

THE TRAFFIC REPORT



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CITES, Eh?

TRAFFIC Examines Canada's Implementation of CITES

A new TRAFFIC report, *CITES, Eh? A Review of Canada's Implementation of CITES Under WAPPRIITA*, provides an overview and evaluation of Canada's implementation of CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora). It explores whether Canada's current legislative, administrative and enforcement systems comply with its CITES obligations, highlights successes and failures, and offers constructive recommendations for improvement.

In 1973, 21 countries formally recognized the conservation implications of international markets for wildlife and the need for international cooperation to regulate cross-border flows of wildlife by signing CITES.

Canada was the 10th nation to ratify CITES, bringing the treaty into force on 9 July 1975.

International trade is very important to Canada, with exports of goods and services accounting for 43 percent of the country's gross domestic product. Rich in natural resources, Canada exports many wild

animals and plants and their products, such as furs, fish and timber. It is also an importer of wild animals and plants as well as a huge diversity of products made from or containing wildlife.

Canada, like all Parties to CITES, is responsible for implementing the provisions of the Convention domestically. The fact that Canada has signed an international agreement does not automatically make all the provisions of that agreement part of its domestic legal system. The government must incorporate the measures into its domestic law. This law then must be enforced and the

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STEVE MORELLO

The walrus was listed on CITES Appendix III by Canada in 1975, and commercial hunting of the species is prohibited in Canada and the United States. Despite these protections, walrus tusk ivory continues to be carved and traded.

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TRAFFIC
— NORTH AMERICA —



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requirements of the Convention must be administered.

Canada has the advantage of being a prosperous nation with resources to implement its international commitments. In addition, because of the importance of international trade to the Canadian economy, there is already a strong border infrastructure for monitoring trade in drugs, tobacco, firearms and other potential contraband. These factors place Canada in a good position to successfully monitor trade in wildlife.

TRAFFIC's report shows that most, but not all of the basic needs of the Convention are being met in Canada. In particular, Canada has developed comprehensive and effective domestic legislation for the enforcement of CITES—the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRIITA). WAPPRIITA received Royal Assent in 1992 although it did not come into force until 14 May 1996, when the enabling regulations—the Wild Animal and Plant Trade Regulations (WAPTR)—were passed.

WAPPRIITA prohibits the import and export of CITES specimens except with a permit or where permitted by the regulations. In addition, the Act prohibits the import into Canada of an animal or plant, or any part thereof, that was taken or possessed in contravention of any foreign law, making it an offense to possess specimens which have been imported in contravention of the legislation or to offer CITES Appendix I specimens for sale.

WAPPRIITA imposes significant penalties for violating the act. Contraventions of the act may be prosecuted as either summary or indictable offences. An individual may be fined up to CA\$25,000, and face imprisonment for up to six months or both for summary violations of the act. For indictable offences, fines can reach up to CA\$150,000 or



STEVE MORELLO

Sixty percent of the world's polar bears reside in Canada, the only range country that allows trophy hunting of the species.

imprisonment for up to five years. Fines for corporations are even higher—up to CA\$50,000 for summary convictions or CA\$300,000 for the more serious indictable offenses. A fine equal to profits gained by the illegal activity may also be imposed.

Altogether, WAPPRIITA provides a legislative basis for the regulation of trade in specimens covered by CITES which goes beyond the basic obligation of prohibiting trade contrary to CITES and surpasses the provisions of CITES which require domestic legislation. Furthermore, the penalty and enforcement structure in WAPPRIITA provides a model approach that other Parties could be encouraged to follow.

Despite Canada's early ratification of the Convention and development of strong legislation, CITES does not appear to be a priority for the Canadian government as a whole or for Environment Canada, the department charged with ensuring that the Convention is effectively implemented. Insufficient human and financial resources have been directed at administering and enforcing the convention and, as a result, significant gaps remain.

The most significant gaps in Canada's administration of CITES relate to the collection and publication of trade data. CITES requires

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each Party to maintain records of trade in specimens of species included in the Appendices. CITES also requires each Party to prepare reports on its implementation of the Convention including a report on the trade data collected. These annual reports are critically important as they provide the best means of monitoring the implementation of the Convention and the level of international trade in CITES-listed species.

Unfortunately, it is not clear if data from Canadian permits are being compiled consistently, and a significant quantity of data from foreign permits is not making its way to the National CITES Management Authority. Furthermore, Canada has repeatedly failed to meet the deadlines for submitting CITES annual reports. The country's continued failure to submit annual reports on time negatively affects international efforts to evaluate wildlife trade concerns.

Other significant gaps in Canada's administration of CITES include the lack of a policy for implementing CITES Decisions and Resolutions, and Environment Canada's inconsistent record for meeting the requirement in WAPPRIITA to amend the WAPTR within 90 days after any changes to the CITES appendices.

This lack of sufficient human and financial resources directed at implementing CITES in Canada is especially critical when it comes to enforcement of the Convention. Environment Canada has designated 45 to 50 full-time wildlife enforcement officers across Canada. Some of these officers work primarily on CITES issues, and others do not work on CITES enforcement at all. Overall, there are only the equivalent of 18 full-time Federal Game Officers enforcing CITES in all of Canada and, of these, only 8 conduct inspections of wildlife imports and exports.

In addition, these officers are not receiving comprehensive and consistent training on CITES, permit validation, live animal transport regulations, and species and product identification. Thus they are not receiving the training they need to meet their responsibilities for monitoring wildlife trade, and for providing advice and training to other government departments and agencies.

The report highlights the complexities of CITES administration and enforcement and makes a number of recommendations aimed at improving these activities in Canada. We hope that it will assist Canadian authorities in filling the existing gaps in CITES implementation and thereby regaining the role Canada established in 1975 as a leader in the international CITES community.

TRAFFIC North America would like to express its gratitude to AGF Management Limited and the Schad Foundation, whose generous support made this report possible. The full report will be available on www.traffic.org or upon request in late May.

- *Ernie Cooper*

BELUGA STURGEON LISTED AS THREATENED

On 21 April 2004, the U.S. Fish and Wildlife Service (USFWS) announced that it is listing beluga sturgeon (*Huso huso*) as threatened under the U.S. Endangered Species Act (ESA); the listing will take effect six months from that day. Beluga sturgeon are widely considered the world's most economically valuable fish, as they are the source of beluga caviar, a highly prized delicacy. Unregulated overfishing, loss of spawning habitat, and poaching have all contributed to the drastic decrease in wild beluga sturgeon populations.

The "threatened" listing allows USFWS to develop a Special Rule that could call for specific requirements such as those already being mandated for the species under the Convention on International Trade in Endangered Species of Wild Fauna and Flora. The listing will provide beluga sturgeon with specific protections under the ESA and will allow USFWS to issue the regulations necessary to ensure its conservation.

(USFWS press release, 21 April 2004)

WILDLIFE FOR SALE

An Educator's Guide to Wildlife Trade

"Wildlife for Sale" is World Wildlife Fund's new interdisciplinary module designed to educate middle-school students about the international trade in wildlife and wildlife products. It explains how illegal wildlife trade can decimate species while legal trade and captive breeding programs can at once assist local economies as well as promote conservation. Fifteen modules include background information for educators, a comprehensive list of resources, and unit plans that help educators incorporate the modules into their own curriculum. Over 100 slides that highlight the issues in each of the activities are included. To order the guide for \$49.95, contact Acorn Naturalists at www.acornnaturalists.com or 1-800-422-8886.

A Guide to the Identification of Seahorses

TRAFFIC leads a collaborative effort to develop a guide to the identification of the world's seahorses.

At the twelfth meeting of the Conference of the Parties to CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) in November 2002, member countries voted to include all seahorses (genus *Hippocampus*) in Appendix II of the Convention, effective 15 May 2004.

In order for the CITES listing of seahorses to be effectively implemented, government authorities and other stakeholders need to be able to identify more than 30 recognized seahorse species. In response to this need, TRAFFIC, Project Seahorse, the U.S. Fish and Wildlife Service, U.S. NOAA Fisheries, and the CITES Secretariat have collaborated on the development of an identification guide to seahorses.

The goal of the guide is to provide technically accurate but user-friendly information — useful to specialists and non-specialists alike. This is no simple task as many species are similar in appearance and their identification can be challenging.

The species descriptions in the guide are based on a 1999 publication by Project Seahorse entitled, *Seahorses: An Identification*

Guide to the World's Species and their Conservation. Materials from the earlier publication have been revised and re-formatted and additional content has been added.

The guide includes descriptions, range maps, line drawings and color illustrations of each of the 32 species of seahorse identified in the original proposal to list seahorses in CITES (Prop. 12.37). One species, *H. denise*, has been added based on recent research.

The morphological characteristics that are used to identify seahorses are explained and defined in both text and line drawings. Also included is a step by step methodology for identifying seahorses using a species checklist and tables that summarize the key identifying characteristics. A copy of the species checklist is provided and may be photocopied as a tool to assist in identifying specimens.

The guide will be published and made available to the Parties before the listing takes effect in May 2004.

TRAFFIC North America would like to express its gratitude to the NOAA Coral Reef Conservation Grant Program and the Curtis and Edith Munson Foundation, whose generous support made this guide possible.



WOLCOTT HENRY

An estimated 24 million seahorses are taken from the wild every year, dried and sold for use in traditional Chinese medicine, to treat everything from asthma to sexual dysfunction. Hundreds of thousands more are sold live for the aquarium trade.

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U.S. CAPTIVE WILDLIFE SAFETY ACT

On 19 December 2003, President Bush signed into law the Captive Wildlife Safety Act (Public Law No. 108-191). The law is designed to discourage individuals from keeping dangerous exotic animals as pets and bars interstate commerce of lions, tigers, leopards, cheetahs, jaguars, and cougars for use as pets. The law exempts such licensed institutions as wildlife sanctuaries, universities, and individuals licensed by the U.S. Department of Agriculture.



Estimates of the number of big cats, including cougars, held in private ownership in the United States range from 5,000 to 20,000.

IT WAS A ROCK LOBSTER

On 12 December 2003, Pedro Alejandro Pereira of Nicaragua and Peter L. Silver of Canada were sentenced in Florida for their role in a conspiracy that imported over \$2.8 million worth of undersized spiny lobster (*Panulirus* spp.) into the United States from Nicaragua, in violation of the Lacey Act. Under Nicaraguan law, it is illegal to harvest or sell spiny, or "rock", lobster weighing less than five ounces.

Pereira admitted that he and others had illegally exported almost 200,000 pounds of spiny lobster into the United States over a five year period and was sentenced to 37 months in prison, followed by two years of supervised release. Silver received one year and one day in prison, also followed by two years of supervised release. The Florida Fish and Wildlife Commission, the U.S. Customs Service, National Oceanic and Atmospheric Administration Fisheries, and Nicaraguan authorities coordinated in prosecuting this case.

(U.S. Department of Justice press release, 12 December 2003)

TRUONG WRONG

Tuc Truong, owner of a traditional medicine shop in Oakland, California, was sentenced on 26 February 2003, in U.S. District Court in the Northern District of California. Truong was charged with conspiracy to violate the Endangered Species Act and the Rhino and Tiger Product Labeling Act, among others, for selling medicines containing legally protected species in his shop, Hong Kong Chinese Trading Herbs. Truong was ordered to serve four months in prison and pay a \$10,000 fine.

(U.S. Fish and Wildlife Service pers. comm., 18 December 2003)

OPERATION SNOW PLOW DRIVEN HOME

On 14 November 2003, William R. Kapp was sentenced to 4 years and three months in prison, 3 years probation, 300 hours of community service, and was fined \$5,000 and ordered to pay \$1,600 in court costs for conspiracy to violate the U.S. Endangered Species Act (ESA). Kapp was found guilty by a federal jury in Chicago in April for orchestrating a wildlife trafficking ring that bought and killed endangered tigers (*Panthera tigris*) and leopards (*Panthera pardus*) in order to sell their hides, parts and meat. The only person of 17 charged in the U.S. Fish and Wildlife Service's undercover investigation "Operation Snow Plow" (see Vol. 2 No. 1; Vol. 2 No. 2) to plead not guilty and stand trial, Kapp claimed the animals involved in the trade ring were not protected by the ESA because they were hybrids. Despite his claim, Kapp was found guilty of conspiracy to violate the ESA, as well as 16 counts of violating the ESA and the Lacey Act. Evidence during the trial, including the testimony of six of his co-defendants, showed that Kapp was, in fact, the central figure in the trade ring and that he brokered the sale of 18 tigers and leopards since 1997 and participated in killing some while they were still confined in cages or trailers.

Richard Czimer was the last to be sentenced as a result of Operation Snow Plow on 18 December 2003. Czimer, owner of Czimer's Game and Seafood, Inc., a suburban Chicago exotic meat market, was sentenced to six months in prison, two years probation upon release, a \$5,000 fine, and 300 hours of community service. The business itself was sentenced to five years probation and a \$24,000 fine.

Czimer pleaded guilty in February 2003 to purchasing the meat of a federally protected black leopard and to purchasing the carcasses of 16 tigers, four lions (*Panthera leo*), two mountain lions (*Felis concolor*), and one lion-tiger hybrid, which were then butchered and sold in his market as "lion" meat. As part of a plea agreement, Czimer



also agreed to pay \$116,000 in restitution to the National Fish and Wildlife Foundation's Save the Tiger Fund.

(U.S. Fish and Wildlife Service press releases, 14 November 2003 and 18 December 2003)

THE ORCHID THIEVES

Marie Selby Botanical Gardens, Inc. and Wesley E. Higgins, one of the garden's premier orchid experts, were charged on 18 December 2003 for violating the Endangered Species Act for possessing a rare orchid smuggled into the United States. The orchid was a new species of tropical lady's slipper (*Phragmipedium kovachii*) that was recently discovered in Peru. All species of *Phragmipedium* are prohibited in international trade under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and, therefore, the importation was illegal.



MILO MARSHALL

The flowers of the popular tropical lady slippers are recognizable by their pouch, a modified petal which functions as a trap for pollinators.

Selby's board of directors, along with Higgins, have worked out a plea bargain with federal prosecutors for which they will pay a \$5,000 fine, instead of the potential penalty of up to \$100,000, and will be put on probation for three years. Selby has also changed its procedures for handling orchids from other countries and will encourage other institutions to do the same. Higgins was sentenced to two years probation and fined \$2,000.

Martin Kovach, the collector who allegedly smuggled the orchid into the United States and took it to Selby, was indicted in November 2003.

The investigation was a cooperative effort between the U.S. Fish and Wildlife Service, Virginia Department of Game and Inland Fisheries, U.S. Department of Agriculture, U.S. Customs Service, CITES Management Authority of Peru, and the U.S. Attorney's Office, Eastern District of Virginia.

(U.S. Department of Justice press release, 18 December 2003; The Associated Press, 19 December 2003)

FINNING NOT FINE, FINNERS FINED

The Taiwanese fishing vessel *Yu Gye Fa No. 66* and Polar International, a Guam seafood company, were charged in December 2003 for offloading and receiving 3,000 pounds of shark fins, respectively. U.S. law prohibits offloading shark fins without offloading the corresponding shark carcasses in order to promote a more humane taking process, rather than allowing the fins to be removed and the often still-living shark to be dumped back into the ocean. Shark fins are enormously more profitable than the carcasses, selling for up to \$200 a pound, compared to about \$.10 a pound, respectively. It is estimated that the weight of the fins in this case represents thousands of sharks. *Yu Gye Fa No. 66* was fined \$10,000 and Polar International was fined \$20,000 for the offenses.

(Pacific Daily News, 11 December 2003)

SLIPPER ORCHID SLIP UP

Ever Spring Orchid Nursery Ltd. of Manitoba, Canada, was fined CA\$15,000 in Provincial Court in Winnipeg on 31 July 2003 for illegally importing Asian tropical lady slipper orchids (*Paphiopedilum* spp.). In addition, the corporation will direct CA\$5,000 of the fine to Friends of the Assiniboine Park Plant Conservatory for the construction of an educational display to house the seized endangered orchids, must display pamphlets on endangered orchids at their place of business for three years, and must contact Environment Canada three days in advance of any future orchid importations. The charges were the result of a joint investigation by Environment Canada's Wildlife Enforcement Division and the Canada Customs and Revenue Agency, with assistance from the TRAFFIC Network. The investigation produced evidence that the nursery was importing the endangered orchids by describing them as hybrids on import documents. The orchids did not have the necessary export permits from Taiwan, nor the necessary Canadian import permits to verify they were traded in compliance with CITES, the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

(Environment Canada press release, 31 July 2003)

CAVIAR POACHERS SENTENCED

As reported in the last *TRAFFIC Report* (Vol. 2 No. 2), eight people were arrested in May 2003 as part of a three-state crackdown on illegal take of white sturgeon (*Acipenser transmontanus*) from the Sacramento River. The ringleaders, Tamara

Andreyevna Bugriyev and Yuriy Stanislavovich Bugriyev, marketed the white sturgeon roe as caviar, mostly to members of the Russian-American community in California, Oregon, and Washington, and recruited as many as 20 fishermen to poach and sell the sturgeon.

The Russian mother and son were charged with felony conspiracy to illegally take sturgeon and were sentenced on 28 October 2003. Yuriy received a \$15,000 fine and 150 day jail sentence, 60 days to be served in jail and 90 to be served in the Sacramento County Sheriff's work project program. Tamara received a \$3,000 fine and 150 day jail sentence, suspended to 540 hours of alternate work service. Both of the Bugriyevs also received 5 years formal probation; 5 years loss of sport fishing license; are prohibited from possessing sturgeon, sturgeon parts, sturgeon roe, or sturgeon caviar; are subject to warrantless search on person, property, vehicle and residence; and must stay 100 feet away from the San Francisco Bay, California Delta and all associated waterways, Sacramento River, and San Joaquin River.

(Associated Press, 9 May 2003; pers. comm., 30 October 2003)

POLISH AIRLINE EMPLOYEES SMUGGLE CAVIAR

On 10 October 2003, two employees of LOT Polish Airlines were arrested upon arrival at Canada's Pearson International Airport for illegally importing Russian sturgeon (*Acipenser gueldenstaedti*) caviar. Russian sturgeon are listed on Appendix II of CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) and require an accompanying export permit. Marek Sikorzak pled guilty to importing 12.5 kg of undeclared caviar, was sentenced to 23 days in prison, and forfeited caviar valued at CA\$25,000. Malgortzata Zabierzowska pled guilty to importing 4 kg of undeclared caviar, was sentenced to 13 days in prison, and forfeited caviar valued at CA\$8,000.

(Environment Canada press release, 20 October 2003)

FEATHER IN USFWS CAP

A Gainesville, Florida, man received 40 months in prison and three years probation on 20 June 2003 for smuggling protected wildlife into the United States. Milan Hrabovsky specialized in selling Amazonian tribal artifacts from Brazil, such as head dresses and masks made with feathers and other parts from endangered species including blue and yellow macaws (*Ara ararauna*), red and green macaws (*Ara chloroptera*), scarlet macaws (*Ara macao*) and jaguar (*Panthera onca*). As part of a plea agreement, Hrabovsky pleaded guilty in March

to a Lacey Act smuggling count, a U.S. Customs Service smuggling account, and obstruction of justice, all felony charges.



STEVE MORELLO

Despite the fact that they are frequently bred in captivity, scarlet macaws continue to be taken from the wild to supply the international demand for pet birds and feathers.

Another defendant, Jeffrey Sadofsky of Cleveland, Ohio, entered into a plea agreement, providing the U.S. Fish and Wildlife Service with information that allowed the initial investigation to expand. Other individuals throughout the United States have been investigated and are awaiting charges in connection with this case, which is being investigated by Brazilian authorities as well.

(U.S. Fish and Wildlife Service press release, 17 July 2003)

U.S. AND THAI REPTILE SMUGGLERS PLEAD GUILTY

Two men were indicted on 22 July 2003 on charges related to smuggling live, protected and endangered wildlife into the United States from Thailand. Reid Turkowski, owner of Captive Bred Specialties, in Waukesha, Wisconsin, and Leong Tian Kum, a citizen of Singapore and resident of Bangkok, Thailand, were charged with money laundering, making false statements to U.S. Fish and Wildlife Service agents, and falsely labeling wildlife, a violation of the Lacey Act. Turkowski and Kum were also charged with conspiring to smuggle and falsely label wildlife, trade in endangered species, and launder money. According to the indictment, the two shipped protected wildlife from Thailand to the United States in packages labeled to contain wooden arts and crafts, and did not obtain permits required under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The wildlife shipped included 6 radiated tortoises (*Geochelone radiata*), 22 Indian star tortoises (*Geochelone elegans*), 2 emerald tree



monitors (*Varanus prasinus*), 7 Burmese star tortoises (*Geochelone platynota*), 4 pancake tortoises (*Malacochersus tornieri*), 8 Hermann's tortoises (*Testudo hermanni*), 67 snake-necked turtles (*Chelodina* spp.), a green tree python (*Morelia viridis*), 48 Chinese water dragons (*Physignathus cocincinus*), and 8 Fly River turtles (*Carettochelys insculpta*).



MARTIN HARVEY/WWF CANON

Green tree pythons, popular in the exotic pet trade, are arboreal and rest saddle-fashion over a branch, anchoring themselves with their prehensile tail and cradling their head in the middle of their coils.

Kum pleaded guilty 26 November 2003 to conspiracy and money laundering charges and was sentenced 5 March 2003. Kum will serve 41 months in federal prison and will be deported to his native Singapore upon his release. In addition, the U.S. District Court Judge in the case, Lynn Adelman, ordered Kum to repay the government \$8,120, the amount federal agents spend on making undercover purchases from him. Adelman exceeded sentencing guidelines in this case, citing evidence provided by U.S. Fish and Wildlife Service investigators that Kum also conspired to smuggle women from Thailand to Singapore to work as prostitutes.

Turowski pleaded guilty 23 December 2003 to conspiracy to smuggle, falsely label wildlife, and trade in endangered species and is scheduled to be sentenced 16 April 2003.

(U.S. Fish and Wildlife Service press release, 24 July 2003 and 5 March 2003)

CANADIAN CLAMS

On 21 November 2003, Fisheries and Oceans Canada (DFO) announced that a Vancouver, British Columbia, man had received a CA\$10,000 fine and 18 month conditional sentence for illegally buying and selling clams. In early 2002, DFO investigated complaints of a large-scale illegal harvest and sale of clams, and witnessed the man illegally purchasing and then selling clams to a fish processing facility.

The man also placed false tags on the clams, indicating that they had been legally harvested. In addition to the fine and sentence, he was also ordered to pay CA\$50,000 to promote the proper management and monitoring of clam fisheries and is prohibited from buying, selling, trading or possessing any shellfish for five years.

(Vancouver Aquarium News, 21 November 2003)

REPTILE SMUGGLER SENTENCED

"Lawrence" Wee Soon Chye was sentenced on 11 December 2003 to 37 months incarceration for his role in smuggling hundreds of protected reptiles into and out of the United States in 2002 and 2003. In addition, Wee also forfeited over \$11,300, a camera and a computer. Wee, a resident of Singapore, pleaded guilty to felony conspiracy, smuggling and false-labeling charges in September 2003 after admitting to conspiring to smuggle Endangered Species Act and CITES-protected reptiles by sending them in express mail packages labeled to contain magazines or books. A package shipped by Wee from Singapore to Florida in January 2003, and intercepted by U.S. Customs, contained 198 Fly River turtles (*Carettochelys insculpta*), 25 Indian star tortoises (*Geochelone elegans*), and three monitor lizards (*Varanus* spp.).

This case was investigated by the U.S. Fish and Wildlife Service, the Bureau of Customs Enforcement, and the Orange County Sheriff's Office in cooperation with authorities in Singapore. The TRAFFIC Network also assisted in the investigation.

(U.S. Fish and Wildlife Service press release, 11 December 2003)

BIG FISH HOOKED

On 2 March 2004, Arnold Bengis and Jeffrey Noll pleaded guilty in New York City federal court in a scheme to illegally over-harvest massive quantities of South African rock lobster (*Jasus lalandii*) and Patagonian toothfish (*Dissostichus eleginoides*), and to then illegally import the fish into the United States from South Africa. Each party pleaded guilty to one count of conspiracy to violate the Lacey Act and to commit smuggling, and three separate counts of violating the Lacey Act.

The scheme was conducted through Hout Bay Fishing Industries Ltd., out of Cape Town, South Africa, and three U.S. affiliates: Icebrand Seafoods, Associated Sea Fisheries in New York City, and Icebrand Seafoods Maine in Portland, Maine. Bengis, Noll, and their coconspirators allegedly ran the illegal over-harvesting and exporting scheme since at least 1987 and up through August 2001. It is



alleged that to carry out this scheme, they under-reported seafood harvest, bribed South African fisheries inspectors, submitted false export documents to South African authorities, altered and destroyed documents indicating the actual quantity of seafood harvested, concealed vast amounts of rock lobster from authorities, and diverted an illegal shipment originally intended for New York City to Singapore and Hong Kong to avoid seizure by U.S. authorities.

As part of their guilty pleas, Bengis and Noll agreed to forfeit at least \$5 million to the U.S. government and are scheduled to be sentenced on 28 May 2004.

This case was investigated by U.S. National Oceanographic and Atmospheric Administration (NOAA) Fisheries and the Newark, New Jersey Office of the Bureau of Immigration and Customs Enforcement, with the cooperation of the South African government.

(NOAA Fisheries press release, 2 March 2004)

ILLEGAL SHRIMPERS PEELED

On 9 September 2003, U.S. Coast Guard Officers boarded the Palacious, Texas, fishing vessel, *Christian G*, 52 miles southeast of Freeport, Texas. All four of the vessel's turtle excluder devices had been sewn shut and the crew had failed to properly employ By-Catch Reduction Devices. Authorities seized the 41,733 pounds of shrimp aboard the vessel after it was escorted into port for violations of the U.S. Endangered Species Act and the Magnuson-Stevens Fishery Conservation and Management Act. The boarding came as part of a four day joint law enforcement marine operation with the Immigration and Customs Agency and National Oceanic and Atmospheric Administration (NOAA) officers that targeted commercial fishing vessels.

(Department of Homeland Security press release, 12 September 2003)

YES SIYAM AN IVORY SMUGGLER

On 3 March 2004, Tania Siyam, a Canadian citizen and resident of Cameroon, was indicted by a U.S. federal grand jury with two counts of violations of the Lacey Act and two counts of aiding and abetting the smuggling of goods into the United States. In November 2002 and December 2003, Siyam, an operator of several internet-based wildlife and West African art businesses, allegedly smuggled raw elephant ivory into the United States from Cameroon. According to the indictment, the first shipment contained two raw elephant tusks in a package falsely labeled to contain wood terra cotta

sculptures and the second shipment contained 125 pounds of raw elephant ivory in three parcels labeled to contain terra cotta flower pots. The importation and commercialization of raw elephant ivory are violations of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The maximum statutory penalty is five years imprisonment, a fine of \$250,000, or both.

(U.S. Fish and Wildlife Service press release, 3 March 2004)

OPERATION VIPER



HOWARD BUFFETT

The gall bladders of bears are used in traditional medicines to treat symptoms ranging from high fever and convulsions to swelling and pain. It is also a common ingredient in traditional treatments for hemorrhoids.

A three-year undercover investigation by the U.S. National Park Service and the Virginia Department of Game and Inland Fisheries, dubbed "Operation Viper," has documented nearly 700 violations, with more than 100 people in seven states charged with illegal trafficking of black bear (*Ursus americanus*) parts and wild ginseng (*Panax quinquefolius*) taken from the mountains of Virginia, including Shenandoah National Park. As part of the sting, authorities set up a sporting goods store in Elkton, Virginia, from where they could infiltrate the black market and videotape illegal transactions. They found that whole bears, gall bladders, paws and other parts were being trafficked primarily to Asian markets in Washington, D.C., Maryland, West Virginia, North Carolina, New Jersey, New York, and California, as well as overseas, primarily South Korea. The demand for these products is thriving, with bear gall bladders fetching up to \$3,000 and wild ginseng selling for \$260 to \$365 a pound, compared to \$8 to \$10 a pound for cultivated ginseng. Authorities said that further indictments are pending.

(Richmond Times-Dispatch, 8 January 2004)



JUMPING THE SHARK

On 22 January 2004, Rickinato Hindra pled guilty in federal court in Miami, Florida, in connection with a scheme to market leopard sharks (*Triakis semifasciata*) in violation of the U.S. Lacey Act. Hindra was indicted on charges of selling 48 undersized leopard sharks taken from California waters to seven separate South Florida businesses between April 2000 and May 2003. The California Fish and Game Code prohibits the take, possession, sale or purchase of leopard sharks less than 36 inches in total length for commercial purposes.

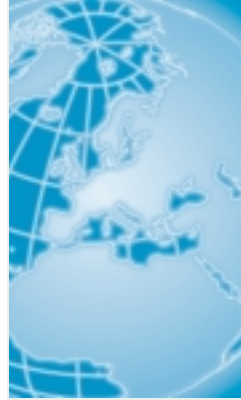
Hindra admitted to selling 17 leopard sharks to a Pompano Beach aquarium shop in April 2003 and is scheduled to be sentenced on 2 April 2004. Hindra faces up to five years in prison and a \$250,000 fine. (U.S. Department of Justice press release, 22 January 2004)

CITES NOTIFICATIONS

- **Notification to the Parties No. 2003/075** — On 18 November 2003, the CITES Secretariat withdrew its recommendation to suspend trade of CITES-listed species with Fiji. The Secretariat has determined that Fiji now has adequate legislation for implementing CITES.
- **Notification to the Parties No. 2003/073** — On 12 November 2003, the CITES Secretariat sent to Parties CD-ROMs, produced in English, French and Spanish, with training presentations on CITES. The presentations include definitions, roles of CITES Authorities, role and function of the Scientific Authority, permits and certificates, special procedures, using the Appendices, reading the Appendices, non-detriment findings and data, role of quotas in CITES, trade with non-Parties, permit management systems, filling in permit forms, reservations and plants. Additional copies are available on request from the Secretariat.
- **Notification to the Parties No. 2003/046** — The Government of Thailand will host the 13th Conference of the Parties to CITES in Bangkok, from 2-14 October 2004. The text of any draft resolution, proposal to amend Appendix I or II, or any document submitted for consideration at the meeting should be communicated to the Secretariat by 5 May 2004.

To obtain information on specific CITES notifications, please contact the CITES Secretariat, United Nations Environment Programme, 15, chemin des Anémones, Case Postale 456, 1219 Châtelaine, Geneva, Switzerland. Email: cites@unep.ch Web Site: www.cites.org

International **NEWS**



INTERNATIONAL MAHOGANY TRADE REGULATED

As of 15 November 2003, big-leaf mahogany (*Swietenia macrophylla*) will be regulated in international trade according to Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), on which it was listed at the 12th Conference of the Parties to CITES in November

2002. An Appendix II listing requires that any shipments of big-leaf mahogany be accompanied by export permits, which are only to be issued if government appointed Management Authorities have confirmed the timber was legally harvested and an independent Scientific Authority has certified that the harvest was not detrimental to the survival of the species. The listing will provide controls and information for exporting countries to sustainably manage their mahogany resources, and will allow importing nations to better assist them in insuring legality of shipments and a fully transparent trade.

(CITES Secretariat press release, 11 November 2003)



Big leaf mahogany, of which the United States is the largest consumer, is highly prized for making fine furniture, musical instruments, and coffins.

HIGH SEAS PURSUIT

The crew of the Uruguayan-flagged fishing vessel, *Viarsa*, was arrested on 27 August 2003 after being boarded by the Australian patrol vessel, *Southern Supporter*, some 2,000 nautical miles southwest of Cape Town, South Africa. The arrests concluded a record-breaking 20 day, 4,300 mile pursuit by Australian, British, and South African ships after the *Viarsa* was detected illegally fishing for Patagonian toothfish (*Dissostichus eleginoides*) inside the Australian Fishing Zone near Heard Island and McDonald Islands in early August. The *Viarsa*'s illegal haul was estimated at 150 metric tons.

Patagonian toothfish, often marketed as Chilean seabass, has become extremely popular in restaurants around the world, particularly in Japan and the United States, and is rapidly becoming endangered due to over-fishing.

(*The Guardian*, 28 August 2003)

BABOON NOSES SHOCK THE SENSES



Baboons in the international market are most often traded live, generally destined for research laboratories.

In September 2003, baggage handlers at Amsterdam's Schiphol Airport noticed a putrid smell coming from a suitcase, which had apparently come from Nigeria and was bound for the United States. Two thousand rotting baboon (*Papio* spp.) noses were found inside. The noses, which were destroyed, were most likely intended for use in traditional medicine. Some species of baboon are considered threatened, and the slaughter here was enormous. The owner of the suitcase has yet to be found.

(*Independent.co.uk*, 4 September 2003)

HUNDREDS OF SKINS SEIZED IN TIBET

On 9 October 2003, police and customs officers discovered hundreds of skins of endangered species in a truck passing from Nepal into China, through mountainous Ngamring County. Three Tibetans and two Nepalese were arrested when the 1,276 furs, including 32 tiger skins (*Panthera tigris*), 579 leopard skins (*Panthera pardus*), and 665 otter pelts, were found. According to customs officers, most of the animals had been shot and this was the largest single seizure of endangered wildlife products in the region

since 1951.

Tibet has spent around US\$7.23 million since 1999 on protecting endangered wildlife and has been cooperating with wildlife protection groups to cut down on illegal hunting. Since that time, they have tried 346 poaching cases and sentenced 18 poachers to prison.

(*Environment News Service*, 13 October 2003)

THAI CRACKDOWN

Thailand is well-known as a major gateway for the international wildlife trade, but the Thai government has recently taken dramatic steps to discourage it. After a recent 90-day government amnesty which allowed citizens to register any legally protected birds or animals in their possession, the government of Thailand has cracked down on illegal possession of and trade in protected species. In October 2003, police raided a home crammed with tiger (*Panthera tigris*) carcasses, bear paws, six starving tigers, five bears, and four baby orangutans (*Pongo pygmaeus*). This spurred further raids on an open wildlife market, another house, a private zoo, a tiger sanctuary, and a zoo-entertainment complex. Thai police have recovered more than 33,000 animals during this operation, and now have a network of more than 70,000 informants as well as a wildlife trade hotline. However, officials are frustrated by the weak penalties allowed for those involved in illegal wildlife trade—up to only four years in jail and fines of only US\$1,000; not a strong deterrent for such a lucrative business.

Thailand will host the Thirteenth Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in October 2004.

(*Washington Post*, 10 December 2003)



Orangutans are endangered, owing to loss of habitat to deforestation and the killing of females for their young, which are traded as pets or for zoo exhibits.



The Gardener's Guide to Plant Conservation (1993), 187 pp.

Prescription for Extinction: Endangered Species and Patented Oriental Medicines in Trade (1994), 300 pp.

Status, Management, and Commercialization of the American Black Bear (Ursus americanus) (1995), 132 pp.

Proceedings of the Second International Symposium on the Trade of Bear Parts (1997), 239 pp.

An Overview of World Trade in Cervid Antler with an Emphasis on the United States and Canada (1997), 98 pp.

American Ginseng: The Root of North America's Medicinal Herb Trade (1998), 94 pp.

While Supplies Last: The Sale of Tiger and Other Endangered Species Medicines in North America (1998), 57 pp.

Shark Fisheries and Trade in the Americas, Volume I: North America (1998), 201 pp.

The U.S. Role in the International Live Reptile Trade: Amazon Tree Boas to Zululand Dwarf Chameleons (1998), 59 pp.

A World Apart? Attitudes Toward Traditional Chinese Medicine and Endangered Species in Hong Kong and the United States (1998), 80 pp.

A Review of State Bear Trade Laws: U.S. State Statutes and Regulations Regarding the American Black Bear (Ursus americanus) (1999), 171 pp.

"Comparative analysis of management regimes and medicinal plant trade monitoring mechanisms for American ginseng and goldenseal" (1999), 14 pp. Article reprinted from *Conservation Biology* (14/5/1422-34)

Asian Turtle Trade: Proceedings of a Workshop on Conservation and Trade of Freshwater Turtles and Tortoises in Asia (2000), 164 pp.

Mahogany Matters: The U.S. Market for Big-Leafed Mahogany and Its Implications for the Conservation of the Species (2000), 58 pp.

Swimming Against the Tide: Recent Surveys of Exploitation, Trade, and Management of Marine Turtles in the Northern Caribbean (2001), 161 pp.

In the Black: Status, Management, and Trade of the American Black Bear (Ursus americanus) in North America (2002), 161 pp.

Prickly Trade: Trade and Conservation of Chihuahuan Desert Cacti (2003), 122pp.

Caviar and Conservation: Status, Management, and Trade of North American Sturgeon and Paddlefish (2003), 224 pp.

Single copies of any TRAFFIC North America publication are available at no charge to wildlife officials and can be ordered by contacting TRAFFIC. Other interested parties should contact Zoo Book Sales, P.O. Box 405, Lanesboro, MN 55949-0405. Telephone: (507) 467-8733. Fax: (507) 467-8735. Email: zoobooks@acegroup.cc Web site: www.zoobooksales.com

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