

CONVENCIÓN SOBRE EL COMERCIO INTERNACIONAL DE ESPECIES  
AMENAZADAS DE FAUNA Y FLORA SILVESTRES



Decimocuarta reunión de la Conferencia de las Partes  
La Haya (Países Bajos), 3-15 de junio de 2007

Interpretación y aplicación de la Convención

Cuestiones relativas al comercio y la conservación de especies

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1. El presente documento, que ha sido preparado por la Secretaría, constituye asimismo el informe que debía presentar el Comité Permanente sobre el particular a la 14ª reunión de la Conferencia de las Partes.

Antecedentes

2. En su 13ª reunión (Bangkok, 2004), la Conferencia de las Partes aprobó la Resolución Conf. 11.8 (Rev. CoP13) (Conservación y control del comercio del antilope tibetano), en la que se ENCARGA:
  - b) *al Comité Permanente que emprenda un examen periódico de las medidas de observancia adoptadas por las Partes con objeto de erradicar el comercio ilegal de productos del antilope tibetano sobre la base del informe de la Secretaría, y presente un informe sobre los resultados en cada reunión de la Conferencia de las Partes.*

Medidas que deben adoptar las Partes

3. La cuestión del antilope tibetano se abordó en las reuniones 53ª y 54ª del Comité Permanente (Ginebra, junio – julio de 2005 y octubre de 2006), en las que la Secretaría presentó los documentos SC53 Doc. 21 y SC54 Doc. 28, respectivamente.
4. Durante la 54ª reunión del Comité Permanente, la Secretaría acogió con beneplácito las medidas de observancia adoptadas por las autoridades de Tailandia contra las personas involucradas en el comercio de chales, aparentemente fabricados con lana de antilope tibetano, pero expresó preocupación acerca de los informes en los que se expresaba que la legislación nacional de Tailandia tal vez no fuese adecuada para tratar esos casos.
5. El Comité Permanente acordó que Tailandia debería informar a la 14ª reunión de la Conferencia de las Partes sobre su aplicación de la Convención, en particular, acerca de sus progresos en la promulgación de nueva legislación, y sobre el comercio ilícito de antilope tibetano. El Comité recomendó que la Conferencia de las Partes examinase el informe y decidiese si era necesario tomar nuevas medidas, inclusive medidas en caso de incumplimiento. En el momento de redactar este documento (diciembre de 2006), la Secretaría no había recibido informe alguno.
6. En el curso de esa misma reunión, el Comité Permanente tomó nota de que se había establecido un comité en la India para revisar la fabricación de productos de lana de antilope tibetano en el Estado de Jammu y Cachemira. Una de las cuestiones abordadas por este comité era si debería considerarse la cuestión de la cría en cautividad del antilope tibetano con fines comerciales. La Secretaría señaló a la atención del Comité Permanente que el comité de la India había determinado que no debería considerarse la cría en cautividad.

### Población del antilope tibetano

7. China comunicó al Comité Permanente, en su 54ª reunión, que de los recientes reconocimientos de población se desprende que la población del antilope tibetano en China había aumentado en unos 200.000 ejemplares.

### Otras cuestiones y actividades conexas

8. Históricamente, los oficiales de observancia han sido capaces de identificar los chales fabricados con lana de antilope tibetano (conocida como "shahtoosh") debido a su fineza extraordinaria. Los chales de "shahtoosh" han sido tan diferentes de otros chales y de tal calidad que los funcionarios con experiencia podían diferenciarlos de otros productos similares sencillamente tocándolos.
9. Sin embargo, varios organismos de aplicación de la ley ha observado recientemente en el mercado chales de lana de cabra fabricados con una calidad similar a los de "shahtoosh". Son tan parecidos que oficiales experimentados los han identificado inicialmente como si fuesen de shahtoosh. También se ha observado la presencia de chales fabricados con una mezcla de shahtoosh y otras lanas finas, como el pashmina. Aunque los oficiales de observancia siempre han solicitado al personal de ciencia forense que confirme la identificación después de un decomiso, estos últimos descubrimientos pueden hacer que los oficiales se resistan a confiscar productos.
10. Varios laboratorios e instalaciones de ciencia forense en todo el mundo disponen de la experiencia y los conocimientos necesarios para identificar la lana de antilope tibetano, bien mediante un examen morfológico o el análisis del ADN y la Secretaría está dispuesta a proporcionar asesoramiento sobre el particular a cualquier organismo de aplicación de la ley que lo solicite.
11. De los decomisos realizados regularmente y de la caza furtiva de la especie en China se desprende que el comercio ilícito de antilope tibetano sigue constituyendo un problema para la Convención. China sigue dando alta prioridad a los esfuerzos contra la caza furtiva. Los países consumidores deben desplegar esfuerzos semejantes, pero la experiencia pone de relieve que se encuentran chales de shahtoosh allí donde hay una demanda de prendas de lujo. La Secretaría expresa su agradecimiento al Grupo de trabajo Interpol sobre delitos contra la vida silvestre por seguir asignado alta prioridad en sus actividades a la lucha contra este comercio.

### Conclusión

12. Lo precitado, junto con los documentos SC53 Doc. 21 y SC54 Doc. 28, resume la labor realizada en relación con el antilope tibetano. La Secretaría presentará un informe oral en la CoP14 sobre cualquier nuevo acontecimiento.

REPORT SUBMITTED BY THAILAND  
FOR THE 14TH MEETING OF THE CONFERENCE OF THE PARTIES

In accordance with the decision of the 54th Standing Committee meeting, below is the report submitted by Thailand for the 14th meeting of the Conference of the Parties. It is noted that the information and activities mentioned are mainly from the 2005 fiscal year (October 1, 2005 – September 31, 2006), except when indicated otherwise.

1. Legislation

- a) In order to fully meet the requirements of CITES by using two principle laws, WARPA and Plant Act (No. 2) B.E.2535, Thailand has made efforts to improve its national legislation for CITES implementation. The WARPA amended in 1992 was then intended to comply with CITES. Though this WARPA is fully implemented, supported legislations such as the Custom Act B.E. 2469 (1926), the Commercial Registration Act, B.E. 2499 (1956), and the Animal Epidemics Act B.E. 2499 (1956), and Export and Import of Goods Act B.E. 2522(1979) are also applied to CITES implementation.
- b) Despite WARPA legislation is fully implemented, with other laws mentioned above, the previous government initiated the policy to update laws all over the country. Because of this opportunity, in the last couple of years the Department of National Parks, Wildlife and Plant Conservation (DoNP) proposed to improve WARPA as one of the natural resources laws to protect Thailand's natural resources. This revised legislation aims to modernize and re-categorize the articles to be better in implementing not only for domestic wildlife management, but for compliance with international agreements as well. The new revision has also provided significant roles of people participation in helping the government sector to protect Thailand's wildlife habitats and species, i.e., the committee at local levels. This new revision will provide significant mechanisms in managing and researching Thailand wildlife resources. As of December 2006, the new revision was at the secretariat office of the Prime Minister office. The revised legislation is still there since the political change in Thailand on September 19, 2006. This new revision may need to wait until the new elected-government comes to office to make a decision. However, it should be further noted that the timelines described for Cabinet consideration and Parliament ruling from the up coming government can only be approximate. The approvals depend on other pending, unrelated legislation, and day to day business of Cabinet and Parliament.

2. Law Enforcement Activities

To comply with the Articles VIII and XIV of the Convention, as well as recommended in Resolution Conf. 11.8 (Rev. CoP13), Thailand by 3 Management Authorities, DoNP, Department of Agriculture, and Fisheries Department, has made significant progress in implementing CITES. Principle Laws such as Wild Reservation and Protection Act B.E. 2535 (1992) or WARPA and Plant Act (No. 2) B.E.2535 are implemented. Support Acts such as the Custom Act B.E. 2469 (1926), Pant Act (No. 2) B.E.2535, the Commercial Registration Act, B.E. 2499 (1956), the Animal Epidemics Act B.E. 2499 (1956), and Export and Import of Goods Act B.E. 2522(1979) are also applied to CITES implementation. Ministerial regulations have been applied; checking points are set up along the border with neighbouring countries, and at international sea and air ports. With efforts from these 3 Authorities, together with their partners from the Thai police, customs and relevant governmental organizations, as well as the support from Non-Governmental Organizations, the following activities were implemented.

2.1 CITES activities at the national level

- a) Thailand cracks down on illegal trade in CITES and endangered species. According to statistics from October 1, 2005 to September 31, 2006, DoNP, with cooperation from governmental counterparts (i.e., police, customs) and related non-governmental organization (i.e., TRAFFIC), intercepted 36 cases with confiscating 48 endangered species (3,241

animals) and parts or derivatives of 28 endangered species (734 animals). During 2005-2006, The Department of Agriculture confiscated 9 cases, with 7,181 plants/species (Orchid, Cycas, Cactus and Succulents combined) and Fisheries Department confiscated 39 cases. In 2006, The Customs Department seized 11 cases (1,623 individuals). This statistics do not include the cases operated by the Thai Police.

- b) In order to build capacity and strengthen cooperation on CITES enforcement by expanding networks among CITES authorities and related parties, the CITES Management Authorities has organized several trainings, seminars, and meetings at national level as follows:
- 3 CITES Management Authorities meetings on March 7, 2006, at DoNP
  - The Seminar on Law Enforcement on Thailand and CITES Wild fauna and Flora Species, February 19-21, 2006, Khao Yai National Park, Thailand (Funded by WildAid)
  - The Thai national network committee on ASEAN Wildlife Network Enforcement Network meeting on May 17, 2006, at Ministry of Natural Resources and Environment (MoNRE)
  - Laws and CITES Training on June 22-24, 2006, at Khao Yai Training Center, Khao Yai National Park
  - Introduction to CITES/Controlling Illegal Wildlife Trade Training Workshop on August 9 to 11, 2006, at International Laws Enforcement Academy (ILEA), Bangkok, funded by TRAFFIC
  - CITES Species Identification Training on August 21-23, 2006, at Chaum Training Center, Petchaburi Province
  - MIKE Training, August 8-12 and September 5-9, 2006 at MIKE sites, western Thailand
  - MIKE IT Training, July 17-21, 2006, Kasetsart University, Bangkok, Thailand
  - MIKE GIS Training, December 18-22, Forestry Lab, Kasetsart University, Bangkok, Thailand.
- c) Network:
- To support the ASEAN Wildlife Law Enforcement Network (ASEAN-WEN), Thailand designated DoNP as the focal point of the network. The National Wildlife Law Network Committee was set up by MoNRE executive no.316/2548, dated August 29, 2005. The network consists of 22 organizations such as DoNP, Department of Agriculture, Fisheries Department, Thai Police, Thai Police, Custom Department, Air and Sea Port Authorities, Thai Airways International, Forestry Department, Department of Live Stock Development, Public Relations Department, Tourism Authority of Thailand.
  - As the lead country on the objective 2 of the ASEAN Regional Action Plan on Trade in Wild Fauna and Flora (2005-2010) to promote networking among relevant law enforcement authorities in ASEAN countries to curb illegal trade in wild fauna and flora, Thailand set up the office of Programme Coordination Unit of ASEAN Wildlife Enforcement Network located at DoNP. This office will be the centre for information exchange and coordination of enforcement work in the region.
  - To improve communication by networking among related agencies, Thailand, by DoNP with support from the Department of Agriculture and Fisheries Department, organized National Interagency Training Workshop at ILEA as mentioned above. Participants attending the workshop were from various governmental (i.e., customs, police) and non-governmental organizations (i.e., TRAFFIC, WCS), including private sectors (i.e., Fed-ex) to learn about CITES. This Training Workshop provided the opportunity to improve communications among CITES and non-CITES agencies. Many cases on CITES recently intercepted in Thailand were the results from this network.
- d) To build up public awareness on CITES, especially among sellers, DoNP, Department of Agriculture, Fisheries Department, and Thai police organized a seminar on CITES issues at Chatuchak market in Bangkok on August 4, 2006. DoNP also set up the wildlife campaign project in December 2006. This project aims to build awareness on wildlife illegal trade. It will be conducted domestically (both local issues targets through mass media and printed

matters, i.e., signs, brochures, leaflets. Domestic airports, local markets, and hotels will be targeted for domestic public relations.

## 2.2 Activities at the international level

Many actions have been undertaken to promote regional or sub-regional coordination and cooperation in enforcement and implementation of CITES. These are listed below:

- a) To implement CITES, the repatriation of orangutans was conducted under ASEAN-WEN. Several meetings between the representatives from Thailand and Indonesia were conducted.
- b) Many cases of communication between 3 CITES MA of Thailand and MA of CITES members, among the countries in the network, or between the networks, have been contacted, e.g., validate the permits, passing information on illegal cases.
- c) In order to enhance the cooperation on the conservation and trade with neighbouring countries, a possibility of exchange between officials working in the field of CITES was discussed, i.e., between Thailand and Lao, Thailand and Cambodia. Further discussion is needed to get funding support. These mutual visits are expected to start soon when funding is available.
- d) To strengthen the cooperation at the regional level, Thailand organized several international trainings, seminars, and meetings at national level as the following:
  - ASEAN Regional Law Enforcement Network, 17-21 October 2005, Khao Yai National Park, Thailand
  - The Special Meeting of the ASEAN Ministers Responsible for the Implementation of CITES held on November 31 and 1 December 1, 2005, Bangkok
  - The repatriation of the orangutan meeting, on April 21-22, 2006, at Rama Gardens Hotel, Bangkok
  - International Executive Seminar on Implementing the ASEAN-WEN, May 22-25, 2006, Bangkok, Thailand.
- e) To improve communications, building capacity, and expand the network, Thailand sent CITES staff to attend international workshops, meetings, trainings and seminars as the following:
  - The second Mekong sub-regional CITES implementation and enforcement workshop, July 4-7, 2006, Kunming, Yunnan, China
  - CITES and Livelihoods Workshop, Kirstenbosch Botanical Gardens, September 5-7, Cape Town, South Africa
  - The 54th Standing Committee meeting, on October 2-6, 2006, Geneva, Switzerland
  - The 3<sup>rd</sup> Australia Environmental Law Enforcement and Regulators Network (AELERT) annual meeting, November 22-24, 2006, Sydney, Australia
  - Coalition Against Wildlife Trafficking (CAWT), November 20-21, London, England
  - CITES Law Enforcement Seminar: Learning from Each Other, November 21-23, 2006, Hong Kong
  - The 4<sup>th</sup> Meeting of the ASEAN Experts Group on CITES, November 28-29, 2006, Manila, Philippines.

## 3. Illicit Trade in Tibetan Antelope (*Pantholops hodgsonii*)

- a) To protect Tibetan antelope (*Pantholops hodgsonii*), which is the Appendix-I species, Thailand has made great efforts to combat with illegal trades on this species, especially its parts and derivative or Shahtoosh. On July 17, the staff from the CITES office in cooperation with the Thai police exercised this laws to the shatoosh case by seizing shatoosh shawls from a seller, which declared the goods as pashmina. Also, with the technical support from US fisheries and Wildlife, funding support from UDA Forest Service, and coordinating support from interested party (WildAid), the staff from the US lab was brought to Thailand during the first week of December 2006, to help identify the questionable shawl at the Veterinary Medicine lab of Mahidol University. One-day workshop on Shahtoosh identification was also organized on December 6, 2006. Sixty participants from CITES Management and Scientific Authority of

Thailand, Thai police from Natural Resources and Environment Crime Division, Customs, and other interested parties were attending the workshop. The case is now at the attorney office.

- b) With good cooperation between DoNP, as focal point of the network, the Thai police from Natural Resources and Environment Crime Division and the Customs, as well as the initiative on ASEAN-WEN, Thailand will continue through its effort to combat illegal commercial trade in Tibetan antelope products or specimens as recommended in Resolution Conf. 11.8 (Rev. CoP13).