

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

Forty-first meeting of the Standing Committee
Geneva (Switzerland), 8-12 February 1999

Implementation of the Convention in individual countries

Enforcement matters

CUSTOMS PROCEDURES

This document was prepared by the Secretariat.

1. The World Customs Organization (WCO) currently has 150 member countries. The General Secretariat of WCO, based in Brussels, has as part of its responsibilities the co-ordination of the Kyoto Convention.
2. Established in 1973, the Kyoto Convention seeks to harmonize Customs controls on the global level. The Convention has a considerable number of appendices (eighteen), and countries that choose to accede to the Convention can enter reservations in relation to specific provisions of the Convention itself or its appendices. Sixty-one countries are now Parties to the Convention. Some 118 reservations have been entered.
3. At a recent meeting of directors-general of Customs authorities from around the world it was decided that the Kyoto Convention should be revised and amended, to make the Convention more acceptable to countries and also to take account of the advances in technology and Customs practices that have changed since its establishment.
4. One development that has been identified during a study of the Kyoto Convention is the dramatically different approach to Customs control since 1973. It is recognized that the sheer scale of international commerce has led Customs authorities to move away from routine inspections at borders. Free trade agreements, such as those in the European Union and North America, combined with discussions in the World Trade Organization, have produced a situation where Customs now deliberately avoid routine inspection of shipments. Considerable effort and emphasis are now required to assess risk and to create profiles, so that only targeted shipments are actually inspected by Customs personnel.
5. Recent discussions in the WCO indicate that this will become increasingly the standard approach and Customs will tend to conduct post-import audits rather than border control inspections.
6. CITES relies heavily on Customs authorities to implement and enforce the Convention. It is expected that Customs staff will participate in the control, verification and endorsement of the permits and certificates that the Convention requires.
7. It has become evident through the Secretariat's permit confirmation work that fewer shipments are now subject to Customs control and inspection. Many export and re-export documents, of the format recommended in Resolution Conf. 10.2, have no entries in the export control box.

8. Any lack of inspection provides opportunities for the export and re-export of specimens that do not match the information on CITES documents. Lack of inspection also prevents Management Authorities from maintaining information and control of the actual number of specimens exported, which is particularly important where national quotas have been established.
9. The Secretariat believes that a reduction in the number of physical inspections of exports and imports adversely affect implementation and enforcement of the Convention and that current practices do not reflect the intentions of the Convention and of many Resolutions. Given that the WCO envisages a further reduction of physical inspections, verification and endorsement of CITES shipments, the Secretariat recommends that the methods for practical control of international trade in specimens of CITES-listed species be reviewed as a matter of urgency.
10. Whilst the revisions envisaged by WCO may take several years to implement, it is timely that the Parties take cognizance of changes that will have considerable impact upon the implementation of CITES.
11. The approach to Customs controls envisaged by WCO might have the effect of removing many of the implementation checks foreseen by the Convention.
12. The Secretariat recommends that the Standing Committee consider establishing a working group to consider this issue and that the subject be brought to the attention of the 11th meeting of the Conference of the Parties.