

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

Forty-sixth meeting of the Standing Committee
Geneva (Switzerland), 12-15 March 2002

Interpretation and implementation of the Convention

Implementation of the Convention in individual countries

ENFORCEMENT MATTERS

Democratic Republic of the Congo

1. At its 45th meeting the Standing Committee considered a report by the Secretariat in which it drew the Committee's attention to concerns regarding serious levels of illicit trade in wildlife. The Committee adopted the following decision:

"The Standing Committee agreed that the Secretariat should distribute a Notification to the Parties recommending that, until further notice, the Parties refuse any import of CITES-listed specimens from and any export or re-export of such specimens to the Democratic Republic of the Congo. The Secretariat shall issue a Notification to the Parties withdrawing this recommendation when it is satisfied that the Democratic Republic of the Congo: has adequately investigated the fraudulent use of permits and certificates that have been identified to it by the Secretariat; has put in place measures to eliminate, as far as reasonably practical, the abuse or misuse of permits and certificates issued by its Management Authority; and has implemented adequate export controls, particularly for live specimens. Such satisfaction should be verified by a mission of the Secretariat to the Democratic Republic of the Congo, prior to and during which the Secretariat shall provide relevant technical advice and support."

2. On 9 July 2001 the Secretariat distributed Notification to the Parties No. 2001/039, putting the Standing Committee's recommendation for a suspension of trade in specimens of CITES-listed species into effect.
3. The Secretariat has continued to work with, and provide technical assistance to, the Democratic Republic of the Congo in an effort to assist its implementation of the Convention.
4. The Minister of Land Management, Environment and Tourism wrote to the Secretariat on 4 September 2001 detailing the actions that had been taken by the Democratic Republic of Congo in relation to the specific issues raised in the Standing Committee's decision. During subsequent correspondence between the Secretariat and the Minister, it was agreed that Secretariat staff would undertake a mission to Kinshasa from 30 October to 1 November 2001 to learn more about the Government's efforts to investigate CITES permit fraud, eliminate future misuse or abuse of permits and implement adequate export controls.
5. In addition to meetings with the Minister of Land Management, Environment and Tourism and with the Secretary-General for Environment at the beginning and the end of the mission, the Secretariat staff were able to have discussions with representatives of the CITES Management Authority, the two Scientific Authorities, Interpol, Customs, the government service responsible for goods inspection, a national airline company, the federation of wildlife traders, individual trading companies and interested NGOs.

6. The Minister took up his post in April 2001. The Secretariat staff were impressed by his substantive knowledge of CITES and natural resource management issues as well as his strong commitment to improving CITES implementation. During the mission, they identified and reviewed a number of initiatives that had been taken by the Government to address the three major enforcement issues outlined in the decision of the Standing Committee, to improve cooperation and communication between the Management Authority and various agencies in charge of enforcing CITES, and to enhance collaboration with neighbouring countries with regard to the implementation of CITES and cross-boundary controls.
7. Secretariat staff concluded, however, that further steps were needed to make various initiatives (including institutional and procedural arrangements) fully operational. A detailed written verification mission report would identify specific matters needing further attention or development. In the interim, and until the various specific matters are addressed, the Secretariat stated that it was not possible to withdraw the recommendation of the Standing Committee. During the mission the Secretariat staff indicated to the CITES Management Authority and to the Minister that the Secretariat is very willing to provide practical and technical assistance to the Democratic Republic of Congo, if desired, with a view to working towards the withdrawal of the recommendation to suspend trade in specimens of CITES-listed species.

United Arab Emirates

8. At its 45th meeting, the Standing Committee considered a report by the Secretariat, which drew the Committee's attention to concerns regarding serious levels of illicit trade in wildlife. The Committee adopted the following decision:

“The Standing Committee recommended that the United Arab Emirates should, as soon as possible, invite a mission by the Secretariat to discuss illicit trade in CITES-listed specimens to and from that country; to provide technical advice and support; and to examine the measures in place to implement the Convention in the United Arab Emirates. The Committee agreed that if, by 31 October 2001, such an invitation has not been received and the Secretariat has been unable to satisfy itself that the United Arab Emirates is adequately implementing the Convention, the Secretariat shall distribute a Notification to the Parties recommending that, until further notice, the Parties refuse any import of specimens of CITES-listed species from and any export or re-export of such specimens to the United Arab Emirates.”
9. Following the 45th meeting, the Secretariat continued to communicate with the United Arab Emirates in an effort to assist its implementation of the Convention. However, it also began a detailed assessment of the re-exports of caviar from the country, as it believed that much of the caviar being traded was of questionable origin. This investigation revealed that caviar with a wholesale value in excess of CHF 35,000,000 had been re-exported from the United Arab Emirates in the first ten months of 2001. The Secretariat communicated its findings to the Management Authority of the United Arab Emirates and recommended that it start its own investigation into the trade.
10. In the meantime, the Secretariat encouraged the United Arab Emirates to invite a mission to discuss implementation of the Convention and, in particular, the decision of the Standing Committee. An invitation was received for a mission to take place immediately before the deadline established by the Committee.
11. The mission was undertaken from 27 October to 1 November 2001. Secretariat staff had an opportunity to meet with a range of government officials and non-government consultants engaged in environmental and wildlife issues. It had lengthy discussions with Management Authority staff and visited captive-breeding facilities, animal markets and rescue centres. Whilst the Secretariat saw many impressive facilities and met with many dedicated and enthusiastic individuals, it was unfortunately also clear that the United Arab Emirates was not adequately enforcing the Convention. In particular, the Secretariat staff noted the following: many of the

officials responsible for enforcing and administering CITES were inadequately trained and equipped for the task; border controls were inadequate; permits and certificates were being issued and accepted contrary to the provisions of the Convention and Resolutions; national legislation did not provide for proper enforcement or penalization; and there was evidence of substantial volumes of illicit trade.

12. During its mission, the Secretariat was assured by government officials, including the Minister for Foreign Affairs, that immediate remedial action would be taken to solve the problems it had identified. However, the United Arab Emirates subsequently failed to provide evidence that it had taken such steps or had followed the basic recommendations that the Secretariat had identified as being essential to effective implementation of CITES. Consequently, on 20 November 2001, the Secretariat issued Notification to the Parties No. 2001/079, putting into effect the Standing Committee's recommendation that Parties suspend trade in specimens of CITES-listed species with the United Arab Emirates.
13. The Secretariat has maintained contact with the CITES Management Authority of the United Arab Emirates and is providing practical and technical assistance with a view to working towards the lifting of the recommendation for a suspension of trade.

Russian Federation – Trade in caviar

14. At its 45th meeting, the Standing Committee reached an agreement with Azerbaijan, Kazakhstan, the Russian Federation and Turkmenistan regarding measures that should be adopted to enable the harvesting of sturgeon and the export of sturgeon specimens. One such measure was that the Secretariat should, in conjunction with Interpol and the World Customs Organization, conduct a study of enforcement needs for implementing CITES and measures in national legislation aimed at combating illegal harvesting and trade.
15. Such a study was conducted in the Russian Federation between 19 and 28 November 2001. The team conducting the study visited Astrakhan and Moscow and met with officials from the State Committee for Fisheries of the Russian Federation, the Astrakhan Oblast, the Fishery Protection Directorate, the Ministry of Internal Affairs, the Federal Frontier Service, the Regional Customs Authority, the Regional Prosecutor's Office and the Federal Security Service.
16. A confidential report has been prepared following the study, which has been supplied to the CITES Management Authorities of the Russian Federation. It makes recommendations relating to the following subjects: export of caviar to international markets; control of domestic trade in caviar; anti-poaching activities; tackling organized crime; the possible involvement of legal traders in illicit activities; and legislation. The Secretariat can provide further information orally at the 46th meeting of the Standing Committee if desired.
17. At the time of writing, winter conditions affect much of the areas of the Caspian Sea where sturgeon fishing is conducted and there will be no further enforcement-needs studies until the spring of 2002.