from South America into the US. The smuggled birds, which were valued at more than USD 1,300,000 included many specimens of *Anodorhynchus hyacinthus* (Hyacinth macaw; Appendix I).

SUMMARY No.: 9-21  
 TITLE: ILLEGAL TRADE IN CAIMAN SKINS  
 FROM COLOMBIA TO SINGAPORE VIA  
 ARUBA AND URUGUAY  
 REFERENCE: 50677

This case has been previously reported in Doc.9.22 presented by the Secretariat at the ninth meeting of the Conference of the Parties. On April 1996 the Secretariat received from the General Direction of Customs of Uruguay a copy of the final judgement passed by a court in Uruguay. The caiman skins have been definitively confiscated and assigned to the Customs in order that they are sent for auction in agreement with the CITES Management Authority of Uruguay. The Secretariat wishes to congratulate the Management Authority and the Customs of Uruguay for the actions taken on this case.

SUMMARY No.: 9-22  
 TITLE: CONFISCATIONS MADE BY GERMAN  
 CUSTOMS SERVICE

The German Customs service has communicated statistics on confiscations made since 1993.

Number of cases dealt with and number of specimens confiscated:

Year	Number of cases	Number of specimens confiscated
1993	861	47263
1994	1289	17984
1995	1758	55824

Breakdown of the point of control (% of the number of cases):

Year	Airport	Mail	Motorway
1993	72,6%	6,1%	3%
1994	78%	2,5%	2,7%
1995	85,2%	2,9%	1%

Breakdown on the appendices of specimens confiscated (% of the number of cases, total is not 100% because the statistic include other protected species):

Year	Appendix I	Appendix II	Appendix III
1993	23,1%	63,3%	1,7%
1994	18,7%	67%	2%
1995	11,5%	69,9%	1%

SUMMARY No.: 9-23  
 TITLE: CONFISCATIONS MADE BY FRENCH  
 CUSTOMS SERVICE

The French Customs service has communicated statistics on confiscations made since 1992. It should be noted that these figures relate solely to seizures by the Customs service and do not include confiscation made by other agencies in France.

In 1996, the number of cases dealt with was 568 (against 503 in 1995).

Type of Case	Number of Cases
Commercial Operations	81
Border Control	477
Investigations	10
TOTAL	568 (339 at airports and 135 at ports)

As a result of these cases the following confiscations were made:

474	live animals
164	stuffed animals
182	pieces of raw ivory
3,939	items of worked ivory
10,945	parts and derivatives (606 shells and corals, 32 sea turtle shells, 8747 skins, 1254 wallets or belts, etc).

Regarding ivory, 776 kg was confiscated (264 kg of raw ivory and 512 of worked ivory) against 711 kg in 1995.

Regarding live animals, 474 were confiscated including 262 reptiles, 187 birds (mainly parrots) and 19 monkeys.

Total confiscations since 1992 is as follows:

Year	Number of Cases	Ivory (kg)	Live Animals (number)
1992	308	1417	2525
1993	258	683	898
1994	373	656	809
1995	503	711	1459
1996	568	776	474

With regard to the estimated value of the specimens involved, the following table gives a summary since 1991 (Note: The figures in USD are on the basis of 1 USD=5 FF):

Year	Total value of specimens confiscated	Value of illegal specimens involved in investigation
1991	5,018,129 FF (1 million USD)	3,913,166 FF (0.8 million USD)
1992	4,183,055 FF (0.84 million of USD)	429,132 FF (80,000 USD)
1993	1,904,102 FF (0.4 million USD)	955,600 FF (0.2 million USD)
1994	1,201,551 FF (0.24 million USD)	16,822,023 FF (3.6 million USD)
1995	2,658,900 FF (0.5 million USD)	3,145,296 FF (0.6 million USD)

SUMMARY No.: 9-24

TITLE: CONFISCATIONS MADE IN SPAIN

The CITES Management Authority of Spain has communicated to the Secretariat an analysis of confiscations made between 1 April 1994 and 31 December 1995:

Category	Quantity	Country of Origin
<b>Live Animals</b>		
Primates	42	BR,GQ,GW,MA
Birds of Prey	15	MA
Parrots	130	BR,CM,CU,GW,GQ,ML,SN,US
Tortoises	219	AR,EG,MA,PE,US
Other reptiles	138	CU,EG,MA,MG,TH,US
<b>Parts &amp; Derivatives</b>		
Trophies (antelopes, primates and cats)	24	CA,CM,US,VE,ZA,ZW
Birds (Owls)	2	CU
Sea turtle shells	16	CO,CU,PE
Reptiles	133	CO,CU,CV,DZ,DO,GQ,MA,MX,PE,PH,TN,US
Reptile skins	1403	CU,GN,ML,SG,SL,US,ZA,ZW
Reptile leather products	537	CI,CH,EG,GM,GN,GT,KE,SL,SN,TG,TH, TN,US,ZA
Insects (Butterflies)	505	AU,CF,TH
Corals	815	ID,PH
Molluscs	4550	DO,HT,PH
Ivory (tusks)	32	CU,GQ,NG,SN,VE,ZR,ZW
Worked ivory	20	GQ

## Interpretation and Implementation of the Convention

## Enforcement

## WORKING GROUP ON ILLEGAL TRADE IN CITES SPECIMENS

1. This document has been submitted by the United States of America.

Background

2. CITES has been and continues to be an effective instrument regulating international trade in wildlife, in order to ensure that species are not put at risk through unregulated trade. It is true, however, that virtually every aspect of the administration of CITES has the potential to be abused by illegal wildlife dealers (wildlife being both fauna and flora).
3. The recent study on the effectiveness of CITES shows the continuing concern about the illegal wildlife trade by the Parties. The executive summary of the study indicates specific measures, based upon the concerns of the Parties, for improving national implementation of the treaty including the provision of training and equipment and dissemination of information materials. The executive summary also contains a recommendation that at the international level it is important to enhance and expand the relationship of CITES with ICPO-Interpol and the World Customs Organization in order to improve enforcement efforts.
4. Although Interpol now has a subgroup on wildlife crime, CITES has no control over their actions and there is no formalized link for the exchange of information on illegal wildlife trade between Interpol and the CITES Parties. The subgroup on wildlife crime has been in existence longer than other subgroups and meets more often, which reflects a strong interest in the illegal wildlife trade. In fact, Interpol has been discussing the possibility of concluding of a Memorandum of Understanding with CITES in an attempt to increase the exchange of information. Although representatives of CITES Parties attend

these subgroup meetings, an average of 15 Parties are represented regularly. No formalized link exists either between the CITES Parties and the World Customs Organization for exchange of information on import and export or 'cross-training' of enforcement officers.

5. Although the CITES Secretariat has personnel to address issues of illegal trade, they could directly benefit in their consultations with the Parties by having a group of enforcement experts from all regions available to provide technical advice and to assist in meeting the training requests from the Parties.
6. Many issues of illegal wildlife trade are raised at meetings of the Animals, Plants, and Standing Committees that require, or would greatly benefit from, the advice and technical expertise of enforcement officials. Such issues as universal tagging of crocodilian skins, other marking methods, illegal trade concerns raised during the process of reviewing significant trade, and recommendation of possible trade suspensions should be discussed with input from enforcement experts.
7. Although great progress has been made over the years on the CITES Identification Manual, there has been insufficient attempt to provide hands-on, quick-identification information or training for non-biologist enforcement officials at the ports of entry/exit. Many relevant training materials may already have been created by some Parties but they might not have been widely distributed.
8. The CITES Report on Alleged Infractions presented at each meeting of the Conference of the Parties highlights the need for better co-ordination between Parties on problems of illegal wildlife trade.

## COMMENTS OF THE SECRETARIAT

9. During the seventh meeting of the Conference of the Parties, it was proposed to establish an enforcement working group. The matter was referred to the Standing Committee, which decided not to take it any further. This decision was endorsed at the eighth meeting of the Conference of the Parties.
10. In 1993, the Animals Committee requested the creation of an enforcement network. At the 30th meeting of the Standing Committee the Secretariat was requested to consult the Parties and to report to the next meeting. The Secretariat consulted the Parties by Notification No. 776 of 23 November 1993. At its 31st meeting, in March 1994, the Standing Committee recognized that the best way to make progress was to use existing intergovernmental enforcement bodies and concluded that the creation of an enforcement network was not appropriate. This conclusion was endorsed by the Conference of the Parties at its eighth meeting.
11. At the ninth meeting of the Conference of the Parties, Ghana proposed to create a Law Enforcement Consultative Group (document Doc. 9.25.1). The matter was discussed at length in a working group and the results were presented in document Com. 9.16. During the discussion in Committee II [document

Com.II 9.9 (Rev.)], several delegations opposed the creation of an enforcement working group and the proposal from Pakistan to delete any reference to such a working group in the draft resolution was approved by 50 votes to 22 against.

12. ICPO-Interpol has established a subgroup on wildlife crime (which is a subgroup of the Environmental Crime Working Group). This group meets regularly.
13. Contrary to what is said in paragraph 4 of the present document, there exists a formal mechanism for the exchange of information on illegal wildlife trade between Interpol and the Parties. This has been explained to Parties through a handbook (Notification to the Parties No. 508 of 25 November 1988), which has been regularly distributed in training seminars. This document has been updated and a new version will circulate soon. As most Parties of CITES are members of Interpol, communication is organized through the National Central Bureaux of Interpol (NCB) in each Party.
14. Similarly national Customs services communicate with the World Customs Organization. WCO has established a CITES Working Group.

15. It is clear that priority should be given by Management Authorities to increase their co-operation with Police and Customs services at the national level.
16. The Secretariat already has a list of experts on enforcement matters who can be consulted when necessary. The publication of the CITES Enforcement Directory, in collaboration with WCO and ICPO-Interpol, will provide additional information.
17. In two working groups of ICPO-Interpol and WCO, several members are the same and most are from developed countries (because others lack funding for travel). The ICPO-Interpol Environmental Crime Working Group is currently working only in English and the WCO CITES Working Group works in English and French. If funding is available, it is the opinion of the CITES Secretariat that it would be better to use these funds to allow participation of developing countries and use of additional languages in the existing working groups rather than to create an additional one.
18. If Parties wish to establish an enforcement working group, the following additional points to those already presented in the proposal of the United States of America should be discussed and solved.
19. – The mandate of the group would need to be established by the Conference of the Parties. The

- need for confidentiality on issues that are sensitive should be taken into consideration.
20. – The membership of the group (Parties or individuals) and the total number of members should be clarified. The question of participation of observers should also be clarified. The participation of NGOs has been the subject of lengthy discussion at each meeting of the Interpol sub-working group.
  21. – The working languages should be decided upon, as should the source of funding for simultaneous interpretation and translation of documents, if this is necessary.
  22. – The need to finance the travel of participants from developing countries should be considered.
  23. – The workload of the Secretariat should be taken into account (organization of the meetings, preparation of documents, proceedings, implementation of decisions, etc.).
  24. If the attached draft resolution (or a similar one) is adopted, the use of the word 'interdiction' should be reconsidered as it is not in accordance with international usage.

#### Doc. 10.29 Annex

### DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

#### Working Group on Illegal Trade in CITES Specimens

RECOGNIZING that Article II of the Convention prohibits trade in species of flora and fauna included in Appendix I, II and III other than in accordance with its provisions;

RECOGNIZING further that Article VIII directs Parties to take appropriate measures to enforce the provisions of the Convention;

AWARE that international compliance with the provisions of the Convention can not be realized without effective co-operation and co-ordination of enforcement activities between the Parties;

STRONGLY aware that illegal international trade in species of flora and fauna listed in the appendices occurs;

NOTING the continuing problems described in the Report on Alleged Infractions, presented at each meeting of the Conference which concern the lack of effective co-ordination between enforcement agencies;

REALIZING that many of the problems faced by the Conference of the Parties and its permanent committees concern the lack of expert enforcement knowledge;

AWARE that many illegal trade and enforcement issues referred to the Plants and Animals Committees are beyond the expertise of these Committees;

NOTING that Resolution Conf. 9.8 recognizes the need for continued enforcement efforts to combat the illegal trade in species of flora and fauna listed in the appendices; and

RECALLING Resolution Conf. 9.1 on the establishment of committees which allows the Conference of the Parties to appoint working groups with specific terms of reference to address specific problems;

#### THE CONFERENCE OF THE PARTIES TO THE CONVENTION

AGREES on the need for further enforcement measures to improve the implementation of the Convention;

FURTHER AGREES that the term 'enforcement' for the purposes of this Resolution is defined as: the interdiction of

illegal flora and fauna in international trade; the investigation and subsequent prosecution of illegal wildlife (flora and fauna) traders; and the gathering and dissemination of information that will assist Parties in the detection of illegal wildlife trade and the interdiction of illegal CITES specimens;

SUPPORTS the establishment of a Working Group on Illegal Trade in CITES Specimens under the direction of the Standing Committee with the following terms of reference:

- a) to assist the Secretariat in providing advice and training on enforcement techniques, procedures and practices to the Parties including but not limited to identification, smuggling techniques, document fraud and marking techniques;
- b) to serve as the liaison group between the Parties and ICPO-Interpol and the World Customs Organization for the exchange of information and expertise;
- c) to assist the Identification Manual Committee in the development of training materials on wildlife identification and handling, designed specifically for enforcement officers; and
- d) to provide, through the Secretariat, for the consideration of the Standing Committee, evidence, gained through the interaction with ICPO-Interpol and the World Customs Organization, of continuing illegal commercialization of CITES wildlife; and

RECOMMENDS that:

- a) membership of the Working Group on Illegal Trade in CITES Specimens should be composed only of CITES Secretariat enforcement personnel and government representatives of Parties who have a primary role in enforcement of the Convention, with each CITES region being represented;
- b) a Chairman and Vice-Chairman should be appointed by the members of the Working Group;

- c) representatives of the Working Group shall attend meetings of the Animals, Plants and Standing Committees to provide advice and technical assistance at the request of the Standing Committee, the Parties and the Secretariat;
- d) representatives of the Working Group should endeavour to meet jointly, as needed, with ICPO-Interpol and the World Customs Organization; and
- e) the formation of the Working Group on Illegal Trade in CITES Specimens and participation in relevant meetings should be considered a priority for external funding.

Interpretation and Implementation of the Convention

INSPECTION OF WILDLIFE SHIPMENTS

- 1. This document has been submitted by the United States of America.

COMMENTS FROM THE SECRETARIAT

- 2. The text of the attached draft resolution is essentially taken from a Resolution concerning Inspection of Wildlife Shipments (J1.69) adopted by the IUCN World Conservation Congress (WCC) at its meeting in Montreal, Canada in October 1996.
- 3. While fully agreeing with the views expressed in the WCC Resolution, the Secretariat is of the opinion that

adoption of the proposed draft resolution would not add to Parties' abilities to enhance enforcement of the Convention, and that it would add nothing of substance to the provisions of the Convention and of Resolution Conf. 6.3, adopted at the sixth meeting of the Conference of the Parties in Ottawa, Canada in 1989.

Doc. 10.30 Annex

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Inspection of Wildlife Shipments

AWARE that the trade in wildlife (flora and fauna) and wildlife parts and derivatives is increasing throughout the world, and that the value is estimated at five to eight thousand million US dollars annually;

NOTING the adoption by the World Conservation Congress at its first session, in Montreal, Canada, in October 1996, of Resolution J1.69 (attached) on the inspection of wildlife shipments;

RECALLING that the inspection of wildlife shipments is a critical part of a mechanism to implement the Convention effectively;

NOTING that governments often lack resources for, or fail to place emphasis on, the monitoring and control of trade in wildlife and wildlife parts and derivatives;

RECOGNIZING that the lack of inspection of wildlife shipments contributes to wildlife smuggling;

CONCERNED that smuggling of wildlife threatens the survival of many species of flora and fauna included in the appendices;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

URGES all Parties to strengthen their law enforcement efforts to protect CITES-listed species of flora and fauna;

URGES all Parties to take whatever steps are necessary, including physical inspection of wildlife shipments entering into and departing from their countries, to curtail the illegal trade in flora and fauna and their parts and derivatives; and

CALLS upon all Parties to dedicate the resources to accomplish these goals.

Annex

Resolution adopted by the World Conservation Congress in Montreal Canada, October 1996

Inspection of Wildlife Shipments

AWARE that the trade in wildlife and its products is increasing throughout the world, estimated at five billion to eight billion dollars annually, according to a report issued by the U.S. General Accounting Office in December 1994 entitled "Wildlife Protection: Fish and Wildlife Service's Inspection Programme Needs Strengthening";

NOTING that governments often lack resources or fail to place emphasis on the monitoring and control of the trade in wildlife and its products;

RECOGNIZING that the lack of inspection of wildlife shipments contributes to wildlife smuggling;

RECALLING that the inspection of wildlife shipments is part of a mechanism to effectively implement the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);

CONCERNED that smuggling of wildlife threatens the survival of many species protected by CITES;

The World Conservation Congress at its First Session in Montreal, Canada, 14-23 October 1996:

- a) CALLS upon all non-governmental members of IUCN to urge their governments to strengthen their law enforcement efforts to protect their CITES-listed species;
- b) CALLS upon all governmental members of IUCN to take whatever steps are necessary, including physical inspection of entering and departing wildlife shipments, to curtail the illegal trade in wildlife and its products; and
- c) CALLS upon all governmental members of IUCN to dedicate the resources needed to accomplish these goals.