

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

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

Interpretation and implementation of the Convention

General compliance issues

VERIFICATION OF THE AUTHENTICITY AND VERACITY OF CITES PERMITS AND CERTIFICATES

1. This document has been submitted by Chile.

Introduction

2. One of the obstacles that the CITES Convention frequently encounters has been the use of false CITES permits and certificates created using sophisticated technology and the detection of which is extremely difficult. In this regard, on more than one occasion the Secretariat has discovered and notified the Parties of the use of falsified permits and certificates, theft of security stamps and systematic attempts of fraud in the use of CITES documentation.
3. An example of this is Notification to the Parties No. 2001/065 of 1 October 2001, in which the existence of excellent forgeries of export permits was pointed out and in which the Sturgeon Management Authority for the Russian Federation requested all Parties to contact it to seek confirmation of the validity of any export permit or re-export certificate presented for the import of caviar in order to combat illicit trade. Another example is Notification to the Parties No. 2001/072 of 5 November 2001 regarding the fraudulent use of permits and certificates in which it is pointed out that the Secretariat had noted an increasing sophistication in recent cases of forgery and fraudulent use of CITES permits and certificates.
4. Given these circumstances, it is recommended that a mechanism be urgently established to limit the circulation of false CITES permits and certificates in order to avoid the use of fraudulent documents that can thwart the correct and full application of CITES.

The need to confirm the authenticity and veracity of permits and certificates

5. At the present time, the only effective mechanism that would allow the detection of fraud through the use of falsified CITES documentation is the checking of the authenticity and veracity of permits and certificates directly with the CITES Management Authority that issued them. However, the checking of the authenticity and veracity of CITES permits and certificates is a process that usually takes considerable time, which in some cases can hinder trade both in Appendix-II listed species and in scientific research on Appendix-I listed species.
6. Another aspect to consider with regard to the need to check CITES documentation is the case of several Management Authorities that issue permits and certificates stipulating among the special conditions of certification that the use of a copy is permitted and that the permit is valid for several shipments. It should be pointed out that although these CITES permits are usually issued only to serious recognized scientific institutions registered with the Secretariat, those documents could be extremely vulnerable to fraudulent use by third parties.

7. In summary, it is important to remember that at its 41st meeting the Standing Committee discussed the work of the Secretariat in confirming the validity and authenticity of permits and certificates, deciding that it was convenient to stop routine requests to the Secretariat for confirmation of their issue, concentrating efforts on providing assistance in cases in which there is suspicion of possible fraud or whenever there is reason to think that a permit or certificate was issued incorrectly.
8. Given this situation, it can be recognized that the most rapid and direct possible communication between Management Authorities is more and more imperative and that the use of a means of communication such as the Internet represents a reliable, secure and accepted mechanism used by several countries that will make it possible to communicate immediately among the Management Authorities of the Parties.

The Internet as a tool for checking CITES documents

9. Background information already provided shows that from several points of view the successful functioning of CITES is more and more dependent on the checking of the authenticity and veracity of permits and certificates in order to deal with falsification and fraud that are increasingly more perfected and elaborate.
10. This draft resolution of the Conference of the Parties proposes that Management Authorities use the Internet in order to check immediately the authenticity and veracity of CITES permits and certificates. In addition, this would make it possible to publish information on permits and certificates issued by Management Authorities in exporting countries for rapid and efficient comparison of information with permits and certificates received by the Management Authorities of importing countries. In this context, any falsified or altered CITES permit or certificate could be quickly detected, enormously reducing the area in which fraud can occur.
11. An important aspect is that this means would make it possible to establish security systems that prevent modification of information and that restrict access solely to authorized persons that in this case could be the Management Authorities of Parties to CITES.
12. It should be kept in mind that the proposal for providing information through the Internet has been identified by the Secretariat in Notification to the Parties No. 2001/011 of 9 February 2001, in which it is recommended that the Parties register domain names on the Internet in order to facilitate access by interested parties to information about CITES at the national level.
13. A draft resolution of the Conference of the Parties is attached as an annex.

COMMENTS FROM THE SECRETARIAT

- A. The Secretariat has addressed the subject of fraudulent use of permits and certificates in its report for CoP12 on enforcement matters (document CoP12 Doc. 27) and shares some of the concerns expressed by Chile. However, it makes the following observations regarding the use of the Internet to assist permit confirmation.
- B. The Secretariat presumes that Chile means, in using the word 'domain' in paragraph a) of RECOMMENDS in the draft resolution, that Parties should develop a website or web page containing information about permits and certificates. The Secretariat is currently aware of only 21 CITES Management Authorities that have websites. Of these, three are in Asia and one is in Africa. The Secretariat has only received three replies to its Notification to the Parties No. 2002/025 of 9 April 2002 regarding use of the Internet by Parties. The Secretariat believes it is unrealistic for the Conference of the Parties, at this time, to adopt a system based upon use of the Internet.

- C. It is estimated that 500,000 CITES trade movements occur each year. The Secretariat believes that placing data about each permit and certificate on a website might place an unnecessary burden on Management Authorities, particularly for Parties with significant levels of trade.
- D. Whilst forgery and alteration of permits and certificates is clearly a serious matter, it tends to be restricted to those Parties that do not employ security paper and many Parties do not experience any abuse of their documents at all. Consequently, the effort needed to place data on a website might not be justified for many States.
- E. The Secretariat is aware that some Parties, because of data protection legislation or policies, can only release data about individual instances of trade for specific purposes and could not make it generally available.
- F. For the reasons given above, the Secretariat cannot support the draft resolution. However, the Secretariat is willing, should the Conference of the Parties agree, to undertake a study of what might be feasible and practical and provide options and a costing at the 13th meeting of the Conference of the Parties.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Verification of the authenticity and veracity of CITES permits and certificates

CONSCIOUS that forgery, falsification and fraudulent use of CITES permits and certificates are actions that affect the adequate and correct implementation of decisions of the Conference of the Parties;

CONVINCED that one of the most effective forms of preventing forgery, falsification and fraudulent use of CITES permits and certificates is the checking of their authenticity and veracity directly with the CITES Management Authorities involved;

ALSO CONSCIOUS that for most of the CITES Management Authorities do not currently have a system for rapid consultation for verification of the authenticity and veracity of permits and certificates issued;

RECOGNIZING that for most exports, imports or re-exports under CITES, both commercial and scientific, of specimens, parts or derivatives, an element of great importance is rapidity of verification of the documents involved;

ALSO RECOGNIZING that the Internet represents a rapid and efficient means of making possible the exchange of updated information regarding issued permits and certificates in order to check their authenticity and veracity by CITES Management Authorities;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS:

- a) that the Parties develop a domain on the Internet for posting updated information on issued CITES permits and certificates in order that a Management Authority receiving these permits and certificates can quickly and reliably check the authenticity and veracity of those documents;
- b) that, if necessary, access to that information be restricted to CITES Management Authorities through the use of passwords or access codes; and
- c) that, once a website is functioning, that fact be communicated to the CITES Secretariat with information necessary for access through the Internet and that the Secretariat in turn provide that information to each of the Parties; and

REQUESTS that the CITES Secretariat study and evaluate the possibility of creating a future centralized system that would allow the establishment of a communications network through the CITES website that would make it possible to check the authenticity and veracity of permits and certificates issued and received by each of the Parties.