

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

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Forty-fifth meeting of the Standing Committee  
Paris (France), 19-22 June 2001

Interpretation and implementation of the Convention

Implementation of the Convention in individual countries

ENFORCEMENT MATTERS

CITES Alerts

1. In September 2000, the Secretariat introduced an Alert system whereby it distributes confidential information to CITES Management Authorities and to enforcement agencies, which should assist them to target and combat illicit trade and wildlife crime. So far, Alerts have been issued relating to intelligence in general, illicit trade in caviar, fraudulent CITES documents, smuggling of birds from China and illicit fishing of and trade in *Strombus gigas*. ICPO-Interpol and the World Customs Organization cooperate by disseminating the information to their member countries. In preparing the Alerts, the Secretariat makes full use of its Trade Infraction and Global Enforcement Recording System (TIGERS) computerized database.
2. The Alert system appears to have been very well received in the enforcement community and fulfils the Secretariat's commitment to the Conference of the Parties that it would be more pro-active in making use of the information supplied to it, conducting analyses of illicit trade, and distributing the results. Regrettably, however, relatively few Parties submit information regarding illicit trade and traders. The Secretariat could do much more in this field if its database contained more intelligence.

Democratic Republic of the Congo

3. During the latter part of 2000, the Secretariat learned of false CITES documents being issued by rebels in parts of the Democratic Republic of the Congo. These had been used, for example, to export chimpanzees to a neighbouring country and it is suspected the animals were destined for the bushmeat trade. The Secretariat brought this to the attention of the CITES Management Authority of the Democratic Republic of the Congo, and the country of import, and issued an Alert on the subject. The Secretariat is aware that the CITES Management Authority of the Democratic Republic of the Congo sought the assistance of the World Customs Organization in bringing this matter to the notice of Customs authorities.
4. In December 2000, the Secretariat learned of further fraudulent exports from the Democratic Republic of the Congo but this involved the misuse of permits issued by its Management Authority. Investigation uncovered large-scale illicit exports involving the alteration of genuine export permits, whereby the quantity of specimens authorized and the exporter details were changed. In one instance alone, permits authorizing the export of only two birds were used to export 1,000 birds to two different countries. It appears that

shortcomings in document and shipment control at the time of export may have been largely responsible for the fact that this misuse of permits went unnoticed by the Management Authority. The Secretariat has evidence indicating that such frauds were occurring on a regular basis between 1998 and 2000.

5. During the course of its inquiry into this matter, the Secretariat received information indicating that either someone in the Management Authority was acting improperly or that communications to that office were being intercepted. The Secretariat expressed its concern to the Management Authority of the Democratic Republic of the Congo and provided a number of recommendations for combating fraud. It discussed the issue with the Permanent Mission of the Democratic Republic of the Congo to the United Nations and other international organizations in Geneva. A file on the matter was also passed to ICPO-Interpol.
6. The nature and scale of the frauds prompted the Secretariat, on 9 February 2001, to issue Notification to the Parties No. 2001/02 (Verification of export permits), recommending that no permit or certificate issued by the Democratic Republic of the Congo should be accepted until its validity had been confirmed by the Secretariat.
7. The Secretariat believes, however, that this should only be a temporary measure, that it is not appropriate that exports from a Party should require to be authenticated by the Secretariat and that it is the responsibility of exporting countries to do their utmost to combat fraudulent trade.
8. The Secretariat has received assurances from the Management Authority of the Democratic Republic of the Congo that it has put in place measures to prevent a re-occurrence of such problems and that an investigation has commenced to uncover the culprits. The Secretariat has yet to receive, however, any information regarding the progress of the investigation or any details regarding the improvement in export controls that it had recommended. The Secretariat suggests that the Standing Committee recommend to the Parties to suspend the import of CITES-listed specimens from the Democratic Republic of the Congo if the Secretariat is unable to report to the Committee a significant improvement in CITES controls.
9. The Secretariat wishes to express its appreciation of the assistance provided by UNEP-WCMC and the CITES Management Authority of the Czech Republic during its inquiry.

#### United Arab Emirates

10. The Secretariat wishes to draw the attention of the Standing Committee to its increasing concern regarding illegal trade involving the United Arab Emirates.
11. The Secretariat regularly receives reports, from a variety of official and informal sources, of the smuggling of CITES-listed specimens to the United Arab Emirates. In particular, the country is regarded as a destination for illicit trade in falcons and the Secretariat has several records of smugglers being intercepted as they were about to board flights to Dubai. It has received reports of Appendix-I parts and derivatives being openly on sale in domestic markets, which could not reasonably be expected to have entered the country legally, and of cheetah cubs being smuggled to the United Arab Emirates to be trained for hunting purposes.
12. The Secretariat has learned that in late 2000, shipments of caviar were apparently leaving the United Arab Emirates using pre-Convention certificates, allegedly issued by the CITES Management Authority. It wrote to the Management Authorities of the United Arab

Emirates and the country of destination, pointing out that this was contrary to the recommendation of Notification to the Parties No. 1999/23 (Trade in pre-Convention caviar) that pre-Convention declarations of caviar should not be accepted after 1 April 1999. It also sought clarification from the United Arab Emirates whether the certificates were genuine or not but has received no response.

13. The Secretariat has written eight times to the CITES Management Authority of the United Arab Emirates since October 2000, providing advice for combating illicit trade but has received only one response. It has also offered to conduct a mission to the country to discuss enforcement issues in detail but has received no response to that offer.
14. The Secretariat understands that, at present, there is a diversity of approaches to the implementation of CITES among the various emirates but that this may be changed by a federal law that, according to media reports, will take effect later in 2001. Such a change may offer an ideal opportunity to work with the United Arab Emirates to achieve effective implementation of the Convention. The Secretariat's ability to provide substantial support is, however, severely limited by its current budgetary restrictions.
15. There is little doubt, though, that the increasing number of reports the Secretariat receives and, importantly, the increasing number of media articles about illicit trade and the United Arab Emirates is promoting a very negative image of the country. The Secretariat is seeking the support of the Standing Committee and the relevant Regional Representatives to encourage the United Arab Emirates to work more closely with the Secretariat to combat illegal activities. If its offer to conduct a mission is accepted, the Secretariat may require donor support to fund such work.

#### Export quotas

16. The Secretariat welcomes the fact that an increasing number of Parties establish annual export quotas. Not only should this demonstrate sustainable management of wildlife resources and the making of non-detriment findings, it can also assist the detection and deterrence of illegal shipments.
17. The Secretariat is, however, concerned by the evidence that some Parties are failing, to a significant degree in a few cases, to establish and manage such quotas in a proper manner. The Secretariat, within its limited resources and where appropriate, is scrutinizing quota information supplied to it and requesting additional information prior to notifying the Parties of such quotas. There have been cases where Parties have advised the Secretariat of export quotas for species that are the subject of recommendations for suspension of imports under the Significant Trade Review.
18. The Secretariat is also aware of some Parties whose annual export quotas appear to have been significantly exceeded and it is working in conjunction with UNEP-WCMC and importing countries to confirm the scale of the problem. Where the Secretariat is unable to resolve these issues with individual Parties, it intends to inform the Standing Committee so that appropriate action can be taken.
19. The Secretariat recognizes that differences in reporting formats and a lack of timely submission of annual reports make the monitoring of quota management extremely difficult, especially from an international perspective. It also acknowledges that, at national levels, control of quotas can be problematic. The fact remains, however, that failure to implement adequate controls can not only lead to quotas being exceeded but can also enable situations to develop where illicit trade goes unnoticed for lengthy periods and plays into the hands of unscrupulous traders.

20. The Secretariat is aware that a number of Parties, having established annual export quotas, then divide the quota and allocate it to specific traders. In some cases, export permits appear to be issued at this stage, traders having provided details of intended destinations and quantities that will be exported. The Secretariat believes that such an approach is open to abuse and often results in the need to cancel permits and issue replacements when either a destination is altered or the export does not occur within the expected time period. The Secretariat has noted cases where a single permit has been cancelled and replaced on four occasions.
21. The Secretariat offers the following advice to assist in quota management and combating fraudulent use of permits and certificates:
- traders should be encouraged to apply for permits and certificates shortly before the time of intended export and not at the beginning of a year or harvest season;
  - issuing authorities should require as much detail as possible about the quantity to be exported and endorse permits and certificates accordingly. It is common for permits and certificates to be issued with quantities in round figures, e.g. 50 or 100, which may not accurately reflect what will actually be exported;
  - no replacement permit or certificate should be issued until the original has been returned to the issuing authority;
  - if a trader claims to have used a permit or certificate for the export of a smaller quantity than was originally authorized and requests another permit or certificate for the remainder, the original document should be inspected and proof of the number exported should be obtained before any new permit or certificate is issued and;
  - document and shipment inspections should be conducted at the time of export. This should be regarded as essential for live animal shipments.
22. The Secretariat believes that there is scope for exporting and importing countries to work more closely bilaterally to improve quota management and identify problems at an early stage.

### Security stamps

23. Resolution Conf. 10.2 (Rev.), section I, RECOMMENDS paragraph m), recommends that Parties use security stamps. Approximately one third of Parties to the Convention use security stamps at present. Historically, however, the number has been diminishing.
24. The subject of security stamps was raised by Argentina at the 43rd meeting of the Standing Committee (Gigiri, Kenya, April 2000), following the discovery by that country of some stamps being forged. The Secretariat records its appreciation of the work conducted by Argentine enforcement authorities regarding that matter. The Secretariat undertook to study this subject and report subsequently to the Standing Committee.
25. The subject of misuse or forgery of security stamps will be reported upon orally to the Committee but the Secretariat also wishes to address the matter in general terms.
26. In Notification to the Parties No. 2000/068 (Security stamps) the Secretariat advised Parties that the original stock of sheets of blank stamps, which are numbered according to requirements, was expected to be exhausted in 2001 and that a fresh production would probably result in an increase in the cost to Parties. It requested that Parties who wished to

continue using security stamps, and were willing to accept an increase in price, advise the Secretariat accordingly. Eighteen Parties responded, of which 16 were in favour of continuing the use of security stamps.

27. In light of the responses, the Secretariat entered into detailed discussions with the printer of the stamps. The Secretariat hopes to be in a position to advise the Committee that its negotiations with the printer will lead to the production of a new standard of security stamp, a better service to the Parties, a reduction in administration and cost to the Secretariat and a final cost to the Parties less than was expected at first.
28. The Secretariat is conscious that an increasing number of Parties are generating permits and certificates electronically and that such documents are not always printed on security paper. It is also aware that a number of Parties are beginning to use electronic signatures, although not all countries recognize such signatures as 'legal'. It may be, therefore, that security stamps can have an important role in combating misuse and forgery of permits and certificates. The Secretariat will cover such issues in greater detail during its oral report.