

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



Fourteenth meeting of the Conference of the Parties
The Hague (Netherlands), 3-15 June 2007

Interpretation and implementation of the Convention

Compliance and enforcement issues

ENFORCEMENT MATTERS

1. This document has been prepared by the Secretariat, in accordance with Resolution Conf. 11.3 (Rev. CoP13) (Compliance and enforcement).

Standing Committee

2. Enforcement matters were considered by the Standing Committee at its 53rd and 54th (SC53, Geneva, June – July 2005 and SC54, Geneva, October 2006) meetings, where the Secretariat submitted documents SC53 Doc. 32 and SC54 Doc. 38 respectively.
3. A number of Parties were discussed by the Standing Committee in relation to enforcement matters but these were primarily in relation to species-specific issues. Where appropriate, these Parties will be the subject of reports at the present meeting of the Conference of the Parties with regard to such matters, for example, great apes, the tiger, the Tibetan antelope or trade in elephant ivory. The only Party that is to be considered specifically at the present meeting in relation to enforcement matters is Nigeria.
4. At its 54th meeting, the Standing Committee decided to maintain its recommendation for a suspension of trade to and from Nigeria owing to its lack of progress in implementing and enforcing the Convention. The Secretariat wrote to the CITES Management Authority of Nigeria and the Permanent Mission of Nigeria to the United Nations and other international organizations in Geneva following the Standing Committee meeting. It advised both offices of the Committee's decision and repeated its offer to provide assistance to Nigeria to comply with its obligations under the Convention. However, at the time of writing (January 2007) no response had been received. The Secretariat will provide an oral report at CoP14 on any developments in relation to Nigeria.
5. The Standing Committee also considered the following two Decisions that were adopted at the 13th meeting of the Conference of the Parties:

Directed to Parties

13.84 *Parties should submit to the Secretariat, by 31 May 2005, contact details of each of their relevant national law enforcement agencies responsible for investigating and prosecuting illegal trafficking in wild fauna and flora. The Secretariat shall distribute, via a Notification to the Parties, a form to facilitate the submission of this information.*

Directed to the Standing Committee

13.85 *The Standing Committee, at its 54th meeting, shall consider a report from the Secretariat on compliance by the Parties with Decision 13.84.*

6. The Secretariat reported on this issue at both SC53 and SC54. At the time it prepared its document for SC53, 18 Parties had submitted contact details for enforcement authorities. At the time of SC54, this number had risen to 53. At its 53rd meeting, the Standing Committee requested regional representatives to encourage submission of details and requested this subject be reported upon in regional reports at SC54. However, no region reported on this issue at SC54.
7. At SC54, the Committee requested the Secretariat to issue a reminder to Parties of the need to provide enforcement authority contact details, as required in Resolution Conf. 11.3 (Rev. CoP13), and the Secretariat subsequently issued Notification to the Parties No. 2006/065 on 14 November 2006.
8. At the time of writing, the number of Parties that had submitted enforcement authority contact details had risen to 59. The Secretariat will continue to encourage further submissions in its regular contacts with Parties.

Alerts

9. The Secretariat has continued to issue Alerts, providing information on significant matters of illicit trade and other enforcement-related issues. The Alert system was described fully in document CoP12 Doc. 27. Since CoP13, the Secretariat has issued Alerts on the following subjects:
 - smuggling of bear bile
 - combating illicit trade in caviar
 - illicit trade in crocodilian skins
 - false CITES documents from Cameroon
 - illicit trade in sea turtle shells
 - illicit trade in birds fraudulently declared as captive-bred in West Africa
 - invalid CITES documents from Guinea
 - Operation Dove
 - smuggling of ivory
 - illegal exports of ivory from Zimbabwe.
10. The Alert system appears to continue to be widely appreciated by the law enforcement community and is one of the few international sources of information for countries in targeting smuggling and other forms of wildlife crime.

Intelligence and recording of illicit trade information

11. It is almost ten years since the Secretariat introduced its Trade Infraction and Global Enforcement Recording System (T.I.G.E.R.S.) database. Incorporating the fields of the ICPO-Interpol Ecomessage, T.I.G.E.R.S. was intended to store data regarding illicit trade in wildlife, wildlife crime and those persons and companies that engage in such criminal activities. It was intended to provide an overview of worldwide illicit trade in specimens of CITES-listed species, so that trends, routes, *modus operandi*, etc., could be monitored and analysed.
12. Since its inception, the submission of information to the Secretariat, suitable for input to T.I.G.E.R.S., has always been so haphazard and incomplete that the database has never reached its potential. However, equally significantly, the resources in the Secretariat to maintain the database have been so restricted that a large backlog of data was always awaiting input. Indeed, since CoP13, hardly any data have been input to the system. As it appears that the resources of the Secretariat are unlikely to be increased in the near future, it has been decided to discontinue use of T.I.G.E.R.S.
13. Parties are encouraged to continue to submit information regarding significant cases of illegal trade and information related to convicted traders and persistent offenders [as required in Resolution Conf. 11.3 (Rev. CoP13)] but this will no longer be input to T.I.G.E.R.S. Such information will continue to be used, along with other sources, to generate Alerts and other relevant responses.
14. The Secretariat is aware that several databases exist which are used to record illegal trade in wildlife in general terms, including those operated by the European Union, ICPO-Interpol and the World Customs Organization. The ETIS database, operated for CITES by TRAFFIC and used to record illicit

trade in elephant products, is an example of a species-specific database. Of the existing databases, ETIS is probably the most comprehensive because of the considerable effort that has been made to collect data proactively and encourage their submission. The Secretariat is aware that the databases operated by the European Union, ICPO-Interpol and the World Customs Organization suffer from the same problems as those encountered by the CITES Secretariat, namely that analysis is extremely problematic because there is not a widespread or uniform submission of data. ICPO-Interpol's database is the only one, other than T.I.G.E.R.S., that records information regarding individuals and companies (referred to in the law enforcement community as 'nominal' information). Whilst databases that do not contain nominal information are useful for statistical purposes or for monitoring trends, they are of limited use for investigation purposes.

15. In the Secretariat's view, it is disappointing that Parties have not chosen to make more use of the Ecomessage system and, in turn, ICPO-Interpol's database or T.I.G.E.R.S. Had they done so, a much better perspective would be available of illicit trade, wildlife crime and the persons involved. If Parties regularly and uniformly followed the recommendation of the Resolution, species-specific databases might not be required. Being able to better gauge the volumes of illicit trade, and its significance in relation to wildlife conservation, would also help considerably in encouraging the law enforcement community to give higher priority to combating such activities.
16. The Secretariat regularly sees statements in the media and a variety of other fora where illicit trade in wildlife is claimed to be the second or third most significant criminal activity in the world, behind the trade in narcotics and firearms. It knows of no figures that can justify such claims and believes this may be a gross exaggeration. Whilst some forms of illicit wildlife trade and wildlife crime are undoubtedly serious, rank alongside other major forms of transnational organized crime and are deserving of high enforcement priority, the Secretariat believes that exaggeration does the cause of attracting greater attention and support from policy-makers and enforcement agency managers no good.
17. The Secretariat believes that the present approaches to data collection relating to illicit trade and wildlife crime are inefficient and ineffective, and often duplicate each other. It knows that this view is shared by several law enforcement bodies. The Secretariat's own efforts to act as a central repository for such information have failed and it believes the time has come to review past practice and move to more effective approaches. It also believes that what is to be collected is just as important as how it is to be collected or stored, since many of the current databases offer skewed views because of the high level of 'tourist souvenir' seizures that they contain.
18. The Secretariat believes that this is an ideal subject for the CITES Enforcement Expert Group to consider. The Group was established by the 12th meeting of the Conference of the Parties (Santiago, 2002) to consider enforcement-specific matters and reported at CoP13. It has not met since. The Secretariat recommends that the Conference of the Parties instruct it to convene a meeting of the Group and that it report on this subject to the Standing Committee, if possible at its 57th meeting. The Secretariat has made provision for a meeting of the Group in its costed programme of work for the triennium 2009-2011 described in document CoP14 Doc. 7.3.

National enforcement action plans

19. In revising Resolution Conf. 11.3 (Rev. CoP13) (Compliance and enforcement), at its 13th meeting, the Conference of the Parties inserted the following text, addressed to all Parties, as paragraph ii) of the first RECOMMENDS:

consider formulating national action plans, incorporating timetables, targets and provisions for funding, designed to enhance enforcement of CITES, achieve compliance with its provisions, and support wildlife-law enforcement agencies.
20. In document SC54 Doc. 38, the Secretariat noted that it believed this to be excellent advice and encouraged Parties to follow this recommendation. It did not, however, suggest that the formulation of such plans should be mandatory or that this issue should be monitored or scrutinized at all, since this would simply add to the existing burden upon the Parties, the Standing Committee and the Secretariat.

21. In October 2005, during its presidency of the European Union, the United Kingdom of Great Britain and Northern Ireland hosted an enforcement coordination workshop for European Union Member States, chaired by the Secretary-General of CITES, at which an enforcement action plan was drafted. Parties may be interested to view this document, if they are considering drafting national plans. It can be accessed, in English only, at the following URL:
<http://www.defra.gov.uk/paw/news/pdf/workshop-oct05.pdf>.

Combating smuggling

22. The Secretariat has previously stated that trained dogs can be an excellent resource in combating the smuggling of wildlife. The use of such dogs in detecting movements of other contraband, such as narcotics, has been amply demonstrated throughout the world.
23. From 2 to 5 March 2006, TRAFFIC Europe-Germany, WWF Germany and the Saxon Regional Conservation Foundation organized a workshop in Bad Schandau, Germany, that brought together experts and others interested in the field of detector dogs from around the world to exchange experience and prepare guidance on the use of dogs. The workshop, in which the CITES Secretariat also participated, is thought to have been a considerable success and it is hoped that further similar events will follow.
24. The proceedings of the workshop, which include helpful advice and recommendations on the use and training of such dogs, can be viewed at the following URL (in English and German only):
<http://www.traffic.org/content/712.pdf>.
25. The Secretariat believes that the potential use of dogs in combating the smuggling of wildlife is insufficiently recognized and recommends Parties to consider this resource.

Proposed amendment to Resolution Conf. 11.3 (Rev. CoP13)

26. At its 13th meeting, the Conference of the Parties added the following text to the Resolution relating to compliance and enforcement:

URGES ICPO-Interpol to:

- a) appoint a dedicated officer specializing in wildlife crime within the ICPO-Interpol General Secretariat in Lyon, France; and*
- b) support the attendance of a representative from the Interpol Wildlife Crime Working Group at meetings of the Conference of the Parties to CITES.*

27. ICPO-Interpol's General Secretariat has recently appointed a full-time criminal intelligence officer to deal with wildlife crime issues. Consequently, the text in a) above is no longer necessary and may be deleted.

Scientific Authorities

28. 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, 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.
29. At the time of writing, the following Parties had not designated a Scientific Authority: Afghanistan, Cape Verde and Eritrea. This is the lowest number ever recorded and demonstrates considerable progress, which the Secretariat is confident the Conference of the Parties will welcome.

Final remarks

30. The Secretariat already prioritizes its enforcement-related activities and most attention is given to illicit trade in Appendix-I species. However, there are many other areas that deserve attention and this is particularly relevant as the Convention moves to encompass more fish and timber trade in its regulation. Both such trades, as has been clearly demonstrated by the illicit trade in caviar, attract organized crime and high levels of criminality. The Secretariat's ability to assist the Parties in combating such illicit trade is likely to remain severely restricted unless its own resources are increased. New species-listings aside, the Secretariat's enforcement-related workload continues to grow but without any increase in resources (human or financial). There is currently no specific provision in the budget of the Secretariat, other than salary costs, for enforcement-related activities and these are almost all conducted using external funding.
31. Whilst there are many examples around the world of excellent enforcement work, good multi-agency collaboration and commendable initiatives, the priority allocated to wildlife law enforcement continues to be generally low. The Secretariat in its field missions continues to encounter many law-enforcement officials who are regularly frustrated by a lack of support from their governments, policy-makers and senior management. This was also the finding of the CITES Enforcement Expert Group in February 2004 in Shepherdstown, United States of America, and the Secretariat has seen relatively little evidence of improvement since that time. However, the Secretariat continues to note that such officials demonstrate remarkable levels of dedication, enthusiasm and often courage. The CITES community has wildlife law enforcement officials, in a variety of guises, that it can be justifiably proud of.
32. A major hurdle to improvement in enforcement continues to be the fact that in relatively few countries are offences against wildlife legislation seen to be part of serious, high-value, 'mainstream' crime and, therefore, the enforcement resources (human, technological or forensic science assistance) are either absent or difficult to access.
33. The Secretariat understands that enforcement will be one of the subjects to be discussed during a Ministerial meeting, to be organized by the host country of CoP14, and welcomes this opportunity for the subject to be discussed by senior politicians and policy-makers. It is also aware of a number of enforcement-related matters that Parties intend to raise at CoP14 and looks forward to contributing to the subsequent discussions on such issues.
34. On a positive note, the Secretariat has observed, particularly in 2006, an increasing willingness by national enforcement agencies to exchange information and intelligence and to work collaboratively to deter and detect illicit trade in wildlife. Such activities are often facilitated by important input from ICPO-Interpol, the World Customs Organization and regional wildlife law enforcement networks.
35. The Secretariat wishes to record its sincere appreciation for the support it receives from enforcement officials around the world.

Recommendation

36. To enable the subjects of gathering of information and analysis of illicit trade data to be studied and reported upon, the Secretariat recommends that the Conference of the Parties adopt the draft decision presented in the Annex.
37. The Secretariat also recommends that the Conference of the Parties amend Resolution Conf. 11.3 (Rev. CoP13) as described in paragraph 27 of this document.

DRAFT DECISIONS OF THE CONFERENCE OF THE PARTIES

Regarding the gathering and analysis of data on illicit trade

Directed to the Secretariat

14.XX The Secretariat shall convene a meeting of the CITES Enforcement Experts Group to identify measures to improve the gathering of data on illicit trade from and by relevant international, regional and national law enforcement organizations, CITES Management Authorities and the CITES Secretariat, and to discuss ways in which such data could be analysed to provide a clearer understanding of illicit trade in specimens of CITES-listed species. The Group shall also consider means that might allow the effectiveness of enforcement of the Convention to be measured at the international level. The Secretariat shall report to the Standing Committee on the outcome of the meeting and any recommendations made by the Group.

Directed to the Standing Committee

14.XX The Standing Committee shall consider the report of the Secretariat and also consider:

- a) endorsing any relevant recommendation that could be implemented prior to the 15th meeting of the Conference of the Parties; or
- b) requesting the Secretariat to prepare a report for consideration at the 15th meeting of the Conference of the Parties.