

# THE TRAFFIC REPORT



## TRAFFIC Aids Wildlife Trafficking Prosecution in Minnesota



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In the fall of 2005, octogenarian Pa Lor was stopped at the Minneapolis/St. Paul International Airport upon returning home from her native country of Laos. Lor was attempting to smuggle over 1,300 wildlife parts into the United States. Parts of serow, douc langur, Asian elephant, slow loris, clouded

leopard, pangolin and many other protected species were confiscated. All of these products were destined for Lor's booth at the International Market Place in St. Paul, to be sold as traditional Hmong medicines and talismans.

This seizure was the jumping off point for a multi-agency investigation into the wildlife smuggling operation of Lor and her daughter, Tia Yang, which lasted more than three years. The investigation was a cooperative effort between the U.S. Fish and Wildlife Service (FWS), Customs and Border Protection and the U.S. Food and Drug Administration.

During the investigation, the FWS conducted two undercover operations at Lor's booth leased in the name of Tia Yang during which parts of endangered species were sold to FWS agents. During one of the undercover buys, Lor detailed how she was able to smuggle these items into the United States and even warned the undercover agent to be careful transporting the items, since they were illegal.

On July 25, 2008, Pa Lor and Tia Yang, both of Minnesota, pleaded guilty to conspiracy to smuggle wildlife into the United States. On January 13, 2009, both women were sentenced by U.S. District Court Judge Joan Ericksen to two years of probation. Judge Ericksen stated that, "to the extent that you were dealing these animal parts for drug purposes, you were a drug dealer." In addition, Yang was sentenced to five months home confinement and 40 hours of community service, and ordered to pay a US \$9,000 fine. As part of Lor's sentence, she also agreed to work with federal officials to

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develop educational materials designed specifically for the Hmong community.

As it has done in numerous wildlife trafficking cases over the years, TRAFFIC provided a letter to the judge in this case to stress the impact that such crimes have on threatened and endangered species, the habitats on which they depend, and the resources of the country of origin. In this most egregious case, TRAFFIC specifically highlighted the plight of Asian elephants, pangolins and slow lorises, all species threatened by illegal trade and protected by CITES, the Convention on International Trade in Endangered Species of Wild Fauna and Flora. The FWS special agent in charge of the case said that these letters were critical in convincing Judge Ericksen of the seriousness of the crimes.

*Contributed by Leigh Henry, TRAFFIC North America*

## Did You Know?

### ***New Rules on Caviar***

Did you know that there are new rules for how much caviar you are allowed to bring back with you when traveling? To ensure the sustainability of the trade in sturgeon and paddlefish caviar, the limit on the quantity individuals can carry with them while traveling internationally (without being required to obtain CITES permits) has been reduced from 250 grams to 125 grams.



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As of September 15, 2008, anyone entering or leaving the United States may import or export no more than 125 grams of sturgeon or paddlefish caviar as part of their personal effects. For the import or export of any greater amount, permits are required and the permits are for the entire quantity, not just the amount exceeding 125 grams. This change in

rules has taken place to comply with amendments made to CITES resolutions regarding personal effects (Res. Conf. 13.7) and sturgeon (Res. Conf. 12.7) at the 14th meeting of the Conference of the Parties (COP) in June 2007.

The American paddlefish is classified by the *IUCN Red List of Threatened Species* as vulnerable due to the increasing demand for caviar and the increasing competition for the fish's food and habitat. The ban on import of beluga caviar remains, as beluga sturgeon is a threatened species under the U.S. Endangered Species Act.

*Contributed by Aradhna Mather*

## NEWS FROM THE U.S.

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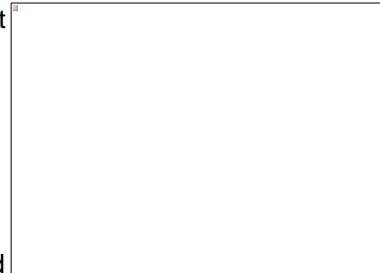
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## Six Countries Named in IUU Fishing Report

In January, the National Oceanic and Atmospheric Administration (NOAA) submitted the first-ever report to the U.S. Congress identifying nations whose fishing vessels were engaged in illegal, unreported and unregulated (IUU) fishing in 2007 or 2008. Those countries were France, Italy, Libya, Panama, the People's Republic of China and Tunisia.

According to NOAA's report, the identified nations had fishing vessels that did not comply with measures agreed to under various international regional fishery management organizations. For example, in the Atlantic Ocean and Mediterranean Sea, fishing vessels from the identified nations were using illegal fishing gear, fishing during a closed season, or not complying with reporting requirements. Failure to report catch and effort data to the International Commission for the Conservation of Atlantic Tunas hampers the ability of that fishery management body to conduct vital stock assessments used to manage stocks like the severely depleted eastern Atlantic and Mediterranean bluefin tuna.



In the Pacific Ocean, vessels from an identified nation violated an international rule requiring any vessel fishing for tuna in the Eastern Pacific Ocean be listed in the vessel register for the Inter-American Tropical Tuna Commission, the regional fishery management organization that manages tuna stocks in that area.

The identification of nations follows two years in which NOAA's Fisheries Service, working with the U.S. Department of State, conducted extensive outreach at bilateral and multilateral meetings to inform fishing nations of the new international measures to combat IUU fishing under the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act.

The act, signed into law in 2007, amends the High Seas Driftnet Moratorium Protection Act to require the U.S. to strengthen international fishery management organizations and address IUU fishing and the bycatch of protected living marine resources. Specifically, the Moratorium Protection Act now requires the secretary of commerce to identify in a biennial report to Congress those foreign nations whose fishing vessels are engaged in IUU fishing and illegal bycatch. The act also requires the secretary to certify whether these identified nations stopped IUU fishing and the bycatch of protected resources.

The identification will be followed by consultations to urge nations to adopt corrective measures. Following consultations, NOAA will formally certify whether or not each of the six nations has adopted effective measures to stop IUU fishing. If a nation is found to be engaged in IUU fishing, that nation's vessels may be denied entry into U.S. ports and the President may prohibit imports of certain fish products from that nation or take other measures. NOAA's report to Congress also includes information on the status of living marine resources around the globe and multilateral efforts to improve stewardship of these resources.

TRAFFIC is hopeful that the process of identifying and certifying nations will encourage more countries to take corrective action to stop IUU fishing voluntarily, as this is a major problem that needs to be addressed globally.

*Adapted by Jill Hepp, TRAFFIC North America, from NMFS press release, January 13, 2008*

## NEWS FROM MEXICO

### A Sustainable Approach to Building CITES Capacity in Central America

The signing of the United States-Central America-Dominican Republic (CAFTA-DR) Free Trade Agreement provided an unprecedented opportunity to promote environmental cooperation between the US and the CAFTA signatory countries and to support capacity building in the regional related to environmental concerns including wildlife trade and the implementation of CITES. As a key part of this initiative, in June and October of 2008, TRAFFIC and WWF held workshops on wildlife trade regulation for CITES management and scientific authorities and the enforcement authorities of five Central American countries. The training session focused on sustainable management of wildlife, regulation of wildlife trade, and enforcement.



Costa Rican reptile expert Pompilio Campos joined nearly 20 other experts to work with over 100 workshop participants. Among them were officials that implement and enforce regulations related to wildlife trade from 30 different institutions in Honduras, El Salvador, Nicaragua, Costa Rica and Panama. The workshops were jointly supported by the U.S. Department of State under CAFTA-DR and the U.S. Agency for International Development's Central American Watersheds Project. The partners involved in supporting the implementation were TRAFFIC, the United States Department of Interior, U.S. Fish and Wildlife Service and WWF Central America Regional Office.

The workshops were welcomed by governments in the region as a clear indication of commitment to collaborating on sustainable conservation practices, as well as an effort to promote cooperation and communication among countries.

*"The training has been useful ... information was directly provided by the experts and other experienced participants. Support materials and documentation with global applicability were given to us, as well as very valuable scientific information. Through the presentation of guides, procedures and materials, this workshop has helped improve [our] effectiveness in the implementation of CITES,"* commented Rene Salgado, director's assistant at CENDEPESCA in El Salvador.

TRAFFIC is focused on making sure its capacity building efforts are long lasting in the region. Additional trainings will be held in the coming months focused on training trainers, and wildlife handling equipment will be supplied to wildlife inspectors in each of the CAFTA-DR countries to help support their work. TRAFFIC is also working on establishing a partnership with a regional training institute to develop a lasting wildlife trade curriculum in the region. By strengthening long term capacity to better implement CITES, the unique biodiversity of the CAFTA-DR countries will be protected for the long-term.

*Contributed by Adrian Reuter, TRAFFIC North America*

## **International Workshop Looks at CITES Non-Detriment Findings**

An International Expert Workshop on CITES Non-Detriment Findings (NDFs) was held in Mexico (Cancun, Quintana Roo) November 17-22, 2008. NDFs are a key element in the proper implementation and effectiveness of CITES.

CITES Parties supported the workshop based on recognition of the need to continue developing their capacities for the proper implementation of the Convention. Scientific authorities are continually challenged to develop NDFs, which determine whether a particular export could have negative impact on the survival in the wild of the species concerned. The workshop was attended by 103 participants from 33 countries in the six CITES regions (i.e., Africa, Asia, Central and South America and the Caribbean, Europe, North America and Oceania).



Participants were from academia, scientific institutions and CITES authorities directly involved in NDF formulation for particular taxa.

Mexico's Scientific Authority, CONABIO, organized and led the workshop supported by an International Steering Committee, who defined the workshop's objectives, functioning and experts' attendance. The Steering Committee was composed of representatives of 13 different Parties, covering all CITES regions, the Presidents of both the Animals and Plants Committees, the CITES Secretariat, and 8 representatives of IGOs and NGOs.

The main goal of the workshop was to provide CITES authorities with guidance on the processes needed to formulate NDFs by building on existing work, so the central provision that an NDF requires for the export of Appendix I and Appendix II species can be better implemented. The workshop aimed to deliver two main products:

1. general guidelines (principles and criteria) that summarize the different approaches and paths followed by scientific authorities along the NDF decision-making process;
2. taxon-based guidelines (principles and criteria) for developing NDFs for taxa commonly found in trade (e.g. review and summarize basic parameters, field evaluation and analysis methodologies, develop risk-assessment checklists or stepwise approaches to conducting resource assessments, review monitoring systems and management elements, as well as other procedures for setting of quotas for off-take and export).

Other outcomes from the workshop included a compilation of background documents, 60 case studies showing different approaches to the development of NDFs, and a directory of experts working on CITES NDF formulation with their contact information.

Other sponsors that supported CONABIO in the development of this workshop were Mexico's Ministry of the Environment and Natural Resources (SEMARNAT), the National Commission of Natural Protected Areas (CONANP), the National Forestry Commission (CONAFOR), the International Tropical Timber Organization (ITTO), the U.S. National Oceanic and Atmospheric Administration (NOAA), the U.S. Fish and Wildlife Service (FWS), the UK Embassy in Mexico, TRAFFIC, World Wildlife Fund (WWF), the SCI Foundation First for Wildlife, the Species Survival Network (SNN), the Humane Society International (HSI), the European Union and other CITES Parties through the CITES Secretariat.

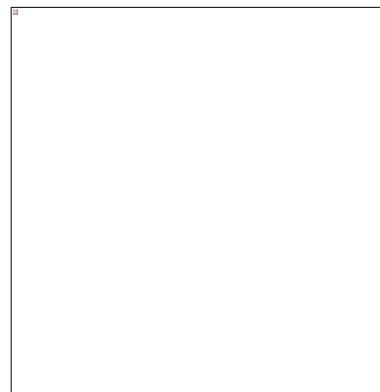
These wide array of participants and supporters hope this effort will significantly contribute to the correct implementation of CITES and increase its effectiveness by ensuring trade in its listed species is sustainable. The participation of a number of Central American experts was made possible as part of a project supported by the U.S. Department of State through the Dominican Republic-Central America Free Trade Agreement (CAFTA-DR) CITES Support Program.

*Contributed by Paola Mosig, TRAFFIC North America*

## **NEWS FROM CANADA**

### **TRAFFIC Canada and Environment Canada Sign MOU**

TRAFFIC Canada and Environment Canada's Wildlife Enforcement Directorate (WED) signed a memorandum of understanding (MOU) on cooperation on furthering the implementation and enforcement of wildlife trade regulations in Canada.



It is the first such agreement between the WED and a nongovernmental organization. The signing took place on February 24, 2009 and was witnessed by delegates to the International CITES E-commerce workshop, held in Vancouver, Canada, including representatives from CITES Parties worldwide, the CITES secretariat, INTERPOL, World Customs Organization, Royal Canadian Mounted Police, Fisheries and Oceans Canada and Canada Border Services Agency.

Collaboration between TRAFFIC and Environment Canada to assist with capacity building has previously been on an ad hoc basis. The MOU will allow the pooling of resources and the establishment of collaborative structures. The new agreement will help reduce illegal and unsustainable wildlife trade through better implementation and enforcement of CITES regulations; and improved monitoring of trade trends and emerging priorities through joint compilation and analysis of wildlife trade data. The two organizations will also undertake joint activities to raise awareness of wildlife trade-related issues, to share technical expertise, and to train enforcement personnel.

Environment Canada described the signing of the MOU as a milestone in increasing collaboration with key partners and in demonstrating its commitment to working with NGOs. "TRAFFIC and WED's close cooperation will have a significant impact on regulating wildlife trade in the region, and we look forward to a continuing productive partnership," commented Ernie Cooper, Canadian national representative for TRAFFIC North America.

*Source: Journal entry on traffic.org, Feb. 27, 2009*

## **Internet Wildlife Trading Comes Under Spotlight**

Following allegations that criminals were using web-based auction sites to sell illegally obtained wildlife products such as ivory and caviar, the CITES Secretariat, organized an international CITES E-commerce workshop, co-hosted by Environment Canada. The workshop was held in Vancouver, BC (Canada) from February 24-26th, 2009 and was attended by government representatives from Argentina, Canada, China, the Czech Republic, France, Germany, Ghana, Kenya, Madagascar, the Netherlands, Poland, Singapore, Switzerland, the United Kingdom, the United States. Participants from the European Community, ICPO-Interpol, the World Customs Organization, eBay, CEEweb for Biodiversity, the Polish Society for Nature Conservation "Salamandra", IFAW, IWMC-World Conservation Trust, Species Survival Network, and TRAFFIC were also represented.

The purpose of the workshop was to examine the way in which wildlife and wildlife products are traded via the Internet. Some of the main topics of discussion were the problems associated with regulating and monitoring legal wildlife trade via the internet, and combating the illegal trade in wildlife facilitated via internet. Two specific matters were identified and discussed for the duration of the workshop: the concept of a complete ban of advertisements for CITES Appendix I species; and who is ultimately responsible for proving the items advertised are of legal origin—the country where it was advertised, or the person(s) advertising the sale. No consensus on either matter was reached and no recommendations were adopted by the workshop.



At the workshop, Ernie Cooper, Canadian regional representative for TRAFFIC, presented the results of TRAFFIC's research into e-commerce. That research included a discussion of an eight-month study of the Chinese-language Internet and an investigation into the sale of critically endangered Kaiser's spotted newts.

TRAFFIC first drew attention to the use of Internet auction sites for trading ivory in the United States through its report *Tackling the Ivories: The Status of the U.S. Trade in Elephant and Hippo Ivory*. According to the report, between February and May 2004, an average of 1,000 elephant ivory items per

week were advertised on the Internet. Just last year, following the advice of TRAFFIC and others, well-known Internet auction site eBay announced a ban on all ivory sales, because of difficulty in policing the trade.

The participants of the workshop put forth a number of recommendations to address the issue of the illicit wildlife trade via the Internet. These recommendations included:

- the establishment of agreements of memoranda of understanding between Parties and Internet auction sites to remove CITES-listed species lacking required documentation;
- amending regulation legislations to include wildlife trade via Internet;
- creating an Internet code of conduct;
- conducting scientific research on the impact of Internet on wildlife crime; and
- to raise public awareness on illicit Internet wildlife trade.

*Sources: Journal entry on traffic.org, Feb. 24, 2009, and press release on cites.org, Feb. 20, 2009*

## **Court Awards TRAFFIC Support After Tiger Conviction**

A traditional Asian medicine importer based in Canada was convicted of possessing and attempting to sell medicines (pharmaceuticals manufactured in Asia) containing parts from tigers and other protected species, and a portion of the fine was awarded to TRAFFIC. Wing Quon Enterprises Ltd. pleaded guilty on February 17, 2009, in a Richmond Provincial Court. The company was fined CA \$45,000 (US \$36,000), and the court awarded CA \$40,000 (US \$32,000) to TRAFFIC to help further its work in monitoring wildlife trade.

The company was also ordered to forfeit the seized medicines and products including those made from other CITES listed species, including rhinoceros, bear, musk deer, pangolin, costus root, and agarwood.

*Source: traffic.org, Feb. 19, 2009*

## **Enforcement Successes in the News**

### **U.S. Border Patrol Agent Pleads Guilty**

In April 2009, U.S. Border Patrol Agent Rene Soliz pleaded guilty to animal trafficking charges, the Justice Department said. Soliz tried to import rare tortoises in a package labeled as containing 50 live scorpions. When a U.S. Fish and Wildlife inspector opened the package, he found 14 live leopard tortoises and one dead leopard tortoise.

Soliz entered his guilty plea in Texas, on charges that he illegally attempted to receive 15 Tanzanian leopard tortoises without the required permit. The tortoises are listed on CITES Appendix II and their importation requires declaration with permits and correct transportation conditions. Soliz faces a maximum one-year sentence and will resign from the Border Patrol.

*Source: Reuters, April 15, 2009*

### **Six Arrested for Smuggling African Elephant Ivory**

Six defendants were arrested in on December 3, 2008, for conspiring to smuggle African elephant ivory from Cameroon, the Ivory Coast and

Uganda into the United States. The arrests took place in New York, New Jersey, Virginia and Texas.

To avoid detection, the ivory was shipped in parcels labeled as containing wooden snakes, guitars and statues. The complaint alleges that defendants Kemo Sylla and Seidou Mfomboutmoun paid one trafficker US \$15,000 to courier a shipment of ivory from Cameroon into the United States. However, most of the ivory was sent via parcel through JFK International Airport, accompanied by fraudulent shipping and customs documents. The maximum term of imprisonment for any defendant convicted of smuggling is 20 years.

*Source: Department of Justice news release, December 3, 2008*

## **Wildlife Traffickers Detained in Durango, Mexico**

In August 2008, a ruling was made for the detention of six people who had engaged in the trafficking of birds in Durango, Mexico. The defendants were found with a shipment of 313 birds destined for sale in Mexican cities bordering the United States. In the shipment there were 250 Half-Moon Conures or Orange-Fronted Conures (*Aratinga canicularis*), 36 Lilac-Crowned Amazons or Finsch's Amazons (*Amazona finschi*), and two White-Fronted Amazon parrots (*Amazona albifrons*).

The detention order found that the detainees committed environmental crime by transporting wild endemic species. Possible jail terms range from 1 to 9 years.

*Source: profepa.gob.mx, Aug. 5, 2008*

## **Shark Seizure in Revillagigedo Islands, Mexico**

A boat carrying 100,000 kilos of shark and 300 kilos of sailfish was seized 1 mile East of Socorro Island, Mexico, in September 2008. Authorities from Naval Military Region VI of the Mexican Navy seized the boat and its contents, including its fishing gear, in the core zone of the protected area around the Revillagigedo Islands.

*Source: profepa.gob.mx, Sept. 3, 2008*



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## **Largest-Ever Timber Seizure in Mexico**

In December 2008, Mexican authorities carried out the largest seizure of illegally logged timber ever known in Mexico. The operation happened after authorities had carried out 12 searches at various sawmills.

The enforcement officers seized nearly 9.5 million cubic meters of roundwood, with a market value exceeding 14 million pesos, over USD1 million. The seizures took place in the buffer zone of the Biosphere Reserve of the Monarch Butterflies in Michoacan, Mexico. Also seized were 40 pieces of equipment and 8 vehicles.



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Two people were arrested for this and other environmental crimes. They are being investigated by the Special Unit for Crimes Against the Environment. This unit coordinated the investigation with the support and participation of 284 people from various government agencies, among them the Federal Environmental Protection Agency.

## Poacher Convicted for Lion Poaching

In India during February 2009 an enforcement case concerning the poaching of the endangered Asiatic Lion resulted in convictions for 16 poachers including Prabhakar Keshav Gajakosh Gajakosh, a local politician and a notorious poacher. When arrested, Gajakosh was in possession of 23 leopard skins, 3 tiger skins and 20 river otter skins. According to officials, he is part of an illegal wildlife trade network that spreads across the states of Rajasthan, Gujarat, Madhya Pradesh, West Bengal and Karnataka. He was handed over to the Gujarat state police for allegedly selling lion parts.

*Source: The Times of India, Feb. 26, 2009*



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Downloadable versions of many of TRAFFIC North America's reports can be found at: <http://www.worldwildlife.org/what/globalmarkets/wildlifetrade/item4912.html>, and at <http://www.traffic.org/>.

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