

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



Sixty-first meeting of the Standing Committee
Geneva (Switzerland), 15-19 August 2011

Interpretation and implementation of the Convention

Compliance and enforcement

ENFORCEMENT MATTERS

1. This document has been prepared by the Secretariat.

Alerts

2. Since the 15th meeting of the Conference of the Parties (CoP15, Doha, 2010) the Secretariat has issued Alerts on the following subjects:
 - Fraudulent export documents – Guinea;
 - Fraudulent and illegal trade in pangolins; and
 - Possible violations of CITES and the Hajj.

CITES Ivory and Rhinoceros Enforcement Task Force

3. In accordance with Decision 15.72 on *Conservation of and trade in African and Asian rhinoceroses*, and thanks to funding provided by the European Commission, the Secretariat convened a CITES Ivory and Rhinoceros Enforcement Task Force from 17 to 19 May 2011 at the United Nations Office in Nairobi, Kenya. The outcomes of the meeting are reported in documents SC61 Doc. 44.1 and SC61 Doc. 45.1 relating to elephants and rhinoceroses.

Enforcement Authorities Forum

4. Parties are reminded that the Secretariat has created a restricted-access area on the CITES website, which is entitled the 'Enforcement Authorities Forum'. This is where it posts Alerts, manuals and handbooks, and other enforcement-related messages. This secure area can also be used by any registered member of the Forum to post messages or seek information and assistance from counterparts around the world.
5. The Enforcement Authorities Forum is probably the most widely-used of the restricted-access forums on the CITES website, with the largest membership. Whilst the Secretariat is pleased to be able to report this, it also notes that the membership of the Enforcement Authorities Forum could be considerably larger.
6. The Secretariat regularly encourages enforcement officials to register to access the Forum, at relevant meetings and events that it attends. It seems, however, that there is some reluctance to apply to register. For example, having encouraged registration at events in late 2010, at which over 100 officials had been present, not a single registration application was made in the following weeks. Language should not be a disincentive, as many of the materials available via the Forum are multilingual. The Forum is open to any governmental law enforcement official and no agency or country is restricted in the number of persons who may register.

7. The Secretariat suggests that the Standing Committee ask its regional representatives to assist in encouraging greater membership of the primary means that the Secretariat uses to reach out to the law enforcement community.

Enforcement-related capacity building

8. The Secretariat assisted INTERPOL and the World Customs Organization in the preparation of specific training materials for the wildlife law enforcement community and these were published in 2010. The first is a handbook illustrating and describing wildlife smuggling concealment techniques, and the second is a manual on questioning wildlife smugglers. The former is currently only available in English. The latter is available in Arabic, Chinese, English, French, Russian and Spanish. Both are available via the Enforcement Authorities Forum and have been distributed by INTERPOL and the World Customs Organization. The Secretariat wishes to express its gratitude to the Government of Hong Kong S.A.R., China, which annually donates funds for enforcement-related purposes. It was part of such funds that were used to pay for translation of the manual. By expanding translation to Arabic, Chinese and Russian, the Secretariat is able to reach many more officials in the law enforcement community.

International Consortium on Combating Wildlife Crime (ICCWC)

9. The Secretariat has reported previously to the Standing Committee and Conference of the Parties on its efforts to engender closer communication, collaboration and cooperation between the international, intergovernmental bodies that have a mandate from their Member States to engage in or support wildlife law enforcement. This is very much in keeping with the views that the CITES Parties have expressed in Resolution Conf. 11.3 (Rev CoP15) (*Compliance and enforcement*).
10. In November 2009, specialist staff from INTERPOL, the United Nations Office on Drugs and Crime (UNODC), the World Bank, the World Customs Organization (WCO), and the CITES Secretariat, came together at UNODC headquarters in Vienna, Austria, under the chairmanship of the CITES Secretariat, to begin a process that resulted in the creation of ICCWC.
11. The Consortium was formally launched in November 2010 during the International Tiger Forum, hosted in Saint Petersburg by H.E. Vladimir Putin, Prime Minister of the Russian Federation, when the final signatures were placed on a Letter of Understanding between the heads of each of the partner agencies. The Secretary-General of CITES made a presentation to the Forum regarding the Consortium. A copy of the Letter of Understanding is attached as Annex 1 of this document. An information note about the Consortium is attached as Annex 2. It has been agreed that the Chairmanship of the Consortium should rest with the Secretary-General of CITES. The activities of ICCWC are coordinated by a Senior Experts Group, which is also currently chaired by the CITES Secretariat.
12. Considerable enthusiasm for ICCWC has been displayed by the heads of the partner agencies, as it is believed that this collaboration has the potential to bring significant support to national law enforcement agencies and judiciaries as they seek to respond to those criminals who wish to rob countries of their natural resources. The focus of ICCWC activities will, understandably, be primarily on serious wildlife crime and illegal trade in wildlife.
13. The creation of such collaboration appears to be overdue. It reflects a growing realization among the law enforcement community, and law enforcement policy-makers, that environmental crime is increasingly attracting the involvement of organized crime groups and networks and that their activities are having serious impacts upon some of the world's most endangered species, regularly involve corruption of and violence towards officials, and exploit local communities, often in the poorest nations of the world. This realization has been amply illustrated in the following examples.
14. In November 2010, the INTERPOL General Assembly unanimously adopted a Resolution noting the seriousness of environmental crime and calling upon its member countries to assist INTERPOL in providing appropriate responses. The Resolution can be viewed at:

http://www.cites.org/eng/news/press/2010/20101108_Interpol_resolution.pdf
15. The INTERPOL Resolution was adopted shortly after a keynote speech by the CITES Secretary-General, the first occasion upon which the General Assembly had been addressed by the head of the CITES Secretariat.

16. In March 2011, the Enforcement Committee of the World Customs Organization gave a special focus to environmental crime. Here too, the CITES Secretary-General delivered a keynote address.
17. In April 2011, the United Nations Commission on Crime Prevention and Criminal Justice adopted a Resolution on "Crime prevention and criminal justice responses against illicit trafficking in endangered species of wild fauna and flora" which had been proposed by Chile, Costa Rica, Guatemala, Mexico and the Philippines. The Resolution expresses concern about the involvement of organized criminal groups in the trafficking of endangered species, recognizes the work being conducted at the international levels, for example by the recently-established ICCWC, and urges the Member States of the United Nations to strengthen international, regional and bilateral cooperation. The Commission also invites States to make trafficking in endangered species a serious crime and requests the United Nations Office on Drugs and Crime to provide assistance in combating such crime. The full text of the Resolution can be viewed at:

http://www.cites.org/eng/news/sundry/2011/CCPCJ_Res.pdf
18. The Senior Experts Group of ICCWC met in February 2011 and agreed to the following activities for this year:
 - a) A senior-level seminar involving Customs and the police from the 13 countries in Asia where tigers are still found in the wild;
 - b) Supporting the CITES Ivory and Rhinoceros Enforcement Task Force in bringing together law enforcement officials from countries affected by illegal trade in elephant and rhinoceros parts and products, to design strategies to combat such trade and facilitate the exchange of intelligence about those involved;
 - c) Providing training support to officials in the recently-established South Asia Wildlife Enforcement Network; and
 - d) Completing a toolkit on Wildlife and Forest Crime, which countries can use to review their current response to such crimes (noting 2011 is the International Year of Forests).
19. The largest project for 2011, however, will be a programme to establish Controlled Delivery Units in countries affected by trafficking in wildlife, especially illegal logging. In a pilot phase, this will offer capacity building to Customs, the police and prosecutors from about 20 countries in Africa and Asia, so that they can quickly respond to illegal shipments that are detected whilst being transported from one country to another, and one continent to another. The project will also seek to guide national law enforcement agencies to follow-the-money throughout the criminal chain, targeting the profits of organized crime groups and networks. The World Customs Organization is taking the lead in facilitation of this project and the World Bank is donating USD 150,000 to support the activities.
20. Aside from these activities, ICCWC members have also, individually and jointly, been providing input to a range of relevant events since its launch, such as a national multi-agency law enforcement workshop in Viet Nam, the launch of the South Asia Wildlife Enforcement Network, and the first Technical Committee meeting of the CMS Agreement on the Conservation of Gorillas and their Habitats.
21. ICCWC acknowledges the important work that other sectors, including the NGO community, have done, and continue to do, in supporting wildlife law enforcement around the world. It is conscious that some of these efforts have, in some respects, been plugging gaps where sufficient aid has not come from intergovernmental organizations. ICCWC intends to work closely with NGOs but aims to deliver support in innovative ways, to fulfil the mandate that the partners have been given, through CITES, INTERPOL and UN Crime Commission resolutions, and to do this in a manner which is beyond the role and expertise of NGOs.
22. However, to do so ICCWC looks to the donor community for support and hopes it will welcome this new and exciting initiative. The CITES Secretariat is conscious that it is the only one of the five partner agencies that has full-time staff (currently one, but soon to be two) who are funded through the organization's core budget to devote their time to assisting national law enforcement agencies to detect and combat illegal trade in wildlife. Whilst the recognition of the seriousness of wildlife crime among the international community, politicians and policy-makers is clearly welcome, it must also be matched by budgetary allocations at national and international levels.

Nigeria

23. Nigeria remains the only Party currently affected by a recommendation for a suspension of trade because of enforcement issues. By the time of the present meeting, the recommendation will have been in place for six years.
24. As reported orally at CoP15, the Secretary-General of CITES led a mission to Nigeria in January 2010. The mission was facilitated through the designation in Nigeria of the National Environmental Standards and Regulations Enforcement Agency (NESREA) as the country's enforcement authority. The Secretary-General met with the Minister responsible for CITES matters, the senior Deputy Inspector General of Police, the Deputy Comptroller-General of Customs, and the heads of other relevant agencies such as Environment, Forestry and Parks.
25. It was clear that a new era of political will had been started in Nigeria with regard to implementation of the Convention and the Secretariat was impressed by the commitment displayed by officials to work towards a withdrawal of the recommendation. With guidance from the Secretariat, officials had begun to inspect wildlife markets and make seizures, including seizures of ivory. Nigeria has regularly been identified, through ETIS data, as a significant country in relation to illegal trade in ivory.
26. In late February/early March 2011, the Secretariat returned to Nigeria and conducted a capacity-building workshop. This involved over 70 individuals from a range of agencies. Part of the workshop was a closed-session where specialized law enforcement training was delivered. Secretariat staff were particularly impressed by the enthusiasm and interest that were displayed by the participants.
27. Following the workshop, the Secretariat conducted inspections of markets and other relevant locations in Kano and Lagos (such locations in Abuja had been visited the previous year). Very little of concern was noted and it was apparent that the authorities had been engaged in extensive awareness-raising among traders. NESREA has also engaged in widespread public awareness campaigns.
28. The Secretariat has since been advised of a significant seizure that was conducted at Lagos Airport in March by Nigeria Customs, involving an individual who was smuggling ivory.
29. Nigeria's geographical location, its air and sea ports, its rich biodiversity, the range of economic well-being among its citizens, and its history of being a base for determined organized crime groups, mean that the country can never expect to rid itself of wildlife crime. Whilst very considerable progress has been made, particularly in relation to enforcement matters, there can be no room for complacency. On the other hand, the commitment, enthusiasm and political will that have been demonstrated in the past two years is worthy of recognition and appreciation.
30. One major hurdle remains before the Secretariat could be in a position to recommend to the Standing Committee to withdraw the recommendation to suspend trade; and that relates to legislation. Government officials have drafted new legislation and the Secretariat has provided comments. The draft legislation would appear to be satisfactory. However, it remains to be enacted and this process has been delayed because of the recent election of a new government.
31. The Secretariat will report orally at the present meeting in relation to any further developments but has no specific recommendations to offer at this stage.

Poaching of red panda

32. During a mission to Nepal in January 2011 the Secretariat was told of incidents of poaching of red panda (*Ailurus fulgens*, Appendix I) that have been noted in parts of Nepal. It appears that these animals are being killed for their fur. The Secretariat had not heard of poaching of this species before.
33. It would be troubling if a demand for red panda fur is emerging since this species is probably difficult to monitor as it lives something of a secretive life in remote parts of the world. There is therefore a risk that decreases in population numbers might take some time to be noticed. The Secretariat encourages any Party or organization with information about illicit trade in specimens of red panda to provide it as soon as possible. During its time in neighbouring Bhutan, another red panda range State, and which it visited

immediately after the mission to Nepal, the Secretariat asked officials there whether they had noted any poaching of the species but were told that none had been recorded.

Secretary-General's Certificate of Commendation

34. In August 2010, the Secretary-General announced his decision to award Certificates of Commendation to the Customs Administration of the Czech Republic and the Czech Environmental Inspectorate, for their long-term investigation into the smuggling of rare parrots, which involved: international liaison and the uncovering of widespread forgery of CITES-related documents; false declarations of captive-breeding; and use of fake marking rings. The certificates were subsequently presented by the Secretary-General at a ceremony in the Embassy of the Czech Republic in Geneva.
35. In October 2010, the Secretary-General announced his decision to award Certificates of Commendation to the Airports of Thailand Public Company and the CITES Wildlife Checkpoint of the National Parks, Wildlife and Plant Conservation Department of the Government of Thailand, at Suvarnabhumi Airport, Bangkok, for intercepting an attempt to smuggle a live tiger cub out of the country. This demonstrated the importance of raising awareness of illegal trade in wildlife among port security personnel. The certificates were subsequently presented by the Secretary-General at a ceremony in Bangkok.

South Asia Wildlife Enforcement Network (SAWEN)

36. The Secretariat has reported previously to the Standing Committee and the Conference of the Parties on the political agreement among countries in South Asia, namely Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka, to establish a wildlife enforcement network. The Secretariat has actively encouraged this and has provided technical guidance on a number of occasions.
37. The Secretariat was therefore particularly delighted to join officials from the member countries when the Network was formally launched in Paro, Bhutan, in January 2011. The Secretariat of the Network will be provided by the Government of Nepal. It is expected that ICCWC partners will assist in training officials from the member countries in the second half of 2011. The Secretariat wishes to note the strong support and facilitation services that have been provided by TRAFFIC during the establishment of SAWEN and the financial support that has been provided by the State Department of the United States of America. The United States has been a very active supporter of ASEAN-WEN and SAWEN, both financially and in the provision of technical expertise and capacity building.
38. The Secretariat took the opportunity, whilst attending the SAWEN event in Bhutan, to meet with officials from Maldives and encourage its accession to the Convention.

Trade from Guinea

39. The Secretariat has been concerned, for several years, about fraudulent trade in a range of species, especially birds, from parts of central and west Africa. It has issued several Alerts and Notifications advising importing Parties to check the validity and authenticity of export permits, as there have been many instances of the use of counterfeit documents, documents obtained fraudulently, and false declarations of, for example, captive-breeding. One country that appears to have suffered particularly from the activities of unscrupulous traders is Guinea.
40. During 2010, the Secretariat noted increasing numbers of false documents allegedly issued by the CITES Management Authority of Guinea, as well as a lack of consistency in some of the communications allegedly coming from the Authority. Through personal communication with a representative of the Management Authority of Guinea, who was attending a Secretariat-organized meeting, it was learned that blank, signed and stamped export permits had apparently been taken from the Authority offices without permission. It was also alleged that telephone, fax and email communications to and from the same offices were somehow being intercepted.
41. In late 2010, the Secretariat learned of many instances of trade involving chimpanzees from Guinea and that the majority of such animals were being declared as captive-bred. The Secretariat is not aware of captive-breeding of chimpanzees taking place in Guinea. It learned that trade in gorillas was proposed too. The Secretariat knows of one country of destination for such trade, but would welcome learning of any other Parties that have imported great ape specimens from Guinea or neighbouring countries.

42. The Secretariat wrote to Guinea, pursuant to Article XIII of the Convention, expressing its concern and requesting additional information. It also requested that it be allowed to conduct a mission to Guinea, to assess, *in situ*, what had occurred and to see for itself any captive-breeding facilities. The Secretariat is of the opinion that, potentially, very significant levels of fraud, and associated crime, may have taken place. It requested to meet with CITES officials in Guinea and also officials in relevant law enforcement agencies. It believes that what has taken place is likely to warrant detailed criminal investigation by appropriate agencies and that crimes will have occurred beyond violations of the Convention. It seems likely that national legislation in several countries may also have been contravened. The Secretariat does not feel confident to provide suitable and authoritative guidance to enforcement agencies and the Parties until a mission to Guinea has been conducted.
43. The CITES Management Authority of Guinea replied that it welcomed assistance from the Secretariat in responding to fraudulent trade but indicated that at that time, early 2011, it was not convenient for a mission to take place, because government elections had just taken place. The Secretariat has since written to Guinea again, encouraging that a mission take place at the earliest convenient time.
44. At the time of writing (May 2011), no invitation had been received. Should an invitation still be awaited by the time of the Standing Committee meeting, the Secretariat will suggest that the Committee establish a deadline by which an invitation should be received and, if one is not forthcoming, that appropriate action be taken in accordance with Resolution Conf. 14.3.

Recommendation

45. At the time of writing, the Secretariat has no specific recommendations to make and the Committee is asked to note this report.