

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

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Twelfth meeting of the Conference of the Parties  
Santiago (Chile), 3-15 November 2002

Interpretation and implementation of the Convention

General compliance issues

ENFORCEMENT MATTERS

1. This document has been prepared by the Secretariat.

Introduction

2. In its report (Doc. 11.20.1) on this subject to the 11th meeting of the Conference of the Parties (CoP11), the Secretariat adopted a format different from that used for previous reports. It moved from providing summaries of actual infractions to a more focused effort to concentrate on major problems of implementation and to highlight good enforcement work that could act as an example to others. Since that approach was welcomed by the Parties, the Secretariat has continued to use it.

Communication with the Secretariat

3. The Secretariat believes that positive changes in the field of reporting are happening and has noticed a marked increase in the supply of information by some Parties that were previously uncommunicative. It is very aware, however, from its contacts with enforcement agencies, that there is already a heavy paperwork burden on operational staff and an understandable unwillingness for them to engage in any additional reporting beyond what is currently expected of them. The Secretariat also acknowledges that data protection legislation and other national regulations and policies restrict the ability of some countries to supply information regarding criminals and offences.
4. The Secretariat has in the past noted reluctance by some Parties to report enforcement actions. It believes this is partly due to a belief that this may place a country in a negative light, whereas other Parties may take great pride and satisfaction in a successful seizure or prosecution and will publicize such actions. Not only is this lack of accurate and open reporting present and counter-productive at international levels, it has also been noted at national level in some Parties and regions. In its deliberations on this theme, the CITES Tiger Enforcement Task Force members all agreed that deliberate efforts must be made by senior managers of Management Authorities and enforcement authorities to dispel the view that reporting of crime will be viewed as an indication of failure by staff to carry out their duties. Every single Party and non-Party to CITES suffers, to a greater or lesser extent, from wildlife crime and illicit trade. It is only by acknowledging this fact and trying to quantify the scale of the problem that one can begin to tackle it.
5. The Secretariat continues to encourage the use of established formats, such as the ECOMESSAGE (see Notification to the Parties No. 966), to report to it significant cases of illegal trade and information about illegal traders and persistent offenders but wishes to emphasize that the format used is not important and that it willingly accepts information communicated by whatever means is most convenient. Additionally, if Parties have problems communicating information to the Secretariat, they should use the

other existing channels offered by the World Customs Organization and ICPO-Interpol. The Secretariat has formal agreements with both these organizations to enable exchanges of information.

6. The Secretariat is also conscious that enforcement staff are unwilling to contribute to a system that will not be of benefit to them. Whilst an overview of illicit trade is important for strategic decision-making, it is also vitally important for everyday operational purposes; to enable the development of risk assessments, target profiling and to plan the deployment of resources. Enforcement of the Convention requires 'real-time' information; without waiting to read a report prepared once every two-and-a-half years for meetings of the Conference of the Parties. This is another reason for the Secretariat's change of focus. The Secretariat believes that its use of Alerts (described in the next section) demonstrates how reporting does produce benefits to operational personnel and justifies the effort required to provide information.
7. The generally low level of reporting does mean, however, that the information available to the Secretariat is still not adequate to enable meaningful analysis of trends in illicit trade. For example, the current information, if viewed too literally, would very likely provide a completely inaccurate picture of the species involved in illegal trade and the importing, exporting, re-exporting and transit countries. This is likely to continue until the majority of Parties report on a regular and consistent basis.
8. At present, some Parties report all seizures, some follow the recommendations of Resolution Conf. 11.3 (Compliance and enforcement) by providing information regarding significant seizures and persistent offenders, whilst many do not report at all. The Secretariat strongly urges the Parties to, at the very least, follow the recommendations of Resolution Conf. 11.3. If global reporting of information relating to significant seizures and persistent offenders could be achieved, then the Secretariat could begin to identify more accurately the primary routes, the most significant species in illicit trade and the most persistent offenders, and thereafter provide better targeting advice. It would also enable the Secretariat's database to be used for more strategic decision-making by the Conference of the Parties for conservation purposes, whereas the system is currently only of use for operational enforcement work. More widespread reporting might also remove the desire sometimes expressed for the establishment of species-specific reporting mechanisms. The Secretariat is firmly of the opinion that there is no point in creating new reporting and data-recording systems if existing ones are not used. The Secretariat has found in its meetings with the World Customs Organization, ICPO-Interpol and other enforcement-related events that the enforcement staff, whose task it would be to complete data collection forms, share this view.
9. The Secretariat hopes that the introduction of the Secretary-General's Certificate of Commendation, which will be used to recognize and reward exemplary enforcement actions, will help promote reporting of violations of the Convention and the supply of information regarding persistent offenders. This initiative is described in Notification to the Parties No. 2002/014.
10. The Secretariat has excellent working relationships with many Parties where its requests for assistance or investigations are handled promptly and efficiently. However, the Secretariat is concerned about the lack of sufficient feedback it receives regarding information it supplies to some Parties. Many of the faxes that it sends to Parties providing information regarding illicit trade, copying forged documents or reporting seizures, go unacknowledged and the Secretariat receives no response to its requests for investigations. This is disappointing, since the Secretariat's limited resources often do not allow it to send reminders or repeatedly request responses. The Secretariat, as reported above, increasingly attempts to supply technical advice along with its supplies of information or requests for investigations. If such requests and advice are ignored, it wastes the already stretched resources.
11. The Secretariat attempts to make as much use as possible of the information it currently receives. As well as communicating information to relevant Parties, it also seeks to disseminate it in a more general and strategic manner. This is described in the next section.

## Alerts

12. At CoP11 the Secretariat described the computerized data management and case-tracking system it had introduced, known as TIGERS (Trade Infraction and Global Enforcement Recording System). It also indicated its intention to make increased use of information bulletins to provide details of crime trends, methods and routes. Although it had been intended to distribute such information via Notifications to the Parties, it was decided for reasons of confidentiality to create a separate system of Alerts.
13. Since September 2000, the Secretariat has issued Alerts on the following subjects:
- Intelligence and information relating to infractions of the Convention and inputs to the TIGERS database;
  - Illicit trade in caviar;
  - Invalid CITES documents issued by rebel forces in the Democratic Republic of the Congo;
  - Smuggling of birds from China;
  - Illegal fishing of and trade in *Strombus gigas*;
  - Illegal trade in bushmeat;
  - Illegal trade in caviar and the United Arab Emirates;
  - Fraudulent use of genuine import permits; and
  - Illicit trade in plants.
14. The Alerts are sent to all CITES Management Authorities, the World Customs Organization and ICPO-Interpol. The World Customs Organization routinely places the Alerts on its restricted-access Customs Enforcement Network intranet, so that all its member authorities may be aware of the information. ICPO-Interpol also disseminates the Alerts to its member countries. The Alerts are also sent direct to those enforcement agencies that have been designated as points of contact by Management Authorities. The Secretariat encourages Management Authorities to designate such contact points in their Customs authorities and other relevant national enforcement agencies. In cases where no contact is designated, it stresses the importance of copying the Alerts to such agencies. During recent missions and meetings with enforcement staff, the number of personnel who say they have never seen the Alerts often exceeds the numbers who have. The Secretariat has also noted that many organizations, whose duties include enforcement of the Convention, do not receive copies of Notifications to the Parties from their Management Authorities. Information in the Alerts and Notifications to the Parties is often essential to efficient implementation of the Convention; without it, significant matters, such as recommendations for the suspension of imports, could go unnoticed by enforcement staff.
15. The Secretariat understands that some Management Authorities do not have resources to copy and distribute widely some of the Secretariat's publications. It reminds Parties that the majority are available on its website and Management Authorities are recommended to encourage relevant agencies to refer to the website on a regular basis, particularly if they wish to access the latest Notifications to the Parties.
16. The Alerts appear to have been very well received by operational enforcement personnel and the Secretariat has received many requests for them to be supplied direct to such staff, especially at ports. These requests often come from the staff themselves, who have heard of the Alerts from colleagues, but seldom from Management Authorities.

## Confidentiality

17. The Secretariat makes every effort to maintain an appropriate level of confidentiality over the enforcement-related information it receives and encourages all Management Authorities and enforcement authorities to do likewise. Its Alerts are clearly marked 'Confidential' and 'For law enforcement purposes only'. The Secretariat recognizes that the majority of staff in CITES Management Authorities do not have law enforcement experience. However, the very nature of their work requires that they should have an awareness of enforcement issues, particularly the safeguarding of information. Two examples may help to illustrate why the Secretariat has cause for concern.

18. During its investigations into illicit trade in caviar, the Secretariat wrote to several Parties and identified to them customers that the Secretariat believed had unwittingly purchased caviar that might not have been legally acquired. It asked the Management Authorities to contact the companies involved and alert them to illicit trade in caviar. It also asked that the companies be encouraged to report any approaches from traders that might be suspicious. Several weeks later, the Secretariat was contacted by a caviar trader who it suspected to be heavily involved in illegal activities. The trader was able to quote from the Secretariat's fax to one of the Management Authorities, having been able to obtain a copy of it. The trader was, thus, alerted to the fact that he was under suspicion, which could have provided him with knowledge to develop strategies to continue to evade CITES controls.
19. In one of its Alerts, the Secretariat described ways in which forged permits and certificates could be identified. One of the ways related to a feature that was missing in forged documents. Within weeks of the Alert being distributed, a forged document was seized where the missing feature referred to had been inserted in a false manner. Whilst the correction of such a 'mistake' in a forgery may simply have been a matter of chance, the coincidence is highly suspicious.
20. The Secretariat is increasingly trying to provide technical advice with regard to general enforcement of the Convention but also particularly when it communicates with individual Parties in relation to specific incidents of illicit trade. It believes this advice and information can be of assistance to enforcement authorities but it is also conscious that such information could, if it reaches illicit traders, assist them in avoiding detection. Consequently, it urges Management Authorities to consider carefully how they disseminate the information they receive from the Secretariat and to allocate appropriate levels of confidentiality to that information.

#### Corruption

21. Allegations of corruption in CITES Management Authorities and enforcement agencies continue to be made to the Secretariat. Although these are limited in number, such allegations are nonetheless serious and, if true, undermine implementation of the Convention. Allegations of corruption can be very hard to prove or disprove. However, the Secretariat has noted several cases where there is no apparent reason to question the veracity of the informants. Importantly, where traders or members of the public encounter corruption in their dealings with persons responsible for implementing CITES, this also reflects poorly on the Convention itself and brings it into disrepute.
22. The subject of corruption is often avoided, since it has perhaps been associated with biased views of developing countries and countries with economies in transition. The reality, of course, is that corruption (like wildlife crime and illicit trade) affects every country; rich or poor. The Secretariat believes that it is important to acknowledge that corruption exists and to develop ways to combat it.
23. To quote the World Customs Organization, "There are few public agencies in which the classic preconditions for institutional corruption are so conveniently presented as in a Customs administration." The very same might be said for CITES administrations. The manner in which CITES is implemented, involving tasks such as: the issuance of permits and certificates; the establishment and allocation of quotas; the allocation of harvesting licences; the registration of captive breeding and other facilities; the licensing of wildlife traders; the control of exports and imports; the inspection of shipments; all may provide opportunities for officials to abuse their authority and extort payments or other benefits in return for either doing or not doing their duty.
24. Several international initiatives have been taken with regard to corruption (such as work by the Organization for Economic Co-operation and Development and the Centre for International Crime Prevention of the United Nations Office for Drug Control and Crime Prevention) and these have helped to identify key elements that can be used by organizations to recognize when corruption exists, how to combat it and how to promote appropriate standards of behaviour among officials. There are also good examples of the successful work done at national level by anti-corruption commissions or by the introduction of government policies to discourage corruption.

25. The Secretariat believes that excellent examples are offered in the work done by the World Customs Organization and ICPO-Interpol. The World Customs Organization has developed an Integrity Action Plan, which includes an Integrity Self-Assessment Guide and a Model Code of Ethics and Conduct. ICPO-Interpol has established the Interpol Group of Experts on Corruption, its General Assembly adopted the Seoul Declaration relating to corruption, and 'Global standards to combat corruption in police forces/services' have been developed. The work done by both organizations lends itself to adaptation for CITES purposes.
26. If Parties do not already have anti-corruption policies in place, the Secretariat recommends that they contact the World Customs Organization or ICPO-Interpol for further details. Alternatively, if directed by the Conference of the Parties and if a budget is allocated for such work, the Secretariat could develop appropriate guidance for adoption at the 13th meeting of the Conference of the Parties.

#### Inter-agency cooperation at the national level

27. There are many good examples of multi-agency initiatives to increase cooperation at both strategic and operational levels and the Secretariat is aware of committees, with representatives from a variety of government and non-governmental organizations that meet on a regular basis in several States. Others, such as New Zealand, have formed specialized teams using expert officers from several law enforcement agencies.
28. The lack of dissemination of information by Management Authorities to enforcement agencies may illustrate a more serious lack of cooperation. The Secretariat is aware that in several States responsibility for enforcement of the Convention and other wildlife legislation rests with game or park departments whose responsibilities may not extend to criminal matters other than wildlife. Therefore, they may not be able to deal with import, export and domestic sale issues. It is, consequently, vitally important that such departments establish close working relationships with Customs, Police and other relevant enforcement bodies. Both the World Customs Organization and ICPO-Interpol have offered advice to CITES Management Authorities on ways in which this can be achieved, including formal memoranda of understanding but also through a variety of practical recommendations. Management Authorities are encouraged to contact their national Customs authority and Interpol National Central Bureau for further advice if this is necessary. It is equally important to acknowledge the wealth of knowledge and expertise that Management Authorities can offer to enforcement agencies.
29. The Secretariat has noted many incidents where national agencies, working closely together, have made significant seizures that have subsequently led to successful prosecutions. Unfortunately, there are also examples where a lack of cooperation has frustrated some agencies. In 2001, the Secretariat provided to the Management Authorities of two African countries very accurate and detailed information that should have enabled the identification of persons engaged in significant illegal trade in raw ivory. In neither case has any positive action been reported. In one case, the Management Authority was apparently unable to obtain assistance from the Gendarmerie and its own staff had no authority to conduct an investigation. In the other, the persons responsible refused to be interviewed and a lack of support from national investigation agencies meant the Management Authority could not pursue the matter.
30. Cooperation between Management Authorities and enforcement personnel is also encouraged by the Secretariat from a training point of view. Most Management Authority staff are civil servants with little or no law enforcement background. Such staff routinely have to review applications for permits, certificates and other forms of licences. It is widely recognized that one of the most common forms of fraudulent trade in specimens of CITES-listed species is through the abuse of such documents. The Secretariat regularly sees permits and certificates that have been issued by Management Authorities that have failed to detect false information or misleading declarations during the application process. Whilst the Secretariat tries to provide advice on this subject through its Alerts and Notifications to the Parties (see below for further details), it believes that national enforcement agencies could play an important role in helping raise awareness among staff responsible for this type of work and could also

assist in conducting spot checks to verify the accuracy of information in applications. Such cooperation should also act as a useful deterrent to fraud. Enforcement agencies should also benefit from such contacts by raising their awareness of the Convention.

31. The Secretariat recommends that Management Authorities make use of the guidelines for the issuance and acceptance of permits and certificates that it distributed with Notification to the Parties No.2001/003. Further advice relating to management of quotas and combating the fraudulent use of permits and certificates was provided in Notification to the Parties No. 2001/044.

#### Specialized enforcement units and personnel

32. The Secretariat again brings to the attention of the Parties the proven success that is achieved by the establishment of specialized wildlife law enforcement units or through the specialized training of staff at border posts that have been identified as having a high-risk for the smuggling of specimens of CITES-listed species. Although such initiatives may be viewed by governments as expensive, they will normally prove to be very cost-effective. The Secretariat points out that illicit trade often involves the avoidance of a variety of duties and fees and leads to a loss of revenue to the State. Such losses can be substantial, for example, in the case of illegal trade in caviar (which is estimated to be many times the size of the legal trade). Effective enforcement action can help recover the lost revenue and should pay for itself.
33. As part of its work with the CITES Tiger Enforcement Task Force, the Secretariat has collated and assisted in the preparation of specialized training material for wildlife law enforcement personnel. It believes the material should be a significant contribution to this field and it complements work already conducted by the World Customs Organization and ICPO-Interpol. The material is currently only available in English and some of it is of a very confidential nature. Interested Parties are invited to contact the Secretariat for further details. The Secretariat expresses its appreciation to the many organizations that assisted in this work.
34. The Secretariat congratulates India and the United Kingdom of Great Britain and Northern Ireland, who established in 2002 specialized wildlife crime intelligence units. Advice on specialized enforcement units was prepared by the CITES Tiger Enforcement Task Force and was distributed with Notification to the Parties No. 2001/047. The Notification also provided advice relating to intelligence gathering, analysis and dissemination.
35. Examples of the results that can be achieved through the deployment of specialized staff and the provision of specialized training were noted by the Secretariat in Belgium, China, the Netherlands and Switzerland, where the interception of individual shipments of significant quantities of specimens of Appendix-I-listed species have taken place since CoP11. In the case of a large seizure of ivory in Switzerland, it was officers from a unit that normally targets drug smuggling that made the seizure.
36. The Secretariat notes the successes that can be achieved through close cooperation between specialized personnel and other enforcement agencies, especially where the numbers of specialized staff may be limited. One practice that should be considered for use elsewhere is that of Canada, where specialized staff provided digital cameras to Customs posts, so that Customs officers could quickly transmit images of shipments and documents to their colleagues and receive prompt technical advice.
37. The Secretariat is aware that non-governmental organizations play an important role in assisting national law enforcement agencies in the provision of: funding assistance; training support; technical assistance; and intelligence. The TRAFFIC Network is an excellent example for the latter three areas. The Secretariat has noted that non-governmental organizations have provided considerable support, for example, to the Inspection Tiger brigades in the Russian Federation and have assisted in the seizure of large quantities of Tibetan antelope wool in Europe and India. It is important, however, that the role played by non-governmental organizations is clearly defined and that it is of a supporting nature. Members of the CITES Tiger Enforcement Task Force expressed concern that, in some instances, non-

governmental organizations are undertaking activities that should more properly be carried out by law enforcement bodies and that some of the 'evidence' obtained by such organizations is of limited use since it would not be admissible in courts of law. There is also the very real risk that non-governmental organizations, through a lack of proper liaison with the relevant authorities, may compromise existing Customs and Police operations.

#### Inter-agency cooperation at the regional and international level

38. The CITES Secretariat, the World Customs Organization and ICPO-Interpol all have channels of communication that can assist in enforcement of the Convention but which remain under-used. Not only is the provision and exchange of information important for strategic purposes, it is essential for operational reasons. Enforcement of CITES in one country provides opportunities to identify illicit trade and illegal acquisition of wildlife in another. It is vital that each country communicate with the other and with relevant international organizations. The Secretariat has regularly been able, particularly through use of its TIGERS database, to advise Parties that someone of interest to them has come to the notice of the authorities elsewhere.
39. One of the best examples of international cooperation is the use of 'controlled deliveries'. This occurs when an illicit shipment is intercepted during export control, transit control or import control. The authorities involved in the interception will contact their counterparts in the country of destination and will agree to the shipment continuing on its way. On arrival in the country of destination, the shipment will be subjected to close surveillance by enforcement authorities to the point where the intended recipient takes delivery. The recipient will then be detained, investigated and finally prosecuted. Not only does this approach allow the identification of those engaged in illegal trade, it also enables the gathering of important intelligence through the interviewing of accused persons.
40. The Secretariat has seen excellent examples of such cooperation, for example between the Customs authorities of China and the United Kingdom of Great Britain and Northern Ireland in relation to a large shipment of ivory.
41. Controlled deliveries can be equally effective at the national level, when a shipment intercepted at the time of import is allowed to continue so that the recipient can be identified and dealt with. However, here too, this often relies upon good inter-agency cooperation to achieve results.

#### Dealing with offenders

42. The Secretariat, particularly in its work in the National Legislation Project, is encouraging Parties to ensure that provision is made for violations of the Convention to be liable to prosecution and penalties under criminal judicial procedures. Whilst the Secretariat is aware of very significant penalties having been imposed by some Parties, including life imprisonment upon falcon smugglers in China, the most common response to seizures seems to be confiscation of the specimens. Whilst each case clearly requires to be judged on its own merits, the fact remains that confiscation alone often does not adequately reflect the seriousness of the illicit trade, especially considering the high retail value of many specimens of CITES-listed species. For example, whilst the possession of one Tibetan antelope shawl could be due to the ignorance of a tourist, it must also be recognized that the value makes the deliberate smuggling of even one shawl highly profitable. Additionally, unless confiscations are publicized (which is not common) there is little deterrent effect. It should also be recognized that confiscations are seldom recordable as criminal convictions, which gives rise to the risk of repeated violations going unnoticed.
43. In deciding how an offender should be dealt with, it is also important to cooperate internationally. Whilst this is important so that countries can be made aware that their citizens have acted illegally abroad, the exchange of information may also lead to the disclosure of previous convictions that could have a considerable impact upon how a case would be handled and an offender sentenced. The Secretariat is aware, for example, of an offender from the Czech Republic who, during a four-year period, was

detected in violations against the Convention in four countries and two continents. In a case in Canada in 2002, an individual from a country in Asia was detected in the smuggling of Appendix I-listed orchid specimens. Canada's efforts to obtain background information led to confirmation that he had previously been fined a substantial amount for similar activities in his home country and this information was passed to the prosecuting authorities in Canada.

#### Forensic science

44. The Secretariat notes that developments in forensic science techniques continue to play an important role in supporting enforcement of CITES. An increasing number of countries have laboratories with the expertise to assist enforcement personnel in their work. The Secretariat believes, however, that there is scope for improvement in the exchange of information regarding such techniques and that it is important that there should be no unnecessary duplication of research. There is also room for improvement in raising awareness among enforcement staff of the availability of such support and the importance of preserving evidence that could be submitted for expert examination.
45. The World Customs Organization is actively promoting the establishment of Customs laboratories, particularly in developing countries or those with economies in transition and the Secretariat has made a presentation to its Scientific Sub-Committee on the use of forensic science in combating illicit trade in wildlife. The Secretariat encourages Parties to consider making use of Customs laboratories, several of which have experience of wildlife related cases.

#### Courier and postal services

46. In its report to CoP11 the Secretariat noted the increasing use of courier and postal services to smuggle specimens of CITES-listed species around the world. This continues to be a common method of smuggling and the Secretariat recommends that it be targeted by appropriate agencies. It is particularly used for the smuggling of plants and reptiles, many specimens of which can survive for the relatively long periods involved in sending items from one side of the world to the other. When examining packages, the use of X-Ray machines is very successful, as it is in the examination of passenger baggage. The deployment of specially trained sniffer dogs can also be very effective in 'scanning' large numbers of packages quite quickly. The Secretariat is aware of cases, in the Republic of Korea for example, where non-governmental organizations have helped fund the supply and training of a sniffer dog.

#### Domestic enforcement

47. Whilst the scope of CITES is restricted to international trade, it is clear that border controls alone cannot ensure effective enforcement of the Convention. The sheer volume of international movements of all types of goods makes the task of Customs and other inspection services unenviable. It should also be recognized that detection at the point of sale might be easier in some cases. Targeting this end of the trade also allows dealers and end-users to be identified and appropriate action taken against them.
48. The Secretariat encourages Parties to increase the number of domestic enforcement actions, especially inspections at points of sale. It is aware of several Parties whose Management Authorities regularly conduct checks at exhibitions, pet shops and other appropriate venues. It also knows of many authorities that review trade and specialist magazines and the Internet for suspicious advertisements on a regular basis. The fact that many specialist plant and exotic animal species collectors are willing to pay large sums for rare specimens also indicates a willingness for such persons to buy what they must know or suspect to have been illegally acquired and illegally imported items.
49. The lack of such domestic enforcement is regularly witnessed by the Secretariat during missions to Parties when its staff see specimens of CITES-listed species openly on sale in contravention of domestic legislation. When this is pointed out to Management Authorities, it is not uncommon for the explanation to be given that their personnel have no authority to act. It is also not uncommon for the Secretariat to



see, or be told about, specimens of CITES-listed species on sale with no indication to potential purchasers that such items would be subject to export controls and might be subject to import controls where the customer's country of residence has stricter domestic measures in place. Specimens that are often encountered in such situations are ivory, turtle-shell products, Tibetan antelope shawls, caviar and bushmeat. It is clear that some Parties need to do more to monitor domestic sales outlets and either ask their relevant enforcement agencies to take action (where it is an offence against national legislation) or engage in awareness-raising among traders and the public.

50. It is very clear from the number of specimens of CITES-listed species, which might be regarded as tourist souvenirs, which are seized at the time of import on the purchaser's return to their home country that countries of origin require to raise awareness of the Convention among traders and potential customers. The Secretariat is aware, for example, that border control staff in the Member States of the European Union seize many thousands of specimens from holidaymakers each year. In many such cases, if these persons had been in possession of export permits, the imports would have been allowed. The Secretariat is regularly contacted by people who have experienced such confiscations, many of whom express frustration that, through no deliberate action on their part, they have apparently violated the Convention and national legislation. Such frustration is even more deeply felt where traders in the country of origin have assured them that trade was legal. These persons often question the conservation benefit of such confiscations and criticize the implementation and enforcement of the Convention as needlessly bureaucratic or officious.
51. The Secretariat has also noticed during its missions, however, that posters and other promotional material and displays are increasingly common at airports and seaports and encourages all Parties to engage in such awareness-raising activities. This can greatly assist in reducing what might be regarded as unintentional violations of the Convention. This, in turn, allows enforcement staff to concentrate on the deliberate smuggler.
52. Domestic enforcement is also essential to combat large-scale illicit trade. For example, the Secretariat believes there is considerable scope for increased inspections at retail sale outlets and restaurants to detect illegally-traded caviar.
53. Parties are encouraged, when drafting new legislation or amending existing legislation to implement the Convention to carefully consider the subject of domestic controls. The Secretariat remains very willing to provide advice and technical assistance to Parties.

#### Fraudulent use of permits and certificates

54. Alterations to and forgery of CITES permits and certificates remains a source of considerable concern to the Secretariat. It has seen several incidents where forgeries have been of a high standard and a deep knowledge of issuing procedures was obviously available to the perpetrators. The Secretariat believes that the new style of security stamp, as described in Notification to the Parties No. 2001/062, is of considerable use in both deterring and reducing such forgery.
55. The new stamp cannot eliminate the risk of genuine permits subsequently being altered. Often this involves an increase in the number of specimens authorized for trade and/or a change of the type or species of specimen being traded. Some such alterations can go unnoticed for a considerable time and can lead to large numbers of illicit shipments occurring before the fraud is finally spotted, usually by an importing country. The use of security paper for permits and certificates can greatly reduce the opportunities for documents to be altered.
56. The Secretariat believes that, in the long term, CITES must make use of modern technology and move away from a paper-based certification and permitting system. It recognizes that great effort will require to be devoted to the development of such a system or the adaptation of an already existing system to suit the purposes of the Convention. It also acknowledges that not all Parties may be able, through a lack of suitable logistics, to convert to such a system immediately or in the near future.

57. In the meantime, the Secretariat is conscious that such fraudulent use of permits and certificates could be identified at a much earlier stage if exporting and re-exporting Parties were to notify importing Parties of what has been authorized as and when they issue permits and certificates. Whilst not wishing to place an unnecessary burden upon Parties, it believes that a simple fax copy or email message to the Management Authority of the importing country could greatly assist in the reduction of fraud. This should be relatively simple now that an increasing number of Parties have access to electronic mail and also many generate permits and certificates electronically. Once it was known that this was happening, it would also act as a deterrent to fraudulent alterations of permits and certificates. Since many importing countries already require to see a copy of the export permit or re-export certificate before authorizing an import, Management Authorities will simply be doing what a trader already does. They could also consider charging the trader for the service.
58. The Secretariat suggests, as an alternative to the widespread introduction of such notifications, that such an approach should be adopted immediately by any Party that has reason to believe that its permits and certificates may be being misused, particularly when it has received information to that effect from another Party or the Secretariat.

#### Scientific Authorities

59. Resolution Conf. 10.3 (Designation and role of the Scientific Authorities) directs the Secretariat to identify in its reports to meetings of the Conference of the Parties those countries that have not informed the Secretariat of their Scientific Authorities. In accordance with Articles III and IV of the Convention, the issuance of import and export permits requires the provision of advice from Scientific Authorities. Consequently, any permits and certificates issued by the Management Authority of a Party that has not designated a Scientific Authority are liable to be considered as issued contrary to the provisions of the Convention and invalid.
60. The Secretariat wrote in early 2002 to several Parties that had not designated a Scientific Authority. At the time this document was prepared (early June 2002), the following Parties had still to designate such an authority: Afghanistan, Azerbaijan, Belize, Dominica, Eritrea, Rwanda, Sao Tome and Principe, Saudi Arabia and Slovenia.

#### Final comments

61. There is little point in having a Convention if one does not enforce it. The Secretariat's workload relating to compliance and enforcement has increased considerably in recent years. The growing involvement of organized crime and organized criminal networks in illicit wildlife trade makes combating such trade very difficult. There is little evidence that illegal trade is likely to reduce in the near future.
62. The Secretariat reminds Parties that Resolution Conf. 11.3 (Compliance and enforcement) urges the Parties to offer secondment of enforcement officers to assist the Secretariat in addressing law enforcement issues and to provide additional financial support for the enforcement of the Convention, by providing funds to the enforcement assistance work of the Secretariat.
63. The Secretariat wishes to express its appreciation to the many enforcement personnel around the world who regularly support it in its work in this field, especially the World Customs Organization and ICPO-Interpol. It also wishes to express its sincere condolences to the family, colleagues and friends of Adan Dullo, Director of the Lusaka Agreement Task Force, who was killed in a tragic road accident in March 2002 whilst returning from an enforcement operation to the Task Force headquarters in Nairobi, Kenya.

#### Recommendation

64. The Secretariat believes that the inconsistent communication of information relating to wildlife crime and illicit trade restricts the ability of the Parties to enforce the Convention and the potential of the Secretariat to assist the Parties in such enforcement. It also believes that the current insufficiency of

data hampers the ability of the Secretariat, the Parties, the Conference of the Parties, and the technical committees, to use enforcement-related data strategically in making decisions regarding implementation of CITES and the conservation of species. It recommends that the Conference of the Parties adopt the draft decision presented in the Annex.



DRAFT DECISIONS OF THE CONFERENCE OF THE PARTIES

Regarding communication of enforcement-related information

- 12.x The Secretariat should convene a meeting of experts, including representatives of the CITES Tiger Enforcement Task Force, ICPO-Interpol and the World Customs Organizations, to identify measures to improve the flow of enforcement-related data to and from relevant international, regional and national law enforcement organizations, CITES Management Authorities and the CITES Secretariat.
- 12.x The Secretariat should, report to the Standing Committee on the outcome of the meeting, so that recommendations may be made for consideration at the 13th meeting of the Conference of the Parties.