

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

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Geneva (Switzerland), 8-12 February 1999

Finance and administration

PERMIT CONFIRMATION

1. This paper is presented by the Secretariat following an internal review of work in this field.

Background

2. CITES regulates international trade in specimens of species of wild fauna and flora through a system of permits and certificates, which are issued when certain conditions are met and which have to be presented when consignments of specimens leave or enter a country. Therefore, the functioning of the Convention at its most basic level depends on the validity of the documents used in transactions. Permit confirmation is a service to the Parties whereby the Secretariat assists them in verifying the authenticity and validity of CITES documents.
3. In the great majority of cases the Parties do not require or seek assistance from the Secretariat to confirm the validity of CITES documents. Either Management Authorities decide for themselves on the basis of their own information sources, including specimens of permit forms used by other Parties, or they contact directly the authorities in the exporting/importing country to verify the authenticity of documents and the accuracy of their contents. The latter approach is, in fact, recommended at paragraph IX b) in Resolution Conf.10.2. However, in a number of cases the Secretariat is asked to verify the validity and/or authenticity of a CITES document (usually export and re-export permits).
4. There are several reasons why Parties may ask the Secretariat to confirm documents.
  - a) The Secretariat operates in the three working languages of the Convention, and it is easier for an authority working in one language to ask for information from another authority working in a different language through the Secretariat.
  - b) The Party making the request may have a particular concern over a document, and therefore ask the Secretariat for an opinion on its validity. In many cases, the concern may involve the application of certain provisions that the Secretariat would be knowledgeable about (such as quotas), or it may involve the interpretation of Resolutions (particularly those that recommend conditions for trade). The concern may also involve cases where the particular species, methods or individuals involved might raise enforcement questions.
  - c) It may be recommended that a Party consult with the Secretariat under the text of certain parts of Resolutions, Decisions and Notifications to the Parties (e.g. Resolutions Conf. 9.5, Conf. 8.15 Annex 4a; Decisions 10.25, 10.29, 10.30).

- d) A Party may need access to information held by the Secretariat. A number of Resolutions require or recommend that Parties send certain information to the Secretariat, such as details of authorized signatures, stricter domestic measures, legal exporters (e.g. Resolutions Conf. 10.2 and Conf. 10.12b).
  - e) A Party may routinely ask for the Secretariat's assistance in confirming many or all documents presented to it. There may be such a requirement in its national legislation.
5. It must be noted, however, that permit confirmation by the Secretariat in no way alters, diminishes or replaces the responsibilities or obligations of the Parties specified in the Convention. It is still the responsibility of a Management Authority before issuing a permit to ensure that the conditions laid down by the Convention are met (as well as recommendations in Resolutions, to the extent possible). It is still the sole responsibility of a Management Authority to decide whether or not to accept a permit issued by another Management Authority. The Secretariat takes no decision on behalf of a Party or authority but rather provides its recommendation based on information available to it.

#### Practical aspects of permit confirmation

6. Parties usually submit a request for verification to the Secretariat by fax. The request will normally include a copy of the document that is to be verified. The staff assigned to permit confirmation duties will examine the document and determine whether it appears valid according to the provisions and Resolutions of the Convention and whether any conditions laid down in these have been met. The form and its authorizing signature are compared with the samples kept by the Secretariat. Other information, such as quotas, may be verified also. If the issuing country has already sent a copy of the permit to the Secretariat, it is compared to the faxed document to ensure a perfect match.
7. If there is a need for further information, the Secretariat will request from the issuing authority a faxed copy of the document, to verify the authenticity of the document, and/or additional information on the specimens concerned, for instance to verify the source of the specimens, e.g. captive-bred. In such cases, the Party that initiated the request is informed by fax that a request has been made to the issuing authority for additional information and that a response will be forthcoming.
8. In some instances the requesting Party asks that specific information on the document be verified by the Secretariat, such as the source of captive-bred specimens. In such cases the Secretariat formulates the request to the issuing authority, and passes on the reply accordingly.
9. In all cases, the details of the request, the permit and its contents, and all actions taken subsequently are entered into the Secretariat's permit confirmation database. The paperwork, along with a summarizing case sheet, is filed by its reference number. As of July 1998, in excess of 4200 permit confirmation requests/cases had been entered in the database.

#### Use of the permit confirmation service of the Secretariat

10. Permit confirmation is time and labour intensive. During 1997, only 32 Parties chose to make use of this service. That number fell to 27 in the period January to July 1998.
11. In 1997, France, Italy, Japan, Portugal and Spain accounted for 71 per cent of the confirmation requests. Requests from Italy and Japan represented 49 per cent of the total. In the period January to July 1998, Belgium, Italy, Japan, Portugal and Spain accounted for

82 per cent of the confirmation requests. Requests from Italy and Japan represented 60 per cent of the total.

12. It should be noted that all these Parties have adopted stricter domestic measures that involve the issuance of import permits for Appendix II species. Some of these Parties routinely appear to seek permit confirmation services from the Secretariat before issuing import permits.
13. Many Parties that have similar domestic measures do not, however, seek the same service. For example, in 1998, up to July, Italy and Japan had submitted 467 and 418 requests respectively. In comparison, Germany, Switzerland, the United Kingdom and the United States (all with similar domestic measures and all significant trading States) had made, respectively, 6, 15, 37 and 5 confirmation requests to the Secretariat.
14. The numbers of the above requests that led to a recommendation for rejection were as follows:

|                |     |
|----------------|-----|
| Italy          | 29  |
| Japan          | 64  |
| Germany        | Nil |
| United Kingdom | 15  |
| United States  | 4   |

#### Reasons for rejection

15. The Secretariat has tended to adopt a strict approach to permit confirmation and will recommend to requesting Parties that they reject permits and certificates that do not comply with Resolution Conf. 10.2. Issuing Parties that do not respond to requests from the Secretariat for further information within a period of 14 days are advised that a recommendation for rejection may be given to the enquirer as the Secretariat is committed to processing requests in a timely manner. The Secretariat, of course, also recommends rejection where there are reasonable grounds to suspect that illicit trade is being attempted.
16. The following are common grounds for recommendation of rejection:
  - a) permit or certificate has been altered and issuing authority has not endorsed the correction;
  - b) mistake relating to exporting country's quota for species in question;
  - c) pre-convention certificate gives no date of acquisition;
  - d) permit form and/or signature does not correspond to samples held by the Secretariat;
  - e) insufficient detail provided for species, source and/or prior exporting country;
  - f) species does not occur in country of export;
  - g) incorrect use of purpose or source codes creates doubt or confusion;
  - h) re-export certificate quotes a number of an export permit that does not relate to the specimen being shipped;

- i) commercial trade in specimens of Appendix-I species (other than captive-bred or artificially propagated);
- j) captive-breeding or artificial propagation declarations do not comply with Resolution Conf. 10.16; or
- k) the permit/certificate itself appears fraudulent.

### Observations

17. Permit confirmation is an appropriate and relevant duty for the Secretariat to perform as a service to the Parties. However, the review raises a number of issues that the Secretariat believes brings in to question whether the service is being used in an efficient manner and whether a different approach should be taken to this subject.
18. The majority of Parties apparently see no need to seek permit confirmation advice from the Secretariat. It follows, then, that a minority of Parties is benefiting from the Secretariat's service.
19. The Secretariat, regrettably, has regularly to recommend rejection of permits or certificates because of what might be regarded as very basic mistakes by issuing authorities. A greater degree of care on the part of those authorities could eradicate these problems. The issuance of permits for species that do not occur in the country of export or for species that should not be traded commercially are, however, serious infractions of the Convention. It is apparent that several Parties require to exercise increased scrutiny of applications for permits and certificates with regard to these matters.
20. It is clear to the Secretariat that fraudulent applications are relatively common, and it believes these could be detected at an earlier stage if Management Authorities increased scrutiny.
21. Permit confirmation work by Secretariat staff identifies infractions of the Convention. The majority may be regarded as 'technical' in nature. The work also helps to detect examples of what appear to be illicit trade. Twenty-two per cent of the cases quoted in the review of alleged infractions prepared for the 10th meeting of the Conference of the Parties resulted from permit confirmation duties in the Secretariat.
22. It should be noted, however, that if Parties had not initially requested confirmation of the relevant permits the Secretariat would have had no opportunity to identify these incidents. The Secretariat presumes that individual Management Authorities are also detecting infractions through their own permit confirmation activities. If so, it receives very little information regarding that.
23. There is a statistically significant correlation between requests for permit confirmation emanating from specialized enforcement units and subsequent recommendations for rejection.
24. The number of 'technical' errors in permit and certificate issuance and control indicate a requirement for increased training in some Management Authorities, Scientific Authorities and Customs agencies.
25. Routine permit confirmation does not appear to be justified. However, Management Authorities who only seek confirmation from the Secretariat for permits and certificates

when they have real doubt over their validity, tend to have their actions justified by recommendations for rejection.

26. The fact that not all Parties seek a permit confirmation service from the Secretariat produces an imbalance in the information stored and, subsequently, does not allow meaningful interpretation of records in the Secretariat's database.
27. The elimination of routine permit confirmation requests could allow a percentage of the Secretariat's Enforcement Assistance Unit staff to be deployed to more cost-effective and useful duties.

#### Recommendations

28. As a result of this review, the Secretariat offers two options for permit confirmation in the future.
  - a) Parties that use the services of the Secretariat for routine permit confirmation could be expected to pay for that work. Currently, a minority of Parties is significantly impacting upon the Secretariat's resources. If this routine work is to continue, a fee for each permit confirmed might be charged. The Secretariat points out that present resources would be completely overwhelmed should more Parties seek routine permit confirmation services from the Secretariat.

The current costs for the two posts designated within the Secretariat to cope with this work are as follows:

|                               |             |
|-------------------------------|-------------|
| Permit Confirmation Officer   | 139,667 CHF |
| Permit Confirmation Assistant | 122,000 CHF |

- b) The alternative option is that routine requests for permit confirmation should cease. The posts of Permit Confirmation Officer and Permit Confirmation Assistant could then be re-classified as Assistant Enforcement Officer and Data Assistant. Whilst these staff would still address targeted permit confirmation issues, i.e. verifying permits and certificates when Management Authorities have real concern as to their validity and/or authenticity, the removal of routine permit confirmation requests would allow the resulting time to be dedicated to global enforcement issues. The Secretariat favours this option.
29. The Secretariat also suggests, to increase efficiency generally, that the following issues are addressed by the Parties, regardless of what option is chosen:
  - a) Training for permit issuing personnel within Management Authorities should be increased.
  - b) Training for enforcement personnel whose work necessitates inspection of CITES documents should be increased.
  - c) Parties should follow recommendation IX b) of Resolution Conf. 10.2 but should consult the Secretariat whenever a serious infraction or case of illicit trade is suspected.
  - d) The Secretariat should be entitled to carry out spot-checks on Parties' permits to provide an overview of compliance with Resolution Conf. 10.2 and to help maintain common standards.