

Interpretation and Implementation of the Convention

REVIEW OF ALLEGED INFRACTIONS AND OTHER PROBLEMS OF IMPLEMENTATION OF THE CONVENTION

Report of the Secretariat

Introduction

The Convention can not be effective without collective efforts by all the Parties to comply with its provisions. When measures are not taken by the Parties to strengthen CITES implementation in areas where significant weaknesses occur, the effectiveness of the Convention is seriously undermined. As certain populations of species of wild fauna and flora throughout the world come under increased pressure of exploitation, the importance of implementing the Convention to ensure that international trade is not detrimental to the survival of those populations also increases.

Article XIII of the Convention stipulates that the Conference of the Parties must examine all cases where the Secretariat considers that the provisions of the Convention are not being effectively implemented. In addition, Article XII, paragraphs 2(d) and 2(g), provides a broad mandate for the Secretariat to request information, to collect data on matters that relate to the implementation of the Convention, and to report on these to the Conference of the Parties. When infractions of the Convention are detected by the Secretariat, it may recommend that Parties take certain remedial measures to implement the Convention properly. These recommendations are often heeded by the Parties concerned and the matter is concluded successfully. However, in other cases, the recommendations of the Secretariat are not implemented. If matters of non-compliance by Parties are of a serious and ongoing nature, the Secretariat may present them to the Standing Committee for further consideration, as provided by Resolution Conf. 7.5.

Implementation and enforcement are not the same. Enforcement of the Convention concerns measures to ensure that the trade in specimens of CITES-listed species does not occur without being covered by valid permits or certificates. Such measures are often linked with national laws that provide for criminal penalties for non-compliance. The implementation of some other provisions of the Convention is solely the responsibility of the Management Authorities and the Scientific Authorities of the Parties. Although the emphasis of this report is on matters that concern CITES enforcement, it also addresses infractions of these other provisions.

By means of Notification to the Parties No. 806 (10 June 1994), a draft version of the Annex of this report, containing summaries of alleged infractions and other problems of implementation of the Convention, covering the period 1 October 1991 to 15 April 1994, was transmitted to the Parties for their comments. Several Parties responded to the Notification. Their general observations have been taken into account without any amendments to the report. Comments from the Parties and other information received by the Secretariat between 15 April and 1 August 1994 that related to a particular case and provided complementary information have been included in the case summary. However, in order to ensure that the Parties were given the opportunity to comment on all of the summaries of alleged infractions, information received during this same period regarding alleged infractions not mentioned in Notification No. 806 is not included in the report.

The primary objective of this report is to provide to the Parties the following information:

1. general discussion on infractions of specific provisions of the Convention and non-compliance with Resolutions that guide the interpretation of the Articles of the Convention;
2. measures proposed by the Secretariat, including a draft Resolution, amendments to existing Resolutions and decisions of the Conference of the Parties, to improve CITES implementation in areas not addressed previously by the Parties; and
3. summaries of:
  - a) major cases where it appears that significant attempts (successful or unsuccessful) have been made to evade the provisions of the Convention;
  - b) serious CITES implementation problems of certain Parties, some of which have been brought before the Standing Committee;
  - c) general problems of CITES implementation that are not specific to one Party and continue to appear on a regular basis; and
  - d) successful enforcement actions.

This report is presented in two parts and one Annex with nine sections, as follows:

- Part I: Infractions of the provisions of the Convention and non-compliance with resolutions
- Part II: Measures proposed by the Secretariat
- Annex: Summaries of alleged infractions

Section	Description
1	Major cases
2	Trade in Appendix-I live animals
3	Trade in Appendix-I animal parts and derivatives
4	Trade in Appendix-II live animals
5	Trade in Appendix-II animal parts and derivatives
6	Trade in Appendix-III animals
7	Trade in plants (all appendices)
8	Other trade problems
9	Other enforcement actions

Section 1 of the Annex focuses, at least in part, on problems of weak implementation of CITES by certain Parties. However, throughout the remainder of the Annex, many of the summaries present examples of problems that apply not only to the Parties specified but to other Parties as well. Therefore, this report should be

used with the goal of improving implementation of CITES, and not to criticize Parties perceived to be at fault in particular instances. The Secretariat is aware that Parties that regularly inform the Secretariat of the infractions they have discovered are likely to appear in this report more often than those Parties that do not provide such information. Furthermore, numerous cases have been dealt with by the Parties, either properly or not, without the Secretariat's knowledge. There are also many cases of which the Secretariat is aware, but has not included in the report, either because they are similar to other cases that have been included or because they are considered not to be of sufficient overall importance for review by the Parties.

In general terms, the Secretariat believes that the control of the trade in specimens of CITES species by many Parties is improving but continues to be inadequate. CITES authorities are often lacking in proper infrastructure to monitor trade effectively, thus preventing the dual system of controls from working properly in importing and exporting

countries. National legislation often does not have provisions to penalize illegal trade and to allow for the confiscation of illegally traded goods. Unfortunately, governments often either fail to realize or choose to ignore the potential long-term economic and intrinsic value of their native wildlife or that of other countries. Countries in the developed world are to be blamed as much as developing countries for ignoring the requirements for implementation of CITES. A poor economy may be a plausible excuse for inadequate CITES controls in a developing country, but inadequate controls in the developed world are more likely to be the result of a lack of political will by governments.

Improved implementation of CITES, resulting in a decrease in the number of infractions, depends on increased co-operation between the Parties and on co-ordination with the Secretariat. The Secretariat hopes that this report will result in constructive discussion by the Parties of problems noted in this report, and that Parties will seek mechanisms, including those proposed by the Secretariat in Part II of the report, to reduce or eliminate these problems.

## PART I: INFRACTIONS OF THE PROVISIONS OF THE CONVENTION AND NON-COMPLIANCE WITH RESOLUTIONS

**Note:** Throughout this Part, summary numbers are mentioned in parentheses. These numbers refer to summaries of alleged infractions and other implementation problems described in the Annex of this report that apply to a particular Article of the Convention or Resolution.

### Article III: Regulation of Trade in Specimens of Species Included in Appendix I

#### 1. General

Since its last report on alleged infractions, the Secretariat has received a great deal of information on the smuggling of specimens of species included in Appendix I (*summaries 1-7; 2-15; 3-16; 3-17*). In some instances, CITES authorities took few, if any, measures to investigate the presence of large numbers of specimens suspected to be of illegal origin (*summaries 1-3; 1-6*).

The Convention does not exempt persons with diplomatic immunity from its provisions. CITES documents are therefore required for any international movement of specimens of species listed in its appendices. The Secretariat continues to be greatly concerned about the abuse of diplomatic privileges to facilitate the smuggling of specimens included in Appendix I (*summary 1-12, references 50620, 50782, 50827, 50894 and 51095*).

Resolution Conf. 4.12 urges Parties to vigorously enforce the provisions of Article III of the Convention with respect to tourist souvenirs of Appendix-I species, as the exemption for personal effects does not apply to tourists returning home with Appendix-I specimens. During several missions, staff members of the Secretariat have observed Appendix-I specimens being offered for sale to tourists in shops and on the street (*summaries 8-45; 1-3*). While the internal trade in CITES specimens is not regulated by CITES, violations of the Convention occur when the specimens are imported by tourists returning to their countries of residence.

#### 2. Paragraphs 2(d) and 4(c): Issuance of Export Permits and Re-export Certificates

For specimens of Appendix-I species, paragraph 2(d) states that export permits for any specimens must be issued only after an import permit has been issued. Paragraph 4(c) states that this requirement shall also apply to the re-export of live specimens, in part to

ensure that the proposed recipient of the specimens is suitably equipped to house and care for them. In several instances, the Secretariat has found that an export permit or re-export certificate has been issued before an import permit has been issued, in contravention of these requirements.

#### 3. Paragraph 3(c): Issuance of Import Permits

An import permit for a specimen included in Appendix I should not be issued if the import is for primarily commercial purposes. The Secretariat is aware of several instances where this provision was contravened, although Resolution Conf. 5.10 cautions that any transaction that is not wholly non-commercial should be considered as commercial (*summary 1-8, reference 50939*).

### Article IV: Regulation of Trade in Specimens of Species Included in Appendix II

#### 4. General

The smuggling of specimens of species included in Appendix II continues to be a significant problem (*summaries 1-9; 4-18; 4-22; 4-23; 4-26*). In some cases, the authorities in importing countries appear to have taken little action to stop such violations (*summaries 1-5; 4-19*). There have been several cases where persons who have obtained permits for the export of specimens, including hunting trophies and did not present the permits at the time of import (*summaries 5-27; 5-30, reference 50679*).

#### 5. Paragraph 2: Issuance of Export Permits

Before an export permit is issued, the Scientific Authority must determine that the proposed transaction will not be detrimental to the survival of the species. Obviously, no such determination can be made if a Scientific Authority has not been designated or if its members have not been appointed. The Secretariat is also aware of instances where the Scientific Authority was not consulted before export permits were issued (*summary 1-2*). Certain Parties have also issued export permits

without determining whether the specimens originated in their countries (*summary 5-32, reference 50907*), or have issued such permits for specimens of which export was prohibited by national legislation (*summaries 1-5; 8-38, reference 50905*).

6. Paragraph 3: The Monitoring of Trade by Means of National Quotas

Several Parties have established national export quotas for some of their species included in Appendix II (or Appendix III), to help ensure the maintenance of viable wild populations of these species. In setting these quotas for significantly traded species, Parties often follow the recommendations of the Animals Committee, in accordance with Resolution Conf. 8.9. Parties also seek the advice of the Secretariat in setting other annual export quotas, which may be based on the results of CITES-sponsored field studies or other available information.

Resolution Conf. 8.5, recommendation j), states that Parties that have established annual export quotas for species included in Appendix I (for non-commercial purposes), II or III should indicate on each export permit the total number of specimens already exported and the quota for the species concerned.

The Secretariat has observed that:

- a) only a small number of Parties have provided on their permits the information on national quotas specified in Resolution Conf. 8.5, recommendation j), or have even informed the Secretariat about the annual export quotas that they have established;
- b) after requesting the Secretariat to communicate to the Parties information on species with a zero national quota (including species whose export from the country is prohibited), Parties have then, without notifying the Secretariat, issued special authorizations to export specimens of those same species. These actions may have been a result of political pressure or of pressure from traders (*summary 8-38, reference 50905*); and
- c) having set quotas, certain Management Authorities have not exercised adequate control of the specimens being exported (*summaries 1-2; 4-25*).

**Article V: Regulation of Trade in Specimens of Species Included in Appendix III**

7. General

The import of any Appendix-III specimen requires the prior presentation of an export permit if the specimen originates in a State that has included the species concerned in Appendix III, or a certificate of origin if the specimen is from any other State.

Requests to the Secretariat for validation of Appendix-III permits and certificates have revealed that some exporting Parties do not use correct CITES documents for trade in specimens of Appendix-III species (*summary 6-33, reference 51119*). Some documents used for the export of specimens of species included in Appendix III do not contain all the information required in CITES permits. The use of such documents may cause the omission of Appendix-III trade data from annual report records.

The Convention requires the information provided on the export permit or certificate to correspond to the contents of a consignment of CITES specimens, but such documents often do not contain accurate information. As a result, at least one Party in the European Community has been more concerned that the contents of the consignment correspond to the application for import than with the information on the

export permit/certificate (*summary 6-34, reference 51185*), and has imported of specimens of species not named on the export permit or certificate, contrary to the Convention.

Resolution Conf. 5.8 clarifies the provisions of Article VI, paragraphs 1 and 3, by recommending that certificates of origin issued for the export of specimens of species included in Appendix III only be issued by a Management Authority competent to grant permits and certificates and that Parties do not accept certificates of origin unless they are issued by such an authority. Nevertheless, several Parties continue to accept documents issued by non-competent authorities. When these documents have been accepted by Customs, Management Authorities have sometimes not taken any action to ensure that such documents are not accepted again (*summary 8-42, reference 51304*).

**Areas of Concern Involving Regulation of Trade in Specimens Included in Appendix I, II or III**

8. Transport of Live Animals

Although most meetings of the Conference of the Parties have adopted Resolutions on the conditions of transport for live animals, many Parties still fail to respect the obligation of the Convention to issue CITES documents only if the Management Authority is satisfied that the live specimens will be prepared for transport and shipped in such a way as to minimize the risk of injury, damage to health or cruel treatment (*summaries 4-22, references 50880 et al.; 4-26; 8-40*). The transport of live animals on aircraft as accompanied baggage also often causes problems concerning conditions of transport, as the IATA/LAR also apply to this type of transport. To the Secretariat's knowledge, the number of Parties implementing Resolution Conf. 7.13, recommendations b-h, for the purpose of reducing mortality in shipment of live animals, is still very small. As some of these points only reflect the obligations of the Parties under the Articles of the Convention, the Secretariat regrets that they have not been effectively applied. Many Parties have advised the Secretariat that recommendation c) of the Resolution, concerning the use of a container checklist, raises technical, legal and financial problems which are difficult, if not impossible, to resolve.

Certain airline companies, some of which have made great efforts to implement the IATA Live Animals Regulations (IATA/LAR), have decided to refuse to transport live wild birds. As a result, other airlines, not accustomed to handling this type of freight, have taken their place. Even if they are members of IATA, these new companies often appear to pay little attention to the IATA/LAR, transporting live birds in appalling conditions. They also use non-direct routes that involve several stopovers, which can double or even triple the time from departure to destination. This is an even more severe problem for animals being shipped from tropical climates that are subjected to stopovers in countries with cold climates.

Some of the airlines refusing to ship wild-caught birds have agreed to transport specimens declared as captive-bred. As a result, some shipments have been accompanied by CITES permits on which it was indicated that the birds were from the wild, although the air waybill or veterinary certificate indicated that they were bred in captivity.

Nevertheless, the Secretariat is pleased to note significant progress by some Parties, in particular those which include the statement on their permit forms concerning the conditions of transport for live specimens.

Resolution Conf. 8.12, recommendation a), recommends that all Parties maintain records of the number of live specimens per shipment and mortalities in transport of bird species listed in Appendices I, II and III and that they publish these data annually, providing a copy to the Chairman of the Working Group on Transport of Live Specimens. To the knowledge of the Secretariat, only four Parties (Belgium, France, the United Kingdom and the United States of America) have taken measures to obtain these data, thus limiting the ability of the Working Group on Transport of Live Specimens to make recommendations to the Parties designed to minimize mortality, as provided by paragraph c) of the Resolution.

#### 9. Re-exports

Far too many Parties have continued to issue re-export certificates without ensuring that the specimens proposed for re-export are the same as those previously imported (*summaries 1-8, reference 51065; 4-20; 5-28; 5-30; 8-47*), in particular, to ensure that the quantity of specimens to be re-exported does not exceed that originally imported. The Secretariat has received information that several reptile skin traders, when providing information on applications for re-export certificates, simply provide the Management Authority with the number of a valid export document which has been selected by chance or is the oldest they have on hand. In other cases, re-exports of entire caiman skins have been authorized, although the documents cited as the basis for approving their import referred only to flanks or skin pieces (*summary 5-30, reference 50761*).

Furthermore, Parties have often not taken steps to ensure that the specimens were imported in accordance with the provisions of the Convention, in particular, by determining that the export permit of the country of origin was valid and by ensuring that the State of re-export was in possession of the **original** of the document used to authorize entry of the specimens into the country (*summaries 2-15; 4-22, reference 50889; 6-33; 8-42*). In some cases, Management Authorities have issued certificates for the re-export of specimens that had not entered the country.

#### 10. Circuses and Other Travelling Exhibitions of Live Animals

Although the problems of travelling live animal exhibitions were addressed at the eighth meeting of the Conference of the Parties (see document Doc. 8.19, section 11 A), and Resolution Conf. 8.16 was adopted on this matter, live specimens of CITES-listed species used in exhibitions continue to be illegally traded on a large scale (*summaries 1-7, references 50569 and 51116; 1-8; 2-14; 8-46*). Many travelling exhibitions transport live Appendix-I specimens without CITES documents or with documents that are invalid. In at least one case (*summary 1-7, reference 51116*), authorization to enter and exhibit in the country was given by a government agency that was not responsible for CITES. Many animals included in these travelling exhibitions are of illegal origin and, even when valid CITES documents are presented, it is often difficult to ensure that the animals included in the exhibition are the same as those mentioned in the documents. In addition, the exhibitions often carry documents, including ATA Carnets, that allow goods to transit through a particular country. As there are normally no Customs duties to be paid in these cases, Customs authorities may not make detailed inspections. Even when it is evident that animals are of illegal origin, border inspectors or Customs authorities are sometimes reluctant to seize or confiscate large quantities of live and perhaps dangerous specimens, particularly on days when the number of officers at a border station is small.

#### 11. Border Controls

Adequate border controls are essential to prevent the smuggling of specimens of species included in the appendices, and to detect other offenses that may be linked with the wildlife trade, such as illegal trade in drugs (*summary 4-21*). In the event of documents being presented, such controls allow verification that conditions of transport are adequate and enable the detection of discrepancies between the actual contents of a shipment and its description on the CITES document (*summaries 4-26; 5-30, references 50671 and 50990; 5-29; 5-31; 8-38, reference 50803*). Where border controls are weak, there is an increased possibility that specimens covered by an export permit may enter a country without being declared by the importer and thus provide the opportunity for the export document to be re-used (*summaries 5-27; 5-30, reference 50679; 9-50*).

In addition, some troops serving under the United Nations flag in some countries have smuggled specimens of species, particularly those included in Appendix I, when returning home after tours of duty (*summary 1-12, references 50979 and 51110*). These troops are often not subject to Customs controls upon their return to their countries of residence.

#### 12. Re-export of Specimens of Illegal Origin but Legally Imported

At the seventh meeting of the Conference of the Parties (Lausanne, 1989), the Conference decided that, when specimens are of illegal origin, the Secretariat must recommend to Parties to reject their import, even if they are accompanied by authentic CITES documents. On several occasions, the Secretariat has made this recommendation with respect to re-exported specimens. This has caused problems when a shipment has been re-exported several times and the importer was not aware that the specimens concerned were of illegal origin. In some cases, the Management Authority that has imported the specimens has agreed to follow the recommendation of the Secretariat and has refused to issue a re-export certificate. In other cases, the national legislation of the Party has not allowed the Management Authority to refuse the issuance of a re-export certificate when the specimens had been imported legally. In the present circumstances, the Secretariat has no choice but to continue to maintain its recommendation that such specimens not be accepted for import. When requested by the Secretariat, information concerning the location and/or final disposition of such specimens has rarely been provided by the Parties (see also document Doc. 9.54).

#### 13. Falconry

The exemption under the provision for personal effects under Article VII, paragraph 3, of the Convention may apply in certain cases to movements between countries of birds of prey owned by falconers. However, Parties often do not recognize this exemption and thus require the presentation of CITES permits or certificates in all such cases. Many falconers, particularly from Europe, travel to other countries to hunt with their birds or to participate in exhibitions (including field trials) without CITES documents required by the national legislation of the countries concerned. The Secretariat has received information that some falconers have taken advantage of weak controls to use such trips to other countries as an opportunity to either sell or exchange birds with other falconers or with zoos, breeding centres or other private institutions.

The Secretariat is also concerned about the increase in illegal trade in wild-caught birds of prey, particularly in Europe and the Middle East. As the value of some

specimens of birds of prey can be thousands or tens of thousands of US dollars, international smuggling rings exist for this trade (*summary 1-11, references 50606 and 50772*). Even when such a ring is not used, large numbers of birds can illegally enter international trade when CITES documents are issued and are accepted by Parties without a careful check that the requirements of the Convention are being met. Moreover, illegal trade has been facilitated when Parties have not co-operated fully with inquiries by the Secretariat. These problems are illustrated by the case in which more than 150 birds of prey, most of them of species included in Appendix I, were involved (*summary 1-11, reference 50361*). The Secretariat is still not able to determine the final disposition of the birds in question.

As a result of changes in government in eastern European countries and CIS Republics, the legal and illegal trade in birds of prey from those countries has grown rapidly. The Secretariat has received a great deal of information concerning the illegal trade in birds from that region into countries in western and central Europe. Considering that much of the information on illegal trade provided to the Secretariat is believed to be reliable, it is probable that at least some of these birds are covered by permits or certificates that were wrongly issued, although Management Authorities in western Europe have often indicated to the Secretariat that this is not the case.

Birds of prey taken from the wild may either be laundered through captive-breeding operations or used as parental breeding stock in such operations. Certificates of captive breeding are a particular concern because, before issuing such certificates, the authorities often do not determine that the birds indicated on the certificates have been bred in captivity in accordance with the definition of Resolution Conf. 2.12. The Secretariat is also concerned about the potential for the registration of breeding operations by persons who have smuggled wild-caught birds in past years.

#### 14. Trade Through the Mail

The Secretariat is aware of instances where specimens of CITES-listed species have been illegally traded through the mail. Through the vigilance of the postal authorities, many infractions have been uncovered, including the use of express courier services (*summary 8-43*). The Secretariat is convinced however that such cases account for only a tiny fraction of the increasing number of shipments of CITES specimens that are illegally traded in this manner.

### Article VI (and Appendix IV of the Convention): Permits and Certificates

#### 15. Paragraph 2: Information Required on Permits and Certificates and their Time Validity

A great number of permits and certificates issued by Management Authorities should be regarded as invalid because they do not contain the information required by paragraph 2 or recommended by Resolutions (*summaries 1-7, references 50569, 50893 and 50897; 2-15; 4-22, references 50891 and 50889; 4-20; 8-46, references 50894 and 50589; 8-42*). The Secretariat has discovered that many of these invalid documents have been accepted by Parties, often because Customs officers and other border authorities do not have adequate information and training on CITES.

Paragraph 2, which refers to the permit model in Appendix IV, requires that when a specimen bears an identifying mark, the information about the mark be included on the export permit. Resolution Conf. 3.6, recommendation a), and Resolution Conf. 8.5, paragraph a, under "Agrees", recommend that this

should apply to any permit or certificate. The Secretariat has been informed of a large number of cases where the information concerning marked specimens was not included on the permit or certificate that accompanied the shipment (*summaries 8-42, references 50868, 50859 and 50845; 8-47*).

As recommended by Resolution Conf. 8.5, the following information should also be provided on a permit or certificate, but is often found to be missing:

- a) the complete addresses of the exporter and of the importer;
- b) the subspecies, when relevant, in order to determine in which appendix the taxon concerned is included. This is useful when determining the country of origin for subspecies found in different States, such as subspecies of *Psittacus erithacus* and *Caiman crocodilus*;
- c) the source of the specimens, for which some permit forms do not include a box;
- d) the statement on the conditions of transport of live animals;
- e) the working languages of the Convention. Permit and certificate forms are sometimes printed in a language other than French, English or Spanish, without including a translation into one of these three languages. Also, forms that are completed in a language other than one of these languages of the Convention create problems for the authorities in importing countries, in particular when they are reviewing information on the permit concerning the description of the specimens or special conditions;
- f) the type of document (import permit, export permit or re-export certificate);
- g) for re-export certificates: the country of origin, the number of the export permit of the country of origin and its date of issue (or if the case arises, justification of the omission of any of the aforementioned information). In cases where this information may not be readily available, e.g. where several re-exports have taken place, reasonable justification for omission of this information should be given (see Section 9). The Secretariat is also aware that information concerning the country of origin and the number of the export permit sometimes refers wrongly either to the country that issued the last re-export certificate or to the number of that certificate;
- h) for re-export certificates: the country of last re-export, the number of the re-export certificate of that country and its date of issue (or if the case arises, justification of the omission of any of the aforementioned information). This information is often missing or does not correspond to a valid re-export certificate. If the Management Authority took steps to ensure that it was in possession of the original re-export certificate that was presented to import the specimens into the country, there would be little reason to omit the information recommended by the Resolution (see Section 9); and
- i) for pre-Convention certificates, the date of acquisition (see Section 20).

Resolution Conf. 3.7, paragraph a), recommends that Parties affix security stamps to all originals of permits and certificates. If a Party decides to use security stamps, each stamp affixed to a CITES document should be validated with the signature of the issuing officer across the face of the stamp and onto the permit itself. Resolution Conf. 8.5 recommends that the stamp be cancelled by a signature and a stamp or a seal,

preferably embossed. Several Parties using security stamps do not apply this recommendation (*summary 8-42*) and so enable the illicit re-use of the stamp on another document. Such re-use has occurred several times.

There have also been several cases where Parties have not implemented other recommendations in Resolution Conf. 8.5 by:

- a) altering, modifying or crossing out information on permits without authenticating such changes with the stamp **and** signature of the Management Authority;
- b) not entering information related to quotas (see Section 6); and
- c) including information on the export and re-export of specimens on the same document.

Paragraph 2 limits the time of validity of export permits to a maximum of six months. Resolution Conf. 4.9 recommends, among other things, that this period of validity also apply to re-export certificates. The Secretariat has been informed of several cases where:

- a) export permits or re-export certificates were issued with an expiry date of more than six months after the date of issuance;
- b) the validity of export permits or re-export certificates has been extended beyond six months after the date of issuance; and
- c) Parties have accepted export permits or re-export certificates for specimens being imported, more than six months after their date of issuance (*summary 8-47*).

Before accepting a permit or certificate, Parties do not always take steps to determine whether the document form is the one currently used by the Management Authority. For example, the United Republic of Tanzania, aware of a large number of false Tanzanian export permits being used for illegal trade, began using a new permit form in September 1992. Although information about the new form was not distributed to the Parties by the Secretariat until several months later, the Secretariat received very few enquiries from Parties about permits presented on the new form.

#### 16. Retrospective Issuance of Permits and Certificates

The retrospective issuance of CITES permits and certificates without proper justification continues to occur (*summary 8-42*). Resolution Conf. 6.6 generally recommends that CITES permits and certificates should not be issued retrospectively, and adds specific conditions for the few exceptions to this recommendation for Appendix-II and -III species. Principal among these criteria are that the Management Authorities of both the importing and exporting countries must be satisfied that the trade is otherwise in compliance with the Convention and with national legislation, and that any errors that resulted in the issuance of the document must not be attributable to the traders involved. Retrospective issuance of documents, except under the conditions noted above, may result in a Management Authority "legalizing" a shipment that would otherwise be illegal. In some cases, a Management Authority has issued an export permit to a trader without being aware that the specimens covered by the permit have been seized by the authorities in the importing country, and the trader is intending to present the permit to try and obtain the release of the goods.

#### 17. Misuse of Documents

In general, Parties have no means to determine, in a systematic way, whether an export permit has been used for its intended purpose. The Secretariat is aware of several cases where traders have arranged for the issuance by a country of an export permit, on which the trader is indicated as the consignee. Never intending to import the specimens indicated on the permit, the trader instead uses the permit to obtain a certificate for the re-export of specimens of illegal origin. Such fraud would be easier to detect if all Parties established procedures to ensure that unused documents were returned to the issuing Management Authority.

When CITES documents are cancelled by the issuing Management Authority or are lost or stolen, Parties often issue replacements. Unfortunately, the new document does not always state that it is replacing one that has already been issued. As a result, documents that have allegedly been lost or stolen can be used to cover specimens not authorized for trade. Original documents that are cancelled but not returned to the Management Authority are also subject to fraudulent use (*summaries 1-4; 4-23, reference 50682; 4-25; 8-46, reference 50926*).

#### 18. Paragraph 7: Marking of Specimens

Resolution Conf. 2.12, paragraph d), recommends that the competent authorities of countries authorizing export of live animals and parts and derivatives of specimens bred in captivity of species included in Appendix I endeavour, where possible, to ensure that these be made identifiable by means other than documentation alone. However, many Parties do not implement this recommendation.

Resolution Conf. 8.14 recommends that non-reusable tags be attached to raw or processed crocodylian skins and parts entering international trade from the country of origin. Because of problems surrounding the practical implementation of this Resolution, its entry into effect was informally delayed until 1 October 1993, which was over a year after it would normally have taken effect. However, as this Resolution continues not to be implemented by many Parties, a draft revision has been prepared by the Animals Committee (see document Doc. 9.36).

Problems have occurred even when skins have been tagged. The Resolution recommended to Parties that they destroy any tags applicable to a certain year, once that year had ended. However, it appears that this has not always been done and that tags of previous years have been used (*summary 5-29*). The Secretariat has also been informed that several shipments of crocodylian skins have been traded with tags taped onto the skins or with all the tags in a plastic bag accompanying the shipment (*summary 5-30, reference 50671*).

### **Article VII: Exemptions and Other Special Provisions Relating to Trade**

#### 19. Paragraph 1: Transit

Although this paragraph provides that Articles III, IV and V shall not apply to specimens in transit or transshipment, Resolution Conf. 7.4 recommends that Parties inspect shipments in transit to ensure that they are covered by valid CITES documents. As in the past (see reports on alleged infractions, documents Doc. 7.20 and Doc. 8.19), the Secretariat has observed that a large number of shipments contravening the Convention continue to be discovered during transit controls (*summaries 1-9; 1-11, reference 50361; 2-13; 2-14; 4-18; 4-19; 4-22; 5-30, reference 51192; 5-31; 5-32, reference 50907; 8-38, references 50803 and 50805; 8-40; 8-43*). These and other cases demonstrate the value of the application of this Resolution by the

Parties. In several cases, illegal shipments have passed in transit through the territories of Parties without being inspected.

Resolution Conf. 7.4 also recommends that Parties adopt legislation allowing authorities to seize and confiscate transit shipments unaccompanied by such documentation. In some cases, when an inspection was carried out, the shipments continued their journey because the Party concerned did not have a legal basis for seizing the shipment. The lack of information being forwarded to enforcement officials in a timely manner prevented shipments from being seized where such action was legally possible.

#### 20. Paragraph 2: Pre-convention Specimens

Resolution Conf. 5.11 defines the term pre-Convention. One of the reasons for the adoption of this Resolution was to reduce the possibility of rapid acquisition and stockpiling by traders of specimens of species whose trade was to be restricted by the provisions of the Convention. However, some Management Authorities have continued to issue pre-Convention certificates contrary to the Resolution. For example, several Parties have issued pre-Convention certificates or export permits for pre-Convention specimens without indicating their date of acquisition, thus making it difficult for the importing country to verify that the specimens concerned are indeed pre-Convention for it, according to Resolution Conf. 5.11.

#### 21. Paragraphs 4 and 5: Artificially Propagated Plant Specimens

Resolution Conf. 8.17 defines the term 'artificially propagated'. However, as in past years, several exporting Parties have not properly checked the veracity of statements that the specimens to be exported were artificially propagated (*summary 7-35*). As a result, importing Parties have confiscated several shipments of wild-collected orchids and cacti.

Because of the very high volume of trade in artificially propagated plants, several countries have informed the Secretariat of their use of the phytosanitary certificate as a certificate of artificial propagation, in accordance with Resolution Conf. 4.16. However, this certificate is sometimes used by traders for the re-export of wild-collected plants, instead of the required re-export certificate.

#### 22. Paragraphs 4 and 5: Captive-bred Specimens

A common form of fraud is to claim as "bred in captivity" animal specimens that have been taken from the wild or that do not comply with the provisions of Resolution Conf. 2.12. Parties often do not carefully check that specimens comply with the definition of bred in captivity in this Resolution (*summary 1-8, except reference 50939*). This is of particular concern for specimens of species listed in Appendix I. However, certificates of captive breeding are also used to cover wild Appendix-II specimens that have been imported illegally (*summary 4-24; 5-32, reference 51249*). The claim that specimens have been bred in captivity may also be used to avoid quota restrictions or to comply with restrictions imposed by certain airlines or by certain countries.

Some specimens claimed to be bred in captivity on CITES documents have been born in captivity but not bred in captivity as defined in Resolution Conf. 2.12. For example, even if the young were born in a controlled environment, the mating of the parents may have occurred in the wild or the young may be from eggs taken from the wild. The specimens may also be from a parental breeding stock that is not managed in a manner capable of producing second-generation offspring in a controlled environment, which could result

in the capture of large numbers of specimens from the wild to maintain its breeding stock (*summary 2-14*). Even if specimens have been bred in captivity in accordance with Resolution Conf. 2.12, the parental breeding stock may have been obtained illegally. This problem has been evident in eastern Europe, where national legislation to control the import of non-native breeding stock generally does not exist (*summary 2-13*).

Certain Parties, not wishing to register their commercial operations with the Secretariat, may instead be applying the provisions of Article III to export specimens of Appendix-I species from commercial operations. It should be noted that paragraph 4 states that specimens of animal species included in Appendix I that are bred in captivity for commercial purposes shall be treated as Appendix-II species. This means that such specimens must be exported in accordance with Article IV, and not Article III, although any Party may also apply stricter domestic measures, in accordance with Article XIV of the Convention. The commercial captive-breeding operation exporting the specimens should also be registered with the Secretariat, as recommended by Resolution Conf. 8.15 (and previously Resolution Conf. 4.15).

Parties often interpret differently certain provisions of the Convention and Resolutions that pertain to captive-bred specimens. One area requiring further clarification is distinguishing between breeding for commercial purposes and for other purposes, when referring to trade in specimens of species included in Appendix I. Some Parties, in accordance with paragraph 5, allow the export of specimens of several species included in Appendix I that are commonly produced in captivity, purportedly for non-commercial purposes. These exports often result in income which, although perhaps not essential to a breeder's livelihood, may be significant. Whether such breeding is for commercial purposes is an issue that remains open to interpretation by Parties, as this is not made clear by either the text of the Convention or a Resolution. There are also different interpretations of whether a captive-breeding operation is "managed in a manner which has been demonstrated to be capable of reliably producing second-generation offspring in a controlled environment", as provided by Resolution Conf. 2.12.

### **Article VIII: Measures to be Taken by the Parties**

#### 23. Paragraph 1: National Legislation for CITES Implementation and the Return of Illegally Traded Specimens

Paragraph 1(a) states that Parties shall take appropriate measures to provide for penalties for trade in violation of the Convention, or for possession of specimens that have been illegally traded. Such measures are provided through national legislation, the lack thereof being a major contributing factor to weaknesses in CITES enforcement (*summaries 1-1; 1-2; 1-3; 1-6*). Resolution Conf. 8.4 recommends that Parties whose domestic measures do not provide them with adequate legislation to enforce the Convention should take positive action to rectify this (see also document Doc. 9.24).

The degree of control of international trade in CITES specimens often depends on the presence of national legislation to control internal trade (*summary 1-3*). Such legislation augments the capability of a Party to enforce the Convention, as it applies to goods that have already entered the country (*summaries 9-48; 9-49; 9-50; 8-46, reference 50998*). Particularly important are regulations requiring traders, who may maintain large quantities of CITES specimens in their businesses, to provide documentation to show that the specimens were legally imported (*summary 1-3*).

Paragraph 1(b) requires the Parties to take appropriate measures to enforce the Convention, including the return of illegally traded specimens to the State of export. When valid CITES documents are not presented for a shipment at the time of its import, a Party may refuse to accept the shipment instead of confiscating it, and order its return to the country of export (or re-export, whichever applies). This may occur because national legislation may not permit confiscation or because, in particular where live animals are involved, the authorities do not have the means to care for the specimens. Once a shipment is refused, however, it can be difficult to determine whether it is returned to the

country of export or re-export (*summary 5-30, reference 50761*). In fact, the country of export or re-export may not even be aware that the shipment has been refused. This provides the opportunity for the specimens from the shipment to be re-routed and eventually to be illegally imported.

#### 24. Paragraph 7: Annual Reports

Although Paragraph 7 requires each Party to submit an annual report on its trade in specimens of species included in the appendices, several Parties have not met this requirement for 1991 and 1992, as follows.

#### Parties from which Annual Reports for 1991 and 1992 Were not Submitted or Received by 30 June 1994

Country	1991	1992	Comments
Afghanistan	o	o	
Algeria	o	o	
Bahamas	o	o	
Belize	o	o	
Bolivia	o	o	
Brunei Darussalam	o	21.01.93	
Bulgaria	13.03.92	o	
Burkina Faso	o	14.06.94	
Burundi	o	o	
Cameroon	o	o	
Canada	24.02.93	o	deadline extended to 31.03.94
Central African Republic	o	o	
Chad	o	o	
Congo	30.03.92	o	
Costa Rica	13.04.93	o	
Djibouti	--	o	
Egypt	o	10.11.93	
Equatorial Guinea	--	o	
Estonia	--	o	
Gambia	o	o	
Guatemala	13.10.92	o	
Guinea-Bissau	o	o	
Honduras	o	o	
Hungary	o	o	
Indonesia	11.01.93	o	
Japan	08.03.94	o	
Jordan	o	o	
Malawi	o	2.09.93	
Namibia	o	o	deadline extended to 31.02.94
Nigeria	o	o	
Pakistan	o	o	
Panama	01.05.92	o	
Papua New Guinea	o	9.03.94	

Country	1991	1992	Comments
Portugal	18.01.93	o	
Rwanda	o	o	
Saint Vincent and the Grenadines	o	o	
Senegal	o	o	
Seychelles	o	o	
Somalia	o	o	
Uganda	o	o	
United Arab Emirates	o	16.10.93	
Uruguay	o	o	
Vanuatu	o	15.02.93	
o = No report received -- = State not party to CITES Dates indicated are dates of receipt of the annual reports for 1991 and dates of submission for 1992			

Resolution Conf. 1.5 specifies that the calendar year is to be used for annual reports, but some Parties continue to produce annual reports that cover a period starting in the middle of a calendar year, thus hampering statistical analysis.

Resolution Conf. 2.16 establishes 31 October as the deadline for the submission of annual reports for the previous year. However, some Parties do not submit reports at all, so disregarding the text of the Convention, and a large number of Parties submit their reports late, so disregarding the Resolution.

Resolution Conf. 3.10 gives specific recommendations on the ways in which annual reports should be compiled but many countries do not comply with these recommendations.

Resolution Conf. 3.11 recommends that Parties record all government and parastatal stocks of rhinoceros products in their annual reports, but this appears to have been ignored.

Resolution Conf. 3.15 recommends that to obtain approval for transfer to Appendix II of a country's population of a species in order to conduct a ranching operation, the Management Authority of the country concerned should submit a proposal to the Secretariat containing assurance that the relevant criteria continue to be met, and that the Management Authority shall include in its reports to the Secretariat sufficient detail concerning the status of its population and concerning the performance of any ranching operation to satisfy the Parties that the criteria continue to be met. However, the annual reports received from Parties whose ranching proposals have been approved do not contain this information.

Resolution Conf. 4.25 calls on the Parties having entered reservations nevertheless to maintain and communicate statistical records on trade in the species concerned, as part of their annual reports, but it is not clear whether this is done in each case.

Resolution Conf. 5.4 emphasizes that the submission of annual reports is mandatory and urges Parties to prepare their reports in accordance with the Secretariat's guidelines. Many Parties, however, do not follow these guidelines (see report on annual reports, document Doc. 9.21).

Resolution Conf. 5.14 recommends that Parties make every effort to report trade in CITES-protected plants at the species level, or if this is impossible for those taxa

included in the appendices by family, at the generic level; that Parties distinguish in their reports between plant specimens of wild and of artificially propagated origins; and that Parties include information on seizures of plant specimens in their annual reports as recommended in Resolution Conf. 3.10. Many Parties, however, do not report the trade in plants at species level even when the information is available, many do not specify the sources of the specimens traded, and few report on seizures.

Resolution Conf. 6.17 recommends the inclusion in annual reports of information about the tag numbers used on skins of *Crocodylus niloticus* and *Crocodylus porosus* and about the sizes of the skins traded. Most countries authorizing trade in such skins, however, do not include this information in their reports.

Resolution Conf. 7.14 recommends that the special criteria for the transfer of a species from Appendix I to II should apply only if the Party concerned is a range State of the species and has met and continues to meet its annual reporting requirements under Article VIII, paragraph 7, in a timely fashion. Some countries with quotas for *Crocodylus niloticus* in Appendix II, however, have not complied with this condition (see also document Doc. 9.27).

At its thirty-first meeting the Standing Committee agreed that, at the next meeting of the Conference of the Parties, when Committee I considers proposals to amend the appendices, it should consider whether it is appropriate to approve export quotas for Parties that have not submitted annual reports.

Resolution Conf. 8.7 repeats that 31 October each year is the deadline for submitting the annual report for the previous year and states that failure to meet the deadline, or an extended deadline authorized by the Secretariat, is a major problem with the implementation of the Convention. Many Parties fail to meet the deadline. At the 29th and 31st meetings of the Standing Committee, in accordance with this Resolution, the Secretariat reported on the submission of annual reports. The Standing Committee agreed, on both occasions, to write to the countries concerned to ask them to submit their reports, to explain why they were late and to inform the Secretariat if they had continuing problems. Few responses were received.

At its thirty-first meeting the Standing Committee recommended that the next meeting of the Conference of the Parties should be requested to provide guidance

on the mandate of the Standing Committee to take action regarding the lack of submission of annual reports.

#### **Article IX: Management and Scientific Authorities**

##### **25. Paragraph 1(b): Designation of Scientific Authorities**

Paragraph 1(b) states that each Party shall designate one or more Scientific Authorities in order to advise the Management Authority whether or not trade in specimens of CITES species is detrimental to the survival of the species, in accordance with Article III, paragraph 2(a), and Article IV, paragraph 2(a), of the Convention. Non-designation of a Scientific Authority by a Party implies that export permits from that Party are not issued in conformity with the provisions of Articles III and IV of the Convention.

The Secretariat notes that the following Parties have not informed the Secretariat of the designation of their Scientific Authorities: **Afghanistan, Belize, Djibouti, Equatorial Guinea, Panama, Rwanda, St. Kitts and Nevis, United Arab Emirates, Vanuatu and Viet Nam.**

##### **26. Paragraph 2: Designation of Management Authorities**

Upon depositing its instrument of accession, a State should advise the Depositary Government of the Management Authority authorized to communicate with other Parties and the Secretariat. The lack of such a designation becomes a very serious problem after the Convention has entered into force for the Party concerned (*summary 1-6*).

##### **27. Paragraph 3: Communication of Names and Specimens of Signatures of Officials Authorized to Sign Permits and Certificates**

Resolution Conf. 8.5 requested Parties that had not yet done so to communicate to the Secretariat, within one month of the eighth meeting of the Conference of the Parties, the names and specimens of signatures of the persons empowered to sign permits and certificates. The Parties were also requested to communicate within one month of any change thereto.

As of 1 May 1994, the following Parties had not communicated to the Secretariat the names and specimens of signatures of persons empowered to sign permits and certificates: **Afghanistan, Algeria, Belize, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Chile, Cyprus, Djibouti, Dominican Republic, Egypt, El Salvador, Equatorial Guinea, Gambia, Guinea-Bissau, Honduras, Islamic Republic of Iran, Jordan, Malawi, Mexico, Nepal, Poland, Saint Vincent and the Grenadines, United Arab Emirates and Zambia**

Several Parties that have communicated information concerning persons authorized to sign CITES documents did so several months after changes had occurred, or did not provide all the information requested. Few Parties used the form provided by the Secretariat for this purpose.

#### **Article X: Trade with Non-party States**

28. Resolution Conf. 8.8 directs the Secretariat to communicate with States not party to the Convention and to produce and update its directory of the authorities competent to issue comparable documentation and of the scientific institutions capable of advising that an export is not detrimental to the survival of the species concerned. The Secretariat dispatched its first letter and the questionnaire to all non-Parties in July 1992, requesting them to inform the Secretariat about the details of their authorities and scientific institutions by the end of October 1992. In December 1992, this information was communicated to the Parties by

Notification to the Parties No. 714 and has been updated thereafter. The Secretariat has, on several occasions, recommended against the acceptance of re-export certificates that have been issued on the basis of export permits issued by non-competent authorities of non-party States. Such cases could have been avoided had the re-exporting Party consulted the Secretariat before allowing the import of the specimens from the non-party State (*summary 4-22, reference 51034*).

Resolution Conf. 8.8 urges Parties not to accept export documents from non-party States unless the details of the competent authorities and scientific institutions are included in the most recent updated list of the Secretariat or unless they have consulted the Secretariat. It also urges the Parties not to accept export documents issued by non-party States unless they contain, in addition to the information specified in the recommendations of Resolution Conf. 3.8, certification that the scientific institution has advised that the export will not be detrimental to the survival of the species.

Although the Secretariat has often requested from competent authorities of non-Parties information on the scientific basis for determining whether an export will be detrimental to the survival of the species concerned, in almost all cases the authorities have not been able to provide the Secretariat with sufficient information. The non-compliance of some Parties with Resolution Conf. 8.8 undermines the efforts of Parties that comply with the Resolution and also results in inconsistent policy toward non-Parties.

Finally, Resolution Conf. 8.8 recommends that Parties allow the import of captive-bred specimens of Appendix I species from non-Parties only after receiving favourable advice to do so from the Secretariat. In several cases, the Secretariat was not consulted before such imports occurred (*summary 2-14*).

#### **Article XIII: International Measures**

##### **29. Paragraph 2: The Response by Parties to the Secretariat Concerning Alleged Infractions and the Exchange of Information**

Paragraph 2 requires that, when the Secretariat is satisfied that the provisions of the Convention are not being effectively implemented, it shall communicate such information to the Management Authority of the Party or Parties concerned. The Party or Parties concerned shall inform the Secretariat, as soon as possible, of any relevant facts in so far as the national laws of the Party or Parties concerned permit and, where appropriate, propose remedial action.

In Resolution Conf. 7.5, the Conference of the Parties emphasized the importance of enforcement of the Convention and recommended to limit to one month the period within which a Party should respond to a request for information on an alleged infraction. In spite of this, the Secretariat has experienced long delays in receiving responses from many Parties to which it has sent requests for information, even when the incident in question required prompt action. In fact, the Secretariat is still awaiting responses from certain Parties concerning some incidents of alleged infractions dating as far back as 1992. Some Parties have never acknowledged receipt of the requests of the Secretariat. The lack of proper response by the Parties to information on alleged infractions is evident throughout the summaries in the Annex of this report (*summaries 1-2; 1-3; 1-7, references 50660, 50569 and 50909; 1-9, references 50624, 50677 and 50741; 1-10, references 50614, 50661, 50883 and 51139; 1-12, references 50620 and 50782; 3-16, references 50700, 50752, 50754, 50793, 50888, 50981 and 51105; 3-17, reference 50781; 4-19, reference 50728; 4-20,*

reference 51180; 4-22, references 50889, 50892, 51043 and 51113; 5-30, reference 51192; 6-33, reference 51119; 7-35, reference 50656; 7-36, reference 51029; 7-37, reference 51141; 8-38, reference 50890; 8-40, references 51171 and 50724; 8-46, references 50589, 50944 and 51160; 9-49, reference 50674; and 9-51, reference 51144).

By its very nature, international wildlife smuggling may involve trade with, and transit through, several countries. The Secretariat is in a position to provide to Management Authorities information received from throughout the world on infractions of the Convention. However, it is essential that the Management Authority notify enforcement personnel of the illegality of a shipment as soon as possible, and provide them with all relevant information. The Secretariat has continued to be concerned that information that it has sent to Management Authorities requiring enforcement action has not reached the appropriate authorities. The most grievous cases have arisen when the Secretariat has been able to provide to the Management Authority of a Party detailed information about illegal shipments which were to either leave, transit through or enter the territory of that Party, but this information was not provided to the competent enforcement officers. As a result, illegal shipments were not intercepted (*summaries 1-7, references 51116, 50660 and 50908; 4-18; 4-19; 4-23, references 50681 and 51045*). In summary, the lack of prompt reaction by Parties to alleged infractions is a serious problem. The Secretariat continues to spend a great deal of time and money providing to certain Parties information on infractions that is often ignored.

The Parties often do not provide enough information when reporting an infraction to the Secretariat or to another Party. It is very difficult for proper action to be taken by enforcement officials when Parties provide insufficient or only general information. Detailed information on the alleged infraction and the suspects involved is essential. Such information is also useful to the Secretariat, even after an infraction has occurred. The Secretariat is able to rapidly retrieve from its files information on past infractions and to provide that background information to the Parties for enforcement purposes.

#### **Article XXIII: Reservations**

##### **30. Specimens of Appendix-I Species**

Resolution Conf. 4.25 recommends that any Party having entered a reservation regarding a species transferred from Appendix II to I should treat that species as if it remained in Appendix II for all purposes, including documentation and control. Otherwise, there is a possibility of laundering through the reserving Party specimens of Appendix-I species from other countries (*summary 3-17*). Resolution Conf. 4.25 further recommends that Parties should maintain records of such trade as part of their annual reports. If it does not disclose the level of trade in specimens of Appendix-I species, a reserving Party serves as an avenue for illegal trade from countries that have not entered a similar reservation. Such trade may continue for several years without ever being discovered.

## **PART II: MEASURES PROPOSED BY THE SECRETARIAT**

The Secretariat asks that the Parties consider the following measures to improve the implementation of the Convention. However, the Parties should note that these proposals do not repeat requirements and recommendations already contained in the text of the Convention, the Resolutions of

the Conference of the Parties or other decisions of the Conference of the Parties. The Secretariat strongly urges that the Parties take firm action to strengthen all areas of major weakness in their implementation of the Convention, as described in Part I of this document.

### **Proposed Draft Resolution Concerning the Confiscation of Specimens Exported or Re-exported in Violation of the Convention**

#### **DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES**

##### **Confiscation of Specimens Exported or Re-exported in Violation of the Convention**

RECALLING that Article VIII, paragraph 1(b), of the Convention states that the Parties shall take appropriate measures to provide for the confiscation or return to the State of export of specimens traded in violation of the Convention;

RECOGNIZING that the return by the importing Party to the State of export or re-export of specimens that have been traded in violation of the Convention may result later in such specimens being entered into illegal trade unless measures are taken by the Parties concerned to prevent this;

AWARE that, when specimens are exported or re-exported in violation of the Convention, the only enforcement action taken against the exporter is often the confiscation of such specimens by the importing Party;

#### **THE CONFERENCE OF THE PARTIES TO THE CONVENTION**

##### **RECOMMENDS**

a) that, for specimens exported or re-exported in violation of the Convention, importing Parties:

- i) consider that the seizure and confiscation of such specimens are preferable to the rejection of the import of the specimens; and
  - ii) immediately notify the Management Authority of the State from which the specimens were consigned of the violation and of any enforcement actions taken concerning the specimens; and
- b) that, when the import of specimens that have been exported or re-exported in violation of the Convention is refused by the country to which the specimens are consigned, the exporting or re-exporting Party take the measures necessary to ensure that such specimens are not re-entered into illegal trade, including monitoring their return to the country and providing for their confiscation.

#### **Proposed Amendments to Existing Resolutions of the Conference of the Parties**

The adoption of an amendment to an existing Resolution will result in the publication by the Secretariat of a new Resolution that will contain the full text of the existing Resolution, as amended. The existing Resolution will then be repealed.

1. Regarding Resolution Conf. 7.4, on the Control of Transit

Add, after recommendation b), the following paragraph:

- c) that, when an illegal shipment in transit is discovered by a Party that can not seize it, the Party provide to the country of final destination and to the Secretariat all relevant information on the shipment as soon as possible and, if applicable, to other countries through which the shipment will pass in transit.

2. Regarding Resolution Conf. 3.15, on Ranching

Insert, after recommendation c), the following paragraph:

- d) that a proposal to transfer a population to Appendix II in order to conduct a ranching operation not be approved unless the Party submitting the proposal has provided to the Secretariat all annual reports that are due;

3. Regarding Resolution Conf. 8.9, on The Trade in Wild-caught Animal Specimens

- i) Insert, after the fourth paragraph of the preamble, the following paragraph:

NOTING that the lack of submission of annual reports suggests an inability of the Scientific Authority of a Party to monitor the level of exports of specimens of species included in Appendix II;

- ii) Insert, after recommendation f), the following paragraph:

g) however, when the Animals Committee has made a primary or secondary recommendation relating to a species in a particular country, Parties not accept any permit for commercial export of specimens of that species from that country if it has not submitted all of the annual reports that are due.

4. Regarding Resolution Conf. 8.6, on the Role of the Scientific Authority

Insert, after recommendation a), the following paragraph:

- b) the Parties not accept any export permit or import permit from a Party that has not designated at least one Scientific Authority and has not informed the Secretariat of this designation;.

**Proposed Decisions of the Conference of the Parties**

THE CONFERENCE OF THE PARTIES TO THE CONVENTION:

1. Regarding the transport of live animals

DIRECTS the Working Group on the Transport of Live Specimens, when drafting text to be included in new or amended Resolutions concerning the transport of live animals, to consider the following:

- a) recommending that the Secretariat be provided additional information concerning problems in the transport of live specimens, including information about:

- i) any commercial shipment that does not comply with CITES guidelines or the IATA Live Animals Regulations; and  
ii) any commercial shipment experiencing a mortality rate that exceeds 10% on arrival; and

- b) withdrawing from Resolution Conf. 7.13 the recommendation to use the checklist described in that Resolution unless more Parties use the checklist.

2. Regarding circuses and other travelling exhibitions

DIRECTS the Secretariat to explore with the Customs Co-operation Council a way to require on ATA Carnets the inclusion of numbers of any CITES permits and certificates covering live animals of species included in the CITES appendices that are a part of travelling exhibitions.

3. Regarding specimens bred in captivity

DIRECTS the Secretariat to prepare, in consultation with the Animals Committee, a draft Resolution that will resolve problems regarding the exemptions under Article VII, paragraphs 4 and 5, for specimens of species bred in captivity, including:

- a) different interpretations by Parties of the term 'for commercial purposes' when referring to the breeding of specimens of Appendix-I species in captivity, in particular regarding the sale of specimens that often results in income which, although perhaps not essential to the breeder's livelihood, may be significant; and  
b) different interpretations by Parties of the criteria in Resolution Conf. 2.12 to determine whether a captive-breeding operation is "managed in a manner which has been demonstrated to be capable of reliably producing second-generation offspring in a controlled environment".

4. Regarding the implementation by the Parties of the proposed amendment to Resolution Conf. 8.9

DIRECTS the Secretariat to communicate to the Parties the information necessary for them to implement the amendment to Resolution Conf. 8.9, paragraph g), approved by the Conference of the Parties at its ninth meeting.

5. Regarding violations of the Convention by diplomats and troops serving under the flag of the United Nations

URGES the Parties to remind their diplomatic missions, their delegates on mission in foreign countries and their troops serving under the flag of the United Nations that they are not exempted from the provisions of the Convention.

Summaries of Alleged Infractions

NOTE: Words have been abbreviated in this Annex, as follows:

M.A. = Management Authority

EEC = European Economic Community, European Community or European Union, whichever applies.

sp. = one or more species in the taxon indicated

In addition, the first time a country is mentioned in a summary, its full name is given, followed by the two-letter ISO code in parentheses. For the remainder of the summary, only the ISO code for the country is indicated.

**Section 1: Major Cases**Sub-section A: Matters Brought Before the Standing Committee

SUMMARY NUMBER: 1-1  
 TITLE: CITES IMPLEMENTATION IN  
 ITALY  
 REFERENCE: 50705

In 1989, the Secretariat began notifying the M.A. of Italy (IT) of serious and repetitive problems concerning its implementation of CITES, including:

1. the lack of adequate national legislation to implement the Convention;
2. insufficient or non-existent inspections of goods at the time of import and export; and
3. the issuance of documents contrary to the provisions of the Convention and the Resolutions of the Conference of the Parties.

On 26 September 1991, not satisfied that any substantial progress had been made by the M.A. of IT, the Secretariat sent to the members of the Standing Committee a report on CITES implementation in IT, asking the Committee for advice, in accordance with Resolution Conf. 7.5, paragraph h).

The matter was discussed in January 1992, at the 27th meeting of the Committee, where the Secretariat reported that problems concerning CITES implementation in IT were particularly serious because of the high volume of trade in specimens of CITES-listed species, reptile skins in particular. The Secretariat also noted that serious infractions were being repeated on a regular basis. The Standing Committee decided to give IT three months to take appropriate measures to solve the problems raised by the Secretariat.

In June 1992, at its twenty-eighth meeting, the Standing Committee reviewed the progress that had been made by IT. Considering that the only action taken by IT had been the adoption of a law that was not considered to be Comments from the Parties

The M.A. of CH has stated that, because of the EEC-Switzerland free-trade agreement and several other bilateral agreements, full implementation of the recommendations of the Standing Committee was legally not possible. However, from 15 August 1992 to 19 March 1993, in support of the stricter measures taken by the international community, CH verified with the Secretariat the legality of all specimens imported into CH from IT. This same procedure applied to specimens from other countries when accompanying documents showed that the specimens had been previously imported from IT. As a result, shipments were detained for weeks at the Swiss border. Once the specimens were imported into CH, there was no legal basis to prevent their re-export.

adequate for CITES implementation, the Committee recommended that the Parties not issue any CITES documents to Italy and not accept any CITES documents issued by IT, until specific measures had been taken to improve the situation. This information was communicated to the Parties in Notification to the Parties No. 675 of 30 June 1992.

In February 1993, as a result of a report the Secretariat sent to the Standing Committee on the progress made by IT between July 1992 and January 1993, the Standing Committee suspended its recommendations. The Parties were advised of this decision in Notification to the Parties no. 722.

At the thirty-first meeting of the Standing Committee, the Secretariat presented a further report on the progress made by IT. The report stated that IT had taken substantial measures in a short period of time to improve its implementation of the Convention since July 1992, and that only a few additional actions were needed. The Standing Committee decided, as recommended by the Secretariat, to maintain the suspension of its recommendations. The Committee further decided that its recommendations would be lifted completely if the Secretariat, after concluding an evaluation mission, was satisfied that all the required measures to implement the Convention had been taken.

The implementation of the recommendations of the Standing Committee was an economic hardship for several exporting Parties, in particular those in South and Central America. However, Switzerland (CH) and the United States (US), significant trading Parties with IT, did not implement the recommendations of the Standing Committee not to issue CITES documents authorizing trade to IT. These two Parties and Austria also accepted CITES documents from IT. It was discovered that several traders circumvented the recommendations of the Standing Committee, by exporting shipments to US and then arranging for the re-export of the specimens from US to IT.

The M.A. of US has stated that US national legislation does not allow legal action to be taken solely on the basis of a recommendation from the Secretariat or a Notification to the Parties. A number of legal requirements must be met before trade sanctions can be taken by US against any country. While starting the internal process to meet the requirements for sanctions against IT, US also began, in close consultation with the Secretariat and TRAFFIC, bilateral discussion with the Italian Government regarding the seriousness of the decisions of the Standing Committee on this issue. These discussions were believed by US to play a significant role in encouraging IT to co-operate with the Secretariat and the Standing Committee. Before the internal process to apply trade sanctions was completed, the Standing Committee had removed its recommendations in this regard.

SUMMARY NUMBER: 1-2  
TITLE: CITES IMPLEMENTATION IN  
INDONESIA  
REFERENCES: 51000, 51007

For several years, the Secretariat has been increasingly concerned about CITES implementation in Indonesia (ID), in particular with respect to the export of specimens of many CITES-listed species. It became even more evident that the Secretariat should take action when, in July 1993, TRAFFIC provided a comprehensive report that focused on CITES implementation problems in the following areas:

1. non-compliance with national export quotas;
2. the lack of proper review of trade by the Scientific Authority;
3. weak legislation for the implementation of the Convention;
4. non-compliance with primary and secondary recommendations of the Animals Committee concerning significant trade in animal species included in Appendix II;
5. trade in other species identified by the Animals Committee as being subject to significant levels of trade (non-priority species); and
6. trade in some specimens of other CITES-listed species.

As a result, the Secretariat reported this matter to the Standing Committee at its thirtieth meeting in Brussels, Belgium, 6 to 8 September 1993 (document Doc. SC.30.8). The Committee endorsed all of the Secretariat's recommendations made in the report to resolve the problems noted above. The M.A. of ID agreed to provide, by 1 January 1994, a report to the Secretariat of actions taken with respect to the implementation of these recommendations.

However, the M.A. of ID did not provide its report to the Secretariat by the agreed deadline, nor by the date of the thirty-first meeting of the Standing Committee (21 to 25 March 1994). The Secretariat reported to the Standing Committee the information that it had available, noting that it was not satisfied with progress that had been made by ID concerning the majority of the recommendations from the report presented to the Committee in Brussels. As a result, the Standing Committee endorsed, with minor changes, the recommendations in the Secretariat's latest report (Doc. SC.31.9.2), which focused on measures that should be taken by ID to improve its implementation of the Convention, as outlined by the Secretariat to the Standing Committee at its meeting in Brussels. The Standing Committee also recommended that the M.A. of ID provide to the Standing Committee, at its thirty-second meeting, in November 1994, evidence that each of the measures to improve CITES implementation indicated in the report had been, or was expected to be, implemented by 1 February 1995. The Standing Committee decided that, if, at its thirty-second meeting, it was not convinced of this, it would recommend to the Parties a one-year suspension of trade with ID.

Since the last meeting of the Standing Committee, the Secretariat has received information from the M.A. of ID, indicating that several positive steps have been taken to implement the recommendations of the Committee described above.

SUMMARY NUMBER: 1-3  
TITLE: THE FUR TRADE IN  
KATHMANDU, NEPAL  
REFERENCE: 50203

For several years, the Secretariat has been concerned about tourist shops in Kathmandu, Nepal (NP), offering for sale items containing fur from animal species listed in the CITES appendices, including Appendix I. This concern has been shared equally by the TRAFFIC Network and other NGOs which, beginning in 1988, had been monitoring this trade by conducting surveys of shops selling fur in Kathmandu. Considering that specimens of several highly endangered Appendix-I species are involved and that this problem is one of long standing, the Secretariat reported the matter to the Standing Committee at its thirty-first meeting (21 to 25 March 1994). In its report (Doc. SC. 31.9.3), the Secretariat concluded that:

1. items being sold in Kathmandu contained fur that had been imported contrary to the provisions of the Convention. Tourists living outside NP who purchased items containing specimens of Appendix-I species in NP and then brought them home also violated CITES, as the personal effects exemption provided by Article VII, paragraph 3, of the Convention did not apply to such trade;
2. during the past three years, the Secretariat's efforts to persuade the Government of NP to better control the trade in items containing fur of CITES-listed species had not been successful. The lack of positive action by the Government of NP in this respect had possibly increased the risk to the survival of several animal species, in particular those included in Appendix I of the Convention;
3. in spite of possibly weak legislation to regulate the fur trade, the Government of NP could have made progress towards a solution to this problem if it had chosen to do so; and
4. reports from those persons who had investigated the fur trade suggested strongly that many of the fur items came from India (IN). Although a limited fur trade was allowed in the State of Jammu and Kashmir, it had allegedly become a centre for the laundering of illegal skins from other parts of IN. As annual CITES trade reports submitted by NP and IN do not report a commercial trade in skins from IN to NP, the presence of a smuggling network between the two Parties was a strong possibility.

The Secretariat made several recommendations, which were adopted by the Standing Committee. First, it was recommended that the regional representative to the Committee for Asia should arrange a meeting with the authorities in NP and IN and urge them to resolve the problem as rapidly as possible. Measures that the Standing Committee recommended should be taken by NP included:

1. introducing new legislation to control the commercial trade in fur of CITES-listed species, if it was determined that current legislation was not sufficient for such control;
2. checking shipments at the borders and requiring proof of origin of items containing fur of CITES-listed species;
3. setting up controls to ensure that items containing fur of Appendix-I species offered for sale in NP were not exported or re-exported contrary to Article III of the Convention; and

4. displaying at international airline arrival and departure points notices warning tourists not to export from NP items containing furs of species protected either by national legislation or by CITES.

It was also recommended that IN should conduct an investigation into the smuggling of fur skins of CITES-listed species from IN to NP, and that the Governments of NP and IN should report to the regional representative to the Committee, by 1 August 1994, any progress made with regard to the above measures. The Secretariat recommended that, if the Standing Committee was not satisfied with the progress in resolving this matter, the problem should be brought before the ninth meeting of the Conference of the Parties, for appropriate action.

Although the Secretariat had requested information from the regional representative to the Committee on progress that had been made concerning the recommendations of the Committee, no information in this regard had been received by 1 August 1994.

SUMMARY NUMBER: 1-4  
TITLE: CITES IMPLEMENTATION IN  
COLOMBIA  
REFERENCE: 50685

#### Background

Representatives of the Government of Colombia (CO) attended the 29th meeting of the CITES Standing Committee, in order to respond to concerns raised by the Committee regarding exports of skins of *Caiman crocodilus fuscus* from breeding farms in that country. In essence, the concern of the Standing Committee centred on the ability of the licensed "closed-cycle breeding farms" in CO to produce the numbers of *C. c. fuscus* skins for which the M.A. had issued export permits. In addition, the Secretariat discovered that a large consignment of skins from which the distal portion of the tails had been removed, in violation of Colombian policy (see Secretariat Notification to the Parties No. 706 of 21 December 1993), had not been inspected by Colombian authorities or authorized for export. It was suspected that the purpose of removing a portion of the tails may have been to launder, through captive-breeding operations, skins from animals taken in the wild, which clearly exceeded the maximum 1.2 metres total length allowable under Colombian law. This and other information led to increasing doubt about the capacity of the M.A. of CO to effectively implement its policies for controlling exports of specimens of *C. c. fuscus*.

Following the 29th meeting of the Standing Committee, the Secretariat, with the assistance of the M.A. of CO, undertook a detailed analysis of export permits for *C. c. fuscus* issued by CO during the period July 1992 to June 1993. The results of this analysis were reported by the Secretariat to the Standing Committee at its 30th meeting, held in Brussels in September 1993. The Colombian delegation provided to the Committee a detailed explanation of the position of the Colombian Government, which was also accompanied by detailed supporting documentation. The M.A. of CO also re-stated its wish for a CITES technical mission to visit CO.

Taking into account the views expressed by the Colombian delegation, the Standing Committee agreed to defer reaching a conclusion on the matter and to accept the invitation for an official CITES mission to visit CO and to determine whether or not the number of skins exported from CO accurately reflected the capacity of caiman farms currently operating throughout CO.

As a result, a CITES delegation went to CO in March 1994, inspecting several captive-breeding operations and evaluating the capacity of the farms to produce the numbers of skins for which export permits had been issued by the

M.A. during the period of the Secretariat's analysis. Discussions were held with officials of the M.A. of CO and other Government agencies to determine the adequacy of regulatory procedures to reduce the potential for caiman skins harvested illegally from the wild to be exported as "farmed" skins.

#### Conclusions and Recommendations of the Standing Committee

Based on visits to a number of caiman farms, considered by the delegation as a representative sample of the commercial farms currently operating in CO, the mission concluded that the farms were capable of producing skins in the quantities that had been exported from CO in recent years.

The large number of permits issued by the M.A. of CO generally bore little relationship to the number of caiman skins actually exported. The disparity appeared to be due to numerous permit cancellations because of the failure of Colombian exporters to provide copies of export permits to prospective importers in sufficient time. It was hoped that this problem will be resolved by the introduction of a "Certificate of Legal Origin", issued by the M.A. of CO, to provide evidence of the legality of the intended export.

Notwithstanding the general conclusion reached by the mission, there remained serious problems to be addressed by the M.A. of CO. At its thirty-first meeting, the Standing Committee recommended that ten main recommendations of the delegation regarding captive-breeding operations should be implemented by the M.A. of CO, to help provide for the international acceptance of Colombian exports of caiman skins and to secure a strong economic foundation for the future development of the industry in CO. The Standing Committee also endorsed a recommendation of the delegation that the Secretariat should visit Colombia in early 1995 to determine the extent to which the M.A. of CO has implemented the ten main recommendations. In addition, the M.A. of CO was requested by the Committee to consider a series of twelve additional recommendations to improve overall administration and operation of wildlife farming in CO.

SUMMARY NUMBER: 1-5  
TITLE: CORALS AND TRIDACNIDAE  
FROM THE PHILIPPINES  
REFERENCES: 50395, 50435, 50753, 51070,  
51086

Through the issuance of several Notifications to the Parties, the Secretariat had, in the past, assisted the M.A. of the Philippines (PH) by informing the Parties of more restrictive measures taken by PH in 1977 to ban commercial trade in species of coral and in 1990 to ban commercial trade in most species of Tridacnidae (giant clams).

However, the temporary lifting of these trade bans by PH, to allow the export of pre-ban stocks, often caused confusion for importing Parties and the Secretariat. Importing Parties had to deal not only with these temporary policy changes but also found that many shipments of corals and Tridacnidae contained freshly taken specimens, quantities in excess of the amounts authorized for exports, or specimens of species that did not correspond to those indicated on the export permits. Consequently, many shipments were seized by importing countries, including Italy, the Netherlands, Portugal, the United Kingdom and the United States. It was apparent that, in spite of its intention to ban the export of freshly taken specimens of corals and Tridacnidae, the M.A. of PH had not adequately monitored the export of stockpiled specimens.

In June 1992, at the twenty-eighth meeting of the Standing Committee, the Secretariat informed the Committee of these problems. As a result, the Secretariat issued

Notification to the Parties No. 676 (30 June 1992), which advised the Parties that the Secretariat was ceasing its recognition of any pre-ban stockpiles of corals and Tridacnidae and would no longer inform the Parties of the national legislation for trade in specimens of those species in PH.

In June 1992, the Secretariat urged the M.A. of PH to restrict its authority for issuing permits for marine species to a central authority and to adopt and strictly implement management programmes for marine species. The Secretariat did not receive a reply from the M.A. However, exports of specimens of the banned species appeared to be considerably reduced after that time.

Although the Secretariat was aware that many permits issued by the M.A. of PH for the export of corals were not, in fact, for shipments of pre-ban stocks, the Secretariat was not in a position to recommend to the Parties that, as a general policy, all permits for such trade should be rejected. Such a recommendation would have interfered with the decision by PH to ease trade restrictions that were provided by national legislation. It was therefore hoped that the facts that were presented by the Secretariat in its Notification would assist the Parties in deciding whether to allow the import of such specimens.

SUMMARY NUMBER: 1-6  
TITLE: CITES IMPLEMENTATION IN GREECE  
REFERENCE: 50822

In July 1992, TRAFFIC Europe published a report which revealed that, of the large numbers of specimens of CITES-listed species (including Appendix-I species) present in Greece (GR), many had been illegally imported into the country. Although not a Party to the Convention at that time, GR was still required to implement CITES through the EEC Regulations.

In October 1992, GR deposited its instrument of accession with the Depositary Government but, contrary to Article IX, paragraph 2, of the Convention, did not provide to the Secretariat the name and address of the M.A. authorized to communicate with other Parties and with the Secretariat. The Secretariat was also not provided the name and address the Scientific Authority and of Management Authorities competent to issue CITES documents.

On 6 January 1993, the Convention entered into force in GR but the Depositary Government and the Secretariat had still not received the above information. Between January 1993 and March 1994, the Secretariat sent over 15 letters to different Greek authorities in this regard, without receiving a satisfactory reply. As a result, the Secretariat decided to submit the case to the Standing Committee at its thirty-first meeting, in Geneva (21 to 25 March 1994). The day after the matter was discussed by the Committee, the Secretariat received the name and address of the Management Authorities and the Scientific Authority in GR.

In November 1992, the Secretariat discovered that the text of the Convention adopted by the Parliament of GR included the appendices as they were adopted in March 1973. Therefore, for GR, there are no species included in Appendix III and many Appendix-I and -II species are not listed (including the African elephant and the majority of parrots). As a result, no penalties apply in GR for infractions of the Convention related to these species. In a fax received by the Secretariat on 23 March 1994, the M.A. of GR stated, "The problem of the legal status of the new appendices is now being handled by the Legal Department of our Ministry. Our latest information from them suggests that the most suitable solution is probably that all proper modifications of the CITES ratification law have to go again through the Greek Parliament. We do hope this procedure will be completed soon."

#### Sub-section B: Other Matters

SUMMARY NUMBER: 1-7  
TITLE: PAN TROGLODYTES FROM AFRICA  
REFERENCES: SEE BELOW

##### Introduction

The following cases include attempted or actual exports of *Pan troglodytes* (chimpanzee; Appendix I), some involving confiscations. Within the territories of a number of Parties including the Congo (CG), Guinea (GN), Nigeria (NG) and Zaire (ZR), there appear to be centres of illegal trafficking in this species. The following information illustrates weaknesses in the control of illegal trafficking in CITES specimens by the authorities in the countries concerned. Cases concerning *Pan troglodytes* that illustrate the use of diplomatic immunity to contravene the Convention and national wildlife laws are described in this sub-section of the report, under the title, "Diplomats and Persons Involved in United Nations Activities".

##### From Guinea to Poland (Reference: 50569)

In November 1991, the Polish authorities requested that the Secretariat verify the validity of two Guinean documents that had been presented by a circus that was applying for authorization to import a four-year old male *P. troglodytes*. Examined by the Secretariat, the documents were determined not to be valid for CITES purposes. As the authorities in Poland had not issued an import permit for the *P. troglodytes*, the Secretariat requested the M.A. of Guinea to carry out an inquiry into the matter. Although the M.A. of Guinea was also asked to advise the Secretariat of any

actions taken to investigate the exporter, this information has not been received.

##### From Zaire to South Africa (Reference: 50784)

In June 1992, TRAFFIC's office in South Africa (ZA) informed the Secretariat that authorities at Jan Smuts airport in Johannesburg, ZA, had seized two *P. troglodytes*, each less than a year old, which were transported by air from Zaire (ZR) by a Zairian citizen. No CITES documents accompanied the two *P. troglodytes*. The two animals were in very poor condition and needed immediate medical attention.

Apparently, before exporting the animals, the Zairian exporter had contacted several persons in ZA regarding the sale of the two animals. When the animals were seized, the exporter requested the M.A. of ZR to issue retrospectively an export permit. As the Secretariat had already advised against the issuance of such a document, the M.A. of ZR did not issue the permit. Although the M.A. of ZR initially wished to have the animals returned to ZR, it eventually agreed with the Secretariat that this would not be the best decision. The animals were sent to a wildlife orphanage in Chingola, Zambia.

##### From Guinea to Egypt, via Nigeria (Reference: 50893)

In December 1992, the M.A. of Egypt (EG) requested the Secretariat to confirm the validity of a permit from Guinea (GN) for the import of two pairs of *P. troglodytes* (indicated as Appendix II on the document). The animals were to have been air-freighted from Kano, Nigeria (NG). The permit was forged, and was completely different from that used by GN

for the export of CITES specimens, although the official seal and the signature of the issuing officer were a fairly good imitation of the specimens sent to the Secretariat by the M.A. of GN. The Secretariat recommended to the M.A. of EG to reject the document.

In August 1993, a similar forged permit was presented to the M.A. of EG. The name and address of the importer in EG were the same in the two incidents. However, the importer has denied any connection with the attempted use of forged Guinean documents for the import of *P. troglodytes* into EG.

#### From Guinea to Spain, via Senegal (Reference: 50897)

In April 1993, the authorities in Spain (ES) seized one *P. troglodytes* and other specimens of CITES-listed species that were already in the country and were believed to have been imported illegally. During their investigation, Spanish authorities obtained a false 1989 export permit for one *P. troglodytes* from Guinea (GN) to Senegal (SN). This permit may have been used as a basis to re-export the animal from SN to ES. The false permit indicated the exporter to be the Municipal Zoo of Conakry, which did not exist, and was signed with the forged signature of the head of the M.A. of GN.

#### From Egypt to Kenya (Reference: 51116)

In December 1993, the Secretariat received information that in 1992 an Egyptian circus with two performing *P. troglodytes* and other specimens of Appendix-I species had entered Kenya (KE) without presenting to the Kenyan authorities any supporting CITES documents from Egypt (EG). While in KE, the Kenya Society for the Prevention of Cruelty to Animals noted that the animals were badly treated, and urged the M.A. of KE to confiscate them. However, the owner of the circus contacted the Egyptian embassy to KE to try to stop the proposed confiscation. The animals were not confiscated, and the circus left KE for the United Republic of Tanzania (TZ) where, according to a reliable source, it was not allowed to perform. The circus then appeared in Uganda (UG), where the owner illegally purchased four *P. troglodytes*. In February 1994, the M.A. of UG confirmed to the Secretariat that the circus had been in UG and that the four animals had been confiscated. The circus had been instructed not to leave the country, pending a case against it. However, the circus vanished, only to appear in Kisumu, KE.

In March 1994, the Secretariat received information that the circus had acquired a further three *P. troglodytes* from a source in UG, and that it may have sent another two *P. troglodytes* to Mombasa, KE. The Secretariat conveyed this information to the M.A. of KE, recommending that the *P. troglodytes* and a tiger should be confiscated immediately, unless the circus was able to prove the legal origin of the animals and CITES documents that met the provisions of Resolution Conf. 8.16 were presented by the circus. The Secretariat also informed the M.A.s of KE and TZ that the circus was preparing to leave the country, and would probably be destined for TZ. In a follow-up telephone conversation with a senior official of the M.A. of KE, the official said that action on their part was being impeded by diplomatic protocol.

On 26 May 1994, the M.A. of KE informed the Secretariat that on 13 May the circus had clandestinely left the country, for an unknown destination. In spite of the widespread knowledge of the animals held illegally by the circus and of the recommendations of the Secretariat, the circus travelled from KE to Zambia (ZM), through TZ, without being intercepted. Although the M.A. of ZM had issued a provisional import authorization, pending the issuance of a veterinary import permit, the circus entered ZM without complying with Zambian import procedures and the provisions of the Convention.

The M.A. of ZM followed the advice of the Secretariat to investigate the legal status of the specimens of CITES-listed species travelling with the circus and to take appropriate steps for the confiscation of illegally obtained specimens. The owner of the circus did not have any documents verifying the legal status of the specimens but, as before, requested intervention by the Egyptian Embassy on his behalf. The Egyptian Ambassador met with the Zambian Minister of Tourism to discuss the issue, but the Minister of Tourism insisted that the circus should comply with the provisions of Zambia's national legislation and of CITES.

On 23 June, the M.A. of EG informed the Secretariat that it had requested the Directorate of the National Circus of the Ministry of Culture to prohibit this circus from travelling abroad.

On 26 June 1994, the M.A. of EG confirmed to the M.A. of ZM that the circus owned the following specimens of CITES-listed species: Six *Panthera leo* (lion; Appendix II), four *Panthera tigris* (Bengal tiger; Appendix I) and specimens of *Python molurus bivittatus* (tiger python; Appendix II).

The Veterinary Quarantine Department of EG had confirmed to the M.A. that the owner had left the country with only specimens of *P. leo* and *P. tigris*. Specimens of *P. troglodytes* were not mentioned by either the M.A. or the Veterinary Quarantine Department as having been exported from EG.

Before arriving in UG, the owner of the circus applied to the M.A. of UG to import, among other specimens of CITES-listed species, two *P. troglodytes*. [N.B. The owner also requested to import three *Loxodonta africana* (African elephant; Appendix I). The M.A. of UG stated that, while in Kampala, the owner attempted to obtain authorization to capture elephants, which was not granted.]

After the four young *P. troglodytes* possessed by the circus were confiscated by the Ugandan authorities, the M.A.s of UG and KE confirmed that two adult *P. troglodytes* had remained with the circus. After leaving KE, the owner of the circus then applied to the M.A. of ZM to import, among other specimens, six *P. troglodytes*. [N.B. The owner also applied to import into ZM seven *Panthera leo* (lion; Appendix II) and nine *Psittacus erithacus* (African grey parrot; Appendix II). According to the Egyptian authorities, the circus had left EG with only six *P. leo* and no *P. erithacus*.]

When the circus was inspected by the Zambian authorities, the number of specimens requested for import by the owner of the circus did not correspond to those inspected. On 11 July 1994, the Zambian authorities seized two *P. troglodytes* and one *P. erithacus* from the circus. The authorities were still gathering more evidence when this summary was completed.

#### Offers for sale from Cameroon and Zaire (References: 50660, 50908)

In December 1991, a Zairian company wrote to the Director of the Swedish Trade Council in Sweden offering *P. troglodytes* and specimens of other wildlife, including timber, in exchange for fish and methane gas. The company further stated that the specimens would be accompanied by appropriate CITES permits. The Secretariat informed the M.A. of ZR and requested that an inquiry be conducted into the matter. However, no reply has been received from the M.A. of ZR (Ref. 50660).

In September 1993, a Cameroonian company sent a letter to the Secretariat with a list of wildlife specimens, including *P. troglodytes*, that it was prepared to offer for sale to interested clients. The Secretariat informed the company that it could not commercially trade in *P. troglodytes* because of its CITES Appendix-I status. The Secretariat also requested the M.A. of Cameroon to inquire into the involvement of the company in the trade in CITES

specimens but the M.A. of CM has not informed the Secretariat of its findings (Ref. 50908).

SUMMARY NUMBER: 1-8

TITLE: PAN TROGLODYTES IN EUROPE

REFERENCES: (SEE BELOW)

#### From Spain to Greece and Italy

(References: 50585, 50588)

In September 1991, a representative of TRAFFIC Europe visited a circus in Athens, Greece (GR), that held seven *Pan troglodytes*. As a result, TRAFFIC Europe asked the competent authority of GR to make an inspection of the circus, which had entered GR from Cyprus (CY). To provide evidence of the origin of the *P. troglodytes*, the owner presented EEC certificates issued by Spain (ES) for nine *P. troglodytes* and explained that two of the animals had died in CY.

The animals had previously been exported from GR (a non-Party at that time) without export documents required by the EEC. The animals were imported into CY without the documents required by the Convention for import from non-party States. They were then re-exported from CY to GR without proper CITES certificates, also contrary to the Convention.

The M.A. of CY never answered the request for information on this matter from the Secretariat. GR took no action and the circus left GR for Italy (IT). When the circus arrived in IT, the seven chimpanzees were confiscated. A specialist in primatology certified that none of the ages of the animals corresponded to the ages listed in the EEC certificate from ES.

One of the EEC certificates issued by ES specified a circus in France as the destination for four animals, all of which had allegedly been bred in captivity in ES. However, the MA of ES was not able to provide any evidence that the animals were bred in captivity. The Secretariat offered assistance to arrange a DNA analysis for the animals, but ES took no action in this regard. In addition, the M.A. of ES informed the Secretariat that one of the *P. troglodytes* referred to in this certificate was also referred to in another EEC certificate. This and other information received by the Secretariat (see Reference 50848) indicates that different EEC certificates covering the same specimen had been improperly issued and were used to facilitate the illegal movement of specimens throughout the EEC.

#### In Greece and Italy (References: 50848, 50589, 51068)

In October 1991, a representative of TRAFFIC Europe visited another circus in Athens, Greece (GR), that included one *Gorilla gorilla* (gorilla) and eight *P. troglodytes*. To show evidence of the origin of the *P. troglodytes*, the owner presented an EEC certificate issued by a local authority in Italy (IT) for nine *P. troglodytes* (seven of wild origin and two captive-bred). The M.A. of IT later confirmed that this document had not been properly issued and cancelled it immediately.

The Greek authorities did not take any action. In October 1992, the circus left GR and entered IT at a port that was not authorized for the import of CITES specimens, and the eight *P. troglodytes* were confiscated. A week later, at the same location, another *P. troglodytes* from this circus arrived in IT and was confiscated (Ref. 50589)

In March 1992, the M.A. of IT confiscated three *P. troglodytes* from a street photographer who used the animals to attract business. He presented a photocopy of two EEC certificates issued in Spain. One of these certificates was the same certificate used previously in GR (Ref. 50848; see also Ref. 50585). One *P. troglodytes* had also been confiscated from this photographer in 1989.

In November 1993, a representative of TRAFFIC Europe visited a circus in GR and discovered two *P. troglodytes* being held by the same photographer. It appeared that no documents were available to indicate the origin of the animals and the M.A. of GR eventually arranged for their confiscation. It is believed that these two animals had previously been smuggled into IT and then re-exported to GR. The M.A. of IT requested that the animals be sent back to IT, to be used as evidence in a court case. In spite of the request from IT, the M.A. of GR decided to send the animals to a private rescue centre in the United Kingdom. Although the two *P. troglodytes* were confiscated, the photographer was never charged in GR because of a lack of adequate national legislation. He continued to perform in GR with a tiger cub until January 1994, when he left for Israel (Ref. 51068).

#### From Austria to Belgium and other countries

(References: 50593, 50636 and 51065).

In March 1992, during the meeting of the Conference of the Parties, the M.A. of Belgium (BE) advised the Secretariat that a touring artist had requested an import permit into BE for six *Pongo pygmaeus* (orang-utan) and one *P. troglodytes*, although the animals were already in BE. The following permits were provided to the M.A. of BE by the artist:

1. a permit issued by Austria (AT) on 27 July 1990 and valid until 27 January 1991, for the export of six *P. pygmaeus* and one *P. troglodytes*. The country of destination was missing on the document. Although the animals were indicated on the permit as being pre-Convention, their date of acquisition was not entered;
2. a permit issued by Yugoslavia on 21 January 1991 for the export of one *P. troglodytes*; and
3. a permit issued in 1989 by Germany for the import from AT of one *P. troglodytes* and four *P. pygmaeus*. The import permit said "pre-Convention specimens of unknown origin".

The *P. troglodytes* owned by the artist was three years old, and therefore could not have been pre-Convention, as had been indicated on two of the three documents. The owner of the animals advised the M.A. of BE that when he had travelled in several European countries he had presented these same documents, and they had always been accepted.

The Secretariat recommended the confiscation of the animals. However, the instruction to take this action, from the head of the M.A. of BE, who was in Japan, arrived too late in BE and the animals had disappeared. The M.A. of AT advised the Secretariat that, although the owner of the animals had left AT, legal proceedings had been started against him in his absence and he would be subject to prosecution upon his return to that country (Ref. 50636).

On several occasions in 1991, 1992 and 1993, different M.A.s asked the Secretariat to confirm the validity of CITES documents issued by AT for the export and re-export of eight *P. troglodytes*, some of which were claimed to be captive-bred and the others as pre-Convention. The countries of origin for some specimens indicated on the documents were BE and the Netherlands (NL). The Austrian documents were not issued in accordance with Resolution Conf. 7.3 (and, later, Conf. 8.5). The Secretariat asked the M.A. of AT to provide information on the origin of the animals and, in particular, to send copies of the export documents from BE and NL. However, the Secretariat never received a satisfactory answer.

In November 1993, the M.A. of France (FR) refused to accept one of the Austrian documents. The owner of the animals contacted the Secretariat, complaining that he was having an increasingly difficult time persuading authorities in some countries to accept the documents while other

countries accepted them with no problem. As the Secretariat explained that it had never received a satisfactory answer from the M.A. of AT concerning the legal origin of the animals, the owner sent to the Secretariat the documents that he possessed in this regard. After a thorough investigation, during which the Secretariat benefited from the full support of the M.A.s of BE, NL, Switzerland and IT, it was determined that the eight chimpanzees were of legal origin (in fact, several animals had been born within the travelling exhibition, when it was travelling abroad).

It took the Secretariat a considerable time to determine the origin of the animals. This work was necessary because the Secretariat suspected that the animals were of illegal origin, and the Secretariat had not received adequate information on this matter from the M.A. of AT (Ref. 50593, 51065).

#### Comments from the Parties

The M.A. of AT has stated that it regrets not having responded in time to the enquiries of the Secretariat. To avoid any confusion in the future concerning the legal status of the animals concerned, the M.A. of AT has issued identification documents for each animal.

#### From Hungary to France (Reference: 50939)

In August 1993, the M.A. of Hungary (HU) asked the Secretariat for guidance concerning a proposed export of one *Pan troglodytes* to France (FR). The M.A. of HU indicated that the animal was born in captivity but did not meet the definition of bred in captivity given in Resolution Conf. 2.12. The Secretariat replied that the export was possible under Article III of the Convention, and therefore the purpose of the import must be non-commercial.

In November 1993, the Secretariat learned that the animal had been imported into FR and was being used to entertain children at Christmas functions. When asked by the Secretariat to provide evidence that the purpose of the import was non-commercial, the M.A. of FR replied that children attending the functions were not required to pay anything. The Secretariat replied that, despite the fact that there was no payment made by the spectators, the person handling the animal during shows was a paid entertainer. Therefore, the purpose of the import was for commercial purposes, according to Resolution Conf. 5.10.

#### Conclusions

The cases presented above are examples of *P. troglodytes* held in circuses, zoos or by private individuals and entered into trade in violation of the Convention. In some cases, CITES documents were never presented for trade. In others, authentic documents were used to cover animals other than those indicated on the documents. Documents were also issued by M.A.s without enough evidence that the animals were either bred in captivity, in accordance with Resolution Conf. 2.12, or were pre-Convention. In some cases, documents were issued without obtaining declarations from the applicants concerning the origin of the animals. Added to this problem is the inadequacy of border controls for circuses (see also section 8 on travelling exhibitions), resulting in *P. troglodytes* of illegal origin circulating throughout Europe without difficulty.

SUMMARY NUMBER: 1-9  
TITLE: SKINS OF CAIMAN CROCODILUS  
FROM COLOMBIA TO  
SINGAPORE VIA ARUBA AND  
CURAÇAO  
REFERENCES: 50624, 50677

#### Via Aruba (References: 50624, 50677)

On 13 January 1992, the Customs office of Aruba (AW) sent to the Secretariat a Colombian document for the export of 138 bales of skins of *Caiman crocodilus crocodilus*

(spectacled caiman; Appendix II) from Colombia (CO) to Singapore (SG). The document, allegedly issued by a regional office of INDERENA, the M.A. of CO, falsely stated that the species *C. c. crocodilus* may be freely hunted in CO.

Legislation in AW protects only the species included in Appendix I of the Convention, and therefore the shipment was not seized. Unfortunately, the Secretariat received the information from AW too late for authorities in SG to take action concerning this shipment.

On 29 July 1992, the Customs office of AW consulted the Secretariat regarding the validity of a Colombian CITES permit covering 3,000 skins of *Caiman crocodilus fuscus* (brown caiman; Appendix II). The Secretariat informed the authorities in AW that the Colombian permit was valid. However, the permit could not be used for importing the skins into AW because the country of final destination for the shipment was SG. The Secretariat recommended to AW not to accept the shipment.

On 3 November 1992, the authorities in AW replied that there was no legislation that applied to the transit of and trade in skins of *C. c. fuscus*, since this species was listed in Appendix II. The Secretariat was further advised that the skins had already been stored in transit, and that each skin was tagged, as recommended in Resolution Conf. 8.14.

The authorities in AW also stated that another shipment had been stored in transit a month before. No CITES permit accompanied the shipment, and the skins were not tagged. A total of 29,762 skins of *C. c. fuscus* were in the shipment. On 6 November 1992, the Secretariat replied to AW that the shipment was illegal. AW was asked to keep the Secretariat informed as to the final destination of this illegal shipment, taking into account that the Aruban legislation did not allow the confiscation.

On 3 December 1992, the CITES Secretariat was informed by the Customs in AW that 68 bales of caiman skins had been shipped from AW to Curaçao and transhipped to a vessel whose destination was Montevideo, Uruguay (UY).

The Secretariat informed TRAFFIC South America in Montevideo, which immediately contacted the M.A. of UY and the *Dirección Nacional de Aduanas* (National Direction of Customs) of UY. On 28 December, Uruguayan authorities seized 68 bales of caiman skins, 15 of which contained skins with Colombian tags. The other bales contained large flanks and a great quantity of small caiman skins that were not tagged or otherwise marked. No CITES document accompanied the shipment. The shipment, which totalled 85,370 skins, included the 3,000 skins covered by the above-mentioned CITES permit issued by CO.

From the documents found by the Customs officers in UY, it appears that this illegal shipment was destined for a firm in SG. Information on the case was provided to the Uruguayan Department of Justice. The M.A. of SG was also informed of this matter by the Secretariat. On 3 February 1993, it replied that, when questioned, the owner of the firm in SG had stated that he had offered to purchase a shipment of 3,000 skins of caiman and produced a copy of the above-mentioned valid permit from CO. He added that he did not know how or why a container of caiman skins without CITES permits would have been consigned to him.

#### Via Curaçao (Reference: 50741)

On 27 April 1992, the Curaçao Customs office sent to the Secretariat documents concerning an illegal export of 500 bales of caiman skins from CO to SG. Illegal trade had apparently moved to Curaçao using a false Colombian document similar to the one used in AW. The document stated, "*Caiman crocodilus crocodilus* can be freely hunted and that no special document is needed to move the skins".

On 29 April 1992, the Secretariat advised the Customs office of Curaçao that the document, allegedly issued by a regional office of the M.A. of Colombia, had been forged. However, legislation in Curaçao, like that of Aruba, only protects the species listed in Appendix I of CITES. Unfortunately, the information was received too late for the Secretariat to inform the authorities in SG in time for the shipment to be seized.

#### Comments from the Parties:

The M.A. of the Netherlands has stated that, in spite of the efforts made by its government, neither Aruba nor the Netherlands Antilles has passed CITES legislation.

SUMMARY NUMBER: 1-10  
TITLE: USE OF FALSE PERMITS  
REFERENCES: SEE BELOW

#### From Malaysia (Reference: 50614)

In November 1991, the Secretariat received information on the forging in Thailand (TH) of Malaysian CITES permits and security stamps that were being used for the unlawful export of reptiles. In December, the M.A. of Japan (JP) advised the Secretariat of their suspicions concerning a permit and security stamp that had been accepted for import. The permit and stamp were verified as false by the M.A. of Malaysia (MY). Information on the false permits and security stamps was provided by the Secretariat to Interpol and to major importing countries. As a result, the Secretariat became aware of additional false Malaysian permits and stamps accepted by other Parties. On 19 December 1991, the Secretariat sent to the Parties Notification No. 660, which described the nature of the problem and the specific characteristics of the false permits and stamps.

The M.A.s of TH and MY were asked by the Secretariat to conduct immediate investigations into the matter. The Secretariat later determined that many shipments had already been accepted on the basis of the false permits and stamps. Several of these shipments had been destined for an importer whose address on the permits was in the United States of America (US) or Canada (CA). The Secretariat kept CITES enforcement officials in both of these Parties fully informed so that they could determine whether the importer's actions were in violation of national laws.

On 1 January 1992, the Secretariat was advised by the M.A. of Israel (IL) that this same person had been in IL and had tried to unlawfully export to US specimens of reptiles native to IL. The same shipment also contained reptiles that were claimed to have been re-exported from MY, and were accompanied by a false export permit from that country.

In spite of detailed information being provided to the authorities in MY, TH, JP, US and CA on this matter, the Secretariat was not aware of any charges taken against any person or organization that used the false permits and security stamps to trade in specimens of reptiles in violation of the Convention.

#### Comments from the Parties

The M.A. of US has stated that civil charges had been filed against the importer, and that a penalty of USD 4,000 had been imposed.

#### From Cameroon (References: 50612, 50618, 50663, 50788, 50883, 51120)

During the course of 1991 and 1993, the Secretariat discovered several false or altered Cameroonian export permits. Many of these were from old permit models and had been used by traders mainly to export, or to attempt to export, specimens of *Psittacus erithacus* (African grey parrots; Appendix II) to countries in Europe, including Austria, Belgium, France, Germany (DE) and the United

Kingdom (GB). In December 1991, the competent authority of Côte d'Ivoire (CI) requested that the Secretariat attempt to stop the import into GB of 200 *P. erithacus*. The exporter from CI was using a falsified Cameroonian permit as a basis for re-exporting birds originating in CI. In December 1991, the staff of the M.A. of Senegal posted at Yoff-Dakar airport allowed the transit of *P. erithacus* from CM to DE, although the Cameroonian document presented to them was obviously falsified (Ref. 50618, 50663, 51120).

In November 1992, a trader from CM attempted to export 6,000 *Varanus niloticus* skins, using an old Cameroonian permit bearing the name of an exporter who had died five years before. The Secretariat informed the M.A. of CM, and asked it to take appropriate action against the trader. Although the M.A. of CM informed the Secretariat that it would undertake an investigation, the Secretariat has not been informed of the results (Ref. 50883).

On the basis of the numerous cases involving the use of false or altered documents from CM, including several incidents not reported in this section, the Secretariat issued Notification to the Parties No. 661 of 19 November 1991. The Secretariat also informed the M.A. of CM that it would not recommend the acceptance, by importing countries, of any permit from CM unless the Secretariat had received a copy of the permit directly from the M.A. of CM. This arrangement has worked well and is intended to continue in the future (Ref. 50612).

#### From Ghana (References: 50751, 50806, 50881)

In April 1992, the M.A. of Ghana (GH) informed the M.A. of the United States (US) that a Nigerian-based exporter was using false permits to export reptiles from GH to two firms in Florida, and that the same exporter might also be involved in illegal exports of reptiles from Togo. In October 1992, the Secretariat was informed by the M.A. of the United Kingdom (GB) of its request to the M.A. of GH to confirm the validity of a Ghanaian permit. The permit included *Chamaeleo johnstoni*, a species known not to occur in GH. The M.A. of GH confirmed that, in December 1991, it had issued a permit bearing the same number for the export to US of specimens of *Python sebae* (African rock python; Appendix II), *Python regius* (ball python; Appendix II), *Varanus exanthematicus* (African savanna monitor; Appendix II) and *Kinixys* sp. (hinged tortoises; Appendix II). The information on the original permit to US was handwritten, while the document presented to the authorities in GB was machine-printed. The date of issuance of the permit had been changed.

The Secretariat had received no confirmation from the M.A. of US whether the import into US took place. The M.A.s of GB and of GH, as well as officials of the Customs of GB, declared their intention to carry out investigations into this matter, but the results of those investigations have not been communicated to the Secretariat.

#### Comments from the Parties

The M.A. of US has stated that, as a result of an investigation by US authorities into this matter, a shipment had been seized and forfeited, a fine of over USD 5,000 had been imposed, and the return of the confiscated animals had been co-ordinated with the M.A. of NG.

#### From the United Republic of Tanzania (References: 50661, 50742, 50792, 50795, 50796, 50886, 51128)

In November 1991, the M.A. of Malaysia (MY) requested the Secretariat to confirm the validity of a re-export certificate from Mauritius (MU) for the export of six *Phoenicopiterus roseus (ruber)* (greater flamingo; Appendix II) based on a Tanzanian export permit. The Secretariat consulted the M.A. of the United Republic of Tanzania (TZ) which confirmed that the permit was false. The Secretariat informed the M.A.s of MU and MY about this, recommending that the birds be confiscated. In spite of

this advice, the birds left MU and entered MY without any interception. In May 1992, the M.A. of MY confirmed that the birds had been imported and asked again whether the re-export certificate from MU was valid. The Secretariat restated that the birds were of illegal origin and recommended that they be confiscated. The Secretariat is not aware of any action subsequently taken by the M.A. of MY (Ref. 50661).

In April 1992, the M.A. of the Netherlands (NL) advised the Secretariat of a number of false permits from the United Republic of Tanzania (TZ). The permits were part of a scheme by certain companies in TZ to unlawfully export specimens of CITES-listed species (mainly reptiles), including species for which export from TZ was banned. It was eventually determined that these companies either altered genuine permits or used forged permits on which were affixed CITES security stamps that had been removed from genuine export documents. In certain cases, it was also possible that the documents had been used to deceive importers in order to receive pre-payment for shipments never delivered. Information about the invalid documents was provided by the Secretariat to principal importing countries and to Interpol (Ref. 50742). Authorities in the Netherlands are continuing their investigation, which has been extended into other countries in Europe (Ref. 51128).

In June 1992, an old model of a Tanzanian permit was presented to the M.A. of Italy (IT) for the import of 40 *P. roseus* and 10 *Ephippiorhynchus senegalensis* (saddle-billed stork; Appendix III). The M.A. of TZ confirmed that the permit was false, and the Secretariat informed the M.A. of IT accordingly (Ref. 50795). In another incident, in October 1992, Baltimore Zoo, United States (US), requested the M.A. of TZ to confirm the authenticity of an export permit for 15 *P. roseus*, only to be informed that the document was false and that the exporter was not registered with the M.A. of TZ (Ref. 50886).

On 30 June 1992, the Secretariat sent to the Parties Notification No. 677, which described the problem in detail and provided the names and addresses of twenty companies in TZ that the M.A. had stated were involved in the scheme. The Secretariat also recommended that the Parties not accept any CITES permits and corresponding shipments of live specimens from TZ without referring the permits to the Secretariat for confirmation (Ref. 50742).

The seriousness of this problem became apparent after the Notification was issued. Enforcement authorities in US provided the Secretariat with copies of nineteen permits that had been determined to be forgeries, and stated that they would advise the Secretariat of the results of their investigation into the matter. These results have not yet been received by the Secretariat.

Several false Tanzanian permits also went to Japan (JP). In response to Notification to the Parties No. 677, of 30 June 1992, the M.A. of JP sent to the Secretariat copies of four permits from TZ, which had been presented to JP to import chameleons, tortoises and one *Galago senegalensis* (lesser bushbaby; Appendix II). The M.A. of JP did not issue an import permit for the specimens, following confirmation from the M.A. of TZ that the documents were forged (Ref. 50796).

Considering the magnitude of this illegal scheme, the Secretariat is surprised and disappointed that it has not received information from the M.A. of TZ of any actions taken against persons or companies using permits determined to be either false or otherwise invalid. Nevertheless, from August 1992, the M.A. of TZ started using a new permit model, printed on security paper through an arrangement made by the Secretariat (see Notification to the Parties No. 720 of 21 December 1992).

#### Comments from the Parties

The M.A. of US has stated that it has an investigation in progress concerning the Tanzanian permits. It has asked the authorities in TZ for confirmation that certain permits are forged or otherwise invalid, but the response from TZ has been worded in a way that hinders prosecution, e.g. by stating that a permit "seems to be a forgery".

#### From New Zealand (Reference: 50953)

On 30 November 1992, the M.A. of New Zealand (NZ) advised the Secretariat that it had discovered a false permit for the export of 20 live *Eolophus roseicapillus* (galahs; Appendix II) to Japan. The Secretariat provided information about the false document to principal importing countries. As a result, the M.A. of the United Kingdom (GB) advised the Secretariat of another false permit for the export of specimens of *Cacatua* sp. and *E. roseicapillus* to GB. On 7 December 1992, the M.A. of the Netherlands (NL) advised the M.A. of NZ of false permits received by NL. On 21 December 1992, considering the possibility of a large illegal trade from NZ based on such false documents, the Secretariat sent to the Parties Notification No. 711, which described the differences between the false permits and authentic permits. As a result of a co-operative effort between the Secretariat and several Parties, four false permits were discovered, leading to the arrest of the exporter in NZ. Convicted of five forgery charges and one conspiracy charge, the exporter received fines and other costs totalling NZD 8,395.

#### From China (Reference: 51139)

In the report on alleged infractions presented to the eighth meeting of the Conference of the Parties, reference was made to the use of false re-export certificates from China (CN), which were based on a form that had not been used by the M.A. since 1988. A similar document was again used in 1994 in an attempt to import Chinese orchid species into Austria. The exporter (the same person, although the company's name had changed) was apparently still exporting orchids from nurseries in both Hong Kong and CN, although he had been convicted in Hong Kong for illegal trade in CITES-listed plants.

#### Comments from the Parties

The M.A. of CN has stated that, although in January 1994 it sent information on this matter to the relevant authorities, no response concerning their investigation has been received. Although it is short of funds and personnel, the M.A. of CN is making its best effort to monitor, through several extension offices, illegal activities such as the above.

SUMMARY NUMBER: 1-11  
TITLE: BIRDS OF PREY  
REFERENCES: SEE BELOW

#### Falco sp. from Saudi Arabia to Europe (Reference: 50361)

In May 1991, the M.A. of France (FR) consulted the Secretariat about the validity of permits issued on 13 January 1991 by Saudi Arabia (SA) for the export to FR of 112 specimens of different species of *Falco* sp. (falcons), declared as bred in captivity. Most of the birds either were of species included in Appendix I or were Appendix-I hybrids. The export permits indicated, in the box for the final destination, "transit Spain to France". The Secretariat was requested to respond to FR as soon as possible regarding the validity of the documents, because the birds were reported to be the property of a prince in SA and were already in Spain (ES), in transit to FR.

The Secretariat determined that the birds were no longer the property of a prince in SA. In fact, they belonged to a falconer who was subject to a warrant for arrest in Canada, for the illegal import and export of birds of prey, and who had also been sentenced in the United Kingdom (GB) in

1976 for the illegal possession of birds of prey and other birds.

The Secretariat determined that the documents from SA had been falsified, by adding "transit" before "Spain" and "to France" after "Spain". Thus, the original permit issued by SA indicated ES as the final destination and the altered permit indicated the final destination was FR. As a result, FR rejected the application for import of the birds.

The Secretariat later learned that, in 1990, the same falconer had presented an application to the M.A. of GB to import 171 falcons from SA. On 25 October 1991, the M.A. of GB sent to the Secretariat copies of the permits issued by SA for the export of the birds to GB. These permits had been issued on 21 July 1990 (expiring on 21 January 1991) and 14 October and 4 and 10 November 1990 (expiring on 3 February, 14 April and 10 May 1991, respectively). It appeared that a large number of birds were the same as those specified on the export permits from SA presented to FR, as several birds were described as bearing the same ring numbers. The M.A. of GB first advised the Secretariat that it had authorized the import of 117 of these birds on 2 January 1991, and that some of the birds had already been imported, but later said that the import had been authorized between 3 and 6 December 1990.

In July 1991, the owner of the birds launched a campaign in the press and through acquaintances to allow the import of the birds into GB. He stated that the import had been stopped because of UN bureaucracy, that stopping the import of the birds was an insult to the royal family of SA, that the birds would die soon due to the climate in ES or that he was a victim since his purpose was to save the birds during the war in the Gulf. The Secretariat received several phone calls and faxes from influential people urging that the birds in ES be allowed to be imported into GB. The falconer also wrote several letters to the Secretariat, asking questions and providing inaccurate information.

After further enquiries, including a meeting with authorities in ES, the Secretariat was able to establish the following:

1. From 112 to 128 birds (different sources of information indicated different numbers of birds), had been imported by the falconer into ES on 12 February 1991. The birds had arrived from SA through Algeria (DZ) and Morocco (MA) by Algeciras (ES), a border point not authorized for introduction of CITES specimens into ES. Without submitting any documents, the falconer obtained a transit authorization to Almería (ES) by declaring to Spanish Customs authorities his intention to begin a captive-breeding programme in ES. Apparently, as he indicated that the birds belonged to a prince in SA and he wanted to save the birds from the Gulf war, Spanish Customs agreed to the transit, without consulting or informing the other M.A. of ES.
2. On 1 July 1991, as a final destination for the birds had not been determined and the Customs document authorizing the transit had expired, Spanish Customs decided to inspect the birds. They discovered that the birds were kept at a different location than that authorized, a Customs infraction. The Customs found 122 birds, of which 105 were still alive. [N.B. As the number of birds imported in February 1991 is not certain, some of the birds inspected by the Customs may not have been from the February consignment.] The birds were placed under the control of Customs until their final disposal could be determined, but were not moved.
3. On 25 July 1991, Spanish Customs made an inventory of birds detained in the above-mentioned location and found 107 live birds, two more than the inventory made on 1 July.

4. In August 1991, the falconer applied to the M.A. of ES to transfer the birds to GB, but ES took no decision.
5. In October 1991, the Spanish Customs advised the Secretariat that they were ready to seize the birds if a final destination (a rescue centre) for them could be located. However, they were troubled by a letter from the M.A. of GB that authorized the import of the birds into GB.

Concerning the import of the birds into GB, the Secretariat learned the following:

1. In May 1991, the M.A. of GB received new applications from the falconer to import 102 birds of prey, of which two would arrive from SA and the remainder from ES. Eighty-six of the birds to be imported from ES were the same as those indicated in earlier applications to the M.A. of GB. Of the remaining 16 birds initially requested to be imported, applications for 14 birds were not processed, at the request of the applicant; applications for the remaining two birds lapsed.
2. The M.A. of GB issued, on 31 May 1991, EEC import permits for the 86 birds being held in ES. The permits mentioned ES as the country of previous re-export and SA as the country of origin. However, the permits were not used.
3. The M.A. of GB re-issued, on 24 June 1991, new EEC import permits for the same 86 birds, naming only SA as the country of origin. The import permits did not indicate the numbers of the export permits of SA.
4. When questioned by the Secretariat as to why import permits had been re-issued, the M.A. of GB stated that, if the birds in ES were of illegal origin, it was up to ES, and not GB, to confiscate the birds. Concerning the validity of the import permits, the M.A. of GB agreed that they had been issued on the basis of expired export permits from SA. However, as the M.A. saw nothing in the Convention itself which meant that this invalidated the import permits but knew that the Secretariat had recommended that the permits be cancelled, it was seeking legal advice on the matter.
5. Using 13 of the import permits issued in December 1990, the falconer imported into GB 16 birds (12 birds on 3 January 1991, two birds on 13 February 1991 and two birds on 31 May 1991). The Secretariat believes that at least some of these birds were the same ones as those mentioned on the altered export permits from SA, that were presented to FR.
6. On 18 February 1992, the M.A. of GB informed the Secretariat that it had received a new application from the falconer for the import of the 86 birds mentioned on the import permits issued by GB on 24 June 1991. As noted above, some of the birds had already been imported between January and May 1991. The M.A. of GB stated to the Secretariat that it saw no reason to refuse the import. Nevertheless, it decided to ask the M.A. of ES if it was prepared to release the birds to their owner. The M.A. of GB reported later to the Secretariat that it had not issued any additional import permits.

On several occasions, the Secretariat recommended that the birds in ES be confiscated, but no reply was received from the M.A. of ES. On 20 February 1992, the Secretariat was informed by the M.A. of ES that **154** birds of prey had been confiscated on 10 February 1991 (presumably it meant 1992) and placed temporarily in a rescue centre near Cordoba (ES). The M.A. of ES requested assistance from the Secretariat to find a final location for disposal of the birds. The Secretariat requested a description of the birds that were confiscated but never received this information.

In November 1992 the Secretariat, participating at a training seminar in Cordoba (ES), learned by chance that the birds

confiscated by ES were still being held in a location very close to Cordoba. The Secretariat obtained the authorization to see the birds. However, only 76 birds were seen. A list describing the specimens was requested by the Secretariat but was not received, nor was information concerning the location of the remaining birds. Apparently, the Spanish Customs had decided to confiscate the birds, but considering the poor conditions under which they were kept, the regional authorities had decided to keep the birds in the local rescue centre that was viewed by the Secretariat.

The Secretariat believes that the lack of proper co-ordination between the Customs, the M.A. and the regional authorities in ES led to this problem, although Spanish Customs were very co-operative with the Secretariat. Although assistance was requested from the European Commission, the Secretariat did not receive support.

From the original stock of birds of prey held in the breeding operation in SA, estimated to be about 170 birds:

1. between 112 and 128 birds were imported into ES;
2. 16 birds were imported into GB;
3. twelve birds were imported into Belgium (BE);
4. four birds were imported into FR; and
5. the location of the remaining birds is not known.

#### Comments from the Parties

The M.A. of GB has stated that the EEC import permits issued by them on 31 May had incorrectly indicated ES as the country of re-export. Because the birds were considered by GB to be still in transit through ES, the M.A. of GB issued new EEC import permits on 24 June 1991, which indicated only that the birds were exported from SA. When the Secretariat raised its concern regarding the fact that the export permits from SA had expired, the M.A. of GB advised the Secretariat, on 29 November 1991, that it could find nothing in the Convention which, in these circumstances, requires the existence of an unexpired export permit when an import permit is issued. This point, which was not challenged by the Secretariat, was supported by legal advice provided to the M.A. of GB.

#### Response of the Secretariat

Resolution Conf. 4.10 recommends that 'transit' be interpreted to mean the process of shipment to a named consignee, and that any interruption in this movement should be a result of arrangements necessitated for transit. When declaring the birds to Spanish Customs, the falconer indicated, "transit to Spain". At the time the import permits were issued by the M.A. of GB in June 1991, the birds of prey had been in ES for several months. Therefore, the Secretariat does not consider that the birds were in transit in ES.

Article VI, paragraph 2, of the Convention states that an export permit "may only be used for export within a period of six months from the date on which it was granted". Resolution Conf. 4.9 recommends that this should be understood to mean that all export activities, including transport and presentation for import, should be concluded within this six-month period. Therefore, the M.A. of GB should not have accepted any specimens for import covered by export permits from SA that had expired. This applies regardless of whether the birds were in transit in ES.

#### Falconry exhibition in Hungary (Reference: 50590)

In October 1991, the Secretariat was informed that an international exhibition on falconry had been held in Hungary (HU) and that several citizens of other countries attending the exhibition had imported and then re-exported their falcons without proper documents. As the Secretariat was informed of this a week after the end of this exhibition,

the M.A. of HU was not in a position to check how many birds had been imported and re-exported, but confirmed that the exhibition had been held and that not a single re-export certificate had been issued.

At least one *Falco peregrinus* and one *Falco cherrug* were imported from Czechoslovakia (CS) to HU on 16 October and re-exported from HU to CS on 23 October without any CITES documents.

#### Comments from the Parties

The M.A. of the Czech Republic has noted that, as Czechoslovakia was not a Party to the Convention in 1991, the export from and import into that country of *Falco peregrinus* and *Falco cherrug* without CITES permits was legal until 1 June 1992, when such trade without proper permits was prohibited.

#### Falcons from and to Austria (Reference: 51136)

In its annual report for the year 1992 Austria (AT) indicated that specimens of *Falco peregrinus* (Appendix I), allegedly bred in captivity, had been exported several times during that year, without being recorded as re-imported into AT. Most probably these exports (or re-exports) refer to birds carried by falconers during their hunting trips. Examples are as follows:

1. bird with ring number WAA G 01213: four times to CS, once to Poland (PL), once to HU and, using the same export permit number, also to DE;
2. birds with rings numbers G 02555K and G 02558K: once to HU, once to CS, and once to PL;
3. birds with rings numbers WAA 1H00016st, F 03239K and F 03241K: once to HU, once to CS, and once to PL;
4. bird with ring number WAA F 05488K: twice to Italy;
5. bird with ring number 920072: one export permit for three different destinations, HU, PL and CS.

Unfortunately Austria is not the only country with this problem, which indicates weaknesses in either the control in or the reporting of such trade. When checking the annual report of CS, the Secretariat found that, of 11 exports (or re-exports) to CS recorded by AT, only one was reported by CS as having entered that country.

Of three exports of birds reported by AT to DE, none was reported as imported by DE. The export by DE to AT of 16 specimens of *Falco cherrug* (Appendix II), was not recorded by AT.

The Secretariat asked the M.A. of AT for an explanation of its lack of reporting in this area, but no answer was received.

#### Comments from the Parties

The M.A. of the Czech Republic (CZ) has advised that, as some falconers enter and leave CZ on weekends, they are unable to obtain re-export certificates from the M.A. of CZ before returning to their countries of residence. The same problem probably exists for falconers from CZ travelling to other countries. For exports of a temporary nature, such as these, CITES restrictions should be simplified, in a manner similar to those for travelling exhibitions.

The M.A. of DE has stated that great numbers of birds of prey, mostly falcons that have been bred in captivity, enter and leave DE for falconry purposes. Their import into DE requires the presentation of a CITES export permit or certificate, and an EEC import permit. Their export or re-export from DE requires either an EEC export permit or re-export certificate. Resolution Conf. 6.8 recommends that the personal effects exemption under Article VII, paragraph 3, of the Convention not apply to live animals. However, in order to simplify this for falconers, DE issues a document, called a "Combi-permit", which serves as an EEC-import

permit and an EEC re-export certificate. Movements of falcons covered by such documents are not reported by DE, in order to prevent misrepresentation in the statistics.

The M.A. of AT has stated that the information in its annual report is based on documents that have been issued, and not necessarily used. Therefore, it is probable that several of these export permits were never used.

#### Response of the Secretariat

Resolution Conf. 6.8 refers to tourist souvenir specimens, which are personal and household effects acquired outside the owner's State of usual residence. Therefore, this Resolution does not prevent Parties from applying the exemption under Article VII, paragraph 3, of the Convention to birds of prey that travel with falconers to other countries on a temporary basis. However, where the exemption does not apply, the "Combi-permit" mentioned by DE would not be valid for CITES purposes. The movement of falcons between DE and AT, a non-member of the EEC, would therefore require that the M.A. of each Party issue the relevant permits or certificates required by the Convention. Such trade should be included in the annual reports of the Parties concerned.

Concerning the comment from the M.A. of AT, the Secretariat reminds the Parties that, wherever possible, data for annual reports should be derived from actual

specimens traded, and not from permits/certificates issued. However, a consistent approach is also important.

#### International co-operation on an investigation of a smuggling ring (References: 50606, 50772)

In October and December 1991, the Secretariat was informed of the results of an investigation made in co-operation between the Police of Denmark (DK), the Customs of Germany (DE) and the Customs of France (FR) on a case of illegal taking from the wild in Greenland and smuggling to FR and DE of four *Falco rusticolus* (gyrfalcon; Appendix I) valued at USD 200,000. The investigation revealed that a French citizen was involved in the illegal activity, but she could not be prosecuted because of a lack of evidence. A German citizen, a main subject of the investigation, fled to Spain to avoid prosecution.

The investigation revealed that an international smuggling ring of birds of prey existed in Europe, North America and countries in the Mediterranean, with the main organization based in Spain. The close co-operation between Customs of DE and FR and the Spanish Police permitted the expansion of the investigation, which still continues, into other countries.

#### Other examples

Please refer to the following table.

Reference	Date	Species concerned	Country of Export	Country of Import	Comments
50727	March 1992	<i>Aquila chrysaetos</i>	Austria	Portugal	Confiscated in Hungary. Invalid documents.
51052	March 1993	<i>Aquila chrysaetos</i>	Austria	Portugal	Confiscated in Portugal. Invalid documents. Specimens originated in Tanzania.
50629	February 1992	birds of prey	USSR	Czechoslovakia	The birds were exported with invalid documents from USSR. It was intended to re-export them to France and Austria.
50866	June 1992	11 young <i>Aquila heliaca</i>	believed to be USSR	Czechoslovakia	Confiscation in Germany. No documents. A Czechoslovak (Slovak) citizen was arrested. The birds were re-exported to Hungary and released in the wild.
50846	September 1992	5 <i>Falco peregrinus</i>	Germany	Poland	Import application presented to Poland included only EEC and other non-CITES documents. Import refused.
50849	September 1992	1 <i>Falco peregrinus</i> , 1 <i>Aquila chrysaetos</i>	Austria	Czechoslovakia	Confiscated at Bratislava airport in Czechoslovakia. No documents.

SUMMARY NUMBER: 1-12  
 TITLE: DIPLOMATS AND PERSONS INVOLVED IN UNITED NATIONS ACTIVITIES  
 REFERENCES: SEE BELOW

#### Confiscation of *Pan troglodytes* and *Gorilla gorilla graueri* in Rwanda (Reference: 50827)

On 15 July 1992, Customs officials at Kigali International Airport, Rwanda (RW), confiscated a young *P. troglodytes*

(chimpanzee; Appendix I) and a *Gorilla gorilla graueri* (lowland gorilla; Appendix I) which had been air-freighted as an unaccompanied shipment from Goma in eastern Zaire (ZR). The animals had been purchased by an Egyptian during a visit to ZR, and were destined for Egypt (EG). The containers carrying the animals were addressed to the care of a senior official of the embassy of EG to RW, in Kigali. The official presented himself to the M.A. of RW to reclaim the animals, insisting that all the export documents for the animals were valid. However, the documents included an

old (invalid) CITES permit, issued in 1989, for the export of *P. troglodytes* from the zoo in Kinshasa to Egypt, and a veterinary health certificate that had been secured through a Lebanese resident in Goma. The M.A. of RW refused to release the animals. With the agreement of the M.A.s of ZR and Burundi, the animals were put under the temporary care of an institute in Bujumbura, to be returned to ZR at a later date.

The Secretariat informed the M.A. of EG about the incident, and provided details about the identity of the Egyptian exporter, with a request to undertake an investigation. However, the Secretariat is not aware of any action taken by the M.A. of EG. Although the Secretariat had great difficulty contacting the M.A. of ZR on this matter, that M.A. informed the Secretariat in January 1993 that it had begun actions to ensure that appropriate measures could be taken against individuals involved in the trafficking in *P. troglodytes*. However, the Secretariat has not received any information on the actions taken.

In August 1992, in a note to the Ambassador of Egypt to Switzerland, the Secretariat expressed its concern about the involvement of staff of the Egyptian embassy in Kigali in the incident, and requested the Ambassador to take immediate and decisive action to investigate the allegations. The Ambassador acknowledged the letter and informed the Secretariat that he had transmitted the Secretariat's concern to the Ministry of Foreign Affairs of EG for further action. In March 1993, the Ambassador transmitted to the Secretariat the response that he had received from his Ministry of Foreign Affairs. The Ministry indicated that, after a thorough investigation by the competent Egyptian authorities, it had been determined that the embassy in Kigali had not been connected with any illegal transfer to EG of endangered animals of any kind. The Ministry added that it had been informed by the embassy in Kigali that the consignment of *P. troglodytes* had been authorized by ZR.

Smuggling of rhinoceros horn by diplomats of the Democratic People's Republic of Korea  
(References: 50620, 50782)

In January 1992, the Secretariat received a newspaper report which stated that two diplomats of the DPR of Korea (KP) in Zimbabwe (ZW) were being expelled from ZW for illegal possession of rhinoceros horn. The report stated that officials of KP embassy had admitted that both diplomats were dealing in the horn, and that one of the diplomats had been deported in 1990 for the same offence. The Secretariat twice asked the M.A. of ZW for additional information on the matter, but did not receive a reply to either request.

Smuggling of rhinoceros horn by a Bhutanese diplomat  
(Reference: 51095)

In September 1993, the Secretariat received information that a member of the Bhutanese royal family, holding a diplomatic passport, arrived at Taipei international airport, Taiwan, Province of China (CN) after a 15-day visit in Hong Kong (HK). She was carrying two suitcases, which underwent routine x-ray examination during the transfer from the aeroplane to the baggage collection point. Her baggage was subsequently searched as she passed through Customs and was found to contain a total of 22 rhinoceros horns and nine bear-gall bladders. She was held pending charges under the Wildlife Conservation Law.

In an interview on 20 September with the TRAFFIC Taipei representative, the diplomat stated that she had purchased the horns and gall bladders in Bhutan (BT), and was trying to sell them in HK and the Province of Taiwan, CN. She stated that she had found no buyer in HK and she had intended to try to contact buyers in the Province of Taiwan, CN when she was apprehended.

In a letter in January 1994 to the Secretariat, the M.A. of HK confirmed that the diplomat had arrived in HK from Bangkok, Thailand, at the end of August and then travelled to Japan (JP). After her return to HK from JP, she had flown to Taipei, where she was apprehended.

In September the Secretariat wrote the Director General of the Department of Forestry of the Royal Government of BT, urging him to recommend to his Government to investigate this matter and to take whatever action was necessary to ensure that a similar incident did not occur again in the future. In November, the Director General replied that the killing and trading in endangered species is prohibited in BT, but he did not indicate any action that had been taken by his Government as a result of the incident.

Confiscation in Egypt of specimens from Nigeria  
(Reference: 50894)

On 15 February 1994, the veterinary quarantine officials at Cairo international airport, Egypt (EG) seized a young *P. troglodytes*, 14 *Psittacus erithacus* (African grey parrot; Appendix II), and four *Cercopithecus mona* (mona monkey; Appendix II). The consignment was accompanied by a Nigerian woman from Kano, Nigeria (NG). There were no CITES permits for the animals. The Nigerian woman asked the Nigerian embassy in Cairo to pressure the M.A. of EG to have the animals released. An official from the embassy, claiming that the export from his country was legal, intended to use diplomatic immunity to have the animals released. The M.A. of EG sought the advice of the Secretariat in the matter. The Secretariat strongly recommended that the specimens should be confiscated.

The Secretariat also informed the M.A. of NG about the incident and of the interventions by the staff of the Nigerian embassy in Cairo. The M.A. of NG, advising their Minister of Foreign Affairs about the seriousness of the incident, requested that the Ministry direct the embassy in Cairo to stop interfering in the matter. In June 1993, at the request of the M.A. of NG, the specimens were returned to that country.

Infractions by United Nations troops (References: 50979, 51110)

Information about wildlife smuggling by United Nations (UN) troops of several countries has come from a number of sources. Several sources have reported that French troops serving under the UN flag in Cambodia (KH) had smuggled monkeys into France when returning home, but this has not been confirmed. The Secretariat was also informed by the M.A. of Bulgaria (BG) that, in November 1992 and February 1993, Military Police and Customs authorities in BG confiscated several *Python* sp. from peace-keeping soldiers of BG returning from KH. A young *Panthera pardus* was also confiscated but died soon afterward.

In November 1993, the Secretariat was informed by reliable sources in Italy (IT) that, on 2 November 1993, some Italian troops assigned to the United Nations peace-keeping force in Mozambique and Somalia (SO) had brought home with them tusks and ivory carvings of *Loxodonta africana* (African elephant; Appendix I), and skins of *Panthera pardus* (leopard; Appendix I) and *Acinonyx jubatus* (cheetah; Appendix I) without any export documents. In one case, the elephant ivory was hidden in tanks. The M.A. of Italy took up the matter with the Office of Operations of the Ministry of Defence in Italy.

On 10 November 1993, the Secretariat informed the Executive Director of UNEP, as the administrator of the CITES Secretariat, about this matter. In that letter, the Secretariat recommended that the Secretary General of the UN should immediately send an urgent instruction to the Commanders-in-Charge of operations in SO and KH to:

1. conduct an investigation into the involvement of UN peace-keeping troops in illegal trade in ivory and other specimens of species listed in the appendices of the Convention; and
2. establish a control mechanism to ensure that troops leaving SO and KH returning to their countries do not smuggle illegally acquired CITES specimens.

Furthermore, the Secretariat recommended that the Secretary General of the UN should request the Government of IT, and governments of other nations that are or have been involved in UNISOM, to investigate the illegal import into their countries of elephant ivory and other CITES specimens by UNISOM troops, to recover illegally imported specimens and to put them under the care of the UN, to be returned to the countries of origin at an appropriate time. Accordingly, the Executive Director of UNEP addressed the issue with the Secretary General of the UN.

In May 1994, in a letter to the Executive Director of UNEP, the Chief of Staff of the Office of the Secretary General of the UN stated that, although certain legal arrangements might prevent the prosecution in the country concerned of troops serving under the UN flag, the troops remained subject to the jurisdiction of their home States. Therefore, the responsibility for controlling infractions of the Convention by these troops lay with the Parties to the Convention that were the troop-contributing States. Furthermore, as neither UNISOM II nor the United Nations had any obligations under the Convention, they could not be held responsible for the violations of the Convention.

Nevertheless, the letter stated that a copy of the text of the Convention had been sent to UNISOM, requesting that all staff be briefed on the relevant provisions of CITES. Finally, the letter stated that it was the intention of that Office to provide all existing and future peace-keeping missions with a copy of the text of the Convention, in order that members of the mission could be briefed, as appropriate.

Offer by UNDP employee to trade in rhinoceros horn  
(Reference: 50918)

In October 1992, the Secretariat received a copy of a letter that was written on 16 September by an officer of the United Nations Development Programme (UNDP), who was based

in Africa. In the letter, which was to an acquaintance, the UNDP employee offered to trade in rhinoceros horn and emeralds. The letter stated "Do not use the fax or telephone when communicating with regard to the above. Write instead and make some hay while the sun shines."

The Secretariat sent an enquiry to the UNDP Resident Representative in the African country where the employee resided. The UNDP Resident Representative replied that the employee had been interviewed and had admitted to writing the letter after meeting a contact while he was in South Africa. The information provided to the Secretariat indicated that UNDP had taken no official disciplinary action against the employee, other than perhaps issuing a written reprimand.

On 15 March 1993, the Secretariat sent a fax to the Chief of Personnel and Recruitment at UNDP headquarters in New York. In that fax, the Secretariat stated that the behaviour of the employee was totally inexcusable, given the precarious status of rhinoceros populations throughout the world and the high ethical standards that should be maintained by employees of the United Nations. The Secretariat did not receive a reply from UNDP to this fax, nor to a follow-up fax of 20 April 1993.

In a letter of 25 May 1993, the Secretariat asked the Executive Director of UNEP to urge UNDP to take decisive action in this matter. In July and December 1993, UNEP sent enquiries to UNDP to ask about any action taken by that organization with regard to the employee. No reply was received until 2 February 1994, when the Director of the Division of Personnel for UNDP advised in a letter to UNEP that the UNDP Resident Representative had taken "appropriate action" (but the action taken was not indicated) and that "given the passage of time" UNDP believed that "the matter should be deemed closed".

On 2 March 1994, in response to a letter dated 14 February from the Executive Director of UNEP, the head of UNDP responded that he had asked the Internal Audit to review the matter and that he would inform the Executive Director of the outcome of their investigation as soon it was available. Although the Secretariat has not received official notice of any further action taken by UNDP in this regard, a newspaper in New York reported on 27 June 1994 that the contract of the employee had not been renewed.

## Section 2: Appendix-I Live Animals

SUMMARY NUMBER: 2-13

TITLE: *AMAZONA LEUCOCEPHALA*  
FROM CZECHOSLOVAKIA TO  
SOUTH AFRICA VIA THE UNITED  
KINGDOM

REFERENCES: 50572 and 50600

In September 1991, the Secretariat received information that two shipments of *Amazona leucocephala* (Cuban amazon) had left Czechoslovakia (CS) for South Africa (ZA) through the United Kingdom (GB). The first shipment contained six birds and the second ten birds. They were accompanied by export documents issued by a competent authority in CS (a non-Party at that time), which indicated that the birds were captive-bred. These two shipments were accepted by ZA.

A third shipment of six birds followed some days later. It was detained by ZA, but the Secretariat was not informed about the final disposal of the birds.

In November 1991, the Secretariat, was informed of nine *A. leucocephala* that were to be exported from CS to ZA via GB, and immediately informed the M.A. of GB. The shipment was detained at Heathrow Airport in London. When questioned by the Secretariat, the competent

authority of CS replied that the captive-breeding operation for the birds had not been inspected and, as a result, the export permit had been cancelled. The M.A. of GB advised the Secretariat that the birds had formed the basis of a successful breeding operation at British zoos.

On a later date, the Secretariat was informed by the M.A. of CS that it received an application for a document to export 12 *A. leucocephala*. As a Secretariat staff member was visiting CS, he visited the premises of the exporter with the authorities of CS. The exporter only showed the authorities two adults of this species (probably two males). After the M.A. of CS insisted on seeing the 12 birds to be exported, the exporter showed them two young birds in his garage and explained that the others were kept at the homes of friends, but he could not remember their names and addresses. Later, he admitted that he was buying *A. leucocephala* at the market from Russian citizens for USD 100 and would sell them for USD 1000 to a Dutch trader, who would then ask him to send the birds direct to ZA. However, the information received from the exporter was not sufficient to identify the Dutch trader.

CS refused to issue any other export documents for this species. However, the exporter also admitted to having exported several *A. leucocephala* and other Appendix-I

parrots to Germany without documents. As CS was not a Party at the time these activities took place and no legislation existed to prohibit them, the exporter could not be charged.

#### Comments from the Parties

The M.A. of the Czech Republic (CZ) has stated that, although the claims of the breeder were found to be false, there are several Czech aviculturists breeding *A. leucocephala* in captivity. However, there is also evidence that specimens of this species have until recently been smuggled into CZ on a large scale by citizens of countries of the former USSR, Poland and Yugoslavia. The export or re-export of specimens of this species have not been allowed since 1992, and CZ is also trying to stop illegal imports.

The M.A. of the Netherlands (NL) has stated that, had it been aware of this case, it would have been able to inform the Secretariat of the name of the trader. Furthermore, actions could have been taken against the trader, because even the offer for sale of *A. leucocephala* is an offence in NL.

#### Response of the Secretariat

The information on the Dutch trader was provided to the head of the M.A. of NL when he visited the Secretariat.

SUMMARY NUMBER: 2-14  
TITLE: *ELEPHAS MAXIMUS* FROM  
MYANMAR TO THE RUSSIAN  
FEDERATION VIA BELGIUM AND  
LUXEMBOURG  
REFERENCE: 51063

In October 1993, the M.A. of the Netherlands (NL) informed the Secretariat that two *Elephas maximus* (Asian elephant), declared as bred in captivity, were expected to arrive in NL from Myanmar (MM), with the Russian Federation (RU) as their final destination. In its report on alleged infractions, to the eighth meeting of the Conference of the Parties, the Secretariat recommended that the Parties not accept any captive-bred specimens of *E. maximus* from MM (see case no. 14 in document Doc. 8.19), as the captive-breeding in that country did not comply with Resolution Conf. 2.12. In addition, Resolution Conf. 8.8 recommends that Parties should allow the import from non-party States to the Convention of captive-bred specimens of Appendix-I species only after receiving favourable advice from the Secretariat. The M.A. of RU did not consult the Secretariat regarding this import.

The Secretariat recommended to the M.A. of RU to cancel the import permit it had issued. The M.A. of RU initially suspended the validity of the document but then re-validated it. The Secretariat recommended to the M.A.s of NL, Belgium (BE) and Luxembourg (LU), through whose territories the animals would be in transit, to confiscate the shipment. However, BE and LU replied that their national legislation did not allow them to take such action. The M.A. of NL replied that it could not take any action because the animals were covered by an import permit from RU. The animals eventually arrived in Moscow, to be used in a circus. The Secretariat informed the M.A. of RU that, in the future, it would recommend that the import of specimens of *E. maximus* be refused. The M.A. of RU agreed not to issue any re-export certificate for the animals. Nevertheless, in June 1994, the M.A. of the United States (US) consulted the Secretariat about a certificate issued by the M.A. of RU, for the re-export of the two animals to US, where they would be used in a circus. The Secretariat recommended to US to refuse the import and US followed the recommendation of the Secretariat.

#### Comments from the Parties

The M.A. of NL has advised that the Dutch authorities had decided that it was not appropriate to seize the *E. maximus* because NL already possessed a surplus of elephants as a result of the case mentioned in document Doc. 8.19, and because of the high costs of care and feeding for such animals. Their view was that this problem was the responsibility of the authorities in RU. In the future, the M.A. of NL will not allow the specimens into NL to perform in a Russian circus, if the Secretariat recommends against it.

#### Response of the Secretariat

In letters to the Secretariat dated 5 October and 27 October 1993, the M.A. of NL indicated that it could not take any action concerning the transit of the two specimens because the animals were covered by an import permit from RU.

SUMMARY NUMBER: 2-15  
TITLE: *PANTHERA UNCIA* FROM  
KYRGYZSTAN  
REFERENCE: 51069

On 17 November 1993, the MA of France (FR) informed the Secretariat that it had confiscated a female *Panthera uncia* (snow leopard) that had been transported in a truck by two citizens from the Russian Federation (RU) and from Kyrgyzstan (KG), who were trying to sell the animal. They presented the following documents to the French authorities:

1. a certificate issued in 1993 by Algeria (DZ) for the re-export of one female *P. uncia*, with KG as both the country of origin and the final destination, with no reference to an export document from RU or KG;
2. a veterinary certificate, issued at Moscow airport on 28 October 1992, for a male *P. uncia* (and three birds of prey);
3. a Spanish Certificate of Border Crossing issued on 12 November 1993 in Algeciras, ES, for the transit of one *P. uncia* through ES into Germany (DE).

When contacted by the Secretariat about the 1993 certificate from DZ, the M.A. of DZ answered that:

1. it had requested the owner of the animal to present a CITES export permit from RU but he had never done so;
2. the Customs document and the invoice presented at the time of import of the *P. uncia* referred to two *P. uncia*, two *Panthera leo* (lion) and three eagles. However, the M.A. determined that only one *P. uncia* (a female), two *P. leo* and three *Falco biarmicus* had been imported;
3. the two *Panthera leo* had arrived in poor condition and had died soon after their arrival;
4. one *Falco biarmicus* died and the other two had been re-exported to Italy, in February 1993;
5. the M.A. had issued the re-export certificate after receiving a proper request (although it had no evidence that the *P. uncia* had been legally imported).

The M.A. of RU confirmed that *P. uncia* is a fully protected species in Kyrgyzstan and that no authorization for export had been issued for many years. It stated that an investigation would be conducted on the issuance of the Russian veterinary certificate.

The M.A. of ES stated that Spanish authorities had checked with the M.A. of DZ by telephone to confirm the validity of the re-export certificate and, because the M.A. of DZ confirmed it had issued the document, the M.A. of ES allowed the animals to transit through the country. This case demonstrates that, where CITES documents of a

suspicious nature are concerned, Parties should request information from the issuing M.A. concerning the basis on which the document was issued. A permit or certificate issued by a M.A. might not be valid even if it is authentic.

The M.A. of FR confiscated the animal and the two persons involved were fined FRF 50,000 each and sentenced to suspended prison terms, one of four months and the other of one month.

### Section 3: Appendix-I Animal Parts and Derivatives

SUMMARY NUMBER: 3-16  
TITLE: ELEPHANT IVORY AND  
RHINOCEROS HORN  
REFERENCES: SEE BELOW

Seizures in Belgium of ivory from Zaire (References: 50981, 50985, 51105)

On 21 September 1992, the authorities at the airport in Brussels, Belgium (BE), inspected a shipment from Zaire (ZR) that had arrived on 15 September. The shipment, which was composed of 25 containers (1.3 tonnes), was declared to contain frozen vegetables and art objects. The authorities discovered, among the frozen vegetables in the containers, meat of species of wild fauna, including *Cephalophus* sp. (duikers), Rodentia sp., *Testudo* sp. (tortoises) and *Cercopithecus* sp. (guenon monkeys). Specimens of other CITES species, including a stuffed crocodile, and musical instruments made from the shells of *Testudo* sp. and *Kinixys* sp. were also found.

Most surprisingly, 192 ivory carvings were found hidden inside several vegetables, including cabbage and manioc roots. The vegetables had been cut open and hollowed out, the ivory had been inserted, and the holes re-closed.

Although the shipment was accompanied by documents from several Zairian officials, these did not include any CITES documents. Further investigation led to the confiscation of additional items from the importer's shop in Brussels. The importer was charged in this case by the Belgian authorities, but the decision of the court is not known yet. Although the M.A. of BE sent a letter on this matter to the M.A. of ZR in August 1993, it has not yet received a reply from ZR (Ref. 50981).

In March 1993, the M.A. of Belgium (BE) informed the Secretariat that, on 14 December 1992, the Customs of BE had seized a large quantity of ivory from a passenger arriving from Zaire, in transit to Spain (ES). The seizure consisted of two unpolished tusks and ten pieces of raw ivory (34.9 kg); 12 polished tusks (41,6 Kg); and seven carved tusks, 22 statuettes and 160 other items of worked ivory (29,7 Kg). The passenger, who had carried the ivory in three suitcases, admitted to the Belgian authorities that he intended to sell the ivory in the market at Las Palmas, ES (Ref. 50985).

In October 1993, the Secretariat received information that, in September, Belgian Customs officials had intercepted 52 kg of ivory blocks, valued at about USD 10,000, in transit from Kinshasa, Zaire to Singapore. The blocks, which were in three parcels and one envelope, were stained brown. The Secretariat immediately notified the M.A. of Singapore (SG) about the seizure, including the names of the Zairian shipper and of the three persons to whom the ivory was consigned, and asked them to conduct an inquiry into the matter. On 23 November, the M.A. of SG advised the Secretariat that two of the three consignees had denied any knowledge of the parcels containing the ivory. When interviewed, the third consignee admitted to agreeing to receiving ivory samples (Ref. 51105).

#### Comments from the Parties

The M.A. of SG has stated that action was taken against the third consignee, but it has not provided any further details.

Seizure in Belgium and South Africa of ivory blocks and tubes from the Congo (Reference: 50902)

In April 1993, members of the Endangered Species Protection Unit in South Africa (ZA) arrested a Congolese resident who was in possession of 80 kg of ivory blocks and tubes that had been stained to hide their identity. He had in his possession a CITES permit from the Congo (CG) for the export of wooden art objects, with no species indicated on the permit. When interviewed by South African authorities, the smuggler admitted that another part of the consignment was en route from CG to SG, via Belgium (BE). Authorities in ZA notified BE of the arrest and provided information that led to the seizure in BE of a consignment from this same person of 110 kg of stained ivory blocks and tubes. The consignment was identified on the bill of lading as unfinished wooden pen covers made from walnut. The coating had to be scraped away before the ivory showed through.

Responding to information provided by the Secretariat, the M.A. of CG stated that the permit for the export of wooden art objects had been issued by the M.A. and that any ivory found in the consignment was the result of fraud and should be seized. However, the M.A. of CG did not indicate why a CITES export permit had been issued without the name of a species.

Advised by the Secretariat of the smuggling attempt, the M.A. of SG replied that the consignee named on the Congolese export permit had been interviewed in SG, and had advised the authorities that he had agreed to accept the items only as a favour, after having been advised by the Congolese resident that the contents being shipped were wood.

Seizure in Italy of ivory tusks from the Sudan (Reference: 50666)

On 8 May 1992, while inspecting a crate on a ship that had arrived in Livorno, Italy, bearing a Sudanese flag, the Italian Customs found 20 ivory tusks. On 18 May 1992, an inspection of another crate that had arrived on the same ship uncovered another 46 tusks (one weighing 28 kg), 450 pieces of worked ivory, leopard and python skins, 95 ostrich eggs and rifles. The two crates, which had been labelled as furniture, belonged to an employee of the Italian embassy in Khartoum, the Sudan. Legal actions were initiated, but the outcome is not known to the Secretariat.

Seizure in Djibouti of ivory from Ethiopia (Reference: 50793)

In July 1992, the M.A. of Djibouti (DJ) informed the Secretariat that it had seized 468 kg of ivory, which had originated in Ethiopia and was in transit to Bangkok, Thailand. The M.A. of DJ indicated that the ivory would be incinerated. The Secretariat congratulated the M.A. of DJ for the seizure and requested complete details about the persons involved in the smuggling, but the M.A. of DJ never provided this information.

Seizure in Hong Kong of ivory tusks from the Congo (Reference: 50888)

In November 1992, the M.A. of Hong Kong (HK) intercepted and seized 218 kg (51 tusks) of raw ivory that a Congolese citizen was hand-carrying. This person had arrived from New Delhi, India, and was in transit to Taiwan, Province of

China. The M.A. of HK provided the Secretariat with a copy of its letter to the M.A. of the Congo (CG), informing them of the incident. Eight of the tusks were marked with ink stamps, some of which linked the ivory to the Congolese army. Other tusks had marks that linked them to a provincial administration of the M.A. of CG. No export documents were presented.

Unfortunately, because the legislation of HK does not provide for the detention of persons in transit, the Congolese citizen was allowed to continue his journey to Taiwan, Province of China. However, the M.A. of HK provided the Secretariat with details of the travel documents in possession of the Congolese citizen. The Secretariat sent these details to the M.A. of CG, with a request that it undertake an investigation. The M.A. of CG confirmed the identity of the smuggler and affirmed that it had not issued any authorization for the export of ivory for commercial purposes since the decision at the meeting of the Conference of the Parties in 1989 to transfer the African elephant to Appendix I.

The Secretariat is not aware of any actions taken by the M.A. of CG with regard to this matter, although it had been provided all the essential details that would have provided a basis for a complete investigation into the matter.

Seizure in the Netherlands of rhinoceros horn and ivory tusks from Malawi (Reference: 50754)

In June 1992, the M.A. of the Netherlands (NL) informed the Secretariat that Customs officers in that country had seized two crates containing 81 tusks of *Loxodonta africana* and 20 horns of *Diceros bicornis* (black rhinoceros) and *Ceratotherium simum* (white rhinoceros) which were in transit from Malawi (MW) to Taiwan, Province of China. The shipment was described as hardwood and stone handcraft. The M.A. of NL agreed, at the request of the M.A. of MW, to return the seized items to MW for isotopic analysis and for use as evidence in any future prosecution that might occur. The Secretariat is not aware of any persons charged as a result of investigations into this matter. The M.A. of NL has stated that it and the counsel for the prosecution in NL would also like to be informed by the M.A. of MW of the results of investigations by the authorities in MW.

Seizure in Taipei of rhinoceros horns from Hong Kong (References: 50957, 50969)

In December 1992, 13 rhinoceros horns that were in a shipment of 40 cartons (about 2,000 kg) of fresh deer velvet were seized in Taipei, in the Province of Taiwan, China. The cartons of deer velvet had been legally exported from New Zealand and the rhinoceros horns had purportedly been added to the shipment in Hong Kong. Although there were arrests of suspects in Taipei, an investigation conducted by

the authorities in Hong Kong provided no evidence that the rhinoceros horn had been added to the shipment in Hong Kong.

Seizure in Singapore of rhinoceros horns from Indonesia (References: 50700, 50752)

On 6 December 1991, a Customs officer in Singapore (SG) was inspecting a consignment identified as "Kemedang/Gaharu" wood from a company in Indonesia (ID). Ignoring a warning from the driver of the van transporting the shipment that he could cut his hand on the contents, the officer reached beneath a layer of wood chips and found ten rhinoceros horns concealed in a plastic bag. It was believed that the horns were either from *Rhinoceros sondaicus* (Javan rhinoceros) or from *Dicerorhinus sumatrensis* (Sumatran rhinoceros). The Secretariat does not know whether the authorities in SG or ID were able to charge any person or organization as a result of their investigations into this matter.

SUMMARY NUMBER: 3-17  
TITLE: SHELL OF *ERETMOCHELYS*  
*IMBRICATA* FROM MEXICO TO  
JAPAN, VIA CUBA  
REFERENCE: 50781

In August 1992, the M.A. of Cuba (CU) advised the Secretariat that, on 23 January 1992, 1,033 kg of turtle shell of *Eretmochelys imbricata* (hawksbill) were seized by Cuban authorities from a Costa Rican citizen who resided in Jamaica. This person, who was staying in CU as a tourist, had tried to pick up the shipment of shell, which consisted of 67 parcels, when it arrived in CU. The shipment was sent as unaccompanied baggage, declared as "ornamentals", on a flight from Mexico City, Mexico (MX), which had stopped in CU while in transit to Japan (JP). The air way-bill indicated a Mexican address for the exporter. The merchandise was confiscated and the person, whose visa had expired, was expelled from CU.

The M.A. of CU believed that the person who had attempted to receive the shipment had tried to take advantage of the reservation that CU has on this species, in order to obtain an export permit that would have indicated CU as the country of origin.

The Secretariat sent this information to the M.A.s of MX and Costa Rica in order to obtain more information about the person involved in this illegal trade. However, the Secretariat has not received any such information.

Comments from the Parties

The M.A. of MX has stated that it has never received the request for information sent by the Secretariat.

**Section 4: Appendix-II Live Animals**

SUMMARY NUMBER: 4-18  
TITLE: REPTILES FROM MOROCCO TO  
CZECHOSLOVAKIA VIA SPAIN  
AND FRANCE  
REFERENCE: 50646

On 8 May 1992, the M.A. of Czechoslovakia (CS) informed the Secretariat that several Czechoslovak citizens were travelling by bus to Morocco (MA) in order to collect live reptiles illegally and to bring them back to CS. The number of the bus plate and probable dates of return were provided.

The Secretariat immediately informed the M.A.s of Spain (ES), France (FR), Germany (DE) and also informed the Commission of the European Communities (Customs Directorate, Enforcement section).

On 25 May, the M.A. of FR informed the Secretariat that the bus had been intercepted by French Customs on 22 May near Besancon, in the eastern part of France. More than 600 reptiles had been confiscated, along with amphibians and insect specimens.

Later, the Secretariat learned that the bus had been stopped when leaving Morocco but, after the intervention of the Consulate of CS in MA, the bus was able to continue. The M.A. of MA never answered the Secretariat's request for information on this matter.

The Secretariat asked ES to provide information on this case. The M.A. of ES replied that the Customs office of Gibraltar and Algeciras had been contacted. However, in spite of these measures, the bus had been able to enter and leave ES without being detected. The smugglers were charged in France, but the Secretariat has not received

information that it requested concerning the disposition of the case.

The Secretariat has received a large amount of information about excursions organized by Czechoslovak herpetologists to collect live reptiles in Greece, Turkey, Morocco and Syria. All concerned authorities in those countries have been informed of these activities by the Secretariat, but the Secretariat has not received any information about other confiscations.

SUMMARY NUMBER: 4-19  
TITLE: PARROTS AND MONKEYS FROM  
PERU TO MADAGASCAR VIA THE  
RUSSIAN FEDERATION  
REFERENCE: 50728

On 17 May 1992, the Secretariat was informed by the M.A. of Luxembourg (LU) that an illegal shipment of live parrots and monkeys was on an Aeroflot flight from Peru (PE) to Moscow, Russian Federation (RU). According to the air way-bill that accompanied the shipment, the animals were to leave Moscow on 24 May for Madagascar (MG). The air way-bill indicated the name and phone number of a German citizen.

The Secretariat immediately provided details about the shipment to the M.A. of the RU and the M.A. of MG. The Secretariat also asked the M.A. of DE for information regarding the German citizen. The Secretariat never received any reply from any of these M.A.s. The Secretariat learned later that the shipment had arrived in MG and had been re-exported on 25 May to Mauritius.

The name of the exporter was communicated to the M.A. of PE. However, as there was no further information available to corroborate the illegal nature of the shipment, the M.A. of PE could take no action against the exporter. The Secretariat deeply regrets that an illegal shipment of CITES species was able to reach its final destination without being intercepted.

SUMMARY NUMBER: 4-20  
TITLE: CACATUA SULPHUREA FROM  
SINGAPORE TO SOUTH AFRICA  
REFERENCE: 51180

On 8 June 1993, the M.A. of a province of South Africa (ZA) asked the Secretariat to confirm the validity of a re-export certificate of Singapore (SG) for 60 *Cacatua sulphurea* (lesser sulphur-crested cockatoos) declared as imported from Indonesia (ID) on the basis of four export permits issued in 1988 and 1989.

The Secretariat had no doubt about the authenticity of the export permits of ID and the re-export certificate of SG, and therefore told ZA that the import could be authorized. It asked, however, that the birds be examined by an expert in order to determine that they were all at least three years old.

On 14 October, the Secretariat received from ZA information that a veterinary surgeon had inspected the birds at Jan Smuts Airport in ZA, and had made the following written statement to the M.A.:

"On 17 August I inspected a group of +/- 60 sulphur-crested cockatoos in the Jan Smuts Veterinary quarantine station, at your request. My findings were as follows: In my opinion 4 birds were under 1 year of age. The balance varied in age from sub-adult (+/- 2 years old) to fully mature (> 4 years old)."

The above information was communicated to the M.A. of SG to indicate that the shipment was illegal and to ask for comments and information on the measures taken to prevent re-export certificates for newly acquired specimens

being issued on the basis of old export permits. The Secretariat did not receive any answer.

The Secretariat asked the M.A. of ZA to confiscate the birds. It answered that no action could be taken since the birds had already been sold by the importer who, obviously, had received the authorization to import them. Regarding the age of the birds, the importer denied to the M.A. of ZA that the birds were too young. He denied also that it was possible to determine the ages of the birds.

The Secretariat, therefore, requested the opinion of experts through the Chairman of the IUCN/SSC Parrot Specialist Group. It appears from their answer that a distinction can be made between immature and mature *C. sulphurea*, as the eye colour is different. The irises of immature birds are pale grey, instead of dark brown for adult males or reddish-brown for adult females. This information was passed on to the M.A. of ZA for information and the M.A. of SG for comments and/or action.

In May 1994, the M.A. of SG confirmed that its certificate was not valid as it did not cover the specimens in question but referred to other specimens that had been imported into SG at a later date. The Secretariat concluded that the consignor of the birds had made a false statement when applying for a re-export certificate and that the specimens were not carefully checked at the time of re-export. Shortly after, the M.A. of SG recognized that the discrepancy in the ages of the birds was not detected during the inspection.

#### Comments from the Parties

The M.A. of SG has stated that officers inspecting consignments have been advised to be more careful with respect to checking the age of the specimens. It has also stated that action has been taken against the exporter involved, but details of this have not been provided to the Secretariat.

SUMMARY NUMBER: 4-21  
TITLE: BOA CONSTRICTOR FROM  
COLOMBIA TO THE UNITED  
STATES  
REFERENCE: 51191

On 29 June 1993, a shipment of 312 *Boa constrictor* was imported into the United States (US). The shipment was accompanied by a valid CITES export permit from Colombia. During the inspection, Customs inspectors noticed an unnatural bulge in the body of one of the snakes. An X-ray of the snake showed a foreign object in its body. Agents of the Fish and Wildlife Service were contacted and were able to remove two condom-wrapped pellets from the snake. Each of the pellets contained about two ounces of cocaine. US authorities recovered 57 boas that did not have cocaine stuffed into their bodies. All the other snakes either died from the stuffed cocaine, or had to be humanely killed because their internal organs were too severely damaged to survive.

SUMMARY NUMBER: 4-22  
TITLE: TRADE IN PSITTACUS  
ERITHACUS  
REFERENCES: SEE BELOW

From Côte d'Ivoire (References: 50880, 50895, 50898, 50903, 51034, 51055)

In October 1992, a shipment of *Psittacus erithacus* (African grey parrot; Appendix II) was confiscated by the authorities in the United States (US), following confirmation by the competent authority of Côte d'Ivoire (CI), through the embassy of US in Abidjan, that the export permits were invalid (Ref. 50880).

In April 1993, a shipment from CI containing 500 *P. erithacus erithacus* (red-tailed grey parrot; Appendix II) and 200 *P. erithacus timneh* (Timneh's grey parrot; Appendix II) arrived in US. Over 500 of the birds were dead upon arrival. US authorities initiated an investigation into the matter, to determine whether the importer violated the US humane transport regulations.

The Secretariat informed the competent authority of CI about the incident, and requested it to confirm whether it had issued the two export permits. The Secretariat also reminded that authority about the advice the Secretariat had given, in April 1992, that it should not authorize any exports of *P. erithacus* until a population survey of the species had been undertaken (Ref. 50895, 50898).

In Notification to the Parties No. 746, issued on 7 May 1993, the Secretariat strongly recommended that, effective immediately and until further notice, the Parties not accept from Côte d'Ivoire any comparable documentation for trade in African grey parrots, including *P. e. erithacus* and *P. e. timneh*. This recommendation was based on several factors, including the lack of survey information on the species in Côte d'Ivoire, the illegal trade in Côte d'Ivoire in specimens smuggled from Ghana, and the high mortality in shipments exported from Côte d'Ivoire. The recommendation should remain in effect until the Secretariat was satisfied that the Government of Côte d'Ivoire had taken measures to improve the current situation (Ref. 51034).

In August 1993, a CI citizen arrived at Cairo international airport with six *P. erithacus*. The importer, who presented an invalid export permit bearing a signature of a former designated signatory of such documents, claimed that the birds were a present to the Ambassador of CI to Egypt (EG). The Secretariat recommended to the M.A. of EG to reject the document and to confiscate the birds. The birds were confiscated by the M.A. of EG (Ref. 50903).

On 23 September 1993, the Forest Corps of Italy (IT) arrested a citizen from Côte d'Ivoire (CI) arriving from Abidjan (CI). He was transporting 26 *P. erithacus* in his checked-in luggage. He carried an air ticket Kuwait/Rome/Abidjan/Accra/Rome/Kuwait. He had no CITES document for the birds. IT confiscated the birds, which had been drugged. One bird was already dead and two others died soon afterwards (Ref. 51055).

Note: For more information on the trade in *P. erithacus* from Côte d'Ivoire, please also refer to the sub-heading "Permits from Cameroon" under summary 1-10, "Use of False Permits", in Section 1 of this annex.

From Benin to Switzerland (Reference: 50789)

In May 1992, the M.A. of Switzerland (CH) requested the Secretariat to confirm the validity of a permit from Benin (BJ) that a Swiss citizen had presented for the import of two *P. erithacus*. The document, which was determined to be falsified, was based on a form model of a certificate of origin no longer used by BJ. The M.A. of BJ confirmed that it had not issued the document for the import of the two birds. The M.A. of CH declined to take action against the importer because she had, in good faith, declared the birds. They later died while in quarantine.

From Zaire (References: 51113, 50797)

In November 1993, a consignment of 140 *P. erithacus* from Zaire (ZR) arrived in South Africa (ZA). The birds, consigned to an importer in Natal Province, were only covered by a veterinary certificate and not by CITES documents. The Secretariat recommended to the M.A. of ZA, Natal Province, not to allow the import and to confiscate the birds. The Secretariat is not aware of the action taken by ZA (Ref. 51113).

In July 1992, a Togolese company requested the Secretariat to confirm the validity of two Zairian export permits, each issued for 200 *P. erithacus*. The documents were permits on a form model no longer used in ZR. The Secretariat advised the company to direct its request to the M.A. of TG. The M.A. of TG should have rejected the documents as not in conformity with the specimens of permit forms that the Secretariat had sent to all Parties. However, in August, the M.A. sent an official request to the Secretariat for confirmation of the validity of the Zairian documents. The Secretariat informed the M.A. of TG that the documents were not valid, and also reminded it to be alert about the smuggling of *P. erithacus* specimens from neighbouring countries, and attempts to re-export those specimens by presenting invalid export documents. The Secretariat did not receive any further information from TG (Ref. 50797).

From Senegal (References: 50889, 51043)

In January 1993, the M.A. of the United States (US) requested the Secretariat to confirm the validity of two Senegalese re-export certificates for *P. erithacus* that had been issued on the basis of two Zairian permits. The Zairian permits were of an old model and considered by the Secretariat to be invalid. The Secretariat recommended that the M.A. of US should reject the documents. The M.A. of Senegal did not respond to the enquiry from the Secretariat about the Senegalese certificates (Ref. 50889).

In June 1993, a Secretariat staff member who was checking in at the airline counter in Dakar to take a flight from Senegal (SN) to Switzerland (CH), observed two Lebanese citizens checking as baggage a box containing two *P. erithacus*. During informal discussion with the Secretariat staff member, these persons admitted that they had only a veterinary certificate to export the birds. Although the box was not in accordance with IATA live animals regulations, Swissair accepted the birds as accompanying luggage, with the final destination indicated as Belgium (BE).

When his flight arrived in CH at 18:00 on Saturday, the Secretariat staff member informed the Swiss Customs, who explained that they could not do anything since the birds were in transit. However, they stated that they would inform the Belgian Customs. The Secretariat enquired about this matter to the M.A. of CH and the M.A. of BE, but received no reply (Ref. 51043).

Comments from the Parties

The M.A. of US has stated that, because the M.A. of SN did not respond to the request of the Secretariat in January 1993 to confirm the validity of the certificates, it would have been difficult to proceed with further investigation into the matter.

From Guinea to South Africa (Reference: 50891)

In February 1993, the M.A. of South Africa (ZA), Transvaal Province, requested the Secretariat to confirm the validity of a permit from Guinea (GN), which had been issued for the export of 800 *P. e. timneh* and which had been presented in support of an application for an import permit. It was discovered that a Guinean export permit bearing the same number had been issued for the export of a similar number of birds to another ZA importer. When queried by the Secretariat, the M.A. of GN responded that the first importer no longer wanted the birds and, consequently, the name and address of the importer on the original of the permit had been changed without validating the change, as agreed under the provisions of Resolution Conf. 8.5. The documents were rejected by ZA.

From Nigeria (References: 50892, 51176)

No CITES documents were presented by the persons transporting birds in the following cases:

In December 1992, the authorities in Italy (IT) arrested a Nigerian citizen, in transit to Turkey, who was

transporting several *P. erithacus* in his luggage. In June 1993, another Nigerian citizen was apprehended in IT, transporting 40 *P. erithacus* in his hand luggage. His final destination was also Turkey.

On 22 June 1993, the authorities in the Netherlands stopped a Nigerian citizen transporting 33 *P. erithacus*, four of which were dead and the remainder in very weak condition. His final destination was Turkey. In August 1993, the Authorities of IT stopped a Nigerian citizen with 50 *P. erithacus* concealed in two bags. This person had been apprehended in IT for the same offence two months earlier.

On 9 and 14 June 1993, the authorities in Bulgaria (BG) stopped two Nigerian citizens in transit to Turkey, transporting 61 *P. erithacus* in checked-in luggage. The birds, twenty of which were already dead, were packed tightly in very small cages and their beaks were taped. The birds were confiscated (Ref. 51176).

Beginning in February 1993, the Secretariat received numerous reports about the smuggling of *P. erithacus* and other wildlife, including birds of prey, from Kano, Nigeria, to the Middle East via Beirut in Lebanon, a non-Party. The Secretariat informed Interpol and the Customs Co-operation Council about each piece of information as it was received, in an effort to intercept the illegal specimens and thus determine if a smuggling network existed. This effort did not produce any positive results.

In April 1994 the Secretariat learned that an airline operating in NG was accepting shipments of CITES specimens from Kano that were not covered by appropriate CITES documents. On 14 April, the Secretariat voiced its concern about this problem in a letter to the Chairman of the Board and President of the airline and in a note to the Permanent Mission of NG to the United Nations, Geneva. Both documents were copied to the M.A. of NG and to other relevant authorities. On 28 April, the Secretariat received a letter from the airline's Chairman of the Board and President, stating that instructions had been sent to all airline stations not to accept shipments of wildlife specimens that were not supported by appropriate and valid export documents. Since then, the Secretariat has not received any substantiated evidence that the illegal trade from Kano is continuing.

In June, the M.A. of NG stated that it was consulting representatives of all airline carriers in NG on the problem, and that steps were being taken to strengthen its Inspectorate and Compliance Monitoring Section (Ref. 50892).

#### From Cameroon (References: 50896, 51112)

On 26 May 1993, officials of the Veterinary Service at Roissy Airport, in France (FR), intercepted a consignment of 100 *P. erithacus* originating in Cameroon (CM) and in transit to Lebanon. The consignment was accompanied by an export permit from CM for 75 specimens only. FR returned the birds to CM because of the very poor condition of the birds, quite apart from the fact that the exporter had exceeded the quantity that had been authorized on the export permit. The Secretariat requested the M.A. of CM to confirm whether it was aware of the return of the consignment to CM and to take necessary action against the exporter. The Secretariat never received a response (Ref. 50896).

In November 1993, the M.A. of South Africa (ZA), Transvaal Province, requested the Secretariat to confirm the validity of a Cameroonian export permit for 100 *P. erithacus*. A permit bearing the same number and security stamp number had been issued by CM for the export to Germany (DE) of a similar number of birds, and its validity had been confirmed

by the Secretariat to the M.A. of DE. The Secretariat recommended to the M.A. of Transvaal to reject the document, but is not aware whether the birds were imported by either DE or ZA (Ref. 51112).

SUMMARY NUMBER: 4-23

TITLE: *DENDROBATES* SP. FROM  
CENTRAL AND SOUTH AMERICA

REFERENCES: SEE BELOW

From May to October 1993 the Secretariat received substantiated information on smuggling of specimens of *Dendrobates* sp. from different countries of Central and South America.

#### From Costa Rica (References: 50681, 51045)

In May 1993, the Secretariat alerted the M.A. of Costa Rica (CR) that at least four Dutch citizens had travelled to CR in order to illegally collect specimens of *Dendrobates* sp. The Costa Rican law on wildlife conservation bans the collection and export of specimens of the family Dendrobatidae. The M.A. of CR, together with Costa Rican Customs, launched a large, successful operation, which ended with the imprisonment of four people who intended to leave CR with illegally obtained specimens of *Dendrobates*. After two days in prison, they were released, but ordered to remain in the country. However, they managed to escape from CR. The authorities in CR are trying to determine the names of any Costa Rican citizens involved in the illegal activities.

Further information received in the Secretariat confirmed that the Dutch citizens had also been in Ecuador, in March 1993, collecting specimens of the same genus. They were able to smuggle the specimens into the Netherlands (NL), where they were sold immediately to a dealer in Germany (DE).

In June 1993, the Secretariat alerted the M.A. of CR that two Swiss citizens, assisted by a well-known trafficker, with residences in both DE and CR, were in CR to collect specimens of *Dendrobates* sp. Unfortunately, the authorities in CR were unable to catch the collectors and the Secretariat asked the M.A. of Switzerland (CH) to assist in their apprehension. The M.A. of CH confirmed to the Secretariat that a shipment of non-protected reptiles, amphibians and invertebrates from CR had arrived in CH. The shipment contained 128 specimens of *Dendrobates* sp. and possibly *Phyllobates* sp. (species for which CH has entered a reservation). CH stated that, taking into account that the specimens could be traded legally under the provisions of the Convention, its legislation did not provide a basis to implement in CH the national wildlife laws of other States. The M.A. of CH authorized the import of the shipment in December 1992.

#### Comments from the Parties

The M.A. of CH has stated that, although its national legislation does not provide a basis to implement the national laws of other States, CH is able to support a country in its enforcement measures if an official request is received from the country concerned.

#### From Colombia (Reference: 50682)

In October 1993, the M.A. of the Netherlands (NL) informed the Secretariat that a Dutch importer had applied for an import permit for 2,000 specimens of *Dendrobates* sp., presenting an export permit from Colombia (CO). The Secretariat consulted the M.A. of CO, which confirmed that the permit in question had been issued for the export of iguanas to the United States (US), and that it had later been cancelled.

Further investigations carried out by the Dutch authorities indicated that the permit had been mailed to the Dutch importer by an American citizen, who allegedly had good

connections with a "captive-breeding" farm in CO. The Secretariat does not know whether the Dutch importer knew that the permit was forged, but it is clear that he did not forge the permit himself. The Dutch importer indicated that the frogs would be delivered to him by the US citizen. The M.A. of US, informed by the Secretariat of this information on 21 December 1993, replied on 25 February 1994 that no records could be located to indicate that the permit from CO had been presented to US authorities.

#### Comments from the Parties

The M.A. of NL has advised the Secretariat that the reply that it received from the US authorities on this matter was not satisfactory, as they did not answer the questions put forward to them.

SUMMARY NUMBER: 4-24  
TITLE: *GEOCHELONE* SP. CLAIMED AS  
CAPTIVE-BRED  
REFERENCE: 50854

In August 1992, the Secretariat became aware of an increasing number of permits and re-export certificates authorizing commercial trade in large numbers of specimens of *Geochelone elegans*, *Geochelone gigantea* and *Geochelone pardalis*, declared as bred in captivity and indicating the country of origin as Myanmar (MM), Seychelles, the United Republic of Tanzania or the United Arab Emirates (AE). Several re-export certificates for trade in specimens of these species indicated that the specimens were pre-Convention, without noting their date of acquisition, in contravention of Resolutions Conf. 5.11 and 8.5. Furthermore, the Secretariat was not satisfied that there existed commercial captive-breeding operations for these species, although the Secretariat had tried to obtain information from the M.A.s concerned in this regard.

The M.A. of AE was authorizing commercial trade in captive-bred specimens of *G. elegans*, reported as originating in MM and AE, where wild populations of this species do not exist. The Secretariat was particularly concerned about information received from several experts who indicated that it was not possible to breed in captivity the large numbers of specimens of *G. elegans* that were being traded, and that such specimens were believed to be wild-caught, having been illegally imported from other countries, including India. The Secretariat had requested several times from the M.A. of AE the location of the captive-breeding operation for *G. elegans*, but this information was never received.

In cases where the Secretariat was aware of the importing Parties involved in such trade, the Secretariat recommended that these shipments not be accepted. However, the M.A. of Japan stated that it would require a Notification to the Parties to implement this recommendation and the M.A. of the United States (US) stated that the lack of such a Notification made it difficult to reject authentic permits. As a result, the Secretariat issued Notification to the Parties No. 786 (10 March 1994), which recommended that the Parties not accept export permits or re-export certificates for trade in captive-bred or wild-caught specimens of *G. elegans*, *G. gigantea* and *G. pardalis* without first checking with the Secretariat as to the validity of such documents.

#### Comments from the Parties

The M.A. of US has stated that the ultimate authentication of a permit lies with the issuing country. Therefore, once it had received confirmation from the M.A. of AE that the permits in question were valid and that the animals had indeed been bred in captivity, and considering the fact that *G. elegans* is an Appendix-II species, several shipments of specimens of this species were accepted from AE.

#### Response of the Secretariat

Even if a permit is authentic, it can be invalid. The authorities in US were provided substantial information by the Secretariat indicating that no captive-breeding operation exists in AE for *G. elegans*, and that the specimens in question may have been smuggled from other countries. It seems reasonable that US should have asked the M.A. of AE for additional details on the breeding operation in question before accepting the permits.

SUMMARY NUMBER: 4-25  
TITLE: *ANTHROPOIDES VIRGO* FROM  
THE RUSSIAN FEDERATION  
REFERENCE: 51064

In June 1993, the Secretariat received several requests for confirmation of permits issued by the Russian Federation (RU) for substantial numbers of *Anthropoides virgo* (demoiselle crane). The Secretariat contacted the M.A. of RU, which confirmed the validity of the documents and informed the Secretariat that a quota of 350 specimens had been established.

In August, the Secretariat determined that the total number of specimens included in the permits for which confirmation of validity had been requested (and which the M.A. of RU subsequently confirmed to the Secretariat as valid) represented more than 400 birds. After considerable communication between the Secretariat and the M.A. of RU, the latter informed the Secretariat that some of the permits in question had been cancelled. The Secretariat became concerned, as it had already confirmed the validity of some of the cancelled permits to the importing countries. In September, the M.A. of Singapore (SG) requested that the Secretariat confirm the validity of one of the cancelled documents. On 14 October 1993, the M.A. of SG advised the Secretariat that the document presented was not the original.

Although the Secretariat conducted an inquiry into this matter, with close co-operation from the Management Authorities of France, Japan, RU and Germany, it could still not be determined whether more than the authorized number of birds had been exported from RU, because birds could have been exported to other countries.

The permits in question were authentic and their validity confirmed by the M.A. of RU, but several were subsequently cancelled. This case demonstrates that, when recommended by the Secretariat, it is important that importing Parties ask the Secretariat about the validity of certain documents.

SUMMARY NUMBER: 4-26  
TITLE: HUMMINGBIRDS FROM PERU TO  
THE UNITED KINGDOM  
REFERENCE: 51193

In November 1993, the M.A. of the United Kingdom (GB) informed the Secretariat that the M.A. of Peru (PE) had issued a CITES export permit for 180 hummingbirds of different species. However, most of the species named in the document were not those actually exported. The M.A. of GB seized the shipment and, as expected with these kinds of birds, the mortality was high. During a mission to PE, a representative of the Secretariat discussed at length with the M.A. the problems raised when the species named on the CITES permits do not correspond to those actually exported. The Secretariat's representative had a meeting with the main Peruvian bird exporters about this issue and about the level of mortality of hummingbirds. The traders and the M.A. of PE took note of the Secretariat's comments.

To date, the Secretariat has not received, from importing countries, any further information about the mortality of hummingbirds coming from PE. Nor has the Secretariat

heard whether, as a result of its comments, PE has decreased the level of exports of hummingbirds.

## Section 5: Appendix-II Animal Parts and Derivatives

SUMMARY NUMBER: 5-27  
TITLE: HUNTING TROPHIES OF *URSUS ARCTOS* FROM THE RUSSIAN FEDERATION TO FRANCE  
REFERENCE: 51166

National legislation in France (FR) prohibits the import of any specimens of *Ursus arctos* (brown bear), which is an indigenous species that is fully protected in FR.

Upon receipt of copies of export permits for trophies of this species issued by the Russian Federation (RU), the Secretariat observed that 14 permits had been issued for the export of hunting trophies of *U. arctos* to FR. The M.A. of RU confirmed to the Secretariat that the trophies had been exported. The M.A. of FR advised the Secretariat that it did not allow the import of these trophies and that it was carrying out an investigation. It appeared that, in order to elude stricter national measures in FR, the hunters may have not submitted to the French authorities the export permits from RU, and instead smuggled the trophies into FR.

This smuggling problem is not isolated to FR. Germany (DE) prohibits the import of *U. arctos* from Romania (RO). However, according to the authorities in RO, about 80% of the bears killed in RO by foreign hunters are taken by Germans. In RU, more than 175 permits were issued in 1993 by the M.A. of RU for the export of *U. arctos* to DE. However, the M.A. of DE authorized only about 50 imports.

### Comments from the Parties

The M.A. of DE has stated that it was informed by the M.A. of RO that, from 15 May 1993 to 15 May 1994, hunting permits for 917 animals were granted. However, investigations carried out by the authorities in DE did not uncover any activities concerning the smuggling of hunting trophies of *U. arctos* into DE.

### Response of the Secretariat

The 917 animals refers to the maximum number of *U. arctos* allowed to be taken in RO by hunters that year, regardless of whether the hunters were citizens of RO. It seems quite surprising that, considering about 100 hunting permits were issued to German hunters, the M.A. of DE has not discovered any infractions. It would be useful to know how the successful hunters are disposing of their trophies, if they are not importing them into DE.

SUMMARY NUMBER: 5-28  
TITLE: *FELIS RUFA* FROM GREECE TO SWITZERLAND AND TO ITALY  
REFERENCE: 50587

On 24 June 1991, the M.A. of Switzerland (CH) stopped a shipment of 59 skin pieces and 15 jackets of *Felis rufa* (bobcat) coming from Italy (IT). A re-export certificate issued by IT named Greece (GR) as the country of origin. The M.A. of IT was requested by the Secretariat to provide additional information.

On 29 September 1991, the M.A. of IT provided to the Secretariat an EEC certificate issued by GR in 1985 for 73 jackets and two coats of *F. rufa* that was written in Greek and specified "unknown" as the source of the specimens and "mixed-multiple" as the country of origin.

The M.A. of IT recognized that a mistake had been made, since the country of origin given on the re-export certificate

was GR. It informed the M.A. of CH that the issuing office in Milan (IT) had been instructed "to make the appropriate corrections".

It is unlikely that any of the jackets and coats indicated on the Greek EEC certificate had been cut into skin pieces. Therefore, at least some of the specimens re-exported from IT to CH were probably not the same as those exported from GR to IT.

SUMMARY NUMBER: 5-29  
TITLE: TAGGED SKINS OF *CROCODYLUS NILOTICUS*  
REFERENCES: SEE BELOW

### From Mozambique (Reference: 50668)

In April 1992, the M.A. of Mozambique (MZ) issued a permit for the export of 492 skins of *Crocodylus niloticus* (Nile crocodile) to France (FR), bearing tags for the 1989 export quota that should have been destroyed at the end of that year, in accordance with Resolution Conf. 6.17. Following an enquiry from the Secretariat about the tags, the M.A. of MZ responded that the skins were from the 1989 export quota. However, the exporter informed the Secretariat that the skins were from animals slaughtered in 1992. After further enquiries by the Secretariat, the M.A. of MZ admitted that an error had been made by a regional office, and that the skins were indeed from animals slaughtered in 1992. The Secretariat took this into consideration, and recommended that the M.A. of FR not authorize the import of the skins until they had been tagged properly.

### From Malawi (Reference: 50980)

In December 1992, the M.A. of Italy (IT) requested the Secretariat to confirm the validity of a Malawian permit issued in November 1992 for the export of 200 skins of *C. niloticus* that were already in IT. The skins had been tagged with 1988 export quota tags. The tags should have been destroyed at the end of 1988. The Secretariat recommended that the M.A. of IT not authorize the import of the skins, and asked the M.A. of MW whether the skins were acquired in 1988. The M.A. of MW stated that the skins were from animals slaughtered in 1992. It admitted negligence on the part of the officer who had issued the tags and the export permit, in particular for giving the wrong tags to the exporter. The M.A. requested that the 1988 tags be replaced with correct tags, and stated that a representative from MW would be sent to IT to monitor the tagging. It also promised to destroy all remaining stocks of tags from the previous years.

SUMMARY NUMBER: 5-30  
TITLE: TRADE IN *CAIMAN* SP.  
REFERENCES: SEE BELOW

### Skins and tails from Colombia to Italy via Panama (Reference: 50671)

In February 1993, Italian authorities and the Secretariat inspected a shipment imported from Panama (PA). The shipment was covered by five certificates from PA, three of which authorized the re-export of a total of 2,900 skins of *Caiman crocodilus fuscus* (brown caiman). The other two certificates authorized the re-export of 3,000 tails of *C. c. fuscus*. Permits from Colombia (CO), on the basis of which the certificates of PA were issued, indicated that the length of the skins originally exported was less than 1.20 metres

and that the tails were from skins of a length less than 1.50 metres. Examination of the skins and tails revealed that they had been trimmed in order to fit the measurements indicated on the permits from CO.

As the re-export certificates issued by PA did not mention the length of the skins or the tails, the M.A. of IT was advised by the judicial authorities that it could not seize the shipment. The M.A. therefore, decided to reject the import of the skins. In May 1993, the shipment was returned to PA and, upon its arrival in PA, was seized by the authorities in that country.

#### Tails from Colombia to Italy via France (Reference: 50990)

In February 1993, the M.A. of Italy (IT) intercepted a shipment of 2,600 tails of *Caiman crocodilus fuscus*. The shipment was accompanied by an EEC certificate from France (FR) which indicated that Colombia (CO) was the country of origin of the tails and that they were from skins of a length less than 1.20 metres. In accordance with Notification to the Parties No. 706 of 21 December 1992, the M.A. of IT measured the tails and discovered that 634 tails were from skins longer than 1.20 metres. IT confiscated the entire shipment. Further investigation carried out by the M.A. of IT determined that the trader importing the skins into France (FR) was based in IT, and had created a firm in FR in order to import caiman skins into that country and ship them to IT. As the shipment from FR to IT would be considered as internal trade in the EEC, the recommendations of the CITES Standing Committee concerning the suspension of trade with IT, to which CO had agreed, could be circumvented.

#### Skins from Venezuela to Italy (Reference: 50679)

In May 1993, the Secretariat and TRAFFIC Europe – Italy office received information that a passenger arriving at the airport in Milan, Italy (IT), from Venezuela (VE) had brought, in his luggage, several rolls of skins of *Caiman crocodilus crocodilus* that had been cut into strips. Working closely with the M.A.s of VE and IT, the Secretariat received copies of two valid CITES permits from VE, issued to a person living in Milan, and for specimens that fitted the description of those noted above. It was suspected that the permits from VE had not been submitted to the Italian authorities.

The M.A. of IT alerted the authorities at the Milan airport about the person to whom the permits had been issued and, on 1 July 1993, they intercepted him and found in his luggage rolls of caiman flanks that had been cut into strips. Once the inspection had begun, the importer showed the authorities one of the two above-mentioned export permits from VE. Italian authorities did not consider this import to be valid because the permit was not presented spontaneously, and the strips were seized. A few days later, the authorities at Milan airport found an abandoned suitcase, containing more rolls of caiman strips. Upon inspection of the contents of the suitcase, the authorities determined that it belonged to an associate of the person apprehended a few days earlier. The owner of the suitcase was contacted, and he showed the authorities a permit for the rolls of strips. However, the permit had expired and the strips were seized.

It appeared to the Secretariat and to the Italian authorities that this was not the first time this person had tried to enter IT illegally with caiman skins without presenting proper permits to the authorities. Based on the evidence, the case has been presented for prosecution in IT, and the M.A. of VE has also initiated an investigation, which is still pending.

#### Skins from Colombia to Thailand via the Netherlands (Reference: 51192)

In September 1993, the M.A. of the Netherlands (NL) informed the Secretariat that a shipment of *Caiman crocodilus fuscus* skins from Colombia (CO), in transit to Thailand (TH), had arrived at the airport of Amsterdam. The shipment was accompanied by copies of

four Colombian CITES export permits, covering a total of 2,079 skins. The shipment was detained for three weeks to allow the broker for the importer to present the original permits. By the end of September, the agent had failed to present the original documents and the M.A. of NL decided to seize the shipment.

The Secretariat consulted the M.A. of TH in order to find out whether or not the original Colombian export permits had been presented to them. However, the Secretariat has not received a response to this enquiry.

#### Watchstraps from Hong Kong to France (Reference: 51237)

In February 1993, the M.A. of France (FR) requested confirmation of the validity of two re-export certificates issued by the M.A. of Hong Kong (HK) for watchstraps of *C. crocodilus*. As the validity of these two re-export certificates had expired, the Secretariat recommended to FR not to accept these documents. The importer advised the M.A. of FR that he had made an error, as he had sent the expired certificates instead of two certificates that had been issued more recently by the M.A. of HK for similar specimens.

The M.A. of FR advised the Secretariat that it had no record that the specimens covered by the two expired certificates had been imported. However, the Secretariat received confirmation from the M.A. of HK that the watchstraps had been re-exported to FR. The Customs authorities in FR conducted an investigation and determined that the watchstraps had been imported into FR through a border post not authorized for the import of CITES specimens. No CITES documents had been presented at the time of import.

#### Parts and derivatives to Switzerland, the United States, Mexico and Italy (Reference: 50761)

Between October 1991 and April 1992, the M.A. of Switzerland (CH) consulted the Secretariat on the validity of several re-export certificates issued by Italy (IT) for flanks of *Caiman crocodilus crocodilus*. All the certificates named Venezuela (VE) as the country of origin and indicated no. 5024 as the original export document. These Italian re-export certificates made reference to previous re-exports from Mexico (MX) and the United States (US). As VE confirmed to the Secretariat that it had never issued a permit no. 5024, the Secretariat initiated an investigation, asking all countries concerned for copies of their documents related to these skins. The results are as follows.

1. Each re-export certificate issued by IT made reference to two Mexican certificates, nos. 9493 and 9495, for the re-export of 2,500 tanned and finished skins of *C. c. crocodilus* from MX to IT.
2. The M.A. of MX informed the Secretariat that certificates nos. 9493 and 9495 had been issued for the re-export of the skins from MX to a company in US. However, the skins were sent to IT, and not US. Instead of issuing new re-export certificates, MX attached a letter to each certificate, indicating the change of destination.
3. The M.A. of MX advised the Secretariat that re-export certificates nos. 9493 and 9495 had been issued on the basis of a Mexican import permit for 1,500 kg of skins of *C. c. crocodilus*. The Mexican import permit had been issued on the basis of US re-export certificate no. 747854 for the re-export to MX of 1,539 kg of "scraps and pieces" of *C. c. crocodilus*. The US re-export certificate referred to VE as the country of origin and the original export permit number as 5024.
4. The Secretariat was informed by the Enforcement Division of the M.A. of US that the number 5024, referred to in the US re-export certificate, was in fact the number of a re-export certificate from MX, and not the export permit number of the country of origin. The

Secretariat asked US for a copy of Mexican certificate no. 5024, but it could not be located.

5. The M.A. of CH accepted some of the re-export certificates issued by IT. However, when informed of the problem concerning the export permit from VE, it refused the other certificates.

The Secretariat has concluded that:

1. it has not been possible to determine the country of origin of the skins;
2. the M.A. of US issued a re-export certificate which referred to a Venezuelan permit that had never been issued, the number of which was later determined to be from a Mexican re-export certificate that could not be located. Therefore US may have re-exported the specimens in question without determining that they had been imported in accordance with the Convention (Article IV, paragraph 5a);
3. according to its certificate, US re-exported 1,539 kg of scraps and pieces of skins of *C. c. crocodilus* and MX declared the import of 1,500 kg. The discrepancy between the two figures has not been explained;
4. US re-exported "scraps and pieces" of *C. c. crocodilus* to MX. MX, using the US certificate as a basis, later re-exported "skins";
5. at the beginning of 1992, the M.A. of CH was informed that the Venezuelan export permit no. 5024 did not exist. However, CH issued, on 29 October 1992, a re-export certificate to FR, which referred to this document;
6. the M.A. of IT permitted the import of 5,000 skins, also noted as 750 kg of skins. However, its re-export certificate specified the re-export of flanks in square decimeters, thus making it impossible to determine whether the quantity re-exported had not exceeded the quantity imported; and
7. the Secretariat has not been able to determine what happened to the specimens refused by CH and to the remaining stock of specimens in MX or in IT.

The diagram on the following page illustrates the history of this case, including the certificates that were issued for the re-export of specimens referred to on the non-existent Venezuelan export permit no. 5024.

#### Comments from the Parties

The M.A. of MX has stated that, as MX was not a Party when it issued the import permit in question (no. 4412, issued on 10 April 1990), it did not have the right to demand from US the re-export certificate on the basis of which the import permit of MX was granted. For this reason, it could not ascertain the origin of the skins.

The M.A. of US has stated that 5024 was the number of the re-export certificate from MX, and not the number of an export permit from VE. Because the Mexican certificate had been issued prior to Mexico's accession to the Convention, it did not include the export permit number from the country of origin. The certificate from MX can still not be located, but steps have been taken to ensure the availability of supporting documents on all re-export certificates issued by US.

SUMMARY NUMBER: 5-31  
TITLE: *FELIS LYNX* SKINS FROM THE  
RUSSIAN FEDERATION TO THE  
UNITED KINGDOM AND ITALY VIA  
SWITZERLAND  
REFERENCE: 50740

In April 1992, the M.A. of Italy (IT) requested the Secretariat to confirm the validity of 13 export permits issued by the

Russian Federation (RU) in January 1992, for about 675 skins of *Felis lynx* (lynx). Two of the permits, for the export of 67 skins of *F. lynx* to the United Kingdom (GB) were among those presented for import into IT. The permits had been stamped by the Swiss Customs at the free port of Chiasso, Switzerland (CH). Responding to an enquiry from the Secretariat, the M.A. of CH replied that it was not the first time that a shipment stored in this free port had changed its final destination, and that the M.A. of CH was generally not informed when such changes occurred. The M.A. stated that, according to Swiss law, Custom authorities were only responsible for checking that a shipment was covered by a valid export permit when it arrived at the free port, and that the validity of a document was considered as suspended upon the shipment's arrival. The Secretariat believes that shipments that have been held in Chiasso for long periods have been imported after the documents were no longer valid. However, the Secretariat has not been able to determine which Parties may have accepted such shipments.

The Secretariat reminded the M.A. of CH of Resolution Conf. 4.10, regarding the recommendation to ensure that shipments in transit are in accordance with the provisions of the Convention. In addition, paragraph b) of this Resolution recommends that Parties should note that the Convention does not make special provisions for free ports because each Party is deemed to have sovereignty over the whole of its territory and should apply the Convention accordingly.

The M.A. of CH replied that Resolutions are not binding to Parties. Nevertheless, as Resolutions are binding on the Secretariat, the Secretariat recommended that IT should not accept the two export permits that indicated GB as the final destination of the goods. However, the Secretariat has not been informed whether IT accepted the shipment or of the final disposal of the skins.

#### Comments from the Parties

The M.A. of CH has stated that its responsibility is to check the documents and the specimens at the time of their storage by the Swiss Customs at the free port of Chiasso and to ensure that the specimens eventually leave that free port. As the stored specimens are not to be exported or re-exported from CH, it is not the responsibility of CH to ensure that the handling agent or transport agency ships the specimens to the country of final destination indicated on the documents.

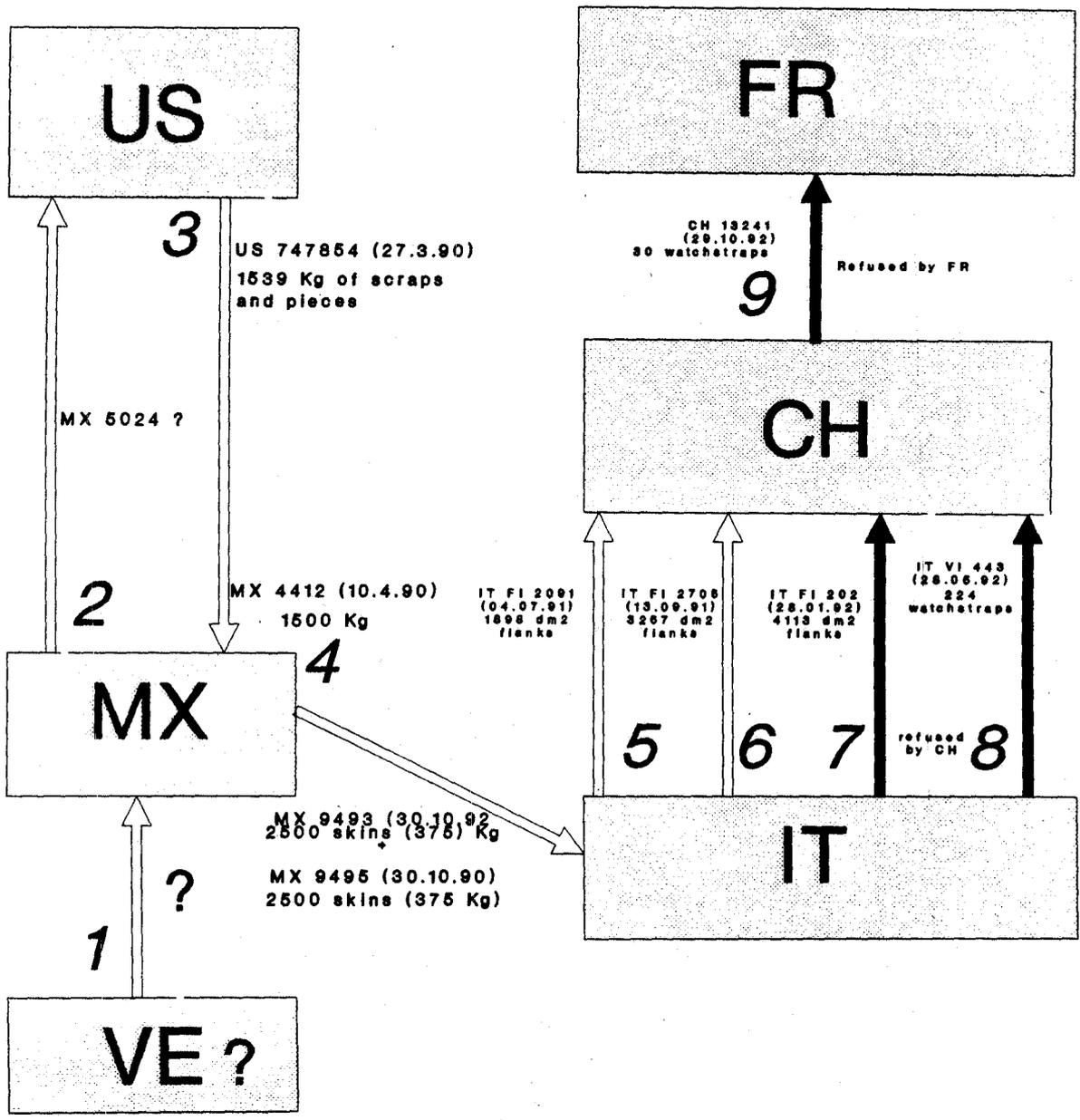
SUMMARY NUMBER: 5-32  
TITLE: REPTILE SKINS FROM BENIN  
REFERENCES: SEE BELOW

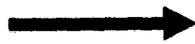
The cases reported below concern exports of large quantities of reptile skins by a company in Benin (BJ) that had for some years been the only exporter of such skins in the country. The Secretariat has been informed that the M.A. of BJ has withdrawn the company's licence for the export of wildlife specimens. In response to the recommendations of the Animals Committee regarding *Varanus niloticus* (Nile monitor lizard: Appendix II), the M.A. of BJ has decided to no longer authorize the exports of specimens of this species, except for specimens obtained from captive-bred animals, until a detailed status survey of the species in the country has been carried out.

#### *Varanus niloticus* to the United Kingdom

(Reference: 51248)

In March 1993, an Italian importer sent to the Secretariat a copy of a BJ permit as a basis for the import into IT of 10,000 tanned and untanned skins of *Varanus niloticus*. The permit from BJ had been issued on 22 January 1993 for the export of the skins to the United Kingdom. However, the number of the permit indicated the code for the year of issuance as being 92, and not 93 as was usual for other




**Shipment refused by the importing country and returned to exporting country**

permits issued by the M.A. of BJ in 1993. Suspecting that a 1992 permit had been altered, the Secretariat did not recommend acceptance of the document.

Python sebae to Spain, via Nigeria and the Netherlands  
(Reference: 50907)

On 23 June 1993, a shipment of 1,000 skins of *Python sebae* arrived in the Netherlands (NL) from Lagos, Nigeria (NG), in transit to Spain (ES). The shipment was accompanied by a copy of a Beninese export permit. However, because the air way-bill had been issued in Lagos, the authorities at Amsterdam airport detained the shipment pending confirmation, by the Secretariat, of the validity of the Beninese permit. The Secretariat informed the M.A. of NL that the M.A. of NG normally issues export permits for shipments in transit in NG. Since the shipment was not accompanied by such a document, the Secretariat advised the M.A. of NL that the shipment was believed to be from NG, and therefore was not covered by valid CITES documents.

The Secretariat requested the M.A. of BJ to confirm whether the BJ permit was authentic, and whether the skins actually originated in BJ. In September 1993, the M.A. of BJ confirmed that it had issued the permit in question. However, the M.A. was unable to provide any evidence that the skins were taken from animals in BJ, in accordance with national legislation. The Secretariat continues to believe that the skins were of Nigerian origin.

Comments from the Parties

The M.A. of NL has stated that the skins in question were still under seizure. The belief of the Secretariat that the skins were from NG was not sufficient to show that they had been traded illegally. Instead, the seizure was based on the lack of a valid export permit from BJ.

Varanus niloticus to Italy (Reference: 51249)

In July 1993, the M.A. of Italy (IT) requested the Secretariat to confirm the validity of a Beninese permit for 10,000 skins of *Varanus niloticus*. The Secretariat recommended to the M.A. of IT to reject the permit because in 1991 the M.A. of BJ had informed the Secretariat that the exporter had disposed of all the stocks of *V. niloticus* that he had in his possession. Furthermore, a CITES consultant who had visited the country in 1991 to gather information on the species had been informed by the M.A. of BJ that it had decided to suspend exports of *V. niloticus* pending the results of a more detailed survey of the species in that country. The Secretariat's communication to the M.A. of IT was also copied to the M.A. of BJ, but BJ did not confirm whether or not the permit was authentic or if the skins originated in that country. The exporter in BJ contacted the Secretariat, however, claiming that the skins were from animals that had been bred in captivity in BJ. In September 1993, during a CITES training seminar in Dakar, Senegal, participants from BJ confirmed that they were not aware of any breeding operation in the country, and that the export licence of the exporter had been withdrawn.

**Section 6: Appendix-III Animals**

SUMMARY NUMBER: 6-33  
TITLE: RE-EXPORT OF TEETH OF  
*HIPPOPOTAMUS AMPHIBIUS*  
REFERENCES: SEE BELOW

From Japan (Reference: 50804)

In September 1992, the M.A. of Hong Kong (HK) requested the Secretariat to confirm the validity of a certificate, issued by the M.A. of Japan (JP) in October 1991, for the re-export of 2,100 kg of teeth of *Hippopotamus amphibius* (hippopotamus; Appendix III-GH) to HK. The import of the teeth into JP had been authorized by export permit no. E00335 from Uganda (UG). However, it was determined that this number did not correspond to any series of export permits issued by the Ugandan authorities. The Secretariat requested a copy of the UG permit from the M.A. of JP, but JP was unable to find the document. The M.A. of UG confirmed that it had never issued a permit bearing the above number and had not authorized the export of the hippopotamus teeth in question to JP. The Secretariat concluded that the teeth had been imported into JP using false documents and, therefore, recommended to the M.A. of HK not to authorize their importation. As the teeth were to have been re-exported from HK to Italy (IT), the Secretariat also recommended to the M.A. of IT not to authorize their import. The Secretariat is not aware of any investigation by the M.A. of JP concerning the origin of the teeth and their final disposition.

From Burundi (Reference: 51119)

In a letter dated 20 July 1993, the M.A. of Burundi (BI) informed the Secretariat of the issuance of a certificate for the re-export to Belgium (BE) of 5,000 kg of teeth of *Hippopotamus amphibius* (hippopotamus; Appendix III - Ghana) originating in Zaire (ZR). The Zairian export permit had been issued by a provincial authority not authorized to issue CITES documents, and was not issued on the model of the CITES document used by ZR for the export of CITES specimens. The Secretariat informed the M.A.s of BI and BE about this irregularity and that the Secretariat did not recommend the acceptance of the re-export certificate. The

M.A. of BE informed the Secretariat that it would not authorize the importation of the teeth.

In January 1994, the M.A. of BI requested the Secretariat to confirm the validity of a Tanzanian Trophy Export Certificate, issued for the export of 3,725 kg of *H. amphibius* teeth. A note on the Tanzanian document indicated that, for CITES specimens, the certificate was valid only when signed by the head of the M.A. of the United Republic of Tanzania (TZ). However, even before receiving a response from the Secretariat, the M.A. of BI issued a certificate for the re-export of the teeth to BE. The Secretariat informed the M.A. of BI that it would not recommend to BE acceptance of the re-export certificate, and advised them that a proper CITES export permit would be required from the M.A. of TZ. The Secretariat was concerned that the *H. amphibius* teeth in question might have been part of the Zairian lot that the BI exporter had sought to re-export earlier. In March 1994, the M.A. of BI sent to the Secretariat a copy of another re-export certificate issued on the basis of two valid Tanzanian CITES permits. A request to confirm the validity of the Burundian certificate was also received from the M.A. of BE. Although the TZ permits were valid, on 21 March 1994 the Secretariat requested the M.A. of TZ to provide evidence that the teeth originated from TZ. The M.A. of TZ replied that it suspected that the teeth did not originate in TZ and that it was conducting an investigation into the matter.

It should be noted that the M.A. of TZ does not appear to have any policy regarding the use of a permit form for the export of specimens of Appendix-III species. The Trophy Export Certificate form is sometimes used to export these specimens, in place of the form normally used for the export of specimens of CITES-listed species. Further confusion may be caused when, as indicated in the preceding paragraph, the Trophy Export Certificate is improperly used to export commercial shipments of specimens of *H. amphibius*. As the Trophy Export Certificate does not include space for indicating the CITES appendix of the species concerned, this may also contribute to the omission of information in the annual report of TZ concerning exports

of specimens of Appendix-III species, including *H. amphibius*.

SUMMARY NUMBER: 6-34  
TITLE: BIRDS FROM AFRICA TO THE  
NETHERLANDS  
REFERENCE: 51185

In October 1993, the Secretariat requested from the M.A. of the Netherlands (NL) copies of export permits or certificates of origin from African States, on the basis of which EEC certificates had been issued by NL for the import of specimens of Appendix-III bird species. The M.A. of NL replied that, with respect to Appendix-III species, it was concerned with the import declaration and not with the information on the export permit or the certificate of origin. This was because, where imports of Appendix-III species into NL were concerned, there was often no correlation between the export permits or certificates of origin issued by African countries and the actual contents of the shipments. The M.A. felt that it was far more important to focus on monitoring trade in specimens of Appendix-III species actually imported, instead of seizing large numbers of birds as a result of invalid export permits or certificates that accompanied such shipments.

In November 1993, the M.A. of NL provided to the Secretariat samples of import certificates issued on the basis of applications presented by traders to import specimens of Appendix-III bird species. The import certificates were compared with the corresponding export documents, which had been issued by Guinea and Senegal. In several cases, the species and number of specimens on the export permit or certificate did not correspond to the specimens imported.

In December 1993, in a letter to the M.A. of NL, the Secretariat stated that the emphasis on import declarations by NL did not diminish the requirements of the Convention with regard to Article V. The Secretariat recommended that, if a Party was either unwilling or unable to properly control trade in Appendix-III specimens on the basis of permits or certificates of origin for the export of specimens of Appendix-III species, the Party should either enter reservations for those species or prohibit their import.

The Secretariat is aware that this problem relates directly to the lack of adequate controls by exporting Parties with

regard to Appendix-III species. From the information that has been provided by NL, it appears that the information on many permits and certificates from Africa for Appendix-III species rarely corresponds to the truth about the shipments.

#### Comments from the Parties

The M.A. of NL has stated that the procedure described above applies only to species of Passeriformes included in Appendix III by Ghana (GH). This procedure was implemented because of the high costs and high mortality risk caused by seizing and returning to the country of origin large numbers of specimens of these species. NL is not unwilling to control trade in specimens of Appendix-III species on the basis of export permits or certificates of origin, but it has determined that, in certain cases, this is simply not possible. It should be noted that, as a result of these procedures, the import from GH of specimens of the species concerned had stopped. Although perhaps not in accordance with Article V of the Convention, the actions taken by NL had been within the spirit of CITES.

The boycott by some airlines on the transport of wild-caught birds has caused their import into NL by air to be stopped for some time. Shipments of birds are currently imported mainly from Brussels, Belgium, and from Frankfurt, Germany, where it appears that procedures similar to those in NL are being applied.

Because the inclusion of certain species in Appendix III can be a useful tool to regulate international trade, the M.A. of NL does not agree with the suggestion of the Secretariat that Parties should enter reservations if they can not comply with Article V of the Convention for those species. However, if the proposal by the M.A. of NL to the ninth meeting of the Conference of the Parties concerning Appendix-III listings is not adopted or, if an amended version is adopted that would not have the desired effect, the M.A. of NL will reconsider its position on reservations in this regard.

#### Response of the Secretariat

The Secretariat can not endorse procedures that are not in accordance with the Convention. However, the Secretariat supports fully the position of NL concerning the need for the adoption of guidelines that will provide a better basis for the inclusion of species in Appendix III. The problem will however not be solved if the guidelines are not implemented by certain Parties.

## Section 7: Plants (All Appendices)

SUMMARY NUMBER: 7-35  
TITLE: WILD-COLLECTED ORCHIDS  
TRADED AS ARTIFICIALLY  
PROPAGATED  
REFERENCES: SEE BELOW

#### From Brazil (Reference: 50879)

In the Report on Alleged Infractions, presented to the eighth meeting of the Conference of the Parties, the Secretariat drew the attention of the Parties to the problem of wild-collected plants being traded as artificially propagated (case no. 126), citing several examples involving five exporting countries, including Brazil (BR).

Belgium and Germany confiscated parts of shipments of wild-collected orchids from Brazil. Although the permits that accompanied the shipments authorized the export of only artificially propagated plants, the shipments consisted of mixtures of wild-collected and artificially propagated specimens.

#### Comments from the Parties

The M.A. of Germany has stated that no German importer has been sentenced because experts could not exclude the possibility that some of the confiscated specimens were artificially propagated.

#### From India (Reference: 50656)

Orchid shipments from India were confiscated in the United States in 1992. In all cases, at least part of each shipment was of wild origin, although India only permits the export of artificially propagated specimens.

The M.A. of India has never responded to the queries of the Secretariat on this issue.

#### From Peru (Reference: 50651)

Authorities in the United States confiscated several shipments of orchids from Peru in 1992 and 1993 because their experts certified the orchids as being wild-collected, although the export permits had been issued for artificially propagated specimens.

From Thailand (Reference: 51138)

Australia (AU) does not permit the import of wild-collected orchids. In December 1993, AU confiscated 54 orchids, determined to be wild-collected. These orchids were in a shipment that also contained artificially propagated specimens originating in Thailand (TH), although the export permit from TH correctly indicated that the 54 specimens were of wild origin. A few days later, another permit was presented by the importer to the M.A. of AU, indicating that the 54 confiscated plants were in fact artificially propagated, and that the M.A. of TH had made an error. Following an exchange of information between AU, TH and the Secretariat, it was determined that the Thai exporter had wilfully misled the M.A. of TH to obtain the second export permit. The Secretariat was advised by the M.A. of TH that the Thai exporter was fined and received a one-month suspended jail sentence.

SUMMARY NUMBER: 7-36  
TITLE: WILD-COLLECTED  
*PAPHIOPEDILUM* SP. FROM  
INDONESIA TO SOUTH AFRICA  
REFERENCE: 51029

In July 1993, a member of the staff of TRAFFIC East/Southern Africa discovered that wild-collected specimens of a number of species of *Paphiopedilum* were being offered for sale by a dealer from Indonesia at the seventh South African Paphiopedilum Symposium in Pretoria, South Africa (ZA). The dealer provided details of the origin of the plants and stated that he had brought them into the country in a suitcase. Although the organizers and several participants should have been aware of the illegal origin of the plants, no attempt was made to stop their sale. TRAFFIC went to great lengths to inform the South African authorities of the dealer's activities. Their efforts ultimately resulted in an officer interviewing the dealer upon his departure to Singapore. Only the hand luggage of the dealer was searched. The dealer was interviewed and was then allowed to depart.

In spite of a request from the Secretariat, the M.A. of ZA has not provided any information regarding the current location of the illegally imported plants and why the trader was not detained for further questioning.

SUMMARY NUMBER: 7-37  
TITLE: PROBLEMS IN THE TIMBER  
TRADE  
REFERENCES: (SEE BELOW)

In the Report on Alleged Infractions (case 123), presented to the eighth meeting of the Conference of the Parties, the Secretariat drew the attention of the Parties to problems of trade in the timber species *Fitzroya cupressoides* (Alerce; Appendix I). A number of countries were involved in commercial trade that was contrary to the Convention, and the Secretariat had hoped that they would take adequate measures to resolve these problems. However, from the following information that was received by the Secretariat on commercial trade in *F. cupressoides* and other Appendix-I species of timber, it appears that many Parties have not made an effort in this regard.

*Fitzroya cupressoides* from Chile (Reference: 51030)

Although Argentina (AR) was the proponent to include all populations of *F. cupressoides* in Appendix I in 1987, it did not until 1 October 1993 implement legislation to control the import of timber of this species taken from the wild and exported to AR by Chile (CL), which had entered a reservation for the species in 1987. CL continues to export *F. cupressoides*, indicating on their permits that the timber is from pre-Convention stocks (taken from the wild before 1

July 1975). The main importers of this timber have been the United States and Japan. However, the Secretariat has still not received any evidence that there remain pre-Convention stocks in CL.

*Araucaria araucana* from Chile (Reference: 50652)

In December 1991, the Secretariat, upon receipt of the annual report of Chile for the year 1990, discovered that CL had been exporting large quantities of wood of *Araucaria araucana* (the population of CL had been included in Appendix I since 1979). Upon an enquiry by the Secretariat, the M.A. of CL did not provide a clear explanation for these exports but, after discussions with the Secretariat during the meeting of the Conference of the Parties in Kyoto (March 1992), promised that the illegal exports would be stopped. However, CL continued issuing permits until at least 5 October 1992, when two permits were issued for exports to Spain (ES). At the request of the Secretariat, the M.A. of CL provided to the Secretariat copies of most of the permits issued for this timber. All of these permits indicated, incorrectly, that the species was included in Appendix II, with origin 'O' as the source, but without any further explanation.

On the basis of the destination named on these export permits, the Secretariat informed the M.A.s of Argentina (AR), Belgium (BE), France, ES, Switzerland (CH), the United Kingdom (to which only 37 kg of seeds had been exported) and the United States about the trade. The M.A. of CH informed the Secretariat that no timber had been imported because the importer had cancelled the order. The permit concerned, however, specified the name of a ship destined for Antwerp (BE). The M.A. of BE informed the Secretariat that it had not issued any permits for imports of this species. The M.A. of ES investigated some of its reported imports and informed the Secretariat that the timber had already been used in a building and could therefore not be confiscated. It also informed all importers about CITES requirements. AR informed the Secretariat that it intended to improve their border controls. The other countries mentioned above have not officially responded to the Secretariat.

Comments from the Parties

The M.A. of US has stated that the US authorities formally investigated the matter and found that the importers of the wood were unaware of the import requirements. The authorities took no further action because the wood had been covered by authentic documents, although these documents were in error.

*Pilgerodendron uviferum* from Chile (Reference: 51141)

In its annual report for the year 1992, Chile (CL) recorded the commercial export of 20,000 posts of *Pilgerodendron uviferum* (Appendix I) of wild origin to Argentina (AR). The Secretariat requested the M.A. of CL to provide an explanation for this export. On 7 April 1994, the M.A. of CL informed the Secretariat that it had permitted the export because the trees had been subjected to fires a long time ago. For this reason, the removal of the timber was believed not to threaten the survival of the species. Furthermore, the export was for non-commercial purposes because the timber was to be used by a missionary.

Irrespective of the view of the M.A. of CL, the export permit should have been issued by CL only on the basis of an import permit issued by AR. This was not the case.

*Pericopsis elata* from Africa (Reference: 51013)

During 1993, the CITES Secretariat examined carefully the trade in *Pericopsis elata* (Afromosia, also called Kokrodua or Asamela; Appendix II). It was possible to evaluate this trade because of the co-operation of several exporting countries, in particular Cameroon (CM) and Zaire (ZR), which provided copies of their export permits to the

Secretariat, and Italy (IT), to which most of the timber of this species was exported.

An important aspect of the timber trade, to be taken into account by the Parties in implementing CITES controls for this species (and which may also apply to the trade in other timber species), is its special structure. Generally, the timber is transported by ship, from the country of origin, to the Customs free-zone of a harbour in the country of destination. Storage facilities and equipment to handle the timber logs are only available in this zone. However, the agencies that arrange for the sale of these cargoes are often located in countries other than those for which the cargo of timber is destined, but on the permits they may be named as the importers. In many instances the shipment is sold during the period of transport or shortly after its arrival in the port of destination. This could mean that the importer named on the export permit is different from the one who actually imports the timber and may even be located in a different country. The CITES Secretariat has several examples of timber shipments exported from CM and ZR that never entered the country of destination specified on the export permit. It has not yet been possible to trace the actual destinations of all the shipments concerned.

The following problems have also been observed by the Secretariat:

1. In several countries the Customs authorities have not been aware that some timber species are subject to CITES controls. Consequently, shipments may have entered without the CITES documentation being checked and the original permits being cancelled by Customs.
2. As IT has already seized some quantities of timber above those authorized by the permits, excess timber volumes are apparently a problem. However, considerable effort is required to check whether the volume of timber indicated on the permit is the same as that traded. Therefore, Customs authorities will not consider carrying out such checks unless they are properly informed of their importance.
3. Re-export certificates have been issued by countries without the shipments having entered those countries.

With the inclusion of *P. elata* in the CITES appendices, the Parties were confronted with the control of a trade that is completely different from that in more familiar species, with respect to the size of the specimens and the routing and mechanisms of the trade. It will be possible to get a clear picture of the way the Parties are implementing CITES controls for this species only after a careful analysis of the annual reports for 1992.

## Section 8: Other Trade Problems

SUMMARY NUMBER: 8-38  
TITLE EGYPT: INVALID PERMITS AND  
TRADE IN SPECIES BANNED  
FROM EXPORT  
REFERENCES SEE BELOW

### Introduction

In October 1990, the Egyptian Government issued Ministerial Decree No. 1403, which banned the export of specimens of various species of reptiles originating in that country. It was only in 1991, and after several incidents involving the use of falsified export permits, that the Secretariat was informed by the M.A. of Egypt (EG) about the Ministerial Decree. Consequently, the Secretariat issued Notification to the Parties No. 662, of 19 December 1991, which advised the Parties of the trade ban. The summaries below include incidents of export and re-exports of specimens of species banned from trade by EG, using invalid permits that were altered or forged.

### From the Sudan to the United States, via Egypt and the Netherlands (Reference: 50803)

On 4 September 1992, the M.A. of the Netherlands (NL) intercepted a shipment that had arrived on a KLM flight from Cairo, Egypt (EG), in transit to the United States (US). The shipment was accompanied by Sudanese permits and an air way-bill issued by the KLM office in Cairo on which was indicated "transit ex Khartoum". The permits were for 200 specimens each of *Chamaeleo chamaeleon* (common chameleon; Appendix II), *Testudo kleinmanni* (Egyptian tortoise; Appendix II), *Eryx jaculus* (sand boa; Appendix II), *Eryx colubrinus* (Kenya sand boa; Appendix II) and 100 *Uromastix aegyptius* (Egyptian spiny-tailed lizard; Appendix II). Except for *Eryx colubrinus*, these species are not known to occur in the Sudan (SD). As the shipment was in transit, it was allowed by NL to continue to US.

Meantime, the M.A. of SD confirmed that no consignment of reptiles had left Khartoum and that the permits were invalid because the export endorsement (box 14 of the permit) had not been co-signed by one of the designated officials of the M.A. of SD. The Secretariat concluded that the Sudanese documents were being used as a cover to trade in specimens from EG banned from export, and

recommended that authorities in US confiscate the shipment. The M.A. of SD prohibited the exporter, who had offices in both Cairo and Khartoum, from exporting wildlife specimens from SD. The M.A. of EG did not take similar action.

### Comments from the Parties

The M.A. of NL has stated that the shipment was allowed to pass in transit to US because the authorities in US had been informed and there was no reason to stop the shipment for reasons of animal welfare. The M.A. of US has stated that the shipment was seized upon its arrival in US.

### To Poland, via Germany (Reference: 50805)

In September 1992, Customs officials at Frankfurt airport in Germany intercepted a shipment that had arrived on a flight from Cairo, in transit to Warsaw, Poland. An Egyptian re-export certificate accompanying the shipment indicated 150 ladies handbags made from skins of *Python sebae* (African rock python; Appendix II) that had been imported into Egypt from the Sudan. On inspection, it was discovered that the handbags were made from skins of *Naja naja* (Asiatic cobra; Appendix II), *Varanus exanthematicus* (African savanna monitor lizard; Appendix II) and *Varanus niloticus* (Nile monitor lizard; Appendix II). The shipment was confiscated.

### To Spain (Reference: 50890)

In December 1992, a falsified copy of an Egyptian permit was presented to the M.A. of Spain (ES), for the export of 50 *Uromastix aegyptius*, 50 *Uromastix ornatus* (ornate dabb lizard; Appendix II), and 100 *Bufo viridis* (a non-CITES species). The Secretariat recommended that ES reject the document, and requested that the M.A. of Egypt (EG) investigate the exporter. No reply was received from EG.

### Other invalid permits (References: 50667, 50803, 51073)

1. In May 1992, the M.A. of Spain (ES) was presented with a falsified permit from EG issued for the export of 50 *Uromastix aegyptius*, 50 *Uromastix acanthinurus* (black spiny-tailed lizard; Appendix II), 50 *Uromastix ocellatus* (eyed dabb lizard; Appendix II) and 150 *Chamaeleo basiliscus* (Appendix II). The original Egyptian permit had been issued for the re-export to

Saudi Arabia of two *Psittacus erithacus* (grey parrot; Appendix II) originating in Cameroon.

2. In June 1992, the M.A. of Belgium was presented with a falsified Egyptian permit for the export of 1,000 *Uromastix aegyptius*. The address of the exporter was incomplete. The original Egyptian permit had been issued for the re-export to Saudi Arabia of two *Psittacus erithacus* originating in Zaire.
3. In June 1992, the M.A. of Germany (DE) was presented with a falsified Egyptian permit bearing the same number as that presented to the M.A. of ES in 1) above, this time for 20 *Uromastix aegyptius*, 100 *Uromastix acanthinurus*, 100 *Uromastix ocellatus* and 100 *Testudo graeca* (spur-thighed tortoise; Appendix II).
4. A falsified permit bearing the same number as those presented to DE and ES, noted in 1) and 3) above, was also presented to the M.A. of Japan. The number of specimens and species were the same as those intended for export to DE.
5. In a letter dated 11 June 1993 to the enforcement division of the M.A. of the United States (US), the Director of TRAFFIC USA expressed concern about the import into US from EG of specimens of *Testudo kleinmanni*, which had been banned in trade. The Secretariat received from TRAFFIC USA copies of a number of permits that had been presented to US and that were believed to be either forged or falsified. The Secretariat wrote the M.A. of US asking whether imports of *Testudo kleinmanni* had been allowed from EG after the ban was in effect. The enforcement division of the M.A. of US advised the Secretariat in February 1994 that the information requested, including copies of documents, would be forthcoming, but this has not yet been received by the Secretariat.

#### Comments from the Parties

The M.A. of US has stated that, because of difficulties in obtaining information from EG and confusion that arose from the exceptional Ministerial Decree that allowed the export of specimens of species otherwise banned from export, some shipments were allowed to be imported into US. However, many shipments were seized, and one importer was fined USD 25,000.

#### Issuance of permits by the M.A. of Egypt to export specimens of species banned from trade (Reference: 50905)

In September 1993, the Secretariat received requests from the M.A.s of Japan (JP) and the United States (US) to confirm the validity of six export permits allegedly issued by the M.A. of Egypt (EG). The permits had been issued to one trader, to export to JP and US specimens of Appendix-II species that were prohibited from export in EG. Because the M.A. of EG had not notified the Secretariat of the lifting of the ban on the export from EG of the species mentioned in Notification no. 662, the Secretariat recommended the rejection of the permits. Furthermore, the address of the exporter on the permits was incomplete, and no security stamps were affixed to most of the permits. Another permit of a similar nature was also presented to the M.A. of Italy and the Secretariat recommended the rejection of the document.

The Secretariat requested the M.A. of EG to confirm whether it had issued these permits and, if so, to explain why permits had been issued contrary to the ban, and without informing the Secretariat. The M.A. of EG confirmed that it had issued the six permits for exports to JP and US, on the basis of an exceptional Ministerial agreement with the exporter. The M.A. of EG did not give any additional explanation.

Valuable time and money could have been saved had the M.A. of EG informed the Secretariat that it had issued the permits in question. The Secretariat found this to be particularly troublesome, as these problems had occurred after an official of the Secretariat had visited the M.A. of EG in July 1993, during which the M.A. of EG had agreed to send to the Secretariat such information as soon as possible.

#### Comments from the Parties

The M.A. of US has stated that it is difficult to seize shipments based on advice from the Secretariat when the M.A. of the exporting country has confirmed the validity of permits submitted to it for review.

#### Response of the Secretariat

There have been instances in EG and in other Parties where confirmations of the validity of permits have been forged. Furthermore, confirmation from a M.A. that it has issued a permit does not necessarily mean that the permit is valid.

SUMMARY NUMBER: 8-39  
TITLE: RETURN OF REPTILES FROM  
EGYPT CONFISCATED IN  
GERMANY  
REFERENCE: 50799

On 21 August 1992, a shipment from Egypt (EG) containing 18 live *Varanus griseus*, 61 *Chamaeleo* sp., 12 *Testudo kleinmanni* and 118 *Uromastix* sp. was seized by the authorities in Frankfurt, Germany (DE). The M.A. of DE decided to return the 15 surviving *V. griseus* to EG and to give the other specimens, all of which were of Appendix-II species, to scientific institutions in DE. Pursuant to Article VIII, paragraph 4(b), of the Convention, the M.A. of DE informed the M.A. of EG of its intention to return the *V. griseus* to EG, which was welcomed by the M.A. of EG. The M.A. of DE also arranged a carrier for the safe transport of the animals to Cairo, and requested the M.A. of EG to ensure that someone would be at the airport when the animals arrived. However, according to the M.A. of DE, difficulties were encountered, as authorities from the M.A. of EG were not present to take care of the shipment upon its arrival in EG. This conflicts with statements from the M.A. of EG, who advised the Secretariat that the animals were transferred to the Giza Zoo on the second day after their arrival.

SUMMARY NUMBER: 8-40  
TITLE: CONDITIONS OF TRANSPORT  
REFERENCES: SEE BELOW

Articles III, IV and V of the Convention require that, before issuing a CITES permit or certificate for a living specimen, the Management Authority must be satisfied that it will be prepared and shipped so as to minimize the risk of injury, damage to health or cruel treatment. Many Parties have not followed this requirement, as evidenced in the reports on alleged infractions presented by the Secretariat at past meetings of the Conference of the Parties.

In order to better monitor the level of mortalities that occur during transport, the Conference of the Parties adopted Resolution Conf. 8.12, which recommends that, for species of birds included in the appendices, Parties should maintain records on the number of live specimens per shipment and mortalities that have occurred as a result of transport, and to provide published reports containing such information to the Chairman of the Working Group on the Transport of Live specimens. To the Secretariat's knowledge, only Belgium, France, the United Kingdom and the United States have implemented this recommendation.

Many shipments continue to be transported by air in a manner that is contrary to the CITES Guidelines and to IATA Live Animals Regulations (IATA/LAR), and these are often

accepted by Parties. The following table includes examples of such shipments.

Reference	Month/Year	(Re)Exporting Country	Country of destination	Country where inspection occurred	Species	Description
(1) 50634	08.91	Egypt	Belgium	Switzerland	12 <i>Fennecus zerda</i>	The containers were not in accordance with IATA/LAR.
(2) 50780	end 91	Pakistan	United Arab Emirates		<i>Falco biarmicus</i>	The birds were transported in the cabin of the aeroplane, contrary to IATA/LAR.
(3) 50715	12.91	Solomon Islands	Denmark	Denmark	50 <i>Cacatua ducorpsii</i> 20 <i>Chalcopsitta cardinalis</i>	The duration of the transport was 3 days. No water and food was provided. Cages were too small for the number of birds. Five <i>C. ducorpsii</i> and eight <i>C. cardinalis</i> were dead on arrival. Six additional <i>C. ducorpsii</i> died during the quarantine.
(4) 50662	03.92	Côte d'Ivoire	Denmark	Denmark	108 <i>Psittacus erithacus</i> , 15 <i>Musophaga violacea</i> , and about 300 finches	The containers were not in accordance with IATA/LAR. The duration of the travel was five days, during which there was a high mortality rate.
(5) 51171	04.92	United States	France	Switzerland	227 snakes, 240 lizards and 935 turtles	The shipment travelled from the United States to Munich (Germany) and then to Zurich (Switzerland) where it was detained because the passengers complained of a strong smell coming from the cargo hold. The shipment was composed of six cardboard boxes in which were inserted styrofoam boxes. Small holes for ventilation were drilled in the styrofoam as well in the cardboard boxes, but the holes did not meet and therefore no air flow was possible. Two of the boxes were stuffed with snakes, most of which were already dead. The other boxes contained lizards and turtles, most of which had also died. It has not been possible to determine why the two airlines (Lufthansa and Swissair) accepted this shipment. The Secretariat did not receive any information from the United States concerning whether the exporter was charged.
(5) 51171						<u>Comments from the Parties</u> The M.A. of the United States has stated that it responded to the M.A. of Switzerland and to IATA on this matter. In its letter concerning the shipment, the M.A. of Switzerland stated that US veterinary certificates indicated that the shipment had been inspected.

Reference	Month/ Year	(Re)Exporting Country	Country of destination	Country where inspection occurred	Species	Description
(5) 51171 (cont.)						However, such documents are usually issued prior to the animals being packaged for shipment since the animals, and not the shipping container, are being inspected. <u>Further comments from the M.A. of the United States for (5), (6) and (18)</u> The authorities in the United States can not inspect every export. However, an applicant must sign a statement that the shipment is in accordance with IATA/LAR, and the validity of the export permit also depends on this. Therefore, if the animals are not packed and shipped properly, the shipment should not be accepted by the airline or by the importing country.
(6) 50724	5.92	United States	Switzerland	Switzerland	Snakes	The animals were not correctly boxed and escaped during the flight between New York (United States) and Geneva (Switzerland). The Secretariat never received an answer to its enquiries to Switzerland and the United States. <u>Comments from the Parties</u> The M.A. of the United States has stated that it responded in writing to the Secretariat and to the M.A. of Switzerland on this matter. For further comments by the M.A. of the United States, see (5).
(7) 51076	08.92	Indonesia	United States	United States	110 <i>Macaca fascicularis</i>	The animals were inspected in Germany while in transit, and were found to be in good health. All the animals were dead on arrival in the United States, owing to poor ventilation in the cargo hold of the aeroplane. The airline transporting the animals was fined USD 3,000
(8) 51061	02.93	Zaire	Belgium	Belgium	200 <i>Psittacus erithacus</i>	The containers were not in accordance with IATA/LAR (including no spacer bar). 128 specimens were dead on arrival.
(9) 51061	02.93	Zaire	Netherlands	Belgium	250 <i>Psittacus erithacus</i>	The containers were not in accordance with IATA/LAR (including no spacer bar). 111 specimens were dead on arrival. <u>Comments from the M.A. of the Netherlands for (9) and (10)</u> . The M.A. of the Netherlands has stated that it was not advised of this infraction. Because of this, additional imports of <i>Psittacus erithacus</i> from Zaire were accepted without ensuring that incidents such as this one did not re-occur. The Netherlands applies
(9)						

Reference	Month/ Year	(Re)Exporting Country	Country of destination	Country where inspection occurred	Species	Description
51061 (cont.)						IATA/LAR very strictly. However, because airlines are no longer transporting wild-caught birds to the Netherlands, the M.A. of the Netherlands is rarely concerned with implementation of Resolution Conf. 8.12. Most shipments arrive by air in either Germany or Belgium. The shipments are then transported to the Netherlands by road. When the Customs formalities are completed in the Netherlands, the birds are already at the premises of the importer.
(9) 51061						Therefore, the Customs in the Netherlands may check permits and certificates but they can not carry out a physical inspection of the shipment. The borders of member countries of the EEC have been open since 1 January 1993. However, there are no uniform procedures for inspecting shipments at the first port of entry into the EEC and there is insufficient exchange of information between the authorities carrying out those inspections and the M.A. of the country of final destination.
(10) 51061	02.93	Zaire	Netherlands	Belgium	100 <i>Psittacus erithacus</i>	The containers were not in accordance with IATA/LAR (including no spacer bar). 100 specimens were dead on arrival. <u>Comments from the Parties</u> For the comments from the M.A. of the Netherlands, see (9).
(11) 50898	04.93	Côte d'Ivoire	United States	United States	700 <i>P. erithacus</i>	28 containers were not in accordance with IATA/LAR (including no stickers indicating that the shipment contained live animals, and no arrow to indicate "this way up"). The containers were loaded near the nose of the plane and the surrounding cargo had restricted air flow. On arrival, more than 500 birds were dead. The M.A. of the United States reported that nine other cases implicated "Air Afrique" for shipping birds from Africa into the United States under inhumane conditions of transport. All these cases have been presented for prosecution.

Reference	Month/Year	(Re)Exporting Country	Country of destination	Country where inspection occurred	Species	Description
(12) 51043	06.93	Senegal	Belgium	Senegal	2 <i>Psittacus erithacus</i>	Transported in checked-in luggage in boxes, contrary to IATA/LAR.
(13) 51058	08.93	Ghana	Denmark	Denmark	100 <i>P. regius</i> , 100 <i>Varanus exanthematicus</i> 200 other reptiles and 100 frogs	The containers were not in accordance with IATA/LAR. There was a high mortality rate.
(14) 51058	08.93	Ghana	Denmark	Denmark	100 <i>Python regius</i> , 100 <i>Varanus exanthematicus</i> , 300 other reptiles and frogs	The containers were not in accordance with IATA/LAR.
(15) 51164	09.93	Russian Federation	Switzerland	Switzerland	<i>Eryx</i> sp.	The container was not in accordance with container requirements N°30 of IATA/LAR. The shipment was accepted by Switzerland.
(16) 51231	09.93	United Republic of Tanzania	Switzerland	Switzerland	25 <i>Phoenocnais minor</i>	Two birds arrived dead. Five juveniles died soon after arrival. Autopsies showed that the birds were undernourished and, considering their age, they should not have been exported.
(17) 51230	12.93	Togo	United States	Belgium	Live reptiles (snakes and monitor lizards)	The containers were not in accordance with IATA/LAR. Some animals escaped during the transit in Belgium. The M.A. of Belgium re-created the shipment and allowed it to continue to its final destination.
(18) 51167	12.93	United States	Switzerland	Switzerland	100 <i>Iguana</i> sp.	The containers (cardboard boxes with boxes of styrofoam inserted) were not in accordance with container requirement N°31 of IATA/LAR. Small holes for ventilation were drilled in the styrofoam as well in the cardboard boxes. However, the holes did not meet and therefore no air flow was possible. The shipment was cleared by the United States at export and was accepted by Switzerland. One animal was dead on arrival. <u>Comments from the Parties</u> For the comments from the M.A. of the United States, see (5).
(19) 51163	12.93	Czech Republic	Switzerland	Switzerland	1 <i>Rollulus rouloul</i>	The container was not solidly constructed, there were no ventilation holes and there was no way to visually examine the bird. In addition, the label "this way up" was not attached and the shipping container was transported upside down. <u>Comments from the Parties</u>

Reference	Month/Year	(Re)Exporting Country	Country of destination	Country where inspection occurred	Species	Description
(19) 51163						The M.A. of the Czech Republic has stated that it provided information on the shipment to all relevant authorities.
(20) 51168	11 and 12.93	United Republic of Tanzania	Switzerland	Switzerland	2 shipments of 4 and 3 <i>Bradypodion oxyrinum</i>	The containers were not in accordance with IATA/LAR. One animal was dead in each shipment.
(21) 51125	01.94	France	Switzerland	Switzerland	2 monkeys	The containers were not in accordance with IATA/LAR.
(22) 51118	01.94	Ghana	United Kingdom	United Kingdom	400 <i>Python regius</i> , 168 other reptiles and 83 frogs	The containers were not in accordance with IATA/LAR. The animals arrived in poor condition and were dehydrated. The consignment was seized by the Customs in the United Kingdom and the animals delivered to zoos and specialist keepers.
(23) 51340	10.93	Hong Kong	Switzerland	Switzerland	250 reptiles	The containers were not in accordance with IATA/LAR. Overcrowding of containers. All animals were dead on arrival.

The Secretariat thanks the M.A.s of Belgium, Switzerland and the United States for providing detailed reports to the Secretariat on cases involving infractions of conditions for transport of live animals.

SUMMARY NUMBER: 8-41  
 TITLE: HUNTING TROPHY OF WILD SHEEP FROM THE RUSSIAN FEDERATION TO DENMARK  
 REFERENCE: 50925

On 30 August 1992, the Customs authorities in Denmark (DK) seized a hunting trophy of a wild sheep declared as "Severtzovi sheep" arriving from Uzbekistan. No CITES document was presented. The importer claimed that "Severtzovi sheep" was *Ovis orientalis severtzovi* and was therefore not included in the CITES appendices. Responding to an enquiry from the M.A. of DK, the Secretariat stated that the CITES standard reference, "Mammal Species of the World" did not include subspecies. However, the Secretariat provided the M.A. of DK with extracts from the USSR Red Data Book, which identifies "Severtzovi sheep" as a subspecies of *O. ammon*, a species included in Appendix II.

Later, the hunter presented to Danish authorities a permit issued by the M.A. of the Russian Federation (RU) for the export to the United States of a hunting trophy of *O. ammon severtzovi*. The intention of the importer may have been to force the M.A. of DK to release the trophy because, had it been in transit and accompanied by a valid export document, the M.A. of DK would not have the authority to seize the shipment. As the export permit had been issued retrospectively, contrary to Resolution Conf. 6.6, the Secretariat recommended that the M.A. of RU cancel the permit. The M.A. of RU agreed to do so, but for reasons concerning the address of the importer. It issued a replacement permit which the Secretariat recommended should also be cancelled because it had been issued retrospectively. This permit was also finally cancelled because the M.A. of RU discovered that the Uzbekistan hunting permit that had been presented by the hunter to the

M.A. of RU to obtain the export permit had been issued on 23 October 1992, almost two months after the export of the trophy had occurred.

Once the permits were cancelled, the importer returned to his original argument, claiming that the trophy was not from a CITES species. At the request of the M.A. of DK, the Secretariat decided to consult the Chairman of the Nomenclature Committee and other experts on the "Severtzovi sheep". The Chairman of the Nomenclature Committee did not present any particular viewpoint. The Scientific Authority of the United Kingdom presented scientific literature indicating that, through DNA analysis, the "Severtzovi sheep" was determined to be *O. vignei severtzovi*, and was therefore included in Appendix I. The M.A. of Switzerland also considered the taxon as included in Appendix I. The case is still pending in a court in DK.

This case demonstrates the importance of problems concerning the nomenclature of species included in the CITES appendices. Although DK is the first country raising the problem of "Severtzovi sheep" with the Secretariat, several hunting trophies of this same taxon may have been imported previously by other Parties without CITES documents.

SUMMARY NUMBER: 8-42  
 TITLE: IRREGULAR ISSUANCE OF DOCUMENTS  
 REFERENCES: SEE BELOW

The issuance by the Parties of invalid documents continues to be a major problem. In many cases, the issuance of such documents is the result of a lack of knowledge by the authorities concerned about the requirements of the Convention and the Resolutions. However, this is not true in other cases, where the fraud is intentional.

An invalid document is defined for these purposes as a document that:

1. has been issued contrary to Article III, IV or V of the Convention; or

2. does not contain the information required by Article VI and Appendix IV of the Convention or requested in Resolution Conf. 8.5 (Resolutions Conf. 3.6 and Conf. 7.3 for documents issued before June 1992); or
3. has been issued contrary to other Resolutions of the Conference of the Parties.

The Secretariat is particularly concerned by the high number of irregularities which appear on re-export certificates for specimens of species included in Appendix I or II. A large number of Parties often do not check carefully whether such specimens have been imported in accordance with Articles III and IV of the Convention before they issue a re-export certificate. As a consequence, re-export certificates are widely used to launder illegal specimens. The Secretariat is also concerned that too many Parties do not check the validity, or even the existence, of the original export permit of the country of origin.

Another general problem is related to export permits and re-export certificates for live animals. Resolution Conf. 8.5 recommends that permits for live animals include a statement that they are only valid if the transport conditions comply with the CITES Guidelines for Transport of Live

Animals or, in case of air transport, with IATA Live Animals Regulations. To the knowledge of the Secretariat, only the following Parties have implemented this recommendation: Belgium, Benin, Bulgaria, Burkina Faso, Chad, Colombia, the Czech Republic, Egypt, France, Ghana, Guinea, Guyana, Poland, the Russian Federation, Slovakia, Suriname, Switzerland, the United Republic of Tanzania, the United States and Zaire. The Working Group on Transport of Live Specimens has requested to the Secretariat not to confirm the validity of documents that do not comply with this recommendation. The Secretariat is now implementing this recommendation.

Invalid documents are too often accepted by importing Parties. This is particularly true for Parties that do not require prior authorization for the import of Appendix-II specimens and where the control of the validity of documents is only by Customs. Customs officials are often not fully aware of CITES requirements.

The cases described in the following table are examples of the most frequent irregularities discovered by the Secretariat during the period covered by this report. Cases that have been presented elsewhere in this report are not included.

(No.) Reference (if available)	Issuing Country and type of document	Species	Description
(1)	Poland <u>Re-export</u>	<i>Ailurus fulgens</i> (Appendix II)	The certificate referred to China as the country of origin, but no export permit number was given. The document was accepted by Canada.
(2)	Togo <u>Export</u>	210 live reptiles (Appendix II)	The permit indicated two sources (W and C) for the specimens without indicating the number and species of specimens from each source.
(3)	Germany <u>Re-export</u>	5 live parrots (Appendix I)	The certificate indicated that the specimens were pre-Convention, but there was no mention of the date of acquisition. <u>Comments from the Parties</u> The M.A. of Germany has provided to the Secretariat information regarding the dates of acquisition of the birds.
(4) 50780	Cayman Islands (United Kingdom) <u>Export</u>	<i>Chelonia mydas</i> (Appendix I)	The permit indicated that the specimens were bred in captivity. However, as the purpose of the breeding was apparently commercial and the operation was not registered by the Secretariat, the trade should not have been permitted.
(5) 51050	Benin <u>Export</u>	<i>Cercopithecus aethiops</i> (Appendix II)	The animal was exported on 20 May 1993, but the permit was issued retrospectively on 17 June 1993. The permit form was not the one used by Benin for export.
(6)	Switzerland <u>Re-export</u>	<i>Caiman crocodilus</i> (Appendix II)	Several certificates were issued which did not indicate the date of issuance of the previous re-export certificate for the specimens, or the reason why this information was omitted.
(7)	Switzerland and Italy <u>Re-export</u>	<i>C. crocodilus fuscus</i> (Appendix II)	The certificate indicated El Salvador as the country of origin, with an export permit number that did not correspond to a document issued by that Party.
(8)	Austria <u>Export</u>	<i>Falco cherrug</i> (Appendix II)	Several documents contained security stamps cancelled only by the seal of the M.A., and not a signature.
(9)	Austria <u>Export</u>	<i>Falco peregrinus</i> (Appendix I)	The document was not signed. The security stamp was cancelled only by the seal of the M.A., and not by a signature.
(10)	Guinea <u>Export</u>	200 reptile skins (Appendix II)	The permit did not indicate the address of the importer or the country of destination.
(11)	Zimbabwe <u>Export</u>	One skull of <i>Cercopithecus aethiops</i> (Appendix II)	The permit incorrectly indicated that the species was not included in the appendices.
(12)  (12) (cont.)	Austria, France Italy, Germany and the United Kingdom <u>Re-export</u>	Reptiles skins and products (Appendix II)	Several certificates did not indicate the permit number of the country of origin. Others indicated an export permit number that did not exist (often being the number of an EEC import permit or the number of the re-export certificate of the previous re-exporting country). <u>Comments from the Parties</u> The M.A. of Germany has stated that it normally indicates on a re-export certificate the number and date of issuance of

(No.) Reference (if available)	Issuing Country and type of document	Species	Description
			the export permit of the country of origin of the specimens. However, this is not possible in cases where a re-export certificate is granted on the basis of another re-export certificate or an EEC certificate that does not contain this information. <u>Response of the Secretariat</u> The granting of a re-export certificate that does not indicate either the information about the export permit to which the Parties agreed or justification for its omission is contrary to Resolution Conf. 8.5.
(13) 50587	Austria <u>Re-export</u>	<i>Falco peregrinus</i> (Appendix I)	The certificate was issued on <u>18 August 1992</u> and was valid until <u>20 February 1992</u> . The name and address of the importer were not indicated.
(14) 50931	Austria <u>Re-export</u>	<i>Falco peregrinus</i> Appendix I)	Two documents bearing the same number were issued for two different birds.
(15) 51239	Cyprus <u>Re-export</u>	Shoes of <i>Python reticulatus</i> (Appendix II)	The certificate was missing the full name and address of importer and exporter, the country of destination, the country of origin and export permit number and the date of validity.
(16)	Zaire <u>Export</u>	<i>Psittacus erithacus</i> and <i>Pericopsis elata</i> (Appendix II)	Several permits contained security stamps that were not cancelled by a signature. In other cases, the stamp was fixed over the signature.
(17)	Russian Federation <u>Export</u> <u>Re-export</u>	Live animals belonging to circuses, and hunting trophies (Appendices I and II)	Several permits and certificates were issued retrospectively, contrary to the Convention and Resolution Conf. 6.6.
(18) 50999	Singapore <u>Re-export</u>	<i>Cacatua goffini</i> (Appendix I)	The specimens were imported into Singapore before 11 June 1992, when the inclusion of this species in Appendix I entered into force. After this date, contrary to Resolution Conf. 5.11, Singapore issued re-export certificates which stated that the birds were pre-Convention.
(19)	Singapore <u>Re-export</u>	Various species of parrots (Appendices I and II)	Singapore issued several certificates which indicated that the specimens were pre-Convention, without indicating the date of acquisition, contrary to Resolution Conf. 5.11
(20) 50775	Germany <u>Re-export</u>	<i>Scleractinia sp.</i> (Appendix II)	The Customs in Frankfurt, Germany, a non-competent authority, issued an invalid certificate for re-export to Austria. The certificate had no number, no date of issuance and no date of validity. <u>Comments from the Parties</u> The M.A. of Germany has stated that, although the certificate had been wrongly issued, the Secretariat and the M.A. of Austria had been informed of the certificate, the content of which was in accordance with the Convention. <u>Response of the Secretariat</u> A permit or certificate issued by a non-competent authority has no value with respect to the Convention.
(21) 50922	Senegal <u>Export</u>	<i>Psittacus erithacus</i> (Appendix II)	The permit indicated Senegal as the country of origin of the specimens, although the species does not occur in that country
(22) 50959	Singapore and the United Kingdom <u>Re-export</u>	<i>Ptyas mucosus</i> (Appendix II)	The United Kingdom issued a re-export certificate for 16,950 skins, referring to an export permit issued by Singapore. The Singaporean document was, in fact, a re-export certificate for 45,200 skins which did not specify a country of origin but indicated "Pre-Convention stock" without indicating a date of acquisition. As a result, the M.A. of the United Kingdom advised the Secretariat of steps it had taken to ensure that its imports were accompanied by valid Singaporean re-export certificates and of procedures concerning applications to import skins of <i>Ptyas mucosus</i> .
(23) 50869  (23) 50869	Austria <u>Re-export</u>	Items made from reptile skins (Appendix II)	An Austrian re-export certificate referred to several export permits from countries in South America, the numbers of which were not valid. The M.A. of Austria provided to the Secretariat copies of the re-export certificates from the United Kingdom and the United States, on the basis of which the information on the Austrian document had been entered. The US re-export

(No.) Reference (if available)	Issuing Country and type of document	Species	Description
(cont.)			certificate did not indicate the number of the export permit of the country of origin, and the certificate from the United Kingdom incorrectly referred to the number of an EEC import permit.
(24) 50868, 50859 and 50845	France <u>Re-export</u>	Skins of <i>Crocodylus porosus</i> and <i>C. novaeguineae</i> (Appendix II)	Several certificates, for skins which bore tags, did not indicate the numbers of the tags.
(25) 50601	France and the United States <u>Re-export</u>	Skins of <i>Rhea americana</i> (Appendix II)	A French re-export certificate indicated the number of an export permit from Argentina, the country of origin, that was not valid. It was later determined that the number was actually that of a re-export certificate issued by the United States. The US re-export certificate referred to the number of an export permit from Argentina, which was also not valid. <u>Comments from the Parties</u> The M.A. of the United States has stated that, because the US certificate in question was issued in 1988, copies of the supporting documents were no longer available. As a result, it has not been possible to determine when the skins entered the United States. However, if the permit in question had appeared to conform with examples of Argentine permits available and if the import had occurred before the United States had been notified by the Secretariat of trade restrictions for <i>Rhea americana</i> in Argentina, it is doubtful that the permit would have been questioned.
(26) 50642	United Kingdom <u>Re-export</u>	Items made from crocodile skins (Appendix unknown)	The certificate indicated " <i>Crocolidae</i> " (sic) and not the species. Upon receiving the recommendation of the Secretariat, the M.A. of the United Kingdom advised the exporter that the permits it had issued were not valid. The permits were returned to the M.A.
(27)	Belgium and Austria <u>Re-export</u>	<i>Varanus niloticus</i> (Appendix II)	A certificate from Belgium and another from Austria specified Nigeria as the country of origin. The Secretariat had informed the Parties several times that Nigeria prohibited the export of specimens of this species, and that Nigerian export permits were only issued by the M.A. specified in the Directory. The Austrian document referred to a permit that had been issued in Kano.
(28) 51304	Malaysia and Hong Kong <u>Certificate of origin</u>	<i>Gracula religiosa</i> (Appendix III)	Certificates of origin were issued by Chambers of Commerce and not by Management Authorities. Documents were accepted by Belgium.

SUMMARY NUMBER: 8-43  
TITLE: SMUGGLING THROUGH THE  
MAIL  
REFERENCE: 50530

It is impossible to estimate the quantities of plants and animals (both dead and alive) that are smuggled through the mail annually. Packages containing specimens of CITES species, in particular non-living specimens, are very difficult to detect among the large quantities of mail moving worldwide. Some mailings are isolated cases, involving persons who inadvertently mail a few specimens without permits to a friend or colleague. Other persons, however, smuggle specimens through the mail on a regular basis for commercial purposes. The following summary is to draw the attention of the Parties to what the Secretariat believes is a serious problem.

In June 1991, the M.A. of Denmark (DK) organized a training seminar for officers in charge of controlling the import of international parcels by post. A few days after this seminar, a parcel from Argentina (AR) was discovered

containing raw skins of *Coscoroba coscoroba* (coscoroba swan; Appendix II), *Speotyto cunicularia* (prairie owl; Appendix II), *Rostrhamus sociabilis* (snail kite; Appendix II), *Circus buffoni* (long-winged harrier; Appendix II), *Buteo magnirostris* (roadside hawk; Appendix II) and *Myopsitta monachus* (monk parakeet; Appendix II). The specimens were marked with labels bearing false names. The parcel was destined for a taxidermist in DK. The specimens were confiscated by the authorities in DK. The Secretariat and the M.A. of DK provided all the available information to the M.A. of AR, but the information was not enough for the M.A. of AR to determine who had sent the parcel from AR.

The authorities in DK, the Netherlands, Switzerland and the United Kingdom have confiscated numerous parcels containing cacti, orchids, or seeds of *Encephalartos*, originating in Germany, Peru and South Africa. Some of these were commercial shipments, and others were exchanges between private individuals. The Secretariat believes that many other plant confiscations of a similar nature may have taken place, but none has been brought to the attention of the Secretariat.

SUMMARY NUMBER: 8-44  
TITLE: CITES IMPLEMENTATION IN  
CZECHOSLOVAKIA  
REFERENCES: 50506, 50571, 50572, 50600,  
50629, 50646, 50733, 50734,  
50738, 50739, 50765, 50829,  
50842, 50849, 50866, 50873,  
50940, 50999, 51014, 51131,  
51178

As a result of changes in the political structure of the Government in Czechoslovakia (CS), CITES trade (both legal and illegal), greatly increased. CS was used for the transit of illegal specimens originating in the USSR or (since 1992) the Commonwealth of Independent States. Numerous illegally traded specimens were laundered through captive-breeding operations. Several thousand Vietnamese people, working in CS, traded in endangered species. Soviet troops in CS were involved in trade in animals, especially birds of prey. Birds of prey were also smuggled from the former USSR or were taken from their nests in CS and smuggled to other European countries, including Germany (DE) or Austria (AT). Tens of thousands of tortoises were introduced into CS without any documents. In 1991, one Czechoslovak trader imported 1,150 live tortoises into CS, presenting a false export permit from the United Republic of Tanzania (reference 50571). Parrots were smuggled into CS from Cuba and countries in Africa and Asia and were either placed in breeding operations or immediately re-exported.

In 1990, the authorities in CS, conscious of the large volume of illegal trade, began to take measures to stop it. In February 1992, CS deposited its instrument of accession and soon afterwards adopted a new law for the conservation of nature which included several provisions regarding the control of wildlife trade. Since it has become a Party, CS has made a tremendous effort to enforce the provisions of the Convention. With the assistance of the Secretariat, the M.A. of CS was able to establish, under very difficult conditions, a system to ensure that the trade in specimens from captive-breeding operations in CS was strictly controlled and that specimens authorized for re-export from CS had been legally imported. Efforts by the M.A. and enforcement authorities in CS resulted in a decrease in smuggling, the seizure of large quantities of illegally traded specimens, and the prosecution of several smugglers. The M.A. of CS also provided excellent information to the enforcement authorities in other European countries, which has resulted in arrests or confiscations.

In 1993, CS was split into two countries, the Czech Republic and Slovakia, both of which are Parties to the Convention by succession. Efforts by those Parties to control the continuing illegal trade remain undiminished.

SUMMARY NUMBER: 8-45  
TITLE: OBSERVATIONS BY MEMBERS  
OF THE SECRETARIAT STAFF OF  
THE OFFER FOR SALE TO  
TOURISTS OF SPECIMENS OF  
APPENDIX-I SPECIES  
REFERENCES: SEE BELOW

#### Shell of *Eretmochelys imbricata* in Tobago

During a CITES training seminar in Tobago, the Secretariat observed shell of *E. imbricata* (hawksbill turtle) in articles sold in tourist shops and at the Tobago airport.

#### Shell of *Eretmochelys imbricata* in Sri Lanka

During a training seminar in Sri Lanka, the Secretariat observed shell of sea turtle (believed to be *E. imbricata*) in articles offered for sale in tourist shops.

#### Ivory of *Loxodonta africana* in Cameroon

After a meeting in Cameroon, the Secretariat observed many objects made of ivory of *Loxodonta africana* for sale outside and inside the Customs zone of the airport of Douala.

#### *Cacatua goffini* in the Russian Federation (Reference: 50975)

In November 1993, in a market in Moscow (Russian Federation), a Secretariat staff member observed live specimens of several CITES-listed animal species offered for sale, including *Cacatua goffini* (Goffin's cockatoo). While some traders stated that they did not know anything about the origin of the animals, others said that they had received them from a friend, that the animals were bred in captivity or had been imported recently, and that the buyers were mainly Russians who were travelling abroad or persons from other areas of Europe. One trader said that he could arrange for the delivery of 25 *Cacatua goffini* at a special price, and that arrangements would take about one month.

#### Ivory of *Loxodonta africana*, shell of sea turtles and items containing skins of *Crocodylus niloticus* in Senegal

While in Senegal (SN) in April 1993, a Secretariat staff member found ivory of *Loxodonta africana*, items containing *Crocodylus niloticus*, and shells of sea turtle for sale in numerous locations, including hotels, shops, markets, vacation clubs, etc. During several other missions to SN in 1993, Secretariat staff members have urged the M.A. of SN to prohibit the trade in such items to tourists. SN has authorized traders to sell elephant ivory acquired before the listing of *Loxodonta africana* in Appendix I, but no inventory has been made. The Secretariat has repeatedly been informed by persons selling ivory that it was recently obtained and that ivory was still being imported into SN. One person offered to sell a sea turtle shell to a Secretariat staff member and recommended, when returning to France, that the staff member should hide the shell in his luggage. The seller offered to pray that the luggage would not be checked and to include the prayer service in the cost of the shell!

SUMMARY NUMBER: 8-46  
TITLE: TRAVELLING EXHIBITIONS  
REFERENCES: SEE BELOW

#### *Loxodonta africana* from Hungary to Italy (Reference: 50641)

In April 1992, the M.A. of Italy (IT) requested that the Secretariat confirm an export permit from Hungary (HU) for one live *Loxodonta africana* (African elephant; Appendix I). The permit indicated that the animal had been taken from the wild, with Belgium (BE) wrongly indicated as the country of origin. The export permit from HU was signed by the head of the M.A. on 3 March 1992, a date on which he was present in Kyoto, participating in the eighth meeting of the Conference of the Parties. The M.A. confirmed that the certificate presented to IT had been falsified by changing the date on a certificate that had been issued several years previously. The Secretariat learned that an Italian border post had issued a permit for the import of the animal into IT. The case was presented for prosecution in IT, but the Secretariat has not been informed of any court decision.

#### *Ursus arctos* from Czechoslovakia to France (Reference: 51067)

In August 1992, the M.A. of France (FR) requested the Secretariat to confirm the validity of an export permit from Czechoslovakia (CS) for six *Ursus arctos* (brown bear; Appendix II) belonging to a travelling entertainer. After conferring with the M.A. of CS, the Secretariat confirmed the validity of the document and the M.A. of FR issued an EEC import permit. The entertainer left CS in a truck, crossed several European countries (possibly Germany, Austria or

Italy) and entered FR without presenting any CITES documents. The entertainer then completed his tour in FR and returned to CS in December 1992. The French agency that organized the tour requested from FR an extension to the authorization of the entertainer to perform. However, as the entertainer had not complied with EEC and CITES provisions during the tour, the request was refused. In January 1993, using the documents previously issued by CS and FR, now expired, the entertainer left CS and again crossed several European countries. The entertainer entered FR and, in Le Havre, took a boat to Martinique. He entered Martinique, and later travelled to Saint Martin (an island in the Caribbean owned by France and the Netherlands) and to French Guyana. Returning to FR in June 1993, he was expelled from the country by the French authorities, who did not seize the animals. Although aware of the activities of the entertainer, the M.A. of the Czech Republic (CZ) issued to him a new certificate in November 1993 to re-export the *Ursus arctos* to FR. However, this document was refused by the M.A. of FR.

#### Comments from the Parties

The M.A. of CZ has stated that all circus artists travelling with specimens of CITES-listed species are now provided, along with their permits, detailed instructions about their responsibilities and the addresses of CITES authorities of the countries to which the circus is travelling.

#### *Ursus arctos* from Bulgaria to France and Belgium (Reference: 50926)

In May 1992, the Secretariat, having received several copies of permits issued by the M.A. of Bulgaria (BG), found two permits bearing the same number. When informed of this problem by the Secretariat, the M.A. of BG said that it had cancelled one of the two permits (permit no. 3) for the export to France (FR) of five *Ursus arctos* belonging to a travelling entertainer, and replaced it with export permit no. 4.

In June 1992, the M.A. of FR requested urgently the confirmation of a permit from BG for the export of five *U. arctos* to France. Unfortunately, the number of the permit on the fax that was sent by FR was not apparent and the Secretariat mistakenly confirmed to the M.A. of FR that the document could be accepted. France then issued an EEC import permit. It was later determined that the export document from BG in question was export permit no. 3, which had been cancelled.

In October 1992, the M.A. of Belgium (BE) informed the Secretariat that it had received an application for an EEC import permit for five *U. arctos* from BG. The applicant provided an export permit no. 4, issued by BG, but with the country of destination indicated as BE. As the Secretariat knew that permit no. 4 had been issued for the export of the bears to FR, the Secretariat recommended to BE to refuse the document, and BE complied with the request.

Because the M.A. of BE refused to issue an import permit, the company that hired the travelling entertainer decided to request from FR an EEC certificate in order to enable the animals to travel without restriction in the EEC. The M.A. of FR discovered that the travelling entertainer had entered FR without presenting the documents issued in June 1992 (the export permit from BG and the French EEC import permit, referred to previously), and refused to issue an EEC certificate. However, French Customs, reacting to strong pressure from the company and other urgent work priorities, agreed to stamp retrospectively the EEC import permit that had been issued by FR in June 1992. The Customs did not, however, examine or retain the original export permit from BG.

As a result, the EEC certificate was issued by the M.A. of FR. The certificate was used to enter BE and to return to

FR. The animals then left FR for BG without a re-export certificate issued by FR.

The Secretariat asked the M.A.s of the Parties concerned for copies of documents relevant to this case. Examining these documents, the Secretariat determined that the export permit no. 4 presented to BE was falsified, as the country of destination had been changed from FR to BE. However, the Belgian applicant who presented this document to the authorities in BE could not be prosecuted, since he was not responsible for falsifying the document. Although the French company admitted to falsifying the document, prosecution was not possible for this offence because the document was not used in FR. It was also not possible to prosecute the French company for the import into FR and subsequent re-export of the animals to BG without the required CITES documents, because the import and re-export had been executed by the BG entertainer (who had left FR), and not by the French company.

The entertainer probably still has:

1. the original export permit no. 4, now expired;
2. the original EEC certificate issued by FR, which has no time limit of validity and which can be used throughout the EEC and presented in any EEC country to obtain a re-export certificate; and
3. copy no. 1 of the EEC import permit issued by FR, stamped by Customs, which can be used throughout the EEC and can be presented in any EEC country to obtain a re-export certificate.

#### Cockatoos from the USSR to Luxembourg, via other countries in Europe (Reference: 50871)

In October 1992, the M.A. of Luxembourg (LU) informed the Secretariat that it had been requested by a Russian entertainer to issue an EEC certificate for cockatoos belonging to her and which were in LU. However, she could not produce to the authorities any documents showing that the birds had been imported legally into the EEC. The Secretariat discovered that the entertainer had travelled with the birds from USSR (SU) to Bulgaria (BG) about a year before. She had spent a short time in BG and then went on to LU. Using LU as a base for her business, she travelled to shows in Belgium, Germany and Switzerland (CH). The entertainer advised the Secretariat and the M.A. of LU that she had never been requested to present any required CITES or EEC documents. The M.A. of CH confirmed that the entertainer had taken the birds to shows in CH, but that it never issued an authorization for the import of the birds.

Consequently, the Secretariat recommended to LU to confiscate the birds. At this point, the Secretariat began to receive several faxes from prominent people in the Russian Federation (RU) to authorize the M.A. of RU to issue a retrospective export permit for the birds. Finally, the authorities in LU confiscated the birds, which were then returned to RU.

#### Circus in Monaco (Reference: 50984)

In January 1993, TRAFFIC Europe (France office) informed the Secretariat that a French circus, performing in Monaco (MC), had several specimens of species included in Appendix I and II. When contacted by the Secretariat regarding the documents that had been presented to import the specimens into MC (a non-EEC country) the M.A. of MC provided 11 EEC certificates, which could not be used for exporting specimens from the EEC. In addition, many of these certificates contained information that was not accurate and could not have referred to the animals imported in MC. The M.A. of MC informed the Secretariat that it did not issue re-export certificates when the animals were returned to FR.

#### *Tursiops truncatus* from the USSR to Hungary via Yugoslavia (Reference: 50774)

In August 1992, the Secretariat was informed by the M.A. of Hungary (HU) that it had discovered that five *Tursiops truncatus* (bottle-nosed dolphins; Appendix II), originating in Ukraine (UA), were in a travelling exhibition arriving from Yugoslavia. The animals, kept in fresh water in a small swimming pool, were very sick.

As no valid re-export document from Yugoslavia was presented to the authorities in HU, the animals were seized and assistance for their care was provided by an NGO. Because of the condition of the animals, dolphinariums contacted refused to accept them. With the agreement of the Secretariat and assurance from Ukrainian officials that the animals would never again be re-exported, the M.A. of HU returned the animals to UA.

In November 1993, the competent authority of Lithuania (LT) informed the Secretariat that five dolphins had entered LT with a document issued by the M.A. of the Russian Federation (RU). It was determined that they were the same animals as those exported from HU. Being informed of this by the Secretariat, the competent authority of LT stated that it would not allow the re-export of these animals.

Monkeys and *Hippopotamus amphibius* from the USSR to Portugal via Mexico (Reference: 51160)

In December 1993, the Secretariat was informed by the M.A. of Portugal (PT) that a Russian circus was trying to import into PT eight monkeys and one *Hippopotamus amphibius*. The circus had presented a permit issued in August 1991 by the USSR (SU) for the export of the animals to Mexico (MX). Although several Mexican documents were also presented, there were no certificates for re-export from MX to PT.

The M.A. of PT seized the animals. Hearing that the M.A. of the Russian Federation intended to issue retrospectively a re-export certificate for the animals, the Secretariat recommended to them not to take such action. Although the Secretariat asked the M.A. of MX for details of the animals entering and leaving MX, the Secretariat did not receive a reply.

Comments from the Parties

The M.A. of MX has stated that it did not receive the request for information from the Secretariat. Had it been received, the M.A. would have responded rapidly, as it has done with regard to other matters.

*Elephas maximus* from the Russian Federation to France (Reference: 50944)

In December 1992, the M.A. of France (FR) asked the Secretariat to confirm the validity of two permits for export to FR, issued by the M.A. of the Russian Federation (RU) to a circus. One permit indicated two female *Elephas maximus* (Asian elephant; Appendix I) declared as pre-Convention from India, and four *Panthera tigris altaica* (Siberian tiger; Appendix I) declared as bred in captivity. The second permit included three *E. maximus*, of which two were declared as bred in captivity and one as pre-Convention. As the name of the importer was provided only in Russian and there was no date of acquisition on the permits regarding the pre-Convention specimens, the Secretariat recommended to FR not to accept the documents and informed the M.A. of RU accordingly.

In January 1993, the M.A. of RU informed the Secretariat that the two permits noted above had been cancelled and replaced by three others, for the export of the same animals to FR. However, the Secretariat had discovered that at least two of the *E. maximus* had probably been imported from Myanmar (MM), and not from India. The Secretariat asked the M.A. of RU for additional information on the animals, recommending to the M.A. of FR to not accept the import of the animals until further notice. The M.A. of FR agreed to the Secretariat's recommendation.

On 4 February 1993, the Secretariat learned from TRAFFIC Europe (France office) that Customs authorities in FR had allowed the animals to enter the country at the port of Le Havre. Informed of this, the M.A. of FR requested that Customs authorities seize the animals, but no action was taken.

The Secretariat later received confirmation from the M.A. of Germany (DE) that it had issued in 1980 certificates for the re-export of two *E. maximus* to the USSR. The animals had originated in MM but no reference to any export document from MM was mentioned on the documents issued by DE. Although several requests were made by the Secretariat to the M.A. of RU regarding the origin of the elephants, no reply was received.

*Loxodonta africana* from Italy to Malta (Reference: 51238)

In January 1992, the M.A. of Malta (MT) informed the Secretariat that a circus had entered MT from Italy (IT). Among the animals imported were six *Loxodonta africana* (African elephant; Appendix I). Three of the specimens were declared as coming from the wild in Zimbabwe (ZW) and the other three from the wild in South Africa (ZA). The Secretariat determined that three animals from ZA had been exported from ZA to the Netherlands (NL) in 1985. The other three animals had been exported from ZW to NL in 1988. The six animals had then been re-exported from NL to IT in January 1991 (a transaction that took place within the EEC, therefore not requiring CITES documents). The M.A. of IT issued a re-export certificate for these six animals to MT in December 1991. As *L. africana* was transferred to Appendix I in 1990, the re-export from IT to MT should have been in accordance with Article III of the Convention. However, an import permit had not been issued by the M.A. of MT, nor had it determined that the import was for non-commercial purposes. Taking into consideration the difficulties of seizing the animals in MT and the fact that the animals were of legal origin, the M.A. of MT, in consultation with the Secretariat, allowed the animals to return to IT.

*Pongo pygmaeus* in Italy (Reference: 50998)

In April 1993, the M.A. of Italy (IT) confiscated from an Australian entertainer a *Pongo pygmaeus* (orang-utan; Appendix I), because the entertainer was not able to produce any proof that the animal was of legal origin. The entertainer insisted that the animal was of legal origin, and that legal documents had been presented when he had taken the animal to several countries, including the Netherlands (NL) and France (FR). The M.A.s of NL and FR informed the Secretariat that they had never authorized the import of this animal. It was determined that the animal had been exported illegally from Indonesia in 1986 or 1988. The animal, remaining the property of IT, was moved to a holding place in FR in October 1993.

*Gorilla gorilla* in Italy and Greece (Reference: 50589)

In November 1991, the Secretariat was informed by TRAFFIC Europe that a circus with a *Gorilla gorilla* (gorilla; Appendix I) was in Greece (GR), and that the owner of the circus had presented to the Greek authorities an EEC certificate issued by Italy (IT) in 1989. The Secretariat determined that the specimen referred to on the certificate had been illegally imported into IT from Spain (ES) in 1984. The Secretariat informed the Greek authorities of this and recommended that the animal be confiscated, but no action was taken in GR.

The Secretariat, which had recommended previously to the M.A. of IT that the animal be confiscated, asked the M.A. of IT why an EEC certificate had been issued for an animal of illegal origin. The M.A. of IT replied that it had not been possible to find a suitable place to keep the animal if it had been confiscated. Therefore, it had been decided to leave the animal with its owner.

In October 1992, the circus was back in IT and the animal was confiscated by the Italian authorities.

SUMMARY NUMBER: 8-47  
TITLE: VERIFYING THE IDENTITY OF  
RE-EXPORTED SPECIMENS  
REFERENCE: 50850

In June 1992, the M.A. of Japan (JP) requested the Secretariat to confirm the validity of two re-export certificates issued by the Netherlands (NL) for three *Lemur catta* (ring-tailed lemur; Appendix I). One of these certificates indicated that two animals were bred in captivity in Germany (DE) and referred to the number of a document from DE. The other certificate indicated that the animal was bred in captivity, with Switzerland (CH) being the country of origin. However, no permit number was indicated on the certificate, which referred only to a document issued by DE.

The Secretariat requested information concerning the specimen on the second certificate to the M.A.s of CH, DE and NL. The trade history of the specimens is as follows:

1. On 26 May 1986, the M.A. of CH issued an export permit to Germany (DE) for two captive-bred *L. catta* (ISIS 408 and ISIS 410). The specimen ISIS 410 was "ear-notched 3". The mark on the specimen was not indicated on the permit, as required by Article VI, paragraph 2, and Appendix IV of the Convention. CH extended the validity of the export permit for a period that exceeded the six month maximum period provided by Article VI, paragraph 2, of the Convention.
2. On 15 December 1986, the M.A. of DE issued an EEC import permit for the two specimens. The specimens were exported by CH to DE on 22 December, and imported by DE on 23 December. Thus, DE allowed the import of the specimens more than six months after the export permit issued by CH had been issued.
3. On 23 July 1987, the specimen ISIS 408 was re-exported from DE back to CH. On 20 March 1992, the M.A. of DE issued an EEC certificate for four *L. catta*. Although the number of the original export permit issued by CH was not indicated on the EEC certificate, the information on the certificate clearly referred to ISIS 410.

4. On 15 April 1992, the M.A. of NL issued a re-export certificate to Japan (JP) for one *L. catta*. The re-export certificate referred to the EEC certificate from DE and provided other information that indicated ISIS 410 was the animal being re-exported. The number of the re-export certificate did not indicate the number of the original export permit from CH.
5. Although not an infraction of the Convention, DE had indicated that the December 1986 import of the two specimens of *L. catta* from CH was for non-commercial purposes. However, arrangements for the sale of one of the animals to a zoo in Japan (JP) had been made through a Dutch animal broker.
6. Because the re-export certificate from NL did not indicate the original export permit number, contrary to Resolution Conf. 8.5 and Conf. 7.3, the Secretariat recommended to JP that the import not be accepted.

As CH did not indicate on its export permit the ear mark on the specimen, DE and NL were not aware that the animal could be examined to ensure that the specimen was the same one referred to on the different documents. It has also not been possible to learn whether the animal planned for re-export to JP bore the ear notch, although this information has been requested from the M.A. of NL. Although the Secretariat received information from the Dutch broker on the origin of the animal, the broker never mentioned that the specimen had been registered by ISIS, which would have been very important information to a purchaser of the animal.

#### Comments from the Parties

The M.A. of NL has stated that its omission of the export permit number on its re-export certificate was an administrative error. However, because of the intervention by the Secretariat, this otherwise legal transaction could not occur. Although the M.A. of NL issued a new certificate for the specimen in question, it was not accepted by the M.A. of JP. Since then, the M.A. of JP has also refused a re-export certificate from NL for two other specimens bred in captivity in DE. Actions that frustrate legal trade such as these jeopardize the credibility of CITES.

### Section 9: Other Enforcement Actions

SUMMARY NUMBER: 9-48  
TITLE: CONFISCATION OF MEAT OF  
CITES SPECIES IN FRANCE  
REFERENCE: 50769

In June 1992, during a routine inspection by the French Veterinary Service, large quantities of meat of several different CITES species were discovered in a freezer in a restaurant in Paris. The meat included nine carcasses of *Cephalophus sp.* (duiker; Appendix I or II), and ten carcasses of *Osteolaemus tetraspis* (dwarf crocodile; Appendix I).

The restaurant was closed down and the owner prosecuted. The investigation was extended to other African restaurants in the neighbourhood, resulting in several more confiscations. It was determined that the meat had been smuggled in the hand luggage of travellers arriving from Africa.

This case demonstrates the importance of controlling the internal trade in specimens of CITES-listed species that have entered the territory of a Party undetected.

SUMMARY NUMBER: 9-49  
TITLE: CONFISCATIONS IN PARAGUAY  
REFERENCES: SEE BELOW

#### Goods made from *Vicugna vicugna* from Bolivia (Reference: 50674)

In July 1992, the Management Authority of Paraguay (PY) informed the Secretariat about the seizure of goods made with tanned skins of *Vicugna vicugna* coming from Bolivia. The seizure took place during a 1992 livestock exhibition in Asunción, where several blankets made of skins of *Vicugna vicugna* were being displayed for sale at the stand of the *Cámara de Comercio* (Chamber of Commerce) *Paraguayo-Boliviana*.

The Secretariat provided this information to the M.A. of Bolivia in August 1992 but has not yet received any reaction.

#### Skins of *Caiman crocodilus yacare* (Reference: 50670)

In September 1993, the M.A. of PY informed the Secretariat that, as a result of a search of an illegal tannery by

Paraguayan police, 50,000 *Caiman crocodilus yacare* skins had been seized, in addition to skins of other CITES-listed species. The documents obtained revealed that the owner of these skins was a member of the *Cámara de Curtidores de Pieles de Reptiles* of PY (Chamber of Reptile Skin Tanners). He was immediately expelled from this association.

SUMMARY NUMBER: 9-50  
TITLE: *AMBYSTOMA MEXICANUM* FROM  
CZECHOSLOVAKIA TO ITALY  
REFERENCE: 50732

In June 1992, when examining export permits issued by Czechoslovakia (CS), the Secretariat discovered that a permit for 50 *Ambystoma mexicanum* (axolotl; Appendix II) had been issued to IT. Although recommended to do so by the Secretariat, the M.A. of Italy (IT) had not requested to the Secretariat the confirmation of the validity of this permit, which had expired. Responding to an enquiry from the Secretariat, the M.A. of IT advised that the permit from CS had not been presented for import. The M.A. of IT inspected the premises of the importer and found the specimens, which had been imported without presenting the required CITES and EEC documentation. The animals were confiscated.

Because of the full co-operation of the M.A.s of IT and CS, it was possible to discover an infraction of the Convention during a period within which enforcement action could be taken. This case illustrates the common problem of export permits or re-export certificates not being presented at the time of import, thus providing an opportunity for them to be used more than once during their period of validity.

#### Comments from the Parties

The M.A. of the Czech Republic (CZ) has advised that new CITES permits, similar to those used by the European Community, have been used since April 1994. The permit form contains a box for authorization by the Customs and a written instruction that the permit is not valid without this endorsement. Furthermore, each CITES permit holder now receives written instructions on procedures that must be followed regarding the permit. The M.A. of CZ strongly recommends that the Parties not accept any permit from CZ that does not contain the Customs authorization and asks that the Parties advise the M.A. of any invalid permits that they encounter.

SUMMARY NUMBER: 9-51  
TITLE: CONFISCATIONS OF WILD-  
COLLECTED *PAPHIOPEDILUM*  
REFERENCES: SEE BELOW

#### In Japan (Reference: 51144)

In February 1994 the Tokyo Metropolitan Police confiscated more than 400 wild-collected specimens of 32 species of *Paphiopedilum* from four Japanese citizens and two people from the Province of Taiwan, China. The plants were offered for sale at the annual World Orchid Show, in Tokyo, Japan (JP). The people from the Province of Taiwan and one Japanese citizen were prosecuted and fined for trading wild-collected Appendix-I specimens without permission. The Secretariat asked the M.A. of JP why the other three Japanese citizens were not charged, but no reply was received. No one was charged for illegally importing the plants, although some of the persons involved had admitted the offence.

#### Comments from the Parties

The M.A. of JP has stated that they had not received the request from the Secretariat for information on this matter.

Two of four suspects have been fined, and the charges against the others are being disputed.

#### In Thailand (Reference: 51143)

On 24 January 1994, a citizen from Japan was stopped at the airport in Bangkok, Thailand, while trying to smuggle 232 specimens (from six species) of *Paphiopedilum* out of the country. He was fined and received a suspended jail sentence.

SUMMARY NUMBER: 9-52  
TITLE: INCREASED CONFISCATIONS IN  
1992 BY FRENCH CUSTOMS  
REFERENCE: 51234

In April 1993, French Customs communicated to the Secretariat information on the confiscations of specimens of CITES species that had occurred in 1992. In all, 308 cases were reported, representing an increase of 40.6% over those reported in 1991. The specimens seized included stuffed and live animals, raw and worked ivory, shells and corals. Confiscations of live animals were particularly important, as the 1,283 reptiles, 487 birds and 36 monkeys reported represented an increase of 456% over those reported in 1991.

SUMMARY NUMBER: 9-53  
TITLE: PSITTACINE INVESTIGATION IN  
THE UNITED STATES  
REFERENCES: 50692, 50717

From 1988 until January 1992, authorities in the United States (US) conducted a complex undercover investigation into the illegal trade in Psittaciformes. The investigation in US quickly spread into Australia (AU) and New Zealand (NZ). After being informed by US of these unlawful activities, authorities in AU and NZ conducted investigations that were essential to the success of the overall operation. The investigations revealed large-scale illegal trade in live specimens and eggs taken from the wild in AU and NZ. The birds and eggs were then laundered through captive-breeding operations in NZ and were then exported.

The US investigation focused in several other areas, including trade in subspecies of *Psittacus erithacus* in Africa. It was found that specimens of *P. e. erithacus* (red-tailed grey parrot; Appendix II) were being taken from the wild in Zaire (ZR), where a ban on trade was in effect, and smuggled into Senegal. False export permits from Guinea and Côte d'Ivoire were presented to the Senegalese authorities, on the basis of which re-export certificates were issued. In only 22 months, one major bird dealer in US imported over 3,400 specimens of *P. e. erithacus* in this manner.

SUMMARY NUMBER: 9-54  
TITLE: CONFISCATION IN BELGIUM AND  
AUSTRIA OF CACTI FROM  
MEXICO  
REFERENCES: 50851, 50919

On several occasions in 1991 and 1992 the CITES Secretariat had indicated to the M.A. of Belgium (BE) that a nursery in that country might be selling cacti illegally imported from Mexico (MX). In November 1992 the M.A. of BE visited the nursery concerned and confiscated more than 1,500 specimens of cacti from ten Appendix-I species and one Appendix-II species. The M.A. of BE indicated that the confiscated plants would be returned to Mexico.

In July 1993 the Secretariat received information that an Austrian citizen had been collecting cacti in MX, with the intention to illegally export them to Austria (AT). The person involved apparently had been doing this on a regular basis.

The Secretariat informed the M.A. of AT, who arranged for the successful apprehension of this person upon his return to that country. Three hundred and seventy-nine specimens, of which 275 were from species included in Appendix I, were confiscated. The M.A. of AT indicated that the smuggler would be prosecuted and the confiscated plants returned to MX.

The Secretariat has received additional information on illegal collecting of cacti (plants and seeds) in MX. However, the individuals involved in the collecting could not be apprehended, due to a lack of information regarding their identity and/or their exact location while they were in MX.

#### Comments from the Parties

The M.A. of MX has stated that the cacti confiscated in BE were returned to MX without any problem. However, because the M.A. of MX has not received any communication from the authorities of AT regarding the cacti confiscated in that country, their return to MX has not yet been possible.

SUMMARY NUMBER: 9-55  
TITLE: SEIZURE OF TIGER BONE IN INDIA  
REFERENCE: 51096

In August 1993, following an investigation by TRAFFIC India, police in India seized 283 kg of tiger bone, the largest seizure of such bone ever made in India. In addition, eight tiger skins, 60 leopard skins and 160 assorted animal skins were also seized. A Tibetan refugee, who arranged the deal, was arrested. Information from his interrogation led to the later arrest of a famous wildlife smuggler in India and the smuggler's partner.

SUMMARY NUMBER: 9-56  
TITLE: SEIZURE OF SKINS IN ITALY  
REFERENCE: 51172

In December 1991, a container from Uruguay (UY) was seized by Customs in Naples, Italy. The container was declared by the importer to contain "skins of various animals and skins of second quality pork", valued at USD 14,800. The shipment contained, in addition to other skins, 2,002 skins of *Tayassu tajacu* (collared peccary; Appendix II) and 3,776 skins of *Eunectes notaeus* (yellow anaconda; Appendix II). These skins, which were not covered by permits, were found in 19 wrapped packages hidden in the middle of the shipment.

The actual value of the shipment was USD 167,527, as determined by Italian Customs. The names and addresses of the Uruguayan exporter and the Italian importer were later determined to be false.

SUMMARY NUMBER: 9-57  
TITLE: GERMAN CUSTOMS INVESTIGATION ON PARROT SMUGGLERS  
REFERENCE: 51236

In February 1993, the Secretariat received information about the results of a long-term investigation conducted by the Customs of Germany on parrot smugglers. The investigation had been initiated in 1989 when several false CITES documents were discovered. It was established that a trader had illegally imported into Germany more than 2,000 parrots through smuggling rings in different countries, the most important of which was based in the Netherlands. Thanks to an extensive investigation, which included surveillance and data analysis, several parrot breeders and retailers were identified as having taken part in the smuggling scheme. Thirty-six persons were charged in

connection with the investigation, but the Secretariat has not yet been informed of the result of the cases. Four hundred and fifty-eight parrots, including a large number of Appendix-I specimens, were confiscated.

SUMMARY NUMBER: 9-58  
TITLE: SENTENCING OF A PRIMATE SMUGGLER IN THE UNITED STATES  
REFERENCE: 50252

In the report on alleged infractions presented at the eighth meeting of the Conference of the Parties (document Doc. 8.19, summary no. 18), the Secretariat expressed its concern that only one person had been prosecuted as a result of a conspiracy by several persons to smuggle six *Pongo pygmaeus* (orang-utan; Appendix I) and two *Hylobates syndactylus* (siamangs; Appendix I) from Indonesia to Moscow in 1990. As a result of an extensive investigation into the matter by US authorities, a US citizen was charged for his participation in the scheme and was sentenced in April 1993 to 13 months in federal prison and received a fine of USD 40,000. Three citizens, from the Netherlands, Singapore and Yugoslavia, have also been charged in this matter by the US authorities.

SUMMARY NUMBER: 9-59  
TITLE: INVESTIGATIONS IN THE NETHERLANDS  
REFERENCES: SEE BELOW

#### Sentencing of reptile traffickers (Reference: 50003)

In the report on alleged infractions presented at the eighth meeting of the Conference of the Parties (document Doc. 8.19, summary no. 1), the Secretariat reported on a major investigation conducted by the Dutch authorities on two dealers involved in smuggling of reptiles. The M.A. of the Netherlands (NL) has advised the Secretariat that one dealer was fined of NLG 15,000 and the other NLG 10,000.

#### Investigation of bird traffickers (Reference: 50810)

In 1991, a Dutch parrot breeder was the subject of a major investigation concerning illegal trade and tax fraud. The breeder was eventually convicted of several offences and was fined over NLG 1,000,000. Information gained during the investigation was vital to a second investigation into a criminal ring involved in the smuggling of birds into NL. This investigation resulted in the seizure in 1993 of 90 cockatoos being held at 11 addresses in NL and the charging of several persons. The defendants in the case were first acquitted of all charges but, after a successful appeal by the prosecution, two of them were convicted and received prison sentences of 18 months and 12 months. The defendants are now appealing their cases to the highest court in NL. If the sentences are upheld, no further appeal is possible. Upon final conviction, all defendants are also subject to substantial tax penalties.

The M.A. of NL has advised the Secretariat that the Dutch authorities received excellent co-operation from the authorities in Australia. The authorities in the United States (US) also assisted, but the investigation was jeopardized when sensitive information about it was disclosed during an interview with a witness in US.

In NL, CITES is enforced by the General Inspection Service (AID) of the Ministry of Agriculture, Nature Management and Fisheries. On 1 January 1993, a national CITES team, consisting of 11 inspection officers, was established. Although AID is structured on a regional basis, these officers have the authority to work anywhere in NL. The formation of this team will undoubtedly lead to further successes in future investigations in NL.