

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

Other themes and issues

THE RESCUE OF DEPENDENT APES FROM WAR ZONES

This document has been submitted by Kenya.

COMMENTS FROM THE SECRETARIAT

- A. The Secretariat is aware of a small number of incidents in recent years where non-governmental organizations and individuals have encountered difficulties in obtaining, or have been unable to obtain, export permits from CITES Management Authorities in States affected by civil unrest, political instability and armed conflict. In many of these cases, the persons were attempting to leave the country with their own animals or wished to export animals that were in captivity for welfare reasons or that had been removed from persons who had possessed them illegally. As the intended countries of destination were willing to authorize the imports, it was clearly frustrating for those involved that the movements could not take place in compliance with the provisions of the Convention.
- B. The Secretariat believes, consequently, that the concerns raised in the ACKNOWLEDGING paragraph of the preamble to the draft resolution are valid. It believes, however, that such concerns are not restricted to specimens of ape species and that they can equally apply to a range of CITES-listed species. The Secretariat is of the opinion that it would not be practical for it to establish or implement such a system as that proposed by Kenya for the following reasons.
1. The concept of what is proposed is contrary to the Convention and would, if implemented, remove the decision-making authority of a State of export and eliminate the requirement for the issuance of an export permit by a State of export. The Secretariat believes such a change could only be achieved by an amendment to the Convention.
 2. The Secretariat sees considerable difficulties in defining, and subsequently determining, what might be regarded as a "war zone". As it has noted above, it is the experience of the Secretariat that previous instances where the difficulties of permit issuance have arisen have often been where civil unrest or political instability has existed in a State but not to the extent where the situation justified the description 'war'.
 3. Similar difficulties are likely to be encountered in defining, and determining, "normality", as the word is used in paragraph c) of the draft Resolution.
- C. In situations where a State has, of its own accord, determined that it is unable to fulfil or has difficulties fulfilling, because of extraordinary circumstances, its obligations under the Convention, the Secretariat points out that it would be entitled to nominate another body to act as Management Authority for the

State. The Secretariat is of the opinion that it is important to recognize this option as a way of responding to emergency situations, whilst maintaining the important principle of sovereignty. The temporary nomination of an alternative Management Authority could also provide for a degree of independent and objective administration of CITES, which might be difficult to achieve during a period of unrest or instability.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

The rescue of dependent apes from war zones

RECOGNIZING that all non-human great apes are listed in Appendix I of CITES;

AWARE that great apes are protected by law in every country in which they naturally occur;

CONCERNED that great apes are threatened by poaching for the bushmeat trade and the trade in young living specimens;

WELCOMING the Great Ape Survival Project of UNEP and UNESCO, launched in September 2001, which seeks to develop a global strategy to halt the alarming decline in populations of great apes, and to facilitate collaboration between range State Governments, non-governmental organizations and the private sector in achieving this goal;

NOTING that great apes share more than 96 per cent of their DNA with humans;

CONSIDERING that the results of decades of research on great apes, both in captivity and in the wild, demonstrate that they are intelligent beings with the capacity for self-awareness and ability to experience a range of emotions from fear and anger to joy and affection;

NOTING that legislation in New Zealand and the United Kingdom of Great Britain and Northern Ireland recognizes the above and gives great apes a special moral status in law to protect them from abuse;

CONCERNED that young apes are orphaned by poachers and may enter the illegal pet trade or be confiscated and cared for in animal sanctuaries or ape orphanages where they are wholly or partly dependent on humans for sustenance;

NOTING the increasingly professional nature of ape rescue, care and rehabilitation, as evidenced by the formation of the Pan African Sanctuaries Alliance and the recent workshops on orang-utan rehabilitation facilitated by the IUCN Conservation Breeding Specialist Group;

ACKNOWLEDGING that, in the turmoil of war, the lives of such captive or semi-captive apes may be in jeopardy through lack of food, water or medical treatment, but that attempted rescues can fail because CITES export permits are unavailable owing to disruption of government infrastructure or destruction of offices;

CONVINCED that rescued great apes can, in certain circumstances, contribute to the survival of their species in the wild;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

DIRECTS the Secretariat to establish a system that would, on a case-by-case basis in writing, permit the export of living specimens of great apes to a State party to the Convention seeking to import great apes rescued from probable death in a war zone, without the prior grant of an export permit required under Article III, paragraph 2, of the Convention providing that:

- a) the specimen is already in captivity or in a semi-wild sanctuary where human provisioning is necessary;
- b) the specimen is unlikely to survive if not removed to a place of safety, and no such alternative refuge is available in the country where it is being kept;

- c) the export is understood to be a temporary, life-saving measure and, once normality returns to the State of export, the ape will be repatriated if its safety and long term welfare can be assured in the State of export, and unless the States of export and import agree to alternative arrangements beneficial to the individual and the species, subject to the conditions in paragraph d), below;
- d) the export is entirely non-commercial, and is carried out by competent personnel under the direction of the CITES Management and Scientific Authorities of the State of import under the system established by the Secretariat and in a manner that ensures the safety and welfare of the specimen at the nearest available government-approved and professionally accredited sanctuary; and
- e) the State of import meets the requirements of Article III, paragraph 3, of the Convention.